

1. Legal Ad

Documents:

[PB LEGAL AD 10-25-16 UPDATED.PDF](#)

2. Agenda

Documents:

[PB AGENDA 10-25-16.PDF](#)

3. 2 Island Avenue (Peaks Island)

3.I. Memo And Attachments

Documents:

[ISLAND AVE. - 2 \(MEMO AND ATTACHMENTS\).PDF](#)
[ISLAND AVE. - 2 \(APPLICANTS SUBMITTAL\).PDF](#)

3.II. Public Comment And Petition

Documents:

[ISLAND AVE. - 2 \(PUBLIC COMMENT\).PDF](#)
[ISLAND AVE. - 2 \(PETITION\).PDF](#)

4. Text Amendments To The WPDZ Zone; Cumberland Cold Storage

4.I. Memo And Attachments

Documents:

[WPDZ TEXT AMENDMENT \(MEMO AND ATTACHMENTS\).PDF](#)

4.I.i. Public Comment (Part 1)

Documents:

[WPDZ \(PUBLIC COMMENT\) PART 1.PDF](#)

4.I.ii. Public Comment (Part 2)

Documents:

[WPDZ \(PUBLIC COMMENT\) PART 2.PDF](#)

5. 30 Merrill Street

5.I. Report And Attachments

Documents:

[MERRILL ST. - 30 \(REPORT\).PDF](#)
[MERRILL ST. - 30 \(REPORT ATTACHMENTS\).PDF](#)

MERRILL ST. - 30 (APPLICANTS SUBMITTAL).PDF
MERRILL ST. - 30 (PLANS).PDF
MERRILL ST. - 30 (PUBLIC COMMENT).PDF
MERRILL ST. - 30 (ADDENDUM MEMO).PDF
MERRILL ST. - 30 (ADDITIONAL REPORT ATTACHMENT).PDF
MERRILL ST. - 30 (ADDITIONAL APPLICANTS SUBMITTAL).PDF
MERRILL ST. - 30 (ADDITIONAL PLANS).PDF
MERRILL ST. - 30 (ADDITIONAL PUBLIC COMMENT).PDF

6. 10 Washington Avenue

6.I. Report And Attachments

Documents:

WASHINGTON AVE. - 10 (REPORT AND ATTACHMENT).DOC.PDF

7. 23 Ocean Avenue

7.I. Report And Attachments

Documents:

OCEAN AVE. - 23 (REPORT).PDF
OCEAN AVE. - 23 (REPORT ATTACHMENTS).PDF
OCEAN AVE. - 23 (APPLICANTS SUBMITTALS).PDF
OCEAN AVE. - 23 (PLANS).PDF
OCEAN AVE. - 23 (PUBLIC COMMENT).PDF

7.I.i. Additional Public Comment

Documents:

OCEAN AVE. - 23 (ADDITIONAL PUBLIC COMMENT).PDF

**LEGAL ADVERTISEMENT
PORTLAND PLANNING BOARD MEETING**

The Portland Planning Board will hold a meeting on Tuesday, October 25, 2016, Council Chambers, 2nd Floor, City Hall, 389 Congress Street. **PUBLIC COMMENT WILL BE TAKEN FOR EACH ITEM ON THE AGENDA DURING THE ESTIMATED ALLOTTED TIME.**

Workshop - 4:30 p.m.

- i. Map Amendment; 2 Island Avenue (Peaks Island); Kevin Carter, Applicant. (4:30 - 5:30 p.m. estimated time). The Board will hold a workshop on a proposal for a text change to the Island Business Zone to allow multi-family units. The applicant has a purchase agreement for 2 Island Avenue and would like to convert a 3 unit building to 12 or 14 units. The proposed text amendments include, but are not limited to, adding multi-family units as a permitted use, reducing the parking requirement per unit, increasing the maximum height to 35 or 47 feet, and decreasing the front and side/rear yard dimensions to 10 and 5 feet, respectively.
- ii. **CORRECTION:** Text Amendments to the WPDZ zone, (Americold for Maine Port Authority), City of Portland Economic Development Department, Applicant. (5:30 - 6:30 p.m. estimated time). The Planning Board will consider proposed text amendments to the Waterfront Port Development Zone (WPDZ). There are three alternatives for consideration, including but not limited to the following: 1) adding cold storage as a permitted use and increasing maximum building height to 70 feet for the entire WPDZ zone; 2) adding cold storage as a use and setting a maximum height of 45 feet for the entire zone, except 70 feet would be allowed for the cold storage use; and 3) adding cold storage as a use and allowing a maximum building height of 70 feet in the area between Casco Bay Bridge and the center line of School Street.

Public Hearing - 7:00 p.m.

Old Business

- i. **Tabled on 10/12/16 to 10/25/16.** Level III Site Plan; 7 Unit Residential Building; 30 Merrill Street; Banner Properties, LLC., Applicant. (7:00 – 8:00 p.m. estimated time). The Board will hold a public hearing on a proposal for a new seven-unit residential building. The existing two family building will be replaced with a four story 6,580 sq. ft. building with 7 condominiums. Parking for 6 vehicles is proposed behind the building. The site is in the R-6 zone.

New Business

- i. IS-FBC (India Street Form-Based Code) Map Amendment; 10 Washington Avenue; Hay Runner, LLC., Applicant. (8:00 p.m. – 8:45pm. estimated time). The Board will hold a public hearing to consider a map amendment to extend the India Street form-based Code (IS-FBC) zone to include the parcel at 10 Washington Avenue. Currently the parcel is zoned B-2b and is adjacent to and in common ownership with two parcels zoned IS-FBC. The applicant is requesting the map amendment in order to have consistent zoning across the entire property, on which a new building will be proposed.
- ii. Level III Subdivision; Mixed Use Project; 23 Ocean Avenue; 23 Ocean Avenue Assoc., LLC., Applicant. (8:45 p.m. estimated time). The Board will hold a public on a proposal for a mixed use project at 23 Ocean Avenue (corner of Hersey Street). The existing structure on the site, which is currently offices, will remain. A new building is proposed with office uses on the basement and first floors and with four 2-bedroom residential units on the upper two floors. The proposed building has a total floor area of 8,520 sq. ft. The proposed plan includes 10 on-site parking spaces and 15 leased off-site spaces. The site is in the Business b-1 zone.

ELIZABETH BOEPPLE, CHAIR - PORTLAND PLANNING BOARD

CITY OF PORTLAND, MAINE

PLANNING BOARD

Elizabeth Boepple, Chair
Sean Dundon, Vice Chair
Carol Morrisette
David Eaton
Kristien Nichols
Maggie Stanley
Lisa Whited

AGENDA PORTLAND PLANNING BOARD MEETING

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WORKSHOP - 4:30 p.m.

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PUBLIC HEARING – 7:00 p.m.

1. **ROLL CALL AND DECLARATION OF QUORUM**
2. **COMMUNICATIONS AND REPORTS**
3. **REPORT OF ATTENDANCE AT THE FOLLOWING MEETING HELD ON OCTOBER 18, 2016:**

Workshop: Boepple, Eaton, Morrisette, Stanley, and Whited, present. Dundon and Nichols, absent.
Public Hearing: Boepple, Eaton, Morrisette, Stanley, and Whited, present. Dundon and Nichols, absent.

4. REPORT OF DECISIONS AT THE MEETING HELD ON OCTOBER 18, 2016:

- i. Subdivision Review – Dirigo Plaza; 1190 Brighton Avenue (58 and 80 Main Street, Westbrook), Jones and Beach Engineers, Inc. on behalf of J & J Gove Development, LLC, Applicant. Morrisette moved and Eaton seconded a motion to approve the subdivision plat with three conditions of approval. Vote: 5-0, Dundon and Nichols, absent.

5. OLD BUSINESS

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2. A below-grade dwelling unit shall be permitted only if access is provided directly to the outside of the building;
3. Density shall be determined by the most restrictive abutting residential zone, except for those lots which are served by public water and sewer, where density shall be determined by the least restrictive abutting residential zone. If no residential zone is abutting, density shall be determined by the nearest residential zone. Residential uses shall meet the requirements of such abutting or nearest residential zone; [Applicant's note: May need to be changed but is unclear what covenant is.]
4. Any additions or exterior alterations shall be compatible with the original architecture of the building. The exterior design of new construction, including the architectural style, facade materials, roof pitch, building form, and height shall be compatible with neighboring properties;
5. No existing dwelling unit shall be decreased to less than one thousand (1,000) square feet of floor area;
6. No additional dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;
7. All sanitary waste shall be disposed of by a public sewer, subsurface sewerage system or other method in compliance with all applicable federal, state and local regulations;
8. The proposed conversion has sufficient water for the needs of the dwellings and will not cause an unreasonable burden on an existing water supply nor adversely affect groundwater resources;

C. Section 14-226. Dimensional Requirements

(a) Minimum lot size:

1. Residential: Lot size shall be determined by the most restrictive abutting residential zone, except for those lots which are served by public water and sewer, where lot size shall be determined by the least restrictive abutting residential zone. If no residential zone is abutting, density shall be determined by the nearest residential zone. Residential uses shall meet the requirements of such abutting or nearest residential zone. [Applicant's Note: May need same change as 14-224 (a) (3).]

(b) Minimum yard dimensions:

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

1. *Front yard:*

Principal or accessory structures: ~~Twenty (20)~~ Ten (10) feet, except that a front yard need not exceed the average depth of front yards on either side of the lot.

2. *Rear yard:*

Principal or accessory structures: ~~Ten (10)~~ Five (5) feet.

3. *Side yard:*

Principal structures: ~~Ten (10)~~ Five (5) feet.

Accessory structures: Ten (10) feet except that the minimum distance from a principal structure may be five (5) feet.

4. *Side yard on side streets:*

Principal or accessory structures: ~~Ten (10)~~ Five (5) feet.

(d) *Maximum lot coverage:* Fifty (50) percent of lot area.

(e) *Minimum lot width:* Forty (40) feet.

(f) *Maximum structure height:*

Principal or accessory attached structure: ~~Thirty-five (35)~~ Forty-seven (47) feet.

Accessory detached structure: Eighteen (18) feet.

D. Zone specific off-street parking exceptions and modifications.

(f) *I-R1, Island Business Zone:* Off-street parking shall be required at twenty-five (25%) percent of the required number of parking spaces for specified uses as provided in division 20 (off-street parking) of this article, ~~except that residential uses shall meet the full parking requirement.~~

III. PUBLIC COMMENT

As of the writing of this report, 47 e-mails or letters of public comment have been submitted for the Board's review and are compiled in the packet under public comment. Some of the themes from the public include the following:

- Concerns the scale and massing of the buildings that could be constructed under the proposal are not compatible with the scale of the existing built environment on the islands.
- Concerns with the loss of water views if all of the IB zone was redeveloped to the proposed standards.
- Concerns with the impacts of this scale of development on the services and utilities on the island.
- Concerns raised about the traffic congestion and lack of parking on Peaks Island within the IB zone.
- Concerns that the zoning amendments are premature and that a broader look at the Island zoning is needed.

- Concerns that this will be used for short term occupancy or seasonal occupancy rather than providing year-round affordable housing.

IV. DISCUSSION

The Portland Island Land Use and Zoning Study was prepared adopted in 1985. Three of the land use goals of the plan are as follows:

- The Portland Islands pose a completely unique situation for land use planning and zoning. Unlike most other densely inhabited island on the Maine coast, which are separate municipalities, the Portland islands are similar to the neighborhoods of a large, urban mainland municipality and pose strong contrasts of urban vs. rural and seasonl vs. year-round living. Similarly, unlike other areas of seasonal home concentrations in the rural Lakes regions of the State, the islands are subject to spillover growth pressures from the ‘city’, and invite comparison to the mainland’s relatively high level of public services in terms of streets, sewage, schools, waste collections, fire protection, police and libraries.
- The islands are different from the mainland in terms of the natural features, their resource value, the public services available (or possible), and the people who reside and work there. The City’s land use policies and regulations should reflect this essential difference.
- The overall land use goal is to balance future growth and development on the islands to preserve those essential natural, physical and social factors that contribute to the islands unique value and character.

In 1989, the City Council adopted the Portland Island Groundwater Management Study as part of the Comprehensive plan and adopted I-B, IR-1 and IR-2. The zones were an outgrowth of the following policy from the Island Study:

- Protect groundwater aquifer resources from degradation or depletion as a result of the cumulative impact of development. Ground water resources shall be managed so that the islands can be self-sufficient in reliance upon natural systems for water supply and sewage disposal.

Thus the goal to balance future growth and development guided the uses and dimensional standards established for the island zoning. In addition, Portland’s Comprehensive Plan also includes goals and polices to encourage a diverse mix of housing that offers options across all income levels throughout the city.

The IB zone is located on House, Peaks, Little Diamond, Great Diamond, and Cliff Islands. Excerpts from the zoning map of the various island locations, including one highlighting the location of 2 Island Avenue, are shown in Attachment A. The text amendment as proposed by the applicant would apply to all IB zones. The Shoreland Zone overlay impacts many of the IB zone, which are located along the Island coastlines.

The uses and dimensional standards of the Island Business zone and IR-1 and IR-2 are summarized in two charts in Attachment A and the full zoning text is found as Attachment B. The Island Business zone permits single family detached dwelling units as a permitted use, while two to four unit buildings require a conditional use review by the Zoning Board of Appeals. In addition to the standard review criteria for conditional uses the Island business zone has eight (8) zone related standards for multiple unit buildings. The allowable residential density in the IB zone is based upon the adjoining residential zone. The closest

residential zone to 2 Island Avenue is the IR-2 zone, so a minimum lot of 20,000 sf is required for a residential use. The land area for 2 Island Avenue is 14,771 square feet and it is considered a legally non-conforming developed lot. In this case, the property owner could seek to have four units on the site under the conditional use standards. Under the density bonus provisions to ensure affordable housing, a fifth unit could be added meeting Portland's inclusionary zoning regulations. To achieve that number of residential units sought by the applicant without factoring in density bonuses for affordable units, then a higher density, such as 1,000 sq ft per unit, would need to be considered.

Mr. Carter's proposal includes reduced setbacks, increased height limits for structures in the IB zone, and reduced parking requirements. The current minimum yard dimensions in the IB zone are less than the IR-2 and IR-2 zones (Attachment A). The IB front yard setback is 20 feet, but not to exceed the average depth of the front yards on either side, 10 feet for rear and side yards, and a maximum lot coverage of 50%. The maximum allowable building height for a principle structure is 35 feet. The applicant is proposing to have the setbacks reduced to 5 feet and a maximum building height of 47 feet. The three island zones compared for this memo all have a maximum building height of 35 feet. For comparison, Portland's Neighborhood Business (B-1) zone has a maximum building height of 35 in off-peninsula locations, unless the property is adjacent to R-6 where 45 feet would apply. The B-1 allowable building height is 45 feet on the peninsula. In terms of B-1, the setbacks are a maximum setback of 10 feet, with minimum rear and side set at 10 and 5 feet, respectively.

The bulk of the public comment received for this proposal raises concerns about the proposed text amendments in relationship to the impacts of the changes to the smaller scale development patterns found on the islands, sensitive environment, and limited resources to support more intensive development on Peaks Island. The staff is seeking the Board's guidance on the applicant's proposal and any potential alternative measures:

- The Board's assessment of Mr. Carter's proposal.
- The proposal could be narrowed to Peaks Island, and only where sewer and water are available.
- The development pattern for the islands is more rural in character. The setbacks in the IB are currently 10 feet and the applicant's proposal reduces the setbacks to five feet. While 5 foot setbacks are common in Portland's urban areas (ie. B-1 zone), the question is whether the reduced setback is the appropriate separation between buildings on the islands. In addition to questions about the compatibility of the lesser setbacks with the existing built environment, the staff is also checking into the applicable building code and fire safety rules, which can provide guidance on separation requirements.
- The number of units permitted could be set a level above the four currently allowed, but below the amount proposed.
- One alternative drafted by staff for discussion purposes would be to add the following as a conditional use:

(k) Up to twelve (12) dwelling units on Peaks Island,
subject to the conditions of 14-224 (a) above and the
following additional conditions:

- 1) At least 33 percent of the units meet the definition of “workforce housing for rent” or “workforce housing for sale” from Division 30 for a minimum of 30 years;
- 2) At least 66 percent of the units are restricted to year- round residents and shall include deed restrictions prohibiting rental periods of less than one year at a time.

This approach could address the need for more permanent affordable housing on the Islands. The potential language above is a very preliminary draft and the amendments may need additional refinements that address how to ensure that the units are for year round residents, particularly families.

- Alternatively, note that a development would be eligible for a density bonus if it provides a percentage of deed-restricted affordable units regardless. That bonus could be as high as 25 percent under certain circumstances.
- A minimum lot area per dwelling unit requirement could be added to the IB zone. For example, the IB zone could require a minimum of 1,000 square feet of lot area for each unit allowed. That provision would keep smaller lots in the IB zone from being overdeveloped.
- The applicant is proposing a building height of 47 feet. An alternative option could be as follows:

Maximum structure height:

Principal or accessory attached structure: ~~Thirty-five (35) feet~~ Forty-five feet provided that the height of the building walls within XXX feet of any public way do not exceed thirty-five (35) feet.

- The applicant is proposing to apply the 25% reduction for off-street parking to residential uses as well. Currently residential uses must provide two parking spaces per unit. Public comment has raised concerns about insufficient parking on the island.
- Some of the public comments received have suggested that rather than changing the IB zoning text, and impacting a broader area, this proposal might better be considered under the terms of a conditional or contract zoning agreement. The staff concern with this approach is that there does not appear to be anything in particular about this parcel that may warrant such treatment.

V. Next Steps:

- Revise the proposal and/or explore additional options based upon the guidance of the Board
- The proposal from Mr. Carter is a text amendment to the IB zone and Off-street parking requirements. The proposed zoning amendments are not a map amendment, even though there is a site being considered for development. The City Code does not require a

neighborhood meeting for Text Amendments, but the staff recommends that Mr. Carter hold a neighborhood meeting on Peaks Island.

- Hold a second workshop.

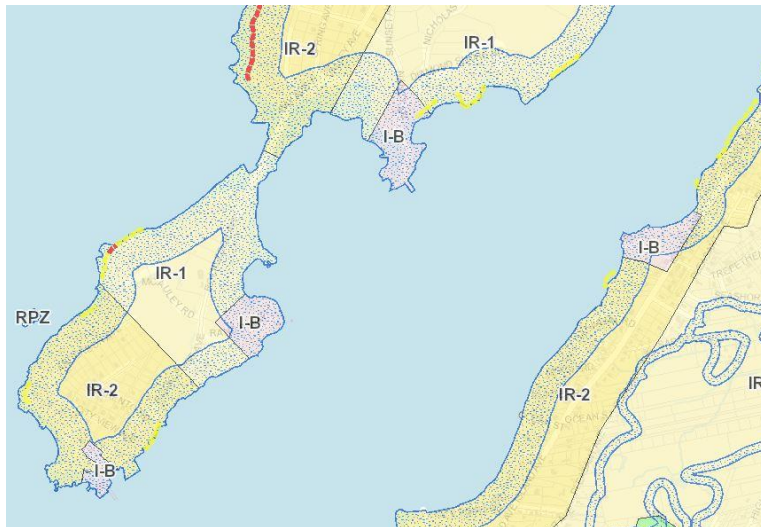
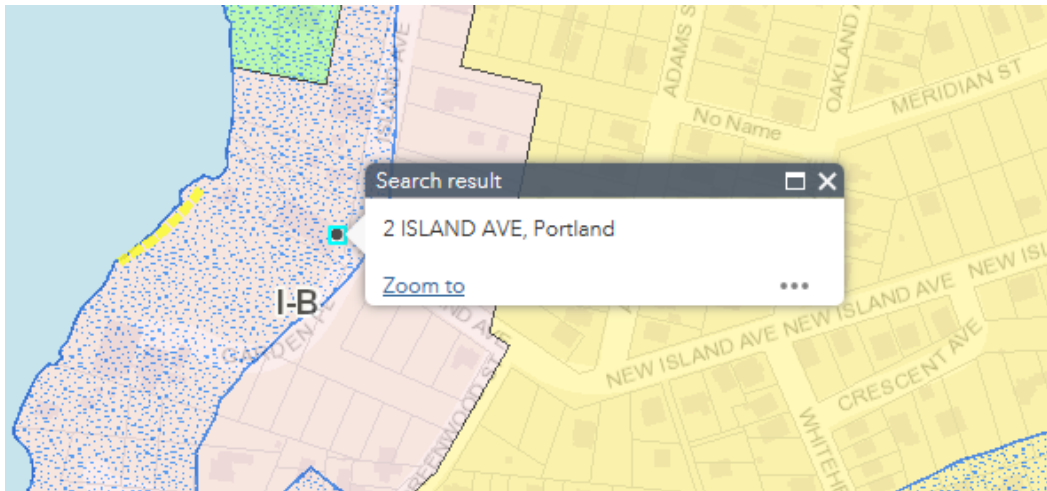
Attachments:

- A Island Business Map Locations, Use Chart and Dimensional Chart
- B. Island Business Zone Text

Applicant's Submission

Public Comment

A. Locations of IB Zones

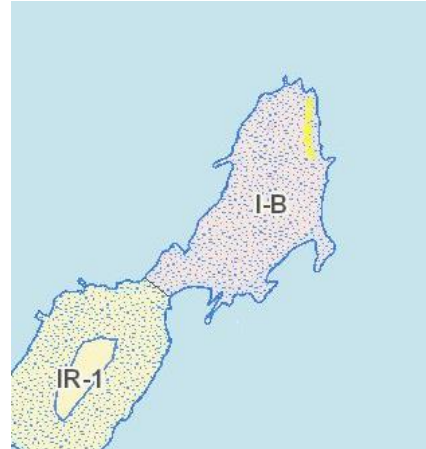


Little Diamond, Great Diamond, and Peaks Islands

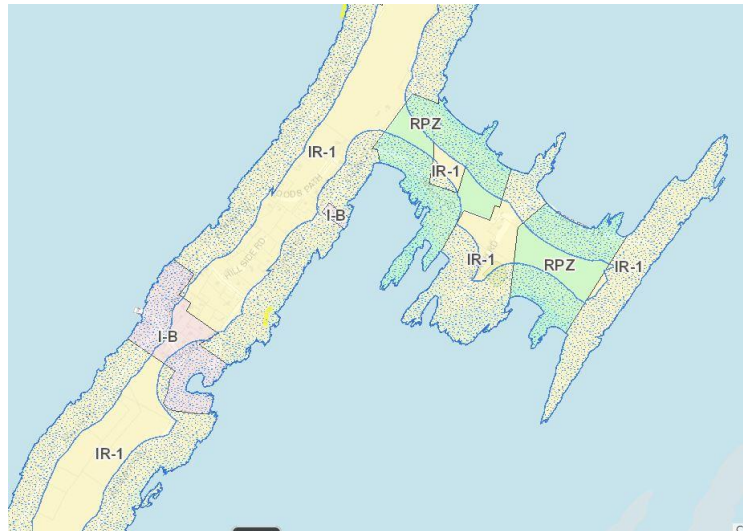
Peaks Island



House Island



Cliff Island



Comparison of Permitted and Conditional Uses

Attachment A

Comparison of Permitted and Conditional Use in Island-Business, IR-2 and IR-1 Zones (Summary)		
IB Permitted Uses	IR2 Permitted Uses	IR1 Permitted Uses
Single-family detached	Single-family detached	Single-family detached
	Planned Residential Unit Development (minimum of 5 acres) – density 1 unit/20,000 sf based on net area - standards	Planned Residential Unit Development (minimum of 5 acres)- density 1 unit/40,000 sf based on net area - standards
Retail or service establishments (excluding auto service and inns)		
Marinas and yacht clubs		
Lodging houses between 2-9 rooms		
Wharves, piers docks or landing ramps		
Accessory Uses, including home occupations	Accessory Uses, including home occupations, private tenting for 1 with water and sanitation, roadside stands of less than 200 sf for agricultural produce produced on premises and sale of fish and shellfish caught by occupant	Accessory Uses, including home occupations, private tenting for 1 with water and sanitation, roadside stands of less than 200 sf for agricultural produce produced on premises and sale of fish and shellfish caught by occupant
Handicapped family unit	Handicapped family unit	Handicapped family unit
Peaks Island Only- bed and breakfast		
Studios for artists and craftspeople – not to exceed 1,000 sf		
	Boathouses and storehouses for fishing equipment	Boathouses and storehouses for fishing equipment
Off-street parking	Parking and storage of equipment related to commercial fishing	Parking and storage of equipment related to commercial fishing
		Agriculture
Wind energy systems	Wind energy systems	Wind energy systems
I-B Conditional Uses	IR-2 Conditional Uses	IR-1 Conditional Uses
2-3, or 4 family dwelling (with standards for review)[Density determined by most restrictive residential zone, except where sewer and water, then least restrictive {List of conditions * see below)		
	Accessory dwelling unit with standards [not listed here], including accessory units on Peaks Island on existing lawfully non-conforming lots as of May 1, 2015: i. Shall remain under common ownership with the primary unit on the lot; ii. Shall not be sold as condominium units or otherwise separated from the ownership of the pre-existing unit on the site; iii. Shall be rented to households earning up to 100% of AMI and are subject to income verification as further outlined in implementing regulations;	Accessory dwelling unit with standards [not listed here], including accessory units on Peaks Island on existing lawfully non-conforming lots as of May 1, 2015: i. Shall remain under common ownership with the primary unit on the lot; ii. Shall not be sold as condominium units or otherwise separated from the ownership of the pre-existing unit on the site; iii. Shall be rented to households earning up to 100% of AMI and are subject to income verification as further outlined in implementing regulations;

	iv. Shall be rented on an annual basis and may not be used for seasonal or weekly rentals; and v. Shall be built within the principal building or as an attachment in accordance with subsection (d).	iv. Shall be rented on an annual basis and may not be used for seasonal or weekly rentals; and v. Shall be built within the principal building or as an attachment in accordance with subsection (d).
Automobile service stations		
Inns		
	<i>b) Institutional: (with standards)</i>	<i>Institutional: (with standards)</i>
Schools	Schools and other educational facilities	Schools and other educational facilities, including seasonal camps other than campgrounds
Places of religious assembly	Places of assembly, excluding yacht clubs and marinas	Places of assembly, excluding yacht clubs and marinas
Private clubs, fraternal organizations		
Municipal Uses	Municipal Uses with standards	Municipal Uses with standards
	<i>c) Other</i>	<i>Other</i>
	Utility substations	Utility substations
Nursery schools, kindergartens and day care centers for 7+	Nursery schools and kindergartens	Nursery schools and kindergartens
	Cemeteries	Cemeteries
		Raising of domesticated animals, excluding pigs and reptiles with min lot of 3 acres and no closer than 100 feet to any street or lot line, except domesticated chickens and provided such use will not create odor, noise, health or safety hazards, or other nuisance to neighboring properties
	Wharves, piers, docks, or landing ramps	Wharves, piers, docks, or landing ramps
	Lodging Houses with more than 2 but no more than 9 rooms	
		Campgrounds, excluding recreational vehicles (with standards)
	Day Care centers or home babysitting services	Day Care centers or home babysitting services (with conditions)
Temp wind anemometer towers	Temp wind anemometer towers	Temp wind anemometer towers
** Conditions for 2, 3 and 4 unit 1. No open outside stairways or fire escapes above ground floor shall be constructed or have been constructed in the immediately preceding five (5) years; 2. A below-grade dwelling unit shall be permitted only if access is provided directly to the outside of the building; 3. Density shall be determined by the most restrictive abutting residential zone, except for those lots which are served by public water and sewer, where density shall be determined by the least restrictive abutting residential zone. If no residential zone is abutting, density shall be determined by the nearest residential zone. Residential uses shall meet the requirements of such abutting or nearest residential zone; 4. Any additions or exterior alterations shall be compatible with the original architecture of the building. The exterior design of new construction, including the architectural style, facade materials, roof pitch, building form, and height shall be compatible with neighboring properties; 5. No existing dwelling unit shall be decreased to less than one thousand (1,000) square feet of floor area; 6. No additional dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic; 7. All sanitary waste shall be disposed of by a public sewer, subsurface sewerage system or other method in compliance with all applicable federal, state and local regulations; 8. The proposed conversion has sufficient water for the needs of the dwellings and will not cause an unreasonable burden on an existing water supply nor adversely affect groundwater resources;		

B. Dimensional Standards

Attachment A

Comparison of Dimensional Standards in Island-Business I-B, Residential IR-2 and IR-1 Zones (Summary)			
Dimensional Standards	IB	IR-2	IR-1
Minimum Lot Size Residential	Determined by most restrictive, unless sewer and water, then least restrictive	20,000 sf, except for 14-433 lots of record and sec. 14-145.9	Forty thousand (40,000) square feet for lots with public water; sixty thousand (60,000) square feet for lots without public water; except as provided in section 14-433 (lots of record and accessory structure setbacks for existing buildings) and section 14-145.3(a)1 of this article.
Retail	20,000 sf (no min if sewer and water)		
Restaurants and drinking establishments	20,000 sf unless sewer and water, then 10,000 sf		
Schools	20,000	20,000 sf	40,000 sf
Churches and other places of worship	20,000	Places of Assembly: Large: 30,000 sf Medium: 15,000 sf Small: 7,500 sf	Places of Assembly: Large: 30,000 sf Medium: 15,000 sf Small: 7,500 sf
Private clubs	20,000		
Seasonal camps and campgrounds			10 acres
Animal Raising			3 acres
Lodging houses	30,000 3 rooms plus 10,000 for each additional room, unless public sewer and water than 5,000 for first 3 rooms, plus 5,000 for each additional room	Thirty thousand (30,000) square feet for three (3) lodging rooms, plus ten thousand (10,000) square feet for each additional lodging room in excess of three (3).	
Inns or Bed and Breakfasts	10,000 sf /room unless served by public water and sewer, then 5,000 for first 3 and 5,000 sf each additional room		
Municipal Uses	20,000 sf		
Lots with subsurface waste water disposal (excluding Peaks	20,000 sf	20,000 sf	In issuing any permit for new development, the building or planning authority shall require that any lot located in the IR-1 zone shall be at least forty thousand (40,000) square feet in area when the lot is to be serviced by a subsurface wastewater disposal system, except those lots which are located in a subdivision approved by the Planning Board after June 8, 1968, and excluding Peaks Island.
#12 – Merging lot provision –	Excluding Peaks – Where insufficient land area, may merge lots not contiguous with site and protected with	[Excluding Peaks Island from this subsection 7.,] any property owner whose lot does not meet the minimum lot size requirements	Excluding Peaks Island from this subsection h., any property owner whose lot does not meet the minimum lot size

	a conservation easement	outlined in subsection f. of this section may, for purposes of this section only, merge two (2) or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot or lots which will not contain the principal structure. The conservation easement shall contain both an existing legal description and a city assessor's chart, block and lot description....	requirements outlined in subsection g. of this section may, for purposes of this section only, merge two (2) or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot or lots which will not contain the principal structure. The conservation easement shall contain both an existing legal description and a city assessor's chart, block and lot description. ...
Min Street frontage	40 ft	70 ft, except lots of record lots created (not in a subdivision) after July 15, 1985 need not have frontage if permanent easement or row in existences as of 1985	100 feet
Min Yard Dimensions			
Front Yard	20 ft, except front yard shall not exceed average depth of front yards on either side	25 ft, except front yard shall not exceed average depth of front yards on either side	30 feet
Rear	10 ft	25 ft (structure with more than 100 sf)	30 feet (10 ft for structures with ground coverage of 144 sf.
Side	10 ft (accessory may be 5 feet from a principal structure)	20 ft (structure with more than 100 sf) – 15 feet for accessory structure of 144 sf or less) with 5 feet from principal structure	20 ft (structure more than 110 sf) – 15 feet for accessory structure of 144 feet
Side yard on Side Street	10 ft	20 ft ** provision for reducing setback – see below)	20 ft
Max. Lot Coverage	50%	20%	20%
Min Lot Width	40 ft	80 ft	100 ft
Max Structure Height			
Principal or accessory attached	35 ft	35 ft (27 ft for Little Diamond)	35 ft
Accessory detached	18 ft		
Max. floor area for places of assembly on a collector or arterial road		Large: Not limited Medium: 4,500 sf Small 2,250 sf	Large: Not limited Medium: 4,500 sf Small 2,250 sf
Max. floor area for places of assembly not on a collector or arterial road		Large: 4,500 sf Medium: 2,250 sf Small: 1,125 sf	Large: 4,500 sf Medium: 2,250 sf Small: 1,125 sf

DIVISION 12.1. I-B ISLAND BUSINESS ZONE

Sec. 14-222. Purpose.

The purpose of the I-B island business zone is to provide limited areas on the islands for retail and service establishments that serve primarily the needs of the local island market area.
(Ord. No. 30-85, § 1, 7-15-85)

Sec. 14-223. Permitted uses.

The following uses are permitted in the I-B island business zone:

- (a) Single-family detached dwellings;
- (b) Retail or service establishments, excluding those listed below:
 - 1. Automobile service stations;
 - 2. Inns;
- (c) Marinas and yacht clubs;
- (d) Lodging houses, with more than two (2) but not more than nine (9) lodging rooms;
- (e) Wharves, piers, docks, or landing ramps;
- (f) Off-street parking;
- (g) Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article including but not limited to home occupations;
- (h) Handicapped family unit, as defined in section 14-47, for handicapped persons plus staff.
- (i) Peaks Island only: Bed and breakfast, subject to the standards of article V (site plan), sections 14-522 and 14-523 notwithstanding.
- (j) Studios for artists and craftspeople, provided that the

area of such studios does not exceed one thousand (1,000) square feet for each studio space.

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

(Ord. No. 30-85, § 1, 7-15-85; Ord. No. 33-91, § 13, 1-23-91; Ord. No. 125-97, § 8, 3-3-97; Ord. No. 164-97, § 3, 12-1-97; Ord. No. 10-10/11, 8-2-10; Ord. No. 33-11/12, 1-18-12)

Sec. 14-224. Conditional uses.

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

- (a) Two-, three- or four-family dwelling, provided that:

1. No open outside stairways or fire escapes above ground floor shall be constructed or have been constructed in the immediately preceding five (5) years;
2. A below-grade dwelling unit shall be permitted only if access is provided directly to the outside of the building;
3. Density shall be determined by the most restrictive abutting residential zone, except for those lots which are served by public water and sewer, where density shall be determined by the least restrictive abutting residential zone. If no residential zone is abutting, density shall be determined by the nearest residential zone. Residential uses shall meet the requirements of such abutting or nearest residential zone;
4. Any additions or exterior alterations shall be compatible with the original architecture of the building. The exterior design of new construction, including the architectural style, facade materials, roof pitch, building form, and height shall be compatible with neighboring properties;
5. No existing dwelling unit shall be decreased to less than one thousand (1,000) square feet of floor area;

6. No additional dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;
 7. All sanitary waste shall be disposed of by a public sewer, subsurface sewerage system or other method in compliance with all applicable federal, state and local regulations;
 8. The proposed conversion has sufficient water for the needs of the dwellings and will not cause an unreasonable burden on an existing water supply nor adversely affect groundwater resources;
- (b) Automobile service stations;
 - (c) Inns;
 - (d) Schools;
 - (e) Nursery schools, kindergartens and day care centers for seven (7) or more children;
 - (f) Municipal uses, provided outside storage and parking area uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood.
 - (g) Places of religious assembly;
 - (h) Private clubs, fraternal organizations.
 - (i) Temporary wind anemometer towers, as defined in section 1-47, are permitted provided the following standards are met in addition to section 14-430:
 1. 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
 2. 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

3. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and
4. 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
5. 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
6. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and
7. 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
8. 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, of the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

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

(Ord. No. 30-85, § 1, 7-15-85; Ord. No. 435-89, 5-15-89; Ord. No. 163-89, § 1, 12-11-89; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 33-11/12, 1-18-12)

Sec. 14-225. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.
(Ord. No. 30-85, § 1, 7-15-85)

Sec. 14-226. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulation and exceptions) of this article, lots in the I-B zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. Residential: Lot size shall be determined by the most restrictive abutting residential zone, except for those lots which are served by public water and sewer, where lot size shall be determined by the least restrictive abutting residential zone. If no residential zone is abutting, density shall be determined by the nearest residential zone. Residential uses shall meet the requirements of such abutting or nearest residential zone.
2. Retail or service establishments: Twenty thousand (20,000) square feet, except that no minimum lot size shall be required if served by public water and sewer.
3. Restaurants and drinking establishments: Twenty thousand (20,000) square feet, except that ten thousand (10,000) square feet shall be required if served by public water and sewer.
4. Schools and other educational facilities: Twenty thousand (20,000) square feet.
5. Churches and other places of worship: Twenty thousand (20,000) square feet.
6. Private clubs, fraternal organizations: Twenty thousand (20,000) square feet.
7. Lodging houses: Thirty thousand (30,000) square feet for three (3) lodging rooms, plus ten thousand (10,000) square feet for each additional lodging room in excess of three (3), unless served by public water and public sewer. Five thousand (5,000) square feet for three (3) lodging rooms, plus five

thousand (5,000) square feet for each additional lodging room in excess of three (3) if served by public water and public sewer.

8. Inns or bed and breakfasts: Ten thousand (10,000) square feet for each guest room, unless served by public water and public sewer. Five thousand (5,000) square feet for three (3) guest rooms, plus five thousand (5,000) square feet for each additional guest room in excess of three (3) if served by public water and public sewer.
9. Municipal uses: Twenty thousand (20,000) square feet.
10. Automobile service station: Twenty thousand (20,000) square feet.
11. In issuing any permit for new development, the building or planning authority shall require that any lot located in an I-B zone shall be at least twenty thousand (20,000) square feet in area when the lot is to be serviced by a subsurface wastewater disposal system, [excluding Peaks Island].
12. [Excluding Peaks Island from this subsection 12,] any property owner whose lot does not meet the minimum lot size requirements outlined in subsection 11 of this section may, for purposes of this section only, merge two (2) or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot or lots which will not contain the principal structure. The conservation easement shall contain both an existing legal description and a city assessor's chart, block and lot description. The Planning Authority shall be authorized to accept such conservation easements on behalf of the city. Said easement shall be recorded by the applicant in the registry of deeds. A copy of the recorded easement and copies of the deeds for both lots shall be submitted to the Planning Authority prior to issuance of a building permit. The property over which the conservation easement has been granted shall be used for passive recreational and

conservation purposes only, and shall be subject to the following restrictions:

- a. No structure shall be permitted on this property.
- b. No parking or storage of vehicles or machinery shall be permitted on this property at any time.
- c. No area of this property shall be paved.
- d. No exterior storage for commercial use shall be permitted on this property.
- e. The easement deed shall reference the lot which is benefited by this conservation easement. No conservation easement shall be used to benefit more than one (1) lot.

Conservation easements shall only be granted over lots which conform either to the provisions of section 14-433 or to the minimum lot size provisions set forth in (a)1 of this section. Conservation easements shall not be granted over any lot which is encumbered by any other easement which prohibits all construction on that lot.

A conservation easement may also name as a holder or grant a third-party right of enforcement to a nonprofit corporation or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property; assuring the availability of real property for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining or enhancing air or water quality of real property.

Nothing in this section shall be construed to allow an owner of a currently existing and developed lot to convey or permit a portion of that lot to be used to fulfill the requirements of this section if such conveyance would render the existing lot nonconforming under the terms of this chapter. The lot upon which a building is to be constructed shall meet the minimum lot size requirements of section

14-433.

13. Where an existing subsurface disposal system serving an existing structure requires replacement, the replacement system shall meet the requirements of CMR 241 Section 2-E. The land area requirements in subsection 11 of this section shall not apply to such a replacement system.

For purposes of this subsection the mean high tide mark shall be considered to be the shoreline lot line.

(b) *Minimum street frontage:* Forty (40) feet.

(c) *Minimum yard dimensions:*

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

1. *Front yard:*

Principal or accessory structures: Twenty (20) feet, except that a front yard need not exceed the average depth of front yards on either side of the lot.

2. *Rear yard:*

Principal or accessory structures: Ten (10) feet.

3. *Side yard:*

Principal structures: Ten (10) feet.
Accessory structures: Ten (10) feet except that the minimum distance from a principal structure may be five (5) feet.

4. *Side yard on side streets:*

Principal or accessory structures: Ten (10) feet.

(d) *Maximum lot coverage:* Fifty (50) percent of lot area.

(e) *Minimum lot width:* Forty (40) feet.

(f) *Maximum structure height:*

Principal or accessory attached structure: Thirty-five
(35) feet.

Accessory detached structure: Eighteen (18) feet.

(Ord. No. 30-85, § 1, 7-15-85; Ord. No. 163-89, § 2, 12-11-89; Ord. No.
125-97, § 9, 3-3-97; Ord. No. 165-15/16, 3-7-2016)

Sec. 14-227. Other requirements.

Every use in a I-B zone shall be subject to the following requirements:

- (a) *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.
- (b) *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.
- (c) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises and not for a period exceeding thirty (30) days.
- (d) *Noise:* The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty (60) decibels on the A scale between 7:00 a.m. and 9:00 p.m. and fifty-five (55) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.

(Ord. No. 30-85, § 1, 7-15-85; Ord. No. 15-92, § 16, 6-15-92; Ord. No. 15-04/05, 8-2-04; Ord. No. 240-09/10, 6-21-10)



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

Planning and Urban Development Department
Planning Division

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

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

Land Use Code: <http://me-portland.civicplus.com/DocumentCenter/Home/View/1080>

Design Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2355>

Technical Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2356>

Planning Division

Fourth Floor, City Hall
389 Congress Street
(207) 874-8719
planning@portlandmaine.gov

Office Hours

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

PROJECT NAME:

Peaks Island Affordable Housing Initiative

PROPOSED DEVELOPMENT ADDRESS:

2 Island Ave Peaks Island, Maine 04108

PROJECT DESCRIPTION:

Conversion of existing 3 Unit Apartment building into 12-14 unit condo/apartment building

CHART/BLOCK/LOT: 084-R030001

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: Kevin James Carter Business Name, if applicable: (LLC TBD) Address: 7029 Denison Rd City/State: Summerfield/NC Zip Code: 27358	Applicant Contact Information Work #: 336-337-1867 Home #: 336-298-4110 Cell #: 336-337-1867 Fax#: e-mail: kevin@bulldogcapital.com
Owner – (if different from Applicant) Name: Carolyn Parker Address: 2 Island Ave City/State: Peaks Island/ME Zip Code: 04108	Owner Contact Information Work #: Home #: Cell #: Fax#: e-mail:
Agent/ Representative Name: Robert McTigue Address: 184 Mountain Rd City/State: Falmouth/ ME Zip Code: 04105	Agent/Representative Contact information Work #: Home #: Cell #: 207-730-1083 Fax#: e-mail: rmctigue@maine.rr.com
Billing Information Name: Kevin Carter Address: 7029 Denison Rd City/State: Summerfield/NC Zip Code: 04108	Billing Information Work #: 336-337-1867 Home #: 336-298-4110 Cell #: 336-337-1867 Fax#: e-mail: Kevin@bulldogcapital.com

Engineer Name: Address: City/State : Zip Code:	Engineer Contact Information Work #: Home #: Cell #: Fax#: e-mail:
Surveyor Name: Address: City/State : Zip Code:	Surveyor Contact Information Home #: Work #: Cell #: Fax#: e-mail:
Architect Name: Address: City/State : Zip Code:	Architect Contact Information Work #: Home #: Cell #: Fax#: e-mail:
Attorney Name: Address: City/State : Zip Code:	Attorney Contact Information Work #: Home #: Cell #: Fax#: e-mail:
Designated person/person(s) for uploading to e-Plan: Name: Kevin James Carter e-mail: kevin@bulldogcapital.com Name: Robert McTigue e-mail: rmctigue@maine.rr.com Name: Wendy Harmon e-mail: wendyharmon@kw.com	

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

The subject property is currently under contract (See Attached).

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property.
(For example, a deed, option or contract to purchase or lease the subject property.)

Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use.
(Applicant may utilize the City Zoning Map or Parcel Map as a source.)

Existing Use: Describe the existing use of the subject property:

The property is currently being used as a primary residence for Carolyn Parker and has two
additional apartments occupied by tenants.

Current Zoning Designation(s): I-B

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.

Existing structure will be torn down and new 12-14 unit apartment/condo building will be constructed.

Site Plan: On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1" = 50'.) Contract and conditional rezoning applications may require additional site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood.

APPLICATION FEES:

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 property is currently being used as a primary residence for Carolyn Parker and has two
additional apartments occupied by tenants.

Current Zoning Designation(s): I-B

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.

Existing structure will be torn down and new 12 unit apartment/condo building will be constructed.

Site Plan: On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1" = 50'.) Contract and conditional rezoning applications may require additional site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood.

APPLICATION FEES:

Zoning Map Amendment

___ \$3,000.00 (from ___ zone to ___ zone)

Zoning Text Amendment

X \$3,000.00 (to Section 14- 224, 226 & 332.1)

Combination Zoning Text Amendment and Zoning Map Amendment

___ \$4,000.00

Conditional or Contract Zone

___ \$5,000.00

(A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)

The City invoices separately for the following:

- Notices (\$.75 each)
- Legal Ad (% of total Ad)
- Planning Review (\$50.00 hour)
- Legal Review (\$75.00 hour)

Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.

INSTRUCTIONS FOR ELECTRONIC SUBMISSION:

Please refer to the application checklist (attached) for a detailed list of submission requirements.

1. Fill out the application completely and e-mail the **application only** to planning@portlandmaine.gov (Please be sure to designate a person who will be responsible for uploading documents and drawings.) This step will generate the project ID number for your project.
2. An invoice for the application fee will be e-mail to you. Payments can be made on-line at [Pay Your Invoice](#), by mail or in person at City Hall, 4th Floor. Please reference the Application Number when submitting your payment which is located in the upper left hand corner of the invoice.
3. The designated person responsible for uploading documents and drawings will receive an email from eplan@portlandmaine.gov with an invitation into the project. At this time, you will upload all corresponding documents and plans into the project. For first time users you will receive a temporary password which you must change on entry. Make note of your username and password for any future projects.

Reminder: Before the project can move forward, the application fee shall be paid in full and all required documents and drawings shall be uploaded into e-plan correctly.

4. Follow the link below (Applying Online Instructions) for step by step instructions on how to do the following:
Tab 1 - Setting up the appropriate compatibility settings for your PC and getting started in e-plan.
Tab 2 - Preparing your drawings, documents and photos for uploading using the correct naming conventions
Tab 3 - Preparing and uploading revised drawings and documents

[Applying Online Instructions](#)

5. When ready, upload your files and documents into the following folders:
"Application Submittal – Drawings"
"Application Submittal – Documents"
6. Once a preliminary check has been made of the submittal documents and drawings, staff will move them to permanent folders labeled Drawings and Documents. As the process evolves you will be able to log in and see markups, comments and upload revisions as requested into these folders.

APPLICANT SIGNATURE:

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a **legal signature** per Maine state law.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Level III Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant:

Kevin James Carter

Date:

August 28th, 2016

Requested Text Amendments to I-B Zone

This application is submitted to allow for construction of a 12-14 Unit Condo/Apartment building at 2 Island Ave. In order to accommodate this request, certain changes are needed to the I-B zoning on peaks island. Generally, these changes include the following:

1. Change section 14-223 Permitted Uses in section (a) to include both single family residences and multi-family residences. Alternatively, section 14-224 Conditional Uses subsection (a) could be changed to increase the multi-family limit of 4 to 12-14. Additional changes may be needed to 14-224 (a)(3) to alter the residential density requirement.
2. Change section 14-226 (c)(1-4) Minimum Yard Dimensions to make front yard setback 10 feet and rear/side yard 5 feet.
3. Change section 14-226 (f) Maximum Structure Height Dimensions from 35 to 47 feet.
4. Change section 14-332.1 (f) Off Street Parking to remove the requirement for 2 spaces per residential unit.
5. Other changes as may be needed to accommodate the project.

City of Portland
Code of Ordinances
Sec. 14-223
zone:

Land Use
Chapter 14
Rev.1-18-2012

- (a) Single-family detached dwellings ~~+~~ *MULTI FAMILY CONDO/TOWNHOUSE*
 - (b) Retail or service establishments, excluding those listed below:
 - 1. Automobile service stations;
 - 2. Inns;
 - (c) Marinas and yacht clubs;
 - (d) Lodging houses, with more than two (2) but not more than nine (9) lodging rooms;
 - (e) Wharves, piers, docks, or landing ramps;
 - (f) Off-street parking;
 - (g) Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article including but not limited to home occupations;
 - (h) Handicapped family unit, as defined in section 14-47, for handicapped persons plus staff.
 - (i) Peaks Island only: Bed and breakfast, subject to the standards of article V (site plan), sections 14-522 and 14-523 notwithstanding.
 - (j) Studios for artists and craftspeople, provided that the area of such studios does not exceed one thousand (1,000) square feet for each studio space.
 - (k) Wind energy systems, as defined and allowed in Article X, Alternative Energy.
- (Ord. No. 30-85, § 1, 7-15-85; Ord. No. 33-91, § 13, 1-23-91; Ord. No. 125-97, § 8, 3-3-97; Ord. No. 164-97, § 3, 12-1-97; Ord. No. 10-10/11, 8-2-10; Ord. No. 33-11/12, 1-18-12)

Sec. 14-224. Conditional uses.

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions,

standards or requirements specified below:

TWO TO 14 FAMILY

(a) Two-, ~~three or four~~ family dwelling, provided that:

1. No open outside stairways or fire escapes above ground floor shall be constructed or have been constructed in the immediately preceding five (5) years;
2. A below-grade dwelling unit shall be permitted only if access is provided directly to the outside of the building;

*MAY NEED TO BE
CHANGED BUT IS
UNCLEAR WHAT
COVENANT IS*

3. Density shall be determined by the most restrictive abutting residential zone, except for those lots which are served by public water and sewer, where density shall be determined by the least restrictive abutting residential zone. If no residential zone is abutting, density shall be determined by the nearest residential zone. Residential uses shall meet the requirements of such abutting or nearest residential zone;
4. Any additions or exterior alterations shall be compatible with the original architecture of the building. The exterior design of new construction, including the architectural style, facade materials, roof pitch, building form, and height shall be compatible with neighboring properties;
5. No existing dwelling unit shall be decreased to less than one thousand (1,000) square feet of floor area;
6. No additional dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;
7. All sanitary waste shall be disposed of by a public sewer, subsurface sewerage system or other method in compliance with all applicable federal, state and local regulations;
8. The proposed conversion has sufficient water for the needs of the dwellings and will not cause an unreasonable burden on an existing water supply nor

MAY NEED 1
SAME CHANGES
AS 14-224 (2)(3)

- Residential: Lot size shall be determined by the most restrictive abutting residential zone, except for those lots which are served by public water and sewer, where lot size shall be determined by the least restrictive abutting residential zone. If no residential zone is abutting, density shall be determined by the nearest residential zone. Residential uses shall meet the requirements of such abutting or nearest residential zone.
2. Retail or service establishments: Twenty thousand (20,000) square feet, except that no minimum lot size shall be required if served by public water and sewer.
 3. Restaurants and drinking establishments: Twenty thousand (20,000) square feet, except that ten thousand (10,000) square feet shall be required if served by public water and sewer.
 4. Schools and other educational facilities: Twenty thousand (20,000) square feet.
 5. Churches and other places of worship: Twenty thousand (20,000) square feet.
 6. Private clubs, fraternal organizations: Twenty thousand (20,000) square feet.
 7. Lodging houses: Thirty thousand (30,000) square feet for three (3) lodging rooms, plus ten thousand (10,000) square feet for each additional lodging room in excess of three (3), unless served by public water and public sewer. Five thousand (5,000) square feet for three (3) lodging rooms, plus five thousand (5,000) square feet for each additional lodging room in excess of three (3) if served by public water and public sewer.
 8. Inns or bed and breakfasts: Ten thousand (10,000) square feet for each guest room, unless served by public water and public sewer. Five thousand (5,000) square feet for three (3) guest rooms, plus five thousand (5,000) square feet for each additional guest room in excess of three (3) if served by public water and public sewer.

line.

(b) *Minimum street frontage:* Forty (40) feet.

(c) *Minimum yard dimensions:*

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

1. *Front yard:*

Principal or accessory structures: ~~Twenty (20)~~ ^{TEN (10)} feet, except that a front yard need not exceed the average depth of front yards on either side of the lot.

2. *Rear yard:*

Principal or accessory structures: ~~Ten (10)~~ ^{FIVE (5)} feet.

3. *Side yard:*

Principal structures: ~~Ten (10)~~ ^{FIVE (5)} feet.
Accessory structures: Ten (10) feet except that the minimum distance from a principal structure may be five (5) feet.

4. *Side yard on side streets:*

Principal or accessory structures: ~~Ten (10)~~ ^{FIVE (5)} feet.

(d) *Maximum lot coverage:* Fifty (50) percent of lot area.

(e) *Minimum lot width:* Forty (40) feet.

(f) *Maximum structure height:*

Principal or accessory attached structure: ~~Thirty-five (35)~~ ^{FORTY-SEVEN} feet.
~~43~~ ^{47 FEET}

Accessory detached structure: Eighteen (18) feet.

(Ord. No. 30-85, § 1, 7-15-85; Ord. No. 163-89, § 2, 12-11-89; Ord. No. 125-97, § 9, 3-3-97; Ord. No. 165-15/16, 3-7-2016)

Sec. 14-227. Other requirements.

requirements of this division, that number of parking spaces may not be reduced lower than the required amount prior to the change of use except:

- a. To the extent necessary to meet the requirements of the Americans with Disability Act; or
 - b. To the extent it is a requirement or a condition of site plan review; or
 - c. To the extent the change of use requires less parking than the previous use and the total number of parking spaces serving the site exceeds the parking requirements of this division for all uses on the site including the change of use.
2. A newly constructed building, a building addition or a change of the use of a building exceeding 10,000 sq. ft. of floor area, shall provide the parking required by this division.
- (e) *B-3 Zone:* No off-street parking is required for changes of use.
 - (f) *I-R1, Island Business Zone:* Off-street parking shall be required at twenty-five (25%) percent of the required number of parking spaces for specified uses as provided in division 20 (off-street parking) of this article, ~~except that residential uses shall meet the full parking requirement.~~
 - (g) *B-5 Zone:* No off-street parking shall be required.
 - (h) *B-6 Eastern Waterfront Mixed Use Zone:* Off-street parking for all projects regardless of size shall be governed by 14-332.2(c) of this article.
 - (i) *B-7, Mixed Development District Zone:* Off-street parking for all projects regardless of size, shall be governed by 14-332.2(c) of this article.
 - (j) *Waterfront Zone parking requirements; Eastern Waterfront Port Zone; Waterfront Central Zone; Waterfront Port Development Zone; Waterfront Special Use Zone:* Off-street parking is required at fifty (50%)

PURCHASE AND SALE AGREEMENT

("days" means business days unless otherwise noted, see paragraph 23)

Type 27

June 26, 2016

For Date

6/28/16

Effective Date

Effective Date is defined in Paragraph 2.3 of this Agreement

PARTIES: This Agreement is made between Buyer(s) and Seller(s)

Carolyn Parker

Buyer(s) and

Seller(s)

2. DESCRIPTION: Subject to the terms and conditions hereinafter set forth, Seller agrees to sell and Buyer agrees to buy (☒ all ☐ part of; If "part of" see para. 26 for explanation) the property situated in municipality of Portland, County of Cumberland, State of Maine, located at 2 Island Avenue and described in deed(s) recorded at said County's Registry of Deeds Book(s) 6233 Page(s) 314 all

3. FIXTURES: The Buyer and Seller agree that all fixtures, including but not limited to existing storm and screen windows, shades and/or blinds, shutters, curtain rods, built-in appliances, heating sources/systems including gas and/or kerosene-fired heaters and wood/pellet stoves, sump pump, electrical fixtures, and --- are included with the sale except for the following: -----

Seller represents that all mechanical components of fixtures will be operational at the time of closing except: -----

4. PERSONAL PROPERTY: The following items of personal property as viewed on June 2016 are included with the sale at no additional cost, in "as is" condition with no warranties: any appliances not owned by tenants

5. PURCHASE PRICE/EARNEST MONEY: For such Deed and conveyance Buyer agrees to pay the total purchase price of \$5,000.00. Buyer ☐ has delivered; or ☒ will deliver to the Agency within 2 days of the Effective Date, a deposit of earnest money in the amount of \$ 5,000.00. Buyer agrees that an additional deposit of earnest money in the amount of \$ 5,000.00 will be delivered 10 days of effective date. If Buyer fails to deliver the initial or additional deposit in compliance with the above terms Seller may terminate this Agreement. This right to terminate ends once Buyer has delivered said deposit(s). The remainder of the purchase price shall be paid by wire, certified, cashier's or trust account check upon delivery of the Deed.

This Purchase and Sale Agreement is subject to the following conditions:

6. ESCROW AGENT/ACCEPTANCE: Remax Heritage ("Agency") shall hold said earnest money and act as escrow agent until closing; this offer shall be valid until 6/29/16 June 27, 2016 (date) 5:00 ☐ AM ☒ PM; and, in the event of non-acceptance, this earnest money shall be returned promptly to Buyer.

7. TITLE AND CLOSING: A deed, conveying good and merchantable title in accordance with the Standards of Title adopted by the Maine Bar Association shall be delivered to Buyer and this transaction shall be closed and Buyer shall pay the balance due and execute all necessary papers on October 31, 2016 (closing date) or before, if agreed in writing by both parties. If Seller is unable to convey in accordance with the provisions of this paragraph, then Seller shall have a reasonable time period, not to exceed 30 calendar days, from the time Seller is notified of the defect, unless otherwise agreed to in writing by both Buyer and Seller, to remedy the title. Seller hereby agrees to make a good-faith effort to cure any title defect during such period. If, at the later of the closing date set forth above or the expiration of such reasonable time period, Seller is unable to remedy the title, Buyer may close and accept the deed with the title defect or this Agreement shall become null and void in which case the parties shall be relieved of any further obligations hereunder and any earnest money shall be returned to the Buyer.

8. DEED: The property shall be conveyed by a warranty deed, and shall be free and clear of all encumbrances except covenants, conditions, easements and restrictions of record which do not materially and adversely affect the continued current use of the property.

9. POSSESSION, OCCUPANCY, AND CONDITION: Unless otherwise agreed in writing, possession and occupancy of premises, free of tenants and occupants, shall be given to Buyer immediately at closing. Said premises shall then be broom clean, free of all possessions and debris, and in substantially the same condition as at present, excepting reasonable use and wear. Buyer shall have the right to view the property within 24 hours prior to closing.

10. RISK OF LOSS, DAMAGE, DESTRUCTION AND INSURANCE: Prior to closing, risk of loss, damage, or destruction of premises shall be assumed solely by the Seller. Seller shall keep the premises insured against fire and other extended casualty risks prior to closing. If the premises are damaged or destroyed prior to closing, Buyer may either terminate this Agreement and be refunded the earnest money, or close this transaction and accept the premises "as-is" together with an assignment of the insurance proceeds relating thereto.

Revised 2015

Page 1 of 1, P&S

Buyer(s) Initials

KJC

Seller(s) Initials

CKP

Keller Williams Realty, 50 Sewall St, 2nd Fl Portland, ME 04102
Wendy HarmonPhone: (207)553-2467 Fax: (207)553-2467
Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48036 www.zipLogix.com

Resale Center

11. **FUEL/UTILITIES/PRORATIONS.** Buyer shall pay Seller at closing for all fuel in any tanks remaining on the property calculated as of the closing date or such earlier date as required to comply with lender requirements, if any. The amount owed shall be determined using the most recently available cash price of the company that last delivered the fuel. Metered utilities such as electricity, water and sewer will be paid through the date of closing by Seller. The following items, where applicable, shall be prorated as of the date of closing: collected rent, association fees, (other) _____. The day of closing is counted as a Seller day. Real estate taxes shall be prorated as of the date of closing (based on municipality's fiscal year). Seller is responsible for any unpaid taxes for prior years. If the amount of said taxes is not known at the time of closing, they shall be apportioned on the basis of the taxes assessed for the preceding year with a reapportionment as soon as the new tax rate and valuation can be ascertained, which latter provision shall survive closing. Buyer and Seller will each pay their transfer tax as required by State of Maine.

12. **DUE DILIGENCE:** Neither Seller nor Licensee makes any warranties regarding the condition, permitted use or value of Seller's real or personal property, or any representations as to compliance with any federal, state or municipal codes, including, but not limited to, fire, life safety, electrical and plumbing. Buyer is encouraged to seek information from professionals regarding any specific issue or concern. This Agreement is subject to the following investigations, with results being satisfactory to Buyer:

TYPE OF INVESTIGATION	YES	NO	FULL RESOLUTION	TYPE OF INVESTIGATION	YES	NO	FULL RESOLUTION
a. General Building (includes b-z regardless of yes/no check-offs)		☒	Within _____ days	n. Arsenic: Wood/Water (see paragraph 13)		☒	Within _____ days
b. Sewage Disposal		☒	Within _____ days	o. Pests		☒	Within _____ days
c. Coastal shoreland septic		☒	Within _____ days	p. Code Conformance	☒		Within 45 days
d. Water Quality		☒	Within _____ days	q. Insurance		☒	Within _____ days
e. Water Quantity		☒	Within _____ days	r. Environmental Scan		☒	Within _____ days
f. Air Quality		☒	Within _____ days	s. Lot size/acreage		☒	Within _____ days
g. Square Footage		☒	Within _____ days	t. Survey/MLI		☒	Within _____ days
h. Pool		☒	Within _____ days	u. Zoning	☒		Within 45 days
i. Energy Audit		☒	Within _____ days	v. Registered Farmland		☒	Within _____ days
j. Chimney		☒	Within _____ days	w. Habitat Review/Waterfowl		☒	Within _____ days
k. Smoke/CO detectors		☒	Within _____ days	x. Flood Plain		☒	Within _____ days
l. Mold		☒	Within _____ days	y. Tax Status*		☒	Within _____ days
m. Lead Paint		☒	Within _____ days	z. Other		☒	Within _____ days

* If the property is enrolled in the Maine Tree Growth Tax program, Seller agrees to provide Buyer with the current Forest Management and Harvest Plan within _____ days. ☐ Yes ☒ No

All investigations will be done by persons chosen and paid for by Buyer in Buyer's sole discretion. Seller agrees to cooperate with Buyer and shall give Buyer and Buyer's agents and consultants reasonable access to the property and its systems and fixtures in order to undertake the above inspections. If the result of any investigation or other condition specified herein is unsatisfactory to Buyer, Buyer will declare the Agreement null and void by notifying Seller in writing within the specified number of days, and any earnest money shall be returned to Buyer. If the result of any investigation or other condition specified herein is unsatisfactory to Buyer in Buyer's sole discretion, and Buyer wishes to pursue remedies other than voiding the Agreement, Buyer must do so to full resolution within the time period set forth above; otherwise this contingency is waived. If Buyer does not notify Seller that an investigation is unsatisfactory within the time period set forth above, this contingency is waived by Buyer. In the absence of investigation(s) mentioned above, Buyer is relying completely upon Buyer's own opinion as to the condition of the property.

13. **PROPERTY DISCLOSURE FORM:** Buyer acknowledges receipt of Seller's Property Disclosure Form and the information developed by the Maine Center for Disease Control and Prevention regarding arsenic in private water supplies and arsenic in treated wood.

14. **FINANCING:** This Agreement:

☒ is not subject to a financing contingency. Buyer shall provide proof of the funds within 3 days.

☐ is subject to financing as follows:

- This Agreement is subject to Buyer obtaining a cash offer loan of _____ % of the purchase price, at an interest rate not to exceed _____ % and amortized over a period of _____ years. Buyer is under a good faith obligation to seek and obtain financing on these terms.
- Buyer to provide Seller with letter from lender showing that Buyer has made application for loan specified in (a) and, subject to verification of information, is qualified for the loan requested within _____ days from the Effective Date of the Agreement. If Buyer fails to provide Seller with such letter within said time period, Seller may terminate this Agreement and the earnest money shall be returned to Buyer. This right to terminate ends once Buyer's letter is received.
- Buyer hereby authorizes, instructs and directs its lender to communicate the status of the Buyer's loan application to Seller, Seller's licensee and Buyer's licensee.
- After (b) is met, if the lender notifies Buyer that it is unable or unwilling to provide said financing, Buyer is obligated to provide Seller with written documentation of the loan denial. Any failure by Buyer to provide Seller with the loan denial within two days of receipt by Buyer of such notice from lender shall be a default under this Agreement. After notifying Seller, Buyer shall have _____ days to provide Seller with a letter from another lender showing that Buyer has made application for loan specified in (a) and, subject to verification of information, is qualified for the loan requested. If Buyer fails to provide Seller with such letter within said time period, Seller may terminate this Agreement and the earnest money shall be returned to Buyer. This right to terminate ends once Buyer's letter is received.
- Buyer agrees to pay no more than _____ points. Seller agrees to pay up to \$ _____ toward Buyer's actual pre-pays, points and/or closing costs, but no more than allowable by Buyer's lender.
- Buyer's ability to obtain financing ☐ is ☒ is not subject to the sale of another property. See addendum ☐ Yes ☐ No.
- Buyer may choose to pay cash instead of obtaining financing. If so, Buyer shall notify Seller in writing including providing proof of funds and the Agreement shall no longer be subject to financing, and Seller's right to terminate pursuant to the provisions of this paragraph shall be void.

15. BROKERAGE DISCLOSURE: Buyer and Seller acknowledge they have been advised of the following relationships:

Michelle Cilea (017166) of Remax Heritage (1049)
Licensee MLS ID Agency MLS ID
is a ☒ Seller Agent ☐ Buyer Agent ☐ Disc Dual Agent ☐ Transaction Broker

Wendy Harmon (004892) of Keller Williams Realty (1898)
Licensee MLS ID Agency MLS ID
is a ☐ Seller Agent ☒ Buyer Agent ☐ Disc Dual Agent ☐ Transaction Broker

If this transaction involves Disclosed Dual Agency, the Buyer and Seller acknowledge the limited fiduciary duties of the agents and hereby consent to this arrangement. In addition, the Buyer and Seller acknowledge prior receipt and signing of a Disclosed Dual Agency Consent Agreement.

16. DEFAULT/RETURN OF EARNEST MONEY: In the event of default by the Buyer, Seller may employ all legal and equitable remedies, including without limitation, termination of this Agreement and forfeiture by Buyer of the earnest money. In the event of a default by Seller, Buyer may employ all legal and equitable remedies, including without limitation, termination of this Agreement and return to Buyer of the earnest money. Agency acting as escrow agent has the option to require written releases from both parties prior to disbursing the earnest money to either Buyer or Seller. In the event that the Agency is made a party to any lawsuit by virtue of acting as escrow agent, Agency shall be entitled to recover reasonable attorney's fees and costs which shall be assessed as court costs in favor of the prevailing party.

17. MEDIATION: Earnest money disputes within the jurisdictional limit of small claims court will be handled in that forum. All other disputes or claims arising out of or relating to this Agreement or the property addressed in this Agreement (other than requests for injunctive relief) shall be submitted to mediation in accordance with generally accepted mediation practices. Buyer and Seller are bound to mediate in good faith and to each pay half of the mediation fees. If a party fails to submit a dispute or claim to mediation prior to initiating litigation (other than requests for injunctive relief), then that party will be liable for the other party's legal fees in any subsequent litigation regarding that same matter in which the party who failed to first submit the dispute or claim to mediation loses in that subsequent litigation. This clause shall survive the closing of the transaction.

18. PRIOR STATEMENTS: Any representations, statements and agreements are not valid unless contained herein. This Agreement completely expresses the obligations of the parties.

19. HEIRS/ASSIGNS: This Agreement shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns of the Seller and the assigns of the Buyer.

COUNTERPARTS: This Agreement may be signed on any number of identical counterparts with the same binding effect as if the signatures were on one instrument. Original or faxed or other electronically transmitted signatures are binding.

21. SHORELAND ZONE SEPTIC SYSTEM: Seller represents that the property ☐ does ☒ does not contain a septic system within the Shoreland Zone. If the property does contain a septic system located in the Shoreland Zone, Seller agrees to provide certification at closing indicating whether the system has/has not malfunctioned within 180 calendar days prior to closing.

22. NOTICE: Any notice, communication or document delivery requirements hereunder may be satisfied by providing the required notice, communication or documentation to or from the parties or their Licensee. Only withdrawals of offers and counteroffers will be effective upon communication, verbally or in writing.

23. EFFECTIVE DATE/BUSINESS DAYS: This Agreement is a binding contract when the last party signing has caused a paper or electronic copy of the fully executed agreement to be delivered to the other party which shall be the Effective Date. Licensee is authorized to fill in the Effective Date on Page 1 hereof. Except as expressly set forth to the contrary, the use of the term "days" in this Agreement, including all addenda made a part hereof, shall mean business days defined as excluding Saturdays, Sundays and any observed Maine State/Federal holidays. Deadlines in this Agreement, including all addenda, expressed as "within x days" shall be counted from the Effective Date, unless another starting date is expressly set forth, beginning with the first day after the Effective Date, or such other established starting date, and ending at 5:00 p.m. Eastern Time on the last day counted. Unless expressly stated to the contrary, deadlines in this Agreement, including all addenda, expressed as a specific date shall end at 5:00 p.m. Eastern Time on such date.

24. CONFIDENTIALITY: Buyer and Seller authorize the disclosure of the information herein to the real estate licensees, attorneys, lenders, appraisers, inspectors, investigators and others involved in the transaction necessary for the purpose of closing this transaction. Buyer and Seller authorize the lender and/or closing agent preparing the closing disclosure and/or settlement statement to release a copy of the closing disclosure and/or settlement statement to the parties and their licensees prior to, at and after the closing.

25. ADDENDA: Lead Paint ☒ Yes ☐ No Other ☐ Yes ☒ No Explain _____

The Property Disclosure Form is not an addendum and not part of this Agreement.

26. OTHER CONDITIONS: -- AFTER 10 BUSINESS DAYS FROM EFFECTIVE DATE, \$10,000 Earnest money deposit shall be non-refundable. In addition, \$10,000 emd shall be paid to the seller without the need for release of emd. *OK*

27. GENERAL PROVISIONS:

- A copy of this Agreement is to be received by all parties and, by signature, receipt of a copy is hereby acknowledged. If not fully understood, contact an attorney. This is a Maine contract and shall be construed according to the laws of Maine.
- Seller acknowledges that State of Maine law requires buyers of property owned by non-resident sellers to withhold a prepayment of capital gains tax unless a waiver has been obtained by Seller from the State of Maine Revenue Services.
- Buyer and Seller acknowledge that under Maine law payment of property taxes is the legal responsibility of the person who owns the property on April 1, even if the property is sold before payment is due. If any part of the taxes is not paid when due, the lien will be filed in the name of the owner as of April 1 which could have a negative impact on their credit rating. Buyer and Seller shall agree at closing on their respective obligations regarding actual payment of taxes after closing. Buyer and Seller should make sure they understand their obligations agreed to at closing and what may happen if taxes are not paid as agreed.
- Buyer acknowledges that Maine law requires continuing interest in the property and any back up offers to be communicated by the listing agent to the Seller.
- Whenever this Agreement provides for earnest money to be returned or released, agency acting as escrow agent must comply with the Maine Real Estate Commission rules which may require written notices or obtaining written releases from both parties.

Buyer's Mailing address is _____

Kevin J. Carter

June 28, 2016

Kevin Carter

or LLC assigns

Seller accepts the offer and agrees to deliver the above-described property at the price and upon the terms and conditions set forth and agrees to pay agency a commission for services as specified in the listing agreement.

Seller's Mailing address is _____

Carolyn T. Parker

6/27/2016

SELLER Carolyn Parker

DATE

SELLER

DATE

COUNTER-OFFER

Seller agrees to sell on the terms and conditions as detailed herein with the following changes and/or conditions:

The parties acknowledge that until signed by Buyer, Seller's signature constitutes only an offer to sell on the above terms and the offer will expire unless accepted by Buyer's signature with communication of such signature to Seller by (date) _____ (time) _____ AM _____ PM.

SELLER

DATE

SELLER

DATE

The Buyer hereby accepts the counter offer set forth above.

BUYER

DATE

BUYER

DATE

EXTENSION

The closing date of this Agreement is extended until _____

SELLER

DATE

SELLER

DATE



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Kevin Carter

Peaks Island Zoning Text Change Proposal An Unfortunate Idea

The proposal by the potential purchaser of 2 Island Ave. on Peaks Island may have its basis in good intentions – creating more affordable housing – but would likely carry with it extremely negative effects. If the request to make the changes suggested (increase height limit from 35 feet to 47 feet, shrink the setbacks, reduce parking requirement per unit) were limited to just 2 Island Ave., that might be worth having a conversation about. However, the proposal is to make those text changes to the entire IB-Zone (s). This could quickly allow homes along Island Avenue on the east side of the street to lose water views. Additionally, those same homes may try to maximize their footprint and building height, and any sense of character “the village” currently has would be lost.

There are about 36 structures that would have the ability to build higher and wider. If each were to become a four-unit, that could result in an additional 432 people living on the island, assuming three people per unit. Many of those structures could have even more. The property in question is currently permitted as a two-unit (not a three-unit, as the notice stated). If it could become a 12- or 14-unit building, why couldn't some others? Could the sewage treatment plant handle that kind of volume increase?

It's an ill-advised proposal that would negatively impact the island in terms of losing character, increased density in an already dense neighborhood (were you here this summer?) and place a significant, if not overwhelming, burden on the infrastructure.

(as a note/question –Would these changes apply to all IB zones such as Trefethen area on Peaks Island and the IB Zones on Cliff Island?)

Kirk Goodhue
16 Welch St. (In the IB Zone)
Peaks Island, Maine 04108



Barbara Barhydt <bab@portlandmaine.gov>

@ Island Avenue, Peaks Island

1 message

Jonathan McCormick <jcm04108@icloud.com>

Mon, Oct 17, 2016 at 12:08 PM

To: bab@portlandmaine.gov

Cc: Kathleen Scargle McCormick <ks_mccormick@comcast.net>

Dear Ms. Barhydt:

My wife Kathleen and I own the house at 47 Willow, on Peaks Island. We spend two or three nights a week there, year-round, and after my imminent retirement, will be there full-time.

We write to express our objections to the plans for 2 Island Avenue, 04108.

First, the size and design of the building. The building is too large and takes up too great a portion of the lot. Its boxy nature is out of character for Peaks Island.

Second, parking. This section of Island Avenue is already full of cars. The ferry, the Inn and the restaurant all contribute to this congestion. Simply waiving the rules about parking, for the convenience and profit of one man, seems out of character for the City and, in particular, for Peaks Island.

Third, Mr. Carter. He makes much of his hereditary connection with the island. However, he himself lives in North Carolina and will not suffer from the the looks of the building or its resultant congestion.

We understand that things change. However, this seems a gross violation of both aesthetics and good sense. We urge the Planning Board to reject this request.

We are sending this both as conventional and electronic mail.

Respectfully,

Jonathan McCormick
Kathleen McCormick
jcm04108@icloud.com
781-292-0603

October 20, 2016

Ms. Barbara Barhydt
Development Review and Services Manager
Planning and Urban Development Dept.
Portland City Hall
389 Congress Street
Portland, ME 04101

RE: Application of Kevin Carter Proposal to Amend Island
Business Zone 2, Island Avenue, Peaks Island, Portland,
ME 04108

Dear Ms. Barhydt:

I write you today to express my concerns about and opposition to Mr. Carter's request to amend the above referenced Island Business Zone 2. As a fourth generation and lifelong year-round Peaks Island resident I have seen many changes during my 66 years here. Yet none of those changes has impacted the island to the extent that Mr. Carter's proposed plans could and would.

As I see it there are a few issues at play here. First, reducing the current required setbacks and increasing the allowable height from 35 feet to 47 feet would result in a very large building that would tower over every building on the island exclusive of the church steeples. Such a large building would simply be out of scale in a community of modest homes and a few small commercial buildings. And how would such a large building impact the abutting neighbors? On one side the Peaks Island Lions Club has worked hard to restore and maintain Greenwood Garden and the Playhouse (an historic property that played a big role when Peaks was one of the most popular summer resorts in the nation). On the other side Skip and Andy Davis have converted the historic shooting gallery building, one of the few amusement buildings remaining from the resort era, into a cozy home.

Details on the proposed building are scarce. It seems that concept plans, architectural drawings etc. have not been made available to the general public. I understand that Mr. Carter's zoning amendment request would eliminate the need for off-street parking for his proposed building's occupants. This makes no sense. Parking, whether on-street or in the parking lot, is limited and becomes even more so during the summer when the island is crowded with vacationers

My second concern is thus: I understand that Mr. Carter's zoning amendment request is limited to the bowling alley property. If this is so and if it is granted, I believe it sets a dangerous precedent for anyone who may want to greatly expand or build a new large building in the Island Business Zone 2. There are 24 single family homes and two former hotels converted to apartments and condominiums in that zone. The remaining 14 are small commercial buildings. A nice mix of residential, commercial and municipal – exactly what one expects to find in a village type community. Why open the door to the possibility of destroying the center of our community by allowing oversized buildings that would detract from the attractiveness of the island?

My experience has been that when a developer proposes a project that will affect the community, he or she makes his or her plans known and solicits input from the public. I know that the city has a process in place for this – a process that island residents should be informed of. When will islanders be informed? Why hasn't Mr. Carter held a public forum and asked for input from the very community that would be impacted the most? Who does he expect to sell or lease his condos to? Families? Empty nesters? Snow birds? Will they be affordable for the types of people who want to live here? At this point there are too many unanswered questions.

Lastly, my overriding concern is with keeping the character of the community intact and preserving our historic properties. Peaks Island is an attractive place to live and visit precisely because of its small town charm, modest well-kept homes and cottages, and friendly residents. Allowing even one large scale building down front will detract from what makes the island so desirable.

I am unable to attend the meeting on October 25 but do want to express my opposition to this building proposal as well as the Business Zone 2 amendment that Mr. Carter has requested.. I believe that the proposal should be rejected at this time. Much more needs to be done in terms of planning, analysis and impact on the community before anyone – residents and city officials alike – can form an educated opinion on the proposal.

Thank you for the opportunity to express my concerns.

Sincerely,

Kimberly Erico MacIsaac



Peaks Island Lions Club
2 Garden Place
P.O. Box 102
Peaks Island, Maine, 04108

Phone: (207) 766-2100

October 17, 2016

Barbara Barhydt
Development Review Services Manager
Planning Division

Via Email bab@portlandmaine.gov

Barbara Barhydt:

Re: Application ID# 2016-201 CBL 084 R030001

The Peaks Island Lions Club, an abutter to the proposed project would like to make the following comments.

The Peaks Island Lions Club Board of Directors has voted not to sell, nor lease, any of our property for any reason at this time. The Peaks Island Lions Club Board also voted to request that the Planning Board maintain the setbacks between our property and the building at 2 Island Avenue at the current minimums of 10', as surveyed by James B Jones in 1898, (known as "The Old Bowling Alley"), currently owned by Carolyn Parker.

Since the height and setback requirements would change the building code for all of the commercial zoning area on Peaks, The Peaks Island Lions Club Board voted to be on record as opposing these changes to the planning code for an already overcrowded Island with no planning relief in sight by any City Department.

In addition, The Peaks Island Lions Club Board voted not to entertain/provide for any easements or Right of Ways to further this or any other non-Lion project.

Sincerely,

Edward Ezzard
President P.I. Lions Club (Cell: 207 756-4713)

Meetings are 2nd and 4th Monday March-September 6:30pm Greenwood Gardens



Barbara Barhydt <bab@portlandmaine.gov>

Peaks Island Bowling Alley

1 message

Rhonda Berg <brhonda1@maine.rr.com>

Thu, Oct 20, 2016 at 7:23 AM

To: bab@portlandmaine.gov

My two cents worth:

1. I would like to see the owner, Carolyn Parker, make this sale. It's a lot of money for her and some financial security that she really needs. She has not had an easy life.
2. The current size of the building, which has been there far longer than my 30 years on Peaks, is fine. Staying close to the 35 foot height restriction, or even 40 feet, will not affect anyone's view of the water. Tweaking the front, sides and rear set-backs won't make much difference either
3. No one wants to see similar size buildings lining the shore - for many obvious reasons.
4. There should be a restriction, similar to what is now being considered, that an owner may not purchase a condo unit there simply to rent it day to day or week to week as a business. He or she must live there or rent it out year-round or possibly live there summers and rent in the off season
5. That the possible owner is considering offering two units at a more affordable cost is great.
6. There should be some off-street parking but no need for a huge lot. So close to the ferry and stores, owners do not need a car and it would be great if they promised not to have one. Already that street gets all parked up.
7. To appease those who hate change, perhaps the new structure could have a similar false front on it shaped like the current one..

Rhonda Berg
Harborview Properties
[207-756-3450](tel:207-756-3450)

To Barbara Barhydt
Staff to Planning Board
Re: Map Amendment: 2 Island Avenue, Peaks Island Kevin Carter, Applicant

Dear Barbara,

We are property owners on Peaks Island. Our property is located on Island Avenue in the I-B zone. We urge the Planning Board to reject the application from Mr. Carter for a text/map amendment to the I-B zone.

The notice for the map amendment application states that, "In accordance with the Portland Land Use Ordinance, notices of receipt of a map amendment application must be sent to property owners within 500 feet of the map amendment." We did not receive such a notice and believe, therefore, that the notice requirements for this application have not been properly followed. Moreover, we understand that this map amendment as drafted would affect all property in the I-B zone on all of Portland's islands. Were all of the owners of property within 500 feet of those I-B zones given proper notice?

We believe consideration of such a major change to the Island's character as this requested zoning amendment would allow, requires a significant effort to engage island residents and property owners to consider the long range implications of such a change. Yet the City's procedures do not require that the applicant hold a public meeting with community members and to our knowledge such a meeting has not occurred.

We understand that the City does not wish to encourage contract zones and therefore suggested to Mr. Carter that he propose a map amendment that would apply to the entire I-B zone. We believe strongly that this text amendment is not consistent with Portland's Comprehensive Plan.

The 2002 Comp Plan, revised in 2005 cites goals for Portland's islands:
"The Portland Islands pose a completely unique situation for land use planning and zoning.....The overall land use goal is to balance future growth and development on the islands to preserve those essential natural, physical and social factors that contribute to the islands unique value and character."

The proposed text amendment would increase allowable heights to 35 or 47 feet and decrease front and side/rear yard dimensions. The specific proposal for 2 Island Avenue is to convert a 3 unit building to 12 or 14 units. This increase in density and height would not be in keeping with the goals of the Comprehensive Plan to preserve the essential character of the island. In fact, it could change the face of Peaks Island forever.

We urge Planning Board members to reject the pending application.

Thank you for your consideration of these views,
Sally and Ted Oldham



Barbara Barhydt <bab@portlandmaine.gov>

2 Island Ave. Development

1 message

Shelagh Reiser <out2cthec@hotmail.com>

Wed, Oct 19, 2016 at 11:07 AM

To: "bab@portlandmaine.gov" <bab@portlandmaine.gov>

To the Planning Board,

I strongly oppose the plans for development at 2 Island Avenue on Peaks and also strongly oppose the zoning change. Our island is already overcrowded during a large part of the year, making life for many island residents much less pleasant, at best. The proposed change would potentially drastically change the character of the island and our beautiful "downfront" area, much for the worse. It would also affect traffic (already a problem in the summer), parking (already a problem in the summer), and potentially increase tourism if the units are used for vacation rentals (already a problem in the summer). My strong opinion as a 7-year island resident is that we do NOT need to encourage any more people to come here; in fact, I would personally love it if tourism here diminished greatly and have a sense that many, many islanders feel the same. It seems that the benefits would be for one individual whom I assume (though I do not know for a fact) is NOT an island resident. Also, as someone who has been struggling to find suitable, affordable, and stable island housing here (I have moved 6 times in 7 years), I am concerned for the current residents of that building. Are there any provisions to care for those members of the community while any sort of construction/renovation takes place? And will they still be able to live there afterwards?

Whenever a development project is proposed, I wonder what we mean by "development". What are we developing? My highest vision would be that we are developing not just one person's (probably monetary) interests, but stronger communities, connections between people, connections with the place and the land and the non-human communities as well. To me, this would require that the "developer" is invested in the island, perhaps lives here for at least half the year (or has in the past), is an active community member who interacts personally with not only the immediate neighbors but with all of our island "neighbors", and is accountable for decisions and their impacts on all of us in a very personal and very present way.

Sincerely,
Shelagh Reiser

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: CEisenberg@rwl.com

To: CEisenberg@rwl.com

Subject: PI LIST: 2 Island Ave. Development

Date: Tue, 11 Oct 2016 19:42:27 +0000

From: Albert W. Bleau Jr. [mailto:one-stopbiz@earthlink.net]

There is a proposed development for 2 Island Ave. that would also change the zoning of all property on Island Ave. up to Trefethen and on New Island Ave.. It calls for a 14 unit, 47 ft/ box structure, taller than the Peaks Island School, 10 ft. from both abutters property lines (Lions Club and 10 Island Ave.) with limited parking, blocking a large portion of 10 Island Ave.'s ocean view and of the Portland skyline and the same for the East section of the Lion's property.

I have attached the application and additional documentation. There will be a workshop to discuss the proposal with the Planning Board and the developer on October 25th at 4:30 PM. The public is invited to attend. Please send your comments by e-mail or letter to: bab@portlandmaine.gov or Barbara Barhydt, Development Review Services Manager, Planning and Urban Development Department Planning Division, 389 Congress St., Portland, Maine 04101.

Barbara Barhydt told me that written comments are essential to have your voice heard and that the Planning Board Members read all e-mails and correspondence. Al Bleau

**Barbara Barhydt** <bab@portlandmaine.gov>

2 Island Avenue, Peaks Island

1 message

Stephanie Dambrie <trefethenpi@yahoo.com>
Reply-To: Stephanie Dambrie <trefethenpi@yahoo.com>
To: "bab@portlandmaine.gov" <bab@portlandmaine.gov>

Mon, Oct 17, 2016 at 4:43 PM

I am opposed to the 14 unit building proposed at 2 Island Avenue that would also change the zoning of all property on Island Avenue up to Trefethen Avenue and New Island Avenue.

This proposal would forever change the character and charm of Peaks Island as we know it today. In addition, it would create a parking nightmare on an island already challenged with too many cars and not enough spaces for parking.

Stephanie A. Dambrie
101 Trefethen Avenue
Peaks Island

**Barbara Barhydt** <bab@portlandmaine.gov>

Peaks Island Condo Project

1 message

s.arnold@maine.rr.com <s.arnold@maine.rr.com>

Tue, Oct 18, 2016 at 6:33 AM

To: bab@portlandmaine.gov

Ms. Barhydt,

Since I am out of town and unable to attend the public hearing for the proposed condo project on Peaks Island, I wanted to express my concern and objection to the project. I am a new resident of the island, 4 years now, I have seen it grow and grow in these 4 years to the point the infrastructure is starting to show strain, ferries, roads, etc.

Adding high occupancy buildings to the fragile ecosystem is a mistake in my opinion.

Please assist the residents of the island in their objections, these type of buildings are better off in the city where they can be supported.

thank you,
Steven Arnold
398 Island Avenue
Peaks Island

**Barbara Barhydt** <bab@portlandmaine.gov>

2 island ave proposal

1 message

THOMAS KIPP <thomaskipp1@me.com>

Wed, Oct 19, 2016 at 1:30 PM

To: bab@portlandmaine.gov

Dear Barbara

I am opposed to the proposed changes at 2 island ave and changes to the commercial district on peaks island. The proposed changes are out of scope and character of the island.

Regards

Thomas Kipp
650 Seashore avenue
Peaks Island, Maine



Barbara Barhydt <bab@portlandmaine.gov>

Proposed building code changes for 2 Island Ave, Peaks Island1 message

Trudy Harris <tharris33@comcast.net>

Thu, Oct 13, 2016 at 10:39 AM

To: bab@portlandmaine.gov

Cc: timmi@thesellersplace.com, msm@portlandmaine.gov, lisap.pic@gmail.com

To: Barbara Barhydt
Development Review Services Manager, Planning Division

I am writing to you regarding the information being discussed on Peaks Island regarding requests for changes in building requirements for 2 Island Ave. I believe there is a meeting scheduled for later in October but my husband and I will not be available to attend. I wish to express my views on the situation. Much discussion has gone on and many are in agreement with my views, that change for the better is good but that the request to change building requirements for this property is not good change.

It would be catastrophic to our way of life to have the business zoned area changed to the proposed variance. As it is, the wedding destination draw of Peaks has impinged on the quieter way of life that many of us came here to enjoy. Allowing for height, setback and parking changes could open up opportunities for hotels and all that that brings to an area. As for parking allocation requirement changes, as it is there is not enough parking to accommodate the current residents in the business and ferry area.

The city needs to understand why people live on Peaks. It has its issues with mainland parking, ferry schedules, added costs due to transportation, but people love the quieter, charming side of Peaks and "put up" with the hassles. I am not opposed to having 2 Island avenue modified within the zoning guidelines, as every other property is held to, but changing it to the requested dimensions could dramatically alter the landscape of Peaks now and in the future.

I hope you will consider this view when evaluating the 2 Island Property request. Thank you for your time.

Sincerely,
Trudy Harris
30 Pleasant Ave
Peaks Island



Barbara Barhydt <bab@portlandmaine.gov>

Proposed Zoning Changes to Peaks Island

1 message

William Coffield <wcoffield@bcr-dc.com>

Tue, Oct 11, 2016 at 6:57 PM

To: bab@portlandmaine.gov

Cc: msm@portlandmaine.gov

Ms Barhydt:

My wife, Kristen, and I own a home on Peaks Island – 26 Brackett Ave. We have become aware of the general concern of a potential change to the height and setback requirements for the island business zone, associated with proposed development of 2 Island Ave. We are unclear on why the proposed development cannot, if merited, receive a variance; rather than requiring a change to the entire business zone.

We are hopeful that future development on Peaks Island is approached cautiously and thoughtfully; making every effort to preserve the Island's charm.

We very much appreciate your kind attention in this matter.

Best,

Bill Coffield

Berliner, Corcoran & Rowe, LLP

1101 17th Street, NW

Suite 1100

Washington, DC 20036

Office: [202-293-5555](tel:202-293-5555)

Mobile: [703-608-5975](tel:703-608-5975)

Fax: [202-293-9035](tel:202-293-9035)





This email has been checked for viruses by Avast antivirus software.
www.avast.com

Andrea & Skip Davis
10 Island Avenue
Peaks Island, Maine 04018

October 20, 2016

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

Dear Ms. Barhydt and Planning Board Members:

As immediate next-door neighbors to the former “Bowling Alley” and residents with longtime family connections to Peaks Island, my husband and I are unquestionably some of those most affected by the proposed development at 2 Island Ave. We have lived in the old “Shooting Gallery” for sixteen years and strongly oppose the proposed Island Business Zone ordinance changes for several reasons.

Neighborhood/Infrastructure impact: The new condominiums would encroach on a congested part of the island already struggling with extremely limited parking. Adding another 12 to 14 units will surely exacerbate these problems and could potentially overload water and sewer systems, which are already stretched beyond capacity.

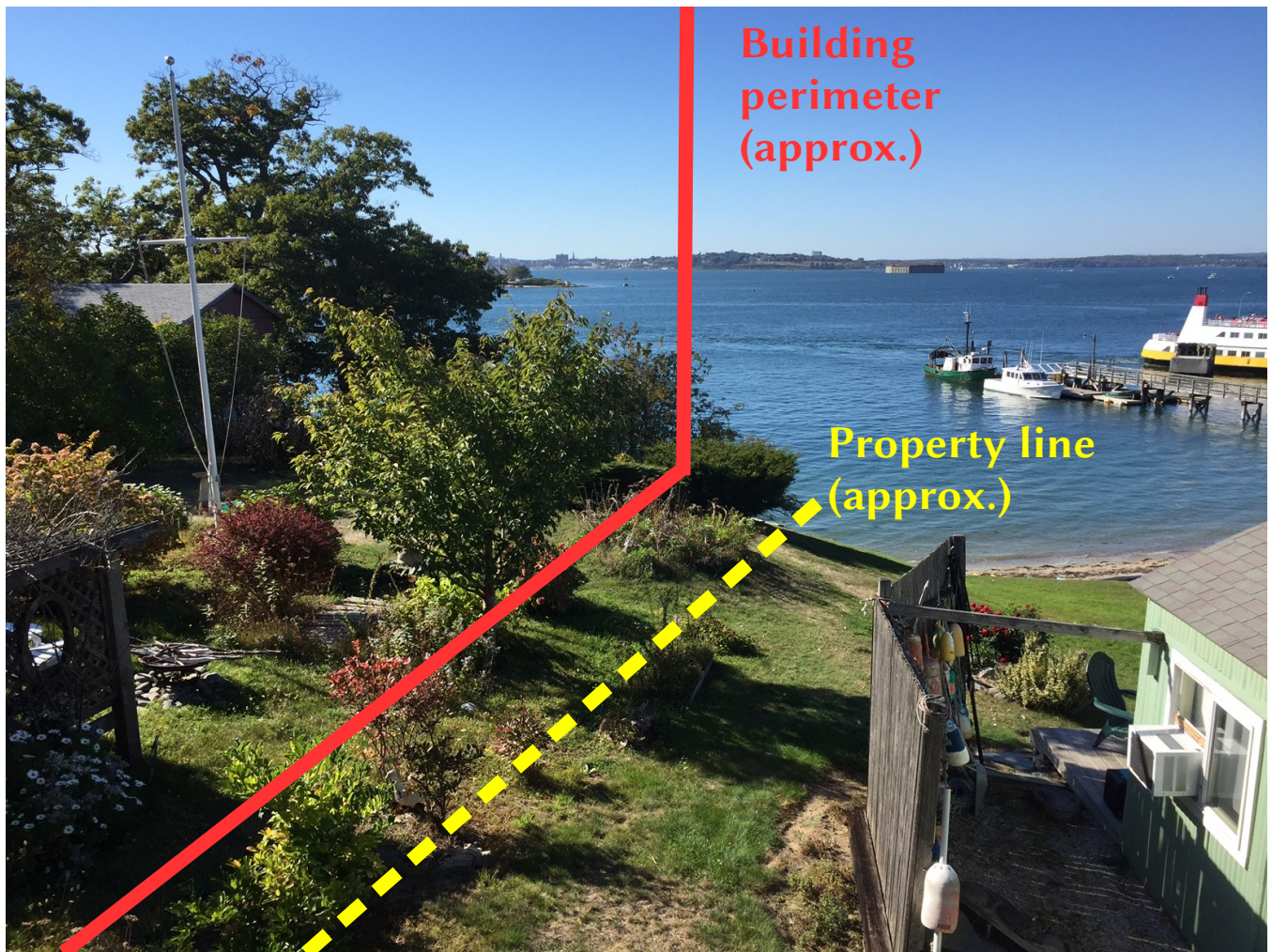
Reduced property value: Please see the attached photo taken from our deck – the bushes mark the property line. The proposed change to a five-foot setback and 47-foot building height would obliterate the things we love the most about our cozy corner of the island – by 1) eliminating any views of House Island and most of Portland, 2) impacting our privacy with residences nearly adjoining our own, and 3) obscuring sunlight throughout much of the day. These impacts will not just diminish our quality of life but promise to greatly reduce the property’s value.

A dangerous precedent: We chose this property primarily for its historical significance and the views (and willingly pay a property tax premium as a result!). Four generations of my family have enjoyed the Peaks Island way of life, including my uncle who set up pins in the bowling alley years ago. Allowing these zoning changes will change the peaceful character of this island forever. Many locals and tourists come to the island to enjoy the scenery, supporting the island’s economy. The proposed development would be the first view for those arriving on the ferry; an eyesore which would surely harm tourism. If one large condo project is allowed, many are sure to follow.

For these reasons, we ask you to please reject all requested variances and zoning changes.
Thank you for your consideration in this important matter.

Respectfully,

Andrea and Skip Davis
941-961-8934



**Building
perimeter
(approx.)**

**Property line
(approx.)**

**Barbara Barhydt** <bab@portlandmaine.gov>

Planning Board meeting

1 message

Andrea Davis <peaksbeads@gmail.com>
To: bab@portlandmaine.gov

Sat, Oct 15, 2016 at 2:40 PM

Dear Ms. Barhydt:

We understand that the proposed zoning changes for 2 Island Avenue (Peaks Island) will be discussed at the October 25 Planning Board meeting. Please confirm the date, time and location of the meeting.

Thank you,
Andrea Davis
peaksbeads@gmail.com



Barbara Barhydt <bab@portlandmaine.gov>

Letter concerning 2 Island Avenue Development

1 message

Andrea Davis <peaksbeads@gmail.com>
To: Barbara Barhydt <bab@portlandmaine.gov>

Thu, Oct 20, 2016 at 9:35 AM

Dear Ms. Barhydt:

Attached is a letter from Skip and Andrea Davis concerning the proposed project for 2 Island Avenue on Peaks Island. Thank you for submitting this letter to the Planning Board. We look forward to speaking on October 25.

Best regards,
Andrea Davis



Davis_Letter_20Oct2016.pdf
739K



Barbara Barhydt <bab@portlandmaine.gov>

Development on Peaks Island - No Thank You

1 message

Ann Karlsen <annkarlsen3@gmail.com>
To: bab@portlandmaine.gov

Thu, Oct 20, 2016 at 11:18 AM

Dear Ms. Barhydt,

I would greatly appreciate your passing this email along to the Portland Planning Board(a copy for each member, please)before their meeting regarding proposed hearing for the 2 Island Ave. property, Peaks Island, at 4:30pm Tues. Oct. 25.

Thank you for your help.

Sincerely,

Ann & Gus Karlsen

Dear Portland Planning Board Members,

My husband and I have lived on Peaks Island for the last 40 years, 30 as summer residents and the last 10 as year round residents. We are definitely not in favor of the proposed building and expansion that has been proposed at 2 Island Ave. on Peaks Island. Please do not allow any changes in this area or any place else on Peaks Island that would require zoning changes that would so negatively impact the the natural beauty and residents here on Peaks Island.

This project expansion has been offered under the guise of "affordable housing". There are few people who could qualify for affordable housing and pay the kind of taxes the folks at City Hall are taxing all of us who live here on Peaks. Are you aware that ALL the homes on a Peaks are taxed as water frontage, no matter where they are located on the Island? It is fiscally not possible to do this condo development in that location or hopefully anyplace else on Peaks Island.

It is a terrible crime to think of tearing down, remodeling and expanding any of the historical and cultural buildings that exist on the space designated for expansion. We have been left beautiful legacy and MUST NOT spoil it.

There is a very high density of cars and golf carts on the Island now and they should be decreased rather than further encouraged by a huge parking garage that would block out the gorgeous views of the Bay and the sunsets beyond. Peaks Island was not created to accommodate all the people it has here now during certain of times of the year, let alone developing 15 unit mid-rises that block everyones views and eat up the neighbors property with changing set back allowances. There is NOT enough room to accommodate the cars on Peaks Island now. How awful would a two, three or more level parking garage drawing even MORE cars and people to Peaks Island. It is a vision and concept difficult to imagine.

We must accept what we have, a beautiful unspoiled shoreline encircling the perimeter of Peaks Island. Why would anyone think of blocking these gorgeous vistas with steel and cement. We should not allow any further commercial or residential buildings/ or development on Peaks Island, particularly along its historic water front area which encompasses the area from the Greenwood Gardens to beyond TEIA to the North.

I INVITE YOU AS PLANNING BOARD MEMBERS to come and take a walk (or taxi ride) around the Island some nice autumn day and see WHERE you would envision a 15 unit condo development that would spoil the views of the water, the Portland Skyline and the sunsets beyond!

The Lions Club on Peaks Island has recently taken a strong stand against such a development on Peaks and should be applauded for their devotion to life on Peaks Island. We who care about Peaks should immediately join and support our local Lions Club here for their strong position.

Please do not allow this type of development destroy our lovely, historical Peaks Island.

Thank you for your time.

Sincerely,

Ann Karlsen

Sent from my iPad

Sent from my iPhone



Barbara Barhydt <bab@portlandmaine.gov>

Rezoning Island Ave, Peaks

1 message

AKP <akpanos@gmail.com>

Thu, Oct 20, 2016 at 10:31 AM

To: bab@portlandmaine.gov

Dear Barbara,

As a 67-year summer resident & property owner of Peaks Island, I've seen many changes to the island. The proposed rezoning of the area known to us long-timers as "Down Front" is not a change for the better. In fact, it would radically change the character of Peaks.

I do not believe the proposed changes would support existing island businesses, nor would they support any sense of community; to the contrary, these changes would destroy the very nature of island landscape & village character that we who love Peaks revere.

Please deny the application for these destructive changes to our way of life.

Thank you for your careful consideration.

Anne Panos
61 Knickerbocker Lane
Peaks Island

Anne



Barbara Barhydt <bab@portlandmaine.gov>

In opposition to the 2 Island Avenue, Peaks Island, proposal

1 message

Arthur Fink <arthur@arthurfink.com>

Wed, Oct 19, 2016 at 8:57 PM

To: "Barhydt, Barbara" <bab@portlandmaine.gov>

Dear Barbara Barhydt,

My wife and I, owners of the property just across the street from 2 Island Avenue, are strongly opposed to the project as proposed. Most of our concern comes from the extreme effect this proposal would have on the whole Peaks Island Community, and not from the reduction in our waterfront view.

Current zoning for the property in question wisely allows only 4 dwelling units per multi-family property. That's an appropriate limit that helps preserve the semi-rural character of this island community. Allowing 12 or 14 units would invite an urban infestation that Peaks Island does not need and does not want.

Similarly, reducing the setback requirements would further increase the density of development, and is similarly inappropriate for this area.

Allowing a new height limit of 47 feet would diminish a view that is now seen by thousands of people as they walk, bicycle, ride in golf carts, or drive down New Island Avenue and approach Island Avenue and this former bowling alley property.

Removing any parking requirement, as this proposal seeks to do, would result in a buildup of cars in a corner of the island that has no place for them.

For all of these reasons, we oppose the proposal.

Development of the current building, within it's footprint and current mass and height, and with four or fewer units resulting, might have been completely appropriate. The proposal development far exceeds this scale, and does not belong.

But the proposal does more — it would rezone the entire island business zone. That means that a new level of urban style development would be allowed along a wide portion of the "front" side of the island. We don't believe that any change or exception to current zoning is appropriate, but changing this for the entire zone is totally unwanted and uncalled for. This massive re-zoning should be soundly defeated.

Finally — and this may be outside the purview of your department — the bowling alley building is a significant historic structure, that should not be torn down. We hope that the city's historic preservation officer would not allow demolition, but this becomes a moot point if the much larger structure that the developer wishes to build is not allowed.

We look forward to sharing these views at the Planning Board workshop on October 25th, and would be happy to discuss any of this with you if that would be helpful.

Best regards,

Arthur Fink

Arthur Fink

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www.InsightAndClarity.com

arthur@ArthurFink.com 207.615.5722

**Barbara Barhydt** <bab@portlandmaine.gov>

47ft development

1 message

Arthur Johnson <arthurthompsonjohnson@gmail.com>

Tue, Oct 11, 2016 at 4:47 PM

To: bab@portlandmaine.gov

Not sure how or what power we have but I am very against this large apartment building going up. It will change the dynamic and community I've grown up in and decrease the theoretical value of peaks island.

Thank you,
Arthur



Barbara Barhydt <bab@portlandmaine.gov>

Planning board meeting on 2 Island Ave. Peaks Island

1 message

bmropi@maine.rr.com <bmropi@maine.rr.com>

Wed, Oct 19, 2016 at 2:52 PM

To: bab@portlandmaine.gov

Barbara Barhydt,

I am writing to say as a year round residence of 50 yrs. that I AM Opposed-to the proposed property changes to 2 Island and business zone on Peaks Island. This would be setting a very dangerous precedence and could ruin our island and would definitely create a major impact on the now existing parking problem. On Monday Oct. 17 I had a chance to speak with Carolyn Parker and was informed that Mr. Carter wasn't truthful with her about his intentions and she had been just as shocked as everyone else when she heard of the plan for a 14 unit complex and that she is not in favor of it either.

Thank You, Betty Rounds

**Barbara Barhydt** <bab@portlandmaine.gov>

island ave development on peaks island

1 message

carla discala <cdiscala_tra@hotmail.com>

Wed, Oct 12, 2016 at 4:45 AM

To: "bab@portlandmaine.gov" <bab@portlandmaine.gov>

i am against it

carla di scala

75 cenral ave

peaks island



Barbara Barhydt <bab@portlandmaine.gov>

Peaks Island Zoning Variances Application

1 message

Debbie Jordan <dpjonpeaks@gmail.com>
To: bab@portlandmaine.gov

Thu, Oct 20, 2016 at 5:07 PM

Portland Planning Board

c/o

Barbara Barhydt, Development Review Services Manager

389 Congress St., 4th Floor

Portland, Maine 04101

October 20, 2016

RE: Peaks Island - Application ID No. 2016-201/CBL#04 RO3OOO1

Application of Kevin Carter

Proposal to Amend Island Business Zone / 2 Island Ave

To the Members of the Portland Planning Board:

We are writing in strong opposition to the proposed variances to the 2 Island Avenue property and changes to the business zone on Peaks Island.

Peaks Island residents already endure significant congestion and parking problems in the island business zone. Reduced setbacks, greater density, increased building heights and reduced parking per residence - as requested in this proposal - would significantly exacerbate the problems that we already face.

This proposal would permanently change the character of our island and destroy its unique, semi-rural character.

As year-round residents of Peaks Island and Portland voters/taxpayers for the past twenty-three years, we feel very strongly that our community must be protected. To do that, this application must be rejected.

Please help us maintain our quality of life, and deny this application.

Thank you.

10/21/2016

City of Portland Mail - Peaks Island Zoning Variances Application

Sincerely,

Deborah P. Jordan (dpjonpeaks@gmail.com)

Alexander David Stankowicz (mrstankowicz@gmail.com)

33 Lyndon Avenue

Peaks Island, Maine 04108



Barbara Barhydt <bab@portlandmaine.gov>

Peaks Island proposal for 2 Island Avenue/Kevin Carter

1 message

Debbie Montgomery <debbiemont@gmail.com>

Thu, Oct 20, 2016 at 5:29 PM

To: bab@portlandmaine.gov

Cc: msm@portlandmaine.gov

October 19, 2016

Ms. Barbara Barhydt
Development Review & Services Manager
for the City of Portland, Maine

Dear Ms. Barhydt:

I am writing to you because of my serious concerns about the Downfront development request that Kevin Carter has proposed for 2 Island Avenue. I'm out of town and unable to attend the October 25 city planning meeting. I was told that letters opposing Mr. Carter's development plans would be given due consideration.

It seems there are some immediate issues that the Planning Board will need to consider before issuing any changes to the zoning text or map.

- * Island Character: Would this development be consistent with existing housing in the IB zone ?
- * Height : 47' GREATLY exceeds the current allowable 35' maximum height limit. I believe the current building height @ 2 Island Avenue is under 30'. Does this make sense for Peaks Island WATERFRONT parcels ?
- * Is this project consistent with the recently re-certified City of Portland Comprehensive Plan?
Has there been a comprehensive plan done for the island of Peaks ?
- * Is "unit density" appropriate for the property which is 14,771 SF or .34 acres ?
- * Traffic Study: Will a traffic movement permit be required due to the siting of proposed project?
SHARP TURN in the road where golf carts, bicycles, trucks, cars and
Pedestrians ALL must pass through to get to other parts of the island.
- * Parking Study : Has there been a parking study to ascertain the appropriate "parking ratio"
For housing units to parking spaces?
- * Housing Density: What would be the maximum allowable number of units be with the proposed
Text/Map changes? The recent City ordinance requires that 10% of new
developments of 10 UNITS or more be "Affordable"? However, if 14 UNITS
are built than ONLY ONE unit would be required to be "Affordable".

In conclusion, I think there needs to be ANSWERS to some very pertinent questions. Some due diligence needs to be fully addressed by the City of Portland regarding this matter.

Sincerely yours,
Deborah and George Montgomery
150 Island Avenue
Peaks Island, Maine 04108

Sent from my iPad



Barbara Barhydt <bab@portlandmaine.gov>

Re: Application ID# 2016-201 CBL 084 R030001

1 message

Edward Ezzard <themainejack@gmail.com>

Sun, Oct 16, 2016 at 10:03 PM

To: bab@portlandmaine.gov

Barbara, the Peaks Island Lions Club, an abutter to the proposed project would like to submit our comments via the attached PDF letter.

Please let me know if you will accept the attached file (letter) or will I have to just put text into an email.

Thank you,

Edward Ezzard

President Peaks Island Lions Club

Cell...: [207 756-4713](tel:2077564713)

Email: Themainejack@gmail.com

**Lions-Ltr-Planning-Board-Signed.PDF**

312K



Barbara Barhydt <bab@portlandmaine.gov>

"Bowling Alley" project on Peaks Island1 message

Elizabeth Remage-Healey <remagehealey@gmail.com>

Wed, Oct 19, 2016 at 1:10 PM

To: "bab@portlandmaine.gov" <bab@portlandmaine.gov>

Cc: Tyler Norod <TNN@portlandmaine.gov>, Kevin Carter <Kevin@bulldogcapital.com>

I am writing regarding Kevin Carter's proposal to develop the property on Peaks Island which was formerly a bowling alley. I write as an individual, not as the president of Homestart, the affordable housing organization on Peaks. Homestart has not taken a position on the project at this time, though we have had a phone conversation with Kevin and several meetings with his local partner, Bob McTeague to gather information.

1. I am intrigued by Kevin's concept of using profit from the development of several high end condos to subsidize the construction of several affordable units. Hopefully the affordable mix would include both one bedroom, geared to older Peaks residents looking to downsize and 2 -3 bedroom units for families. In this era of scarce funding for affordable housing, a creative approach from the private sector is welcome.

2. I am very concerned that the proposed zoning change would change the zoning for the entire business zone on Peaks. All kinds of unintended consequences and changes could be thus set in motion, without community input or planning. The bowling alley is off to one side of the business district; hopefully any zoning changes can be restricted to its site.

3. Should the project go forward, I urge restrictions put in place to ensure that affordable units are indeed inhabited by year long residents, not part time and/or summer folk.

Thank you for sharing these thoughts with the Planning Board.

Sincerely,
Betsey Remage-Healey



Barbara Barhydt <bab@portlandmaine.gov>

2 Island Avenue Peaks Island

1 message

Ella Mae Eastman <ellamaeeastman@gmail.com>

Tue, Oct 11, 2016 at 4:32 PM

To: bab@portlandmaine.gov

It is hard to know where to start! This incredible proposal to change zoning and permit such dense and high building on the waterfront of Peaks Island is just mind boggling. No parking required, no set backs, taller than ever allowed before, density...what are you thinking!

We are owners of a property in the business district; ours is a private residence. We were fortunate enough to buy our house in 1983 when such places were affordable. We love our location and our house and have opened our view to those who pass by on the sidewalk by keeping our fence low so as not to close off the view. This is the kind of attitude that many islanders have...share your good fortune with others.

Do we actually want a wall of tall buildings to block the entire view of Portland from all but those in those buildings? Do we want a blight of a building due to poor zoning, like the Portland House in Portland? Will a very wealthy person someday buy our house and build a Marriott here?

Please add our names to the long list of islanders opposed to the changes proposed regarding 2 Island Avenue.

Ella Mae and Dean Eastman
170 Island Avenue
Peaks Island, ME 04108
winter address:
336 Coonley Road
Riverside, IL 60546



Barbara Barhydt <bab@portlandmaine.gov>

Peaks Island condo zone changes

1 message

JAMES A FLAGLER <jaflagler@me.com>

Tue, Oct 11, 2016 at 6:41 PM

To: bab@portlandmaine.gov

Hello,

We are both very upset by this proposed change to the zoning to allow for a 12-14 unit condo building on Island Ave.

The infrastructure on the island can't tolerate this and not can the increase in traffic with lack of parking. The sewage treatment plant is already over burdened evidenced by the horrific smell it sends into our neighborhood all summer. The public parking lot is always full these days and, without this additional burden to the traffic in that area, people park all along Island Ave way past the Lions Club. Most Islanders I have spoken to wish the old bowling alley would be restored rather than torn down and replaced by a nasty 12-14 unit box with inadequate parking.

We hope the regulations remain the way they are without a variance granted as we all live under these rules and enjoy the island as it is.

Jim Flagler and Thurl Headen

Sent from **my little island home**



Barbara Barhydt <bab@portlandmaine.gov>

2 Island Ave, Peaks Island, Portland, ME

1 message

James Greenwell <jgreenw232@aol.com>

Thu, Oct 20, 2016 at 11:19 AM

To: bab@portlandmaine.gov, bsr@portlandmaine.gov, estrimling@portlandmaine.gov

Cc: emagal@aol.com

Dear Ms. Barhydt,

Please see attached a letter regarding the Text Amendment proposal for 2 Island Ave, Peaks Island, Portland, ME.

Very truly yours,

Jim Greenwell and
Emily MagalJim Greenwell, AIA
130 Island Avenue
Peaks Island, ME 04108
[207-766-2509](tel:207-766-2509) - C [202-607-8976](tel:202-607-8976)CC: Belinda Ray, City Counsel
Ethan Strimling, Mayor**IB Zone 2 Island Ave.pdf**
640K



Barbara Barhydt <bab@portlandmaine.gov>

Old Bowling Alley on Peaks

1 message

Jane Maguire <janemag9@gmail.com>

Mon, Oct 17, 2016 at 11:45 AM

To: bab@portlandmaine.gov

We are 25 year residents of Peaks and are opposed to the changes being considered for the removal of the building to be replaced by a much larger building. We also are concerned with zoning changes for the expanded area. Not only would such a large building change the scene, but would impede the views of others. Approaching the island now is a pleasant experience. A modern 14 unit apartment building would destroy this image. We are a small island and parking down front is already a huge problem. Do islanders have any input to this overwhelming project?

Richard and Jane Maguire
59 Seashore Ave.
Peaks 04108

Jim Greenwell and Emily Magal
130 Island Avenue
Peaks Island, Maine 04108

October 20, 2016

Barbara Barhydt
Development Review Services Manager
Planning Division, City Hall
389 Congress Street, 4th Floor
Portland, Maine 04101

Dear Ms. Barhydt,

We are year round residents of Peaks Island and our home is within the I-B Island Business Zone under discussion. We strongly oppose the proposal to amend the I-B Island Business zone.

We question the Planning Board's right to even hold a workshop on this issue. Residents within 500 feet of the map amendment must receive a notice of this proposal. Our home is actually within the proposed amendment area and we have never received any notification.

Additionally, we object to the proposed Text/Map amendment for the following reasons:

Island Character/ History/ Architecture

The Portland I-B zoning requirements as stated in Division 12.1 Section 14-224 paragraph 4 are "Any additions or exterior alterations shall be compatible with the original architecture of the building. The exterior design of new construction, including the architectural style, façade materials, roof pitch, building form, and height shall be compatible with neighboring properties;" The proposed changes to height, density, set backs and parking do not adhere to any of those zoning requirements. They are not in context with any existing property within the I-B zone. Indeed, nowhere on the entire island is there a comparable structure.

Peaks Island has a unique and compelling character. It is beloved by many people, whether they are long time residents, first time visitors or summer residents who have been coming here for generations. The scale of the buildings, the views, the feel of olden days is one of the reasons people love it so much. Dropping a large square cube on the waterfront property runs counter to that character.

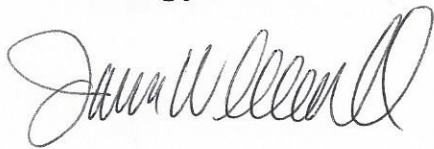
Future Island Zoning Issues

Currently, there are two distinct committees comprised of island residents that have been studying zoning issues. One group is focused on overarching zoning challenges to balance green/public space, residential zones as well as the business zone. The other group is primarily focused on affordable housing issues on the island. This second group, Home Start, received a grant from the Peaks Island Fund to analyze and make recommendations to address affordable housing issues. This study is being lead by Mark Eyerman of Planning Decisions, Inc. Recommendations, as well as a public discussion of the findings, are to be presented this fall.

We recognize that change is inevitable. We are not saying that nothing should ever change. But change should be approached in a comprehensive, thoughtful and inclusive manner. All affected parties, including immediate neighbors, business owners, island residents, potential developers and the City should have a voice in the discussion. The process underway circumvents discussion and consensus amongst all interested parties.

If the potential purchaser of the specific property at 2 Island Avenue would like to request a waiver for that particular parcel it should be addressed as a completely separate issue. A blanket text amendment applicable to the entire I-B zone is inappropriate.

Thanking you in advance,

A handwritten signature in cursive script, appearing to read "Jim Greenwell".A handwritten signature in cursive script, appearing to read "Emily Magal".

Jim Greenwell and Emily Magal

October 20, 2016

Dear Barbara Barhydt

Development Review Manager

Planning and Urban Development

Portland, Maine

RE: proposed zoning change to the IB district on Peaks Island

Dear MS Barhydt,

I am a property owner on Peaks Island and I am writing to voice my opposition in the changing of the zoning for the IB zone on Peaks Island.

I don't think it is in the best interest of the island to have such a major and drastic height increase (as well as setbacks and parking easements) to a business zone that has over the years transitioned to be less business and more residential. Commerce/small business is part of the island life and we want to preserve the ability for business to thrive however there needs to be a balance between the business's that thrive on supporting the community or supporting tourism.

The dramatic increase in tourism to the island that has been actively courted by some of the existing business's has created a host of issues and concerns that has had significant and negative implications for the daily life of island residents. Some of those issues include but are not limited to:

- noise and air pollution from golf cart rentals (with drivers that are sometimes underage and unaware of automobile traffic or the rules of the road)
- increase trash, waste receptacles overflowing with trash
- increase demand on the ferry (leaving many islander unable to get on the ferry and stuck in Portland)
- traffic congestion at forest city landing both pedestrian and vehicular
- limited public restrooms,

These are real issues that could and would probably be exasperated if the business zoning regulations were to change as proposed. An easement to the zoning restrictions could be attractive to business's that would draw more tourists.

What the island needs is a comprehensive and well thought out master plan that provides for and addresses these issues as well as limited growth and development that enhances the natural beauty and semi rural character of the island

I cannot attend the public hearing but would like to go on record with my initial opposition to the proposed changes to the zoning requirements.

Regards

Joanne MacIsaac

499 Island Ave

Peaks Island, Maine



Barbara Barhydt <bab@portlandmaine.gov>

NO on Peaks Island proposal for 2 Island Ave

1 message

Jody Halliday <jodyhalliday32@gmail.com>

Thu, Oct 20, 2016 at 8:48 AM

To: bab@portlandmaine.gov

Barbara Barhydt - I want to go on record as being opposed to any and all of the variances requested by Kevin Carter's proposal to alter 2 Island Avenue on Peaks Island.

I join other Island property owners in my strong belief that it is not in the island's best interest to change the zoning, setback, height of building, parking, or density regulations as they now stand.

Thank you for the opportunity to have my voice heard. Jody Halliday, 28 3rd Street, Peaks Island.

Sent from my iPhone

**JOHN AND JEAN GULLIVER
8 DIAMOND PASS
PEAKS ISLAND, ME 04108**

October 14, 2016

Ms. Barbara Barhydt
Development Review and Services Manager
Planning and Urban Development
Department Planning Divisions
Portland City Hall
City of Portland
389 Congress Street
Portland, ME 04101

RE: Peaks Island – Application ID No. 2016-201/CBL#04 RO30001 – Application
of Kevin Carter/Proposal to Amend Island Business Zone/2 Island Avenue

Dear Ms. Barhydt:

We are long-time summer residents and property owners on Peaks Island. We care deeply about Peaks and its continued vitality as a special neighborhood with unique character. We also care deeply about maintaining access to Peaks Island to a wide cross-section of people. That enriches the life of the Island and of Portland.

We are very concerned about the proposal to amend the Island Business Zone zoning code, to raise the height from 35 feet to 47 feet and to reduce the already very limited setbacks for the IB zone. The visual appeal, approaching Peaks Island from the water matters. It is important, it defines the Island. New buildings of the height and bulk that would be permitted under the planned amendment would destroy that view. A height of 47 feet is out of scale for Peaks. Peaks has a comfortable scale, that has existed for generations. It is established, and it functions well. A height of 47 feet would be taller than any existing building on the Island, including the Peaks Island School, except church steeples.

It is our understanding that the proposed change in zoning code is part of the application by Mr. Carter with respect to a single parcel of land, 2 Island Avenue. That application would, among other things, seek to allow greater housing density on that particular parcel and reduce parking spaces.

The two issues are separate. There is no compelling reason to change the entire IB zoning code at this time. Any proposed variances or exceptions that may

ultimately be appropriate for a project for 2 Island Avenue can and must be limited to that parcel of land. Typically, before a major zoning change is adopted, the municipality and the affected community engage in extensive studies to assess and determine whether a change is required. Are there changing demographics in the affected neighborhood that would suggest a new set of criteria for the zone? Are those changing demographics desired? What would be the impacts on surrounding residents and neighborhoods? What would be the costs? What would be the benefits? And so forth. None of that has occurred here.

If anything, the Island Business Zone should be reduced in its geographical scope, and not expanded. The Island Business Zone is a legacy from over 100 years ago, when Peaks Island had its own economy, its own small businesses, and in fact was its own small village. Today, the character of a village is preserved, but economically Peaks is a residential neighborhood of Portland. There is no compelling reason, nor has any justification of any sort been put forward (other than to support Mr. Carter's plans for 2 Island Avenue) to engage in this wholesale and radical zoning change. In fact, it appears as though the new height limit would be significantly greater than what is currently allowed for the vast new project along the Portland waterfront at the former Portland Company site. And that limit, for the Portland Company site, was expressly designed to keep the charm and integrity of the views for that neighborhood, and to preserve the character of the neighborhood for the surrounding residents. That process went through a thorough and public debate. It took many months. None of that has happened here. This is a rush to judgment, to the detriment of Peaks Island.

With respect to the specific plans for 2 Island Avenue, there are many legitimate questions that need to be explored further. The publicly-available plans are limited. Before variances or other exceptions are granted, the public should see full scaled drawings and renderings to get a sense of what the proposed structure would look like. There needs to be an assessment of traffic and parking impacts if the number of required off-street parking spaces is to be reduced. There should be studies as to the impacts of reducing setbacks. There has been discussion about building a second deck on the parking lot near the ferry terminal. That has significant environmental, visual, and neighborhood impacts that go well beyond any specific variance for any specific parcel on Peaks Island. Where are the studies in this regard as well?

In short, we firmly believe that the proposed zoning change should be summarily rejected as premature, unsupported, and lacking in even the basic level of analysis and assessment that customarily would accompany a proposed, municipally-driven change like this. With respect to 2 Island Avenue, much more detail needs to be put forward before any opinions can be formed and thoughtful, educated views of neighbors, the public, and City boards and officials can be genuinely and thoroughly aired.

Ms. Barbara Barhydt

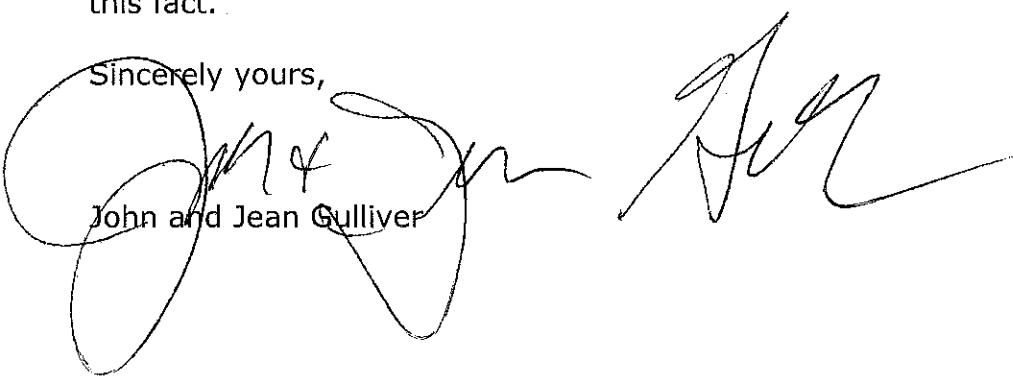
Page 3

October 14, 2016

Poor planning has its consequences. One need only look at the condos built recently near the waterfront in the Town of Long Island to see the lasting, adverse impacts on the visual approach and character of that island town to be reminded of this fact.

Sincerely yours,

John and Jean Gulliver

A large, stylized handwritten signature in black ink, appearing to be a cursive representation of the names John and Jean Gulliver, written over the printed name.

**Barbara Barhydt** <bab@portlandmaine.gov>

Zoning changes on Peaks Island

1 message

Kathryn <kathyzemanek@hotmail.com>

Mon, Oct 17, 2016 at 5:59 PM

To: "bab@portlandmaine.gov" <bab@portlandmaine.gov>

As a long time property owner on Peaks Island, I just want to voice my opposition to any changes that would increase the density of the population of the island. I would like to see an increase of working fisherman and lobsterman on the Island and u would like to see farms and orchards again.

Sincerely,

John and Kathy Zemanek.

11 D street Peaks Island

Sent from my iPhone



Barbara Barhydt <bab@portlandmaine.gov>

2 Island Avenue, Peaks Island

1 message

Judith Richardson <jrichardson44@pdq.net>
To: bab@portlandmaine.gov

Thu, Oct 20, 2016 at 5:55 PM

Dear Ms. Barhydt,

Since 1948 when we lived on Caleb Street in Portland, my family has lovingly cared for our 1880s summer cottage in the center of Peaks Island. For five generations we have roamed the Island woods, swum at Spar Cove, and picnicked at Table Rocks. *Blue Heaven* has never been a rental property during the 68 years of our family's ownership.

We have seen many changes on the Island since the post-war years. Back then neighbors complained "you couldn't give away lots" on the Island. On the opposite extreme with the building boom in the 1990s+, land values increased such that middle-income families could no longer afford homes on the Island and the school population has declined.

I am very supportive of the Islanders who are trying to increase housing choices for young families. But I am not supportive of returning to the late-19th century three-story buildings that dotted the Island from today's Downfront to Trefethen to Tolman Heights. Over eighty years Peaks Islanders have become used to the lower one-and-two story buildings. These proportions are one with the natural surroundings of sea, rocks, woods, and ponds that today's Islanders cherish as the integral backdrop to their daily life.

It is hard enough that summer upends Peaks community life with the influx of summer residents way in excess of the number of year-rounders and the thousands of visitors arriving daily by ferry. To add to this summertime trial a year-round incongruity of buildings out of proportion to the 1880s homes that still grace the Island's bayside neighborhoods would not be in the best interests of Peaks Island residents. With such a change something deep and dear would be sacrificed in the Peaks Island community spirit. Please do not approve the variances and the zoning precedent that are part of the 2 Island Avenue development plan.

Sincerely,

Judith Richardson



Barbara Barhydt <bab@portlandmaine.gov>

Peaks Island Ordinance change

1 message

Kathleen McCarthy <harmonyldodge@icloud.com>

Fri, Oct 21, 2016 at 9:34 AM

To: bab@portlandmaine.gov

Cc: Kathleen McCarthy <harmonyldodge@icloud.com>

I hear an incredulous and appreciative "You live on an island in Maine?" whenever I mention my address and it has always made me proud to be a Mainer.

Island living is not quite idyllic, with planning one's life around the ferry schedule and finding parking in town every night, but it has a community dedicated to finding a balance where we can get along and thrive on this finite Peaks Island.

The request from Mr. Kevin Carter to make major changes in our ordinances concerning Peaks business district is threatening to change the core of island life.

The scale and location and dramatic ordinance change for his project is way beyond appropriate.

I fear that our island will now become fair game as developers have saturated Portland's peninsula.

Thank you, Kathleen McCarthy



Barbara Barhydt <bab@portlandmaine.gov>

RE: Peaks Island – Application ID No. 2016-201/CBL#04 RO3OOO1 – Application of Kevin Carter/Proposal to Amend Island Business Zone/2 Island Avenue

1 message

Kathleen McCauley <kmccauley270@gmail.com>

Tue, Oct 18, 2016 at 11:26 AM

To: sgo@portlandmaine.gov, bab@portlandmaine.gov, jlevine@portlandmaine.gov

Ms. Barbara Barhydt
Development Review and Services Manager
Planning and Urban Development
Department Planning Divisions
Portland City Hall
City of Portland
389 Congress Street
Portland, ME 04101

RE: Peaks Island – Application ID No. 2016-201/CBL#04 RO3OOO1 – Application of Kevin Carter/Proposal to Amend Island Business Zone/2 Island Avenue

Dear Ms. Barhydt:

I am a long-time summer resident and property owner on Peaks Island. I care deeply about Peaks and its continued vitality as a special neighborhood with unique character. I also care deeply about maintaining access to Peaks Island to a wide cross-section of people. That enriches the life of the Island and of Portland.

I am very concerned about the proposal to amend the Island Business Zone zoning code, to raise the height from 35 feet to 47 feet and to reduce the already very limited setbacks for the IB zone. The visual appeal, approaching Peaks Island from the water matters. It is important, it defines the Island. New buildings of the height and bulk that would be permitted under the planned amendment would destroy that view. A height of 47 feet is out of scale for Peaks. Peaks has a comfortable scale, that has existed for generations. It is established and it functions well. A height of 47 feet would be taller than any existing building on the Island, including the Peaks Island School, except church steeples.

It is my understanding that the proposed change in zoning code is part of the application by Mr. Carter with respect to a single parcel of land, 2 Island Avenue. That application would, among other things, seek to allow greater housing density on the particular parcel and reduce parking spaces.

The two issues are separate. There is no compelling reason to change the entire IB zoning code at this time. Any proposed variances or exceptions that may ultimately be appropriate for a project for 2 Island Avenue can and must be limited to that parcel of land. Typically, before a major zoning change is adopted, the municipality and the affected community engage in extensive studies to assess and determine whether a change is required. Are there changing demographics in the affected neighborhood that would suggest a new set of criteria for the zone? Are those changing demographics desired? What would be the impacts on surrounding residents and neighborhoods? What would be the costs? What would be the benefits? And so forth. None of that has occurred here.

There is no compelling reason, nor has any justification of any sort been put forward (other than to support Mr. Carter's plans for 2 Island Avenue) to engage in this wholesale and radical zoning change. In fact, it appears as though the new height limit would be significantly greater than what is currently allowed for the vast new project along the Portland waterfront at the former Portland Company site. And that limit, for the Portland Company site, was expressly designed to keep the charm and integrity of the views for that neighborhood, and to preserve the character of the neighborhood for the surrounding residents. That process went through a thorough and public debate.

With respect to the specific plans for 2 Island Avenue, there are many legitimate questions that need to be explored further. The publicly-available plans are limited. Before variances or other exceptions are granted, the public should see full scaled drawings and renderings to get a sense of what the proposed structure would look like. There needs to be an assessment of traffic and parking impacts if the number of required off-street parking spaces is to be reduced. There should be studies as to the impacts of reducing setbacks. There has been discussion about building a second deck on the parking lot near the ferry terminal. That has significant environmental, visual, and neighborhood impacts that go well beyond any specific variance for any specific parcel on Peaks Island.

In short, I firmly believe that the proposed zoning change should be summarily rejected as premature, unsupported, and lacking in even the basic level of analysis and assessment that customarily would accompany a proposed municipally-driven change like this. With respect to 2 Island Avenue, much more detail needs to be put forward before any opinions can be formed and thoughtful, educated views of neighbors, the public, and City boards and officials can be genuinely and thoroughly aired.

Unfortunately, I will not be able to attend the public meeting on October 25. I hope to be able to attend as many public meetings as possible on this important matter for Peaks Island, indeed, the City of Portland and the Casco Bay region.

Sincerely yours,

Kathleen McCauley
11 Upper A
Peaks Island ME



Barbara Barhydt <bab@portlandmaine.gov>

Island Business Zone 2 amendment

1 message

K MacIsaac <ramseyroost@maine.rr.com>

Fri, Oct 21, 2016 at 8:25 AM

To: bab@portlandmaine.gov

Dear Barbara,

I am unable to attend the planning board meeting on Monday October 25 as I will be out of town on business, Therefore, I have attached my comments on Mr. Carter's request for an amendment to the Island Business Zone 2. I believe the building he's proposing is simply to large and changing the zoning would open the door to future overscale development of the downfront section of Island Avenue. Should you have any questions about my attached letter, I may be reached at [207-766-5514](tel:207-766-5514).

*Best regards,
Kim MacIsaac*

**Peaks bowling alley proposal.pdf**

81K

Public Comment:

October 4, 2016 – Louise Sterling left a phone message that she is totally opposed to the project.



Barbara Barhydt <bab@portlandmaine.gov>

In reference to 2 Island Avenue, Peaks Island1 message

morme <morme@maine.rr.com>

Fri, Oct 21, 2016 at 8:53 AM

To: Barbara Barhydt <bab@portlandmaine.gov>

To Ms. Barhydt and Planning Board Members,

I have been a resident and business owner on Peaks Island for almost 25 years and am concerned about the proposed development tat 2 Island Avenue.

Too many structures have come and gone on his island and been renovated according to the codes and ordinances that have continually changed. I believe in progress and support updating compromised buildings and infrastructure. This proposal however will dramatically change the tenor of the entire island and what is constructed in the future. Our roads, sewage treatment plant and other infrastructures can barely support what we have now. Please don't add to an already compromised environment.

I echo many of the statements made by others opposed to this project.

Thank you for your attention to this matter.

Sincerely,

Macey Orme

Peaks Island

**Barbara Barhydt** <bab@portlandmaine.gov>

Muti-family units on Peaks Island

1 message

Maggie Carver <maggie.m.carver@gmail.com>

Tue, Oct 4, 2016 at 8:26 AM

To: bab@portlandmaine.gov

To: Barbara Barhydt,

Owner: 44 Welch St.

We are opposed to any changes to the Island Business Zone to allow multi-Family lots.

M. Carver



Barbara Barhydt <bab@portlandmaine.gov>

Re: 2 Island Ave. Peaks Island.

1 message

mawingawn@myfairpoint.net <mawingawn@myfairpoint.net>

Wed, Oct 12, 2016 at 8:49 AM

To: bab@portlandmaine.gov

I'm writing in regards to the 14 unit development they want to put up. I can't imagine it being put there with the island house restaurant, Lions club and the Inn with all it weddings and restaurants.

I drive the Peaks Island Taxi two days a week and in the spring, summer and fall that area is so congested. That property is also right down from where everyone gets off the ferry.

This island is filled with golf cart, bicycles and people walking down the middle of the street as it is. The project will certainly hurt the island not help it. I know all the City of Portland wants is more money but people are being taxed out of the island as it is so it becomes the island of the rich.

The people that make these decisions needs to come out here and see how close everythig is to this proposal.

Thank you, Margo Lodge 36 Pleasant Ave. Peaks Island [2077669797](tel:2077669797)

**Barbara Barhydt** <bab@portlandmaine.gov>

Proposed development at 2 Island Avenue

1 message

Stevenson Monica <monicas@maine.rr.com>

Tue, Oct 11, 2016 at 5:10 PM

To: bab@portlandmaine.gov

Proposed development at 2 Island Avenue

My objections to what I have been told is proposed are as follows:

A 10 foot setback, which, I believe, is the current rule, is not large and should not be further reduced. While the impact on this location may or may not be a problem, it is definitely a problem in some of the other Island business zoned areas, and is a bad precedent.

Any construction which adds units on Peaks needs to supply parking as well, for at least 1 vehicle per unit. Parking in that area is at a premium already with the current unit level.

Thank you for your time.

Monica Stevenson



Barbara Barhydt <bab@portlandmaine.gov>

Peaks Island Proposal

1 message

Avner Eisenberg <avner.eisenberg@gmail.com>

Fri, Oct 21, 2016 at 10:37 AM

To: bab@portlandmaine.gov

October 21, 2016

Ms. Barbara Barhydt
Development Review and Services Manager
Planning and Urban Development Dept.
Portland City Hall RE: Application of Kevin Carter Proposal to Amend Island
389 Congress Street Business Zone 2, Island Avenue, Peaks Island, Portland, ME 04101 ME 04108

Dear Ms. Barhydt,

I am submitting a copy of a letter written by Kimberly Erico MacIsaac in opposition to Kevin Carter's Proposal for Peaks Island. Kim's letter is well written, articulate, and closely reasoned. I couldn't do better, and I want to add my name in support of denying Mr Carter's proposal.

Best wishes,

Avner Eisenberg
29 City Point Road
Peaks Island, ME 04108
[207-807-6100](tel:207-807-6100)
avner.eisenberg@gmail.com

>>October 20, 2016

Ms. Barbara Barhydt
Development Review and Services Manager
Planning and Urban Development Dept.
Portland City Hall RE: Application of Kevin Carter Proposal to Amend Island
389 Congress Street Business Zone 2, Island Avenue, Peaks Island, Portland, ME 04101 ME 04108

Dear Ms. Barhydt:

I write you today to express my concerns about and opposition to Mr. Carter's request to amend the above referenced Island Business Zone 2. As a fourth generation and lifelong year-round Peaks Island resident I have seen many changes during my 66 years here. Yet none of those changes has impacted the island to the extent that Mr. Carter's proposed plans could and would.

As I see it there are a few issues at play here. First, reducing the current required setbacks and increasing the allowable height from 35 feet to 47 feet would result in a very large building that would tower over every building on the island exclusive of the church steeples. Such a large building would simply be out of scale in a community of modest homes and a few small commercial buildings. And how would such a large building impact the abutting neighbors? On one side the Peaks Island Lions Club has worked hard to restore and maintain Greenwood Garden and the Playhouse (an historic property that played a big role when Peaks was one of the most popular summer resorts in the nation). On the other side Skip and Andy Davis have converted the historic shooting gallery building, one of the few amusement buildings remaining from the resort era, into a cozy home.

Details on the proposed building are scarce. It seems that concept plans, architectural drawings etc. have not been made available to the general public. I understand that Mr. Carter's zoning amendment request would eliminate the need for off-street parking for his proposed building's occupants. This makes no sense. Parking, whether on-street or in the parking lot, is limited and becomes even more so during the summer when the island is crowded with vacationers

My second concern is thus: I understand that Mr. Carter's zoning amendment request is limited to the bowling alley property. If this is so and if it is granted, I believe it sets a dangerous precedent for anyone who may want to greatly expand or build a new large building in the Island Business Zone 2. There are 24 single family homes and two former hotels converted to apartments and condominiums in that zone. The remaining 14 are small commercial buildings. A nice mix of residential, commercial and municipal – exactly what one expects to find in a village type community. Why open the door to the possibility of destroying the center of our community by allowing oversized buildings that would detract from the attractiveness of the island?

My experience has been that when a developer proposes a project that will affect the community, he or she makes his or her plans known and solicits input from the public. I know that the city has a process in place for this – a process that island residents should be informed of. When will islanders be informed? Why hasn't Mr. Carter held a public forum and asked for input from the very community that would be impacted the most? Who does he expect to sell or lease his condos to? Families? Empty nesters? Snow birds? Will they be affordable for the types of people who want to live here? At this point there are too many unanswered questions.

Lastly, my overriding concern is with keeping the character of the community intact and preserving our historic properties. Peaks Island is an attractive place to live and visit precisely because of its small town charm, modest well-kept homes and cottages, and friendly residents. Allowing even one large scale building down front will detract from what makes the island so desirable.

I am unable to attend the meeting on October 25 but do want to express my opposition to this building proposal as well as the Business Zone 2 amendment that Mr. Carter has requested.. I believe that the proposal should be rejected at this time. Much more needs to be done in terms of planning, analysis and impact on the community before anyone – residents and city officials alike – can form an educated opinion on the proposal.

Thank you for the opportunity to express my concerns.

Sincerely,
Kimberly Erico MacIsaac<<



Barbara Barhydt <bab@portlandmaine.gov>

Don't allow rezoning on Peaks

1 message

Lynn Heinemann <lheinemann22@gmail.com>

Fri, Oct 21, 2016 at 11:06 AM

To: bab@portlandmaine.gov

Dear Ms. Barhydt,

I am a newer home owner on Peaks Island (only 3 years), and don't have the history and long-term ties of many of the others you'll hear from, but I do care very deeply about the scale and character of the community here on Peaks.

When deciding where to purchase my second home, I opted for Peaks because of the village-like landscape and mind-set of the community.

I am here 6 months of the year, and would hate to see the current proposal for the plans for 2 Island Avenue to be approved. This over-sized building and the prospect of changing the landscape of the island threatens what makes Peaks Island so special. The request for a change, or even a variance from the current zoning requirements opens the door for encroaching commercialism, real estate speculators, and massively untenable development.

You have a letter from Kim MacIsaac, who laid out the arguments against this type of destructive wrong-headed development so very well that I can only add an "amen" and say "me too."

I am not able to attend the meeting on Tuesday, October 25, but wanted to be sure that my voice was added to those opposed to the 2 Island Avenue proposal, as well as to the amendment to the island's zoning requirements that is being considered.

Thank you.

--Lynn Heinemann
417 Island Ave.
Peaks Island, ME 04108
LHeinemann22@gmail.com

Kevin Carter, Peaks, Island Ave "Bowling Alley" Redevelopment Project

1 message

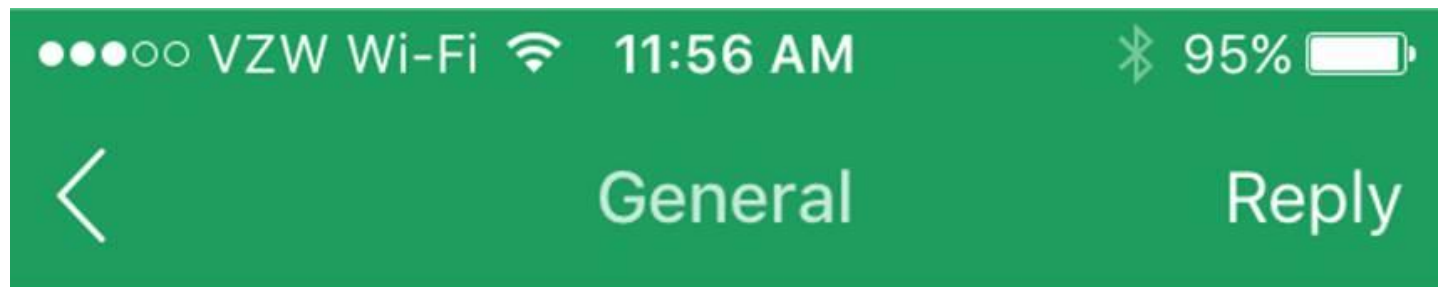
Richard Shaw <richard.shaw@qvmgroup.com>
To: bab@portlandmaine.gov

Fri, Oct 21, 2016 at 12:14 PM

Barbara Barhydt

Development Review Services Manager

Portland Planning Board



mr carter - bowling alley project

**Richard Shaw** 4

Peaks Island

Improving the property within the context of what it is would probably be warmly received, but what you propose changes the character of the island adversely, and would require a rezoning that would permit multiple other similar developments over a long stretch of the island which would fully destroy the

island, which would fully destroy the character of the island.

People chose to live on the island, or to have second homes on the island, because it is not like the mainland.

What you propose moves the island toward the mainland, reducing the distinct character of the island that attracts its inhabitants.

From my perspective and that of many others your project is not welcome.

Posted 3h ago to Peaks Island



 **REPLY**

12 THANKS 2 REPLIES

Richard



Richard Shaw, President
QVM Group LLC

10/21/2016

City of Portland Mail - Kevin Carter, Peaks, Island Ave "Bowling Alley" Redevelopment Project

2389 Main Street
Glastonbury, CT 06033

[\(860\)-633-1760](tel:(860)633-1760)

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Barbara Barhydt <bab@portlandmaine.gov>

2 island ave, Peaks island

1 message

ljklynch@aol.com <ljklynch@aol.com>

Fri, Oct 21, 2016 at 1:22 PM

To: bab@portlandmaine.gov

Ma'am

I sincerely request strong attention be paid to Mr. Carter's proposal, I would venture to guess that most islanders concerns are not self serving, but in the best interest of our tiny way of life.

I am a business owner on peaks, I own the peaks café.

That being said i am all for progress, that [will](#).create a stronger community,

However Mr. Carter's proposal is on a scale too far reaching,

We have an aging water treatment facility, already exceeding capacity, and emitting foul orders into the public beach, Restaurants, wedding venues and residences down front.

Purhaps before approving Any expansion of our commercial district the facility should be addressed by the city officials with expertise in water treAtment ,

Additionally parking is at a premium down front, the island has addressed some of this by creating an island taxi service. Our real estate in the business district is so limited that parking alternatives are nearly impossible.

Sent from my LG G Pad 7.0 LTE, an AT&T 4G LTE tablet

----- Forwarded message -----

From: **Andy Jackson** <aj04005@gmail.com>

Date: Mon, Oct 24, 2016 at 11:36 AM

Subject: 2 Island Avenue

To: bab@portlandmaine.gov

Hi, this comment is for agenda item #3 for the planning board workshop on October 25, 2016 pertaining to the petition to change the zoning for district IB to allow a 12-14 unit development at 2 Island Avenue.

I am a year-round resident of Peaks Island and I also work for a developer of affordable housing. In general, I support the construction of new affordable housing that will help families and working folks stay on the island. Nobody wants the island to become more dominated by summer residents and visitors and less affordable for the working folks that keep the island, its school, its daycare, its restaurants, its grocery store, and its municipal services sustainable for the long term. The application is pitched as an affordable housing development but I don't see any mechanism to ensure that the income restrictions are observed, so it seems like a hollow gesture towards affordable housing.

However I oppose the applicant's request to rezone the IB district based on the following points:

1. I believe that a blanket rezoning of the IB district is the wrong tool to get this done. The existing IB district stretches about 0.4 mile along the most prominent section of the Island, facing Portland, near the ferry terminal. Although this is called the 'Island Business' district, you could probably count the non-residential places on both hands. Most of the structures in this district are single-family residential and therefore this amendment would allow significant new construction along most of the waterfront facing Portland. This would drastically change the look and feel of most of Island Avenue closest to the ferry and destroy the charm and village scale of this part of the Island. This is not consistent with the City's Comprehensive Plan goals to maintain the character of the Islands.
2. Would this affect all IB districts on all islands? If yes, were all the abutters within 500 feet of all IB districts on all Islands notified? If not, I wonder if this action would be consistent with the ordinance governing notifications for all abutters.
3. The ferry and parking infrastructure serving the island is already overloaded and adding more density throughout this district would make the problem worse. In the applicant's materials and staff memo I have not seen any plan to mitigate

all the effects of this change. What are the City's requirements to study the impacts of a zoning change? I would expect an impact statement (prepared by an engineer) that analyzes the proposal's effects on, e.g., storm and sanitary sewers, parking on the island and in Portland, transit / ferries, refuse collection, etc. Decades ago when the Island had denser hotel and apartment buildings (that have mostly since burned), there were multiple ferry companies serving the island at different ferry landings around the island, and most people didn't have a car. Now we have the opposite situation—only one ferry, which struggles to meet demand, especially in the summer, and existing parking and traffic congestion exactly where this rezoning would amplify the problems.

4. I don't see anything in the application materials about how the proposed affordability requirements would be enforced. Rezoning the entire IB district is an extremely ham-fisted way to get at the goal of supporting affordable housing. Instead, the City should take a comprehensive look at all the tools and resources it has to support affordable housing, and identify the constraints to developing them. A big-picture analysis like this, perhaps as part of the current process to update the Comprehensive Plan to be consistent with the State's Growth Management Law, would be much more helpful than ad-hoc spot-rezoning without any consideration of the consequences. Planning is important and lack of planning is reckless.

Thanks

Andy Jackson

11 Luther Street, Peaks Island

----- Forwarded message -----

From: **Gary stetson** <garystetson@att.net>

Date: Mon, Oct 24, 2016 at 11:58 AM

Subject: Comments: Planning 2 Island Avenue Peaks Island

To: "bab@portlandmaine.gov" <bab@portlandmaine.gov>

Good Morning,

We live at 4 Greenwood Ave. Peaks Island and would like to comment on the proposed change over from a 3 unit to a 12-14 unit building on 2 Island Ave.

I would like to break my comments into 3 categories,

- 1) Zoning
- 2) Aesthetics
- 3) Logistics.

1) Zoning

We are not experts on Portland zoning requirements, however if this building effort is requiring a change in the zoning and residents comments matter then Donna and I oppose the change. This opposition is based on many past experiences in other regions.

2) Aesthetics.

35 to 47 feet in the air for this quant little town will be an eye sore irrespective of the design. To throw gasoline onto the aesthetic fiber of the island and to make it a financially viable business investment it would will need to be a minimized cost modern construction technique (basically okay for a modern city but not for peaks Island).

3) Logistics

As a general comment, our experience has been that the higher the population density the higher the operating cost for the town and this gets past down to the single family dwellings in higher taxes - not passed into the operating cost of the new structure.

While the last comment seems to be counter intuitive, as one would think it would be more cost effective to have higher density but the reality never seems to work out that way. All town/city officials will deny it, but nobody will ever put it writing as a contract to the residents -- why is that - - hmmm.

Comments below -- who will pay for increase in activity or upgrades -- The owner of the new building correct?

- 1) foot traffic increase (currently ferry over load in peak season)
- 2) Increase in automobile traffic and management (currently overload in peak season, not enough parking on or off the island)

- 3) Safety (fire trucks, equipment, storage, police presence -- equipment and storage of fire fighting equipment for multi-family 35-47 foot structure, ambulance (auto and boat transfer))
- 4) Trash management (pick-up and disposal cost increase in labor, equipment, and off-island disposal)
- 5) Utilities (water, septic, electricity capability and upgrades)
- 6) If these units are for families then what about the school system occupancy level limits, upgrades, increase to Portland school system students etc...

Foot traffic flow:

To properly plan one must assume full occupancy capability - say at minimum 2 people per unit at 12 to 14 units - that's 24 to 28 people a day.

Since newspaper comments have indicated working people will occupy the units, then they will commute via ferry.

As we all know that at high volume season these commuters could be waiting for ferries at the end of a long work day back home. As we know the summer ferries are often full and will not allow more people or vehicles.

So, does that mean a new ferry or more ferry runs to and from the island -- who pays for that (federal, state, city taxes, or just raise the price of the ferry transport?) bottom line taxes go up or people wait a few hours to get home. If they wait and get irritated then there will be other issues associated with stress --- if they move off island -- will they be able to keep the units full.

Will police need to be stationed at the ferry as a result of agitated islanders versus visitors. -- more cost.

Car Traffic:

Peaks island parking is an issue today adding 2 cars per unit and not having enough parking space will create an issue. How and when do they get on the ferry as we have personally waited for

3 ferries to finally have enough room to allow our vehicle on the ferry (get a new larger ferry - who pays for it). Where do they park on Peaks -- push long time residents out or add more parking somewhere else.

If add more parking somewhere who pays for this (let me guess someone believes there is no increase to tax payers). What about the logistics in the winter which is already a tough situation - cars have no where to go to get off the street. If it assumed that the new residents will not have a car here it is either wishful thinking or assuming they leave their automobile in Portland where there is not enough spots today (we had to wait 4 years to receive a monthly spot) or is another garage going to be built again at tax payer expense.

Trash:

As you already know, the trash vehicles used on peaks for trash pick-up are well past their prime. On some weeks a small truck is used and not a compactor truck - where it is hand managed peace meal

The folks here do a great job but under challenging circumstances. Most multi-dwelling units I have been involved with use dumpsters for structures of this size.

If a dumpster system is used then a new truck is required - who funds that.

If it is hand pick-up then it over burdens the already stressed work load of the existing hard working team. Who pays for the additional bargeing of the trash off island (estimated 3% increase in off-season load).

Fire Equipment:

The fire equipment does not appear adequate to handle a 3-5 story multi-family building, so that means a new ladder truck and a new building - who funds that (the city with new taxes from single family residents).

Police:

Are we going to need a larger Island presence for the police and associated activity - who pays for it.

Utilities:

Can the existing proposed structure with the increased steady and dynamic load adequately handle the situation or are there required upgrades to Water lines or supply, septic treatment- transfer-disposal, electrical lines etc.. -- who pays for any modifications.

School:

If there are children - say 1 per unit can the school system handle the increase in load with no upgrades or costs. If not who pays for it.

Thank you -- all these things and more need to be addressed before you even get started -- our taxes are currently higher than what we paid in very expensive Connecticut.

Donna Newman / Gary Stetson

----- Forwarded message -----

From: **douglas smith** <smithart124@yahoo.com>
Date: Mon, Oct 24, 2016 at 12:12 PM
Subject: Development application for 2 Island Ave., Peaks Island
To: "bab@portlandmaine.gov" <bab@portlandmaine.gov>

Dear Ms. Barhydt,

I'm writing you a short letter adding my voice to those of my neighbors who are very alarmed by the proposal to not only tear down a building of clear historical importance to the island, but to build something so out-of-place here. I think of the starkly ugly new condo buildings now marring the character of Munjoy Hill, and realize that this could happen to our community, if developers are allowed to overrule the clear will of most islanders to keep control of our growth, and to do it only with caution and thoughtfulness.

I want us to hear Mr. Carter out at the meeting, and be very civil to him. Just please be aware that this summer islanders have experienced exasperating crowding on the ferry, on our streets from vehicles and golf carts, increasing noise from constant loud wedding parties, foul odors from our over-taxed Waste Treatment Plant. They are looking at anything that will further strain our fragile infrastructure with a justifiably skeptical eye.

Thank You for your attention to this important matter,

Douglas Smith,
4 Oakland Ave.,
Peaks Island

----- Forwarded message -----

From: <michelelandry@maine.rr.com>
Date: Mon, Oct 24, 2016 at 9:07 AM
Subject: 2 Island Ave
To: bab@portlandmaine.gov

Hello Barbara,

I'm writing to voice my position on the proposed development of 2 Island Avenue.

I am NOT opposed to the development. I am open minded about the potential of the building, and the goal to bring affordable housing to Peaks Island.

I'm not a property owner, so not sure if my voice "counts". I am currently a seasonal renter, and am spending the winter doing "research" to determine if Peaks Island is a place that I might want to make a permanent home. A lifelong Mainer, I've been visiting Peaks for over 25 years for family vacations and day trips and living on Peaks has always been a bucket list adventure.

I am a 50 year old professional, and recent empty nester with my children now off to college. The research will determine affordability, personal hardiness, and community fit. So far, the first two are proving out to be favorable, however the research is in it's early stages. The latter is on a fast track, mainly due to the very active public debate that has taken place over the NextDoor app regarding 2 Island Ave.

I will attend the Planning Board Workshop tomorrow night, again in research mode, listening, taking it all in. My only hope is that attendees listen to each other without prejudice and consider the potential positive impact that project could have for the island.

Development and change surrounds us. I believe that the island could benefit from the proposed multi unit, affordable housing. I also believe that that project could be achieved in a way that is in keeping with and respectful to the island community and feel. I've heard that there is great concern that the average age on Peaks is increasing and with less children, there is concern over being able to maintain the elementary school and that Peaks needs to attract more young families to Peaks. I believe an affordable multi unit could be a great way to attract young families who would then contribute back to the island and community.

Thank you for providing a way for people to express their points of view in productive manner. I look forward to a productive discussion tomorrow evening.

Best regards,
Michele Landry
39 Oakland Ave
Peaks Island, ME 04108

----- Forwarded message -----

From: **Nelson Hill** <nelson.hill4@gmail.com>

Date: Mon, Oct 24, 2016 at 6:18 AM

Subject: Zoning on Peaks Island

To: bab@portlandmaine.gov

Good Morning Barbara,

I am writing to inform you that I oppose the proposed zoning change for the development on 2 Island Ave on Peaks Island. My position is that it will be detrimental to the Island for many reasons but especially because it will change the landscape.

Thank you,

Nelson Hill Garman
33 Maple St.
Peaks Island

----- Forwarded message -----

From: **Ellin Gallant** <peaksrocks@icloud.com>
Date: Sun, Oct 23, 2016 at 10:22 PM
Subject: Kevin Carter/Applications
To: bab@portlandmaine.gov

Dear Barbara Barhydt
Development Review

We will be unable to attend the meeting on October 25 pertaining to Mr. Carter's applications for zoning changes on Peaks Island but want to join many of our fellow islanders in expressing our strong oppositions to his plans. We agree with the numerous objections outlined so eloquently to you previously by Jean and John Gulliver, Arthur Fink, Ralph Ashmore and Kim MacIssac and others.

Both of us are long- time islanders and co-authored a history of Peaks Island.

We understand and accept that changes will occur but hope they will be managed gently. Islands and island communities are different from the mainland.

Sincerely

Joyce O'Brien and Ellin Gallant

Sent from my iPhone

----- Forwarded message -----

From: <jakdigi@gmail.com>
Date: Sun, Oct 23, 2016 at 2:34 PM
Subject: Peaks Island
To: bab@portlandmaine.gov

Barbara,

Please do not allow the proposed development at 2 Island Ave. We are Summer Residents and do not want to change the island's character. This is the reason we purchased a house here and why most residents live on Peaks. There is a reason why the current code is in place. It should not be changed.
Please do not allow the change in zoning that is being requested.

Jack and Colleen
Winter-DiGirolamo
26 Maple Street
914-760-5933

Sent from my iPhone

----- Forwarded message -----

From: **Patricia Erikson** <whitecapconsulting@gmail.com>
Date: Sun, Oct 23, 2016 at 2:59 PM
Subject: 2 Island Ave
To: "bab@portlandmaine.gov" <bab@portlandmaine.gov>
Cc: Johan Erikson <jerikson@sjcme.edu>

As a year round island resident who lives close by at 29 Greenwood Street, I would like to go on record as opposing the development of 2 Island Avenue on Peaks Island. Islanders have long lived under strict application of zoning and height restrictions and it is appalling that these should be lifted for a developer of a multi unit on the waterfront that would be far out of character for the island, particularly next to the historic Lions Club property. Renovating that historic building for multiple apartments is one thing; increasing its height is something else altogether. I plan to attend the workshop this week.

Patricia Erikson

Patricia Pierce Erikson, Ph.D.
Whitecap Consulting Maine
Consulting in Institutional Development, Communications, and Education
207-409-7960 (cell)
Peaks Island Press: News of Peaks Island Authors

----- Forwarded message -----

From: **Cynde Putney** <cyndep@maine.rr.com>
Date: Sun, Oct 23, 2016 at 5:06 PM
Subject: Proposed zoning change to Island Business Zone
To: bab@portlandmaine.gov

As a 37 year around homeowner and resident of Peaks Island I am writing in opposition to the proposed zoning changes to the Island Business Zone. The traffic and congestion on Peaks is already becoming not only a nuisance, but in my opinion dangerous, particularly in the heart of the Island Business Zone near the ferry landing. To change the zoning to allow the development of a potentially 47 foot tall 14 unit building, as well as the potential for all property in the Island Business district to do the same including substantial reduction in required set backs and reduced need to provide parking will put even more undue stress on our already congested island. To allow such a tall building to be built at 2 Island Ave, and then opening the possibility for any other property in the Island Business Zone to be similarly developed will drastically change the appearance, ambience and very character of the island. To do this without study of the impact of such a decision, as I understand Portland has done with other waterfront development, is in my opinion both irresponsible and disrespectful to the residents of Peaks. We pay dearly in taxes to the City of Portland and I would request at the very least similar treatment to other areas of the city. It is my firm belief that this proposed zoning change requested for a development at 2 Island Avenue is in direct conflict with the environment, culture and needs of the residents of Peaks Island.

Sincerely,
Cynde Putney
325 Island Ave,
Peaks Island, ME 04108

----- Forwarded message -----

From: **Sheila Dunbar** <adelaide72@live.com>
Date: Sun, Oct 23, 2016 at 9:32 PM
Subject: Rezoning on Peaks Island
To: "bab@PortlandMaine.gov" <bab@portlandmaine.gov>

I have been a seasonal resident of Peaks Island for 62 years. In just the last two years the congestion on the island has greatly increased and had a negative impact on street safety. The lack of adequate restrooms has adversely affected island life and contributed to public urination. The proposed zoning changes will only add to the overcrowding and quality of island life. What seems to have been ignored is the delicate ecosystem. Come on Portland and do the right thing in preserving our island for future generations. Sheila Lowry Dunbar 541 Island Ave
Sent from my iPhone

----- Forwarded message -----

From: **Kim Norton** <knorton@navigatorpublishing.com>
Date: Sun, Oct 23, 2016 at 10:25 AM
Subject: 2 Island Avenue Development Plan
To: bab@portlandmaine.gov
Cc: msm@portlandmaine.gov

Barbara Barhydt
Development Review Services Manager,
Planning Division, City Hall, 4th Floor
389 Congress Street
Portland, Maine 04101

RE: 2 Island Ave

We have owned and lived in our house at 21 Island Avenue on Peaks Island for 37 years. While we are not direct abutters, we live in the neighborhood, and believe the proposed 2 Island Avenue development, and changes to the I-B Zone will have a significant negative impact for the surrounding properties as well as the future for our cherished, small, island community.

Kevin Carter, the buyer/developer is asking for major and numerous changes to the I-B zone to accommodate this development.

1. An increase of the multi-family limit from 4 to 12-14
2. A reduction in the minimum yard dimensions and setbacks
3. An increase in the maximum height dimensions by 17 feet
4. An elimination of requirement for parking spaces
5. Changes regarding residential density and lot size are also in question.

The 2 Island Ave. property is currently a 3 dwelling unit. Increasing the number of dwelling units fourfold, to build a 12-14 unit apartment/condo/townhouse building, has the potential to add 50+ people to an already, busy, compact area. The request for an increase in the multi-family limit from 4 to 14 dwellings is excessive given the buildings current occupancy and use.

The wastewater treatment facility on Peaks Island was built and is permitted to treat a certain capacity of wastewater. My understanding is that it may be near capacity. What impact will this development have?

The size of the proposed structure will be 17 feet taller than anything that exists on the island. Reduced setbacks, and the building's physical size would dramatically change the landscape and views in the neighborhood. This is a large development for a small island.

The number of people and cars coming to Peaks Island during the summer months has increased significantly in the last several years. Casco Bay Lines General Manager Hank Berg is quoted saying in each of the last two years more than one million people used the ferry. In addition to all the cars, two "hourly" golf cart rental businesses have popped up adding more congestion and traffic. The City of Portland has provided few alternatives or incentives for people to leave their cars parked in Portland. The result is too many vehicles, and convoys of rental golf carts on the streets of our small island. By estimation this development could add another 20+ car/golf carts to the neighborhood. The 2 Island Ave. development plan must include parking. Eliminating a parking requirement will add more vehicles to already crowded streets in this neighborhood. This is not acceptable.

We are aware of Kevin Carter's generous \$200,000 gift to the City of Portland for the renovation of the Peaks Island Community Center and Branch Library, and that his father, Raymond Carter, worked in the Portland Recreation Division for more than 30 years. One hopes this does not ensure any favorable treatment in his request for I-B Zone changes to develop the 2 Island Ave. property.

Obviously, these changes if approved, would set a precedent for future development on Peaks Island. Without a comprehensive plan for development of this size on our small island, or collaboration with the Peaks Island community who live here, it would be unfair to approve these zoning changes for the development of the 2 Island Ave. property. We are not in favor.

Kim and David Norton
21 Island Avenue
Peaks Island, Maine

-----Original Message-----

From: Miranda Vinograd [mailto:miranda.vinograd@gmail.com]

Sent: Saturday, October 22, 2016 6:19 PM

To: David Vinograd

Subject:

Dear Ms. Barhydt,

I am writing in regard to the planning application for a zoning change for 2 Island Avenue, Peaks Island. I entirely agree with the objections to this application both in terms of its zoning implications and its proposal to subvert the setback, parking and other building requirements. I also strongly concur with objections to the visual impact of such an overbearing structure on a historical area.

As a long term resident (45 years) I have watched with alarm the rapidity with which the island is changing in ways that diminish its charm and attractiveness. We, residents and Portland council alike, are in danger of killing the goose that lays the golden eggs. The attractiveness of the island is diminished by over scaled construction, suburban density and style and general blandness that come with excessive property values and taxes. The island used to be the home of many creative, young, and skilled people who provided entertainment and useful skills - many of these people still live on the island but their numbers are dwindling as the cost of housing drives them off the island. Just last year, islanders dug deep into their pockets to help out a valued family of landscapers whose affordable rental house had to be purchased before it was put on the open market.

Mr Carter says that he is going to provide 'affordable housing' - the island needs low income and subsidised housing and workshop space for creative and repair work. How is he going to guarantee that his rents will be truly 'affordable' and continue to be so for many years to come? Or will he quickly sell the units for a profit and then they enter the market of high summer rentals and vacant winter spaces that further deplete the viability of the island co community?

I submit that this planning application should be refused on much wider grounds than zoning, setbacks or appearance but in the context of facilitating the economics of a unique community, valuable for that reason, to the city of Portland.

Very truly yours, Miranda Vinograd

----- Forwarded message -----

From: **Paul Nelson** <olbsb422@gmail.com>

Date: Fri, Oct 21, 2016 at 4:27 PM

Subject: Proposal to Amend Island Business Zone for 2 Island Avenue Project by Kevin Carter

To: bab@portlandmaine.gov

Hi Barbara,

I am emailing you as a concerned property owner and year-round resident of Peaks Island, as well as a practicing architect in the Portland community, who is opposed to the proposed zoning amendment that would allow the development of the current bowling alley building site on Peaks Island into a significantly larger than allowed housing project. As a design professional familiar with conflicts between developers and communities, I have seen few proposals that would be as detrimental to the community for which it is intended as this one. This incompatible project and others that would likely follow, is the perfect example of why zoning ordinances are important. I know you are familiar with the arguments on both sides so I won't go on, but I wanted to add my voice to those opposed to the proposed zoning changes that would strip Peaks Island of the architectural character that makes it so quintessentially Maine.

Thank you for your time,

Paul Nelson

Maine Licensed Architect

----- Forwarded message -----

From: **Kerry Flynn** <kjflynn555@hotmail.com>

Date: Fri, Oct 21, 2016 at 4:39 PM

Subject: RE: Proposed Bowling Alley project and zoning change for Peaks Island

To: "bab@portlandmaine.gov" <bab@portlandmaine.gov>

Dear Mrs. Barhydt:

I want to add my name to the list of people who have registered concern for the large scale plan of The Bowling Alley building on Peaks, as well as strong opposition for whole-sale change of zoning for the entire business zone along the front of the Island.

I agree with the content of the letter submitted by Jean and John Gulliver as well as the letter submitted by Kimberly McIssac.

Kerry Flynn

October 24, 2016

Dear Planning Board Members,

My name is Wendy Harmon and I am writing you today in support of the proposal for 2 Island Ave., Peaks Island. My family has owned property on the island since the late 1050's and my husband's family has been island residents dating back to 1918. I tell you this, so that you understand, I have long island ties. I currently own three homes on the island, and I am also the broker representing the buyer of 2 Island Ave.

Over the last several months, I have discussed with Kevin the plan that he brings before you and know that he is sincere in his desire to provide housing that is currently lacking on the island. His proposal can be somewhat flexible and he hoped to start a positive conversation for Islanders and the city as a whole.

I have heard negative feedback from island residents and believe that is in part because they have been misinformed about this proposal. The City of Portland needs housing, housing of all types and that includes Peaks Island.

I want to share some changes that I have seen throughout my years on the island, and as scary as they were at the time, they have proven to have positive outcomes. Let me start with our beloved Whitten's gas station, or now known as the Inn at Peaks, people feared that only one gas station would cause gas prices to rise, now we have a wonderful restaurant that has been the host to many wedding memories. Then we have the post office which was located on the corner of Island Ave and Welch St, where the shops of "Downfront " are now located. The move of the post office was met with much opposition because no one was willing to imagine that the post office could be a few doors down. The ice cream store, now located where the post office was, has become a gathering spot for warm summer nights. These are just a few, but my point is simple, change will happen and the outcomes are driven by the input and support of the needs of the community.

My request with this application from Kevin Carter, is that I ask the committee to please give this proposal consideration, as I truly believe Islanders, the city and the developer can all work together and accomplish a product that we all can be proud of.

Thank you,

Wendy Harmon, Realtor

Keller Williams Realty

----- Forwarded message -----

From: **Peggy Fallon-St.Thomas** <peggyfallonstthomas@yahoo.com>

PC64

Date: Mon, Oct 24, 2016 at 3:26 PM

Subject: 2 Island Ave proposal

To: bab@portlandmaine.gov

2 Island Avenue Public Comment Received 10-25-16

Ms. Barbara Barhydt

Development Review and Services Manager

Planning and Urban Development Dept.

Portland City Hall

389 Congress Street ME 04108

RE: Application of Kevin Carter Proposal to Amend Island Business Zone 2, Island Avenue, Peaks Island

Dear Ms. Barhydt,

We are writing this letter as year round island residents who strongly oppose the application of Kevin Carter to amend the zoning in the business zone of Peaks Island. We have lived on the island off and on for over 20 years and have owned three homes in the "village". My husband and I love all that the island stands for.....we love the natural beauty, the quaintness of the village, the wonderful people and especially the amazing history. Even though the island has changed and we've had to endure huge crowds in the summer, it is still a very special place. Our biggest concern is how Mr. Carter insists he is not interested in changing the zoning for the entire island. He writes over and over on our island list that he was told by the "City" that he had to apply for a zoning change even though he is only interested in his parcel of land having the amendment. This is very concerning to us. Is the City making decisions ahead of any public input? The zoning changes that he proposes would be DEVASTATING to our "downfront". His condo complex, as proposed, would consume that end of the island and be a HUGE blight on the landscape and will change the character of Peaks especially as you approach Peaks. There are so many concerns that all of us islanders have: the parking, the issue regarding the sewer that is already overloaded, and mostly, the precedent that this amendment would create. Why should Mr. Carter be given a waiver and not other developers??? We realize he gave \$200,000 to our library project but this very generous donation shouldn't influence this proposal. If he truly wanted to "help" the island like he states over and over again, he would have had public meetings and wouldn't have been meeting with City Hall behind closed doors.....

In my discussions with others, all agree that the building at 2 Island Avenue is in need of rehab. This is an opportunity for someone to add to our community, not destroy the character. Mr. Carter states that he needs to build 12-14 units in order to make it financially feasible. Really? He states he wants to have ONE unit considered "affordable". Everyone knows a condo on the waterfront is NOT going to have affordable taxes, nor will it attract families with children. The fact is that the people attracted to a condo on the water (with very high taxes) are most likely financially comfortable..... I am sure he could sell 4 units at market price with no problem.

We thank you for seriously considering this proposal and hope that it will be denied, not only as it stands but also, please do not consider allowing Mr. Carter to have the zoning waived for him, this will start a very dangerous precedent.

Thank you very much,

Peggy Fallon-St.Thomas and Bruce St.Thomas

165 Island Avenue

Peaks Island, Maine 04108

Henry L. Barbaro
23 Woodman Street
Boston, MA 02130

October 24, 2016

Ms. Barbara Barhydt
Planning Department
City of Portland
389 Congress Street
Portland, ME 04101

Re: Proposed zoning change at Peaks Island

Dear Ms. Barhydt,

I am writing in opposition to the proposed changes to the Island Business Zone on Peaks Island. The suggested changes, as proposed by Kevin Carter of North Carolina, are not consistent with the community character anywhere on Peaks Island. Although the zoning code for Peaks Island's must be able to accommodate change so as to respond to community needs, it also must protect the quality of life for Island residents and preclude land uses that would pose a nuisance for the immediate neighborhood.

Although I live most of the year in Boston, my family and I own a cottage up the street from 2 Island Ave at 114 New Island Ave. For ten weeks throughout the summer we live there and enjoy the semi-rural character of Peaks. My wife and I have an 8-year old son, and we all very much enjoy biking around and taking in the island's tranquility and beauty.

To have an enormous multi-family building, especially at this highly visible location would be inconsistent with the surrounding land uses and would stand as an eye-sore at the shoreline of the Island. This proposal contradicts the principles of sound land use planning and is much more of a knee-jerk response to a single property owner.

The article in the Portland Press Herald (9/28/16), "Plan for construction of up to 14 condos makes waves on Peaks Island," described various elements of this development proposal, one of which is to provide more affordable housing. But will this project provide affordable housing for those in need, with a formal process that requires deed restrictions along with proof of income and assets? Or is the idea to simply build a bunch of smaller units with lower purchase prices? Let's face it -- "affordable housing" can be cited to justify any monolithic multi-unit residential building. This affordable housing rationale has been pushed by developers for decades, and should not be used as a blank check for inappropriate land use. Furthermore, Peaks Island should not be treated as an autonomous municipality that needs to meet separate affordable housing quotas. Peaks Island is a unique neighborhood of Portland that warrants protection and preservation of its unique semi-rural character.

Before these proposed zoning changes can be taken seriously, the City planners should investigate all the factors affecting this decision, such as:

1) Just last year, the City changed the zoning requirements on Peaks Island so as to promote accessory dwelling units and affordable housing. Certainly these changes should be given ample time for implementation, rather than make a change to the Island's Business zoning that would essentially compete with last year's changes.

2) For such a unilateral zoning change, there should be a complete analysis of the Island's infrastructure, such as municipal water, police, fire protection, sewage treatment capacity, and off-street parking.

But most importantly, the residents and visitors of Peaks Island should not be subjected to haphazard development according to the whims of individual property owners, but rather the City of Portland should seek to enhance Island life by providing for development that fits well into fabric of the community.

Thank you for the opportunity to comment on this critical issue. Please let me know if you have any questions.

Sincerely,

Henry L. Barbaro
(617) 838-2888

cc: Belinda Ray, District 1 City Councilor

----- Forwarded message -----

From: **Christos Tsoukas** <christos.tsoukas@gmail.com>
Date: Mon, Oct 24, 2016 at 3:09 PM
Subject: Opposition to Mr. Carter's proposal on Peaks Island
To: bab@portlandmaine.gov

Dear Ms. Barbydt,

I am a long-time summer resident and property owner on Peaks Island. Four generations of my family have lived there every summer for more than 100 years. I am writing to you to strongly express my opposition, and that of my whole family, to the project Mr. Carter is proposing. Peaks Island is a small island and the proposed large building does not fit into the character of the island. The waterfront of Peaks Island should remain distinctly different from the waterfront of Portland, which has become a densely populated urban area. The reason many of us keep coming to the island is because of its charm and unique semi-rural character, which are being threatened by a development like this. There is no logical reason to make any zoning change to accommodate this project, given the negative it will have on the waterfront as a whole.

Sincerely,

Nadine Tsoukas

10 Crescent Ave.

Peaks Island, Maine

----- Forwarded message -----
From: **Sheila Dunbar** <adelaide72@live.com>
Date: Mon, Oct 24, 2016 at 3:04 PM
Subject: Re: Rezoning on Peaks Island
To: Barbara Barhydt <bab@portlandmaine.gov>

PC67

I would also like to add that Island Ave poses safety concerns with the amount of traffic from pedestrians, golf carts, bicycles and motor vehicles. A meeting was held this summer in the community room with the Chief of police. Crosswalks were discussed with an emphasis on crossing safety as an issue concerning our elders especially. Increased traffic made crossing dangerous for our elders (some of whom are in their nineties and one elder is 100 and uses the crosswalks). Changing the zoning will increase congestion on an island with an infrastructure that cannot support urbanization. It is important to remember that we don't have sidewalks on most of the island. I would suggest that a walk around the island should be undertaken by the agency responsible for zoning. Thank you for your consideration.

Sheila Lowry Dunbar 541 Island Ave
Sent from my iPhone

On Oct 24, 2016, at 9:00 AM, "Barbara Barhydt" <bab@portlandmaine.gov> wrote:

Good morning:

Thank you for your public comment. I will provide the e-mail to the Planning Board at their workshop on October 25th.

Thank you.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

On Sun, Oct 23, 2016 at 9:32 PM, Sheila Dunbar <adelaide72@live.com> wrote:

I have been a seasonal resident of Peaks Island for 62 years. In just the last two years the congestion on the island has greatly increased and had a negative impact on street safety. The lack of adequate restrooms has adversely affected island life and contributed to public urination. The proposed zoning changes will only add to the overcrowding and quality of island life. What seems to have been ignored is the delicate ecosystem. Come on Portland and do the right thing in preserving our island for future generations. Sheila Lowry Dunbar 541 Island Ave
Sent from my iPhone

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

----- Forwarded message -----

From: **Rob Meharg** <rob.meharg@gmail.com>

Date: Mon, Oct 24, 2016 at 10:30 PM

Subject: Planning Board Workshop RE: 2 Island Avenue

To: bab@portlandmaine.gov

Cc: kristin richard <skikristin@gmail.com>, bsr@portlandmaine.gov

Barbara,

We can't make it to the 10/25 planning board workshop but we wanted to weigh in on the proposed zoning changes for 2 Island Avenue and the Island Business zone in general per Kevin Carter's map amendment application.

We oppose changing the entire Island Business zone to accommodate this one project. This proposed amendment is a developer's end-run around the zoning rules that we all have to live by. Even if there are some merits to the project in question, changing the zoning even for this one parcel we believe will lead to more development pressure in the neighborhood. If the precedent is set, other developers will ask for the same changes. If the community really desires a more urbanized business zone, there is a more inclusive and less divisive process to go about these changes than conditionally rezoning each lot when a developer comes forward with a new idea. We urge the planning board to reject the proposed amendment.

Rob and Kristin Meharg

31 Elizabeth Street

Peaks Island

Forwarded Message
From: **Jean Hoffman** <jean.hoffman@jeanhoffman.com>
Date: Mon, Oct 24, 2016 at 9:40 PM
Subject: Peaks Island business doing application for 2 Island Avenue
To: "bab@portlandmaine.gov" <bab@portlandmaine.gov>

PC69

Dear Ms Barhydt,

Thank you for the opportunity to submit my comments in support of the development proposed for 2 Island Avenue, in principal. While I am opposed and surprised by the proposed zoning change for the entire Island Business zone, which would be radical and procedurally odd as that zone varies considerably along its length, I strongly support the concept of a dense, taller development containing smaller and more affordable housing at the proposed site. The location at 2 Island Avenue is perfect for a denser development offering flower cost island living for people who will not need cars given the proximity to both ferry and stores down front. Therefore the reduced parking zoning change is great and supports the island community.

2 Island Avenue is located in the densest commercial cluster on Peaks, between the Inn, restaurant, Lions Club, and declared house of worship. With the exception of the Norton's lovely house, which sits higher up and has a large surrounding lot and hedges to protect it somewhat from the hubbub, other neighboring properties are all commercial or in the case of The Fink-Foster house with its reputed tax exemption as a house of worship and the Lions Club, public spaces even if on private properties. The subject property has not been particularly nicely renovated and has no redeeming historical character, nor have the above mentioned neighboring public/commercial homes and properties been restored or renovated in a historically correct or sensitive way, other than the Norton home.

I cannot say that the height proposed is the right height nor that the number of units is the right number but I strongly support a taller, denser apparent development on Peaks to provide more affordable housing to people who cannot afford to buy and/or renovate a house. Denser development also helps to preserve open spaces. I would hate to see Peaks become like Falmouth, which is what happens with set backs and larger lot size requirements -- wealthy suburb is not what most on Peaks want our island to become. Therefore a denser development offering more affordable, smaller homes to people who won't need cars is perfect for Peaks Island and in keeping with a denser, public building cluster surrounding 2 Island Avenue.

Many people have worked for many years to provide a tiny number of affordable homes on Peaks. Here we have the good fortune of a private, market driven approach that would fit the neighborhood and enhance the island.

I am in favor of allowing changes to the zoning for this site and this development.

Respectfully submitted,

Jean Hoffman
120 Island Avenue
Peaks Island

Jean Hoffman
Jean.Hoffman@jeanhoffman.com
Sent from my iPhone

Jean Hoffman

New info: jean.hoffman@jeanhoffman.com
PO Box 17888
Portland, ME 04112-7888 USA

Sent from my iPhone

----- Forwarded message -----
From: **William Hall** <bh6671@icloud.com>
Date: Mon, Oct 24, 2016 at 8:07 PM
Subject: 2 Island Avenue
To: bab@portlandmaine.gov

To the members of the planning board for the city of Portland:

Kevin Carter's proposal to revise the rules of the island business zone is not an acceptable proposition. In addition to allowing structures completely out of character with Peaks Island, under the guise of promoting affordable housing, the revision would affect a large swath of the island, not to mention land use on the other islands. There is absolutely no evidence of any consensus among the residents on Peaks or on the other islands for such a sweeping change.

Bill Hall
317 Pleasant Avenue
Peaks Island

Sent from my iPad

change.org

Recipient: Portland Planning Board

Letter: Greetings,

Stop the Ordinance Changes That Will Ruin Peaks Island, Maine

Signatures

Name	Location	Date
Josh Davis	Centennial, CO, United States	2016-10-20
Angela Tolford Davis	San Diego, CA, United States	2016-10-20
Andrea Davis	Peaks Island, ME, United States	2016-10-20
Patricia Wainright	Chester, CT, United States	2016-10-21
Bob Spector	Peaks Island, ME, United States	2016-10-21
Eleanor Morse	Peaks Island, ME, United States	2016-10-21
Deb Brewer	Peaks Island, ME, United States	2016-10-21
dorothy schroeder	Peaks Island, ME, United States	2016-10-21
Muriel Bacon	Peaks Island, ME, United States	2016-10-21
Frances Baker	Peaks Island, ME, United States	2016-10-21
Carol Callow	Marlborough, MA, United States	2016-10-21
Ann Karlsen	Peaks Island, ME, United States	2016-10-21
Kimberly MacIsaac	Peaks Island, ME, United States	2016-10-21
David Vinograd	Peaks Island, ME, United States	2016-10-21
Margaret Carver	Peaks Island, ME, United States	2016-10-21
Siuwllen Roberts	Peaks Island, ME, United States	2016-10-21
Jane Maguire	Charlotte, NC, United States	2016-10-21
Barbara R Perry	Peaks Island, ME, United States	2016-10-21
Trudy Harris	Peaks Island, ME, United States	2016-10-21
Tom Day	Peaks Island, ME, United States	2016-10-21
Diana Sriver	Peaks Island, ME, United States	2016-10-21
Jody Halliday	Keene, NH, United States	2016-10-21
Lou Dineen	Peaks Island, ME, United States	2016-10-21
Heath Miller	Peaks Island, ME, United States	2016-10-21
Caleigh Mills	Peaks Island, ME, United States	2016-10-21
Catherynne Valente	Peaks Island, ME, United States	2016-10-21
Skip Davis	Peaks Island, ME, United States	2016-10-21
Emuel Vassey	Kittery Point, ME, United States	2016-10-21
stephen demos	Peaks Island, ME, United States	2016-10-21
Gerard Boquel	Peaks Island, ME, United States	2016-10-21

Name	Location	Date
Robert Baker	Peaks Island, ME, United States	2016-10-22
Kathryn Zemanek	Peaks Island, ME, United States	2016-10-22
Mary Slavinski	Tarrytown, NY, United States	2016-10-22
Kristen Coffield	Peaks Island, ME, United States	2016-10-22
Ken Niemeyer	Peaks Island, ME, United States	2016-10-22
Suzanne Hanvey	Peaks Island, ME, United States	2016-10-22
richard shaw	Peaks Island, ME, United States	2016-10-22
Nancy Cuthbertson	Peaks Island, ME, United States	2016-10-22
Thomas Peter	Sarasota, FL, United States	2016-10-22
Deborah Jordan	Peaks Island, ME, United States	2016-10-22
Lynn Heinemann	Peaks Island, ME, United States	2016-10-22
Diane Price	Peaks Island, ME, United States	2016-10-22
Henry Barbaro	Peaks Island, ME, United States	2016-10-22
Kristen Miles	Yarmouth, ME, United States	2016-10-22
Paul Oosterhouse	Grand Rapids, MI, United States	2016-10-22
Pat Sestito	Peaks Island, ME, United States	2016-10-22
Rolston Coles	Lutz, FL, United States	2016-10-22
Anne Moskowitz	Brighton, MA, United States	2016-10-22
Kenneth Priddy	Yarmouth, ME, United States	2016-10-22
Lisa Lynch	Peaks Island, ME, United States	2016-10-22
Michelle Brown	Peaks Island, ME, United States	2016-10-22
Linda West	Peaks Island, ME, United States	2016-10-22
Shania Antonis	Peaks Island, ME, United States	2016-10-22
Steve Davis	Longmont, CO, United States	2016-10-22
Steve Anderson	Peaks Island, ME, United States	2016-10-22
Kelso Angela	Peaks Island, ME, United States	2016-10-22
John and Anne Whitman	Peaks Island, ME, United States	2016-10-22
Scott Nash	Portland, ME, United States	2016-10-22
Kathleen Hayward	Peaks Island, ME, United States	2016-10-22
Linda Holtslander	Peaks Island, ME, United States	2016-10-22
D B	Manchester, MD, United States	2016-10-22
tina tine'	knoxville, TN, United States	2016-10-22

Name	Location	Date
John Carroll	Peaks Island, ME, United States	2016-10-22
Alessandra Iannino	Pleasantville, NY, United States	2016-10-22
Elizabeth Wessoleck	Peaks Island, ME, United States	2016-10-22
Maureen Macisso	Peaks Island, ME, United States	2016-10-22
Jennifer Campbell	WALTHAM, MA, United States	2016-10-22
Dominick J DeAngelo	Peaks Island, ME, United States	2016-10-22
Cristina Keusch MD	Peaks Island, ME, United States	2016-10-22
Deborah Davis	Longmont, CO, United States	2016-10-22
Francis Silvestri	Winchester, NH, United States	2016-10-22
Robin MacRae	Peaks Island, ME, United States	2016-10-22
Roderick MacRae, DDS, FAGD MacRae	Patterson, NY, United States	2016-10-22
susan webster	Peaks Island, ME, United States	2016-10-22
Bobbie Modi	Sarasota, FL, United States	2016-10-22
Sheila Dunbar	Peaks Island, ME, United States	2016-10-22
Sarah Kim	Peaks Island, ME, United States	2016-10-22
Lori Hochman	Peaks Island, ME, United States	2016-10-22
Bruce Hochman	Peaks Island, ME, United States	2016-10-22
Provenzano Dorothy	Peaks Island, ME, United States	2016-10-22
Thomas Palfrey	Peaks Island, ME, United States	2016-10-22
William Schaeffer	Peaks Island, ME, United States	2016-10-22
John Attra	Peaks Island, ME, United States	2016-10-22
Norman Proulx	Peaks Island, ME, United States	2016-10-22
Kathleen Schneider	Peaks Island, ME, United States	2016-10-22
Douglas Smith	Peaks Island, ME, United States	2016-10-22
Marjorie Mehler	Peaks Island, ME, United States	2016-10-22
Kathleen Maguire	Montgomery Village, MD, United States	2016-10-22
Robert Villforth	Peaks Island, ME, United States	2016-10-22
jerri blatt	peaks island, ME, United States	2016-10-22
Nancy Hoffman	Peaks Island, ME, United States	2016-10-22
Ellen Huston	Peaks Island, ME, United States	2016-10-22
Smith Peter	Alburtis, PA, United States	2016-10-23

Name	Location	Date
Dennis Kaplan	Mayfield Heights, OH, United States	2016-10-23
Ann Marie Barter	Peaks Island, ME, United States	2016-10-23
Ethan Davis	San Diego, CA, United States	2016-10-23
John Gardiner	San Diego, CA, United States	2016-10-23
James Strand	South Portland, ME, United States	2016-10-23
Hailee Long	San Diego, CA, United States	2016-10-23
Lois Tiedeken	Peaks Island, ME, United States	2016-10-23
Alison MacRae-Covert	New Rochelle, NY, United States	2016-10-23
carla discala	Peaks Island, ME, United States	2016-10-23
Jennifer Pastore	Norwalk, CT, United States	2016-10-23
Patricia Waring	South Salem, NY, United States	2016-10-23
Lisa Amato	mamaroneck, NY, United States	2016-10-23
Thomas Morse	Peaks Island, ME, United States	2016-10-23
Marcy Jefferson	Brandenburg, KY, United States	2016-10-23
Jeffrey Cusack	Peaks Island, ME, United States	2016-10-23
Sebastian Small	Peaks Island, ME, United States	2016-10-23
Cheyl Higgins	Peaks Island, ME, United States	2016-10-23
Edward Ezzard	Topsham, ME, United States	2016-10-23
Sonja Vertkin	Roanoke, TX, United States	2016-10-23
Richard McIntyre	Peaks Island, ME, United States	2016-10-23
elaine ezzard	Peaks Island, ME, United States	2016-10-23
Tracy Nelson	Center Conway, NH, United States	2016-10-23
Ella Mae Eastman	Peaks Island, ME, United States	2016-10-23
Barbara Hasson-Brown	Westbrook, ME, United States	2016-10-23
Michael Barter	Peaks Island, ME, United States	2016-10-23
Garry Fox	Peaks Island Me, AL, United States	2016-10-23
Phil Daligan	Peaks Island, ME, United States	2016-10-23
James Dennison	Peaks Island, ME, United States	2016-10-23
Mary Katherine O'Brien	Auburn, ME, United States	2016-10-23
Amory Baker	Peaks island, ME, United States	2016-10-23
sadie elmsworth	Peaks Island, ME, United States	2016-10-23
Sofia Proia	Peaks Island, ME, United States	2016-10-23

Name	Location	Date
Anna Stein	Windham, ME, United States	2016-10-23
Anne Panos	Portland, ME, United States	2016-10-23
Sarah Carpenter	Medford, MA, United States	2016-10-23
Amelia Mitchell	Peaks Island, ME, United States	2016-10-23
Hugh Carroll	Peaks Island, ME, United States	2016-10-23
Gretchen Preneta	Portland, ME, United States	2016-10-23
Bob Ulrich	Portland, ME, United States	2016-10-23
Steve Kim	Peaks Island, ME, United States	2016-10-23
Alex Swillz	Peaks Island, ME, United States	2016-10-23
Taylor Norton	Peaks Island, ME, United States	2016-10-23
Marjorie Powers	Peaks Island, ME, United States	2016-10-23
Allegra Shortill	Buxton, ME, United States	2016-10-23
John Carroll	Peaks Island, ME, United States	2016-10-23
Michael Proia	Peaks Island, ME, United States	2016-10-23
Charles Crumpler	Cayce, SC, United States	2016-10-23
Paul Chiles	Portland, ME, United States	2016-10-23
Joanne Robinson	Charlotte, NC, United States	2016-10-23
Nick Quintana	Portland, ME, United States	2016-10-23
Joshua Lynch	Peaks Island, ME, United States	2016-10-23
John Lee	Peaks Island, ME, United States	2016-10-23
Maddy Agnew	Peaks Island, ME, United States	2016-10-23
Leslie Davis	Peaks Island, ME, United States	2016-10-23
Roxanne Marks	Peaks Island, ME, United States	2016-10-23
Ralph Ashmore	Peaks Island, ME, United States	2016-10-23
Jill Koufman	Richmond, ME, United States	2016-10-23
Stephen Kuzirian	Washington, DC, United States	2016-10-23
Amanda Plante	Peaks Island, ME, United States	2016-10-23
David Stankowicz	Peaks Island, ME, United States	2016-10-23
Brent Wilson	Marco Island, FL, United States	2016-10-23
Nicole Pineau	Portland, ME, United States	2016-10-23
Stephanie Solomos-Conis	Peaks Island, ME, United States	2016-10-23
Robert Gritman	Peaks Island, ME, United States	2016-10-23

Name	Location	Date
Frank Benedetto	West Harrison, NY, United States	2016-10-23
Tanner Foley	Portland, ME, United States	2016-10-23
Meg Loomis	Sarasota, FL, United States	2016-10-23
David Vincent	Peaks Island, ME, United States	2016-10-23
Alison Barton	Chelsea, MA, United States	2016-10-23
Dylan Haushor	Peaks Island, ME, United States	2016-10-23
Martha E Morris-Gibson	Peaks Island, ME, United States	2016-10-23
Olivia Weiser	Peaks Island, ME, United States	2016-10-23
Margo Lodge-Seven Oakes	Peaks Island, ME, United States	2016-10-23
Olivia Edwards	Peaks Island, ME, United States	2016-10-23
Margaret Alves	Peaks Island, ME, United States	2016-10-23
Annika Erikson	Peaks Island, ME, United States	2016-10-23
judith mc allister	Portland, ME, United States	2016-10-23
Danielle Ivers	Peaks Island, ME, United States	2016-10-23
Catherine Loran	Kent, NY, United States	2016-10-23
KAREN LINTON	Eynsham, ENG, United Kingdom	2016-10-23
Sophia Hardesty	Peaks Island, ME, United States	2016-10-23
York Ashley	Peaks Island, ME, United States	2016-10-23
Abigail Baird	Poughkeepsie, NY, United States	2016-10-23
Elizabeth Hays	Peaks Island, ME, United States	2016-10-23
Gabriel Doss	Portland, ME, United States	2016-10-23
christine mulkern	Portland, ME, United States	2016-10-23
Vicki Flanagan	Peaks Island, ME, United States	2016-10-23
Charles Winkelman	Peaks Island, ME, United States	2016-10-23
Richard Nachemjabunton	Peaks Island, ME, United States	2016-10-23
Emma Sawyer	Portland, ME, United States	2016-10-23
Elaine Quigg	Peaks Island, ME, United States	2016-10-23
Bart Spinelli	New Rochelle, NY, United States	2016-10-23
deborah studebaker	Sarasota, FL, United States	2016-10-23
Marie Rioux	414John Mahar Hwy #409 Braintree, MA, United States	2016-10-23
Dianne Bevilacqua	Norwood, MA, United States	2016-10-23

Name	Location	Date
Patricia Erikson	Peaks Island, ME, United States	2016-10-23
Ellin Gallant	Peaks Island, ME, United States	2016-10-23
Maeve Donnelly	Peaks Island, ME, United States	2016-10-23
Liz Burton	Peaks Island, ME, United States	2016-10-23
Simon Moore	Whitchurch, ENG, United Kingdom	2016-10-23
Evelyn Somers	Peaks Island, ME, United States	2016-10-23
Rich Siggins	Norwood, MA, United States	2016-10-23
Rachel Taylor	Portland, ME, United States	2016-10-23
Kara Grant	Portland, ME, United States	2016-10-23
kathleen farrin	peaks island, ME, United States	2016-10-23
Sam Tweed	Falmouth, ME, United States	2016-10-23
George Francis	Portland, ME, United States	2016-10-23
Kathleen Seymour	Peaks Island, ME, United States	2016-10-23
Malcolm Henry	Portland, ME, United States	2016-10-23
janet donovan	portland, ME, United States	2016-10-23
denis groeger	Ayden, NC, United States	2016-10-23
Rebecca Strum	Bread Loaf, VT, United States	2016-10-23
Stephen Scharaldi	Peaks Island, ME, United States	2016-10-23
Tonya Ng	Hollis, ME, United States	2016-10-23
Lisa Martin	Portland, ME, United States	2016-10-23
Anthony Gallons	Portland, ME, United States	2016-10-23
Lisa Agnew	Peaks Island, ME, United States	2016-10-23
Finn Bradenday	Peaks Island, ME, United States	2016-10-23
Emma Maasch	Portland, ME, United States	2016-10-23
Nick Horton	Portland, ME, United States	2016-10-23
Richard Newcomb	Peaks Island, ME, United States	2016-10-23
Theresa Fox	Cape Elizabeth, ME, United States	2016-10-23
Allie Jones	Peaks Island, ME, United States	2016-10-23
David Rice	Bath, ME, United States	2016-10-23
Ken Farlow	Colorado Springs, CO, United States	2016-10-23
susan filipos	Peaks Island, ME, United States	2016-10-23
William Guerette	Scarborough, ME, United States	2016-10-23

Name	Location	Date
janii peterson	Starksbro, VT, United States	2016-10-24
John Tobin	Gambrills, MD, United States	2016-10-24
Kathleen Carson	Cape Elizabeth, ME, United States	2016-10-24
Nancy Arnold	Peaks Island, ME, United States	2016-10-24
Chrissy Raymond	Milton, MA, United States	2016-10-24
Jennie Ladew-Duncan	City, MA, United States	2016-10-24
Joan Grover	Norwood, MA, United States	2016-10-24
Judith Nelson	Peaks Island, ME, United States	2016-10-24
Claire Turlo	Arundel, ME, United States	2016-10-24
Abra Mueller	Portland, ME, United States	2016-10-24
Kate Strum	Oklahoma City, OK, United States	2016-10-24
Dorian Robinson	Peaks Island, ME, United States	2016-10-24
Louisa Munk	Portland, ME, United States	2016-10-24
Ashley Morrill	Portland, ME, United States	2016-10-24
Michel Fitz	Portland, ME, United States	2016-10-24
Michael Loring	Portland, ME, United States	2016-10-24
Keith Ivers	Peaks Island, ME, United States	2016-10-24
Wein Doyle	Ponte Vedra Beach, FL, United States	2016-10-24
Ivy Bateman	Portland, ME, United States	2016-10-24
Kieara Robinson	Portland, ME, United States	2016-10-24
Kevin Soucy	Peaks Island, ME, United States	2016-10-24
Eileen Hanley	Peaks Island, ME, United States	2016-10-24
James Salisbury	Springfield, VT, United States	2016-10-24
Rob Meharg	Peaks Island, ME, United States	2016-10-24
Jennifer Kastelic	Sedgwick, ME, United States	2016-10-24
Grace Noonan-Kaye	Cape Elizabeth, ME, United States	2016-10-24
Marsha Greenberg	Peaks Island, ME, United States	2016-10-24
Stephen Schuit	Peaks Island, ME, United States	2016-10-24
S. Stewart-Bouley	Peaks Island, ME, United States	2016-10-24
Jon Boyle	Peaks Island, ME, United States	2016-10-24
Sharon Kiman	Barnegat, NJ, United States	2016-10-24
Marilyn Norton Moran	Hampstead, NH, United States	2016-10-24

Name	Location	Date
Josh Mohr	Portland, ME, United States	2016-10-24
Kathryn Martin	Peaks Island, ME, United States	2016-10-24
Kathryn Martin	Peaks Island, ME, United States	2016-10-24
Jennifer Beech	Eastlake, OH, United States	2016-10-24
John Kiely	Peaks Island, ME, United States	2016-10-24
KATHLEEN BEECHER	Portland, ME, United States	2016-10-24
Liam Fox	Peaks Island, ME, United States	2016-10-24
Hannah Systrom	Peaks Island, ME, United States	2016-10-24
Diane Wiencke	Peaks Island, ME, United States	2016-10-24
Lalania Mandeville	Portland, ME, United States	2016-10-24
Courtney Coen	Middletown, RI, United States	2016-10-24
Carol Young	Peaks Island, ME, United States	2016-10-24
Susan Maasch	Portland, ME, United States	2016-10-24
Emily Magal	Peaks Island, ME, United States	2016-10-24
Mary Jalbert	Peaks Island, ME, United States	2016-10-24
Alex Agnew	Peaks Island, ME, United States	2016-10-24
Sharoan Cohen	Peaks island, ME, United States	2016-10-24
Jacqueline Maasch	Portland, ME, United States	2016-10-24
Keirsten Parker	Durham, NH, United States	2016-10-24
Elizabeth Budington	Peaks Island, ME, United States	2016-10-24
Amy Crawford	Underhill, VT, United States	2016-10-24
JOSEPH OTERI	Peaks Island, ME, United States	2016-10-24
David Systrom	Peaks Island, ME, United States	2016-10-24
Sue Fedor	Silver Spring, MD, United States	2016-10-24
Jean Deborah	Peaks Island, ME, United States	2016-10-24
Diane Eacret	Peaks Island, ME, United States	2016-10-24
Elizabeth Czajka	Jackson, NJ, United States	2016-10-24
Sallie Smith	Alburtis, PA, United States Minor Outlying Islands	2016-10-24
Rachel Doe	Casco, ME, United States	2016-10-24
Jane Loring	Roseville, MI, United States	2016-10-24
Amanda Porter	Portland, ME, United States	2016-10-24

Name	Location	Date
avery smith	Allentown, PA, United States	2016-10-24
Kayla Goulden	Kennebunk, ME, United States	2016-10-24
Conor Systrom	Brooklyn, NY, United States	2016-10-24
Alexandria Bell	Brooklyn, NY, United States	2016-10-24
Kaitlin Griffin	Portland, ME, United States	2016-10-24
Marc Desveaux	Wells, ME, United States	2016-10-24
Marleen Klosteridis	Peaks Island, ME, United States	2016-10-24
Alexandra Masten	Portland, ME, United States	2016-10-24
Chiarina Marcantonio	Ottawa, ME, United States	2016-10-24
Lisa Lessard	Portland, ME, United States	2016-10-24
Michelle Mola Fireman	Peaks Island, ME, United States	2016-10-24

Recipient: Portland Planning Board

Letter: Greetings,

Stop the Ordinance Changes That Will Ruin Peaks Island, Maine

Comments

Name	Location	Date	Comment
Angela Tolford Davis	San Diego, CA	2016-10-20	Family has long ties to Peaks and this would impact the island negatively for years to come.
Bob Spector	Peaks Island, ME	2016-10-21	The proposed unit is too large for the island.
dorothy schroeder	Peaks Island, ME	2016-10-21	portland should be considering a preservation ordinance to protect peaks rather than entertaining any zoning code revisions that change the character of the island
Muriel Bacon	Peaks Island, ME	2016-10-21	This ordinance is a terrible idea, it is based on greed. It would destroy the character, the integrity of Peaks Island.
Carol Callow	Marlborough, MA	2016-10-21	I do not want the change to the front of the island
Ann Karlsen	Naples, FL	2016-10-21	I agree that NO CONDOS should be build on the waterfront of Peaks Island for ANY reason.
Kimberly MacIsaac	Peaks Island, ME	2016-10-21	This proposal is too large scale for the island and will be an eyesore. I also live in the business zone and don't want the possibility of my modest home being surrounded by oversized buildings.
David Vinograd	Richmond, United Kingdom	2016-10-21	This type of development is not needed by the island and will seriously impact the life of all residents.
Margaret Carver	Peaks Island, ME	2016-10-21	I have seen too many beautiful place ruined by development.
Siuwllen Roberts	Peaks Island, ME	2016-10-21	I do not want the down front zoning to be changed.
Jane Maguire	Charlotte, NC	2016-10-21	It is not a suitable place for a large building which would add to problems already existing down front.
Diana Sriver	Amherst, MA	2016-10-21	This proposal will change the nature of island living in ways that would be irrevocable.
Deborah Montgomery	Peaks Island, ME	2016-10-21	I don't want the Down Front area of Peaks to get "built up" on this tiny island.
Jody Halliday	Keene, NH	2016-10-21	I am signing because I believe the proposal would be detrimental to the island.
Catherynne Valente	Peaks Island, ME	2016-10-21	I am a resident
Skip Davis	Peaks Island, ME	2016-10-21	Wrong project at the wrong location
Emuel Vassey	Kittery Point, ME	2016-10-21	Although not a Peaks resident, I wonder what kind of madness would lead anyone to propose this on any Maine island. People are drawn to the state's islands because of their small, cozy character, and trying to turn Peaks into an extension of the downtown area with tenement structures of the proposed nature would ruin that. It seems singularly short-sighted and, not to put too fine a point on it, just plain stupid.
Robert Baker	Peaks Island, ME	2016-10-22	As a long time island resident (1957), I am vehemently opposed to throwing out existing zoning regulations, so that the project is profitable for the developer. That pales in comparison to the damage it could potentially do to the community as a whole
Mary Slavinski	Tarrytown, NY	2016-10-22	I would hate to see Peaks island lose its unique character.
Kristen Coffield	Peaks Island, ME	2016-10-22	I feel we need to preserve the unique character and rural character of Peaks Island.
Ken Niemeyer	Peaks Island, ME	2016-10-22	Limited development/single family better for the island
Margaret Carver	Peaks Island, ME	2016-10-22	So many places have lost the charm they once had. Let's not let that happen on Peaks. Wayne and I are firmly opposed to any changes to current zoning laws.

Name	Location	Date	Comment
Thomas Peter	Sarasota, FL	2016-10-22	We visit Peaks often and it is great to be in a low key environment.
Deborah Jordan	Falmouth, ME	2016-10-22	I am signing this petition to protect our quality of life on Peaks Island.
Lynn Heinemann	Boston, MA	2016-10-22	The charm and distinctive charm of Peaks would be irretrievably lost by changing the restrictions on over-development of the "business" zone of the island.
Diane Price	Peaks Island, ME	2016-10-22	I believe the proposed project is out of scale for the island, there is inadequate parking allowed for, and it sets a precedent for future development out of character for the island.
Henry Barbaro	Boston, MA	2016-10-22	The residents, and visitors, of Peaks Island should not be subjected to haphazard development according to the whims of individual property owners, but rather the City of Portland should seek to enhance island life by providing for development that fits well into the fabric of the community.
Steve Davis	Longmont, CO	2016-10-22	Seems to be completely out of scale and character for the block it is proposed for.
Steve Anderson	Peaks Island, ME	2016-10-22	Zoning is there for a reason. It protects the very essence and integrity of development on this small Maine island. The developer should be held to the same restrictions/opportunities as the rest of us. Build what he wants as long as zoning remains unchanged.
Kelso Angela	Peaks Island, ME	2016-10-22	Construction of this magnitude would be the beginning of an erosion of the beauty of our shoreline which should be preserved for all who treasure the fragility of an island.
John Whitman	peaks island, ME	2016-10-22	We have lived on Peaks Island for 31 and 40 years, respectively, because we love its small village character. This proposed project would signal the destruction of Peaks Island as we know it.
Scott Nash	Peaks Island, ME	2016-10-22	I'm not convinced that this zoning change would be beneficial to our community.
Kathleen Hayward	Peaks Island, ME	2016-10-22	Peaks Island needs truly affordable housing, not condos.
John Carroll	Peaks Island, ME	2016-10-22	Bending the rules to maximize the return on a real estate venture of this scale is unwarranted, unsuited, and unwanted. Thanks, but no thanks.
Maureen Macisso	Portland, ME	2016-10-22	I believe this proposed multi-family project would have a serious negative impact on the Peaks Island community.
Jennifer Campbell	WALTHAM, MA	2016-10-22	I'm signing because Peaks is my favorite place on this planet. The weekends I've spent there are some of the best of my life. I am against anything that will detract from it's peacefulness.
Cristina Keusch MD	Peaks Island, ME	2016-10-22	Opposed to overcrowding and commercializing our island. I have seen development of this nature wherein parking is comprised and oversized structures are built. It will significantly impact the island in a negative and far reaching manner.
Deborah Davis	Longmont, CO	2016-10-22	The massive scale of this project is not appropriate for this neighborhood of long-term homeowners who have invested in and treasure Peaks. While appreciating the need for affordable housing, crowding the waterfront, building an overly large structure that will house up to 14 families (who will all need water, etc., services) while reducing parking, will irrevocably harm Peaks Island for everyone: full-time and part-time island residents, as well as visitors and daytrippers. I do not support this development.

Name	Location	Date	Comment
Fran Silvestri	Winchester, NH	2016-10-22	I do not feel that such a development is appropriate for a small island especially changing the ordinances. Peaks Islanders should have a direct say in such changes not an imposed decision from the city. We pay a disproportion of the taxes versus services we receive at the least should have a disproportion of say on such decisions that affect our island
Robin MacRae	Peaks Island, ME	2016-10-22	I do not want to see this kind of expansion on Peaks Island. The Island is already overcrowded.
Roderick MacRae DDS, FAGD	Patterson, NY	2016-10-22	This is an utterly undesirable change to the code that will net nothing positive for Peaks Island.
Bobbie Modi	Sarasota, FL	2016-10-22	I have family that live on peaks island!
Provenzano Dorothy	Peaks Island, ME	2016-10-22	This project is so out of character for this island. I absolutely agree that this would negatively impact the beauty and livability of the island.
Thomas Palfrey	Peaks Island, ME	2016-10-22	I'm signing because I am opposed to the proposed changes for the 2 Island Avenue project.
Norm Proulx	Peaks Island, ME	2016-10-22	I am signing because the zoning changes requested will change the livability of Peaks Island. They will open up the rest of an already congested area to further development.
Douglas Smith	Peaks Island, ME	2016-10-22	From what we know, this project is very ill-advised for 2 Island Ave., and probably for any location on the island. The prospect of potential unleashed, widespread development should this project be approved is deeply upsetting to every neighbor I know.
Smith Peter	Alburtis, PA	2016-10-23	The charm of Peakes Island is it's quiet peace and simplicity. Building condominium units anywhere on Peakes will over tax the island's infrastructure and commence the demise of the island's attractive tranquility. Allowing 12-14 units at 2 Island Avenue will sully the entire neighborhood. This project is unnecessary, out of sink with the surrounding neighborhood.
Ann Marie Barter	Peaks Island, ME	2016-10-23	While I support affordable housing, I do not believe this project offers the solution.
Ethan Davis	San Diego, CA	2016-10-23	This is a terrible idea and will ruin the character of Peaks Island.
John Gardiner	San Diego, CA	2016-10-23	I wanna keep the gallery classy!
Lois Tiedeken	Peaks Island, ME	2016-10-23	I oppose the size of the project (the number of units and the height, and reduced setbacks, it will overload the sewer and parking problem,
Alison MacRae-Covert	New Rochelle, NY	2016-10-23	Peak's Island is one of the most beautiful, peaceful and friendly places I have ever been. My grandparents started vacationing there in the early 1950's and our family still vacations there to this day. My aunt and uncle own a home here and my parents did until my father passed away in 2014. Please don't ruin this extraordinary island, all this is going to do is make it just like every other over-populated and commercial vacation spot. There aren't many places like Peak's anymore, please keep it that way.
Cheyli Higgins	Peaks Island, ME	2016-10-23	Changing the zoning regulations for the Island Avenue business district will create a city environment on a suburb island that now experiences overcrowding and congestion 5 months of the years. It will negatively change the small island environment that islanders and visitors cherish.
Sonja Vertkin	Keller, TX	2016-10-23	This type of expansion on this Maine island will forever destroy the eco system!
elaine ezzard	Peaks Island, ME	2016-10-23	I summer on Peaks and have for the past 75 years and I don't want to see a precedent set that would allow tall buildings downfront. It would change the whole character of Peaks.

Name	Location	Date	Comment
Ella Ella	Riverside, IL	2016-10-23	This is completely inappropriate for Peaks Island. Too big, too dense, no parking needed. Would change the look and character of the down front area.
Phillip Daligan	Portland, ME	2016-10-23	Rezoning the Downfront area will ruin the character of the Island
Sofia Proia	Peaks Island, ME	2016-10-23	GTFO
Anna Stein	Windham, ME	2016-10-23	It's too crowded now!
Chuck Davis	South Berwick, ME	2016-10-23	Always a Mainer at heart and would be devastated to see such changes at Peaks.
Ralph Ashmore	Peaks Island, ME	2016-10-23	I am opposed to this project and in particular, to the radical blanket changes proposed for our entire business zone.
Amanda Hannan	Portland, ME	2016-10-23	The proposed changes would decimate the intimate character of the island. The Island cannot and SHOULD NOT accommodate increased housing demand merely because they exist. It will lower the quality standards for dwellings and change the character of neighborhoods for the worse. I vehemently oppose this proposal.
Alexander David Stankowicz	Peaks Island, ME	2016-10-23	The proposed project is inappropriate for the culture of Peaks Island.
Stephanie Solomos-Conis	Peaks Island, ME	2016-10-23	Stephanie Solomos-Conis
Frank Benedetto	West Harrison, NY	2016-10-23	I spent numerous weeks up on Peaks Island with family. It's the most peaceful place in the northeast. Such a rich history going back to the civil war, WW2 and the wildlife. There is one unique bird I always had views of. They call it the ACM bird in those parts but I am sure it has a true name. Anyway. Great memories.
Ralph Ashmore	Peaks Island, ME	2016-10-23	Given the direction PI has been led away from sustainability, it is not surprising that such a radical proposal is being encouraged. The enormous financial burden to maintain, carry and upgrade the infrastructure that has been put into place is the way in which former rural areas of our country have become urbanized. I choose to believe and hope that there exists other means by which to generate solutions that establish and respect the value of the biological, historical and cultural resources of our treasured island. It is inevitable that further development will occur however, we need to be part of the decision as to how this will be done in a manner that celebrates the values, traditions and character that makes us unique from our urban and interdependent counterpart. Please show your support by attending the Planning Board meeting this Tuesday and PLEASE spread the word by encouraging others to sign the petition.
Meg Loomis	Sarasota, FL	2016-10-23	I have family ties to the island going back for generations. This is a RIDICULOUS idea!
Alison Barton	Chelsea, MA	2016-10-23	My family has a house on Long Island ME, I wholly believe this change to ordinances would be a disaster.
Martha Morris-Gibson	Peaks Island, ME	2016-10-23	I would like to see that historic corner of the island business district remain in keeping with the way it was in earlier times. Those remaining buildings and stories told are part of the Island ambience.
Judith McAllister	Portland, ME	2016-10-23	please don't let this happen. the island life needs to be preserved not gentrified!!!
KAREN LINTON	Eynsham, United Kingdom	2016-10-23	I have been visiting Peaks Island for over 30 years & would hate to see its character changed...
Abigail Baird	Poughkeepsie, NY	2016-10-23	my summer address (for my entire life) has been 28 Greenwood St. Peaks Isl, ME...just down the path from the proposed change.

Name	Location	Date	Comment
Elizabeth Hays	Peaks Island, ME	2016-10-23	I believe this project is way oversized for the property and I agree with every statement in the petition.
Elaine Quigg	Peaks Island, ME	2016-10-23	I'm 100 years old. I'm in favor of leaving it the way it is. It's part of Peaks Island's history.
deborah studebaker	Sarasota, FL	2016-10-23	Keep Peaks as is!
Marie Rioux	414John Mahar Hwy #409 Braintree, MA	2016-10-23	Summer resident and want the Island stay the way it is now.
Dianne Bevilacqua	Norwood, MA	2016-10-23	I have been coming to Peaks Island for over 60 years. My family owned the summer cottage that I currently own. I have seen many changes over the years. Most have been good but some have not. There are so many memories that many of us have about what Peaks Island was like when we were growing up. It has always been like no other place, unique to its own physical appearance and the warmth and community that exists on such a beautiful place. I honestly can't understand why because of greed or whatever reasons one would have to destroy the downtown front of the island by building such a structure of any size multi-unit building. When you come to the island by boat you immediately see the natural beauty, quaintness and unique of character of the island. Please don't allow the building of any structures of this size on our front to negatively impact that impression of our beautiful island.
Patricia Erikson	Earlton, NY	2016-10-23	This development is inappropriate and out of character for its location.
Simon Moore	Whitchurch, United Kingdom	2016-10-23	I have stayed on Peak's Island several times and have really enjoyed its natural and peaceful atmosphere. Please don't build any more homes there!
Rich Siggins	Norwood, MA	2016-10-23	Going to the island my whole life and love how it different from main land. Don't need mainland on the island
Rebecca Strum	Ridgewood, NJ	2016-10-23	I'm signing because I have enjoyed Peaks Island as a unique gem. I am horrified by the proposal to build this condo which I know would change the character and beauty of Peaks forever.
Stephen Scharaldi	Peaks Island, ME	2016-10-23	I am TOTALLY opposed to the urbanizing of the beauty of Peaks Island. The island is turning into a cash cow for the city and I oppose the ruination of the natural beauty of Peaks Island.
susan filipos	Peaks Island, ME	2016-10-23	Peaks island has an intimate year round community that is quaint and safe.... small town USA. It should be allowed to remain that way.
janii peterson	Starksbro, VT	2016-10-24	I feel strongly about this!
Claire Turlo	Arundel, ME	2016-10-24	Enough is enough. Peaks Island is such a unique community. Don't denigrate the beauty, livability and character of the island by allowing McMulti-Family units.
Dorian Robinson	Peaks Island, ME	2016-10-24	I do not want this to happen. At all.
Keith ivers	Peaks Island, ME	2016-10-24	The island my family grew up on is already holding on by a thread.
Wein Doyle	Ponte Vedra Beach, FL	2016-10-24	I'm a former resident of peaks island Maine and my Father and mother in law own a home on the island.
Rob Meharg	Peaks Island, ME	2016-10-24	I don't support this proposed zoning change.
jennifer kastelic	Sedgwick, ME	2016-10-24	This planning won't work. Ugh. People, stop being so shortsighted!
Stephen Schuit	Peaks Island, ME	2016-10-24	I am signing because the variances sought, as I understand them, will far too drastically alter the aesthetics and way-of-life that has defined Peaks Island for generations. It is too blatantly a proposal based self-interest and profits.
Jon Boyle	Peaks Island, ME	2016-10-24	I want to preserve the character of Peaks Island by opposing actions like this that will turn it into just another ugly overcrowded commercialized entity.

Name	Location	Date	Comment
Marilyn Norton Moran	Hampstead, NH	2016-10-24	I have been coming to Peaks Island for 40 years--because it is not like other resortie islands!!!!
Jennifer Beech	Willowick, OH	2016-10-24	Peaks Island is a gorgeous community, and in order to keep the character of the island intact, things should be kept as natural as possible from here on out.
Liam Fox	Peaks Island, ME	2016-10-24	This will be the beginning of the end.
Diane Wiencke	Peaks Island, ME	2016-10-24	I am in strong opposition of the changes requested in zoning for the development of the bowling alley
Emily Magal	Peaks Island, ME	2016-10-24	I strongly oppose the proposal to amend the I-B Island Business zoning regulations. Change, if desired, should be approached in a comprehensive, thoughtful and inclusive manner. The text/map amendment circumvents that process and, indeed, imposes one person's will on everyone else.
Alex Agnew	Peaks Island, ME	2016-10-24	This non-starter would represent a change in the entire island culture which affects all of us. Sure glad we have good zoning to protect against this.
Jacqueline Maasch	Portland, ME	2016-10-24	Don't let commercial interests ruin our coast. This is not for the people. This is for the landlords to line their pockets.
Elizabeth Budington	Peaks Island, ME	2016-10-24	I would like to see the character of Peaks Island remain the same. A small community with a big heart. It is what brought us to this island in Casco bay.
JOSEPH OTERI	Peaks Island, ME	2016-10-24	These changes would impact the entire island in future development, and land use. The city,has in the past enforced restrictions adhering to current zoning laws. I see no reason that the city should take exception to the laws for said property, regardless of the developers bottom line.
david systrom	Winchester, MA	2016-10-24	The island is already overrun
Sue Fedor	Silver Spring, MD	2016-10-24	For the past six years, my family has vacationed on Peaks. It's like a second home to is. We also love Portland and it's progressive policies. There are neighborhoods in Portland in desperate need of improved housing stock and rental units. Make the most of what you've already got before altering the character of Peaks.
Diane Eacret	Peaks Island, ME	2016-10-24	The proposed changes would permanently alter the character of the island and not for the better.
Sallie Smith	Alburtis, United States Minor Outlying Islands	2016-10-24	Nothing positive will come from this building being jammed into a space that is clearly too small, unsupported by the correct infrastructure and a pariah to the neighborhood.
Conor Systrom	winchester, MA	2016-10-24	I come here every summer for its natural beauty. This condo would destroy the very essence of Peaks.
Marleen Klosteridis	Peaks Island, ME	2016-10-24	The island is so crowed down front. This will only add to the traffic.
Andrea Davis	Sarasota, FL	2016-10-24	Please don't allow this devastating project on our beautiful island that we all hold so dear. A building of this size and density does not belong anywhere on Peaks, much less on the waterfront.
Kathy MacRae	Reading, PA	2016-10-24	As a former homeowner and resident I do not want to see the landscape of Peaks Island changed.

----- Forwarded message -----

From: **Richard Caron** <rickcaron08@gmail.com>

Date: Tue, Oct 25, 2016 at 8:09 AM

Subject: 2 Island Avenue, Peaks Island

To: bab@portlandmaine.gov

The city of Portland has a unique and valuable asset in Peaks Island. Thousands of people take advantage of what this simple, easy to access village has to offer.

I do not know of one person who comes here to see more of the "cheesy" waterfront type development seen in Portland.

There is no reason to Kow-tow to such developers.

Stick with the existing program, it's working just fine.

Rick Caron

766-5084

Peaks Island

2 Island Avenue, Peaks Island

1 message

Nancy 3. Hoffman <3nancy3@gmail.com>

Tue, Oct 25, 2016 at 10:24 AM

To: planning@portlandmaine.gov

Cc: Arthur Fink <af@arthurfinkphoto.com>

Dear Planning Board Members - I am opposed to the proposed changes in zoning regarding 2 Island Avenue.

As a graduate architect who has worked on issues regarding compliance and zoning in other communities, I oppose the proposed changes on these grounds:

1. Scale is an all-important factor in the fabric and cohesiveness of a community. Changing the height allowance from 35 to 47 feet is inappropriate. In a hard-fought battle to limit height of construction during the 1970s in Key West, Florida, a maximum of 40 feet was set, and holds to this day. That is a town with 10 times the population of Peaks Island in the summer, and the adamant concern for keeping the island structures to a height limit has absolutely saved the neighborhood quality and historic patterns of that island. We must not allow something to be built on our front street that is highly out of scale with our neighborhood and our homes.

2. To allow 12-14 units in that area is again out of scale with our community. There may be need for housing here, but to clump it together in that way will not be appealing. It is true that the Senior Housing at Faye Garman House has 11 units. But those are one story in height, and great pains were taken to work with the community through many public meetings to find a design which would be sympathetic with the neighborhood.

I appreciate the chance to make my opinions known, and hope that you will take them into consideration.

Respectfully submitted.

Nancy 3. Hoffman
53 Brackett Ave.
Peaks Island, ME 04108
cell: (207) 939-0301
3nancy3@gmail.com

----- Forwarded message -----

From: **Susan Hanley** <susan.hanley123@gmail.com>
Date: Tue, Oct 25, 2016 at 11:13 AM
Subject: Peaks Island re-zoning - LETTER OF OPPOSITION
To: bab@portlandmaine.gov

October 25, 2016

Ms. Barbara Barhydt
Development Review and Services Manager
Planning and Urban Development Dept.
Portland City Hall
389 Congress Street
Portland, ME 04101

RE: Application of Kevin Carter Proposal to Amend Island Business Zone 2, Island Avenue, Peaks Island, ME 04108

Dear Ms. Barhydt:

I am unable to attend the Planning Board meeting tonight but I would like to express my vehement opposition to the re-zoning request to amend Island Business Zone 2 on Peaks Island, submitted by Kevin Carter.

This re-zoning would pave the way for a series of 47 foot high, 14-unit buildings along the front of Peaks Island, which would destroy the fabric of our community.

As a 26-year resident of Peaks Island, I have tolerated many changes, chocking it up to the "live and let live" philosophy. However, there is no living with this.

I am sure the city of Portland looks upon this project with dollar-signs in its eyes. However, exploiting the desirability of our island location at the expense of the residents' quality of life is bad government.

Please do everything in your power to represent the people of Peaks Island fairly.

Thank you,
Susan Hanley

-

--

Susan Hanley
Peaks Island Fiber Arts Camp

----- Forwarded message -----
From: **Ellen Mahoney** <edandellen@maine.rr.com>
Date: Tue, Oct 25, 2016 at 12:41 PM
Subject: Please log my objection to the 2 Island Ave project
To: bab@portlandmaine.gov
Cc: bsr@portlandmaine.gov, lisap.pic@gmail.com

PC75

Dear Barbara and Belinda,

As you may know, I am a longtime advocate and active proponent for creating sustainable affordable year round housing for Peaks Island. I worked tirelessly for more than a decade to address the issue on Peaks and also for all year round island communities along the archipelago throughout the State. I am opposed to this development and the change as it impacts the IB zone. The character and scope of the project will fundamentally alter the character and the face of our island community.

I do not see how 16 waterfront condominiums help us address that elemental hurdle that is creating, maintaining and protecting access to moderately priced homes for year round residents for the sustainability and wellbeing of our year round community. I believe the unintended consequence of this change will be detrimental to our community long term.

I'll go a step further to suggest that we, the Peaks Island community, take this important moment in our community to consider undergoing a Neighborhood Planning process, initiated and directed by the Portland Planning Department. Given what we now experience as the "new normal" on Peaks Island, it is well overtime for us to take the issues of planning and development seriously by asking ourselves and our community what is important. How do we want the city to manage issues of growth, urbanization, housing, green space, parking, economic development, historic preservation and quality of life for the future?

I will be attending the meetings. However, being one of the a working year round member of the community with young children, I will only be able to stay for the meeting until the 5:35 as my husband is traveling this week. Our girls will need me to come home, to be with them as we navigate dinner, homework and bed.

Off the top of my head what do I think we need? We need to create an environment in our communities wherer working families see the potential of living and working in Portland. We need to find a way to attract families looking to make a life in the best neighborhood of the greatest city in Maine. We do that through good planning and creating a welcoming and thriving local community that accommodates the influx of summer visitors wisely.

Additionally, an entrepreneurial business community center, shared work space and business incubation center and a several market priced year round rentals might be a nice idea if the buyer really is interested in doing something to "give back" to the community.

Thanks for your consideration and the work you do every day on our behalf.

Feel free to contact me anytime.

Ellen Mahoney

726 Seashore Ave

Peaks Island, ME

207-766-2543

Recipient: Portland Planning Board

Letter: Greetings,

Stop the Ordinance Changes That Will Ruin Peaks Island, Maine

Signatures

Name	Location	Date
Josh Davis	Centennial, CO, United States	2016-10-20
Angela Tolford Davis	San Diego, CA, United States	2016-10-20
Andrea Davis	Peaks Island, ME, United States	2016-10-20
Patricia Wainright	Chester, CT, United States	2016-10-21
Bob Spector	Peaks Island, ME, United States	2016-10-21
Eleanor Morse	Peaks Island, ME, United States	2016-10-21
Deb Brewer	Peaks Island, ME, United States	2016-10-21
dorothy schroeder	Peaks Island, ME, United States	2016-10-21
Muriel Bacon	Peaks Island, ME, United States	2016-10-21
Frances Baker	Peaks Island, ME, United States	2016-10-21
Carol Callow	Marlborough, MA, United States	2016-10-21
Ann Karlsen	Peaks Island, ME, United States	2016-10-21
Kimberly MacIsaac	Peaks Island, ME, United States	2016-10-21
David Vinograd	Peaks Island, ME, United States	2016-10-21
Margaret Carver	Peaks Island, ME, United States	2016-10-21
Siuwllen Roberts	Peaks Island, ME, United States	2016-10-21
Jane Maguire	Charlotte, NC, United States	2016-10-21
Barbara R Perry	Peaks Island, ME, United States	2016-10-21
Trudy Harris	Peaks Island, ME, United States	2016-10-21
Tom Day	Peaks Island, ME, United States	2016-10-21
Diana Sriver	Peaks Island, ME, United States	2016-10-21
Jody Halliday	Keene, NH, United States	2016-10-21
Lou Dineen	Peaks Island, ME, United States	2016-10-21
Heath Miller	Peaks Island, ME, United States	2016-10-21
Caleigh Mills	Peaks Island, ME, United States	2016-10-21
Catherynne Valente	Peaks Island, ME, United States	2016-10-21
Skip Davis	Peaks Island, ME, United States	2016-10-21
Emuel Vassey	Kittery Point, ME, United States	2016-10-21
stephen demos	Peaks Island, ME, United States	2016-10-21
Gerard Boquel	Peaks Island, ME, United States	2016-10-21

Name	Location	Date
Robert Baker	Peaks Island, ME, United States	2016-10-22
Kathryn Zemanek	Peaks Island, ME, United States	2016-10-22
Mary Slavinski	Tarrytown, NY, United States	2016-10-22
Kristen Coffield	Peaks Island, ME, United States	2016-10-22
Ken Niemeyer	Peaks Island, ME, United States	2016-10-22
Suzanne Hanvey	Peaks Island, ME, United States	2016-10-22
richard shaw	Peaks Island, ME, United States	2016-10-22
Nancy Cuthbertson	Peaks Island, ME, United States	2016-10-22
Thomas Peter	Sarasota, FL, United States	2016-10-22
Deborah Jordan	Peaks Island, ME, United States	2016-10-22
Lynn Heinemann	Peaks Island, ME, United States	2016-10-22
Diane Price	Peaks Island, ME, United States	2016-10-22
Henry Barbaro	Peaks Island, ME, United States	2016-10-22
Kristen Miles	Yarmouth, ME, United States	2016-10-22
Paul Oosterhouse	Grand Rapids, MI, United States	2016-10-22
Pat Sestito	Peaks Island, ME, United States	2016-10-22
Rolston Coles	Lutz, FL, United States	2016-10-22
Anne Moskowitz	Brighton, MA, United States	2016-10-22
Kenneth Priddy	Yarmouth, ME, United States	2016-10-22
Lisa Lynch	Peaks Island, ME, United States	2016-10-22
Michelle Brown	Peaks Island, ME, United States	2016-10-22
Linda West	Peaks Island, ME, United States	2016-10-22
Shania Antonis	Peaks Island, ME, United States	2016-10-22
Steve Davis	Longmont, CO, United States	2016-10-22
Steve Anderson	Peaks Island, ME, United States	2016-10-22
Kelso Angela	Peaks Island, ME, United States	2016-10-22
John and Anne Whitman	Peaks Island, ME, United States	2016-10-22
Scott Nash	Portland, ME, United States	2016-10-22
Kathleen Hayward	Peaks Island, ME, United States	2016-10-22
Linda Holtslander	Peaks Island, ME, United States	2016-10-22
D B	Manchester, MD, United States	2016-10-22
tina tine'	knoxville, TN, United States	2016-10-22

Name	Location	Date
John Carroll	Peaks Island, ME, United States	2016-10-22
Alessandra Iannino	Pleasantville, NY, United States	2016-10-22
Elizabeth Wessoleck	Peaks Island, ME, United States	2016-10-22
Maureen Macisso	Peaks Island, ME, United States	2016-10-22
Jennifer Campbell	WALTHAM, MA, United States	2016-10-22
Dominick J DeAngelo	Peaks Island, ME, United States	2016-10-22
Cristina Keusch MD	Peaks Island, ME, United States	2016-10-22
Deborah Davis	Longmont, CO, United States	2016-10-22
Francis Silvestri	Winchester, NH, United States	2016-10-22
Robin MacRae	Peaks Island, ME, United States	2016-10-22
Roderick MacRae, DDS, FAGD MacRae	Patterson, NY, United States	2016-10-22
susan webster	Peaks Island, ME, United States	2016-10-22
Bobbie Modi	Sarasota, FL, United States	2016-10-22
Sheila Dunbar	Peaks Island, ME, United States	2016-10-22
Sarah Kim	Peaks Island, ME, United States	2016-10-22
Lori Hochman	Peaks Island, ME, United States	2016-10-22
Bruce Hochman	Peaks Island, ME, United States	2016-10-22
Provenzano Dorothy	Peaks Island, ME, United States	2016-10-22
Thomas Palfrey	Peaks Island, ME, United States	2016-10-22
William Schaeffer	Peaks Island, ME, United States	2016-10-22
John Attra	Peaks Island, ME, United States	2016-10-22
Norman Proulx	Peaks Island, ME, United States	2016-10-22
Kathleen Schneider	Peaks Island, ME, United States	2016-10-22
Douglas Smith	Peaks Island, ME, United States	2016-10-22
Marjorie Mehler	Peaks Island, ME, United States	2016-10-22
Kathleen Maguire	Montgomery Village, MD, United States	2016-10-22
Robert Villforth	Peaks Island, ME, United States	2016-10-22
jerri blatt	peaks island, ME, United States	2016-10-22
Nancy Hoffman	Peaks Island, ME, United States	2016-10-22
Ellen Huston	Peaks Island, ME, United States	2016-10-22
Smith Peter	Alburtis, PA, United States	2016-10-23

Name	Location	Date
Dennis Kaplan	Mayfield Heights, OH, United States	2016-10-23
Ann Marie Barter	Peaks Island, ME, United States	2016-10-23
Ethan Davis	San Diego, CA, United States	2016-10-23
John Gardiner	San Diego, CA, United States	2016-10-23
James Strand	South Portland, ME, United States	2016-10-23
Hailee Long	San Diego, CA, United States	2016-10-23
Lois Tiedeken	Peaks Island, ME, United States	2016-10-23
Alison MacRae-Covert	New Rochelle, NY, United States	2016-10-23
carla discala	Peaks Island, ME, United States	2016-10-23
Jennifer Pastore	Norwalk, CT, United States	2016-10-23
Patricia Waring	South Salem, NY, United States	2016-10-23
Lisa Amato	mamaroneck, NY, United States	2016-10-23
Thomas Morse	Peaks Island, ME, United States	2016-10-23
Marcy Jefferson	Brandenburg, KY, United States	2016-10-23
Jeffrey Cusack	Peaks Island, ME, United States	2016-10-23
Sebastian Small	Peaks Island, ME, United States	2016-10-23
Cheyl Higgins	Peaks Island, ME, United States	2016-10-23
Edward Ezzard	Topsham, ME, United States	2016-10-23
Sonja Vertkin	Roanoke, TX, United States	2016-10-23
Richard McIntyre	Peaks Island, ME, United States	2016-10-23
elaine ezzard	Peaks Island, ME, United States	2016-10-23
Tracy Nelson	Center Conway, NH, United States	2016-10-23
Ella Mae Eastman	Peaks Island, ME, United States	2016-10-23
Barbara Hasson-Brown	Westbrook, ME, United States	2016-10-23
Michael Barter	Peaks Island, ME, United States	2016-10-23
Garry Fox	Peaks Island Me, AL, United States	2016-10-23
Phil Daligan	Peaks Island, ME, United States	2016-10-23
James Dennison	Peaks Island, ME, United States	2016-10-23
Mary Katherine O'Brien	Auburn, ME, United States	2016-10-23
Amory Baker	Peaks island, ME, United States	2016-10-23
sadie elmsworth	Peaks Island, ME, United States	2016-10-23
Sofia Proia	Peaks Island, ME, United States	2016-10-23

Name	Location	Date
Anna Stein	Windham, ME, United States	2016-10-23
Anne Panos	Portland, ME, United States	2016-10-23
Sarah Carpenter	Medford, MA, United States	2016-10-23
Amelia Mitchell	Peaks Island, ME, United States	2016-10-23
Hugh Carroll	Peaks Island, ME, United States	2016-10-23
Gretchen Preneta	Portland, ME, United States	2016-10-23
Bob Ulrich	Portland, ME, United States	2016-10-23
Steve Kim	Peaks Island, ME, United States	2016-10-23
Alex Swillz	Peaks Island, ME, United States	2016-10-23
Taylor Norton	Peaks Island, ME, United States	2016-10-23
Marjorie Powers	Peaks Island, ME, United States	2016-10-23
Allegra Shortill	Buxton, ME, United States	2016-10-23
John Carroll	Peaks Island, ME, United States	2016-10-23
Michael Proia	Peaks Island, ME, United States	2016-10-23
Charles Crumpler	Cayce, SC, United States	2016-10-23
Paul Chiles	Portland, ME, United States	2016-10-23
Joanne Robinson	Charlotte, NC, United States	2016-10-23
Nick Quintana	Portland, ME, United States	2016-10-23
Joshua Lynch	Peaks Island, ME, United States	2016-10-23
John Lee	Peaks Island, ME, United States	2016-10-23
Maddy Agnew	Peaks Island, ME, United States	2016-10-23
Leslie Davis	Peaks Island, ME, United States	2016-10-23
Roxanne Marks	Peaks Island, ME, United States	2016-10-23
Ralph Ashmore	Peaks Island, ME, United States	2016-10-23
Jill Koufman	Richmond, ME, United States	2016-10-23
Stephen Kuzirian	Washington, DC, United States	2016-10-23
Amanda Plante	Peaks Island, ME, United States	2016-10-23
David Stankowicz	Peaks Island, ME, United States	2016-10-23
Brent Wilson	Marco Island, FL, United States	2016-10-23
Nicole Pineau	Portland, ME, United States	2016-10-23
Stephanie Solomos-Conis	Peaks Island, ME, United States	2016-10-23
Robert Gritman	Peaks Island, ME, United States	2016-10-23

Name	Location	Date
Frank Benedetto	West Harrison, NY, United States	2016-10-23
Tanner Foley	Portland, ME, United States	2016-10-23
Meg Loomis	Sarasota, FL, United States	2016-10-23
David Vincent	Peaks Island, ME, United States	2016-10-23
Alison Barton	Chelsea, MA, United States	2016-10-23
Dylan Hausthor	Peaks Island, ME, United States	2016-10-23
Martha E Morris-Gibson	Peaks Island, ME, United States	2016-10-23
Olivia Weiser	Peaks Island, ME, United States	2016-10-23
Margo Lodge-Seven Oakes	Peaks Island, ME, United States	2016-10-23
Olivia Edwards	Peaks Island, ME, United States	2016-10-23
Margaret Alves	Peaks Island, ME, United States	2016-10-23
Annika Erikson	Peaks Island, ME, United States	2016-10-23
judith mc allister	Portland, ME, United States	2016-10-23
Danielle Ivers	Peaks Island, ME, United States	2016-10-23
Catherine Loran	Kent, NY, United States	2016-10-23
KAREN LINTON	Eynsham, ENG, United Kingdom	2016-10-23
Sophia Hardesty	Peaks Island, ME, United States	2016-10-23
York Ashley	Peaks Island, ME, United States	2016-10-23
Abigail Baird	Poughkeepsie, NY, United States	2016-10-23
Elizabeth Hays	Peaks Island, ME, United States	2016-10-23
Gabriel Doss	Portland, ME, United States	2016-10-23
christine mulkern	Portland, ME, United States	2016-10-23
Vicki Flanagan	Peaks Island, ME, United States	2016-10-23
Charles Winkelman	Peaks Island, ME, United States	2016-10-23
Richard Nachemjabunton	Peaks Island, ME, United States	2016-10-23
Emma Sawyer	Portland, ME, United States	2016-10-23
Elaine Quigg	Peaks Island, ME, United States	2016-10-23
Bart Spinelli	New Rochelle, NY, United States	2016-10-23
deborah studebaker	Sarasota, FL, United States	2016-10-23
Marie Rioux	414John Mahar Hwy #409 Braintree, MA, United States	2016-10-23
Dianne Bevilacqua	Norwood, MA, United States	2016-10-23

Name	Location	Date
Patricia Erikson	Peaks Island, ME, United States	2016-10-23
Ellin Gallant	Peaks Island, ME, United States	2016-10-23
Maeve Donnelly	Peaks Island, ME, United States	2016-10-23
Liz Burton	Peaks Island, ME, United States	2016-10-23
Simon Moore	Whitchurch, ENG, United Kingdom	2016-10-23
Evelyn Somers	Peaks Island, ME, United States	2016-10-23
Rich Siggins	Norwood, MA, United States	2016-10-23
Rachel Taylor	Portland, ME, United States	2016-10-23
Kara Grant	Portland, ME, United States	2016-10-23
kathleen farrin	peaks island, ME, United States	2016-10-23
Sam Tweed	Falmouth, ME, United States	2016-10-23
George Francis	Portland, ME, United States	2016-10-23
Kathleen Seymour	Peaks Island, ME, United States	2016-10-23
Malcolm Henry	Portland, ME, United States	2016-10-23
janet donovan	portland, ME, United States	2016-10-23
denis groeger	Ayden, NC, United States	2016-10-23
Rebecca Strum	Bread Loaf, VT, United States	2016-10-23
Stephen Scharaldi	Peaks Island, ME, United States	2016-10-23
Tonya Ng	Hollis, ME, United States	2016-10-23
Lisa Martin	Portland, ME, United States	2016-10-23
Anthony Gallons	Portland, ME, United States	2016-10-23
Lisa Agnew	Peaks Island, ME, United States	2016-10-23
Finn Bradenday	Peaks Island, ME, United States	2016-10-23
Emma Maasch	Portland, ME, United States	2016-10-23
Nick Horton	Portland, ME, United States	2016-10-23
Richard Newcomb	Peaks Island, ME, United States	2016-10-23
Theresa Fox	Cape Elizabeth, ME, United States	2016-10-23
Allie Jones	Peaks Island, ME, United States	2016-10-23
David Rice	Bath, ME, United States	2016-10-23
Ken Farlow	Colorado Springs, CO, United States	2016-10-23
susan filipos	Peaks Island, ME, United States	2016-10-23
William Guerette	Scarborough, ME, United States	2016-10-23

Name	Location	Date
janii peterson	Starksbro, VT, United States	2016-10-24
John Tobin	Gambrills, MD, United States	2016-10-24
Kathleen Carson	Cape Elizabeth, ME, United States	2016-10-24
Nancy Arnold	Peaks Island, ME, United States	2016-10-24
Chrissy Raymond	Milton, MA, United States	2016-10-24
Jennie Ladew-Duncan	City, MA, United States	2016-10-24
Joan Grover	Norwood, MA, United States	2016-10-24
Judith Nelson	Peaks Island, ME, United States	2016-10-24
Claire Turlo	Arundel, ME, United States	2016-10-24
Abra Mueller	Portland, ME, United States	2016-10-24
Kate Strum	Oklahoma City, OK, United States	2016-10-24
Dorian Robinson	Peaks Island, ME, United States	2016-10-24
Louisa Munk	Portland, ME, United States	2016-10-24
Ashley Morrill	Portland, ME, United States	2016-10-24
Michel Fitz	Portland, ME, United States	2016-10-24
Michael Loring	Portland, ME, United States	2016-10-24
Keith Ivers	Peaks Island, ME, United States	2016-10-24
Wein Doyle	Ponte Vedra Beach, FL, United States	2016-10-24
Ivy Bateman	Portland, ME, United States	2016-10-24
Kieara Robinson	Portland, ME, United States	2016-10-24
Kevin Soucy	Peaks Island, ME, United States	2016-10-24
Eileen Hanley	Peaks Island, ME, United States	2016-10-24
James Salisbury	Springfield, VT, United States	2016-10-24
Rob Meharg	Peaks Island, ME, United States	2016-10-24
Jennifer Kastelic	Sedgwick, ME, United States	2016-10-24
Grace Noonan-Kaye	Cape Elizabeth, ME, United States	2016-10-24
Marsha Greenberg	Peaks Island, ME, United States	2016-10-24
Stephen Schuit	Peaks Island, ME, United States	2016-10-24
S. Stewart-Bouley	Peaks Island, ME, United States	2016-10-24
Jon Boyle	Peaks Island, ME, United States	2016-10-24
Sharon Kiman	Barnegat, NJ, United States	2016-10-24
Marilyn Norton Moran	Hampstead, NH, United States	2016-10-24

Name	Location	Date
Josh Mohr	Portland, ME, United States	2016-10-24
Kathryn Martin	Peaks Island, ME, United States	2016-10-24
Kathryn Martin	Peaks Island, ME, United States	2016-10-24
Jennifer Beech	Eastlake, OH, United States	2016-10-24
John Kiely	Peaks Island, ME, United States	2016-10-24
KATHLEEN BEECHER	Portland, ME, United States	2016-10-24
Liam Fox	Peaks Island, ME, United States	2016-10-24
Hannah Systrom	Peaks Island, ME, United States	2016-10-24
Diane Wiencke	Peaks Island, ME, United States	2016-10-24
Lalania Mandeville	Portland, ME, United States	2016-10-24
Courtney Coen	Middletown, RI, United States	2016-10-24
Carol Young	Peaks Island, ME, United States	2016-10-24
Susan Maasch	Portland, ME, United States	2016-10-24
Emily Magal	Peaks Island, ME, United States	2016-10-24
Mary Jalbert	Peaks Island, ME, United States	2016-10-24
Alex Agnew	Peaks Island, ME, United States	2016-10-24
Sharoan Cohen	Peaks island, ME, United States	2016-10-24
Jacqueline Maasch	Portland, ME, United States	2016-10-24
Keirsten Parker	Durham, NH, United States	2016-10-24
Elizabeth Budington	Peaks Island, ME, United States	2016-10-24
Amy Crawford	Underhill, VT, United States	2016-10-24
JOSEPH OTERI	Peaks Island, ME, United States	2016-10-24
David Systrom	Peaks Island, ME, United States	2016-10-24
Sue Fedor	Silver Spring, MD, United States	2016-10-24
Jean Deborah	Peaks Island, ME, United States	2016-10-24
Diane Eacret	Peaks Island, ME, United States	2016-10-24
Elizabeth Czajka	Jackson, NJ, United States	2016-10-24
Sallie Smith	Alburtis, PA, United States Minor Outlying Islands	2016-10-24
Rachel Doe	Casco, ME, United States	2016-10-24
Jane Loring	Roseville, MI, United States	2016-10-24
Amanda Porter	Portland, ME, United States	2016-10-24

Name	Location	Date
avery smith	Allentown, PA, United States	2016-10-24
Kayla Goulden	Kennebunk, ME, United States	2016-10-24
Conor Systrom	Brooklyn, NY, United States	2016-10-24
Alexandria Bell	Brooklyn, NY, United States	2016-10-24
Kaitlin Griffin	Portland, ME, United States	2016-10-24
Marc Desveaux	Wells, ME, United States	2016-10-24
Marleen Klosteridis	Peaks Island, ME, United States	2016-10-24
Alexandra Masten	Portland, ME, United States	2016-10-24
Chiarina Marcantonio	Ottawa, ME, United States	2016-10-24
Lisa Lessard	Portland, ME, United States	2016-10-24
Michelle Mola Fireman	Peaks Island, ME, United States	2016-10-24

Recipient: Portland Planning Board

Letter: Greetings,

Stop the Ordinance Changes That Will Ruin Peaks Island, Maine

Comments

Name	Location	Date	Comment
Angela Tolford Davis	San Diego, CA	2016-10-20	Family has long ties to Peaks and this would impact the island negatively for years to come.
Bob Spector	Peaks Island, ME	2016-10-21	The proposed unit is too large for the island.
dorothy schroeder	Peaks Island, ME	2016-10-21	portland should be considering a preservation ordinance to protect peaks rather than entertaining any zoning code revisions that change the character of the island
Muriel Bacon	Peaks Island, ME	2016-10-21	This ordinance is a terrible idea, it is based on greed. It would destroy the character, the integrity of Peaks Island.
Carol Callow	Marlborough, MA	2016-10-21	I do not want the change to the front of the island
Ann Karlsen	Naples, FL	2016-10-21	I agree that NO CONDOS should be build on the waterfront of Peaks Island for ANY reason.
Kimberly MacIsaac	Peaks Island, ME	2016-10-21	This proposal is too large scale for the island and will be an eyesore. I also live in the business zone and don't want the possibility of my modest home being surrounded by oversized buildings.
David Vinograd	Richmond, United Kingdom	2016-10-21	This type of development is not needed by the island and will seriously impact the life of all residents.
Margaret Carver	Peaks Island, ME	2016-10-21	I have seen too many beautiful place ruined by development.
Siuwllen Roberts	Peaks Island, ME	2016-10-21	I do not want the down front zoning to be changed.
Jane Maguire	Charlotte, NC	2016-10-21	It is not a suitable place for a large building which would add to problems already existing down front.
Diana Sriver	Amherst, MA	2016-10-21	This proposal will change the nature of island living in ways that would be irrevocable.
Deborah Montgomery	Peaks Island, ME	2016-10-21	I don't want the Down Front area of Peaks to get "built up" on this tiny island.
Jody Halliday	Keene, NH	2016-10-21	I am signing because I believe the proposal would be detrimental to the island.
Catherynne Valente	Peaks Island, ME	2016-10-21	I am a resident
Skip Davis	Peaks Island, ME	2016-10-21	Wrong project at the wrong location
Emuel Vassey	Kittery Point, ME	2016-10-21	Although not a Peaks resident, I wonder what kind of madness would lead anyone to propose this on any Maine island. People are drawn to the state's islands because of their small, cozy character, and trying to turn Peaks into an extension of the downtown area with tenement structures of the proposed nature would ruin that. It seems singularly short-sighted and, not to put too fine a point on it, just plain stupid.
Robert Baker	Peaks Island, ME	2016-10-22	As a long time island resident (1957), I am vehemently opposed to throwing out existing zoning regulations, so that the project is profitable for the developer. That pales in comparison to the damage it could potentially do to the community as a whole
Mary Slavinski	Tarrytown, NY	2016-10-22	I would hate to see Peaks island lose its unique character.
Kristen Coffield	Peaks Island, ME	2016-10-22	I feel we need to preserve the unique character and rural character of Peaks Island.
Ken Niemeyer	Peaks Island, ME	2016-10-22	Limited development/single family better for the island
Margaret Carver	Peaks Island, ME	2016-10-22	So many places have lost the charm they once had. Let's not let that happen on Peaks. Wayne and I are firmly opposed to any changes to current zoning laws.

Name	Location	Date	Comment
Thomas Peter	Sarasota, FL	2016-10-22	We visit Peaks often and it is great to be in a low key environment.
Deborah Jordan	Falmouth, ME	2016-10-22	I am signing this petition to protect our quality of life on Peaks Island.
Lynn Heinemann	Boston, MA	2016-10-22	The charm and distinctive charm of Peaks would be irretrievably lost by changing the restrictions on over-development of the "business" zone of the island.
Diane Price	Peaks Island, ME	2016-10-22	I believe the proposed project is out of scale for the island, there is inadequate parking allowed for, and it sets a precedent for future development out of character for the island.
Henry Barbaro	Boston, MA	2016-10-22	The residents, and visitors, of Peaks Island should not be subjected to haphazard development according to the whims of individual property owners, but rather the City of Portland should seek to enhance island life by providing for development that fits well into the fabric of the community.
Steve Davis	Longmont, CO	2016-10-22	Seems to be completely out of scale and character for the block it is proposed for.
Steve Anderson	Peaks Island, ME	2016-10-22	Zoning is there for a reason. It protects the very essence and integrity of development on this small Maine island. The developer should be held to the same restrictions/opportunities as the rest of us. Build what he wants as long as zoning remains unchanged.
Kelso Angela	Peaks Island, ME	2016-10-22	Construction of this magnitude would be the beginning of an erosion of the beauty of our shoreline which should be preserved for all who treasure the fragility of an island.
John Whitman	peaks island, ME	2016-10-22	We have lived on Peaks Island for 31 and 40 years, respectively, because we love its small village character. This proposed project would signal the destruction of Peaks Island as we know it.
Scott Nash	Peaks Island, ME	2016-10-22	I'm not convinced that this zoning change would be beneficial to our community.
Kathleen Hayward	Peaks Island, ME	2016-10-22	Peaks Island needs truly affordable housing, not condos.
John Carroll	Peaks Island, ME	2016-10-22	Bending the rules to maximize the return on a real estate venture of this scale is unwarranted, unsuited, and unwanted. Thanks, but no thanks.
Maureen Macisso	Portland, ME	2016-10-22	I believe this proposed multi-family project would have a serious negative impact on the Peaks Island community.
Jennifer Campbell	WALTHAM, MA	2016-10-22	I'm signing because Peaks is my favorite place on this planet. The weekends I've spent there are some of the best of my life. I am against anything that will detract from it's peacefulness.
Cristina Keusch MD	Peaks Island, ME	2016-10-22	Opposed to overcrowding and commercializing our island. I have seen development of this nature wherein parking is comprised and oversized structures are built. It will significantly impact the island in a negative and far reaching manner.
Deborah Davis	Longmont, CO	2016-10-22	The massive scale of this project is not appropriate for this neighborhood of long-term homeowners who have invested in and treasure Peaks. While appreciating the need for affordable housing, crowding the waterfront, building an overly large structure that will house up to 14 families (who will all need water, etc., services) while reducing parking, will irrevocably harm Peaks Island for everyone: full-time and part-time island residents, as well as visitors and daytrippers. I do not support this development.

Name	Location	Date	Comment
Fran Silvestri	Winchester, NH	2016-10-22	I do not feel that such a development is appropriate for a small island especially changing the ordinances. Peaks Islanders should have a direct say in such changes not an imposed decision from the city. We pay a disproportion of the taxes versus services we receive at the least should have a disproportion of say on such decisions that affect our island
Robin MacRae	Peaks Island, ME	2016-10-22	I do not want to see this kind of expansion on Peaks Island. The Island is already overcrowded.
Roderick MacRae DDS, FAGD	Patterson, NY	2016-10-22	This is an utterly undesirable change to the code that will net nothing positive for Peaks Island.
Bobbie Modi	Sarasota, FL	2016-10-22	I have family that live on peaks island!
Provenzano Dorothy	Peaks Island, ME	2016-10-22	This project is so out of character for this island. I absolutely agree that this would negatively impact the beauty and livability of the island.
Thomas Palfrey	Peaks Island, ME	2016-10-22	I'm signing because I am opposed to the proposed changes for the 2 Island Avenue project.
Norm Proulx	Peaks Island, ME	2016-10-22	I am signing because the zoning changes requested will change the livability of Peaks Island. They will open up the rest of an already congested area to further development.
Douglas Smith	Peaks Island, ME	2016-10-22	From what we know, this project is very ill-advised for 2 Island Ave., and probably for any location on the island. The prospect of potential unleashed, widespread development should this project be approved is deeply upsetting to every neighbor I know.
Smith Peter	Alburtis, PA	2016-10-23	The charm of Peakes Island is it's quiet peace and simplicity. Building condominium units anywhere on Peakes will over tax the island's infrastructure and commence the demise of the island's attractive tranquility. Allowing 12-14 units at 2 Island Avenue will sully the entire neighborhood. This project is unnecessary, out of sink with the surrounding neighborhood.
Ann Marie Barter	Peaks Island, ME	2016-10-23	While I support affordable housing, I do not believe this project offers the solution.
Ethan Davis	San Diego, CA	2016-10-23	This is a terrible idea and will ruin the character of Peaks Island.
John Gardiner	San Diego, CA	2016-10-23	I wanna keep the gallery classy!
Lois Tiedeken	Peaks Island, ME	2016-10-23	I oppose the size of the project (the number of units and the height, and reduced setbacks, it will overload the sewer and parking problem,
Alison MacRae-Covert	New Rochelle, NY	2016-10-23	Peak's Island is one of the most beautiful, peaceful and friendly places I have ever been. My grandparents started vacationing there in the early 1950's and our family still vacations there to this day. My aunt and uncle own a home here and my parents did until my father passed away in 2014. Please don't ruin this extraordinary island, all this is going to do is make it just like every other over-populated and commercial vacation spot. There aren't many places like Peak's anymore, please keep it that way.
Cheyli Higgins	Peaks Island, ME	2016-10-23	Changing the zoning regulations for the Island Avenue business district will create a city environment on a suburb island that now experiences overcrowding and congestion 5 months of the years. It will negatively change the small island environment that islanders and visitors cherish.
Sonja Vertkin	Keller, TX	2016-10-23	This type of expansion on this Maine island will forever destroy the eco system!
elaine ezzard	Peaks Island, ME	2016-10-23	I summer on Peaks and have for the past 75 years and I don't want to see a precedent set that would allow tall buildings downfront. It would change the whole character of Peaks.

Name	Location	Date	Comment
Ella Ella	Riverside, IL	2016-10-23	This is completely inappropriate for Peaks Island. Too big, too dense, no parking needed. Would change the look and character of the down front area.
Phillip Daligan	Portland, ME	2016-10-23	Rezoning the Downfront area will ruin the character of the Island
Sofia Proia	Peaks Island, ME	2016-10-23	GTFO
Anna Stein	Windham, ME	2016-10-23	It's too crowded now!
Chuck Davis	South Berwick, ME	2016-10-23	Always a Mainer at heart and would be devastated to see such changes at Peaks.
Ralph Ashmore	Peaks Island, ME	2016-10-23	I am opposed to this project and in particular, to the radical blanket changes proposed for our entire business zone.
Amanda Hannan	Portland, ME	2016-10-23	The proposed changes would decimate the intimate character of the island. The Island cannot and SHOULD NOT accommodate increased housing demand merely because they exist. It will lower the quality standards for dwellings and change the character of neighborhoods for the worse. I vehemently oppose this proposal.
Alexander David Stankowicz	Peaks Island, ME	2016-10-23	The proposed project is inappropriate for the culture of Peaks Island.
Stephanie Solomos-Conis	Peaks Island, ME	2016-10-23	Stephanie Solomos-Conis
Frank Benedetto	West Harrison, NY	2016-10-23	I spent numerous weeks up on Peaks Island with family. It's the most peaceful place in the northeast. Such a rich history going back to the civil war, WW2 and the wildlife. There is one unique bird I always had views of. They call it the ACM bird in those parts but I am sure it has a true name. Anyway. Great memories.
Ralph Ashmore	Peaks Island, ME	2016-10-23	Given the direction PI has been led away from sustainability, it is not surprising that such a radical proposal is being encouraged. The enormous financial burden to maintain, carry and upgrade the infrastructure that has been put into place is the way in which former rural areas of our country have become urbanized. I choose to believe and hope that there exists other means by which to generate solutions that establish and respect the value of the biological, historical and cultural resources of our treasured island. It is inevitable that further development will occur however, we need to be part of the decision as to how this will be done in a manner that celebrates the values, traditions and character that makes us unique from our urban and interdependent counterpart. Please show your support by attending the Planning Board meeting this Tuesday and PLEASE spread the word by encouraging others to sign the petition.
Meg Loomis	Sarasota, FL	2016-10-23	I have family ties to the island going back for generations. This is a RIDICULOUS idea!
Alison Barton	Chelsea, MA	2016-10-23	My family has a house on Long Island ME, I wholly believe this change to ordinances would be a disaster.
Martha Morris-Gibson	Peaks Island, ME	2016-10-23	I would like to see that historic corner of the island business district remain in keeping with the way it was in earlier times. Those remaining buildings and stories told are part of the Island ambience.
Judith McAllister	Portland, ME	2016-10-23	please don't let this happen. the island life needs to be preserved not gentrified!!!
KAREN LINTON	Eynsham, United Kingdom	2016-10-23	I have been visiting Peaks Island for over 30 years & would hate to see its character changed...
Abigail Baird	Poughkeepsie, NY	2016-10-23	my summer address (for my entire life) has been 28 Greenwood St. Peaks Isl, ME...just down the path from the proposed change.

Name	Location	Date	Comment
Elizabeth Hays	Peaks Island, ME	2016-10-23	I believe this project is way oversized for the property and I agree with every statement in the petition.
Elaine Quigg	Peaks Island, ME	2016-10-23	I'm 100 years old. I'm in favor of leaving it the way it is. It's part of Peaks Island's history.
deborah studebaker	Sarasota, FL	2016-10-23	Keep Peaks as is!
Marie Rioux	414John Mahar Hwy #409 Braintree, MA	2016-10-23	Summer resident and want the Island stay the way it is now.
Dianne Bevilacqua	Norwood, MA	2016-10-23	I have been coming to Peaks Island for over 60 years. My family owned the summer cottage that I currently own. I have seen many changes over the years. Most have been good but some have not. There are so many memories that many of us have about what Peaks Island was like when we were growing up. It has always been like no other place, unique to its own physical appearance and the warmth and community that exists on such a beautiful place. I honestly can't understand why because of greed or whatever reasons one would have to destroy the downtown front of the island by building such a structure of any size multi-unit building. When you come to the island by boat you immediately see the natural beauty, quaintness and unique of character of the island. Please don't allow the building of any structures of this size on our front to negatively impact that impression of our beautiful island.
Patricia Erikson	Earlton, NY	2016-10-23	This development is inappropriate and out of character for its location.
Simon Moore	Whitchurch, United Kingdom	2016-10-23	I have stayed on Peak's Island several times and have really enjoyed its natural and peaceful atmosphere. Please don't build any more homes there!
Rich Siggins	Norwood, MA	2016-10-23	Going to the island my whole life and love how it different from main land. Don't need mainland on the island
Rebecca Strum	Ridgewood, NJ	2016-10-23	I'm signing because I have enjoyed Peaks Island as a unique gem. I am horrified by the proposal to build this condo which I know would change the character and beauty of Peaks forever.
Stephen Scharaldi	Peaks Island, ME	2016-10-23	I am TOTALLY opposed to the urbanizing of the beauty of Peaks Island. The island is turning into a cash cow for the city and I oppose the ruination of the natural beauty of Peaks Island.
susan filipos	Peaks Island, ME	2016-10-23	Peaks island has an intimate year round community that is quaint and safe.... small town USA. It should be allowed to remain that way.
Janii Peterson	Starksbro, VT	2016-10-24	I feel strongly about this!
Claire Turlo	Arundel, ME	2016-10-24	Enough is enough. Peaks Island is such a unique community. Don't denigrate the beauty, livability and character of the island by allowing McMulti-Family units.
Dorian Robinson	Peaks Island, ME	2016-10-24	I do not want this to happen. At all.
Keith Ivers	Peaks Island, ME	2016-10-24	The island my family grew up on is already holding on by a thread.
Wein Doyle	Ponte Vedra Beach, FL	2016-10-24	I'm a former resident of peaks island Maine and my Father and mother in law own a home on the island.
Rob Meharg	Peaks Island, ME	2016-10-24	I don't support this proposed zoning change.
Jennifer Kastelic	Sedgwick, ME	2016-10-24	This planning won't work. Ugh. People, stop being so shortsighted!
Stephen Schuit	Peaks Island, ME	2016-10-24	I am signing because the variances sought, as I understand them, will far too drastically alter the aesthetics and way-of-life that has defined Peaks Island for generations. It is too blatantly a proposal based self-interest and profits.
Jon Boyle	Peaks Island, ME	2016-10-24	I want to preserve the character of Peaks Island by opposing actions like this that will turn it into just another ugly overcrowded commercialized entity.

Name	Location	Date	Comment
Marilyn Norton Moran	Hampstead, NH	2016-10-24	I have been coming to Peaks Island for 40 years--because it is not like other resortie islands!!!!
Jennifer Beech	Willowick, OH	2016-10-24	Peaks Island is a gorgeous community, and in order to keep the character of the island intact, things should be kept as natural as possible from here on out.
Liam Fox	Peaks Island, ME	2016-10-24	This will be the beginning of the end.
Diane Wiencke	Peaks Island, ME	2016-10-24	I am in strong opposition of the changes requested in zoning for the development of the bowling alley
Emily Magal	Peaks Island, ME	2016-10-24	I strongly oppose the proposal to amend the I-B Island Business zoning regulations. Change, if desired, should be approached in a comprehensive, thoughtful and inclusive manner. The text/map amendment circumvents that process and, indeed, imposes one person's will on everyone else.
Alex Agnew	Peaks Island, ME	2016-10-24	This non-starter would represent a change in the entire island culture which affects all of us. Sure glad we have good zoning to protect against this.
Jacqueline Maasch	Portland, ME	2016-10-24	Don't let commercial interests ruin our coast. This is not for the people. This is for the landlords to line their pockets.
Elizabeth Budington	Peaks Island, ME	2016-10-24	I would like to see the character of Peaks Island remain the same. A small community with a big heart. It is what brought us to this island in Casco bay.
JOSEPH OTERI	Peaks Island, ME	2016-10-24	These changes would impact the entire island in future development, and land use. The city,has in the past enforced restrictions adhering to current zoning laws. I see no reason that the city should take exception to the laws for said property, regardless of the developers bottom line.
david systrom	Winchester, MA	2016-10-24	The island is already overrun
Sue Fedor	Silver Spring, MD	2016-10-24	For the past six years, my family has vacationed on Peaks. It's like a second home to is. We also love Portland and it's progressive policies. There are neighborhoods in Portland in desperate need of improved housing stock and rental units. Make the most of what you've already got before altering the character of Peaks.
Diane Eacret	Peaks Island, ME	2016-10-24	The proposed changes would permanently alter the character of the island and not for the better.
Sallie Smith	Alburtis, United States Minor Outlying Islands	2016-10-24	Nothing positive will come from this building being jammed into a space that is clearly too small, unsupported by the correct infrastructure and a pariah to the neighborhood.
Conor Systrom	winchester, MA	2016-10-24	I come here every summer for its natural beauty. This condo would destroy the very essence of Peaks.
Marleen Klosteridis	Peaks Island, ME	2016-10-24	The island is so crowed down front. This will only add to the traffic.
Andrea Davis	Sarasota, FL	2016-10-24	Please don't allow this devastating project on our beautiful island that we all hold so dear. A building of this size and density does not belong anywhere on Peaks, much less on the waterfront.
Kathy MacRae	Reading, PA	2016-10-24	As a former homeowner and resident I do not want to see the landscape of Peaks Island changed.



Economic Development Department

Memorandum

To: Chair Boepple and Members of the Planning Board

From: Bill Needelman, Waterfront Coordinator

Date: October 20, 2016

Re: Waterfront Port Development Zone Text Amendment, Application

Introduction

On behalf of the City Manager's Office, the Economic Development Department is submitting an application for text amendment to the Waterfront Port Development Zone to allow taller buildings in support of port development.

This text amendment is prompted by an initiative of the Maine Port Authority to construct a cold storage facility on a portion of the IMT property. The Port Authority has selected a developer, Americold, to design, construct and operate a regionally scaled cold storage warehouse that will compliment and add value to intermodal and marine operations at the IMT. Improved cold storage with direct marine, rail, and highway connections, is seen as a significant benefit to Maine's food and beverage industries serving both import and export shippers.

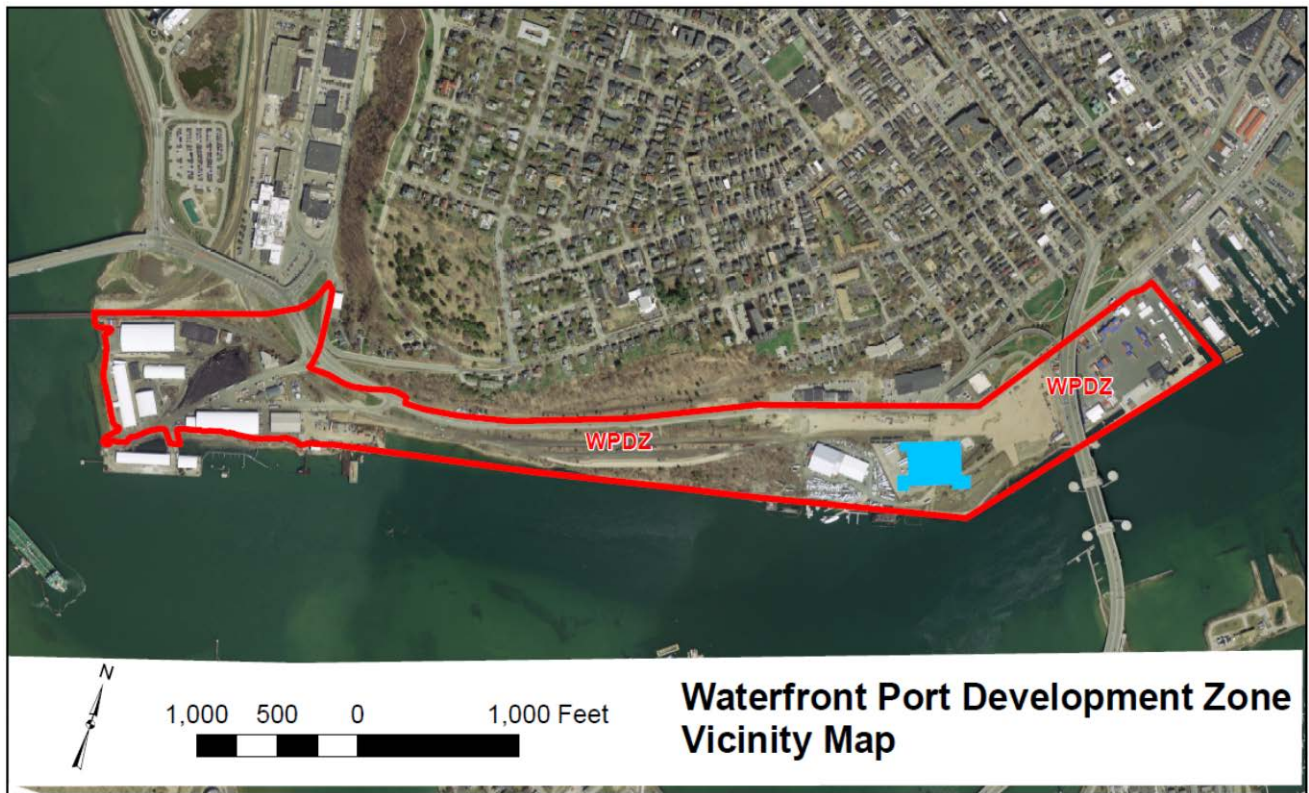
The Economic Development Department is acting as applicant due to the importance of the project to the local and regional economy. Additionally, taller building heights will allow for other users in the western waterfront to seek projects and developments that will further fulfil existing city policies supporting the Port of Portland and preservation of the working waterfront.

Americold representatives have indicated that the existing 45 foot height restrictions would significantly restrict the ability of the WPDZ to house a sufficiently scaled, efficient modern facility. Likewise, other uses in the zone, including boat repair, have been constrained by the existing zoning. Taller buildings, currently requested to 70 feet, would allow efficient use of land and promote marine commerce and employment on the Western Waterfront.

Background

The Waterfront Port Development Zone (WPDZ) was created in the early 1990's along with the first generation of modern waterfront zones promoting preservation of the working waterfront in Portland Harbor. Originally applied to the deepwater portions of the harbor in both the Eastern Waterfront and Western Waterfront, the WPDZ was simultaneously the most restrictive zone on the waterfront (most limiting to marine use only) and the most liberal (allowing and promoting the most intensive industrial activity – deep water freight, ship building and marine construction.) In essence, the WPDZ defined Portland as a community promoting a deep water port.

Occupying land on the water side of Commercial Street and West Commercial Street, the WPDZ encompasses +/-89 acres of industrial land and +/-8000 linear feet of shore frontage. With direct access to the national rail system, the interstate highway system, and the dredged federal channel of Portland Harbor, the WPDZ is an anchor of the Port of Portland and a critical component of the State of Maine port strategy.



Four deep water facilities call the WPDZ home, listed from east to west:

1. The International Marine Terminal (IMT) – containerized freight and intermodal cargo
2. Portland Yacht Services – boat and ship repair and full service boat yard
3. Cianbro, Ricker's Wharf – marine construction and heavy project freight
4. Merrill's Marine terminal/Sprague Energy – Bulk freight (salt and coal) and breakbulk freight (forest products)

Recent and Pending Development in the WPDZ

The WPDZ has seen significant activity over previous few years and this development is poised to continue.

The International Marine Terminal: Occupying over 28 acres, the IMT has been improved with a series of integrated renovations and expansions starting in 2011. Under the management of the Maine Port Authority, the IMT is now home to scheduled international containerized freight service through the Icelandic steamship company, Eimskip. Recent projects include, pier infill, structural pavement replacement, lighting, stormwater system replacement, extensive off-site traffic improvements, yard expansions, rail extensions and loading infrastructure, environmental remediation, fencing and landscaping, and equipment upgrades. Using federal and state monies, improvements to the IMT have positioned the Port of Portland to grow significantly into the foreseeable future.

As a means to expand the service, increase efficiency, and leverage the opportunities created by Eimskip's arrival, the Maine Port Authority has recently selected a developer/operator, Americold, to design, construct and operate a regionally scaled cold storage warehouse that will compliment and add value to intermodal and marine operations at the IMT. The subject application for text amendment for increased building heights in the WPDZ is prompted by and is in support of the Americold project.

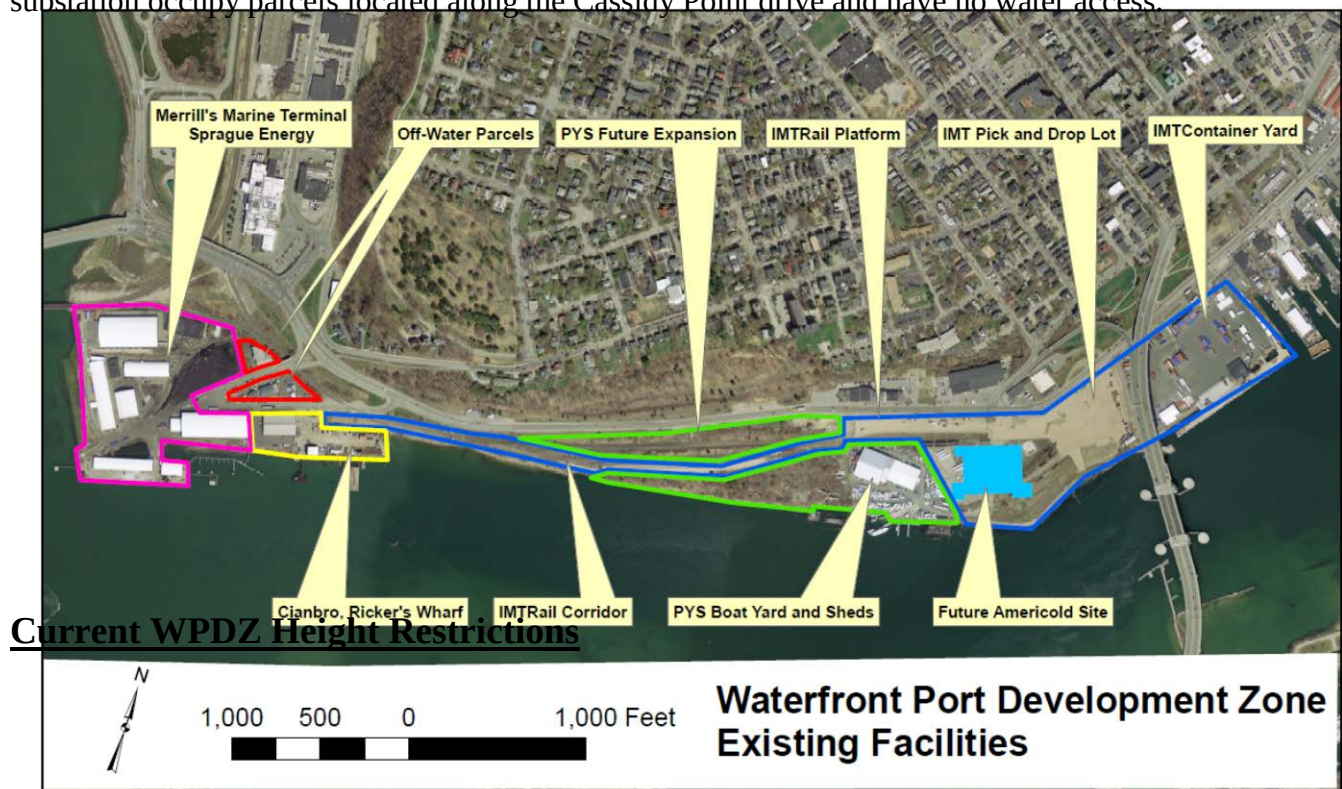
Portland Yacht Services: Originally located in the Eastern Waterfront, Portland Yacht Services (PYS) has been in the process of creating a new full service boat repair facility in the Western Waterfront for several years. With floating docks, a launch/haul ramp, and +/-40,000 sq ft of interior storage and shop space, PYS has significant room to grow on recently acquired land to the west. Management representatives in the PYS organization have indicated to Economic Development staff that building height limits in the WPDZ are a barrier to creating a facility that achieves the potential for the site to serve larger scale commercial and recreational vessels over 100 feet in length. Currently, local vessels, such as some Casco Bay Lines ferries, need to travel to Boothbay, Belfast, or as far away as Rhode Island for regular and unscheduled out of water service.

The PYS facility is divided by a rail corridor serving the IMT and has plans to expand.

Cianbro, Ricker's Wharf: The smallest of the contiguous waterfront parcels in the WPDZ, Ricker's Wharf includes 3.7 acres of land with additional wharf space. Occupied by a 22,000 sq ft warehouse, laydown yard, and employee parking, the site has been quiet of late, after having gained some degree of notoriety by berthing the mysterious "Google barge" two years ago.

Merrill's Marine Terminal/Sprague Energy: Handling bulk coal, bulk road salt, and breakbulk (palletized) forest products, the private terminal is a +/-16.5 acre intermodal freight facility with extensive warehouse capacity. Seven frame and fabric warehouses combine to enclose over 5 acres of interior storage capacity in addition to a large coal pile and an active rail siding. With 600 linear feet of deepwater berthing and a heavy capacity pier, the Merrill Marine Terminal is a significant facility for the port.

Off-water Parcels: In addition to the four marine facilities described above, two private business properties (Coachworks auto repair, and Advantage Gas/Freeman's Supply) and a Central Maine Power substation occupy parcels located along the Cassidy Point drive and have no water access.



Currently in the WPDZ, building heights are restricted to 45 feet. The text also includes provisions for significantly higher structures under extremely limited use parameters (bulk storage only) and geographic parameters (differentially applied depending on location.)

In the most extreme example, currently a “bulk storage” facility located between the center line projection of Danforth Street and the Veteran’s Memorial Bridge (previous location assumed) could be constructed to 145 feet above sea level. Between Danforth and Vaughn Street the height for bulk storage structures drops to 70 feet, but the allowance rises to 75 feet between Vaughn and Emery Street. For uses and structures that can utilize the taller structure allowance, there are several paragraphs further stipulating the horizontal size and separation of proposed structures, as well as differential lot setback requirements depending on proposed heights.

As one may imagine, the above described language was written with a specific unbuilt project in mind and has never been applied. Neither the use nor location provisions of structure height flexibility would apply to recent development opportunities.

In nearby zones, 45 feet is shorter than the less intensive Waterfront Central Zone to the east (50 feet,) and shorter than much of the B-5b zone located across Commercial and West Commercial Street. The B-5b zone is generally 65 feet in height, but locations recently rezoned on land owned by JB Brown contained provisions for lower buildings in certain areas - 45 feet at the far west of the site near Benny’s Fried Clams, rising to 65 feet east of Emery Street.

Building Height Requirements to meet the immediate need:

The Planning Board and City Council are asked to consider raising the allowable building heights in the WPDZ to seventy (70) feet. This number comes as the minimum needed to construct a sufficiently large, modern, efficient cold storage facility within the constraints of the WPDZ.

The 70 foot building height request results from the internal capacity needs of the use. The plan view (horizontal foot print) extent of the building is constrained by a number of factors including the size of the site, the shore line, the location of rail infrastructure, and the need for truck circulation and parking. Vertically, pallet capacity grows in large increments as additional layers of pallet racks are added. In order to meet the business model requirements for pallet capacity, the refrigerated warehouse needs over 55 feet of clear space from the finished floor to the bottom of the roof structure. The finished floor height is dictated by the height of truck loading docks. The roof structure depth is dictated by the clear span requirements of the use, and other roof loading needs. As currently envisioned, the building is planned at 68 feet tall, as measured from the surrounding grade.

Concept Level Details (All Approximate)	
Site Area	6.3 Acres
Zoning	WPDZ
Footprint	120,000 SF
Building Height	68’ above grade (~78-80’ above MSL)
Interior Clearance	55’ 4”. Finish floor is 4’ above grade.
Storage Capacity	15,864 Pallet Positions
Cold storage, dry goods, blast freezer, office space	

Source: Americold

Economic Development staff has explored with Americold’s representatives options for reducing the request to lower than 70 feet. Given fixed constraints, the only potential place to shrink the height of the structure is in the clear space height of the refrigerated interior. To reduce the building height by even a small increment will result in the loss of an entire rack layer – with a significant loss of capacity. 70 feet is the minimum building height that will result in a structure meeting the business model for the project.

Americold will produce additional material supporting the need for the 70 foot height under separate cover.

Proposed Text Amendments: Three Alternatives, Option 1 preferred.

The Board is asked to consider three possible options for achieving the goal of promoting growth of port activity in the WPDZ. Of the three, Option 1 is the preferred alternative for its simplicity, clarity, and potential to generate port development across the zone from multiple uses.

Other uses in the zone, specifically vessel repair and service, also are limited by the current 45 foot restriction and would benefit from the text change.

Options to consider

Option 1: Replace the maximum build height, 45 feet, with 70 feet.

Option 2: Retain the maximum building height, 45 feet. Draft exception for cold storage and warehouse use to allow 70 feet for the specific use.

Option 3: Retain the maximum building height, 45 feet. Draft exception for cold storage and warehouse use to allow 70 feet for the specific use only within a specific geographic area between the extension of the School Street right of way and the Casco Bay Bridge.

Additional Related Text Amendments:

All of the above options for consideration include related amendments to the Land Use Code in addition to the WPDZ building height provisions.

- Add a definition of “cold storage” is included in Sec. 14-47 for clarity. “Cold Storage Facility: Refrigerated facility used for the storage of perishable freight awaiting shipment or wholesaling.”
- Add “Cold Storage” to the permitted use section under Sec 14-319 (b)2. Cold Storage, Warehousing and storage of goods which are awaiting shipment via cargo carriers

While the Americold proposal was determined to meet the existing definition under a “warehousing” use, other zones in the Land Use Code include a specific reference to “cold storage” potentially causing problems for future interpretations. Defining and listing “cold storage” within the Code avoids any future confusion regarding the proposed use.

- Remove the Maximum Building Height exceptions, described above, which apply only to bulk storage facilities under specific location and separation conditions. This request is seen as a reasonable mechanism to simply, shorten, and clarify the code. City staff and applicants alike have been confused by the exception language and its potential, erroneous, application to non “bulk storage” uses.

Note: The above language recommended for removal most directly applies to the Sprague Energy use at the Merrill Marine Terminal. Economic Development staff has asked

representatives from Sprague Energy to comment on the value of the exception to their future development of the Merrill Marine Terminal site. When this reply is available, it will be communicated to the Planning Board.

Comprehensive Plan and Policy Review

The current policies informing waterfront zoning in Portland are derived from the Waterfront Alliance Recommendations to the City of Portland, 1992, which was adopted by reference as the policy basis for waterfront zoning in 1993. The Waterfront Alliance Report succinctly laid out the policies for the waterfront generally in the preamble and the further established geographic sub-districts differentiated by water depth and focus of use.

PREAMBLE

Our recommendations are based on the recognition that as a working waterfront, Portland Harbor should be a regional economic force that supports local economies through jobs and tax revenues.

Water-dependent users are the lifeblood of Portland's waterfront and their interests must be protected above all others. We further recognize that diversity is the key to the economic stability of the working waterfront, the proper maintenance of its infrastructure and its long-term growth. Measures to promote diversity include zoning, as well as economic assistance and partnerships between private and public interests.

In order to maintain and expand the Port as a working waterfront for the enjoyment and economic benefit of all, the Waterfront Alliance recommends the following measures be taken:

1. Preserve the entire perimeter of the Harbor from Tukey's Bridge to the Veteran's Memorial Bridge for berthing.
2. Recognize that property with direct water access is limited and should be reserved exclusively for marine use.
3. Allow marine compatible use of other property that does not interfere in any way with the activities of water-dependent users.
4. Divide the waterfront into four zones that reflect the type of berthing or land use that each zone can accommodate.
5. The Alliance believes that the City should renew its commitment to promoting public access to the Port for the benefit and enjoyment of its citizens and continue to insure ecological safety through the promotion of environmentally sound practices.

WPDZ Policies: The policies promoted by the WPDZ are most succinctly described in the Purpose Statement of the zone:

Sec. 14-318. Purpose.

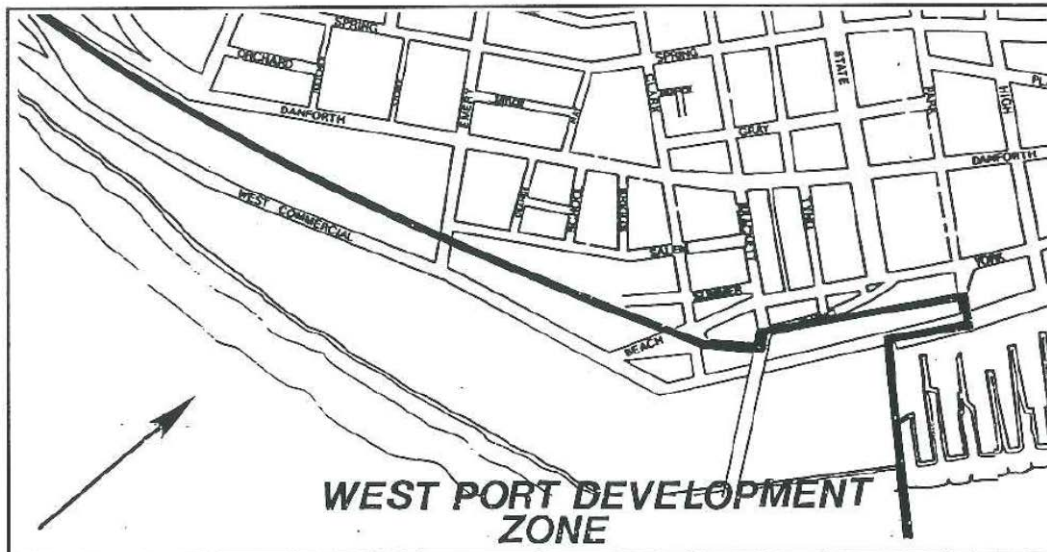
Transport of goods by water to and from Portland is an important component of both the local and regional economy. This commerce is dependent upon land with direct access to the dredged deep water channel of the Fore River.

Waterfront land with direct deep water access shall be restricted to uses which contribute to port activity. This zone exists, therefore, to ensure the continued viability of the Port of Portland. Uses in the port development zone, while governed by the same performance standards as other industrial zones, are limited to those uses which are dependent upon deep water and which contribute to port activity.

Nonmarine industrial activity may be allowed only on a temporary basis and only to the extent it will not preclude or impede any future water-dependent development.

The above zone text language is taken nearly verbatim from the Waterfront Alliance Report in its description of the use and future for the Western Waterfront, as shown below:

PORT DEVELOPMENT WEST ZONE GEOGRAPHIC DESCRIPTION: Generally the land east of Veterans Memorial Bridge to the south side of State Street Wharf and all land west of the Million Dollar Bridge.



In addition to the Purpose language above, the Waterfront Alliance Report includes the so-called “Pringle Amendment” specific to the Western Waterfront.

Pringle Amendment

The property along the shore west of the Million Dollar Bridge is an important resource as the largest remaining undeveloped parcel abutting deep water, with significant potential value for use by deep draft vessels in the future, including such uses dependent on the convergence of water, rail and highway transportation linkages. Non-marine commercial or industrial development of this property should be allowed only to the extent that it will not impede or preclude future water dependent development. Such non-marine uses must allow for adequate right-of-way access to the shore, must be compatible with marine uses, and must be physically adaptable or relocatable to make way for future development for water-dependent uses, especially those which utilize the deep water frontage of the site.

Recent growth in port activity shows the wisdom and success of these long-standing policies. The current request for taller buildings promotes greater industrial and transportation activity on the land most critical for support of port operations. While each option of proposed zone text amendments is consistent with the intent of the policies to promote the western waterfront for deep water port activity, Option 1 has the greatest potential to catalyze further growth of the port for the widest possible range of water dependent uses.

Economic Development Policies: In addition to land use policies, the City Council has adopted an *Economic Development Vision and Plan (2011)* which supports port activity and development.

As summarized below, the Plan outlines principles, visions, goals and actions including the following:

Under the core economic development guiding principle of ***Growing its tax and employment base***,

- o Support industry sectors that are innovative and have high growth/high value potential to provide future opportunities for economic development, including “Marine and marine related – working waterfront, port related, and cargo”
- o Support a working waterfront, recognizing... “the **Western Waterfront**, Portland’s essential deep water port edge and acreage...” and , “Provide continued support for the International Marine Terminal (cargo shipping)”

Economic Development Vision and Plan – Portland, Maine, page 8

Additional language in the Economic Development Plan supports development of business opportunities and infrastructure.

Regional Policies and Support for Cold Storage and Port Activity

Maine’s Three Port Strategy

Since the late 1970’s, the State of Maine has developed a three port strategy for marine cargo by concentrating investments in Portland, Searsport, and Eastport. As the only port located in Southern Maine and the only port with significant container capacity, the Port of Portland is a critical component of freight and cargo system for the state.

The arrival of Eimskip is a direct result of recent investments by the State into the IMT. The current plan to build cold storage capacity at the IMT is a further commitment to the long standing state policy of prioritizing the Port of Portland. Changing zoning, as requested, to allow larger structures that efficiently use precious land resources is a local action that supports state, federal, and private investment in the port's future as an economic and employment generator for the region.

Investing in Manufacturing Communities Partnership: IMCP

Prompted by two rounds of successful applications by the Greater Portland Council of Governments, Greater Portland and the Southern Maine region have been designated by the US Economic Development Administration as a manufacturing community of special significance, notably for our food and beverage cluster. The designation positions the region for consideration of future financial grants and assistance.

In designating the Greater Portland region in the IMCP program, EDA documents note the following:

"Infrastructure and Site Development: For the first time since 1980, the region has refrigerated container service to Europe enabling food exports. However, the port in question lacks a direct rail connection, requiring costly over land transport. And despite rail and air connections, 90% of shipments originating in Maine travel entirely by truck. In addition, *the city does not have sufficient cold storage to prepare product for long range transport.* The region has proposed building a 100,000 food warehouse at the port. In addition, the region has proposed restoring rail service on the Mountain Division rail line to connect the port to rail and reduce the need for overland trucking." (Emphasis added)
<https://www.eda.gov/challenges/imcp/files/1st-round/IMCP-2-Page-Handout-Portland.pdf>

As noted in the EDA material, a cold storage facility and improved port infrastructure are important steps needed to maximize opportunities in manufacturing and trade for the region. Taller buildings are a prerequisite for cold storage on the Western Waterfront.

Supporting Material.

- Zone Text Amendment Options
- View Context Map and Photos

Proposed Text Amendments to the WPDZ: Option 1

New Definition in Sec. 14-47

Cold Storage Facility:

Refrigerated facility used for the storage of perishable freight awaiting shipment or wholesaling.

DIVISION 18.5. WATERFRONT PORT DEVELOPMENT ZONE*

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

Sec. 14-318. Purpose.

Transport of goods by water to and from Portland is an important component of both the local and regional economy. This commerce is dependent upon land with direct access to the dredged deep water channel of the Fore River.

Waterfront land with direct deep water access shall be restricted to uses which contribute to port activity. This zone exists, therefore, to ensure the continued viability of the Port of Portland. Uses in the port development zone, while governed by the same performance standards as other industrial zones, are limited to those uses which are dependent upon deep water and which contribute to port activity.

Nonmarine industrial activity may be allowed only on a temporary basis and only to the extent it will not preclude or impede any future water-dependent development.
(Ord. No. 168-93, § 2, 1-4-93)

Sec. 14-318.5. 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;

(b) The proposed nonwater-dependent use, structure or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses; or

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

(Ord. No. 168-93, § 2, 1-4-93)

Sec. 14-319. Permitted uses.

Subject to a determination that the proposed use meets the standards of section 14-318.5 (no adverse impact on marine uses), the following uses are permitted in the waterfront port development zone:

(a) *Marine:*

1. Marine repair services and machine shops;
2. Tugboat, fireboat, pilot boat and similar services;
3. Harbor and marine supplies and services and ship supply such as fueling and bunkering of vessels;
4. Shipbuilding and facilities for construction, maintenance and repair of vessels;
5. Marine cargo handling facilities, including docking, loading and related storage;
6. Boat repair yards;
7. Facilities for marine construction and salvage;
8. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices.

(b) *Commercial:*

1. Intermodal transportation facilities principally for vessels with regularly scheduled destination service or for railroad transportation service;
2. **Cold Storage,** Warehousing and storage of goods which are awaiting shipment via cargo carriers;
3. Marine cargo container and chassis maintenance and repair.

(c) *Public:*

Public uses including pedestrian and bicycle trails.

(d) *Other:*

1. Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses. Food service establishments, newsstands and other similar retail and service support uses shall only be permitted as accessory uses if they are part of and located within the lot lines of a use set forth in section 14-319(a)3, 6, or (b)1, if all such uses do not exceed two thousand (2,000) square feet in total floor area of the building or twenty-five (25) percent of the total floor area of the building, whichever is less, and if each individual use does not exceed one thousand (1,000) square feet in total floor area of the building; and further provided that such accessory uses provide goods or services that are supportive of the principal use and its clientele.
2. Street vendors licensed pursuant to Chapter 19 are a permitted use, but only in the following area of the waterfront port development zone: on Commercial Street from the intersection of India Street to the westerly side of the Maine State Pier.
3. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 38-02/03, § 2, 9-4-02; Ord. No. 33-11/12, 1-18-12)

Sec. 14-320. Conditional uses.

(a) The following uses shall be permitted as conditional uses in the waterfront port development 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 provisions of section 14-474(c)(2) such uses will not impede or preclude existing or potential water-dependent development on other lots, will allow for adequate right-of-way access to the water, are compatible with marine uses, and are physically adaptable or relocatable to make way for future development for water-dependent uses, and meet any additional standards set forth below:

1. *Marine:*

- a. Marine products, wholesaling and retailing;
- b. Boat storage facilities, excluding rack storage;
- c. Seafood processing;
- d. Seafood packing and packaging;
- e. Fabrication, storage and repair of fishing equipment;
- f. Ice-making services;
- g. Fabrication of marine-related goods;
- h. Fish by-products processing, provided that:
 - i. Any fish by-product processing facility has a valid rendering facility license under chapter 12; and
 - ii. The processing of other material wastes or by-products shall not be deemed a lawful accessory use under any other provision of this article.

2. *Commercial:*

Off-street parking lots, excluding parking structures.

3. *Industrial:*

- a. Storage of goods in existing structures;
- b. Facilities for combined marine and general construction;
- c. Low impact industrial uses, including but not limited to bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, manufacture of products, assembly of electrical components, tool and die shops, and the packaging of food, provided that such uses shall be subject to the performance standards set forth in §14-252.

4. *Public:*

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) 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. 149-01/02, 2-4-02; Ord. No. 29-09/10,
8-3-09, emergency passage; Ord. No. 33-11/12, 1-18-12)

Sec. 14-320.1. Prohibited uses.

Uses which are not enumerated in either section 14-319 or
14-320 as permitted or conditional uses are prohibited. Those
uses that are prohibited shall include, without limitation:

- a. Residential uses (not in existence on May 5, 1987).
- b. Hotels, motels or boatels.
- c. Auditoriums, civic centers, convention centers or
other meeting facilities.
- d. Restaurants and drinking establishments.

(Ord. No. 168-93, § 2, 1-4-93)

Sec. 14-320.2. Dimensional requirements.

In addition to the provisions of article III, division 25
of this Code, lots in the waterfront port development 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.

Rear setback: None.

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 14-319 and 14-320, 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) *Maximum building height:* ~~Forty-five (45) Seventy (70) feet. , except as follows:~~

~~1. In the areas bounded as described below, 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 up to the maximum heights indicated (above mean sea level):~~

~~a. In the area that lies between Danforth Street and the Veterans Memorial Bridge: One hundred forty-five (145) feet.~~

~~b. In the area between Danforth Street and the projection of the centerline of Vaughn Street between its intersections with Orchard Street and Danforth Street: Seventy (70) feet.~~

~~c. In the area between the projection of the centerline of Vaughn Street between its intersections with Orchard Street and Danforth Street and the projection of the centerline of Fletcher Street between its intersections with Orchard Street and Danforth Street: Seventy-five (75) feet.~~

~~d. In the area formed by the projection of the centerline of Fletcher Street between its intersections with Orchard Street and Danforth Street easterly to the projection of the centerline of Emery Street between its intersections with Taylor Street and Danforth Street: Seventy-five (75) feet.~~

~~e. 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 port development zone.~~

~~2. Additional bulk, height and location standards for structures exceeding forty-five (45) feet in height above grade within the waterfront port development 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 of Vaughn Street or Emery 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 (45) feet within the structure.~~

(Ord. No. 168-93, § 2, 1-4-93)

Sec. 14-320.3. Performance standards.

All uses in the waterfront port development zone shall comply with the following standards:

(a) *Outdoor storage of materials:* Outdoor storage of commodities and materials accessory to normal conduct of business, 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 port development zone between the hours of 7:00 p.m. and 7:00 a.m. from industrial facilities or operation 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 port

development 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.

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 240-09/10, 6-21-10)

Proposed Text Amendments to the WPDZ: Option 2

New Definition in Sec. 14-47

Cold Storage Facility:

Refrigerated facility used for the storage of perishable freight awaiting shipment or wholesaling.

DIVISION 18.5. WATERFRONT PORT DEVELOPMENT ZONE*

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

Sec. 14-318. Purpose.

Transport of goods by water to and from Portland is an important component of both the local and regional economy. This commerce is dependent upon land with direct access to the dredged deep water channel of the Fore River.

Waterfront land with direct deep water access shall be restricted to uses which contribute to port activity. This zone exists, therefore, to ensure the continued viability of the Port of Portland. Uses in the port development zone, while governed by the same performance standards as other industrial zones, are limited to those uses which are dependent upon deep water and which contribute to port activity.

Nonmarine industrial activity may be allowed only on a temporary basis and only to the extent it will not preclude or impede any future water-dependent development.
(Ord. No. 168-93, § 2, 1-4-93)

Sec. 14-318.5. 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;

- (b) The proposed nonwater-dependent use, structure or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses; or
- (d) The siting of a proposed nonwater-dependent use will substantially reduce or inhibit existing public access to marine or tidal waters.

(Ord. No. 168-93, § 2, 1-4-93)

Sec. 14-319. Permitted uses.

Subject to a determination that the proposed use meets the standards of section 14-318.5 (no adverse impact on marine uses), the following uses are permitted in the waterfront port development zone:

(a) *Marine:*

1. Marine repair services and machine shops;
2. Tugboat, fireboat, pilot boat and similar services;
3. Harbor and marine supplies and services and ship supply such as fueling and bunkering of vessels;
4. Shipbuilding and facilities for construction, maintenance and repair of vessels;
5. Marine cargo handling facilities, including docking, loading and related storage;
6. Boat repair yards;
7. Facilities for marine construction and salvage;
8. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices.

(b) *Commercial:*

1. Intermodal transportation facilities principally for vessels with regularly scheduled destination service or for railroad transportation service;
2. Cold Storage, Warehousing and storage of goods which are awaiting shipment via cargo carriers;
3. Marine cargo container and chassis maintenance and repair.

(c) *Public:*

Public uses including pedestrian and bicycle trails.

(d) *Other:*

1. Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses. Food service establishments, newsstands and other similar retail and service support uses shall only be permitted as accessory uses if they are part of and located within the lot lines of a use set forth in section 14-319(a)3, 6, or (b)1, if all such uses do not exceed two thousand (2,000) square feet in total floor area of the building or twenty-five (25) percent of the total floor area of the building, whichever is less, and if each individual use does not exceed one thousand (1,000) square feet in total floor area of the building; and further provided that such accessory uses provide goods or services that are supportive of the principal use and its clientele.
2. Street vendors licensed pursuant to Chapter 19 are a permitted use, but only in the following area of the waterfront port development zone: on Commercial Street from the intersection of India Street to the westerly side of the Maine State Pier.
3. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 38-02/03, § 2, 9-4-02; Ord. No. 33-11/12, 1-18-12)

Sec. 14-320. Conditional uses.

(a) The following uses shall be permitted as conditional uses in the waterfront port development 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 provisions of section 14-474(c)(2) such uses will not impede or preclude existing or potential water-dependent development on other lots, will allow for adequate right-of-way access to the water, are compatible with marine uses, and are physically adaptable or relocatable to make way for future development for water-dependent uses, and meet any additional standards set forth below:

1. *Marine:*

- a. Marine products, wholesaling and retailing;
- b. Boat storage facilities, excluding rack storage;
- c. Seafood processing;
- d. Seafood packing and packaging;
- e. Fabrication, storage and repair of fishing equipment;
- f. Ice-making services;
- g. Fabrication of marine-related goods;
- h. Fish by-products processing, provided that:
 - i. Any fish by-product processing facility has a valid rendering facility license under chapter 12; and
 - ii. The processing of other material wastes or by-products shall not be deemed a lawful accessory use under any other provision of this article.

2. *Commercial:*

Off-street parking lots, excluding parking structures.

3. *Industrial:*

- a. Storage of goods in existing structures;
- b. Facilities for combined marine and general construction;
- c. Low impact industrial uses, including but not limited to bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, manufacture of products, assembly of electrical components, tool and die shops, and the packaging of food, provided that such uses shall be subject to the performance standards set forth in §14-252.

4. *Public:*

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) 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. 149-01/02, 2-4-02; Ord. No. 29-09/10,
8-3-09, emergency passage; Ord. No. 33-11/12, 1-18-12)

Sec. 14-320.1. Prohibited uses.

Uses which are not enumerated in either section 14-319 or
14-320 as permitted or conditional uses are prohibited. Those
uses that are prohibited shall include, without limitation:

- a. Residential uses (not in existence on May 5, 1987).
- b. Hotels, motels or boatels.
- c. Auditoriums, civic centers, convention centers or
other meeting facilities.
- d. Restaurants and drinking establishments.

(Ord. No. 168-93, § 2, 1-4-93)

Sec. 14-320.2. Dimensional requirements.

In addition to the provisions of article III, division 25
of this Code, lots in the waterfront port development 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.

Rear setback: None.

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 14-319 and 14-320, 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) *Maximum building height:* Forty-five (45) feet, except as follows:

For uses permitted under Sec. 14-319(b)2, Cold Storage, Warehousing and storage of goods which are awaiting shipment via cargo carriers: Seventy (70) feet.

1. In the areas bounded as described below, 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 up to the maximum heights indicated (above mean sea level):

a. In the area that lies between Danforth Street and the Veterans Memorial Bridge: One hundred forty-five (145) feet.

b. In the area between Danforth Street and the projection of the centerline of Vaughn Street between its intersections with Orchard Street and Danforth Street: Seventy (70) feet.

c. In the area between the projection of the centerline of Vaughn Street between its intersections with Orchard Street and Danforth Street and the projection of the centerline of Fletcher Street between its intersections with Orchard Street and Danforth Street: Seventy-five (75) feet.

d. In the area formed by the projection of the centerline of Fletcher Street between its intersections with Orchard Street and Danforth Street easterly to the projection of the centerline of Emery Street between its intersections with Taylor Street and Danforth Street: Seventy-five (75) feet.

e. 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 port development zone.~~

~~2. Additional bulk, height and location standards for structures exceeding forty-five (45) feet in height above grade within the waterfront port development 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 of Vaughn Street or Emery 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 (45) feet within the structure.~~

(Ord. No. 168-93, § 2, 1-4-93)

Sec. 14-320.3. Performance standards.

All uses in the waterfront port development zone shall comply with the following standards:

- (a) *Outdoor storage of materials:* Outdoor storage of commodities and materials accessory to normal conduct of business, 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 port development zone between the hours of 7:00 p.m. and 7:00 a.m. from industrial facilities or operation 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 (LEQ_1).
 3. In addition to the sound level standards otherwise established, facilities or operations established or built in the waterfront port development 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.

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 240-09/10, 6-21-10)

Proposed Text Amendments to the WPDZ: Option 3

New Definition in Sec. 14-47

Cold Storage Facility:

Refrigerated facility used for the storage of perishable freight awaiting shipment or wholesaling.

DIVISION 18.5. WATERFRONT PORT DEVELOPMENT ZONE*

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

Sec. 14-318. Purpose.

Transport of goods by water to and from Portland is an important component of both the local and regional economy. This commerce is dependent upon land with direct access to the dredged deep water channel of the Fore River.

Waterfront land with direct deep water access shall be restricted to uses which contribute to port activity. This zone exists, therefore, to ensure the continued viability of the Port of Portland. Uses in the port development zone, while governed by the same performance standards as other industrial zones, are limited to those uses which are dependent upon deep water and which contribute to port activity.

Nonmarine industrial activity may be allowed only on a temporary basis and only to the extent it will not preclude or impede any future water-dependent development.
(Ord. No. 168-93, § 2, 1-4-93)

Sec. 14-318.5. 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;

- (b) The proposed nonwater-dependent use, structure or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses; or
- (d) The siting of a proposed nonwater-dependent use will substantially reduce or inhibit existing public access to marine or tidal waters.

(Ord. No. 168-93, § 2, 1-4-93)

Sec. 14-319. Permitted uses.

Subject to a determination that the proposed use meets the standards of section 14-318.5 (no adverse impact on marine uses), the following uses are permitted in the waterfront port development zone:

(a) *Marine:*

1. Marine repair services and machine shops;
2. Tugboat, fireboat, pilot boat and similar services;
3. Harbor and marine supplies and services and ship supply such as fueling and bunkering of vessels;
4. Shipbuilding and facilities for construction, maintenance and repair of vessels;
5. Marine cargo handling facilities, including docking, loading and related storage;
6. Boat repair yards;
7. Facilities for marine construction and salvage;
8. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices.

(b) *Commercial:*

1. Intermodal transportation facilities principally for vessels with regularly scheduled destination service or for railroad transportation service;
2. Cold Storage, Warehousing and storage of goods which are awaiting shipment via cargo carriers;
3. Marine cargo container and chassis maintenance and repair.

(c) *Public:*

Public uses including pedestrian and bicycle trails.

(d) *Other:*

1. Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses. Food service establishments, newsstands and other similar retail and service support uses shall only be permitted as accessory uses if they are part of and located within the lot lines of a use set forth in section 14-319(a)3, 6, or (b)1, if all such uses do not exceed two thousand (2,000) square feet in total floor area of the building or twenty-five (25) percent of the total floor area of the building, whichever is less, and if each individual use does not exceed one thousand (1,000) square feet in total floor area of the building; and further provided that such accessory uses provide goods or services that are supportive of the principal use and its clientele.
2. Street vendors licensed pursuant to Chapter 19 are a permitted use, but only in the following area of the waterfront port development zone: on Commercial Street from the intersection of India Street to the westerly side of the Maine State Pier.
3. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 38-02/03, § 2, 9-4-02; Ord. No. 33-11/12, 1-18-12)

Sec. 14-320. Conditional uses.

(a) The following uses shall be permitted as conditional uses in the waterfront port development 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 provisions of section 14-474(c)(2) such uses will not impede or preclude existing or potential water-dependent development on other lots, will allow for adequate right-of-way access to the water, are compatible with marine uses, and are physically adaptable or relocatable to make way for future development for water-dependent uses, and meet any additional standards set forth below:

1. *Marine:*

- a. Marine products, wholesaling and retailing;
- b. Boat storage facilities, excluding rack storage;
- c. Seafood processing;
- d. Seafood packing and packaging;
- e. Fabrication, storage and repair of fishing equipment;
- f. Ice-making services;
- g. Fabrication of marine-related goods;
- h. Fish by-products processing, provided that:
 - i. Any fish by-product processing facility has a valid rendering facility license under chapter 12; and
 - ii. The processing of other material wastes or by-products shall not be deemed a lawful accessory use under any other provision of this article.

2. *Commercial:*

Off-street parking lots, excluding parking structures.

3. *Industrial:*

- a. Storage of goods in existing structures;
- b. Facilities for combined marine and general construction;
- c. Low impact industrial uses, including but not limited to bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, manufacture of products, assembly of electrical components, tool and die shops, and the packaging of food, provided that such uses shall be subject to the performance standards set forth in §14-252.

4. *Public:*

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) 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. 149-01/02, 2-4-02; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 33-11/12, 1-18-12)

Sec. 14-320.1. Prohibited uses.

Uses which are not enumerated in either section 14-319 or 14-320 as permitted or conditional uses are prohibited. Those uses that are prohibited shall include, without limitation:

- a. Residential uses (not in existence on May 5, 1987).
- b. Hotels, motels or boatels.
- c. Auditoriums, civic centers, convention centers or other meeting facilities.
- d. Restaurants and drinking establishments.

(Ord. No. 168-93, § 2, 1-4-93)

Sec. 14-320.2. Dimensional requirements.

In addition to the provisions of article III, division 25 of this Code, lots in the waterfront port development 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.

Rear setback: None.

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 14-319 and 14-320, 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) *Maximum building height:* Forty-five (45) feet, except as follows:

1. For uses permitted under Sec. 14-319(b)2, Cold Storage, Warehousing and storage of goods which are awaiting shipment via cargo carriers; and, are located between the projection of the centerline of School Street and the Casco Bay Bridge: Seventy (70) feet.

~~21.~~ In the areas bounded as described below, 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 up to the maximum heights indicated (above mean sea level):

a. In the area that lies between Danforth Street and the Veterans Memorial Bridge: One hundred forty-five (145) feet.

b. In the area between Danforth Street and the projection of the centerline of Vaughn Street between its intersections with Orchard Street and Danforth Street: Seventy (70) feet.

c. In the area between the projection of the centerline of Vaughn Street between its intersections with Orchard Street and Danforth Street and the projection of the centerline of Fletcher Street between its intersections with Orchard Street and Danforth Street: Seventy-five (75) feet.

d. In the area formed by the projection of the centerline of Fletcher Street between its intersections with Orchard Street and Danforth Street easterly to the projection of the centerline of Emery Street between its intersections with Taylor Street and Danforth Street: Seventy-five (75) feet.

- e. 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 port development zone.

| 32. Additional bulk, height and location standards for structures exceeding forty-five (45) feet in height above grade within the waterfront port development 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 of Vaughn Street or Emery 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 (45) feet within the structure.~~

(Ord. No. 168-93, § 2, 1-4-93)

Sec. 14-320.3. Performance standards.

All uses in the waterfront port development zone shall comply with the following standards:

- (a) *Outdoor storage of materials:* Outdoor storage of commodities and materials accessory to normal conduct of business, 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 port development zone between the hours of 7:00 p.m. and 7:00 a.m. from industrial facilities or operation 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 port development 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

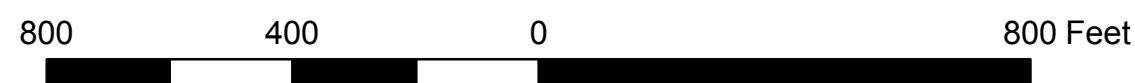
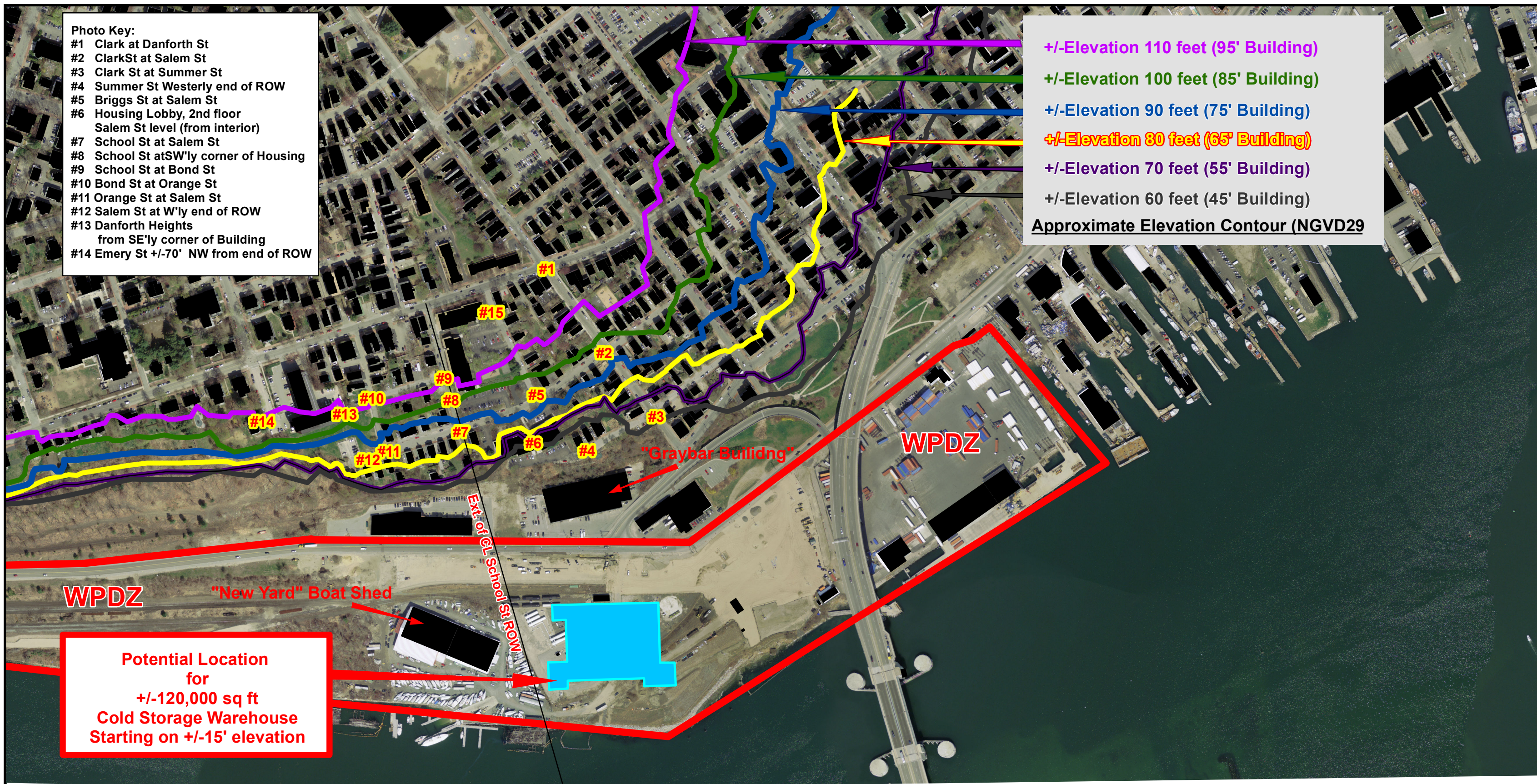
waters.

- (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.

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 240-09/10, 6-21-10)

- Photo Key:**
- #1 Clark at Danforth St
 - #2 ClarkSt at Salem St
 - #3 Clark St at Summer St
 - #4 Summer St Westerly end of ROW
 - #5 Briggs St at Salem St
 - #6 Housing Lobby, 2nd floor
Salem St level (from interior)
 - #7 School St at Salem St
 - #8 School St atSW'ly corner of Housing
 - #9 School St at Bond St
 - #10 Bond St at Orange St
 - #11 Orange St at Salem St
 - #12 Salem St at W'ly end of ROW
 - #13 Danforth Heights
from SE'ly corner of Building
 - #14 Emery St +/-70' NW from end of ROW

- +/-Elevation 110 feet (95' Building)
- +/-Elevation 100 feet (85' Building)
- +/-Elevation 90 feet (75' Building)
- +/-Elevation 80 feet (65' Building)
- +/-Elevation 70 feet (55' Building)
- +/-Elevation 60 feet (45' Building)
- Approximate Elevation Contour (NGVD29)**



Site proposed for Cold Storage facility.
Footprint location and size subject to proposal results

Source: Maine Port Authority "IMT WestCold Storage Facility" RFP
 July 15, 2015

International Marine Terminal Cold Storage Warehouse -Topographic and View Context Photo Key



Photo #1, Clark St at Danforth St



Photo #2, Clark St at Salem St



Photo #3, Clark St at Summer St



Photo #4, Summer St at W'ly end of ROW



Photo #5, Briggs St at Salem St



**Photo #6, Housing Lobby, 2nd
Floor, Salem St level (taken
from interior)**

Photo #7, School St at Salem St



**Photo #8, School St at SW'ly
corner of Housing**



Photo #9, School St at Bond St



Photo #10, Bond St at Orange St



Photo #11, Orange St at Salem St



Photo #12, Salem St at W'ly end of ROW



Photo #13, Danforth Heights from SE'ly corner of building

Top of "New Yard Shed"

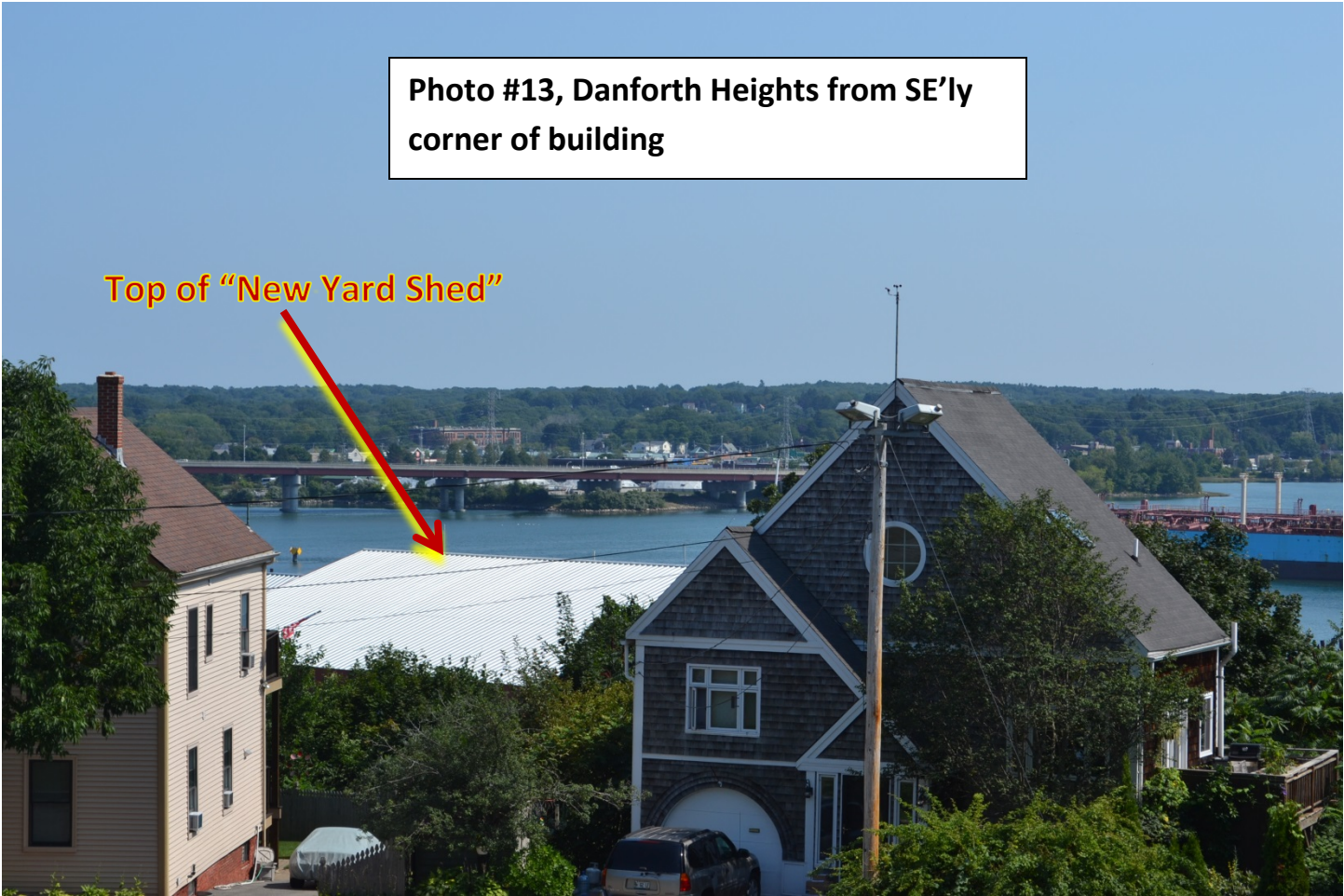


Photo #14, Emery St, +/-70' NW from end of ROW





Photo #15, Briggs St, +/-70' SE from Danforth St



MEMORANDUM

TO: Tuck O'Brien, City of Portland Department of Planning and Urban Development

CC: David Gray, Americold
Pat Ballard, Americold
Bill Needelman, City of Portland Waterfront Coordinator
John Henshaw, Maine Port Authority

FROM: Jedd Steinglass, LSP
Todd Sheldon, Americold

DATE: October 21, 2016

RE: Waterfront Port Development Zone

It is our understanding that a zoning text change proposal is being presented by the City of Portland Department of Economic Development for the Waterfront Port Development Zone (WPDZ). At the request of the Department of Economic Development, Woodard & Curran and Americold have prepared this memorandum to provide additional information to the Department of Planning and Urban Development as you consider a potential change to the current zoning text for the WPDZ. The requested information centers on two themes:

1. an assessment of need for the zoning text change relative to the height of the proposed cold storage facility at the International Marine Terminal on West Commercial Street, and
2. an evaluation of potential view impact that could result following the construction of this facility at the proposed height.

Please understand that the information included in this memo is being presented at the concept stage of the design process, prior to the commencement of any detailed design or engineering.

Needs Assessment

Interior clearance height is a limiting factor that controls the number of pallet positions that may be created within the proposed cold storage building. The other limiting factor is the total footprint of the building. As the International Marine Terminal's development site for the cold storage facility is limited in land area, the total square footage for the building is similarly finite.

At this early stage in the project, Americold has oriented the building to maximize square footage while still allowing for truck turning, parking, stormwater management, access by emergency services, and rail service. Following this effort, Americold developed a concept design for a warehousing racking system that would provide the necessary pallet positions across the available footprint. The proposed number of pallet positions (15,864) has been estimated by Americold as necessary to service their customers and generate sufficient revenue to justify investment in the construction of the facility.

Consistent with the available building footprint and estimated required pallet storage capacity, Americold has determined that the building must have an interior clearance height of approximately 55 feet, 4 inches in order to accommodate the current racking system.

Based on the preceding factors, Americold's analysis of the required overall building height is presented below.



- The finished floor elevation of the facility will be 4 feet above the average finished grade around the building perimeter in order to allow for the required loading dock height.
- Per the current conceptual design, the interior clearance height is approximately 55 feet from the finished floor elevation to the underside of lowest roof joist, roof structure, or other obstruction.
- Americold assumes that the total depth of the roof structure will be 5 feet (from lowest roof joist, roof structure or other obstruction to the highest structural member) and that, though the roof will be a flat design, there will be 3 feet of pitch across the width of the building.

Therefore, the current proposed building height measured from the anticipated finished grade to the highest structural component of the roof is expected to be approximately 67 feet (4 feet for the dock, 55 feet for interior clearance, 5 feet for roof structure, and 3 feet for pitch).

Without the storage capacity provided by the currently proposed building height, Americold's ability to generate sufficient revenue will be limited. For example, Americold estimates that the loss of the upper racking positions that would result from a building that was limited to 45 or even 65 feet in height would reduce storage capacity by 30% or greater, and may impact the feasibility of the development effort. Therefore, the proposed zoning text change to allow for a 70-foot tall building on this site is a significant economic tool that can contribute to the success of this project.

View Impact Study

At the request of Americold, Woodard & Curran commissioned Scott Simons Architects to select representative view points throughout the West End of Portland and model the proposed cold storage facility at heights of 45, 65, 70, 85, and 100 feet above grade. This effort was intended to demonstrate the potential view impact from buildings of various heights and assist the Department of Planning and Urban Development during your consideration of the proposed zoning text change.

The resulting modeled view impact images are enclosed with this memo. Please note that at this stage of the project, this study was focused on views from public rights of ways and publically accessible spaces and not on individual private viewpoints. However, the proposed building was also modeled from the second floor lobby of the Dartmouth Heights apartment complex to provide context for a location that will likely be impacted by this project.

If there are any questions concerning the materials presented in this document, please contact Jedd Steinglass using the information presented below:

Jedd Steinglass, LSP
Project Manager
Woodard & Curran
Office: 800.426.4262
Direct Line: 207.558.3732
Cell Phone: 207.756.2319
jsteinglass@woodardcurran.com

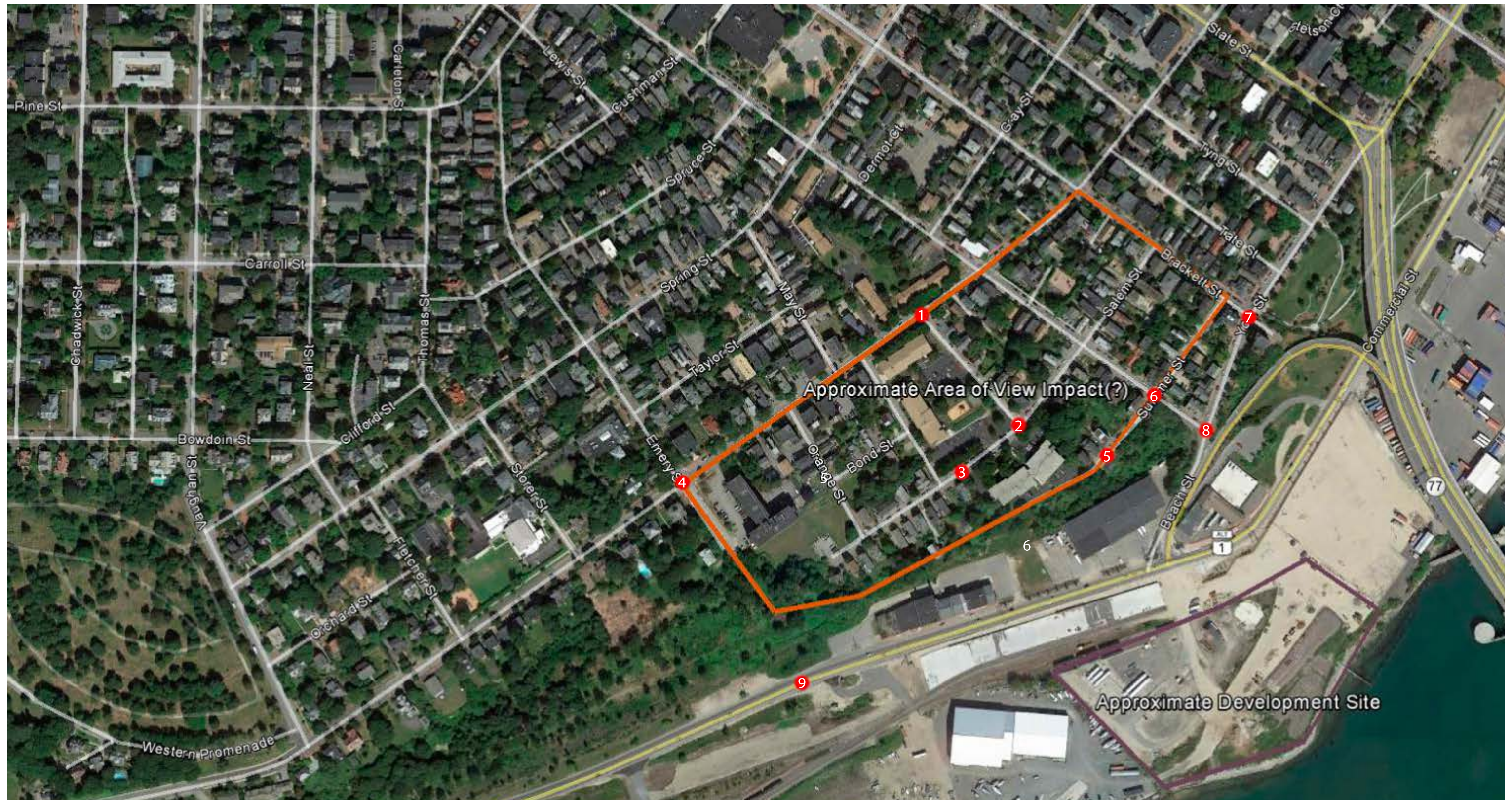
Enclosed:

October 17, 2016, Americold View Corridor Study, Scott Simons Architects.



17 October 2016

Woodard + Curran Americold View Corridor Study









































































































17 October 2016

Woodard + Curran Americold View Corridor Study

WPDZ Public Comment

PC1

On Sat, Oct 22, 2016 at 4:22 PM, Ashley Salisbury <ashleysalisbury@gmail.com> wrote:

Hi Bill,

I own 26 Brackett street down by York. I was a big supporter of the Emskip rail extension and think the new Yacht Co. building has been a good addition. Both enable working waterfront while preserving PORTLAND'S AESTHETIC APPEAL that drives the TOURIST ECONOMY.

Even a 45' storage block would be a blight in that location--blocking the thousands of motorist views as they come in and out of town and destroying the small scale charm that makes our city unique.

This project is wrong for that location and will surely create a long and expensive battle with the residents.

Thanks for your consideration, I hope to meet you at the community engagements.

Best,
Ashley Salisbury

On Sat, Oct 22, 2016 at 3:11 PM, Dana Sawyer <dsawyer@meca.edu> wrote:

Hi Bill Needelman,

In anticipation of the meeting on Nov. 3rd please send me a much better map of the proposed area of development for WPDZ than is on the card you mailed out, which doesn't even show the location the bridge to South Portland.

Is Eimskip proposing to raise it's buildings to 70 feet? As the city makes its plans is it considering the loss of property values to homes in the westend that will lose value as a result of having a building used for storage block the views they've paid for? I ask this rather cynically because history has shown that the city council has had a bad history of favoring the large building projects of its new "citizens" over the wishes of its longtime tax payers, and not always with beneficial results.

Thanks for sending this along and see you at the meeting,

Dana Sawyer
33 Tyng St.

"What is taken in by contemplation must be given out in love." Meister Eckhart



Planning Board Workshop, 10-25-16, complete packet, reduced.pdf
4780K

On Fri, Oct 21, 2016 at 5:38 PM, Eli Dale <elidale@maine.rr.com> wrote:

Dear Mr. Needelman, – and everyone else who is advocating to break Portland's codes...

Don't you DARE change the zoning of the waterfront for the cold storage facility. They knew perfectly well about the 45' height restriction when they bid on that property.

I AM SICK TO DEATH of Portland changing the rules to benefit developers and screwing the public at every turn. You are all RUINING Portland. (And YES, I AM YELLING).

Portland has a **brand** as a old-European style city, but you all want to built too much, too tall, too expensive, too ugly. The City has STANDARDS and YOUR JOB IS TO PROTECT THOSE STANDARDS. Instead, City Hall doesn't give a hairy owl pellet for Portland, her beauty, her history, her people.

NO HEIGHT INCREASES -- ANYWHERE. If you want to be in public service, then serve the public. It is shameful that Portland is a city where the citizens have to sue their public servants to get them to follow the city's own rules. Please remember, Keep Portland Livable WON their legal action. We are not supposed to be at war.

Very sincerely,
Eli (Elizabeth) Dale
40 Salem Street

On Sun, Oct 23, 2016 at 5:30 PM, Karen Sarfaty <sarfatyk@gmail.com> wrote:

Dear Mr. Needelman,

I'm writing to express my aversion over Americold's proposal to build a cold storage facility on Commercial Street in Portland.

This type of building and business belongs in a warehouse district, not a historic neighborhood.

If approved, their request to change the city zoning laws to accommodate their buildings height requirements will devalue the waterfront.

As the gateway to our beautiful city, the waterfront should be inviting, the roadway open and the air clear. That's Maine.

My west end neighborhood does not need an increase of semi trucks 24/7 that will pollute with noise, increase in carbon dioxide emission gases and create traffic jams. Commercial Street is not that wide. I see the negative impact from the expansion of Eimskip.

Please consider saving our waterfront from Americold's proposal.

Thank you,

Karen Sarfaty

On Sun, Oct 23, 2016 at 10:37 AM, walworth <walworthmccain@maine.rr.com> wrote:

Bill Needelman, waterfront coordinator
City of Portland
389 Congress Street
Portland, Maine 04101

Dear Bill,

I am dismayed that Americold Logistics LLC is prepared to break commitments outlined in its winning bid to develop a cold-storage warehouse on International Marine Terminal land. I'm even more dismayed that the city's Economic Development Department is promoting a "text change" to allow Americold to build 56% higher than current zoning allows.

The combined result would be a massive blight, 70 feet tall and spanning almost three acres, at the gateway to Portland's waterfront.

As a neighbor, I'm willing to let Americold obliterate my river view. It's sensible to develop the western waterfront. But Americold must hold to its stated commitment of abiding by Portland's "current regulations and guidelines" and building "a showpiece facility ... designed architecturally to enhance its harmony with the local surroundings."

A blank white box doesn't fulfill that promise. Americold needs to incorporate appropriate details, materials and massing into its project.

As for height, Americold provided three building footprint options in its RFP application last year -- and gave no indication that current zoning would be a problem or a deal breaker.

A majority of Americold's 175-plus warehouses are less than 45 feet high, the current zoning limit. Anything higher would erode the human scale that helps define Portland's waterfront. The "text change" to benefit this real estate investment trust controlled by multi-billionaire Ron Burkle must be rejected.

Best wishes,
Mark McCain
45 Summer Street

SIDNEY ST. F. THAXTER & MARY E. MCCANN

49 SUMMER ST.
PORTLAND, MAINE 04102
(207) 653-6692

October 24, 2016

City of Portland
Planning Division
389 Congress St.
Portland, ME 04101

RE: Request for Waterfront Zoning Text Change for Building Height

Dear Elizabeth and Board Members:

My wife Mary and I are neighbors overlooking the area of the proposed zoning change. Knowing you will have a workshop on October 25th and then a hearing afterward on the same day, we felt it best to get our thoughts to you in writing.

The City's Economic Development Department is requesting a major change in the Waterfront Port Development Zone to change the height limit from 45 feet to 70 feet. Bill Needelman noted at a neighborhood meeting that this change is being requested to benefit the Americold Freezer Storage project on land they lease from Maine Port Authority. Americold was chosen to develop the site by the Maine Port Authority and submitted a detailed proposal which is based on the existing zoning with a height of 45 feet.

Why Neighbors Oppose the Change in Zoning.

- This is a significant zoning change which admittedly is being requested solely to benefit the Americold zoning but includes the area all the way to the Merrill Terminal. Bill Needelman stated the area from the Americold project to Merrill Terminal is being added to avoid being challenged as a spot zone. This is not the result of a long range planning process but in reaction to one project.
- Americold bid on the project with a favorable lease from the Maine Port Authority. That bid is based on a 45 foot height restriction which they accepted. They have also noted publicly that the project works economically with a 45 foot height restriction.
- The additional impacts of the proposed change all the way to the Merrill Terminal raise the prospect of a long wall of 70 foot buildings stretching from Portland Yacht

Services to Merrill Terminal. This will destroy what is now a workable entrance to a beautiful city and change the entire landscape of this area.

In summary, Americold contracted to build with the 45 foot limit and there is no reason to give them a gift which will have a major negative impact on the city. It is difficult enough for the neighbors to deal with 104,000 square foot building which is a huge 45 foot high white block, not unlike the buildings on Read Street. Please keep the 45 foot limit.

Sincerely,

A handwritten signature in blue ink, reading "Sidney St. F. Thaxter". The signature is written in a cursive style with a large, stylized "S" at the beginning.

Sidney St. F. Thaxter and
Mary E. McCann



185 International Drive
Portsmouth, New Hampshire 03801
(800) 225.1560

October 24, 2016

Mr. Bill Needleman
Waterfront Coordinator
City of Portland Planning Board
Portland Maine

RE: Proposed Changes to Portland WPDZ

Dear Mr. Needleman

On behalf of Sprague Operating Resources LLC owner of Merrill's Marine located on the far western end of the Waterfront Port Development Zone (WPDZ) I would like to offer our support for part but not all of the proposed text changes.

Sprague has been working closely with the Maine Port Authority and Eimskip to promote the development of the IMT into a competitive container handling terminal for both international and domestic freight. We sincerely believe that having this freight offering is of great benefit to all businesses in Maine and is a major positive contributor to the overall health of the working waterfront in Portland harbor. In the early stages of the container offering Sprague provided transitional services while the IMT infrastructure was enhanced and its operational capabilities were ramped up. Both parties continue to work closely to promote trade through the port and to leverage our mutual capabilities as an extension of the ports ability to efficiently serve the region. We therefore wholeheartedly support option 1 increasing the maximum building height throughout the eastern end of the zone to 70 feet to allow for the construction of a cold storage warehouse. Having this facility in Portland harbor will be for the benefit of the region's economy including the Maine fishing industry.

We do though respectfully request that you do not eliminate the increased building height allowances on the far western end of our facility. While originally envisioned to support bulk cement imports, Sprague has more recently begun working with multiple parties interested in utilizing Portland for other bulk export opportunities which would require either silos or large domes for storage. While no such proposal is immediately forthcoming we have had advanced discussions with several large and well heeled entities with interest in trying to meet a growing international demand with product manufactured in Maine. Much of this product is currently being shipped out of the Southeastern U.S. and or the Pacific Northwest but increasing international demand is creating an emerging opportunity for Maine businesses to compete in this market. Having the storage capability currently allowed in the building code is an absolute necessity to allow for the competitively priced loading of this product onto bulk export vessels. The elimination of this storage capability would make this venture all but impossible to advance.



In the past 10 years the Maine economy has changed greatly and Sprague's traditional paper mill exports have dropped precipitously. Having the ability to have bulk silo and or dome storage may become a major determinant in our ability to adapt to changing trade opportunities now and in the future.

Thank you for this opportunity to comment on your proposed changes.

Sincerely,

Jim Therriault
VP, Materials Handling
Sprague Operating Resources LLC
185 International Drive
Portsmouth NH 03820

----- Forwarded message -----

From: **Fae Jolie-ge** <faejoliege@yahoo.com>

Date: Tue, Oct 25, 2016 at 10:00 AM

Subject: 70' bldgs?

To: wbn@portlandmaine.gov

PC8

Dear Bill,

I am writing in protest of changing the Waterfront Zoning to allow 70' buildings, and to protest the construction of the Americold facility as proposed.

This proposal is at best a misguided use of our still-picturesque working waterfront, and at worst a cynical negotiating tactic by an out of state corporation hoping to exploit Portland.

I am confused as to why this is even being presented to the citizens: why do we have zoning laws--carefully drafted with citizen participation--if the Economic Development Department (on behalf of giant out of state corporations) can get around them with a "text change."

Sincerely,

Fae silverman
1 Cliff Street, 04102

Sent from my iPhone

----- Forwarded message -----

From: **Meghan Phillips** <meghan.rowe.phillips@me.com>

Date: Tue, Oct 25, 2016 at 9:35 AM

Subject: Americold facility

To: wbn@portlandmaine.gov

Dear Bill,

I am writing in protest of changing the Waterfront Zoning to allow 70' buildings, and to protest the construction of the Americold facility as proposed.

This proposal is at best a misguided use of our still-picturesque working waterfront, and at worst a cynical negotiating tactic by an out of state corporation hoping to exploit Portland.

I am confused as to why this is even being presented to the citizens: why do we have zoning laws--carefully drafted with citizen participation--if the city (on behalf of giant out of state corporations) can get around them with a "text change."

Sincerely,

Meghan Phillips
24 Brackett Street, #4
Portland, ME 04102

----- Forwarded message -----

From: **Kerry MacDonald** <kmace04@msn.com>
Date: Tue, Oct 25, 2016 at 9:34 AM
Subject: URGENT: PLZ READ
To: "wbn@portlandmaine.gov" <wbn@portlandmaine.gov>

Dear Bill,

I am writing in protest of changing the Waterfront Zoning to allow 70' buildings, and to protest the construction of the Americold facility as proposed.

This proposal is at best a misguided use of our still-picturesque working waterfront, and at worst a cynical negotiating tactic by an out of state corporation hoping to exploit Portland.

I am confused as to why this is even being presented to the citizens: why do we have zoning laws--carefully drafted with citizen participation--if the city (on behalf of giant out of state corporations) can get around them with a "text change."

Sincerely,

Kerry MacDonald

120 Pleasant Ave

Portland Maine 04103

----- Forwarded message -----

From: **Steve Davis** <sspringerdavis@gmail.com>

Date: Tue, Oct 25, 2016 at 9:24 AM

Subject: Say no to the cold storage unit

To: wbn@portlandmaine.gov

To whom it may concern:

I am writing in protest of changing the Waterfront Zoning to allow 70' buildings, and to protest the construction of the Americold facility as proposed.

This proposal is at best a misguided use of our still-picturesque working waterfront, and at worst a cynical negotiating tactic by an out of state corporation hoping to exploit Portland.

Such a structure would not fall within current zoning restrictions, and the restrictions should not be modified to benefit this company.

Sincerely,

Stephen S. Davis
25 Anderson St.
Portland, ME 04101

----- Forwarded message -----

From: **Nina Hope** <nina@ninahopecreative.com>

Date: Tue, Oct 25, 2016 at 9:16 AM

Subject: Proposed cold storage facility

To: wbn@portlandmaine.gov

Dear Bill,

I am writing to protest changing the Waterfront Zoning in Portland to allow 70' buildings, as well as to protest the proposed construction of the Americold facility.

This proposal would mar our attractive, working waterfront.

We have zoning laws that were legislated for the benefit of all of us in Portland. Why should a large, out-of-state corporation get to bypass them and create something that will detract from our city's cherished waterfront?

Sincerely,

Nina Hope

25 Anderson Street

Portland, ME 04101

----- Forwarded message -----

From: **Alison** <alisonfreund@gmail.com>

Date: Tue, Oct 25, 2016 at 8:54 AM

Subject: Waterfront Zoning Change

To: wbn@portlandmaine.gov

Dear Bill,

I am writing in protest of changing the Waterfront Zoning to allow 70' buildings, and to protest the construction of the Americold facility as proposed.

This proposal is at best a misguided use of our still-picturesque working waterfront, and at worst a cynical negotiating tactic by an out of state corporation hoping to exploit Portland.

I am confused as to why this is even being presented to the citizens: why do we have zoning laws--carefully drafted with citizen participation--if the city (on behalf of giant out of state corporations) can get around them with a "text change."

Sincerely,

Alison Freund
645 Congress St
Portland ME 04101

----- Forwarded message -----

From: **Gretchen Preneta** <gpreneta@gmail.com>
Date: Tue, Oct 25, 2016 at 8:47 AM
Subject: STOP the Storage Facility
To: wbn@portlandmaine.gov

Dear Bill,

I am writing in protest of changing the Waterfront Zoning to allow 70' buildings, and to protest the construction of the Americold facility as proposed.

This proposal is at best a misguided use of our still-picturesque working waterfront, and at worst a cynical negotiating tactic by an out of state corporation hoping to exploit Portland.

I am confused as to why this is even being presented to the citizens: why do we have zoning laws--carefully drafted with citizen participation--if the city (on behalf of giant out of state corporations) can get around them with a "text change."

I am both a year-round Portland resident and a part-time resident on one of the islands in the bay. I am committed to making Portland a livable city for it's citizens, a destination for tourists, and a hub of marine business. This does not fit with that vision at all.

Sincerely,

Gretchen Preneta
356 Capisic St.
Portland, ME 04102

----- Forwarded message -----

From: **peter green** <plgmaine@yahoo.com>
Date: Tue, Oct 25, 2016 at 7:24 AM
Subject: Fw: western waterfront building height
To: "wnb@portlandmaine.gov" <wnb@portlandmaine.gov>

PC15

On the good side, a big Americold building would be an excellent opportunity for public art, on it's sides and even on top. I'd vote for that.

----- Forwarded Message -----

From: peter green <plgmaine@yahoo.com>
To: "wnb@portlandmaine.gov" <wnb@portlandmaine.gov>
Sent: Tuesday, October 25, 2016 7:00 AM
Subject: Fw: western waterfront building height

Good morning Bill,

I don't need you to reply as I just read the article explaining things in the PPH.

I'll go on your record right now as someone who thinks 45 feet is enough for anything on the waterfront. I see no good thing about building part of what will develop into a tall wall of buildings blocking the rest of the city from seeing things. I feel the same way about the architecturally BORING and ANTISEPTIC wall that will be built on the east end.

And a question I would ask is that if Americold goes bankrupt and leaves that giant box there, a condition be put in its original approval (if it even gets one) that it remove the building before it goes belly-up.

See you at the meeting.

Peter Green

PC16

----- Forwarded message -----

From: **Heidi Fisher** <heidifisher44@yahoo.com>
Date: Tue, Oct 25, 2016 at 10:29 AM
Subject: protest construction of Americold facility
To: "wbn@portlandmaine.gov" <wbn@portlandmaine.gov>

Dear Bill,

I am writing in protest of changing the Waterfront Zoning to allow 70' buildings, and to protest the construction of the Americold facility as proposed.

This proposal is at best a misguided use of our still-picturesque working waterfront, and at worst a cynical negotiating tactic by an out of state corporation hoping to exploit Portland. the city planners do not seem to have a long range strategic view of what we want and need Portland to be; either we are going to be a fully working waterfront or a commercial tourist attraction. neither are being well executed at this time and compete with one another constantly. The residents suffer constantly with the short-sightedness from Portland City Planner.

I am confused as to why this is even being presented to the citizens: why do we have zoning laws--carefully drafted with citizen participation--if the city (on behalf of giant out of state corporations) can get around them with a "text change."

Sincerely,

Heidi Fisher
53 Spring Street, South Portland, ME

PC17

----- Forwarded message -----

From: **Woody Higgins** <threadbear@roadrunner.com>
Date: Tue, Oct 25, 2016 at 12:13 PM
Subject: Coldstorage Facility
To: wbn@portlandmaine.gov

This is to voice my concern about the change in the zoning laws to allow this building and perhaps other overly large structures in our area. While I have no objections to a cold storage building, I do think it should conform to the current laws.

Susan L. Higgins
24 Brackett Street, Unit 1
Portland 04102

Sent from my iPad

----- Forwarded message -----

From: **JANET STEBBINS** <jjstebbi@twc.com>

Date: Tue, Oct 25, 2016 at 1:50 PM

Subject: Waterfront Zoning Change

To: wbn@portlandmaine.gov

Dear Bill,

I am writing in protest of changing the Waterfront Zoning to allow 70' buildings, and to protest the construction of the Americold facility as proposed.

This proposal is at best a misguided use of our still-picturesque working waterfront, and at worst a cynical negotiating tactic by an out of state corporation hoping to exploit Portland.

I am confused as to why this is even being presented to the citizens: why do we have zoning laws--carefully drafted to a comprehensive plan with citizen participation--if the Economic Development Department (on behalf of giant out of state corporations) can get around them with a "text change."

Sincerely,

Janet J. Stebbins
501 Cumberland Ave #1
Portland, ME 04101

PC19

----- Forwarded message -----

From: **Elizabeth Fraser** <elizabeth@fraserartstudio.com>

Date: Tue, Oct 25, 2016 at 1:37 PM

Subject: Waterfront Zoning

To: wbn@portlandmaine.gov

Dear Bill,

I am writing in protest of changing the Waterfront Zoning to allow 70' buildings, and to protest the construction of the Americold facility as proposed.

This proposal is at best a misguided use of our still-picturesque working waterfront, and at worst a cynical negotiating tactic by an out of state corporation hoping to exploit Portland.

I am confused as to why this is even being presented to the citizens: why do we have zoning laws--carefully drafted with citizen participation--if the city (on behalf of giant out of state corporations) can get around them with a "text change."

Sincerely,

Elizabeth Fraser
81 Congress, Portland

----- Forwarded message -----

From: **Jen Micoleau** <jen@springboardpilates.com>
Date: Tue, Oct 25, 2016 at 1:08 PM
Subject: PROTESTING Waterfront Zoning Changes
To: wbn@portlandmaine.gov

Dear Bill,

I am writing in protest of changing the Waterfront Zoning to allow 70' buildings, and to protest the construction of the Americold facility as proposed.

This proposal is at best a misguided use of our still-picturesque working waterfront, and at worst a cynical negotiating tactic by an out of state corporation hoping to exploit Portland.

I am confused as to why this is even being presented to the citizens: why do we have zoning laws--carefully drafted with citizen participation--if the Economic Development Department (on behalf of giant out of state corporations) can get around them with a "text change."

Sincerely,
Jennifer Micoleau
61 Mountfort Street
Portland, ME 04101

I aim to respond to emails within 48 hours. If you are canceling an appointment or need to reschedule an appointment, please call or text (207) 712-1382. Thank you.

jennifer micoleau | 207.712.1382
pilates www.springboardpilates.com
yoga & sculpture www.wellbeingbasics.com
design www.behance.net/JenniferMicoleau
books & boxes <http://index.meca.edu/>

----- Forwarded message -----

From: **Bruce Baker** <brucewbaker.me@gmail.com>

Date: Fri, Oct 28, 2016 at 9:28 AM

Subject: harbor zoning change

To: wbn@portlandmaine.gov

Bill,

I will not be able to make this meeting.

As I see it, the changes will be west of the bridge. If so, and if "working waterfront" (not law offices), I am ok with it.

Just some initial response.

Bruce Baker
125 York Street



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Americold, etc.

1 message

William Needelman <wn@portlandmaine.gov>
 To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, Nov 7, 2016 at 4:12 PM

More WPDZ comments

Bill Needelman
 Waterfront Coordinator
 Economic Development Department
 City of Portland, Maine
 389 Congress Street
 Portland, Maine 04101-3509

(207) 874-8722 tel.
 (207) 756-8258 fax.
wn@portlandmaine.gov

----- Forwarded message -----

From: <fsreilly@aol.com>
 Date: Mon, Nov 7, 2016 at 2:27 PM
 Subject: Americold, etc.
 To: wn@portlandmaine.gov
 Cc: JPJ@portlandmaine.gov, sthibodeau@portlandmaine.gov

Dear Bill,

I would like to briefly follow up on my remarks last week at your presentation regarding Americold and its plans to install a 70 foot cold storage unit.

As I said, your proposal has much bigger ramifications than the matter in question. With so many variables derived from that meeting it seems to me there is both an opportunity and challenge therein, to wit:

1)Height Control, establishing it, hopefully 45ft, once and for all, and that goes for anything that is in future development, which I believe this area is set for at this time, e.g. an Industrial Park, Campus, Gateway Park, Marina Park, etc.

2)Establish Pollution Levels

3)Traffic Control

4)Reconfigure 70 ft installation by separating storage from offices in order to come in at the current 45ft height max.

There's more, as I know you now realize, but for now just let me end by saying our skyline as well as our water view is of major importance and not only to us residents, but to the future of Portland's draw for businesses and new residents, as well as the lucrative tourist trade. This is the Gateway to the City and should have strict ordinances on future development. Perhaps the engagement of a major architectural/engineering firm specializing in seaport locations would be propitious.

As always,
 Frank

----- Forwarded message -----

From: **Gail Spaen** <gspaen@meca.edu>

Date: Mon, Nov 14, 2016 at 9:17 AM

Subject: Please forward re: proposed zoning change on Western waterfront

To: sgo@portlandmaine.gov

Cc: JPJ@portlandmaine.gov, WBN@portlandmaine.gov, estrimling@portlandmaine.gov,

sthibodeau@portlandmaine.gov, jduson@portlandmaine.gov, jhinck@portlandmaine.gov, nmm@portlandmaine.gov

PC23

Dear Mr. O'Brien,

Please forward to members of the planning board. Many thanks.

.....
Dear Planning Board - Beth Boepple, Sean Dundon, Carol Morrisette, David Eaton, Kristien Nicols, Lisa Whied, Maggie Stanley,

We own a property on the corner of Salem and Clark Street. Photo number 2 in the City's application for the Waterfront Port Development Zone Text Amendment is the view from our building. Our property value, the sense of open space and neighborhood well being will be radically affected by the rezoning of the Western Waterfront to accommodate the building of the cold storage facility. And subsequently, if the the whole Western Waterfront is rezoned, all of the other neighborhoods and property values to the West of the bridge will be effected as well.

I've lived and worked in Portland and the surrounding towns for the last 35 years. I am a proponent of a working waterfront and appreciate the industrial quality along Commercial Street. Sprague did an excellent job developing the boatyard, complete with landscaping and set backs that are in proportion with the scale of the area. I'd like to see the rest of the Western Waterfront be developed with this type of care.

The Americold building is going to take up an extreme amount of space. This huge cold storage facility will be a static, architectural volume placed right in front of an established local neighborhood. In one of the plans the building takes up the entire footprint of the property with no indication that there will be any landscaping at all. Out of proportion with the scale of the area, it will be aesthetically akin to oil or water tanks

The hardest part for me is that I sense the economics of this proposed zoning changes benefits the City of Portland's bottom line more than the well being of the local population and the careful consideration of the aesthetics of Portland. Once rezoned, there will be no turning back. In the future, there will be others that ask for an exception to the 70' ft height limit and we will end up with taller and taller buildings impacting the neighborhood corridor all along the Western Waterfront.

There must be a good compromise. Anything that you can do to make sure that our neighborhood and our property values will be preserved will be greatly appreciated.

Sincerely,
Gail Spaen

.....
Gail Spaen
33-35 Salem Street

PC24

----- Forwarded message -----

From: **William Dawson** <bill2fish@gmail.com>

Date: Monday, November 14, 2016

Subject: Western Waterfront

To: sgo@portlandmaine.gov

Sir:

I live i the West End and I am vehemently against the Americord proposal. Just the "Osha Back-Up" beeping that goes on 24/7 is enough to drive me out of here! The addition of this 70' eyesore will not be welcome by me. And what about the increase in vehicle traffic?

William Dawson 34 Brackett St., Portland

—
Tuck O'Brien

City Planning Director

Department of Planning and Urban Development

Office: (207) 874-8724

Cell: (207) 553-0255

W^m. Norris Dale, Jr.
40 Salem St.
Portland, ME 04102
207-233-2292

November 10, 2016

Ms. Elizabeth Boepple
City of Portland Planning Board
389 Congress St.
Portland, Maine 04101

Dear Ms. Boepple,

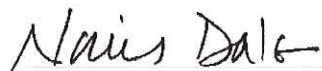
My wife and I bought our house on Salem Street over forty years ago. At that time there was a grain silo and a huge coal-gas storage tank in the prospective Americold location. We understood about waterfront industrial uses then, and we understand and support them now. When Americold first approached the city, we attended meetings, and the project had our full support. No one, neither Americold nor the city, spoke about wanting a height variance.

Now, from what I have heard and read, Americold has returned to the table with a totally inflexible proposition requiring a deviation from Portland's comprehensive plan. We feel that we are the victims of a purposeful bait-and-switch scheme on Americold's part.

I find Americold's take-it-or-leave-it position just a bit condescending and irritating; don't you? Portland's planning board has been getting a name for getting out the rubber stamp whenever a development opportunity arises. So why should a minor "text" change get in Americold's way?

In the interest of keeping Portland liveable, I now ask that you and the zoning apparatus stand up and hold Americold to the existing 45-foot height limit.

Sincerely,



Norris Dale

cc. Mayor Ethan K. Strimling
Councilman Spencer Thibodeau
Mr. Ian Jacobs, WENA

From the Portland Planning Board Website:

*As part of the development review process, zoning, drainage, traffic, environmental considerations, and infrastructure improvements are assessed, as well as a proposal's consistency with the city's comprehensive plan. **Compliance is important** for the protection of the public's health and safety and the general livability of our community.*

Fwd: input from resident, Please share this note with your colleagues on the Planning board

Tuck O'Brien <sgo@portlandmaine.gov>

Wed, Nov 30, 2016 at 2:29 PM

To: Jennifer Munson <jmy@portlandmaine.gov>

Cc: Bill Neddelman <WBN@portlandmaine.gov>

----- Forwarded message -----

From: **michael curtis** <mrudgec@gmail.com>

Date: Wednesday, November 30, 2016

Subject: input from resident, Please share this note with your colleagues on the Planning board

To: sgo@portlandmaine.gov

To: Planning Director Tuck O'Brien and Planning Board members:

As we all reflect on the recent national election, an underlying theme emerges of anger at the "establishment." There is a perception that corporations can "strong arm" their way through government to gain financial advantage. Many of us ask how we can influence the world in a positive way. In our Portland family this manifest by having a family from the city shelter to our home for their first ever Thanksgiving.

I ask each of you to consider an action you can engage in that will help fight the cynicism some hold towards those in power. Americold wants the rules changed to maximize their profit. The zoning change they insist upon to a height of 70 feet for their proposed facility on Commercial Avenue would block the beauty of the waterfront to present and future Portland residents. It would lower our quality of life while maximizing their profit. It is possible to have an appropriately scaled, and profitable, cold storage facility within the existing height rules. There are other developers of cold storage facilities who would be very interested in developing this property if Americold cannot follow the existing regulations.

I urge you not to bow to the threats that Americold makes about the need for height regulations to be adjusted. Have you been able to listen to experts on cold storage facilities other than from representatives of Americold? Are you aware that they are a company based in Georgia which operates over 180 cold storage warehouses throughout the world? They are the largest cold storage company in the United States. I seriously question that they are not be able to profitably operate a warehouse 45 feet tall.

While we all need to welcome those from outside our community to be a part of the special place we proudly call Portland, I would urge that we ask of newcomers to the community that, as they join us, they follow our rules. The family from the shelter, whom we had to our home for Thanksgiving, have a boy who played on the PAYSA U-10 soccer team I coached this past Fall. He was delighted to join our community and learn the rules of the game of soccer. Whoever develops a cold storage facility on our waterfront, let's welcome them to our community, but expect them to follow our rules. If they will engage with our community in a positive way, then sure, we can make thoughtful and reasonable changes to enable their ongoing success. But please, do not give the largest company of its kind in this country a free pass on damaging the beauty and character of our city. They are not interested in the character of the city of Portland. I am grateful that there are people like you for whom this is the focus of your work.

Thank you very much for considering my input on this proposed zoning change.

Michael Curtis
354 Danforth Street
Portland Maine, 04102
mrudgec@gmail.com
[207-699-4074](tel:207-699-4074)

Tuck O'Brien
City Planning Director
Department of Planning and Urban Development
Office: [\(207\) 874-8724](tel:(207)874-8724)
Cell: [\(207\) 553-0255](tel:(207)553-0255)

PROPELLER CLUB OF THE UNITED STATES

PC27

To Promote, Further and Support an
American Merchant Marine.



To aid in the development of needed
River, Great Lakes and Harbor Projects.

November 14, 2016

PORT OF PORTLAND, ME

Elizabeth Boepple
Chair, Planning Board,
City of Portland
389 Congress St.
Portland ME 04101

Dear Chair Bocpple:

The board of the Propeller Club, Port of Portland, has asked me to write concerning the zoning modification necessary for construction of a modern cold store warehouse in the WPDZ just west of the Casco Bay Bridge. The modification would allow a building height of seventy feet, the same height as the Sprague warehouses near the Veteran's Memorial Bridge.

The Portland Chapter of the National Propeller Club was chartered in 1932. We are 150 pier and terminal owners, tug companies, chandlers, shipwrights, ships agents and professionals. The members are all owners and operators of businesses in the Port of Portland, and we are all dependent on and dedicated to promoting commerce in the Port of Portland.

The Port of Portland has always handled food. Everyone knows the Portland Cold Store Building on Union Wharf, built primarily for fish but which also handled corn, berries and many other products. Yet for decades the port has been without a cold store warehouse usable in conjunction with deep water shipping. Virtually every serious recent study of the Port of Portland, whether privately commissioned or government sponsored, has identified a cold store warehouse as conspicuously lacking among the Port's assets. From first hand knowledge our members know of specific business opportunities that the Port's lack of a freezer warehouse has caused Portland to fail to win.

There's good reason the studies point to our lack of a cold store warehouse, for the benefits of such a warehouse extend throughout the state and region. More and more, Maine's farms and other food producers recognize that to compete with big operations across the world they must produce value added food. Even before the freezer plant is completed its sales people will fan out across Maine and the

region to show food brokers and producers how a frozen product can aid their bottom line. While container loads of frozen product are currently shipped from the Port, the freezer warehouse will be able to handle pallet loads, allowing smaller Maine food producers, those who could never fill a container, inexpensive access to distant markets. This point is key.

The Propeller Club as an institution knows that a healthy port must be tended with care. Cargoes decline and new cargoes take their place, some moving in modern containers, some in bulk and some in break-bulk, and all by sea. A healthy port adapts to and provides accommodation for the new cargoes, and even across the centuries that port continues to thrive. Such has been the experience of the Port of Portland - but not without exception. Recall the cement silos proposed in the 1990's for the western waterfront, and which met with organized opposition from residents who chose to live overlooking the western waterfront. Those three silos were finally built, but in New Haven, where they, their ships and their many well-paid employees are still busy.

Persons responsible for a port would do well to keep foremost in mind that even ships which have used a port for decades can steam over the horizon and never return. If Portland wants blue water shipping we must strive to adapt to the shipping marketplace, or, as have so many ports, whither. The proposed modest and logical alteration in allowable building height in the WPDZ will allow private capital to build a much-needed port facility, a facility which will improve opportunities for businesses far inland, and which will allow the Port of Portland to continue to be a powerful driver of the regional economy.

Very truly yours,



William York
President, Propeller Club, Port of
Portland, Maine.

cc: William Needleman

Fwd: Comments for the Planning Board

1 message

Tuck O'Brien <sgo@portlandmaine.gov>

Mon, Nov 28, 2016 at 9:54 AM

To: Jennifer Munson <jmy@portlandmaine.gov>

Cc: Bill Neddelman <WBN@portlandmaine.gov>

----- Forwarded message -----

From: **Leslie Pohl** <leslienpohl@gmail.com>

Date: Sun, Nov 27, 2016 at 8:53 PM

Subject: Comments for the Planning Board

To: Stuart Tuck O'Brien <sgo@portlandmaine.gov>

Attn: Tuck O'Brien

Dear Portland Maine Planning Board-

My name is Leslie Pohl and I live at 263 York Street in Portland's West End. I would like to comment about the proposed zoning change on the Western Waterfront (from a max building height of 45' to 70'). I have been attending the meetings over the past several months, just trying to gather information and figure it all out.

At this point, I think it's important to consider the impact that this zoning change would have on the residential neighborhood abutting the working waterfront. **I do not think the zoned building height should be changed.**

Addressing the Americold Cold Storage building specifically... from what I have heard, the building can't be made to look more attractive (i.e. - it has to be a white rectangle to maximally function as a cold storage facility). Also, a green roof is not possible. Therefore, **Americold should not be given a variance to rise higher than 45 feet.** Americold originally submitted two other designs that were very close to the zoning height (ie - 45' feet internal height), so they should be able to tweak those to meet the current zoning requirements of 45' maximum.

In closing, if the neighbors are going to have to look at an *unattractive white rectangle* that blocks the water... at least Americold can build it to the lower, currently-zoned height.

Thank you for your time.

Warm regards,

Leslie Pohl

----- Forwarded message -----

From: **Penny Stevens** <penny.stevens714@gmail.com>

Date: Sun, Dec 4, 2016 at 9:00 PM

Subject: Raising the height on the Americold Building

To: Jon Jennings <jpj@portlandmaine.gov>

We are concerned about the proposed raising of the building heights on West Commercial St. We feel that the building height should not be increased above the existing limit of 45 feet. A higher structure would impose an industrial environment adjacent to an historical district and a well maintained residential area. West Commercial St. is the southern entry way into what Henry Wadsworth Longfellow called "The beautiful city by the sea" An imposing white featureless structure there will diminish the view of the waterfront that visitors and residents should have when they approach our historical gem.

We ask you to reconsider raising the height above 45 ft.

Dick and Penny Steven
260 Vaughan St.
Portland, Maine 04102

From: Rosanne Graef <rgraef@gwi.net>
Date: Mon, Dec 5, 2016 at 5:40 PM
Subject: West Commercial Street - Americold Proposal & Zoning Change
To: Tuck O'Brien <sgo@portlandmaine.gov>
Cc: Ethan Strimling <estrimling@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>

PC30

Dear Mr. O'Brien - Please deliver copies of this letter to the members of the Planning Board for their consideration in preparation for the December 13 workshop. Thank you. Sincerely, Rosanne Graef

Dear Members of the Planning Board,

I am writing to you in opposition to the proposed rezoning of sections or all of the land in the WPDZ along West Commercial Street.

I have several reasons for my opposition as follows:

1) The rfp process followed by the City that resulted in the current proposal by Americold was issued to several potential applicants, only two of whom applied. Under the zoning rules in effect at the time of the rfp's issuance, the allowed height was less than what is now being proposed by the Economic Development Department and Americold. If those other potential applicants had been aware of how supportive the Economic Development Department is of changing rules after the game has started, they may have submitted proposals that would be superior to the one from Americold which has been accepted. At this point we'll never know unless the rfp is reissued with whatever zoning conditions will actually prevail so everyone gets a fair shot.

2) I lived at the corner of York and Clark Streets in the early 1970s. At that time, this was considered to be a blighted neighborhood and was within the boundaries of the Model Cities program. Many of the houses and apartments were definitely on the downhill slide with absentee landlords and general economic conditions that led to neglect and deterioration of many buildings. Since that time a lot has changed in this neighborhood and over the past 40 years many people have bought, built and upgraded homes in the area between Danforth Street and West Commercial Street, investing hundreds of thousands of dollars as well as untold hours of time and effort in making this a valuable part of Portland's West End. Below, you'll find a summary of the assessed valuations and property taxes paid by owners of these residential properties bordered by the west side of Brackett, south side of Danforth and West Commercial St. As you can see, this neighborhood is a source of significant value and revenue for the City of Portland. It's worth noting that these figures are based on assessed values, we all are aware that the current selling prices are often 2-3 times what's reflected here.

Granting a height exception or rezoning part or all of the WPDZ for increased height will cast a pall over this entire residential area. Who will want to buy a home in order to gaze out at a huge white wall? What accommodation will be made for homeowners whose greatest financial investment is their home which is now not as desirable as when there were views of the bridge, the far shore, ships, tugs, tides, sparkling water? Who wins in this scenario?—international companies at the expense of residents of Portland. The Economic Development Department is all gung-ho for this proposal and is intent on changing the zoning to accommodate Americold's assertions that it's their proposal or nothing. Where's the Residential Protection Department who'll go to bat for the people who live here?

(see photos below)

Total Net Taxable	\$53,356,100.00	
Total Tax		\$1,127,252.91

	\$13,093,000.00	\$276,393.40	\$2,528,600.00	\$53,383.80	\$1,384,800.00	\$29,232.96	\$3,453,500.00	\$72,903.42	\$459,200.00	\$9,693.72		\$4,699,600.00	\$99,208.65	\$1,042,000.00	\$21,996.68	\$874,400.00	\$18,458.62	\$2,039,500.00	\$43,953.90	\$742,500.00	\$15,674.18	\$254,500.00	\$5,372.50	\$21,685,100.00	\$457,772.74	\$1,099,400.00	\$23,208.34
	Net Taxable	Tax	Net Taxable	Tax	Net Taxable	Tax	Net Taxable	Tax	Net Taxable	Tax		Net Taxable	Tax	Net Taxable	Tax	Net Taxable	Tax	Net Taxable	Tax	Net Taxable	Tax	Net Taxable	Tax	Net Taxable	Tax	Net Taxable	Tax
	Salem St		Summer St		York St		Brackett St.		Hamlin Ct		Clar k St			Briggs St		School St		Orange St		Bond St		Danforth Pl		Danforth St		Emery St	

3) The area where the proposed cold storage facility would be located is in the public scenic view from Harbor View Park and therefore should be included in the moratorium on new development recently passed by the City Council.
(see photos below)

4) This facility will not be only for marine-related activity, much of the traffic will be in goods that are transported by truck and train only and never go on or off a ship. Why does an oversized storage facility need to be built on the Western Waterfront to accommodate land-based transportation of these goods that may only require dry storage? Why can't a cold storage facility be built at a more suitable spot inland (say Danville Junction or another intermodal station) for truck and train transfer of those goods that require refrigeration or freezing? Why here on the shoreline of the peninsula of Portland which has a naturally restricted geography and a densely populated residential area close by?

5) This unnecessary transfer of goods strictly to and from trucks and trains will result in an as yet unquantified increase in truck traffic along West Commercial Street. West Commercial is intended to be a funnel for traffic coming from I-295 and the Veterans Bridge and headed for the Casco Bay Bridge. Adding more truck traffic to this stretch could result in more cut-through trips selecting to go on Danforth Street, once again having a negative impact on a residential area, in order to reach the State Street entrance to the bridge.

There will also be the issues of increased noise (engine noise and back-up beeping) and pollution from the increase in truck traffic.

6) We have never been shown what the actual proposal will look like or what its effect on the views and impressions of entering Portland via West Commercial Street, the Casco Bay Bridge, or looking across the river from South Portland will be. We've gotten some two-dimensional drawings, some overhead photos and a few photos taken from public streets. Surely there's 3-D modeling capability to be had, but when neighbors asked about that possibility, city employees said it was too expensive. We are being asked to buy a pig in a poke, not knowing what we'll be getting until it's way too late.

If this zoning change is made and this massive building is built, it is something we are going to be stuck with for decades. It will be an eyesore much in the same way the grain elevators at the other end of Commercial Street eventually were. At the time those were erected, they were the best solution for the purpose, this behemoth being considered now is not. There are other ways of accomplishing Americold's mission and bringing this sort of economic activity to Portland and to Maine that do not necessitate degrading this part of the peninsula. The alternatives may cost more and may not be as easy, convenient and lucrative for Americold, et al., but there's much more to consider than money.

For your information, I have attached a few photos taken from some of the homes in this area as well as from Harbor View Park, the Casco Bay Bridge and across the Fore River in South Portland. I hope that you will be able to visualize the unsightly scar this mammoth storage building would be and reject these increased height requests.

Thank you for devoting your time and effort in serving on the Planning Board.

Sincerely,

Rosanne Graef
30A Salem Street

Re: Public Comment for W. Commercial Street

Rosanne Graef <rgraef@gwi.net>

Tue, Dec 6, 2016 at 11:33 AM



From Casco Bay Bridge



From 30 Salem St.



From 36 Salem St



From 48 Salem St



From 88 Salem St



From 116 Salem St



From 258 Danforth St





From 259 York St



Harbor View Park at corner of Brackett/York



From lawn at Harbor View Park



From lawn at Harbor View Park



From Lawn at Harbor View Park



From South Portland side of river - Portland Yacht Services is at the left



From South Portland side of river - Portland Yacht Services is at the left

December 6, 2016

City of Portland Planning Board
Beth Boepple, Chair
Sean Dundon, Vice Chair
David Eaton, Carol Morrisette, Kristien Nichols
Maggie Stanley, Lisa Whited
389 Congress Street
Portland, Maine

Dear fellow Portland residents,

As supporters of a cold-storage warehouse on public International Marine Terminal land, we want to achieve the right balance between expanding economic development of the inner harbor and safeguarding the growing vitality of both the adjoining neighborhood and a key gateway into Portland.

A little background: last year the Maine Port Authority submitted a request for proposals¹ to Americold Logistics LLC and six other cold-storage operators that qualified for the project.² The RFP specified the allowable maximum building height of 45 feet, but did not explain the Economic Development Department's intention to seek a significant height increase.

The other six cold-storage operators based their economic models on a 45-foot height maximum. If the Planning Board decides the EDD's proposed Zone Text Amendment has merit, it is essential that the Port Authority first submit a revised RFP to the seven applicants, with details of the potential change.³ All else being equal, negotiations should be initiated with the applicant proposing a building height closest to the current maximum.

However, it is our belief that the height increase should be rejected as bad policy, bad for Portland and unnecessary: Americold Logistics' winning proposal⁴ in the first RFP round provides the template for a modern, efficient warehouse at the existing 45-foot height limit.

¹ <https://assets.documentcloud.org/documents/2167668/west-cold-storage-rfp.pdf>

² The applicants were XTL Inc., a logistics company based in Philadelphia; Lineage Logistics of Colton CA; Wilmington Cold Storage Inc., with warehouses in Wilmington and Stoughton MA; Preferred Freezer Services, with 200 million cubic feet of cold storage space nationwide; Eastern Impact LLC of Portland, lead entity in a consortium created for the project; and Eimskip.

³ Along with a basic fairness issue, the proposed increase in allowable height significantly increases the value of this publicly owned land – and the opportunity to negotiate higher rent payments from the private developer selected to lease the land.

⁴ <http://www.mediafire.com/file/58yngg05ckivyg2/AmericoldRFPproposal.pdf>

Although the company is currently proposing a 68-foot high warehouse with “conventional” storage of frozen product,⁵ its RFP proposal includes three other designs. Page 20 shows a “very narrow aisle” (VNA) option with 15,200 pallets in double-deep rows. As compared to conventional warehouses with 12-foot wide aisles, VNA warehouses achieve much higher storage density with aisles about six feet wide, and use lift trucks with pallet forks that pivot left and right.⁶

As designed, the VNA warehouse would not conform to current zoning because its finish height would be 12 feet higher than its 45-foot interior height. But a building with a finish height of 45 feet could store 15,200 pallets by incorporating 30,000 square feet of proposed expansion space into the initial construction.⁷

The total building footprint would be 149,530 square feet.⁸ If current Americold analysis points to a smaller useable footprint,⁹ an independent engineering firm should investigate all options for building configurations on the 6.3-acre shoreland site, including use of a state submerged lands lease.

Although Americold maintains that its current proposal is the only option for an economically viable warehouse, we disagree. After submitting a FOIA request to the Port Authority, we received a copy of an RFP proposal submitted by another applicant. Mindful of neighborhood impact and zoning regulations, this

⁵ Beginning at grade, there would be a 4’ high loading dock, 55’-4” interior clear height (for eight pallet racks and +/- 6’ of space above the racks), and a 5’ roof system with a 3’ pitch. Capacity would be 10,584 frozen and 5,280 ambient-temperature pallets.

⁶ VNA storage has pros and cons. A key trade-off is that two lift trucks cannot pass in the same aisle – a problem in high-volume operations. Some VNA warehouses reduce traffic issues by storing fast-turnover stock on outside aisles wide enough for trucks to pass each other. Overall, with the right warehouse management system, VNA storage is sensible for a significant share of a facility. If 100% VNA storage as shown in the RFP proposal is not suitable for this warehouse, there are other strategies that should be explored for increasing storage density, for instance, other pallet-rack systems. The most common rack – “selective” – provides the most flexibility, but least storage density. Drive-through racks, pallet-flow racks and push-back racks are among the options that provide much higher storage density, and could be appropriate for a portion of the warehouse. Upfront costs are higher, but reduction of the facility size also reduces construction costs and energy consumption.

⁷ With an interior height of 33 feet, pallet racks would be stacked five high with +/- 3 feet of space above the racks, as compared to seven pallet racks in the 45-foot interior height design.

⁸ The proposed warehouse area is 120,125 GSF, which includes 27,415 SF dry storage, 54,235 SF cold storage, 11,365 SF rail docks, 13,200 SF truck docks, 6,600 SF (2 floors) office space and 3,300 SF maintenance/engineering. Adding 29,405 SF of proposed future expansion, the footprint is 149,530 SF. The “conventional” storage warehouse in the RFP proposal is slightly smaller (including office space, etc.) at 145,000 SF and a finish height of 57 feet.

⁹ The current proposed Americold facility has a footprint approximately 18% smaller than the full VNA build out, but there is space to expand the current footprint. Also, to obtain more cold-storage space, other sites are available nearby for the proposed 6,300 square feet of office space and a large share of the proposed 80 employee parking spaces. For ambient-temperature dry storage, developable land is also available nearby, or space could be made available in Americold's existing 190,000-square-foot warehouse at 165 Read Street.

applicant proposed a modern, efficient warehouse with a 40-foot clear height. The first phase included 50,400 square feet of warehouse space on the IMT land and a 100,000-square-foot warehouse off terminal. The second phase included up to 100,000 square feet of expansion at each warehouse. This split between two warehouses would help comply with restrictions of the Waterfront Port Development Zone, which essentially prohibit warehouse cargo that is not either shipped in or shipped out by water.

According to the Land Use Code, Sec. 14-319, WPDZ uses include:

1. Intermodal transportation facilities principally for vessels with regularly scheduled destination service or for railroad transportation service;
2. Warehousing and storage of goods which are awaiting shipment via cargo carriers.

The inbound transportation mode of goods for “warehousing and storage” is not specified, but considering the context and language in other sections, “waterborne” is implied. References to “truck” or “tractor trailer” are absent in the WPDZ chapter. Further emphasizing the marine-oriented restrictions on warehouses, bulk storage facilities in the WPDZ (Sec. 14-320.2) are limited to “materials delivered to a site by waterborne transportation or awaiting transportation from the site by means of waterborne transportation.”

More generally, WPDZ uses “are limited to those uses which are dependent upon deep water and which contribute to port activity. Non-marine industrial activity may be allowed only on a temporary basis...”

Page 17 of Americold’s RFP proposal calculates that 30,000 TEUs would be moved through the warehouse annually (i.e., 60,000 in/out transports of standard 20-foot-long shipping containers). It is unclear what share of the product would be transported exclusively by land, and therefore be a nonconforming use in the WPDZ. To ensure compliance, the warehouse operator should be required to document annually, for at least the first five years of operation, that all product has been shipped in and/or out by waterborne transportation.

Americold currently says it intends to continue operating its cold-storage warehouse at 165 Read Street. In its RFP proposal last year, the company stated: “Based on our business plan calculations, ***we may well continue to operate this site*** (emphasis added) in conjunction to the new site at the IMT. We are also considering converting it to a dry facility to increase our ability to keep large amounts of dry product, complementing the temperature-sensitive product that customers would store at the new facility.”

Either way, Americold needs to agree that product transferred in/out by ground transportation at the Read Street warehouse (1.7 million cubic feet of storage) will not be consolidated into the waterfront facility (4.3 million cubic feet, as proposed). The company also needs to agree it will develop a replacement off-terminal facility for such product if it closes the Read Street warehouse.

It is our hope that the Planning Board, before moving on to other issues related to this project, will reject the Economic Development Office's application to increase the zoning height for the warehouse site.

In its RFP proposal, Americold says it is "dedicated to implementing and executing programs that are grounded in understanding the current regulations and guidelines in the City of Portland." We believe that Americold, with its cold-storage expertise and engineering talent, can design a warehouse that fits within the city's current regulations, including the 45-foot height limit. If not, one of the other six cold-storage operators is likely up to the task.

Thank you for your work on behalf of our city.

Sincerely,

Sidney St. F. Thaxter, Esq.

Mark Bessire

John and Linda Coleman

Jo Coyne

Rosanne Graef

Ian Jacob

Ted and Leslie Kaynor

Mark McCain

Dr. Mary McCann

William McFarlane

Bob Mittel and Louise Davis

Erik and Caitlin Mushial

Sonia Robertson

Mike Stone

49 Summer Street, sthaxter@curtisthaxter.com

314 Danforth Street, markhcb@gmail.com

26 Cushman Street, jcoleman@theviaagency.com

36 Salem Street, jcoyne@gwi.net

30A Salem Street, rgraef@gwi.net

59 State Street, iancasperjacob@gmail.com

315 Capisic Street, lkaynor@icloud.com

45 Summer Street, smarkmccain@yahoo.com

49 Summer Street, drmmccann@gmail.com

380 Danforth Street, mcfarw@maine.rr.com

24 Brackett Street, rmittel@mittelasen.com

36 Clark Street, erik@allmtngroup.com

336 Danforth Street, robertsonsonia@hotmail.com

116 Salem Street, mstone800@gmail.com



Request for Proposal to Maine Port Authority

Ms. Kim King
Maine Port Authority
460 Commercial Street
Portland, Maine, 04101
Re: IMT West Cold Storage Facility

Dear Kim,

In accordance to Section 10 of the Request for Proposal (RFP) the following details will provide the requested information.

Americold Logistics LLC is a 100% owned subsidiary of Americold Realty Trust (ART). ART is a real estate investment trust organized in the state of Maryland with the majority shareholder being the Yucaipa Companies.

- | | |
|--|---|
| a. Company Name: | Americold Logistics LLC |
| Americold Realty Trust Federal Tax ID: | 93-0295215 |
| Address: | 10 Glenlake Parkway, Suite 600,
Atlanta Georgia, 30328 |
| Company Fax #: | 678-441-6846 |
| Proposal Contact Phone Number: | (c) 404-435-4228, (o) 410-729-1045 |
| Proposal Contact: | Patrick Ballard |

For purposes of responding to the Maine Port Authority RFP, Americold has designated Patrick Ballard as its representative.

Patrick Ballard

Signature: _____

- b.** Americold Logistics LLC has not been debarred from any State or Federal Agencies during the past five years. Attachment 4 contains a formal declaration from Todd Sheldon.

Todd Sheldon

Signature: _____

Kim, the Americold team is pleased to present its response to Maine Port Authority's RFP, outlining our comprehensive cold storage experience, financial capacity and strength within the Northeast market and beyond.

As noted in our Request for Qualification, Americold and Eimskip have developed a Letter of Understanding expressing our mutual intent to establish an agreement for the joint development of a temperature-controlled storage facility incorporating dry storage and office space. Americold's scale, scope, temperature-controlled environment management experience and local, national and international relationships are complimented by Eimskip's commitment to the transportation industry, international transportation capabilities and customer orientation, and we're excited at the possibility of moving forward together to provide you with a remarkable solution.

Throughout this RFP we will focus on Americold's design, build and operate capabilities and incorporate the requested detail outlined in your RFP. Our desire and intent is to bring the Maine Port Authority a collaborative team that will develop a customized, state-of-the-art solution to accommodate your needs now, and all future requirements and solution enhancements envisioned in order to support Portland's International Marine Terminal expansion.

So why are we the best choice for Portland and the Maine Port Authority?



Request for Proposal to Maine Port Authority

- Since 1952, Americold has been a fixture in the local Portland community. Throughout the past 63 years, Americold has stimulated your local economy by bringing in an estimated \$78.4 million in revenues, hired local employees and service providers, and worked with local charities including the [Good Shepherd Food Bank of Maine](#). No other provider has been committed to the city for as long as we have.
- We share your enthusiasm to bring the next generation of state-of-the-art cold storage to Portland, and we are excited by the prospect of creating a campus design that highlights all of the benefits that the Port of Maine has to offer to food processing and production customers, and streamlines the process of bringing those products to market. There's no reason why Portland cannot become Canada's primary winter gateway port once again.
- We're envisioning a showpiece facility for you with the very latest in temperature-controlled supply chain design that you can use to sell Portland as the primary regional perishable production and processing locale: local relationships, regional expertise, national and international connections, and the best seafood anywhere in the world.
- Your food and beverage industry partners will have access to best-in-class IT systems and warehouse management platforms, channeled through either EDI or our proprietary [i-3PL Supply Chain Control](#) system, offering unmatched efficiencies, reduced cost and comprehensive supply chain visibility – all available on any web-enabled smart device.
- Americold operates over [175 facilities](#) with 1 billion cubic feet of temperature-controlled capacity in 6 countries. In the US we have +145 facilities in 38 different states. Our scope, scale, depth of operational capability and breadth of products handled place us in a unique position to be able to continuously evolve our processes and service offerings to maintain the very latest in technological support systems and management activities. Our ability to design, build and operate creative, integrated end-to-end solutions can be witnessed at any one of our facilities.
- Eimskip is contemplating moving their U.S. headquarters to the IMT West Cold storage facility, and storing up to 5,000 pallet positions of ambient space in it. Eimskip works with over 300 customers to ship more than 30,000 tons of products across the North Atlantic, and a new facility in Portland, ME would be an ideal strategic location.
- Our role will be simple: to provide temperature-controlled storage and transportation solutions, but we'll share a common purpose with you: to promote the fruits of the local, hardworking fishing and manufacturing communities in sharing the freshest seafood and locally produced food and beverages with friends, families and customers throughout the northeast and beyond.

We're very much looking forward to working with you and your extended partners in a collaborative effort as this initiative progresses. If you have any questions about our response, please feel free to contact me.

Sincerely,

Patrick Ballard

Vice President, Business Development





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Request for Proposal to Maine Port Authority

Section 1

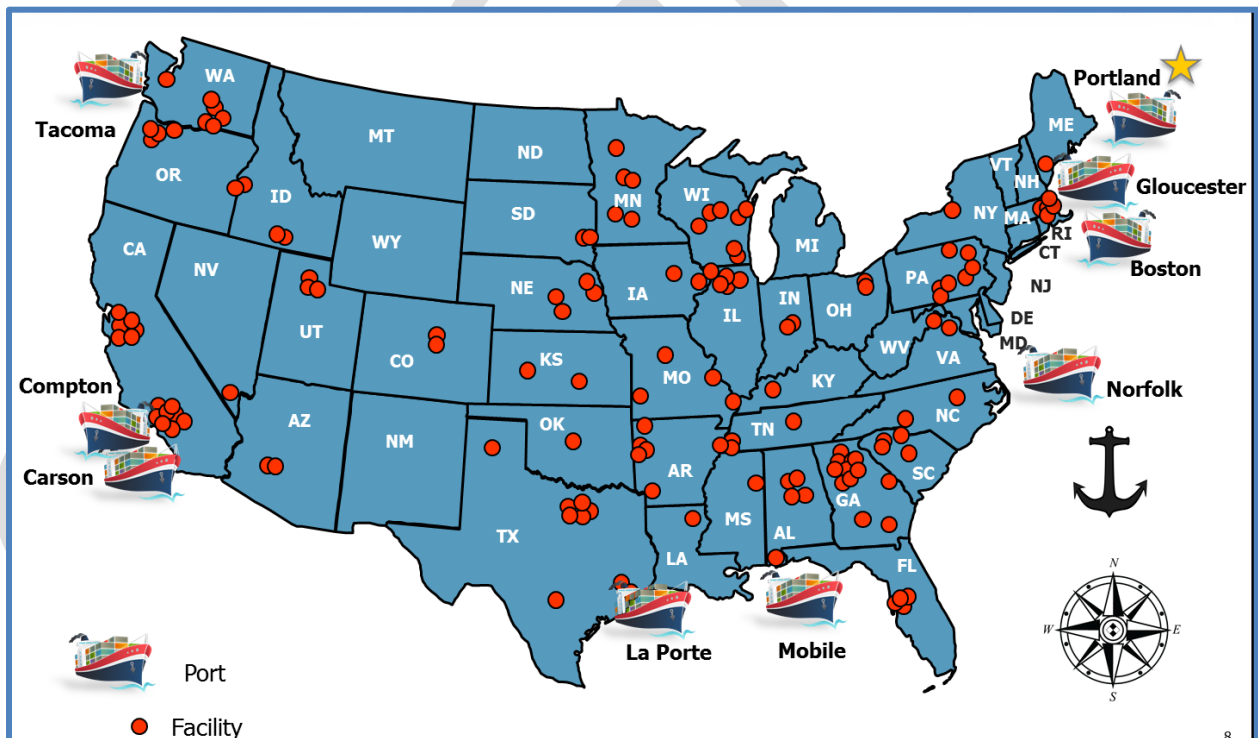
Company Information

Americold is a privately held Real Estate Investment Trust (REIT). Our primary share owners are The Yucaipa Companies (www.yucaipaco.com) and Goldman Sachs (www.goldmansachs.com).

Americold's roots can be traced back to 1903 as Atlanta Ice and Coal company – the company Ernest Woodruff formed by merging three local businesses before he moved on to purchase Coca Cola. Since then the company has grown organically and through acquisitions but has always maintained its local, neighborhood roots. Our very DNA stems from smaller, corner store-type personalities where family values and customer service are top priorities – Frank E. Wagner Jr. worked with Americold since we took over the facility in 1952. He held numerous roles up until retiring in the late 1980s as the GM. Mr. Wagner was the father of our current GM, Michelle Brooks. As companies merged and others were acquired, we took the time to properly integrate systems, associates, processes, values and visions to become the pioneering international company we are today. Today, each of our facilities leverages the collective expertise of the entire enterprise while maintaining unique local characteristics to serve our customers. You won't find that integration in every provider.

Americold is the global leader in developing temperature-controlled warehousing and transportation solutions for the food industry. We offer the most comprehensive storage, distribution, and logistics solutions in the world. Based in Atlanta, Georgia, Americold owns and operates [+175 temperature-controlled warehouses](#) throughout the United States, Australia, New Zealand, China, Argentina, and Canada.

Our US footprint incorporates over 145 facilities with many adjacent to port facilities:



With over 110 years' of continuous improvement, we've never rested on our laurels and have constantly strived to innovate and implement value and efficiencies for our customers. No other provider can offer you the visibility and control over such a large network. Americold's [i-3PL supply](#)

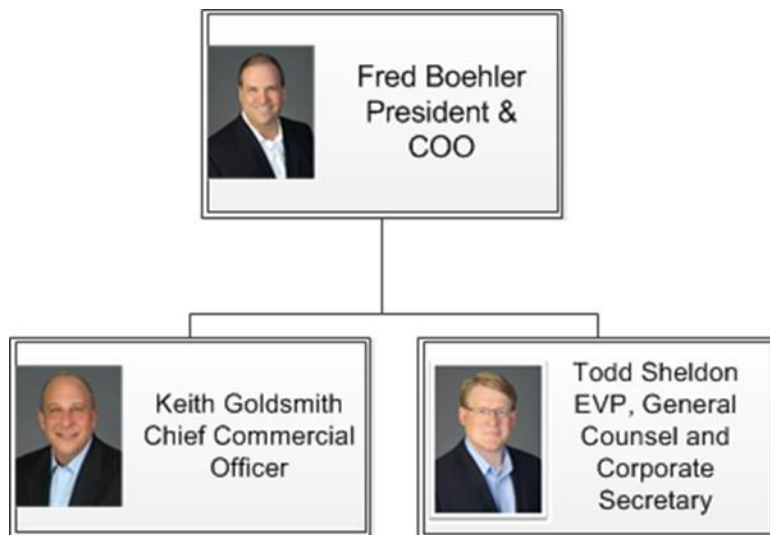


Request for Proposal to Maine Port Authority

[chain control system](#) enables 3000 Seafood, Agriculture, Protein, Poultry, CPG, Bakery and food retailer customers direct access to inventory information on any smart device from the palm of their hands, empowering decision makers and enabling critical choices to be made more quickly.

Americold Team, Structure & Roles

Americold's flat, matrix management structure streamlines decision making to support an efficient and effective operations based structure. Here, we present the team who'll be responsible for designing, building and operating the new Portland facility:





Request for Proposal to Maine Port Authority

Americold & Eimskip Leadership Team				
Name	Title	Legal Relationship	Address	Role
**Fred Boehler	President & COO	Employee	10 Glenlake Parkway, Suite 600, Atlanta, GA 30328	Fred will oversee the entire project from a financial, operations, and customer perspective.
**Todd Sheldon	EVP, General Counsel and Corporate Secretary	Employee	10 Glenlake Parkway, Suite 600, Atlanta, GA 30328	Todd will oversee the entire project from a legal and real estate perspective.
**Keith Goldsmith	Chief Commercial Officer	Employee	10 Glenlake Parkway, Suite 600, Atlanta, GA 30328	Keith will oversee the entire project from a business development and commercial perspective.
** Denotes a team member who will provide legal and financial advice or will act in an advisory role.				



Section 2

Knowledge and Experience

ORIGINAL



Request for Proposal to Maine Port Authority

To provide additional background on our ability to design, build and operate cold storage facilities we are including insight into two design and build projects that were successfully executed in the last couple of years. Many of the team members participating in the Maine Port Authority project were part of the Phoenix and Leesport projects outlined here.

Phoenix, Arizona

Scope: **Greenfield design, build and operate grocery retail distribution center; 13.1 acre site.**

Start of Operations: January 2014
Project Overview- Phase I
Building Net Area Sq. Ft: 95,475
Parking Spaces: 60
Clear Height: 42 feet
Dock Doors: 10 truck bays/loading docks

Phase II- Includes 7.1 acres of expansion, designed to accommodate an additional 143,000 square foot building. Timing TBD.

Phase I Investment and Revenue Overview:

Building Cost: \$11.6M
Land Acquisition: \$2.7M
FF&E Cost: \$2.9M
Total Cost: \$17.2M
Annual Revenue: \$5.3M
Pallet Capacity: 12,129
Temperature: Frozen, 100% case pick

Leesport, Pennsylvania

Scope: **Expansion of current facility to adjacent land owned by Americold**

Start of Operations: November 2013
Project Overview-
Building Net Area Sq. Ft: 96,000
Parking Spaces: 150
Clear Height: 28 feet
Dock Doors: 24 truck bays/loading docks

Investment and Revenue Overview:

Building Cost: \$8.3M
Land Acquisition: Already owned
FF&E Cost: \$3.2
Total Cost: \$11.5M
Annual Revenue: \$8.8M
Pallet Capacity: 2652
Temperature: Cooler Distribution Center operation and cross dock, 30% case pick



Request for Proposal to Maine Port Authority

Americold and Eimskip Team Member References

ORIGINAL



Section 3

Financial Capacity

As a private company in a highly competitive industry, Americold only discloses financial information where a non-disclosure agreement is in place. It also limits the use of the financial information disclosed to only those necessary and the information cannot be shared without the company's written consent. We would enter into such an agreement with you as we move forward with the project.

That aside, we will share that Americold currently has approximately XXX in cash. Over the past 3 years, we have refinanced over XXX of debt reducing the overall cost of debt by XXX bps, without significantly increasing our overall leverage ratio. We have strong relationships with construction lenders, CMBS debt originators, bank balance sheet lenders and others. With our balance sheet cash, strong lender relationships, and an equity partner with significant access to capital, we have the capacity to develop, operate and maintain multiple additional facilities, including the Portland proposed facility. We believe in supporting local communities and local businesses, and would look to work with financial institutions with Maine-representation where possible and feasible.

Americold prides itself on creating and maintaining strong vendor relationships with material handling equipment OEMs, such as Crown Equipment and Royal. We also maintain relationships with finance companies that specialize in leasing this type of equipment and have lines of credit with both GE Capital and LaSalle Equipment Finance.

Annually, Americold is audited by Ernst & Young with unqualified audit opinions being issued. Our primary banking relationships are with JPMorgan (New York), Royal Bank of Canada (New York) and Goldman Sachs (New York and Australia). We also have local relationships where warranted in areas where our warehouses are located.



Section 4

Economic Impact within the State of Maine

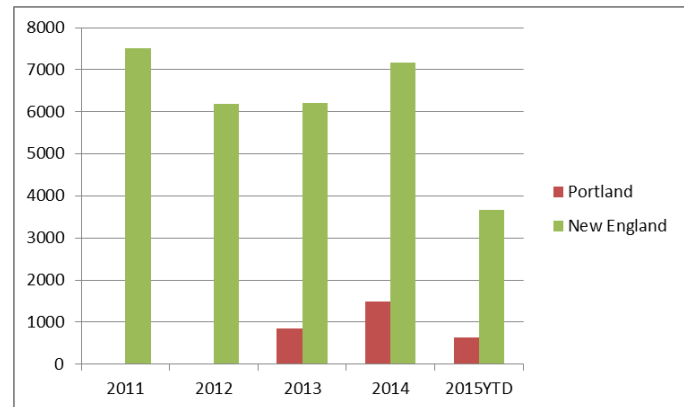
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Request for Proposal to Maine Port Authority

Local Food & Beverage Ocean Imports (TEUs) (source: Zepol)

The chart to the right shows the traditionally more reliable ocean import data for food and beverage products into U.S. New England and Portland specifically. Our proposed Portland facility could easily accommodate all food and beverage imports for the New England region, and with direct rail and exceptional highway connections, Portland would have an outstanding competitive advantage over all other food and beverage import port options for regional customers.



ii) Estimated number of temporary construction jobs:

Based on our experience, approximately 1.25 construction jobs are generated per 975 square feet of construction. With a 145,000 square feet build, we estimate this project creating 186 temporary construction jobs.

iii) Estimated number of permanent jobs:

Based on Monday through Friday (2 shift) conventional steady-state operations, Americold estimates approximately 21 permanent jobs:

- 1 general manager
- 2 manager/supervisory positions
- 4 office clerical/admin positions
- 3 building/refrigeration/equipment maintenance positions
- 11 lift truck operator positions

Eimskip will relocate its US headquarters from Norfolk, VA to Portland, ME. 15 immediate re-locations will occur from Norfolk VA to Portland ME. 50 total positions will support the Eimskip US headquarters.

b) Using the form in [Appendix D](#), the Proposer is required to describe the Proposer's recent and anticipated economic impact upon and within the State of Maine. The use of economic impact in making contract award decisions is required in accordance with Executive Order 2012-004, which states that certain service contracts "...advertised for competitive bid shall include scoring criteria evaluating the responding Proposer's economic impact on the Maine economy and State revenues." Attach the form included in [Appendix D](#) to the proposal. This form does not count against the proposal page limit.

Please reference [Attachment 1/Appendix D](#).



Request for Proposal to Maine Port Authority

Section 5

Development and Operations Concept

a) As requested, the following detail will support the goals described in section 2 of the RFP.

Goal 1: Provide a state-of-the-art cold storage facility that supports the growth of the Maine Port Authority's throughput volume of domestic, import, and export refrigerated commodities;

Through our storied history in Portland, strong cash position and desire to be a collaborative partner to the Maine Port Authority, Americold is committed to designing and building a modern cold storage facility and campus that will utilize the latest construction, refrigeration and automation technology. We envision it to be a showpiece for ourselves and, more importantly, the city of Portland and Maine.

Heavy investments are made annually in research, development and education to ensure our experienced engineering team remains abreast of both current and pending innovations within the industry. We actively recruit and hire expertise from other supply chain verticals specifically to advance our own knowledge and understanding for where the temperature-controlled supply chain will advance.

These investments ensure exceptionally diverse thinking contributes towards final facility designs in order to offer technologically advanced, dependable solutions.

Through our discovery phase, we'll continue to interview you, our current customers, our list of interested parties, and our Business Development management team to fully understand what everyone expects from their new port-side facility. And based on your feedback, our expertise, the needs of the local community, local regulatory guidelines, and through collaboration with Eimskip, we envision building a showpiece facility that addresses current needs and future expectations for import, export, storage, handling and cross-dock requirements of the IMT.

Once a final design is complete and accepted, Americold's Project Management Organization will evaluate the plans and assign experienced project manager engineers to begin vendor negotiations, finalize timelines, and [oversee the construction](#) and implementation of the new facility. Americold has a time proven system of program management that consistently delivers successful projects benefiting all stakeholders. More details on this are in [Section 10](#).

As the new facility is brought to completion and commissioned, Americold's proprietary operating system is deployed to facilitate excellence in all phases of operational execution. Every aspect of operations, including loss prevention, energy conservation, product quality, labor optimization, continuous improvement, and associate development are addressed in this innovative operating system structure. The Americold Operation System (AOS) allows Americold to execute efficiently and consistently, delivering unmatched quality to you and our customers.

Goal 2: Attract new refrigerated and frozen cargo customers for the IMT;

Americold has an extensive portfolio of over 3,000 customers throughout our network. Currently, Americold services more than 50 customers in the existing Portland warehouse with frequent requests for additional space and value-added services from potential new customers. As part of our due diligence for the IMT project, Americold's Business Development team has identified an additional 20 "very interested" new customers for the IMT facility for 2017. But reviewing [Attachment 3](#) you can see the potential is much, much higher.

Eimskip will add the new facility into its network for over 300 shippers and the 30,000 tons of frozen cargo they ship across the North Atlantic. Eimskip already has several customers showing significant interest.



Request for Proposal to Maine Port Authority

Americold's Business Development and Marketing team will execute a three tier commercial strategy that incorporates significant marketing exposure to local and national industry media and events to support a national Business Development focus on new customer acquisition. We've already identified the targets ([Attachment 3](#),) and have the strategy taking shape. This will ensure customer adoption rates meet the financial criteria needed to support the short and long term success of the new IMT facility. We also feel confident that our strategic partnerships with the largest food processing companies and brands in the world will create additional opportunities for the IMT facility.

Goal 3: Maximize revenues from the long-term operation of the cold storage facility;

Americold's entire portfolio of service offerings (including storage, handling, processing, value-added services, and transportation) will be leveraged to create multiple revenue streams around the facility. The majority of our customers outsource their storage and transportation requirements in order to focus on their core business. We've innovatively adapted our capabilities to undertake additional value-added services to ensure that pallets stored with us constantly remain in motion, be it through our relabeling and repackaging programs, kitting, tempering or sloughing, or staging, we've taken the traditional cost-only storage mentality to make it an integral service value-add for our customers. This stickiness bonds our relationships and solidifies long-term, contracted business for our facilities.

Goal 4: Optimize the use of available rail, trucking, and ocean liner shipping services;

The proximity of the IMT to the port as well as the availability of rail access will allow customers to take advantage of Americold's intention to incorporate all-mode facility access, enhancing the long-term value of the IMT to the local, national and international customer base. Dozens of Americold's facilities are connected to rail lines enabling significant transportation cost savings for our customers.

Most of our facilities make the time and cost advantages of cross-docking operations available to our customers, and some of our port facilities operate container loading/unloading, documentation services, FDA and USDA prep work and intermodal options too. If there's an advantage for our customers then we look to integrate the activity as a value-added service offering in our facilities.

Eimskip has identified clients that are very interested in utilizing the dry storage capacity and in utilizing containers to be carried on PanAm's intermodal stretch to the NY/NJ region with the goal of reducing truck volumes between Portland and NY/NJ.

Goal 5: Support the development and growth of Maine's F&B industry;

A state-of-the-art temperature-controlled IMT facility, designed, built, and operated by Americold's team of professionals, and in conjunction with Eimskip's ocean solutions will be a tremendous asset to the food and beverage industry in Maine and throughout the region. The additional warehousing capacity along with Americold's operations and transportation expertise will be attractive options for both current and prospective food & beverage companies. Americold, in conjunction with Eimskip, will further invest in local Business Development and Marketing initiatives to support achievement of the goals held by the Maine Port Authority and the targets of Americold. We already have a list of 20 very interested customers for the projected 2017 opening.

Goal 6: Design, develop, and operate the facility in a manner that is protective of human health and the environment and so that it complies with applicable environmental regulations and restrictions;

A tremendous volume of resources are dedicated to the safe operation of all Americold facilities. The company maintains a dedicated Continuous Improvement and Safe Quality Foods department to implement policies, train associates in those policies, and perform regular audits of all facilities. Our AOS, highlighted in [Section 9](#), maintains dedicated human health and environment KPIs projected onto facilities to ensure adherence.



Request for Proposal to Maine Port Authority

Americold's engineering team examines and tests the latest sustainable and environmental technologies for applicability in each new design as well as for retrofitting applications. Some of our most recent facility and network enhancements include:

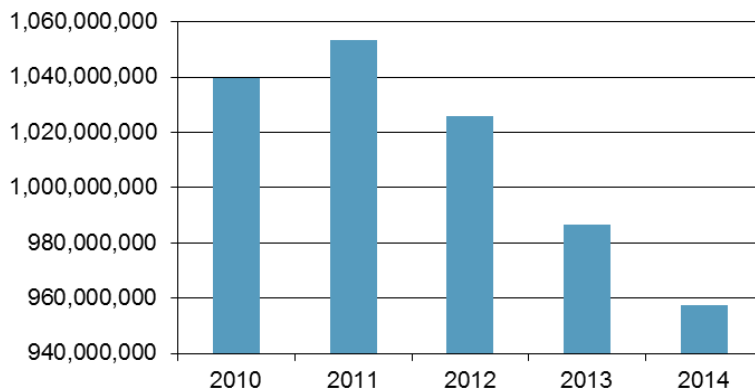
- Motion-sensing LED lighting in 31 facilities saving 10,000,000 kWh per year
- A natural gas fuel cell system provides 600,000 kWh (65% of facility's energy needs) in Salinas, CA
- Solar power system at the Gloucester, MA (April 2013) that produces 500,000 kWh per year
- Reduction in CO2 emissions by +135,000,000lbs since 2010
- Decrease of +118,000,000 kWh of electricity use since 2010, enough to power +11,000 homes/year
- Partnering with SMARTWAY truck service providers
- Condenser capacity increases in 14 facilities to lower operating pressures and decrease refrigeration energy consumption
- Evaluating hydrogen fuel cell technology to eliminate the use of batteries in material handling vehicles
- Modular, zero ammonia refrigeration system planned at Fort Worth, TX facility for late 2015
- Demand-Response partnerships with local utility companies to contribute towards reduced power consumption during peak times
- [ASRS cranes](#) utilized at Americold facilities generate electricity to reduce overall energy costs

Americold's power consumption statistics in kWh:



Request for Proposal to Maine Port Authority

Americold's CO₂e emissions



Due to the size and complexity of the Americold network, the company is extremely adept at complying with the complex regulations which differ considerably among numerous cities, states, and countries. As mentioned, Americold can trace its roots in Portland back to 1952, when the Quincy Market Cold Storage and Warehouse Company was first introduced. We pride ourselves on continuing a strong family heritage and are dedicated to implementing and executing programs that are grounded in understanding the current regulations and guidelines in the city of Portland.

Goal 7: Maximize the direct and indirect economic benefit from the operation of the cold storage facility to the local community and state;

The new IMT facility will employ individuals across multiple skill sets such as warehouse workers, maintenance specialists, office administration, business development and managers. Ancillary positions in and around the port will be positively affected by the new business attracted to the facility. Truck, rail, ocean and other transportation related businesses will also benefit from the additional business generated. Business currently leaving the area due to a lack of refrigerated warehousing capacity would be enticed to keep those products (and dollars) in Portland, and to further expand while partnering with the newest, most modern facility in the country.

Eimskip will locate more than 50 people into approximately 10,000sqft of office space and move its US headquarters from Norfolk, VA to showcase this new facility in Portland, ME.

Goal 8: Comply with the policies of the Maine Port Authority and Main DOT, and support the Maine Port Authority's mission;

The size and complexity of Americold's network has prepared us for navigating and satisfying the complicated regulatory landscape across the USA and 5 additional countries. We are confident in our ability to collaborate with the Maine Port Authority and the IMT to ensure all regulations that pertain to the new facility are understood and that Standard Operating Procedures are in place to effectively manage the day-to-day demands of such regulations and policies.

- b) Identify the market to utilize the cold storage facility, including products to be handled and logistics for connecting product to market. The anticipated volume of containers and rail cars per month, the number of truck trips per month, etc.

In addition to the details provided to support goals 1-8 in Section 2 of your RFP, Americold plans to design and construct an expandable facility with an initial capacity of approximately 15k pallets. We calculate approximately 300,000 pallets (30,000 TEUs) can be handled annually. The product mix will be diverse and will include but not be limited to, Seafood, Agriculture, Protein, Poultry, CPG,



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Bakery and Produce. Based on Americold's experience in the Portland area, we would expect a multitude of proteins (with the majority being seafood), potatoes, frozen vegetables, fruit and berries, pet foods, dairy, bait, frozen dinners, chocolates, and beverages.

- c) and d) The anticipated volume of containers and rail cars per month, the number of trucks per month, etc. Business plan, including potential cargo activity, key customers, and facility operating plan (equipment, staffing, estimated financials, and operational considerations). The business plan should also describe how the site would be used in relation to the Proposer's other operations.

Based on today's customer base in Portland and plans for a future facility there, the key initial customers are Emskip, Scoular, Penobscot, Bristol Seafood, and Hannaford plus partnerships and volume from the other 50 plus current Americold customers and 20 additional "very interested" customers over and above the 5 listed above. As previously stated, we calculate ~300,000 pallets (30,000 TEUs) annually in and out of the facility. A multitude of equipment options will be evaluated during the design process. Based on the final solution for the building, [ASRS](#) technology is an exceptional option that would be utilized in addition to specialized material handling vehicles. A state-of-the-art warehouse management system will be deployed to guide operational activities including receipts, outbound, and inventory tracking. The facility will employ ~6 to 10 associates initially and will grow from there towards our projections. We currently operate a facility on Read Street in Portland. Based on our business plan calculations, we may well continue to operate this site in conjunction to the new site at the IMT. We are also considering converting it to a dry facility to increase our ability to keep large amounts of dry product, complementing the temperature-sensitive product that customers would store at the new facility.

- e) Reference total future estimated throughput in TEUs imported and exported through Portland, Maine and describe methods that would be used to achieve this projected growth.

The calculated traffic generated by the new facility will be ~30,000 TEUs inbound and outbound. The projected capacity of the facility will be quickly achieved if our marketing strategy runs to plan. Americold's Business Development team has already received very strong interest from enough customers to efficiently fill capacity to the 95% most efficient operating level.

- f) The hours of operation will be determined by the nature of our customer base and the service level needs that they require. Americold operates a multitude of different operational scenarios when it comes to the hours that a facility or campus is open and we will ensure that all customer needs are met while also maintaining the financial performance that is needed to ensure the long term success of the IMT facility. In reality, this facility could be a 24/7 operation, increasing the number of full time jobs available.
- g) Specific proposed measures or methods to protect current environmental conditions. Also proposed measure to minimize or avoid emissions of air pollutants, including but not limited to diesel particulate matter and greenhouse gases, and other sustainability measures to enhance environmental performance.

Temperature maintenance requires significant power and resources but Americold's engineering team considers the local parameters to determine the most suitable applications. For Portland, we will likely utilize a split package Freon (or similar) refrigeration system to leverage Maine's natural climate and to eliminate the need for ammonia in the facility. LEED certification will be pursued for the planning and construction phases. Low energy lighting such as LED and motion sensors,



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natural gas fuel cell systems to reduce power loads, solar power, hydrogen fuel cell fork lifts, and energy generating [ASRS](#) cranes will all be considered for the IMT facility design. Americold remains focused and diligent on leading the cold storage industry from an environmental stewardship perspective – our most recent environmental projects and enhancements were highlighted as part of our response to Goal 6.

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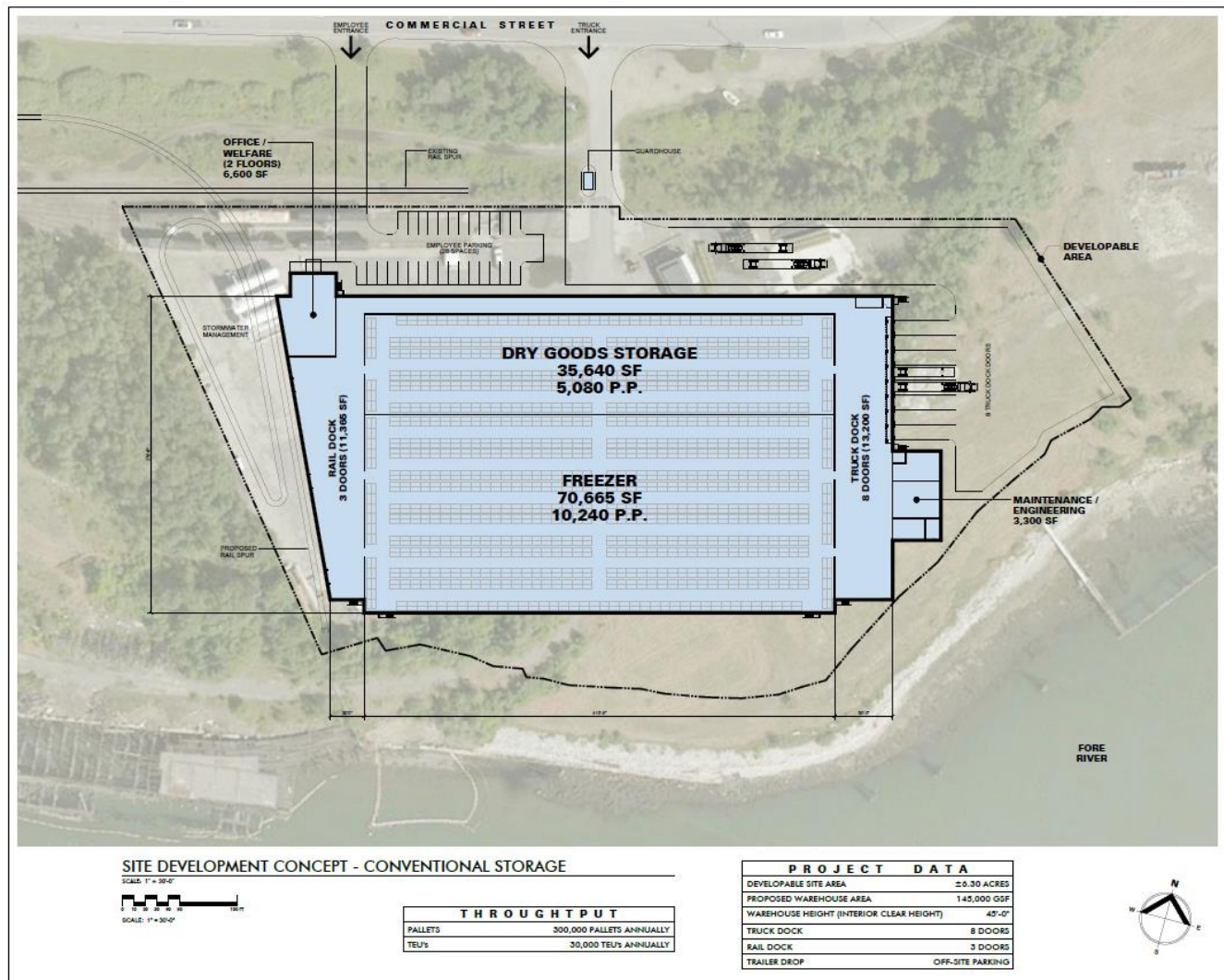
Section 6

Improvements

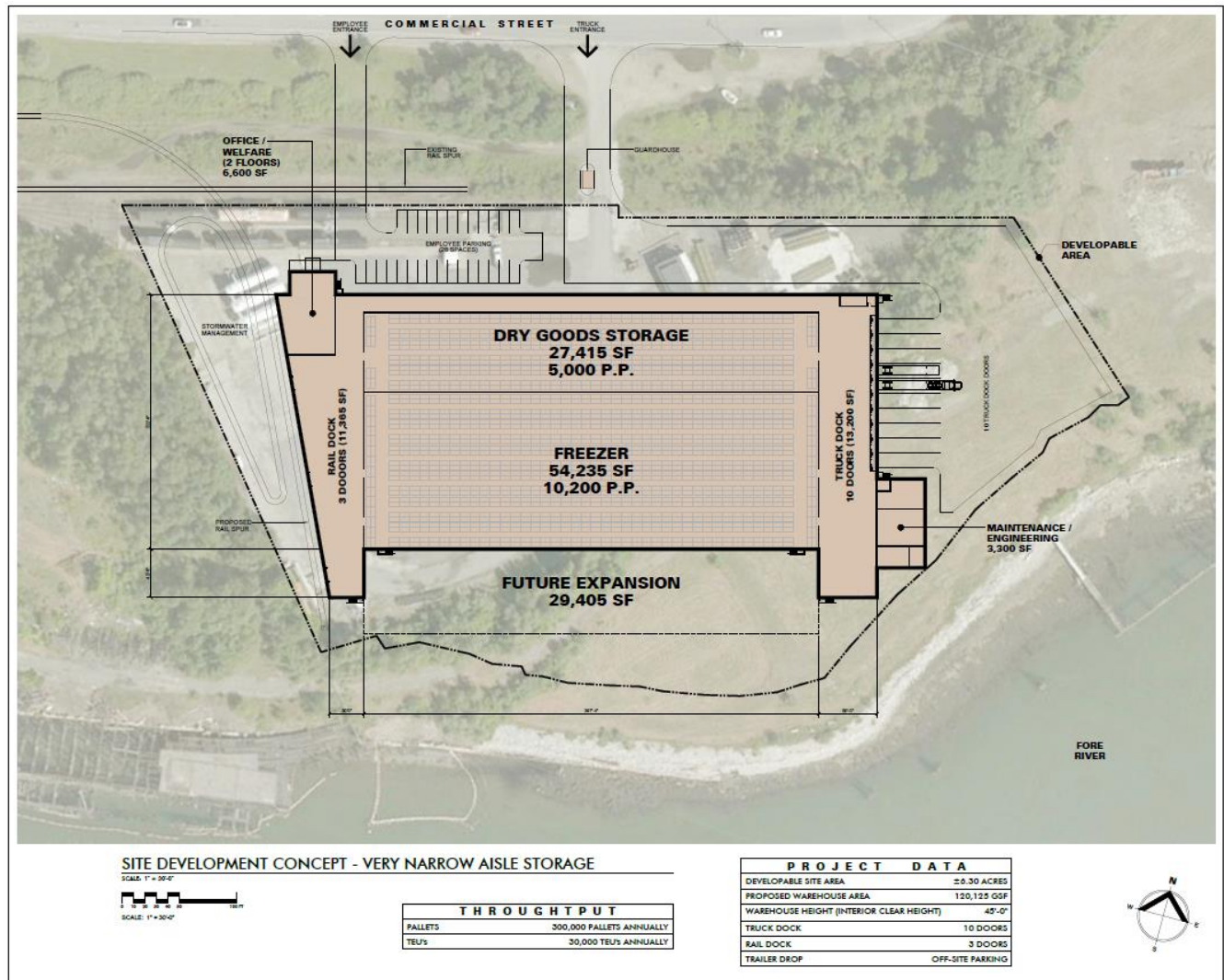
- a) A description of the proposed cold storage facility including general construction type, total square footage and dimensions (length, width, height), refrigeration system details, expected utility needs (including capacity/size), and environmental management approach.

There are a number of factors being considered which drive the final design of the IMT facility. Currently, Americold is creating a multiple design approach so that plans can be reviewed and collaborated in conjunction with the Maine Port Authority. To date, one automated and two 2 conventional facility designs are under consideration, and a selection will be made once more information (customer base, inventory and velocity data, etc.) is finalized.

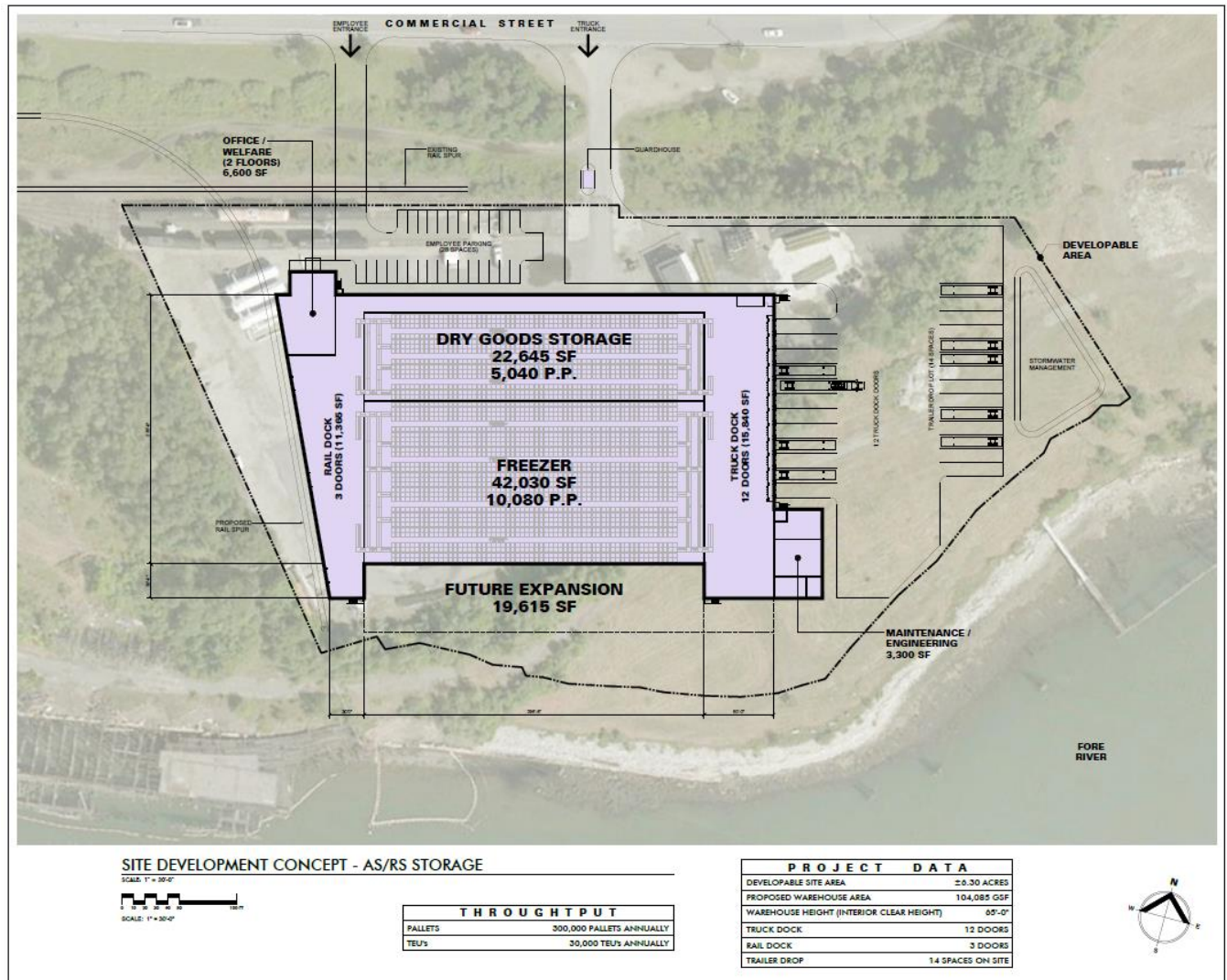
Concept: Conventional Storage



Concept: Very Narrow Aisle Storage



Concept: Automated Storage and Retrieval System (AS/RS)



All three design variations have an initial storage capacity of approximately 15,000 pallets and range from 104,085 ft² (263.5' x 434') to 145,000 ft² (263' x 537') in total area.

The refrigeration system being evaluated is the Alta Expert split Freon system design for approximately 300 TR. This gives maximum flexibility for future temperature changes that may be requested from future customers. This design eliminates the need for ammonia, resulting in a safer operation and reducing the need for regulatory oversight.

Environmentally, the Expert Freon system will be much safer for the proximity to the water. In addition, several technologies will be evaluated to reduce the facility's carbon footprint such as hydrogen fuel cell fork lifts, solar panels, energy efficient lighting (such as LED and motion switches), natural gas fuel cells to augment power to the building, and power generating ASRS cranes.

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Additional consideration will be given to how the IMT facility is designed architecturally to enhance its harmony with the local surroundings, expected utility needs etc.)

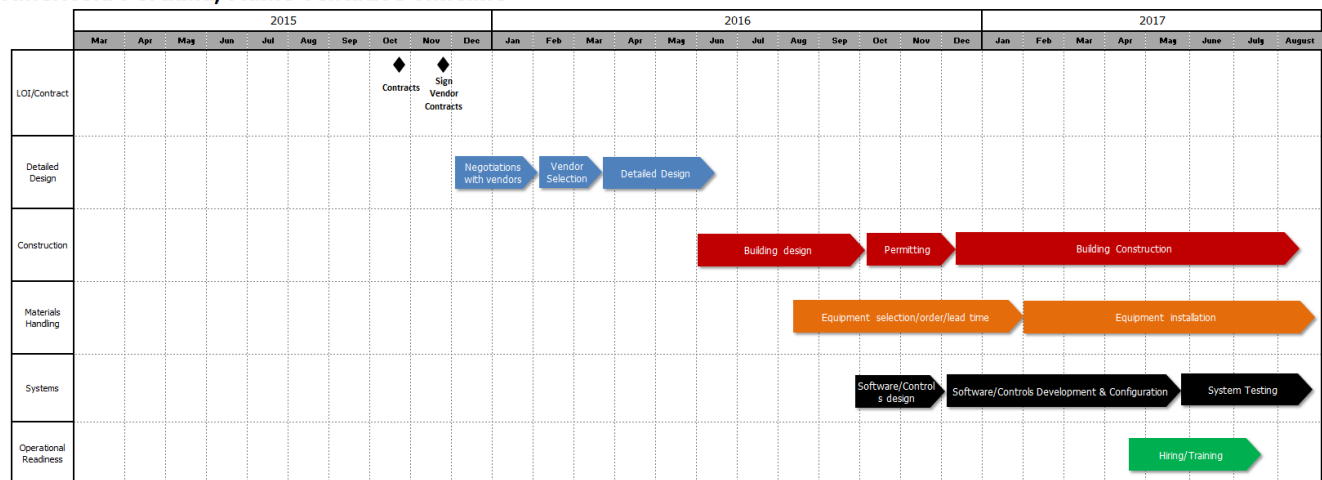
- b)** Estimated schedule, including pre-construction tasks (design, permitting, etc.), construction period, any development phasing proposed, and initiation of operations for the development or each phase of development, if applicable. Include brief descriptions and milestone dates.

Americold's major milestones and estimated durations will be as follows:

- Negotiation with vendor(s): **8 weeks**
- Vendor selection: **6 weeks**
- Detail design: **12 weeks**
- Permitting: **8 weeks**
- Building construction: **40 weeks**
- Automation installation: **36 weeks**
- Systems integration: **30 weeks**

Many of these tasks will take place concurrently with a total estimated duration of 18 months. Please click [here](#) if you'd like to see time-lapse imagery of our AS/RS facility extension being constructed at our Indianapolis facility.

Americold Portland, Maine Tentative Timeline



- c) Estimated development costs will be in the range of \$19M to \$30M. The variance in expense is due to the potential use of automation, the overall size of the building and the specific technology and equipment that is used.
- d) Proposed funding sources. As previously addressed in the [Financial Capacity](#) section, Americold has the cash on hand to execute on this deal without any additional outside financing, allowing for the most expeditious project completion timeline. However, Americold may choose to partner with other equity and debt sources to optimize capital costs and risk. We believe in strong, local support and would work with financial institutions that have a prominent Maine presence to determine if financing locally would be beneficial to both Americold and the institution. We intend to explore additional city and state financing options, credits and other incentives as appropriate.



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Section 7

Rent

- a) Proposed commencement date for payment of rent to the Maine Port Authority.

Rent would commence upon Americold's exclusive access to the site and the ability to begin construction.

- b) Proposed amount of base annual rent over the term of the lease, including all operational and General Property Maintenance costs.

While we acknowledge the significant investment in order to prepare the site for construction, at this point it is difficult to estimate what an appropriate amount of rent would be.

In our experience in developing similar sites on government owned properties, the base rent is often abated (or a nominal fee). Before deciding on a rental rate, Americold would need to understand more fully the impact of variables relating to property tax, zoning, availability of utilities, physical condition, incentive financing, site preparation work, buildable acreage, environmental condition at time of lease, and similar factors – as well as the positive economic benefit of the facility to be constructed on the site and the resulting increase in seaport activity. Operational and General Property maintenance costs during the lease term would be covered by Americold.

- c) Proposed variable rent above base rent (e.g., "participation rent" or "profit sharing").

See b) above.

- d) Proposed rent escalators, including frequency and basis.

See b) above.

- e) Proposed lease term.

Americold's desire is to lease for the maximum term allowed by law. (Minimum 40 years).



Section 8

Lease Terms

ORIGINAL

Section 9

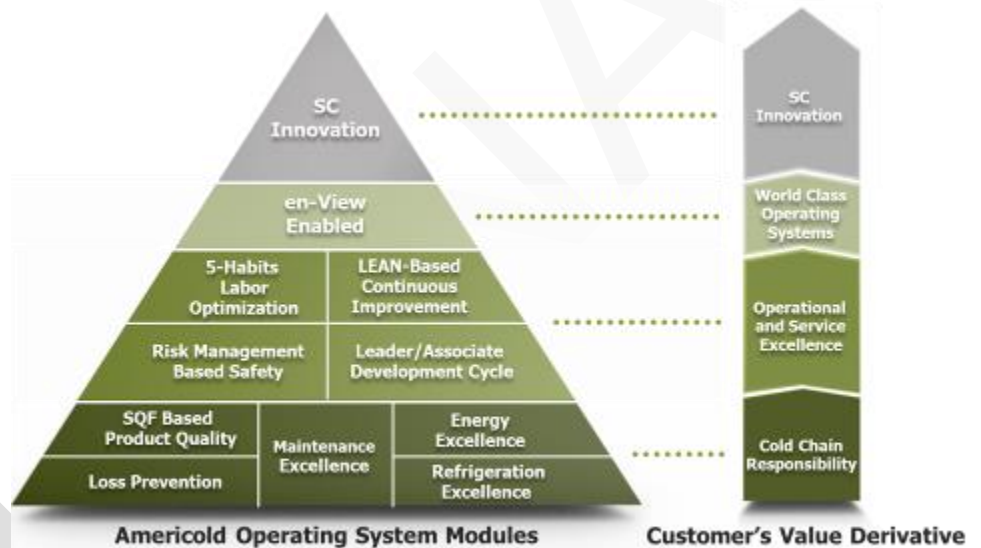
Americold Operating System

The foundation of Americold's operational excellence and its ability to positively deliver on its customers' KPI expectations is the Americold Operating System (AOS). AOS was developed to formalize a proven platform for world class supply chain execution across the entire Americold Network. In addition, the introduction of AOS was designed to streamline management of operating resources, including labor, equipment and facilities. Also addressed are quality and integrity elements such as food quality, safety, loss prevention and sustainability standardization.

AOS is designed to deliver the mechanism and process to innovate for and with our customers for continued mutual growth.

The value of AOS to our customers can be summed up with the following:

- Supply Chain Innovation
- World Class Operating System
- Operational and Service Excellence
- Cold Chain Responsibility



AOS provides structure and rigor around the elements that are the foundation of our business. It's not a program; it is part of our Culture and DNA.

Section 10

Implementation Methodology

Americold's Project Management Organization (PMO) uses an integrated project management approach designed on the principles of industry best practices, tools and techniques to deliver solutions beyond our customers' expectations. This will provide a disciplined, interactive approach to initiating, planning and controlling all project related efforts to ensure the successful completion of the project objective.

The goal of Americold's project management methodology is to provide:

- A consistent and meticulous approach to project management
- A structure to project planning efforts
- Reduced project cost and schedule overruns
- Mitigated risks and timely issues resolution
- Measures and reports on project performance to control deviations

Upon award of the business, our PMO team will assign a Project Manager to oversee the development, construction and opening of the facility. We'll formalize the cross-functional project team, outlined in [Section 1](#), inclusive of subject matter experts, task leaders and steering committee participants to manage the entire implementation process.

Americold's Project Management approach includes five distinct process groups to ensure a successful implementation:



Process 1 – Initiation

The Project Manager will coordinate an official project kick-off meeting to conduct a thorough review of the solution design and business requirements with all project stakeholders to ensure the scope captures all expectations and deliverables.

Process 2 – Planning

Upon the completion of the Initiation process, the project team will create a detailed project plan that covers all areas of the project requirements. This plan will include a detailed project timeline and resource requirements.

Upon the formal acceptance of the project plan by the project stakeholders, the plan will be the baseline template serving as a benchmark for monitoring and controlling project implementation performance.

Process 3 – Execution

Upon the completion of the planning process, Americold will implement the project plan using industry standard tools and techniques to ensure the project remains in scope, on-schedule and within budget.



Request for Proposal to Maine Port Authority

The main tools produce:

- A summary of progress, a 3-4 page overview to give executives a view of the operation
- A KPI review – these key metrics offer greater granularity into the implementation progress and measure elements specifically related to the onboarding process
- A Hiring or Ramp-Up Plan to ensure any new associates are fully up-to-speed before Day 1

Process 4 – Monitor & Control

In addition to weekly progress reporting, stage reviews will also be conducted to ensure the project is achieving the appropriate requirements as it moves along.

These stage reviews allow for the review of a projects' performance against the baseline plan to ensure the project's readiness to advance to the next phase. We would solicit your readiness to move forward before embarking on the next steps of the baseline plan. This provides the opportunity for a more proactive approach to controlling project deviations.

Process 5 – Close Out

Upon the completion of the execution process, the project closeout process will serve as a multi-step administrative progression designed to fully evaluate the successful completion of all project deliverables upon your acceptance, and will formally transfer ownership to the local Americold operations teams.

Section 11

Final Thoughts

Demonstrated Ability to Execute Value-Driven Solutions

- Over 110 years' of Experience supporting the needs of local cold-chain logistics customer
- 63 years within the local Portland community
- Application of industry best practices realized through Americold's position as the global temperature-controlled supply chain leader
- Demonstrated ability to successfully transition and launch cold storage facilities without impacting day-to-day operations
- Operating models designed to drive supply chain innovation and positive financial impact
- Service-intensive solutions driving quality, value and continuity

Sophisticated Technology

- World-class, dynamic and robust technology platforms
- Validated experience integrating with our customers' SAP/ERP systems
- Warehouse Management Systems (WMS) specialized to support cold chain and temperature-controlled logistics needs
- Online inventory visibility and Reporting via our proprietary and recently enhanced [i-3PL Supply Chain Control](#) tool
- Metrics measurements to drive success and decision making

Comprehensive Network

- The largest, most comprehensive warehouse network in the United States (+145 facilities) and the world
- Full capabilities and flexibility to support port, rail and truck service needs now and in the future
- International capabilities in support of distribution needs in Canada, China, Australia, New Zealand, and Latin America
- Operational excellence through the Americold Operating System (AOS) - a proven platform for world class supply chain execution
- Streamlined management of operating resources, including labor, equipment and facilities
- Food quality, safety, loss prevention and sustainability standardization
- Innovation for and with our customers for continued mutual growth

Cold Chain Responsibility

- Solution Design Managers focused on solutioning value-driven options to support the Maine Port Authority International Marine Terminal expansion
- Structured project management approach inclusive of five distinct process steps to ensure the successful implementation and launch of your project objectives
- Experienced professionals who have a distinct understanding of and experience with building, designing and operating state-of-the-art cold storage facilities



Request for Proposal to Maine Port Authority

Industry Stewardship

- Americold and its executive team is committed to **ACTION** values in order to grow the industry, own the cold chain, develop talent and drive supply chain profitability for its customers and itself:

Accountability for results

Customer Focus

Transparent communication

Integrity comes first

Operate with a sense of urgency

Nurture partnerships with others

- Executive Appointments include:

Fred Boehler IARW Board Member

David Stuver WFLO Board Member

Rick Stevens Government Affairs Committee Co-Chair

Kathryn Mullen GCCA Talent Development Sub-Committee

Marc Levin IARW Productivity & Benchmarking Committee, AFFI Board Member

- Association Memberships:



Council of Supply Chain Management Professionals



GLOBAL COLD CHAIN ALLIANCE®



NATIONAL FISHERIES INSTITUTE





Request for Proposal to Maine Port Authority

Attachment 1

ORIGINAL



Request for Proposal to Maine Port Authority

Attachment 2



americold



EIMSKIP
COOL CHOICE IN LOGISTICS

PROPOSAL FOR
IMT WEST COLD STORAGE FACILITY



**MAINE
PORT
AUTHORITY**

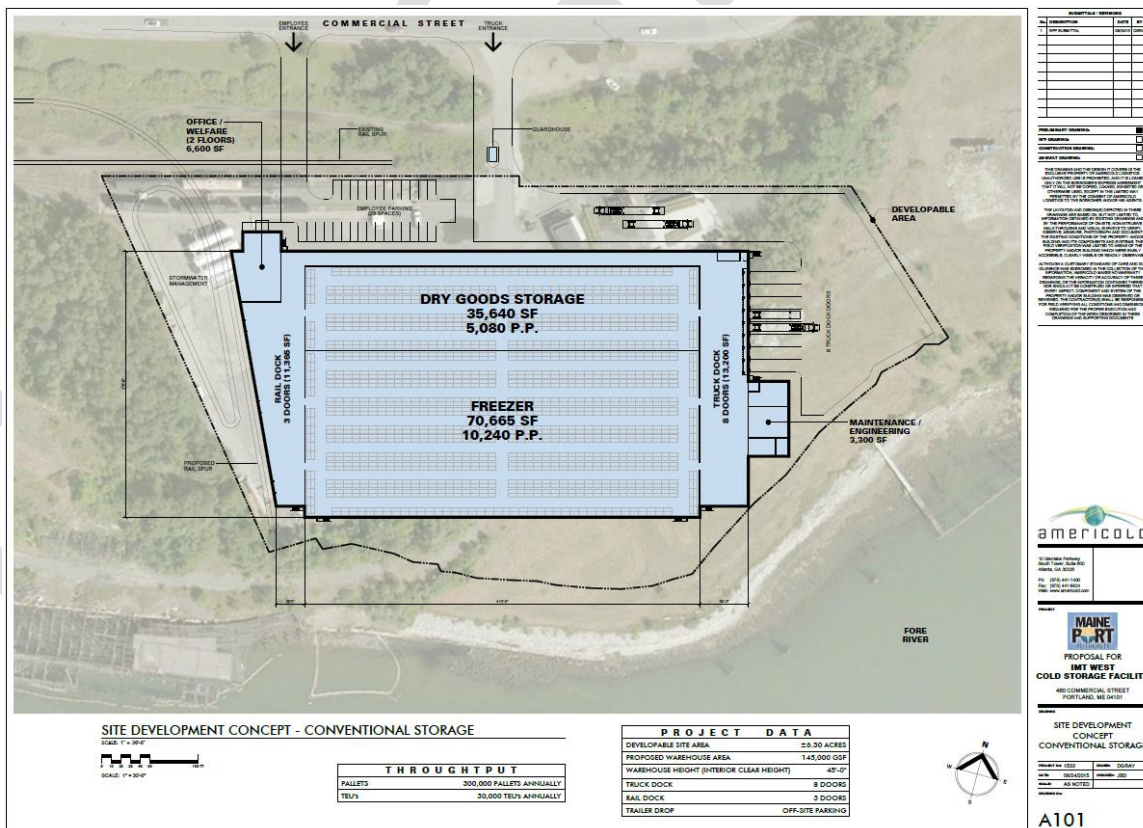
LOCATION
PORTLAND, ME
460 COMMERCIAL STREET
PORTLAND, ME 04101

DESIGNER
AMERICOLD LOGISTICS LLC
10 GLENDALE PARKWAY, SUITE 600
ATLANTA, GEORGIA 30328
PHONE: (770) 441-1400
FAX: (770) 441-6542



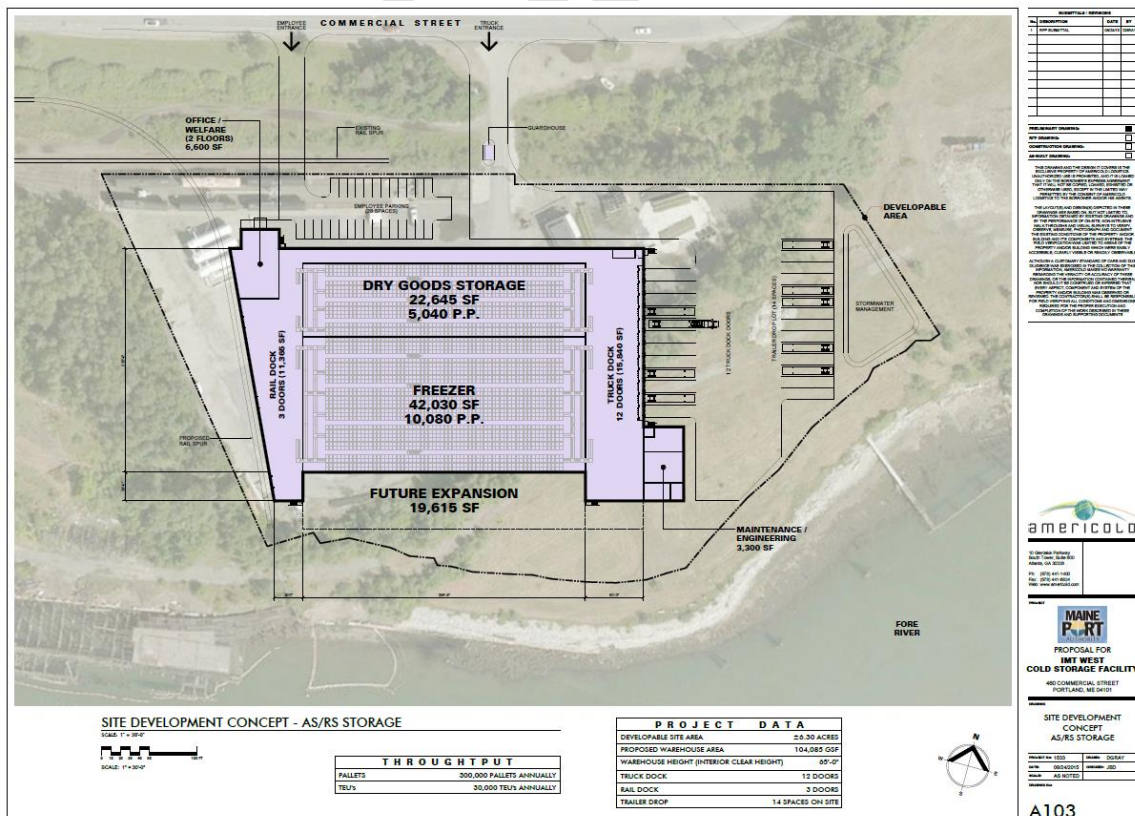
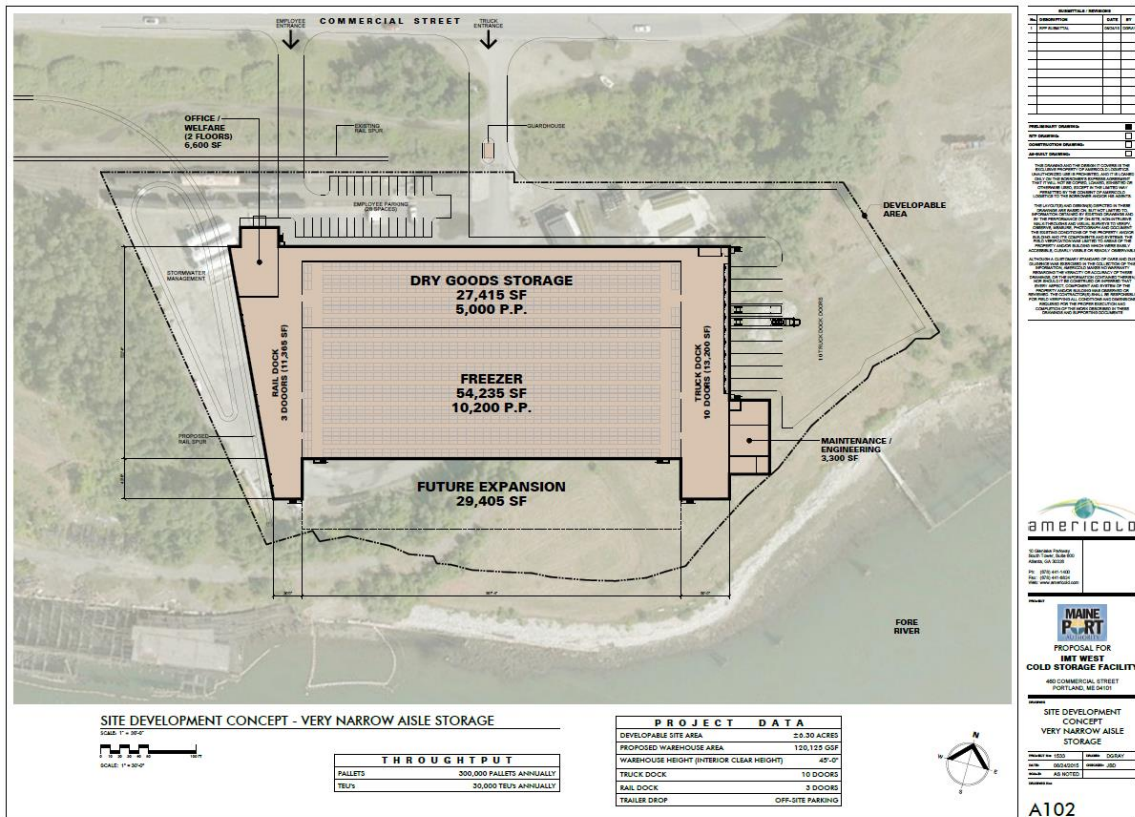
AMERICOLD PROJECT No: 1533

RFP SUBMITTAL DRAWINGS
AUGUST 24TH, 2015





Request for Proposal to Maine Port Authority





Request for Proposal to Maine Port Authority

Attachment 3

The below table shows top ocean importers in New England with current Americold customers shaded green (source: Zepol)

Consignee Name	Consignee City	Consignee State	TEUs	Consignee Name	Consignee City	Consignee State		
High Liner Foods	Peabody	MA	509.00	Bristol Seafood	Portland	ME	4.00	1
F W Bryce	Gloucester	MA	172.00	Canadian Fish Canadian Fish Exporters	Auburndale	MA	4.00	2
Atlantika	New Canaan	CT	134.00	Classic Wine Imports	Nonwood	MA	4.00	2
National Fish And Seafood	Gloucester	MA	120.00	Costas Provision	Boston	MA	4.00	2
Eastern Fisheries	New Bedford	MA	118.00	Fortune Laurel	Quincy	MA	4.00	2
The Hadley	Wareham	MA	110.00	Greek Gourmet	East Weymouth	MA	4.00	2
Southstream Seafoods	Warwick	RI	90.00	Hannaford Bros	Winthrop	ME	4.00	4
Rainbow Seafood	Topsfield	MA	64.00	Minuteman International	Fitchburg	MA	4.00	2
Endeavor Seafood	Newport	RI	62.00	Nantucket Distribut	Middleboro	MA	4.00	2
Panapesca Usa	Pembroke	MA	56.00	New England Food Brokerage	Gloucester	MA	4.00	2
Channel Fish	Boston	MA	50.00	Norfolk 12	Norton	MA	4.00	2
Gorton's	Gloucester	MA	48.00	Norwegian Seafood	Everett	MA	4.00	2
Zhangzidao Fishery Group America	Lakeville	MA	42.00	Raw Sea Foods	Fall River	MA	4.00	2
Boston Sword Tuna	Boston	MA	38.00	Tannin 19	Peabody	MA	4.00	2
Isi Seafood	Branford	CT	38.00	Bullard Abrasives	Lincoln	RI	3.27	5
Slade Gorton	Boston	MA	36.00	Freeline Organic Food Usa	Westport	CT	3.00	3
Carmichael International Services	Chelsea	MA	32.00	Mediterra	Salem	MA	3.00	2
Ocean Trawlers Europe	New Canaan	CT	32.00	Olive Harvest	Sudbury	MA	3.00	2
Aps	New Bedford	MA	30.00	Jansal Valley	New Bedford	MA	2.71	3
Great Northern Fish	New Bedford	MA	29.00	Ambassador Brokers	Braintree	MA	2.00	1
Crocker And Winsor Seafoods	Boston	MA	28.00	Bego Usa	Lincoln	RI	2.00	1
The Henry Gonsalves	Smithfield	RI	26.00	Big T D	Chelsea	MA	2.00	2
Stavos Seafood	Boston	MA	24.00	Carolina Wine	Norwood	MA	2.00	1
Northern Fisheries	Little Compton	RI	23.27	Sidney Stockwell	Wakefield	MA	2.00	1
Aquafisk	Manchester	NH	20.00	East Bay Seafood	Boston	MA	2.00	1
Portland Shellfish	South Portland	ME	20.00	Equal Exchange	West Bridgewater	MA	2.00	1
Mammut Sports Group	Williston	VT	19.00	Grand Prix International	Indian Orchard	MA	2.00	1
Limson Trading	Norwalk	CT	18.58	Harbor Blue Seafood	Fairhaven	MA	2.00	1
B l Food Enterprises	West Haven	CT	16.00	Ideal Wine/Spirits	Medford	MA	2.00	1
Seafreeze	North Kingstown	RI	14.00	Logfret	Wakefield	MA	2.00	1
Jedwards International	Braintree	MA	13.00	Livata Waterbury	Waterbury	CT	2.00	2
Mariner Seafood	New Bedford	MA	12.00	Maloney Seafood	Quincy	MA	2.00	1
Rich s Cold Storage	Taunton	MA	12.00	Manzel 4	Danvers	MA	2.00	1
Brewers Supply Group	Providence	RI	10.00	Mise 5	Newton	MA	2.00	1
Fortune Laurel	Wellesley	MA	10.00	Ms Walker Norwood	Norwood	MA	2.00	1
Pioneer International	Wakefield	MA	10.00	Norfolk Ehf	New Bedford	MA	2.00	1
Demoulas Super Markets	Tewksbury	MA	9.00	Pine State Trading	Augusta	ME	2.00	1
Athena Int Foods	Brockton	MA	8.77	Purse Line	Seabrook	MA	2.00	1
Best Foodstuff Usa	Norwood	MA	8.00	Ruby Wines	Avon	MA	2.00	1
Black Pearl Seafood	Boston	MA	8.00	Sea Fresh Usa	North Kingstown	RI	2.00	1
Linnane	North Reading	MA	8.00	Seabod Markets	Quincy	MA	2.00	1
Pier Fish	New Bedford	MA	8.00	Sid Wainer And Son	New Bedford	MA	2.00	1
Chex Finer Foods	Attleboro	MA	7.00	The Jojoba	Waldoboro	ME	2.00	2
Cape Seafoods	Gloucester	MA	6.00	Tuscan Brands	Salem	NH	2.00	1
Century Bank Trust	Medford	MA	6.00	Villa Seafood	Boston	MA	2.00	1
Extra Virgin Foods	Watertown	MA	6.00	Vineyard Road	Framingham	MA	2.00	1
Fundelina Usa	Haverhill	MA	6.00	Z C Trading	Quincy	MA	2.00	1
International Luso Fish	Gloucester	MA	6.00	Mohr Mopherson	Boston	MA	1.57	1
Lufthansa German Airlines	Boston	MA	6.00	Pure Italian	Watertown	MA	1.56	3
North Atlantic Pacific Seafood	East Greenwich	RI	6.00	Italimport 1	Malden	MA	1.27	1
North Coast Seafoods	Boston	MA	6.00	Casa Foods	Middleton	MA	1.00	1
Oesse Foods	New Haven	CT	6.00	Dsm Neoresins	Wilmington	MA	1.00	1
J Moniz Company	Fall River	MA	5.00	Gonsalves Imports	Smithfield	RI	1.00	1
Orleans Packing	Hyde Park	MA	5.00	Great Northern Products	Cranston	RI	1.00	1
The Pastene	Canton	MA	4.85	Midtown Markets	Woburn	MA	1.00	1
Aquamarine	Manchester	NH	4.00	Portugalia Imports	Fall River	MA	1.00	1
Atlantic Capes Fisheries	New Bedford	MA	4.00	Souard Oliver	Windsor	MA	1.00	1
B A Brokers	Boston	MA	4.00	Tre Olive	East Longmeadow	MA	1.00	1



Request for Proposal to Maine Port Authority

Attachment 4

Declaration of Todd N. Sheldon

I, Todd N. Sheldon, am over the age of 18 and declare and state as follows:

1. My name is Todd N. Sheldon. I have personal knowledge of the facts contained in this declaration.
2. I am Executive Vice President, General Counsel and Corporate Secretary for Americold Logistics, LLC.
3. I have access to the corporate records for Americold Logistics, LLC.
4. Based on my review of those records, I can confirm that Americold Logistics, LLC has not been barred from providing services to any State or Federal Agency within the last five (5) years.
5. I declare that the foregoing information contained in this Declaration is true and correct as of the date hereof.

Todd N. Sheldon

Dear Planning Board Members,

We are writing with regards to the proposed zoning change for the Waterfront Port Development Zone (WPDZ). We strongly feel that Americold is a distinct project and should be treated as such by the planning board and the city council. We strongly oppose any changes across the WPDZ beyond those, if any, that are required for Americold. Indeed, if a change is required it is important that it be treated as an exception rather than a precedent, and be recognized as such by the city. Our reasons for this position are as follows:

- **The Americold project is unique and specific to the Port Authority and the International Marine Terminal.** The planning board should treat it as such. The merits of this project are linked to its connection to the Marine Terminal, and specifically the development of an intermodal transport network to serve the development of Eimskip's business. The Port Authority has stated they have no additional space at the Marine Terminal for development of additional large buildings. As a result, the city's proposal to extend any zoning change across the WPDZ is unnecessary. The neighbor to the west, Portland Yacht Services, is an unrelated business with no connection to intermodal transport. Representatives of Sprague/Merrill's Marine Terminal, further to the west, have already spoken out against the city's plan for the WPDZ and want to be exempted.
- **Why should we think tall warehouses will support the development of a working waterfront?** A blanket change in zoning height will turn the waterfront port development zone into the western waterfront warehouse zone. This stands in direct contradiction to any vision of creating a working waterfront. Warehouses require huge footprints with an exceptionally low number of employees per square foot. Do we really need to make a blanket change to the zoning laws to store and maintain super-sized yachts? Whatever opportunity may exist in the future to bring meaningful skilled jobs to the western waterfront would be squandered by making this a "mega-warehouse" center.
- **The entrance to the city is at risk of becoming an oppressive wall of warehouses.** The visual impact of Americold project alone will have a dramatically adverse effect on the entrance to the city. Turning the western waterfront into a wall of warehouses will create a "tunnel" entrance to the city that will be oppressive and unwelcoming. It will adversely affect the value of surrounding properties and thus, the potential future tax base of the city. It stands in stark contrast to any reasonable urban plan that appropriately integrates industrial, commercial and residential interests to create an economically vibrant and appealing city.

For the above reasons we strongly urge the planning board to limit the consideration of any zoning change to the Americold project/The International Marine Terminal. Furthermore, we urge the planning board to adopt a deliberate approach to the remainder of the WPDZ that considers the cumulative effect that each supersized warehouse has on the waterfront, the neighborhood, and the city as a whole. Specifically, we believe it is extremely important that the city wait to measure the impact of traffic, truck noise echoing off the Americold building and the consequences of its visual impact on the entrance to the city before considering additional tall buildings and warehouses on the WPDZ.

Sincerely,

Tom and Laura Robinson
320 Danforth Street

Jo Coyne
 36 Salem Street
 Portland, Maine 04102
 207.775.3902 / jcoyne@ghi.net

December 6, 2016

Planning Board
 City of Portland
 389 Congress Street
 Portland, Maine 04101

Dear Chairperson Boepple and Board members:

Late last spring, a few of us in the Salem/Clark/Summer Street neighborhood decided to look into the proposed cold storage facility that we'd heard about in the press. At that point we knew only that Americold's submission in response to the Maine Port Authority's Request for Proposal (RFP) had been selected as the winning bid. We contacted the manager of Americold's current facility on Read St., who referred us to MPA Director John Henshaw, who referred us to Bill Needelman. A meeting and tour of the site were planned for interested neighbors for mid-July.

Several neighbors gathered at the International Marine Terminal, along with John and Bill. Tuck O'Brien also was present. John and Bill talked about the need for cold storage and the RFP process. Many of us had seen huge white warehouses after Googling "cold storage facility" and we asked what to expect. . We were told Americold was in the early development stage and no plans had been submitted yet. We were reminded that current zoning limited building heights to 45' (depending on the roof line) and that Americold would have to apply for an exception if they wanted to build higher. **No mention was made of the City's intent to rezone the western waterfront to 70'.**

Shortly after the meeting, several neighbors sent a letter to Americold expressing hope that Americold's project would be on the lower end of the height/mass spectrum for cold storage facilities since a wide range of efficient, economically viable sizes exist. Late in August an "outreach" meeting was held at the IMT, with officials from the City, Americold, Eimskip, and the Port Authority, along with WENA President Ian Jacob, WPNA President Anne Pringle and neighbor Mark McCain. Americold officials talked of building to 65' but said they wanted to build an attractive building and have an open dialogue with neighbors and city officials. **Again, City officials said nothing about plans to rezone the waterfront.**

On October 13, WENA and WPNA hosted a meeting of neighbors, Americold executives and city officials. Americold insisted they needed to build to 70'. Bill Needelman presented a proposal for rezoning the western waterfront to 70' that had been crafted by the Economic Development Department (EDD) and that soon would be sent to the Planning Board. **This was the first time the proposal to rezone the western waterfront was made public.**

The proposal, which you later gave a first reading at your October 25 workshop, offered three options:

1. Rezone building heights in the entire western waterfront to 70".
2. Rezone to 70' only for warehouse facilities such as those needed for cold storage.
3. Rezone to 70' only for the site currently under consideration by Americold.

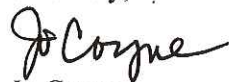
Since the Port Authority's RFP clearly indicated a height limit of 45' and Americold's submission contained three alternatives, two at 45' interior height and one at 70', we question the City's push to rezone at 70', especially since another RFP applicant proposed a 40' interior height building. Additionally, even though the City speaks only of the need for cold storage, all of Americold's alternatives propose a significant amount of dry storage. Dry product can be stored elsewhere, such as in Americold's existing facility on Read Street, although industry insiders speculate that Americold will want to consolidate operations. **The waterfront is zoned for marine use only. A cold storage facility of reasonable size is appropriate to the Americold site. A warehouse of any size storing substantial amounts of dry product is not.**

The implications for Commercial Street traffic are huge. The I-295 connector was built to direct through-traffic off the peninsula and is used heavily by commuters. Truck traffic on Commercial Street will increase dramatically even if a 45' high cold storage facility is built. Imagine what the street would be like with a 70' warehouse for cold and dry goods being trucked in and out, in addition to goods coming in by ship and out by truck or rail.

About 60 residents attended the City-sponsored neighborhood meeting on November 3 to speak in opposition to the proposed 70' rezoning, including some who do not live in the West End but who feel strongly that a huge, out-of-scale white box has no place on Portland's waterfront. Residents clearly want the City to achieve a better balance between economic development and existing neighborhoods than what's on the table. The fourth rezoning option that EDD plans to present on December 13 will not resolve the conflict.

It is clear that what is being proposed for the Americold site is a warehouse, plain and simple, despite all the talk of cold storage needs. Current zoning at 45', which was set after careful study, is sufficient for a reasonably sized facility that will meet those needs. Waterfront development doesn't have to be ugly and out-of-scale. Please help protect our beautiful port.

Sincerely,



Jo Coyne

Dec. 4, 2016

Dear Ms. Boepple,

We are concerned about the proposed raising of the building height on Commercial Street, in particular the Americold Building. We feel strongly that the building height should not be increased above the existing limit of 45 feet. A higher structure would impose an industrial environment adjacent to a well maintained residential area and an Historic District. West Commercial Street is the southern entry way into what Henry Wadworth Longfellow called " the beautiful city by the sea"

The proposed building is a featureless white structure that will eliminate the view of the waterfront there.

We ask you to vote not to raise the height of the Americold Building.

Dick and Penny Stevens
260 Vaughan St.
Portland, ME 04102

336 Danforth Street
Portland, Maine 04012
207-774-1288/207-871-0790 FAX
robertsonsonia@hotmail.com

December 6, 2016

RE: Waterfront Zoning Text Change for Building Height

Dear Members of the Planning Board:

The three text amendments the Economic Development Department is proposing to the WPDZ have their genesis in the Americold cold storage building project.

Text Change One which adds cold storage specifically as a permitted use makes sense. Eimskip obviously needs cold storage to continue to be the economic engine for Portland's waterfront that it is. Change One should be approved.

Only Americold may require immediate zoning changes. Leave the remainder of the WPDZ as currently zoned. This would be consistent with Merrill/Sprague zoning being left as is at their request.

Text Change Two has evolved over the past two months from 70' to 50'. We see no reason to change the existing 45'. Originally Americold responded to an RFP for a 45' cold storage building. We would like to see a 3D model of what it is Americold is actually proposing and what height it is they now say they need. At whatever height this is going to be a **massive** structure.

Leave the height at 45'. An exception for the Americold structure should be made only if Americold can honestly demonstrate beyond reasonable doubt a cold storage facility cannot be built within a 45' height limitation.

Portland Yacht Services property is really the remainder of the WPDZ. As no plans are on record other than retail buildings along Commercial Street at 45', there is no reason to raise the height to 50'. The Central Waterfront height was just raised to 50' to accommodate development. As there is no

planned development, there is no reason to change the height. As Merrill/Sprague's zoning remains as it is , so should the zoning on this property remain as it is. Development of this property will have significant impact. Before any zoning is changed along this waterfront, a master plan needs to be submitted for consideration.

This process has been moving at lightning speed. Economic Development is the only entity that has had more than two months to analyze the impact of a height change along the entire zone. It seems sensible to wait to see what the Americold building looks like. It could be more of a blight than anyone anticipates.

Economic Development has said the city needs to be ready for future unanticipated business growth. That growth being unidentified as yet does not need more height than 45'. And if the need presents itself , sthe height issue can be reexamined.

Western Commercial Street is the gateway to Portland. To raise the height limits jeopardizes that gateway. It will be very easy to reduce Portland to a Hartford, CT - a city on water no one can see. The vision of a wall of 350' long buildings along both sides of Commercial Street is truly the stuff of nightmares.

Text Change Three proposes changes that are sweeping in their impact. Once again no one has had time to adequately consider all the implications of these changes.

Too much. Too fast. Proceed with Americold. Americold is the current economic engine. Time is needed to thoroughly examine zoning changes to the remainder of the WPDZ. Let the current zoning stand as iss at 45'. Reject Text Changes Two and Three.

Thank you for your consideration,

Sonia B. Robertson

John O. Robertson

Fwd: The West Commercial Street cold storage facility

1 message

Tuck O'Brien <sgo@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, Dec 5, 2016 at 3:36 PM

----- Forwarded message -----

From: **Jill Osgood** <osgood.jill@gmail.com>
Date: Monday, December 5, 2016
Subject: The West Commercial Street cold storage facility
To: sgo@portlandmaine.gov

Dear Mr. O'brien,

As a long time resident of Portland and the west end, I ask that as the Planning Director of our wonderful city you provide a voice of moderation and reason in this time of economic and population growth.

We can all agree that the economic explosion that Portland has experienced in the last several years is a positive thing. I remember the days of the early 90's when you could drive the length of Congress Street and see every other store front empty. I enjoy watching the Eimskip containers being loaded on to the ships and as a student of USM recognize the prosperous relationship the city now has with Iceland.

I also realize that Portland will continue to grow, in some ways positively and in some ways not. Someday all of Commercial Street will be developed. What I ask is for mindful growth. Zoning limitations have been carefully and thoughtfully put in to place. What is the sense of this process if every time a new development comes along a request is made for a revision of the current zoning law?

There is no reason other than more money for the zoning height to be changed for the cold storage facility. Please keep the limit to 45 feet, the current legal limit.

Regards,
Jill Osgood
41 Brackett Street
Portland, Maine

--
Tuck O'Brien
City Planning Director
Department of Planning and Urban Development
Office: (207) 874-8724
Cell: (207) 553-0255

December 6, 2016

To the Members of the Planning Board:

A significant argument for overturning the existing provisions of the Waterfront Port Development Zone is that the current height, bulk and siting requirements are bizarre and convoluted, difficult to interpret and confusing. Staff has said that they appear to have been designed for a specific development scheme that never came to pass. We have heard that this cumbersome zoning shoulders at least as much of the blame for the lack of development along West Commercial St. as the previous ownership of the parcels, market conditions, small parcels and the problematic soils.

In fact the existing WPDZ provisions are not particularly cumbersome and in the words of one former Planning Board member, *"were developed after a lot of thought to careful rezoning appropriate to the City by the Sea"*. Since they are virtually identical to ones adopted for a portion of the Eastern Waterfront formerly occupied by Portland Yacht Service, it is clear that the WPDZ (east of Merrill's operation) was not zoned to satisfy the hankerings of a particular unknown developer.

So why the unusual zoning? Plotting the two height exceptions to the standard 45' max. building height, on a street map of the abutting neighborhoods makes it obvious that greater heights were established in relation to the elevation of these streets. Building heights at 70' above mean sea level* are allowed as Danforth Street starts to rise above Valley St. They go to 75' as Danforth Street rises further toward Emery. But past Emery St., small-scale streets hug the hillside and no exceptions to the underlying 45' are permitted. (see attached)

The 45' height is also not arbitrary, but matched the height on the rest of Commercial St. *"Forty five feet allowed a reasonable rate of return on investment – given the bearing capacity of the soils and in keeping with the long-held commitment to putting taller buildings on the spine of the Peninsula – with heights dropping toward the waterfront. Forty five feet allows a definite return but doesn't wreck the waterfront"* (It has been raised to 50' in the central district to accommodate the ventilation requirements for commercial ground floor uses with office use above which are not permitted in the WPDZ.)

The massing and siting requirements of the current zoning can be seen as a Form Based Code, but without the diagrams. They allow portions of buildings or entire buildings, to be tall, but with substantial separations. The unusual horizontal diagonal measurement frees these buildings to take any form while limiting the mass; limitations to depth make it clear that taller construction must not be applied to the whole lot – thereby obliterating views from above. Tall buildings must be separated from each other by 150' which is clearly designed to allow visual access to the shoreline from Commercial St. Height and siting limitations are adjustable in relation to each other as they are in other parts of the code, such as residential heights and side yard setbacks.

Another argument for the proposed zoning language is that since the district was industrial in the past, these changes will allow it to return to its historically appropriate intended use. However maps of the time show that industry was limited to rail tracks and the gas works. It is doubtful that the substantial buildings that overlook this zone would ever have been built if they looked out over warehouses and grain elevators instead of rail yards. As a cautionary note, the gas works had such a continuing depressing effect on the area immediately facing the Americold project, that a city councilor in 1982 referred to it as a 'combat zone' and a 'slum'.

The proposed language that you are considering trivializes the impact of massive building scale and siting on Commercial St. A 60-foot straight-on view slot between super-sized long buildings will be imperceptible to people in cars entering or leaving Portland. The 450' maximum building length pretends to decrease the wall effect on the street. For comparison sake, a photo of the Noyes Storage Building as seen from the Whole Foods parking lot is attached. That storage building is a petite 30 feet high and 200 feet long. More than double its length and height as is proposed and then imagine a series of these overwhelming buildings along Commercial St. The same street that The West Commercial Corridor Study (January 2016) focused on to "Enhance ... and create an attractive gateway to Portland's waterfront".

If the Planning Board accepts the proposed changes to the WPDZ, it will represent a significant departure from planning principles that have guided Portland's development and protected its assets in the past. Namely that building heights must decrease in height from the spine to the edges. And that visual access to the Fore River and Harbor gives meaning to the City as a whole and character to the neighborhoods that overlook it.

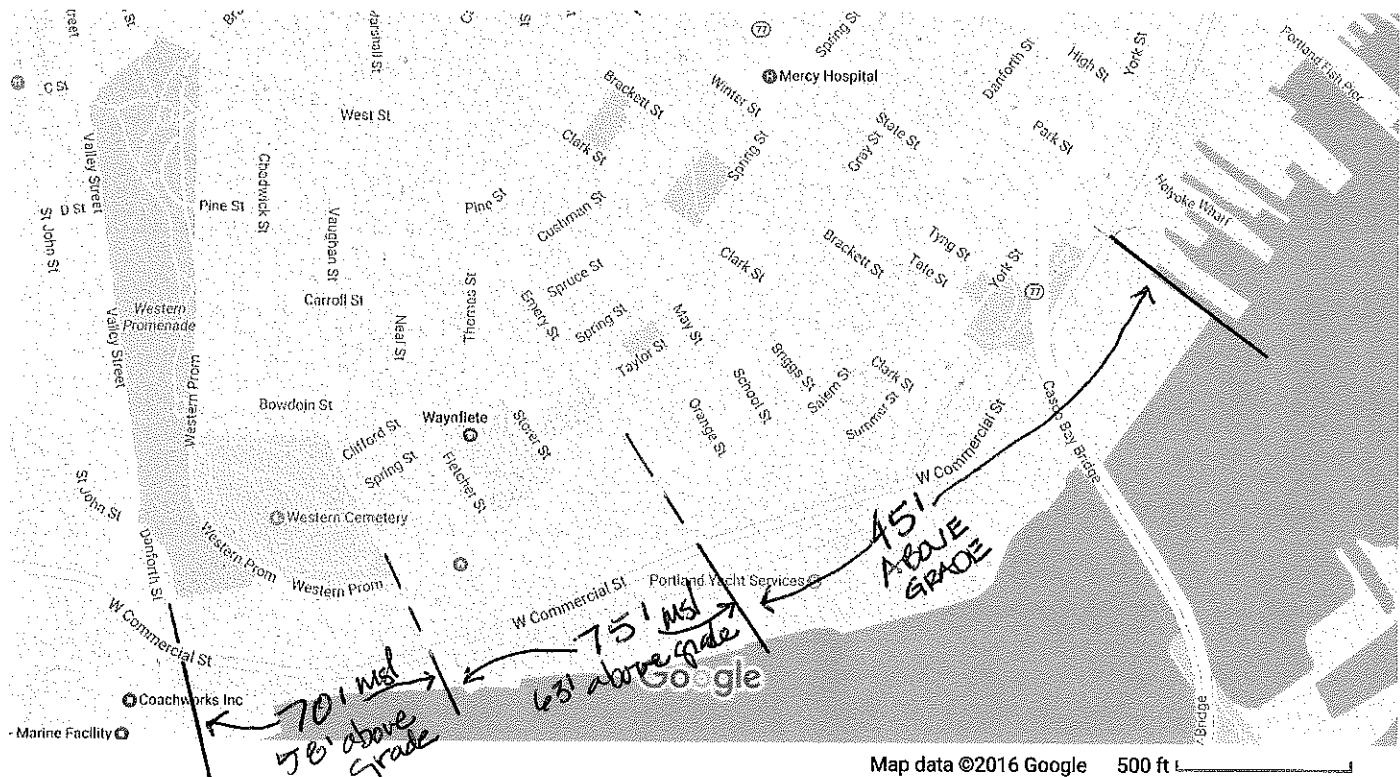
This is not about whether a few individuals have the right to a view, but whether inspiring and valuable character-defining features of the city will be tossed away. Portland can have an industrial zone that doesn't, in the words of the former board member, '*wreck the waterfront*' and bring wholesale devaluation to neighboring residential areas. I urge you to reject the proposed changes to the WPDZ.

Thank you for your attention to this issue.

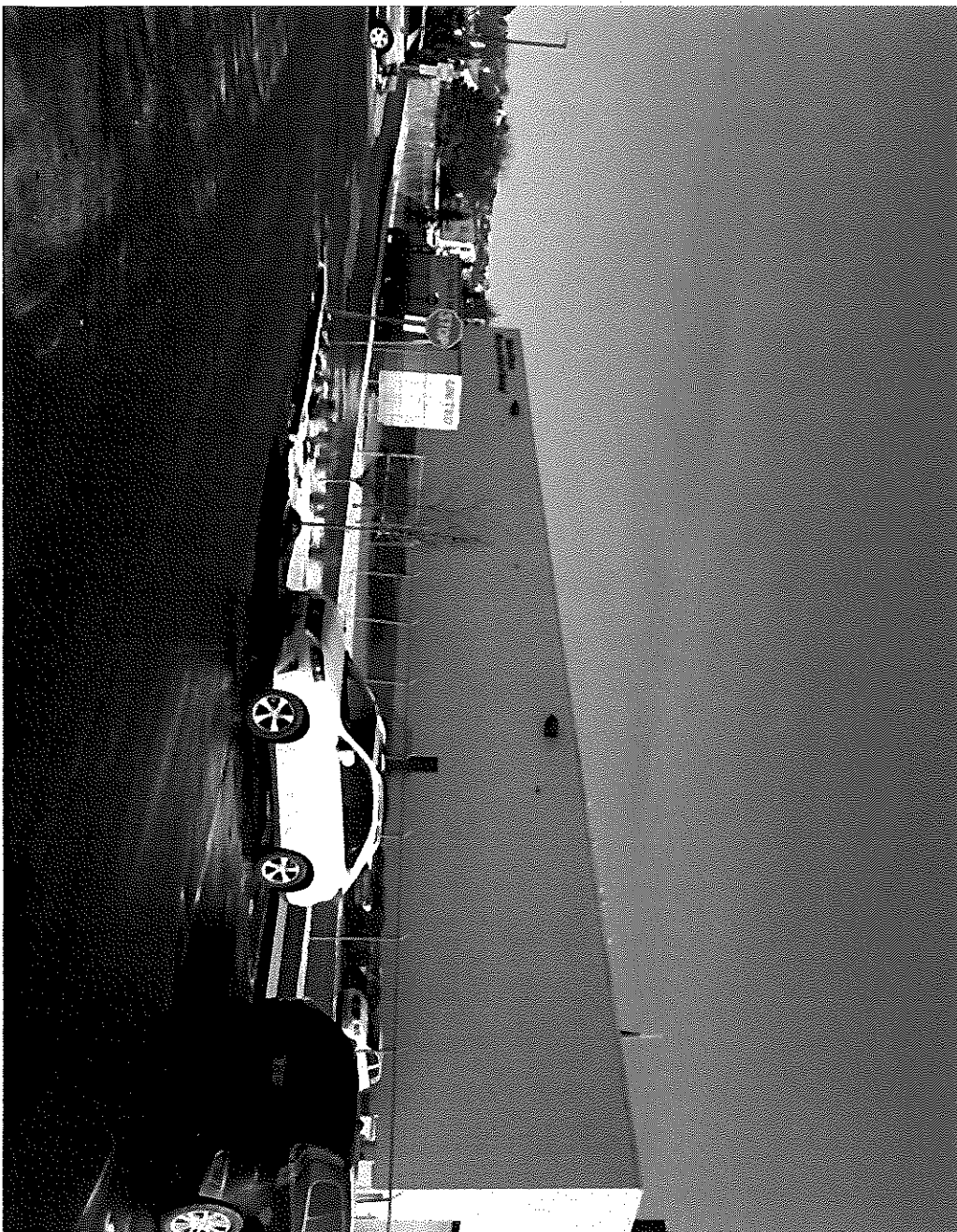
Constance Bloomfield, 380 Danforth St.

* The Mean Sea Level measurement is the cumbersome part of the WPDZ zoning. Its use may relate to a traditional maritime/pier standard – or it may be in the code as recognition that the most important aspect of visual access to water is the actual surface of the water. Simply subtracting the average grade of the zone above mean sea level ($\pm 12'$) from the 70' and 75' height exceptions would clarify the only bewildering part of the WPDZ.

Google Maps



From: **Constance Bloomfield** cbloomfi@maine.rr.com
Subject:
Date: December 6, 2016 at 3:19 PM
To: **constance bloomfield** cbloomfi@maine.rr.com



Sent from my iPhone

December 3, 2016

Members of the City of Portland Planning Board

RE: Western Port Development District proposed zoning amendments

I thank the Planning Board for allowing public comments on the proposed alterations to the zoning for the waterfront district (WPDZ) along West Commercial Street. I will begin by stating unequivocally that developing the waterfront in this area is clearly good for Portland and its economy, so it makes sense to many of us that there is encouragement in zoning for various marine activities in this area. To date, the addition of Portland Yacht Services has proven acceptable to those of us living directly above along the several streets of what could be called the Southern Promenade, which I will henceforth shorten to SoPro. In some ways, it has added to the character of the neighborhood.

However, both the existing zoning and certainly the proposed changes have profound negative effects on the entire SoPro neighborhood, most of which is not only residential, but in an Historic Preservation District as well. The latter imposes strong requirements that development not detract from the essential character of the area. We find that allowed development in the western waterfront will obliterate all views of the Fore River, in most instances leaving only views of the docks on Turner Island and the mud flats on either side. That contrasts sharply with what is visible now, including all the lively marine activity that passes along the River. That is surely a major impact on the character of the adjacent neighborhood.

We are certainly aware that a recent referendum implies that no one has a right to a view. However, the issue here is that proposed 450-foot-long buildings with potential heights of 57 feet above mean sea level (under the current 45-foot limit restriction) or 82 feet above mean sea level (under the proposed 70-foot limit) will eliminate any view of the water for some 60-70 residences (and many times that number of housing units), all to serve the interest of one or two owners. Most realtors would put the value of water views on the Peninsula in Portland at a 15-25% margin. Eradicating that much property value is simply unacceptable. That says nothing about lost property taxes for the City, especially when the SoPro area is experiencing a high degree of turnover, improvements and renovation. For instance, 6 homes at the west end of Danforth Street have changed owners just in the past two years, with consequent revaluations going sharply upward. Those new owners chose this area to see the water and its various marine activities. We certainly did a decade ago, when we purchased a 140-year old house that needed and got a quarter of a million dollars in repairs. Tour buses now stop along Danforth Street to allow visitors to enjoy looking at views of the Fore River.

We have before the City right now an application to build a two-family condominium on the last empty lot on Danforth Street. The plan includes almost full-height glass walls on the south side, overlooking the Fore River. If there is nothing to look at out that window but a steel warehouse wall and roof, at nearly the height of our floor, we will have to cancel that project. That means the loss to the City of about \$20,000 per year in new property tax revenue, in perpetuity. That will also mean the loss of two new housing units, in a period in which housing shortage is an almost a daily subject in the news. In Portland, as in many other cities, views are now monetized, with rather high stakes for both owners and tax revenue. This has to be taken into consideration, regardless of the question of rights to a view.

At the maximum allowable size, very large warehouses or storage facilities will also direct even more noise from Commercial Street into our bedrooms. This will be a major concern if the 24/7 plan for trucking along Commercial Street proceeds. Currently, noise is somewhat objectionable, but half of it is dissipated out over the River. This proposed plan will concentrate that noise by reflecting all of it upward to our homes, while continuing throughout the night.

I know that aesthetics rarely is admitted in planning decisions in relation to economic development. However, the Board must consider what the effect of 70-foot-high, 450-foot-long steel walls along the south side of Commercial Street will do to the impressions that visitors have of Portland. They will create a dark, forbidding steel canyon along most of the length of the street. This is the major gateway to the most attractive part of Portland for tourists—the Old Port. Trying to replicate here the New Jersey entrance to Manhattan (one of the most oppressive and ugly entries to any major city in the world) is very questionable. Most major cities in the US are working very hard to improve their waterscapes and keep waterfront buildings to a lower height. Why are we going in the opposite direction?

We urge the Planning Board to suspend any changes to the existing zoning requirements for height and mass in the WPDZ until these very weighty issues have found a proper balance between economic development and its potentially major negative impact on a large number of Portland citizens living in and enjoying the immediate residential adjacency.

Sincerely,


William R. McFarlane, M.D.

380 Danforth Street
Portland, Maine 04102

----- Forwarded message -----

From: **Samar Post Jamali** <samar.jamali@gmail.com>

Date: Wed, Dec 7, 2016 at 8:53 PM

Subject: Waterfront zoning changes

To: bab@portlandmaine.gov, sgo@portlandmaine.gov

Cc: estrimling@portlandmaine.gov, sthibodeau@portlandmaine.gov, wbn@portlandmaine.gov

PC39

Dear Planning Board:

I am writing to express that I am against the proposed zoning change for the Waterfront Port Development Zone (WPDZ). I strongly oppose any changes across the WPDZ.

My reasons are, briefly:

- the creation of more warehouses will not create more jobs- it will create large spaces with few people employed. This is not a boon for the working waterfront and the people who hope to be employed there and/or maintain jobs there.
- Portland is experiencing popularity and growth unprecedented in its recent history. Destroying the vistas and creating a corridor of warehouses as drivers and travelers and commuters and workers enter from South Portland or 295 via Merrill Terminal will hamper the experience of the city and likely lead to less potential growth.

Much of Portland's appeal, and economic, comes from its working waterfront- a **real** working waterfront - and the open views. Please do not ruin this.

Thank you for your consideration.

Samar Post Jamali
358 Danforth Street
Portland 04102

Samar Post Jamali

----- Forwarded message -----

From: **Devens** <deviehamlen@hotmail.com>

Date: Wed, Dec 7, 2016 at 8:58 PM

Subject: WPDZ zoning

To: "bab@portlandmaine.gov" <bab@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "sgo@portlandmaine.gov" <sgo@portlandmaine.gov>, "sthibodeau@portlandmaine.gov" <sthibodeau@portlandmaine.gov>, "wbn@portlandmaine.gov" <wbn@portlandmaine.gov>

Dear Planning Board Member,

I am writing to express my opposition to the proposed changes to the zoning along commercial street from Portland Yacht Services to Merrill Marine Terminal. While I support economic development, the proposed zoning changes would detrimental to the very reasons Portland has become so popular - development that is in the with the beauty of the city, smart and sustainable growth, and a unique working waterfront that melds independent businesses, such as fishing, with commerce, and housing.

Sincerely,
Devens M. Hamlen
358 Danforth

Sent from my iPhone

From: Kelly Spence [<mailto:kspence@maineseafoodventures.com>]
Sent: Friday, December 09, 2016 10:15 AM
To: Michelle Brooks
Subject: Support for Americold's New Facility

Hi Michelle,

Ready Seafood supports the move of Americold to the proposed new location on the waterfront in Portland. Ready Seafood is lobster company that ships fresh and frozen lobster products both locally and worldwide. Ready Seafood is committed to the local economy not only with local fishing, research, and sustainability efforts - but by providing jobs to more than 200 employees in the greater Portland area.

We are happy to voice our support in favor of the move to the waterfront. This will facilitate ease of transportation by its location close to the interstate and help keep large trailers off of the roads near the parks and high school around Stevens Avenue, Baxter Boulevard & Washington street.

Please find our attached logo to use in your presentation. If you have any other questions, please let me know.

Thank you!

--

Kelly Spence

Operations Analyst II
Maine Seafood Ventures
2 Custom House Wharf
Portland, Maine 04101
Tel: [508 330 2201](tel:5083302201)
www.maineseafoodventures.com



GREATER PORTLAND COUNCIL OF GOVERNMENTS

December 6, 2016

Mr. William Needelman
Waterfront Coordinator
City of Portland
389 Congress Street
Portland, Maine 04102

Dear Bill,

On behalf of the Greater Portland Council of Governments (GPCOG), I am writing to express our support for the City's application for a text amendment to the Waterfront Port Development (WPDZ). We understand that this change will facilitate the construction of a cold storage warehouse at the International Marine Terminal in Portland.

The Port of Portland is one of Maine's greatest economic assets. According to our own 2008 study, the working waterfront generates over 3,500 jobs, \$100 million in wages, and \$200 million in direct economic impact. Since then, we have identified the expansion of the Port as a critical project for the Comprehensive Economic Development Strategy (CEDS) for the region and the federal Investing in Manufacturing Communities Partnership (IMCP) initiative.

GPCOG is the regional planning agency serving 26 cities and towns in Greater Portland and the Sebago Lakes region. As a federally designated Economic Development District, one of our core responsibilities is the creation of a CEDS for the region. Our strategy, developed from 2011 to 2013, prioritizes agriculture and fisheries as the region's top clusters. To support this cluster, one of the high priority projects in our CEDS update, adopted on June 8, 2016, is to "Increase access of Maine products to global markets," including the development of "cold storage capacity on the waterfront for farms and fisheries." Your project directly supports this goal.

On May 28, 2014, the White House designated the Greater Portland Sustainable Food Production Cluster, led by GPCOG, as one of the nation's 12 Manufacturing Communities. One of our six IMCP goals is to "increase Maine's global food exports by 25%." Achievement of this goal has more economic impact than any other goal in our plan, generating \$133 million and 800 jobs to the state's economy. This impact is related not to the construction or operation of the warehouse but to Maine food manufacturers, which will now have access to new markets in Europe as a result of the warehouse and the transatlantic service associated with it.

Serving the Greater Portland and Lakes Region Communities

970 Baxter Boulevard, Suite 201 ♦ Portland, Maine 04103 ♦ Telephone (207) 774-9891 ♦ Fax (207) 774-7149

For more details on our CEDS or IMCP initiative, please visit our plans online at www.gpcog.org/economic-comm-development/gpcog-economic-dev-district/.

Thank you for your leadership in facilitating the prosperity of the state and region.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kristina Egan', with a stylized, flowing script.

Kristina Egan
Executive Director

Fwd: Americold Project

1 message

Tuck O'Brien <sgo@portlandmaine.gov>

Thu, Dec 15, 2016 at 8:32 AM

To: Jennifer Munson <jmy@portlandmaine.gov>

Please add

----- Forwarded message -----

From: **Zack** <zpaakkonen@gmail.com>

Date: Thursday, December 1, 2016

Subject: Americold Project

To: estrimling@portlandmaine.gov, sthibodeau@portlandmaine.gov, WBN@portlandmaine.gov, sgo@portlandmaine.gov

Cc: Alice Neal <aaneal@gmail.com>

Dear Mayor Strimling, Councilor Thibodeau, Waterfront Coordinator Needelman, and Planning Director O'Brien -

I am writing as a resident of the affected neighborhood in opposition to the proposed zoning amendment to allow the Americold cold storage project as proposed, and my spouse, Alice Neal-Paakkonen copied on this email, joins in opposition. We are requesting that copies of this message go to the Planning Board for their consideration as we are unable to attend the planning meeting due to scheduling. Please note that we are not in opposition to the project outright. In fact, I have been a resident of Portland for almost 20 years and in that time, have seen large industrial facilities empty and be re-purposed. My wife, Alice Neal-Paakkonen, who joins me in this request, has lived in Portland for 13 years. Frankly, Portland needs industry, and I was glad to see the development of the International Marine Terminal and that lot generally. However, that project was able to be performed without a detrimental impact to Portland residents. On its face, this project is different. If it had remained at the height originally disclosed to residents, the project might well have been a benefit to Portland. However, as currently proposed, it is a detriment, and we oppose the proposed zoning amendment to allow a seventy-foot facility.

Regarding the affected neighborhood, my spouse and I have resided here now for over eight years, and we hope to remain here for a very long time. Over the last several years as a resident of Portland, I have watched project after project go forward in Portland, impacting other neighborhoods. I've also seen the City attempt to go forward with these projects without taking into account the opinions of the residents who have to live with those projects, to detrimental effect on the neighborhoods, the residents, and the relationship between Portland residents and the City. I had hoped this project would be different.

This project, quite simply, is going to destroy the view for a great many people in my neighborhood as well as impact the safety of West Commercial Street. I am especially disappointed that the height viewing scheduled to address concerns was scheduled for a time of day and day of week when many, if not most, of the residents in this neighborhood are at work. I'm trying not to be a cynic about why it was scheduled that way, but it does seem that if the City were really concerned about the thoughts of the residents, it would schedule this viewing, as well as public meetings related to this issue, at times that were easier for residents who have day jobs to attend.

Regarding the view itself, please keep in mind that not only residents of my neighborhood enjoy seeing the water. I often see cars (many of which do not have Maine license plates) pause when at the bottom of Clark Street. I sometimes see them pull over to the side of the road to look at the river, even occasionally getting out to take photos. It is hard to imagine anyone wanting to stop and admire the view if they're faced with a 70-foot industrial wall with compressors, unless they are taking pictures to show people at home how Portland stuck an ugly giant box right in the middle of what would have been (and was once) a spectacular view.

Of course, it's not only the view. Because of where I live, I'm a frequent traveler, usually by car but sometimes by foot, on the affected section of Commercial Street. Given the recent work to the intersection of Beach Street, the driving lane traveling west on Commercial Street is already dangerously tight at crowded times of day as the lane to turn onto the Casco Bay Bridge often backs up considerably and cars in the turn lane hug the center line. Bicycles often are at risk on either side, and pedestrians generally already avoid the area, and if they walk there at all now, walk up onto the (occasionally overgrown and not lit or marked) lawn near the old railroad right of way. When the sun is at the wrong angle, this stretch of road is already extremely dangerous. If Portland now adds to this mix an even larger volume of turning or entering tractor trailer traffic to this stretch of the street, (which my understanding was that the rail line extension for the

marine terminal was designed to assist with but has not eliminated) accidents involving cars, pedestrians, bicycles, and tractor trailers are sure to occur.

Part of what makes Portland the unique place where people stay and causes us to be on top of so many lists are our water views and the fact that, although our streets are getting more crowded, it's generally a safe place to be. As I have lived in Portland, I have seen views and uncongested streets being taken away from residents one neighborhood at a time. There is no reason why we can't preserve both the industrial nature of Western Commercial Street, the current state of traffic, and the views that residents of the neighborhood below Danforth Street and visitors to our city have enjoyed for many decades. Why can't we have both Americold, at forty-five feet, and water views and public safety, too?

Zack Paakkonen

Alice Neal-Paakkonen

--

Tuck O'Brien
City Planning Director
Department of Planning and Urban Development
Office: [\(207\) 874-8724](tel:(207)874-8724)
Cell: [\(207\) 553-0255](tel:(207)553-0255)

----- Forwarded message -----

From: **ashley salisbury** <ashleysalisbury@gmail.com>
Date: Tue, Dec 6, 2016 at 9:12 AM
Subject: Americold Project
To: jpj@portlandmaine.gov

Jon,

I'm frustrated by several aspects of this Americold proposal:

1. Poor cost-benefit analysis. This project will have a steep cost to our city's tourist and residential appeal--the TRUE ECONOMIC ENGINE of our city. No warehouse will add enough benefit to our economy to compensate. Economic development means LONG TERM economic development. We are not a maritime economy; we are a tourist and relocater economy.
2. Disingenuous process. I'm disappointed by the lack of transparency from Mitchell and Needleman on this project--last minute disclosures, poor access to decision makers, everything Jo Coyne has outlined. Expect yet another EXPENSIVE LAWSUIT by citizens against the city.
3. Failure to address true public cost of this project:
 - The GATEWAY TO OUR CITY--the wonderful views as you drive along commercial street--will now greet commuters and tourists with a hideous white box.
 - Sunset views from HARBORVIEW PARK (used by hundreds per day) will be destroyed
 - Tens of thousands of COMMUTERS per day on commercial street and coming over the Casco Bay Bridge will have a HIGHLIGHT OF THEIR DAY--the view of the bridge and bay--ruined.

Maine is DIFFERENT, and that is why TOURISTS come and PEOPLE RELOCATE here. We are not driven only by dollars and short-term thinking, so please rein in this misguided effort to sell our waterfront.

Thank you again for your service and ear,

Ashley Salisbury

26 Brackett Street
Portland Maine

Jon P. Jennings
City Manager
City of Portland
389 Congress Street
Portland, ME 04101
(207) 874-8689 Office
(207) 874-8669 Fax
jpj@portlandmaine.gov
www.portlandmaine.gov

----- Forwarded message -----

PC45

From: **Eli Dale** <elidale@maine.rr.com>

Date: Sat, Dec 10, 2016 at 5:12 PM

Subject: Planning Board December 13 Agenda Change

To: sgo@portlandmaine.gov, wbn@portlandmaine.gov

Cc: sthibodeau@portlandmaine.gov, estrimling@portlandmaine.gov, jpj@portlandmaine.gov, bigwhitebox@gwi.net

Dear Planning Board and co-conspirators,

So you decided to postpone the Americold zoning ordinance violation (oh, excuse me, "text change") to another day. Because the Economic Development Department – showing clear bias – finds building an out-of-scale white box on the waterfront "exciting." They need more time to come up with excuses for Americold's bait-and-switch. They need to strategize. And they asked nicely, I guess.

Well, I am now going to ask you nicely: Stop playing games with public comment. Stop being the handmaiden of developers. Stop trying to sneak things past us by changing an agenda four days before a meeting. Confer with *all* stakeholders before you change an agenda.

The damage you have done cannot be undone. Congratulations, you achieved the goal of screwing up public participation in this issue.

People in the West End have worked very hard to keep each other notified of activities regarding Americold. I guess someone in the EDD heard that flyers had been delivered door to door alerting citizens of the meeting on December 13. So what do you do? You hide the matter up your sleeve.

Folks who don't hear about the agenda change will come on December 13 and find they have been bamboozled. They might even get mad at neighborhood organizers, thinking this has become a wild goose chase. Others wait for an undisclosed new date while EDD stays in bed with Americold. Meanwhile, EDD and Planning get to hope that West Enders will not have the energy to put out another flyer. Maybe we'll only have four days notice of the new date and won't be able.

BTW, generally we are not anti-industry or anti-Americold. We are against violating our neighborhood height rules. It is possible to be in favor of development without ruining the quality of life here.

And once again, Planning reinforces its reputation of doing everything it can for developers while ignoring a duty to keep Portland livable.

Very Sincerely,

Elizabeth (Eli) Dale

Salem Street

Hi Bill,

Sadly we are out of town so will not be at cold storage meeting tomorrow.

We strongly support option 2:

Add cold storage as a permitted use BUT retain the 45' height restriction for the entire zone with the exception of the cold storage building the height of which is limited to 70' -including mechanicals I hope!

The cold storage business is an economic engine for portland. BUT Increasing the height of the entire zone to 70' will result in the walling off of commercial st from the water. This is the gateway to our "city by the sea". Option 2 accommodates the cold storage but does not sacrifice the waterfront as has happened in Hartford CT.

Best, Sonia and Jock Robertson

Dear Sirs,

I have lived on the hill overlooking the Fore River for 45 years. It is a very pleasant view but not an ocean view. It is an activity view with trees, buildings, boats, cranes and people doing things. In the past, I often walked my dog along the railroad tracks on the shore of the Fore River below my house. I loved the scenery, but it was not the beauty of raw nature and the sea I saw; it was an historical scene; a mixture of rotten railroad ties, deteriorating shipping piers, old bollards waiting longingly for a docking line. It had it's own sad beauty, reflecting former years when this area was the center of bustling commerce, with ships unloading their cargo to grain elevators and railroad cars and connecting the sea to the land. I remember thinking what a great part of the harbor this was how nice it would be to find some way to bring it back to life, instead of having it remain a sad, derelict reminder of the vibrant past. It looks, now, as if we may have found the ideal lead players in Eimskip and then Americold, and we need to do our best to accommodate their needs as well as our own.

Our City Planner has put together a productive series of community discussions, and most of us have had a chance to share our opinions. We all have our own personal interests and preferences, some large and some small. Some can be accommodated, some cannot. As we work toward the best solution, let us not lose sight of the big picture, that is, the value to the community of having a clean, productive and economically viable industry using this precious piece of property in the most appropriate way and adding real vitality to our working waterfront.

Jeremy R Morton, MD
75 Vaughan Street

----- Forwarded message -----
From: peter green <plgmaine@yahoo.com>
Date: Tue, Oct 25, 2016 at 7:24 AM
Subject: Fw: western waterfront building height
To: "wnb@portlandmaine.gov" <wnb@portlandmaine.gov>

PC48

On the good side, a big Americold building would be an excellent opportunity for public art, on it's sides and even on top. I'd vote for that.

----- Forwarded Message -----
From: peter green <plgmaine@yahoo.com>
To: "wnb@portlandmaine.gov" <wnb@portlandmaine.gov>
Sent: Tuesday, October 25, 2016 7:00 AM
Subject: Fw: western waterfront building height

Good morning Bill,

I don't need you to reply as I just read the article explaining things in the PPH.

I'll go on your record right now as someone who thinks 45 feet is enough for anything on the waterfront. I see no good thing about building part of what will develop into a tall wall of buildings blocking the rest of the city from seeing things. I feel the same way about the architecturally BORING and ANTISEPTIC wall that will be built on the east end.

And a question I would ask is that if Americold goes bankrupt and leaves that giant box there, a condition be put in its original approval (if it even gets one) that it remove the building before it goes belly-up.

See you at the meeting.

Peter Green

Dear Ethan, Spencer and Tuck:

We are writing to express our opposition to proposals to amend current zoning to permit a 70 foot cold storage warehouse and raise height limits to 70 feet along the Western Waterfront.

The proposals before the Planning Board challenge the best interests of the neighborhood and the city in at least seven ways:

1. The value of waterfront: Over the past 30 years most cities have been trying to make the most of their waterfronts as unique and beautiful places that attract tourists and residents alike, with the kind of success Portland has seen already in the Old Port and is encouraging in the East End. The Fore River has equal potential in this regard. In another twenty years, the big tanks remaining along the River are likely to be gone. When these are gone, the Fore River from Thomson's point to the Casco Bay Bridge could become a beautiful shoreline and avenue attracting wildlife, residents and visitors to Portland and South Portland. By allowing the Americold and other enormous warehouses along West Commercial St., however, the City will be blighting this part of Portland and South Portland for the next 50 years, foreclosing any uses other than industrial.
2. Stretching "marine uses" till they break: Portlanders have made it clear in old and new Comprehensive plans that they are in favor of a working waterfront, and "marine uses" have been part of zoning requirements for the waterfront. We don't know what percentage of goods in the Americold Warehouse will actually be arriving or departing by ship. It would be terrible to sacrifice the Western Waterfront to permit the construction of the Americold behemoth only to discover that half of it is being used for goods that could, and should, have stayed off the peninsula at Americold's Reid St. warehouse.
3. Scale: The Americold warehouse's proposed height of seventy feet is out of keeping with the entire city's scale. The proposed building will be a blight on the City reminding us of other eyesores, such as Portland House on the Eastern Prom, or the Franklin Connector. Have we really not learned anything from such huge and poorly conceived projects? A monster cargo hub despoiling the City's entrance is poised to be the next in Portland's architecture of shame
4. Taxes and property values: A wall of warehouses and a truck corridor will seriously compromise the value of the neighborhood that has begun to flourish up the hill from Commercial Street. Residents who have invested in reviving properties that used to be run down and ignored and are now paying significant property taxes to the city.
5. Costs and benefits: It is unclear to us as Portland citizens what calculus the City is using to consider these proposals. Where are the data to support these

proposals? What promises have the City and State made to woo and keep Eimskip and Americold on the Western Waterfront? What are the costs to taxpayers? What are the hoped for returns? The public deserves to have answers to these questions. To maintain trust between the City and its citizens it is essential for the City to practice 'open government' and make clear what the calculus of gain and loss has been for the parties involved. Particularly for the neighbors whose losses in terms of added noise, pollution and traffic, and loss of views and property value have not apparently been included in the City's considerations.

6. Truck traffic and noise.: Where is evidence of the City's examination of the noise and traffic impacts of increasing numbers of trucks? The noise of trucks backing up is already challenging for neighbors and we can only imagine how much worse it will be should the Eimskip and Americold facilities want to go to a 24/7 schedule.
7. Declining air quality. It's likely that air pollution in this part of Portland is already considerable, wedged as it is between two major bridges, flown over by airplanes coming and going from the airport, and serving ships that may use problematic fuels (see: <http://www.enfos.com/blog/2015/06/23/behemoths-of-emission-how-a-container-ship-can-out-pollute-50-million-cars/>) The EPA has called out US ports for the pollution released by ships, trains and trucks. (<https://blog.epa.gov/blog/2016/09/air-pollution-at-our-nations-ports-can-be-reduced-now/>) Particulates from diesel exhaust are significant contributors to deterioration of human health and well-being. (<https://www.arb.ca.gov/research/diesel/diesel-health.htm>) A cold storage warehouse that will be operating refrigeration units 24/7, and many more trucks using diesel fuel and emitting more particulate pollution will add to an already challenging situation for residents.

We would prefer that the City not grant permission to raise any height limits on the Western Water front beyond the current maximums, for the Americold warehouse or for the rest of the Western Waterfront zone .

If however, you view some change as essential, we ask that you think deeply about the Western Waterfront as a gateway to the City – an entrance that serves as an invitation to residents and visitor alike to enjoy values that we all hold: respect for nature, history, and equity. Thomson's Point nearly succumbed to a developmental fate akin to that currently threatening the Western Waterfront. Instead, it's now becoming a lively and attractive site further up the Fore River thanks to imagination and hard work by a creative coalition that formed when big business plans evaporated.

If the City of Portland is determined to sacrifice a beautiful aspect of the West End, it should still give neighboring residents a way a way to preserve and enjoy their waterfront and offer those entering the City a fitting welcome. Many waterfronts in many cities are in congested areas, and even those manage to build walkways, greenways,

and pocket parks. With imagination and thoughtful design for the entire Western Waterfront, the City can and should make sure that West Commercial Street embodies an invitation welcoming the rest of the world to Portland.

Pamela Shaw and Kent Redford 12-6-16

WESTERN PROMENADE NEIGHBORHOOD ASSOCIATION

December 8, 2016

Portland Planning Board
City of Portland
389 Congress Street
Portland, ME 04101

RE: Proposed Changes to the WPDZ

Dear Members of the Board:

Residents of our neighborhood are well aware that it is bounded by two long-established industrial zones, the IMb and WPDZ. Text provisions in both are intended to strike an appropriate balance between business and residential uses.

WPNA has been educating itself since the City announced, with the Americold project as a catalyst, that it proposes three (now four) options to amend the WPDZ. We have held a general neighborhood meeting to solicit reactions from residents, held several small-group meetings with those most affected, met with City staff and Americold representatives, and received a primer from a warehouse engineer.

With this background, WPNA offers the following comments on the proposal before you:

~~First, it must be recognized the WPDZ really consists of four informal "subzones": 1) the MPA parcel (including the Americold site); 2) the Portland Yacht Services parcel, now partially developed; 3) the Cianbro site; and 4) the Merrill/Sprague site. As currently operating, each of these has different uses and different impacts on the affected neighborhoods.

~~There is only one specific proposal in the public domain, the proposed Americold warehouse facility, intended to support the Eimskip container operation. That proposal has changed from the concepts originally submitted to the MPA. WPNA believe that the burden of proof must be placed on Americold to adequately justify to the Board why the increase in maximum height is required to assure a feasible project. If, as a result, a zoning change is approved, we would like to see specific reference to design requirements, allowed hours of operation, noise limitations, lighting mitigation, etc. We recognize that there are performance standards in the existing code, but would like to see site-specific performance standards for this major operation.

~~Further changes to the WPDZ should not be approved at this time and until the community has the opportunity to assess the myriad impacts of the Americold project as it begins operations in a completed facility.

~~As has been identified, the western waterfront is a major gateway to the City of Portland. Recognizing that it is a long-established industrial site, there should be sufficient time allowed for thoughtful community-based planning to assure that uses dependent on the **deep water** (not just water access) contribute to a visually appealing gateway impression and not a massive over-development of the site, which the current zoning appears to preclude and which protections appear to be substantially changed in the proposals before the Board.

From a variety of perspectives, our western waterfront is a significant asset for the City of Portland. **It is essential to continue to seek the proper balance between business and residential interests.**

Thank you for your careful consideration of these points.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anne B. Pringle".

Anne B. Pringle
President

Elizabeth Dale
40 Salem Street
Portland, ME 04102

December 5, 2016

Dear Editor:

Why must Portland's City Hall always buckle under to the demands of developers at the expense of her citizens?

Word seems to have gotten out that any developer that wants to violate Portland's building codes just needs to ask and it shall be given. One of the latest: the shameless bait-and-switch by Americold, which made a bid to build a cold-storage facility on property on the western waterfront, knowing full well the height restriction in that zone was 45 feet. They even presented preliminary sketches of buildings which conformed with code.

"Oh," Americold now says. "We need 70 feet." "Okay," says City Hall, "Whatever you want!" Then they spout whatever talking points have been handed to them about being "a world-class port." Then we have to go to meetings to ask them to do their jobs.

Dear City Hall: Please enforce the ordinance. Please don't make us sue you (again). Please remember you are *civil* servants, not corporate servants. Please remember who pays your salaries.

This is not a NIMBY complaint. I haven't met a single person in the West End of Portland who objects to having industry at the shoreline here. We like Eimskip. We like Portland Yacht Services. We just want our corporate neighbors to be *good* neighbors. Not only should Americold comply with the current code, but they should also commit to aesthetic upgrades: a beautiful mural on the side of the building; a green roof; a varied facade. Americold, you are welcome here if you work on fitting in as a neighbor. Otherwise, please just withdraw and go back to your cave.

Sincerely,
Elizabeth Dale

Portland Press Herald

Posted December 9

Letter to the editor: Portland City Hall seems to tell developer Americold, ‘Whatever you want!’

Why must Portland’s City Hall always buckle under to the demands of developers at the expense of her citizens? Word seems to have gotten out that any developer that wants to violate Portland’s building codes just needs to ask and it shall be given.

One of the latest: the shameless bait-and-switch by Americold, which made a bid to build a cold-storage facility on property on the western waterfront, knowing full well the height restriction in that zone was 45 feet. They even presented preliminary sketches of buildings that conformed with code.

“Oh,” Americold now says. “We need [70 feet](#).” “OK,” says City Hall, “Whatever you want!” Then they spout whatever talking points have been handed to them about being “a world-class port.” Then we have to go to meetings to ask them to do their jobs.

Dear City Hall: Please enforce the ordinance. Please don’t make us sue you (again). Please remember you are civil servants, not corporate servants. Please remember who pays your salaries.

This is not a “not in my backyard” complaint. I haven’t met a single person in the West End of Portland who objects to having industry at the shoreline here. We like Eimskip. We like Portland Yacht Services. We just want our corporate neighbors to be good neighbors.

Not only should Americold comply with the current code, but they should also commit to aesthetic upgrades: a beautiful mural on the side of the building; a green roof; a varied facade.

Americold, you are welcome here if you work on fitting in as a neighbor. Otherwise, please just withdraw and go back to your cave.

Elizabeth Dale

Portland

<http://www.pressherald.com/2016/12/09/letter-to-the-editor-portland-city-hall-seems-to-tell-developer-americaold-whatever-you-want/>

Portland Press Herald

Posted October 27

Letter to the editor: Cold storage building height will ruin waterfront views

As optimistic as the concept “The sky’s the limit” is, in Portland it is an Achilles’ heel: i.e., “a weakness in spite of overall strength, which can actually lead to downfall.”

I grew up with a panoramic view of the New York skyline from the cliffs of Weehawken, New Jersey, before moving to New York, where I had the opposite view of the towering Palisades, both views totally unobstructed.

Later on, in San Francisco, I enjoyed a view of the iconic Golden Gate Bridge. Fourteen years ago, my wife and I left the City by the Bay for Portland, a beautiful historic seaport, where we enjoy another compelling view – the Fore River – from a house that was built by a sea captain.

What if these views were suddenly taken from us? What would be the appeal for residents and tourists? Think of our poor Captain Nathaniel Dyer’s wife if she couldn’t look out over what is now Commercial Street to see if her long-absent husband was on his way home in time for dinner!

We need to engage in serious thought to Americold’s plan to build a 70-foot-high white box cold storage building at the International Marine Terminal, on the western end of Commercial Street’s “waterfront.” Ostensibly, Americold’s plans for this facility are beneficial, nurturing and geographically suitable to Portland’s economy – if they think 45 feet, not 70 feet.

This area has been developing rapidly, with the Gulf of Marine Research Center and Courtyard Marriott fast becoming an attraction for the lucrative tourist trade and new business, including the highly appreciated Eimskip, from India Street along the picturesque waterfront out to the Gateway to Portland.

Let’s continue to enhance our waterfront, not destroy it by changing our slogan from “The sky’s the limit” to “Our waterfront is the limit.”

Frank E. Reilly

Portland

<http://www.pressherald.com/2016/10/27/letter-to-the-editor-cold-storage-building-height-will-ruin-waterfront-views/>

Portland Press Herald

Posted November 7

Letter to the editor: Strict oversight critical to Portland waterfront development

The stretch of the Fore River running from the Veterans Memorial Bridge to the Casco Bay Bridge is now under a bright light, thanks to a proposal from the cold-storage company Americold and the city's Economic Development Department for a zoning change to raise building heights on West Commercial Street to 70 feet from the current 45.

This proposal has come up quickly, and unfortunately, Portland doesn't have much of a plan to guide what and how development happens. So we should pay close attention to big decisions, especially one that would permit the erection of 70-foot warehouses on a key vista and entrance to the heart of Portland.

There's great potential for positive economic development for the city in the "portification" of this area, and it's already happening, with the help of Eimskip, for example.

However, with that development should come the responsibility to ensure we don't sell off the extraordinary mix of vistas, architecture, water and green that makes Portland unique.

In fact, the city has an opportunity to create a truly groundbreaking mixed-use corridor along the Fore River. Let's hit pause on increasing height limits till we can get all those committed to this part of Portland to contribute to a plan that takes into account aesthetic, environmental and economic interests. Together we can create an iconic and appropriate gateway to the city.

Pamela Shaw

Portland

<http://www.pressherald.com/2016/11/07/letter-to-the-editor-strict-oversight-critical-to-portland-waterfront-development/>

Portland Press Herald

Posted December 15

Updated December 15

Letter to the editor: To be a good neighbor, Americold needs to follow Portland zoning rules like everyone else

Americold's request to alter zoning restrictions on the western waterfront should send ripples of concern through all Portland property owners.

Property taxpayers rightfully expect established zoning standards to be upheld. If city officials advocate for zoning changes at the whim of every developer or project proposal, we cease to have effective zoning. It is a paradigm of corrupt governance.

Suggesting that neighbors are rallying around their scenic view is an overt attempt to mitigate the real concerns of property taxpayers. Zoning must be applied equally, regardless if the investor is a local private developer or if the heavy hand of the LePage administration backing a corporation out of Atlanta.

Neighbors of the proposal are not anti-development. On the contrary, the neighborhood has long encouraged development of an area long fallow. Their common perspective and desire, however, is that their neighbors be held to the same standards to which they are held. It is the golden rule of building community.

Americold won a contract and, by their own admission, found themselves unable to deliver without changing the zoning parameters. Instead of acknowledging their failure, they are asking neighbors to shoulder the burden. They are asking for the rules not to apply to them. It is difficult to imagine anything less neighborly.

Gary Wagner

Portland

<http://www.pressherald.com/2016/12/15/letter-to-the-editor-to-be-a-good-neighbor-americaold-needs-to-follow-the-zoning-rules-like-everyone-else/>

August 16, 2016

Patrick Ballard, Vice President
Business Development, Consumer Packaged Goods & Protein Sector
Americold Logistics LLC
10 Glenlake Parkway, Suite 600
Atlanta, Georgia 30328

Dear Mr. Ballard,

As neighbors of the cold-storage warehouse Americold is planning to build next year in Portland, Maine, we are writing in hopes of beginning a dialogue about its design and siting.

The building will span perhaps two acres of waterfront land, making it the largest landmark for thousands of people entering Portland daily from Interstate 295 onto West Commercial Street and over the Casco Bay Bridge. We believe the warehouse could be a notable gateway building for Portland's waterfront, with innovative environmental and design elements that would generate significant good will and good press.

We understand this warehouse needs to be bulky to maximize its cubic footage. A recent research report by the commercial real estate company Jones Lang LaSalle noted that new cold storage buildings have a preferred ceiling height of 36 to 40 feet. We hope the Portland building will be on the lower end of that range to help maintain a sense of scale suitable for the city's waterfront. In addition, without exceeding a reasonable construction budget, the building's facade could incorporate appropriate architectural elements, materials and massing to reflect its status as a gateway building, rather than an expanse of white wall panels.

In view of Americold's record of environmental stewardship, a green roof seems like a natural fit. It would reduce Americold's municipal stormwater-runoff fee and reduce the building's energy demands by as much as 10 percent. It would also be a remarkable visual statement seen by many people, including airline travelers during the standard low-altitude descent into Portland's Jetport.

A built-in-place green roof would add upwards of \$8 a square foot, but cooling equipment would last longer, as would the roof itself, protected from temperature extremes and ultraviolet radiation. As one example of longevity, Ford Motor Company planted out a 10-acre factory roof in Dearborn, Michigan, a dozen years ago, with a life span of another 25 to 50 years.

Finally, in order to maintain view corridors on either side of the warehouse, we would deeply appreciate any design and engineering elements that would reduce its length parallel to West Commercial Street, such as using an automated retrieval system and extending the building footprint farther toward the river.

We would be happy to meet informally with Americold representatives to discuss how our desires as your future neighbors and your functional needs can meld in a positive way. Thank you very much for your time and attention.

Sincerely,

Mark McCain, 45 Summer Street, Portland, Maine 04102 smarkmccain@yahoo.com

Jo Coyne, 36 Salem Street jocoyne@gwi.net

Elizabeth Dale, 40 Salem Street elidale@maine.rr.com

Norris Dale, 40 Salem Street ndale@norrisdale.com

Justin Funk, 90 Salem Street funkj82@gmail.com

Rachael Harkness, 25 Summer Street weyand.rachael@gmail.com

Seth Harkness, 25 Summer Street seth.harkness@gmail.com

Rachel Kobasa, 40 Brackett Street rachel.kobasa@gmail.com

Peter Lawrence, 5 Bond Street plawrenc@gwi.net

Dr. Mary McCann, 49 Summer Street drmmccann@gmail.com

Sara Miller, 96 Salem Street snpdrgn@maine.rr.com

Caitlin Mushial, 36 Clark Street cmushial@yahoo.com

Erik Mushial, 36 Clark Street erik@allmtngroup.com

Pilar Nadal, 40 Brackett Street pickwickindiepress@gmail.com

Karen Sarfaty, 46 Salem Street sarfatyk@gmail.com

Mike Stone, 116 Salem Street mstone800@gmail.com

Sidney St. F. Thaxter, Esq., 49 Summer Street sthaxter@curtisthaxter.com

Jeannie Verrando, 116 Salem Street jeannieverrando@gmail.com

Cornelia Walworth, 45 Summer Street walworthmccain@maine.rr.com

**cc: Fred Boehler, President and Chief Executive Officer, Americold
John Henshaw, Executive Director, Maine Port Authority
Barbara Barrydt, Development Review Manager, City of Portland**

(Also sent by electronic mail 8/16/2016)

Posted November 3, 2016

La Vida Local: Irregular Notes on West End Life / by Rosanne Graef, Past President – WENA

Today's Topic: The Uglification of the Jewel by the Sea

When the Editor of the West End News announced that this month's theme would be "Looking Ahead," I thought, "Great! We can finally move on from the endless campaign!" The uglification topic is not, however, without controversy. As such, please note that the sentiments expressed in this article are solely my own and do not represent those of the West End Neighborhood Association..

If you've been living in Portland for longer than a couple of weeks, you're probably aware of the tensions and discord that have bubbled up around the city in response to any number of development proposals. This is a natural and healthy occurrence. Especially true when the resultant structures will change the look and feel of a neighborhood for many years to come.

What's often most disheartening, though, are not the changes themselves. Rather, be concerned about the round-about way their proponents wriggle them through the permitting process. A straightforward request gets modified, adjusted or expanded to the point where residents who initially endorsed an idea become vehemently opposed.



View from 58 Fore Street. The 2015 Ballot Question 2 asked voters to protect this view from development.

WPDZ and Americold

Case in point is the Waterfront Port Development Zone (WPDZ) on West Commercial Street between the Casco Bay Bridge and Veterans Bridge. Over the past few years, land parcels have changed hands amongst various state, city and private players. The end vision is to resurrect marine-related activity along that stretch. Overall the residents of the immediate neighborhood are supportive of these efforts. Eimskip, the International Marine Terminal and extension of rail access, as well as Portland Yacht Services are largely welcomed waterfront uses.

Now it looks like that honeymoon is approaching its end. The Portland Economic Development Department is requesting a text change in the WPDZ to allow taller buildings, increasing from the current 45' to 70'. Specifically, this change is in support of a cold storage building to be built by Americold which won the City's RFP in 2015 for such a facility. Although looking at an unimaginative big white box is no one's idea of a great view, at 45' it was something that could be lived with. Especially, in light of the economic benefit that would result.



An “ugly” white box could come to dominate the view of the Western Waterfront. Above model is a height study block and not an architectural drawing. -Americold WPDZ Text Amendment (Memo and Attachments), Planning Board materials, October 18, 2016

For Whom Does the Economic Development Department Work?

In August, some informal meetings between city, state and Americold officials and consultants and residents of the neighborhood took place. At those meetings, most residents' concerns focused on the monolithic façades that cold storage facilities present to the world. This was also true at an initial presentation by project consultants Woodard & Curran to the West End Neighborhood Association.

The inappropriateness of that kind of structure facing a highly desirable and expensive residential area seems apparent. Also, consider the sterility and charmlessness a giant warehouse would present to travelers along Commercial Street, one of the more heavily used roadways on the peninsula.

People spoke of color, landscaping, surface materials, visibility of activity. Moreover, they urged Americold to recognize that this parcel of land next to the Fore River is not tucked away in an industrial park. It is in a prime location in one of the most scenic cities on the East Coast. Neighbors want Americold to develop their design with these considerations in mind.

This is when the wriggling began. By the time of a neighborhood meeting on October 13th to present initial concept designs, somehow 45' became an unworkable height limitation. And so the Economic Development Department began the process of requesting a text change in the WPDZ. Indeed, this text change could allow the cold storage building to tower 70 feet on a 120,000 square foot footprint. This is textbook uglification.

Nobody likes to start playing a game and have the ref change the rules after the first round. But it certainly feels like that's what's happening here. Who in City Hall is looking out for the already-developed residential neighborhoods? Is anyone? Or do the charms of the latest suitor always hold sway? Who will stop the uglification of Portland?

<http://www.thewestendnews.com/>

Fwd: Western Waterfront Zone Text Change Workshop postponed

1 message

William Needelman <wnb@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, Dec 20, 2016 at 3:39 PM

Comment for posting.

Bill
Bill Needelman
Waterfront Coordinator
Economic Development Department
City of Portland, Maine
389 Congress Street
Portland, Maine 04101-3509

(207) 874-8722 tel.
(207) 756-8258 fax.
wnb@portlandmaine.gov

----- Forwarded message -----

From: **Elizabeth Parsons** <ecparsons33@hotmail.com>
Date: Tue, Dec 20, 2016 at 1:57 PM
Subject: RE: Western Waterfront Zone Text Change Workshop postponed
To: William Needelman <wnb@portlandmaine.gov>

Hi, Bill:

Thanks for the notice below. Herewith, a few observations about the Americold project specifically and West Commercial more generally from my perspective as a West Ender.

If it is true that Americold responded to the RFP with a building plan that met current code limits; got that plan approved; and subsequently said they'd need a height variance of such magnitude, then that looks like a classic "bait and switch" maneuver. The City's response should be to push back hard, not to capitulate.

West Commercial could be a wonderfully inviting entrance into the City especially in contrast to the very dreary Congress Street entrance off I-95. Careful thought, though, that balances aesthetics, ecological responsibility, and economic interests needs to go into it all. Ideally, the new master plan would do this sort of thing. But, the number and types of construction projects courted and/or approved throughout the City over the past few years do not instill confidence that there is sufficient interest in doing such visionary planning *and in sticking with it*.

Time remains, however, to do things appropriately on West Commercial. The redeveloped IMT has turned out nicely. The Sprague buildings fit well as, of course, does the tree planting on the side opposite the new rail spur. So it's quite possible for Portland to devise something noteworthy and healthy for the rest of West Commercial over the next several years.

It will take a lot of hard work on the part of everyone, however, to make sure we find common ground. I hope City officials are willing to do this. Quite a number of us in the West End are and I'd be happy to expand on anything I've

said here if need be.

Warm regards,

Liz Parsons

Winter Street

From: William Needelman [mailto:wbm@portlandmaine.gov]
Sent: Monday, December 12, 2016 11:47 AM
To: William Needelman; O'Brien, Stuart; Mitchell, Greg; Grondin, Jessica
Subject: Western Waterfront Zone Text Change Workshop postponed

To Western Waterfront neighbors and interested parties,

With the agreement of the Maine Port Authority and Americold, the City of Portland Economic Development Department has requested to postpone the December 13 Planning Board Workshop to consider text amendments to the Waterfront Port Development Zone.

The EDD and proponents of the amendments request additional time to better document and illustrate design concepts that reflect the potential of Portland's International Marine Terminal and the working waterfront.

The next meeting has not yet been scheduled, but we have requested a place on a Planning Board agenda in the month of January to keep potential development options on track.

Please forward to any who may have been interested in attending the meeting. Apologies to all who may be inconvenienced by this change in schedule.

If you have any questions or comments, please contact me at any time

Bill Needelman
Waterfront Coordinator

Economic Development Department
City of Portland, Maine
389 Congress Street
Portland, Maine 04101-3509

(207) 874-8722 tel.
(207) 756-8258 fax.
wbm@portlandmaine.gov

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

Fwd: Zoning changes : Americold

1 message

Tuck O'Brien <sgo@portlandmaine.gov>
 To: Jennifer Munson <jmy@portlandmaine.gov>

Fri, Dec 23, 2016 at 2:54 PM

----- Forwarded message -----

From: <bluesmegsun@securespeed.us>
 Date: Wed, Dec 21, 2016 at 8:11 AM
 Subject: Zoning changes : Americold
 To: sgo@portlandmaine.gov

Good morning Mr. O'Brien,

I am writing as a west end home owner & city of Portland property tax payer. I do hope, at this point, that those of us who want a zoning height restriction to be respected & the growth of this great city to be slowed down that you do not refer to us as "anti-development".....nothing could be further from the truth.

I am writing in opposition to this considered 70' zoning change for Americold because when they began their presentation of a storage facility 45' was fully workable & what they were asking for. AS we've seen with so many of these development projects, which are eating up our city at an alarming rate (undoable once done), the bait & switch takes place which is exactly what happened with this project.

I fully respect & want a working waterfront but in regard to these cold storage containers reaching 70' along the Commercial St stretch affecting property owners, their property values & the fabulous Commercial St views I am absolutely against a change that would allow opening this kind of development going down the line.

I could go on listing all of the reasons why I believe the zoning restrictions should NOT BE changed but I think & hope, by now, that you understand what the issues are. I am writing as a woman who has raised her family, established a great business & owned a wonderful old building in the West end & pay extraordinary taxes for my property. We are the backbone of this great city but somehow decisions are being made that impact our quality of lives here & that our input is somehow looked at as "anti" everything instead of information that is honest & has everything to do with our quality of lives.

I love Portland ME but watching what has been allowed in the development of this city, particularly with respect to the VERY high-end condos displacing so many people in a very short time, I am very disappointed.

Please share this with the economic development panel as someone who OPPOSES this considered zoning change.

Thank you for your time.

Most respectfully, Deborah McCoy 185 Clark ST.

--

Tuck O'Brien
City Planning Director
Department of Planning and Urban Development
Office: [\(207\) 874-8724](tel:(207)874-8724)
Cell: [\(207\) 553-0255](tel:(207)553-0255)

Fwd: concerns

1 message

Tuck O'Brien <sgo@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, Jan 3, 2017 at 11:01 AM

----- Forwarded message -----

From: <pamelashelp@aol.com>
Date: Mon, Dec 26, 2016 at 11:47 AM
Subject: concerns
To: sgo@portlandmaine.gov

Dear Tuck O'Brien, and Board Members,

I am writing to share my concerns regarding the proposed zoning change to the Working Waterfront, Portland's West End.

I was on the Board of "Portland West" also, I was appointed V.P. of that Board in the 80ies. When issues concerning the use of the waterfront were presented, we as a Board, focused our energies on strongly supporting that the Waterfront be zoned for Commercial use. Our vision at that time was commercial fishing, and related needs. Our vision was supported. Thankfully. I'm disheartened to think that so little attention to detail is focused today on the Waterfront with this new proposal to expand zoning height from 45' to 70', to accommodate multiple (short term) requests from Americold. As well as Ptd Yacht Services, et all. ...The impact of this zoning change is deplorable. To block this stretch of Commercial Street from it's "view" is unthinkable!!!..

This pristine corridor welcomes folks to the Old Port, and the City of Portland! Magnificent for those visiting via automobile. Traveling this corridor to our City. To block this strip of Nature remaining is unconscionable. This is valuable, visual pristine land...Irreplaceable to those of us living in the area. To destroy more of it is unthinkable!!!

Changes to this corridor demands strict attention to detail. Planning. A VISION for this corridor is essential.

Raising the zoning height does not in any way satisfy the "vision" of the Board of the 80'ies....or of long term planning for today's world.

As an aside..my son, now 32, used to plant a tree down there on every Birthday..thru his growing years...Now, that little "forest" is gone! Sadly. One families story of accessing that waterfront...now blocked from use. Heart breaking!!!

Please, do not approve the increase in zoning...

Pleas, do have a long term vision for this egress to our City.

Thank you for your time.

Sincerely,

Pamela W. Shelton

--

Tuck O'Brien
City Planning Director
Department of Planning and Urban Development
Office: [\(207\) 874-8724](tel:(207)874-8724)
Cell: [\(207\) 553-0255](tel:(207)553-0255)

Fwd: Western waterfront

1 message

Tuck O'Brien <sgo@portlandmaine.gov>

Tue, Jan 3, 2017 at 11:02 AM

To: Jennifer Munson <jmy@portlandmaine.gov>

----- Forwarded message -----

From: <plawrenc@gwi.net>

Date: Fri, Dec 30, 2016 at 2:09 PM

Subject: Western waterfront

To: sgo@portlandmaine.gov

Dear Planning Board member:

The proposed 70-foot height limit in the western waterfront industrial area raises significant concerns about potential uses and activities there. It would allow certain types of development that should be located elsewhere, other than on that narrow strip of land along the valuable shoreline.

Please keep the maximum height at 45 feet, carefully control the proposed uses in that area, and register my opposition to the 70-foot limit.

Peter Lawrence
5 Bond St. (in the Salem-Danforth area)
Portland 04102
772-8717

--

Tuck O'Brien
City Planning Director
Department of Planning and Urban Development
Office: (207) 874-8724
Cell: (207) 553-0255

PLANNING BOARD REPORT PORTLAND, MAINE



7-unit Condominium Development
30 Merrill Street
Level III Site Plan and Subdivision Review
2016-172
Banner Properties, LLC

Submitted to: Portland Planning Board Date: October 7, 2016 Public Hearing Date: October 12, 2016	Prepared by: Nell Donaldson, Planner CBL: 014 C 14 Project #: 2016-172
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I. INTRODUCTION

Banner Properties, LLC appears before the Planning Board for a final site plan and subdivision review for a seven-unit affordable housing development at 30 Merrill Street in Munjoy Hill. The plans include a four-story building, five parking spaces, landscaping, stormwater treatment, and utility and sidewalk improvements.

This development is being referred to the Planning Board for compliance with the site plan and subdivision standards. No Planning Board workshop was held. A total of 255 notices were sent to property owners within 500 feet of the site and a legal ad for the Planning Board hearing ran on October 3 and 4, 2016.

Applicant: Mike Boissonneau, Banner Properties, LLC

Consultants: Evan Carroll, Bild Architecture; Jon Whitten, Plymouth Engineering

II. REQUIRED REVIEWS

Waiver Requests	Applicable Standards
Aisle width – To allow a 19' aisle in the parking area <i>Supported by consulting traffic engineer.</i>	Technical Manual, <i>Section 1.14</i> , requiring that aisle width for right-angle parking be 24' per Figure I-27.
Parking dimensions – To allow all parking spaces at 8' x 15' <i>Supported by consulting traffic engineer.</i>	Technical Manual, <i>Section 1.14</i> , requiring that standard parking space be 9' x 18'.
Driveway separation – To allow approximately 11' of separation between the site driveway and the adjacent driveway to the east. <i>Supported by consulting traffic engineer.</i>	Technical Manual, <i>Section 1.7.1</i> , requiring that driveways be spaced a minimum of 20' from adjacent driveways.
Street trees – 7 units = 7 trees required. One street tree proposed to be preserved, one additional tree proposed. <i>Supported by city arborist, with contribution for five trees required.</i>	Site Plan Standard, <i>Section 14-526(b)2.b(iii)</i> and Technical Manual, <i>Section 4.6.1</i> . All multi-family development shall provide one street tree per unit. Waiver permitted where site constraints prevent it, with applicant contributing proportionate amount to Tree Fund.
Review	Applicable Standards
Site Plan	<i>Section 14-526</i>
Subdivision	<i>Section 14-497</i>

III. PROJECT DATA

Existing Zoning	R-6
Existing Use	Residential (duplex)
Proposed Use	Residential (7 efficiency condominium units)
Parcel Size	5,076 SF

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	1,396 SF	1,824 SF	428 SF
Building Floor Area	2,792 SF	6,580 SF	3,788 SF
Impervious Surface Area	1,509 SF	1,824 SF	315 SF
Parking Spaces	2	5	3
Bicycle Parking Spaces	0	2	2
Estimated Cost of Project	\$820,000		



Figures 1, 2, and 3: 30 Merrill Street and from above (top), from Merrill Street (right), and existing zoning context (left).

IV. BACKGROUND

30 Merrill Street lies on the eastern end of Merrill Street at its intersection with Turner Street and near its intersection with Cumberland Avenue. The site is currently occupied by a two-story duplex, which would be demolished under the plans proposed here. The site lies in an R-6 zone and is surrounded by residential uses, including both single and multi-family homes.

V. PROPOSED DEVELOPMENT

The applicant has proposed a contemporary four-story building to house seven efficiency condominium units. Vehicular access would be provided via a modified curb cut on Merrill Street. Five parking spaces are proposed at the site's rear. The applicant has proposed building entrances at the front of the building on Merrill Street as well as at the rear, with the primary and accessible entrance to be located at the rear. Landscaping is proposed at the rear of the site, and planter boxes are proposed for the Merrill Street frontage. A fence would wrap three sides of the property. Stormwater management is proposed with a pervious paver system.

VI. PUBLIC COMMENT

The Planning Division received comments on the plans from several neighboring property owners (*Attachments PC-1-7*). The applicant has also provided neighborhood meeting minutes (*Attachment S*). The comments from these sources identify the following concerns:

- *Parking*: Neighbors expressed concern at the quantity and design of the parking proposed, suggesting that parking will spill over and cause congestion on Merrill Street.
- *Design*: Multiple neighbors also raised concerns with respect to the design of the building, particularly its relationship to the surrounding context. These comments are discussed in detail under site plan review below.

VII. RIGHT, TITLE, & INTEREST

The applicant has provided two deeds as evidence of right, title, and interest, with one deed referring to a small area of property transfer at the southwest corner of the site (*Attachment D*). No easements are required.

VIII. FINANCIAL & TECHNICAL CAPACITY

The applicant has submitted a letter from Gorham Savings Bank attesting to their financial capacity (*Attachment H*).

IX. ZONING ANALYSIS

Staff conducted a zoning analysis which found that the project meets the use and dimensional requirements of the R-6 zone, including the maximum density of one unit/725 SF, minimum front yard setback of 5', minimum side yard setbacks of 5', required setbacks of 10' above 35' in height, maximum height of 45', and minimum landscaped open space of 20%.

X. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527) and SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS (Section 14-496)

The applicant has submitted a draft subdivision plat (*Plan 2*), which has been reviewed by William Clark, the city's surveyor. A final plat, addressing Mr. Clark's comments (*Attachment 1*) and meeting the requirements of *Section 14-496*, will be required prior to recording. This review has been included as a condition of approval. A review of condominium documents has also been included as a condition of approval.

XI. SUBDIVISION REVIEW (14-497(a). Review Criteria)

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland's subdivision ordinance. Staff comments are below.

1. Water, Air Pollution

The stormwater management plan for the project is discussed in more detail under site plan review below. Based on the findings of the civil engineer's review (*Attachment 2*), no detrimental water or air quality impacts are anticipated.

2 & 3. Adequacy of Water Supply

The applicant has provided evidence of capacity from the Portland Water District (*Attachment Q*).

4. Soil Erosion

No unreasonable soil erosion or reduction in the capacity of the land to hold water is anticipated.

5. Impacts on Existing or Proposed Highways and Public Roads

Based on the findings of the traffic engineer's review (*Attachment 3*), no detrimental impacts to the existing street network are anticipated.

6. Sanitary Sewer/Stormwater Disposal

Sanitary sewer and stormwater impacts are discussed in more detail under site plan review below.

7. Solid Waste

The applicant has proposed a location for solid waste receptacles in the basement. From there, solid waste and recycling will be collected curbside by the city. No detrimental impacts are anticipated.

8. Scenic Beauty

This proposal is not deemed to have an adverse impact on the scenic beauty of the area.

9. Comprehensive Plan

The plans meet multiple goals from the city's housing plan, including ensuring "the construction of a diverse mix of housing types that offers a continuum of options across all income levels" and "encourag[ing] higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation."

10. Financial and Technical Capacity

As noted above, the applicant has submitted a letter from Gorham Savings Bank attesting to their financial capacity (*Attachment G*).

11. Wetland/Water Body Impacts

There are no anticipated impacts to wetlands or water bodies.

12. Groundwater Impacts

There are no anticipated impacts to groundwater supplies.

13. Flood-Prone Area

Per the city's existing flood maps, the site is not located in a flood zone.

XII. SITE PLAN REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland's site plan ordinance. Staff comments are below.

1. Transportation Standards**a. Impact on Surrounding Street Systems**

The development includes seven residential units, which, per the applicant's trip generation analysis, are anticipated to generate three trips "within the peak hour" (*Attachment I*). Tom Errico, the city's consulting traffic engineer, has reviewed the applicant's submittals and has not identified any concerns regarding impacts to surrounding street systems (*Attachment 3*).

b. Access and Circulation

The final plans include utility, street tree, and driveway apron work within the existing 8' brick sidewalk along the frontage of the site. Given the amount of work proposed in the sidewalk, the Department of Public Works has requested that the sidewalk be replaced in its entirety. Mr. Errico writes,

Based upon disruption of the existing sidewalk due to utility connections, driveway apron improvements, and general construction activity, DPW requires full replacement of the existing sidewalk along the project frontage.

This has been included as a condition of approval.

The building is proposed with two entrances, a front door with access from the Merrill Street sidewalk and a rear door with access from the parking area. The front door, which the applicant has referred to as the “contextual entrance,” is designed to provide direct access to the basement of the building, but not access directly to the building’s first floor. (The first floor is accessible from the basement via a stairwell at the back of the building.) The rear door, which the applicant has referred to as the “practical entrance,” is designed to provide at-grade, direct access to the first floor units, and thus to serve as the building’s accessible entrance. Over the course of the review, staff encouraged the applicant to pursue a redesign which might allow the front door to provide direct access to living spaces. In response, Evan Carroll, the applicant’s architect, highlighted conflicts between Fair Housing Act standards, design standards, and site plan standards, and argued that the proposed design represents the best solution for the site. He writes,

[T]he sloping site makes the possibility of multiple accessible entrances impractical for a project of this scale. The accessible rear entrance is favored as it best serves arrival by vehicle. (Attachment O)

While [the front] entrance is to a space that is more utilitarian space than formal, it will function well as “breezeway” entrance to all of the residents. The residents will all have personal spaces for stowing bikes, kayaks, boots, umbrellas, strollers and other outdoor gear. This entrance is treated on the exterior as the formal entrance to be in keeping with the neighborhood. (Attachment M)

Given the proposed design, and the likelihood that most visitors on foot will likely use the rear entrance, since it provides direct access to both the first floor and the stairwell to upper floors, the applicant has demarcated a pedestrian way from the driveway to the rear door in the plans.

The plans show the modification of an existing curb cut, which would slightly improve driveway separation from the adjacent driveway to the east, providing for approximately 11’ in distance between the two driveways. Mr. Errico has noted that he supports a waiver from driveway separation standards.

The new curb cut is proposed with a brick apron. Asphalt aprons are standard in this area of the city, although the City Council has recently adopted a policy to provide for consistent sidewalk material across driveway openings. A condition of approval has been drafted to address this situation. As Mr. Errico writes,

The plans have been revised to note that the driveway apron will be upgraded and centered with the proposed driveway. The plan notes a brick driveway apron and I would suggest a condition of approval that requires the project meet driveway design material standards currently being considered for revision by the City Council.

The plans show a driveway in pervious pavers which would provide access to five parking spaces, one of which would be accessible. The drive aisle in the parking area proposed at less than 19’, less than the city standard. As such, a waiver is required. At Mr. Errico’s request, the applicant has provided turning templates in an effort to document the efficacy of the parking circulation. Mr. Errico has reviewed the turning templates and supports a waiver for aisle width (*Attachment 3*).

It should be noted that Mr. Errico has raised some concerns regarding a fence that is proposed along the eastern property line, particularly where it may conflict with sight distances to the adjacent driveway. He writes,

The applicant has provided a fence detail that I find to be acceptable. Given that backing maneuvers are likely, I would suggest that the fence height be reduced to 3.5 feet for the first fence panel from the property line to ensure safe sight lines to pedestrians on the sidewalk.

This has been included as a condition of approval.

c. *Public Transit Access*

The proposed development is not located along a public transit route. As such, no provisions for transit access are required.

d. *Parking*

Division 20 of the land use ordinance provides an exception for the off-street parking requirement for the first three units in the R-6 zone and a 1:1 requirement thereafter. Per the ordinance then, only four off-street spaces are technically required. The applicant has elected to provide five off-street spaces. On the final plans, the applicant shows all five spaces at 8' x 15', dimensions which fail to meet the *Technical Manual* standard. Mr. Errico has expressed his support for this waiver (*Attachment 3*).

Two bicycle spaces per five dwelling units are required under the site plan ordinance. As such, three bicycle parking spaces are required. The final plans denote a bicycle rack on the sidewalk in front of the building to provide space for one visiting bicycle. Additional bicycle parking would be provided in the building basement, with access via the door on Merrill Street.

e. *Transportation Demand Management*

A transportation demand management plan is not required.

2. *Environmental Quality Standards*

a. *Preservation of Significant Natural Features*

There are no known significant natural features on the site.

b. *Landscaping and Landscape Preservation*

The landscaping plan shows assorted shrubs and perennials, including dwarf balsam firs, rhododendrons, spirea, hostas, and day lilies, in two concrete planters to frame the front door on Merrill Street. The plans also include some planting, including rosa rugosas, little bluestem, and day lilies, along the fenceline at the rear of the site. These plantings meet the city's landscaping standards, and Jeff Tarling, the city's arborist, has verbally indicated his satisfaction with the plans.

Per the city's site plan ordinance, seven street trees are required for the seven residential units proposed. The plans include the preservation of one existing street tree and the planting of one more. The species of the proposed tree has not been identified on the plans; as such, this has been included as a condition of approval. Site constraints prevent the planting of additional street trees. A waiver for the planting of the five remaining street trees, with a contribution of \$1,000 as required by ordinance, is proposed.

c. *Water Quality/Storm Water Management/Erosion Control*

In its current state, the site slopes from back to front and is largely pervious, save for the area occupied by the existing duplex. All runoff drains to Merrill Street via overland flow and from there into existing catch basins which collect in the combined sewer in Merrill Street. Under the proposed development, much of the site would remain pervious, as the entire parking area and driveway is designed with pervious pavers with a filter layer sub-base over native soils; the total impervious area on site is proposed to increase by only 315 SF. As the proposed stormwater system reaches capacity, runoff is proposed to flow to Merrill

Street, much as it does in the existing condition. Lauren Swett, the city's consulting civil engineer, has reviewed this system and indicated her approval (*Attachment 2*).

3. Public Infrastructure and Community Safety Standards

a. Consistency with Related Master Plans

As noted above, the project is generally deemed consistent with related master plans.

b. Public Safety and Fire Prevention

Keith Gautreau, of the Fire Prevention Bureau, has reviewed the plans and found them adequate in terms of emergency vehicle access and the city's public safety standards (*Attachment 4*). The site has generally been planned in accordance with Crime Prevention Through Environmental Design (CPTED) principles (*Attachment N*).

c. Availability and Capacity of Public Utilities

The plans depict underground electrical service from a pole on the western edge of the Merrill Street frontage. A sewer connection is proposed to an existing combined line in Merrill Street. Evidence of sewer capacity has been provided (*Attachment P*).

Domestic and fire water service are also proposed from Merrill Street. The applicant has provided evidence of water capacity (*Attachment Q*).

Ms. Swett has reviewed the utility plan and details and found them adequate with respect to the city's technical standards.

4. Site Design Standards

a. Massing, Ventilation, and Wind Impact

The bulk, location, and height of the proposed building are not anticipated to result in health or safety problems from a reduction in ventilation or changes to the wind climate. Likewise, these elements of the plan are not anticipated to result in substantial diminution in the value or utility of neighboring structures.

Roof-mounted HVAC systems are depicted away from the cornice line on the west side of the building. Vents are also shown on the building sides near the building's rear.

b. Shadows

No shadow impacts to publicly accessible open spaces are anticipated.

c. Snow and Ice Loading

Accumulated ice and snow are not anticipated to load onto adjacent properties or public ways.

d. View Corridors

Merrill Street is not a protected view corridor.

e. Historic Resources

The site is not within or adjacent to a designated historic resource.

f. Exterior Lighting

The applicant has provided a photometric plan and two cut sheets depicting full cutoff fixtures (*Plan 21 and Attachment R*). These plan meets *Technical Manual* standards.

g. Noise and Vibration

As noted above, final plans and elevations show mechanical equipment on the roof at the interior of the site. The applicant has attested that all state and federal emissions requirements will be met (*Attachment P*).



Figures 4, 5, and 6: Renderings of proposed building from north, west, and east.

h. Signage and Wayfinding
No signage or wayfinding is proposed.

i. Zoning-Related Design Standards

The applicant has provided a set of elevations, renderings, a context graphic, and a design narrative which reflect several rounds of review and speak to the architectural approach for the project (*Attachment M*). The narrative addresses the R-6 design standards, and argues that elements of the design relate closely to the surrounding context - the massing “much like the double-wide triple decker buildings that exist throughout the neighborhood,” the use of “areas of concentrated windows (like bay windows),” the recessed and covered front entry, the prominent cornice, and the use of clapboard siding. In response to both the drawings and the narrative, Caitlin Cameron, the city’s urban designer, has provided a memo highlighting the findings of the design review and establishing that the proposed design meets all criteria for an alternative design review. (*Attachment 5*). Under alternative design review, a project must be designed by a registered Maine architect, be compatible with the surrounding buildings in a two block radius, be consistent with the principles of the R-6 standards, and meet the majority of design standards within each principle.

It should be noted that, over the course of this review, some neighbors have raised significant concerns with respect to the building design. Neighbors have questioned the building’s scale and form, arguing that, while they may relate to the larger buildings of Cumberland or Congress Streets, they lack compatibility with finer-grained fabric of the buildings to the north and west. Others have argued that the elements of the building intended to provide articulation – the Juliet balconies and the recessed plane at the center of the front façade, for example – are insufficient to provide meaningful relief.

Neighbors have also raised concerns about the proposed materials and fenestration, arguing that the front windows are effectively horizontal and inappropriate in size for a residential context. Last, residents have raised concerns about the design of the front door, arguing that, since it fails to provide direct access to the living space, it will not function as a main entrance and therefore not provide many of the positive urban design benefits a main entry is intended to provide.

XIII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed seven unit condominium development at 30 Merrill Street.

XIV. PROPOSED MOTIONS

A. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report for the public hearing on October 12, 2016 for application 2016-172 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the Planning Board hearing:

1. The Planning Board **finds/does not find**, based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14*) which requires that aisle width for right-angle parking be 24 feet per *Figure I-27*, that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard (*Section 1.14*) to allow the aisle as depicted in the proposed site plan;
2. The Planning Board **finds/does not find**, based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14*) which requires that a standard parking space be 9' x 18', that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard (*Section 1.14*) to allow five 8' x 15' spaces;
3. The Planning Board **finds/does not find**, based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14*) which requires a minimum separation between driveways of 20 feet *Figure I-27*, that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard (*Section 1.14*) to allow 11 feet of separation between the site driveway and the adjacent driveway to the east;
4. The Planning Board **finds/does not find** that the applicant has demonstrated that site constraints prevent the planting of all required street trees in the right-of-way. The Planning Board **waives/does not waive** the site plan standard (*Section 14-526 (b) (iii)*) to allow for a contribution of \$1,000 to Portland's tree fund to be substituted for the provision of additional trees on site.

B. SUBDIVISION

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report for the public hearing on October 12, 2016 for application 2016-172 relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is/is not**

in conformance with the subdivision standards of the land use code, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. The applicant shall finalize the subdivision plat for review and approval by Corporation Counsel, the Department of Public Services, and the Planning Authority; and
2. Prior to Certificate of Occupancy, the applicant shall finalize condominium documents for review and approval by Corporation Counsel.

C. DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on October 12, 2016 for application 2016-172 relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is/is not** in conformance with the site plan standards of the land use code, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall submit revised plans which:
 - a. Show the extent of sidewalk replacement on Merrill Street and include all relevant *Technical Manual* details; and
 - b. Show a modified fence height at the front of the property to ensure safe sight distance for review and approval by the Department of Public Works;
2. The applicant shall submit a final driveway apron detail meeting *Technical Manual* standards for review and approval by the Department of Public Works; and
3. The applicant shall submit revised plans which indicate the species and size for the proposed street tree on Merrill Street for review and approval by the City Arborist.

XV. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. City Surveyor review (markup from Bill Clark, 7/15/16)
2. Civil engineer review (memo from Lauren Swett, 10/7/16)
3. Traffic engineer review (memo from Thomas Errico, 10/6/16)
4. Fire Prevention Bureau review (memo from Keith Gautreau, 8/12/16)
5. Design review (memo from Caitlin Cameron, 9/28/16)

APPLICANT'S SUBMITTALS

- A. Cover Letter (from Evan Carroll, 7/15/15)
- B. Level III Site Plan Application
- C. Description of Project
- D. Evidence of Right, Title, & Interest
- E. Compliance With Zoning
- F. Waiver Requests
- G. Evidence of Financial Capacity
- H. Stormwater Management Plan
- I. Trip Generation and Circulation
- J. Consistency with City Master Plans
- K. Solid Waste Management
- L. NFPA Code Summary
- M. Design Standards Assessment
- N. Crime Prevention Through Environmental Design Narrative
- O. Accessibility Narrative
- P. Mechanical Systems Statement

- Q. Utility Capacity Letters
- R. Lighting Cut Sheets
- S. Neighborhood Meeting Summary
- T. Responses to Comments

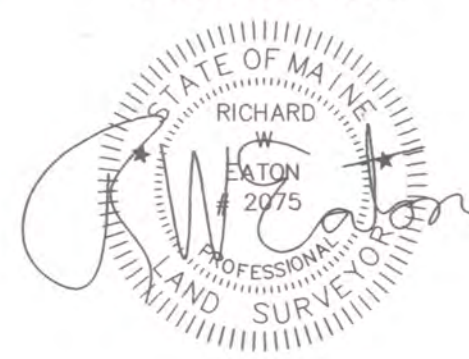
PLANS

- Plan 1. Boundary Survey
- Plan 2. Plat
- Plan 3. Site Plan
- Plan 4. Grading and Utility Plan
- Plan 5. Erosion & Sedimentation Control Details
- Plan 6. Details
- Plan 7. Architectural Cover Sheet
- Plan 8. Basement/First Floor Plan
- Plan 9. Second/Third Floor Plan
- Plan 10. Fourth Floor/Roof Plan
- Plan 11. Front and Rear Elevations
- Plan 12. Side Elevations
- Plan 13. Rendering from the East
- Plan 14. Rendering from Turner Street
- Plan 15. Rendering from the West
- Plan 16. Context
- Plan 17. Details
- Plan 18. Code Summary
- Plan 19. Life Safety Plan
- Plan 20. Construction Management Plan
- Plan 21. Photometric Plan

PUBLIC COMMENT

- PC-1. Jordan email (8/16/16)
- PC-2. Davis email (9/10/16)
- PC-3. Harkleroad email (9/21/16)
- PC-4. Davis email (9/22/16)
- PC-5. Adams letter (10/6/16)
- PC-6. Swartz letter (10/7/16)
- PC-7. Valzania letter (10/7/16)

CERTIFICATION



RICHARD W. EATON P.L.S. # 2075

Space & Bulk Standards:

Zone: R-6	Required
Minimum Lot Size	2,000 S.F.
Minimum Frontage	20'
Minimum Yard Dimensions	
Front Yard	5'
Or Average Depths of Adjacent Yards	
Rear Yard	10'
Side Yard	5'
Maximum Lot Coverage	60%
Minimum Lot Width	20'
Maximum Building Height	45'

General Notes:

- 1) Area of Subject Parcel 5,100 Square feet or 0.12 Acres
- 2) Basis of Bearing, Maine State Plane NAD 1983 1802 West Zone Base Point, Granite Monument With Bolt at Congress Street and Merrill Street T111-30-132, N303787.1960 E2931509.0560 Azimuth Point, Monument With DH on Washinton Ave. T111-21-123, N304140.2327, E2930845.2163 Azimuth N61-59-44°W 751.88' Feet
- 3) Vertical Datum is NGVD 1929 Benchmark is PK Nail on CMP Pole #9 West Side Congress Elevation = 139.79' Provided By City of Portland Public Works Engineering
- 4) Subject Tax Map 014 Block C Lot 014
- 5) Subject not in Special Flood Hazard Area per FEMA Flood Rate Map Panel # 230051 0014B Dated July 17, 1986 Parcel in C Zone
- 6) Zone R-6

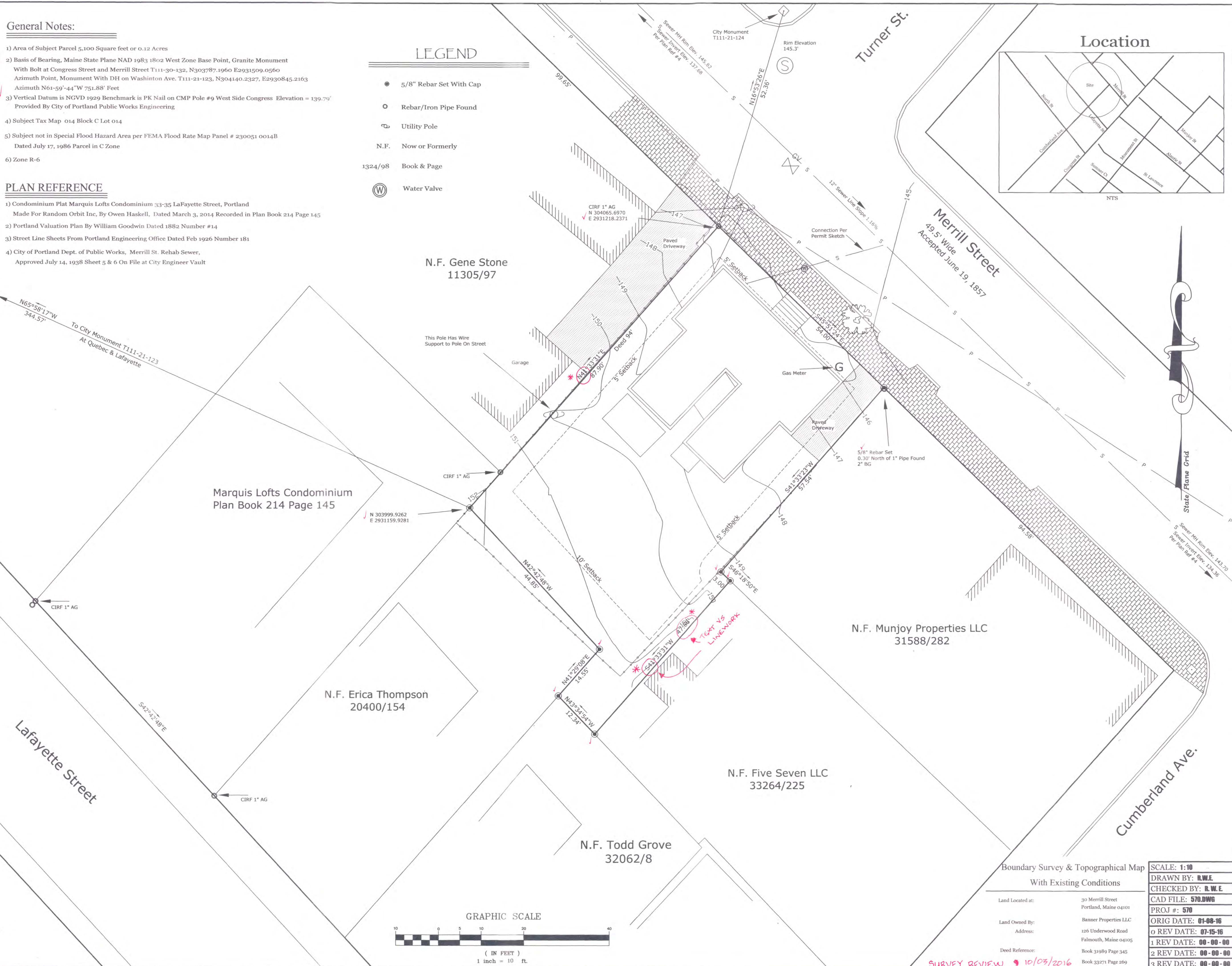
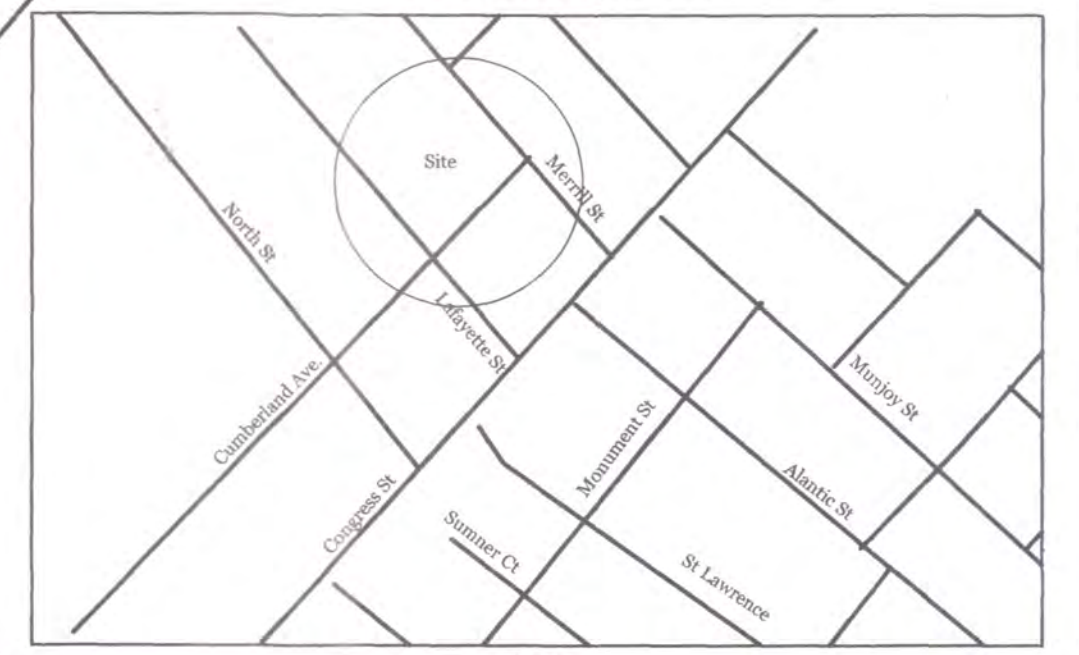
PLAN REFERENCE

- 1) Condominium Plat Marquis Lofts Condominium 33-35 LaFayette Street, Portland Made For Random Orbit Inc, By Owen Haskell, Dated March 3, 2014 Recorded in Plan Book 214 Page 145
- 2) Portland Valuation Plan By William Goodwin Dated 1882 Number #14
- 3) Street Line Sheets From Portland Engineering Office Dated Feb 1926 Number 181
- 4) City of Portland Dept. of Public Works, Merrill St. Rehab Sewer, Approved July 14, 1938 Sheet 5 & 6 On File at City Engineer Vault

LEGEND

- 5/8" Rebar Set With Cap
- Rebar/Iron Pipe Found
- Utility Pole
- N.F. Now or Formerly
- 1324/98 Book & Page
- Water Valve

Location



R. W. EATON ASSOCIATES

LAND SURVEYING & REAL ESTATE

58 PLEASANT STREET, WESTBROOK, MAINE 04092

PHONE: 207-854-2402 FAX: 856-7167 E-MAIL: RWEATON@MAINE.RR.COM

January 8th, 2016

Boundary Survey & Topographical Map
With Existing Conditions

Land Located at: 30 Merrill Street
Portland, Maine 04101

Land Owned By: Banner Properties LLC
Address: 126 Underwood Road
Falmouth, Maine 04105

Deed Reference: Book 31989 Page 345
Book 33271 Page 269

SCALE: 1:10
DRAWN BY: R.W.E.
CHECKED BY: R.W.E.
CAD FILE: 570.DWG
PROJ #: 570
ORIG DATE: 01-08-16
0 REV DATE: 07-15-16
1 REV DATE: 00-00-00
2 REV DATE: 00-00-00
3 REV DATE: 00-00-00

SURVEY REVIEW 10/03/2016

MEMORANDUM



TO: Nell Donaldson, Planner
FROM: Lauren Swett, PE
DATE: October 7, 2016
RE: 30 Merrill Street, Level III Site Plan Application

Woodard & Curran has reviewed the Site Plan Application for the proposed development located at 30 Merrill Street in Portland, Maine. The project involves the construction of a four story residential building with parking in the rear of the lot.

Documents Reviewed by Woodard & Curran

- Response to comment letter, dated September 23, 2016, prepared by Plymouth Engineering Inc., on behalf of Banner Properties, LLC.
- Updated project plans, prepared by Plymouth Engineering Inc., on behalf of Banner properties, LLC, on behalf of Banner Properties, LLC.

Comments*(Comments in italics from previous memorandum)*

- 1) *The Applicant has requested letters from utilities confirming capacity to serve the proposed development; evidence of confirmation of capacity to serve the proposed development should be provided upon receipt.* The wastewater capacity letter has been provided at this time and the Applicant has noted that additional letters will be forwarded when received.
- 2) In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. We offer the following comments:
 - a) Basic Standard: The Applicant has provided Erosion & Sediment Control notes and sedimentation barrier details to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in accordance with Appendix A, B, & C of MaineDEP Chapter 500.
 - b) General Standard: The project will result in a de minimis increase in impervious area. Treatment is not required; however, the Applicant has proposed pervious pavers to provide treatment for the parking area.
 - c) Flooding Standard: The project will result in a de minimis increase in impervious area and flooding control will not be required.
- 3) All other prior comments have been addressed.



Helen Donaldson <hcd@portlandmaine.gov>

30 Merrill Street - Final Traffic Comments

1 message

Tom Errico <thomas.errico@tylin.com>

Thu, Oct 6, 2016 at 9:35 AM

To: Helen Donaldson <HCD@portlandmaine.gov>

Cc: Katherine Earley <kas@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>, Jeff Tarling <jst@portlandmaine.gov>, Lauren Swett <lswett@woodardcurran.com>

Hi Nell – The following represent a status update of my prior comments and represent final traffic comments.

- The site plan depicts the driveway offset from the curb opening, while the existing driveway is centered. The applicant should note why an offset condition is proposed.

Status: Based upon the condition of both tip-down curbing and the driveway apron, the applicant shall center and renovate the driveway apron to meet City standards.

Final Status: The plans have been revised to note that the driveway apron will be upgraded and centered with the proposed driveway. The plan notes a brick driveway apron and I would suggest a condition of approval that requires the project meet driveway design material standards currently being considered for revision by the City Council.

- The applicant should formally request a waiver from the City's driveway separation standard and provide documentation on why the standard can't be met.

Status: Given site frontage limitations and that driveways on both southerly and northerly abutting properties impact spacing, I support a waiver for driveway separation.

Final Status: I have no further comment.

- A fence is proposed on the edge of the driveway. Details on the fence should be provided.

Status: Outstanding

Final Status: The applicant has provided a fence detail that I find to be acceptable. Given that backing maneuvers are likely, I would suggest that the fence height be reduced to 3.5 feet for the first fence panel from the property line to ensure safe sight lines to pedestrians on the sidewalk.

- Access and egress movements from parking spaces will be constrained. The applicant has provided vehicle turning templates that seem to illustrate parking space accessibility is feasible. Given the constrained conditions, I would suggest the applicant simulate the layout in a field test to be reviewed by me. I would note that the parking space adjacent to the handicap space will be difficult to maneuver into and out of.

Status: The applicant has provided vehicle turning template graphics that illustrate movements. Given tight circulation conditions, conflicts with pedestrians entering the building via the driveway and parking lot, I would suggest that the parking lot be designed to minimize conflicts. I would suggest that the parking space adjacent to the handicap parking space be eliminated and used for enhanced circulation space (While I do not oppose backing maneuvers onto Merrill Street, I would prefer that they are minimized). In my professional opinion the site will function adequately by removing the subject space and the previously noted field simulation would no longer be required.

Final Status: The plans have been revised and I find them to be acceptable. I would note that given site constraints, I support waivers from the City's Technical Standards for aisle width and the provision of

compact parking spaces.

Additional Comments

· **Based upon disruption of the existing sidewalk due to utility connections, driveway apron improvements, and general construction activity, DPW requires full replacement of the existing sidewalk along the project frontage.**

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director


12 Northbrook Drive

Falmouth, ME 04105

207.781.4721 (main)

207.347.4354 (direct)

207.400.0719 (mobile)

207.781.4753 (fax)

thomas.errico@tylin.com

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"One Vision, One Company"

Please consider the environment before printing.

MEMORANDUM

To: FILE
From: Nell Donaldson
Subject: Application ID: 2016-172
Date: 8/12/2016

Comments Submitted by: Keith Gautreau/Fire on 8/10/2016

The proposed structure will be required to have a sprinkler system in accordance with NFPA 101 2099 ed.

Comments Submitted by: Keith Gautreau/Fire on 8/10/2016

Water supply is adequate with the provided public hydrants on Munjoy Hill.

Comments Submitted by: Keith Gautreau/Fire on 8/10/2016

Emergency access to the proposed site is fine. There appears to be adequate space between the adjacent structures for access.

Planning and Urban Development Department

Planning Division



Subject: R-6 Small Infill Design Review – 30 Merrill Street

Written by: Caitlin Cameron, Urban Designer

Date of Review: Wednesday, September 28, 2016

A design review according to the *City of Portland Design Manual* Standards was performed for the proposed new construction of a multi-family dwelling at 30 Merrill Street. The review was performed by Caitlin Cameron, Urban Designer, Nell Donaldson, Planner, and Shukria Wiar, Planner, all within the Planning Division of the Department of Planning & Urban Development. The project was reviewed against the *R-6 Small Infill Development Design Principles & Standards* (Appendix 7 of the Design Manual).

Findings of the Design Review:

The Planning Authority under an Alternative Design Review may approve a design not meeting one or more of the individual standards provided that all of the conditions listed below are met:

- A. The proposed design is consistent with all of the Principle Statements.
- B. The majority of the Standards within each Principle are met.
- C. The guiding principle for new construction under the alternative design review is to be compatible with the surrounding buildings in a two block radius in terms of size, scale, materials, and siting, as well as the general character of the established neighborhood, thus Standards A-1 through A-3 shall be met.
- D. The design plan is prepared by an architect registered in the State of Maine.

The proposed design passes all of the criteria – please refer to comments below.

Design Review Comments (*red text denotes principles or standards that are not met*):

Principle A Overall Context – Met – see below.

- *A-1 Scale and Form:* The building type proposed is similar to a double-triple with an additional unit on the 4th floor. Double-triples can be found in the surrounding context, however, the scale and form of those buildings are mitigated with the use of mansard or other similar roof forms on the third floor, pronounced and overhang cornice lines, bay windows, recessed entries with canopies. Of these formal and scaling elements, the project employs a canopy at the entrance, a recessed entry, overhanging cornice at the third floor, and window bays (although not full bays, the façade plane changes). The fourth floor is made recessive to emphasize the contextual three-story massing of the main portion of the building relating more directly in scale and form with the triple-decker across the street.

- *A-2 Composition of Principal Facades:* The composition of the street-facing facades is consistent with context in terms of using symmetrical bays (two or three bays) that are oriented to the street. The rhythm, size, and proportion of windows is a contemporary exaggeration of the traditional design – staff found that the “bays” and the balconies bring articulation, vertical proportion, and human scale to the large windows.
- *A-3 Relationship to the Street:* The building placement is consistent with the spacing of the residential fabric – slightly setback from sidewalk to allow for stoops and provide privacy.

Principle B Massing – Met – Buildings in the neighborhood with similar massing and proportion (double-triples) that are wider at the street use changes in massing, like the roof form and bays, to mitigate the scale and provide a pedestrian-friendly, visually interesting street presence. The revised design at 30 Merrill emphasizes the double-triple massing by creating a strong roof line at the third floor and varies the street façade with plane changes.

- *B-1 Massing:* The principal mass is reminiscent of a double triple-decker found in the context – revisions to the cornice line at the third floor, the stepback of the fourth floor unit help to emphasize that three-story contextual massing. A recess was added at the center of the mass to create recessed entry and provide a façade plane change creating a similar effect as a window bay.
- *B-2 Roof Forms:* The proposed 7th unit on the top floor has been centered and stepped back with a material change – these three actions make that fourth floor recessive and the flat roof form of the primary mass is dominant.
- *B-4 Roof Pitch:* The roofs are monopitch/ flat roofs.
- *B-5 Façade Articulation:* The project employs two of the required articulation elements – covered entry, recessed entry. Small balconies are also used.
- *B-6 Garages:* Not applicable.

Principle C Orientation to the Street – Met – The project is oriented to the street with a street-facing door.

- *C-1 Entrances:* The entry is street-facing and emphasized with a canopy and recess.
- *C-2 Visual Privacy:* Visual privacy is adequately addressed; ground floor windows are higher than 48” above adjoining sidewalk grade; the ground floor is adequately raised above sidewalk grade appropriate for private residential buildings with living space on the ground floor (at least 24” is required by the standard).
- *C-3 Transition Spaces:* The project uses a canopy at the entrance, the building is set back with planters.

Principle D Proportion and Scale – Met – The façade elements are proportionate and scaled to the overall building.

- *D-1 Windows:* The majority of windows are rectangular and have vertical proportion; **window proportion is not a proportion found in the context, however.**
- *D-2 Fenestration:* The project appears to meet the 12% fenestration requirement and appropriately scaled to the massing of the building.
- *D-3 Porches:* The balconies included in this project are less than 48 sf and not do not meet this standard.

Principle E Balance – Met – The building façade composition creates a sense of balance with good use of overall and local symmetry and articulation of façade materials.

- *E-1 Window and Door Height:* The majority of window and door head heights align along a common horizontal datum.
- *E-2 Window and Door Alignment:* The majority of windows shall stack so that centerlines of windows are in vertical alignment.
- *E-3 Symmetry:* Primary window compositions are arranged symmetrically around discernable vertical axes.

Principle F Articulation – Met – Based on the information given, it appears the project employs visually interesting and well composed facades.

- *F-1 Articulation:* Trim and balcony details will create shadow lines on front façade.
- *F-2 Window Types:* One window type at street façade.
- *F-3 Visual Cohesion:* The visual cohesion of the façade is good – one siding material proposed with color variation.
- *F-4 Delineation between Floors:* The floors are delineated by fenestration patterns.
- *F-5 Porches, etc.:* The canopy is well integrated into the overall design and highlights the entrance. Balcony railings are used to provide articulation and shadow lines to the front façade. They also draw a vertical line across the windows, creating a stronger vertical proportion for the large windows.
- *F-6 Main Entries:* The main entry is emphasized with prominent placement facing the street, recessed, and the use of a canopy.
- *F-7 Articulation Elements:* The cornice has been revised to be more pronounced and have an overhang similar to those found in context multi-family buildings; the trim details are not clear; the façade offset is at least 12”.

Principle G Materials – Met– The material choices are well-placed and the siding is a contemporary version of clapboard.

- *G-1 Materials:* The residential context is predominantly clapboards with occasional shingle or brick. The proposal uses fiber cement clapboard with horizontal orientation – the reveal is larger than the traditional scale.
- *G-2 Material and Façade Design:* The materials are appropriately placed according to their nature – concrete base, clapboard above.
- *G-3 Chimneys:* Not applicable.
- *G-4 Window Types:* One window type on street façade.
- *G-5 Patios and Plazas:* Not applicable.



ingenuity thoughtfulness empathy

July 15, 2016

Barbara Barhydt, Development Review Manager
City of Portland, Planning Division
389 Congress Street, 4th Floor
Portland, Maine 04103

**RE: Level III Site Plan Application
7 Unit Residential Condominium Development
30 Merrill Street
Portland, Maine**

Dear Barbara,

On behalf of our client, Banner Properties LLC, we are pleased to submit this Level III Site Plan Application for the development of 7 residential condominium units at 30 Merrill Street. We look forward to collaborating with you to help create much needed mid-level market-rate dwelling units on Munjoy Hill.

The building will be four (4) stories with a full basement and surface parking in the rear. The parking will be accessed by a driveway along the south side of the building. Pervious paving will be utilized along the drive and in the parking areas, and green roof trays will be utilized on the roof. The building will be accessed from a street entrance to the basement and a rear entrance to two accessible units.

In compiling this application, we have attempted to place the materials supporting our application in the same order as the City's checklist. Please feel free to contact me with any questions or concerns you may have regarding the attached application materials.

Sincerely,

A handwritten signature in blue ink that reads "Evan A. Carroll". The signature is fluid and cursive, with the first name "Evan" and last name "Carroll" clearly legible.

Evan Carroll, AIA, LEED AP BC+D

Portland, Maine



Yes. Life's good here.

Jeff Levine, AICP, Director
Planning & Urban Development Department

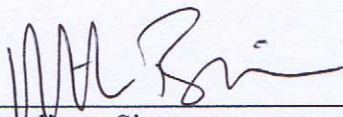
Electronic Signature and Fee Payment Confirmation

Notice: Your electronic signature is considered a legal signature per state law.

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a **legal signature** per Maine state law. You are also signifying your intent on paying your fees by the opportunities below.

I, the undersigned, intend and acknowledge that no Site Plan or Historic Preservation Applications can be reviewed until payment of appropriate application fees are **paid in full** to the Inspections Office, City of Portland Maine by method noted below:

- ☒ Within 24-48 hours, once my complete application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.
- ☐ Within 24-48 hours, once my application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.
- ☐ I intend to deliver a payment method through the U.S. Postal Service mail once my application paperwork has been electronically delivered.


Applicant Signature:

7/13/16
Date:

I have provided digital copies and sent them on:

Date:

NOTE: All electronic paperwork must be delivered to buildinginspections@portlandmaine.gov or by physical means i.e. a thumb drive or CD to the Inspections Office, City Hall, 3rd Floor, Room 315.



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

Planning and Urban Development Department
Planning Division

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

Level III: Site Plan Development includes:

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

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

Land Use Code: <http://me-portland.civicplus.com/DocumentCenter/Home/View/1080>

Design Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2355>

Technical Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2356>

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

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

PROJECT NAME: Loft Condos at 30 Merrill Street

PROPOSED DEVELOPMENT ADDRESS:

30 Merrill Street, Portland ME

PROJECT DESCRIPTION:

A new four story building with footprint of 1,824sf which will house (7) condominium units totaling of 6,580sf.

CHART/BLOCK/LOT: 14 - C - 14

PRELIMINARY PLAN _____ (date)
FINAL PLAN 7-12-2016 (date)

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: Mike Boissonneau Business Name, if applicable: Banner Properties LLC Address: 126 Underwood Rd City/State : Falmouth, ME Zip Code: 04105	Applicant Contact Information Work # 207-332-3038 Home# Cell # Fax# e-mail: mboisso1@maine.rr.com
Owner – (if different from Applicant) Name: Address: City/State : Zip Code:	Owner Contact Information Work # Home# Cell # Fax# e-mail:
Agent/ Representative Name: See Architect Address: City/State : Zip Code:	Agent/Representative Contact information Work # Cell # e-mail:
Billing Information Name: Banner Properties LLC Address: 126 Underwood Rd City/State : Falmouth, M Zip Code: 04105	Billing Information Work # 207-332-3038 Cell # Fax# e-mail: mboisso1@maine.rr.com

Engineer Jon Whitten Name: Plymouth Engineering Address: 30 Lower Detroi Road City/State : Plymouth, ME Zip Code: 04969	Engineer Contact Information Work # (207)257-2071 Cell # Fax# e-mail: jon.whitten@plymouthengineering.com
Surveyor Name: Richard Eaton Address: 58 Pleasant Street City/State : Westbrook, ME Zip Code: 04092	Surveyor Contact Information Work # 207-854-2402 Cell # Fax# e-mail:
Architect Evan Carroll Name: Bild Architecture Address: PO Box 8235 City/State : Portland, ME Zip Code: 04104	Architect Contact Information Work # (207)408-0168 Cell # Fax# e-mail: evan@bildarchitecture.com
Attorney Name: Address: City/State : Zip Code:	Attorney Contact Information Work # Cell # Fax# e-mail:

APPLICATION FEES:

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

Level III Development (check applicable reviews) ☒ Less than 50,000 sq. ft. (\$500.00) ☐ 50,000 - 100,000 sq. ft. (\$1,000) ☐ 100,000 – 200,000 sq. ft. (\$2,000) ☐ 200,000 – 300,000 sq. ft. (\$3,000) ☐ over 300,00 sq. ft. (\$5,000) ☐ Parking lots over 11 spaces (\$1,000) ☐ After-the-fact Review (\$1,000.00 plus applicable application fee) Plan Amendments (check applicable reviews) ☐ Planning Staff Review (\$250) ☐ Planning Board Review (\$500) The City invoices separately for the following: • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.	Other Reviews (check applicable reviews) ☐ Traffic Movement (\$1,000) ☐ Stormwater Quality (\$250) ☐ Subdivisions (\$500 + \$25/lot) # of Lots ___ x \$25/lot = ____ ☐ Site Location (\$3,000, except for residential projects which shall be \$200/lot) # of Lots ___ x \$200/lot = ____ ☐ Other _____ ☐ Change of Use ☐ Flood Plain ☐ Shoreland ☒ Design Review ☐ Housing Replacement ☐ Historic Preservation
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APPLICATION SUBMISSION:

1. All site plans and written application materials must be submitted electronically on a CD or thumb drive with each plan and each document submitted as separate files. Naming conventions for the individual files can be found on the **Electronic Plan and Document Submittal** page of the City's website at <http://me-portland.civicplus.com/764/Electronic-Plan-and-Document-Submittal>
2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Building Inspections Office to start the review process.

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

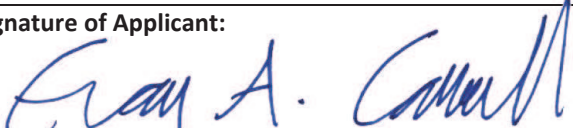
1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-525 2. (c), including evidence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

Please refer to the application checklist (attached) for a detailed list of submission requirements.

APPLICANT SIGNATURE:

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Level III Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant: 	Date: 7-12-2016
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PROJECT DATA

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

Total Area of Site	sq. ft.	
Proposed Total Disturbed Area of the Site	sq. ft.	
If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland.		
Impervious Surface Area		
Impervious Area (Total Existing)	sq. ft.	
Impervious Area (Total Proposed)	sq. ft.	
Building Ground Floor Area and Total Floor Area		
Building Footprint (Total Existing)	1,396	sq. ft.
Building Footprint (Total Proposed)	1,824	sq. ft.
Building Floor Area (Total Existing)	2,792	sq. ft.
Building Floor Area (Total Proposed)	6,580	sq. ft.
Zoning		
Existing	R6	
Proposed, if applicable		
Land Use		
Existing	Duplex	
Proposed	Multi-family Condominium	
Residential, If applicable		
# of Residential Units (Total Existing)	2	
# of Residential Units (Total Proposed)	7	
# of Lots (Total Proposed)	1	
# of Affordable Housing Units (Total Proposed)	NA	
Proposed Bedroom Mix		
# of Efficiency Units (Total Proposed)	7	
# of One-Bedroom Units (Total Proposed)	NA	
# of Two-Bedroom Units (Total Proposed)	NA	
# of Three-Bedroom Units (Total Proposed)	NA	
Parking Spaces		
# of Parking Spaces (Total Existing)	2	
# of Parking Spaces (Total Proposed)	5	
# of Handicapped Spaces (Total Proposed)	1	
Bicycle Parking Spaces		
# of Bicycle Spaces (Total Existing)	0	
# of Bicycle Spaces (Total Proposed)	2	
Estimated Cost of Project	\$820,000	

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

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

- Continued on next page -

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



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



A separate drawing[s] shall be provided as part of the site plan application for the Portland Fire Department's review.

1. Name, address, telephone number of applicant
- 2.
3. Name address, telephone number of architect
4. Proposed uses of any structures [NFPA and IBC classification]
- 5.
6. Square footage of all structures [total and per story]
7. Elevation of all structures
8. Proposed fire protection of all structures
 - **As of September 16, 2010 all new construction of one and two family homes are required to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101 2009 ed.)**
9. Hydrant locations
10. Water main[s] size and location
11. Access to all structures [min. 2 sides]
12. A code summary shall be included referencing NFPA 1 and all fire department. Technical standards.

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

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

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



David Margolis-Pineo
Deputy City Engineer
207-874-8850
207-400-6696
dmp@portlandmaine.gov

Date: 7-15-16

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

Site Address: 30 Merrill Street

Chart Block Lot Number: 14-C-14

Proposed Use: Residential (7 unit)

Previous Use: Residential (2-unit)

Existing Sanitary Flows: _____ GPD

Existing Process Flows: _____ GPD

Description and location of City sewer that is to
receive the proposed building sewer lateral.

Existing lateral in Merrill Street

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

X

Clearly, indicate the proposed connections, on the submitted plans.

2. Please, Submit Contact Information.

City Planner's Name: _____ Phone: _____

Owner/Developer Name: Banner Properties, Inc.

Owner/Developer Address: 126 Underwood Road, Falmouth, ME 04105

Phone: 332-3038 Fax: _____ E-mail: mboisso1@maine.rr.com

Engineering Consultant Name: Plymouth Engineering, Inc. - Jon Whitten, Jr. PE

Engineering Consultant Address: PO BOX 46, Plymouth, ME 04969

Phone: 257-2071 Fax: 257-2130 E-mail: jon.whitten@plymouthengineering.com

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

3. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 120 X 7 = 840 GPD

Peaking Factor/ Peak Times: 25.2 gallons per minute peak domestic flow

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

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

4. Please, Submit External Grease Interceptor Calculations. NA

Total Drainage Fixture Unit (DFU) Values:

Size of External Grease Interceptor:

Retention Time:

Peaking Factor/ Peak Times:

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

5. Please, Submit Industrial Process Wastewater Flow Calculations NA

Estimated Industrial Process Wastewater Flows Generated:

GPD

Do you currently hold Federal or State discharge permits?

Yes ☐ No ☐

Is the process wastewater termed categorical under CFR 40?

Yes ☐ No ☐

OSHA Standard Industrial Code (SIC):

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

Peaking Factor/Peak Process Times:

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

Note: Please submit detailed calculations showing the derivation of your design flows, either in the space provided, or attached, as a separate sheet.



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Description of Project

The proposed project at 30 Merrill Street consists of seven condominium loft units to be sold at market rate.

The project design is presented under the alternative design review process and is compatible with the surrounding neighborhood in size, scale and siting. The building will be designed to high standards of energy efficiency and sustainable design, with features including a code-exceeding low-air infiltration and high-insulation building envelope, high efficiency mechanical systems, low-VOC finishes, and a green roof.

The site and landscape design utilizes the on-site treatment of water run-off, indigenous plants that will not need irrigation once established, permeable paving, and lighting that meets both safety and light pollution standards. The project will provide six parking spaces and these spaces will be accessed via one curb-cut on Merrill Street.

This private, market-rate development targets a market niche significantly lower than many of the luxury condo units recently constructed on Munjoy Hill. This is achieved by limiting partitions within units and utilizing conventional structure and materials. Banner Properties LLC is proud to be providing such a needed product in an urban location that places minimal burden on municipal infrastructure.

Doc#: 61503 Bk:31989 Pg: 345

WARRANTY DEED

EDWARD B. BOISSONNEAU, an individual with a mailing address of 30 Merrill Street, Portland, ME 04101, for consideration paid, grants to **BANNER PROPERTIES LLC**, a Maine limited liability company whose mailing address is 126 Underwood Road, Falmouth, Maine, 04105, with Warranty Covenants, the following described real estate in **Portland**, Cumberland County, Maine:

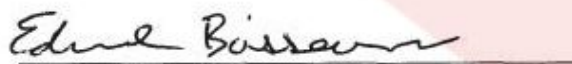
A certain lot or parcel of land with the buildings thereon situated in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point in the westerly side line of Merrill Street, and at the point of its intersection with the southerly side line of Carleton Place; thence southeasterly along said Merrill Street fifty-four (54) feet, more or less, to a point in the land now or formerly of Chas. F. Rundlett; thence southwesterly along the line of said Rundlett's land and parallel to said Carleton Place ninety-four (94) feet, more or less, to land now or formerly of John W. Smith; thence northwesterly along said Smith's land fifty-four (54) feet, more or less, to said Carleton Place; thence northeasterly along said Carleton Place ninety-four (94) feet, more or less, to the point of beginning.

For Grantor's source of title, reference may be had to a Warranty Deed from Kendall Caputo to Edward B. Boissonneau, dated December 5, 1996, recorded in the Cumberland County Registry of Deeds, Book 12849, Page 235.

IN WITNESS WHEREOF, Edward B. Boissonneau has hereunto set his hand and seal this ~~seventeenth~~ ^{eight} day of December, 2014.

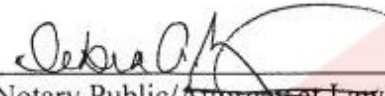
WITNESS:


Edward B. Boissonneau

STATE OF MAINE
Cumberland, ss

December 18, 2014

Then personally appeared the above named Edward B. Boissonneau and acknowledged the foregoing instrument to be his free act and deed.



Notary Public/Attorney at Law

DEBRA A. GERRY

Print or type name as signed Notary Public, Maine
My Commission Expires July 5, 2018

Commission Expiration: _____

SEAL

Received
Recorded Register of Deeds
Dec 22, 2014 03:21:33P
Cumberland County
Pamela E. Lovley

QUITCLAIM DEED WITH COVENANT

KNOW ALL PERSONS BY THESE PRESENTS, that, FIVE SEVEN LLC, a Maine limited liability company, with a mailing address of 100 Congress Street, Portland, ME 04101, grants to BANNER PROPERTIES LLC, a Maine limited liability company, with a mailing address of 100 Congress Street, Portland, ME 04101, with Quitclaim Covenant, a certain lot or parcel of land, with any improvements thereon, situated in the City of Portland, County of Cumberland and State of Maine, as more fully described in Exhibit A attached hereto.

See Exhibit A

Being a portion of the premises conveyed from Scott Somero to Five Seven LLC by Warranty Deed dated July 1, 2016 and recorded in the Cumberland County Registry of Deeds Book 33264, Page 225.

This conveyance is a transfer to an abutter. Grantee shall merge the premises conveyed herein with Grantee's adjacent land described in a deed from Edward B. Boissonneau dated December 18, 2014 and recorded in the Cumberland County Registry of Deeds in Book 31989, Page 345.

Witness my hand and seal this 11th day of July, 2016.

FIVE SEVEN LLC



Witness



By Thomas Landry
Its Manager

STATE OF MAINE
COUNTY OF CUMBERLAND

July 11, 2016

Then personally appeared the abovenamed Thomas Landry as Manager of Five Seven LLC and acknowledged the foregoing to be his free act and deed in his stated capacity.

Before me,



Notary Public/Attorney at Law

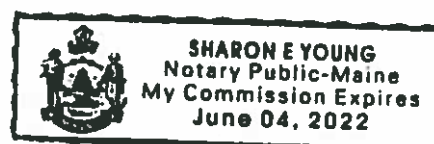


EXHIBIT A

A certain lot or parcel of land located off Cumberland Ave and Merrill Street but not adjacent to the streets located southeast of Banner Properties described in Book 31989 Page 345 and southwest of Munjoy Properties LLC described in Book 31588 Page 282 in the City of Portland, Cumberland County, and State of Maine and being more particularly described as follows.

Beginning at a 5/8" rebar set with cap at the northwest corner of Munjoy Properties LLC described in Book 31588 Page 282 and being N46°-18'-50"W ninety four and thirty nine hundredths 94.39' feet along the southwest bounds of Munjoy Properties LLC from a 5/8" rebar set with cap on the northwest bounds of Cumberland Ave at the southwest corner of Munjoy Properties LLC.

- 1) Thence S46°-18'-50"E three and zero hundredths 3.00' feet along the southwest bounds of Munjoy Properties LLC to a 5/8" rebar set with cap at the northeast corner of remaining land of grantor.
- 2) Thence S41°33'-31"W forty seven and eighty eight hundredths 47.88' feet along the northwest bounds of remaining land of grantor to a 5/8" rebar set with cap on the northeast bounds of land of Todd Grove described in Book 32062 Page 8.
- 3) Thence N43°-34'-54"W twelve and thirty four hundredths 12.34' feet along the northeast bounds of land of Grove to a 5/8" rebar set with cap on the southeast bounds of land of Erica Thompson described in Book 20400 Page 154.
- 4) Thence N41°-28'-00"E fourteen and fifty five hundredths 14.55' feet along the southeast bounds of land of Thompson to a 5/8" rebar set with cap on the southwest bounds of Banner Properties LLC described in Book 31989 Page 345.
- 5) Thence S42°-42'-48"E nine and thirty six hundredths 9.36' feet along the southwest bounds of Banner Properties LLC to a point being the southwest corner of Banner Properties LLC.
- 6) Thence N41°-33'-31"E thirty three and thirty three hundredths 33.33' feet along the southeast bounds of Banner Properties LLC to the point of beginning.

Containing 278 Square Feet, more or less.

Reference is made to a plan entitled "Boundary Survey & Topographical Map With Existing Conditions" dated 06-07-2016 and prepared by Richard W. Eaton P.L.S. of R.W. Eaton Associates of Westbrook, Maine.



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Compliance with Zoning

Purpose:

The purpose of the R-6 is to “set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households;” and the 30 Merrill Street project propose to provide loft style dwellings at a density of (7) units per 0.1165 acres or 60 units per acre.

Permitted Uses:

A multifamily dwelling is permitted in the R-6 zone, no open stairways are proposed, and no below-grade dwelling units are proposed. The project proposes (6) parking spaces, (4) are required.

Dimensional Requirements:

The proposed 30 Merrill Street project conforms to all dimensional standards as outlined below:

	Requirement	Proposed
Min. lot size	2,000sf	5,076sf
Min. lot area/dwelling unit	725sf (7 units allowed on 5,076sf)	725sf 7 units proposed
Min. street frontage	20ft	54ft
Min. front yard setback	5ft (or average of adjacent yards) (adjacent yards are both 0ft)	5ft
Min. rear yard setback	10ft	10ft
Min. side yard setback	5ft	5ft
Structural stepbacks	Apply over 35ft	Roofline will step back at 31'-6" tall
Max. lot coverage	60%	36% (1,824sf)
Min. lot width	20ft	53' – 11"ft
Max. structure height	45ft	45'ft
Min. landscaped open space	20%	59% (2,874sf)
Max. garage opening	2	0ft (0%)

The housing preservation and replacement ordinance does not apply as the existing structure on the property only has two units.



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Waiver Requests

As part of the 30 Merrill Street Site Plan Application, the following waivers are being requested:

- Aisle Width – Allow reduced lot access aisle and parking access aisle as shown on the site plan and in turning templates.
- Parking Dimensions – Allow use of compact car parking spaces as shown on site plan.
- Street Trees – Allow installation of (1) street tree and contribution to Tree Fund.



July 12, 2015

City of Portland
Planning Division 4th Floor
389 Congress Street
Portland, Maine 04101

RE: Banner Properties LLC

To Whom it May Concern:

Banner Properties LLC is a customer of Gorham Savings Bank. To the best of our knowledge Banner Properties LLC and the members of the LLC have the adequate experience and financial ability to develop the proposed project located at 30 Merrill Street, Portland, Maine.

Should you need further information or clarification, please contact me at (207) 221-8428.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "David N. Moravick". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David N. Moravick
Vice President – Commercial Services



Plymouth Engineering, Inc.

P.O. Box 46 – 30 Lower Detroit Road

Plymouth, Maine 04969

info@plymouthengineering.com

Tel: (207) 257-2071 fax: (207) 257-2130

STORMWATER MANAGEMENT PLAN

**30 Merrill Street
Portland, Maine**

The following Stormwater Management Plan has been prepared for Banner Properties, LLC to evaluate stormwater runoff and erosion control for the proposed 7-unit residential building to be located at 30 Merrill Street, Portland, Maine.

Site Calculations

Total Property Area	5,100 S.F.
Existing Impervious Area	1,509 S.F.
New Pervious Parking/Drive	2,190 S.F.
New Impervious Roof	1,824 S.F.
Total Landscaped Area	1,086 S.F.
Total Developed Area	5,100 S.F.
Total New Impervious Area	315 S.F.

Existing Conditions

The development parcel is located on the westerly side of Merrill Street, across from the intersection with Turner Street in Portland, Maine. The property is 5,100 square feet in area and currently includes a two-unit residential building with driveway and storage sheds. There is a brick sidewalk along the frontage of the lot and a street tree.

The lot gently slopes from west to east (back to front). Runoff is conveyed to Merrill Street via overland flow, in the lot's current state. A combined sewer overflow system within Merrill Street collects stormwater runoff in a limited number of catchbasins.

Proposed Development

The applicant is proposing to remove the existing building and replace it with a four-story building that will house (7) seven residential units. There is to be a 10-foot wide driveway that will be adjacent to the south side of the building. The driveway will lead to a 6-space parking area at the rear of the site. Project fencing will be installed along the rear and side property lines.

Drainage Pattern

Runoff leaves the development area via overland flow to Merrill Street. Runoff will continue to flow off the site via overland flow in the developed state. The entire parking area and driveway will be pervious pavers that will allow treatment of the first flush. First flush runoff will be collected within the filter layers of the sub-base and treated prior to being released into native soils and overflowing to the existing sidewalk at the front of the property. Once the sub-soil collection system is full, runoff will flow overland to Merrill Street, as it does today.

Flooding

The development area is not located within an area of flood hazard according to the Federal Insurance Rate Map 2300510014 B. See attached map.

Onsite & Offsite Soils

The on-site soils are shown on the attached Medium Intensity Soil Survey and are categorized as follows:

Soil Type Summary Table		
Soil Symbol	Soil Name	HSG
HIB	Hinckley Loamy Sand	A

Water Quality (BMP Standard)

The use of LID features, such as the pervious pavers, reduces the overall impervious footprint of the site while offering water quality treatment for runoff from the highest areas for potential contaminants. For this particular project, the water quality requirements will be met by use of pervious pavers within the driveway and parking areas.

Pervious Paver Filter Bed Sizing

We propose to provide treatment for the driveway/parking area by constructing a Pervious Paver Filter Bed within the sub-base of the driveway and parking area:

This bed will receive the runoff from approximately 2,156 s.f. of pervious pavers. The reservoir course of the Filter Bed is required to provide storage volume for 1" of runoff from the contributing area. The bed sizing is as follows:

Area of Watershed: 2,190 SF

Treatment Volume Required: Area x runoff depth: 2,156 SF x 1/12 FT = **179.66 CF**

Treatment Volume Provided:

Porosity = 40%, Bed Area = 2,190 s.f., Bed Depth = 1.25', Total Volume Treated = **1,095 CF**

Summary

Based on the results of this evaluation, the proposed stormwater design is not expected to cause flooding, erosion or other significant adverse effects downstream of the site.

Prepared by:
PLYMOUTH ENGINEERING, INC.



Jon H. Whitten, Jr., P.E.
Senior Project Manager

**MAINTENANCE & OPERATIONS PLAN OF STORMWATER MANAGEMENT FACILITIES
FOR:
30 MERRILL STREET, 7-UNIT BUILDING
PORTLAND, MAINE**

Responsible Party: **Banner Properties, LLC**
126 Underwood Road
Falmouth, ME 04969

Plan Prepared by: **Plymouth Engineering, Inc.**
PO Box 46
Plymouth, ME 04969

List of Stormwater Measures:

Vegetated Areas
Pervious Pavers
Pre-Manufactured Green Roof System

Introduction:

The owner or operator of the proposed project will be responsible for the maintenance of all stormwater management structures, the establishment of any contract services required to implement the program, and the keeping of records and maintenance log book. At a minimum, the appropriate and relevant activities for each of the stormwater management systems will be performed on the prescribed schedule.

Inspection & Maintenance Tasks:

NOTE: The following instructions are excerpts from the Maine Department of Environmental Protection's *Stormwater Management for Maine, Volume III BMPs Technical Design Manual*, dated January 2006.

Vegetated Areas:

- 1. Routine Maintenance and Inspection:** The area should be inspected for failures following heavy rainfall and repaired as necessary for newly formed channels or gullies, reseeding/sodding of bare spots, removal of trash, leaves and/or accumulated sediments, the control of woody or other undesirable vegetation and to check the condition and integrity of the check dams.
- 2. Aeration:** Vegetated areas may require periodic mechanical aeration to restore infiltration capacity. This aeration must be done during a time when the area can be reseeded and mulched prior to any significant rainfall.
- 3. Erosion:** It is important to install erosion and sediment control measures to stabilize this area as soon as possible and to retain any organic matter on the surface.
- 4. Fertilization:** Routine fertilization and/or use of pesticides is strongly discouraged. If complete re-seeding is necessary, half the original recommended rate of fertilizer should be applied with a full rate of seed.

Pervious Pavers:

- 1. Winter Sand:** Use of winter sand is prohibited on pervious paver surfaces.
- 2. Fertilization:** Use of Fertilization of the area over the pavers shall be prohibited.

3. **Monitoring and Inspections:** Inspecting the pervious paver system each month is recommended. Conduct the inspections after large storms to check for surface ponding at the inlet that may indicate clogging. Water levels in the system should be observed to ensure that the system drains within 72 hours after filling.
4. **Sediment Removal and Maintenance of System Performance:** Accumulated sediment and debris shall be removed monthly from joint spaces. The system must be rehabilitated or replaced if its performance is degraded to the point that applicable stormwater standards are not met.

Pre-Manufactured Green Roof System:

1. **Routine Maintenance and Inspection:** The area should be inspected for failures following heavy rainfall and repaired as necessary. This could include, reseeding/ sodding of bare spots, removal of trash, leaves and/or accumulated sediments, the control of woody or other undesirable vegetation and to check the condition and integrity structural components of the system.
2. **General Maintenance:** Owner/Operator shall follow manufacturer's suggested maintenance requirements for the specific system installed.

Task Frequency:

Table 11-1 Long-Term Inspection & Maintenance Plan				
	Spring	Fall or Yearly	After a Major Storm	Every 2-5 Years
Vegetated Areas				
Inspect all slopes and embankments	X		X	
Replant bare areas or areas with sparse growth	X		X	
Armor areas with rill erosion with an appropriate lining or divert the ero-sive flows to on-site areas able to withstand concentrated flows. See Appendix A(5) of Rule.	X		X	
Stormwater Channels				
Inspect ditches, swales and other open stormwater channels	X	X	X	
Remove any obstructions and accumulated sediments or debris	X	X		
Control vegetated growth and woody vegetation		X		
Repair any erosion of the ditch lining		X		
Mow vegetated ditches		X		
Remove woody vegetation growing through riprap		X		
Repair any slumping side slopes		X		
Replace riprap where underlying filter fabric or underdrain gravel is showing or where stones have dislodge		X		
Culverts				
Remove accumulated sediments and debris at the inlet, at the outlet, and within the conduit	X	X	X	
Repair any erosion damage at the culvert's inlet and outlet	X	X	X	
Roadways and Parking Surfaces				
Clear accumulated winter sand in parking lots and along roadways	X			
Sweep pavement to remove sediment	X			
Grade road shoulders and remove excess sand either manually or by a front-end loader	X			
Grade gravel roads and gravel shoulders	X			
Clean-out the sediment within water bars or open-top culverts	X			
Ensure that stormwater is not impeded by accumulations of material or false ditches in the shoulder	X			

Table 11-1
Long-Term Inspection & Maintenance Plan

	Spring	Fall or Yearly	After a Major Storm	Every 2-5 Years
Pervious Pavers				
Inspect and clean-out any pre-treatment measures that collect sediment and hydrocarbons entering an infiltration measure	X	X		
Provide for the removal and disposal of accumulated sediments within the infiltration area				X
Renew the infiltration measure if it fails to drain within 72 hours after a rainfall of one-half inch or more				X
Green Roof System				
Follow manufacturer's suggested maintenance requirements.				

Maintenance Log Sheet:

[illegible]

HOUSEKEEPING PERFORMANCE STANDARDS

FOR:

PROJECT NAME TOWN NAME, MAINE

Land Owner: **Banner Properties, LLC**
126 Underwood Road
Falmouth, ME 04105

Project Developer: **Banner Properties, LLC**

Responsible Party: **Banner Properties, LLC**

Prepared By: **Plymouth Engineering, Inc.**
PO Box 46
Plymouth, ME 04969
Tel: 207-257-2071 email: info@plymouthengineering.com

Introduction:

The owner/developer's contractor shall be responsible for maintaining proper housekeeping standards throughout the construction phase of the project. After the construction phase has been completed, the owner and/or operator of the project will be responsible.

Standards:

In accordance with the housekeeping performance standards required by MDEP chapter 500 stormwater regulations, the following standards shall be met:

- 1. Spill prevention.** Controls must be used to prevent pollutants from construction and waste materials stored on site to enter stormwater, which includes storage practices to minimize exposure of the materials to stormwater. The site contractor or operator must develop, and implement as necessary, appropriate spill prevention, containment, and response planning measures.
- 2. Groundwater protection.** During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the site draining to an infiltration area. An "infiltration area" is any area of the site that by design or as a result of soils, topography and other relevant factors accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the site for the purposes of storage and handling of these materials. Any project proposing infiltration of stormwater must provide adequate pre-treatment of stormwater prior to discharge of stormwater to the infiltration area, or provide for treatment within the infiltration area, in order to prevent the accumulation of fines, reduction in infiltration rate, and consequent flooding and destabilization.
- 3. Fugitive sediment and dust.** Actions must be taken to ensure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control, but other water additives may be considered as needed. A stabilized construction entrance (SCE) should be included to minimize tracking of mud and sediment. If off-site tracking occurs, public roads should be swept immediately and no less than once a week and prior to significant storm events. Operations during dry months, that experience fugitive dust problems,

should wet down unpaved access roads once a week or more frequently as needed with a water additive to suppress fugitive sediment and dust.

4. **Debris and other materials.** Minimize the exposure of construction debris, building and landscaping materials, trash, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials to precipitation and stormwater runoff. These materials must be prevented from becoming a pollutant source.

To prevent these materials from becoming a source of pollutants, construction and post-construction activities related to a project may be required to comply with applicable provision of rules related to solid, universal, and hazardous waste, including, but not limited to, the Maine solid waste and hazardous waste management rules; Maine hazardous waste management rules; Maine oil conveyance and storage rules; and Maine pesticide requirements.

5. **Excavation de-watering.** Excavation de-watering is the removal of water from trenches, foundations, coffer dams, ponds, and other areas within the construction area that retain water after excavation. In most cases the collected water is heavily silted and hinders correct and safe construction practices. The collected water removed from the ponded area, either through gravity or pumping, must be spread through natural wooded buffers or removed to areas that are specifically designed to collect the maximum amount of sediment possible, like a cofferdam sedimentation basin. Avoid allowing the water to flow over disturbed areas of the site. Equivalent measures may be taken if approved by the Department.

6. **Authorized Non-stormwater discharges.** Identify and prevent contamination by non-stormwater discharges. Where allowed non-stormwater discharges exist, they must be identified and steps should be taken to ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge. Authorized non-stormwater discharges are:

- (a) Discharges from firefighting activity;
- (b) Fire hydrant flushings;
- (c) Vehicle washwater if detergents are not used and washing is limited to the exterior of vehicles (engine, undercarriage and transmission washing is prohibited);
- (d) Dust control runoff in accordance with permit conditions and Appendix (C)(3);
- (e) Routine external building washdown, not including surface paint removal, that does not involve detergents;
- (f) Pavement washwater (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material had been removed) if detergents are not used;
- (g) Uncontaminated air conditioning or compressor condensate;
- (h) Uncontaminated groundwater or spring water;
- (i) Foundation or footer drain-water where flows are not contaminated;
- (j) Uncontaminated excavation dewatering (see requirements in Appendix C(5));

(k) Potable water sources including waterline flushings; and

(l) Landscape irrigation.

7. Unauthorized non-stormwater discharges . The Department's approval under this Chapter does not authorize a discharge that is mixed with a source of non-stormwater, other than those discharges in compliance with Appendix C (6). Specifically, the Department's approval does not authorize discharges of the following:

(a) Wastewater from the washout or cleanout of concrete, stucco, paint, form release oils, curing compounds or other construction materials;

(b) Fuels, oils or other pollutants used in vehicle and equipment operation and maintenance;

(c) Soaps, solvents, or detergents used in vehicle and equipment washing; and

(d) Toxic or hazardous substances from a spill or other release.

8. Additional requirements. Additional requirements may be applied on a site-specific basis.

Non-stormwater discharges. Identify and prevent contamination by non-stormwater discharges.



Plymouth Engineering, Inc.

P.O. Box 46 – 30 Lower Detroit Road

Plymouth, Maine 04969

info@plymouthengineering.com

Tel: (207) 257-2071 fax: (207) 257-2130

July 12, 2016

Traffic Generation and Maneuvering: 30 Merrill Street, Portland, Maine

The proposed project at 30 Merrill Street in Portland, Maine includes a seven (7) unit building and associated access driveway and parking area. The driveway is to be a 10' wide pervious paver driveway and is to utilize the existing curb cut on Merrill Street. The driveway will be adjacent to the left (southeast) side of the proposed building and will direct traffic to the rear of the building. The applicants are proposing six (6) compact parking spaces within a pervious paver parking area. One parking space has been designed to meet the ADA access regulations for small, residential development.

The applicant is proposing 6 parking spaces in an effort to maximize the salability of the units and provide convenient, off-street parking for the majority of the units. As with many parking areas within the City of Portland, the parking area has been designed to maximize the available area, while minimizing impervious area and allowing for safe access for the vehicles. This is the reason for proposing compact car spaces exclusively.

The average number of vehicle trips per day, per unit is expected to be 5.81 with an average rate of 0.44 trips per unit within the peak hour. Given these average rates from the Institute of Transportation Engineers, the expected trip generation for this project will be 41 trips per day and 3 trips within the peak hour. The proposed single aisle entrance to the site (utilizing an existing curb cut) is expected to be adequate for these expected traffic volumes. Additionally, the access aisle at the rear of the building is expected to allow each vehicle to turn around and exit the property without backing into Merrill Street.

Prepared by:
PLYMOUTH ENGINEERING, INC.

A handwritten signature in black ink, which appears to read 'Jon H. Whitten, Jr.'.

Jon H. Whitten, Jr., P.E.
Senior Project Manager



ingenuity thoughtfulness empathy

Project Consistency with City Master Plans

The proposed subdivision is precisely the type of development that is encouraged by Portland's Comprehensive Plan. It meets multiple comprehensive plan goals, including at least the following, each of which is discussed in more detail below:

FUTURE LAND USE PLAN

- Encourage orderly growth and development in appropriate areas, making efficient use of public services and preventing development sprawl. (State Goal A, Comprehensive Plan, Vol. I, Portland's Goals and Policies for the Future, p. 21);
- In the R-6 zone, encourage the existing compact lot development pattern typically found on the peninsula. (Comprehensive Plan, Vol. II, Future Land Use Plan, p. 65)

HOUSING POLICIES

- Advance the overall goal of maintaining a 25% share of Cumberland County's population, taking advantage of the City's capacity to accommodate more people (Comprehensive Plan, Vol. I, Portland's Goals and Policies for the Future, p. 21-22);
- Create new housing to support Portland as an employment center and to achieve an improved balance between jobs and housing, (Comprehensive Plan, Vol I, Portland's Goals and Policies for the Future, pp. 21-22);
- Ensure that an adequate supply of housing is available to meet the needs and preferences of all Portland households, including a continuum of options across all income levels. (Comprehensive Plan, Vol I, Portland's Goals and Policies for the Future, p. 44);
- Promote residential densities that are consistent with past development patterns. (Housing: Sustaining Portland's Future, p. 27);

SUSTAINABILITY

- Increase efficient use of transportation resources by avoiding decentralizing land use trends and supporting land use patterns that favor density and concentration. Comprehensive Plan. Vol I, Transportation Resources, T-7-8);

- Design housing to use new technologies and materials that reduce costs and increase energy efficiency. (Comprehensive Plan, Vol 1, Portland's Goals and Policies for the Future, p. 22)

A. Future Land Use Plan

In accordance with the mandate of the State Growth Management policies, the City designated all properties zoned R-6 as part of the growth area, however, the Future Land Use Plan went beyond that simple designation to assert that Portland needs growth to sustain it as a healthy city and to maintain its role as the economic, cultural and residential center for the region. (p. 55). Ideally, that growth will "provide housing near employment centers, support public transportation, attract families with children, expand the tax base, and stabilize neighborhoods." (p. 55)

In looking at where that growth can be accommodated within Portland, it found that only 9.75% of land in all residential zones is vacant, and in the highest density residential zone, the R-6 zone, only 2.77% of the land is vacant. As a way to foster the growth necessary to a healthy future, the Future Land Use Plan specifically endorses the recommendation, first made in Housing: Sustaining Portland's Future, to "rewrite[e] the zoning ordinance to encourage new housing and eliminate[e] barriers to development by allowing greater housing density and more efficient use of vacant land, infill lots, and redevelopment opportunities."

B. Housing Policies

Increased residential housing is viewed as a key to maintaining the health of the City. It is not sufficient for it merely to be an employment center for people to commute to by day, while living in and paying real estate taxes to suburban towns. The housing component of the comprehensive plan, Housing: Sustaining Portland's Future, calls for Portland to accommodate housing for more people so that the City increases to and then maintains a 25% share of the county's population. (p. 53)

One fundamental housing goal is to increase the supply of housing. To further that goal, the housing plan states the City should strive to ensure the construction of a diverse mix "that offers a continuum of options across all income levels." (p. 29) The City should also encourage higher density housing, "particularly located near services, such as schools, businesses, institutions, employers, and public transportation." (p. 30) Particular emphasis is placed on encouraging infill development, and housing within and adjacent to the downtown. In furtherance of the goal of developing a broad range of housing, it states the City should "[e]ncourage opportunities for the development of homes that are attractive to those households moving up in the real estate market . . . so Portland can remain competitive with surrounding suburban communities. (p. 32) Additional supply-based

objectives include "identify[ing] vacant land and redevelopment opportunities throughout the city to facilitate the construction of new housing" and "[p]romot[ing] Portland as a Pro-Housing Community." (p. 33) While some parts of the housing plan emphasize affordable assisted housing, it states "the need for market rate housing for mid and higher income households is also critically important to Portland's future. Eliminating barriers to housing development and supporting market rate projects through the approval process can assist in this." (p. 62b)

Another basic housing plan goal is to maintain neighborhood stability and integrity. The plan calls for the City to "[e]ncourage innovative new housing development which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood." (p. 44) The plan advocates "work[ing] with owners and developers to find productive uses for vacant and underutilized lots." (p. 45) The plan makes it clear that it is not trying to encourage suburban, single-story ranch house infill development that was typical of prior periods. Instead the 2002 plan values traditional patterns of development and residential density, and criticizes the fact that (particularly in the R-6 zone) the traditional development pattern cannot be replicated under the zoning then in effect. (p. 27) Since that date, the City has implemented the R-6 small lot provisions so that infill development can replicate the traditional character and pattern of development.

C. Sustainability

The land use policy promoting infill development and increased housing stock in close proximity to downtown, discussed above, has been identified by the City as an important part of creating environmental and economic sustainability. ("Sustainable Portland", Final Report of the Mayor's Sustainable Portland Taskforce, November, 2007). The proposed development is consistent with these goals.

Similarly, the Sustainability Report identified green building as an important means for reducing pollution and our collective carbon footprint. (Id., p. 6) This building is designed to have numerous green features including: all landscaping requires no irrigation; roof water treated on site; building envelope sealed to prevent air leaks with insulation well above present construction standards; energy efficient windows located for cross natural ventilation, without air-conditioning systems; energy efficient systems and appliances, air exchangers, and radiant floor heat in each unit; low VOC paints, glues and sealants; light roof color to prevent heat buildup; and many green building materials, flooring, siding, and recycled products.



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Solid Waste Management Plan: 30 Merrill Street

Solid waste and recycling will be collected curbside by the city using pay per use purple bags and approved recycling bins. Appropriate trash containers will be placed in the storage basement for weekly storage.



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NFPA Code Summary

Building Area Information

Building Footprint:	1,824 SF
R-2 Net:	5,480 SF
Parking Net:	816 SF
Building Gross:	6,580 SF

NFPA Code Overview

Use:	New Residential Apartment Building, Storage
Construction:	No minimum requirement
Sprinkler:	NFPA 13R (Supervised to meet standards set forth in Chapter 10 Article VIII of the City of Portland)
Occupancy:	32 Occupants

NFPA 10

NFPA 10	6.2.1.1	Each floor shall have a single (2) unit Class A Fire Extinguisher
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NFPA 101

3.3.32.5	New Building
6.1.8.1.5	Residential Occupancy – Apartment Building (Chapter 30)
6.1.13	Storage (Chapter 42)
6.1.14.4.1	Required Separation - 2hr between Apt Bldg & Storage
6.1.14.4.3	1 hour separation required in sprinkled building
6.2.2.3	Ordinary Hazard Contents
7.1.3.2.1	Stairs connecting four or more stories shall have a minimum of 2 hour rating
7.1.5.1	Min headroom: 7'-6"
7.1.6.3	Cross Slope limited to 1:48
7.2.1.2.3.2	Egress door min clear width: 32"
7.2.1.4	Door swing and force to open shall comply with this section
7.2.1.5	Door locks, latches and alarms shall comply with this section
7.2.2.2.1.1	Max riser height: 7"
	Min Tread depth: 11"
	Min headroom: 6'-8"
7.2.2.2.1.2	Min stair width: 36" (for occupancy under 50)
7.2.2.3.2.3	Min landing depth: stair width
7.2.2.4.4.1	Handrail height: 36"
7.2.2.4.4.6	Handrail shape: 1 ½" circular cross section
7.2.2.4.4.9	Handrails shall return to wall or newel post
7.2.2.4.4.10	Handrails shall extend 12" at top of stair and one tread length at bottom
7.2.2.4.5.2	Min guard height: 42"
7.2.2.4.5.3	Open guards shall not allow the passage of a 4" sphere
7.2.2.5.4	Stairway identification shall comply with this section.
7.2.6.3	Stair discharge shall have a 2-hr fire resistance rating.

- 7.2.12.1.1 Sprinkler precludes need for area of refuge in stair.
- 7.3.1.2 **Occupancy Load**
Residential Apartment: 200 gross at 6,580sf is 32 occupants
Storage NA
Total Occupant Load: 32 occupants
- 7.3.4 Min Egress width: 36"
- 7.4.1.1 See 30.2.4.4
- 7.8 Egress Illumination shall be in accordance with this section.
- 7.9 Emergency Lighting shall be in accordance with this section.
- 7.10 Marking for means of egress shall comply with this section.
- 30.1.6 No minimum construction requirements
- 30.2.1.1 Means of Egress shall comply with Chapter 7 and Chapter 30
- 30.2.4.4 Single stair permitted from building given
- 4 stories
 - Less than 3 units/floor
 - Two exits from basement
 - No distance from unit door to stair
 - 2-hr rated stair
 - Self-closing doors
 - No corridors
 - 1 hr rating between units
- 30.2.5 Common Path Limit: 50'
- 30.2.5.4.2 Dead-End Limit: 50'
- 30.2.6.2 Max Travel Distance within unit (sprinkled): 125'
- 30.2.6.3.2 Max Travel Distance from unit door to exit (sprinkled): 200'
- 30.3.4 Fire detection and alarm system shall comply with this section.
- 30.3.4.5 Smoke alarms shall be installed:
 In every sleeping area
 Outside every sleeping area
 At least one on each level
- 30.3.5.2 Sprinkler system NFPA 13R permitted for four or fewer stories.
- 30.3.6.1.2 Corridor walls (sprinkled): ½ hour
- 30.3.7.2 Dwelling unit separation (sprinkled): ½ hour
- 42.1.6 No minimum construction requirements
- 42.2.4.1 Single means of egress allowed within common path of travel limit.
- 42.2.5 Dead End Corridor: 100'
 Common Path of Travel: 100'
- 42.2.6 Maximum Travel Distance: 400'
- 42.2.3.2 Storage area walls and ceilings shall be Class A, Class V or Class C



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Design Standards Assessment

Overall Context

The building size and scale is comparable to the neighboring multifamily buildings on Cumberland and Merrill. The building offers loft units in the traditional double-wide style found throughout Portland and Munjoy Hill. Like other buildings in the area this building faces the street with a front door located adjacent to the sidewalk. The door is highlighted with an awning to further enhance the feeling of an entry. Although the current rhythm of the block is slightly broken; the scale, form and relationship to the street of the proposed building helps strengthen the rhythm of the block to be more comparable to the area.

Massing

The proposed building has a massing much like the double-wide triple decker buildings that exist throughout the neighborhood. At the top of the third story a prominent cornice, used in combination with the railing elements, emphasizes the 3-story mass, while de-emphasizing the 4th floor addition. The flat roof of the building is common and contextual for this building type. As is traditional for this building type, there is no garage door facing the street, and the parking is found behind the building. The massing of the front façade is articulated by balconies and a covered porch. The balconies are stacked and articulated to pay homage to the traditional bay window.

Orientation to the Street

The front of the building opens to the street via a single door sheltered by an awning. The front of the building is further enhanced by the use of planters with intentional landscaping and a porch area. Not only does this help create the feeling of the front entry but it also helps create a transition space between the street and front door. The windows on the street façade are arranged in a symmetrical and rhythmic pattern. The first floor occupants will have visual privacy since the windows are greater than 48" from the adjoining sidewalk. Off-street parking is concealed behind the building.

Proportion and Scale

Windows and doors are sized, scaled and arranged to have a strong and intentional relationship to the overall building massing. Fenestration on the front façade is over 35%, providing the appropriate welcome to the public street. The canopy over the front door is of a width that has a solid presence on the front façade.



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Balance

The building employs several techniques to achieve balance. The windows and doors head heights all align along a common horizontal datum line. All windows on every façade stack in vertical alignment. The window and doors are symmetrically arranged from one side of the building to the other.

Articulation

The articulation of details for the 30 Merrill Street seeks to utilize contemporary design within the contextual massing and proportion framework. A visual cohesion of materials is achieved by using concrete at the foundation of the building with the siding material on top. To pay homage to the bay windows found in the Munjoy Hill area, in a contemporary style, the front façade has a railing feature attached to the front of the building. Not only do the proportions and rhythm of this feature match bay windows, but it also functions as the railing for the “Juliet Balconies” found in each unit.

Materials

Like other buildings in the area our pallet of materials is limited to only a few. Concrete is being used where appropriate such as foundations and planters. This not only helps articulate the building but gives a sense of permanence. The siding of the building will be standing metal seam run horizontally. The horizontal feeling of the standing seam is a modern and durable way to honor the clapboard siding found in the area.

Additional Discussion of Front Door:

Due to grading of the site the front door of 30 Merrill Street opens into the lower level of the building in a similar manner as 15 Cumberland Avenue, 26 Lafayette Street and 30 Lafayette Street. While this entrance is to a space that is more utilitarian space than formal, it will function well as “breezeway” entrance to all of the residents. The residents will all have personal spaces for stowing bikes, kayaks, boots, umbrellas, strollers and other outdoor gear. This entrance is treated on the exterior as the formal entrance to be in keeping with the neighborhood.



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R-6 Infill Development Design Principles & Standards

Project Self-Evaluation of Alternative Design Approach

30 Merrill Street

"An applicant may propose an alternative design approach and request an Alternative Design Review. The Planning Authority under an Alternative Design Review may approve a design not meeting one or more of the individual standards provided that all of the conditions listed below are met."

Alternative Design Approach Criteria	Self-Evaluation
A. The proposed design is consistent with all of the Principle Statements.	Yes
B. The majority of the Standards within each Principle are met.	Yes
C. The guiding principle for new construction under the alternative design review is to be compatible with the surrounding buildings in a two block radius in terms of size, scale, materials and siting, as well as the general character of the established neighborhood, thus Standards A-1 through A-3 shall be met.	Yes
D. The design plan is prepared by an architect registered in the State of Maine.	Yes

Principals and Standards	Self-Evaluation
PRINCIPLE A - Overall Context A building design shall contribute to and be compatible with the predominant character-defining architectural features of the neighborhood.	Met All contributing standards are met. Proposal has contributing massing, cornice definition, entrance location, entrance canopy, symmetry, and orientation to the street.
STANDARD A-1 - Scale and Form Relate the scale and form of the new building to those found in residential buildings within a two-block radius of the site, that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing building forms on both sides of the street within the block of the proposed site.	Met Proposal relates in scale and form to the double-wide triple-decker apartment buildings found adjacent and throughout the neighborhood.
STANDARD A-2 - Composition of Principal Facades Relate the composition of the new building façade, including rhythm, size, orientation and proportion of window and door openings, to the facades of residential buildings within a two-block radius of the site that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing facades on both side of the street within the block of the proposed site.	Met Proposal façade composition relates to nearby buildings with areas of concentrated windows (like bay windows) and areas of less concentrated windows. Front door is found in traditional location and orientation.
STANDARD A-3 - Relationship to the Street Respect the rhythm, spacing, and orientation of residential structures along a street within a two-block radius of the site that contribute to and are compatible with the predominant character-defining architectural	Met Proposal has traditional relationship to the street.

features of the neighborhood. Special attention shall be given to the existing streetscape on both side of the street within the block of the proposed site.	
PRINCIPLE B - Massing The massing of the building reflects and reinforces the traditional building character of the neighborhood through a well composed form, shape and volume.	Met Majority of standards are met.
STANDARD B-1 - Massing The building's massing (as defined by its bulk, size, physical volume, scale, shape and form) should be harmonious with the massing of existing buildings in a two block radius.	Met Proposal compares to triple-deckers and double-wide triple-deckers.
STANDARD B-2 - Roof Forms Roof forms shall refer to the architectural forms found within a two-block radius of the site that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing roof forms on both side of the street within the block of the proposed site.	Met Proposal compares to triple-deckers and double-wide triple-deckers.
STANDARD B-3 - Main Roofs and Subsidiary Roofs The building shall have a clear main roof form. Subsidiary roof forms and dormers shall be clearly subordinate to the main form in size, space and number. Where a building has multiple rooflines (e.g., main roof, dormer roof, porch roof, etc.) there shall not be more than two roof pitches or outlines overall.	Met Fourth floor roof is subsidiary to third floor roof.
STANDARD B-4 - Roof Pitch Gable roofs shall be symmetrical with a pitch of between 7:12 and 12:12. Hip roofs with a shallow pitch and flat roofs shall have a cornice of at least 12 inches in width. The slope of the roof may be either parallel or perpendicular to the street. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No mono pitch roofs shall be less than 7:12, except for porch roofs. There is no minimum pitch for porch roofs.	Met Flat roof is less than 7:12.
STANDARD B-5 - Facade Articulation Provide variety in the massing by incorporating at least two or more of the following architectural elements. Such features shall be applied to the front façade and those portions of the building that are readily visible from the public way. 1. Gables or dormers. 2. Balconies. 3. Recessed entries. 4. Covered porches, covered entries or stoops. 5. Bay windows. In the case of horizontally attached dwelling units, at least one-half of the ground floor units shall have a bay window to receive credit as a design feature.	Met Provided: - Recessed entries - Covered entry
STANDARD B-6 - Garages Attached and detached garages are allowed provided that the street-facing façade of the garage is recessed behind the façade of the main structure by a minimum of four feet. However, if the garage is integrated into the building form, the garage door may be included into the front	Met There is no garage door.

façade of the dwelling providing that there are at least one story of living space over the garage. In this instance, the garage door width may be no more than 40% of the width of the building's overall façade width, except that no garage door need be reduced to less than 9 feet in width. Standard C-2 is not required if there is no living space on the ground level.	
PRINCIPLE C - Orientation to the Street The building's façade shall reinforce a sense of the public realm of the sidewalk while providing a sense of transition into the private realm of the home.	Met Majority of standards are met.
STANDARD C-1 - Entrances Emphasize and orient the main entrance to the street. The main entrance of the structure shall either face the street and be clearly articulated through the use of architectural detailing and massing features such as a porch, stoop, portico, arcade, recessed entry, covered entry, trim or be located on the side and be accessed by a covered porch that extends to the front of the building, at the primary street frontage.	Met Pedestrian and bike entrance faces street, is centered, is recessed, is highlighted with color, and is covered by a canopy.
STANDARD C-2 - Visual Privacy Ensure the visual privacy of occupants of dwellings through such means as placing the window sill height at least 48" above the adjoining sidewalk grade; providing the finished floor elevation of a residence a minimum of 24" above sidewalk elevation; incorporating porches along the front side of the building façade design; or other measures.	Met Dimensional standards are met.
STANDARD C-3 - Transition Spaces Create a transition space between the street and the front door with the use of such features as porches, stoops, porticos, arcades, recessed entries, covered entries, trim, sidewalk gardens or similar elements.	Met Garden provided.
PRINCIPLE D - Proportion and Scale Building proportions must be harmonious and individual building elements shall be human scaled.	Met Majority of standards are met.
STANDARD D-1 - Windows The majority of windows shall be rectangular and vertically proportioned. The use of classical proportions is encouraged. Special accent windows may be circular, square or regular polygons. Doorways, windows and other openings in the façade (fenestrations) shall have a proportional relationship to the overall massing of the building.	
STANDARD D-2 - Fenestration Doorways, windows and other openings (fenestration) shall be scaled appropriately to the overall massing of the building. The area of fenestration of the front façade (and for corner lots, both street-facing facades) shall be at least 12% of the total facade area. Appropriately scaled windows or other building openings shall be included on all sides of a building.	Met Minimum fenestration met.
STANDARD D-3 - Porches When porches are attached to the front facade, [or for porches that are required as an open space amenity under Section 14-139(f)] the porches shall extend along a horizontal line at least 20% of the front façade. Porches and balconies must have a minimum depth of 6 feet and a minimum square footage of 48 square feet. The depth may be reduced to	Met If front entry is considered a porch than it meets the dimensional standards. If it is not considered a porch than porches are not required and standard is met.

5 feet provided that the square footage is increased to 60 square feet.	
PRINCIPLE E - Balance The building's façade elements must create a sense of balance by employing local or overall symmetry and by appropriate alignment of building forms, features and elements.	Met Majority of standards are met.
STANDARD E-1 - Window and Door Height The majority of window's and door's head heights shall align along a common horizontal datum line.	Met
STANDARD E-2 - Window and Door Alignment The majority of windows shall stack so that centerlines of windows are in vertical alignment.	Met
STANDARD E-3: - Symmetricality Primary window compositions (the relationship of two or more windows) shall be arranged symmetrically around the building façade's centerline (overall symmetry) or around another discernable vertical axis line.	Met
PRINCIPLE F - Articulation The design of the building is articulated to create a visually interesting and well composed residential façade.	Met Majority of standards are met.
STANDARD F-1 - Articulation Buildings shall provide surface articulation by employing such features such as dimensional trim, window reveals, or similar elements appropriate to the style of the building. Trim and details shall be designed and detailed consistently on the facades visible from the public right of way.	Met Proposal is articulated using metal fabrications such as railings and canopies as is appropriate to the style of the building.
STANDARD F-2 - Window Types Window patterns shall be composed of no more than two window types and sizes except where there is a design justification for alternate window forms..	Met Window types are limited and justified.
STANDARD F-3 - Visual Cohesion Excessive variations in siding material shall not be allowed if such changes disrupt the visual cohesion of the façade. Materials shall be arranged so that the visually heavier material, such as masonry or material resembling masonry, is installed below lighter material, such as wood cladding.	Met Materials are used in a visually cohesive manner.
STANDARD F-4 - Delineation between Floors Buildings shall delineate the boundary between each floor of the structure through such features as belt courses, cornice lines, porch roofs, window head trim or similar architectural features.	Met Floor delineation is clearly identified by the aligned heads of windows and doors.
STANDARD F-5 - Porches, etc. Porches, decks, balconies, stoops and entryways shall be architecturally integrated into the overall design of the building in a manner that compliments its massing, material, and details. Multilevel porches and balconies on front facades shall not obscure the architectural features of the façade. Use of rail/baluster systems with appropriate openings between rails, stepping back balconies from the front plane of the building face, or other appropriate design features shall be employed to achieve this standard.	Met Canopy and railing features are related to each other with color and detailing.
STANDARD F-6 - Main Entries Main entries shall be emphasized and shall be integrated architecturally	Met Pedestrian and bike entrance

into the design of the building, using such features as porch or stoop forms, porticos, recessed entries, trim or a combination of such features, so that the entry is oriented to the street.	faces street, is centered, is recessed, is highlighted with color, and is covered by a canopy.
STANDARD F-8 – Articulation Provide articulation to the building by incorporating the following architectural elements. Such features shall be on all façades facing and adjacent to the street. 1. Eaves and rakes shall have a minimum projection of 6 inches. 2. All exterior façade trim such as that used for windows, doors, corner boards and other trim, shall have a minimum width of 4 inches except for buildings with masonry exteriors. 3. If there are off sets in building faces or roof forms, the off sets shall be a minimum of 12 inches. 4. Pronounced and decorative cornices.	
PRINCIPLE G - Materials Building facades shall utilize appropriate building materials that are harmonious with the character defining materials and architectural features of the neighborhood.	Met Majority of standards are met.
STANDARD G-1 - Materials Use materials and treatments for the exterior walls (including foundation walls) and roofing that are harmonious with those in buildings within a two-block radius of the site that contribute to and are compatible with the predominant character- defining architectural features of the neighborhood. Special attention shall be given to the existing building forms on both sides of the street within the block of the proposed site.	Met Proposal utilizes clapboard siding, vinyl windows, concrete foundation and metal railings as can be found in the immediate neighborhood.
STANDARD G-2 - Material and Façade Design The selection of façade materials shall be consistent with the façade design and appropriate to their nature. For example, brick facing should not appear to be thin layers on the façade, or to overhang without apparent support.	Met
STANDARD G-3 - Chimneys Chimneys shall be of brick, finished metal, stone or boxed- in and clad with materials to match the building.	Met No chimney is provided.
STANDARD G-4 - Window Types A variety of window treatments and skylights are acceptable. However, within a single building the types of windows shall be limited to two types, and window detailing shall be consistent throughout.	
STANDARD G-5 - Patios and Plazas Patios and plazas shall be constructed of permanent materials such as concrete, brick or stone.	Met



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Crime Prevention Through Environmental Design Narrative

Natural surveillance will be used to the maximum extent possible with two loft apartments on the first floor. These units will have view of the entrance approach, side, and back of the building.

The contextual front entrance and the practical parking entrance will be well lit, the entries are not recessed, preventing the possibility of entrapment. The open parking area will be lit during night hours to discourage unwanted use.

The landscape plan clearly delineates public and private space, utilizing plantings, fencing and retaining walls. The use of such features will clearly delineate private space without the need for signage.



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Accessibility Narrative

The proposed project at 30 Merrill Street will meet Fair Housing Accessibility Standards as is required for a new building. Due to the goal of providing housing at sub-market rates, no elevator will be installed and only the first floor units will need to meet the Fair Housing requirements. As no public spaces exist within the building, ADA will not apply.

The design includes two entrances: a contextual entrance and a practical entrance. The contextual entrance faces the street, has a glazed door, a canopy and is framed by two planning beds. These elements give the building the same connection to the street that is found in the surrounding buildings and has documented historic precedent.

The practical entrance is located in the back of the building adjacent to the parking and represents the shortest path by which to leave the building. This back entrance and the way it is used is also consistent with the surrounding buildings. The back entrance is the accessible entrance, and is immediately adjacent to the accessible parking spot.

The Fair Housing Act and the Fair Housing Design Manual specifically address situations where a building has more than one entrance. Page 1.33 of the design manual states:

"When a building has a single ground floor and more than one common entrance, at least one entrance must be accessible. This accessible entrance should be the primary entrance and must provide an interior accessible route to all ground floor units in the building."

While Bild seeks to maximize accessibility in projects, the sloping site makes the possibility of multiple accessible entrances impractical for a project of this scale. The accessible rear entrance is favored as it best serves arrival by vehicle.



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Mechanical Systems Statement:

The HVAC design effort for the multi-family residential project at 30 Merrill Street has not yet begun in earnest however, Horizon Residential Energy Service, will specify that all HVAC equipment will meet any applicable State and Federal emissions requirements.



Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

July 26, 2016

Plymouth Engineering Inc.
30 Lower Detroit Road
P.O. Box 46
Plymouth, ME 04969

Attn: Jon Whitten
Re: 30 Merrill Street - Portland
Ability to Serve with PWD Water

Dear Mr. Whitten:

The Portland Water District has received your request for an Ability to Serve determination for the noted site submitted on May 11, 2016. Based on the information provided, we can confirm that the District will be able to serve the proposed project as further described in this letter.

Conditions of Service

The following conditions of service apply:

- A new 4" fire service may be installed from the water main in Merrill Street. A 2-inch domestic service may be tapped off the 4" fire service just before the street line as shown on a plan entitled Seven Unit Building, 30 Merrill Street, Sheet C1. Based on the fixture count you provided, we have calculated a peak flow of 25 gallons per minute. A ¾" meter will accommodate this flow.
- We will need written confirmation from the sprinkler company that this configuration is acceptable to them.
- The existing building is currently served with a ¾-inch domestic water service. The size of this service is undersized for the proposed use. This service must be terminated by shutting the corporation valve, cutting the pipe from the water main and removing the curb stop.
- Once the project is ready for construction, the owner or contractor will need to make an appointment to come in and complete a service application form and pay the necessary fees.

Existing Site Service

According to District records, the project site does currently have existing water service. A 3/4-inch diameter copper water service line, located as shown on the attached water service card, provides water



service to this site. Please refer to the "Conditions of Service" section of this letter for requirements related to the use of this service.

Water System Characteristics

According to District records, there is an 8-inch diameter cast iron water main on the southwest side of Merrill Street and a public fire hydrant located 60 feet from the site. Recent flow data is not available in this area. The most recent static pressure reading was 50 psi on March 4, 2016.

Public Fire Protection

The installation of new public hydrants to be accepted into the District water system will most likely not be required. It is your responsibility to contact the Portland Fire Department to ensure that this project is adequately served by existing and/or proposed hydrants.

Domestic Water Needs

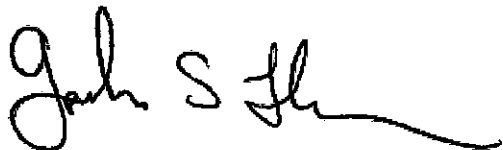
The data noted above indicates there should be adequate pressure and volume of water to serve the domestic water needs of your proposed project.

Private Fire Protection Water Needs

You have indicated that this project will require water service to provide private fire protection to the site. Please note that the District does not guarantee any quantity of water or pressure through a fire protection service. Please share these results with your sprinkler system designer so that they can design the fire protection system to best fit the noted conditions. If the data is out of date or insufficient for their needs, please contact MEANS to request a hydrant flow test and we will work with you to get more complete data.

If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District

A handwritten signature in black ink, appearing to read "Gordon S. Johnson", with a long horizontal flourish extending to the right.

Gordon S. Johnson
Engineering Services Manager

CODE NO. P-6 DISTRICT **PORTLAND**
 REG. NO. 5347 NO. 30/32 Merrill ST
 NAME General E. Wheeler
 NAME Gregory Harding
 NAME Robert Davis

SERVICE RECORD		RENEWAL RECORDS	
KIND OF PIPE		KIND OF PIPE	<u>cop.</u>
SIZE OF PIPE		SIZE OF PIPE	<u>3 1/4"</u>
MAIN TO STOP		MAIN TO STOP	<u>25'</u>
STOP TO ST. LINE		STOP TO ST. LINE	<u>6'</u>
ST. LINE TO BUILDING		ST. LINE TO BUILDING	<u>C. & - 1926</u>
TOTAL LENGTH		TOTAL LENGTH	<u>31'</u>
DATE		DATE	<u>May 31, 1938</u>
REMARKS		REMARKS	

SERVICE SHUT AT CORP.



August 22, 2016

Re: Wastewater Capacity Authorization

Address: **30 Merrill Street**

Applicant: Banner Properties, LLC

Planner: Nell Donaldson

Anticipated Wastewater Flows:

Multiple Family Dwelling Units 1 Bedroom	120 GPD Per Dwelling Unit X 7	840 GPD
Total Anticipated Wastewater Flows		840 GPD

Comments:

The Department of Public Works, which includes the Water Resource Division, have reviewed and determined that the downstream sewers from the project address have the capacity to convey the estimated dry weather wastewater flows which will be generated from this development.

You are reminded that the sewers you are proposing to connect into convey both sanitary and stormwater (Combined Sewer) and therefore a backflow preventer is suggested. Any addition of stormwater flows in this drainage area will have an impact on CSO discharge volumes therefore no roof, sump pump or site drainage may be discharged to the sanitary sewer.

Information available in the City's archives indicate the building is served by an 8" cement pipe installed in 1938 connecting into Merrill Street. I would suggest it be investigated/confirmed for condition.

If the City can be of further assistance, please contact me at all 874-8840 or brad@portlandmaine.gov

Sincerely,

CITY OF PORTLAND

Bradley A. Roland, P.E.

Senior Project Engineer

CC:

Jeffrey Levine, Director, Department of Planning and Urban Development, City of Portland

Stuart O'Brien, Planning Director, Department of Planning and Urban Development, City of Portland

Barbara Barhydt, Development Review Services Mgr., Dep't. of Planning and Urban Development, City of Portland

Kathi Earley, City Engineer/Engineering Manager, Portland Department of Public Works



WST LED

Architectural Wall Sconce

Catalog
Number

Notes

Type

Hit the Tab key or mouse over the page to see all interactive elements.

Specifications

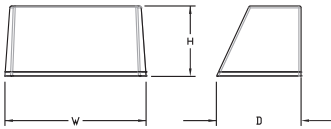
Luminaire

Height: 8-1/2"
(21.59 cm)

Width: 17"
(43.18 cm)

Depth: 10-3/16"
(25.9 cm)

Weight: 20 lbs
(9.1 kg)

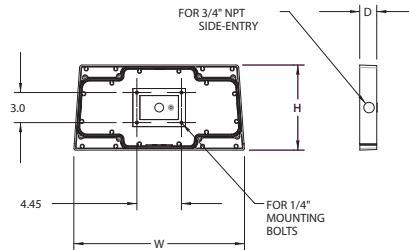


Optional Back Box (BBW)

Height: 4"
(10.2 cm)

Width: 5-1/2"
(14.0 cm)

Depth: 1-1/2"
(3.8 cm)



Introduction

The WST LED is designed with the specifier in mind. The traditional, trapezoidal shape offers a soft, non-pixelated light source for end-user visual comfort. For emergency egress lighting, the WST LED offers six battery options, including remote. For additional code compliance and energy savings, there is also a Bi-level motion sensor option. With so many standard and optional features, three lumen packages, and high LPW, the WST LED is your "go to" luminaire for most any application.

Ordering Information

EXAMPLE: WST LED P1 40K VF MVOLT DDBTXD

WST LED							
Series	Performance Package	Color temperature	Distribution	Voltage	Mounting	Options	Finish (required)
WST LED	P1 1,500 Lumen package P2 3,000 Lumen package P3 6,000 Lumen package	27K 2700 K 30K 3000 K 40K 4000 K 50K 5000 K	VF Visual comfort forward throw VW Visual comfort wide	MVOLT ¹ 120 ¹ 208 ¹ 240 ¹ 277 ¹ 347 480	Shipped included (blank) Surface mounting bracket Shipped separately BBW Surface-mounted back box PBBW Premium surface-mounted back box ² LCE Left side conduit entry ³ RCE Right side conduit entry ³	PE Photoelectric cell, button type PER NEMA twist-lock receptacle only PER5 Five-wire receptacle only PER7 Seven-wire receptacle only PIR Motion/Ambient Light Sensor, 8-15' mounting height ⁴ PIR1FC3V Motion/ambient sensor, 8-15' mounting height, ambient sensor enabled at 1fc ⁴ PIRH 180° motion/ambient light sensor, 15-30' mounting height ⁴ PIRH1FC3V Motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 1fc ⁴ SF Single fuse (120, 277, 347V) ⁵ DF Double fuse (208, 240, 480V) ⁵ DS Dual switching ⁶ E7WH Emergency battery backup (7W) ⁷ E7WC Emergency battery backup (cold, 7W) ⁸ E7WHR Remote emergency battery backup (remote 7W) ⁹ E20WH Emergency battery backup (20W) ^{7,10} E20WC Emergency battery backup (cold, 20W) ^{7,8,10} E23WHR Remote emergency battery backup (remote 20W) ⁹ Shipped separately RBPW Retrofit back plate VG Vandal guard WG Wire guard	DDBXD Dark bronze DBLXD Black DNAXD Natural aluminum DWHXD White DSSXD Sandstone DDBTXD Textured dark bronze DBLBXD Textured black DNATXD Textured natural aluminum DWHGXD Textured white DSSTXD Textured sandstone

NOTES

- MVOLT driver operates on any line voltage from 120-277V (50/60 Hz). Specify 120, 208, 240 or 277 options only when ordering with photocell (PE), fusing (SF, DF), or dual switching (DS).
- Top conduit entry standard.
- Not available with BBW.
- Not available with PE, PER, PER5, PER7, VG or WG.

- Not available with MVOLT option. Button photocell (PE) can be ordered with a dedicated voltage option. Single fuse (SF) requires 120, 277 or 347 voltage option. Double fuse (DF) requires 208, 240 or 480 voltage option.
- Not available with E7WH, E7WC, E7WHR, E20WC, E20WH, or E23WHR. Used with inverter system. Not available with 347/480V. Not available with PE, PER, PER5 & PER7.

- Not available with 347/480V.
- Battery pack rated for -20° to 40°C.
- Comes with PBBW.
- Warranty period is 3-years.



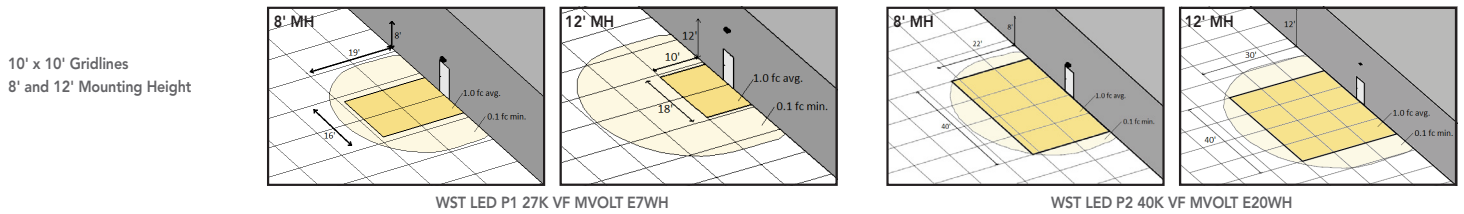
Emergency Battery Operation

The emergency battery backup is integral to the luminaire - no external housing required! This design provides reliable emergency operation while maintaining the aesthetics of the product.

All emergency backup configurations include an independent secondary driver with an integral relay to immediately detect AC power loss, meeting interpretations of [NFPA 70/NEC 2008 - 700.16](#)

The emergency battery will power the luminaire for a minimum duration of 90 minutes (maximum duration of three hours) from the time supply power is lost, per [International Building Code Section 1006](#) and [NFPA 101 Life Safety Code Section 7.9](#), provided luminaires are mounted at an appropriate height and illuminate an open space with no major obstructions.

The examples below show illuminance of 1 fc average and 0.1 fc minimum of the P1 power package and VF distribution product in emergency mode.



Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts.

Performance Package	System Watts (MVOLT ¹)	Dist. Type	27K (2700K, 70 CRI)					30K (3000K, 70 CRI)					40K (4000K, 70 CRI)					50K (5000K, 70 CRI)				
			Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW
P1	12W	VF	1,494	0	0	0	125	1,529	0	0	0	127	1,639	0	0	0	137	1,639	0	0	0	137
		VW	1,513	0	0	0	126	1,548	0	0	0	129	1,660	0	0	0	138	1,660	0	0	0	138
P2	25W	VF	3,162	1	0	1	126	3,236	1	0	1	129	3,468	1	0	1	139	3,468	1	0	1	139
		VW	3,202	1	0	0	128	3,277	1	0	0	131	3,512	1	0	0	140	3,512	1	0	0	140
P3	50W	VF	6,023	1	0	1	120	6,164	1	0	1	123	6,607	1	0	1	132	6,607	1	0	1	132
		VW	6,100	1	0	1	122	6,242	1	0	1	125	6,691	1	0	1	134	6,691	1	0	1	134

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Ambient		Lumen Multiplier
0°C	32°F	1.03
10°C	50°F	1.02
20°C	68°F	1.01
25°C	77°F	1.00
30°C	86°F	0.99
40°C	104°F	0.98

Electrical Load

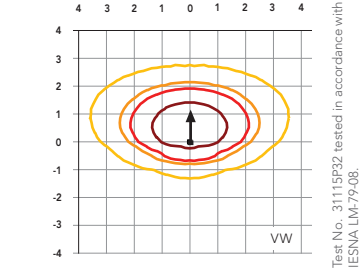
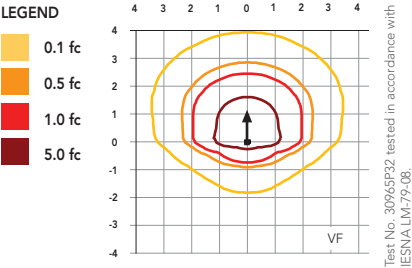
Performance package	System Watts	Current (A)					
		120	208	240	277	347	480
P1	11	0.1	0.06	0.05	0.04	---	---
	14	---	---	---	---	0.04	0.03
P1 DS	14	0.12	0.07	0.06	0.06	---	---
P2	25	0.21	0.13	0.11	0.1	---	---
	30	---	---	---	---	0.09	0.06
P2 DS	25	0.21	0.13	0.11	0.1	---	---
P3	50	0.42	0.24	0.21	0.19	---	---
	56	---	---	---	---	0.16	0.12
P3 DS	52	0.43	0.26	0.23	0.21	---	---

Projected LED Lumen Maintenance

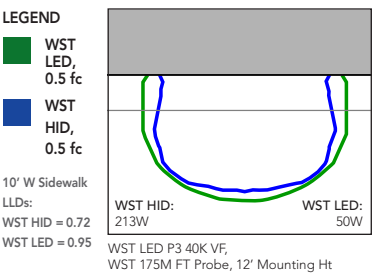
Values calculated according to IESNA TM-21-11 methodology and valid up to 40°C.

Operating Hours	0	25,000	50,000	100,000
Lumen Maintenance Factor	1.0	>0.95	>0.92	>0.87

Isofootcandle plots for the WST LED P3 40K VF and VW. Distances are in units of mounting height (10').



Distribution overlay comparison to 175W metal halide.



FEATURES & SPECIFICATIONS

INTENDED USE

The classic architectural shape of the WST LED was designed for applications such as hospitals, schools, malls, restaurants, and commercial buildings. The long life LEDs and driver make this luminaire nearly maintenance-free.

CONSTRUCTION

The single-piece die-cast aluminum housing integrates secondary heat sinks to optimize thermal transfer from the internal light engine heat sinks and promote long life. The driver is mounted in direct contact with the casting for a low operating temperature and long life. The die-cast door frame is fully gasketed with a one-piece solid silicone gasket to keep out moisture and dust, providing an IP65 rating for the luminaire.

FINISH

Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Standard Super Durable colors include dark bronze, black, natural aluminum, sandstone and white. Available in textured and non-textured finishes.

OPTICS

Well crafted reflector optics allow the light engine to be recessed within the luminaire, providing visual comfort, superior distribution, uniformity, and spacing in wall-mount applications. The WST LED has zero uplight and qualifies as a Nighttime Friendly™ product, meaning it is consistent with the LEED® and Green Globes™ criteria for eliminating wasteful uplight.

ELECTRICAL

Light engine(s) consist of 98 high-efficacy LEDs mounted to a metal core circuit board and integral aluminum heat sinks to maximize heat dissipation and promote long life (100,000 hrs at 40°C, L87). Class 2 electronic driver has a power factor >90%, THD <20%. Easily-serviceable surge protection device meets a minimum Category B (per ANSI/IEEE C62.41.2).

INSTALLATION

A universal mounting plate with integral mounting support arms allows the fixture to hinge down for easy access while making wiring connections.

LISTINGS

CSA certified to U.S. and Canadian standards. Luminaire is IP65 rated. PIR options are rated for wet location. Rated for -30°C to 40°C ambient.

DesignLights Consortium® (DLC) Premium qualified product. Not all versions of this product may be DLC Premium qualified. Please check the DLC Qualified Products List at www.designlights.org/QPL to confirm which versions are qualified.

WARRANTY

5-year limited warranty. Complete warranty terms located at: www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx.

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

7171 LED

STANDARD SPECIFICATIONS

HOUSING

Die cast, 0.090" thick housing designed for rugged applications. The housing features a 70 durometer o-ring seal that seats on the edge of the opening against the diffuser.

REFLECTOR

Formed aluminum, secured in position with hardware.

DIFFUSER

Injection molded clear prismatic polycarbonate, UV stabilized material with a base thickness of 0.090" that is resistant to damage.

LED PERFORMANCE - 3500K STANDARD

120-277V - 3500K, 82 CRI - L80 rating - 60,000 hrs - L70 rating (projected) - 100,000 hrs

Source lumens noted. Amperage rated @ 110V input

Operating ambient temperature: -20°C / -4°F - 40°C / 104°F

B6LED - 6W nominal, .05 A input - 711 lm - 119 lm/W

B12LED - 12W nominal, .10 A input - 1422 lm - 120 lm/W

C9LED - 9W nominal, .10 A input - 1009 lm - 121 lm/W

C17LED - 17W nominal, .15 A input - 1829 lm - 111 lm/W

C24LED - 24W nominal, .20 A input - 2438 lm - 100 lm/W

C37LED - 37W nominal, .30 A input - 3641 lm - 99 lm/W

MOUNTING

The 7171 is designed to be installed on either the wall or ceiling and mounted with proper anchors (by others). The housing has removable plugs for conduit entry in the side or rear wire entry from a j-box or conduit.

FINISH

This series is available in a standard bronze polyester powder coat.

WARRANTY

5 year limited warranty on this LED product. Consult factory for details.

ORDERING INFORMATION

7171 - - - -
Model 2. 3. 4. (if required)

2. SIZE

8 8.5" sq.
12 12.5" sq.

3. WATTAGE

8 SIZE

B6LED 1-B Series board
B12LED 2-B Series boards

C9LED 1-C Series board
C17LED 2-C Series boards
C24LED 2-C Series boards

12 SIZE

B12LED 2-B Series boards

C9LED 1-C Series board
C17LED 2-C Series boards
C24LED 2-C Series boards
C37LED 3-C Series boards

4. AVAILABLE OPTIONS

27K 2700K color temperature
B6LED - 634 lm - 106 lm/W
B12LED - 1266 lm - 107 lm/W
C9LED - 900 lm - 108 lm/W
C17LED - 1547 lm - 94 lm/W
C24LED - 2062 lm - 84 lm/W
C37LED - 3080 lm - 83 lm/W

30K 3000K color temperature
B6LED - 689 lm - 115 lm/W
B12LED - 1376 lm - 116 lm/W
C9LED - 977 lm - 117 lm/W
C17LED - 1763 lm - 107 lm/W
C24LED - 2351 lm - 96 lm/W
C37LED - 3512 lm - 95 lm/W

40K 4000K color temperature
B6LED - 710 lm - 119 lm/W
B12LED - 1421 lm - 120 lm/W
C9LED - 1010 lm - 121 lm/W
C17LED - 1862 lm - 113 lm/W
C24LED - 2482 lm - 101 lm/W
C37LED - 3707 lm - 100 lm/W

BAC Buy American Compliant
DIM Dimming driver (120-277V) (All except B6LED)
(0-10V dimming control required)

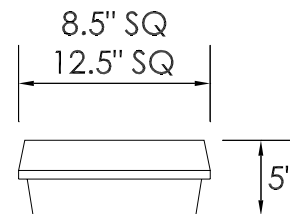
ECW Extreme Cold Weather (-40°C / -40°F min.)

ES ENERGY STAR® (All except B6LED)

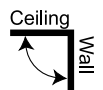
OCC^{1,2} Occupancy Sensor (B12LED, C17LED & C24LED only)

P01 Photo Control (120V)

P02 Photo Control (208, 240, 277V)



WET



1) Minimum operating temperature is -20°C / -4°F. Cannot be used with ECW
2) Occupancy sensor operates with microwaves and is not recommended for use in waiting areas with elevators

Specifications and dimensions subject to change without notice.

Consult your Brownlee Lighting representative for availability and ordering information.

30 Merrill Neighborhood Meeting Sign-in Sheet

	Name	Address	Email
1	Katy Harkleroad	47 Howard St	Katyharkleroad@yahoo.com
2	Ryan Harkleroad	47 Howard St.	
3	Carol McClure	1 North ST.	carolclerk@aol.com
4	Don Head	118 Congress #403	donhead66@gmail.com
5	Caron Zand	"	czand@mcca.edu
6	Lisa Adams	49 Merrill St	elizabethspenceradams@gmail.com
7	Peter Adams	" "	petersaylesadams@gmail.com
8	sharon mcgawley	23 Cumberland Ave	sharonmcgawley@gmail.com
9	Robert Norton	15 North St	eastendpropertymgmt@gmail.com
10	Bruce Davis	45 Quebec	bruce.davis21@yahoo.com
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ingenuity thoughtfulness empathy

30 Merrill Street Neighborhood Meeting Minutes

6:00pm Monday, August 15, 2016

Presenting:

- Evan Carroll, bild Architecture (EC)
- Michael Boissonneau, Banner Properties (MB)

Attendees:

- See attached sign-in sheet (ATT below, unless named)

Meeting Notes:

- EC Welcome and agenda
- Intros
 - Presentation
 - Q and A
 - Done by 7:00pm

Introductions:

- All All presenters and attendees introduced themselves

Team Presentation:

- MB Reasons for Development
- Mike grew up in Portland
 - Originally was his Uncles property
 - It's now a dilapidated property
 - Looking forward to making the neighborhood better
- EC General Project Goals
- Make it energy efficient.
 - More affordable and modest than other projects in the area
 - This project represents a look to the future of city living in Portland.
- Site Presentation:
- Illustrated orientation of project to street, park and neighboring buildings.
 - Parking (6) spaces will be in the back
 - Driveway will be constructed from pervious pavers
 - This will help control storm water runoff
 - Lighting follows city standards and will not "creep" onto adjacent properties
 - Fencing around the site will help with this
 - All construction activities will be able to happen on the site
 - Shoring might be needed on the project north side

Building Affordably:

- Having (7) units using (1) stair helps keep the construction costs down,
- Studio layouts with open floor plans helps keep the units affordable.
- An efficient building layout, minimizing bump-outs and details also helps with building cost

Building Design

- Large French doors allow lots of light into the units.
- The placement of the building matches the context of the neighborhood.
- Façade will be standing metal seam.
- The building's roofline is offset to work with the zoning requirements.
- A custom railing system pays homage to more traditional bay windows, also act as railing system for the Juliet balconies.
- Railing system becomes railing for roof deck giving symmetry and continuity to front façade
- Entries all have canopies

ATT /Public Comment (ATT used when source of comment was not noted)

- Carol: How much land was being used?
 - EC: Would get back to her with an exact number
- Carol: Have we met with the city yet?
 - EC: Yes
- Carol: What was the exterior material again?
 - Standing metal seam
- Carol: How many bedrooms?
 - EC: Seven
- Carol: How many stories?
 - EC: 4
- Carol: The parking is all outdoors?
 - EC: Yes
- Carol: When do you plan to break ground?
 - EC: This fall
- Carol: Have you filed the site plan?
 - EC: Yes
- Carol: How long ago did you file?
 - EC: July 15th 2016
- Don: Curious about the difference in height due to the zoning.
 - EC: On the North side of the property the building max height is 35' but elsewhere it's 45' causing the difference
- Katy: Pricewise, where will these units fall?
 - EC: It will be under the cost of Munjoy Heights
- Lisa: Have there been any design standard comments from the city?
 - EC: Yes, we've gotten comments back from the city, the majority being the project needs more articulation
- Lisa: What does that mean?
 - EC: More detail
- Carol: Have you requested any waivers from the city?

- EC: Not at this time, but possibly for the parking
- Carol: Is the parking Compact only?
 - EC: Four of the six spots are compact
- Carol: Was Caitlyn ok with that?
 - EC: The city has requested turning radius templates to be shown.
- Carol: Where will the trash be located?
 - The project is small enough it can use city bags on the curb.
- Ryan: Can you talk about the concept behind the design, why is it so drab and thin?
 - EC: It is a contemporary design that is looking towards the future. There is also money in details and bump outs which is why they have been minimized.
- Lisa: It's a massive building compared to the single family homes nearby.
 - EC: It follows the R6 zoning in the area.
- Lisa: I'm curious about the color choice, is there another color that would minimize the sense of mass?
 - EC: We can look at that
- Bruce: The building is not contextual. Contextual is not subjective.
- Carol: Personally objects to the Orange strip on the Lafayette project. Will you be doing something like that on this project? Why not use blue like the sky or green like the grass.
- Katy: Was curious as to MB's definition of "Fit in"
 - MB: Anything that enhances the neighborhood and makes it better than it is now. We want the neighborhood to be accepting of it.
- Don: It's a big square ugly block
- Ryan: Aesthetics are the most important to the neighborhood.
- Carol: There are no elevators? No Closets? Are you working with a real estate person?
 - EC: That's correct, having no elevators saves money, there are currently no closets and we are working with a real estate person.
- Peter: This is an embarrassment to the neighborhood with no context. Its cheap looking and unimaginable. Can tell EC and MB are passionate about the project, just wish it would be put to good use.
- Bruce: I appreciate the design, just not in this location.
- Sharon: Where do we go from here?
 - EC: We will be submitting notes on this meeting to the city, as well as working with them through the design review process.
- Ryan: Appreciated the information and holding the meeting, just wished the project had more respect for the neighborhood.

Bild Responses

LEVEL II/III REVIEW (14-526): 30 Merrill – 7 units

		Preliminary Review	
Transportation	a. Impact on Surrounding Street Systems		
	b. Access and Circulation	- Need turning templates showing that parking area at rear will function adequately - Rear door appears to be located in close proximity to parking space, where there is potential for conflict between pedestrians exiting the building and cars. What about door swing? - Concern re FHA accessibility and the legibility of building entrances. Ideally, the front entrance would be accessible. Further comments on this will be forthcoming. - Concern re utility of front entrance for guest/resident access. Wayfinding is an issue.	- Turning templates are attached. The 17.7 foot radius reflects the published turning radius of a Toyota Prius and Honda Civic. - Door has been adjusted to swing in. No further changes will be made until parking layout is finalized and accepted. - The accessibility & way-finding narrative has been revised and is attached. - Response to comment found in accessibility and way-finding narrative
	c. Public Transit Access	N/A	
	d. Parking	<i>Bike parking standard:</i> <i>Residential – 2 spaces/5 dwelling units = 3 bike parking spaces.</i> Please show rack on plan and include detail. - Snow storage area will be inaccessible when cars are parked. Please revise or provide alternate plan for snow storage/removal.	- Bike rack for (2) bicycles provided on sidewalk in site plan for public use. Location of front door and access to basement storage compartments is intended to give residents ample personal storage to be used for bicycles as needed. - Snow storage will be addressed in separate response from civil engineer.
	e. Transportation Demand Management (TDM)	N/A	
Environmental Quality	a. Preservation of Significant Natural Features	N/A	
	b. Landscaping and Landscape Preservation	<i>Street tree standard for multi-family (TM 4.6.1):1 tree/unit in ROW.</i> Show street tree in tree well, with species denoted. Contribution for remaining required trees will be necessary. - Need landscaping plan to confirm that standards are being met <i>Parking lot standard (14-526(b)2b(ii)(a)): 2 trees (or 1 tree & 3 shrubs)/5 spaces</i> <i>Understory plantings standard (14-526(b)2b(i)(b)): 6 shrubs (or ornamental grass)/45 LF of property line</i> - Provide buffering to rear where parking will directly abut the neighboring property. Is fence proposed for this area? If so, please show.	- Revisions for street tree details will be provided in separate response from civil engineer. Waiver request for number of street trees provided is attached. - Landscaping plan will be provided in separate response from civil engineer. - A fence enclosing rear parking area is proposed, and no vegetative buffering is intended. A revised fence layout will be provided in separate response from civil engineer.
	c. Water Quality, Storm Water Management and Erosion Control	- Are pervious pavers proposed within the center of the driveway or within all of the parking area? The stormwater report and plan appear to conflict - Based on response to above, confirm impervious calculations. Calculations in stormwater report appear to assume that entire parking area and driveway are pervious - Show where stormwater is proposed to enter the city’s system	- The pavers are within all of the parking area. This will be updated on the site plan in separate response from civil engineer. - See above. - Stormwater runoff will flow overland to the existing stormdrain system within Merrill Street once the pervious pavement treatment system is over capacity.
Public Infrastructure and Community Safety	a. Consistency with Master Plans		
	b. Public Safety and Fire Prevention		
	c. Availability and Adequate Capacity of Public Utilities	- Provide evidence of sewer capacity - Show proposed electrical service. Should be located underground.	- See attached letter. - This will be updated on the site plan in separate response from civil engineer.
Site Design	a. Massing, Ventilation and Wind Impact	Show location of HVAC equipment/venting	- Location of roof equipment is shown on roof plan. Elevations have been updated to show venting.
	b. Shadows		
	c. Snow and Ice Loading		

	d. View Corridors		
	e. Historic Resources		
	f. Exterior Lighting	- Provide cut sheets - Move light on southwest corner of the building away from property line in order to minimize light trespass	- Cut sheets attached. - Fence will be installed along this property line. This will prevent light trespass.
	g. Noise and Vibration		
	h. Signage and Wayfinding		
	i. Zoning Related Design Standards		

SUBDIVISION REVIEW (14-497)

	Preliminary Review	2nd Review
1. Water/Air Pollution		
2. & 3. Water Supply		
4. Erosion		
5. Transportation Impacts		
6. Sanitary Sewer/Stormwater		
7. Solid Waste		
8. Scenic Beauty		
9. Comprehensive Plan		
10. Financial and Technical Capacity		
11. Wetland Impacts		
12. Groundwater Impacts		
13. Flood-Prone Area?		
14. & 15. ID Wetlands & Rivers		

Waivers

Provide formal request for waivers (including aisle width and % compact parking)

Waiver request is attached.

Additional Submittals Required

Sewer capacity

Sewer capacity is attached.

Plat

Plat plan will be provided.

- Site plan/civil set
- Clean up extraneous lines (e.g. SW corner of parking area)
 - Eliminate references to ‘impervious patio?’
 - Add north arrow
 - Show distances to property lines from all building sides and from parking area
 - Show important dimensions (e.g. aisle width in parking)
 - Confirm curb cut location, as it appears to show slightly differently on survey
 - Show exterior doors
 - Show bicycle parking on plan
 - Show areas of sidewalk repair
 - Need grading/drainage plan that shows stormwater treatment plan

Updated site plan will be in separate response from civil engineer.

Zoning

- Building appears to encroach on 5’ right yard setback. Lines are not clearly legible. Confirm that right yard setback is being met
- Please confirm height (need average grade calculations)
- Based on average grade and height calculations, confirm that stepback on north side is being met

- Please define areas that were included as open space in the calculation in order to confirm that plans meet 20% open space requirement.

Open space requirement is being met. Open space calculation to be provided in separate response from civil engineer.

Right, Title, Interest

- The deed provided only addresses a portion of the site. Please provide additional deeds.
 - Site plan shows planter bed encroaching on property line. Revise to eliminate encroachments.
 - Per survey, it looks like existing fence encroaches on Thompson property
- Additional deed attached.
- Revised plan with planter attached.
- Existing fence will be shown to be removed in revised site plan.

- Foundation is at 5' setback line. Building sheathing assembly encroaches on setback as allowed by Sec. 14-425
- Building height and stepback requirements are being met.
Average grade calculation to be provided in separate response from civil engineer.

Additional comments have been received from:

Caitlin Cameron: Revised renderings and elevations are attached. Additional siding options are being considered and budgeted, and will be submitted at a later time.
Keith Gautreau: No responses requested
Lauren Swett: Separate responses to come from civil engineer.
Jeff Tarling: Separate responses to come from civil engineer.



September 28, 2016

RE: Bild Responses to Planning Staff Comments, 30 Merrill Street

Dear Nell,

Below is a list of the drawings that have uploaded to the e-plan review site, accompanied by notes representing the planning staff comments they address. The notes regarding civil responses can be found under separate cover.

Also please note the following additional waiver request:

We request a waiver of the driveway separation distance requirement. We proposed to upgrade and improve, but not significantly relocate the existing curb cut, which is located to one side of the property.

A1.1, A1.2, A1.3 - Floor Plans

Design Review Comments

- Massing revisions: Recess at front of building for basement, 1st, 2nd, & 3rd floors.
- Massing revisions: Recess of 4th floor on front and sides of building, creating a centered massing for the 4th floor.

A2.1, A2.2 - Elevations

Zoning Comments

- Average grade shown with height from average grade

Design Review Comments

- Massing revisions: Recess at front of building for basement, 1st, 2nd, & 3rd floors.
- Massing revisions: Recess of 4th floor on front and sides of building, creating a centered massing for the 4th floor.
- Articulation Revisions: Accentuated cornice
- Materials Revisions: Wide exposure clapboard siding in place of standing seam siding.

A2.3, A2.4, A2.5 - Renderings

Design Review Comments

- Massing revisions: Recess at front of building for basement, 1st, 2nd, & 3rd floors.
- Massing revisions: Recess of 4th floor on front and sides of building, creating a centered massing for the 4th floor.
- Articulation Revisions: Accentuated cornice
- Materials Revisions: Wide exposure clapboard siding in place of standing seam siding.

A3.2 - DETAILS

- Fence Detail provided

000 – PLAT

- Provided as requested

000 – PARKINGLOTLIGHTING

- Southwest building light moved as requested

Thank you to you and all the other departments for your collaboration on this site plan approval application.

Sincerely,

A handwritten signature in blue ink, reading "Evan A. Carroll".

Evan Carroll, AIA, LEED AP BC+D

Attachments:

-  16055 CIVIL RESPONSE.pdf
-  000 - PARKINGLOTLIGHTING.pdf
-  000 - PLAT.pdf
-  A1.1-BSMNT-FIRST.pdf
-  A1.2-SECOND-THIRD.pdf
-  A1.3-FOURTH-ROOF.pdf
-  A2.1-ELEVATIONS.pdf
-  A2.2-ELEVATIONS.pdf
-  A2.3-RENDERINGS.pdf
-  A2.4-RENDERINGS.pdf
-  A2.5-RENDERINGS.pdf
-  A3.2-DETAILS.pdf
-  C1-SIEPLAN.pdf
-  C2- GRADINGUTILITY.pdf
-  C3-ESCD.pdf
-  C4-DETAILS.pdf



Plymouth Engineering, Inc.

P.O. Box 46 – 30 Lower Detroit Road
Plymouth, Maine 04969
info@plymouthengineering.com
tel: (207) 257-2071 fax: (207) 257-2130

August 29, 2016

Project No. 16055

Mr. Evan Carroll
Bild Architecture
PO Box 8235
Portland, ME 04104

Response to Comments – 7-Unit Building, 30 Merrill Street, Portland, Maine

Dear Mr. Carroll:

We have prepared the attached packet of plans and narratives in response to review comments from various staff members and consultants to the City of Portland. Please accept this letter as a summary of the response items. The summary is as follows:

Comments from the review table:

- *Need turning templates showing that parking area at rear will function adequately.*

We have provided a plan showing 4 turning templates illustrating 4 typical car movements within the proposed parking area. The published turning radii for Honda and Toyota compact cars was found to be 17.7'. We used this turning radius for the turning templates used on the plan.

- *Bike Parking.*

To add to your response on this issue, we have added the location of the bike rack on the front sidewalk. We have provided an excerpt from the Technical Design Manual as well. This is located on the last detail sheet, Sheet C5.

- *Snow Storage Area:*

We were able to move the parking area over a few feet to the south to maximize the access to the snow storage area.

- *Provide buffering to rear where parking...*

We have shown fencing to be installed 1' from the southern, western and northern property lines of the lot. This will provide visual buffering from the parking area and the first floor residences.

- *Pervious Pavers clarifications:*

We have updated the narratives to include the entire parking and access drive as pervious pavers. The entire sub-base will have a filter layer that will treat stormwater runoff. Runoff will mimic existing conditions of the site by allowing runoff to flow northeasterly to Merrill Street via overland flow once the storage space within sub-layers of the driveway and parking area are maximized.

- *Sewer Capacity:*

We will forward any correspondence from the Sewer Dept. once we receive it. The PWD has determined the expected water usage for the project.

- *Electrical Service:*

We have revised the plans to show an underground power, telephone and cable service for the building, as requested.

- *Site Plan/Civil Set:*

We have revised the plans to include a Site Layout Plan, a Grading & Utility Plan and construction details. We have revised labels, added dimensions and a North Arrow. We have added the exterior doors to the building and show the bicycle rack on the sidewalk. We are proposing that the existing curb-cut on Merrill Street remain as-is for this project. It will adequately service the proposed driveway location. The treatment area for the project is simply the driveway and parking area, in its entirety.

The Open Space for the project is depicted on Sheet C1. It includes landscaped areas and areas of lawn. No landscaping is included on the north side of the building due to the fact that it is a narrow area that is on the north side of a multi-story building. We do not believe many plantings would survive within this area.

The average grade of the building is 148.39' at the foundation. The highest point is 150.45' and the lowest is 146.20'.

Comments from Woodard & Curran, dated August 23, 2016:

- 1) *The Applicant has requested letters from utilities confirming capacity to serve the proposed development; evidence of confirmation of capacity to serve the proposed development should be provided upon receipt.*

We will submit letters upon receipt.

- 2) *In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards.*

We offer the following comments:

- a) *Basic Standard: The Applicant has provided Erosion & Sediment Control notes and sedimentation barrier details to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in accordance with Appendix A, B, & C of MaineDEP Chapter 500. However, details should be provided for a stabilized construction entrance and catch basin inlet protection measures and the locations of proposed erosion and sediment control measures should be indicated on the drawings.*

We have indicated on the drawings where erosion control measures should be located. We have also indicated that the existing paved driveway will remain and shall act as the stabilized construction entrance for the site.

- b) *General Standard: The project will result in a de minimis increase in impervious area of approximately 315 square feet, assuming the roof to be impervious and proposed parking as pervious. The Applicant has proposed pervious pavers and a green roof. The Applicant should address the following comments:*
 - *The Pervious Paver Section Detail provided on Sheet C2 includes a Filter Layer; however, the Site Plan and stormwater management plan indicate that the limit of the proposed filter bed does not extend over the full area of proposed pervious pavers. A detail should be provided for paver installation in areas outside of the filter bed, to confirm that the entire paver area may be considered pervious. If the additional pavers are not installed in such a way that they are pervious, the impervious surface calculations should be updated, and the filter area should be designed per the Maine DEP Stormwater BMP manual's guidance for "Run-On Modular Pervious Pavement."*

The plans and calculations have been updated to show that the entire parking area and driveway are to be consistently constructed as pervious pavers.

- *The Applicant should provide information on the depth to groundwater and bedrock in the area of the proposed pervious pavers.*

The area is a sandy soil where groundwater and bedrock are expected to be at least 1 foot below the sub-layers of the pervious paver build-up. An Impervious Liner can be introduced during construction if determined to be needed by an inspecting engineer.

- *The Pervious Paver Section Detail should include specifications for the filter layer per Chapter 7.7 of Volume III of the MaineDEP Stormwater BMP Manual.*

We have added this information to the detail.

- *The Operation and Maintenance Plan should specify that winter sand be prohibited in the area of Pervious Pavers. If the Applicant intends to seek credit from the City's Stormwater Service Charge for the proposed Pervious Pavers, the Applicant should ensure that the Operations and Maintenance Plan specifies that accumulated sediment and debris be removed from joint space monthly.*

We have revised the Operations and Maintenance Plan accordingly.

- *A green roof design has not been reviewed. The Applicant should note that green roofs are not currently included in the City's list of treatment systems eligible for credits from the City's Stormwater Service Charge. We encourage the Applicant to review the City's Stormwater Service Charge Credit Manual (available online) to evaluate whether they may want to incorporate stormwater quality treatment measures that qualify for a future Stormwater Service Charge credit.*

The use of a green roof system is completely voluntary by the applicant. We have not taken any treatment credits for this system in our stormwater management plan. We will be sure to advise them on this information regarding the treatment credits.

- c) *Flooding Standard: The project will result in a de minimis increase in impervious area of approximately 315 square feet. As such, the project is not required to include any specific stormwater management features to control the rate or quantity of stormwater runoff from the site.*

3) *The Applicant should provide a detail for pipe trenches, brick sidewalk repair, and pavement repair within the City of Portland Right-Of-Way per the City of Portland Technical Manual.*

We have added these details to the plans.

4) *It appears that the Applicant is proposing to abandon an existing sanitary sewer service connection and install a new one. The Applicant should clarify what methods will be utilized to abandon the existing connection.*

We look forward to working with the sewer dept. to finalize an approach on the sewer connection construction.

Comments from TY Lin International:

- *The site plan depicts the driveway offset from the curb opening, while the existing driveway is centered. The applicant should note why an offset condition is proposed.*

The existing driveway is 7.85' wide, is located on the southerly property line and is 1.5' offset from the southerly edge of the existing curb opening. The existing curb opening is 10 feet wide, at the narrowest point. The proposed driveway is to be 10 feet wide and located 1-foot away from the southerly property line. This results in the existing curb tip-down on Merrill Street being 1.25 feet offset from the northerly edge of the proposed driveway. It leaves 9.20 feet of clear access between the proposed fence and the existing tip-down curb. This width appears to be adequate for access of residential scale vehicles and minimizes impacts to the existing sidewalk and curbing on Merrill Street.

- *The applicant should formally request a waiver from the City's driveway separation standard and provide documentation on why the standard can't be met.*

We will formally request the waiver.

- *A fence is proposed on the edge of the driveway. Details on the fence should be provided.*

Fencing details will be included in the upcoming Landscaping design and details for the site.

- *Access and egress movements from parking spaces will be constrained. The applicant has provided vehicle turning templates that seem to illustrate parking space accessibility is feasible. Given the constrained conditions, I would suggest the applicant simulate the layout in a field test to be reviewed by me. I would note that the parking space adjacent to the handicap space will be difficult to maneuver into and out of.*

If the applicant were to remove the parking space closest to the building, would that eliminate the request for a field test? I believe the required number of parking spaces is 4 for this property. If so, we will discuss this with the applicant.

Thank you for your continued review of this project, and please call with any questions.

Sincerely,
PLYMOUTH ENGINEERING, INC.



Jon H. Whitten, Jr., P.E.
Senior Project Manager



Plymouth Engineering, Inc.

P.O. Box 46 – 30 Lower Detroit Road
Plymouth, Maine 04969
info@plymouthengineering.com
tel: (207) 257-2071 fax: (207) 257-2130

September 23, 2016

Project No. 16055

Mr. Evan Carroll
Bild Architecture
PO Box 8235
Portland, ME 04104

Response to Comments – 7-Unit Building, 30 Merrill Street, Portland, Maine

Dear Mr. Carroll:

We have attached our revised plans in response to review comments from City Staff, Woodard and Curran and TYLIN through September 21, 2016.

Our revisions include:

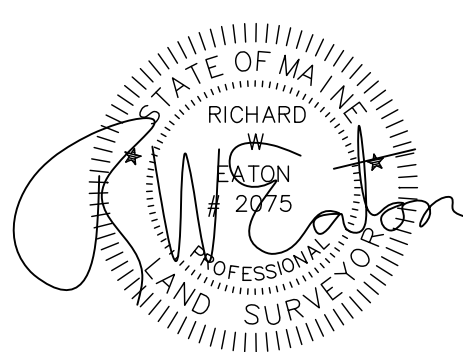
- Addition of a Landscape List on Sheet C1,
- Removal of the parking space closest to the building, adjacent to the Handicap space,
- Moved Handicap closer to building to increase access to snow storage area in the rear,
- Addition of an alternate style of pavers next to the building to indicate a pedestrian walking area,
- Addition of a 4'x4' concrete pad at the door adjacent to the parking lot,
- Note to center and renovate the brick driveway entrance and granite curbing for the site, and
- Note on the Pervious Paver Detail (Sheet C4) to indicate a potential need for an impervious liner if separation from bedrock cannot be achieved on the site,

Please let us know if there are any additional revisions requested for this project.

Sincerely,
PLYMOUTH ENGINEERING, INC.

Jon H. Whitten, Jr., P.E.
Senior Project Manager

CERTIFICATION



RICHARD W. EATON P.L.S. # 2075

Space & Bulk Standards:

Zone, R-6	Required
Mimum Lot Size	2,000 S.F.
Minimum Frontage	20'
Minimum Yard Dimensions	
Front Yard	5'
	Or Avarage Depths of Adjacent Yards
Rear Yard	10'
Side Yard	5'
Maximum Lot Coverage	60%
Minimun Lot Width	20'
Maximum Building Height	45'

General Notes:

- 1) Area of Subject Parcel 5,100 Square feet or 0.12 Acres
- 2) Basis of Bearing, Maine State Plane NAD 1983 1802 West Zone Base Point, Granite Monument With Bolt at Congress Street and Merrill Street T111-30-132, N303787.1960 E2931509.0560 Azimuth Point, Monument With DH on Washinton Ave. T111-21-123, N304140.2327, E2930845.2163 Azimuth N61-59'-44"W 751.88' Feet
- 3) Vertical Datum is NGVD 1929 Benchmark is PK Nail on CMP Pole #9 West Side Congress Elevation = 139.79' Provided By City of Portland Public Works Engineering
- 4) Subject Tax Map 014 Block C Lot 014
- 5) Subject not in Special Flood Hazard Area per FEMA Flood Rate Map Panel # 230051 0014B Dated July 17, 1986 Parcel in C Zone
- 6) Zone R-6

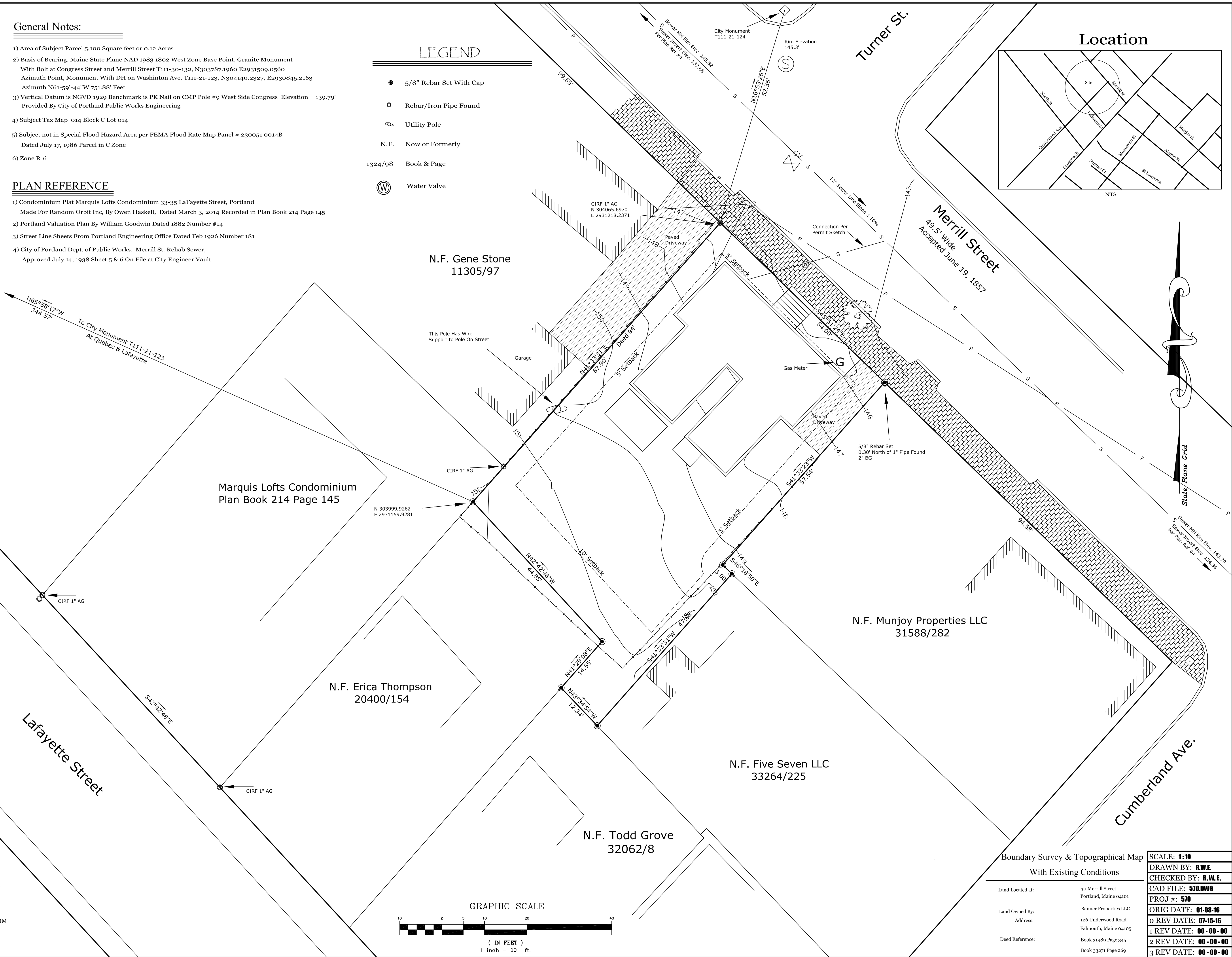
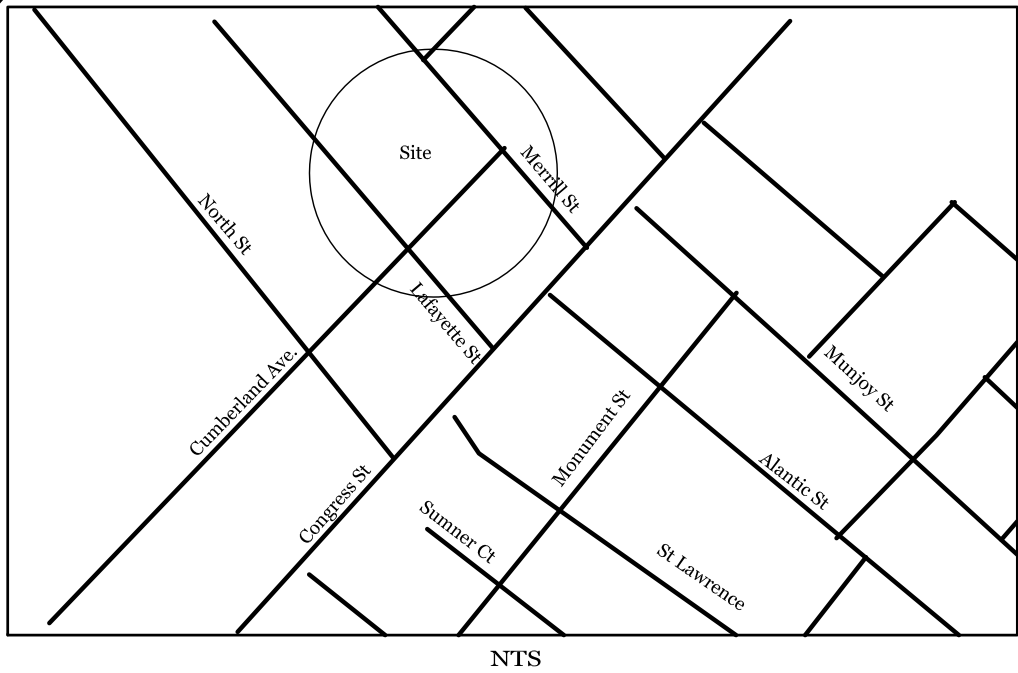
PLAN REFERENCE

- 1) Condominium Plat Marquis Lofts Condominium 33-35 LaFayette Street, Portland Made For Random Orbit Inc, By Owen Haskell, Dated March 3, 2014 Recorded in Plan Book 214 Page 145
- 2) Portland Valuation Plan By William Goodwin Dated 1882 Number #14
- 3) Street Line Sheets From Portland Engineering Office Dated Feb 1926 Number 181
- 4) City of Portland Dept. of Public Works, Merrill St. Rehab Sewer, Approved July 14, 1938 Sheet 5 & 6 On File at City Engineer Vault

LEGEND

- 5/8" Rebar Set With Cap
- Rebar/Iron Pipe Found
- Utility Pole
- N.F. Now or Formerly
- 1324/98 Book & Page
- Water Valve

Location



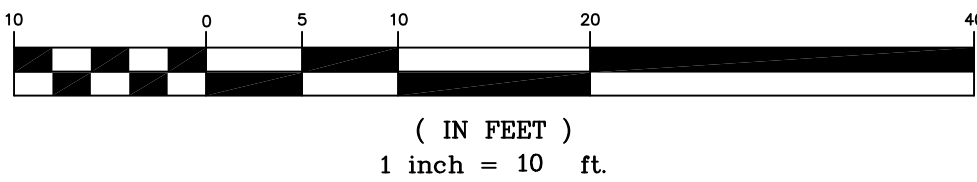
R. W. EATON ASSOCIATES
LAND SURVEYING & REAL ESTATE

58 PLEASANT STREET, WESTBROOK, MAINE 04092

PHONE: 207-854-2402 FAX: 856-7167 E-MAIL: RWEATON@MAINE.RR.COM

January 8th, 2016

GRAPHIC SCALE



Boundary Survey & Topographical Map
With Existing Conditions

Land Located at:	30 Merrill Street Portland, Maine 04101
Land Owned By:	Banner Properties LLC
Address:	126 Underwood Road Falmouth, Maine 04105
Deed Reference:	Book 31989 Page 345 Book 33271 Page 269

SCALE: 1:10
DRAWN BY: R.W.E.
CHECKED BY: R.W.E.
CAD FILE: 570.DWG
PROJ #: 570
ORIG DATE: 01-08-16
0 REV DATE: 07-15-16
1 REV DATE: 00-00-00
2 REV DATE: 00-00-00
3 REV DATE: 00-00-00

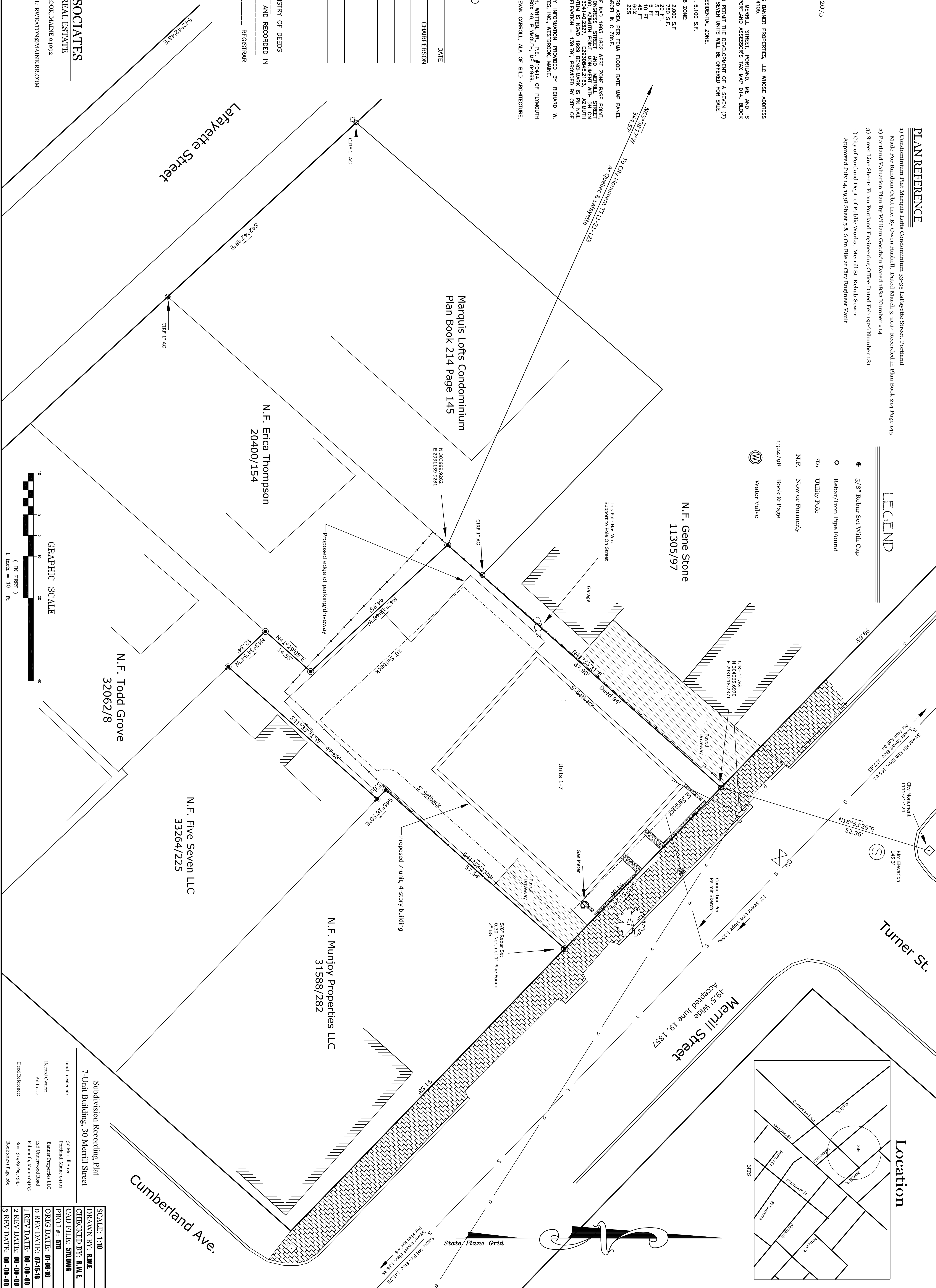
GENERAL NOTES:

1. THE APPLICANT AND RECORD OWNER IS BANNER PROPERTIES, LLC WHOSE ADDRESS IS 126 UNDERWOOD ROAD, PALMOUTH, ME 04105.
2. THE PROPERTY IS LOCATED AT 30 MERRILL STREET, PORTLAND, ME AND IS DESIGNATED AS LOT 014 ON THE LOT OF PORTLAND ASSESSOR'S TAX MAP 014, BLOCK C.
3. THE PURPOSE OF THIS PLAN SET IS TO PERMIT THE DEVELOPMENT OF A SEVEN (7) UNIT, RESIDENTIAL BUILDING. EACH OF THE SEVEN UNITS WILL BE OFFERED FOR SALE.
4. THE SITE IS LOCATED WITHIN THE R-6 RESIDENTIAL ZONE.

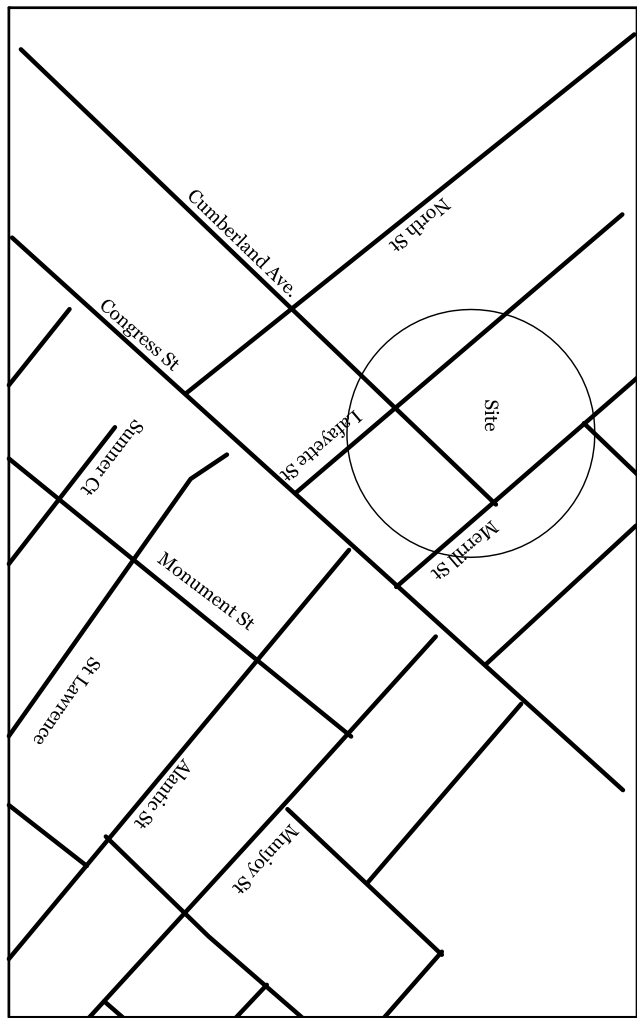
PLAN REFERENCE

- 1) Condominium Plan, *Marquis Lofts Condominium*, 33-35 Lafayette Street, Portland
Made For Random One LLC, By Owen Haskins, Dated March 3, 2014 Recorded in: *Plan Book 214 Page 143*
- 2) Portland Valuation Plan By William Goodwin Dated 1882 Number #14
- 3) Street Line Sheets From Portland Engineering Office Filed 1926 Number 181
- 4) City of Portland Dept. of Public Works, Merrill St., Reahs Sever, Approved July 14, 1938 Sheet 5 & 6 on File at City Engineer's Vault

●	5/8" Rebar Set With Cap
○	Rebar/Iron Pipe Found
⊕	Utility Pole
N.F.	Now or Formerly
1324/98	Book & Page
Ⓜ	Water Valve



Location



SCALE: 1:10
DRAWN BY: R.W.E.
CHECKED BY: R.W.E.
CAD FILE: 570.DWG
PROJ #: 570
ORIG DATE: 01-08-16
0 REV DATE: 07-15-16
1 REV DATE: 00-00-00
2 REV DATE: 00-00-00
3 REV DATE: 00-00-00

30 MERRILL STREET

PORTLAND, MAINE 04101

SITE APPLICATION

7-15-2016

GENERAL NOTES

1.

ALL MATERIALS, COMPONENTS, AND WORK ARE NEW AND SHALL BE PROVIDED IN THIS CONTRACT BY THE CONTRACTOR UNLESS NOTED OTHERWISE.
2.

ALL WORK INCLUDED IN THIS CONTRACT SHALL CONFORM TO ALL STATE, NATIONAL AND OTHER CODES AND ORDINANCES WHICH APPLY TO THIS PROJECT.
3.

IT IS THE INTENT AND MEANING OF THESE DRAWINGS THAT THE CONTRACTOR AND EACH SUBCONTRACTOR PROVIDE ALL LABOR, MATERIALS, TRANSPORTATION, SUPPLIES, EQUIPMENT, ETC. TO OBTAIN A COMPLETE JOB TO INDUSTRY STANDARD IN A PROFESSIONAL WORKMANLIKE MANNER.

•

CONTRACTORS AND SUBCONTRACTORS SHALL REVIEW THE DRAWINGS AND SPECIFICATIONS PRIOR TO PERFORMANCE OF ANY WORK.

•

CONTRACTORS AND SUBCONTRACTORS SHALL INSTALL ALL MATERIALS AS PER THE CONSTRUCTION DOCUMENTS AND THE MANUFACTURER'S INSTALLATION RECOMMENDATIONS.

•

INSTALLERS MUST BE TRAINED AND EXPERIENCED IN THE APPLICATION/INSTALLATION OF THE PRODUCTS/MATERIALS THAT THEY ARE INSTALLING.

•

PRODUCTS/MATERIALS MUST BE APPLIED/INSTALLED/USED IN CONDITIONS AS ALLOWED BY THE MANUFACTURER.

•

PRODUCTS/MATERIALS MUST BE APPLIED/INSTALLED/USED IN COORDINATION WITH ALL OTHER WORK CONDUCTED ON SITE.
4.

THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS AND REPORT ANY DISCREPANCY(IES) IMMEDIATELY TO THE ARCHITECT.
5.

ANY DEVIATIONS WHATSOEVER FROM THE DRAWINGS AND/OR SPECIFICATIONS ARE NOT ALLOWED WITHOUT THE OWNER'S WRITTEN PERMISSION. FAILURE TO PROCURE SUCH WRITTEN AUTHORIZATION PLACES ALL RESPONSIBILITY FOR THE VARIATION ON THE CONTRACTOR.
6.

AT THE END OF EACH WORKING DAY, THE CONSTRUCTION SITE SHALL BE LEFT IN A NEAT AND CLEAN MANNER.
7.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS WHICH ARE REQUIRED FOR THE SATISFACTORY COMPLETION OF THE WORK AND THE OWNER SHALL BE RESPONSIBLE FOR PAYING ALL FEES, HOOK UP CHARGES, ETC. EXCEPTION: THE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR THE SITE AND BUILDING PERMITS.
8.

THE CONTRACTOR SHALL OBTAIN APPROVAL FROM THE OWNER FOR THE SEQUENCE AND TIMING OF OPERATIONS PRIOR TO COMMENCING WORK. AREAS FOR STAGING ETC. MUST BE APPROVED BY THE OWNER.
9.

THE CONTRACTOR SHALL DISPOSE OF AND / OR RECYCLE ANY CONSTRUCTION DEBRIS FROM THE PROJECT SITE AS REQUIRED BY REGULATING AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING DISPOSAL PERMITS WHICH ARE REQUIRED. CONSTRUCTION DEBRIS FROM THE PROJECT SITE SHALL BE DISPOSED OF IN AN APPROVED AND LEGAL MANNER.
10.

DUTY OF COOPERATION: RELEASE OF THESE PLANS CONTEMPLATES FURTHER COOPERATION AMONG THE OWNER, THE CONTRACTOR, THE ARCHITECT AND THE ARCHITECT'S CONSULTANTS. DESIGN AND CONSTRUCTION ARE COMPLEX. ALTHOUGH THE ARCHITECT AND HIS CONSULTANTS HAVE PERFORMED THEIR SERVICES WITH DUE CARE AND DILIGENCE, THEY CANNOT GUARANTEE PERFECTION. COMMUNICATION IS IMPERFECT, AND EVERY CONTINGENCY CANNOT BE ANTICIPATED. ANY AMBIGUITY OR DISCREPANCY DISCOVERED BY THE USE OF THESE PLANS SHALL BE REPORTED IMMEDIATELY TO THE OWNER. FAILURE TO NOTIFY THE OWNER COMPOUNDS MISUNDERSTANDING AND MAY INCREASE CONSTRUCTION COSTS. A FAILURE TO COOPERATE BY A SIMPLE NOTICE TO THE OWNER SHALL RELIEVE THE OWNER AND THE ARCHITECT FROM RESPONSIBILITY FROM ALL COSTS.
11.

THESE DRAWINGS DO NOT INCLUDE THE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. THE GENERAL CONTRACTOR SHALL PROVIDE FOR THE SAFETY, CARE OF UTILITIES AND ADJACENT PROPERTIES DURING CONSTRUCTION, AND SHALL COMPLY WITH STATE AND FEDERAL SAFETY REGULATIONS.
12.

ALL MATERIALS AND WORK SHALL BE GUARANTEED FOR A MINIMUM OF ONE YEAR FROM THE DATE OF FINAL PAYMENT.
13.

COORDINATE ALL MECHANICAL & ELECTRICAL DEVICES SO THEY DO NOT CONFLICT W/ ARCHITECTURAL FEATURES.
14.

DIMENSIONS SHOWN ON DRAWINGS ARE TAKEN FROM FACE OF GYPSUM WALLBOARD UNLESS OTHERWISE NOTED
15.

COORDINATE ALL MECHANICAL & ELECTRICAL DEVICES SO THEY DO NOT CONFLICT W/ ARCHITECTURAL FEATURES.
16.

ELECTRICAL WORK TO BE DESIGNED, PERMITTED AND INSTALLED BY CONTRACTOR.
17.

EXISTING ELECTRICAL SYSTEM TO BE PRESERVED TO THE MAXIMUM EXTENT ALLOWABLE BY CODE.
18.

PLUMBING WORK TO BE DESIGNED, PERMITTED AND INSTALLED BY CONTRACTOR.
19.

HVAC WORK TO BE DESIGNED, PERMITTED AND INSTALLED BY CONTRACTOR.



ABBREVIATIONS

A/V	AIR/VAPOR
AFF	ABOVE FINISH FLOOR
B.O.	BOTTOM OF
CONC.	CONCRETE
E	EXISTING
ELEVS.	ELEVATIONS
FFE	FINISH FLOOR ELEVATION
FRP	FIBERGLASS REINFORCED PANELS
GWB	GYPSUM WALL BOARD
GYP BD	GYPSUM WALL BOARD
INSUL	INSULATION
O.C.	ON CENTER
P&S	BRACKET W/ CLOTHES POLE & SHELF
PT	PRESSURE TREATED/PAINTED
RCP	REFLECTED CEILING PLAN
SAT	SUSPENDED ACOUSTICAL TILE
SIM	SIMILAR
STRUCT	STRUCTURAL DRAWINGS OR STRUCTURAL
	ENGINEER
T.B.D.	TO BE DETERMINED
T.O.	TOP OF
TYP	TYPICAL
UNO	UNLESS NOTED OTHERWISE
VCT	VINYL COMPOSITE TILE

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DRAWING LIST

G100	COVER SHEET
000	SURVEY
C1	SITE PLAN
C2	EROSION & SEDIMENTATION CONTROL DETAILS
CM1.1	CONSTRUCTION MANAGEMENT
G103	CODE SUMMARY
G104	LIFE SAFETY PLANS
A1.1	BSMNT / FIRST
A1.2	2ND 3RD FLOOR PLANS
A1.3	4TH & ROOF PLANS
A2.1	ELEVATIONS
A2.2	ELEVATIONS
A2.3	RENDERING
A2.4	RENDERING
A2.5	RENDERING
A2.6	CONTEXT
000	PARKING LOT LIGHTING

PERMIT SET
XX/XX/2016

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PROJECT NO.
15018
PROJECT NAME
MERRILL STREET - 7 UNIT
PORTLAND, ME

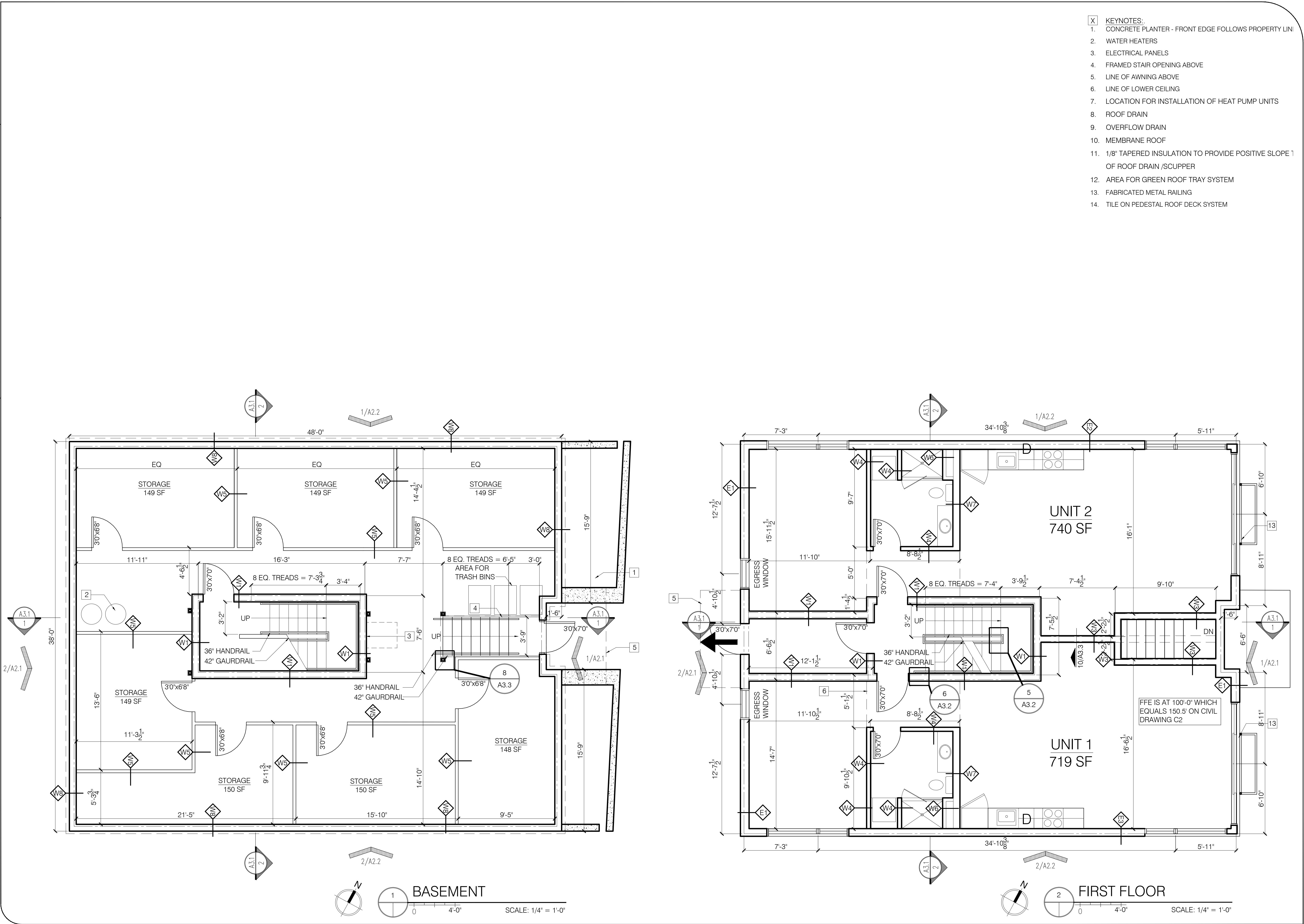
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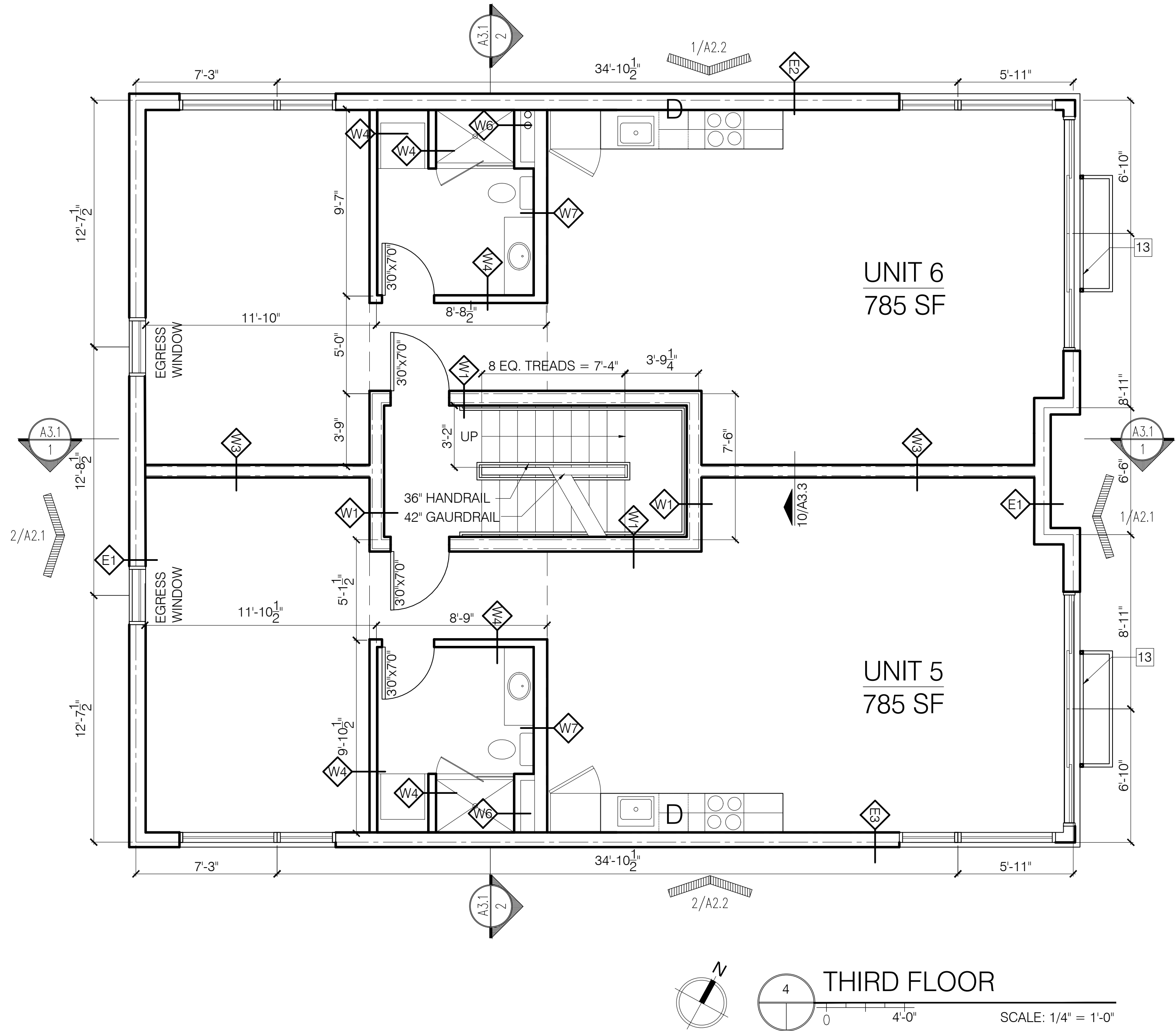
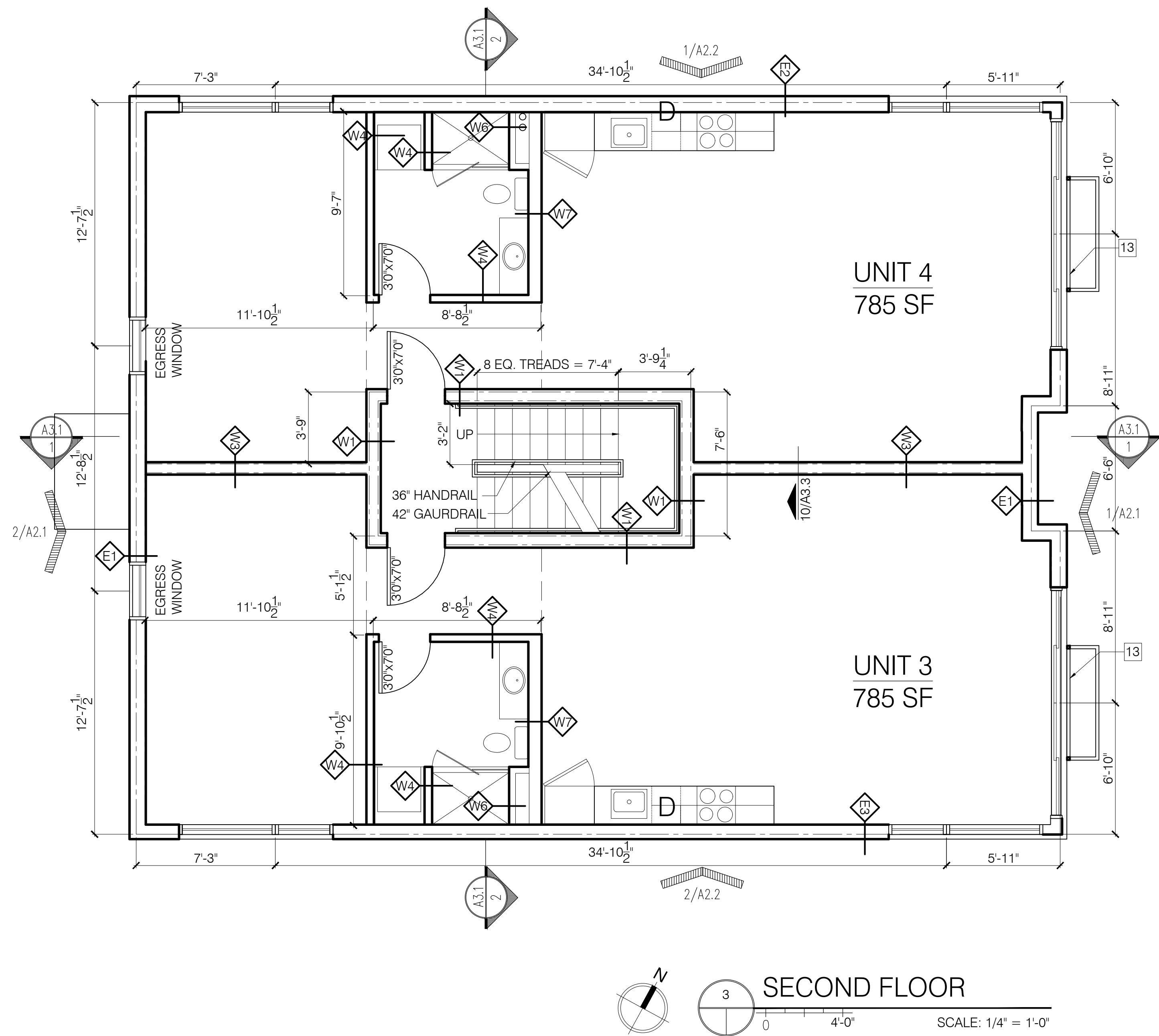
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TITLE SHEET

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SHEET SCALE
NTS

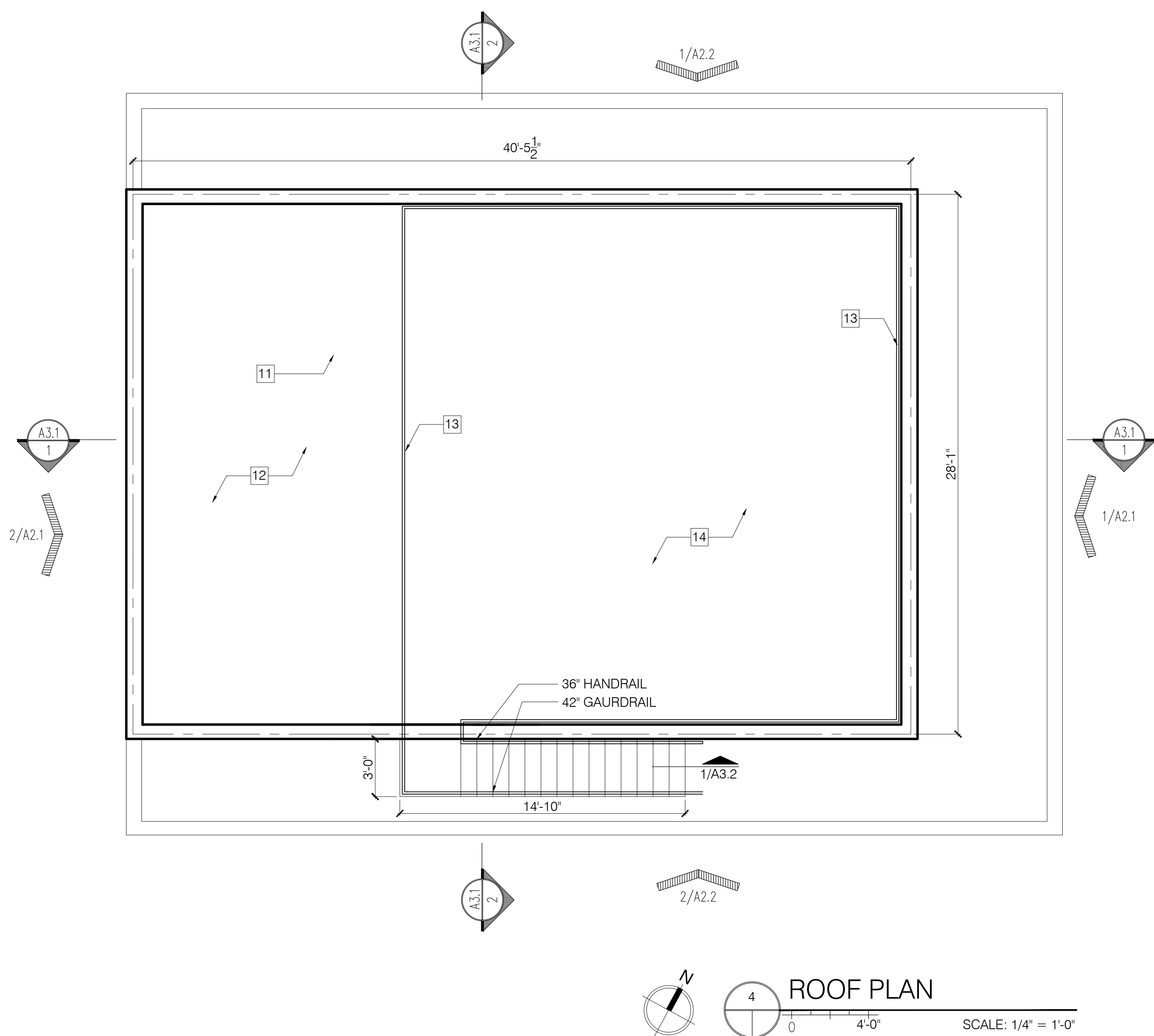
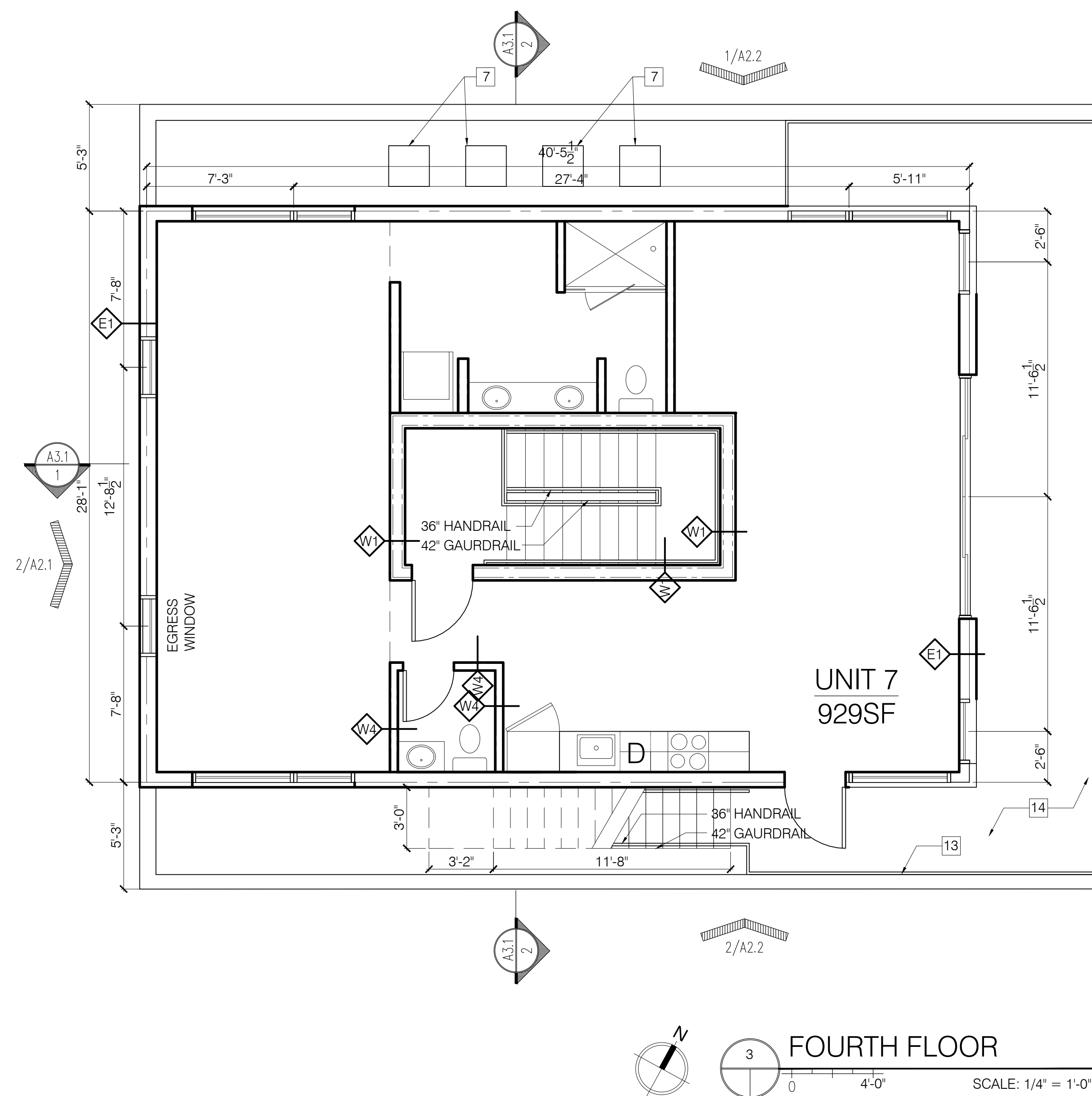
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- KEYNOTES:
1. CONCRETE PLANTER - FRONT EDGE FOLLOWS PROPERTY LIN
 2. WATER HEATERS
 3. ELECTRICAL PANELS
 4. FRAMED STAIR OPENING ABOVE
 5. LINE OF AWNING ABOVE
 6. LINE OF LOWER CEILING
 7. LOCATION FOR INSTALLATION OF HEAT PUMP UNITS
 8. ROOF DRAIN
 9. OVERFLOW DRAIN
 10. MEMBRANE ROOF
 11. 1/8" TAPERED INSULATION TO PROVIDE POSITIVE SLOPE 1 OF ROOF DRAIN /SCUPPER
 12. AREA FOR GREEN ROOF TRAY SYSTEM
 13. FABRICATED METAL RAILING
 14. TILE ON PEDESTAL ROOF DECK SYSTEM



- | | |
|-----|--|
| X | KEYNOTES: |
| 1. | CONCRETE PLANTER - FRONT EDGE FOLLOWS PROPERTY LINE |
| 2. | WATER HEATERS |
| 3. | ELECTRICAL PANELS |
| 4. | FRAMED STAIR OPENING ABOVE |
| 5. | LINE OF AWNING ABOVE |
| 6. | LINE OF LOWER CEILING |
| 7. | LOCATION FOR INSTALLATION OF HEAT PUMP UNITS |
| 8. | ROOF DRAIN |
| 9. | OVERFLOW DRAIN |
| 10. | MEMBRANE ROOF |
| 11. | 1/8" TAPERED INSULATION TO PROVIDE POSITIVE SLOPE TO TOP
OF ROOF DRAIN /SCUPPER |
| 12. | AREA FOR GREEN ROOF TRAY SYSTEM |
| 13. | FABRICATED METAL RAILING |
| 14. | TILE ON PEDESTAL ROOF DECK SYSTEM |

WINDOW SCHEDULE				
TYPE	SIZE (ROUGH OPENING)	MATERIAL	OPERATION	NOTES
A	11'-10 3/4" X 6'-9 3/4"	-	SLIDING	1,2,4
B	2'-4" X 4'-0"	-	AWNING	1,2,4
C	2'-4" X 4'-0"	-	FIXED	1,2,4
D	4'-8" X 4'-0"	-	CASEMENT	1,3,2,4

WINDOW SCHEDULE NOTES:

- SAFETY GLAZING MAY BE REQUIRED FOR WINDOWS NEAR A SLIDING DOOR
- ALL WINDOWS TO HAVE A MAXIMUM U-FACTOR OF 0.35
- WINDOWS LABELED "EGRESS WINDOW" IN PLAN MUST COMPLY WITH: MIN AREA: 5.7SF
MIN HEIGHT: 24"
MIN WIDTH: 20"
- WINDOWS TP BE THERMALLY BROKEN

WINDOW SPECIFICATIONS:

- Size and window configuration.
- Color options.
- Factory Mulling Capability.
- Design Pressure Rating
- U Factor
- Material
- Glazing Type
- Hardware type.
- Exterior Washing Capability
- Warranty (Window & glazing units)
- Insect Screens

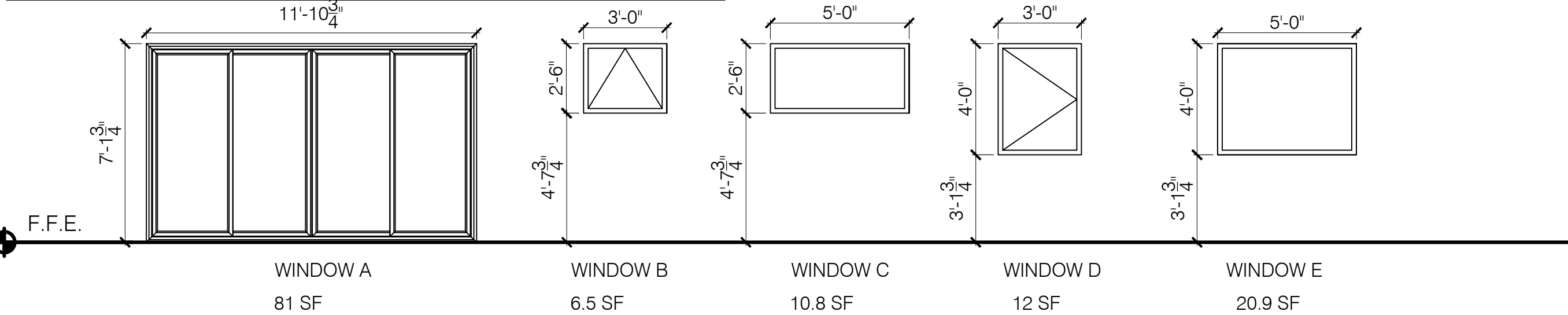
See Window Schedule
To be selected
Preferred
25
0.35 or lower
To be selected
To be selected
To be selected
Washing from interior preferred
10 years
Standard Insect Screens

GENERAL NOTES:

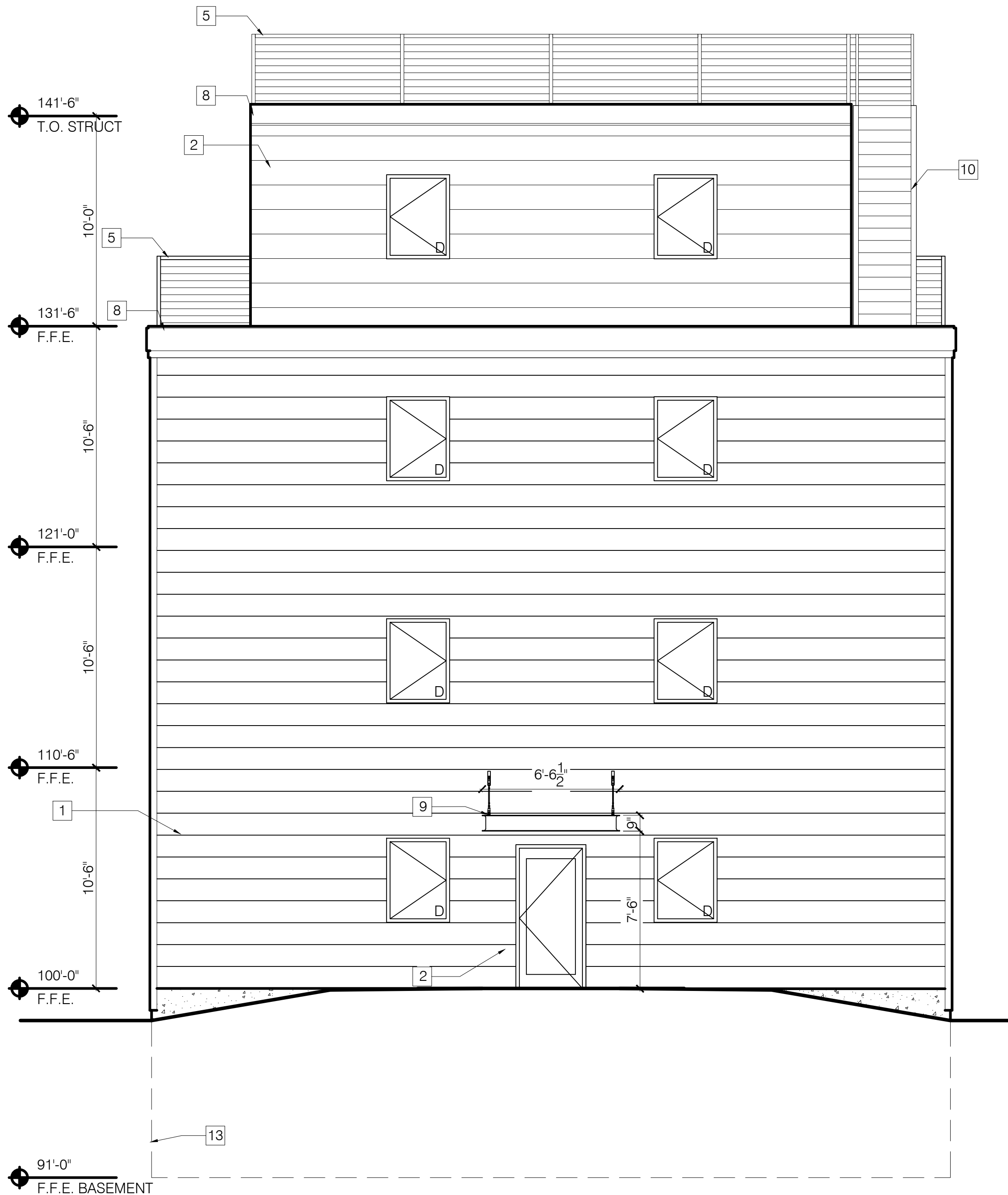
- GLAZING IN ALL DOORS IS REQUIRED TO BE SAFETY GLAZING
- FINAL FINISHES TO BE SELECTED BY OWNER.
-
-

KEYNOTES:

- LP SMART SIDING - SMOOTH FINISH - CLAPBOARD - 11.84 WIDTH - COLOR 1
- LP SMART SIDING - SMOOTH FINISH - CLAPBOARD - 11.84 WIDTH - COLOR 2
- FABRICATED METAL GUARD SYSTEM CONSTRUCTED OH HSS
- ROOF SCUPPER
- HANDRAIL W/ 42" HSS GUARDRAIL W/ HORIZONTAL STEEL RODS @ 3 3/8" O.C.
- CONCRETE PLANTER
- BUILDING ADDRESS FORMED INTO CONCRETE
- GALVANIZED FINISHED BREAK METAL COPING
- FABRICATED METAL AWNING WITH METAL ROD SUPPORTS
- FABRICATED METAL STAIR W/ 36" 111-1/2" HSS RAILINGS AND HORZ STEEL RODS @ 3-1/2" O.C.
- BREAK METAL WINDOW TRIM DETAIL
- LINE OF ROOF BEYOND
- LINE REPRESENTS BASEMENT BELOW GRADE
- DOWNSPOUT
- DRYER VENT
- HVAC EXHAUST



1 FRONT (EAST) ELEVATION
SCALE: 1/4" = 1'-0"



2 BACK (WEST) ELEVATION
SCALE: 1/4" = 1'-0"

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MAX WALL OPENING					
ELEVATION	SEPARATION DISTANCE	NFPA SPRINKLERED	PROTECTED OPENINGS	ALLOWABLE AREA	% OF WALL OPENING
NORTH	5' TO 10'	YES	NO	25%	7%
NORTH ROOF	20' TO 25'	YES	NO	NO LIMIT	-
EAST	30' OR GREATER	YES	NO	N/A	-
SOUTH	10' TO 15'	YES	NO	45%	8.5%
WEST	30' OR GREATER	YES	NO	N/A	-

GENERAL DOOR SCHEDULE NOTES:

- ALL DOOR HANDLES TO BE ADA COMPLIANT LEVER HANDLES.
- ALL INTERIOR DOOR HARDWARE FINISH TBD
- DOORS WITHIN UNITS FINISH TBD
- PROVIDE A COMMON SPACES KEY FOR TENANT ENTRANCES AND STORAGE AREA (ISSUED TO EACH TENANT)

HARDWARE SETS:

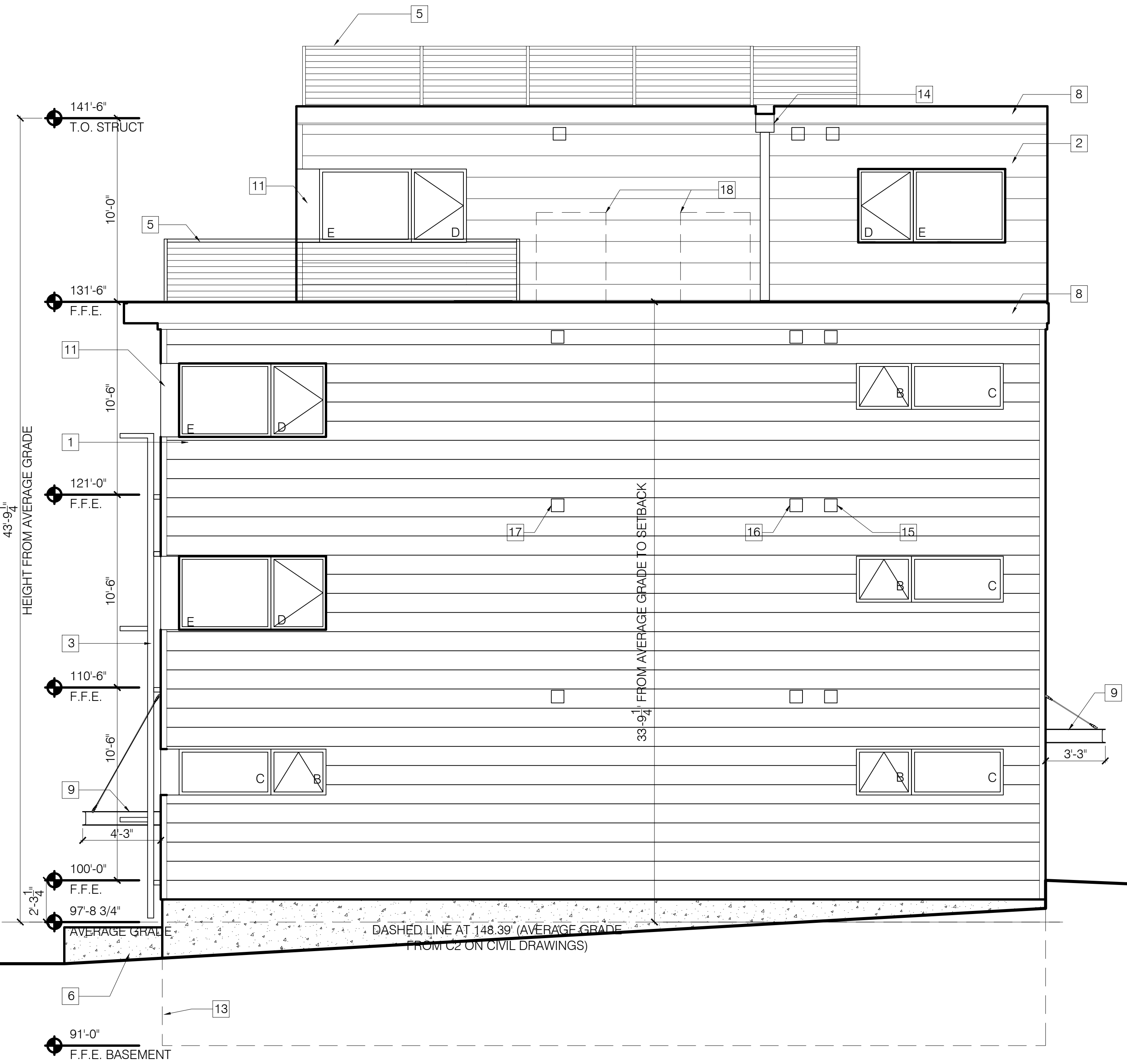
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|----|-----------------------|---|
| 01 | UNIT ENTRY DOORS: | PEEP HOLE, (3) HINGES, SOFT CLOSE DAMPER, STRIKE, DOOR STOP, SINGLE CYLINDER DEADBOLT, ENTRY LOCKSET, THROW-BOLT, LATCH ASSEMBLY, LEVER, CLOSER, THRESHOLD, SWEEP |
| 02 | BATHROOM DOORS: | (3) HINGES, STRIKE, DOOR STOP, LEVER, BED/BATH LOCKSET |
| 03 | PATIO DOORS: | (3) HINGES, ESCUTCHEON PLATE, HANDLE, DEADBOLT LOCKSET |
| 04 | ENTRY DOOR: | (3) HINGES, STRIKE, DOOR STOP, THRESHOLD, SWEEP, ENTRY LOCKSET, GASKET, LEVER, METAL PROTECTIVE TRIM, PEEP HOLE CLOSER |
| 05 | EXTERIOR STORAGE DOOR | (3) HINGES, STRIKE, THRESHOLD, SWEEP, ENTRY LOCKSET, GASKET, LEVER, METAL PROTECTIVE TRIM, PEEP HOLE, CLOSER |
| 06 | STAIRWAY/HALLWAY DOOR | (3) HINGES, SOFT CLOSE DAMPER, STRIKE, DOOR STOP, FREE PASSAGE LATCH ASSEMBLY, LEVER, CLOSER |
| 07 | STORAGE DOOR: | (3) HINGES, STRIKE, LOCKSET, LEVER, CLOSER |

GENERAL NOTES:

- A. GLAZING IN ALL DOORS IS REQUIRED TO BE SAFETY GLAZING
- B. FINAL FINISHES TO BE SELECTED BY OWNER.
- C. ----
- D. ----

KEYNOTES:

- LP SMART SIDING - SMOOTH FINISH - CLAPBOARD - 11.84 WIDTH - COLOR 1
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- DOWNSPOUT
- DRYER VENT
- HVAC EXHAUST
- HVAC INTAKE
- LOCATION FOR INSTALLATION OF HEAT PUMP UNITS





1 MERRILL STREET VIEW

ISSUE DATE
08 / 26 / 16
SHEET SCALE
1/4" = 1'-0"

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SHEET TITLE

SITE APPLICATION
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REVISIONS
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TURNER STREET VIEW

ISSUE DATE
08 / 26 / 16
SHEET SCALE
1/4" = 1'-0"

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SHEET TITLE

SITE APPLICATION
NOT FOR CONSTRUCTION

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1 MERRILL STREET VIEW

ISSUE DATE
08 / 26 / 16
SHEET SCALE
1/4" = 1'-0"

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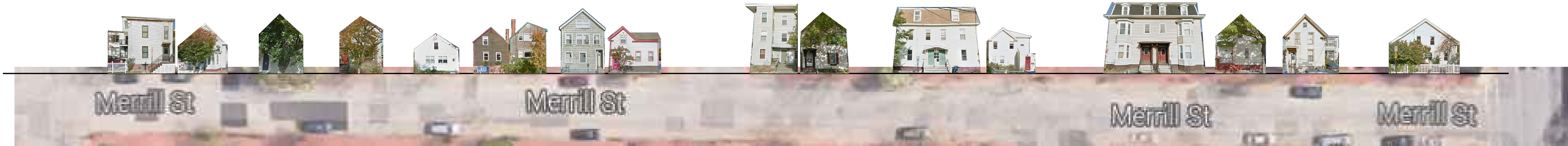
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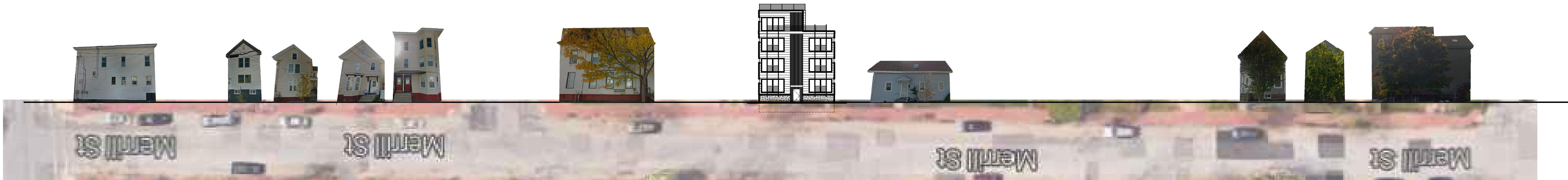
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1 MERRILL STREET NORTH



2 MERRILL STREET SOUTH



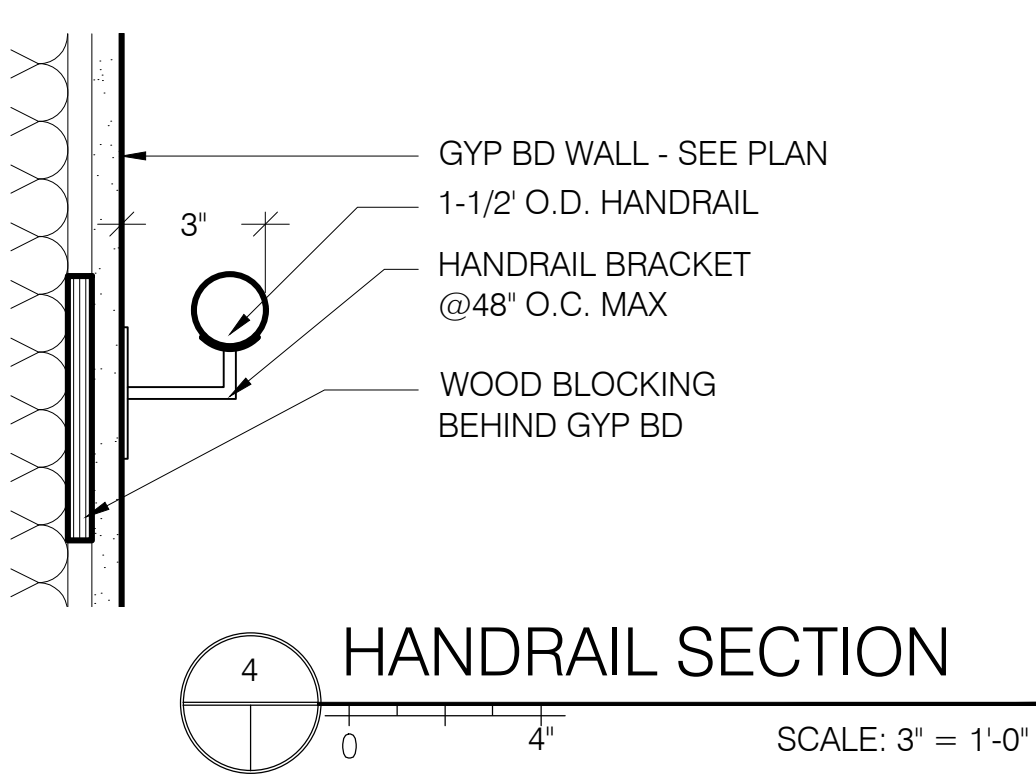
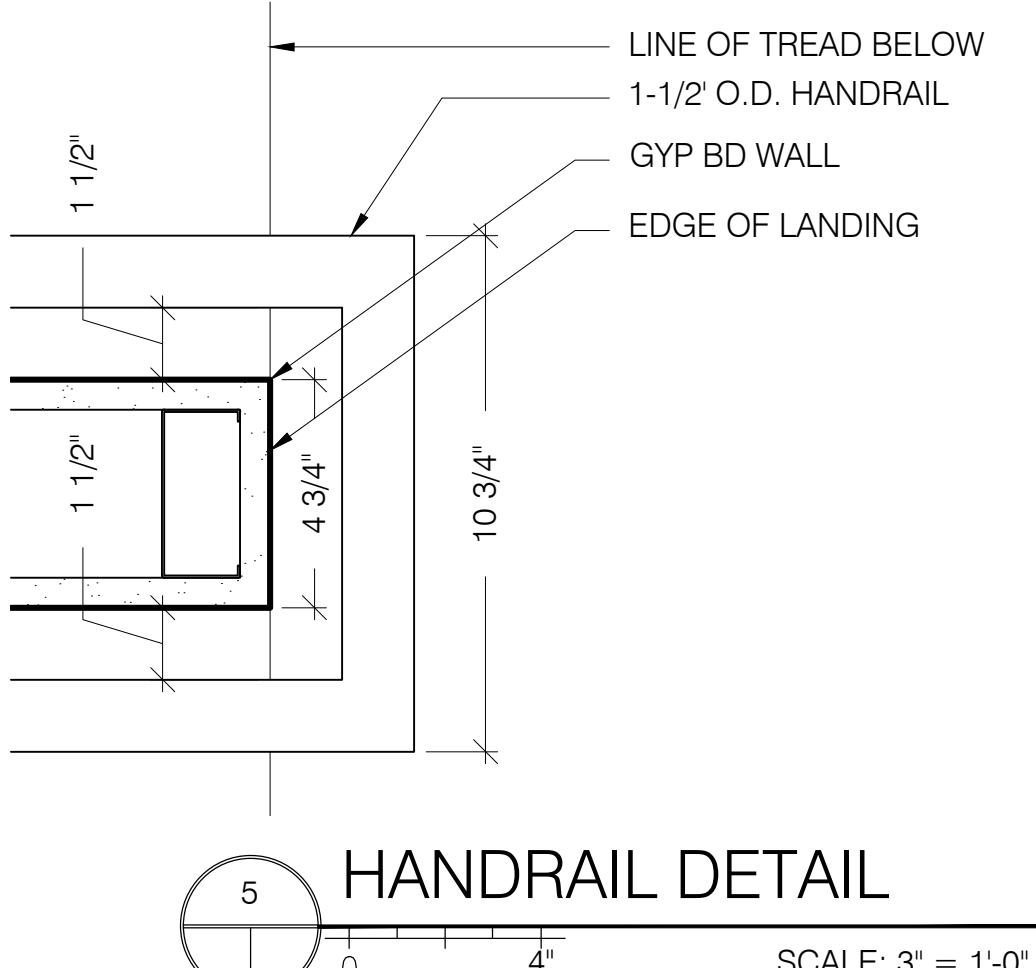
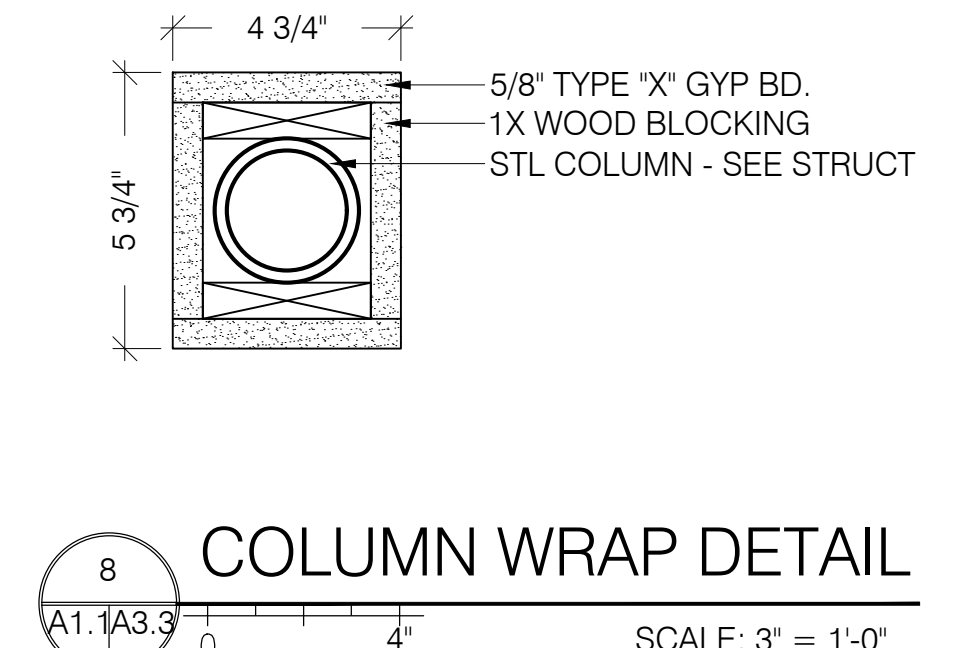
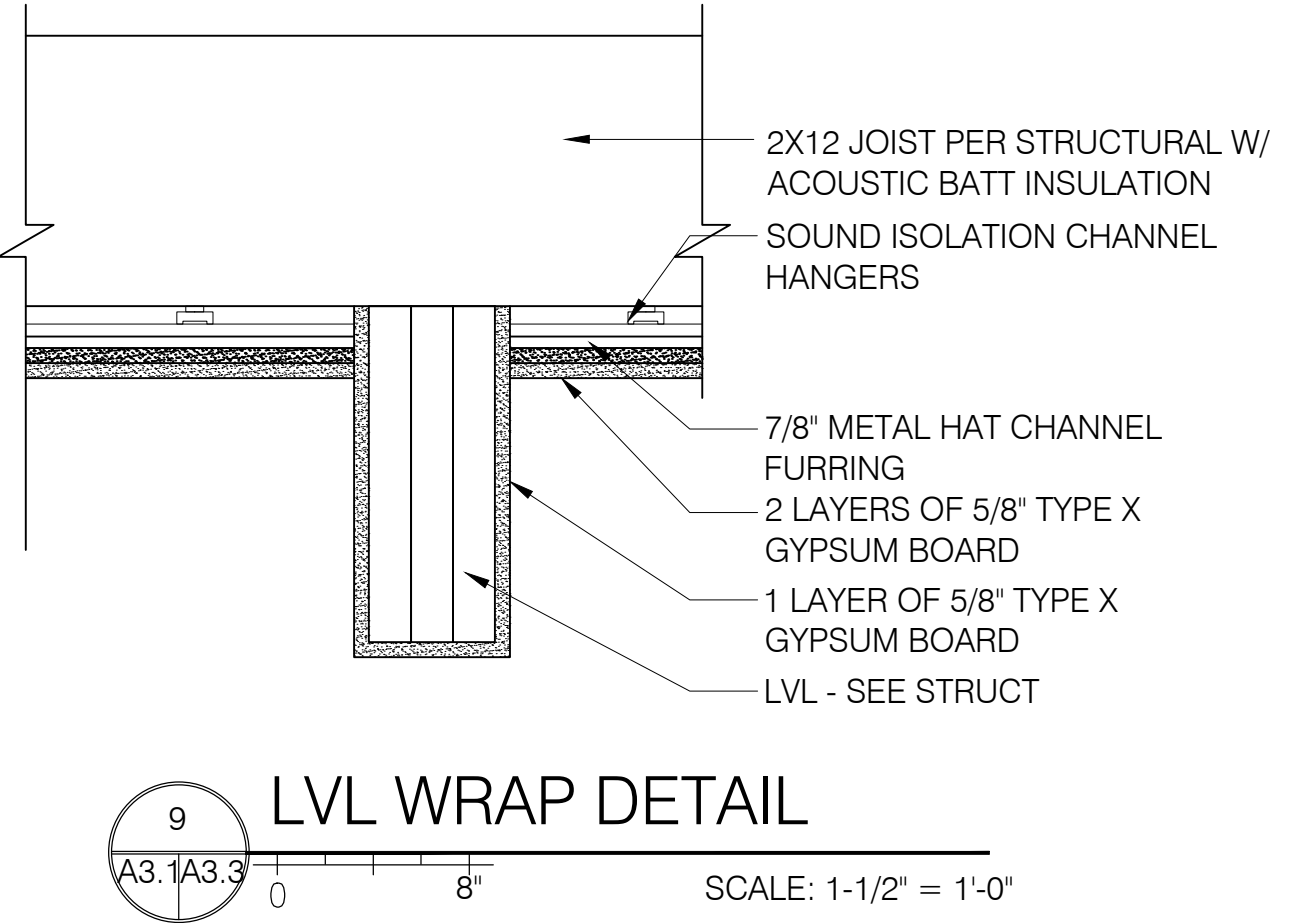
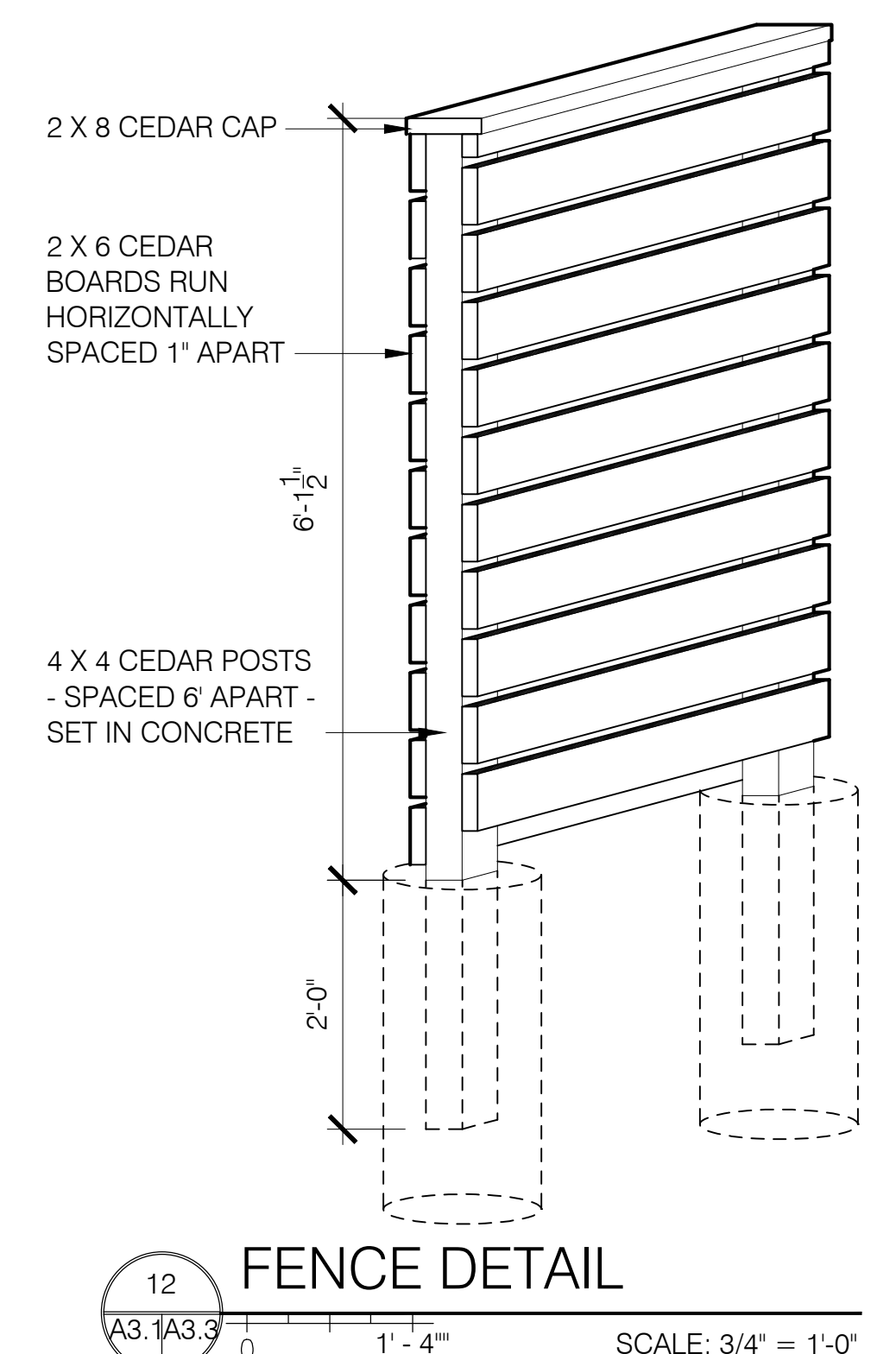
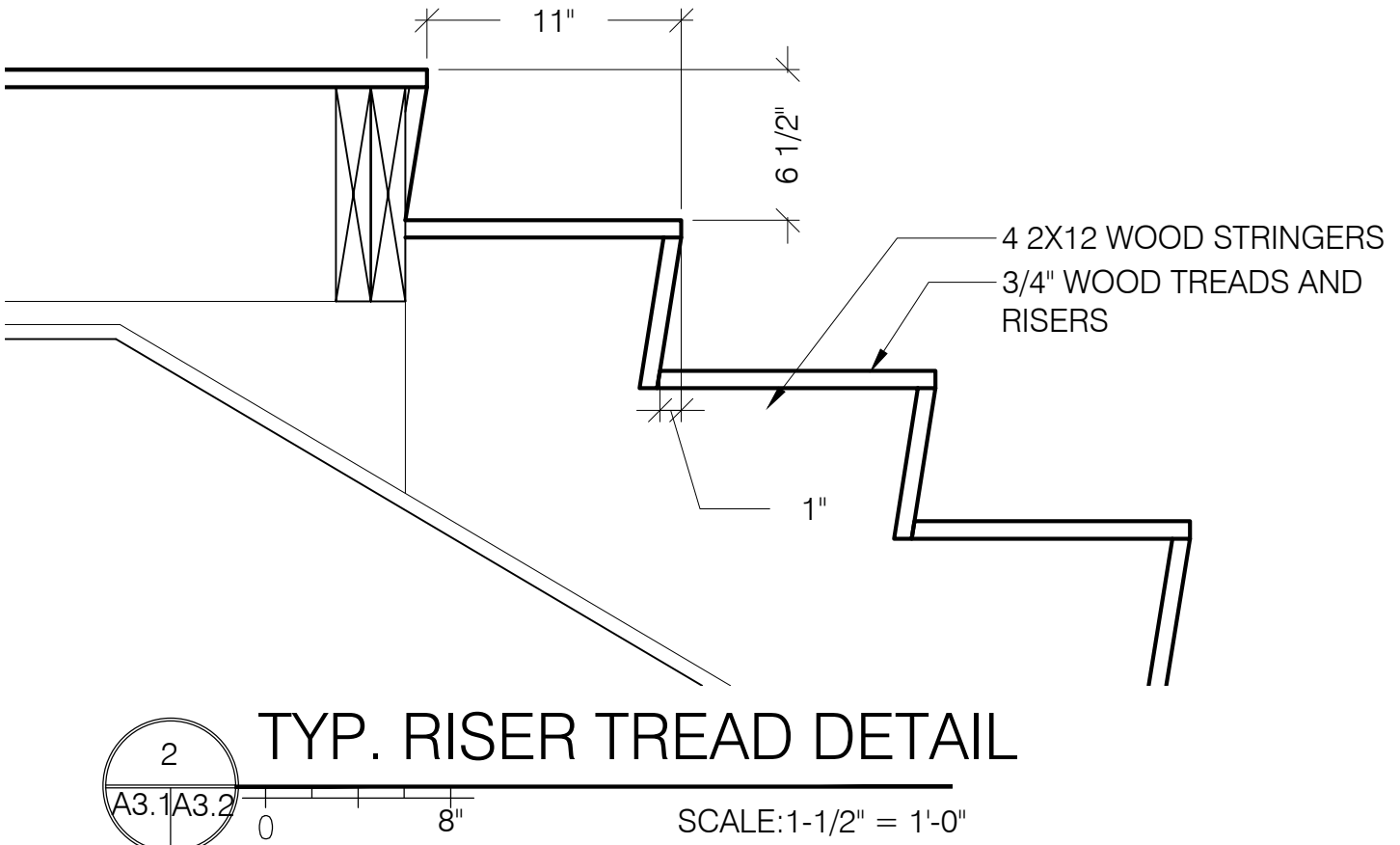
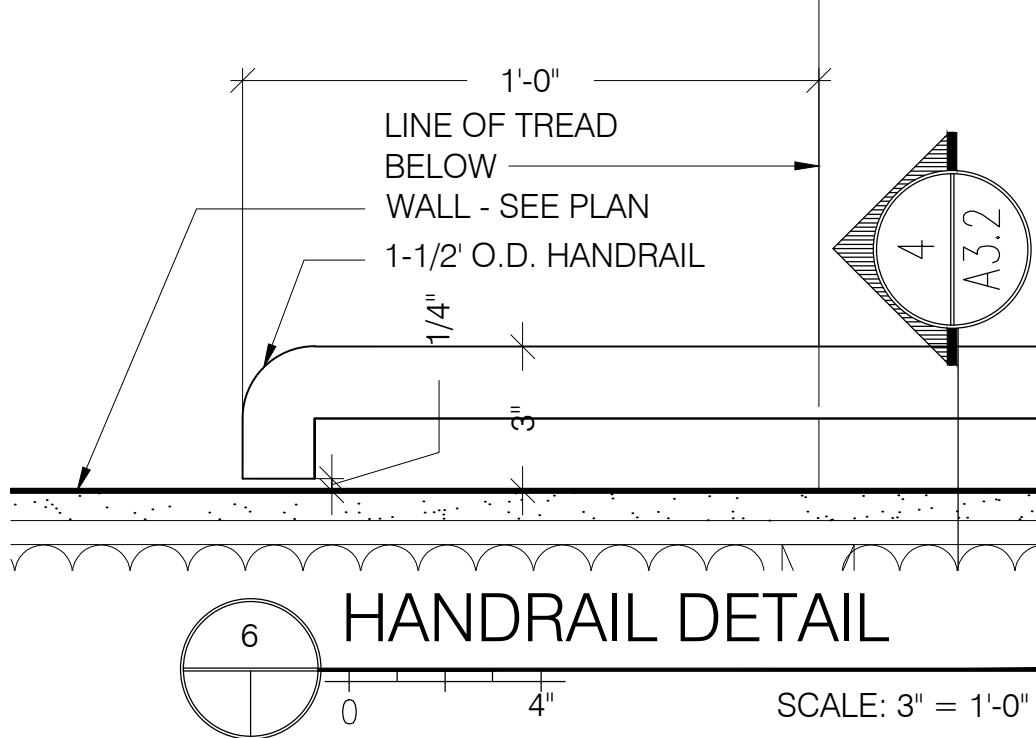
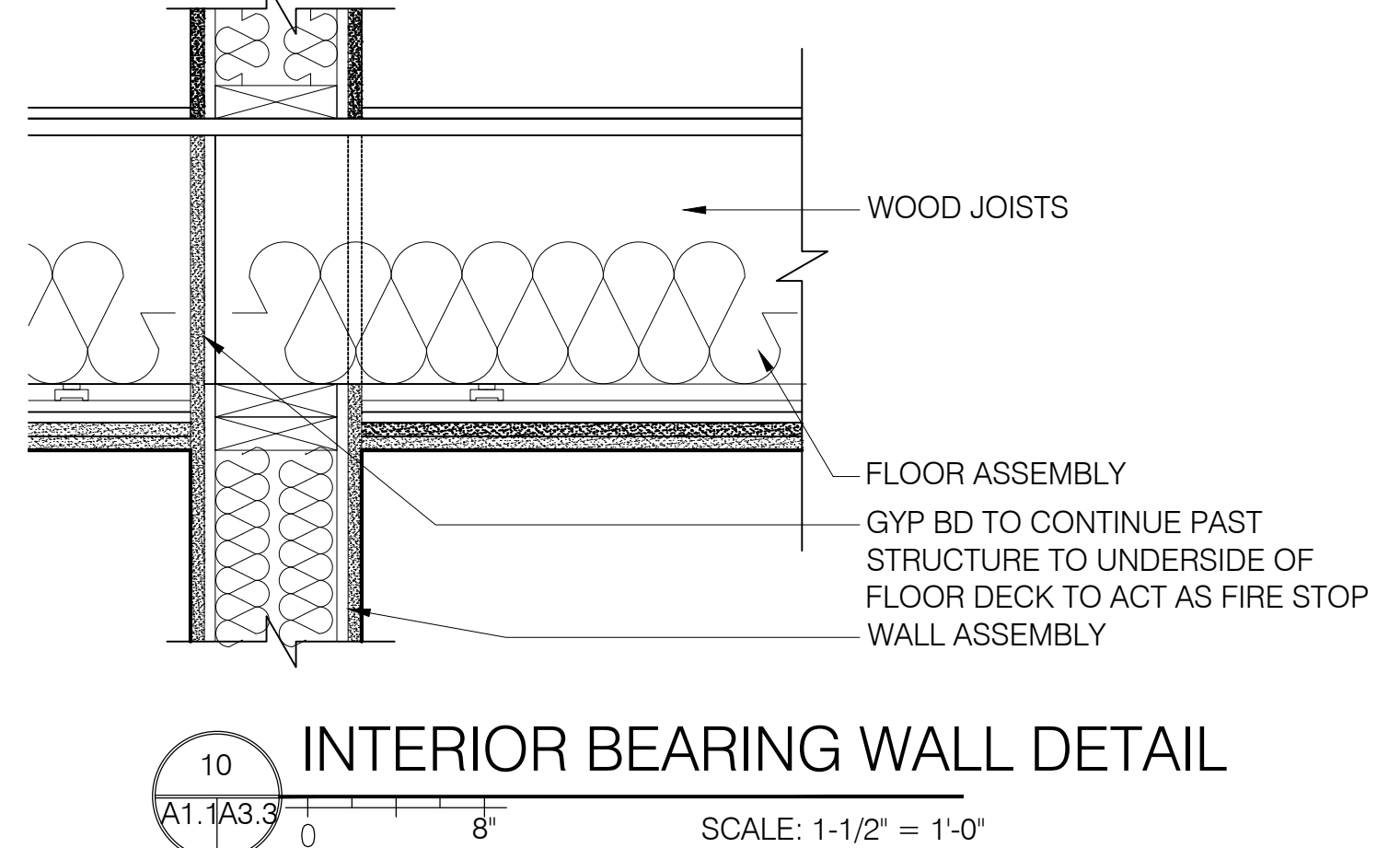
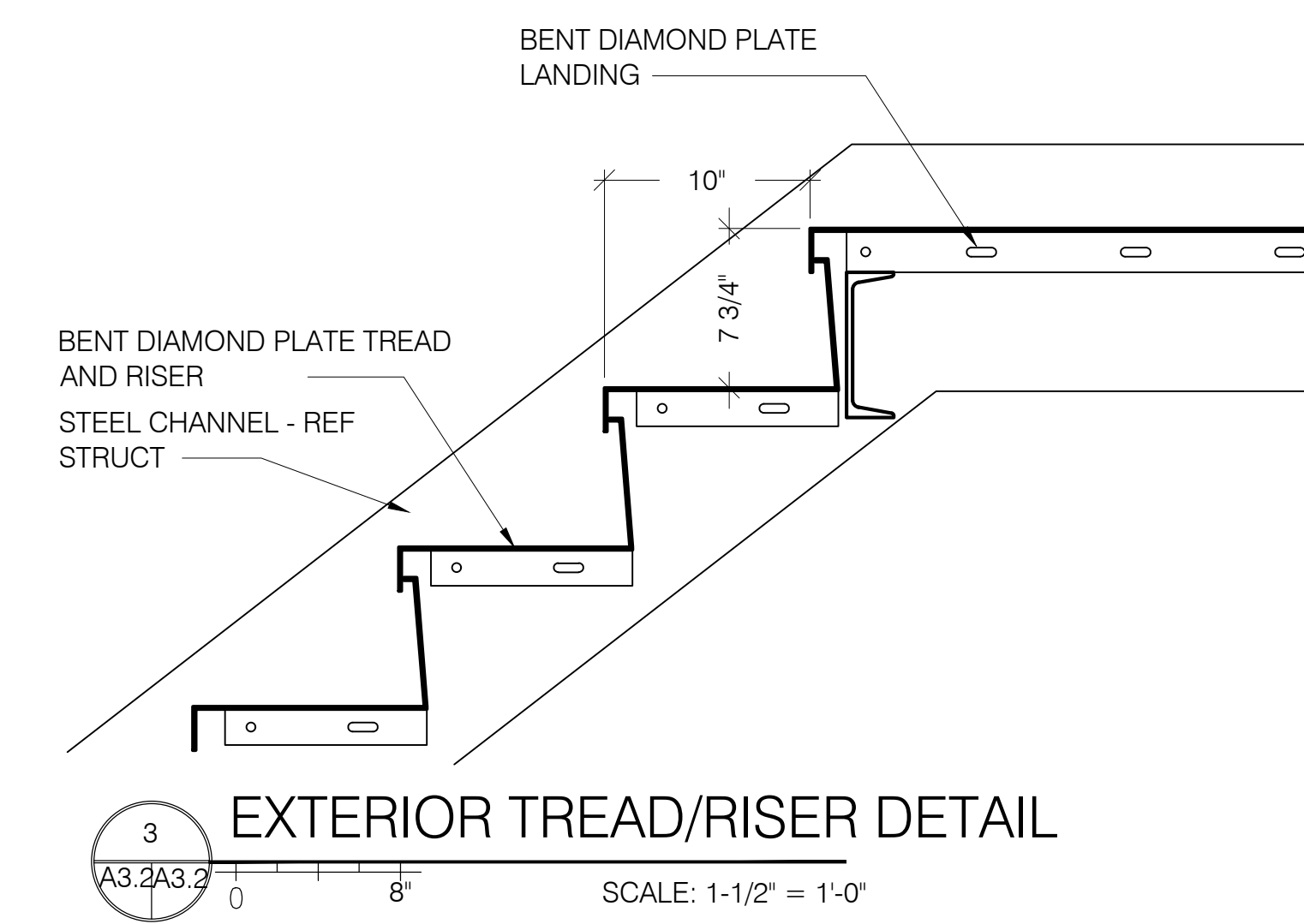
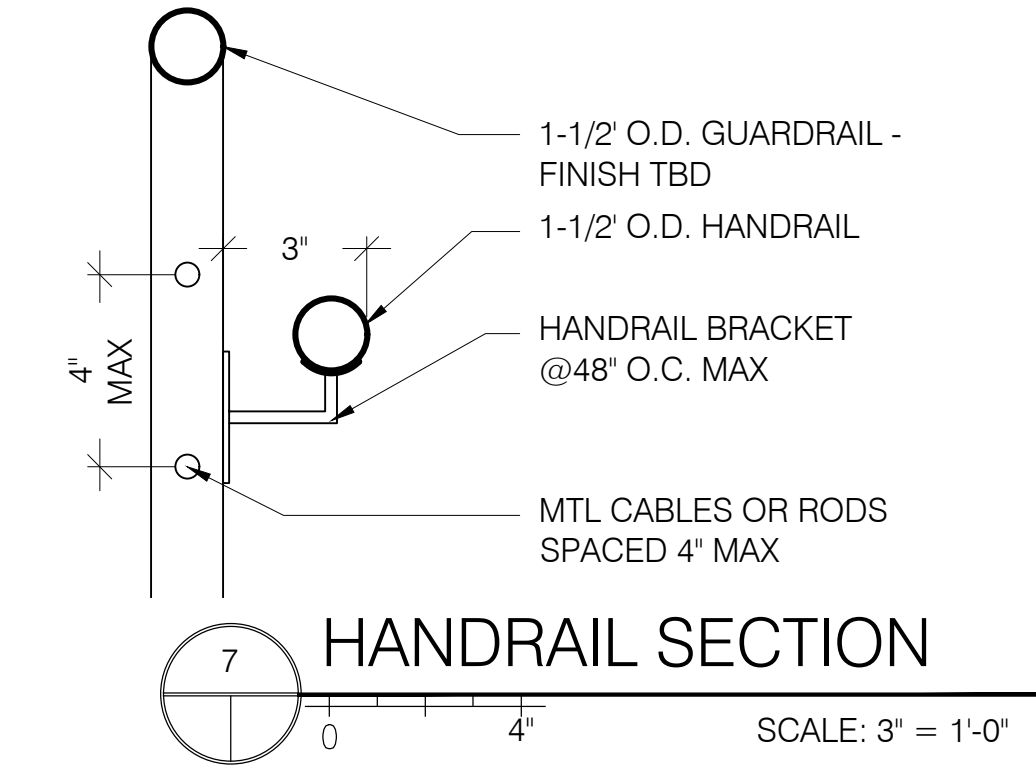
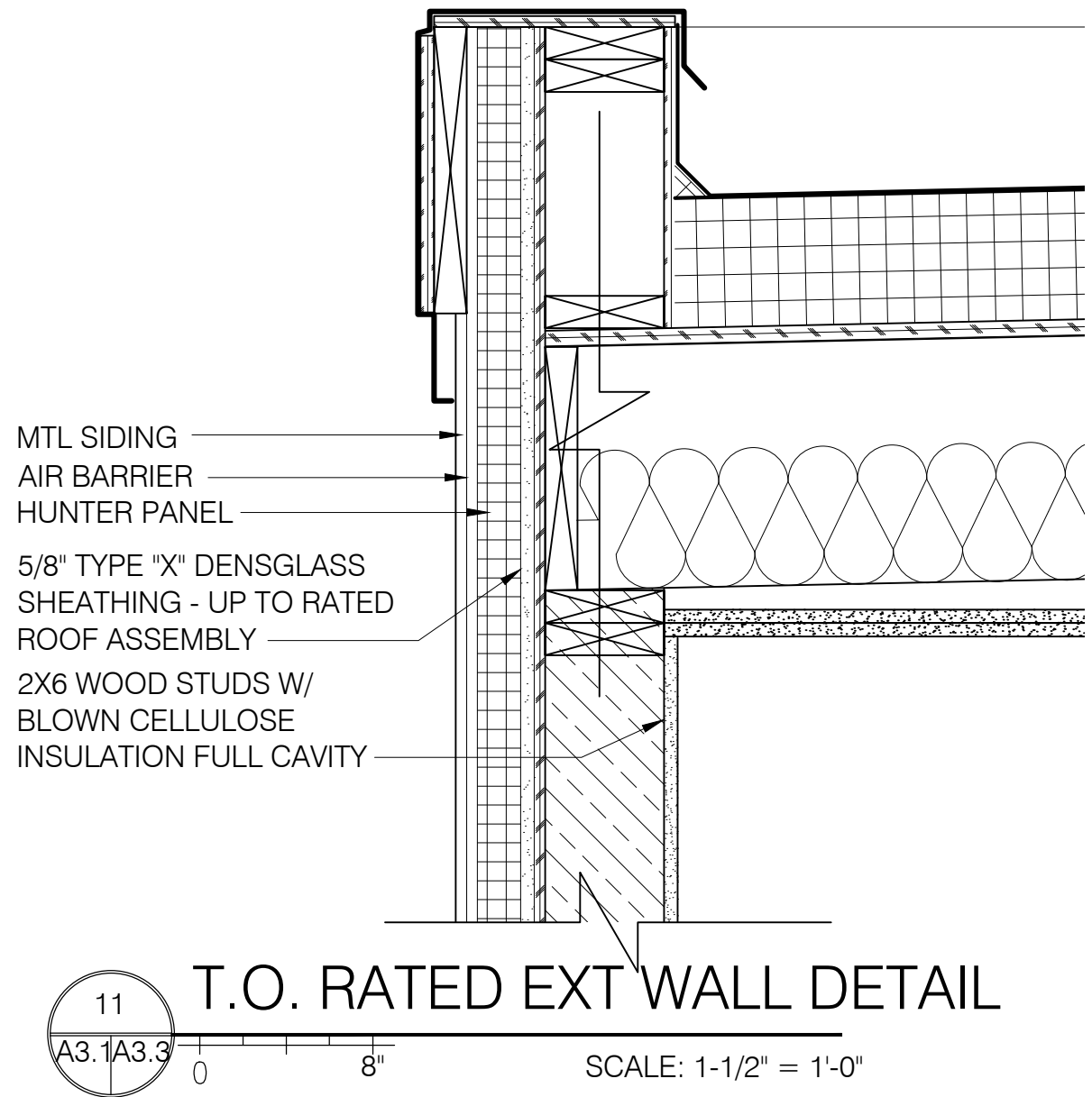
3 CUMBERLAND AVE WEST



4 CUMBERLAND AVE EAST



5 SITE MAP



Maine Human Rights Act (ANSI A117.1 - Use the Fair Housing Guidelines)
2. Applicability. This section applies to multifamily housing accommodations constructed for first occupancy after March 13, 1991.
3. Standards. Facilities subject to this section must meet the following standards.
A. Doors designed to allow passage into and within all premises within those accommodations must be sufficiently wide to allow passage by a person in a wheelchair.
B. A route accessible to a person in a wheelchair into and through the dwelling unit must exist.
C. Light switches, electrical outlets, thermostats and other environmental controls must be in locations accessible to a person in a wheelchair.
D. Bathroom walls must have reinforcements to accommodate the installation of grab bars.
E. Kitchens and bathrooms must be accessible to and usable by a person in a wheelchair.

Zoning:
Building, height of: The vertical measurement from grade, or the predevelopment grade on the islands, to the highest point of the roof beams in flat roofs

Building Area Information
Building Footprint: 1,824 SF
Building Area: 6,580 SF

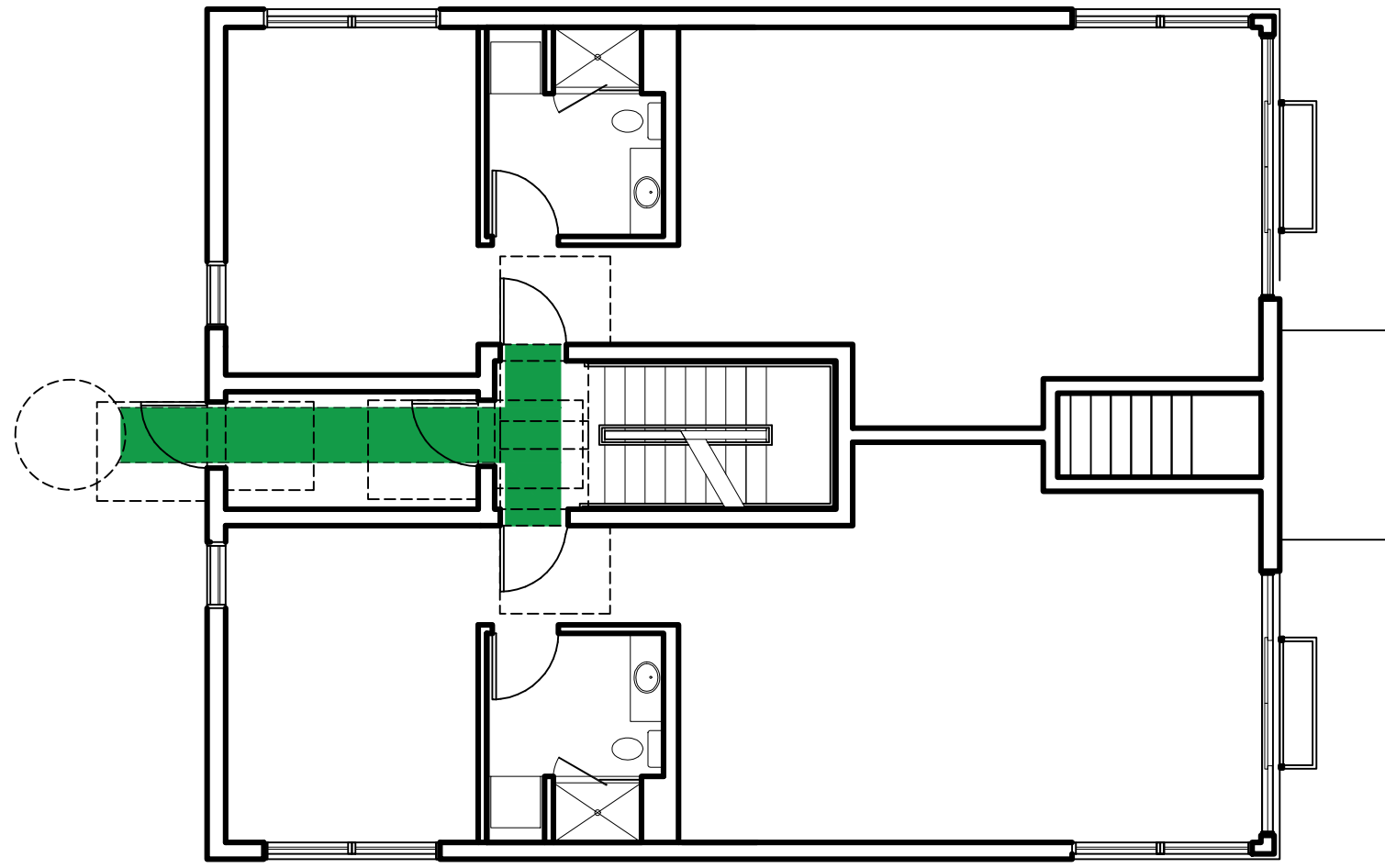
NFPA Code Overview
Use: New Residential Apartment Building
Construction: No minimum requirement
Sprinkler: NFPA 13R
Occupancy: 32 Occupants

IBC Code Overview
Use: R-2, S-1
Construction: Type VA
Sprinkler: NFPA 13R
Occupancy: 23 in R-2 + 6 in S-2 = 29 Occupants

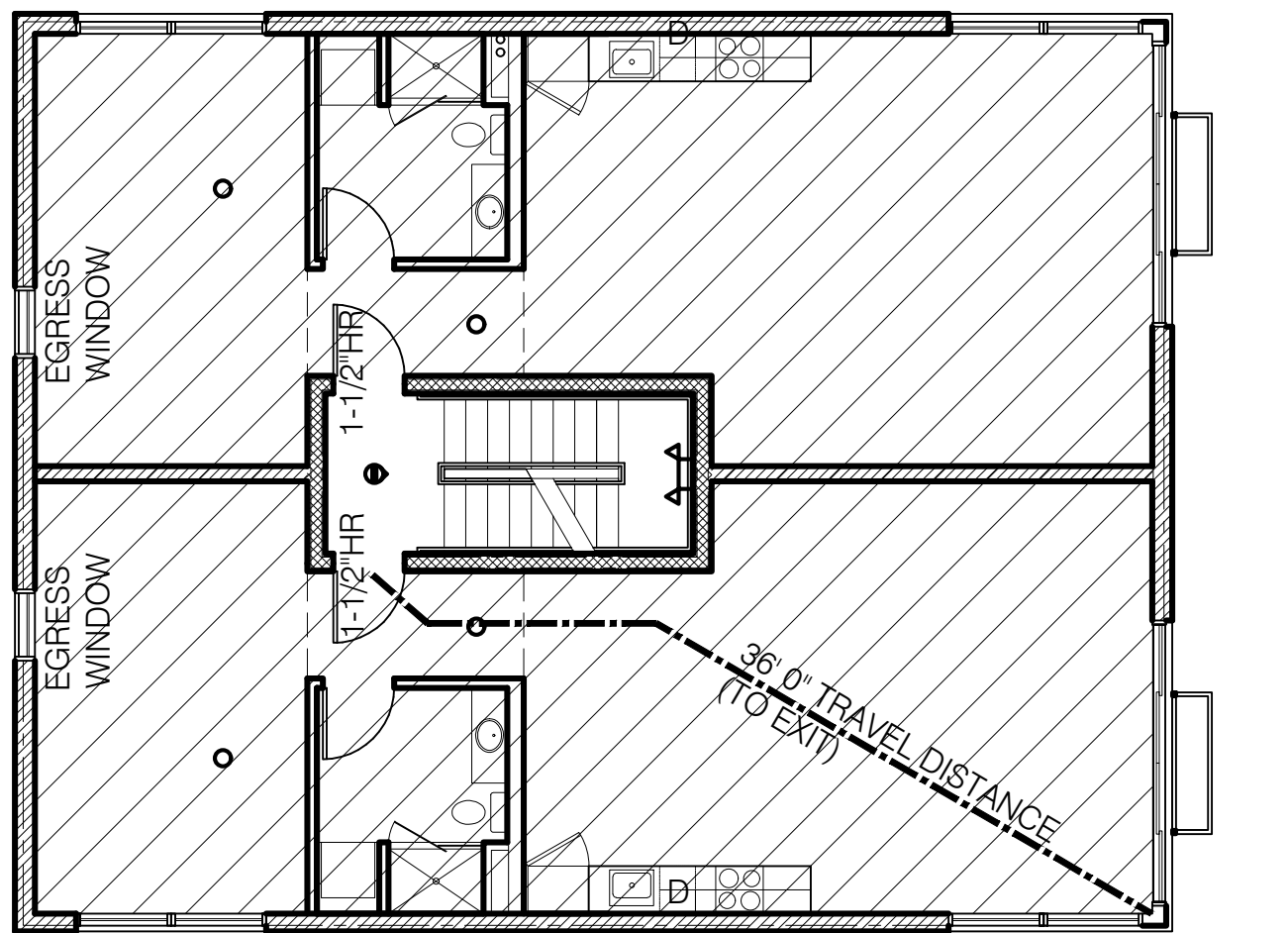
IBC - Detail Code Review					
Use and Occupancy Classification:					
310.1	Residential Group R-2 (Apartments)				
311.2	Storage S-1				
420.2	Fire Partitions Separating Dwelling Units (709)				
420.3	Floor Assemblies Separating Dwelling Units (712)				
503	R-2 VA	7,000sf	3 stories	50' tall	
	S-1 VA	14,000sf	3 stories	50' tall	
504.2	Where a building is equipped throughout with an approved automatic sprinkler system, the maximum building height is increased by 20 feet, and the maximum number of stories is increased by one.				
508.4	S-1 and R occupancies shall be separated by 1-HR when sprinklered				
508.4.2	Allowable Area				
508.4.3	Allowable Height				
601	Type VA - No fire-resistance rating requirements for building elements				
	Primary Structural Frame	1hr			
	Exterior Bearing walls	1hr			
	Interior Bearing walls	1hr			
	Nonbearing Exterior	See table 602			
	Nonbearing Interior	0hr			
	Floor Construction	1hr			
	Roof Construction	1hr			
602	Separation distance	5'≤X<10'	VA	1-hr exterior wall NW building side (rated from both sides)	
		10'≤X<30'	VA	1-hr	
		X≥30	VA	No rating required	
705.2.2	Projections (including balconies) may be of any material				
705.5	When exterior walls are required to be rated:				
	X<10'	Rated for exposure from both sides			
	X>10'	Rated from inside			
705.8.1	Buildings whose exterior bearing walls, exterior non-bearing walls, and exterior primary structural frame are not required to be fire-resistance rated shall be permitted to have unlimited unprotected openings.				
705.11.4	Parapet not required on any exterior walls				
707.3.1	Fire Barrier required for shaft enclosure				
707.5	Fire barriers: From TOP of floor to bottom of decking above (cont. thru concealed)				
707.5.1	Fire Barrier supporting construction shall have same rating				
708.1	Shaft enclosures shall be constructed of fire barriers and horizontal assemblies.				
708.2	Shaft enclosure is required stair				
708.4	Shaft Enclosure: 2 hour when connecting four or more stories				
709.1	Fire partitions required to separate dwelling units				
709.3	Fire partitions shall be not less than 1-hr				
709.4	Fire partition continuity: from TOP of floor to bottom of decking above or to bottom of ceiling assembly (with fireblocking or draftstopping)				
712.3	Horizontal Assembly = Dwelling unit and sleeping unit separation in buildings of Type VA construction shall have a fire-resistance rating of not less than 1 hour in buildings equipped with an automatic sprinkler system.				
712.4	Supporting construction of horiz. assembly between units is required to be rated in VA				
713	All Rated vertical and horizontal assemblies shall be complete assemblies in that any penetrations shall be treated as in accordance with this section.				
714	All Rated vertical and horizontal assemblies shall be complete assemblies in that any joints shall be treated as in accordance with this section.				
715	All Rated vertical and horizontal assemblies shall be complete assemblies in that any openings shall be treated as in accordance with this section.				
715.4	Doors in 2-hour stair shaft shall have a rating of 1-1/2 hour				
716	All Rated vertical and horizontal assemblies shall be complete assemblies in that any ducts and air transfers shall be treated as in accordance with this section.				
716.6.2	Ducts and air transfer openings penetrating a rated ceiling membrane must be installed with a listed ceiling radiation damper				
717	Fire blocking and draft-stopping shall be installed in concealed spaces in accordance with this section.				
803.9	R-2: Exit enclosures, corridors, rooms and enclosed spaces required to have Class C finishes.				
	S-1: Exit enclosures, corridors, rooms and enclosed spaces required to have Class C finishes.				
901.6.1	Automatic sprinkler system shall be monitored by a supervising station (NFPA 72)				
901.6.2	Fire alarm system shall be monitored by a supervising station				
903.2.8	Sprinkler System is required for Group R				
903.3.1.2	NFPA 13R is permitted up to and including 4 stories				
905.3.1	Class III standpipe system shall be installed				
906.1	Fire extinguisher REQUIRED				
907.2.9.1	Manual pull station fire alarm system is required as building is four stories.				
907.2.11.2	Interconnected Smoke Alarms Required:				
	Outside each sleeping area and in each sleeping room				

1003.2	Min egress ceiling height: 7'-6"
1003.5	Exception 1: A single step (under 7") allowed at exterior doors in R-2 that are not required to be accessible doors.
1004.1.1	Occupancy Load for Residential: 200 gross at 4,756 SF is 29 occupants
	Occupancy Load for Storage: 300 gross at 1,824 SF is 29 occupants
1005.3	Door swing shall not reduce the required egress width more than half
1006.1	Stair must be illuminated at all times
1007.3	Sprinkler precludes need for wider stair or area of refuge
1008.1.1	Min Door size: 32" clear (36" door)
1008.1.5	Same floor elevation on either side of doors
1008.1.6	Landing not less than width of door
1008.1.8.48"	plus door swing between doors in succession
1009.1	Min stair width 36" (for occ. less than 50)
1009.2	Min head clearance 80" (6'-8")
1009.4	7" rise max, and 11" run min
1009.5	Landing width no more than stair width
1009.6	Stair construction can be of any material permitted by construction type
1009.13	Stairway required to extend to roof in four-story building
1012.2	Handrails between 34"-38"
1012.6	Railing extensions must be 12" at top of stairs and 11" at bottom.
1013.2	Min Guard Height: 42"
1014.3	NFPA 101 Table A7.6
	Sprinkled Apartments common Path Limit: 50'
	NFPA 101 30.2.5.3.2: "Travel within a dwelling unit shall not be included when determining the common path of travel
1015.1	One exit is permitting from dwelling units at occupant load for individual units is under 20 and building is sprinkled 13R.
1016.1	Exit Access travel Distance: 250' (for sprinkled 13R R-2)
1018.1	Corridor Fire Rating: ½" (for sprinkled 13R R-2)
1018.2	Corridor Min Width: 36" (for occ under 50)
1018.4	Dead-End Corridor Limit: 20' (for R-2)
1021.2	Three-story R-2 building is permitted to have one exit if under 4-units per floors, under 50' travel distance to exit, sprinkled 13R, and provided with emergency escape openings.
	Basement S-1 can have one exit is 29 occupants and 100 feet travel distance
1022.1	2-hour exit enclosure required when connecting 4-stories
	Stairway from basement not enclosed. Under 10 occupants and not open to story above
1022.8	Floor identification signs shall comply with this section
1023.2	Min exit passageway width: 36" for less than 50 occupants
1023.3	Exits passageway min rating: 1-hr (or rating of connected enclosure if greater)
	Constructed of fire barriers and horizontal assemblies.
1029.1	Sleeping rooms below the fourth story shall have emergency escape and rescue openings
1029.2	Min area: 5.7SF
	Min height: 24"
	Min width: 20"
1029.3	Max height about floor: 44"
1100	Chapter does not apply in the State of Maine
1207	Sound transmission between dwelling units
	Walls: STC-50 (45 field tested)
	Ceilings: IIC-50 (45 field tested)
2406.4	Safety Glazing: all swinging doors, fixed and sliding panels of sliding door assemblies, glazing in an individual fixed or operable panel adjacent to a door where the nearest exposed edge of the glazing is within a 24 inch arc of either vertical edge of the door in a closed position and where the bottom exposed edge of the glazing is less than 60 inches above the walking surface, glazing with exposed area of an individual pane greater than 9 square feet, and glazing w/ exposed bottom edge less than 18 inches above floor.

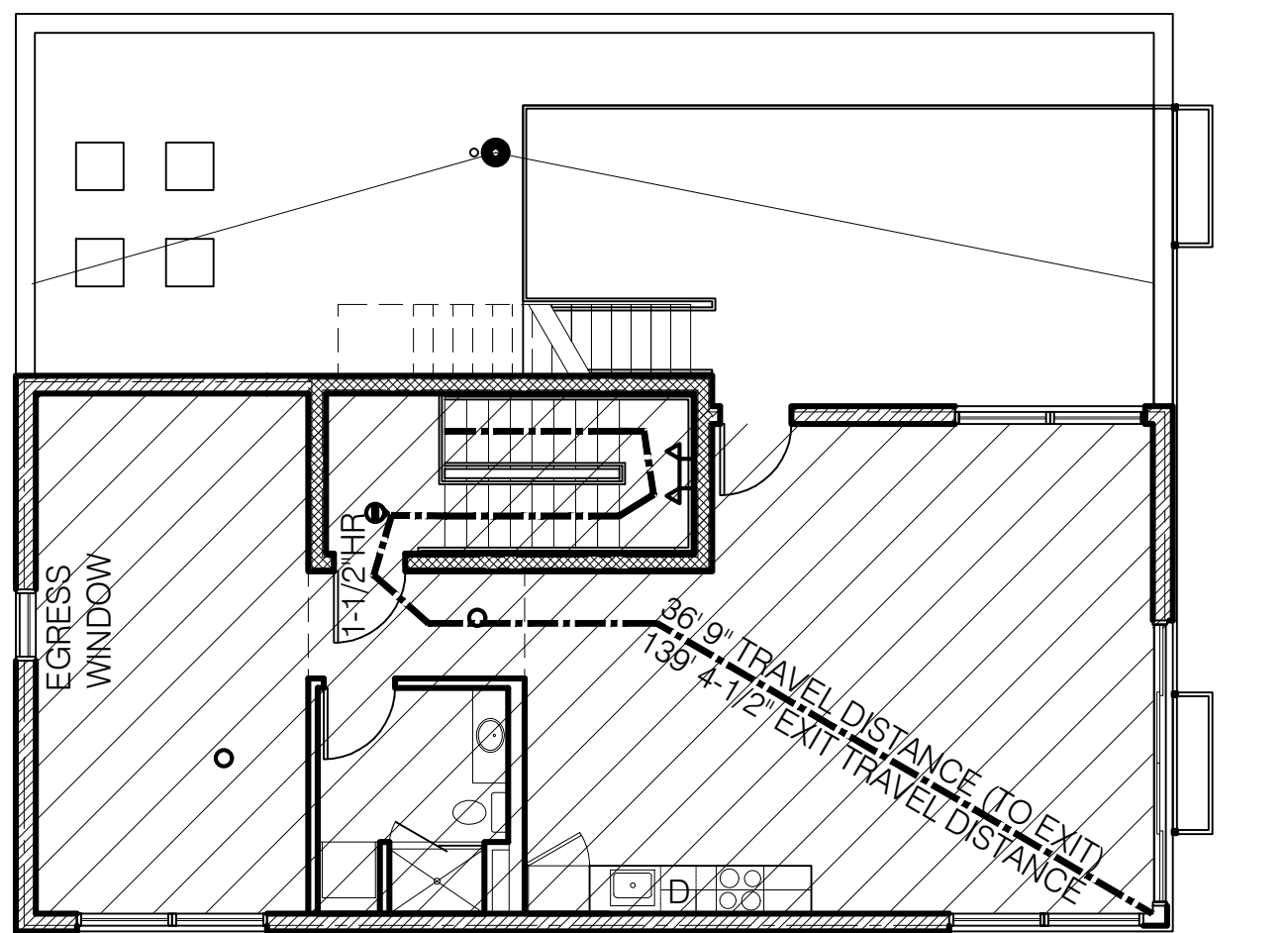
IECC			
301.1	Climate Zone 6A		
402.1.1	Element:	Required:	Provided:
	Fenestration U-Factor	0.35 max	0.17
	Ceiling R-Value	49 min	71
	Wood Frame R-Value	20 min	32.6
	Floor R-Value	30 min	51
	Slab R-Value	10 min	10
402.4.2.1	Air Sealing will be tested on-site using a blower door test.		
NFPA 10			
NFPA 106.2.1.1 Each floor shall have a single (2) unit Class A Fire Extinguisher			
NFPA 101			
3.3.32.5	New Building		
6.1.8.1.5	Residential Occupancy - Apartment Building (Chapter 30)		
6.1.13	Storage (Chapter 42)		
6.1.14.4.1	Required Separation - 2hr between Apt Bldg & Storage		
6.1.14.4.3	1 hour separation required in sprinkled building		
6.2.2.3	Ordinary Hazard Contents		
7.1.3.2.1	Stairs connecting four or more stories shall have a minimum of 2 hour rating		
7.1.5.1	Min headroom: 7'-6"		
7.1.6.3	Cross Slope limited to 1:48		
7.2.1.2.3.2	Egress door min clear width: 32"		
7.2.1.4	Door swing and force to open shall comply with this section		
7.2.1.5	Door locks, latches and alarms shall comply with this section		
7.2.2.2.1.1	Max riser height: 7"		
	Min tread depth: 11"		
	Min headroom: 6'-8"		
7.2.2.2.1.2	Min stair width: 36" (for occupancy under 50)		
7.2.2.3.2.3	Min landing depth: stair width		
7.2.2.4.4.1	Handrail height: 36"		
7.2.2.4.4.6	Handrail shape: 1 ½" circular cross section		
7.2.2.4.4.9	Handrails shall return to wall or newel post		
7.2.2.4.4.10	Handrails shall extend 12" at top of stair and one tread length at bottom		
7.2.2.4.5.2	Min guard height: 42"		
7.2.2.4.5.3	Open guards shall not allow the passage of a 4" sphere		
7.2.2.5.4	Stairway identification shall comply with this section.		
7.2.6.3	Stair discharge shall have a 2-hr fire resistance rating.		
7.2.12.1.1	Sprinkler precludes need for area of refuge in stair.		
7.3.1.2	Occupancy Load		
	Residential Apartment:	200 gross at 6,580sf is	32 occupants
	Storage:	NA	
7.3.3.1	0.3 Occ. per in. for Stairs		
7.3.4	Min Egress width: 36"		
7.4.1.1	See 30.2.4.4 and 42.2.4.1		
7.8	Egress Illumination shall be in accordance with this section.		
7.9	Emergency Lighting shall be in accordance with this section.		
7.10	Marking for means of egress shall comply with this section.		
30.1.6	No minimum construction requirements		
30.2.1.1	Means of Egress shall comply with Chapter 7 and Chapter 30		
30.2.4.4	Single stair permitted from building given		
	• 4 stories • Less than 4 units/floor • Two exits from basement • No distance from unit door to stair • 2-hr rated stair • Self-closing doors • No corridors • 1 hr rating between units		
30.2.5	Common Path Limit:	50'	
30.2.5.4.2	Dead-End Limit:	50'	
30.2.6.2	Max Travel Distance within unit (sprinkled):	125'	
30.2.6.3.2	Max Travel Distance from unit door to exit (sprinkled):	200'	
30.3.4	Fire detection and alarm system shall comply with this section.		
30.3.4.5	Smoke alarms shall be installed:		
	In every sleeping area		
	Outside every sleeping area		
	At least one on each level		
30.3.5.2	Sprinkler system NFPA 13R permitted for four or fewer stories.		
30.3.6.1.2	Corridor walls (sprinkled): ½ hour		
30.3.7.2	Dwelling unit separation (sprinkled): ½ hour		
42.1.6	No minimum construction requirements		
42.2.4.1	Single means of egress allowed within common path of travel limit.		
42.2.5	Dead End Corridor: 100'		
	Common Path of Travel: 100'		
42.2.6	Maximum Travel Distance: 400'		
42.2.3.2	Storage area walls and ceilings shall be Class A, Class V or Class C		



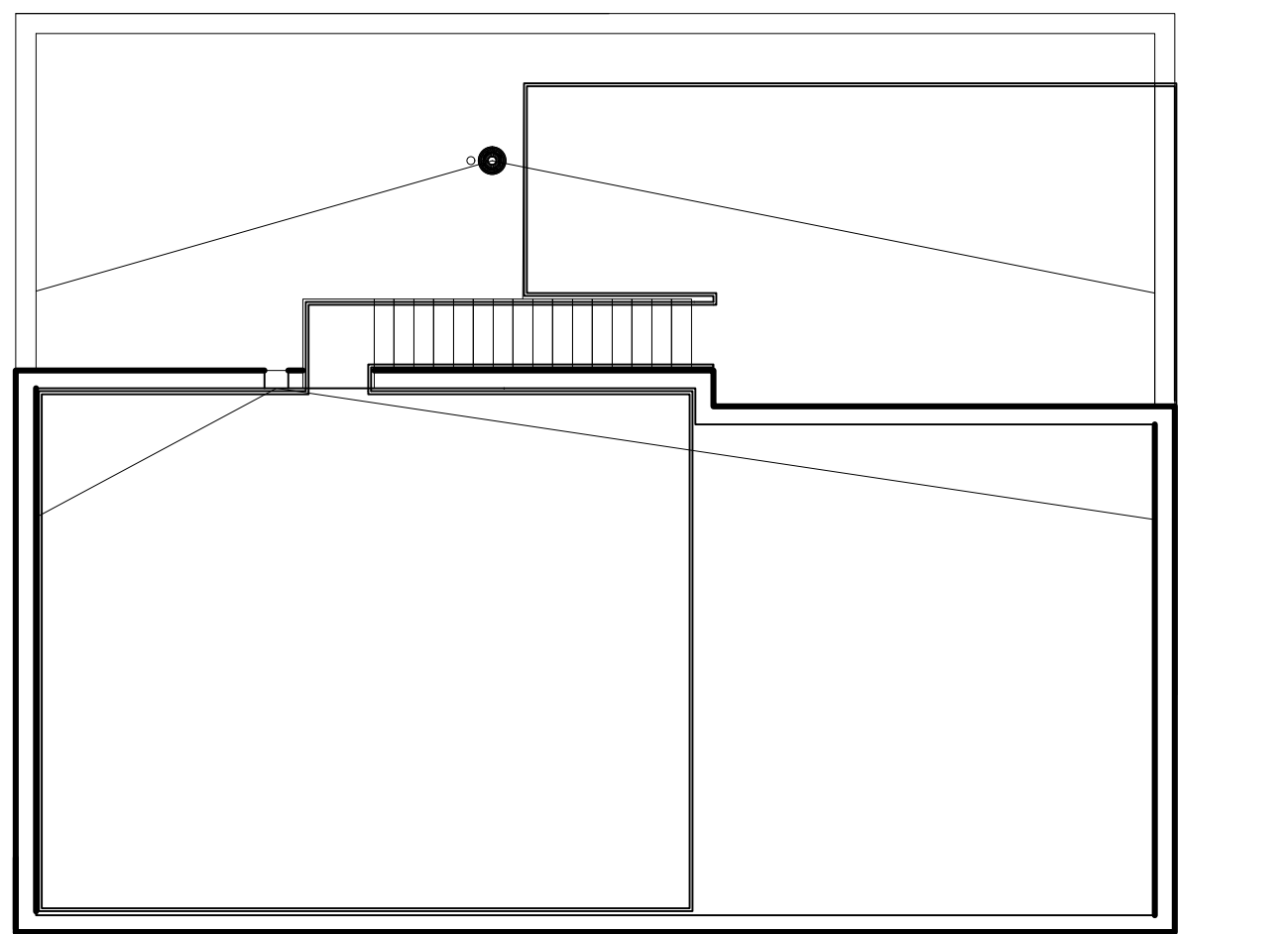
7 FIRST FLOOR ACCESSIBLE ROUTE
0 8'-0" SCALE: 1/8" = 1'-0"



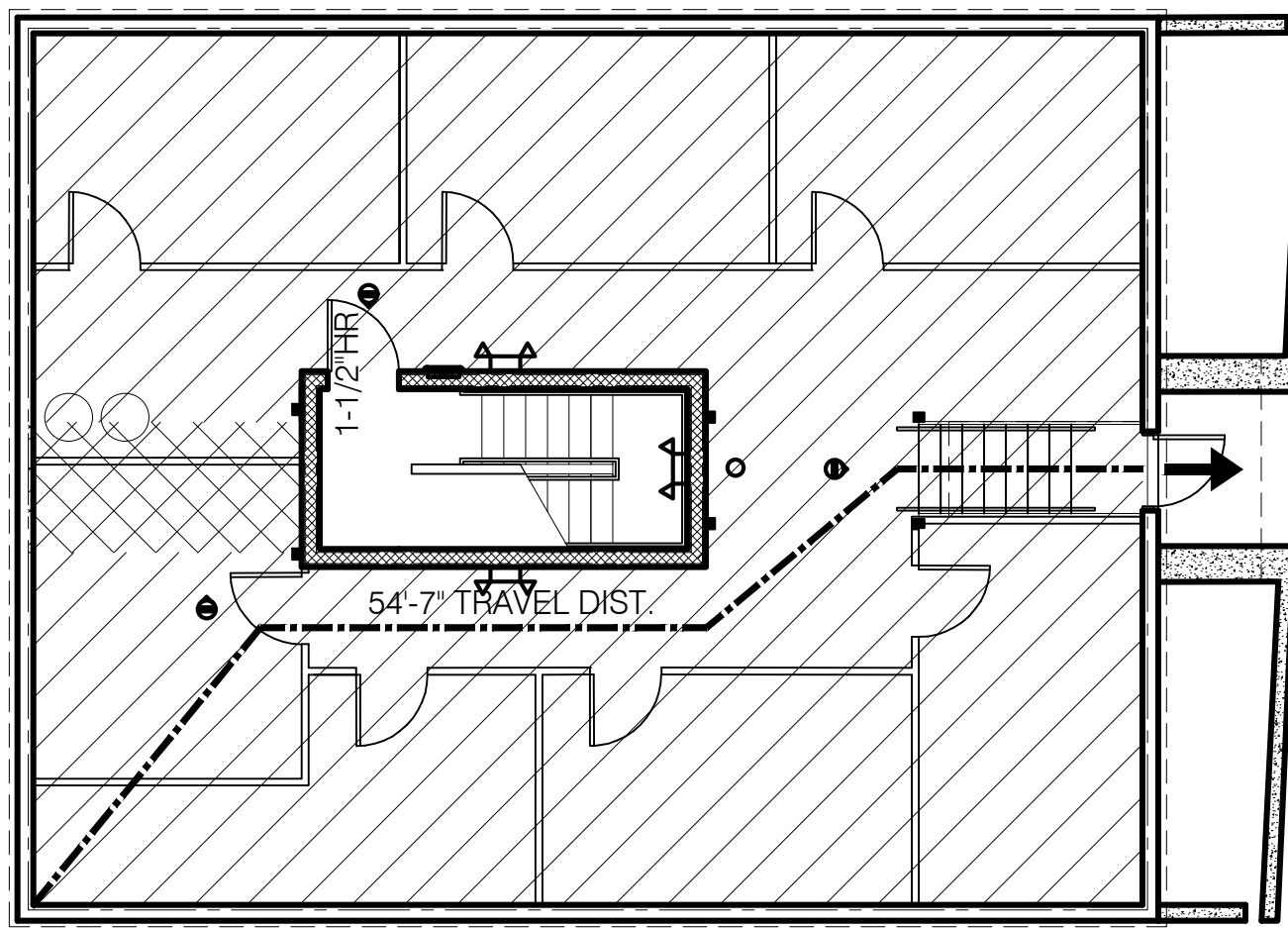
4 THIRD FLOOR
0 8'-0" SCALE: 1/8" = 1'-0"



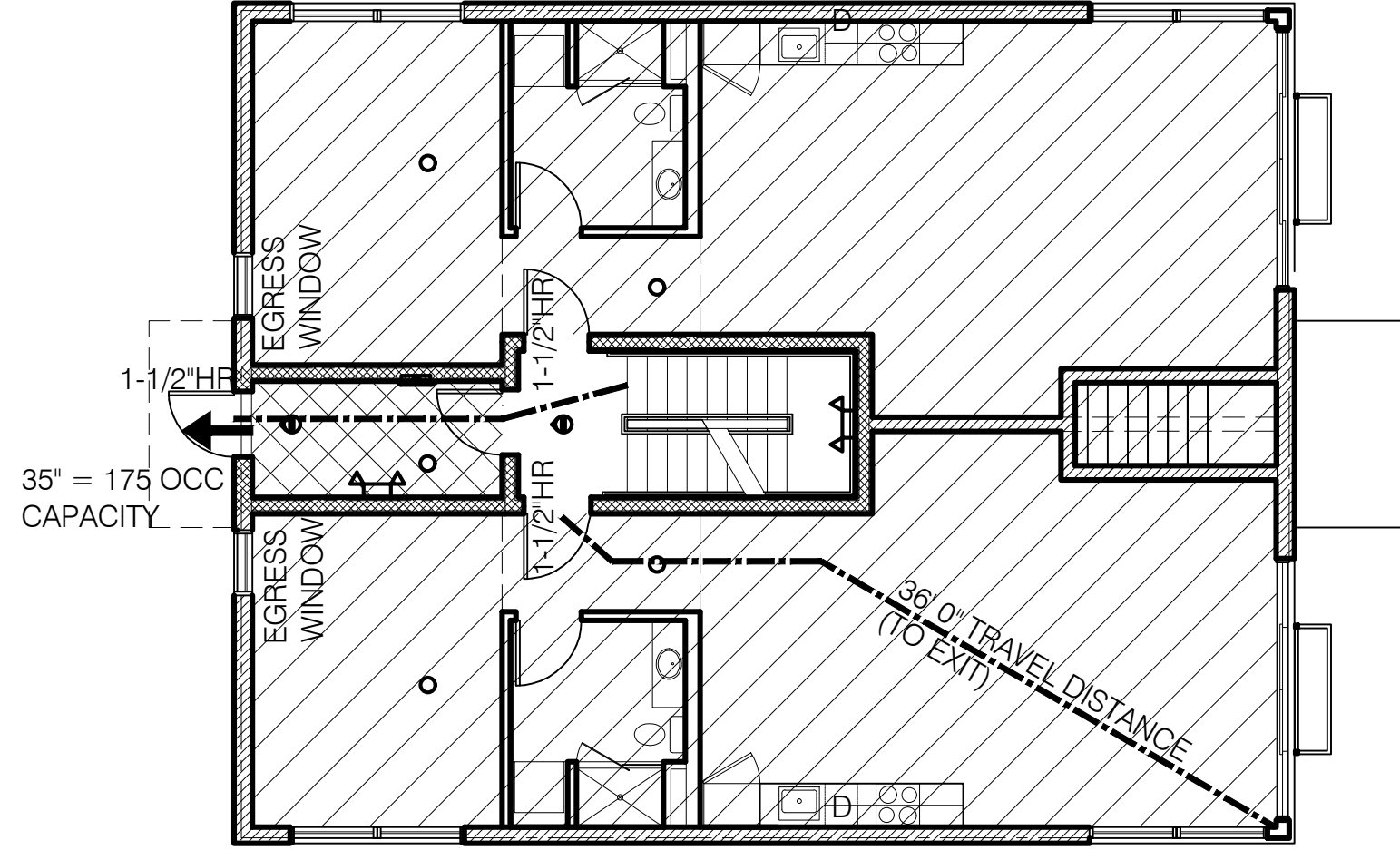
5 FOURTH FLOOR
0 8'-0" SCALE: 1/8" = 1'-0"



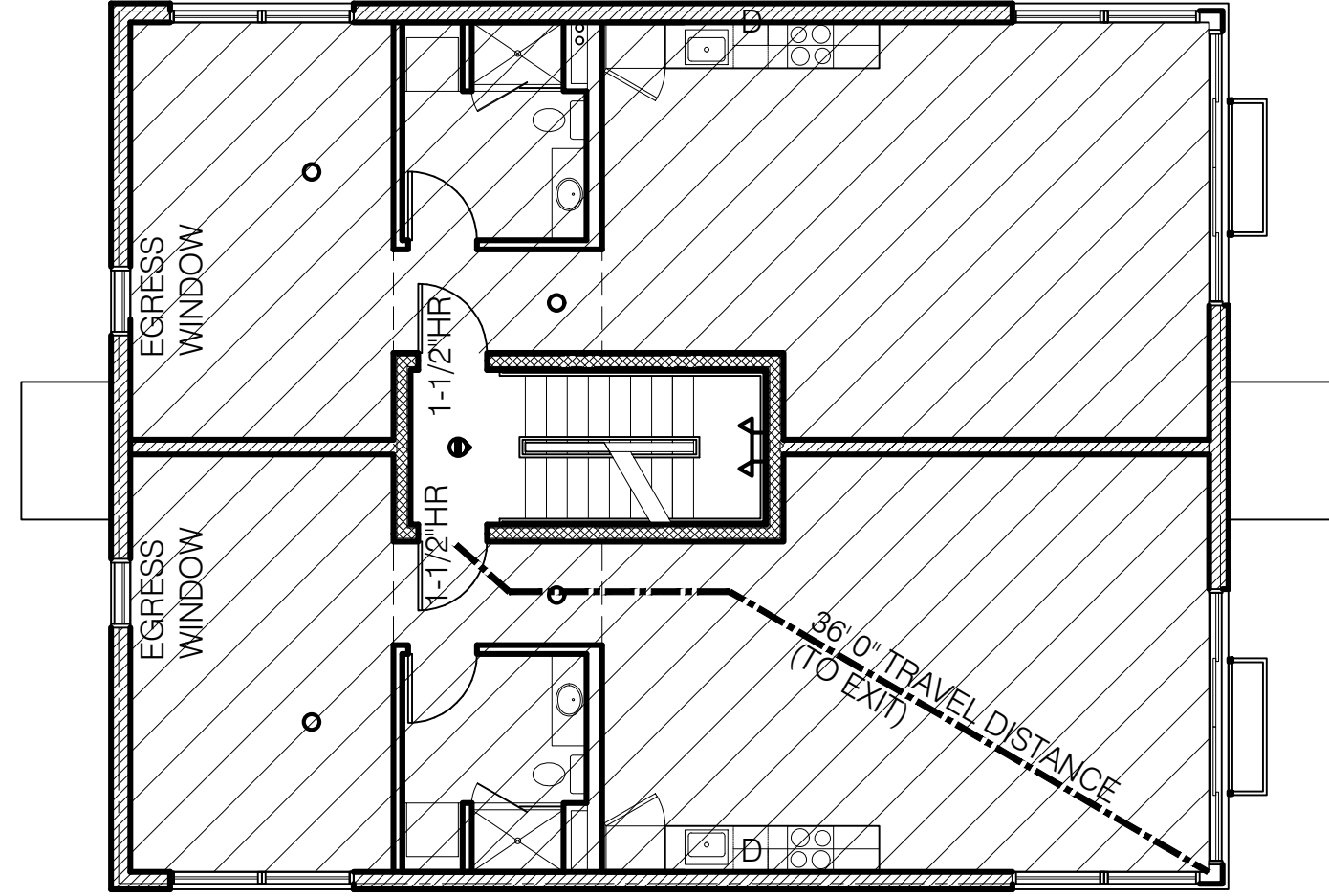
6 ROOF DECK
0 8'-0" SCALE: 1/8" = 1'-0"



1 BASEMENT
0 8'-0" SCALE: 1/8" = 1'-0"



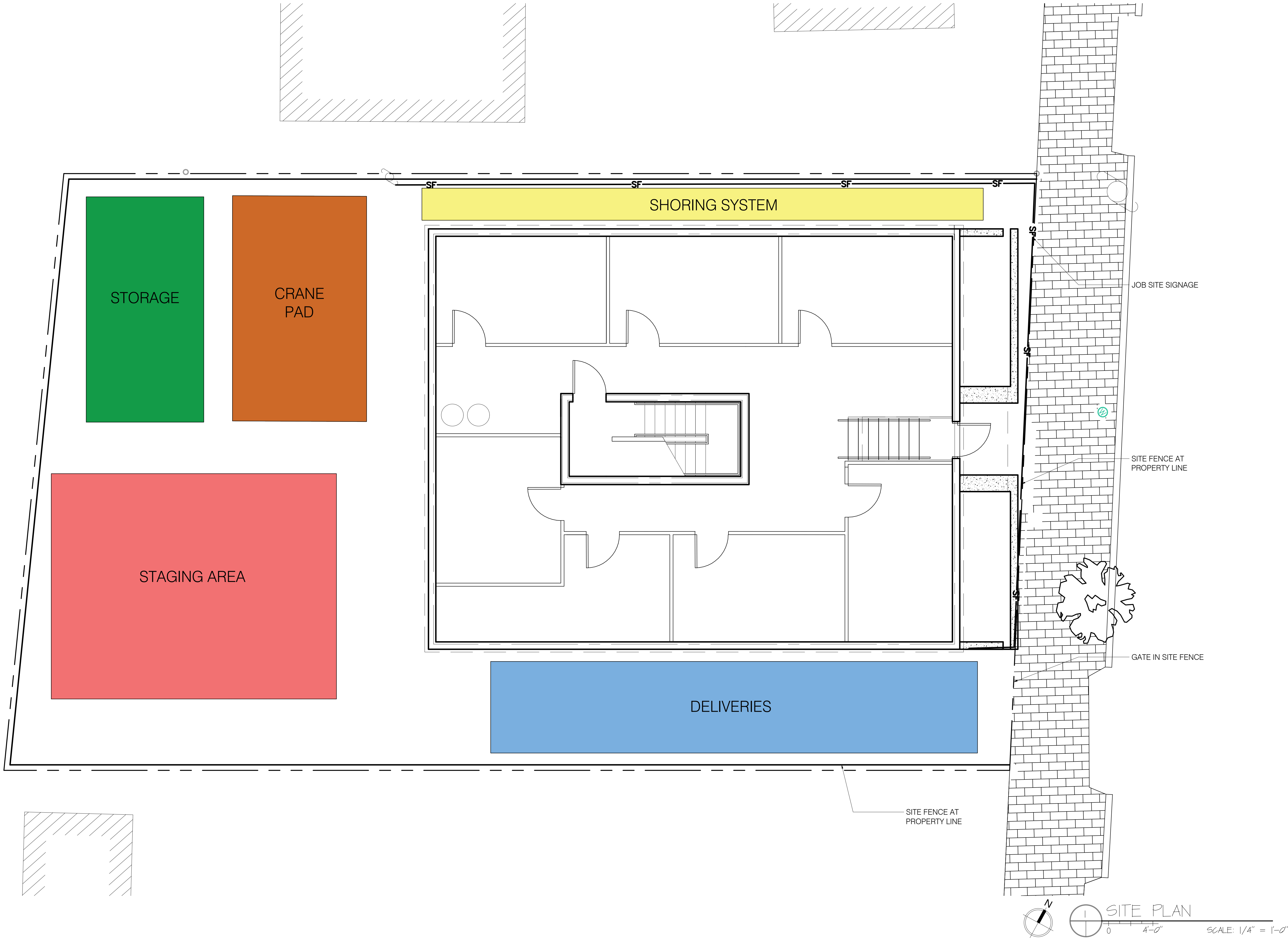
2 FIRST FLOOR
0 8'-0" SCALE: 1/8" = 1'-0"



3 SECOND FLOOR
0 8'-0" SCALE: 1/8" = 1'-0"

KEY

- EXIT
- COMMON PATH (DISTANCE LABELED ON PATH)
- TRAVEL DISTANCE (DISTANCE LABELED ON PATH)
- SMOKE DETECTOR/ CO2 DETECTOR
- EMERGENCY LIGHTING
- FIRE EXTINGUISHER
- 1-HR RATED WALL ASSEMBLY
- 2-HR RATED WALL ASSEMBLY
- PROVIDE 1-HR RATED CEILING
- PROVIDE 2-HR RATED CEILING



ISSUE DATE
7 / 15 / 16
SHEET SCALE
1 / 4 " = 1 ' - 0 "

DRAWN BY
EMW
SHEET TITLE

SITE APPLICATION
NOT FOR CONSTRUCTION

REVISIONS
1 | -
2 | -
3 | -
4 | -
5 | -

PROJECT NO.
15018
PROJECT NAME
MERRILL STREET
PORTLAND, ME

Bild Architecture
PO Box 8235
Portland, ME
04104
207.408.0168
evan@bildarchitecture.com



30 MERRILL ST
Portland, ME
Parking Lot Lighting

Designer

Heidi G. Connors
Visible Light, Inc.
24 Stickney Terrace
Suite 6
Hampton, NH 03842

Date

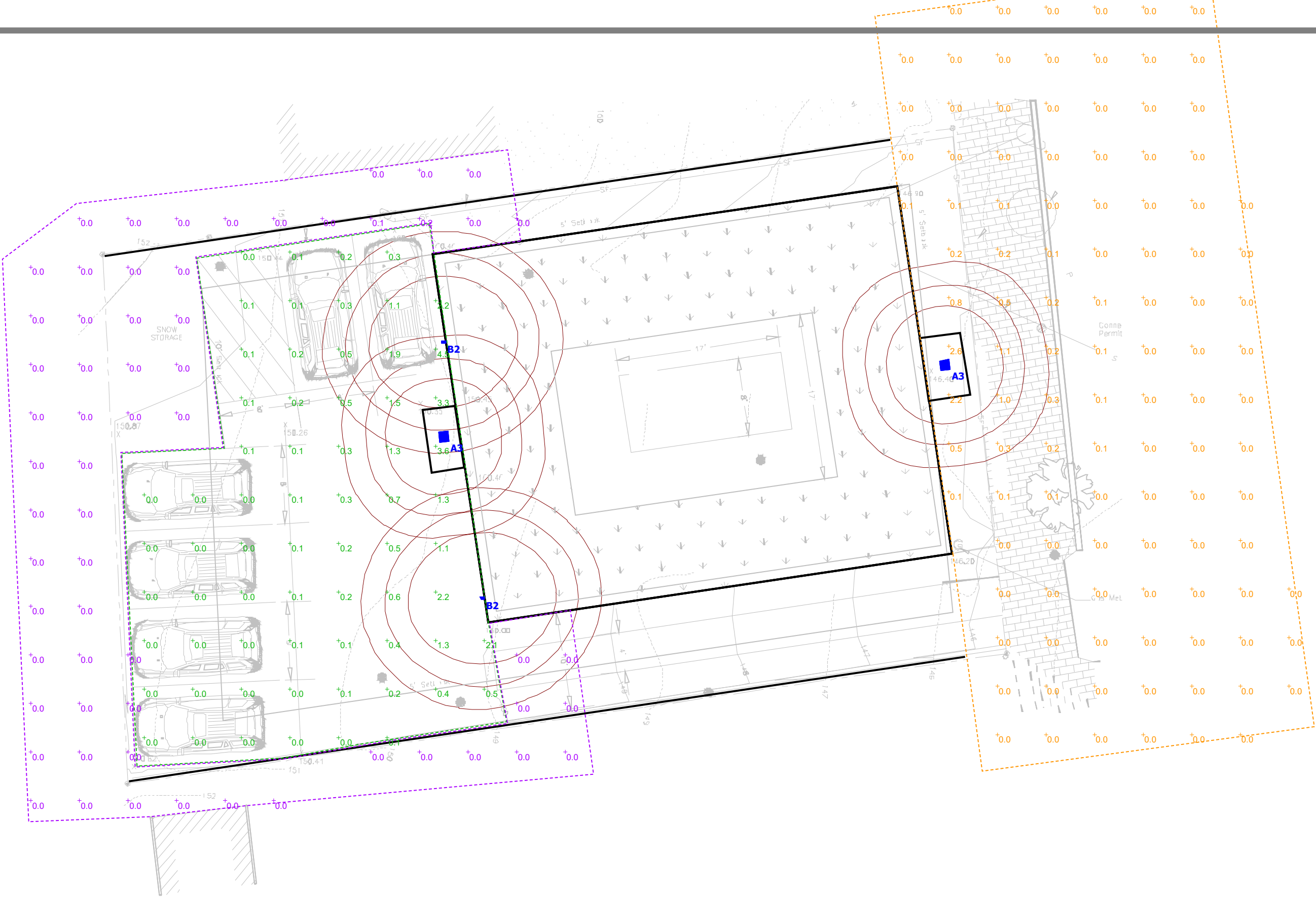
10/6/2016

Scale

Not to Scale

Drawing No.

Summary

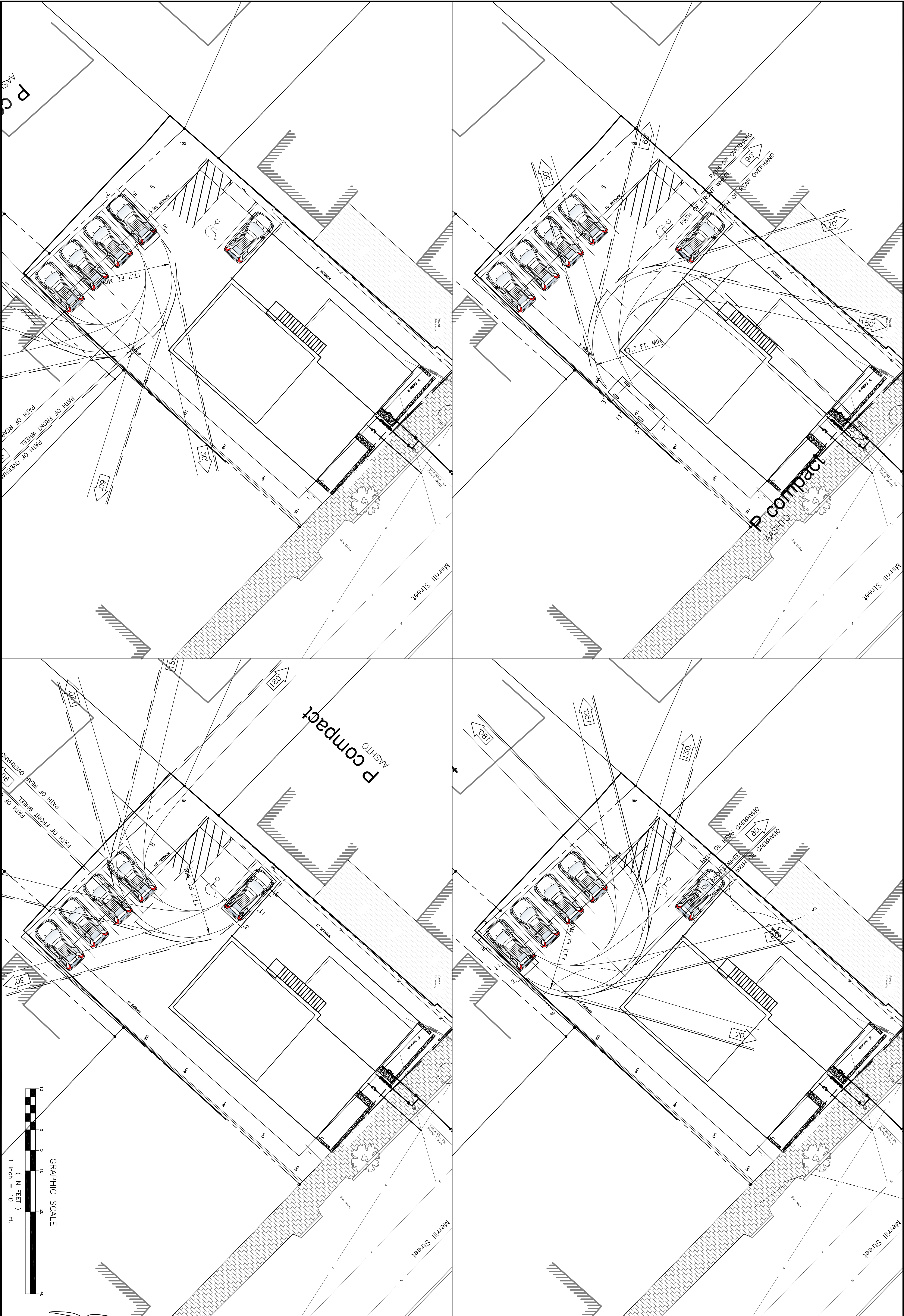


Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Front of Building	+	0.1 fc	2.6 fc	0.0 fc	N/A	N/A
Outside of Parking	+	0.0 fc	0.2 fc	0.0 fc	N/A	N/A
Parking Area	+	0.5 fc	4.5 fc	0.0 fc	N/A	N/A

Plan View

Scale - 1" = 10ft

Schedule											
Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens Per Lamp	Light Loss Factor	Wattage
	A3	2	Brownlee Lighting	7171 8 B6LED 40K ES	Canopy Fixture; mounted at 7ft/7.5ft	LED	1	7171-C37LED-35K.ies	2961	0.17	9
	B2	2	JUNO LIGHTING GROUP, INC	MSL2-35K-UN-BZ	Mini Wall Pack; mounted at 8ft	LED	1	MSL2-35K-UN-XX Led (164CHI-001).IES	662.7201	0.9	11



DESIGNED:

DRAWN:

CHECKED:

APPROVED:

PLAN DATE:

CLIENT/RECORD OWNER:

PROJECT NO. 16055

DRAWING NO.

FIELDBOOK:

SCALE:

DATE ISSUED:

BANNER PROPERTIES, LLC
126 UNDERWOOD ROAD
FALMOUTH, ME 04105

PROJECT NAME:

SEVEN-UNIT BUILDING
30 MERRILL STREET
PORTLAND
SHEET NAME:

MAINE

TURNING TEMPLATES

REVISIONS				
NO.	DATE	DESCRIPTION	DRAWN	APPD.

STATE OF MAINE
PLANNING BOARD
Plymouth Engineering, Inc.
P.O. Box 46 30 Lower Detroit Road
Plymouth, Maine 04969
Tel: (207) 257-2071 Fax: (207) 257-2130
info@plymouthengineering.com
www.plymouthengineering.com

GRAPHIC SCALE
(IN FEET)
1 inch = 10 ft.

10 0 5 10 20 30 40

1
2

C2

**Helen Donaldson** <hcd@portlandmaine.gov>

Fwd: 30 Merrill

2 messages

Philip DiPierro <pd@portlandmaine.gov>

Mon, Aug 15, 2016 at 10:47 AM

To: "Donaldson, Helen" <hcd@portlandmaine.gov>, "Barhydt, Barbara" <bab@portlandmaine.gov>

FYI.....

Philip DiPierro
Development Review Coordinator
City of Portland Planning Division
389 Congress Street
Portland, Maine 04101

Phone [207 874-8632](tel:207-874-8632)
Fax [207 756-8258](tel:207-756-8258)

----- Forwarded message -----

From: **Allyson Jordan** <eatlocalfish@me.com>

Date: Mon, Aug 15, 2016 at 10:26 AM

Subject: 30 Merrill

To: evan@bildarchitecture.comCc: Philip DiPierro <PD@portlandmaine.gov>

I am writing to not support this project on 30 Merrill Street. I live on Quebec and have spent the entire summer dealing with construction of a monster, flat roof 2 unit the is obnoxious and is taking 2 parking spots off the street.... People are flocking here for the charm- and with building all of these modern, multi- units we are loosing the charm and parking on the hill. Even though they provide parking where are there guest going to park? This is going to turn out like Charlestown or Southie before you know it- and the price will plummet and it will be ghetto.

How about making it smaller and quaint and worth more money then bringing in 7 units to what use to be a 2- unit..

Allyson Jordan
Quebec Street

Barbara Barhydt <bab@portlandmaine.gov>

Mon, Aug 15, 2016 at 11:47 AM

To: "Donaldson, Helen" <hcd@portlandmaine.gov>

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
[\(207\) 874-8699](tel:207-874-8699)
Fax: [\(207\) 756-8256](tel:207-756-8256)
bab@portlandmaine.gov
[Quoted text hidden]

Bruce Davis
45 Quebec Street, Portland Maine 04201

Planning Board
Portland, Maine

September 10, 2016

To whom it may concern:

I am an owner-occupant at my property at 45 Quebec Street, an abutter to the proposed multi-family project for 30 Merrill Street, and I attended the public meeting held by architect Evan Carroll and developer Michael Boissoneau on August 15th at East End School. As a neighbor I consider myself a significant stake-holder in how new development affects the fabric of the much-valued community that currently exists in the East End. I am in no way opposed to new development or appropriate changes to the existing fabric of the neighborhood. As a stake-holder I am sensitive to architectural interventions' potential to add value to the context of the existing neighborhood, or conversely to potentially work against making the neighborhood even better.

My impressions from attending the public meeting on August 15th are not entirely reflected in the notes provided by the presenters as part of the public record. I heard numerous comments from attendees about the project as presented not being respectful of the existing fabric and context of the neighborhood, and no comments in favor of the presented architectural renderings for use at this site. Comments from the record included:

"It's a big square ugly block", "This is an embarrassment to the neighborhood with no context. Its cheap looking and unimaginable.", "Can tell EC and MB are passionate about the project, just wish it would be put to good use.", "I appreciate the design, just not in this location.", "just wished the project had more respect for the neighborhood."

There were further negative comments, the discussion became quite heated and Mr Carroll ended up stopping discussion of aesthetics, contextuality and respecting neighborhood fabric. Mr Carroll then asked for other areas for comment only, stating that he takes his design efforts very seriously and he made it clear that attendee comments were personally difficult for him. I believe that comments were terminated preliminarily, and this gives me concern that this permitting/planning process may not fully allow meaningful community input.

Mr Carroll did report that early comments from Planning staff had asked for more contextualism (not reflected in the minutes), and he stated that he planned to address such concerns in subsequent design presentations to the Planning Board. I have since reviewed the architect's resubmittal that Helen Donaldson has sent to me, and I do not perceive any significant changes to allow the project to fit in with its neighbors more successfully. I again raise concerns whether community concerns may go unheeded.

My personal concerns about the project are entirely about what kind of neighbor this property will be on Merrill Street and beyond. I don't have any issues with the scope or scale of the property or creating greater density at this site - those are broader Portland Planning goals that I support. I am fine with the building's massing. The almost complete lack of contextual elements as presented in the preliminary AND revised renderings are my biggest concern: the vertical balcony elements that Mr Carroll states in his Design Standards Assessment as "stacked and articulated to pay homage to the traditional bay window" entirely unconvincing from reviewing his renderings. Similarly, the standing-seam cladding is a material alien to the streetscape, and the scale of the cladding elements is out-of-scale with local materials, so that his argument that the horizontality of the cladding makes it appear contextual is unconvincing as well.

In order to actually be contextual, I believe the siding should be actual clapboard or shingle elements - abstract "homages" that are not evident to a room full of neighbors viewing the renderings are not meeting criteria for being contextual. Similarly, the fenestration is also entirely out of synch with residential architecture on the Hill, as the renderings made evident. Abstract language attempting to substantiate contextualism needs to be evident to real people who live on the street and the city.

This project seems to fit the cliché of a "box that dropped out of the sky" – the opposite of contextual. Mr Carroll made a strong argument for new construction in Portland to be forward-looking, with which I agree. I would never say additions to the neighborhood need to look like they were always there, however Mr Boissoneau stated in the meeting that context is subjective, to which I replied it can also be objectively assessed, which is what I am advocating for here. The proposed project does not appear to be trying to be contextual. There are numerous examples on the Hill of new construction that is both forward-looking and contextual. To suggest that this project is one of them would be disingenuous. Mr Boissoneau stated that "We want the neighborhood to be accepting of it" (the design). I question why the essentially same design was resubmitted if this is the intent.

Mr Carroll lists "ingenuity, thoughtfulness, empathy" on his logo/letterhead, however I do not believe his responses thus far to public comment give evidence of sincere efforts to adapt to neighbors' concerns. I do not understand how Mr Carroll can state at the public meeting that he intends to address Planning staff and meeting attendees' concerns about contextualism, and then resubmit his design without substantive changes to address these.

As a neighbor and stake-holder who cares deeply about the future of my neighborhood, I expect to remain involved with the existing process for this and future additions to our great neighborhood. I am hoping that the involvement of stakeholders like myself has potential to positively influence how this proposed project contributes to our neighbor and great city.

Respectfully submitted,

Bruce Davis



Helen Donaldson <hcd@portlandmaine.gov>

revised submittals for 30 Merrill Street

Katy Harkleroad <katyharkleroad@yahoo.com>

Tue, Sep 20, 2016 at 9:23 PM

Reply-To: Katy Harkleroad <katyharkleroad@yahoo.com>

To: Helen Donaldson <hcd@portlandmaine.gov>

Cc: "donhead66@gmail.com" <donhead66@gmail.com>, "czand@meca.edu" <czand@meca.edu>, "elizabethspenceradams@gmail.com" <elizabethspenceradams@gmail.com>, "petersaylesadams@gmail.com" <petersaylesadams@gmail.com>, "sharonmcauley@gmail.com" <sharonmcauley@gmail.com>, "eastendpropertymgmt@gmail.com" <eastendpropertymgmt@gmail.com>, Bruce Davis <bruce.davis21@yahoo.com>

Hi Helen,

My name is Katy Harkleroad. I would also like to submit a letter to the planning board regarding the proposed project at 30 Merrill Street. Like my neighbor, Bruce Davis, I am also copying this email to those who included their email addresses on the community meeting sign-in. Please let me know if I should send my letter to someone/anyone else. I would appreciate being notified of any further public meetings.

Best,
Katy Harkleroad
47 Howard Street

Katy and Ryan Harkleroad
47 Howard Street, Portland, ME 04101

September 20, 2016

To whom it may concern,

My name is Katy Harkleroad. My husband, Ryan, and I own our home on 47 Howard Street. On August 15 we attended the public meeting held for the project at 30 Merrill Street. It was a rather disappointing meeting, where many of us who were concerned with the project's proposed exterior were cut short from voicing all of our concerns. Since that meeting I've been wanting to write and express to the Portland City Planning Board some of those concerns. I wasn't sure whom to write until I received the CC'ed email from Bruce Davis at 45 Quebec Street. As it turns out, Bruce succinctly and accurately summed up all of my husband's and my concerns. I do not want to completely repeat what Bruce said, but I DO want the planning board to know that there are more neighbors who are equally concerned about the 30 Merrill Street building project.

Our concerns are as follows:

1. We want the exterior of the condos at 30 Merrill fits in with the "charm" of the rest of the Munjoy Hill neighborhood. (And for the record, when I say "fit in," I mean *to blend in, to conform to, or to be in harmony with*. When pressed for his definition of "fit in," project developer, Michael Boissoneau, didn't use any of those words, but rather thought that "fitting in" meant to enhance a place. Enhancement is great but it's not a substitute for harmonizing.) My husband and I completely agree with Bruce Davis that for the 30 Merrill Street project to fit in, the exterior cladding of the condos needs to have traditional elements, be that color, material, and/or design.
2. We want current and future developers/builders be required to have building designs that stay within a traditional aesthetic context, in order to maintain the charm that attracts so many people to the neighborhood. At the public meeting, architect Evan Carroll argued that we always need to be moving forward with our thinking and design. While I don't disagree with him, I don't believe that to move forward means that we must forget the past. I also think that creating aesthetic harmony in a neighborhood *is* forward-thinking, even if it means the structures being built aren't the most modern designs possible.
3. We want the neighborhood residents' voices to be heard by the city planning board. It currently seems that, while residents are informed of impending building projects, there is not much they (we) can do accomplish any changes, should those projects have significant negative outcomes for the neighborhood. (And, in case we weren't clear, we believe that the current design for the condos at 30 Merrill St. will negatively impact the neighborhood by changing the block's aesthetic charm.)
4. We are worried that the 30 Merrill Street project as currently proposed will set a precedent of allowing development with no contextual relation to the neighborhood. The Cumberland Avenue, North Street, Quebec Street, and Howard Street blocks of Munjoy

Hill are poised for a significant amount of redevelopment in the near future. We know of several existing multi-unit rentals currently for sale in this area, as well as several that have been recently sold. Not having seen proposals for all of these properties, we can only guess that multi-unit condos will be the plan for nearly all of these properties. Never mind that this sort of development will be removing 10-20+ affordable rental units and replacing them with condos (that's the subject of another important conversation). The issue at hand is that the approval of projects such as 30 Merrill Street will set a precedent for how properties are developed on Munjoy Hill:

- Buildings with little to no contextualism;
- Development designs meant to maximum space for minimum costs and without regards to aesthetics;
- Lack of meaningful dialogue between developers and community members.

We are writing this letter because we care a great deal about the Munjoy Hill neighborhood. We want to see it progress, but without losing sight of its roots. The neighborhood appears to be rapidly approaching a tipping point as to the type of neighborhood it will become for the foreseeable future. In our opinion, it would be tragic for it to lose its classic charm for the sake of insensitive development.

Please continue to include us as part of the ongoing permitting process involving the 30 Merrill Street project.

Sincerely,
Katy and Ryan Harkleroad

[Quoted text hidden]



Helen Donaldson <hcd@portlandmaine.gov>

revised submittals for 30 Merrill Street

Bruce Davis <bruce.davis21@yahoo.com>

Wed, Sep 21, 2016 at 5:27 PM

Reply-To: Bruce Davis <bruce.davis21@yahoo.com>

To: Helen Donaldson <hcd@portlandmaine.gov>

Cc: Katy Harkleroad <katyharkleroad@yahoo.com>, Alice Shea <alice.shea@gmail.com>

Hi Nell,

Thank you for sending these renderings to me. From my perusal it appears the siding has changed from 12" coursing to 8" coursing, a slight improvement. Not clear whether the material is still standing seam metal or a more common residential siding material. Also good that the center section is similar coursed material.

The 'nod' to bay windows is awkward and they simply do not read as bays in any way to me. I have avoided suggesting specific alternatives so far, but actual bays would make a huge difference. While I understand the developer wants to contain costs, some additional expense may need to be allocated to become a contributing element in this neighborhood. Additionally, there is no fenestration on the street that relates to this project, thus neighbors' concerns that it seems alien to the streetscape.

I do not think this is nearly enough progress, and it does not yet feel like a good-faith effort on the developer's part at this point.

Further, based on Mr Carroll's comments at the neighborhood meeting, I am not convinced that style isn't driving the proposed project's aesthetic more than financial considerations of providing some architectural detail.

Please keep me apprised of any updates, and I look forward to attending the upcoming Planning Board meeting(s).

Thank you, Bruce Davis

207 756-0185

From: Helen Donaldson <hcd@portlandmaine.gov>
To: Bruce Davis <bruce.davis21@yahoo.com>
Sent: Wednesday, September 21, 2016 11:25 AM
Subject: Re: revised submittals for 30 Merrill Street

[Quoted text hidden]

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

3 attachments

 **A2.3-RENDERINGS.pdf**
354K

 **A2.4-RENDERINGS.pdf**
272K

 **A2.5-RENDERINGS.pdf**
260K

Elizabeth Spencer Adams
49 Merrill Street
Portland, ME 04101

Planning Board
Planning and Urban Development Department
Planning Division
City of Portland
389 Congress St
Portland, ME 04101

Re: 30 Merrill Street

October 4, 2016

To the Members of the Planning Board and Planning Division Staff:

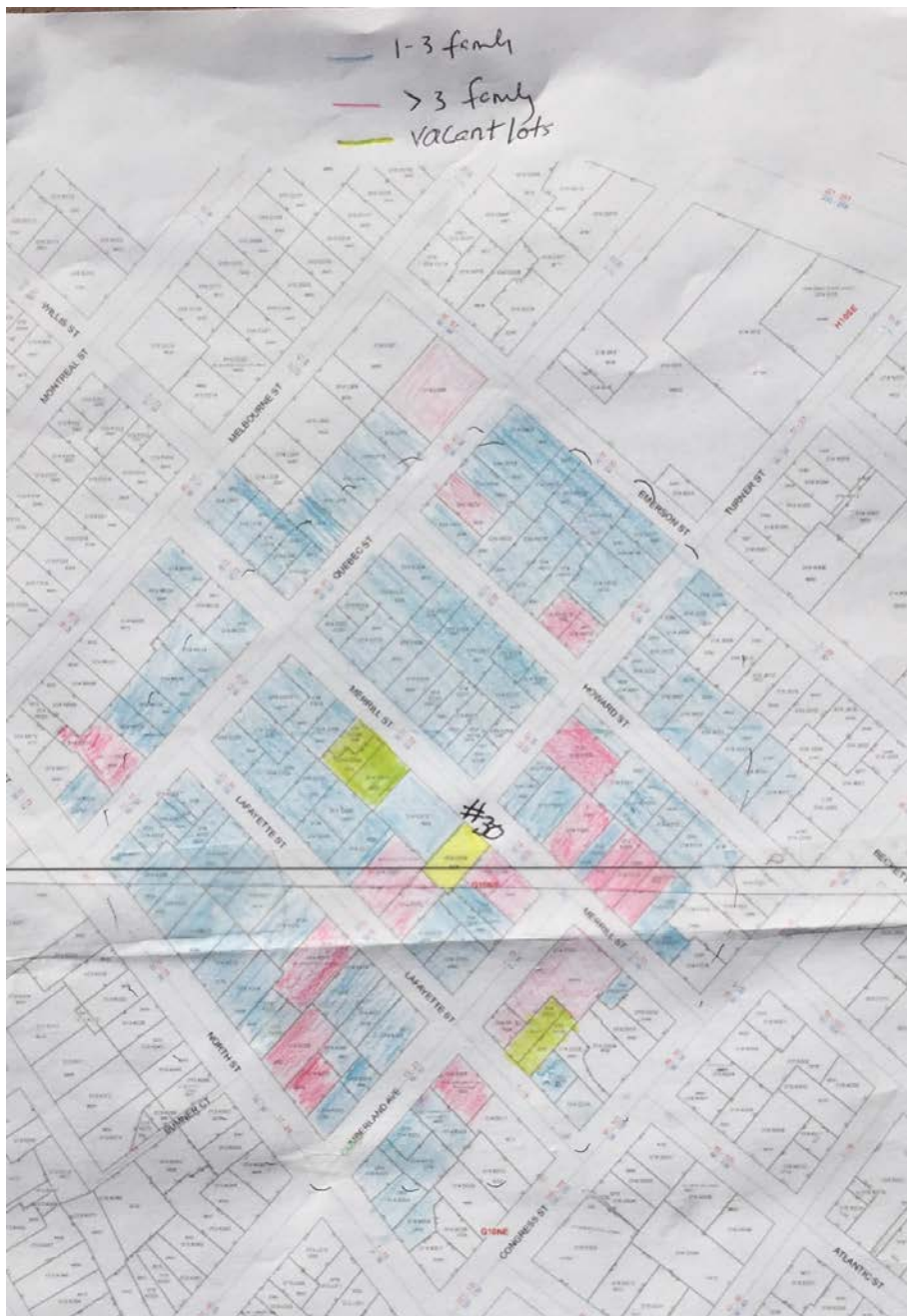
My husband Peter and I live at 49 Merrill Street. We also own a two-family house at 51 Merrill and an empty lot across from our house at 46 Merrill. We attended the neighborhood meeting and I have met with Helen Donaldson who very kindly helped me to better understand the review process. The following are my concerns, the first one an overarching concern and the others relating to specific aspects of the proposed design.

Increased R-6 density means large buildings in neighborhoods of smaller homes. The Board must carefully consider the Design Guidelines in this situation to preserve the character of our neighborhoods.

My overarching concern is the immediate and cumulative effect of allowing construction of large infill buildings that fail to respect the architectural details of the neighborhood. Munjoy Hill is an extremely important neighborhood to the city, drawing a wonderfully diverse

group of residents and providing an excellent tax base. The Hill, and Merrill Street in particular, are susceptible, however, to irrevocably losing their character given the number of empty lots, tear-downs, and smaller homes that seem likely headed for tear-down in the not distant future. The strong profit motive to capitalize on the new infill regulations by constructing the maximum number of units at the lowest possible price appears to be irresistible. The Planning Board needs to step up and be sure that an unintended consequence of the R-6 infill regulations is not a proliferation of maximum size/minimum cost buildings that are totally alien to the design elements of the neighborhood. It may not be the tear down of Union Station, but it will be a real shame for us and for the city if unrestrained R-6 infill destroys our neighborhood.

I would to emphasize the fact that 30 Merrill sits at the boundary between the large apartment buildings to the south and the small residences to the north. To the south of 30 Merrill (towards Congress) are a few small residences plus two 5–10 family buildings and one 10–20 family building. Around the corner on Cumberland are several more large apartment buildings. At present, Merrill Street from Cumberland Avenue north (towards Melborne Street) consists of 9 single-family homes, 4 two-family homes, 2 three-family homes, 2 vacant lots and 1 office/business building. Most are older buildings and the few new ones preserve the architectural flavor of the neighborhood. The map below shows the size of the buildings in the nearby neighborhood and demonstrates the demarcation between the large apartment buildings to the south and the small residences to the north.



The architect and developer consistently ask the Planning Division to look south towards the large buildings for its claimed support for the design. They make no mention of the rest of the neighborhood except to mistakenly refer to the doublewide triple deckers “that exist throughout the neighborhood.” They do not. It is critical that these new large infill structures are sympathetic to the entire neighborhood, not just those structures that are purportedly similar on just one end of the street. And it is important to recognize that if the Board relies just on the

design elements of the large buildings to the south towards Congress Street, the next R6 infill project on the street may do the same, and the next and the next, with a potential domino effect that overwhelms the neighborhood with large insensitively designed buildings.

The proposed project fails to consider the “overall context” of the neighborhood

This building does not in any recognizable way reinforce positive features of the surrounding area. Within the block the unique identity of the large buildings to the south are their bays and cornices and mansard roofs, to the north, for the smaller residence are their gable ends, their bays, window shapes and emphasized entrances. It is not impossible to design a larger building that is sympathetic to an existing neighborhood of smaller residences. An excellent example is the new 5-family building at 72 Munjoy Street. Although it is the largest building on the street it, it does not overwhelm the neighborhood; rather, it adopts numerous of the existing characteristics of its neighborhood and employs them in its design.



72 Munjoy Street

Furthermore, contemporary architecture is not anathema to the neighborhood. 39 Lafayette a beautifully designed single family home that at 1360 sq. feet is roughly 1/5th the size of the proposed structure.



39 Lafayette Street

39 Lafayette incorporates the window dimensions of neighboring buildings, has a strongly recessed entry with steps, and is clad in horizontal material evoking the clapboard found throughout the neighborhood. The excellent design and small scale of 39 Lafayette makes it an interesting and respectful counterpoint to the older architecture in the neighborhood. The proposed design for 30 Merrill is 5 times larger than 39 Lafayette and will loom over the neighboring houses to the north. Because of its size it will have a very significant impact on the neighborhood making it imperative that its design embrace the context of the neighborhood, reinforcing its positive features and demonstrating compatibility with the nearby buildings. This is not to suggest that blowing 39 Lafayette up to five times its size would be an appropriate design for 30 Merrill. I am pointing out that contemporary design is not the problem. Non-contextual design is the problem.

Lack of Articulation

As for the balconies that the architect relies on heavily to satisfy the B-5 façade articulation standard (this because no other of the architectural elements of facade articulation exist: no gables or dormers, no recessed entry, no bay windows, and surely the small awning over the entry does not constitute a “covering”), the railings across the sliding doors used as windows do not in any way read as balconies and if they are also designed “pay homage to the traditional bay window,” (a two’fer? balcony and bay?) they have missed the mark by a long shot. And does not Standard D-3 state that balconies must be a minimum of 6 feet in depth? What is presented to the Board as a balcony (or bay) in an attempt to satisfy the facade articulation standard in fact neither actually articulates the building nor does it create an impression of articulation. The most recent iteration has created an indentation running from the ground to the 3rd floor along the vertical line above the “front door.” Although it is an improvement to my eye, it is inadequate to satisfy the articulation standard.

Recent contemporary apartment buildings and condominiums developed in Portland in commercial areas have more architectural detail than the current 30 Merrill design. The Redfern development at 89-91 Anderson is one example, with real balconies, a true recessed front door above ground level, and significant “in and out” of the façade.



89 – 91 Anderson Street

The Avesta building at 409 Cumberland, presumably built with minimizing cost forefront in the mind of the developer, is superior in articulation to the 30 Merrill design. And this building sits in a neighborhood of other very large square commercial buildings.



409 Congress Street

Massing and Roofing

Most definitely, when considering design, size matters. The bigger the project, the bigger the impact of the design, the bigger the effect on the neighborhood. The architect argues that the proposed building has massing and roofing much like the double-wide triple decker buildings “that exist throughout the neighborhood.” I believe he is referring to the three large multi-families towards Congress Street on Merrill and the several nearby on Cumberland Ave. Otherwise, I can find no double-wide triple deckers in a 2-block radius. There are a few two-entrance buildings, but no double wide triple deckers which seems reasonably interpreted to mean this:



And, of these nearby early 1900's multi-family buildings that might possibly be described as a double-wide triple decker, those that have flat roofs all have substantial bay windows and a large cornice created by the protrusion of the bays giving them significant articulation. The others have attractive mansard roofs creating harmony with a number of smaller mansard houses in the neighborhood and making the 3rd floor part of the roofline, thereby lowering the impression of the height of the building. The large boxy 4-story shape of the proposed 30 Merrill building has nothing in common with these earlier buildings other than size. And notably, again, these are all to the south, towards Congress street and most definitely not "throughout the neighborhood." Perhaps the architect is referring to the new construction at 33 Lafayette that he designed. However, I don't think anyone would refer to that as a "traditional double-wide style."

The "Front Door "Is Not a Real Front Door

Design Standard C-1 states: "Emphasize and orient the main entrance to the street." The 30 Merrill design includes a minimally-enhanced "main entrance," which we learned at the neighborhood meeting is not a main entrance at all. In fact, it is an entrance to the basement that contains only storage areas for the units. It seems to be the argument that so long as it looks like a main entrance that is enough. It is not. There is a rationale behind this design standard that has been well articulated by numerous urban designers (Jan Gehl, Cities for Real People; Jane Jacobs, The Death and Life of Great American Cities; Christopher Alexander, A Pattern Language), planners and articulated in municipal standards. The rationales relate to the life of the street, community, walkability, and the safety of the inhabitants and passersby.

The interaction between people living on and walking along a street happens at the front door and in the "transition space" between the sidewalk and the door. People pause at the front door to find their keys and someone walking by says hello. A conversation starts and they linger chatting for a few minutes, community begins to form and street life is enhanced. In the proposed design, the residents will use the front door only for storage purposes, occasionally putting a bike in or out a few months of the year, pulling out the snow tires, grabbing skis for a weekend trip. This is not the 2, 3, 4, 5 times a day in and out of a

building to go to work, run for groceries, make a trip to the gym, etc. that happens from the true main entrance to a building. Instead, they will enter the building at the back, unseen by passersby, a much less safe proposition, and much less likely to result in contact with the neighborhood. And will they linger at the sidewalk? Not if they are already in their car, of course, and even if on foot, they will have already begun their walk to wherever they are going and are not in a transition space and are far less likely to pause. Jane Jacobs explains that

A central challenge of [a] city, therefore, is to make its inhabitants feel safe, secure, and socially integrated in the midst of an overwhelming volume of rotating strangers. The healthy sidewalk is a critical mechanism for achieving these ends, given its role in preventing crime and facilitating contact with others.

Standard C-1 requires that the main entrance either be at the front of the building or on a covered porch to the side that extends all the way to the front of the building. It makes a mockery of this design standard to interpret it to mean that something that looks like a front door is good enough. It also fails to add to the city's goal of walkability and health. Sam Newburg in his 2014 article "Front Doors and Walkable Cities" writes:

A city that is genuinely trying to be walkable must not only build public infrastructure that truly prioritizes the pedestrian, not just accommodates them, but also has buildings that relate well to those streets, and therefore front doors are very important. In a perfect world, a common sense approach would suffice; if the developer, architect and planning commission agree they'd be comfortable walking in and out of that door every day, then it is probably good enough.

The current design cannot even attempt to pass the test of "be[ing] comfortable walking in and out of that door every day" because it is not actually a main entrance that one will walk in and out of on any regular basis. That it might be dressed up to look like a main entrance is most definitely not good enough.

Finally, on this point of where the true main entrance is sited, the requested waiver for a narrowed driveway aisle makes stopping to visit even less likely for a resident who must take care not to be hit by a fellow resident turning into or coming out of the driveway. Many design standards require a full walkway in the event that an entrance to a building is at the back so people coming and going are not walking along a driveway. Not having a walkway is bad enough; narrowing the driveway is clearly unsafe.

Street Level Front Door

There is absolutely no precedent for street level front doors in residential buildings on Merrill Street. And the examples cited by the architect are all buildings that have attractive primary entrances on the side. The street level doors on the buildings he refers to are basement doors and they look like it.





Windows

One of the reasons the building looks so out of place in the rendering is the size and horizontal effect of the front windows. The windows are in fact two sets of sliding doors put together and the net effect is a window of 11'10"H x 6'9 ¾"W, most definitely horizontal in effect. Again, there is nothing like this on Merrill Street. This design fails to recognize and be responsive to the patterns and characteristics of the buildings of the neighborhood. In addition, it ignores the design standard relating to windows (D-1), which states that the majority of windows shall be vertically proportioned, and encourages classic proportions. These grouped sliding doors are neither. In addition, it is startling to see first floor windows of this size. They would be appropriate for a commercial space, but despite being 48" from the ground are not in keeping with a first floor living space and again fails to find any sympathy with the predominant design features of the neighborhood. Where such large windows do exist on Congress Street they are all office and retail spaces, not residential.

In summary, given the very significant impact of this building on the neighborhood, it is vitally important that great care and time be given to assuring that the building meet all the applicable design principals and standards. It is a disappointment that there was no public workshop to allow for a more cooperative approach to the challenges presented by this design. It is incumbent on the Board to proceed carefully as it

develops a thoughtful and fair approach to allowing R-6 infill while protecting the neighborhoods where this development will occur.

Thank you for your consideration.

Elizabeth (Lisa) Adams
49 Merrill Street

Additional signatories:

Peter Adams
49 Merrill Street

Carolyn Swartz
27 Merrill Street

Wayne Valzania
27 Merrill Street

Britt Knowlton
43 Merrill Street

Stephanie Doyle
43 Merrill Street

Teo Doyle
43 Merrill Street

Tim Adams
38 Howard Street

Birch Hincks
38 Howard Street

cc: Evan Carroll

Carolyn Swartz and Wayne Valzania
 27 Merrill Street
 Portland, ME 04101
 and
 28 East 10th Street 8D
 NYC 10003

Planning Board
 Planning and Urban Development Department
 City of Portland
 389 Congress St
 Portland, ME 04101

Re: 30 Merrill Street

October 5, 2016

To the Members of the Planning Board and Planning Division Staff:

One of the big challenges in the jarring, unbalanced design for proposed development of 30 Merrill is that you can't measure the value of a neighborhood's character in dollars and cents.

And dollars and cents appear to be the only measure driving this tired, corner-cutting design.

This design reminds me of what the Berliners scornfully refer to as *plattenbau* (flat-build) construction. Just after World War II, the communist government – short of funds – had to scramble to create housing to replace hundreds, if not thousands, of buildings destroyed by bombs. The only criteria were fast and cheap, i.e. as many units as could be crammed into a single block. The buildings had no contour, no character, no pleasing detail. They were human warehouses: as many units as could be crammed into a single block. With Reunification, much effort has gone into remediation, adding contour and character to these structures. The city of Berlin recognizes that people were not meant to live in—or look out at—faceless boxes.

Back to the architect's justification of this particular faceless box. A few thoughts:

A metal bar “pays homage” to the neighborhood's bay windows? Let's be precise about language. Here, the same could be said about using glass.

Perhaps he thinks the “front door” pays homage to the stoops and steps that lead to welcoming entrances all over the hill. After all, it no doubt opens and closes to allow a person to pass through it.

The jolt of white that bisects the building vertically: I’m not sure what that pays homage to, since nowhere on Munjoy Hill is there precedent for this kind of color contrast. Perhaps the architect feels the white pays homage to the clouds.

Now let’s pay homage to safety. What kind of floodlights will be necessary to illuminate a rear or side entrance? And what impact will this have on the look and feel of the neighborhood at night?

Granted, esthetics are by nature subjective. But there is nothing subjective in the assertion that this design demonstrates zero sensibility for how life is lived - and has been lived for at least a century and a half – in the neighborhood of Munjoy Hill.

Finally, I’d like to note that not one of the Munjoy Hill homeowners or residents opposed to this design is against new development and changes in aesthetics resulting from new materials, advancing technologies and changing preferences and needs. Neither is anyone advocating against the expansion of the community.

By general consensus, however, this particular design is off the charts: both functionally and esthetically. I hope the Planning Board will send the designer back to the drawing board, and the developers see the value – to their future bottom line – in preserving the character of the neighborhood with more sensitivity and sophistication than is implied by this design.

Thank you,

A handwritten signature in black ink, appearing to read 'Carolyn Swartz', with a stylized, cursive script.

Carolyn Swartz

WAYNE VALZANIA

27 Merrill Street
Portland, Maine 04101
207.274.4918

Planning Board
Planning and Urban Development Department
City of Portland
389 Congress St
Portland, ME 04101

October 6, 2016

Re: 30 Merrill Street

Members of the Planning Board,

I am writing to express concern with the proposed development of 30 Merrill Street and the impact that it will have on our neighborhood. Further, I am concerned with the overall disregard of the East End of Portland, particularly Munjoy Hill, as an area worthy of some level of forethought and preservation.

The 30 Merrill project is just the latest in a series of buildings, proposed and built, with no sense of the local flavor that makes “The Hill” an important part of Portland, both historically and in the present. Thankfully, there is an atmosphere here that is the result of homeowners who care about the neighborhood, who interact with one another, and who enhance and maintain their properties for the betterment of everyone living nearby. In short, this is a vibrant community of neighbors. My wife and I are embark on the restoration of a period home directly across the street from the proposed industrial looking complex at 30 Merrill. I am disturbed to imagine that what we will see as we walk down the steps from our front door (past what we envision as a lovingly landscaped front yard) is the back, storage room door of a gargantuan monolith (with a few horizontal and vertical slashes oddly justified as *design* features.)

To qualify my opinion, I am a master craftsman, a millwright, a restoration advocate and practitioner, and minimally, a resident with an aesthetic sense, aware of what proliferation of big-box residential development does to a neighborhood. As a builder, I also know that what is rendered on paper, is the best a proposed building will ever look, and that the reality, after ten years of aging, will be far less than the pristine drawing with well heeled people on the sidewalks, with trees that don’t exist, next door to houses that have nothing in common with the proposed “high rise” developers dream.

To be clear, I understand and agree with the need for higher density housing, and realize that the future will see a change in the neighborhood. But that change must be for the better not the worse.

This is an important time for Portland. The hill, in particular, has been discovered and it is desirable. Because it not an area not of distinguished architecture in mansions and stately brick homes makes it no less worthy of memory and preservation with respect for the history and feel of the neighborhood.

I implore the Board to honor their responsibility to preserving the integrity of all of Portland’s neighborhoods, whether its homes were built by wealthy merchants or humble fisher folk.

Growth requires forethought and direction. Please consider the future of the city as well as us who chose Munjoy Hill for a reason, and are working to make it a better place to live.

Thank you for considering my opinion,

A handwritten signature in black ink, reading "Wayne Valzania". The signature is fluid and cursive, with the first name "Wayne" and last name "Valzania" clearly distinguishable.

Wayne Valzania MS CPM
Red Hook Design LLC
Brooklyn, NY - Portland, ME
860.248.5670 - 207.274.4918
RedHookDesignAlliance.com

Thank You,

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Memorandum

Planning and Urban Development Department

Planning Division

To: Elizabeth Boepple, Chair and Members of the Portland Planning Board

From: Nell Donaldson, Planner

Date: October 21, 2016

Re: **Addendum to the Planning Board Report – 30 Merrill Street**

On October 12, 2016, the Planning Board met for a public hearing on a 7-unit condominium development at 30 Merrill Street on Munjoy Hill. At that hearing, the Board and the public expressed two major concerns: 1) that the site plan and subdivision review process did not include a Planning Board workshop, and therefore did not allow sufficient public opportunity for review and comment, and 2) that the design as presented failed to adequately relate to the surrounding context as required under the R-6 design standards. As a result, the Board tabled the review of the project and requested that the applicant address concerns regarding the design – more specifically, the treatment of the front door, the fenestration, the Juliet balconies, the “bays,” and the treatment of the side facades.

I. POST-HEARING REVIEW PROCESS

Following the hearing, the applicant contacted neighbors from the neighborhood meeting sign-in sheet to schedule a design workshop at the architect’s office. On October 14, the applicant emailed these neighbors with a set of revised renderings for review at that workshop, and staff forwarded these renderings to the city’s interested parties list on the morning of Monday, October 17. The applicant met with neighbors to review the revised renderings on the night of October 17. The applicant’s notes from this meeting indicate that neighbors continued to raise concerns about the design, particularly the windows, front entrance, bays, and articulating elements – trim, railings, and canopy among them (*Attachment U*). In response to neighbors’ comments, the applicant submitted a second iteration of the revised drawings to the city on October 19 (*Plans 22-29*). Staff again forwarded these renderings to the city’s interested parties list. These final drawings formed the basis for the city’s design review and are the drawings presented here.

II. FINAL DESIGN MODIFICATIONS

In her final design review memo, Caitlin Cameron, the city’s urban designer, highlights the following design-related concerns expressed at the October 18 Planning Board hearing:

- *Effectiveness of the massing and articulation to mitigate the scale in relationship with context (that includes a combination of single-family and multi-family types)*
- *Prominence of the street-facing entry*
- *Window types, proportion, and scale and compatibility with the context*
- *Quality of design compared with historic context*

In their most recent submittal, the applicant has made a number of changes to address these concerns, specifically:

1. *Addition of bays:* The final architectural drawings show symmetrical three-story bays on the front facade of the building, highlighted with color to contrast with the main building mass and designed to project 2 ½ feet from the primary plane of the front façade. These bays are punctured by in-swinging French doors at each floor. In the final drawings, the architect also revised the railing detail on the bays to eliminate the continuous vertical element.



Figure 1: Proposed changes in design, 30 Merrill Street, with 10/12 design at left, and 10/19 revised design at right

2. **Modified windows:** In addition to eliminating the windows and sliding glass doors on the front elevation in favor of more vertically-proportioned French doors, the applicant has added four vertically-proportioned windows to the central element of the front façade. On the side facades, the architect has both enlarged windows and added windows.
3. **Addition of green screen to the south façade:** The applicant has also proposed a fabricated metal trellis for the south façade of the building. The revised elevations specify ivy as the plant choice for this screen.

4. *Modified front entrance:* In the final drawings, the applicant has widened the front entrance canopy, added side lights, and raised the front door to create a stoop effect with benches on either side. The applicant has also eliminated the flush-mounted light in the canopy in favor of sconces to frame the front entry.

In their final submittal, the applicant has provided a narrative which speaks to the design's conformity with the R-6 design standards (*Attachment V*).

Staff has also reviewed the revised drawings against the R-6 design principles and standards under the Alternative Design Review criteria. As noted previously, the Alternative Design Review provides that the Planning Authority may approve a design which does not meet one or more of the standards under the seven R-6 design principles, so long as the project is consistent with the principle statements, the majority of the standards under each principle are met, the design is "compatible with the surrounding buildings in a two block radius in terms of size, scale, materials and siting, as well as the general character of the established neighborhood," and the plan is prepared by a registered Maine architect. As with the previous design, the city's design review finds that the applicant has met each of these conditions for an alternative design review (*Attachment 6*).

With respect to the design principles and standards which were of major concern at the October 18 hearing, Caitlin Cameron, the city's urban designer, writes:

Principle A Overall Context

- *A-1 Scale and Form:* The building type proposed is similar to a double-triple with an additional unit on the 4th floor. Double-triples can be found in the surrounding context, however, the scale and form of those buildings are mitigated with the use of mansard or other similar roof forms on the third floor, pronounced and overhang cornice lines, bay windows, recessed entries with canopies. Of these formal and scaling elements, the project employs a canopy at the entrance, recessed entry, overhanging cornice at the third floor, and window bays. The fourth floor is made recessive to emphasize the contextual three-story massing of the main portion of the building relating more directly in scale and form with the triple-decker across the street.
- *A-2 Composition of Principal Facades:* The composition of the street-facing facades is consistent with context in terms of using symmetrical bays (in this case, four bays) that are oriented to the street. The windows were revised to be of similar proportion with those found in the streetscape. The windows in the bays are patio doors and therefore of a different type than the traditional bay window. Staff found that the bays and the balconies bring articulation, vertical proportion, and human scale to the large windows.
- *A-3 Relationship to the Street:* The building placement is consistent with the spacing of the residential fabric – slightly setback from sidewalk to allow for stoops and provide privacy.

...

Principle C Orientation to the Street – Met – The project is oriented to the street with a street-facing door.

- *C-1 Entrances:* At least one entry is street-facing and emphasized with a canopy, recess, stoop, and material change.
- *C-2 Visual Privacy:* Visual privacy is adequately addressed; ground floor windows are higher than 48" above adjoining sidewalk grade; the ground floor is adequately raised above sidewalk grade appropriate for private residential buildings with living space on the ground floor (at least 24" is required by the standard).
- *C-3 Transition Spaces:* The project uses a canopy and stoop at the entrance, the building is set back with planters.

Principle D Proportion and Scale – Met – The façade elements are proportionate and scaled to the overall building.

- *D-1 Windows:* The majority of windows are rectangular and have vertical proportion; windows at bays are sliding doors and therefore taller than traditional bay windows.

- *D-2 Fenestration: The project appears to meet the 12% fenestration requirement and appropriately scaled to the massing of the building.*

III. PUBLIC COMMENT

Staff received two public comments on the revised design (*PC-9 and 10*). The first of these raised concerns about the compressed timeline of the review following the October 12 public hearing and the treatment of the front door, the windows, and the balance and proportions of the architecture. The second reiterated concerns about the function of the front door, in that it is not designed to provide direct access to living units, and expressly requested that the Board consider a condition that the front door be redesigned.

IV. RECOMMENDATION

Based on the changes presented above, Planning Division staff recommends that the Planning Board approve the proposed seven unit condominium development at 30 Merrill Street with slight amendments to the conditions of approval presented on October 12, written to address changes in the plan set necessitated by the proposed modifications in design. These changes include the addition of landscaping at the green screen on the south side of the building, the addition of two wall sconces on the building's front façade, and the addition of steps and benches at the front entrance to the building.

V. REVISED PROPOSED MOTIONS

A. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report and addendum for the public hearings on October 12 and 25, 2016 for application 2016-172 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the Planning Board hearing:

1. The Planning Board **finds/does not find**, based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14*) which requires that aisle width for right-angle parking be 24 feet per *Figure I-27*, that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard (*Section 1.14*) to allow the aisle as depicted in the proposed site plan;
2. The Planning Board **finds/does not find**, based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14*) which requires that a standard parking space be 9' x 18', that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard (*Section 1.14*) to allow five 8' x 15' spaces;
3. The Planning Board **finds/does not find**, based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14*) which requires a minimum separation between driveways of 20 feet *Figure I-27*, that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard (*Section 1.14*) to allow 11 feet of separation between the site driveway and the adjacent driveway to the east;

4. The Planning Board **finds/does not find** that the applicant has demonstrated that site constraints prevent the planting of all required street trees in the right-of-way. The Planning Board **waives/does not waive** the site plan standard (*Section 14-526 (b) (iii)*) to allow for a contribution of \$1,000 to Portland's tree fund to be substituted for the provision of additional trees on site.

B. SUBDIVISION

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report and addendum for the public hearings on October 12 and 25, 2016 for application 2016-172 relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is/is not** in conformance with the subdivision standards of the land use code, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. The applicant shall finalize the subdivision plat for review and approval by Corporation Counsel, the Department of Public Services, and the Planning Authority; and
2. Prior to Certificate of Occupancy, the applicant shall finalize condominium documents for review and approval by Corporation Counsel.

C. DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report and addendum for the public hearings on October 12 and 25, 2016 for application 2016-172 relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is/is not** in conformance with the site plan standards of the land use code, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall submit revised plans which:
 - a. Show the extent of sidewalk replacement on Merrill Street and include all relevant *Technical Manual* details;
 - b. Show a modified fence height at the front of the property to ensure safe sight distance; and
 - c. Show proposed steps and benches at the front entry as depicted in the architect's elevationsfor review and approval by the Department of Public Works;
2. The applicant shall submit a final driveway apron detail meeting *Technical Manual* standards for review and approval by the Department of Public Works;
3. The applicant shall submit cut sheets and an updated photometric plan reflecting the final site lighting, including the front entry lights, for review and approval by the Planning Authority; and
4. The applicant shall submit revised plans which:
 - a. indicate the species and size for the proposed street tree on Merrill Street and
 - b. indicate the species and size for proposed plantings on the south side of the building adjacent to the green screenfor review and approval by the City Arborist.

VI. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

6. Design review (memo from Caitlin Cameron, 10/20/16)

APPLICANT'S ADDITIONAL SUBMITTALS

U. Design Revisions Narrative

V. Design Standards Self-Evaluation

APPLICANT'S ADDITIONAL PLANS

Plan 22. Basement/First Floor Plan

Plan 23. Second/Third Floor Plan

Plan 24. Fourth Floor/Roof Plan

Plan 25. Front and South Side Elevations

Plan 26. Rear and North Side Elevations

Plan 27. Rendering from the East

Plan 28. Rendering from Turner Street

Plan 29. Rendering from the West

PUBLIC COMMENT

PC-9. Swartz letter (10/17/16)

Planning and Urban Development Department

Planning Division



Subject: R-6 Small Infill Design Review – 30 Merrill Street

Written by: Caitlin Cameron, Urban Designer

Date of Review: Wednesday, October 19, 2016

A design review according to the *City of Portland Design Manual* Standards was performed for the revised proposal for new construction of a multi-family dwelling at 30 Merrill Street. The review was performed by Caitlin Cameron, Urban Designer, Nell Donaldson, Planner, and Shukria Wiar, Planner, all within the Planning Division of the Department of Planning & Urban Development. The project was reviewed against the *R-6 Small Infill Development Design Principles & Standards* (Appendix 7 of the Design Manual).

Review Process:

- First, staff establishes the building typology proposed by applicant (zoning determines allowable uses and dimensional standards).
- Second, staff reviews the neighborhood context to establish the predominant character-defining elements for that building type. It would not, for example, be reasonable to expect a multi-family building type to have the same scale, massing, or characteristics as a single-family building type.
- Third, staff reviews the streetscape and surrounding properties to understand scale, massing, characteristics, and building orientation/relationship to the street.
- Finally, with an understanding of the context, including character of street, neighboring property massing, scale, setbacks, and defining characteristics of similar building types in that neighborhood, three staff members review the project according to the principles and standards. The design review process is typically iterative and takes into consideration staff, public, and Planning Board comment in addition to rationale, parameters, and constraints provided by applicant and architect.

Comments from Planning Board and Public:

We heard concern regarding:

- Prominence of the street-facing entry
- Effectiveness of the massing and articulation to mitigate the scale in relationship with context (that includes a combination of single-family and multi-family types)
- Window types, proportion, and scale and compatibility with the context
- Quality of design compared with historic context

The project addresses those comments and concerns in the following ways:

- Full bay windows were added
- Fenestration at the bays were revised in scale and proportion
- Windows were added between the bays

- Side façade windows were enlarged
- Side façade now includes a green screen
- Street entry is further emphasized through the addition of sidelites, material change, and a stoop.

Findings of the Design Review:

The Planning Authority under an Alternative Design Review may approve a design not meeting one or more of the individual standards provided that all of the conditions listed below are met:

- A. The proposed design is consistent with all of the Principle Statements.
- B. The majority of the Standards within each Principle are met.
- C. The guiding principle for new construction under the alternative design review is to be compatible with the surrounding buildings in a two block radius in terms of size, scale, materials, and siting, as well as the general character of the established neighborhood, thus Standards A-1 through A-3 shall be met.
- D. The design plan is prepared by an architect registered in the State of Maine.

The proposed design passes all of the criteria – please refer to comments below.

Design Review Comments (*red text denotes principles or standards that are not met*):

Principle A Overall Context – Met – see below.

- *A-1 Scale and Form:* The building type proposed is similar to a double-triple with an additional unit on the 4th floor. Double-triples can be found in the surrounding context, however, the scale and form of those buildings are mitigated with the use of mansard or other similar roof forms on the third floor, pronounced and overhang cornice lines, bay windows, recessed entries with canopies. Of these formal and scaling elements, the project employs a canopy at the entrance, recessed entry, overhanging cornice at the third floor, and window bays. The fourth floor is made recessive to emphasize the contextual three-story massing of the main portion of the building relating more directly in scale and form with the triple-decker across the street.
- *A-2 Composition of Principal Facades:* The composition of the street-facing facades is consistent with context in terms of using symmetrical bays (in this case, four bays) that are oriented to the street. The windows were revised to be of similar proportion with those found in the streetscape. The windows in the bays are sliding doors and therefore of a different type than the traditional bay window. Staff found that the bays and the balconies bring articulation, vertical proportion, and human scale to the large windows.
- *A-3 Relationship to the Street:* The building placement is consistent with the spacing of the residential fabric – slightly setback from sidewalk to allow for stoops and provide privacy.

Principle B Massing – Met – Buildings in the neighborhood with similar massing and proportion (double-triples and triple-deckers) that are wider at the street use changes in massing, like the roof form and bays, to mitigate the scale (to be considerate of the smaller-scale single-family structures on the same street) and provide a pedestrian-friendly, visually interesting street presence. The revised design at 30 Merrill emphasizes the double-triple massing by creating a strong roof line at the third floor and varies the street façade with plane changes (bay windows).

- *B-1 Massing:* The principal mass is reminiscent of a double triple-decker found in the context – revisions to the cornice line at the third floor, the stepback of the fourth floor unit help to emphasize that three-story contextual massing. Bay windows were added to provide a façade plane change.
- *B-2 Roof Forms:* The proposed 7th unit on the top floor has been centered and stepped back with a material change – these three actions make that fourth floor recessive and the flat roof form of the primary mass is dominant.
- *B-4 Roof Pitch:* The roofs are monopitch/ flat roofs.
- *B-5 Façade Articulation:* The project employs three of the required articulation elements – covered entry, recessed entry, and bay windows. Small balconies are also used.
- *B-6 Garages:* Not applicable.

Principle C Orientation to the Street – Met – The project is oriented to the street with a street-facing door.

- *C-1 Entrances:* At least one entry is street-facing and emphasized with a canopy, recess, stoop, and material change.
- *C-2 Visual Privacy:* Visual privacy is adequately addressed; ground floor windows are higher than 48” above adjoining sidewalk grade; the ground floor is adequately raised above sidewalk grade appropriate for private residential buildings with living space on the ground floor (at least 24” is required by the standard).
- *C-3 Transition Spaces:* The project uses a canopy and stoop at the entrance, the building is set back with planters.

Principle D Proportion and Scale – Met – The façade elements are proportionate and scaled to the overall building.

- *D-1 Windows:* The majority of windows are rectangular and have vertical proportion; windows at bays are sliding doors and therefore taller than traditional bay windows.
- *D-2 Fenestration:* The project appears to meet the 12% fenestration requirement and appropriately scaled to the massing of the building.
- *D-3 Porches:* The balconies included in this project are less than 48 sf and do not meet this standard.

Principle E Balance – Met – The building façade composition creates a sense of balance with good use of overall and local symmetry and articulation of façade materials.

- *E-1 Window and Door Height:* The majority of window and door head heights align along a common horizontal datum.
- *E-2 Window and Door Alignment:* The majority of windows shall stack so that centerlines of windows are in vertical alignment.
- *E-3 Symmetricality:* Primary window compositions are arranged symmetrically around discernable vertical axes.

Principle F Articulation – Met – Based on the information given, it appears the project employs visually interesting and well composed facades.

- *F-1 Articulation:* Trim and balcony details will create shadow lines on front façade.
- *F-2 Window Types:* Two window types at street façade.
- *F-3 Visual Cohesion:* The visual cohesion of the façade is good – one siding material proposed with color variation.
- *F-4 Delineation between Floors:* The floors are delineated by fenestration patterns.

- *F-5 Porches, etc.:* The canopy is well integrated into the overall design and highlights the entrance. Balcony railings are used to provide articulation and shadow lines to the front façade.
- *F-6 Main Entries:* The main entry is emphasized with prominent placement facing the street, and the use of a canopy, recess, and stoop.
- *F-7 Articulation Elements:* The cornice has been revised to be more pronounced and have an overhang similar to those found in context multi-family buildings; the trim details are not clear; the façade offset is at least 12”.

Principle G Materials – Met– The material choices are well-placed and the siding is a contemporary version of clapboard. The use of two tones and the cool grey color palette create a contemporary, graphic aesthetic. In most cases, the vernacular context relies on massing and detailing to provide visual interest with most facades having only one color.

- *G-1 Materials:* The residential context is predominantly clapboards with occasional shingle or brick. The proposal uses fiber cement clapboard with horizontal orientation – the reveal is larger than the traditional scale.
- *G-2 Material and Façade Design:* The materials are appropriately placed according to their nature – concrete base, clapboard above.
- *G-3 Chimneys:* Not applicable.
- *G-4 Window Types:* Two window types on street façade.
- *G-5 Patios and Plazas:* Not applicable.



Helen Donaldson <hcd@portlandmaine.gov>

30 Merrill Design Revisions

2 messages

Evan Carroll | Bild Architecture <evan@bildarchitecture.com>

Tue, Oct 18, 2016 at 8:53 PM

To: "Helen (Nell) Donaldson" <hcd@portlandmaine.gov>, Caitlin Cameron <ccameron@portlandmaine.gov>

Cc: Eric Wittman <eric@bildarchitecture.com>, Tom Landry <tomlandry@benchmarkmaine.com>, "Michael (Mike) O Boissonneau" <mboisso1@maine.rr.com>

Nell and Caitlin,

Please consider this email as one of our submission documents.

Our meeting with members of the neighborhood at our office yesterday ended on a positive note. My notes from that meeting are not exhaustive, but are as follows:

Notes on Design Discussion:

- Context sensitivity is a priority
- Shapes of windows
 - Double hung
 - Not patio doors
- Wider entrance door with sidelights
- Could the rear door allow the basement access as well?
 - the front wouldn't have to be fake then
- Main entrance doesn't meet standards
- Verticality of windows vs views
- Sliders on the front don't look good
 - Cheap
 - Not contextual
- consider different Color scheme for bays
- Many really dislike the sliders and railings
- Trim is still desired
- Would be ok with eliminating windows between bay windows
- Vegetation screen on side of building
- Bench/resting space at front entrance
- Support canopy from below instead of above

The attached renderings are the result of those comments and the comments from the planning board. I have discussed the changes in the attached annotations to my self-review.

I am available most times on Thursday and Friday if you would like to meet. I am available from 1pm-4pm on Wednesday.

Thanks to both of you for your work on this site plan approval process.

Sincerely,
Evan

--

Evan A. Carroll AIA, LEED AP, Maine Licensed Architect

Principal

bild ARCHITECTURE

PO Box 8235 Portland, Maine 04104

30 Danforth Street Suite 213, Portland

[207.408.0168](tel:207.408.0168) - evan@bildarchitecture.comwww.bildarchitecture.com

4 attachments**A2.3-RENDERINGS.pdf**

371K

**A2.4-RENDERINGS.pdf**

281K

**A2.5-RENDERINGS.pdf**

262K

**30 Merrill - R-6 Design Standards Self-Evaluation - 9.29.16.pdf**

269K

Helen Donaldson <hcd@portlandmaine.gov>

Wed, Oct 19, 2016 at 9:47 AM

To: Evan Carroll | Bild Architecture <evan@bildarchitecture.com>

Thanks, Evan. I will try to follow up with you today or early tomorrow.

Nell

[Quoted text hidden]

--

Nell Donaldson

City of Portland Planning Division

874-8723

hcd@portlandmaine.gov



10/18/2016 - Summary of changes since planning board hearing on 10/12/16.

- Addition of bay windows.
- Changes to front entrance: Added sidelights, wall lighting, raised platform, benches.
- Addition of metal trellis on elevation facing Cumberland Avenue.
- Adjusted window dimensions to be more vertical and traditionally proportioned.

ingenuity thoughtfulness empathy

R-6 Infill Development Design Principles & Standards

Project Self-Evaluation of Alternative Design Approach

30 Merrill Street

"An applicant may propose an alternative design approach and request an Alternative Design Review. The Planning Authority under an Alternative Design Review may approve a design not meeting one or more of the individual standards provided that all of the conditions listed below are met."

Alternative Design Approach Criteria	Self-Evaluation
A. The proposed design is consistent with all of the Principle Statements.	Yes
B. The majority of the Standards within each Principle are met.	Yes
C. The guiding principle for new construction under the alternative design review is to be compatible with the surrounding buildings in a two block radius in terms of size, scale, materials and siting, as well as the general character of the established neighborhood, thus Standards A-1 through A-3 shall be met.	Yes
D. The design plan is prepared by an architect registered in the State of Maine.	Yes

Principals and Standards	Self-Evaluation
PRINCIPLE A - Overall Context A building design shall contribute to and be compatible with the predominant character-defining architectural features of the neighborhood.	Met All contributing standards are met. Proposal has contributing massing, cornice definition, entrance location, entrance canopy, symmetry, and orientation to the street.
STANDARD A-1 - Scale and Form Relate the scale and form of the new building to those found in residential buildings within a two-block radius of the site, that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing building forms on both sides of the street within the block of the proposed site.	Met Proposal relates in scale and form to the double-wide triple-decker apartment buildings found adjacent and throughout the neighborhood.
STANDARD A-2 - Composition of Principal Facades Relate the composition of the new building façade, including rhythm, size, orientation and proportion of window and door openings, to the facades of residential buildings within a two-block radius of the site that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing facades on both side of the street within the block of the proposed site.	Met Proposal façade composition relates to nearby buildings with areas of concentrated windows (like bay windows) and areas of less concentrated windows. Front door is found in traditional location and orientation.
STANDARD A-3 - Relationship to the Street Respect the rhythm, spacing, and orientation of residential structures along a street within a two-block radius of the site that contribute to and are compatible with the predominant character-defining architectural	Met Proposal has traditional relationship to the street.

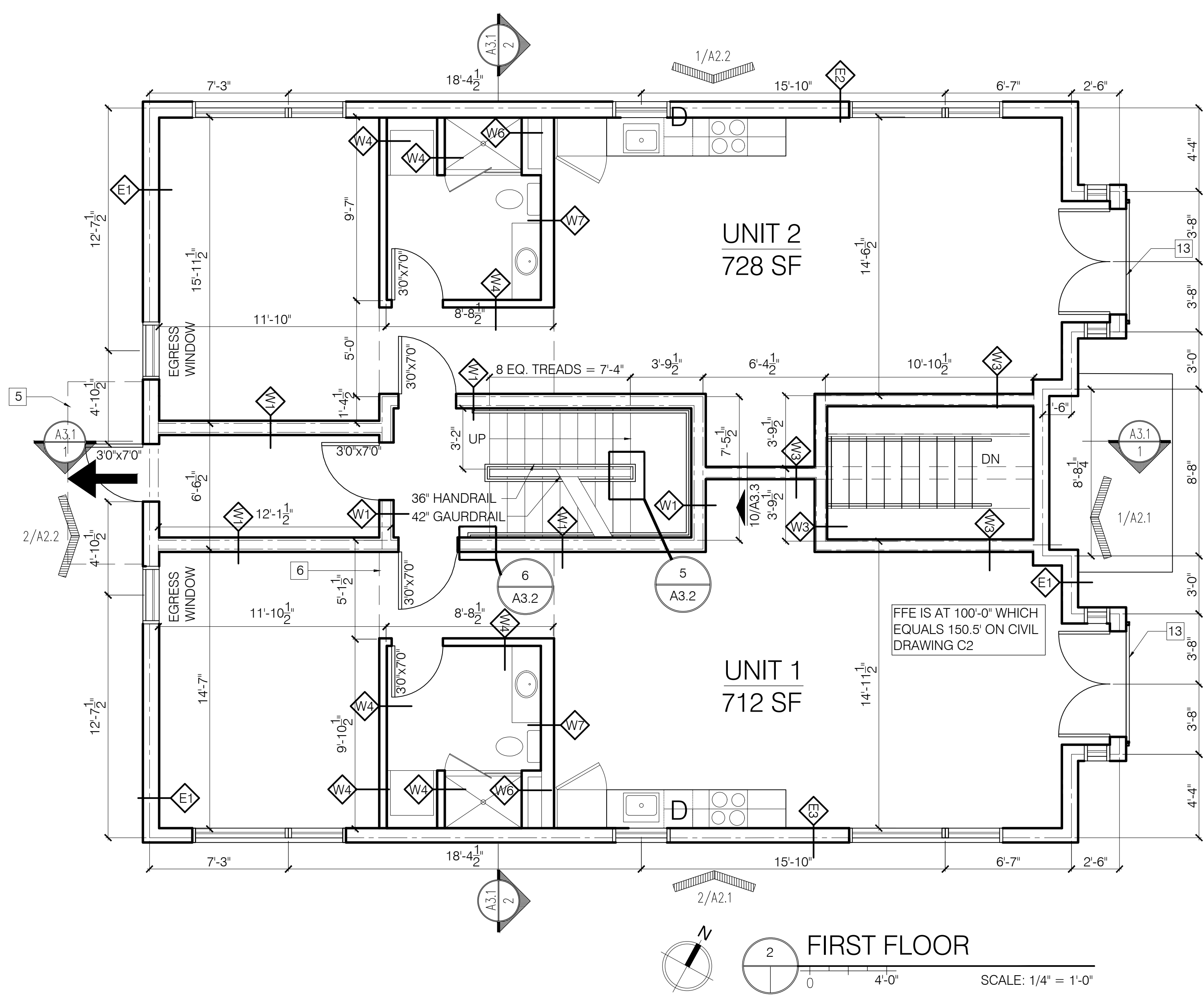
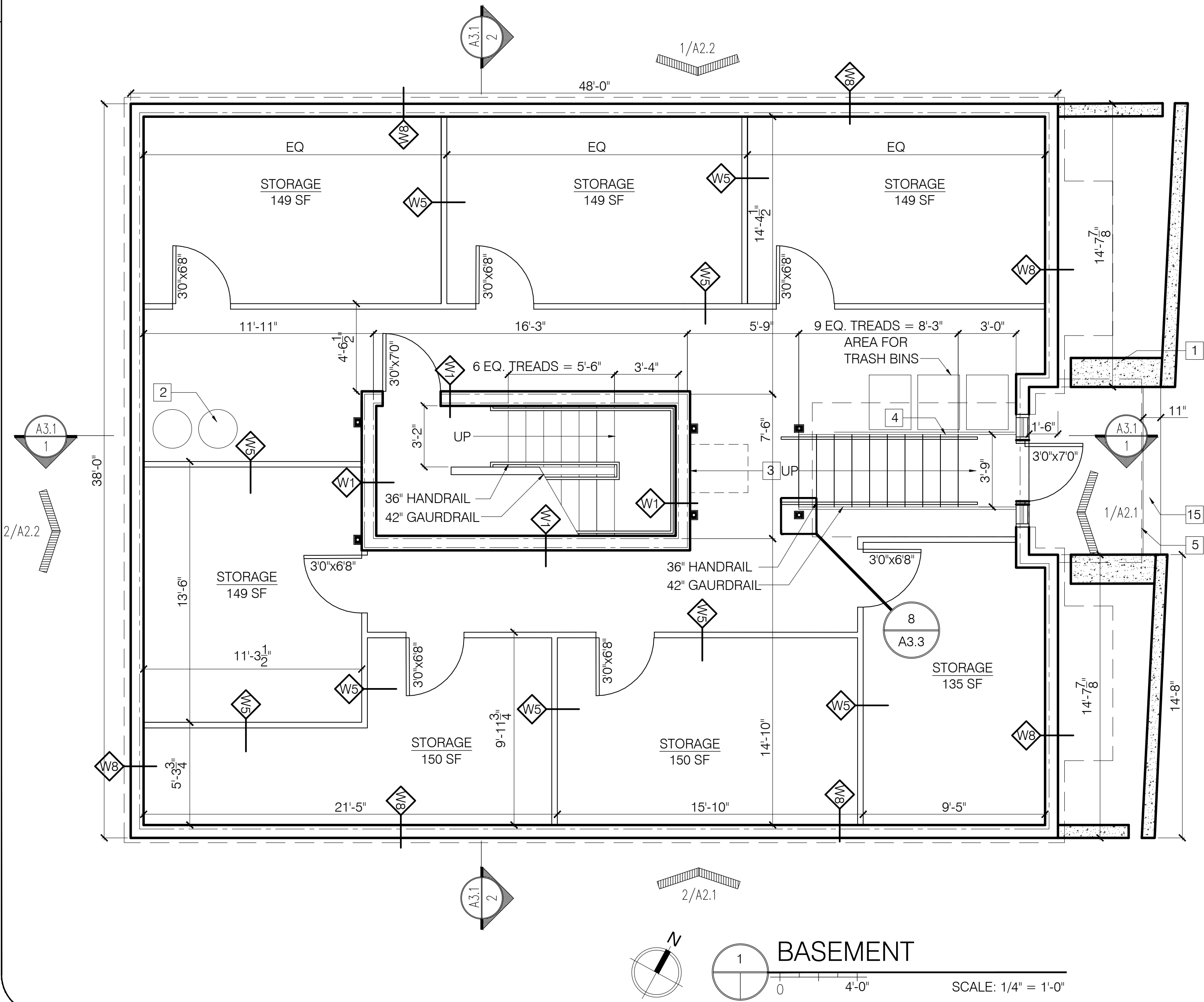
Project is more like a triple decker than it previously was.

features of the neighborhood. Special attention shall be given to the existing streetscape on both side of the street within the block of the proposed site.	
PRINCIPLE B - Massing The massing of the building reflects and reinforces the traditional building character of the neighborhood through a well composed form, shape and volume.	Met Majority of standards are met.
STANDARD B-1 - Massing The building's massing (as defined by its bulk, size, physical volume, scale, shape and form) should be harmonious with the massing of existing buildings in a two block radius.	Met Proposal compares to triple-deckers and double-wide triple-deckers.
STANDARD B-2 - Roof Forms Roof forms shall refer to the architectural forms found within a two-block radius of the site that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing roof forms on both side of the street within the block of the proposed site.	Met Proposal compares to triple-deckers and double-wide triple-deckers.
STANDARD B-3 - Main Roofs and Subsidiary Roofs The building shall have a clear main roof form. Subsidiary roof forms and dormers shall be clearly subordinate to the main form in size, space and number. Where a building has multiple rooflines (e.g., main roof, dormer roof, porch roof, etc.) there shall not be more than two roof pitches or outlines overall.	Met Fourth floor roof is subsidiary to third floor roof.
STANDARD B-4 - Roof Pitch Gable roofs shall be symmetrical with a pitch of between 7:12 and 12:12. Hip roofs with a shallow pitch and flat roofs shall have a cornice of at least 12 inches in width. The slope of the roof may be either parallel or perpendicular to the street. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No mono pitch roofs shall be less than 7:12, except for porch roofs. There is no minimum pitch for porch roofs.	Met Flat roof is less than 7:12.
STANDARD B-5 - Facade Articulation Provide variety in the massing by incorporating at least two or more of the following architectural elements. Such features shall be applied to the front façade and those portions of the building that are readily visible from the public way. 1. Gables or dormers. 2. Balconies. 3. Recessed entries. 4. Covered porches, covered entries or stoops. 5. Bay windows. In the case of horizontally attached dwelling units, at least one-half of the ground floor units shall have a bay window to receive credit as a design feature.	Met Provided: - Recessed entries - Covered entry - Bay windows added
STANDARD B-6 - Garages Attached and detached garages are allowed provided that the street-facing façade of the garage is recessed behind the façade of the main structure by a minimum of four feet. However, if the garage is integrated into the building form, the garage door may be included into the front	Met There is no garage door.

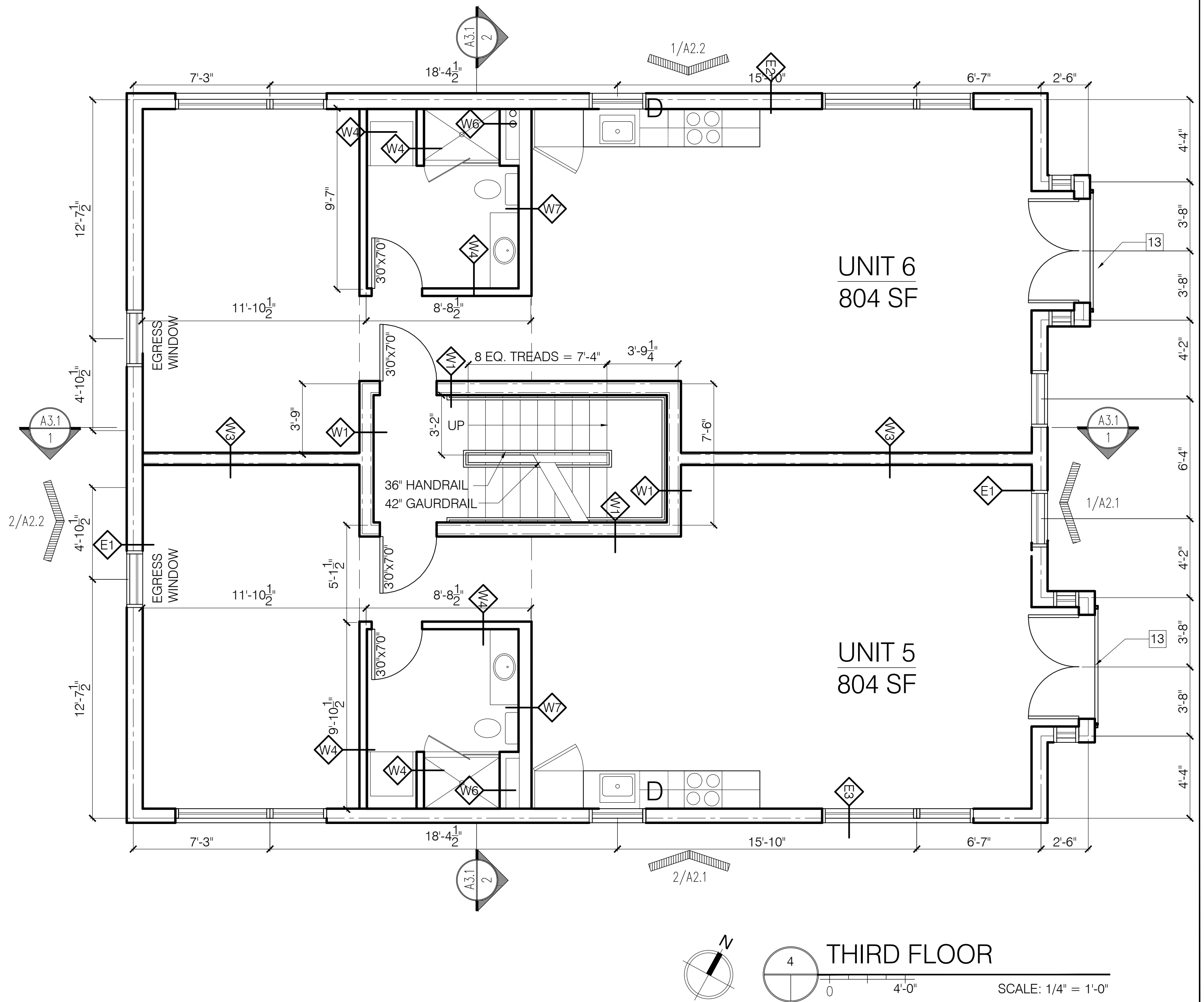
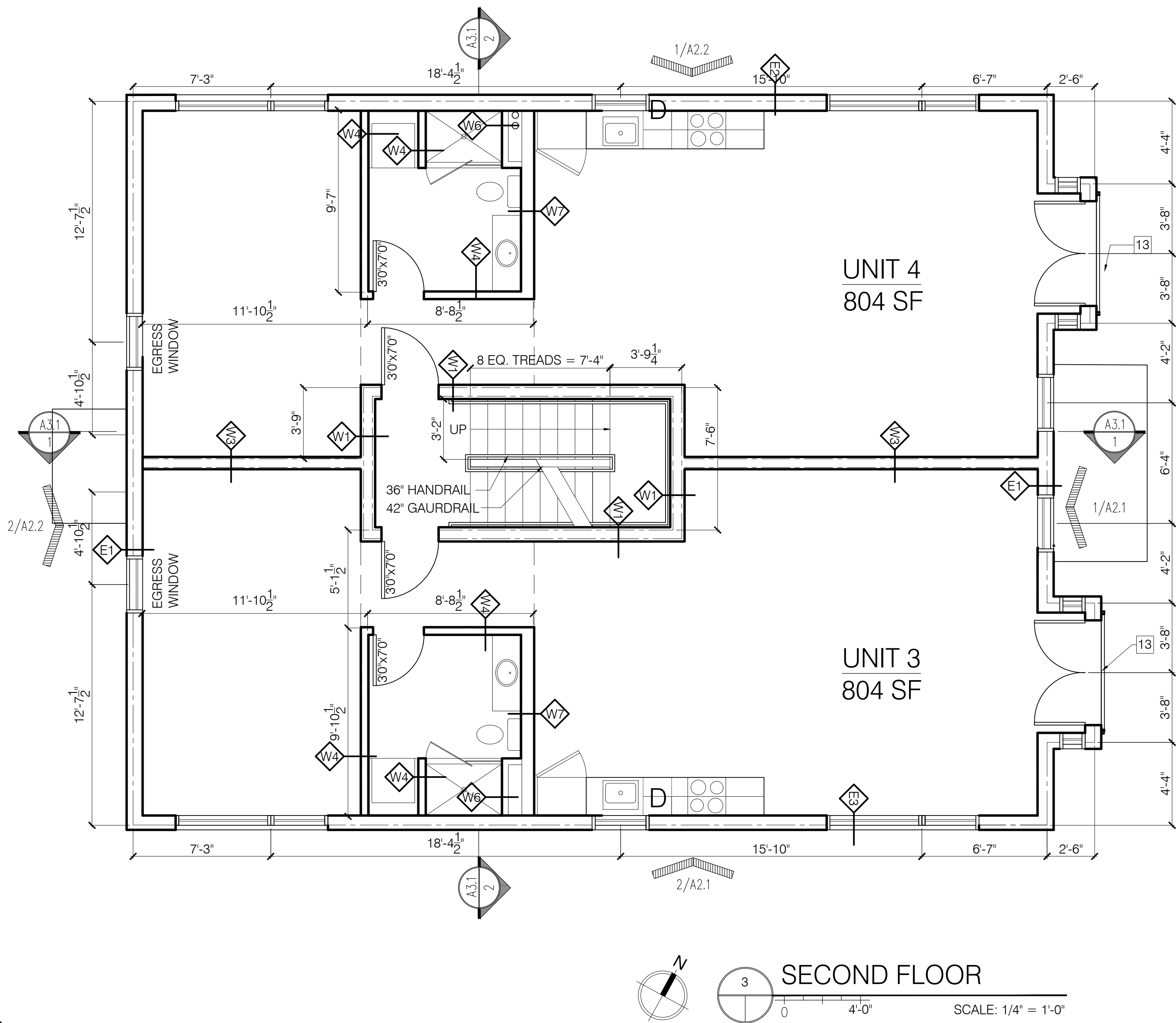
façade of the dwelling providing that there are at least one story of living space over the garage. In this instance, the garage door width may be no more than 40% of the width of the building's overall façade width, except that no garage door need be reduced to less than 9 feet in width. Standard C-2 is not required if there is no living space on the ground level.	
PRINCIPLE C - Orientation to the Street The building's façade shall reinforce a sense of the public realm of the sidewalk while providing a sense of transition into the private realm of the home.	Met Majority of standards are met.
STANDARD C-1 - Entrances Emphasize and orient the main entrance to the street. The main entrance of the structure shall either face the street and be clearly articulated through the use of architectural detailing and massing features such as a porch, stoop, portico, arcade, recessed entry, covered entry, trim or be located on the side and be accessed by a covered porch that extends to the front of the building, at the primary street frontage.	Met Pedestrian and bike entrance faces street, is centered, is recessed, is highlighted with color, and is covered by a canopy. Added sidelights, wall lighting, raised platform, benches.
STANDARD C-2 - Visual Privacy Ensure the visual privacy of occupants of dwellings through such means as placing the window sill height at least 48" above the adjoining sidewalk grade; providing the finished floor elevation of a residence a minimum of 24" above sidewalk elevation; incorporating porches along the front side of the building façade design; or other measures.	Met Dimensional standards are met.
STANDARD C-3 - Transition Spaces Create a transition space between the street and the front door with the use of such features as porches, stoops, porticos, arcades, recessed entries, covered entries, trim, sidewalk gardens or similar elements.	Met Garden provided.
PRINCIPLE D - Proportion and Scale Building proportions must be harmonious and individual building elements shall be human scaled.	Met Majority of standards are met.
STANDARD D-1 - Windows The majority of windows shall be rectangular and vertically proportioned. The use of classical proportions is encouraged. Special accent windows may be circular, square or regular polygons. Doorways, windows and other openings in the façade (fenestrations) shall have a proportional relationship to the overall massing of the building.	Windows are now vertically proportioned.
STANDARD D-2 - Fenestration Doorways, windows and other openings (fenestration) shall be scaled appropriately to the overall massing of the building. The area of fenestration of the front façade (and for corner lots, both street-facing facades) shall be at least 12% of the total facade area. Appropriately scaled windows or other building openings shall be included on all sides of a building.	Met Minimum fenestration met.
STANDARD D-3 - Porches When porches are attached to the front facade, [or for porches that are required as an open space amenity under Section 14-139(f)] the porches shall extend along a horizontal line at least 20% of the front façade. Porches and balconies must have a minimum depth of 6 feet and a minimum square footage of 48 square feet. The depth may be reduced to	Met If front entry is considered a porch than it meets the dimensional standards. If it is not considered a porch than porches are not required and standard is met.

5 feet provided that the square footage is increased to 60 square feet.	
PRINCIPLE E - Balance The building's façade elements must create a sense of balance by employing local or overall symmetry and by appropriate alignment of building forms, features and elements.	Met Majority of standards are met.
STANDARD E-1 - Window and Door Height The majority of window's and door's head heights shall align along a common horizontal datum line.	Met
STANDARD E-2 - Window and Door Alignment The majority of windows shall stack so that centerlines of windows are in vertical alignment.	Met
STANDARD E-3: - Symmetricality Primary window compositions (the relationship of two or more windows) shall be arranged symmetrically around the building façade's centerline (overall symmetry) or around another discernable vertical axis line.	Met
PRINCIPLE F - Articulation The design of the building is articulated to create a visually interesting and well composed residential façade.	Met Majority of standards are met.
STANDARD F-1 - Articulation Buildings shall provide surface articulation by employing such features such as dimensional trim, window reveals, or similar elements appropriate to the style of the building. Trim and details shall be designed and detailed consistently on the facades visible from the public right of way.	Met Proposal is articulated using metal fabrications such as railings and canopies as is appropriate to the style of the building.
STANDARD F-2 - Window Types Window patterns shall be composed of no more than two window types and sizes except where there is a design justification for alternate window forms..	Met Window types are limited and justified.
STANDARD F-3 - Visual Cohesion Excessive variations in siding material shall not be allowed if such changes disrupt the visual cohesion of the façade. Materials shall be arranged so that the visually heavier material, such as masonry or material resembling masonry, is installed below lighter material, such as wood cladding.	Met Materials are used in a visually cohesive manner.
STANDARD F-4 - Delineation between Floors Buildings shall delineate the boundary between each floor of the structure through such features as belt courses, cornice lines, porch roofs, window head trim or similar architectural features.	Met Floor delineation is clearly identified by the aligned heads of windows and doors.
STANDARD F-5 - Porches, etc. Porches, decks, balconies, stoops and entryways shall be architecturally integrated into the overall design of the building in a manner that compliments its massing, material, and details. Multilevel porches and balconies on front facades shall not obscure the architectural features of the façade. Use of rail/baluster systems with appropriate openings between rails, stepping back balconies from the front plane of the building face, or other appropriate design features shall be employed to achieve this standard.	Met Canopy and railing features are related to each other with color and detailing.
STANDARD F-6 - Main Entries Main entries shall be emphasized and shall be integrated architecturally	Met Pedestrian and bike entrance

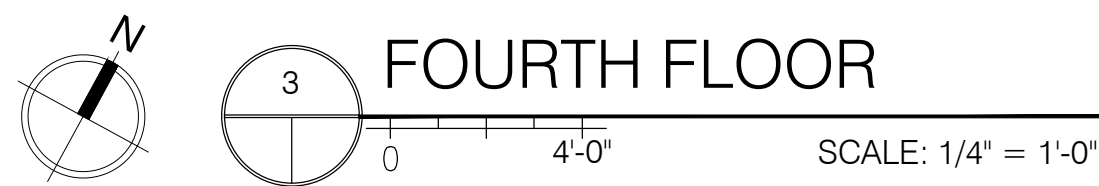
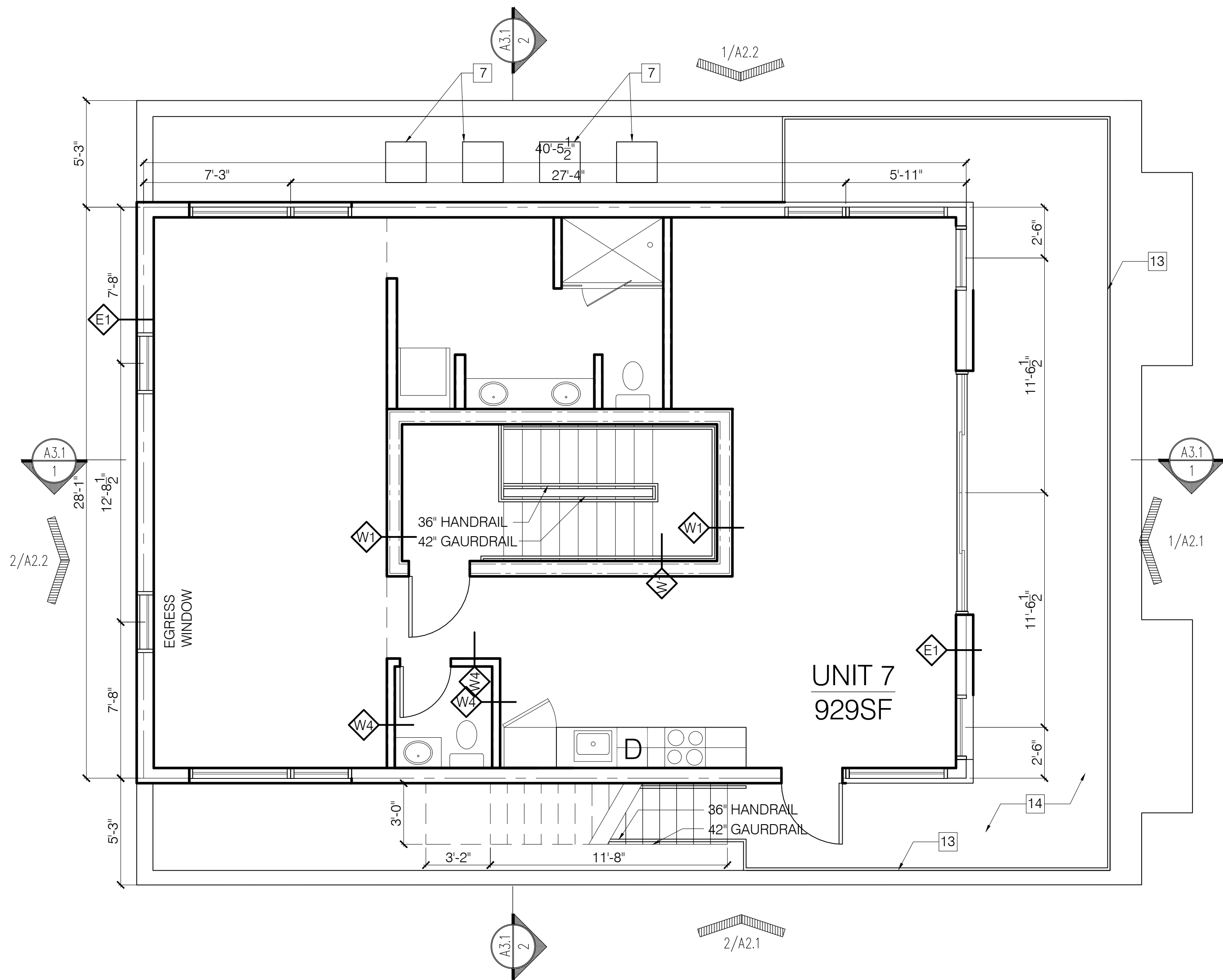
into the design of the building, using such features as porch or stoop forms, porticos, recessed entries, trim or a combination of such features, so that the entry is oriented to the street.	faces street, is centered, is recessed, is highlighted with color, and is covered by a canopy.
STANDARD F-8 – Articulation Provide articulation to the building by incorporating the following architectural elements. Such features shall be on all façades facing and adjacent to the street. 1. Eaves and rakes shall have a minimum projection of 6 inches. 2. All exterior façade trim such as that used for windows, doors, corner boards and other trim, shall have a minimum width of 4 inches except for buildings with masonry exteriors. 3. If there are off sets in building faces or roof forms, the off sets shall be a minimum of 12 inches. 4. Pronounced and decorative cornices.	
PRINCIPLE G - Materials Building facades shall utilize appropriate building materials that are harmonious with the character defining materials and architectural features of the neighborhood.	Met Majority of standards are met.
STANDARD G-1 - Materials Use materials and treatments for the exterior walls (including foundation walls) and roofing that are harmonious with those in buildings within a two-block radius of the site that contribute to and are compatible with the predominant character- defining architectural features of the neighborhood. Special attention shall be given to the existing building forms on both sides of the street within the block of the proposed site.	Met Proposal utilizes clapboard siding, vinyl windows, concrete foundation and metal railings as can be found in the immediate neighborhood.
STANDARD G-2 - Material and Façade Design The selection of façade materials shall be consistent with the façade design and appropriate to their nature. For example, brick facing should not appear to be thin layers on the façade, or to overhang without apparent support.	Met
STANDARD G-3 - Chimneys Chimneys shall be of brick, finished metal, stone or boxed- in and clad with materials to match the building.	Met No chimney is provided.
STANDARD G-4 - Window Types A variety of window treatments and skylights are acceptable. However, within a single building the types of windows shall be limited to two types, and window detailing shall be consistent throughout.	Window types are limited and justified.
STANDARD G-5 - Patios and Plazas Patios and plazas shall be constructed of permanent materials such as concrete, brick or stone.	Met



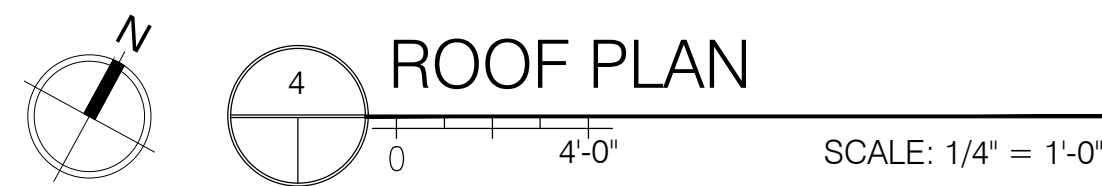
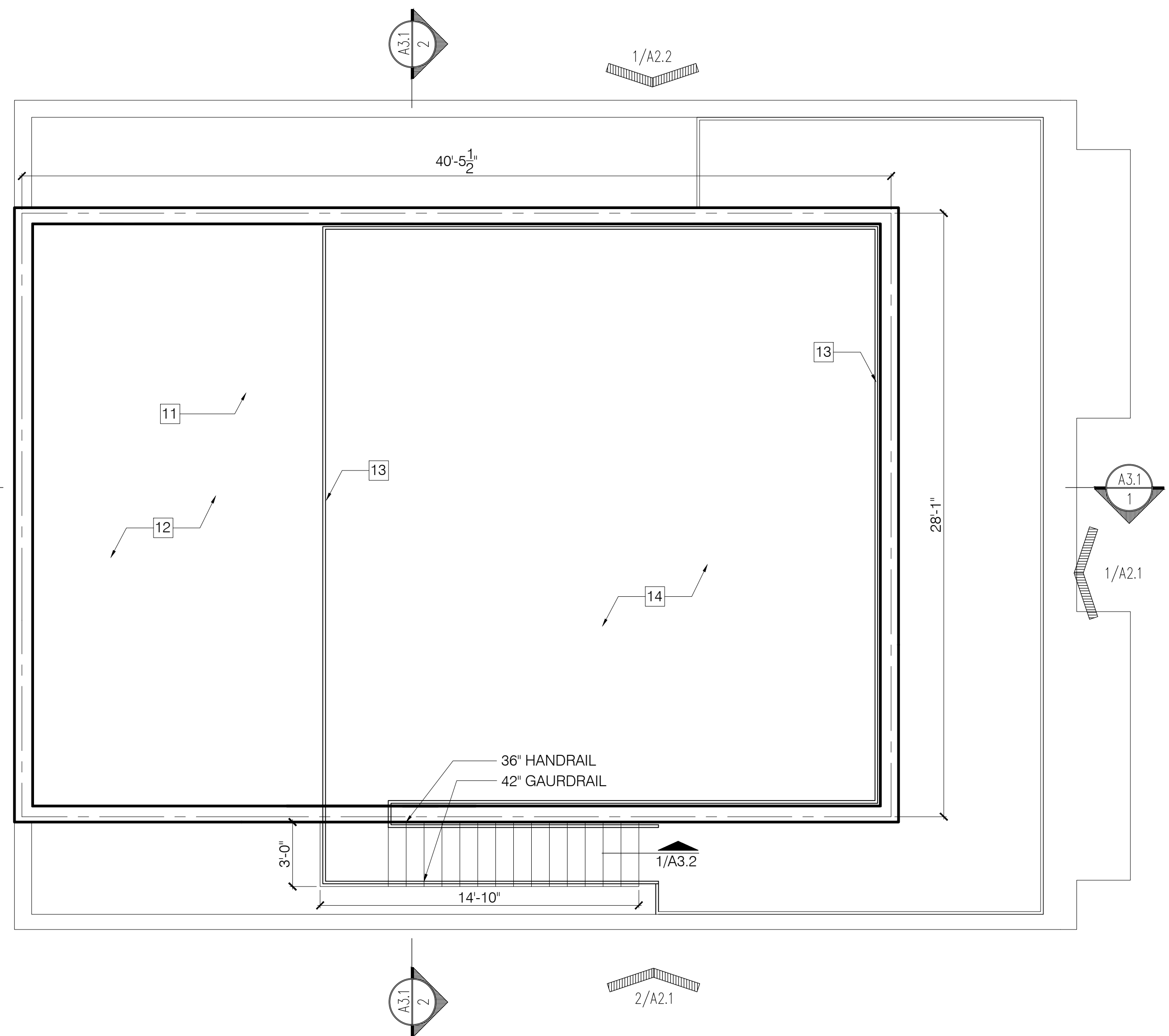
- KEYNOTES:**
1. CONCRETE PLANTER - FRONT EDGE FOLLOWS PROPERTY LINE
 2. WATER HEATERS
 3. ELECTRICAL PANELS
 4. FRAMED STAIR OPENING ABOVE
 5. LINE OF AWNING ABOVE
 6. LINE OF LOWER CEILING
 7. LOCATION FOR INSTALLATION OF HEAT PUMP UNITS
 8. ROOF DRAIN
 9. OVERFLOW DRAIN
 10. MEMBRANE ROOF
 11. 1/8" TAPERED INSULATION TO PROVIDE POSITIVE SLOPE 1 OF ROOF DRAIN /SCUPPER
 12. AREA FOR GREEN ROOF TRAY SYSTEM
 13. FABRICATED METAL RAILING
 14. TILE ON PEDESTAL ROOF DECK SYSTEM
 15. CONCRETE STEPS AND PORCH



- KEYNOTES:
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FOURTH FLOOR



ROOF PLAN

- [X] KEYNOTES:
1. CONCRETE PLANTER - FRONT EDGE FOLLOWS PROPERTY LINE
 2. WATER HEATERS
 3. ELECTRICAL PANELS
 4. FRAMED STAIR OPENING ABOVE
 5. LINE OF AWNING ABOVE
 6. LINE OF LOWER CEILING
 7. LOCATION FOR INSTALLATION OF HEAT PUMP UNITS
 8. ROOF DRAIN
 9. OVERFLOW DRAIN
 10. MEMBRANE ROOF
 11. 1/8" TAPERED INSULATION TO PROVIDE POSITIVE SLOPE TO TOP OF ROOF DRAIN /SCUPPER
 12. AREA FOR GREEN ROOF TRAY SYSTEM
 13. FABRICATED METAL RAILING
 14. TILE ON PEDESTAL ROOF DECK SYSTEM
 15. CONCRETE STEPS AND PORCH

WINDOW SCHEDULE				
TYPE	SIZE (ROUGH OPENING)	MATERIAL	OPERATION	NOTES
A	11'-10 3/4" X 6'-9 3/4"	-	SLIDING	1,2,4
B	2'-6" X 3'-0"	-	AWNING	1,2,4
C	2'-6" X 5'-0"	-	FIXED	1,2,4
D	5'-0" X 3'-0"	-	CASEMENT	1,3,2,4
E	5'-0" X 5'-0"	-	FIXED	1,2,4
F	7'-0" X 1'-4"	-	FIXED	1,2,4
G	7'-0" X 5'-6"	-	SWING	1,2,4

WINDOW SCHEDULE NOTES:

- SAFETY GLAZING MAY BE REQUIRED FOR WINDOWS NEAR A SLIDING DOOR
- ALL WINDOWS TO HAVE A MAXIMUM U-FACTOR OF 0.35
- WINDOWS LABELED 'EGRESS WINDOW' IN PLAN MUST COMPLY WITH: MIN AREA: 5.7SF
MIN HEIGHT: 24"
MIN WIDTH: 20"
- WINDOWS TP BE THERMALLY BROKEN

WINDOW SPECIFICATIONS:

- Size and window configuration.
 - Color options.
 - Factory Mulling Capability.
 - Design Pressure Rating
 - U Factor
 - Material
 - Glazing Type
 - Hardware type.
 - Exterior Washing Capability
 - Warranty (Window & glazing units)
 - Insect Screens
- See Window Schedule
To be selected
Preferred
25
0.35 or lower
To be selected
To be selected
To be selected
Washing from interior preferred
10 years
Standard Insect Screens

GENERAL NOTES:

- A. GLAZING IN ALL DOORS IS REQUIRED TO BE SAFETY GLAZING
- B. FINAL FINISHES TO BE SELECTED BY OWNER.
- C. ----
- D. ----

KEYNOTES:

- LP SMART SIDING - SMOOTH FINISH - CLAPBOARD - 11.84 WIDTH - COLOR 1
- LP SMART SIDING - SMOOTH FINISH - CLAPBOARD - 11.84 WIDTH - COLOR 2
- FABRICATED METAL GUARD SYSTEM CONSTRUCTED OH HSS
-
- HANDRAIL W/ 42" HISS HSS GUARDRAIL W/ HORIZONTAL STEEL RODS @ 3 1/2" O.C.
- CONCRETE PLANTER
- BUILDING ADDRESS FORMED INTO CONCRETE
- GALVANIZED FINISHED BREAK METAL COPING
- FABRICATED METAL AWNING WITH METAL ROD SUPPORTS
- FABRICATED METAL STAIR W/ 36" 111-1/2" HSS RAILINGS AND HORZ STEEL RODS @ 3-1/2" O.C.
- BREAK METAL WINDOW TRIM DETAIL
- LINE OF ROOF BEYOND
- LINE REPRESENTS BASEMENT BELOW GRADE
- DOWNSPOUT
- DRYER VENT
- HVAC EXHAUST
- HVAC INTAKE
- LOCATION FOR INSTALLATION OF HEAT PUMP UNITS
- FABRICATED METAL GREEN SCREEN FOR IVY
- VERTICAL SIDING BEHIND SCREEN



1 FRONT (EAST) ELEVATION
SCALE: 1/4" = 1'-0"



2 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

MAX WALL OPENING					
ELEVATION	SEPARATION DISTANCE	NFPA SPRINKLERED	PROTECTED OPENINGS	ALLOWABLE AREA	% OF WALL OPENING
NORTH	5' TO 10'	YES	NO	25%	13%
NORTH ROOF	20' TO 25'	YES	NO	NO LIMIT	-
EAST	30' OR GREATER	YES	NO	N/A	-
SOUTH	10' TO 15'	YES	NO	45%	13%
WEST	30' OR GREATER	YES	NO	N/A	-

GENERAL DOOR SCHEDULE NOTES:

- ALL DOOR HANDLES TO BE ADA COMPLIANT LEVER HANDLES.
- ALL INTERIOR DOOR HARDWARE FINISH TBD
- DOORS WITHIN UNITS FINISH TBD
- PROVIDE A COMMON SPACES KEY FOR TENANT ENTRANCES AND STORAGE AREA (ISSUED TO EACH TENANT)

HARDWARE SETS:

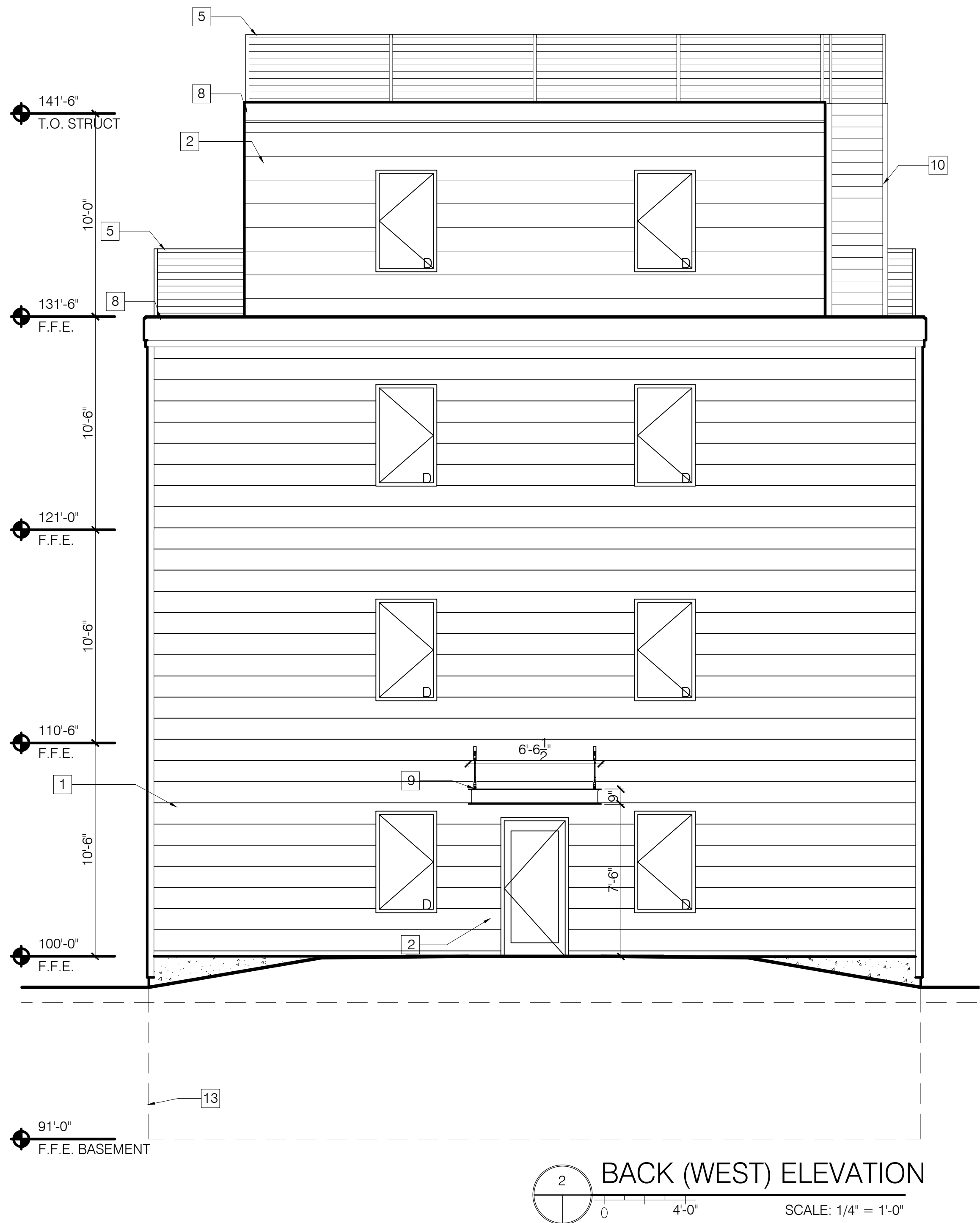
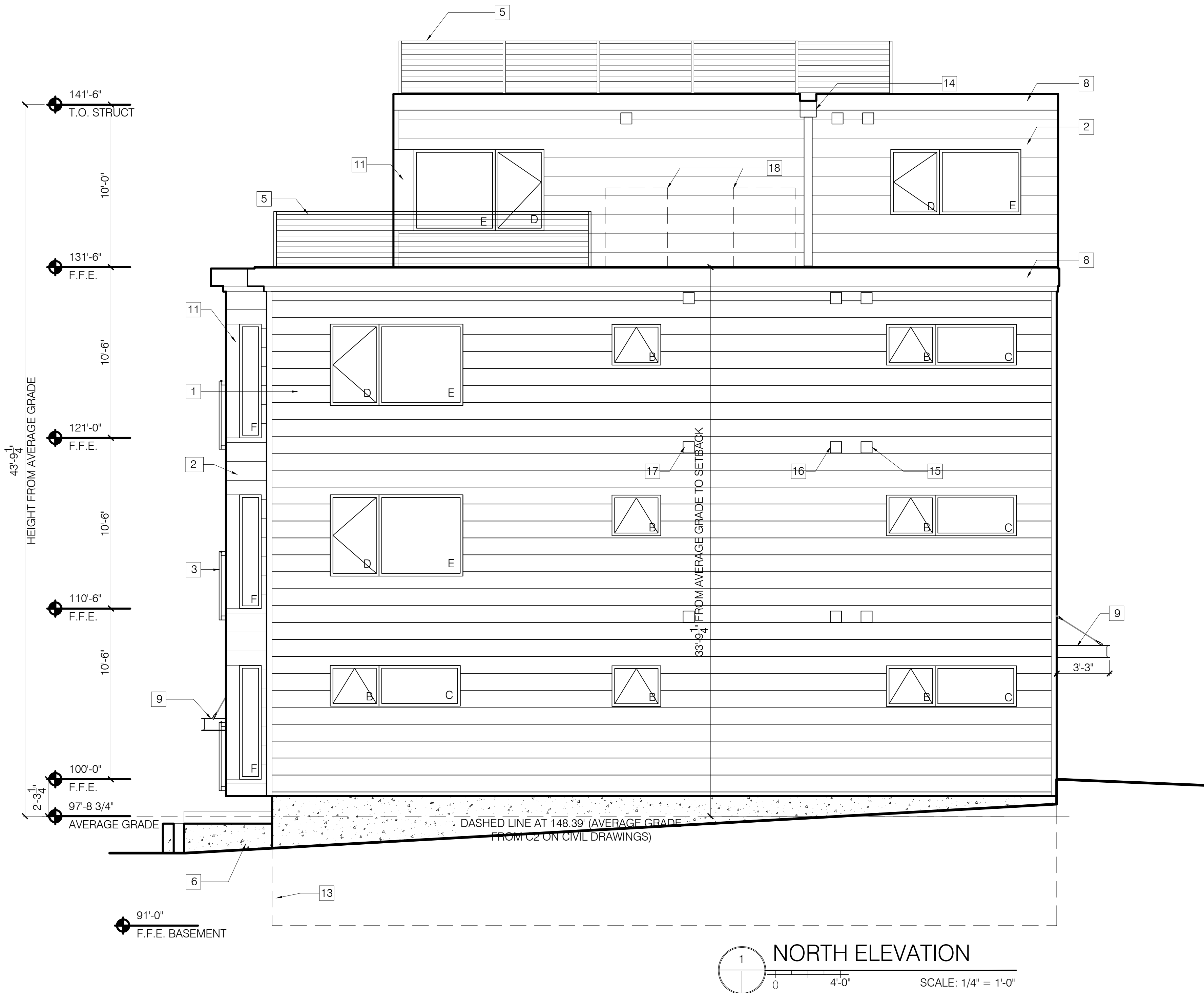
01	UNIT ENTRY DOORS:	PEEP HOLE, (3) HINGES, SOFT CLOSE DAMPER, STRIKE, DOOR STOP, SINGLE CYLINDER DEADBOLT, ENTRY LOCKSET, THROW-BOLT, LATCH ASSEMBLY, LEVER, CLOSER, THRESHOLD, SWEEP
02	BATHROOM DOORS:	(3) HINGES, STRIKE, DOOR STOP, LEVER, BED/BATH LOCKSET
03	PATIO DOORS:	(3) HINGES, ESCUTCHEON PLATE, HANDLE, DEADBOLT LOCKSET
04	ENTRY DOOR:	(3) HINGES, STRIKE, DOOR STOP, THRESHOLD, SWEEP, ENTRY LOCKSET, GASKET, LEVER, METAL PROTECTIVE TRIM, PEEP HOLE CLOSER
05	EXTERIOR STORAGE DOOR	(3) HINGES, STRIKE, THRESHOLD, SWEEP, ENTRY LOCKSET, GASKET, LEVER, METAL PROTECTIVE TRIM, PEEP HOLE, CLOSER
06	STAIRWAY/HALLWAY DOOR	(3) HINGES, SOFT CLOSE DAMPER, STRIKE, DOOR STOP, FREE PASSAGE LATCH ASSEMBLY, LEVER, CLOSER
07	STORAGE DOOR:	(3) HINGES, STRIKE, LOCKSET, LEVER, CLOSER

GENERAL NOTES:

- A. GLAZING IN ALL DOORS IS REQUIRED TO BE SAFETY GLAZING
- B. FINAL FINISHES TO BE SELECTED BY OWNER.
- C. ----
- D. ----

X KEYNOTES:.

1. LP SMART SIDING - SMOOTH FINISH - CLAPBOARD - 11.84 WIDTH - COLOR 1
2. LP SMART SIDING - SMOOTH FINISH - CLAPBOARD - 11.84 WIDTH - COLOR 2
3. FABRICATED METAL GUARD SYSTEM CONSTRUCTED OH HSS
4. -
5. HANDRAIL W/ 42" HISS HSS GUARDRAIL W/ HORIZONTAL STEEL RODS @ 3 1/2" O.C.
6. CONCRETE PLANTER
7. BUILDING ADDRESS FORMED INTO CONCRETE
8. GALVANIZED FINISHED BREAK METAL COPING
9. FABRICATED METAL AWNING WITH METAL ROD SUPPORTS
10. FABRICATED METAL STAIR W/ 36" 111-1/2" HSS RAILINGS AND HORZ STEEL RODS @ 3-1/2" O.C.
11. BREAK METAL WINDOW TRIM DETAIL
12. LINE OF ROOF BEYOND
13. LINE REPRESENTS BASEMENT BELOW GRADE
14. DOWNSPOUT
15. DRYER VENT
16. HVAC EXHAUST
17. HVAC INTAKE
18. LOCATION FOR INSTALLATION OF HEAT PUMP UNITS
19. FABRICATED METAL GREEN SCREEN FOR IVY
20. VERTICAL SIDING BEHIND SCREEN





1 MERRILL STREET VIEW

ISSUE DATE
10 / 18 / 16
SHEET SCALE
1/4" = 1'-0"

DRAWN BY
EMW
SHEET TITLE

SITE APPLICATION
NOT FOR CONSTRUCTION

REVISIONS
1 | -
2 | -
3 | -
4 | -
5 | -

PROJECT NO.
15018
PROJECT NAME
MERRILL STREET
PORTLAND, ME



Bild Architecture
PO Box 8235
Portland, ME
04104
207.408.0168
evan@bildarchitecture.com



TURNER STREET VIEW

ISSUE DATE
10 / 18 / 16
SHEET SCALE
1/4" = 1'-0"

DRAWN BY
EMW
SHEET TITLE

SITE APPLICATION
NOT FOR CONSTRUCTION

REVISIONS
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PROJECT NO.
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PROJECT NAME
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MERRILL STREET VIEW

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DRAWN BY
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Helen Donaldson <hcd@portlandmaine.gov>

FW: Guide to Participation in the Planning Process

Elizabeth Spencer Adams <elizabethspenceradams@gmail.com>

Wed, Oct 12, 2016 at 4:08 PM

To: Helen Donaldson <hcd@portlandmaine.gov>

Cc: stone.geno3@gmail.com

Nell,

This just came in. Gene is the immediate abutter to the north on Merrill Street so it seems really important his voice be heard. Could you please do whatever you can to see that the Planning Board is aware of his comments?

Thank you very much,

Lisa

On 10/12/16, 4:04 PM, "Stone.Geno3" <stone.geno3@gmail.com> wrote:

>Hi,
 >This is Gene Stone, 34 Merrill Street.
 >I spoke with Peter Adams on the phone yesterday early evening.
 >A: I am not a late night person, so, can't make this important meeting.
 >B: If you schedule a workshop as, Peter Adams, noted and no later than 5pm
 >I'll be glad to attend.
 >C: My issues are. Being blind, My son has told me according to the
 >illustration of the building going up next to my house/driveway. That the
 >side facing my house, looking from the front, it would be the right side,
 >to my Privacy fence/Chain-link fence. Is the concern 5 feet. I did not
 >know
 >till, Peter Adams, informed me of the rezoning.
 >D: The front of the building is the showing of the rail on all levels,
 >for a
 >Deck?
 >E: the Driveway in what they are showing might be wide enough for a
 >car/van/SUV to drive on but not a dump truck ETC. I would be concerned if
 >and being the main entrance is to the rear of the property to the parking
 >lot of only 6 cars, that people walking to the sidewalk, Safety.
 >F: In talking to, Peter Adams, I explain, I know few with only one car, he
 >tells me the rezoning allows only 4 of the 67 condo/Apartments where are
 >you going to put all the cars/vans/SUVS?
 >G: The last time I knew for fire safety, there has to be two door openings
 >to the outside to escape freely from the fire or toxic fumes ETC. I don't
 >see this in the material provided. A main Entrance to the parking lot and
 >a
 >door to the Storage in the basement, is All I See!
 >There might be other concerns and I don't think this should be stamped for
 >approval without discussion on these issues and what you all have.
 >Thank you for the time,
 >Gene Stone
 >
 >-----Original Message-----
 >From: Elizabeth Spencer Adams [mailto:elizabethspenceradams@gmail.com]
 >Sent: Wednesday, October 12, 2016 3:21 PM
 >To: Bruce Davis <bruce.davis21@yahoo.com>; Katy Harkleroad
 ><katyharkleroad@yahoo.com>; Stephanie Doyle <sdoylemaine@gmail.com>; Cyrus
 >Hagge <chagge@me.com>; Ben O'Connell <boccontracting@gmail.com>; Dogwise
 >Obedience <christine@dogwiseobedience.com>; Carolyn Swartz
 ><carolynswartz@gmail.com>; Wayne Valzania

><Wayne@Redhookdesignalliance.com>;
>brittknowlton@gmail.com; stone.geno3@gmail.com
>Subject: Guide to Participation in the Planning Process
>
>Just found A Guide to Public Participation in the Planning Process
>(<http://www.portlandmaine.gov/documentcenter/view/1038>) It is worth
>looking at. Among other things 3 minutes is allocated to each member of
>the public.
>
>I will try to quickly go over my major concerns about the process and
>about the design and conclude by saying it needs to go through the
>workshop process to answer the many open questions that we have not had
>adequate time to express opinions about.
>
>Onward!
>
>Lisa
>
>
>
>
>
>
>
>
>
>
>
>On 10/12/16, 12:19 PM, "Elizabeth Spencer Adams"
><elizabethspenceradams@gmail.com> wrote:
>
>>
>
>
>

Carolyn Swartz

27 Merrill Street 28 East 10th Street 8D
 Portland, ME 04101 NYC 10003
carolynswartz@gmail.com
 917.714.5743

Planning Board
 Planning and Urban Development Department, City of Portland
 389 Congress St
 Portland, ME 04101

Re: 30 Merrill Street

17 October 2016

To the Members of the Planning Board and Planning Division Staff:

Since I can't attend the upcoming meeting, I'd like to offer my response both to the re-jiggering of the rendering and the process.

On process, I find it disturbing that Tom Landry chose to send a revised rendering less than twenty-four hours after the Hearing. This is simply not enough time for the architect to have given serious consideration to depth of concern expressed by neighbors and the Board.

I sent Evan Carroll an email expressing this concern. He responded with an assertion of his familiarity "*with the vocabulary and tools*" of design. "*As much architecture (sic) is an artistic pursuit,*" he wrote, "*it is also a scientific one, as we are restricted by the real world of human occupancy.*" Scientific, not artistic — indeed.

Still, in "the real world of human occupancy": how will he defend the slightly altered, but unimproved, "front door"? Or the now-vertical windows that don't appear to function -- i.e., open and close? Would double-hungs, much more in keeping with the neighborhood, really break the bank?

My opinion: The revised rendering is even worse than the original design. The blank middle with its sad square portholes is too wide to balance the boxy bump-outs on either side. The side view is, from what I can see, as bricklike as it was in the earlier iteration.

We're talking about construction that threatens to diminish the character of Munjoy Hill, setting a dangerous precedent for future development. I sincerely hope that the developers will take our concerns seriously, and give Evan time and flexibility to work out a thoughtful response.

Thanks.



Carolyn Swartz

Elizabeth Spencer Adams
49 Merrill Street
Portland, ME 04101

Planning Board
Planning and Urban Development Department
Planning Division
City of Portland
389 Congress St
Portland, ME 04101

Re: 30 Merrill Street

October 21, 2016

To the Members of the Planning Board and Planning Division Staff:

My husband Peter and I live at 49 Merrill Street. We also own a two-family house at 51 Merrill and an empty lot across from our house at 46 Merrill. We attended the neighborhood meeting, the initial Planning Board hearing on this project and the follow up meeting with the developers and the architect earlier this week.

I would like to present again our position regarding the main entrance to the building. The following is a revised version of the position set forth in the neighborhood October 4, 2016 letter to the Board.

Revisions are in italics

Design Standard C-1 states: "Emphasize and orient the main entrance to the street." The street entrance to this building is not a main entrance at all. In fact, it is an entrance to the basement that contains only storage areas for the units. ***Although it is possible, as the developer argues, to enter, descend to the basement, walk to the back of the building and then climb the stairs to the units, this seems highly unlikely given the human desire to get from point A to point B as quickly as possible.***

The rear entrance will, in fact, be the main entrance to the building and it does not orient to the street. It seems to be the argument that so long as it looks like a main entrance (which has certainly been improved through the planning process and neighborhood input) that is enough. It is not. There is a rationale behind this design standard that has been well articulated by numerous urban designers (Jan Gehl , Cities for Real People; Jane Jacobs, The Death and Life of Great American Cities; Christopher Alexander, A Pattern Language), planners and articulated in municipal standards. The rationales relate to the life of the street, community, walkability, and the safety of the inhabitants and passersby.

The interaction between people living on and walking along a street happens at the front door and in the “transition space” between the sidewalk and the door. People pause at the front door to find their keys and someone walking by says hello. A conversation starts and they linger chatting for a few minutes, community begins to form and street life is enhanced. In the proposed design, the residents will use the front door only for storage purposes, occasionally putting a bike in or out a few months of the year, pulling out the snow tires, grabbing skis for a weekend trip. This is not the 2, 3, 4, 5 times a day in and out of a building to go to work, run for groceries, make a trip to the gym, etc. that happens from the true main entrance to a building. Instead, they will enter the building at the back, unseen by passersby, a much less safe proposition, and much less likely to result in contact with the neighborhood. And will they linger at the sidewalk? Not if they are already in their car, of course, and even if on foot, they will have already begun their walk to wherever they are going and are not in a transition space and are far less likely to pause. Jane Jacobs explains that

A central challenge of [a] city, therefore, is to make its inhabitants feel safe, secure, and socially integrated in the midst of an overwhelming volume of rotating strangers. The healthy sidewalk is a critical mechanism for achieving these ends, given its role in preventing crime and facilitating contact with others.

Standard C-1 requires that the main entrance either be at the front of the building or on a covered porch to the side that extends all the way to the front of the building. It makes a mockery of this design standard to interpret it to mean that something that looks like a front door is good

enough. It also fails to add to the city's goal of walkability and health. Sam Newburg in his 2014 article "Front Doors and Walkable Cities" writes:

A city that is genuinely trying to be walkable must not only build public infrastructure that truly prioritizes the pedestrian, not just accommodates them, but also has buildings that relate well to those streets, and therefore front doors are very important. In a perfect world, a common sense approach would suffice; if the developer, architect and planning commission agree they'd be comfortable walking in and out of that door every day, then it is probably good enough.

The current design cannot even attempt to pass the test of "be[ing] comfortable walking in and out of that door every day" because it is not actually a main entrance that one will walk in and out of on any regular basis. That it might be dressed up to look like a main entrance is most definitely not good enough.

Finally, on this point of where the true main entrance is sited, the requested waiver for a narrowed driveway aisle makes stopping to visit even less likely for a resident who must take care not to be hit by a fellow resident turning into or coming out of the driveway. Many design standards require a full walkway in the event that an entrance to a building is at the back so people coming and going are not walking along a driveway. Not having a walkway is bad enough; narrowing the driveway is clearly unsafe.

In summary, the interpretation of the main entrance to mean "looks like a main entrance" is not in keeping with the governing design standards. We request that if the plan is otherwise to be approved by the Board that it be approved with the condition that the front door in fact be the main entrance. Otherwise, we ask that a waiver or variance or whatever is the appropriate planning procedural tool be used to make it clear that this is an exception to the main entrance rule, not an interpretation of the standards that the Board will employ in the future unless adequately compelling reasons exist and an appropriate waiver/variance is obtained. The last thing we

need is a number of large buildings on a street of predominantly small residential homes, all with much greater number of residents than is typical and entrances in the back. We welcome carefully designed density, but we need to be able to interact with our new neighbors in a way that allows us to weave them into the friendly and diverse neighborhood that we, the current residents, and hopefully future residents as well, enjoy.

Thank you for your consideration.

Elizabeth (Lisa) and Peter Adams
49 Merrill Street

cc: Evan Carroll

From: **carolyn swartz** <carolynswartz@gmail.com>
Date: Fri, Oct 21, 2016 at 11:40 AM
Subject: 30 Merrill Street
To: Helen Donaldson <hcd@portlandmaine.gov>

Hi Nell,

I've looked the revised sketches and appreciate the architect's and developer's willingness to work with the community. I'm resigned to the Board's likely approval of this somewhat improved design.

A few points:

Color Scheme

I'd like the architect to consider reversing the color scheme of dark and light grey (white?) on the front of the building, choosing the darker grey (now used in the cornice and side trim) for the bumpouts and the lighter color for the trim. This will make the stark contrast between the sides (around the larger windows) and the middle area less jarring and more in keeping with the look of the neighborhood.

Front door that's not a main entrance

Despite cosmetic reconfiguration, the front door still doesn't function as one. We've talked about the good reasons for the long-standing practice of main entrances in front, e.g., resident safety and organic interaction between neighbors. While I haven't seen the interior design, a neighbor has brought up another kind of safety issue: the possibility of police or the fire department automatically assuming that the front door leads to dwelling units, when it does not. Beyond that: the embarrassment for all residents, even those with street-facing units, who will have to instruct every guest to "come around the back". Not nice.

If approved - an exception, please

If the Board decides to approve the building as is, I hope it will be as an exception. To preserve the character of the neighborhood, I'd like to ask that the faux front door design be prohibited for all future builds on Munjoy Hill.

Thanks for all your help, Nell.

Carolyn

Carolyn Swartz | [Writer/Director](#) | [917.714.5743](tel:917.714.5743) | [view my films here](#)



PLANNING BOARD REPORT PORTLAND, MAINE

Proposed Zoning Map Amendment
10 Washington Avenue, CBL: 013 G005
from B-2b to IS-FBC
Hay Runner, LLC, Caleb Johnson, Applicant

Submitted to: Portland Planning Board Public Hearing Date: Oct. 25, 2016	Prepared by: Caitlin Cameron, Urban Designer Report Prepared: October 21, 2016
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I. INTRODUCTION

A public hearing has been scheduled to consider a proposal to amend the zoning map of the India Street Form-based Code (IS-FBC) zone to include a parcel adjacent to the IS-FBC and currently zoned as B-2b. A copy of the proposed zoning map is shown as Figure 4. The applicant is Hay Runner, LLC.

Notice of the public hearing consisted of newspaper advertisements in the *Portland Press Herald* and 198 notices sent to area property owners in the vicinity of 10 Washington Avenue.

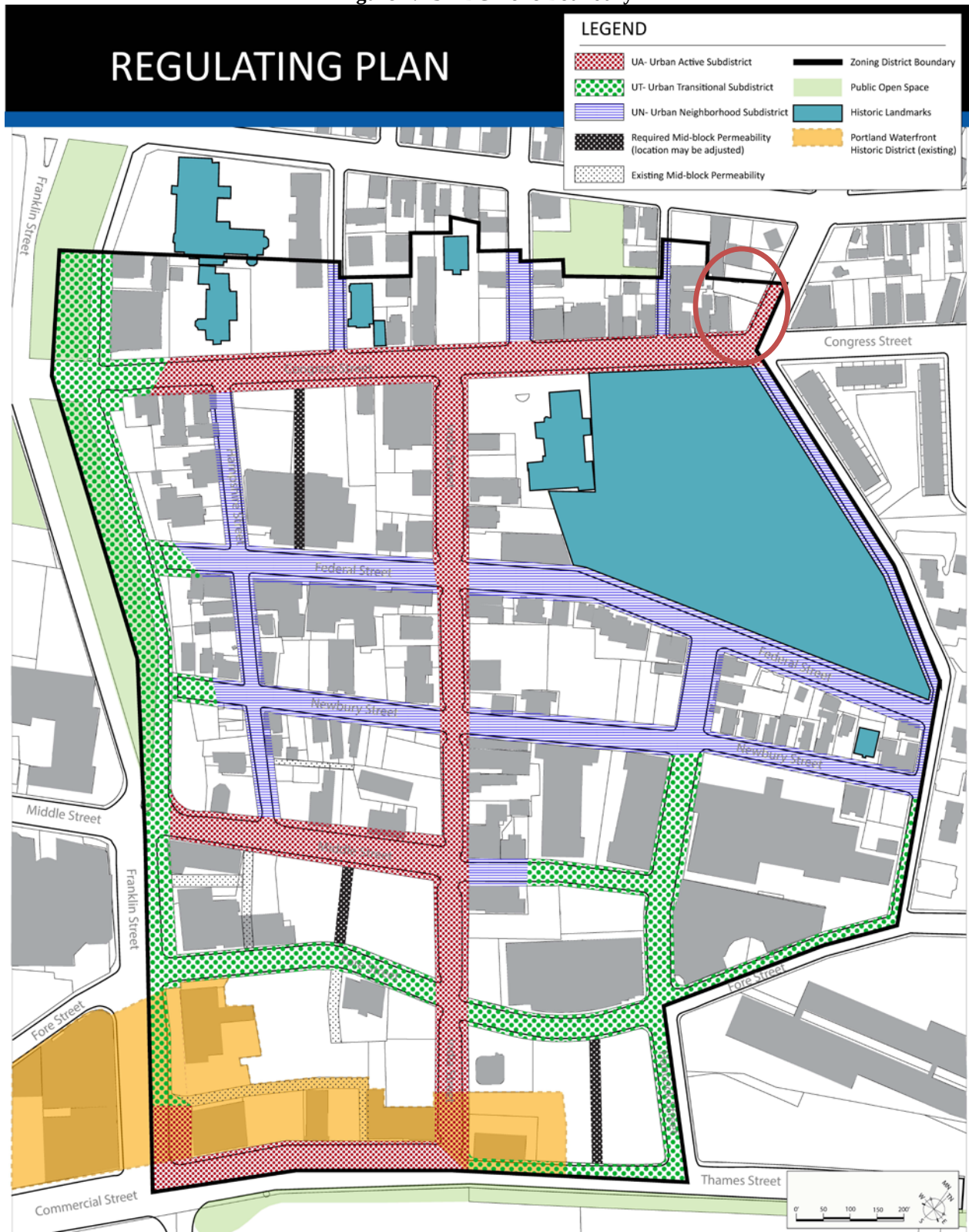
II. BACKGROUND

The proposed map amendment relates to the IS-FBC zone boundary on-peninsula on Washington Avenue. The proposal would make the three adjacent parcels owned by the applicant one consistent zone (IS-FBC). This requires a zoning map amendment for the third parcel at 10 Washington Avenue from B-2b to IS-FBC.

The India Street Form-based Code Zone (IS-FBC) was created in 2015 in conjunction with the India Street Sustainable Neighborhood Plan. The boundary of the IS-FBC zone coincides with the boundary as defined for that neighborhood planning process. The applicant owns three adjacent parcels – 221 Congress Street, 6 Washington Avenue, and 10 Washington Avenue – with the intention of combining them into one development lot at the corner of Congress Street and Washington Avenue. Currently, all three parcels are vacant.

The proposed use of property is a five-story, mixed-use building that would cover all three lots (Figure 4). The ground floor is proposed to be retail/restaurant use with the upper floors to be 13 residential units. The proposed floor area is 25,300 sf above grade. Below grade structured parking is proposed.

Figure 1: IS-FBC Zone Boundary



III. PROPOSED AMENDMENTS

The proposed zoning map amendment would increase the boundary of the India Street Form-based Code zone to include one additional parcel. That parcel is one of three parcels held by the applicant whose combined development site straddles B-2b and IS-FBC zones. Currently, two of those parcels – 221 Congress Street and 6 Washington Avenue are in the IS-FBC zone with an Urban Active subdistrict designation. The parcel under consideration here – 10 Washington Avenue – is adjacent to these parcels but is in B-2b zone. The map amendment will allow consistent zoning standards to apply across the applicant's development lot.

Figure 2: Existing Zoning

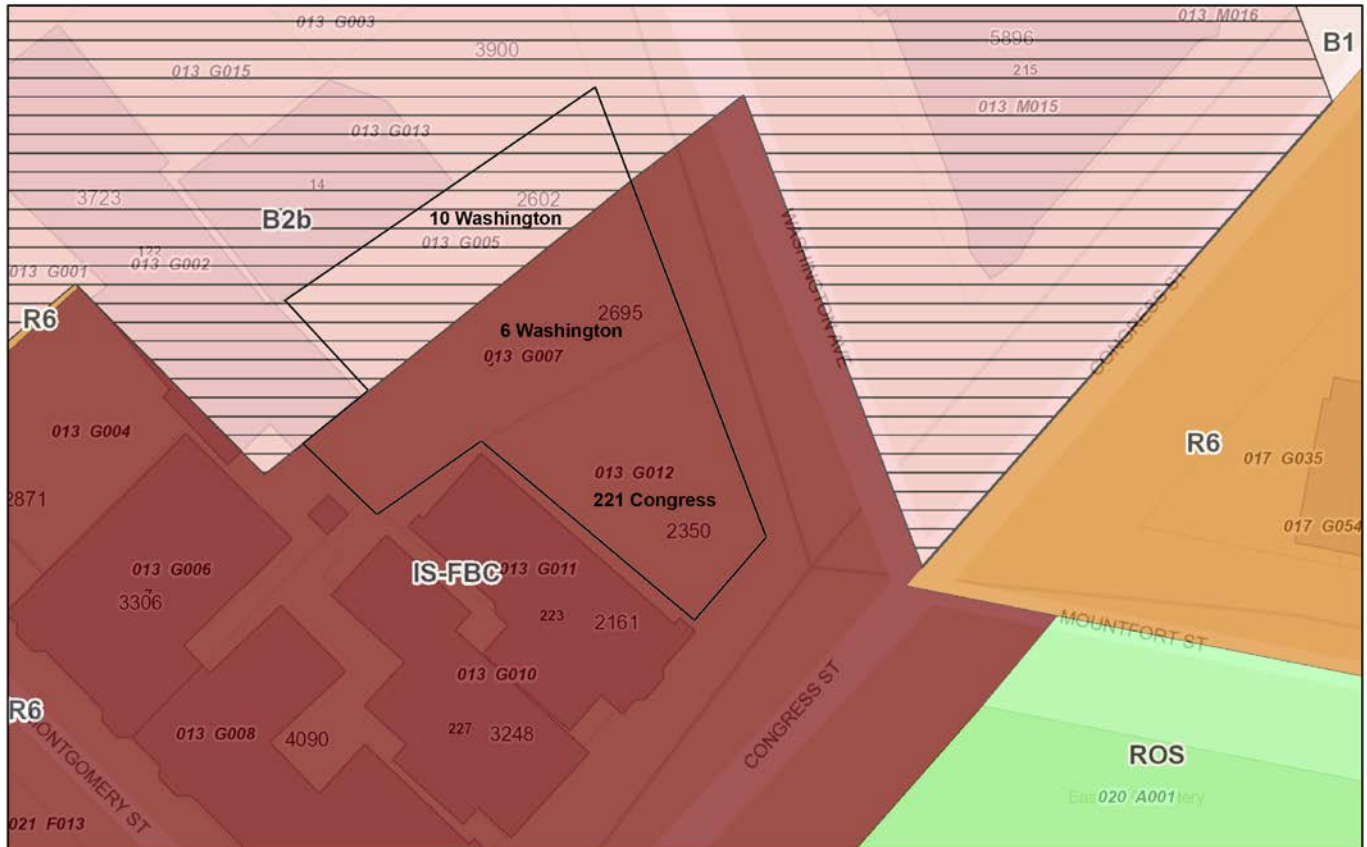


Figure 3: Future Development Proposal

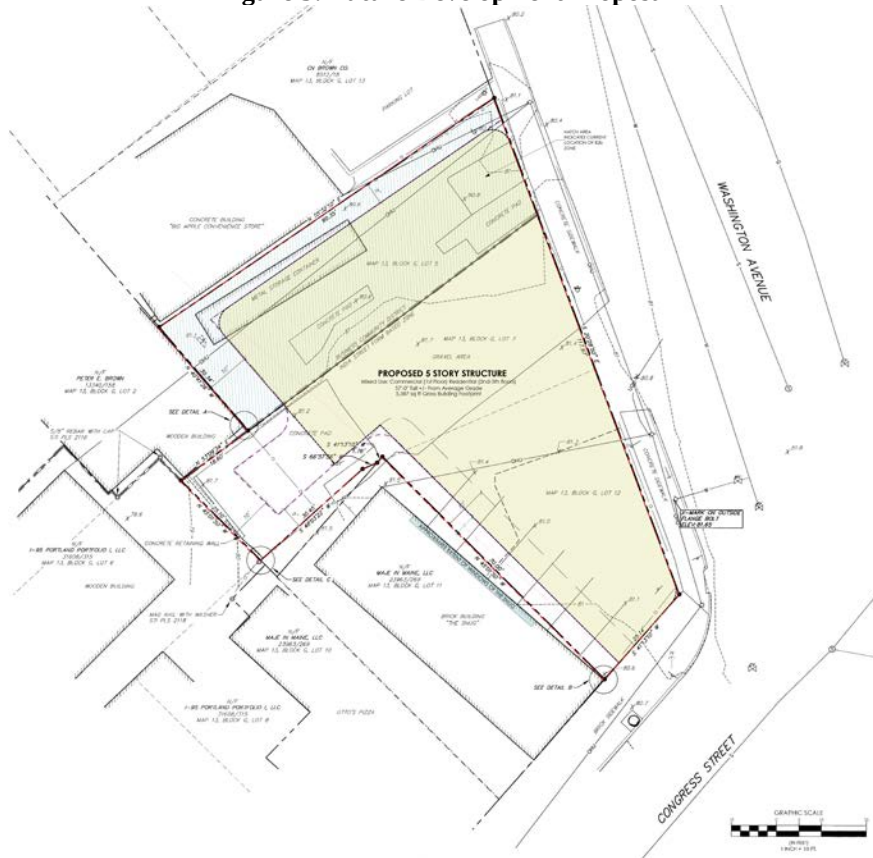
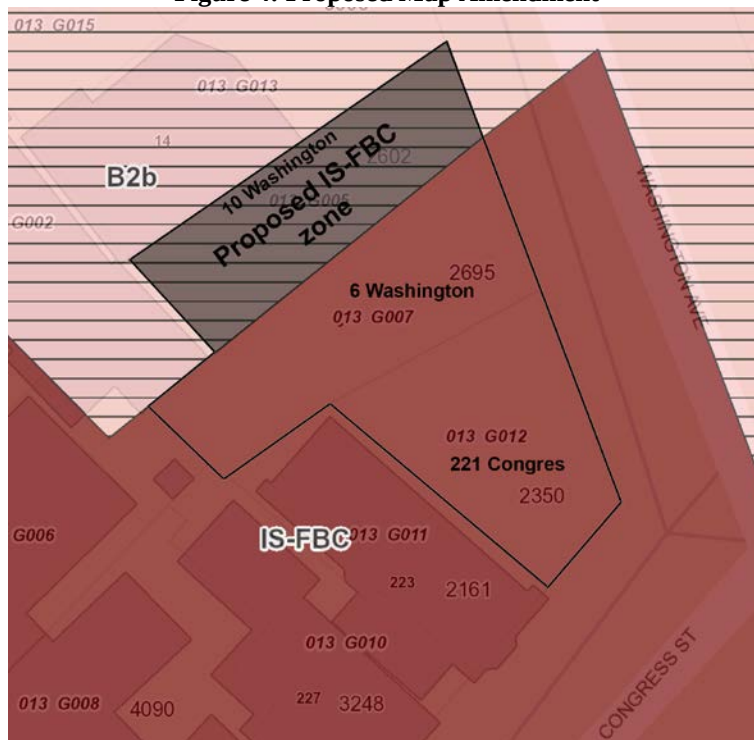


Figure 4: Proposed Map Amendment



IV. LAND USE POLICY

This section considers the zoning implications of changing the parcel in question from B-2b to IS-FBC Urban Active (UA).

Zone Comparison		
Standard	B-2b (on-peninsula)	IS-FBC (UA)
Purpose	Provide neighborhood and community retail, business, and service establishments that are oriented to and built close to the street. Appropriate in areas where a more compact urban development pattern exists such as on-peninsula or in compatible commercial districts with a pedestrian scale and character. Such locations may include the peninsula and other arterials and intersections with an existing urban or neighborhood oriented building pattern.	Maintain and promote a moderate-scale, diverse, mixed-use neighborhood with vibrant streets and active ground floor spaces. Buildings are more active and engage with the street at the ground level. Building frontages are transparent and entries are at sidewalk level with frontage types including storefronts and recessed doorways. The streetscape has steady street planting, and buildings set close to the street providing a consistent street wall.
Density	435 sf min lot area/du	n/a
Lot Coverage (max)	90%	90%
Height Min	n/a	3 stories
Height Max	45' 50' if commercial ground floor or affordable housing	50', 4 stories
Height Bonus	n/a	1 story
Setback - Front	0', 10' max.	0', 5' max
Setback – Side	0'	5'
Setback - Rear	10'	10'
Stepbacks	Above 35' height = 5' side, 15' rear	n/a
Ground Floor/ Active facade	75% of façade shall have an average depth of min. 20' for residential or commercial uses; all primary ground floor entries to multi-family buildings must orient to street	60%-90% fenestration; 12' clear height; at least one primary entrance at grade and oriented to UA street
Parking allowances	Fee-in-lieu	Fee-in-lieu First 3 residential units exempt
Parking dims	No parking within 35' of street	No parking within 35' of street
Parking access	No more than 25% of primary façade	Not allowed on primary façade; 20' setback for garage doors

The B-2b and IS-FBC are similar in their purpose statements and dimensional standards allowed for buildings. The key differences between the two zones include:

Density – B-2b limits the residential density to a minimum of 435 sf of lot area per dwelling unit (100 du/acre). The IS-FBC does not regulate density. Therefore, potentially more residential units can be built under the IS-FBC zone.

Minimum Height – B-2b does not have a minimum height whereas the IS-FBC requires at least 3 stories in the case of UA subdistrict. This effectively means the IS-FBC will result in more square footage, the possibility of more density an/or more housing units built on the parcel, and a building that relates to the historic and urban streetscape in a contextual way.

Maximum Height – B-2b allows up to 50' if the proposed building includes a commercial ground floor or affordable units. IS-FBC allows 50' maximum by right because commercial ground floors are encouraged by the dimensional standards.

Bonus Height – The B-2b does not have a provision for additional stories. The IS-FBC allows for up to 1 story of additional height if a public good is provided in the project (green roof, additional affordable housing, mid-block permeability, high residential density).

Parking – Both zones allow the use of a fee-in-lieu of parking. The IS-FBC provides one more area of flexibility – the first three residential units are exempt from providing on-site parking. Together these allowances make urban infill projects more feasible, especially when dealing with small lots.

The original boundary for the IS-FBC zone was drawn consistently to include two parcels deep past Congress Street (Figure 1) – the drafting of the original boundary should not be considered an argument against including this third parcel in the zone. It was determined at the time of the neighborhood planning process that Cumberland Avenue was part of the East Bayside neighborhood and that a depth of two parcels was a rational transition from the India Street neighborhood to East Bayside. The corner of Washington Avenue and Congress Street serves as a gateway location into the India Street neighborhood from the East End and East Bayside – there is an urban design argument to be made that a substantial, well-designed building should be on that corner to provide a strong anchor in that gateway location.

Specific to the development interests in this parcel, this map amendment would result in a larger development site with consistent zoning throughout. The applicant's development proposal will not be feasible without the map amendment because the project relies on a height bonus that is not available in the B-2b zone.

In summary, the two zones seek similar outcomes; IS-FBC is more permissive for density and some dimensional standards. IS-FBC encourages mixed-use development and infill projects with the potential to accommodate more residential units and square feet per building than the B-2b. The rationale for the original boundary of the IS-FBC does not preclude this parcel being included in the IS-FBC. Therefore, IS-FBC is an appropriate zoning designation for the parcel from a land-use perspective.

V. COMPREHENSIVE PLAN

The map amendment is found to be in compliance with the following Comprehensive Plan documents:

Comprehensive Plan (2005)

- A Community Vision for Portland - Build a Vibrant Small City: *Build upon the distinctive fabric of Portland's built environment by rehabilitating historic resources and by developing new buildings that respect the scale and character of traditional development patterns. New development shall be pedestrian oriented and accessible.*
- Goal B: Accommodate Anticipated Growth
- Goal D: Encourage Decent Housing

India Street Sustainable Neighborhood Plan (ISSNP) (2015)

- Goal – Vitality: *Vitality for this neighborhood can be achieved, in part, by encouraging and directing residential growth, especially small infill projects.*
- Goal – Strong Neighborhood Identity that Builds on its Heritage: *Streetscape and building improvements (both existing and historic) as well as new development should contribute to an identity that promotes the neighborhood to prospective residents, tourist, and adjacent neighborhoods as a destination.*
- Development Principle 1: Strong Neighborhood Identity

The map amendment will allow for a development proposal that advances these aforementioned goals and principles. In no instance would this map amendment conflict with the goals and principles from the Comprehensive Plan or the ISSNP neighborhood plan.

Housing: Sustaining Portland's Future

Policy #1: *Ensure an Adequate and Diverse Supply of Housing for All*

The map amendment will help the city to achieve more of its housing goals. The project will theoretically provide a higher number of residential units than if it were B-2b. This also means the project reaches the threshold to provide workforce housing under the inclusionary zoning ordinance – so at least one affordable unit or fee-in-lieu will be provided.

VI. STAFF RECOMMENDATION

Staff supports the proposed map amendment. Staff further recommends that the parcel be categorized as the Urban Active subdistrict within the IS-FBC to be consistent with the neighboring parcels and to create a consistent standard on Washington Avenue.

VII. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant, the policies of the comprehensive plan, and the information provided in the Planning Board Report, the Board finds that:

1. The proposed zone change (is or is not) consistent with policies of the Comprehensive Plan.

The Planning Board therefore (recommends or does not recommend) to the City Council approval of the proposed zoning map amendment from B-2b to IS-FBC UA as shown in Figure 4.

ATTACHMENTS

1. Applicant's Materials



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 rezoning. 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 → Completed August 3rd, 2016

✓ 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: 10 Washington Ave

CHART/BLOCK/LOT: 013 6005

DESCRIPTION OF PROPOSED ZONE CHANGE AND PROJECT:

Lot is currently in the B2b zone. We would like to change this lot to be IS-FBC (Urban ~~Active~~ Subdistrict) to match the other two lots as part of the attached purchase & sale agreement, as lots will be in common ownership.

CONTACT INFORMATION:

Applicant's Contact for electronic plans Name: <u>Patrick Boothe</u> e-mail Address <u>patrick@cjab.me</u> work # <u>207-283-8777</u>	
Applicant – must be owner, Lessee or <u>Buyer</u> Name: <u>Caleb Johnson</u> Business Name, if applicable: <u>Hay Runner, LLC</u> Address: <u>265 Main Street Ste 201</u> City/State: <u>Biddeford, ME</u> Zip Code: <u>04005</u>	Applicant Contact Information Work # <u>207-283-8777</u> Home# Cell # <u>207-590-2503</u> Fax# e-mail: <u>caleb@cjab.me</u>
Owner – (if different from Applicant) Name: <u>Greg's Properties Wash Ave LLC</u> Address: <u>26 Village Brook Rd</u> City/State: <u>Yarmouth, ME</u> Zip Code: <u>04096</u>	Owner Contact Information Work # Home# Cell # <u>914-261-4440</u> Fax# e-mail: <u>alan.altman@kattenlaw.com</u>
Agent/ Representative Name: <u>Patrick Boothe, AIA</u> Address: <u>265 Main Street, St</u> City/State: <u>Biddeford, ME</u> Zip Code: <u>04005</u>	Agent/Representative Contact information Work # <u>207-283-8777</u> Cell # <u>740-418-5475</u> e-mail: <u>patrick@cjab.me</u>
Billing Information Name: <u>Hay Runner, LLC</u> Address: <u>265 Main Street Ste 201</u> City/State: <u>Biddeford, ME</u> Zip Code: <u>04005</u>	Billing Information Work # <u>207-283-8777</u> Cell # Fax# e-mail: <u>amanda@cjab.me</u> <u>ap@cjab.me</u>
Engineer Name: <u>Blais Blais Civil Engineers</u> <u>Steve Blais, PE</u> Address: <u>27 Gorham Rd #207</u> City/State: <u>Scarborough, ME</u> Zip Code: <u>04074</u>	Engineer Contact Information Work # <u>207-730-7200</u> Cell # <u>207-837-8721</u> Fax# e-mail: <u>sblais@blaisce.com</u>

Surveyor Name: Sebago Technics or Jacob (Charlie Marchese) Bartlett Address: 75 John Roberts Road - Suite 1A City/State: South Portland, ME Zip Code: 04106	Surveyor Contact Information Work # 207-200-2069 Cell # 603-781-1405 Fax# e-mail: CMarchese@sebagotechnics.com
Architect Name: Patrick Boothe of Caleb Johnson Architects + Builders Address: 265 Main Street, Ste 201 City/State: Biddeford, ME Zip Code: 04005	Architect Contact Information Work # 207-283-8777 Cell # 740-418-5475 Fax# e-mail: patrick@cjab.me
Attorney Pierce Atwood LLP Name: Rebecca Greenfield Address: 254 Commercial St. City/State: Portland, ME Zip Code: 04101	Attorney Contact Information Work # 207-791-1246 Cell # Fax# 207-791-1350 e-mail: rgreenfield@pierceatwood.com

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

HayRunner is currently under contract to purchase the property.
Please see attached P+S agreement.

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

Existing Use: Describe the existing use of the subject property:

Vacant Land, Parking

Current Zoning Designation(s):

B2b

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.

For the 3 lots in the Purchase & Sale Agreement, we are proposing a 5 story mixed use structure. Ground floor to be Retail/ Restaurant use and floors 2-5 to be residential. The proposed floor area is 25,300sf +/- above grade. 13 residential units. The project was presented at a pre-application meeting on August 3rd, 2016.

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 <u>X</u> \$2,000.00 (from <u>B2b</u> zone to <u>IS-MC</u> 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 (example) and language to be added is depicted as underline (example))	_____	
Combination Zoning Text Amendment and Zoning Map Amendment _____ \$3,000.00	_____	
Conditional or Contract Zone _____ \$3,000.00 (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)	_____	

Signature of Applicant: 	Date: <u>9/19/2016</u>
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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.

Portland Planning and Urban Development
4th Floor
389 Congress Street
Portland, ME 04101
207-874-8300

We are respectfully submitting this Zoning Map Amendment Application in request to change Lot 013 G005 from B2b Business Community Zone to IS-FBC (India Street Form Based Code) Urban Active subdistrict. The parent company of Caleb Johnson Architects, Hay Runner LLC, has a purchase and sale agreement for the above lot along with two contiguous lots to the south (Lots 7 and 12, P&S provided under separate cover). These two lots are currently IS-FBC Urban Active subdistrict.

We wish to develop all three lots into a mixed use 5 story residential and commercial building (additional design information is provided under separate cover). This project was presented at a Pre-Application Meeting on August 3rd, 2016 where the potential of a zoning map amendment was discussed. We are requesting the zoning map change as the three lots will be in common ownership and would allow, in our opinion, a more consistent architectural result with a consistent building height requirement and streamline approval processes.

We are happy to answer any questions regarding the project or the application.

Thank You,



Patrick Boothe, AIA
ME License #4204
Project Architect
patrick@cjab.me
207-283-8777
740-418-5475 cell

Purchase and Sale Agreement
6 & 10 Washington Avenue, Portland, Maine and
221 Congress Street, Portland, Maine

7/20/2016

This Agreement, dated _____, 2016, by and between **GREG'S PROPERTIES WASHAVE LLC**, a Maine limited liability company, whose mailing address is 26 Village Brook Road, Yarmouth, Maine 04096 (hereinafter referred to as "Seller") and **HAY RUNNER, LLC**, a Maine limited liability company, whose mailing address is 265 Main Street, Biddeford, Maine 04005 (hereinafter referred to as "Buyer")

Recitals:

A. Seller owns property situated in the City of Portland, County of Cumberland and State of Maine, located at 6 and 10 Washington Avenue and 221 Congress Street, as more particularly described in a Warranty Deed dated March 20, 2006 from Umbel Properties, LLC, recorded in Book 23771, Page 200 of the Cumberland County Registry of Deeds (the "Property" or the "Premises"). The Premises is also described by the City of Portland Tax Assessor as Tam Map 13, Block G, Lots 5, 7, and 12.

B. Buyer wishes to acquire the Property from the Seller and Seller wishes to convey the Property to the Buyer in exchange for the purchase price, all upon the terms and subject to the conditions hereinafter set forth.

Now, Therefore, in consideration of the mutual promises herein contained, and intending to be legally bound hereby, the parties hereby agree as follows:

1. **Closing.** The consummation of the transaction referred to in this Agreement (the "Closing") shall take place at the Law Offices of Robert E. Danielson, 65 West Commercial Street, Portland, Maine 04112-0545, thirty (30) days after the expiration of the Planning Board Approval and Financing Contingency Period, as hereinafter defined ("Closing Date"), or at such earlier time, date, and location as shall be mutually agreed upon by the parties.

2. **Sale of Real Estate.** Seller agrees to sell, convey, transfer and assign to Buyer and Buyer agrees to buy at the Closing, for the consideration hereinafter described, the Property.

3. **Title.** Seller shall convey the Premises at Closing in fee simple by a good and sufficient Quitclaim Deed With Covenant with good and marketable title, free and clear of all mortgages, liens, and encumbrances. Buyer agrees to complete its initial examination of title to the Property within Thirty (30) days from the Effective Date of this Agreement, and to give written notice to Seller if any matters appearing of record as of the date of Buyer's title search are objectionable to Buyer. Buyer hereby waives any matters not so objected to within Thirty (30) days from the Effective Date of this Agreement. Buyer shall also have the right to specify

in writing any additional objections to title not of record or otherwise known to Buyer as of the date of Buyer's initial title search, but appearing of record prior to Closing, except that if the same have been caused by Buyer, then the Buyer shall not be entitled to object to the same. If title to the Property to be conveyed hereunder should prove unmarketable, then Seller shall have a reasonable time beyond the date set for Closing to remedy the title defects. If Seller is unable or fails to remedy the title defects as to which notice is timely given hereunder, then Buyer may elect either (a) to terminate this Agreement, and all parties shall be relieved from all obligations and liabilities hereunder, or (b) to purchase the Property as contemplated herein without deduction from the Purchase Price, and accept such title as Seller can deliver to the Property.

Sellers may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any and all encumbrances or interests.

4. **Transfers at Closing.** Seller agrees to deliver to Buyer at the Closing:

(a) A Quitclaim Deed conveying to Buyer good and marketable title to the Property, free and clear of all encumbrances.

(b) All other documents and/or property as required by this Agreement to be delivered by Seller to Buyer.

5. **Sketch Plan and Bridge Loan Contingency.** Buyer shall have Thirty (30) days from the Effective Date of this Agreement (the "Sketch Plan and Bridge Loan Contingency Period") to obtain an initial bridge loan ("Bridge Loan") of One Hundred Thousand Dollars (\$100,000.00) and obtain sketch plan approval ("Sketch Plan Approval") from the City of Portland for conceptual architectural plan for a 25 to 30 unit mixed use building that will conform to the City of Portland's Land-Use Ordinance (the "Proposed Project"). If Buyer, using good faith efforts, is unable to obtain a Bridge Loan and Sketch Plan Approval, Buyer shall provide Seller with written notice within said Sketch Plan and Bridge Loan Contingency Period and this Agreement shall be terminated, the Deposit returned to Buyer, and neither party shall have any further obligations under this Agreement. If no such notice is given within such time period, the contingency referred to in this Paragraph 5 shall be deemed satisfied and waived by the Buyer.

6. **Planning Board Approval and Financing Contingency.** If Buyer has not terminated this Agreement at the expiration of the Sketch Plan and Bridge Loan Contingency Period in accordance with the provisions of Paragraph 5, Buyer shall have Sixty (60) days from the expiration of the Sketch Plan and Bridge Loan Contingency Period (the "Planning Board Approval and Financing Contingency Period") to obtain approval from the Planning Board of the City of Portland Planning ("Planning Board Approval") and to obtain financing for the Proposed Project ("Financing Approval") on terms and conditions that are satisfactory to Buyer in Buyer's sole discretion. If Buyer, using good faith efforts, is unable to obtain a Planning Board Approval and Financing Approval, Buyer shall provide Seller with written notice within said Planning Board Approval and Financing Contingency Period and this

Agreement shall be terminated, the Additional Deposit, as hereinafter defined, returned to Buyer, and neither party shall have any further obligations under this Agreement. If no such notice is given within such time period, the contingency referred to in this Paragraph 6 shall be deemed satisfied and waived by the Buyer.

7. **Purchase Price and Payment.** The total purchase price (the "Purchase Price") to be paid by Buyer to Seller upon receipt from them of the above instruments effecting the conveyance of the Property to Buyer, and subject to the conditions set forth herein, shall be Five Hundred Thousand Dollars (\$500,000.00), which shall be paid by Buyer to Seller as follows:

(a) On the Effective Date Buyer shall deposit the sum of Twelve Thousand Five Hundred and 00/100 Dollars (\$12,500.00) with The Law Offices of Robert E. Danielson to be held as an earnest money deposit (the "Deposit") in a non-interest-bearing escrow account, which Deposit shall be credited towards the Purchase Price at the Closing. Buyer and Seller agree to hold The Law Offices of Robert E. Danielson harmless from damages, losses or expenses arising out of this Agreement. Seller discloses and Buyer acknowledges that Seller is represented in this transaction by The Law Offices of Robert E. Danielson. In the event of Seller's non-acceptance, this earnest money shall be promptly returned to Buyer.

(b) If Buyer has not terminated this Agreement at the expiration of the Sketch Plan and Bridge Loan Contingency Period in accordance with the provisions of Paragraph 5, the Deposit shall become non-refundable but otherwise applicable towards the Purchase Price at the Closing, and Buyer shall deposit the additional sum of Twelve Thousand Five Hundred and 00/100 Dollars (\$12,500.00) with The Law Offices of Robert E. Danielson to be held as an earnest money deposit (the "Additional Deposit") in a non-interest-bearing escrow account, which Additional Deposit shall be credited towards the Purchase Price at the Closing. The Additional Deposit shall become non-refundable at the expiration of the Planning Board Approval and Financing Contingency Period but shall otherwise be applied towards the Purchase Price at the Closing.

(c) At the Closing Buyer shall pay the sum of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00) directly to the Seller in the form of a certified check, bank cashier's check or wired funds.

(d) At the Closing Buyer shall execute and deliver to Seller a Promissory Note (the "Note") for the balance of the Purchase Price, Four Hundred Thousand Dollars (\$400,000.00). Said Note shall be amortized over a twenty (20) year period, provide interest only payments for the first twenty-four (24) months, and bear interest at the rate of six percent (6.0%) per annum. The Note shall be secured by a junior priority mortgage on the Property (the "Mortgage"), subject only to the Buyer's first mortgage lender.

8. **No Representations, Warranties and Agreements of Seller.** Buyer acknowledges that Seller makes and has made no representation or warranty whatsoever,

including the suitability of the Premises for any particular purpose or the physical condition of the Premises. In particular and without limitation, Seller makes and has made no representation or warranty as to the presence or absence of any hazardous, toxic or special waste, substance, or material in, on, under, or about the Premises. Buyer acknowledges that in determining the suitability of the Premises for any purpose and with respect to the presence or absence of any of the aforementioned substances, Buyer will be relying solely on investigations conducted by it, its employees, agents or subcontractors.

9. **Additional Undertakings.** Each party to this Agreement shall execute and deliver or use its best efforts to cause to be executed and delivered such additional instruments as any other party may reasonably request for the purpose of carrying out the stated purposes of this Agreement.

10. **Notices.** Any notice or communication required or performed hereunder shall be sufficiently given if e-mailed, delivered in hand, or if sent by registered or certified mail, postage prepaid, to the following addresses, or to such other address as any party may designate:

If to the Seller: Greg's Properties Washave LLC
Attn: Alec Altman
26 Village Brook Road
Yarmouth, Maine 04096
E-Mail: alec@bingaswingas.com
Tel: (914) 261-4440

with a copy to: Robert E. Danielson, Esq.
The Law Offices of Robert E. Danielson
65 West Commercial Street
Portland, Maine 04112-0545

If to the Buyer: Hay Runner, LLC
Attn: Caleb Johnson
265 Main Street, Biddeford, ME 04005
E-Mail: caleb@cjab.me
Tel: (207) 590-2503

with a copy to: _____

Any such notice shall be effective as of the second business day after the day of mailing thereof.

11. **Contents of Agreement.** This Agreement sets forth the entire understanding of the parties and supersedes any prior agreement or understanding relating to the subject matter of this Agreement. It shall be changed or terminated only by an instrument executed by all parties hereto in writing. Neither party shall be bound by any terms, conditions, promises, statements or representations, oral or written, not herein contained.

12. **No Broker.** The Buyer and Seller represent to each other that neither of them has dealt with any broker in any connection with the sale contemplated hereby. Any commission claimed by any broker on account of the sale contemplated herein shall be the sole responsibility of the party who dealt with such real estate broker, or whose actions gave rise to such claim. This provision shall survive the closing and the delivery of the deed.

13. **Possession.** Buyer shall be entitled to possession of the Property at Closing.

14. **Real Estate Taxes.** Real estate taxes and other municipal assessments assessed by the City of Portland against the Property shall be prorated according to its tax year as of the Closing Date.

15. **Risk of Loss.** The risk of loss or damage to the Property by fire or otherwise is assumed by the Seller until Closing. In the event of substantial loss or damage to the Property prior to the date set for closing, Buyer shall be entitled to terminate this Agreement, but if Buyer elects to complete the Closing, the Buyer shall be entitled to all of insurance proceeds or eminent domain award attributable to such taking, less only the amounts actually expended or incurred by Seller in efforts to obtain such proceeds or such award.

16. **Transfer Taxes.** Each of Buyer and Seller shall pay at Closing one-half of the real property transfer tax imposed on the sale of the Property contemplated hereby.

17. **Default.** If Buyer fails to make any payment as agreed, or otherwise defaults hereunder for a reason other than the default of the Seller, Seller shall be entitled to pursue all available legal and equitable remedies. Should Seller default on its obligations under this Agreement, the Buyer's sole and exclusive remedy shall be to terminate this Agreement and all parties shall be relieved from all obligations and liabilities hereunder.

18. **Withholding:** Seller is aware that Maine law requires Buyer to withhold 2.5% of the sale proceeds unless Seller certifies residency in Maine at the time of closing or is otherwise exempt from this provision.

19. **Binding on Successors.** All the terms and provisions of this Agreement shall be binding upon and inure to the benefit of and be enforceable by the respective successors, personal representatives, heirs and assigns of the parties hereto.

20. **Effective Date.** This Agreement is a binding contract when the last party has caused a paper or electronic copy of the fully executed Agreement to be delivered to the other party which shall be the Effective Date. Except as expressly set forth to the contrary, the use

of the term “days” in this Agreement, including all addenda made a part hereof, shall mean calendar days defined as including Saturday, Sundays and any observed Maine State/Federal holidays. Deadlines in this Agreement, including all addenda, expressed as “within x days” shall be counted from the Effective Date, unless another starting date is expressly set forth, beginning with the first days after the Effective Date, or such other established starting date, and ending at 5:00 p.m. Eastern Time on the last day counted

21. **Maine Law to Govern.** This Agreement is being delivered and is intended to be performed in the State of Maine and shall be construed and enforced in accordance with the laws of the State of Maine.

22. **Interpretation.** Wherever used herein the masculine gender shall include the feminine and neuter genders, and vice versa, as the context shall require. The paragraph headings are included solely for convenience and shall in no event affect, or be used in connection with, the interpretation of this Agreement. Time is of the essence of each and every provision of this Agreement.

23. **Miscellaneous.** This Agreement may be executed in any number of counterparts, each of which shall be an original but all of which together shall constitute one and the same instrument. All parties hereby acknowledge that they have executed this Agreement after the opportunity for investigation and consultation with an attorney, and in executing this Agreement they have not been induced, persuaded or motivated by any promise or representation made by any other party, except as may expressly be set forth herein. No oral representations have been made by or on behalf of Seller to induce Buyer to sign this agreement. All provisions of this Agreement shall survive the Closing and the delivery of the Deed. No invalidity or unenforceability of any provision of this Agreement shall affect in any way the continued validity or enforceability of the remaining terms and provisions hereof. The use of captions in this Agreement is for purposes of convenience only, and no caption or paragraph heading shall be construed or interpreted so as to affect in any way the meaning of this Agreement.

In Witness Whereof, the parties have executed this Agreement as of the date below.

Buyer:

Hay Runner, LLC

DocuSigned by:



Caleb Johnson, Its Manager

Date: 7/19/2016

Seller:

Greg's Properties Washave LLC

DocuSigned by:



Alec Altman, Its Manager

Date: 7/20/2016

FIRST AMENDMENT TO PURCHASE AND SALE AGREEMENT

THIS FIRST AMENDMENT TO PURCHASE AND SALE AGREEMENT (the "First Amendment") is made as of this ____ of August 2016, between **GREG'S PROPERTIES WASHAVE LLC**, a Maine limited liability company ("Seller"), and **HAY RUNNER, LLC**, a Maine limited liability company (the "Buyer").

RECITALS:

WHEREAS, Seller and Buyer entered into an Purchase and Sale Agreement with an effective date of July 20, 2016 (the "Original Contract"), relating to the purchase and sale of certain undeveloped property situated in the City of Portland, County of Cumberland, State of Maine, located at 6 and 10 Washington Avenue and 221 Congress Street, as more particularly described in the Original Contract (the "Property");

WHEREAS, pursuant to Section 3 and Section 5 of the Original Contract Buyer was afforded a thirty (30) day contingency period to review title and to obtain Sketch Plan Approval and a Bridge Loan and sixty (60) days to obtain Planning Board Approval and Financing Approval.

WHEREAS, Buyer has now requested, and Seller has agreed to provide, an extension of said contingency period and an expansion to cover certain typical due diligence period that a lender would require in connection with acquisition and construction financing, all upon the terms and conditions provided herein.

AGREEMENT:

NOW THEREFORE, in the consideration of the mutual covenants and agreements hereinafter set forth, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree to the following:

1. **Due Diligence Contingency Periods.** The Original Contract is hereby amended to provide for the following extensions and amendments:

(a) Section 3 of the Original Contract is amended to provide that the period during which Buyer may examine and object to title matters of record affecting the Property and existing as of the Effective Date shall be sixty (60) days from the Effective Date. Buyer shall also have until the date of Closing to object to any matters affecting title to the Property that either are not of record as of the Effective Date or first arise after the Effective Date, except that if the same have been caused by Buyer, then Buyer shall not be entitled to object to the same.

(b) The last sentence of the first paragraph of Section 3 is amended to provide that if the Agreement is terminated in accordance with the terms of such sentence then the Deposit shall be returned to Buyer.

(c) Section 5 of the Original Contract is amended to provide that the Sketch Plan and Bridge Loan Contingency Period shall be for a period of sixty (60) days from the Effective Date.

(d) Buyer shall have the right to do a complete investigation and analysis of the Property, at its own expense, within sixty (60) days from the Effective Date, (the "Due Diligence Period"). Such investigation and analysis may include such matters as Buyer deems appropriate or necessary, in its sole discretion, with respect to the acquisition of the Property and may include without limitation, environmental assessments, zoning analysis,

physical inspections and preparation of survey. Buyer may seek information from independent professionals regarding any specific issue of concern, and Buyer and its agents and consultants may enter into and onto any part of the Property at their own risk at all reasonable times during the Due Diligence Period in order to inspect the Property, conduct assessments and studies, prepare surveys, and do such other things as are reasonably necessary with respect to Buyer's investigation and analysis. Buyer agrees that in the event it shall not purchase the Property, it shall restore the Property to the condition which existed immediately prior to such work being undertaken to the extent reasonable practicable. Buyer shall have the right to terminate this Agreement if Buyer determines, in its sole discretion, that it is not satisfied with the Property for any reason during the Due Diligence Period. To exercise such termination right, Buyer shall give written notice of termination to Seller on or before the last day of the Due Diligence Period. If Buyer gives notice of termination on or before either deadline, then this Agreement shall be deemed terminated as of the date on which Seller receives such notice, the Deposit shall be returned to Buyer, and neither party shall have any further obligations or liabilities under this Agreement except as expressly set forth in this Agreement.

2. **Effect of This Amendment.** Except as amended or modified by this First Amendment, the Original Contract is hereby ratified and confirmed and all other terms of the Original Contract shall remain in full force and effect. In the event of any conflict between the provisions of the Original Contract and this First Amendment, the provisions of this First Amendment shall prevail.

3. **Counterparts.** This First Amendment may be executed in any number of counterparts, each of which shall be deemed an original, but all of which when taken together will constitute one and the same instrument. Signatures by facsimile shall be as effective as originals.

4. **Capitalized Terms.** All capitalized terms set forth herein and not otherwise specifically defined herein shall have the meaning set forth in the Original Contract. The Original Contract, as amended hereby, shall be referred to as the "Agreement".

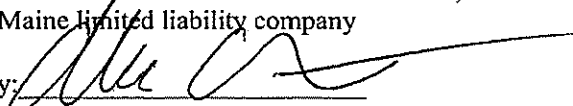
[Signature Page to First Amendment Follows]

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

SELLER:

GREG'S PROPERTIES WASHAVE LLC,
a Maine limited liability company

By:

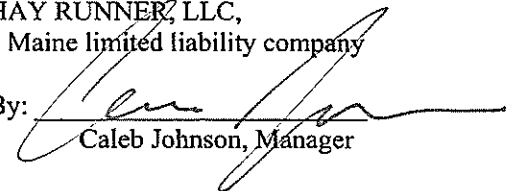

Alec Altman, Manager

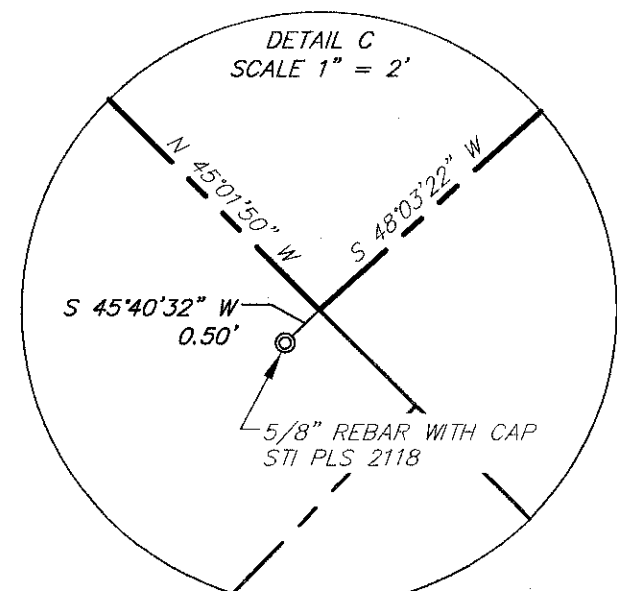
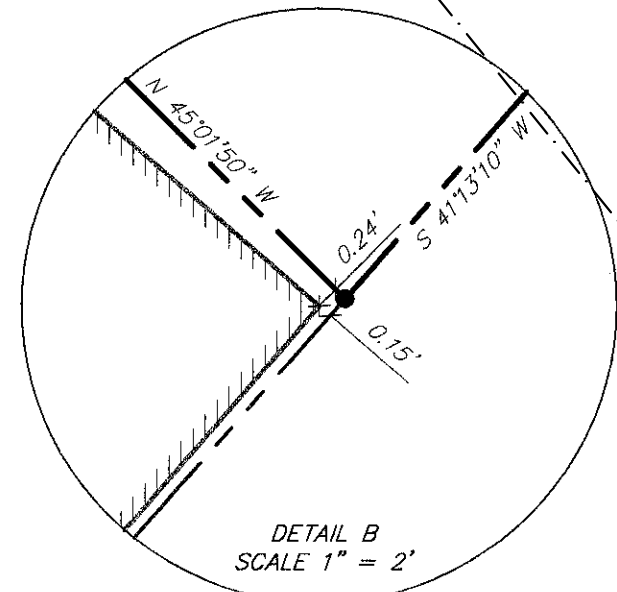
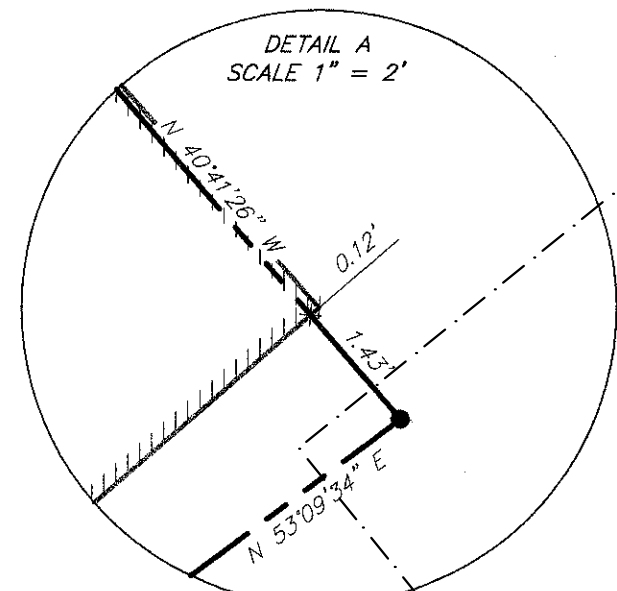
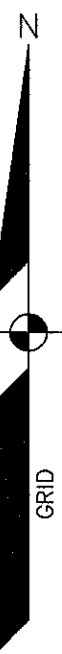
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BUYER:

HAY RUNNER, LLC,
a Maine limited liability company

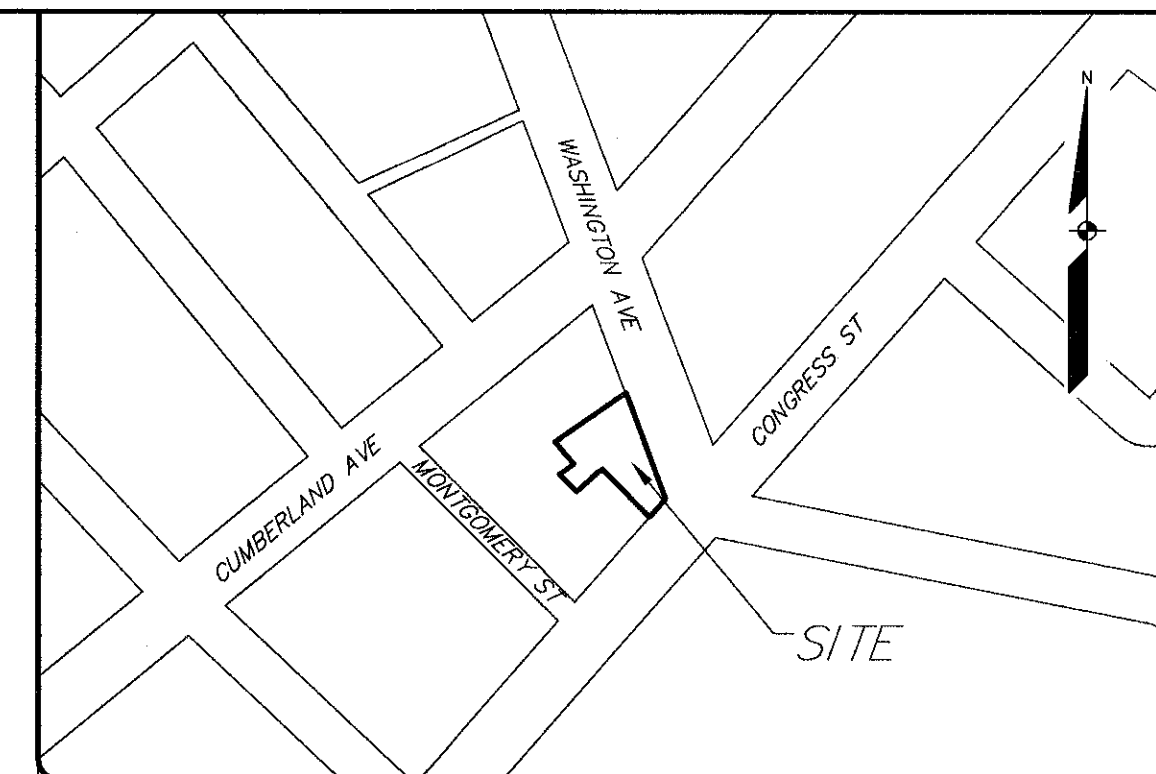
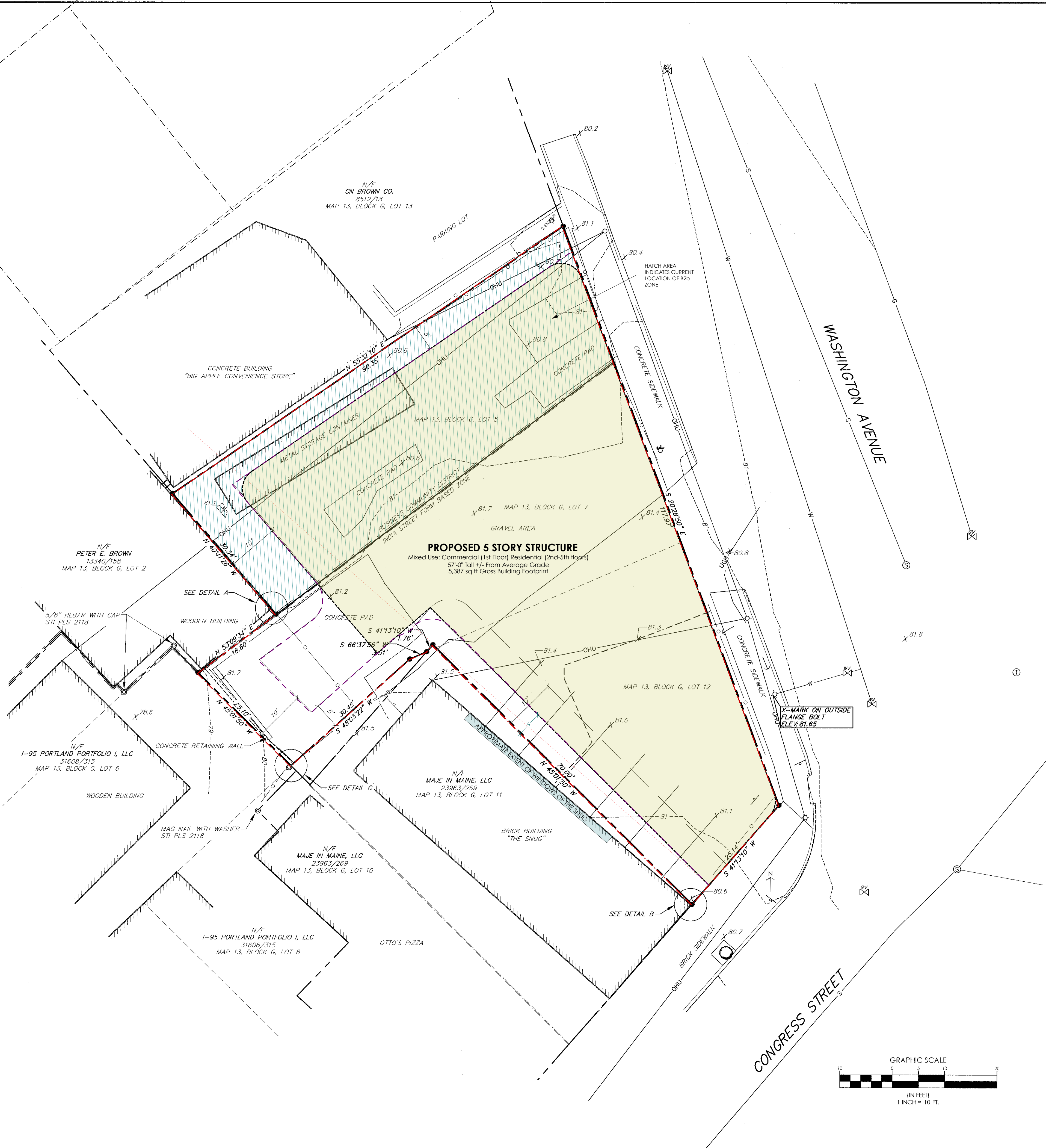
By:


Caleb Johnson, Manager



LEGEND

EXISTING	
	PROPERTY LINE/R.O.W.
	REBAR TO BE SET WITH CAP MARKED "STI PLS 2513 NH RLS 1003"
	ABUTTER LINE/R.O.W.
	DEED LINE/R.O.W.
	ZONE LINE ON PL
	SETBACK
	BUILDING
	DECK/STEPS/OVERHANG
	EDGE PAVEMENT
	PAVEMENT SAWCUT
	EDGE CONCRETE
	PAVEMENT PAINT
	CURB LINE
	CHAIN LINK FENCE
	WOODEN FENCE
	RETAINING WALL
	OVERHEAD UTILITY
	UGU UNDERGROUND UTILITY
	SANITARY SEWER
	ZONE LINE
	GAS
	WATER
	CONTOURS
	SPOT GRADE
	MONUMENT
	IRON PIPE/ROD
	SIGN
	DECIDUOUS TREE
	GAS GATE VALVE
	WATER GATE VALVE
	WATER SHUT OFF
	HYDRANT
	SANITARY MANHOLE
	TELEPHONE MANHOLE
	LIGHT POLE
	UTILITY POLE
	GUY WIRE
	BENCHMARK DESCRIPTION WITH ELEVATION
	BENCHMARK



GENERAL NOTES:

- THE RECORD OWNER OF THE PARCEL IS GREG'S PROPERTIES WASHAVE LLC BY DEED DATED MARCH 20, 2006 AND RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 23771, PAGE 200.
- THE PROPERTY IS SHOWN AS LOTS 12, 7, AND 5 ON THE CITY OF PORTLAND TAX MAP 13, BLOCK G AND IS LOCATED IN THE INDIA ST. FORM BASED (S-FBC)-URBAN ACTIVE SUBDISTRICT, AND BUSINESS COMMUNITY (B2b) ZONES.
- SPACE AND BULK CRITERIA FOR THE IS-FBC-URBAN ACTIVE ZONE ARE AS FOLLOWS:
NET RESIDENTIAL DENSITY:
MINIMUM LOT SIZE: N/A
MINIMUM STREET FRONTAGE: N/A
MAXIMUM FRONT YARD: 5 FEET
MINIMUM SIDE YARD: 5 FEET
MINIMUM REAR YARD: 10 FEET
MAXIMUM BUILDING HEIGHT: 50 FEET, UP TO 4 STORIES
MAXIMUM LOT COVERAGE: 90%

SPACE AND BULK CRITERIA FOR THE COMMUNITY BUSINESS ZONE ARE AS FOLLOWS:
NET RESIDENTIAL DENSITY:
MINIMUM LOT SIZE: N/A
MINIMUM STREET FRONTAGE: 20 FEET
MINIMUM FRONT YARD: NONE
MAXIMUM FRONT YARD: 10 FEET
MINIMUM SIDE YARD: NONE
MINIMUM REAR YARD: 10 FEET
MAXIMUM BUILDING HEIGHT: 45 FEET
MAXIMUM LOT COVERAGE: 90%
* SEE ORDINANCE FOR MORE PARTICULAR INFORMATION.
- TOTAL AREA OF PARCEL IS APPROXIMATELY 7,170 SQUARE FEET.
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON FIELD WORK PERFORMED BY SEBAGO TECHINCS INC. IN AUGUST 2016 AND JUNE 2014.
- PLAN REFERENCES:
A. LAND OF JOHN SWETT, ESQ. FILED AS PLAN 376/5 IN CITY OF PORTLAND PUBLIC WORKS ENGINEERING ARCHIVES.
B. "6 WASHINGTON AVE. GREG'S PROPERTIES WASHAVE LLC," DATED OCTOBER 17, 2007, SURVEYED BY THOMAS J. RAYMOND, PLS 1021 AND FILED AS PLAN 1008/3 IN THE CITY OF PORTLAND PUBLIC WORKS DEPARTMENT ENGINEERING ARCHIVES.
C. WASHINGTON AVENUE BLUE SHEET PAGE 1 FILED IN THE CITY OF PORTLAND PUBLIC WORKS DEPARTMENT ENGINEERING ARCHIVES.
D. "STATE OF MAINE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP WASHINGTON AVENUE PORTLAND CUMBERLAND COUNTY FEDERAL AID PROJECT NO. M-0675(1)" DATED MARCH 1984 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 163, PAGE 19.
E. FIELD NOTES IN RE-VALUATION FIELD BOOK VOLUME 1 FILED IN THE CITY OF PORTLAND PUBLIC WORKS DEPARTMENT ENGINEERING ARCHIVES.
F. FIELD NOTES FOR "WASHINGTON AVE. FROM CONGRESS ST. TO TUKEY ST. LOCATION OF LINE & TIES TO MONS PAVING SURVEY" DATED APRIL 21, 1947, AND FILED IN LEVEL BOOK VOLUME 473, PAGE 2 IN THE CITY OF PORTLAND PUBLIC WORKS DEPARTMENT ENGINEERING ARCHIVES.

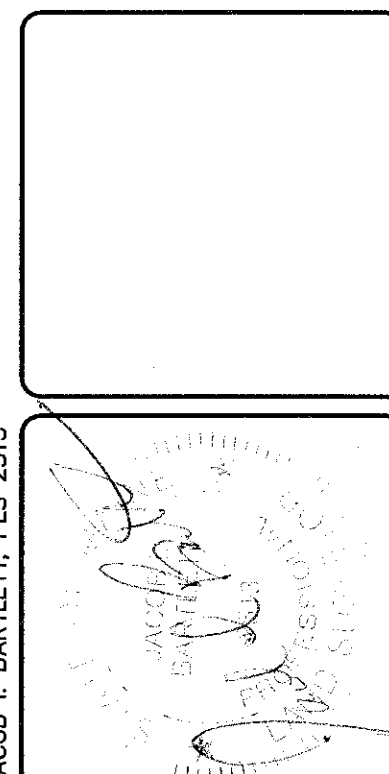
- DEED REFERENCES (ALL BOOK AND PAGE REFERENCES ARE TO THE CUMBERLAND COUNTY REGISTRY OF DEEDS)
A. JOSHUA RICHARDSON TO SAMUEL M. QUINCEY, DATED JULY 10, 1828, AND RECORDED IN BOOK 113, PAGE 352.
B. JOSHUA RICHARDSON TO WILLIAM MOULTON, DATED AUGUST 21, 1828, AND RECORDED IN BOOK 115, PAGE 38.
C. MARY A. HEAD & MARY A. SWETT TO EDWARD DUDDY, DATED OCTOBER 5, 1922, AND RECORDED IN BOOK 1118, PAGE 120.
D. SIDNEY S. NASON, EUNICE NASON, ELIZA A. SMITH, AND ROSANNA COLLINS TO JOHN C. PRESTON, DATED NOVEMBER 16, 1881, AND RECORDED IN BOOK 482, PAGE 314.
E. SIDNEY S. NASON TO JOHN F. PROCTOR, DATED JANUARY 21, 1890, AND RECORDED IN BOOK 560, PAGE 376.
F. NOTICE OF LAYOUT AND TAKING, DATED APRIL 24, 1984 AND RECORDED IN BOOK 6444, PAGE 79.
7. PLAN ORIENTATION IS GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NAD83, ELEVATIONS DEPICTED HEREON ARE NAVD83, CONVERTED (UTILIZING VERTCON FROM NOAA) FROM NAVD88, BASED ON DUAL FREQUENCY GPS OBSERVATIONS.
8. UTILITY INFORMATION DEPICTED HEREON IS COMPILED USING PHYSICAL EVIDENCE LOCATED IN THE FIELD AND WORK PERFORMED BY DIG SMART OF MAINE. UTILITIES DEPICTED HEREON MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS AND/OR DESIGNERS NEED TO CONTACT DIG-SAFE SYSTEMS, INC. (1-888-DIG-SAFE) AND FIELD VERIFY EXISTING UTILITIES PRIOR TO CONSTRUCTION AND/OR EXCAVATION.

Annotations for Zoning
Map Amendment
Application Provided by
Caleb Johnson Architects

SURVEYOR'S STATEMENT

THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT WAS DONE IN ACCORDANCE WITH CHAPTER 90, PART 1 (PROFESSIONAL STANDARDS OF PRACTICE) AND PART 2 (TECHNICAL STANDARDS OF PRACTICE) OF THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS.

JACOB I. BARTLETT, PLS 2513 SEPTEMBER 15, 2016



DESIGNED	CHECKED
JIB	CDM
PRELIMINARY COPY ISSUED TO CLIENT FOR REVIEW	
REV. BY:	DATE:
A. JIB	09-15-16
STATUS:	
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHINCS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHINCS, INC.	

SEBAGO
TECHNICS
WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd. 250 Souders Rd.
Portland, ME 04106 Suite B
South Portland, ME 04106
Tel. 207-200-2100 Tel. 207-783-5656

EXISTING CONDITIONS SURVEY
OF LAND FOR RECORD OWNER:
GREG'S PROPERTIES WASHAVE LLC
222 CONGRESS STREET,
PORTLAND, MAINE 04101
PREPARED FOR:
CALEB JOHNSON ARCHITECTS & BUILDERS
2065 MAIN STREET
BIDDEFORD, MAINE 04005

PROJECT NO.	SCALE
16314	1" = 10'







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PLANNING BOARD REPORT PORTLAND, MAINE

Mixed-Use Development
23 Ocean Avenue
Level III Site Plan and Subdivision Review
23 Ocean Avenue Association, LLC

Submitted to: Portland Planning Board	Prepared by: Nell Donaldson, Planner
Date: October 21, 2016	CBL: 129-G-1
Public Hearing Date: October 25, 2016	Project #: 2016-120

I. INTRODUCTION

23 Ocean Avenue Association, LLC has requested a final Level III site plan and subdivision review for a mixed-use development at 23 Ocean Avenue, at the corner of Ocean Avenue and Hersey Street near Woodford's Corner. The proposed 7,000 SF development includes approximately 2,400 SF of office space on the basement level and first floor, and four two-bedroom apartments on the second and third floors. The proposal also includes new sidewalks on Ocean Avenue and Hersey Street, nine off-street parking spaces with a lease for additional off-site parking, landscaping, and stormwater treatment. The site is currently occupied by a former residential building which has been converted to office use and a large lawn area. This open space would be developed under the proposal. The existing office building would remain.

This development is being referred to the Planning Board for compliance with the site plan and subdivision standards of the land use code. A total of 144 notices were sent to property owners within 500 feet of the site and a legal ad ran in the *Portland Press Herald* on July 18 and 19, 2016.

Applicant: Steve and Roberta Cope, 23 Ocean Avenue Association, LLC

Consultants: Kevin Moquin Architects, Ransom Consulting, Carroll Associates

II. REQUIRED REVIEWS

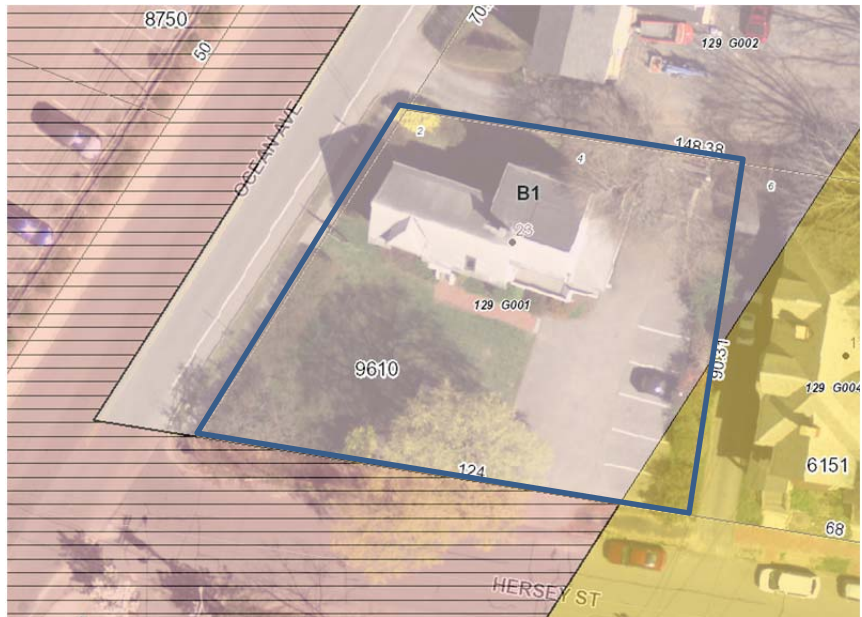
Waiver Requests	Applicable Standards
Aisle width – to allow 21 foot aisle in parking area	Technical Manual, <i>Section 1.14</i> . Aisle width for right-angle parking be 24 feet per <i>Figure I-27</i> .
Review	Applicable Standards
Site Plan	<i>Section 14-526</i>
Subdivision	<i>Section 14-497</i>

III. PROJECT DATA

Existing Zoning	B-1/R-3
Existing Use	Office
Proposed Use	Mixed use (office and residential)
Proposed Development Program	App. 2,400 SF office ; App. 4,700 SF residential (4 2-br apartment units); App. 220 SF storage
Parcel Size	9,519 SF

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	1,030 SF	2,730 SF	1,700 SF
Building Floor Area	1,580 SF	10,220 SF	8,640 SF
Impervious Surface Area	4,036 SF	6,188 SF	2,152 SF
Parking Spaces	5	9 on-site and 4 off-site	13
Bicycle Parking Spaces	0	6	6
Estimated Cost of Project	\$1,000,000		

Figures 1, 2, and 3 (Clockwise from top right):
 23 Ocean Avenue from above, showing existing building in office use;
 Site from the corner of Ocean Ave./Hersey St.;
 Zoning context



IV. BACKGROUND & EXISTING CONDITIONS

23 Ocean Avenue lies at the intersection of Ocean Avenue and Hersey Street, where Woodford's Corner meets the residential neighborhood of Back Cove. The Woodford's Corner Rite Aid sits directly across Ocean Avenue from the site and the former Thurston's Burgers lies directly to the south across Hersey Street, yet residential uses abut the site to the east and north. The site was originally developed for residential use, but the former home has since been repurposed for office. The majority of the site is zoned B-1, with a small sliver in the southeast corner lying in the R-3 zone.

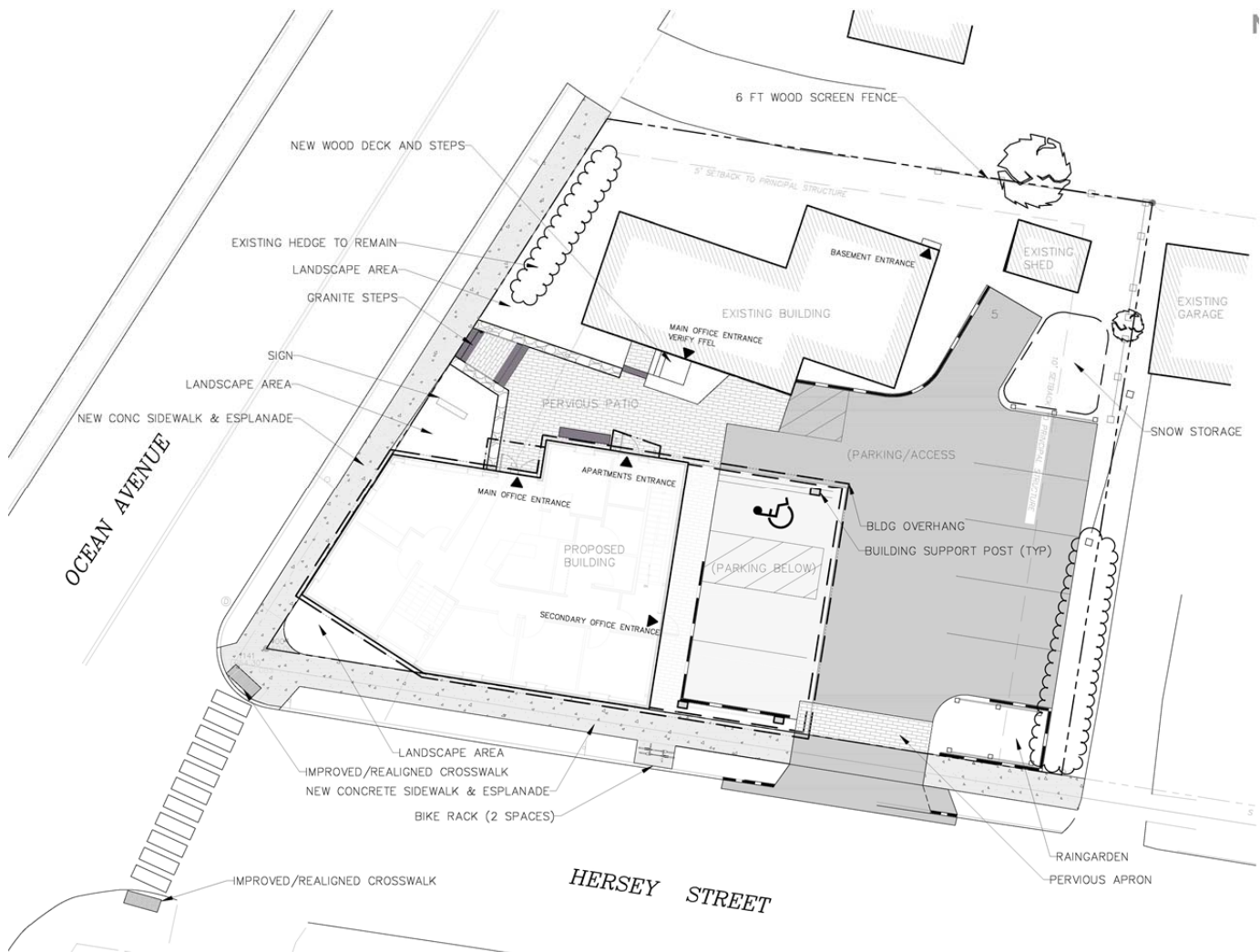


Figure 4: Final site plan

V. PROPOSED DEVELOPMENT

The applicant proposes to develop the existing, undeveloped portion of the lot with a 7,000 SF building including 2,400 SF of office space on the basement and first levels and four 2-bedroom apartment units on the top two floors. The main entrances for both uses would front a pervious patio courtyard area at the interior of the site, which would be shared with the existing office building. Vehicular access would be provided via an existing curb cut from Hersey Street. Nine parking spaces are proposed on site and six additional spaces would be leased off-site at a property on Vannah Avenue. New concrete sidewalks are proposed on Ocean Avenue and Hersey Street. The plans also include landscaping around the proposed building. Treated stormwater runoff from the roof of the new building would drain into the existing catch basin at Ocean Avenue and Hersey Street; the remainder of the site would drain to Hersey Street via a rain garden near the driveway entrance. Utilities are proposed to and from Hersey Street.

VI. PUBLIC COMMENT

The Planning Division has received a number of public comments on the proposal (*Attachments PC-1-5*). These comments raise questions about:

- The stormwater and utility plans, noting that Hersey Street experiences flooding during periods of heavy rain, and raising concerns about the impact of any additional stormwater runoff on the combined sewer in Hersey Street;
- The proposed parking supply as it relates to the demand analysis, and particularly the shared parking analysis, which neighbors have described as unsubstantiated and argued should be reviewed by the Zoning Board of Appeals;

- The use of off-site parking to meet projected parking demand and the potential for spillover impacts to Hersey Street;
- The trip generation analysis, which neighbors have criticized for failing to include actual counts from the existing office use;
- Traffic safety around the project site;
- The design and its lack of relationship to the residential context; and
- The construction management plan and potential impacts of truck traffic and contractor parking on Hersey Street.

The applicant is not required to host a neighborhood meeting, since only four residential units are proposed. No neighborhood meeting was held.

VII. RIGHT, TITLE, & INTEREST

The applicant's submittal includes a deed as evidence of right, title, and interest (*Attachment E*). A license is proposed for encroachments into the right-of-way for the purposes of footings and cornices. A public access easement will also be necessary for areas of sidewalk which are depicted on the site. This license and easement are proposed as conditions of approval.

VIII. FINANCIAL & TECHNICAL CAPACITY

The estimated cost of the development is approximately \$1 million. The applicant has provided a letter from Biddeford Savings Bank attesting to the applicant's financial capacity (*Attachment H*).

IX. ZONING ANALYSIS

The applicant has provided a zoning analysis documenting that the plans meet the dimensional requirements of the B-1 zone, including the front yard maximum of 10 feet and the maximum height of 35 feet (*Attachment D*). It should be noted that the elevations show a stair tower extending above the roofline of the building, and above the permitted height limit. Stair towers are technically allowed to extend beyond the height limit per *Section 14-430* of the city code.

X. SITE PLAN SUBMISSION REQUIREMENTS (*Section 14-527*) and SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS (*Section 14-496*)

The applicant has submitted a subdivision plat meeting the requirements of *Section 14-527* of the city's land use code. This plat has been reviewed by William Clark, the city's surveyor (*Attachment 1*). A final recording plat, including all recording plat requirements, has been included as a condition of approval.

The applicant has submitted a draft construction management plan (*Attachment F*). Staff have forwarded several comments on this draft plan to the applicant, including a request that the applicant identify an off-street location for contractor parking, address concerns about truck traffic, and identify phasing. The applicant has requested that these comments be resolved as a condition of approval once a contractor has been selected for the project. A condition of approval has been suggested.

XI. SUBDIVISION REVIEW (*14-497(a). Review Criteria*)

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland's subdivision ordinance. Staff comments are below.

1. Water, Air Pollution

Lauren Swett, consulting civil engineer, has reviewed the plans relating to stormwater runoff and water quality (*Attachment 3*). Her comments are discussed in detail under site plan review below. No detrimental water or air quality impacts are anticipated.

2 & 3. Adequacy of Water Supply

The plans show domestic and fire water service from an existing 8-inch main in Hersey Street. The applicant has provided evidence of water capacity (*Attachment J*).

4. Soil Erosion

No unreasonable soil erosion or reduction in the capacity of the land to hold water is anticipated.

5. Impacts on Existing or Proposed Highways and Public Roads

The applicant has provided traffic analysis in the final submittal. Tom Errico, the city's consulting traffic engineer, has provided comments on potential traffic impacts, which are discussed in detail under site plan review below. No detrimental impacts to existing roads are anticipated.

6. Sanitary Sewer/Stormwater Disposal

One 6-inch sewer line with backflow preventer is proposed to service the building; this line would outlet to the combined sewer in Hersey Street. The applicant has not provided evidence of wastewater capacity from the Department of Public Services at this time. As such, this letter has been included as a condition of approval. As noted above, a stormwater management plan has been provided. Ms. Swett's comments on the proposed plans for stormwater and sewer are discussed in detail under site plan review below.

7. Solid Waste

The applicant has proposed curbside trash and recycling. No dumpster is proposed. The applicant writes that "[t]enants will be informed of collection day and appropriate interim on-site storage of waste and recycling" (*Attachment D*). Storage of office waste is proposed in the basement.

8. Scenic Beauty

This proposal is not deemed to have an adverse impact on the scenic beauty of the area.

9. Comprehensive Plan

The applicant's narrative argues that the project would achieve a number of goals of the city's Comprehensive Plan, including goals related to housing and neighborhood stability and integrity. The applicant also cites the Woodford's Corner Public Improvement Plan and Transforming Forest Avenue, which called for improvements that "promote livability, economic vibrancy, and mobility in Woodford's Corner" (*Attachment D*).

10. Financial and Technical Capacity

As noted above, the applicant has provided evidence of financial capacity (*Attachment H*).

11. Wetland/Water Body Impacts

There are no wetlands or water bodies on or immediately proximate to the site.

12. Groundwater Impacts

There are no anticipated impacts to groundwater supplies.

13. Flood-Prone Area

Per the city's existing flood maps, the site is not located in a flood zone.

XII. SITE PLAN REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland's site plan ordinance. Staff comments are below.

1. Transportation Standards**a. Impact on Surrounding Street Systems**

At the request of Tom Errico, the city's traffic engineer, the applicant has provided a trip generation analysis in the final submittal (*Attachment 2*). The trip generation analysis, which is based on ratios from the Institute of Traffic Engineers, estimates a total of six additional trips during the AM peak hour and seven additional trips during the PM peak hour, for a total of nine AM and PM peak hour trips from the site (including the existing office use on site, which the applicant's traffic engineer has estimated at three AM trips and two PM trips). The applicant writes, "this minimal level of new traffic would not be expected to have any significant impact off-site on traffic operations" (*Attachment L*). Mr. Errico has reviewed the

analysis and writes,

The applicant has provided an estimate of trip generation. As noted the project is expected to generate 6 new peak hour trips in the morning peak hour and 7 new peak hour trips during the afternoon peak hour. This level of trip generation is not expected to impact traffic operations and safety and therefore I have no further comment.

The applicant has also provided a safety analysis in the final submittal. This analysis finds, based on data from the Maine Department of Transportation, that although the segment of Ocean Avenue between Forest Avenue and Hersey Street has a “higher than expected accident rate,” this location fails to qualify as a high crash location since only two accidents occurred in this segment in the most recent three-year period. All other segments and intersections in the immediate vicinity of the project have lower than expected accident rates, and none qualify as high crash locations. Mr. Errico has also reviewed this analysis and writes,

A review of crash data was conducted by the applicant and that analysis indicated that there are no High Crash Locations in the vicinity of the project site. I have no further comment.

b. *Access and Circulation*

The plans include new concrete sidewalks on the length of the site’s frontage on both Hersey Street and Ocean Avenue. The applicant has proposed to provide a new detectable warning panel and a new crosswalk across Hersey Street at the Ocean Avenue intersection. Final details related to the design of this intersection are yet to be resolved, as there are right-of-way constraints on the property opposite the site. Mr. Errico writes,

The applicant shall upgrade the sidewalk ramp on the opposite side of Hersey Street to meet ADA requirements. The applicant shall submit plans to the City for review and approval. I would note that the City recognizes the right-of-way limitations at the subject corner and will assist the applicant in design development.

A condition of approval has been drafted to address this ramp.

The major building entrances are proposed via a patio at the interior of the site, with access from Ocean Avenue. This patio sits below the sidewalk elevation and thus is accessible via stair. ADA access to the major entrance of the proposed building would be provided from Hersey Street. In the final submittal, the applicant has noted that the proposed plan shows “accessible grades along the sidewalk connecting to the main office entrance and the accessible parking space” (*Attachment K*).

The final plans show continued use of an existing curb cut from Hersey Street for vehicular access. In the final plans, the applicant has reconfigured the parking area and reduced the number of proposed parking spaces by one as a means of eliminating the need for backing maneuvers to Hersey Street. The applicant has provided turning templates as documentation of the adequacy of the parking area design (*Plan 21*). The applicant has requested a waiver for parking lot aisle width. Mr. Errico writes,

The applicant has provided information that demonstrates onsite circulation can be accommodated.

Following a review of vehicle turning template information and revisions to the parking lot layout, I support a waiver from the City’s Technical Standards.

c. *Public Transit Access*

No accommodation for public transit is required.

d. *Parking*

Division 20 of the land use ordinance requires parking for residential uses at a ratio of two/unit off-peninsula and one/ 400 SF of usable area for office uses. At these ratios, eight parking spaces are required for the residential units and six spaces are required for the office space, for a total of 14 parking spaces for the proposed mixed-use building. Four additional parking spaces are required for the existing office building, bringing the total parking requirement for the site to 18 parking spaces. It should be noted that, in their final submittal, the applicant has provided a parking analysis that cites parking ratios from the Institute of Traffic Engineers, and estimates a total parking demand of six spaces for the residential uses and 13 spaces for the office uses, for a total of 19 parking spaces (*Attachment M*).

Recognizing the opportunity for shared parking in this context, where residential and office uses are apt to experience offset peak parking demand, the applicant's parking narrative includes some shared use analysis, based again on data from the Institute of Traffic Engineers (*Attachment M*). The city's code permits shared use parking under *Section 14-343*, stating,

the Board of Appeals may approve the joint use of a parking facility by two (2) or more principal buildings or uses where it is clearly demonstrated that the parking facility will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees among such establishments... The Planning Board may be substituted for the Board of Appeals only where an applicant is otherwise before the Planning Board for site plan approval.

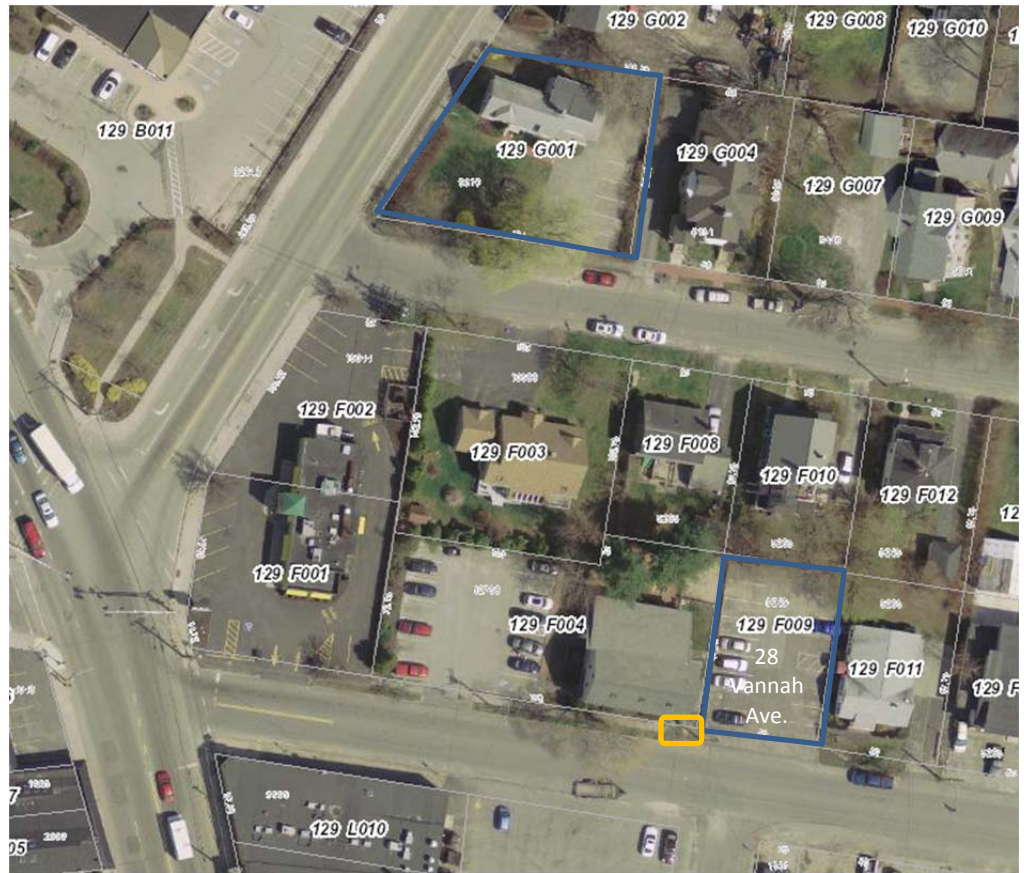
The applicant has based their shared parking analysis on shared use factors developed by the Institute of Traffic Engineers. By applying these factors to both the residential and office uses in their off-peak hours, the applicant arrives at total estimated daytime and nighttime parking demand figures which allow for some overlap in use. The analysis estimates a peak daytime demand of 10-13 parking spaces for the office and two-three for purposes of the residential use, or a total of 12-15 spaces. (The range cited here is a function of differing sources, with the former number a product of applying the shared use factors to the parking supply numbers as required by code and the latter a product of applying the factors to the ITE-derived demand figures.) The applicant argues that, at night, while the residential use will generate its peak demand of six to eight spaces, the office use will not generate any demand at all.

With nine spaces proposed on site, then, the applicant argues that they meet their nighttime peak demand requirement of six to eight spaces. The proposed on-site parking is not sufficient, however, to accommodate the peak daytime demand, which again has been estimated at 12-15 parking spaces. For this reason, the applicant has submitted a letter of intent from the property owner at 28 Vannah Avenue indicating their agreement to lease six parking spaces to the applicant (*Attachment M*), which, when added to the nine on site, would bring the total parking supply to 15 (*Figure 5*). Technically, this is permissible per *Section 14-334* of the city's ordinance, which allows the Planning Board to approve off-street parking within 1,500 feet upon presentation of a lease agreement. 28 Vannah Street lies approximately 500 feet from the site by lines of public access and contains sufficient parking (15 spaces) to lease six parking spaces and remain conforming with respect to its own parking requirement under Division 20 of the land use code.

In their final submittal, the applicant has provided a parking management plan which speaks to how on-site and off-site parking would be managed so as to ensure the shared parking arrangement functions as designed (*Attachment M*). This plan identifies a number of tools, including signage, lease restrictions for office tenants, incentives for use of the off-site parking, and monitoring as means of managing the shared parking. Mr. Errico has reviewed the shared parking analysis and the parking management plan and writes,

I generally find the parking generation analysis to be reasonable and would expect a parking demand of 18 to 21 vehicles, without the consideration of shared parking.

Figure 5:
Proposed
off-site
parking at
28 Vannah
Avenue, with
missing
sidewalk link
highlighted.



I support the concept of shared parking for this project and thereby a reduced parking supply given proposed land uses. Based upon the information provided by the applicant and information from the Urban Land Institute, I would estimate a peak parking demand of 16 to 18 parking spaces. The applicant is providing 9 parking spaces onsite and has an agreement in place for up to 6 parking spaces on Vannah Avenue, for a total of 15 parking spaces. I would suggest that the applicant conduct a monitoring study at the time of full occupancy and determine if 15 spaces is sufficient. If parking demand is greater than expected, the applicant shall provide additional offsite parking that meet actual demand. I would suggest that the Woodford Club site, as originally proposed, be formally agreed to as a backup site.

I support the location of the offsite parking lot on Vannah Avenue. For it to be fully accessible by pedestrians to and from the site, the applicant shall construct a missing sidewalk section on the north side of Vannah Avenue near the proposed parking lot. The applicant shall submit plans to the City for review and approval.

The applicant has provided a parking management plan for the site. I am concerned that implementation will not be easily enforced, particularly as it related to early morning and late afternoon time periods when the residential and office uses are likely to conflict. I would note that the applicant has noted that TDM will likely impact trip and parking generation (for which I agree), but it is also likely that the residential uses may leave their cars all day, while walking or biking to work destinations. I would therefore suggest that the monitoring study also include a review of the parking management plan and necessary adjustments. I would suggest that the monitoring study be closely coordinated with the Planning Authority.

A final copy of an off-site parking lease, written to including a five-year term as required by the land use code, has been included as a condition of approval. Improvements to the sidewalk on the north side of Vannah Street to close the sidewalk gap between the off-site parking location and the site have also been included as a condition of approval. Last, a monitoring study has been suggested as a condition of approval.

It should be noted that the applicant stresses in their parking analysis that TDM will be employed at the site in an effort to reduce car-dependency on site. The applicant writes, “the building will provide interior bike lockers for both resident and office uses to encourage bicycle commuting” and notes that METRO provides service within a block of the site (*Attachment M*).

e. *Transportation Demand Management*

A transportation demand management plan is not required.

2. Environmental Quality Standards

a. *Preservation of Significant Natural Features*

There are no known significant natural features on the site.

b. *Landscaping and Landscape Preservation*

At the request of Jeff Tarling, the city’s arborist, the applicant has revised the landscape plans to show two zelkovas on the Ocean Avenue frontage, three Armstrong maples in the esplanade on Hersey Street, and a cherry tree at the corner of Ocean Avenue and Hersey Street. Collectively, these trees meet the city’s street tree requirement of one per unit. It should be noted that staff has recommended a condition of approval to address a potential conflict between the cherry tree and a stormwater treatment unit proposed for the Ocean Avenue/Hersey Street corner.

Elsewhere on the site, the applicant shows a mix of perennials and sumac in the rain garden, a combination of juniper and lilacs on the eastern property line to create a buffer where the site addresses residential neighbors, and a mix of day lilies at the corner of Ocean Avenue and Hersey Street. Ferns, climbing hydrangeas, bayberries, fountain grass, and rhododendrons are also proposed for the site. Mr. Tarling has reviewed the revised plans and verbally indicated that they meet the landscaping requirements of the land use code.

c. *Water Quality/Storm Water Management/Erosion Control*

The site is currently occupied by a residential structure which has been converted to office use, a surface parking lot, and a landscaped lawn area. The project will disturb approximately 7,170 SF of the parcel and result in a total impervious area of 6,188 SF, or an increase of 2,152 SF. As such, the applicant has provided a stormwater management plan outlining their approach for managing and treating stormwater on and from the site (*Attachment J*).

At the Department of Public Works’ request, the applicant has modified their final drainage plan to direct runoff from the proposed building’s roof to an existing catch basin in Ocean Avenue, which, as a product of future city plans, would ultimately be connected to a new separated stormwater system. This runoff would be treated with a roof drain cartridge filter. The remainder of the site, including the existing building roof and the parking area, would drain to a rain garden, which would outlet to the combined sewer in Hersey Street and overflow to a pervious paver system in the driveway apron. The applicant writes that, under the proposed plan, “the peak flow rates discharging to Hersey Street will decrease for all storm events. This is because both the total area and impervious area draining to Hersey Street are proposed to decrease [under the post-development condition]” (*Attachment J*).

Ms. Swett has reviewed the design of this system and provided the following comments,

The project is required to include stormwater management features to control the rate or quantity of stormwater runoff from the site. The Applicant will be discharging a portion

of the site's stormwater to the combined sewer in Ocean Avenue. The site does not discharge to this location in the existing condition; however, the Applicant has discussed this condition with Public Works, and the connection will be allowed. Stormwater from the site will be collected as part of a future City sewer separation project. As a result of this connection, the stormwater discharge to Hersey Street will be reduced, providing an improvement over the existing condition on Hersey Street.

It should be noted that Ms. Swett has determined that a waiver from the flooding standard is not required in this instance.

3. Public Infrastructure and Community Safety Standards

a. Consistency with Related Master Plans

As noted above, the project is generally deemed consistent with related master plans.

b. Public Safety and Fire Prevention

The applicant has provided a life safety summary for review by the city's Fire Prevention Bureau (*Plan 16*). Per this summary, the building would be fully sprinklered and accessible from two sides. Assistant Fire Chief Keith Gautreau has reviewed the plans and indicated that he has no comments (*Attachment 4*).

c. Availability and Capacity of Public Utilities

As noted above, the applicant has proposed to connect to existing water and sewer lines in Hersey Street, and has provided evidence of water capacity (*Attachment I*). Evidence of sewer capacity has been included as a condition of approval. Underground electrical service would be provided from an existing pole on the opposite side of Hersey Street. With respect to the capacity of the combined sewer on Hersey Street, as noted above, the city's consulting civil engineer has noted that stormwater runoff to Hersey Street will be reduced under the post-development condition, "providing an improvement over the existing condition." The development is not anticipated to overburden existing public infrastructure.

4. Site Design Standards

a. Massing, Ventilation, and Wind Impact

The bulk, location, or height of the building is not likely to result in health or safety problems from a reduction in ventilation to abutting structures. In the final submittal, the applicant has indicated that HVAC equipment will consist of six rooftop condensers.

b. Shadows

The project will not result in shadow impacts to publicly accessible open spaces.

c. Snow and Ice Loading

The project is not likely to result in snow or ice loading impacts.

d. View Corridors

The project does not lie on a protected view corridor.

e. Historic Resources

There are no historic resources within 100 feet.

f. Exterior Lighting

The applicant has provided a photometric plan and lighting cut sheets which meet the standards of the Technical Manual (*Plan 17 and Attachment K*).

g. Noise and Vibration

Mechanical equipment is proposed at the interior of the site and generally screened from view. HVAC cut sheets will be required as a product of the building permit review.

h. *Signage and Wayfinding*

One sign is depicted on the site plan near the patio entrance. This sign is intended to serve both buildings on the site. The sign will be subject to separate sign permits, and is not being reviewed at this time.

i. *Zoning-Related Design Standards*

Projects within the B-1 zone are subject to design review, as are all multi-family buildings. In response to comments on the preliminary plans, the applicant has revised the design to accentuate the building entrances; employ materials to distinguish the lower floor (which would be occupied by office uses) from the upper floor residential; align windows to provide more rhythm on the street-facing facades; and accentuate the Ocean Avenue/Hersey Street corner through a change in roofline and material (*Attachment K*). Caitlin Cameron, the city's urban designer, has provided final comments from the B-1 design review, finding that the final design meets the design standards (*Attachment 5*).



Figures 6 and 7: Final architecture from the corner of Hersey Street and Ocean Avenue (top) and Ocean Avenue looking south



Figure 8: Hersey
Street building
entrance

XIII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed mixed-use development at 23 Ocean Avenue.

XIV. PROPOSED MOTIONS

A. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report for the public hearing on October 25, 2016 for application 2016-120 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the Planning Board hearing:

1. The Planning Board **finds/does not find**, based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (Section 1.14) which requires that aisle width for right-angle parking be 24 feet per *Figure I-27*, that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard (Section 1.14) to allow a 21 foot wide aisle in the parking area.

B. SUBDIVISION

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report for the public hearing on October 25, 2016 for application 2016-120 relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is/is not** in conformance with the subdivision standards of the land use code, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. The applicant shall finalize the subdivision plat for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority; and

2. The applicant shall submit:
 - a. A license agreement for foundation footings and cornice proposed to encroach on the city's right-of-way and
 - b. A public pedestrian access easement for areas of sidewalk proposed to encroach on private propertyfor review and approval by the Department of Public Works and Corporation Counsel.
3. The applicant shall submit a final sewer capacity letter for review by the Planning Authority;

C. DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on October 25, 2016 for application 2016-120 relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is/is not** in conformance with the site plan standards of the land use code, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall submit a final construction management plan, including provisions for pedestrian access, contractor parking, truck deliveries, and phasing, for review and approval by the Department of Public Works and the Planning Authority;
2. The applicant shall submit final details for the reconstruction of the ramp on the south side of Hersey Street to meet ADA requirements for review and approval by the Department of Public Works;
3. Prior to certificate of occupancy, the applicant shall provide evidence of a lease for use of off-site parking spaces under *Section 14-334* for review and approval by the Planning Authority and Corporation Counsel;
4. Prior to certificate of occupancy, the applicant shall submit final details for the reconstruction of the missing sidewalk link on the north side of Vannah Street between the proposed off-site parking and the site and construct this sidewalk segment for review and approval by the Department of Public Works;
5. Within six months of certificate of occupancy, and on an annual basis thereafter for a period of five years, the applicant shall provide an analysis of parking demand, the efficacy of the parking management plan, and neighborhood impacts for review and approval by the Department of Public Works and the Planning Authority. Should the analysis indicate that parking demand is not adequately met with the approved shared parking and off-site parking arrangement, the applicant shall submit and implement a revised parking plan to address deficiencies for review and approval by the Department of Public Works and the Planning Authority; and
6. The applicant shall provide revised plans to address the conflict between the proposed cherry tree and stormwater treatment unit at the corner of Ocean Avenue and Hersey Street for review and approval by the City Arborist and the Planning Authority.

XIV. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. City Surveyor review (memo from Bill Clark, 10/13/16)
2. Traffic Engineer review (memo from Thomas Errico, 10/21/16)
3. Civil Engineer review (memo from Lauren Swett, 10/21/16)
4. Fire Prevention Bureau review (memo from Keith Gautreau, 7/11/16)
5. Design review (memo from Caitlin Cameron, 9/28/16)

APPLICANT'S SUBMITTALS

- A. Cover Letter
- B. Application
- C. Project Data
- D. Application Narrative
- E. Right, Title, and Interest
- F. Construction Management Plan
- G. Fire Department Checklist
- H. Evidence of Financial Capacity
- I. Evidence of Utility Capacity
- J. Stormwater Management Narrative
- K. Response to Staff Comments
- L. Trip Generation and Safety Analysis
- M. Parking Analysis
- N. Site Lighting Cut Sheets
- O. Siding Examples

PLANS

- Plan 1. Subdivision Plat
- Plan 2. Existing Conditions
- Plan 3. Site Preparation
- Plan 4. Site Plan
- Plan 5. Materials and Layout Plan
- Plan 6. Grading Plan
- Plan 7. Landscape Plan
- Plan 8. Landscape Details
- Plan 9. Stormwater/Utility Plan
- Plan 10. Details
- Plan 11. Details
- Plan 12. Stormwater Pre-Development Plan
- Plan 13. Stormwater Post-Development Plan
- Plan 14. Hersey Ocean View Rendering
- Plan 15. Ocean Courtyard View Rendering
- Plan 16. Ocean Hersey Gateway
- Plan 17. Streetscape Elevations
- Plan 18. Elevations and Sections
- Plan 19. Floor Plans
- Plan 20. Photometric Plan
- Plan 21. Turning Movement Plan

PUBLIC COMMENT

- PC-1. Levine letter (7/21/16)
- PC-2. Levine letter (7/25/16)
- PC-3. Haskell letter (7/25/16)
- PC-4. Dombek letter (8/1/16)
- PC-5. Levine letter (10/20/16)



Helen Donaldson <hcd@portlandmaine.gov>

23 Ocean Avenue plat

William Clark <wbc@portlandmaine.gov>

Thu, Oct 13, 2016 at 4:16 PM

To: Helen Donaldson <hcd@portlandmaine.gov>

Hi Nelle,

Looks like Don Dostie nailed it. Plan dated 10/11/16 is great.

Thanks,

Bill

[Quoted text hidden]



Helen Donaldson <hcd@portlandmaine.gov>

23 Ocean Avenue - Final Traffic Comments

Tom Errico <thomas.errico@tylin.com>

Fri, Oct 21, 2016 at 9:36 AM

To: Helen Donaldson <HCD@portlandmaine.gov>

Cc: Jeremiah Bartlett <JBartlett@portlandmaine.gov>, Katherine Earley <kas@portlandmaine.gov>, Lauren Swett <lswett@woodardcurran.com>, Jeff Tarling <jst@portlandmaine.gov>

Hi Nell – I have reviewed the application materials and offer the following preliminary traffic comments.

- The applicant is requesting a waiver for parking lot aisle width (21 feet versus the City standard of 24 feet). The applicant should provide documentation that supports the waiver request.

Status: Following a review of vehicle turning template information and revisions to the parking lot layout, I support a waiver from the City's Technical Standards.

- I find the driveway location and configuration to be acceptable given existing site conditions.

Status: I have no further comment.

- The applicant should provide a summary of the anticipated trip generation increase expected during the AM and PM peak hours following project completion. While I do not expect the project to significantly impact the public street system, I do believe documentation of traffic volumes changes is necessary.

Status: The applicant has provided an estimate of trip generation. As noted the project is expected to generate 6 new peak hour trips in the morning peak hour and 7 new peak hour trips during the afternoon peak hour. This level of trip generation is not expected to impact traffic operations and safety and therefore I have no further comment.

- The applicant should provide a review of safety data in the immediate vicinity of the project.

Status: A review of crash data was conducted by the applicant and that analysis indicated that there are no High Crash Locations in the vicinity of the project site. I have no further comment.

- I would prefer that backing maneuvers onto Hersey Street not be required and thus the applicant should either provide a layout that allows for on-site vehicle circulation – for head-out egress, or supporting documentation on the proposed circulation condition.

Status: The applicant has provided information that demonstrates on-site circulation can be accommodated. I have no further comment.

- A pedestrian easement will be required at the Ocean Avenue/Hersey Street intersection (a portion of the sidewalk is located on the applicants property).

Status: The applicant concurs with this request. I have no further comment.

- A detail for the driveway shall be provided that notes that the cross-slope shall not exceed 2%.

Status: The plans have been revised and I have no further comment.

- The plans do not include full replacement of the sidewalk on Ocean Avenue along the entire property frontage. The applicant should either include full sidewalk replacement or document justification for the current proposal.

Status: The plans have been revised and I have no further comment.

- Further review of the sidewalk ramp configuration is required. I would suggest that a fully ADA compliant ramp be provided on the opposite side of Hersey Street.

Status: The applicant shall upgrade the sidewalk ramp on the opposite side of Hersey Street to meet ADA requirements. The applicant shall submit plans to the City for review and approval. I would note that the City recognizes the right-of-way limitations at the subject corner and will assist the applicant in design development.

- The applicant is proposing to meet parking demand needs via leased parking spaces off Woodford Street west of Forest Avenue. Given on-street parking regulations, it is my professional opinion that occupants of the project site will park on Hersey Street given parking availability and convenience. Recognizing this factor, the applicant should provide a detailed parking demand and supply management plan that realistically proposes parking conditions. I would note that I'm open to the idea of shared parking given site uses, if it works from a management perspective. Further coordination and review on this subject is needed.

Status: The applicant has provided updated information regarding parking supply/demand analysis, off-site parking, and how parking will be managed. My comments are noted below:

- I generally find the parking generation analysis to be reasonable and would expect a parking demand of 18 to 21 vehicles, without the consideration of share parking.
- I support the concept of shared parking for this project and thereby a reduced parking supply given proposed land uses. Based upon the information provided by the applicant and information from the Urban Land Institute, I would estimate a peak parking demand of 16 to 18 parking spaces. The applicant is providing 9 parking spaces on-site and has an agreement in place for up to 6 parking spaces on Vannah Avenue, for a total of 15 parking spaces. I would suggest that the applicant conduct a monitoring study at the time of full occupancy and determine if 15 spaces is sufficient. If parking demand is greater than expected, the applicant shall provide additional off-site parking that meet actual demand. I would suggest that the Woodford Club site, as originally proposed, be formally agreed to as a back-up site.
- I support the location of the off-site parking lot on Vannah Avenue. For it to be fully accessible by pedestrians to and from the site, the applicant shall construct a missing sidewalk section on the north side of Vannah Avenue near the proposed parking lot. The applicant shall submit plans to the City for review and approval.
- The applicant has provided a parking management plan for the site. I am concerned that implementation will not be easily enforced, particularly as it related to early morning and late afternoon time periods when the residential and office uses are likely to conflict. I would note that the applicant has noted that TDM will likely impact trip and parking generation (for which I agree), but it is also likely that the residential uses may leave their cars all day, while walking or biking to work destinations. I would therefore suggest that the monitoring study also include a review of the parking management plan and necessary adjustments. I would suggest that the monitoring study be closely coordinated with the Planning Authority.

Please contact me if you have any questions.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director



12 Northbrook Drive

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thomas.errico@tylin.com

Visit us online at www.tylin.com

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"One Vision, One Company"

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MEMORANDUM



TO: Nell Donaldson, Planner
FROM: Lauren Swett, PE
DATE: October 21, 2016
RE: 23 Ocean Ave, Level III Site Plan Application

Woodard & Curran has reviewed the Level III Site Plan Application for the proposed redevelopment located at 23 Ocean Avenue. The project includes the construction of a new mixed use building and associated site improvements.

Documents Reviewed by Woodard & Curran

- Level III Site Plan application response to comments and attachments, dated September 8, 2016, prepared by Kevin Moquin and Ransom Consulting, Inc., on behalf of owner Steven and Roberta Cope.
- Stormwater calculations, dated October 12, 2016, prepared by Ransom Consulting, Inc., on behalf of owner Steven and Roberta Cope.
- Project plans, dated September 2, 2016, prepared by Kevin Moquin, Ransom Consulting, Inc., and Carroll Associates Landscape Architects, on behalf of owner Steven and Roberta Cope..

Comments (*Comments in italics are repeated from previous memos*)

- 1) *The Applicant has submitted a City of Portland Wastewater Capacity Application. The Applicant should note that they will be required to provide evidence of capacity to serve and approval of the proposed design from the City of Portland.* Applicant has acknowledged and the capacity to serve will be provided when available.
- 2) In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. We offer the following comments:
 - a) Basic Standard: Plans, notes, and details have been provided to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in accordance with Appendix A, B, & C of MaineDEP Chapter 500.
 - b) General Standard: The project is required to include stormwater management features for stormwater quality control. A roof drain cartridge filter and an underdrained soil filter will be utilized to provide stormwater treatment on the site.
 - c) Flooding Standard: The project is required to include stormwater management features to control the rate or quantity of stormwater runoff from the site. The Applicant will be discharging a portion of the site's stormwater to the combined sewer in Ocean Avenue. The site does not discharge to this location in the existing condition; however, the Applicant has discussed this condition with Public Works, and the connection will be allowed. Stormwater from the site will be collected as part of a future City sewer separation project. As a result of this connection, the stormwater discharge to Hersey Street will be reduced, providing an improvement over the existing condition on Hersey Street.
- 3) All other comments have been addressed at this time.



Helen Donaldson <hcd@portlandmaine.gov>

23 Ocean Avenue (2016-150) and 1945 Congress (2016-075)

Keith Gautreau <kng@portlandmaine.gov>

Mon, Jul 11, 2016 at 2:48 PM

To: Helen Donaldson <hcd@portlandmaine.gov>

All set!

On Mon, Jul 11, 2016 at 9:23 AM, Helen Donaldson <hcd@portlandmaine.gov> wrote:

[Quoted text hidden]

--

Keith Gautreau, Assistant Fire Chief
Fire Prevention Bureau
Community Outreach Branch
Portland Fire Department
380 Congress Street
Portland, ME 04101
(207)874-8409
kng@portlandmaine.gov

Planning and Urban Development Department Planning Division



Subject: B-1 Design Review – 23 Ocean Avenue

Written by: Caitlin Cameron, Urban Designer

Date of Review: Wednesday, September 28, 2016

23 Ocean Avenue was reviewed against *the B-1 Commercial Business Zones Standards* (Section (d) of the Design Manual) as well as the *Two-family, Special Needs Independent Living Units, Multiple-family, Lodging Houses, Bed and Breakfasts, and Emergency Shelters Standards* (Section (i) of the Design Manual).

Design Review Comments:

(d) B-1 Commercial Business Zones

Standard (1) a. Urban Street Wall – Met - Project is located on or near the property line and creates strong street walls on all street-facing facades.

Standard (1) b. Mixed Uses – Met - Project is both mixed-use and multi-storied.

Standard (1) c. Building Entrances – Met - Principal office and residential entrances are side-facing but accessible from both sidewalks as required by the standard. The applicant was asked to add stronger visual cues to indicate the entrances, especially from the corner approach and indicating ADA route – the applicant added canopies and revised the materials of the ground floor to reflect its commercial use. Staff asked applicant to explore whether office entrance could be moved to face street or corner; applicant found this to be infeasible.

Standard (1) d. Windows – Met - The upper story windows were modified to align as requested to distinguish the residential from the commercial use and reflect residential patterns found in the context. The project uses office windows at the street corner with a picture window at the ornamental stair – these provide some indication of activity. The most active windows are placed interior to the block as an approach to the office entrance.

Standard (1) e. Façade Character – The commercial office use is placed adjacent to public sidewalk. Staff requested the ground floor façade character at the corner be made more active with a stronger orientation to the street. The applicant chose to modify the materials and roof line to emphasize the corner but fenestration was not revised. The more active office-front and entrance begin down the street and wrap the building corner interior to the block.

Standard (1) f. Building Design – Met - The proposed building is in a transitional parcel between residential and commercial zones and the context, even the residential streets, varies in massing, scale, and roof line. Overall, the building design is contemporary but compatible with

the surrounding context in its character, scale, and roof pitch. The portion of the building adjacent to the residential neighborhood continues to have clapboard materials and a three-story scale, a flat roof, and regular fenestration patterns using rectangular, vertically proportioned windows. As the building reaches the corner, the roof line and materials were revised to angle and provide emphasis at the more commercial corner approach.

Standard (1) g. Building Materials – Met - Materials at the ground floor include brick and fiber cement panel (a recent revision to differentiate the commercial ground floor use from the residential above). The upper floors remain metal cladding but metal is a fine-grain scale similar to clapboard with a matte finish. The materials in Woodfords is eclectic, though metal cladding is not common. The residential buildings in the context are predominantly clapboard with the occasional shingle. The metal proposed will be similar to clapboard in appearance. The applicant preferred metal for its durability and maintenance.

Standard (1) h. Building Scale – Met - The building scale, only three stories, is compatible with the two and three-story residential buildings in nearby. The commercial buildings immediately adjacent are one story.

Standard (1) i. Landscaping and Buffers - See notes from Planner.

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

Kevin Moquin, AIA, LEED AP BD+C
Maine Licensed Architect
29 Bedell St
Portland, ME 04103
info@km-a.me
T 207-265-6421

June 6, 2016

Dear Barbara,

Kevin Moquin Architect and our consultants have prepared a submission package for a Level III Final Site Plan Review on behalf of Steven and Roberta Cope, the property owner and applicant. The project is substantially as presented at our Pre-Application Conference on March 30, 2016.

The proposed project is located at 23 Ocean Avenue (Assessors Chart 19, Block G, Lot 001) and currently contains offices in a former a single family house and a parking lot. The project site is located in the B-1 Neighborhood Business Zone. The proposed project includes the construction of a new mixed use building containing of-fices and four apartments. The new building, as proposed, meet all applicable zoning standards. The existing building will remain.

Please include our project on the Planning Board agenda at your earliest convenience. We look forward to working with you, the Staff, and the Planning Board in the review of this project. Please feel free to contact me to discuss any questions or concerns you may have regarding the attached application materials.

Sincerely,

A handwritten signature in black ink, appearing to read 'K Moquin', with a horizontal line extending to the right.

Kevin Moquin, AIA, LEED AP BD+C
Maine Licensed Architect
Portland, Maine

Portland, Maine



Yes. Life's good here.

Jeff Levine, AICP, Director
Planning & Urban Development Department

Electronic Signature and Fee Payment Confirmation

Notice: Your electronic signature is considered a legal signature per state law.

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a **legal signature** per Maine state law. You are also signifying your intent on paying your fees by the opportunities below.

I, the undersigned, intend and acknowledge that no Site Plan or Historic Preservation Applications can be reviewed until payment of appropriate application fees are **paid in full** to the Inspections Office, City of Portland Maine by method noted below:

☐

Within 24-48 hours, once my complete application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.

☐

Within 24-48 hours, once my application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.



I intend to deliver a payment method through the U.S. Postal Service mail once my application paperwork has been electronically delivered.

Applicant Signature:

Date:

6/7/16

I have provided digital copies and sent them on:

KEVIN MOQUIN ARCH.

Date:

6-7-16

NOTE:

All electronic paperwork must be delivered to buildinginspections@portlandmaine.gov or by physical means i.e. a thumb drive or CD to the Inspections Office, City Hall, 3rd Floor, Room 315.

389 Congress Street * Portland Maine 04101-3509 * Phone: (207) 874-8703 * Fax: (207) 874-8716
<http://www.portlandmaine.gov/planning/buildinsp.asp> * E-Mail: buildinginspections@portlandmaine.gov

PROJECT NAME: 23 Ocean Mixed Use

PROPOSED DEVELOPMENT ADDRESS:

23 Ocean Avenue, Portland, Maine 04103

PROJECT DESCRIPTION:

The Proposed project includes the construction a new mixed use structure containg professional offices and four two bedroom apartments. An existing residence previously converted to offices will remain in it's current form and current use.

CHART/BLOCK/LOT: 129 - G - 001

PRELIMINARY PLAN _____ (date)
FINAL PLAN _____ (date)

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: Steven and Roberta Cope Business Name: 23 Ocean Avenue Associates, LLC Address: PO Box 1398 City/State : Portland, ME Zip Code: 04104	Applicant Contact Information Work # n/a Home# Cell # (207) 415-5833 Fax# n/a e-mail: bcope@maine.rr.com
Owner – (if different from Applicant) Name: Applicant Address: City/State : Zip Code:	Owner Contact Information Work # Home# Cell # Fax# e-mail:
Agent/ Representative Name: Adam Cope Business Name: 23 Ocean Avenue Associates, LLC Address: PO Box 1398 City/State : Portland, ME Zip Code: 04104	Agent/Representative Contact information Work # Home# Cell # (207) 939-3326 Fax# n/a e-mail: adcope1@yahoo.com
Billing Information Name: Applicant Address: City/State : Zip Code:	Billing Information Work # Cell # Fax# e-mail:

Structural Engineer Name: Casco Bay Engineering, Eric Dube P.E. Address: 424 Fore Street City/State : Portland, ME Zip Code: 04101	Structural Engineer Contact Information Work # (207)842-2800 Cell # (207)712-7022 Fax# e-mail: ericd@cascobayengineering.com
Surveyor Name: Owen Haskell, Inc. Address: 390 US Route 1 City/State : Falmouth, ME Zip Code: 04105	Surveyor Contact Information Work # (207) 7740424 Cell # Fax# (207) 774-0511 e-mail:
Architect Name: Kevin Moquin Architect Address: 29 Bedell St. City/State : Portland, ME Zip Code: 04103	Architect Contact Information Work # (207) 615-6421 Cell # (207) 615-6421 Fax# n/a e-mail: kevin@km-a.me
Attorney Name: n/a Address: City/State : Zip Code:	Attorney Contact Information Work # Cell # Fax# e-mail:
Landscape Architect Name: Carroll Associates Landscape Architects Address: 217 Commercial St. City/State : Portland, ME Zip Code: 04101	Landscape Architect Contact Information Work # (207) 772-1552 Cell # Fax# (207) 772-0712 e-mail: pcarroll@carrroll-assoc.com
Civil Engineer Name: Ransom Consulting Inc. John Mahoney, PE Address: 400 Commercial St. Suite 404 City/State : Portland, ME Zip Code: 04101	Civil Engineer Contact Information Work # (207) 772-2891 Ex 32 Cell # Fax# e-mail: john.mahoney@ransomenv.com

APPLICATION FEES:

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

Level III Development (check applicable reviews) ☒ Less than 50,000 sq. ft. (\$500.00) ☐ 50,000 - 100,000 sq. ft. (\$1,000) ☐ 100,000 – 200,000 sq. ft. (\$2,000) ☐ 200,000 – 300,000 sq. ft. (\$3,000) ☐ over 300,000 sq. ft. (\$5,000) ☐ Parking lots over 100 spaces (\$1,000) ☐ After-the-fact Review (\$1,000.00 plus applicable application fee) The City invoices separately for the following: - Notices (\$.75 each) - Legal Ad (% of total Ad) - Planning Review (\$40.00 hour) - Legal Review (\$75.00 hour) Third party review is assessed separately.	Fees Paid (office use) _____ _____ _____ _____ _____ _____ _____	Other Reviews (check applicable reviews) ☐ Traffic Movement (\$1,000) ☐ Stormwater Quality (\$250) ☒ Subdivisions (\$500 + \$25/lot) # of Lots <u>4</u> x \$25/lot = \$100 ☐ Site Location (\$3,000, except for residential projects which shall be \$200/lot) # of Lots _____ x \$200/lot = _____ ☐ Other _____ ☐ Change of Use ☐ Flood Plain ☐ Shoreland ☐ Design Review ☐ Housing Replacement ☐ Historic Preservation	Fees Paid (office use) _____ _____ _____ _____
Plan Amendments (check applicable reviews) ☐ Planning Staff Review (\$250) ☐ Planning Board Review (\$500)	Fees Paid (office use) _____ _____		

APPLICATION SUBMISSION:

1. All site plans and written application materials must be submitted electronically on a CD or thumb drive with each plan and each document submitted as separate files. Naming conventions for the individual files can be found on the **Electronic Plan and Document Submittal** page of the City's website at <http://me-portland.civicplus.com/764/Electronic-Plan-and-Documents-Submittal>
2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Building Inspections Office to start the review process.

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

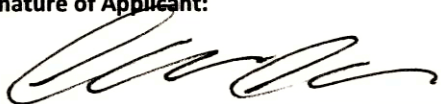
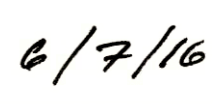
1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-525 2. (c), including evidence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

Please refer to the application checklist (attached) for a detailed list of submission requirements.

APPLICANT SIGNATURE:

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Level III Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

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

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

- Continued on next page -

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

PROJECT DATA

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

Total Area of Site	9,519 sq. ft.
Proposed Total Disturbed Area of the Site	7,173 sq. ft.
If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland.	
Impervious Surface Area	
Impervious Area (Total Existing)	4,036 sq. ft.
Impervious Area (Total Proposed)	6,396 sq. ft.
Building Ground Floor Area and Total Floor Area	
Building Footprint (Total Existing) <i>exist. building</i>	1,030 sq. ft.
Building Footprint (Total Proposed) <i>exist + proposed</i>	2,730 sq. ft.
Building Floor Area (Total Existing) <i>exist. building</i>	1,580 sq. ft.
Building Floor Area (Total Proposed) <i>exist + proposed</i>	8,520 sq. ft.
Zoning	
Existing	B-1
Proposed, if applicable	B-1
Land Use	
Existing	Business
Proposed	Business and Apartments
Residential, If applicable	
# of Residential Units (Total Existing)	0
# of Residential Units (Total Proposed)	4
# of Lots (Total Proposed)	1
# of Affordable Housing Units (Total Proposed)	0
Proposed Bedroom Mix	
# of Efficiency Units (Total Proposed)	0
# of One-Bedroom Units (Total Proposed)	0
# of Two-Bedroom Units (Total Proposed)	2
# of Three-Bedroom Units (Total Proposed)	0
Parking Spaces	
# of Parking Spaces (Total Existing)	5
# of Parking Spaces (Total Proposed)	25 Total (10 on site, 15 leased off site)
# of Handicapped Spaces (Total Proposed)	1 van accessible
Bicycle Parking Spaces	
# of Bicycle Spaces (Total Existing)	0
# of Bicycle Spaces (Total Proposed)	6 Total (2 outdoor, 4 indoor)
Estimated Cost of Project	
	\$1,000,000

June 6, 2016

To: City of Portland Planning Authority
Re: 23 Ocean Mixed Use
Level III Final Application Submission

Narrative

Description of Project

The proposed project includes the construction of a new mixed use building and associated site improvements. The new building consists of offices in the basement and on the first floor. Two 2 bedroom apartments are located on both the second and third floors. The proposed building contains approximately 8,640 square feet. The new building, as proposed, meets all applicable zoning standards. The building will be served by existing underground and overhead utilities. Proposed landscaping is in character with the neighborhood and proposed street trees have been reviewed by the City Arborist. Rain gardens will be constructed to address stormwater on the property (see Civil Stormwater Narrative.)

Evidence of right, title, and interest

See attached warranty deed.

Evidence of State and/or Federal permits

The State Fire Marshall's office requires a Barrier-Free Construction Permits for all new construction of Business occupancy. This project will be reviewed by The State Fire Marshall's Office as part of the building Permit application. No Federal permits are required.

Zoning Assessment

The project site is located at the corner of Ocean Avenue and Hersey Street, and lies within the B-1 Zone.

The lot is in conformance with the Zoning Ordinance. The proposed structure falls within the setback requirements for the property. All zoning requirements established in the B-1 Zone shall be met by this project.

The Owners have a verbal agreement with the Woodford's Club to lease 15 spaces. A formal agreement is currently being prepared

Zone:	B-1 Neighborhood Business Zone.
Legal Description:	129-G-001
Lot size:	0.219 acres (9,519 square feet)
CBL:	129 G001001
Land Use Existing:	Office and Business Service
Land Use Proposed:	Office and Business Service, Multi-Family (4 residential units)

<i>Zoning Regulations</i>	<i>Required-Allowed</i>	<i>Proposed</i>
Min. Lot Area:	none	9,519 sf
Min. Lot Area/Dwelling:	1,000 sf	2,379 sf (9,519 sf / 4 units)
Min. Lot Width:	none	90.59'
Min. Street Frontage:	20'	98.15' on Ocean, 125.48' on Hersey
Front Yard Setback:	10' max.	0'
Side Yard Setback:	none	51'

Rear Yard Setback:	none, 10' at res. zone	37'
Building Height:	35' max.	31' plus rooftop stair enclosure (per Sec. 14-430)
Parking:	8 res., 6 office = 14	10 on site, 15 leased off site at Woodford's Club (Leased parking is 1,164 feet away)
Maximum Impervious:	90%	67.1%

Neighborhood Meeting

A Neighborhood meeting is not required for 4 unit development per Sec.14-52-3.d.(i).

Requests for waivers

We are requesting a reduction of the parking aisle width to 21 feet.

Existing and proposed easements or other burdens

The property at 23 Ocean Avenue is not burdened by any easements of record. The development of 23 Ocean Avenue will include encroachments into the City's airspace over the City owned sidewalks on Ocean Avenue and Hersey Street for the construction of the proposed structure's footings and cornice. The applicant will work with the City's Legal Department to obtain the requisite easement or license from the City for these encroachments into City owned property.

Evidence of Financial and Technical Capacity:

The Owners, Steven and Roberta Cope, are proposing to complete this project utilizing private funds and lending assistance from a Bank or other Financial Institution. The Applicant qualifies for the funds available to complete this project.

The project team consists of a Maine Licensed Architect, a Maine Licensed Landscape Architect, a Maine Licensed Professional Structural Engineer, and a Maine Licensed Civil Engineer. The services of an experienced contractor and sub-contractors will be engaged to execute the construction.

Construction Management Plan:

See construction management plan attachment.

Traffic Analysis

Not required

Significant natural features

The site contains no significant natural areas, wildlife habitat, or archaeological sites to the best of our knowledge.

Stormwater Management Plan:

See stormwater management narrative attachment.

Consistency with City master plans

The housing component of The Comprehensive Plan, City of Portland, Maine titled "Housing, Sustaining Portland's Future" outlines a number of policies which this project is consistent with.

Policy 1 looks to "Ensure an Adequate and Diverse Supply of Housing for All." This project brings housing units built at a density compatible with the neighborhood. The City's goal of adding additional units is supported by this project which introduces four new residential units.

Policy 3 asks for "Neighborhood Stability and Integrity." This project creates new housing within an existing vibrant residential neighborhood thus bolstering its livelihood. The building scale and materials of the neighborhood are respected and reflected in the proposed new structures. This project will be an asset to Woodfords Corner, which is slated for improvements in the near future. This project has access to existing City assets such as public transportation, nearby Payson Park playground and fields, Baxter Woods, Back Cove Trail, Ocean Avenue School, and various retail outlets.

Policy 5 encourages "Sustainable Development." This project aids the City's goal to achieve and maintain a 25% share of Cumberland County's population by creating new multi-family housing. Three adjacent bus lines, M2, M4, and Lakes Region Bus, fulfill the desire for Transit Oriented Development. As outlined above, the project site is within walking distance of many community, recreation, and retail amenities.

As the report points out "Portland has limited vacant land suitable for development, thus redevelopment options are the primary opportunities for creating new housing." The proposed project assists Portland in tackling the challenge of increased population and density within the City.

This project will bolster the goals of The Woodford's Corner Public Improvement Plan. The goals of the plan are that *"public improvements to Woodford's Corner build on the vision from the Transforming Forest Avenue plan to promote livability, economic vibrancy and mobility in Woodford's Corner. Building on the assets already existing in the area, the plans will provide better pedestrian and bicycle crossings, new street furnishings and public spaces, better transit routing, and better traffic circulation."* This project will introduce new residents and business to support the continued growth of Woodford's Corner neighborhood in Portland.

Evidence of Utilities Capacity to Serve:

Capacity to serve documents have been applied for. See attachment.

Solid Waste management Plan:

The proposed building will be served by the City of Portland curbside trash and recycling collection. Tennants will be informed of collection day and appropriate interim on-site storage of waste and recycling.

Summary of Fire Safety

The building is accessible to emergency vehicles from both Ocean Avenue and Hersey Street. There is a fire hydrant located near the intersection of Ocean and Hersey. The information requested on the Portland Fire Department Site Review Checklist is included on the attached Fire Department Code Review drawings and exterior elevation sheets.

Consistency with Design Standards

This project is within the B-1 zone and subject to the "B-1 and B-1B neighborhood Business and B-2 and B-2B Commercial Business Zone" standards and guidelines as described in the City of Portland Design Manual.

Standard a – Urban Street Wall (Guideline 1 Location and Form, Guideline 7 – Development Relationship to Street): The new building is set close to the property lines and creates a strong definition of the urban street wall. It is intended that this building expand the urban nature of Woodford's Corner and begin its transition to Ocean Avenue. This structure will reinforce the street wall which has been left vacant by the chain pharmacy across Ocean Ave. and the fast food restaurant across Hersey St. The three story height is sufficient to define a “room-like” street.

Standard b – Mixed Uses (Guideline 2 Building Function): This project contains a mix of residential and office uses.

Standard c – Building Entrances (Guideline 3 Orientation of Building and their Entrances to the Street): The building entrances are directly accessible from the sidewalk on Ocean Avenue via an entry court that serves both the existing and new building. The entrances to the offices are closest to Ocean Avenue, while the entrance to the residences is set a bit further back within the entry court. Canopies announce the locations of entry.

Standard d – Windows (Guideline 4 Windows): Facades along both streets contain generous window openings. The windows along the sidewalk strike a balance between displaying some of the life inside the building to create an active presence on the sidewalk and the privacy desired by the office tenants. Reflective glass will not be specified.

Standard e – Facade Character (Guideline 5 Building Character, Detail, Scale, and Graphic Qualities): The windows along the sidewalk strike a balance between displaying some of the life inside the building to create an active presence on the sidewalk and the privacy desired by the office tenants. Canopies announce the locations of entry. The building is clad with brick at the base that will provide an accent to horizontal painted metal siding above.

Standard f – Building Design (Guideline 5 Building Character, Detail, Scale, and Graphic Qualities): The scale of the building is in character with its location on the edge between a residential neighborhood and the busy commercial and transportation thoroughfare of Forest Avenue.

Standard g – Building Materials (Guideline 5 Building Character, Detail, Scale, and Graphic Qualities): The facades of the building is clad with brick at the base and a horizontal painted metal siding above. The horizontal metal siding will create a scale and texture evocative of the wood clapboard siding in the nearby residences, but will be free of the maintenance burden of wood siding.

Standard h – Scale (Guideline 5 Building Character, Detail, Scale, and Graphic Qualities): The building scale is compatible with surrounding residential structures. Structures nearby include large multi-family homes, Triple Decker apartment buildings and modest single family houses. In general, the larger structures are located on or near Ocean Avenue. The scale of the structure is suitable to its location on the corner of Ocean Avenue and Hersey Street.

Standard i – Landscape Buffers: The north side of the property will retain the majority of its existing vegetation. The east side of the property that borders the nearest residence on Hersey Street will be planted to screen the parking area. The building form is chamfered away from the acute geometry of the intersection of Ocean and Hersey to create a small planting area. New street trees will be added along Ocean and Hersey. The entrance court between the existing and new building will also be landscaped.

Guideline 6 Signage and Building Entrances: Building signage will be located at the sidewalk on Ocean Avenue adjacent to the entry court.

Guideline 7 Development Relationship to the Street: see description at “Standard a” above

Guideline 8 Parking Lots: A landscape buffer will screen the parking lot from the adjacent residential neighbor. The parking located below the building overhang will be screened from Hersey Street with a green screen of trellis and climbing plants. The building overhang provides a covered route from the accessible parking space to a building entrance.

Guideline 9 Transit Connections: The project is located near three bus lines, M2, M4, and Lakes Region Bus.

Manufacturer's verification of HVAC system emission requirements:

All mechanical equipment will be energy efficient sealed combustion units that meet or exceed all Local, State, and Federal emission and sound requirements. The HVAC equipment will meet the energy efficiency requirements of the International Energy Conservation Code (2009 IECC).

Site Plan Submittal

See attached Landscape Architecture Drawings and Civil Engineering Drawings.

Architectural Submittal

See attached Architectural Drawings.

WARRANTY DEED

KNOW ALL BY THESE PRESENTS, That STEPHEN D. SEWALL, of Portland, County of Cumberland and State of Maine,

in consideration of One Dollar and other valuable considerations,

paid by STEVEN E. COPE and ROBERTA S. COPE, as joint tenants, of Portland, in the County of Cumberland and State of Maine,

whose mailing address is: P.O. Box 1398, Portland, Maine 04104,

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said STEVEN E. COPE, his heirs and assigns forever.

A certain lot or parcel of land, with the buildings thereon, situated in the City of Portland, County of Cumberland and State of Maine, at the corner formed by the intersection of the easterly side of Ocean Avenue with the northerly side of Hersey Street, bounded and described as follows:

Beginning on said easterly side of Ocean Avenue at the southwesterly corner of land now or formerly of G.C. Codman; thence running easterly by said Codman land eighty-six (86) feet, more or less, to land now or formerly of Wilbur Trask; thence southerly by said Trask land and on a line at right angles to said Hersey Street ninety (90) feet to said Hersey Street; thence westerly by said Hersey Street one hundred twenty-four (124) feet, more or less, to said Ocean Avenue; thence northeasterly by said Ocean Avenue to the point of beginning.

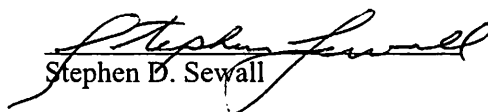
Being the same premises conveyed to Stephen D. Sewall by Friends of Day One by deed dated March 5, 1998 and recorded in the Cumberland County Registry of Deeds in Book 13647, Page 317.

TO HAVE AND TO HOLD the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said STEVEN E. COPE, his heirs and assigns, to them and their use and behoof forever.

And I do covenant with the said Grantee, his heirs and assigns, that he is lawfully seized in fee of the premises, that they are free of all encumbrances, that he has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that he and his heirs and assigns shall and will warrant and defend the same to the said Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said Stephen D. Sewall, being the said Grantor, has hereunto set his hand and seal this 22nd day of December, 2015.

Signed, Sealed and Delivered
in the Presence of:


Stephen D. Sewall

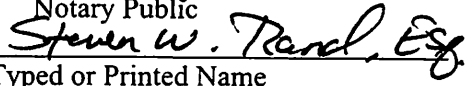
State of Maine
County of Cumberland, ss.

December 22, 2015

Then personally appeared the above-named Stephen D. Sewall and acknowledged the foregoing instrument to be his free act and deed.

Before me,



Notary Public


Typed or Printed Name
My Commission Expires: n/A

June 6, 2016

To: City of Portland Planning Authority
Re: 23 Ocean Mixed Use
Level III Final Application Submission

Construction management Plan

1.0 GENERAL

1.1 PURPOSE

The purpose of this Construction Management Plan Manual is to provide a consistent policy under which certain physical aspects of construction management will be implemented. These standards cannot anticipate all situations. They are intended to assist, but not to substitute for competent work by design and construction professionals. The construction management plan will be kept on site.

1.2 APPLICABILITY

This manual shall govern the construction and development of a new mixed use building at 23 Ocean Avenue in Portland Maine.

2.0 PROJECT LOCATION

2.1 DISTURBANCE AREA

The Landscape Plan describes and computes the total project disturbance area. Soil disturbance shall be kept to a minimum. Construction staging and phasing shall occur, where applicable, to minimize soil disturbance time.

2.2 LOCATION

23 Ocean Avenue, Portland ME

3.0 PROJECT DOCUMENTATION

3.1 PERMITS / OTHER DOCUMENTS

The contractor shall maintain all applicable local, state and federal licenses and permits that apply to the construction project.

3.2 PUBLIC NOTIFICATION

All public notification required by the City of Portland will be provided.

3.3 PROJECT SIGN

A project sign may be constructed and posted that may include the contractors name, the architects name, a project description, contact information, and any other applicable project information.

3.4 CONTACT DESIGNATION

The Final Application documents and building permit drawings shall include all applicable contact information.

4.0 PROJECT IMPLEMENTATION

4.1 DATES OF CONSTRUCTION

Dates of construction shall be specified in the Plan. Any work being performed within City ROW shall be completed as per the City of Portland Right of Way requirements.

4.2 HOURS OF CONSTRUCTION

Construction hours shall be limited to 7am – 5pm Monday through Friday and 9am – 5pm on Saturday. No construction is permitted on Sundays, 4th of July day and/or weekend if it falls on a Friday or Monday, Memorial

Day and Labor Day weekends, Thanksgiving Day, Christmas Day, and New Year's Day. During Presidents Day and during the Christmas week (12/26-12/31)

4.3 SEQUENCE (PHASING) OF CONSTRUCTION

A construction schedule including all project phasing shall be available from the contractor upon request.

4.4 ADJOINING PROPERTIES

No person shall excavate on land close enough to a property line to endanger any adjacent public street, sidewalk, and alley, other public or private property, or easement, without supporting and protecting the property from any damage that might result from construction operations.

4.5 PROJECT FENCING

All construction areas shall have a non-removable construction fence or other approved device securely placed around the areas to be protected. The fence shall be six feet (6') in height and constructed out of chain-link fence.

5.0 PARKING MANAGEMENT

5.1 EMERGENCY VEHICLE ACCESS

The contractor shall maintain continuous emergency vehicle access, on and around site, including but not limited to police, fire, and ambulance services.

5.2 CONSTRUCTION PARKING DETAILS

Specific construction parking may be provided on site or on street in compliance with the City parking regulations. Subcontractors will be encouraged to carpool whenever possible.

5.3 STAGING AREAS

Material and equipment staging will be accommodated within the project site.

5.4 CONSTRUCTION TRAILER, MATERIALS STORAGE, AND WASTE MANAGEMENT

There will be no job site trailer installed. Materials will be stored on site. Management of both construction waste and recycling will be accommodated on site or on an adjacent parcel upon agreement with the Owner.

6.0 TRAFFIC CONTROL

6.1 GENERAL

All traffic control operations shall be managed by the general contractor.

6.2 DELIVERY REQUIREMENTS

Deliveries to the project site will be via the public way. Cones, flagging, or traffic direction will be deployed as necessary to alert normal vehicle traffic.

7.0 PEDISTRIAN PROTECTION

7.1 GENERAL

Signage directing pedestrians to use the sidewalk on the opposite side of Ocean Avenue or Hersey Street will be posted throughout construction or at such times as necessary for safe pedestrian passage.

8.0 SEDIMENT AND EROSION CONTROL

8.1 REQUIREMENTS

A Storm Water Pollution Prevention Plan has been submitted as part of the City of Portland Site Plan Approval process.

9.0 EMISSIONS

9.1 GENERAL

All vehicles and equipment used on site will be properly maintained such that the engines will function within manufacture's standards or parameters.

9.2 IDLING

Contractors, Subcontractors, delivery drivers, and other visitors will be requested to observe a no idling policy.

10.0 NOISE SUPPRESSION

10.1 GENERAL

All construction equipment shall be adequately muffled and maintained to minimize project noise. The installation of noise barriers will be used to suppress noise when necessary. Portable loud equipment including generators, compressors, and cement mixers shall be located on the property to reduce impacts on individual neighbors. The use of radios on the site before 8:00 am is not allowed.

June 6, 2016

To: City of Portland Planning Authority
Re: 23 Ocean mixed use
Level III Final Application Submission

Fire Department Checklist

Applicant:

Steven & Roberta Cope
 23 Ocean Avenue Associates, LLC
 PO Box 1398
 Portland, ME 04104
 207-415-5833

Architect:

Kevin Moquin Architect, LLC
 29 Bedell St.
 Portland, ME 04103
 207-615-6421
 kevin@km-a.me

Use:

IBC=Business B & residential R-2
 NFPA=Business (ch 38) & Apartment Building (ch 30)

Construction type: V-B, sprinklered

Building Elevations: see sheet A2.1

Occupant load (table 14.8.1.2):
 49 total occupants

Basement = 10 occupants	
Office 900 sf @ 100 sf/occ.	9 occupants
Storage 220 sf @ 500 sf/occ	1 occupant

First floor = 15 occupants	
Office 1,500 sf @ 100 sf/occ.	15 occupants

Second floor = 12 occupants	
Apartments 2,300 sf @ 200 sf/occ.	12 occupants

Third floor = 12 occupants	
Apartments 2,400 sf @ 200 sf/occ.	12 occupants

Square footage (gross)

Basement	1,700
First floor	1,700
Second floor	2,620
Third floor	2,620
Total	8,640

Fire protection:

Sprinkler system to be type 13 R system.

Smoke alarms shall be interconnected such that the activation of one alarm will activate all alarms in the individual unit. Smoke alarms shall receive their primary power from the building wiring and shall be equipped with a battery backup.

Hydrants: Near corner of Ocean Ave. and Hersey St. and located on site plan.

Water main: size and location is shown on site plan.

Access to structure: the building is accessible by equipment from the front on Ocean Avenue, from Hersey Street on the south side and from the parking area at the rear side.

Door and wall ratings from NFPA 101 table 8.3.4.2 & NFPA 1 section 14.3.1

One exit from each dwelling unit IBC 1021.1(ex.4) & table 1021.2, NFPA 101-30.2.4.4

Emergency lighting not required NFPA 101-30.2.9



July 20, 2016

City of Portland, Planning Division
389 Congress Street, 4th Floor
Portland, ME 04101

RE: Mr. Steven Cope and Mrs. Roberta Cope, 23 Ocean Avenue

To whom it may concern:

Biddeford Savings is pleased to entertain a request for financing by **Steven Cope & Roberta Cope** on the development of 4 residential units and commercial space at 23 Ocean Avenue, Portland Maine. Steven and Roberta are customers in good standing and have the track record to engage in a project of this size.

The Bank is currently entertaining financing of the above referenced project and based on the current information on the project and subject to completion of underwriting and approval I am supportive of the request and it is my view that the Copes have the financial capacity and wherewithal to complete the proposed project.

If you have any questions or comments regarding this letter, please call me at 571-5673, or send an e-mail to djones@biddefordsavings.com.

Sincerely,



Doug Jones
Vice President
Business Banking Officer



Member FDIC



Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

June 27, 2016

Mr. John Mahoney
Ransom Consulting, Inc.
400 Commercial Street Suite 404
Portland, ME 04101

Re: 23 Ocean Avenue - Portland
Ability to Serve with PWD Water

Dear Mr. Mahoney:

The Portland Water District has received your request for an Ability to Serve Determination for the noted site submitted on June 2, 2016. Based on the information provided, we can confirm that the District will be able to serve the proposed project as further described in this letter.

Conditions of Service

The following conditions of service apply:

- A new 4-inch fire service and 2" domestic service may be installed to the new building from the water main in Hersey Street as shown on a plan entitled Utility Plan for 23 Ocean Avenue. We will need written confirmation from the sprinkler designer that the 2" domestic service tapped off the 4" service is acceptable.
- Based on the fixture count you provided, we have calculated a peak flow of 35 gallons per minute. A 1-inch meter will be adequate for this demand.
- The existing ¾-inch service (SV279107) to that parcel will continue to serve the existing building.
- Water District approval of water infrastructure plans will be required for the project prior to construction. As your project progresses, we advise that you submit any preliminary design plans to MEANS for review of the water main and water service line configuration. We will work with you to ensure that the design meets our current standards.
- Once the final plans are approved and the project is ready for construction, the owner or contractor will need to make an appointment to come in and complete a service application form and pay the necessary fees.



Existing Site Service

According to District records, the project site does currently have existing water service. A 3/4-inch diameter copper water service line, located as shown on the attached water service card, provides water service to this site. Please refer to the "Conditions of Service" section of this letter for requirements related to the use of this service.

Water System Characteristics

According to District records, there is an 12-inch diameter cast iron water main on the southeast side of Ocean Avenue, an 8-inch diameter cast iron water main on the north side of Hersey Street and a public fire hydrant located at the site. Recent flow data is not available in this area. The most recent static pressure reading was 90 psi on April 21, 2015.

Public Fire Protection

The installation of new public hydrants to be accepted into the District water system will most likely not be required. It is your responsibility to contact the Portland Fire Department to ensure that this project is adequately served by existing and/or proposed hydrants.

Domestic Water Needs

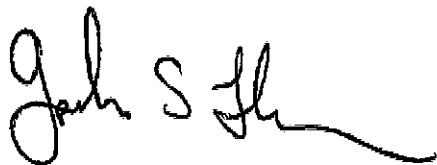
The data noted above indicates there should be adequate pressure and volume of water to serve the domestic water needs of your proposed project. Based on the high water pressure in this area, we recommend that you consider the installation of pressure reducing devices that comply with state plumbing codes.

Private Fire Protection Water Needs

You have indicated that this project will require water service to provide private fire protection to the site. Please note that the District does not guarantee any quantity of water or pressure through a fire protection service. Please share these results with your sprinkler system designer so that they can design the fire protection system to best fit the noted conditions. If the data is out of date or insufficient for their needs, please contact MEANS to request a hydrant flow test and we will work with you to get more complete data.

If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District

A handwritten signature in black ink, appearing to read "Gordon S. Johnson", with a long, sweeping underline.

Gordon S. Johnson
Engineering Services Manager

23 Ocean St.

SERVICE RECORD

NO.

REG. NO. 51279107

ST. DIVISION 027

Name

Name

Name

Name

Name

Name

Name

Name

SERVICE DATA

MEASURES

Size of Pipe 3/4"

Kind of Pipe Copper

Main to Stop 15'

Stop to St. Line 8'

Date

5-27-35

Mat. on Private

Copper

Depth/Main

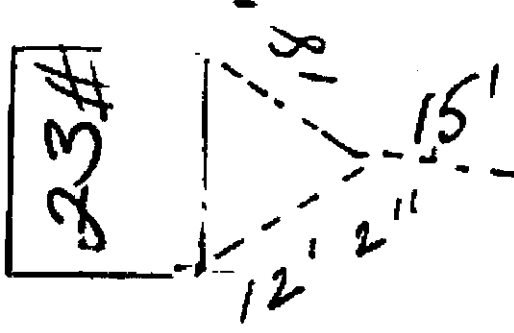
5' 5" ft

Depth/Private

6' 0"

Shut at Corp.

07





Consulting
Engineers
and Scientists

23 Ocean Avenue Stormwater Management Narrative

Date: June 2, 2016
From: John Mahoney, P.E.
Peer Review: Stephen J. Bradstreet, P.E.
Location: 23 Ocean Avenue, Portland, Maine

Existing Conditions:

The site is a 9,519 SF (.22 acres) acre parcel located at 23 Ocean Avenue, which is located at the northeast corner of the intersection of Ocean Avenue and Hersey Street. The parcel is currently occupied by a 1,222 square-foot office building, parking area, and lawn. The parcel drains from northwest to southeast with a change in elevation of approximately four feet.

Stormwater runoff currently drains across the lawn area to the existing paved parking lot to the southeast. The site is graded such that stormwater runoff concentrates in the southeast corner. Runoff exits the site through the existing driveway into the public right-of-way on Hersey Street. Runoff then flows down the Hersey Street gutter for approximately 300 feet then into a catch basin that is connected to a 15" combined sewer.

The existing drainage systems on Ocean Avenue and Hersey Street are currently combined sanitary sewer and stormdrain systems.

Based on the Cumberland County USDA soil survey GIS data, the existing soils on this site are hydrological group C & D, moderately to somewhat poorly drained.

Proposed Development:

The owner is proposing to continue the use of the existing building as office space and to construct a mixed-use building with four two-bedroom apartments and eight offices. The proposed development will result in a moderate increase in the impervious area.

Stormwater Management – Basic Standards:

Erosion and sedimentation control measures are detailed and described on Sheets C1 - C3. Good housekeeping practices shall be in accordance with Maine DEP Best Management Practices. A post

construction stormwater management plan and a stormwater BMP inspection and maintenance log are included with this submission.

Stormwater Management - Quality:

We are proposing to install pervious pavers in the patio between the buildings and at the driveway entrance, to construct two rain gardens and to install an underdrained roof drain collection system in order to capture and infiltrate stormwater runoff.

Approximately one third of the parking lot, half the existing building's roof and a portion of the property to the north will drain overland to a shallow rain garden situated on the eastern lot boundary. Overflow from this rain garden will be directed to the rain garden at the southeastern corner, allowing for two opportunities for stormwater quality improvement. The site is graded such that the entire parking area is directed to this second deeper rain garden. We have included a strip of pervious pavers (pitched away from Hersey Street at the driveway entrance to capture stormwater and direct it towards the rain garden before it can leave the site.

The entire roof of the proposed building and the southern half of the roof of the existing building will be piped into an underdrain system with 12" of crushed stone storage below the pipe. This underdrain system will daylight to the rain garden in the southeast corner. The proposed building's foundation drainage will be collected and pumped to this underdrain system and daylight to the same rain garden area. During larger storm events, when the capacity of the rain gardens and stone storage is exceeded, stormwater will overflow from the rain garden in the southeast corner through the driveway into the Hersey Street gutter as it does now.

Because the water from the entire site flows to this southeast corner and because the site's soils are not well drained, it is our opinion that it will be necessary to underdrain the rain garden in the southeast corner. We are proposing to connect this underdrain to the 8" combined sewer in Hersey Street because it is the only viable option. This underdrain will be significantly lower than and separated from the roof drain conveyance system by 18" of sand (Underdrain Type B Backfill MDOT 703.22), which will dramatically reduce the rate of discharge into the combined sewer and reduce pollutant loads.

Stormwater Management - Quantity:

In our opinion, the combination of collecting and treating stormwater prior to discharging to the combined sewer on Hersey Street will reduce the site's contribution to surface drainage on Hersey Street during typical precipitation events. Due to the size of the property and the existing drainage patterns, meeting the flooding standard would require underground storage and piping a significant amount of surface runoff directly into the combined system. For these reasons, we are requesting a waiver to the flooding standard. Installation of the proposed stormwater management measures on this property will also facilitate connection to separated storm drain in the event that the City undertakes separation of storm drain and sewer on Hersey Street.

23 Ocean Avenue: Post-Construction Stormwater Compliance Requirements

The Applicant shall maintain the BMPs in accordance with the approved plan and shall demonstrate compliance with the plan as follows:

- (a) *Inspections.* The owner or operator of a BMP shall hire a qualified post-construction stormwater inspector to at least annually, inspect the BMPs, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, rain gardens, pervious pavers, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved post- construction stormwater management plan.
- (b) *Maintenance and repair.* If the BMP requires maintenance, repair or replacement to function as intended by the approved post-construction stormwater management plan, the owner or operator of the BMP shall take corrective action(s) to address the deficiency or deficiencies as soon as possible after the deficiency is discovered and shall provide a record of the deficiency and corrective action(s) to the department of public services ("DPS") in the annual report.
- (c) *Annual report.* The owner or operator of a BMP or a qualified post-construction stormwater inspector hired by that person, shall, on or by June 30 of each year, provide a completed and signed certification to DPS in a form provided by DPS, certifying that the person has inspected the BMP(s) and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they require maintenance or repair, including the record of the deficiency and corrective action(s) taken.
- (d) *Filing fee.* Any persons required to file an annual certification under this section shall include with the annual certification a filing fee established by DPS to pay the administrative and technical costs of review of the annual certification.
- (e) *Right of entry.* In order to determine compliance with this article and with the post-construction stormwater management plan, DPS may enter upon property at reasonable hours with the consent of the owner, occupant or agent to inspect the BMPs.

23 Ocean Avenue: Stormwater BMP Inspection and Maintenance Log

The City of Portland, ME requires ongoing annual inspections to ensure the proper maintenance and operation of stormwater management facilities.
Inspections must be conducted by third parties qualified by the City.

A. General Information

Use only one Cover Sheet per site with as many specific structural BMP Inspection Report attachments as needed. Attach required color digital photos of site, structures and devices as applicable with captions.

Project Name:	23 Ocean Avenue	Inspection Date:	
Parcel Map, Block and Lot:	129 G001	Current Weather:	
BMP Owner:	Steven & Roberta Cope	Date / Amount Last Precip:	
Owner Mailing Address:	172 Concord Street Portland, ME 04103	3PI Company:	
Owner Phone #:	(207) 939-3326	3PI Mailing Address:	
Owner Email:	adcope1@yahoo	Inspector Name:	
		Inspector Phone #:	
		Inspector Email:	

B. Inspection Report Attachments

Please document the number of each structural BMP type found at this site in the blank spaces provided below. Use additional Attachments if / as needed and submit all Attachments together with the Cover Sheet as a single report.

BMP Type	Number BMPs at site
Vegetated Areas	-
Rain Garden Areas	2
Parking-Driveway Area	1
Stormdrain (Roof Drain) Outlets	1
Pervious paver areas	2

Other (describe

C. Inspection Results

FAIL**

☐

** If any one item on an Inspection Report attachment is coded as "Work Needed" then entire BMP fails inspection.

** If a site has multiple BMPs and one fails inspection, mark as "Fail" until all BMPs pass inspection.

Note: Applicable BMP Inspection Reports and confirmatory color digital photos summarizing required repairs must be submitted to the City following completion of the preliminary inspection. A re-inspection and certification must be completed within 60 days of the failed preliminary report. It is recommended that the inspector be part of the repair / maintenance process to ensure that repairs are performed properly.

PASS

☐

Note: a qualified professional (as determined by the City) must sign below and include all applicable Inspection Report attachments and confirmatory digital color photos with captions.

D. Professional Certification (as qualified by City of Portland Stormwater Program Coordinator)

To be completed only when all BMPs at this site are functioning as designed with no outstanding maintenance issues.

I, _____, as a duly qualified third party inspector attest that a thorough inspection has been completed for ALL applicable BMPs that are associated with this particular site. All inspected structural BMPs are performing as designed and intended and are in compliance with the provisions of the City Portland's Standards

Signature: _____

Date: _____

Form Adapted from the City of South Portland's Annual Structural BMP Inspection Report Cover Sheet

	Date:
General Information	Observations
Inspection duration (hours)	
Days since last precipitation	
Quantity of last precipitation (in)	
Type of inspection	
Storm event	
Current weather	
Photos taken	☐ Yes ☐ No ☐ NA
Nearby natural resources	☐ Yes ☐ No ☐ NA
Copy of ESC plan	☐ Yes ☐ No ☐ NA
MEDEP Permit # (if applicable)	
General info notes	
Vegetated Areas	Observations
No bare areas (< 90% covered) with sparse growth	☐ Yes ☐ No ☐ NA
No erosion	☐ Yes ☐ No ☐ NA
Vegetated area notes	
Stormdrain (roof drain) outlets	Observations
Accumulated sediments and debris at the outlet and within the conduit have been removed.	☐ Yes ☐ No ☐ NA
Erosion damage at the outlet have been repaired	☐ Yes ☐ No ☐ NA
Outlet notes	
Pervious Pavers	Observations
Pavers observed to be free draining and clear of sediment and debris.	☐ Yes ☐ No ☐ NA
Sediment and debris removed with shop vacuum	☐ Yes ☐ No ☐ NA
Pervious Paver Notes: Pervious pavers should be cleaned of leaf matter by using a blower. Sweeping is inferior as it will only push material into the gaps. Sanding of pervious paver surfaces should be minimized because sand will collect in the gaps and clog the pavers. The pervious paved surface should be inspected annually and during rain events. If the gaps are observed to be clogged then sediment/debris will need to be removed by vacuuming.	
Rain Garden Areas	Observations
Accumulated sediments and debris (trash) within the infiltration area have been removed and legally disposed of	☐ Yes ☐ No ☐ NA
Sediment forebays are clear of debris	☐ Yes ☐ No ☐ NA
Grades as shown on the Drainage & Utilities Plan – C1 have been retained	☐ Yes ☐ No ☐ NA
Plantings are healthy	☐ Yes ☐ No ☐ NA

Rain Garden Notes

The rain garden areas are planted depressions intended to slow and infiltrate stormwater run-off and it is critical that they not be filled in. Sediment forebays must be clear of debris and mulch must be replaced annually.

Parking/Driveway Area

Accumulated winter sand has been cleared	☐ Yes	☐ No	☐ NA
Pavement swept to help remove sediment	☐ Yes	☐ No	☐ NA
No stormwater is impeded by accumulations of material	☐ Yes	☐ No	☐ NA

Notes:**Other Comments****Observations**

Corrective action needed	☐ Yes	☐ No	☐ NA
--------------------------	------------------------------	-----------------------------	-----------------------------

If corrective action is needed, please explain detail

Verbal notification provided to responsible party	☐ Yes	☐ No
---	------------------------------	-----------------------------

Verbal notification contact	
-----------------------------	--

Follow up required	☐ Yes	☐ No
--------------------	------------------------------	-----------------------------

Final comment notes

Photos (use additional pages as needed)

Review Notes

Date Reviewed:
Reviewed by:
Date entered:
Date edited:
Edited by:

23 Ocean Avenue, Portland, Maine

**STORMWATER DRAINAGE SYSTEM
MAINTENANCE AGREEMENT AND
RELEASE FROM LIABILITY**

IN CONSIDERATION OF the site plan and subdivision approval granted by the Planning Board of the City of Portland to a plan entitled **23 Ocean Avenue: Utility & Stormwater Management Plan** prepared for **Steven & Roberta Cope**, by **Ransom Consulting, Inc.** dated **[REDACTED], 2016** recorded in the Cumberland County Registry of Deeds in Plan Book **[REDACTED]**, Page **[REDACTED]** (the “Plan”) and pursuant to a condition thereof, **Steven & Roberta Cope** (owner) having a mailing address of **172 Concord Street, Portland, Maine 04103**, the owner of the subject premises, does hereby agree, for itself, its successors and assigns (the “Owner”), as follows:

Maintenance Agreement

That it will, at its own cost and expense and at all times in perpetuity, maintain in good repair and in proper working order the stormwater drainage system, as shown on said plan, including but not limited to the **rain gardens, roof drain outlets, and pervious pavers** in strict compliance with the Maintenance of Facilities as described in **23 Ocean Avenue Stormwater Management Narrative and the 23 Ocean Avenue Stormwater Inspection and Maintenance Log** (Stormwater Management Plan) dated **[REDACTED], 2016** and Chapter 32 of the Portland City Code. Owner of the subject premises further agrees to keep a Stormwater Maintenance Log that will be made available for inspection by the City of Portland upon reasonable notice and request.

This Agreement is for the benefit of the said City of Portland and all persons in lawful possession of the property; further, that the said City of Portland may enforce this Agreement by an action at law or in equity in any court of competent jurisdiction; further, that after giving the Owner written notice as described in this Agreement, and a stated time to perform, that the said City of Portland, by its authorized agents or representatives, may, but is not obligated to, enter upon the property in question to maintain, repair, or replace said stormwater drainage system, including but not limited to the **rain gardens, roof drain outlets, and pervious pavers** thereon in the event of any failure or neglect thereof, the cost and expense thereof to be reimbursed in full to the said City of Portland by the Owner upon written demand. Any funds owed to the City under this paragraph shall be secured by a lien on the property.

This Agreement shall bind the undersigned only so long as it retains any interest in said premises, and shall run with the land and be binding upon the Owner's successors and assigns as their interests may from time to time appear. The Owner agrees to provide a copy of this Agreement to any successor or assign and to forward to the City an Addendum signed by any successor or assign in which the successor or assign states that the successor or assign has read the Agreement, agrees to all its terms and conditions.

For the purpose of this Agreement the real estate shown by chart, block and lot number in the records on file in the City Assessor's office shall constitute "the property" that may be entered by the City and liened if the City is not paid all of its costs and charges following the mailing of a written demand for payment to the Owner pursuant to the process and with the same force and effect as that established by 36 M.R.S.A. §§ 942 and 943 for real estate tax liens.

Any written notices or demands required by this Agreement shall be complete on the date the notice is mailed to the owner of record as shown on the tax roles on file in the City Assessor's Office. If the property has more than one owner on said tax rolls, service shall be complete by mailing it to only the first listed owner. The failure to receive any written notice required by this Agreement shall not prevent the City from entering the property and performing maintenance or repairs on the stormwater system, or any component thereof, or liening it or create a cause of action against the City.

Dated at Portland, Maine this _____ day of _____, 20__.

By: _____
Its: _____

STATE OF MAINE
CUMBERLAND, ss.

Date: _____

Personally appeared the above-named _____, and acknowledged the foregoing instrument to be his/his free act and deed in his/her said capacity, and the free act and deed of said _____.

Before me,

Notary Public/Attorney at Law

Print name: _____

23 Ocean Avenue Pre-Development & Post Development Stormwater Calculations

Date: October 12, 2016
From: John Mahoney, P.E.
Location: 23 Ocean Avenue, Portland, Maine

Existing Conditions:

The site is a 9,519 SF (.22 acres) acre parcel located at 23 Ocean Avenue, which is located at the northeast corner of the intersection of Ocean Avenue and Hersey Street. The parcel is currently occupied by a 1,222 square-foot office building, parking area, and lawn. The parcel drains from northwest to southeast with a change in elevation of approximately four feet.

Stormwater runoff currently drains across the lawn area to the existing paved parking lot to the southeast. The site is graded such that stormwater runoff concentrates in the southeast corner. Runoff exits the site through the existing driveway into the public right-of-way on Hersey Street. Runoff then flows down the Hersey Street gutter for approximately 300 feet then into a catch basin that is connected to a 15" combined sewer.

The existing drainage systems on Ocean Avenue and Hersey Street are currently combined sanitary sewer and stormdrain systems.

Proposed Development:

The owner is proposing to continue the use of the existing building as office space and to construct a mixed-use building with four two-bedroom apartments and eight offices. The proposed development will result in a moderate increase in the impervious area.

The existing site impervious area is: 4,036 SF
The new site impervious area is: 6,188 SF

Estimated increase in impervious area: 2,152 SF

Stormwater Management - Quantity:

The attached stormwater calculations were developed using HydroCAD 10.0 and are based on existing and proposed topography, existing and proposed impervious areas, soil Hydrologic Group and land cover information. The model utilizes 24-hour duration, Type III storms for 2-year, 10-year, 25-year, 50-year and 100-year return periods. The attached figures show the locations of our analysis points. The existing condition is that the entire site drains to Analysis Point 1. The proposed condition is that the roof from the new building will drain to the existing catch basin on Ocean Avenue near the intersection of Hersey (Analysis Point 2), while the remaining portion of the site will drain to Hersey Street (Analysis Point 1)

Storm Event	PRE-Development Peak Runoff RATES cubic feet per second (CFS)	
	Analysis Point 1 (Hersey Street Gutter)	Analysis Point 2 (Ocean Avenue Catch Basin)
2-year Storm (3.19 inches)	0.52	-
10-year Storm (4.77 inches)	0.89	-
25-year Storm (6.01 inches)	1.18	-
50-year Storm (7.66 inches)	1.45	-
100-year Storm (8.54 inches)	1.77	-

Storm Event	POST-Development Peak Runoff RATES cubic feet per second (CFS)	
	Analysis Point 1	Analysis Point 2
2-year Storm (3.19 inches)	0.38	0.21
10-year Storm (4.77 inches)	0.64	0.31
25-year Storm (6.01 inches)	0.85	0.39
50-year Storm (7.66 inches)	1.03	0.47
100-year Storm (8.54 inches)	1.26	0.56

As shown indicated above, the peak flow rates discharging to Hersey Street will decrease for all storm events. This is because both the total area and impervious area draining to Hersey Street are proposed to decrease.

The City has asked us to redirect drainage from this site to Ocean Avenue so it can be connected to a new separated stormdrain system, proposed to be installed in the near future. Because the entire property currently drains to Hersey Street, the proposed discharge rates to Ocean Avenue (Analysis Point 2) are increases as shown above.

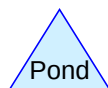
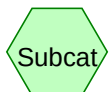
It is our understanding that the proposed stormdrain system will be will be designed to convey area stormwater flows. After the separated drainage system is installed, this project will have zero impact on the Ocean Avenue combined sewer and as mentioned above, flow rates to Hersey will decrease. For these reasons, we are requesting either a waiver of the flooding standard or a determination that the flooding standing has been met.

A-1

Analysis Point 1

1S

Entire Site



23Ocean_PRE-Development_2016-10-12

Prepared by Ransom Consulting

HydroCAD® 10.00-12 s/n 05121 © 2014 HydroCAD Software Solutions LLC

Printed 10/12/2016

Page 2

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
0.126	80	>75% Grass cover, Good, HSG D (1S)
0.093	98	Paved parking & roofs (1S)
0.219	88	TOTAL AREA

23Ocean_PRE-Development_2016-10-12

Prepared by Ransom Consulting

HydroCAD® 10.00-12 s/n 05121 © 2014 HydroCAD Software Solutions LLC

Printed 10/12/2016

Page 3

Soil Listing (all nodes)

Area (acres)	Soil Group	Subcatchment Numbers
0.000	HSG A	
0.000	HSG B	
0.000	HSG C	
0.126	HSG D	1S
0.093	Other	1S
0.219		TOTAL AREA

23Ocean_PRE-Development_2016-10-12

Prepared by Ransom Consulting

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Printed 10/12/2016

Page 4

Ground Covers (all nodes)

HSG-A (acres)	HSG-B (acres)	HSG-C (acres)	HSG-D (acres)	Other (acres)	Total (acres)	Ground Cover	Subcatchment Numbers
0.000	0.000	0.000	0.126	0.000	0.126	>75% Grass cover, Good	1S
0.000	0.000	0.000	0.000	0.093	0.093	Paved parking & roofs	1S
0.000	0.000	0.000	0.126	0.093	0.219	TOTAL AREA	

Time span=2.00-20.00 hrs, dt=0.02 hrs, 901 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: Entire Site

Runoff Area=9,519 sf 42.40% Impervious Runoff Depth>3.25"
Tc=5.0 min CN=88 Runoff=0.89 cfs 0.059 af

Reach A-1: Analysis Point 1

Avg. Flow Depth=0.11' Max Vel=3.18 fps Inflow=0.89 cfs 0.059 af
n=0.013 L=10.0' S=0.0400 '/' Capacity=55.95 cfs Outflow=0.89 cfs 0.059 af

Total Runoff Area = 0.219 ac Runoff Volume = 0.059 af Average Runoff Depth = 3.25"
57.60% Pervious = 0.126 ac 42.40% Impervious = 0.093 ac

Summary for Subcatchment 1S: Entire Site

Runoff = 0.89 cfs @ 12.07 hrs, Volume= 0.059 af, Depth> 3.25"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 2.00-20.00 hrs, dt= 0.02 hrs
Type III 24-hr SE_Cu 10-yr Rainfall=4.77"

Area (sf)	CN	Description
4,036	98	Paved parking & roofs
5,483	80	>75% Grass cover, Good, HSG D
9,519	88	Weighted Average
5,483		57.60% Pervious Area
4,036		42.40% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, 5 minutes

Summary for Reach A-1: Analysis Point 1

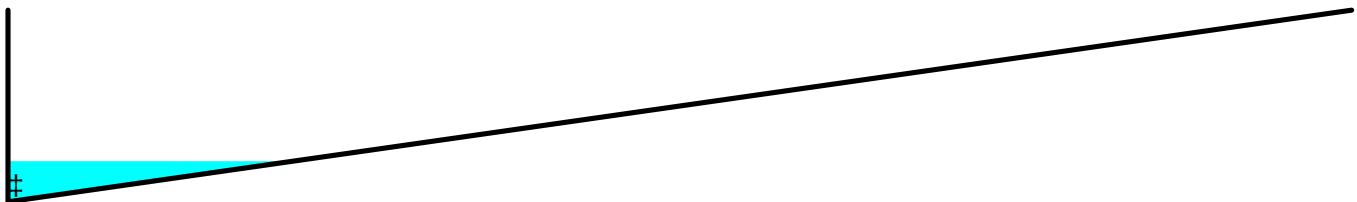
Hersey Street Gutter

Inflow Area = 0.219 ac, 42.40% Impervious, Inflow Depth > 3.25" for SE_Cu 10-yr event
Inflow = 0.89 cfs @ 12.07 hrs, Volume= 0.059 af
Outflow = 0.89 cfs @ 12.07 hrs, Volume= 0.059 af, Atten= 0%, Lag= 0.1 min

Routing by Stor-Ind+Trans method, Time Span= 2.00-20.00 hrs, dt= 0.02 hrs
Max. Velocity= 3.18 fps, Min. Travel Time= 0.1 min
Avg. Velocity= 1.30 fps, Avg. Travel Time= 0.1 min

Peak Storage= 3 cf @ 12.07 hrs
Average Depth at Peak Storage= 0.11'
Bank-Full Depth= 0.50' Flow Area= 6.3 sf, Capacity= 55.95 cfs

0.00' x 0.50' deep channel, n= 0.013 Asphalt, smooth
Side Slope Z-value= 0.0 50.0 ' Top Width= 25.00'
Length= 10.0' Slope= 0.0400 '
Inlet Invert= 50.40', Outlet Invert= 50.00'



Time span=2.00-20.00 hrs, dt=0.02 hrs, 901 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: Entire Site

Runoff Area=9,519 sf 42.40% Impervious Runoff Depth>6.73"
Tc=5.0 min CN=88 Runoff=1.77 cfs 0.123 af

Reach A-1: Analysis Point 1

Avg. Flow Depth=0.14' Max Vel=3.77 fps Inflow=1.77 cfs 0.123 af
n=0.013 L=10.0' S=0.0400 '/' Capacity=55.95 cfs Outflow=1.77 cfs 0.123 af

Total Runoff Area = 0.219 ac Runoff Volume = 0.123 af Average Runoff Depth = 6.73"
57.60% Pervious = 0.126 ac 42.40% Impervious = 0.093 ac

Summary for Subcatchment 1S: Entire Site

Runoff = 1.77 cfs @ 12.07 hrs, Volume= 0.123 af, Depth> 6.73"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 2.00-20.00 hrs, dt= 0.02 hrs
Type III 24-hr SE_Cu 100-yr Rainfall=8.54"

Area (sf)	CN	Description
4,036	98	Paved parking & roofs
5,483	80	>75% Grass cover, Good, HSG D
9,519	88	Weighted Average
5,483		57.60% Pervious Area
4,036		42.40% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, 5 minutes

Summary for Reach A-1: Analysis Point 1

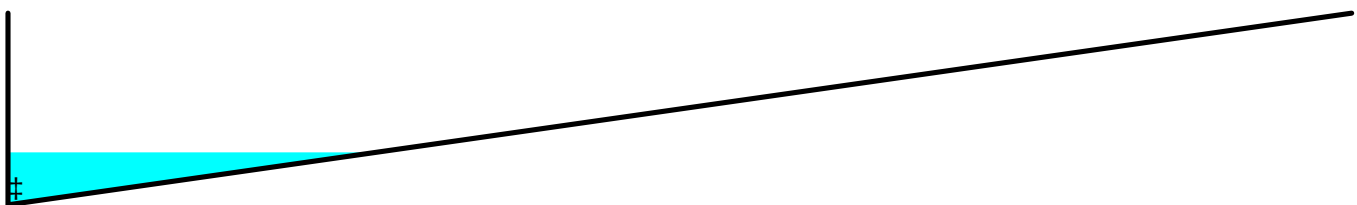
Hersey Street Gutter

Inflow Area = 0.219 ac, 42.40% Impervious, Inflow Depth > 6.73" for SE_Cu 100-yr event
Inflow = 1.77 cfs @ 12.07 hrs, Volume= 0.123 af
Outflow = 1.77 cfs @ 12.07 hrs, Volume= 0.123 af, Atten= 0%, Lag= 0.1 min

Routing by Stor-Ind+Trans method, Time Span= 2.00-20.00 hrs, dt= 0.02 hrs
Max. Velocity= 3.77 fps, Min. Travel Time= 0.0 min
Avg. Velocity = 1.51 fps, Avg. Travel Time= 0.1 min

Peak Storage= 5 cf @ 12.07 hrs
Average Depth at Peak Storage= 0.14'
Bank-Full Depth= 0.50' Flow Area= 6.3 sf, Capacity= 55.95 cfs

0.00' x 0.50' deep channel, n= 0.013 Asphalt, smooth
Side Slope Z-value= 0.0 50.0 ' Top Width= 25.00'
Length= 10.0' Slope= 0.0400 '
Inlet Invert= 50.40', Outlet Invert= 50.00'



Time span=2.00-20.00 hrs, dt=0.02 hrs, 901 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: Entire Site

Runoff Area=9,519 sf 42.40% Impervious Runoff Depth>1.86"
Tc=5.0 min CN=88 Runoff=0.52 cfs 0.034 af

Reach A-1: Analysis Point 1

Avg. Flow Depth=0.09' Max Vel=2.79 fps Inflow=0.52 cfs 0.034 af
n=0.013 L=10.0' S=0.0400 '/' Capacity=55.95 cfs Outflow=0.52 cfs 0.034 af

Total Runoff Area = 0.219 ac Runoff Volume = 0.034 af Average Runoff Depth = 1.86"
57.60% Pervious = 0.126 ac 42.40% Impervious = 0.093 ac

Summary for Subcatchment 1S: Entire Site

Runoff = 0.52 cfs @ 12.07 hrs, Volume= 0.034 af, Depth> 1.86"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 2.00-20.00 hrs, dt= 0.02 hrs
Type III 24-hr SE_Cu 2-yr Rainfall=3.19"

Area (sf)	CN	Description
4,036	98	Paved parking & roofs
5,483	80	>75% Grass cover, Good, HSG D
9,519	88	Weighted Average
5,483		57.60% Pervious Area
4,036		42.40% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, 5 minutes

Summary for Reach A-1: Analysis Point 1

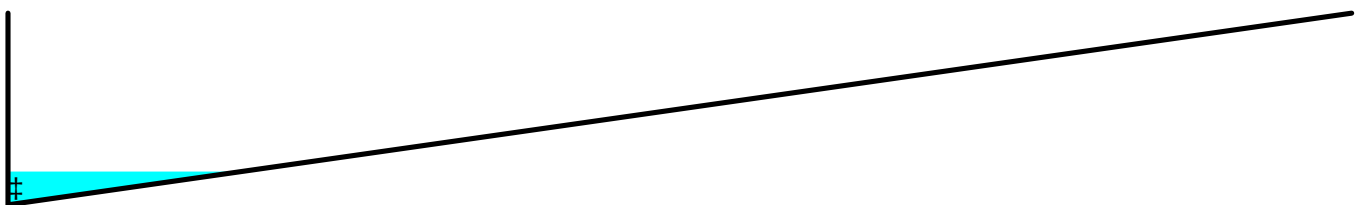
Hersey Street Gutter

Inflow Area = 0.219 ac, 42.40% Impervious, Inflow Depth > 1.86" for SE_Cu 2-yr event
Inflow = 0.52 cfs @ 12.07 hrs, Volume= 0.034 af
Outflow = 0.52 cfs @ 12.08 hrs, Volume= 0.034 af, Atten= 0%, Lag= 0.1 min

Routing by Stor-Ind+Trans method, Time Span= 2.00-20.00 hrs, dt= 0.02 hrs
Max. Velocity= 2.79 fps, Min. Travel Time= 0.1 min
Avg. Velocity= 1.18 fps, Avg. Travel Time= 0.1 min

Peak Storage= 2 cf @ 12.08 hrs
Average Depth at Peak Storage= 0.09'
Bank-Full Depth= 0.50' Flow Area= 6.3 sf, Capacity= 55.95 cfs

0.00' x 0.50' deep channel, n= 0.013 Asphalt, smooth
Side Slope Z-value= 0.0 50.0 ' Top Width= 25.00'
Length= 10.0' Slope= 0.0400 '
Inlet Invert= 50.40', Outlet Invert= 50.00'



Time span=2.00-20.00 hrs, dt=0.02 hrs, 901 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: Entire Site

Runoff Area=9,519 sf 42.40% Impervious Runoff Depth>4.38"
Tc=5.0 min CN=88 Runoff=1.18 cfs 0.080 af

Reach A-1: Analysis Point 1

Avg. Flow Depth=0.12' Max Vel=3.41 fps Inflow=1.18 cfs 0.080 af
n=0.013 L=10.0' S=0.0400 '/' Capacity=55.95 cfs Outflow=1.18 cfs 0.080 af

Total Runoff Area = 0.219 ac Runoff Volume = 0.080 af Average Runoff Depth = 4.38"
57.60% Pervious = 0.126 ac 42.40% Impervious = 0.093 ac

Summary for Subcatchment 1S: Entire Site

Runoff = 1.18 cfs @ 12.07 hrs, Volume= 0.080 af, Depth> 4.38"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 2.00-20.00 hrs, dt= 0.02 hrs
Type III 24-hr SE_Cu 25-yr Rainfall=6.01"

Area (sf)	CN	Description
4,036	98	Paved parking & roofs
5,483	80	>75% Grass cover, Good, HSG D
9,519	88	Weighted Average
5,483		57.60% Pervious Area
4,036		42.40% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, 5 minutes

Summary for Reach A-1: Analysis Point 1

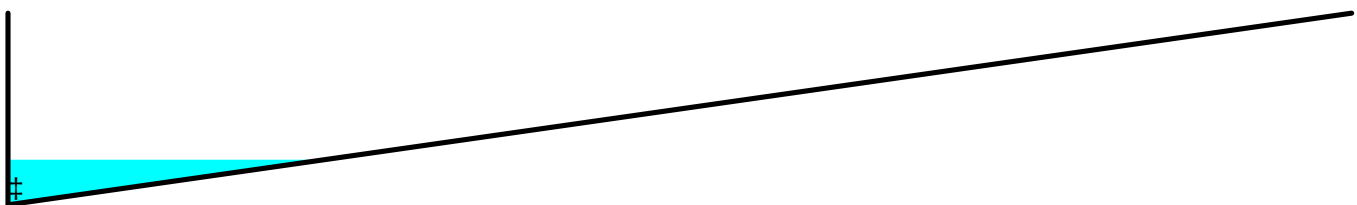
Hersey Street Gutter

Inflow Area = 0.219 ac, 42.40% Impervious, Inflow Depth > 4.38" for SE_Cu 25-yr event
Inflow = 1.18 cfs @ 12.07 hrs, Volume= 0.080 af
Outflow = 1.18 cfs @ 12.07 hrs, Volume= 0.080 af, Atten= 0%, Lag= 0.1 min

Routing by Stor-Ind+Trans method, Time Span= 2.00-20.00 hrs, dt= 0.02 hrs
Max. Velocity= 3.41 fps, Min. Travel Time= 0.0 min
Avg. Velocity= 1.38 fps, Avg. Travel Time= 0.1 min

Peak Storage= 3 cf @ 12.07 hrs
Average Depth at Peak Storage= 0.12'
Bank-Full Depth= 0.50' Flow Area= 6.3 sf, Capacity= 55.95 cfs

0.00' x 0.50' deep channel, n= 0.013 Asphalt, smooth
Side Slope Z-value= 0.0 50.0 ' Top Width= 25.00'
Length= 10.0' Slope= 0.0400 '
Inlet Invert= 50.40', Outlet Invert= 50.00'



Time span=2.00-20.00 hrs, dt=0.02 hrs, 901 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: Entire Site

Runoff Area=9,519 sf 42.40% Impervious Runoff Depth>5.44"
Tc=5.0 min CN=88 Runoff=1.45 cfs 0.099 af

Reach A-1: Analysis Point 1

Avg. Flow Depth=0.13' Max Vel=3.59 fps Inflow=1.45 cfs 0.099 af
n=0.013 L=10.0' S=0.0400 '/' Capacity=55.95 cfs Outflow=1.45 cfs 0.099 af

Total Runoff Area = 0.219 ac Runoff Volume = 0.099 af Average Runoff Depth = 5.44"
57.60% Pervious = 0.126 ac 42.40% Impervious = 0.093 ac

Summary for Subcatchment 1S: Entire Site

Runoff = 1.45 cfs @ 12.07 hrs, Volume= 0.099 af, Depth> 5.44"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 2.00-20.00 hrs, dt= 0.02 hrs
Type III 24-hr SE_Cu 50-yr Rainfall=7.16"

Area (sf)	CN	Description
4,036	98	Paved parking & roofs
5,483	80	>75% Grass cover, Good, HSG D
9,519	88	Weighted Average
5,483		57.60% Pervious Area
4,036		42.40% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, 5 minutes

Summary for Reach A-1: Analysis Point 1

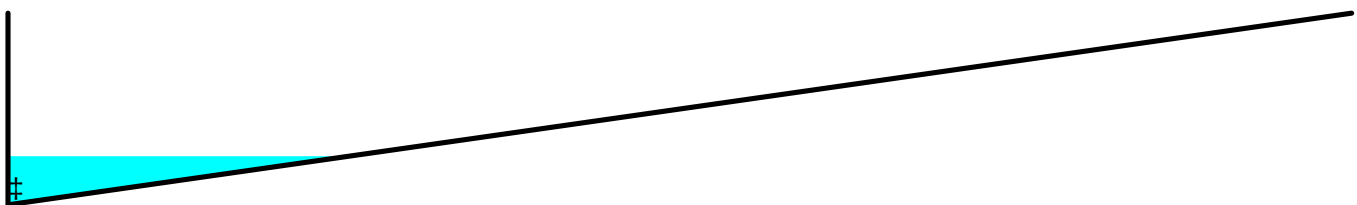
Hersey Street Gutter

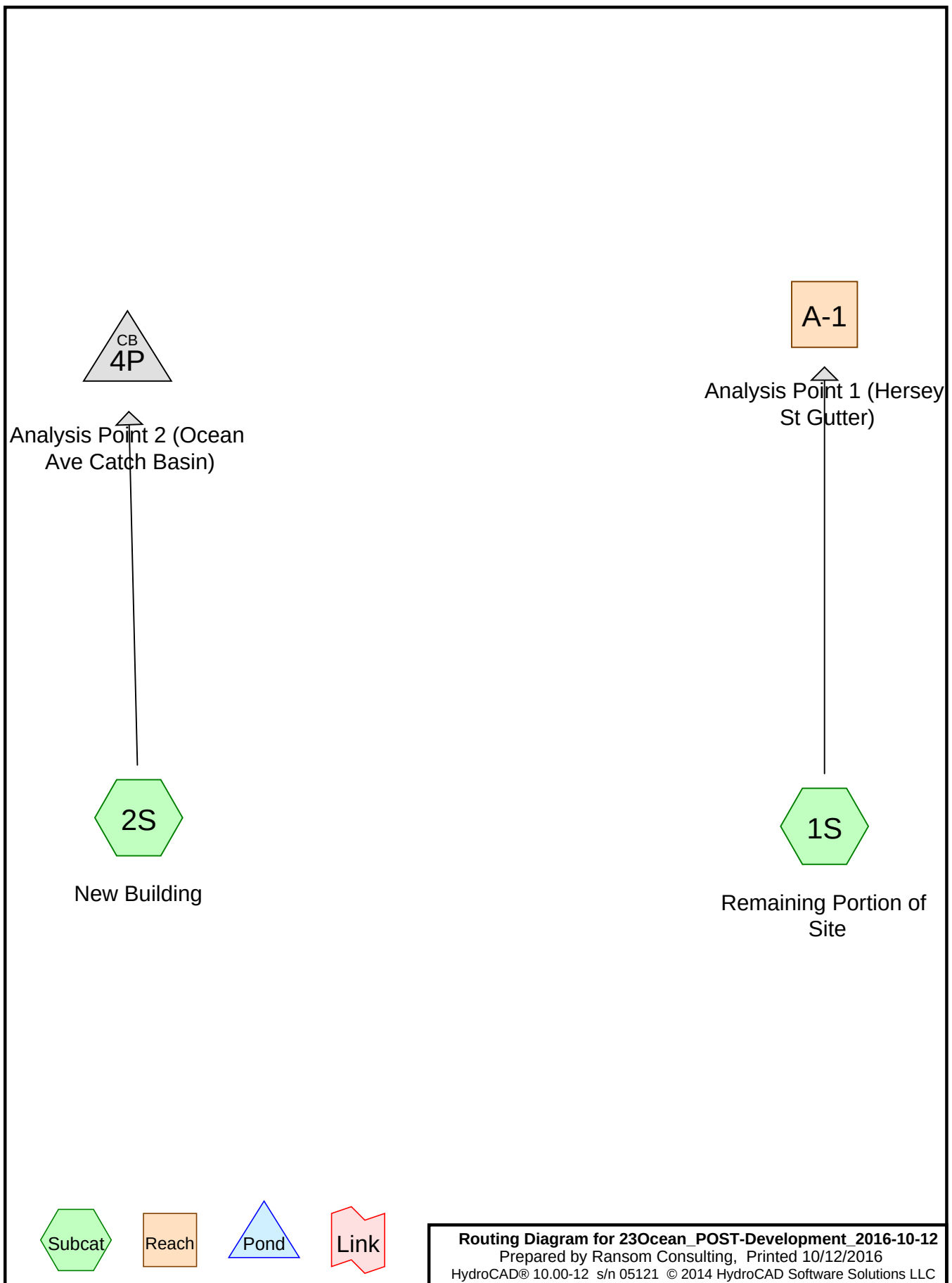
Inflow Area = 0.219 ac, 42.40% Impervious, Inflow Depth > 5.44" for SE_Cu 50-yr event
Inflow = 1.45 cfs @ 12.07 hrs, Volume= 0.099 af
Outflow = 1.45 cfs @ 12.07 hrs, Volume= 0.099 af, Atten= 0%, Lag= 0.1 min

Routing by Stor-Ind+Trans method, Time Span= 2.00-20.00 hrs, dt= 0.02 hrs
Max. Velocity= 3.59 fps, Min. Travel Time= 0.0 min
Avg. Velocity= 1.44 fps, Avg. Travel Time= 0.1 min

Peak Storage= 4 cf @ 12.07 hrs
Average Depth at Peak Storage= 0.13'
Bank-Full Depth= 0.50' Flow Area= 6.3 sf, Capacity= 55.95 cfs

0.00' x 0.50' deep channel, n= 0.013 Asphalt, smooth
Side Slope Z-value= 0.0 50.0 ' Top Width= 25.00'
Length= 10.0' Slope= 0.0400 '
Inlet Invert= 50.40', Outlet Invert= 50.00'





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Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
0.076	80	>75% Grass cover, Good, HSG D (1S)
0.142	98	Paved parking & roofs (1S, 2S)
0.219	92	TOTAL AREA

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Soil Listing (all nodes)

Area (acres)	Soil Group	Subcatchment Numbers
0.000	HSG A	
0.000	HSG B	
0.000	HSG C	
0.076	HSG D	1S
0.142	Other	1S, 2S
0.219		TOTAL AREA

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Ground Covers (all nodes)

HSG-A (acres)	HSG-B (acres)	HSG-C (acres)	HSG-D (acres)	Other (acres)	Total (acres)	Ground Cover	Subcatchment Numbers
0.000	0.000	0.000	0.076	0.000	0.076	>75% Grass cover, Good	1S
0.000	0.000	0.000	0.000	0.142	0.142	Paved parking & roofs	1S, 2S
0.000	0.000	0.000	0.076	0.142	0.219	TOTAL AREA	

Time span=0.00-20.00 hrs, dt=0.02 hrs, 1001 points

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: Remaining Portion of Runoff Area=6,695 sf 50.25% Impervious Runoff Depth>3.35"
Tc=5.0 min CN=89 Runoff=0.64 cfs 0.043 af

Subcatchment2S: New Building Runoff Area=2,824 sf 100.00% Impervious Runoff Depth>4.32"
Tc=5.0 min CN=98 Runoff=0.31 cfs 0.023 af

Reach A-1: AnalysisPoint 1 (Hersey St Avg. Flow Depth=0.09' Max Vel=2.93 fps Inflow=0.64 cfs 0.043 af
n=0.013 L=10.0' S=0.0400 '/' Capacity=55.95 cfs Outflow=0.64 cfs 0.043 af

Pond 4P: AnalysisPoint 2 (Ocean Ave Catch Basin) Peak Elev=49.29' Inflow=0.31 cfs 0.023 af
12.0" Round Culvert n=0.012 L=20.0' S=0.0100 '/' Outflow=0.31 cfs 0.023 af

Total Runoff Area = 0.219 ac Runoff Volume = 0.066 af Average Runoff Depth = 3.64"
34.99% Pervious = 0.076 ac 65.01% Impervious = 0.142 ac

Summary for Subcatchment 1S: Remaining Portion of Site

Runoff = 0.64 cfs @ 12.07 hrs, Volume= 0.043 af, Depth> 3.35"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.02 hrs
Type III 24-hr SE_Cu 10-yr Rainfall=4.77"

Area (sf)	CN	Description
3,364	98	Paved parking & roofs
3,331	80	>75% Grass cover, Good, HSG D
6,695	89	Weighted Average
3,331		49.75% Pervious Area
3,364		50.25% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, 5 minutes

Summary for Subcatchment 2S: New Building

Runoff = 0.31 cfs @ 12.07 hrs, Volume= 0.023 af, Depth> 4.32"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.02 hrs
Type III 24-hr SE_Cu 10-yr Rainfall=4.77"

Area (sf)	CN	Description
2,824	98	Paved parking & roofs
2,824		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, 5 minutes

Summary for Reach A-1: Analysis Point 1 (Hersey St Gutter)

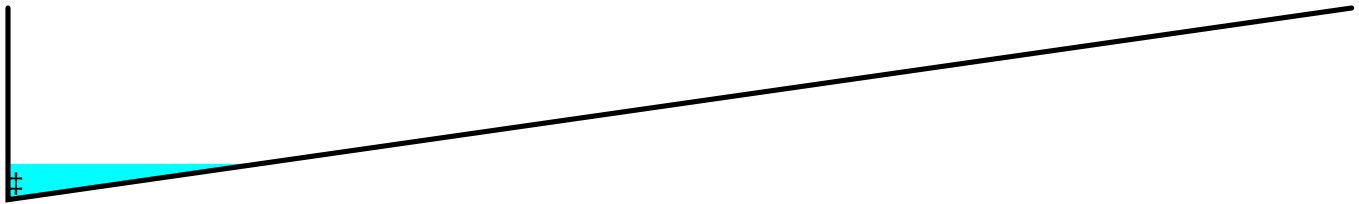
Hersey Street Gutter

Inflow Area = 0.154 ac, 50.25% Impervious, Inflow Depth > 3.35" for SE_Cu 10-yr event
Inflow = 0.64 cfs @ 12.07 hrs, Volume= 0.043 af
Outflow = 0.64 cfs @ 12.07 hrs, Volume= 0.043 af, Atten= 0%, Lag= 0.1 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-20.00 hrs, dt= 0.02 hrs
Max. Velocity= 2.93 fps, Min. Travel Time= 0.1 min
Avg. Velocity = 1.19 fps, Avg. Travel Time= 0.1 min

Peak Storage= 2 cf @ 12.07 hrs
Average Depth at Peak Storage= 0.09'
Bank-Full Depth= 0.50' Flow Area= 6.3 sf, Capacity= 55.95 cfs

0.00' x 0.50' deep channel, n= 0.013 Asphalt, smooth
 Side Slope Z-value= 0.0 50.0 ' / ' Top Width= 25.00'
 Length= 10.0' Slope= 0.0400 ' / '
 Inlet Invert= 50.40', Outlet Invert= 50.00'



Summary for Pond 4P: Analysis Point 2 (Ocean Ave Catch Basin)

Inflow Area = 0.065 ac, 100.00% Impervious, Inflow Depth > 4.32" for SE_Cu 10-yr event
 Inflow = 0.31 cfs @ 12.07 hrs, Volume= 0.023 af
 Outflow = 0.31 cfs @ 12.07 hrs, Volume= 0.023 af, Atten= 0%, Lag= 0.0 min
 Primary = 0.31 cfs @ 12.07 hrs, Volume= 0.023 af

Routing by Stor-Ind method, Time Span= 0.00-20.00 hrs, dt= 0.02 hrs

Peak Elev= 49.29' @ 12.07 hrs

Flood Elev= 54.00'

Device	Routing	Invert	Outlet Devices
#1	Primary	49.00'	12.0" Round 12" Catch Basin Lead L= 20.0' RCP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 49.00' / 48.80' S= 0.0100 ' / ' Cc= 0.900 n= 0.012 Concrete pipe, finished, Flow Area= 0.79 sf

Primary OutFlow Max=0.31 cfs @ 12.07 hrs HW=49.29' (Free Discharge)

↑ **1=12" Catch Basin Lead** (Barrel Controls 0.31 cfs @ 2.50 fps)

Time span=0.00-20.00 hrs, dt=0.02 hrs, 1001 points

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: Remaining Portion of Runoff Area=6,695 sf 50.25% Impervious Runoff Depth>6.85"
Tc=5.0 min CN=89 Runoff=1.26 cfs 0.088 af

Subcatchment2S: New Building Runoff Area=2,824 sf 100.00% Impervious Runoff Depth>7.93"
Tc=5.0 min CN=98 Runoff=0.56 cfs 0.043 af

Reach A-1: AnalysisPoint 1 (Hersey St Avg. Flow Depth=0.12' Max Vel=3.46 fps Inflow=1.26 cfs 0.088 af
n=0.013 L=10.0' S=0.0400 ' / ' Capacity=55.95 cfs Outflow=1.26 cfs 0.088 af

Pond 4P: AnalysisPoint 2 (Ocean Ave Catch Basin) Peak Elev=49.40' Inflow=0.56 cfs 0.043 af
12.0" Round Culvert n=0.012 L=20.0' S=0.0100 ' / ' Outflow=0.56 cfs 0.043 af

Total Runoff Area = 0.219 ac Runoff Volume = 0.131 af Average Runoff Depth = 7.17"
34.99% Pervious = 0.076 ac 65.01% Impervious = 0.142 ac

Summary for Subcatchment 1S: Remaining Portion of Site

Runoff = 1.26 cfs @ 12.07 hrs, Volume= 0.088 af, Depth> 6.85"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.02 hrs
Type III 24-hr SE_Cu 100-yr Rainfall=8.54"

Area (sf)	CN	Description
3,364	98	Paved parking & roofs
3,331	80	>75% Grass cover, Good, HSG D
6,695	89	Weighted Average
3,331		49.75% Pervious Area
3,364		50.25% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, 5 minutes

Summary for Subcatchment 2S: New Building

Runoff = 0.56 cfs @ 12.07 hrs, Volume= 0.043 af, Depth> 7.93"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.02 hrs
Type III 24-hr SE_Cu 100-yr Rainfall=8.54"

Area (sf)	CN	Description
2,824	98	Paved parking & roofs
2,824		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, 5 minutes

Summary for Reach A-1: Analysis Point 1 (Hersey St Gutter)

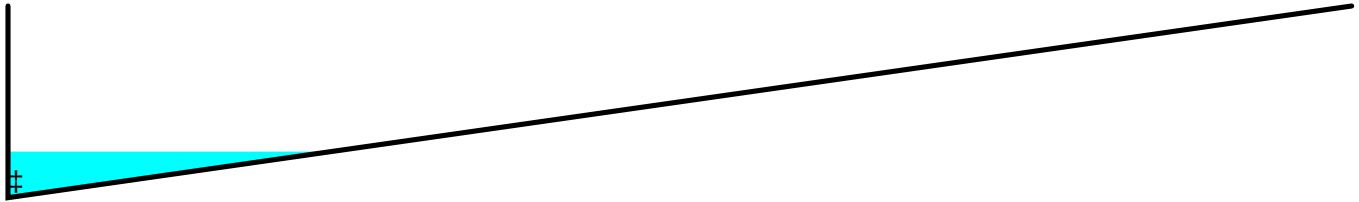
Hersey Street Gutter

Inflow Area = 0.154 ac, 50.25% Impervious, Inflow Depth > 6.85" for SE_Cu 100-yr event
Inflow = 1.26 cfs @ 12.07 hrs, Volume= 0.088 af
Outflow = 1.26 cfs @ 12.07 hrs, Volume= 0.088 af, Atten= 0%, Lag= 0.1 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-20.00 hrs, dt= 0.02 hrs
Max. Velocity= 3.46 fps, Min. Travel Time= 0.0 min
Avg. Velocity= 1.39 fps, Avg. Travel Time= 0.1 min

Peak Storage= 4 cf @ 12.07 hrs
Average Depth at Peak Storage= 0.12'
Bank-Full Depth= 0.50' Flow Area= 6.3 sf, Capacity= 55.95 cfs

0.00' x 0.50' deep channel, n= 0.013 Asphalt, smooth
 Side Slope Z-value= 0.0 50.0 ' / ' Top Width= 25.00'
 Length= 10.0' Slope= 0.0400 ' / '
 Inlet Invert= 50.40', Outlet Invert= 50.00'



Summary for Pond 4P: Analysis Point 2 (Ocean Ave Catch Basin)

Inflow Area = 0.065 ac, 100.00% Impervious, Inflow Depth > 7.93" for SE_Cu 100-yr event
 Inflow = 0.56 cfs @ 12.07 hrs, Volume= 0.043 af
 Outflow = 0.56 cfs @ 12.07 hrs, Volume= 0.043 af, Atten= 0%, Lag= 0.0 min
 Primary = 0.56 cfs @ 12.07 hrs, Volume= 0.043 af

Routing by Stor-Ind method, Time Span= 0.00-20.00 hrs, dt= 0.02 hrs

Peak Elev= 49.40' @ 12.07 hrs

Flood Elev= 54.00'

Device	Routing	Invert	Outlet Devices
#1	Primary	49.00'	12.0" Round 12" Catch Basin Lead L= 20.0' RCP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 49.00' / 48.80' S= 0.0100 ' / ' Cc= 0.900 n= 0.012 Concrete pipe, finished, Flow Area= 0.79 sf

Primary OutFlow Max=0.56 cfs @ 12.07 hrs HW=49.40' (Free Discharge)

↑ **1=12" Catch Basin Lead** (Barrel Controls 0.56 cfs @ 2.84 fps)

Time span=0.00-20.00 hrs, dt=0.02 hrs, 1001 points

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: Remaining Portion of Runoff Area=6,695 sf 50.25% Impervious Runoff Depth>1.95"
Tc=5.0 min CN=89 Runoff=0.38 cfs 0.025 af

Subcatchment2S: New Building Runoff Area=2,824 sf 100.00% Impervious Runoff Depth>2.82"
Tc=5.0 min CN=98 Runoff=0.21 cfs 0.015 af

Reach A-1: AnalysisPoint 1 (Hersey St Avg. Flow Depth=0.08' Max Vel=2.58 fps Inflow=0.38 cfs 0.025 af
n=0.013 L=10.0' S=0.0400 '/' Capacity=55.95 cfs Outflow=0.38 cfs 0.025 af

Pond 4P: AnalysisPoint 2 (Ocean Ave Catch Basin) Peak Elev=49.23' Inflow=0.21 cfs 0.015 af
12.0" Round Culvert n=0.012 L=20.0' S=0.0100 '/' Outflow=0.21 cfs 0.015 af

Total Runoff Area = 0.219 ac Runoff Volume = 0.040 af Average Runoff Depth = 2.20"
34.99% Pervious = 0.076 ac 65.01% Impervious = 0.142 ac

Summary for Subcatchment 1S: Remaining Portion of Site

Runoff = 0.38 cfs @ 12.07 hrs, Volume= 0.025 af, Depth> 1.95"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.02 hrs
Type III 24-hr SE_Cu 2-yr Rainfall=3.19"

Area (sf)	CN	Description
3,364	98	Paved parking & roofs
3,331	80	>75% Grass cover, Good, HSG D
6,695	89	Weighted Average
3,331		49.75% Pervious Area
3,364		50.25% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, 5 minutes

Summary for Subcatchment 2S: New Building

Runoff = 0.21 cfs @ 12.07 hrs, Volume= 0.015 af, Depth> 2.82"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.02 hrs
Type III 24-hr SE_Cu 2-yr Rainfall=3.19"

Area (sf)	CN	Description
2,824	98	Paved parking & roofs
2,824		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, 5 minutes

Summary for Reach A-1: Analysis Point 1 (Hersey St Gutter)

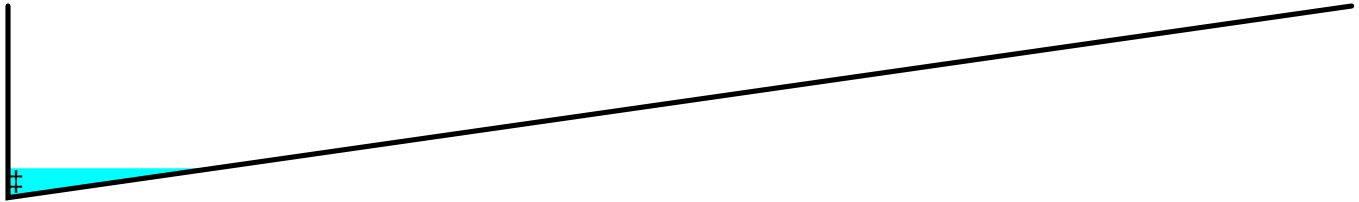
Hersey Street Gutter

Inflow Area = 0.154 ac, 50.25% Impervious, Inflow Depth > 1.95" for SE_Cu 2-yr event
Inflow = 0.38 cfs @ 12.07 hrs, Volume= 0.025 af
Outflow = 0.38 cfs @ 12.08 hrs, Volume= 0.025 af, Atten= 0%, Lag= 0.1 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-20.00 hrs, dt= 0.02 hrs
Max. Velocity= 2.58 fps, Min. Travel Time= 0.1 min
Avg. Velocity= 1.09 fps, Avg. Travel Time= 0.2 min

Peak Storage= 1 cf @ 12.07 hrs
Average Depth at Peak Storage= 0.08'
Bank-Full Depth= 0.50' Flow Area= 6.3 sf, Capacity= 55.95 cfs

0.00' x 0.50' deep channel, n= 0.013 Asphalt, smooth
 Side Slope Z-value= 0.0 50.0 ' / ' Top Width= 25.00'
 Length= 10.0' Slope= 0.0400 ' / '
 Inlet Invert= 50.40', Outlet Invert= 50.00'



Summary for Pond 4P: Analysis Point 2 (Ocean Ave Catch Basin)

Inflow Area = 0.065 ac, 100.00% Impervious, Inflow Depth > 2.82" for SE_Cu 2-yr event
 Inflow = 0.21 cfs @ 12.07 hrs, Volume= 0.015 af
 Outflow = 0.21 cfs @ 12.07 hrs, Volume= 0.015 af, Atten= 0%, Lag= 0.0 min
 Primary = 0.21 cfs @ 12.07 hrs, Volume= 0.015 af

Routing by Stor-Ind method, Time Span= 0.00-20.00 hrs, dt= 0.02 hrs

Peak Elev= 49.23' @ 12.07 hrs

Flood Elev= 54.00'

Device	Routing	Invert	Outlet Devices
#1	Primary	49.00'	12.0" Round 12" Catch Basin Lead L= 20.0' RCP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 49.00' / 48.80' S= 0.0100 ' / ' Cc= 0.900 n= 0.012 Concrete pipe, finished, Flow Area= 0.79 sf

Primary OutFlow Max=0.20 cfs @ 12.07 hrs HW=49.23' (Free Discharge)

↑ **1=12" Catch Basin Lead** (Barrel Controls 0.20 cfs @ 2.27 fps)

Time span=0.00-20.00 hrs, dt=0.02 hrs, 1001 points

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: Remaining Portion of Runoff Area=6,695 sf 50.25% Impervious Runoff Depth>4.49"
Tc=5.0 min CN=89 Runoff=0.85 cfs 0.058 af

Subcatchment2S: New Building Runoff Area=2,824 sf 100.00% Impervious Runoff Depth>5.51"
Tc=5.0 min CN=98 Runoff=0.39 cfs 0.030 af

Reach A-1: AnalysisPoint 1 (Hersey St Avg. Flow Depth=0.10' Max Vel=3.14 fps Inflow=0.85 cfs 0.058 af
n=0.013 L=10.0' S=0.0400 '/' Capacity=55.95 cfs Outflow=0.85 cfs 0.058 af

Pond 4P: AnalysisPoint 2 (Ocean Ave Catch Basin) Peak Elev=49.33' Inflow=0.39 cfs 0.030 af
12.0" Round Culvert n=0.012 L=20.0' S=0.0100 '/' Outflow=0.39 cfs 0.030 af

Total Runoff Area = 0.219 ac Runoff Volume = 0.087 af Average Runoff Depth = 4.79"
34.99% Pervious = 0.076 ac 65.01% Impervious = 0.142 ac

Summary for Subcatchment 1S: Remaining Portion of Site

Runoff = 0.85 cfs @ 12.07 hrs, Volume= 0.058 af, Depth> 4.49"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.02 hrs
Type III 24-hr SE_Cu 25-yr Rainfall=6.01"

Area (sf)	CN	Description
3,364	98	Paved parking & roofs
3,331	80	>75% Grass cover, Good, HSG D
6,695	89	Weighted Average
3,331		49.75% Pervious Area
3,364		50.25% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, 5 minutes

Summary for Subcatchment 2S: New Building

Runoff = 0.39 cfs @ 12.07 hrs, Volume= 0.030 af, Depth> 5.51"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.02 hrs
Type III 24-hr SE_Cu 25-yr Rainfall=6.01"

Area (sf)	CN	Description
2,824	98	Paved parking & roofs
2,824		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, 5 minutes

Summary for Reach A-1: Analysis Point 1 (Hersey St Gutter)

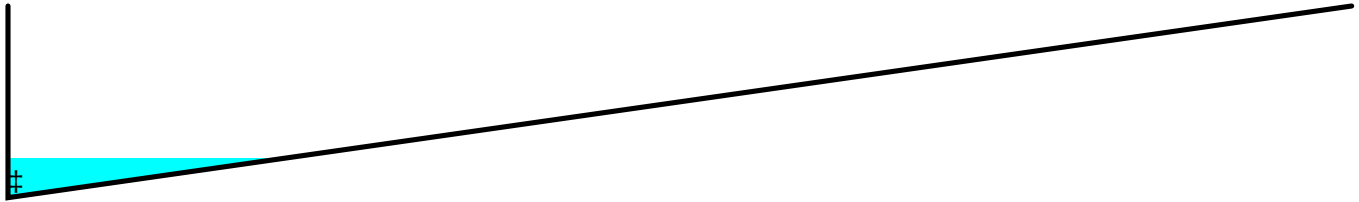
Hersey Street Gutter

Inflow Area = 0.154 ac, 50.25% Impervious, Inflow Depth > 4.49" for SE_Cu 25-yr event
Inflow = 0.85 cfs @ 12.07 hrs, Volume= 0.058 af
Outflow = 0.85 cfs @ 12.07 hrs, Volume= 0.058 af, Atten= 0%, Lag= 0.1 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-20.00 hrs, dt= 0.02 hrs
Max. Velocity= 3.14 fps, Min. Travel Time= 0.1 min
Avg. Velocity = 1.27 fps, Avg. Travel Time= 0.1 min

Peak Storage= 3 cf @ 12.07 hrs
Average Depth at Peak Storage= 0.10'
Bank-Full Depth= 0.50' Flow Area= 6.3 sf, Capacity= 55.95 cfs

0.00' x 0.50' deep channel, n= 0.013 Asphalt, smooth
 Side Slope Z-value= 0.0 50.0 ' / ' Top Width= 25.00'
 Length= 10.0' Slope= 0.0400 ' / '
 Inlet Invert= 50.40', Outlet Invert= 50.00'



Summary for Pond 4P: Analysis Point 2 (Ocean Ave Catch Basin)

Inflow Area = 0.065 ac, 100.00% Impervious, Inflow Depth > 5.51" for SE_Cu 25-yr event
 Inflow = 0.39 cfs @ 12.07 hrs, Volume= 0.030 af
 Outflow = 0.39 cfs @ 12.07 hrs, Volume= 0.030 af, Atten= 0%, Lag= 0.0 min
 Primary = 0.39 cfs @ 12.07 hrs, Volume= 0.030 af

Routing by Stor-Ind method, Time Span= 0.00-20.00 hrs, dt= 0.02 hrs

Peak Elev= 49.33' @ 12.07 hrs

Flood Elev= 54.00'

Device	Routing	Invert	Outlet Devices
#1	Primary	49.00'	12.0" Round 12" Catch Basin Lead L= 20.0' RCP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 49.00' / 48.80' S= 0.0100 ' / ' Cc= 0.900 n= 0.012 Concrete pipe, finished, Flow Area= 0.79 sf

Primary OutFlow Max=0.39 cfs @ 12.07 hrs HW=49.33' (Free Discharge)

↑ **12" Catch Basin Lead** (Barrel Controls 0.39 cfs @ 2.63 fps)

Time span=0.00-20.00 hrs, dt=0.02 hrs, 1001 points

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: Remaining Portion of Runoff Area=6,695 sf 50.25% Impervious Runoff Depth>5.56"
Tc=5.0 min CN=89 Runoff=1.04 cfs 0.071 af

Subcatchment2S: New Building Runoff Area=2,824 sf 100.00% Impervious Runoff Depth>6.61"
Tc=5.0 min CN=98 Runoff=0.47 cfs 0.036 af

Reach A-1: AnalysisPoint 1 (Hersey St Avg. Flow Depth=0.11' Max Vel=3.30 fps Inflow=1.04 cfs 0.071 af
n=0.013 L=10.0' S=0.0400 ' / ' Capacity=55.95 cfs Outflow=1.03 cfs 0.071 af

Pond 4P: AnalysisPoint 2 (Ocean Ave Catch Basin) Peak Elev=49.36' Inflow=0.47 cfs 0.036 af
12.0" Round Culvert n=0.012 L=20.0' S=0.0100 ' / ' Outflow=0.47 cfs 0.036 af

Total Runoff Area = 0.219 ac Runoff Volume = 0.107 af Average Runoff Depth = 5.87"
34.99% Pervious = 0.076 ac 65.01% Impervious = 0.142 ac

Summary for Subcatchment 1S: Remaining Portion of Site

Runoff = 1.04 cfs @ 12.07 hrs, Volume= 0.071 af, Depth> 5.56"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.02 hrs
Type III 24-hr SE_Cu 50-yr Rainfall=7.16"

Area (sf)	CN	Description
3,364	98	Paved parking & roofs
3,331	80	>75% Grass cover, Good, HSG D
6,695	89	Weighted Average
3,331		49.75% Pervious Area
3,364		50.25% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, 5 minutes

Summary for Subcatchment 2S: New Building

Runoff = 0.47 cfs @ 12.07 hrs, Volume= 0.036 af, Depth> 6.61"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.02 hrs
Type III 24-hr SE_Cu 50-yr Rainfall=7.16"

Area (sf)	CN	Description
2,824	98	Paved parking & roofs
2,824		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, 5 minutes

Summary for Reach A-1: Analysis Point 1 (Hersey St Gutter)

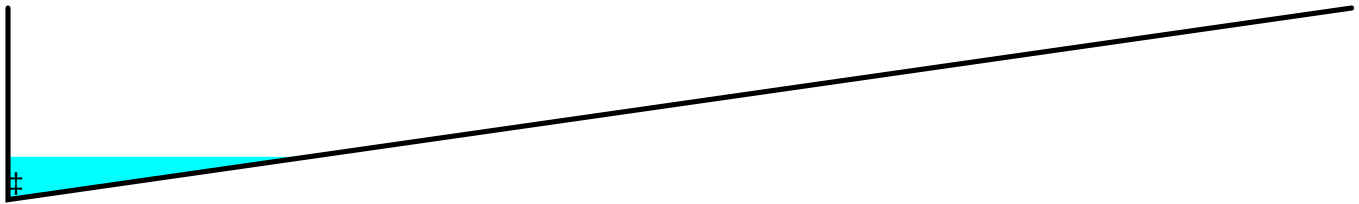
Hersey Street Gutter

Inflow Area = 0.154 ac, 50.25% Impervious, Inflow Depth > 5.56" for SE_Cu 50-yr event
Inflow = 1.04 cfs @ 12.07 hrs, Volume= 0.071 af
Outflow = 1.03 cfs @ 12.07 hrs, Volume= 0.071 af, Atten= 0%, Lag= 0.1 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-20.00 hrs, dt= 0.02 hrs
Max. Velocity= 3.30 fps, Min. Travel Time= 0.1 min
Avg. Velocity = 1.32 fps, Avg. Travel Time= 0.1 min

Peak Storage= 3 cf @ 12.07 hrs
Average Depth at Peak Storage= 0.11'
Bank-Full Depth= 0.50' Flow Area= 6.3 sf, Capacity= 55.95 cfs

0.00' x 0.50' deep channel, n= 0.013 Asphalt, smooth
 Side Slope Z-value= 0.0 50.0 ' / ' Top Width= 25.00'
 Length= 10.0' Slope= 0.0400 ' / '
 Inlet Invert= 50.40', Outlet Invert= 50.00'



Summary for Pond 4P: Analysis Point 2 (Ocean Ave Catch Basin)

Inflow Area = 0.065 ac, 100.00% Impervious, Inflow Depth > 6.61" for SE_Cu 50-yr event
 Inflow = 0.47 cfs @ 12.07 hrs, Volume= 0.036 af
 Outflow = 0.47 cfs @ 12.07 hrs, Volume= 0.036 af, Atten= 0%, Lag= 0.0 min
 Primary = 0.47 cfs @ 12.07 hrs, Volume= 0.036 af

Routing by Stor-Ind method, Time Span= 0.00-20.00 hrs, dt= 0.02 hrs

Peak Elev= 49.36' @ 12.07 hrs

Flood Elev= 54.00'

Device	Routing	Invert	Outlet Devices
#1	Primary	49.00'	12.0" Round 12" Catch Basin Lead L= 20.0' RCP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 49.00' / 48.80' S= 0.0100 ' / ' Cc= 0.900 n= 0.012 Concrete pipe, finished, Flow Area= 0.79 sf

Primary OutFlow Max=0.47 cfs @ 12.07 hrs HW=49.36' (Free Discharge)

↑ **1=12" Catch Basin Lead** (Barrel Controls 0.47 cfs @ 2.73 fps)



PROJECT MEMO: 23 Ocean Avenue

TO: Nell Donaldson
FROM: Pat Carroll
DATE: September 6, 2016

RE: Response to Preliminary Staff Comments

Carroll Associates is pleased to provide the following responses to the Preliminary Staff Review Comments:

Draft Subdivision Plat Review William Clark 07.11.2016

Comment #1. *The sidewalk at corner of Ocean Ave and Hersey St shows as being constructed on the private property. Currently the sidewalk is within the City street ROW limits for Ocean Ave and Hersey St. If it is expanded onto the private property the City will need a public easement for that area and a detail on the plan showing bearings, distances, and curve data for the easement metes and bounds description.*

Response: The Final Subdivision Plat will show all public easements resulting from the new sidewalk configuration along Hersey Street and Ocean Avenue.

Comment #2. *The proposed aerial licenses in Ocean Ave and Hersey St will need bearings, distances, and curve data added to the plan for the license metes and bounds descriptions. The vertical clearance in the license areas will also need to be stated.*

Response: The Final Subdivision Plat will show all licenses required to accommodate the footings, roof overhangs and canopy areas for the proposed building.

Preliminary Traffic Review Tom Errico 07.13.2016

Comment #1. *The applicant is requesting a waiver for parking lot aisle width (21 feet versus the City standard of 24 feet). The applicant should provide documentation that supports the waiver request.*

Response: The requested waiver is proposed as a means of accommodating an accessible sidewalk to the office entrance from Hersey Street and preserving an existing vegetated hedge that separates this property from its neighbor to the east. The shared office/ residential parking are not anticipated to generate a high turnover of parking, with tenants expected to arrive and park for most of their time in the building. A turning movement analysis was completed which illustrates parking maneuvers can be accommodated within the 21 foot aisle. This is attached to this memorandum as Exhibit #1.

Comment #2. *I find the driveway location and configuration to be acceptable given existing site conditions.*

Response: We agree, no comment required.

Comment #3. *The applicant should provide a summary of the anticipated trip generation increase expected during the AM and PM peak hours following project completion. While I do not expect the project to significantly impact the public street system, I do believe documentation of traffic volumes changes is necessary.*

Response: The Applicant has submitted a memorandum from Maine Traffic Resources dated 08.30.2016 which summarizes the existing and anticipated increase in trip generation resulting from this project. This is attached to this memorandum as Exhibit #2.

Comment #4. *The applicant should provide a review of safety data in the immediate vicinity of the project.*

Response: The Applicant has submitted a memorandum from Maine Traffic Resources dated 08.30.2016 which reviews the accident data of the immediate vicinity of the site. This is attached to this memorandum as Exhibit #2.

Comment #5. *I would prefer that backing maneuvers onto Hersey Street not be required and thus the applicant should either provide a layout that allows for on-site vehicle circulation – for head out egress, or supporting documentation on the proposed circulation condition.*

Response: The site plan has been modified to allow on-site circulation without requiring any backing maneuvers onto Hersey Street. A dedicated turnaround area has been provided adjacent to the existing office building. This is illustrated in Exhibit #1 AUTOTURN which is attached to this memo.

Comment #6. *A pedestrian easement will be required at the Ocean Avenue/Hersey Street intersection (a portion of the sidewalk is located on the applicants property).*

Response: The Subdivision Plat will indicate a public easement across the corner of Ocean and Hersey Street where the sidewalk encroaches onto the Applicant's property.

Comment #7. *A detail for the driveway shall be provided that notes that the cross slope shall not exceed 2%.*

Response: A note has been added to the grading plan which indicates that the driveway cross-slope shall not exceed 2%

Comment #8. *The plans do not include full replacement of the sidewalk on Ocean Avenue along the entire property frontage. The applicant should either include full sidewalk replacement or document justification for the current proposal.*

Response: The site plan has been revised to indicate that the sidewalk will be replaced along the entire frontage on Ocean Avenue and Hersey Street.

Comment #9. *Further review of the sidewalk ramp configuration is required. I would suggest that a fully ADA compliant ramp be provided on the opposite side of Hersey Street.*

Response: We agree to provide such a ramp on the opposite side of Hersey Street, and will work with Portland Public Services to insure the design meets all City requirements.

Comment #10. *The applicant is proposing to meet parking demand needs via leased parking spaces off Woodford Street west of Forest Avenue. Given on street parking regulations, it is my professional opinion that occupants of the project site will park on Hersey Street given parking availability and convenience. Recognizing this factor, the applicant should provide a detailed parking demand and supply management plan that realistically proposes parking conditions. I would note that I'm open to the idea of shared parking given site uses, if it works from a management perspective. Further coordination and review on this subject is needed.*

Response: The Applicant has provided a memorandum from Maine Traffic Resources that analyses the anticipated parking demand. Based on this analysis, there is a need for a total of 18-19 parking spaces, split between office and residential users. The Applicant is proposing to provide a total of 10 parking spaces on-site, which will be shared between office and residential tenants. Based on the shared parking analysis, the on-site parking meets the residential demand, but is deficient during the daytime

hours by 2-4 spaces, depending on what parking standard is applied. The memorandum suggests managing this shared parking by initiating a number of options, including restricting residential use during daytime hours and promoting carpooling/ ridesharing. It is noted that the proposed building design does accommodate interior bike lockers for resident and office users, and the project is located on a Metro Bus route, both of which should also reduce the vehicular trips to the site. This memorandum is attached as Exhibit #3 to this response letter.

Preliminary Landscape Review Jeff Tarling 07.12.2016

Comment #1. The existing esplanade width is problematic - just too narrow to support Street trees on both sides, Ocean & Hersey Street. I checked the entire length of Ocean Avenue and no existing street trees, also this is a busy truck / commercial vehicle route and tree canopy even on an upright tree would unlikely to survive. Snow storage in winter along with deicing salts, this sidewalk route is on our priority school walk route and we plow so we need as much space as possible.

Response: The landscape plan has been modified to eliminate street trees along Ocean Avenue. We believe with the reconfiguration of the Hersey Street sidewalk that there is adequate room (+/- 4.5 ft) in the esplanade to install street trees and they will be effective in reducing the scale of the building. We are therefore proposing to install 4 street trees along Hersey Street. We have also added two trees along Ocean Avenue on the back side of the sidewalk north of the proposed building.

Comment #2. Thus we would like to see 'set-back' tree planting in available spaces. Also parking lot on Hersey Street should have a 4' buffer with plant material at back of sidewalk. A smaller 3' or 2' buffer might not make it. Ideally like to see woody shrub planting but could do ornamental grasses. Wood guardrail on the parking lot side is needed to protect this space from vehicles, snow etc. Without protection plant material would likely be damaged. This buffer on the residential side is more important than the more commercial Ocean Avenue side. Add a couple of trees on the parking lot edge to buffer parking lot from next door residential use. See photos, (I got creative with the pics.

Response: The landscape plan has been revised to accommodate a guardrail along the Hersey Street sidewalk and significant vegetated buffer associated with the adjacent rain garden. Additionally, the hedgerow has been extended along the east and north property lines to provide screening and privacy for the abutting residential neighbors.

Preliminary Planning Review Nell Donaldson 07.13.2016

Transportation

Comment #1. Sidewalk should be reconstructed along entire length of Ocean Avenue frontage

Response: The site plan has been modified to indicate replacement of the sidewalk along the entire length of Ocean Avenue.

Comment #2. Need documentation of ADA accessibility from the street.

Response: The grading plan provides accessible grades along the sidewalk connecting to the main office entrance and the accessible parking space.

Comment #3. *Standard (14-332):Residential: 2/unit...4 units = 8 spaces Office: 1/400 SF 'exclusive of cellar not used for bulk storage'...2,400 SF (per floor plans) = 6 spaces. Please provide evidence of lease agreement for four spaces to be provided off-site. Note that there may be neighborhood concerns about spillover parking on Hersey Street.*

Response: The Applicant has submitted a Parking Demand Analysis and Management plan that proposes managing the shared parking shortage in a number of ways, including restricting daytime use by residential tenants, encouragement of carpooling, ride sharing, and Metro, and including interior bike lockers and showers for office users. Additionally, the Applicant has provided evidence of a lease arrangement for up to 15 parking spaces at the Woodfords Club, which is approximately 1200 lf from the property and meets the ordinance requirement. The Applicant has explored other locations in the

immediate vicinity and has found nothing available any closer. A letter from the Applicant documenting their off-site parking search is attached to this memo as Exhibit #4.

Environmental Quality

Comment #4. *Landscaping and Landscape Preservation. Provide additional evergreen landscaping on eastern property line where site abuts residential zone.*

Response: The landscape plan has been revised to include a mixture of evergreen and deciduous landscaping along the eastern property line where existing vegetation does not provide adequate buffer and screening.

Public Infrastructure and Community Safety

Comment #5. *Availability and Adequate Capacity of Public Utilities.*

Response: Availability Letters from appropriate utility companies have been submitted for this project.

Comment #6. *Overhead electric is not permitted. Please confirm a plan for underground electrical with CMP and revise plans accordingly. Can the existing pole on Hersey Street be removed?*

Response: The utility plan has been revised to provide underground electrical service from Hersey Street. Owner will work with utilities to remove the existing pole adjacent to the new building if feasible. However; it may not be feasible to remove this pole because it appears to be a strain pole intended to offset the pull of the sizeable 3-phase service to the restaurant across Hersey Street. If it is not feasible to remove this pole, owner will work with utilities to install a sidewalk guy to support the pole while minimizing pedestrian impacts.

Site Design

Comment #6. *Exterior Lighting. Provide an exterior lighting plan in the revised submittal.*

Response: A Site Lighting Plan was previously submitted for this project and will be included in this latest submission.

Comment #7. *Evidence of Financial Capacity.*

Response: The Applicant has previously submitted a Letter of Financial Capacity that meets the City Requirement.

Comment #8. *Utility Capacity Letters*

Response: See Note #5 above.

Comment #9. *Show proposed easements and licenses.*

Response: The Final Subdivision Plat will include all easements and licenses required and described in other parts of this memo.

Comment #10. *Show Zone Line.*

Response: The Final Subdivision Plat will show the Zone line between the B1 Zone and R3 Zone, which cuts across the southeast corner of the property.

Comment #11. *Include reference to stormwater system and maintenance agreement.*

Response: The Final Subdivision Plan will include a note referencing the stormwater management system and associated maintenance agreement.

Comment #12. *Footings and cornice in R.O.W.. Public pedestrian easement will be required for sidewalk which encroaches on private property.*

Response: The Final Subdivision Plat will include all easements and licenses required and described in other parts of this memo.

September 6, 2016

To: City of Portland Planning Authority

Re: 23 Ocean Mixed Use

Response to Planning Staff Review and Planning Board Workshop

Narrative

Kevin Moquin Architect is pleased to provide the following responses to the Preliminary Staff Review Comments. Please also refer to responses prepared by Carroll Associates Landscape Architects. and Ransom Consulting Engineers.

Attachments

Architecture

1. 23O Response to Planning Review and Workshop
2. 23O Parking Search Narrative
3. 23O Hersey_Ocean View Rendering
4. 23O Ocean_Courtyard View Rendering
5. 23O Streetscape Elevations
6. 23O Siding Examples
7. A1-1 Floor Plans
8. A2-1 Elevations and Sections

Landscape

9. PROJECT MEMO- response to Preliminary Staff Comments
10. 23 Ocean Ave Permitting FINAL 090216-L 1.0 Site Preparation
11. 23 Ocean Ave Permitting FINAL 090216-L 2.0 Site Plan
12. 23 Ocean Ave Permitting FINAL 090216-L 3.0 MATERIALS AND LAYOUT
13. 23 Ocean Ave Permitting FINAL 090216-L 4.0 GRADING
14. 23 Ocean Ave Permitting FINAL 090216-L 5.0 LANDSCAPE
15. 23 Ocean Ave Details-L6.0
16. EXHIBIT 1 AUTOTURN
17. Existing Conditions
18. Portland23OceanParking
19. Portland23OceanTripGen

Civil

20. 23 OceanAve_2016-09-08 memo
21. C-1 Stormwater-Utilites
22. C-2 Details
23. C-3 Details

Memorandum dated July 26, 2016 prepared by Nell Donaldson, Planner

1. (VIII) Provide evidence of financial capacity.
 - a) Financial capacity is demonstrated in a letter dated July 20, 2016 from Doug Jones, Vice President, Business Banking Office at Biddeford Savings Bank uploaded to The City of Portland Electronic Plan Review site on July 25, 2016.
 - b) Technical capacity is demonstrated by the client's engagement of a team of qualified consultants as well as their past success with similar projects including the redevelopment of 56-58 Hammond Street in Portland.
2. (X) Subdivision Plat and final site plan submission shall be included in the final plan submission
 - a) Refer to submission by Carroll Associates Landscape Architects.
3. (XI.6) Verification of Sanitary Sewer / Stormwater Disposal Capacity will be required at time of final plan review.
 - a) Refer to submission by Carroll Associates Landscape Architects. and Ransom Consulting Engineers.
4. (XI.7) Identify the location of interim on-site storage for solid waste.
 - a) Each dwelling unit has a Laundry/Utility room where tenants will be encouraged to store waste until municipal curb side pick-up. Office waste will be stored in a basement level storage room.
5. (XII) Site Plan Review
 - a) Refer to submission by Carroll Associates Landscape Architects and Ransom Consulting Engineers.
 - (XII.1.a) Provide Summary of anticipated trip generation and a review of safety data in the immediate vicinity of the project.
 - "Trip Generation and Accident Analyses for Proposed New Offices and Apartments on Ocean Avenue in Portland" prepared by Diane Morabito PE, PTOE dated August 30, 2016 uploaded to The City of Portland Electronic Plan Review site on September 6, 2016.
 - "Shared Parking Analysis for 23 Ocean Avenue, Portland" prepared by Diane Morabito PE, PTOE dated August 30, 2016 uploaded to The City of Portland Electronic Plan Review site on September 6, 2016.
6. (XII.4.g) Request information on the location of HVAC equipment.
 - a) The external HVAC equipment will consist of six roof mounted condensers for mini-split heating and cooling system.

B-1 Design Review Comments dated July 8, 2016 prepared by Caitlin Cameron, Urban Designer

1. Standard (1) c. Building Entrances – *"We're concerned about visibility of entries from street – can office entrance be located closer to or on one of the streets? If not, visual cues from the street are needed, especially from the corner approach and indicating ADA route."*
 - a) The access from Hersey Street to the entry court has been redesigned to incorporate visual cues including an entrance canopy that projects beyond the face of the building and building mounted ADA signage

- b) We have provided an entry court for the main entrance to the buildings following the Guidelines described in the *“City of Portland Technical Standards and Design Guidelines, Appendix 2”*. As our site includes an existing building that will remain, it is important that our design incorporate this structure and not orphan it. All existing and new uses are accessed from an entry court with direct access to and prominent visibility from Ocean Avenue.
- 2. Standard (1) d. Windows – *“Façade character of the office portion of the building places fenestration with wrong emphasis – why are the largest windows at the stair instead of the active spaces? Corner approach should be made more open or active with fenestration. The office fenestration pattern versus the residential is not distinct enough – the upper floor residential should have consistent alignment and have a different character than the office.”*
 - a) The stairwell will be an active place and the scale of the window will communicate that activity to the sidewalk. The large window occurs at the stair because that stair is not merely egress, it is an ornamental stair. It is the daily means of circulation within floors of the office and will be used regularly by the office tenants. The window also improves the space of the lower level offices by drawing sunlight down the stair and into the common area below.
 - b) The fenestration for the upper floor residential areas had been redesigned for consistent alignment as requested by Caitlin.
- 3. Standard (1) e. Façade Character – *“Street-facing facades are oriented to and/or adjacent to public sidewalk. The office use should have a more distinctive façade character whether through floor delineation, fenestration patterns/sizes, and/or materials.”*
 - a) We have redesigned the facade of the first floor to accommodate Caitlin's request. The first floor now includes a panel facade that wraps the entire office use from the entry courtyard, along Ocean Avenue, and down Hersey Street to the entry court access located there.
- 4. Standard (1) g. Building Materials – *“Metal siding is not found in either the residential or commercial context. Revise the material selection – fiber cement clapboard is recommended.”*
 - a) Our intention to use horizontal metal siding that mimics the texture and shadow qualities of clapboard but does not carry the maintenance burden of painted clapboards. Example images were presented at the Workshop that illustrate real world instances of this approach. Those images are attached to this submission. Our impression is this was viewed as acceptable by the Planning Board.
- 5. Standard 3: Orientation of Buildings and their Entrances to the Street – *“Entries to commercial spaces can be made more prominent with the use of features such as signage, canopies, or lights. Alternatively, entrance could be moved to face a street.”*
 - a) There will be signage at the access point to the entry court on Ocean Avenue. The individual entries in the court do include canopies and lighting.
- 6. Standard 1 – The street-facing façades provide a high level of fenestration and visual interest with façade variation, changes in materials, and projecting balconies. The form, scale, and roof line are consistent with and complement the surrounding residential context. *“Adjust fenestration on corner approach to distinguish office from residential uses. Window proportions could be adjusted to reflect context.”*
 - a) We have accommodated Caitlin's request. Our approach has been described in item 2 and 3 above.
 - b) Following the workshop we met and worked with Caitlin and Nell to further develop the exterior of the building and have introduced a change in the roof line and siding material variation at the corner on floors two and three.
- 7. Standard 5 – *“See note from Planner.”*
 - a) This has been described in item 1 above.

Planning Board Workshop, July 26, 2016

1. Comment related to Civil, Parking, Traffic, and Site Plan concerns will be addressed by Carroll Associates Landscape Architects. and Ransom Consulting Engineers in a separate attachment.
2. Comment relating to building massing and scale have been addressed by changing the shape of the roof edge on Ocean Avenue. We have a building that is tallest at Ocean Avenue and it's roof highlights the corner of Ocean and Hersey. The building roof then slopes down as the building transitions in to the residential area of Hersey Street. To further articulate the building as it progresses down Hersey Street, we have introduced a siding material change at the first floor by using the panel system we have employed elsewhere on the first floor.
 - a) We have prepared Streetscape Elevations to illustrate that the building is in scale with it's neighbors and appropriate to it's location in a transitional zone between residential and commercial uses. As the B1 zone continues another block down Ocean Avenue past our project, we anticipate this building will work well with future neighbors in creating that transition. In Caitlin's review of this project she points out that *"The building is consistent with the surrounding context in its orientation to and relationship with the street. The project is successful at its gateway location and transitioning between commercial and residential neighborhoods."*

Response to Comments: 23 Ocean Avenue Development

Date: September 8, 2016

General Notes:

During the initial stages of the permitting process, it came to our attention (through public comment) that there may be flooding issues on Hersey Street. After discussion with Brad Roland and Justin Pellerin, we were able to confirm that during certain heavy rain events, the catch basin on the South Side of Hersey Street (at the downstream low point) has become overwhelmed and stormwater runoff has drained from the roadway onto adjacent private property. For this reason, we were asked to demonstrate that the project will not increase stormwater discharges to Hersey Street.

We were also told that the City plans to install a separated stormdrain system on Ocean Avenue and asked to direct our runoff to the Ocean Avenue drainage system to the greatest degree practical so that this runoff can be connected to the separated stormdrain system when it is installed.

Based this new information, we have adjusted our stormwater design to pipe the runoff from the roof of the new building to Ocean Avenue. In addition to addressing the comments below, this memorandum is intended to demonstrate that we have addressed the City's concerns/requests.

Comments Submitted by: Lauren Swett, PE of Woodard & Curran on 2016-07-14

Comments

1. The Applicant has submitted a City of Portland Wastewater Capacity Application. The Applicant should note that they will be required to provide evidence of capacity to serve and approval of the proposed design from the City of Portland.

Understood, no response needed.

2. The Applicant has indicated on their plans that they will be extending gas and electrical services from meters to be installed on the existing building to remain. The Applicant should provide verification from both Unitil and CMP that the ability to serve exists, and that the configuration will be acceptable to each utility.

As requested by the City, electrical and communications utilities have been

reconfigured to run from an existing pole (Pole #1, Nynex 1) on the opposite corner of Hersey- Ocean, beneath Hersey Street to the new building, in a more traditional alignment. The applicant has set up an account with CMP for the new building and is in the process of scheduling an onsite meeting. The applicant is not proposing to install a new gas service to the new building.

3. The proposed underground gas and electric utilities will be located beneath an existing hedge located along Ocean Avenue. The site preparation plan notes that the hedge is to remain, and the landscaping plan does not provide any new plantings in this area. The Applicant should comment on the plan for maintaining this existing landscaping with the proposed utility installation.

The proposed utilities have been reconfigured as described above and are no longer in conflict with the hedge. The hedge will remain.

4. In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. We offer the following comments:
 - a. Basic Standard: Plans, notes, and details should be provided to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in accordance with Appendix A, B, & C of MaineDEP Chapter 500. The applicant has provided details, and notes indicating erosion control requirements, but we recommend the addition of erosion and sedimentation control locations on the plans and additional notes on inspection and maintenance requirements should be added to the plans to be in conformance with the standards.

Note 4 on sheet C-1 requires the contractor to inspect erosion control measures weekly and after rain events and to keep a log of the inspections. A mulch berm has been added along the eastern (down-gradient) edge of the property.

With such a small and constrained urban site, it is our assessment that allowing the contractor a certain degree of flexibility to maintain disturbed areas and keep soils onsite can produce the best results. For example, it may not be practical to install a mulch berm or silt fence along the southern (down-gradient) side of the site; however, it may be feasible to grade the site to drain internally or to drain towards the mulch berm along the eastern boundary.

- b. General Standard: The project is required to include stormwater management features for stormwater quality control. The Applicant is proposing to install rain gardens, pervious pavers, and underdrained roof drain collection systems on the site. The proposed systems are anticipated to provide acceptable stormwater treatment, but the Applicant is required to provide calculations and additional design information verifying compliance with the Maine DEP Chapter 500 and City of Portland Technical Standards Section 5.

The site's existing impervious area is 4,036 SF and the proposed impervious area is 6, 188 SF, which results in an impervious surface increase of 2,152 SF.

Runoff from the proposed building's roof (2,824 SF) will drain through a roof drain cartridge filter before discharging to an existing catch basin Ocean Avenue. See attached sizing information and specifications from the manufacturer and manufacturer's representative.

The remainder of the site will drain to an underdrained soil filter and pervious paver area in the south eastern corner of the site. Additionally, downspouts from the existing building will be directed into underdrain system with 12" of crushed stone storage below the pipe. We calculate water quality volumes for these BMPs as follows:

Underdrained Surface Soil Filter (Rain Garden): 75 CF (based on an area of 100 SF with an average depth of 9")

Crushed Stone Beneath Pervious Pavers: 58 CF (assumes 33% void ratio)

Crushed Stone Beneath Underdrain for Roof Liters: 47 CF (assumes 33% void ratio)

This results in a total volume of 180 CF, which is equivalent to 1" of rainfall over an impervious area of 2,160 SF.

Therefore, the proposed stormwater management system is designed to treat the runoff from a total of 5,024 SF of impervious area for a 1" rain event. This area is more than twice the impervious area we are proposing to add.

The proposed rain gardens do not appear to have any overflow structures or bypass outlets.

The rain garden in the southeastern corner of the site will overflow through the driveway apron to the Hersey Street gutter. This has been clarified on the plans and additional information on grading has been provided so that it is clear that overflows should through the driveway apron and not onto the sidewalk/esplanade.

Due to changes in the parking area and because the roof of the new building will now drain to Ocean Avenue (to be connected to a future separated stormdrain) the northern rain garden (near the existing building) has been eliminated.

Applicant should provide model and information indicating the peak water elevations within these systems during storm events, as well as information on infiltration rates at these sites. The Applicant should provide comment on the potential for these systems to overflow during storm events, and the impact that this may have on their site and adjacent properties.

The stormwater BMPs described above are intended to provide

treatment during small to moderate rain events and also to treat a “first flush” during larger rain events (treatment areas described above). Although a moderate degree of peak flow attenuation may occur, the BMPs are not designed to provide stormwater detention.

During larger rain events, the rain garden will routinely overflow to the Hersey Street gutter through the driveway apron. This is an existing condition, as the site currently drains through the driveway apron to Hersey Street; however, the peak flow rates and volumes of discharges to Hersey will be reduced because runoff from the roof of the new building will drain to Ocean Avenue (see Flooding Standard response). Therefore, impacts to adjacent residential properties will be reduced.

Based on the Cumberland County USDA soil survey GIS data, the existing soils on this site are hydrological group C & D, moderately to somewhat poorly drained. Also, based on surficial geology mapping, subgrade soils are part of the Presumpscot Formation, which is marine clay. For these reasons, we anticipate minimal infiltration and it is our opinion that it will be necessary to underdrain the rain gardens.

- c. Flooding Standard: The project is required to include stormwater management features to control the rate or quantity of stormwater runoff from the site. The Applicant has requested a waiver of the flooding standard. The project will result in the creation of greater than 1,000 square feet of new impervious surface, which cannot be considered as a de minimus increase. Additional information, including stormwater calculations and verification of downstream infrastructure capacity to handle any increases in flow, is required before we can consider a potential waiver of the flooding standard.

As shown on Sheet C-1, the runoff from the roof of the new building will be conveyed to the Ocean Avenue drainage system. The area of the new building, at 2,824 SF, is greater than the additional impervious area that this project will create. Because drainage from the new roof will drain to Ocean Avenue, total area and the impervious area that drains from this site will decrease. Therefore, the proposed development will result in a reduction in peak flow rates (and volumes) from this site into the Hersey Street drainage system.

The City has asked us to redirect drainage from this site to Ocean Avenue so it can be connected to a new separated stormdrain system, which will be installed in the near future. It is our understanding, will be designed to convey area stormwater flows.

After the separated drainage system is installed, this project will have zero impact on the Ocean Avenue combined sewer and as mentioned above, flow rates to Hersey will decrease. For these reasons, we are requesting either a waiver of the flooding standard or a determination that the flooding standing has been met.

5. The Applicant has requested that the outlet from one of the proposed rain gardens on the site be connected to the City of Portland combined sewer system in Hersey Street. Per Section 2 of the City of Portland Technical Manual, “the introduction of non-contaminated water such as rain water, non-contact cooling water, groundwater from foundation drains, sump pumps, surface drains or any other sources of inflow shall not be allowed to discharge into a sewer which conveys sanitary waste unless approved by the City Engineer.” A waiver of this requirement may be considered when no other alternative exists. Before a waiver can be considered for this project, additional information on the anticipated flow quantities must be provided.

The proposed underdrain will run beneath the pervious pavers at the driveway apron and the proposed rain garden. Based on consultation with Ransom’s Geotechnical engineering staff, we estimate the permeability of the sand (MaineDOT 703.22 Underdrain Type B Backfill) beneath the pavers to be in the range of 1 to 10 in/hour. This is greater than the permeability of the soil filter media (which Maine DEP estimates to be in the range of 0.5 to 2.4 inches per hour).

If we take the upper range of underdrain backfill permeability and double it (20 in/hour) then, considering the area of the pervious pavers and rain garden, the maximum flow rate from the underdrain is estimated to be in the range of 0.12 CFS. Considering that this is the high end of the estimated permeability range, we estimate that the average/actual discharge rates to the combined sewer will likely be less than 0.05 CFS.

6. The Applicant should provide proposed locations for snow storage, or comment on a plan for snow removal from the site. The site’s stormwater features should not be utilized for snow storage.

Snow storage has been added as shown on the revised plans

John I. Mahoney

Subject: FW: Downspout Filter/cartridge outbox box sizing

From: Rob Woodman [<mailto:rwoodman@acfenv.com>]
Sent: Wednesday, September 07, 2016 10:48 AM
To: John I. Mahoney
Subject: Downspout Filter/cartridge outbox box sizing

John,

In terms of sizing – if we take the 2,700 sf area you listed in a previous email and run it through the Rational Method –

Based on a 1yr intensity of 2"/hr, the 2,700 sf area and runoff coeff 'c' of 0.9 – peak flow would be around 0.12 cfs – so a 1 cartridge model would be fine.

For the 25yr intensity of 6"/hr – the peak flow would be 0.33 cfs – which will easily be managed by the overflow bypass.

I think we can fit this in a 2' square catch basin – but will need to check the CAD detail (which I hope to have shortly) to make sure there is enough room to remove and replace the cartridge.



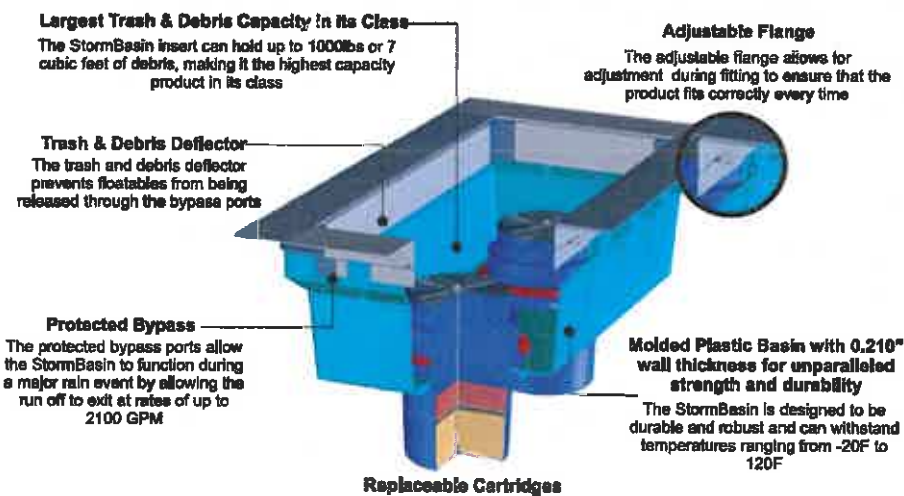
Hope this helps.
Rob

Robert J Woodman, P.E., CPESC
Senior Stormwater Engineer
| ACF Environmental |
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STORMWATER MANAGEMENT SOLUTION SUBMITTAL

STORMBASIN, STORMSAFE AND DOWNSPOUT FILTER

BY FABCO INDUSTRIES



PREPARED BY: ACF ENVIRONMENTAL

SEPTEMBER 2016

800.448.3636

acfenvironmental.com



ACF Environmental
2831 Cardwell Rd
Richmond, VA 23234



September 2, 2016,

SUBJECT: Stormwater Treatment Device for City of Portland Infill projects
StormBasin, StormSafe, Downspout Water Quality Inlet Filter

Dear City of Portland Engineer/Designer,

ACF Environmental is pleased to provide a comprehensive submittal package for the **StormBasin, StormSafe Vault and Downspout** – cartridge filter based water quality inserts by Fabco Industries and proudly represented by ACF Environmental in Pennsylvania.

This technology provides a high performance, space efficient, cost effective, and easy to maintain stormwater quality filter catch basin/manhole or downspout insert that is well suited to retrofit projects and as an effective pretreatment device upstream of infiltration systems.

While this system does not meet the full extent of MeDEP Chapter 500 water quality requirements for innovative solutions, the Downspout Filter has been recently approved on a series of infill projects in the City of Portland where there is insufficient space for the traditional BMPS to treat primarily roof runoff. Recent/current projects include both the **185 Fore Street** development and the **16 Middle Street** development projects where the Downspout Filter was approved by the City and their assigned reviewers to provide acceptable levels of treatment for the roof runoff.

As shown in the attached submittal package, the Fabco Stormbasin provides 82% TSS removal for the OK85 particle size distribution at 0.26cfs per cartridge – using the ‘standard’ cartridge.

Specific pollutant targeted cartridges are available to address Hydrocarbons, metals, nutrients and bacteria.

Should you have any question or require additional information, don't hesitate to contact me for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Woodman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert J Woodman,
Senior Stormwater Engineer
ACF Environmental

POST CONSTRUCTION STORMWATER TREATMENT SUBMITTAL

StormBasin, StormSafe Vault and DownSpout Filter by Fabco Industries

Prepared by: Robert Woodman, PE – ACF Environmental

Date: May 16, 2016

Introduction:

ACF Environmental, Fabco Industries' primary distributor along the east coast, has prepared this document to provide a product summary and provide pertinent information including case studies, operations and maintenance and engineering details for the Fabco StormBasin drain insert (and StormSafe Vault and DownSpout Filter).

Proposed Products:

- **StormBasin** – Catch Basin Cartridge filter – By Fabco Industries.
- **StormSafe Vault** – Cartridge Filter Vault – By Fabco Industries.
- **DownSpout Filter** – Roof runoff cartridge filter – By Fabco Industries.

About Fabco Industries, Inc.

Fabco is an industry leader in the design, manufacturer, and application of stormwater treatment systems. Fabco practice a philosophy of continuous product innovation, research, and development. Fabco's goal is to provide innovative technology and products that result in cleaner water for all. Their range of durable, cost-effective products is designed to meet increasingly stringent pollution control regulations and best management practices for municipal and commercial stormwater markets.

Fabco offers sustainable, simple-to-maintain filtration solutions to meet virtually any stormwater pollution control challenge. Fabco and their distributors work with their clients to tailor the right Fabco solution for any situation. Fabco Industries was established in 1997 and is headquartered in Farmingdale, NY.

ACF Environmental is the primary distributor of Fabco solutions along the east coast.

Fabco StormBasin Product Overview:

Fabco StormBasin is a proprietary stormwater treatment cartridge based system that is mounted within the inlet to a drainage structure. The StormBasin is designed to capture and retain stormwater pollutants namely: sediment, trash, vegetation, nutrients, coliform bacteria, oil/grease and dissolved metals (e.g., lead, copper, cadmium and

chromium). The large sediment and debris basin provides ample storage volume for solids carried in stormwater flows (over 8 cubic ft. in the 30" x 48" size). The product's design features a "hooded" bypass to reduce the potential for flooding during peak storm events while still retaining sediment and debris. The StormBasin also keeps the captured material dry, simplifying maintenance and reducing disposal costs. Figure 1 provides a simple graphic of the system features.

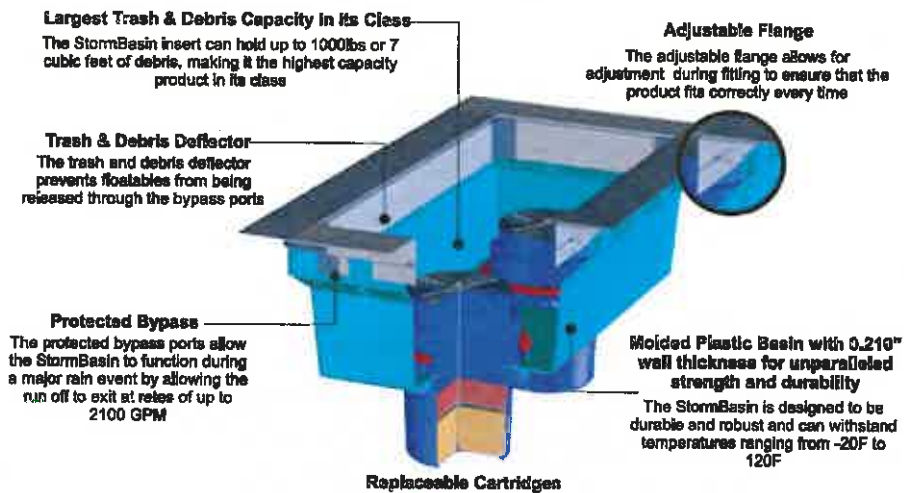


Figure 1: StormBasin Features

Fabco filter cartridges are designed to provide effective treatment of stormwater while maintaining high flow rates throughout the life of the cartridge. Filter cartridges are available in various configurations allowing you to fine tune performance by targeting specific pollutants such as: sediments and debris, heavy metals, hydrocarbons/toxic chemicals, pathogens/bacteria and nutrients. The lightweight filter cartridge comes fully assembled and snaps securely in place with a quick twist. The modular cartridge design allows quick and easy replacement while containing the spent material for safe transport and disposal.

Illustrations of the "standard", "Hydrocarbon" and "Nutrients" cartridges and their c 2 2 2 2 2 d below as Figur 2 (on the next page).

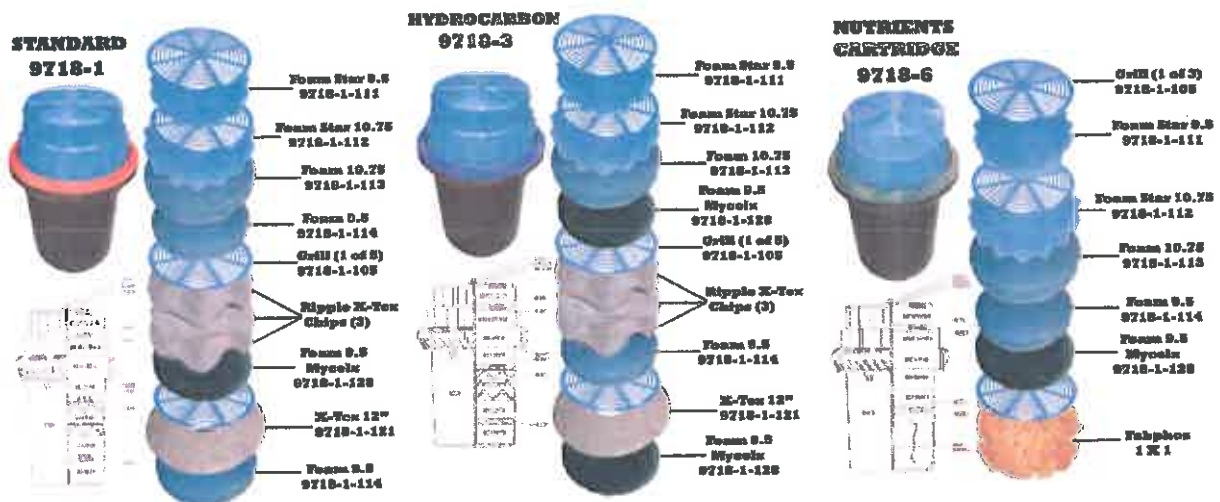


Figure 2: Fabco filter cartridge

Fabco StormBasin Images:



As discussed above, the Fabco StormBasin cartridges target TSS, heavy metals, bacteria, and oils and grease.

Third Party Testing

Long Island Analytical Laboratories, Inc. , A third party laboratory, performed a test in 2015 that demonstrated that for an OK85 silica sand gradation at a design flow rate of 120 gpm per cartridge, a mean TSS removal of 82.3% was achieved.

A copy of the lab report is included with this letter at Attachment A.

Fabco Industries Laboratory Testing

Hydraulic Test Report and O&G Removal:

This was a FABCO laboratory test that evaluated clean cartridge flow capacities and oil and grease removal rates.

Results indicated clean flow rates of 100 gpm +/- 15% and oil and grease reductions of greater than 80% for influent concentrations in the 50-80 mg/L range.

Stormwater Nutrient P&N Test Program:

This program was conducted as a result of local New York Municipal and County requirements to show our efficacy in reducing total phosphorus and total nitrogen in the field. The program lasted 14 months (Oct 2006 to Dec 2007) and tested a number cartridge designs and local hydrologic\land use conditions. At the end of the study, the optimal nutrient cartridge was capable of removing on average > 60% Total Phosphorus for concentrations above 0.14 mg/L and > 40% Total Nitrogen. The final conclusions were based on stormwater runoff samples collected from Site 3 for a 1 month period (November of 2007). Site 3 is described as a residential area (grassy lawns, impervious sidewalks, surface streets, landscaping, trees, etc.). The contributing drainage area to the 24" round grate was less than 0.25 acres and was 50% impervious.

Analysis of Sediments from Cleanout Events – Short Summary:

Street dirt or sediments deposited in a StormBasin (Site 349) installed in an urban roadway setting in Nassau County were allowed to collect in the StormBasin over a 4 month period. Analysis of this material showed that 40% by mass were less than 300 microns, which is supportive of Fabco's claim that the unit will remove 110 micron particles at a very high rate of efficiency (at least 80%).

Fabco StormBasin Sizing:

The Fabco StormBasin is a flow based device. The 'standard' cartridge can treat a peak flow of 0.22 cfs (80% TSS). As such the water quality design flow or treatment goal for the inlet of interest determines how many cartridges are required to meet the water quality goal. Table 1 (below) provides the flow ranges for 1, 2, 3 and 4 cartridge StormBasins.

Table 1: # Cartridges Req'd to meet Flow Requirement

Req'd Treatment Flow (Q_{wq}) (cfs)	# Standard Cartridges Req'd
0-0.26	1
0.27-0.52	2
0.53-0.78	3
0.79-1.04	4

Note: A high flow cartridge is available to treat up to 0.58cfs per cartridge.

Details of 1, 2, 3 and 4 cartridge StormBasin water quality units are included in Attachment B. Note: The StormBasin is available in many different dimensional layouts. The details in Attachment B are just examples of common configurations.

A copy of the Fabco StormBasin tech brochure is included with this letter as Attachment C.

Fabco StormBasin Case Studies:

Fabco StormBasins have been installed for retrofit projects across the country. Since 2009 more than 4,000 Fabco catch basin inserts have been installed in Nassau County, NY - a major suburban area on Long Island in order to comply with NYS DEC MS4 permit requirements and clean water act goals of restoring the health of the South Shore Estuary and Long Island Sound – See Attachment D.

Other notable StormBasin projects include:

- Putnam Valley, NY – Phosphorus Limited Lake Watershed (see Attachment D)
- Patchogue Lake, NY – See Attachment D News article

Fabco StormBasin Maintenance:

After installation the StormBasin requires periodic cleaning. There are no hard and fast rules in this regard. Small units and installation sites with higher than expected sediment loads or areas with significant trees and foliage require more maintenance. In general, Fabco Industries recommends cleaning out the unit(s) twice per year by removing the debris, sand and silt and replacement of the cartridges once per year. An Operations and Maintenance Manual is provided as Attachment E.

Fabco StormBasin Specification:

The StormBasin cartridge specification is provided as Attachment F.

Fabco StormSafe Vault:

In certain applications, typically in larger developments or redevelopment projects, it can be more economical to consolidate the number of required cartridges into one single manhole or vault. This configuration is referred to as the Fabco **StormSafe Vault**. The StormSafe vault can be configured several different ways, but typically consists of a concrete structure with a deck that is custom built to house the required number of cartridges. Images of the StormSafe Vault are provided below:



StormSafe Cartridge Vaults are ideal for small drainage areas that require stormwater treatment beyond simple gross pollutants and trash removal. By utilizing the same proven filter technology from the StormBasin product line, the StormSafe Cartridge Vault can reduce concentrations of targeted stormwater pollutants in a cost effective manner. This flexibility in design makes the StormSafe Cartridge Vault ideal for small parking areas, storage areas that have high concentrations of heavy metals, or maintenance facilities that generate oils and grease loads.

Relative to other vault systems the StormSafe Cartridge Vault is designed to provide a highly effective treatment solution within a small foot print.

Inside the StormSafe Cartridge Vault there are 3 discrete chambers:

Chamber 1: Pretreatment Chamber - Untreated water enters the StormSafe here

Chamber 2: Filtration Chamber - Contains the filter cartridges.

Chamber 3: Outlet Chamber - Located behind the Pretreatment and Filtration chambers, the Outlet chamber contains the outfall pipe

Treatment process:

Stormwater runoff enters the vault through the Pretreatment chamber where the heaviest sediments begin to separate from the water and drop to the bottom of the chamber. As the runoff fills the chamber the water level rises upwards towards a rectangular opening or weir passing through the wall to the Filtration Chamber.

To protect the Filtration Chamber from the floating trash, debris and, oils/grease in the runoff, the opening/weir connecting the Pretreatment to the Filtration Chamber is equipped with a full length hood. This submerged hood, acts like an oil/water separator trapping floating material in the Pretreatment Chamber. This simple process protects the filter cartridges extending their service life and allowing optimum treatment flow rates.

Water leaving the Pretreatment Chamber enters the Filtration Chamber where it is filtered through cartridges held in a permanently installed mounting plate.

The treated water leaving the cartridges drops down below the mounting plate and flows directly into the Outlet Chamber where it exits the treatment process.

If the inlet hood between the Pretreatment Chamber and the Filtration Chamber becomes blocked or if the total flow rate to the StormSafe exceeds the system treatment capacity, water can flow over the internal dividing walls and into the Outlet Chamber thereby providing additional hydraulic capacity.

A copy of the StormSafe Vault tech brochure is included with this letter as Attachment G.

Maintenance for the StormSafe Vault is similar to that of the StormBasin – discussed above.

Fabco DownSpout Filter:

The Fabco cartridge filter technology can also be applied to treat stormwater in roof drains and downspouts. The Fabco **DownSpout Filter** (an example shown below) can also be configured in several ways and can be pavement mounted adjacent to a building, wall mounted or set within a building utility room or basement to collect and treat internal roof drains.

The **DownSpout Filter** is designed to treat particulates and soluble pollutants contained in runoff water from roof tops. While most would agree that water leaving roof surfaces is much cleaner than most stormwater runoff, it is not completely free of potentially harmful contaminants. For example:

Heavy metals: Water can react with the metal roofs, metal components or roof mounted equipment which then releases soluble metals, such as zinc, copper, lead and aluminum into the water stream. This release can be accelerated in areas where acid rain is prevalent. For example, studies have shown that zinc concentrations in rooftop runoff are substantially higher than those in rainwater. Elevated levels of zinc in soils may lead to phytotoxicity (the poisoning of plants), which is a concern when portions of plants will be consumed.

Pathogens: Birds, insects, and small mammals deposit fecal matter on rooftops and in gutters, contributing bacteria and pathogens to runoff.

Polycyclic aromatic hydrocarbons (PAHs), dust and particulate matter from vehicle exhaust and the burning of fossil fuels can collect on roof surfaces, producing elevated PAH levels in runoff.

The DownSpout filter utilizes proven StormBasin replaceable filter Cartridges to treat most common stormwater pollutants. Filter cartridges can be selected to treat: Sediments/debris; hydrocarbons; heavy metals; nutrients and bacteria. The High Flow DownSpout system is versatile and expandable beyond the standard two filter cartridge design.

System overview:

- Large freestanding filter enclosure offers multiple installation and mounting options.
- Constructed from high strength, exterior grade Polyethylene material (nominal ¼" wall thickness) with an aluminum internal support frame.
- Aluminum cartridge mounting plates have "Twist-Lok" retention and a tight seal.
- 4" PVC inlet/Outlet pipes.
- Internal debris storage capacity.
- Built in high flow bypass.
- Internal water/debris collection tub is lined with a seamless, flexible rubber membrane to prevent long-term leakage issues due to material degradation or thermal expansion due to temperature changes.

Images of the DownSpout filter are provided on the next page:



Maintenance for the DownSpout Filter is similar to that of the StormBasin – discussed above.

Attachments:

Attachment A – Long Island Analytical Laboratories Report

Attachment B – StormBasin engineering details

Attachment C – StormBasin tech brochure

Attachment D – Case Studies

Attachment E – O and M manual

Attachment F – Specification

Attachment G – StormSafe Vault tech brochure

SUMMARY MEMORANDUM

TO: Mr. Patrick J. Carroll
Principal
Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101

DATE: August 30, 2016

RE: Trip Generation and Accident Analyses for Proposed New Offices and Apartments on Ocean Avenue in Portland

The purpose of this memorandum is to summarize trip generation analysis prepared for a proposed new building at the site of 23 Ocean Avenue in Portland, Maine. The site is currently occupied by 1,580 S.F. of office space. The proposed new building is expected to provide for a total of 2,389 S.F. of office space on the first floor and in the basement with four apartment units on the second floor. Additionally, in terms of safety, accident data was obtained and reviewed for the vicinity of the site.

Existing Trip Generation

The number of trips generated by the existing offices was estimated using the most recent Institute of Transportation Engineers (ITE) "Trip Generation, 9th Edition," published in 2012. The trips were estimated using land use code (LUC) 710 – General Office Building on the basis of 1,580 S.F. The results are summarized below:

<u>Time Period</u>	ITE Projected Trip Generation (one-way trip ends)	
	<u>Existing Offices</u>	
Weekday	18	
AM Peak Hour – Adjacent Street	3	
Entering	3	
Exiting	0	
PM Peak Hour – Adjacent Street	2	
Entering	0	
Exiting	2	

As demonstrated above, the existing offices are currently generating 3 trips during the AM peak hour of the adjacent street and 2 trips during the PM peak hour of the adjacent street.

Proposed Trip Generation

The number of trips to be generated by the proposed offices and apartments was estimated using LUCs 710 – General Office Building on the basis of 2,389 S.F. and 220 – Apartment on the basis of four (4) dwelling units. The results are summarized in the table below:

<u>Time Period</u>	ITE Projected Trip Generation (one-way trip ends)		
	<u>Offices</u>	<u>Apartments</u>	<u>Total</u>
Weekday	26	28	54
AM Peak Hour – Adjacent Street	4	2	6
Entering	4	0	4
Exiting	0	2	2
PM Peak Hour – Adjacent Street	4	3	7
Entering	1	2	3
Exiting	3	1	4

As shown above, the proposed offices and apartment units are expected to generate a total of 6 new one-way trips during the AM peak of the adjacent street and 7 new trips during the PM peak of the adjacent street. This results in the entire site generating 9 one-way trips during the AM peak hour period and 9 one-way trips during the PM peak hour period. This minimal level of new traffic would not be expected to have any significant impact off-site on traffic operations. Typically, a project will not have any measurable impact unless it generates in excess of 25 to 35 new lane hour trips. The proposed residential and office development will generate a maximum of four (4) new lane hour trips based upon the ITE analysis, which will have no impact off-site on traffic operations.

Safety Analysis

Accident Review

The Maine Department of Transportation uses two criteria to determine high crash locations (HCLs). The first is the critical rate factor (CRF), which is a measure of the accident rate. A CRF greater than one indicates a location which has a higher than expected accident rate. The expected rate is calculated as a statewide average of similar facilities.

The second criterion, which must also be met, is based upon the number of accidents that occur at a particular location. Eight or more accidents must also occur over the three-year study period for the location to be considered a high crash location. Accident data was obtained from MaineDOT for both Ocean Avenue and Hersey Street within the vicinity of the proposed site for the most recent three-year period, 2013 - 2015. This data is summarized by location in the following table:

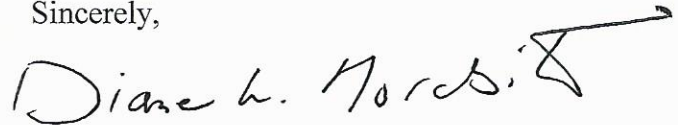
<u>Ocean Avenue Location Description</u>	<u># of Acc.</u>	<u>CRF</u>
Intersection of Forest Avenue	27	0.81
Between Forest and Hersey Street	2	1.17
Intersection of Hersey Street	2	0.62
Intersection of Codman Street	2	0.59
Between Chenery Street and Sawyer Street	1	0.30
Intersection of Sawyer Street	2	0.55

<u>Hersey Street Location Description</u>	<u># of Acc.</u>	<u>CRF</u>
Between Ocean Avenue and Clifton Street	2	0.45
Intersection of Clifton Street	2	0.98

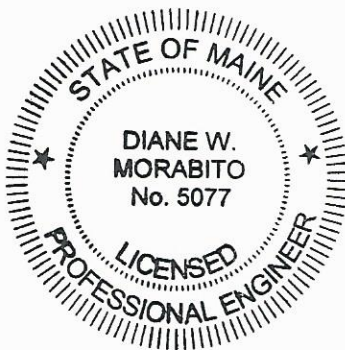
As seen above, there are no high crash locations, within the vicinity of the proposed development. Given the minimal trip generation and that there are no high crash locations, no additional accident review or evaluation should be necessary.

As always, please do not hesitate to contact me if you or the City of Portland have any questions or concerns regarding this trip generation or accident analysis.

Sincerely,



Diane W. Morabito, P.E. PTOE
President



Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

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

REPORT DESCRIPTION

Ocean Ave Hersey St area in Portland

REPORT PARAMETERS

Year 2013, Start Month 1 through Year 2015 End Month: 12

Route: 0009X	Start Node: 16853	Start Offset: 0	☐ Exclude First Node
	End Node: 13467	End Offset: 0	☐ Exclude Last Node
Route: 0560361	Start Node: 12807	Start Offset: 0	☒ Exclude First Node
	End Node: 12725	End Offset: 0	☐ Exclude Last Node

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary I

Nodes																
Node	Route - MP	Node Description	U/R	Total Crashes	K	A	B	C	PD	Percent Injury	Annual M Ent-Veh	Crash Rate	Critical Rate	CRF		
P16853	0009X - 63.08	Int of FOREST AV OCEAN AV SAUNDER ST	9	27	0	0	2	6	19	29.6	10.864	0.83	1.02	0.00	0.81	
												Statewide Crash Rate:	0.67			
12807	0009X - 63.12	Int of HERSEY ST, OCEAN AV	2	2	0	0	0	0	2	0.0	2.775	0.24	0.39	0.00	0.62	
												Statewide Crash Rate:	0.13			
P12810	0009X - 63.18	Int of CODMAN ST OCEAN AV	2	2	0	0	0	0	2	0.0	2.896	0.23	0.39	0.00	0.59	
												Statewide Crash Rate:	0.13			
A12858	0009X - 63.19	Int of IRVING ST OCEAN AV	2	0	0	0	0	0	0	0.0	0.000	0.00	0.00	0.00		
												Statewide Crash Rate:	0.13			
12811	0009X - 63.24	Int of CHENERY ST, OCEAN AV	2	0	0	0	0	0	0	0.0	3.019	0.00	0.38	0.00		
												Statewide Crash Rate:	0.13			
P13359	0009X - 63.32	Int of OCEAN AV SAWYER ST	2	2	0	0	0	1	1	50.0	3.143	0.21	0.38	0.00	0.55	
												Statewide Crash Rate:	0.13			
A13467	0009X - 63.34	Int of OCEAN AV PARSONS RD	2	0	0	0	0	0	0	0.0	0.000	0.00	0.00	0.00		
												Statewide Crash Rate:	0.13			
12725	0560361 - 0.29	0503138 POR,CLIFTON,HERSEY ST.	2	2	0	0	0	0	2	0.0	1.376	0.48	0.49	0.00	0.98	
												Statewide Crash Rate:	0.14			
Study Years: 3.00				NODE TOTALS:	35	0	0	2	7	26	25.7	24.073	0.48	0.55	0.88	

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

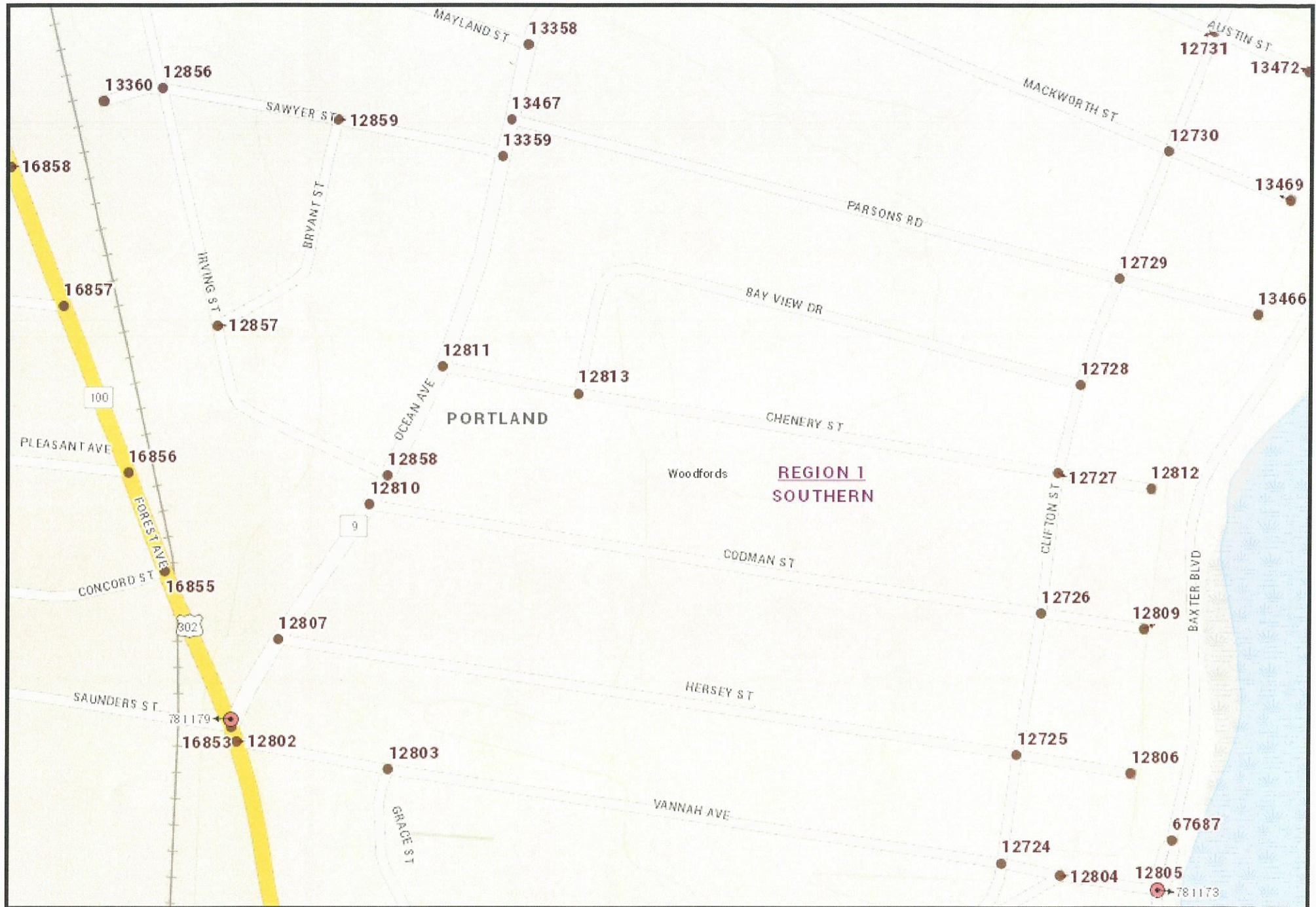
Crash Summary I

Sections																	
Start Node	End Node	Element	Offset Begin - End	Route - MP	Section U/R Length	Total Crashes	K	Injury Crashes				Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF	
12807	16853	3120647	0 - 0.04	0009X - 63.08 ST RTE 9	0.04	2	2	0	0	0	1	1	50.0	0.00096	692.48	591.54	1.17
Int of HERSEY ST, OCEAN AV														Statewide Crash Rate: 159.43			
12807	12810	3131540	0 - 0.06	0009X - 63.12 ST RTE 9	0.06	2	0	0	0	0	0	0	0.0	0.00160	0.00	525.13	0.00
Int of HERSEY ST, OCEAN AV														Statewide Crash Rate: 159.43			
12810	12858	3131541	0 - 0.01	0009X - 63.18 ST RTE 9	0.01	2	0	0	0	0	0	0	0.0	0.00027	0.00	685.44	0.00
Int of CODMAN ST OCEAN AV														Statewide Crash Rate: 159.43			
12811	12858	3117883	0 - 0.05	0009X - 63.19 ST RTE 9	0.05	2	0	0	0	0	0	0	0.0	0.00140	0.00	542.64	0.00
Int of CHENERY ST, OCEAN AV														Statewide Crash Rate: 159.43			
12811	13359	3129251	0 - 0.08	0009X - 63.24 ST RTE 9	0.08	2	1	0	0	0	1	0	100.0	0.00232	143.39	477.22	0.00
Int of CHENERY ST, OCEAN AV														Statewide Crash Rate: 159.43			
13359	13467	3106255	0 - 0.02	0009X - 63.32 ST RTE 9	0.02	2	0	0	0	0	0	0	0.0	0.00059	0.00	649.91	0.00
Int of OCEAN AV SAWYER ST														Statewide Crash Rate: 159.43			
12725	12807	187219	0 - 0.29	0560361 - 0 RD INV 05 60361	0.29	2	2	0	0	0	0	2	0.0	0.00140	474.62	1043.35	0.00
0503138 POR,CLIFTON,HERSEY ST.														Statewide Crash Rate: 384.19			
Study Years:		3.00	Section Totals:		0.55		5	0	0	0	2	3	40.0	0.00855	195.00	402.30	0.48
			Grand Totals:		0.55		40	0	0	2	9	29	27.5	0.00855	1560.02	555.36	2.81

0.30

0.45

DEFAULT TITLE FROM MAP DOCUMENT



The Maine Department of Transportation provides this publication for information only. Reliance upon this information is at user risk. It is subject to revision and may be incomplete depending upon changing conditions. The Department assumes no liability if injuries or damages result from this information. This map is not intended to support emergency dispatch.

0.09
Miles
1 inch = 0.07 miles

Date: 8/29/2016
Time: 12:40:18 PM

SUMMARY MEMORANDUM

TO: Mr. Patrick J. Carroll
Principal
Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101

DATE: October 12, 2016

RE: Shared Parking Analysis for 23 Ocean Avenue, Portland

This is written to respond to provide updated information regarding parking requirements for the proposed development at 23 Ocean Avenue in Portland. The existing site provides 1,580 square feet (S.F.) of office space. The proposed additional building will provide 2,389 additional S.F. of office space in the basement and first floor levels with four residential apartments on the second floor.

Parking needs were first determined using the Institute of Transportation Engineers (ITE) "Parking Generation, 4th Edition", published in 2010, and land use codes 221 – Low/Mid-Rise Apartment and 701 – Office Building. It was determined at a meeting with City staff on September 29th that the area is best represented as an average of urban and suburban rates. The 85th percentile parking needs, the typical figure used for transportation design purposes, are outlined below for the overall project using the average of the two rates:

Existing Office Space and Proposed Office Spaces –

1,580 S.F. plus 2,389 S.F. = 3,969 S.F. X $(3.45 + 2.98/2 \text{ per } 1,000 \text{ S.F.} = 3.22)$ = 12.78
= 13 spaces

Proposed Apartments – $(1.42 + 1.61/2 \text{ vehicles per dwelling unit} = 1.52)$ X 4 = 6.08 = 6

Total Required Spaces = 13 office and 6 apartment = 19

Additionally, parking needs were analyzed on the basis of the City of Portland requirements. The City parking code specifies one (1) parking space for every 400 S.F. of office space and two (2) parking spaces for every dwelling unit. The parking needs based upon the City requirements are outlined below for the overall project:

Existing Office Space and Proposed Office Spaces –

1,580 S.F. plus 2,389 S.F. = 3,969 S.F. X 1 per 400 S.F. = 9.92 = 10 spaces

Proposed Apartments – 2.00 vehicles per dwelling unit X 4 = 8 spaces

Total Required Spaces = 10 office and 8 apartment = 18

Based upon the ITE 85th percentile urban and suburban rates, the proposed development would require 19 parking spaces. Based upon the City of Portland requirements, a similar 18 spaces are necessary. The proposed uses are ideal for consideration of shared parking. Parking for the residential units peaks from 10:00 PM until 5:00 AM. During this overnight period the residential apartments will require 6 – 8 spaces while the office spaces will require none.

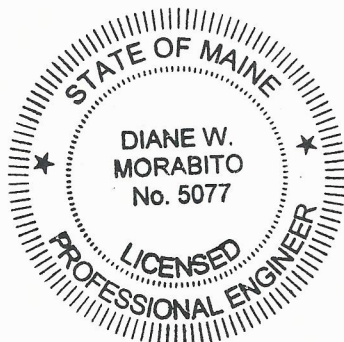
The peak parking demand for office space occurs from 10:00 AM until 2:00 PM. During the 10:00 AM to 2:00 PM period little parking is generally needed by residential units. ITE residential data suggests the percent of residential demand during the 10:00 AM to 2:00 PM period is 30 to 33 %, which reduces the daytime parking apartment requirement to 2 spaces.

To summarize the shared parking results, the overnight requirement is expected to be 6 – 8 spaces for the apartments, which is met on site. The peak daytime demand is expected to be 10 – 13 for the office spaces and two for the apartments for a total of 12 – 15 spaces.

The proposed site plan provides ten (10) parking spaces. This meets the nighttime requirement of 6 – 8 spaces. Based upon the shared parking analysis, the on-site parking is deficient by two (2) spaces to five (5) spaces during the daytime office peak, dependent upon which parking standard is applied, ITE or City code.

It is understood that off-site spaces in close proximity, on the same easterly side of Forest Avenue will be leased to address the daytime parking shortage. It is also important to note that transportation demand management (TDM) actions will also be utilized to reduce vehicular trips to the site. The site is located on a Metro bus route which will encourage its use. In addition, the building will provide interior bike lockers for both resident and office uses to encourage bicycle commuting. These TDM actions should reduce vehicular trips to the site and the associated daytime parking requirements.

As always, please do not hesitate to contact me if you or the City of Portland have any questions or concerns regarding this parking analysis.



Sincerely,

A handwritten signature in black ink that reads "Diane W. Morabito" followed by a stylized flourish.

Diane W. Morabito, P.E. PTOE
President

September 6, 2016

To: City of Portland Planning Authority

**Re: 23 Ocean Mixed Use
Off Site Parking locations explored**

The following locations have been explored for availability of leased spaces to be considered for off site parking.

1. 630 Forest Avenue, Craig Church Owner.
 - a) While open to the idea, Owner did not want to commit to lease of spaces due to the possible sale of the property.
2. Rite Aid, 701 Forest Ave.
 - a) National corporate entity difficult to contact and uninterested in leasing spaces
3. 757 Forest Avenue.
 - a) The building is on the rental market and the Owner was uninterested in leasing spaces without knowing the needs of a potential tenant.
4. Surface parking lots along Grace Street between Vannah Ave. and Woodford St.
 - a) Spaces committed to VFW and retail locations along Forest Ave.
5. Woodfords Club, 179 Woodford St.
 - a) Offered a lease agreement for up to 15 spaces.

Vannah White LLC

28 Vannah Avenue
Portland, ME 04103

October 21, 2016

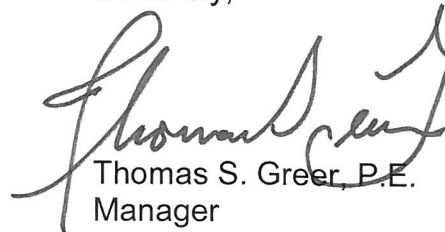
Ms. Helen Donaldson
City of Portland
389 Congress St
Portland, ME 04101

RE: LEASE PARKING

Dear Nell,

On behalf of Vannah White LLC, we are open to leasing six parking spaces for the Ocean Avenue project. We currently have parking for 15 vehicles and typically use 6 for employees and two for visitors.

Sincerely,



Thomas S. Greer, P.E.
Manager

cc: File

TSG/rjs



PROJECT MEMO: **23 Ocean Avenue**

TO: **Nell Donaldson**
 Tom Errico

FROM: **Pat Carroll**

DATE: **October 20, 2016**

RE: **Parking Management Plan**

The ability to manage the on and off site parking is critical to accommodating the needs of the project and insure that tenant parking is accommodated for both daytime and night-time use of the lot. Based on the Parking Demand Analysis completed by Traffic Resources, Inc. for this project, the total ITE demand for daytime use is 12-15 vehicles. To meet this demand, the Applicant is proposing to accommodate 9 vehicles on-site, and has obtained a Letter of Intent to lease up to 6 vehicles off site at 28 Vannah Street, which is one block south (approximately 450 lf by sidewalk, or less than a 2 minute walk) of the project site.

Parking management will be implemented using a number of effective tools:

- Signage will be installed that restricts use of the on-site parking for daytime non-residential use to weekday hours between 8:00 am and 6:00 pm. Evening hours, holidays, and weekends will be non- restricted, allowing residential tenants as well as occasional office tenant use. This is consistent with the way on-street parking is currently regulated in the Old Port.
- Signage will be installed directing tenants and visitors to the off-street parking lot on Vannah Street if the existing lot is filled.
- Lease restrictions for the office tenants will describe the use of on and off-site parking. It is anticipated that the number of spaces and the parking rate offered will be factored into a lease agreement for each tenant. Offering reduced parking rates for the off-site spaces is a way to provide incentive for tenants to utilize the Vannah Street parking rather than on-site.
- Some tenants may elect to offer incentives to employees for riding the Metro or biking to work, reducing the overall demand for daytime parking. This again could be worked into a lease agreement between the Owners and the tenants.
- Enforcement of the parking management will be the responsibility of the Property Owner. It is assumed that any tenant or neighbor complaints or issues will be brought to their attention and dealt with accordingly. The Applicant is aware of the neighborhood concern about increased use of on-street parking and is committed to working closely with all parties to insure minimal impact on the neighborhood.
- Monitoring of the parking is seen as an important tool to measure demand and use. The Applicant agrees to monitor the parking once full occupancy is reached and file such a report to the Planning Authority documenting peak usage.

We believe these strategies will insure that the parking is well managed to minimize any impact on the Hersey Street residential neighborhood.

ARCEOS™ ARS SERIES SURFACE/CEILING/GARAGE	Cat.#		
	Job	Type	
			Approvals

SPECIFICATIONS

Intended Use:

Ceiling applications from eight to eighteen feet for surface, box or pendant mount. Applications include parking garage, walkway or building canopies, corridors, tunnels, large stairwells and other interior applications with ambient 40°C. A wide range of lumen packages and optical distributions are available making the ARS Series luminaire both versatile and functional.

Construction:

- Die cast aluminum housing features vertical fins for two directional air flow that maximizes heat dissipation and ensures long electrical component life and luminaire performance
- LED light engines and electrical compartment are thermally isolated with an air gap for optimum component performance and long life
- One piece molded silicone gasket ensures weather proof seal around each individual LED; Stamped stainless steel bezel provides mechanical compression to seal the optical assembly; 18L and and 24L luminaires include finish (color) matching blanking bezel
- IP65 luminaire rating
- Vandal resistant polycarbonate and low brightness acrylic shield accessories available

LED/Optics:

- Light engine is hexagonal LED module containing 6 high output LEDs with PMMA acrylic lenses that create precise photometric performance
- Choice of multiple light outputs based on quantity of hexagonal LED arrays: 3 = 18 LEDs, 4 = 24 LEDs or 6 = 36 LEDs hexagonal LED modules, lumen range 4,000-8,600
- Three distribution types: Type V Square (5M), Type V Rectangular (5R) or Type IV (4)
- Type V Rectangular (5R) lenses provides low brightness "drive aisle optics" solution for low mounting height applications when the lens is oriented perpendicular to the flow of traffic
- Variety of color temperatures offered: 3000K (80CRI), 4000K (70CRI) or 5000K (70 CRI) CCT

- Each hexagonal light engine comes with a connector for easy replacement

Electrical:

- 120V-277V 50/60Hz, 54.4W, 57W or 86W 700mA configurations
- Drivers RoHS compliant and IP66
- 0-10V dimming drivers
- Lumens per watt > 92-102
- Designed and certified for 40°C ambient temperatures
- Thermal management protection device shuts driver/LED systems off when temperatures are too high
- Operating temperature range -30°C/-22°F – 40°C/104°F
- Surge protection – 20KA; Turns fixture off at end of life; Includes LED for end of life indication (see surge suppressor page 3)

Controls/Options:

- Occupancy Sensors, photocells controls available for on/off or dimming operation
- wiSCAPE in fixture wireless control module, features dimming, switching motion sensor
- Up light option available in 24L and 36L configurations

Installation:

Quick disconnect plate mounts over standard junction box and allows for simplified fixture installation. A 3/4" hub provides pendant stem mounting making the fixture adaptable to a variety of applications. Each mounting can be accomplished while maintaining a watertight seal. Four 1/2" conduit hubs allow side access as required. A pattern indicator on the mounting plate allows the installer to properly orient the fixture without energizing the light engines.

Listings:

Listed to UL 1598 for use in wet locations, 40° C ambient environments; Meets DesignLights Consortium (DLC) qualifications 4K & 5K models only, Consult DLC website for more details: <http://www.designlights.org/QPL>; IP65

Warranty:

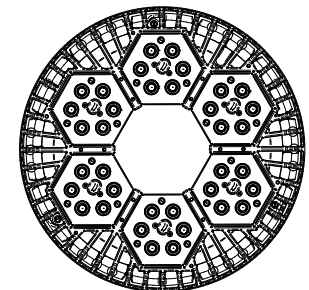
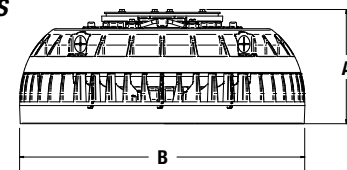
Five year limited warranty (for more information visit: <http://www.hubbellighting.com/resources/warranty/>)

PRODUCT IMAGE(S)



Shown with motion control option

DIMENSIONS



A	B	Weight:
5.68"	14.00"	18 lbs
(144.22 mm)	(355.6 mm)	8.16 kg

CERTIFICATIONS/LISTINGS



IP65



ORDERING INFORMATION ORDERING EXAMPLE: ARS-36L5K-070-5M-1-DB-PC

ARS	-			-		-		-	
SERIES	NUMBER OF LEDS	LED COLOR	DRIVE CURRENT	IES DISTRIBUTION	VOLTAGE ²	FINISH	OPTIONS		
ARS Arceos™ surface/ceiling/garage luminaire	18L 18 LEDs	3K 3000K	070 700mA	5M Type V Square	U 120V-277V	DB Bronze	PC ² Photocontrol (voltage specified and determined by voltage field)		
	24L 24 LEDs	4K 4000K	083' 833mA	5R Type V Rectangle	1 120V	BL Black	F ² Fusing (voltage specified and determined by voltage field)		
	36L 36 LEDs	5K 5000K		5W Type V Wide	2 208V	WH White	UD Up light option, available in 24L and 36L only (see page 3)		
ACCESSORIES - Order separately				4 Type IV	3 240V	PS Platinum Silver	WIR wiSCAPE, in-fixture wireless		
					4 277V	GR Gray			
						FG Forest Green (premium color)			
						RD Red (premium color)			
						CC Custom Colors (Consult factory)			
						Controls Guide			

¹ 833 only available in 18L drive current

² Specify voltage for voltage specific options (only 120V-277V available for Fusing)

³ 0-10V fully adjustable dimming with automatic daylight calibration and different time delay settings; Must order minimum of one SCP-REMOTE to program dimming settings

⁴ One per LED module e.g. 3 – 18L, 4 – 24L, and 6 – 36L luminaires (see page 3)

⁵ PC option not applicable, included in sensor. For SCP, PC function turns on to lower setting until motion is detected

See page 2 and 3 for Accessories.



Spaulding Lighting • 701 Millennium Boulevard • Greenville, SC 29607 • Phone: 864-678-1000
 Due to our continued efforts to improve our products, product specifications are subject to change without notice.

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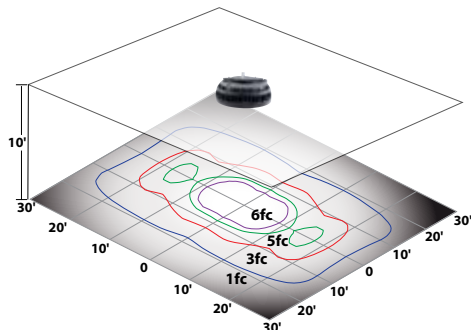
ACCESSORIES/REPLACEMENT PARTS - Order Separately

Catalog Number	Description
ARS-SPC ⁴	Vandal shield (1 per LED module)
ARS-BS-XX [*]	Bird shield
ARS-CS ⁴	Comfort shield - Reduces source brightness and imaging P95 acrylic with nominal 10% lumen reduction (1 per LED module)
SCP-REMOTE ³	Remote control for SCP option; order at least on per project to program and control
93052458	20KA surge protection with an end of life LED indicator

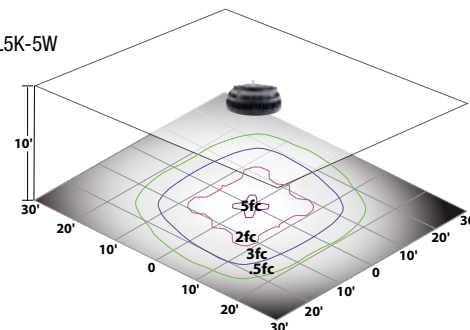
^{XX} = Color Options: DB, BL, WH, PS and GR

PHOTOMETRICS

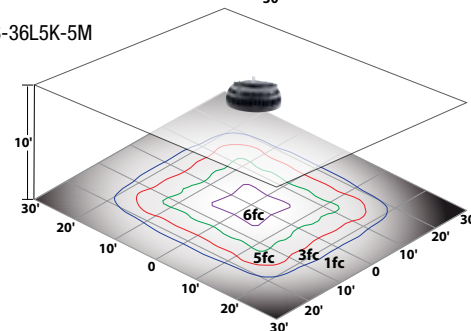
Type V Rectangle
Drive Aisle Optic
ARS-36L5K-5R



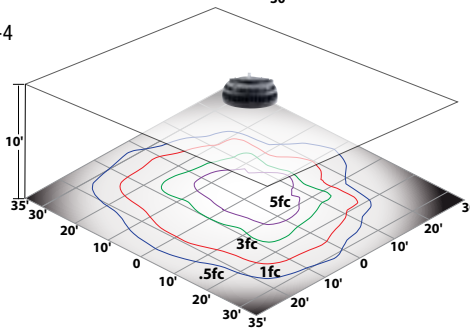
Type V Wide — ARS-36L5K-5W



Type V Square — ARS-36L5K-5M



Type IV — ARS-36L5K-4



PERFORMANCE DATA

# LED'S	DRIVE CURRENT (MILLIAMPS)	SYSTEM WATTS	DISTRIBUTION TYPE	5K (5000K nominal, 67 CRI)					4K (4000K nominal, 70 CRI)				
				LUMENS	LPW ¹	B	U	G	LUMENS	LPW ¹	B	U	G
18	(833 MA)	54.4W	4	4300	79	1	0	2	4,083	75	1	0	2
			5M	4425	81	1	0	2	4,208	77	1	0	2
			5R	4725	87	1	0	2	4,508	83	1	0	2
24	STD. (700 MA)	57W	4	5360	94	1	0	2	4986	87	1	0	2
			5M	5485	96	2	0	1	5012	88	2	0	1
			5R	5800	102	3	0	3	5375	94			
36	STD. (700 MA)	86W	4	7966	93	1	0	2	7522	87	1	0	2
			5M	8203	95	3	0	1	7439	87	3	0	1
			5R	8604	100	3	0	3	8030	93			

¹Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown. Actual performance may differ as a result of end-user environment and application.

PROJECTED LUMEN MAINTENANCE

AMBIENT TEMP.	0	25,000	50,000	TM-21-11 60,000	100,000	Calculated L70 (HOURS)
10°C / 50°F	1.01	1.00	0.99	0.99	0.97	>1,085,000
25°C / 77°F	1.00	0.99	0.98	0.98	0.96	>1,085,000
40°C / 104°F	0.97	0.96	0.96	0.95	0.94	>782,000

¹ Projected per IESNA TM-21-11 Data references the extrapolated performance projections for the ARS-36LU-5K base model in a 40°C ambient, based on 10,000 hours of LED testing per IESNA LM-80-08.

ELECTRICAL DATA

# OF LEDS	NUMBER OF DRIVERS	DRIVE CURRENT (mA)	INPUT VOLTAGE (V)	SYSTEM POWER (w)	CURRENT (Amps)
18	1	(833 MA)	120	54.5	0.50
			277	56.8	0.22
24	2	STD. (700 MA)	120	57	0.48
			277	59	0.24
36	3	STD. (700 MA)	120	86	0.73
			277	89	0.35

LUMINAIRE AMBIENT TEMPERATURE FACTOR (LATF)

AMBIENT TEMPERATURE		LUMEN MULTIPLIER
0° C	32° F	1.02
10° C	50° F	1.01
20° C	68° F	1.00
25° C	77° F	1.00
30° C	86° F	1.00
40° C	104° F	0.99

Use these factors to determine relative lumen output for average ambient temperatures from 0-50°C (32-122°F).



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VERSATILE CONFIGURATIONS



ARS-18LU



ARS-24LU



ARS-36LU

MOUNTING OPTIONS & ACCESSORIES



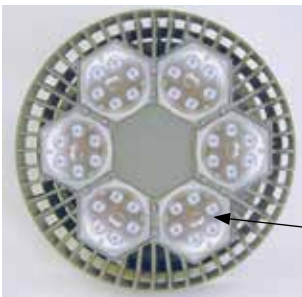
Specially designed internal hook and hinge allows easy access to wiring and internal components for easy installation



Pendant mount with 3/4" wiring hub; Bird shield accessory available; J-Box mounting slots and wire way accommodate 3 1/2" and 4" J-Box designs

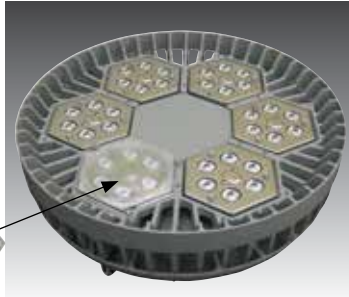


Four – 1/2" wiring hubs for surface conduit wiring and photocell option



ARS-SPC - Clear vandal shield installs over each hexagonal LED bezel with 3 provided screws, specify quantity when ordering:

- 3 for 18L
- 4 for 24L
- 6 for 36L



ARS-CS - Frosted comfort shield installs over each hexagonal LED bezel with 3 provided screws, improved uniformity and reduced LED brightness, specify quantity when ordering:

- 3 for 18L
- 4 for 24L
- 6 for 36L



Up light option provides ambient light reducing the "cave effect" in parking garage applications (available in 24L and 36L only)

SURGE PROTECTION

- Field replaceable surge protection device (SPD) provides 20KA and 10KV protection meeting ANSI/IEEE C62.41.2 Category C High and Surge Location Category C3
- The SPD is designed with a clamping voltage of 1600V at 20KA using industry standard 8/20μs waveform
- Max surge current = 20,000 Amps (see table)
- LED Indicator – Green LED is unlit at end of life

Pulse Rating (8 x 20 μSec)	
Strikes	Surge
1	20,000 A
2	15,000 A
15	10,000 A
120	3,000 A

	cRUus	CE
I _n	10KA	5KA

CIMARRON LED CL1S

Cat.#

Job

Type



Approvals

SPECIFICATIONS

Construction:

- Stylish vertically finned die-cast solid top housing for maximum heat dissipation; Stops collection of unsightly debris
- Rugged lower die-cast aluminum heat sink optimizes thermal management and optical performance
- One piece die-cut silicone gasket with mechanically compressed stainless steel bezel ensures weather proof seal around each individual LED for IP65 rating
- Backlight Control (BC) option available for 85% spill light reduction, doesn't change fixture appearance or EPA, recommended for Type III and Type IV distributions
- Complements the Cimarron LED CL1 i
- Weight - 19 pounds, EPA - .45 ft²

Optics:

- Choice of 126 high brightness LED configurations with individual acrylic lenses specially designed for IES Type II, III, IV and V distributions
- 3000K, 80 CRI; 4000K, 70 CRI; 5000K, 67 CRI, Turtle friendly Amber

Electrical:

- Universal input voltage 120-277 VAC, 50/60 Hz
- Ambient operating temperature -40° C to 40° C
- Drivers have greater than 90% power factor and less than 10% THD
- 700mA drive current standard, 350mA and 525mA options available with 32L and 48L LED models
- LED drivers have output power over-voltage, over-current protection and short circuit protection with auto recovery
- Surge protection – 20KA; Turns fixture off at end of life; Includes LED for end of life indication (see surge suppressor page 3)
- Optional 0-10VDC continuous dimming to 10%
- Automatic thermal self-protection
- LED electrical assembly, including PR devices, consumes no power in the 'off' state

Controls:

- Drivers are 0-10V dimming standard. Photocell and occupancy sensors available for complete on/off and dimming control

Installation:

- Quick-mount plate included for easy installation
- The decorative integral arm houses two stage hinge mechanism
- Safety latch holds luminaire door to prevent "free swing"
- Quick-connect wiring for simplified, hassle-free installation
- Suitable for applications requiring 3G testing prescribed by ANSI @136.31

Finish:

- TGIC thermoset polyester powder paint finish applied at nominal 2.5 mil thickness

Warranty:

Five year limited warranty, for more information visit: <http://www.hubbelloutdoor.com/resources/warranty/>

Listings:

- Listed to UL1598 and CSA C22.2#250.0-24 for wet locations
- 700mA models meet DesignLights Consortium (DLC) qualifications, consult DLC website for more details: <http://www.designlights.org/QPL>
- IDA approved
- IP66
- IES Progress Award Winner - 2013

PRODUCT IMAGE(S)



48 LED 3/4 VIEW



16 LED

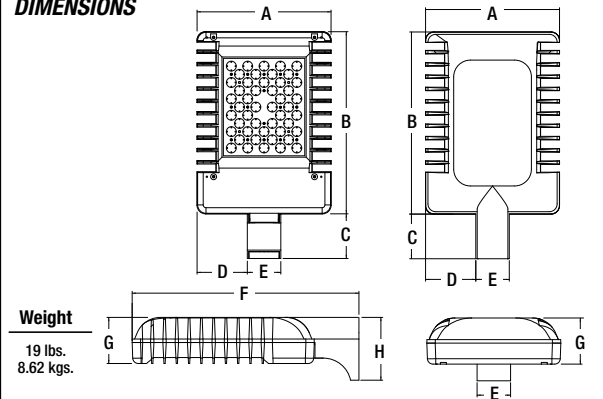


32 LED



48 LED

DIMENSIONS



A	B	C	D	E	F	G	H
12"	16.312"	4"	4.5"	3"	20.312"	4.13"	5.625"
305mm	414mm	102mm	114mm	76mm	515mm	105mm	143mm

CERTIFICATIONS/LISTINGS



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HUBBELL
Lighting

ORDERING INFORMATION ORDERING EXAMPLE: CL1S-A-48LU-5K-3-DB-RPA3

SERIES	NO. OF LEDS	VOLTAGE	CCT	DRIVE CURRENT	OPTIONS
CL1S Cimarron LED Pedestrian Scale	16L 16 High brightness LEDs 32L 32 High brightness LEDs 48L 48 High brightness LEDs	U¹ Universal 120V-277V, 50/60 Hz 1 120V 2 208V 3 240V 4 277V 5 480V, 60 Hz F 347V, 60 Hz E³ 220V, 50 Hz	3K 3000K, 80 CRI 4K 4000K, 70 CRI 5K 5000K, 67 CRI	Leave blank for 700mA (standard) 035⁵ 350mA (32L, 48L) 053 525mA (32L) 520mA (48L)	BC³ Backlight control CD Continuous dimming F(X)² Fusing (replace X with voltage: 1-120V, 2-208V, 3-240V, 4-277V, 5-480V, F-347V) RPA3 3" Round pole adapter RPA4 4" Round pole adapter TB Terminal block WB Wall bracket 7PR Photocell receptacle
MOUNTING		DISTRIBUTION		COLOR	
A 4" straight arm attached to housing complete with quick-mount plate		2 Type II 3 Type III 4 Type IV 5M Type V Medium 5S Type V Short 5W Type V Wide 2L Type II rotated left 3L Type III rotated left 4L Type IV rotated left 2R Type II rotated right 3R Type III rotated right 4R Type IV rotated right		DB Dark Bronze BL Black WH White GR Gray PS Platinum Silver RD Red (premium color) FG Forest Green (premium color) CC Custom Color	

Notes: 1 - Fuse option not available with universal voltage
2 - Select F3 fusing option for 220V
3 - Recommended for Type III and IV distributions only
4 - 0-10V fully adjustable dimming with automatic daylight calibration and different time delay settings, must order minimum of one SCP-REMOTE control to program dimming settings (see accessories)
5 - Not available with WIR or WIRSC
6 - Not available with SCO, SCL, SCP or SCPW

PIR MOTION/OCCUPANCY CONTROL OPTIONS

- SCO⁵** On/Off control (line voltage device not for use with 7PR receptacle option and external wireless control devices)
- SCL⁵** Add-on occupancy sensor for use with ext. wireless control device connected thru 7PR receptacle. Consult control manufacturer for compatibility.
- SCP^{4,5}** Programmable dimming control (line voltage device not for use with 7PR receptacle option and external wireless control devices). A minimum of one SCP-REMOTE accessory remote control required for configuration; (Standard lens with greater sensitivity; motion detection radius equal to .75 X luminaire mounting height (approx. distance))
- SCPW^{4,5}** Programmable dimming control wide lens

WIRELESS CONTROL OPTIONS

- WIR⁵** wiSCAPE Fixture Module, in-fixture relay for wireless lighting control
- WIRSC⁵** wiSCAPE Fixture Module, in-fixture relay for wireless lighting control and motion/occupancy control

CONTROLS GUIDE

As energy codes become more restrictive and we push for sustainable lighting designs, the integration of lighting controls and luminaires have become more and more important. Hubbell Lighting offers numerous outdoor lighting controls solutions for the most demanding applications. Visit the link below to learn more about energy-saving controls.

www.hubbellighting.com/solutions/controls/



PERFORMANCE DATA

				5K (5000K NOMINAL, 67 CRI)					4K (4000K NOMINAL, 70 CRI)					3K (3000K NOMINAL, 80 CRI)				
NUMBER OF LEDS	DRIVE CURRENT (MILLIAMPS)	SYSTEM WATTS	DISTRIBUTION TYPE	LUMENS	LPW*	B	U	G	LUMENS	LPW*	B	U	G	LUMENS	LPW*	B	U	G
16	700mA	38w	2	3053	80	1	1	1	3077	81	1	2	2	2438	64	1	2	2
			3	3075	81	1	1	1	3099	82	1	1	1	2456	65	1	1	1
			4	3113	82	1	1	1	3136	83	1	1	1	2486	65	1	1	1
			5S	3457	91	2	0	0	3484	92	2	0	0	2761	73	2	0	0
			5M	3731	98	2	0	0	3454	91	2	0	1	2737	72	2	0	0
			5W	3166	83	3	1	1	3160	83	2	1	1	2725	72	2	1	1
32	700mA	76w	2	6527	86	2	1	2	6042	80	2	1	2	4788	63	1	1	2
			3	6574	87	2	1	2	6085	80	2	1	2	4823	63	1	1	2
			4	6654	88	1	1	2	6159	81	1	1	2	4881	64	1	1	2
			5S	7391	97	3	0	0	6841	90	3	0	0	5422	71	2	0	0
			5M	7327	96	3	0	1	6782	89	3	0	1	5375	71	3	0	1
			5W	6704	88	3	1	2	6206	82	3	1	2	4918	65	3	0	1
	525mA	56w	2	4930	88	2	1	2	4564	81	1	1	2	3617	65	1	1	2
			3	4966	89	1	1	2	4596	82	1	1	1	3643	65	1	1	1
			4	5026	90	1	1	2	4652	83	1	1	2	3687	66	1	1	1
			5S	5583	100	2	0	0	5168	92	2	0	0	4096	73	2	0	0
			5M	5535	99	2	0	1	5123	91	2	0	1	4060	73	2	0	1
			5W	5064	90	3	1	1	4688	84	3	1	1	3715	66	2	1	1
	350mA	38w	2	3488	92	1	1	2	3229	85	1	1	1	2559	67	1	1	1
			3	3513	92	1	1	1	3252	86	1	1	1	2578	68	1	1	1
			4	3556	94	1	1	1	3292	87	1	1	1	2609	69	0	1	1
			5S	3950	104	2	0	0	3656	96	2	0	0	2898	76	1	0	0
			5M	3916	103	2	0	0	3625	95	2	0	0	2873	76	2	0	0
			5W	3583	94	3	1	1	3317	87	2	1	1	2628	69	2	1	1
48	700mA	110w	2	9864	90	2	2	3	9131	83	2	2	3	7236	66	2	1	2
			3	9935	90	2	1	2	9593	87	2	1	2	7288	66	2	1	2
			4	10056	91	2	1	2	9309	85	1	1	2	7377	67	1	1	2
			5S	11169	102	3	0	0	10339	94	3	0	0	8193	74	3	0	0
			5M	11073	101	4	1	2	10250	93	4	1	2	8123	74	3	1	2
			5W	10132	92	3	1	2	9379	85	3	1	2	9662	88	3	1	2
	525mA	82w	2	7230	88	2	1	2	6692	82	2	1	2	5303	65	1	1	2
			3	7282	89	2	1	2	7031	86	2	1	2	5342	65	1	1	2
			4	7370	90	1	1	2	6823	83	1	1	2	5407	66	1	1	2
			5S	8186	100	3	0	0	7578	92	3	0	0	6005	73	3	0	0
			5M	8116	99	3	1	2	7512	92	3	1	2	5954	73	3	1	1
			5W	7426	91	3	1	1	6874	84	3	1	1	7081	86	2	1	1
	350mA	55w	2	5211	95	2	1	2	4823	88	1	1	2	3822	69	1	1	1
			3	5248	95	1	1	2	5067	92	1	1	1	3850	70	1	1	1
			4	5312	97	1	1	2	4917	89	1	1	2	3897	71	1	1	1
			5S	5900	107	2	0	0	5462	99	2	0	0	4328	79	2	0	0
			5M	5849	106	3	1	1	5415	98	3	1	1	4291	78	2	1	1
			5W	5352	97	3	1	1	4954	90	2	1	1	5104	93	2	1	0

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown. Actual performance may differ as a result of end-user environment, application and inherent performance tolerances of the electrical components.

PROJECTED LUMEN MAINTENANCE

AMBIENT TEMP.	0	25,000	50,000	*TM-21-11 60,000	100,000	CALCULATED L70 (hours)
25°C / 77°F	1.00	0.98	0.96	0.96	0.94	>675,000
40°C / 104°F	0.98	0.96	0.95	0.94	0.92	>556,000

* Nichia 219B, 700mA, 85°C Ts, 10,000hrs

LUMINAIRE AMBIENT TEMPERATURE FACTOR (LATF)

AMBIENT DATA		
TEMP		LUMEN MULT.
0°C	32°F	1.02
10°C	50°F	1.01
20°C	68°F	1.00
25°C	77°F	1.00
30°C	86°F	1.00
40°C	104°F	0.98
50°C	122°F	0.98



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ELECTRICAL DATA

NUMBER OF LED's	NUMBER OF DRIVERS	Drive Current [milliamps]	INPUT VOLTAGE (VOLTS)	OPER. CURRENT [AMPS]	SYSTEM POWER [WATTS]	IN-RUSH CURRENT (AMPS)
16	1	std. (700mA)	120	0.32	37.8	
			277	0.15	37.5	
			347			
			480			
32	2		120	0.63	75.5	
			277	0.29	74.8	
			347			
			480			
48	3		120	0.95	110.5	
			277	0.44	110.9	
			347			
			480			

Consult factory for 350mA and 520mA electrical data

ACCESSORIES/REPLACEMENT PARTS - Order Separately

CATALOG NUMBER	DESCRIPTION
SCP-REMOTE ⁹	Remote control for SCP option. Order at least one per project to program and control
93052458	20KA surge protection with an end of life LED indicator

PHOTOCONTROL EQUIPMENT

CATALOG NUMBER	DESCRIPTION
PTL-1	Photocontrol - twist-lock cell (120V)
PTL-8	Photocontrol - twist-lock cell (120-277V)
PTL-5	Photocontrol - twist-lock cell (480V)
PTL-6	Photocontrol - twist-lock cell (347V)
PSC	Shorting cap - twist-lock

MOUNTING ACCESSORIES

CATALOG NUMBER	DESCRIPTION
CL1S-RPA3-ACC-XX ¹	Round pole adapter for straight arm (3¼ - 3¾")
CL1S-RPA4-ACC-XX ¹	Round pole adapter for straight arm (3⅞ - 4½")
WB-CR-XX	Wall bracket

¹ Replace XX with color choice, eg.: DB for Dark Bronze

TENON TOP POLE BRACKET ACCESSORIES

(2 3/8" OD tenon, RSS version requires 4" round pole adapter)

Catalog Number	Description
SETA-XX ¹	Square pole tenon adapter (4 at 90 degrees)
RETA-XX ¹	Round pole tenon adapter (4 at 90 degrees)
TETA-XX ¹	Triangular pole tenon adapter (3 at 120 degrees)

¹ Replace XX with color choice, eg.: DB for Dark Bronze

SURGE PROTECTION

- Field replaceable surge protection device (SPD) provides 20KA and 10KV protection meeting ANSI/IEEE C62.41.2 Category C High and Surge Location Category C3
- The SPD is designed with a clamping voltage of 1600V at 20KA using industry standard 8/20µs waveform
- Max surge current = 20,000 Amps (see table)
- LED Indicator – Green LED is unlit at end of life

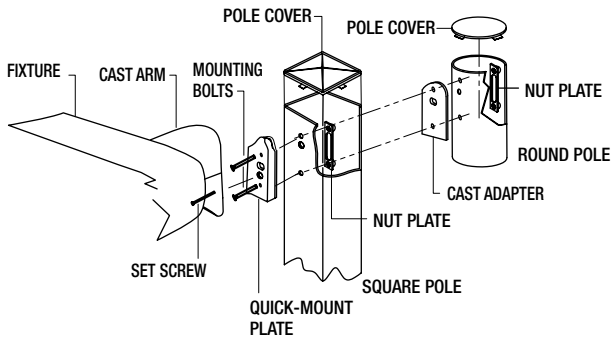
Pulse Rating (8 x 20 µSec)		cRUus		CE
		I _n	10KA	5KA
Strikes	Surge			
1	20,000 A			
2	15,000 A			
15	10,000 A			
120	3,000 A			



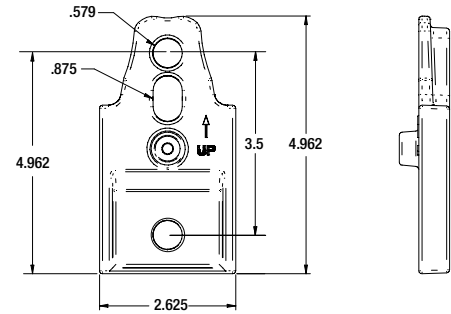
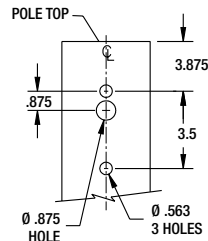
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FIXTURE MOUNTING



#2 DRILL PATTERN FOR POLES

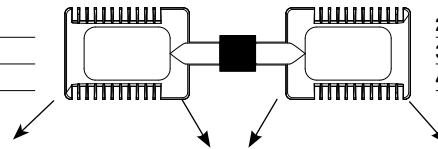


QUICK-MOUNT PLATE

FIXTURE MOUNTING – FACTORY ROTATED OPTICS

For proper light distribution and performance, rotated optics must be mounted as referenced in illustration. Consult instruction sheet included when mounting.

- 2L Type II rotated 90° left
- 3L Type III rotated 90° left
- 4L Type IV rotated 90° left

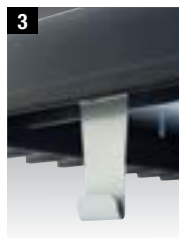


- 2R Type II rotated 90° right
- 3R Type III rotated 90° right
- 4R Type IV rotated 90° right

QUICK MOUNT INSTALLATION

The Cimarron CL1S installation features:

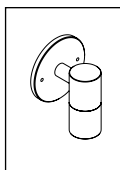
- 1 Quick-mount plate attaches to pole with two 3/4" bolts
- 2 4 - slot hex 1/4" captured screws secure luminaire door to top
- 3 Safety-latch holds luminaire door to prevent "free swing" door
- 4 Two stage hinge mechanism built into integral arm
- 5 Quick-connect wiring for a simplified, hassle-free installation



For installation video
scan this code or
visit link below:



<http://www.youtube.com/user/hubbelloutdoorbrands>



BKSSL
SOLID STATE LIGHTING

the power of
dimming



EL CAPITAN™

PROJECT:	
TYPE:	
CATALOG NUMBER:	
SOURCE:	
NOTES:	

CATALOG NUMBER LOGIC

Example - **EC** - **LED** - - - - - - - - - -

Material

Blank - Aluminum
B - Brass
S - Stainless

Series

EC - El Capitan Series™

Source

LED - 'e' Technology with Integral Dimming Driver (See Specifications for Dimming)
Designed for use with remote 12VAC BKSSL® transformers. Requires magnetic Low Voltage dimmer.

LED Type

e64 - 7WLED/2.7k **e66** - 7WLED/4k
e65 - 7WLED/3k **e74** - 7WLED/Amber

Optics*

NSP - Narrow Spot (Red Indicator) **MFL** - Medium Flood (Yellow Indicator)
SP - Spot (Green Indicator) **WFL** - Wide Flood (Blue Indicator)

Adjust-e-Lume® Output Intensity (Choose factory setting)

A9 (Standard), **A8, A7, A6, A5, A4, A3, A2, A1**

Finish

Aluminum Finish			Brass Finish		Premium Finish		
Powder Coat Color	Satin	Wrinkle	Machined	MAC	ABP	CMG	RMG
Bronze	BZP	BZW	Polished	POL	AMG Aleutian Mountain Granite	CRI Cracked Ice	SDS Sonoran Desert Sandstone
Black	BLP	BLW	Mitique™	MIT	AQW Antique White	CRM Cream	SMG Sierra Mountain Granite
White (Gloss)	WHP	WHW	Stainless Finish		BCM Black Chrome	HUG Hunter Green	TXF Textured Forest
Aluminum	SAP	—	Machined	MAC	BGE Beige	MDS Mojave Desert Sandstone	WCP Weathered Copper
Verde	—	VER	Polished	POL	BPP Brown Patina Powder	NBP Natural Brass Powder	WIR Weathered Iron
			Brushed	BRU Interior use only.	CAP Clear Anodized Powder	OCP Old Copper	Also available in RAL Finishes See submittal SUB-1439-00

Lens Type

12 - Soft Focus Lens **13** - Rectilinear Lens

Shielding

11 - Honeycomb Baffle*

Cap Style

A - 45° **B** - 90° **C** - Flush **D** - 45° less Weep Hole (Interior Use Only) **E** - 90° less Weep Hole (Interior Use Only) **F** - 90° cutoff with Flush Lens

*Accommodates up to 2 Lens/Shielding media

DRIVER DATA	Input Volts	InRush Current	Operating Current	Dimmable	Operation Ambient Temperature
	12VAC/DC 50/60Hz	250mA (non-dimmed)	700mA	Magnetic Low Voltage Dimmer	-10°F-130°F

LM79 DATA

BK No.	CCT (Typ.)	Input Watts (Typ.)	CRI (Typ.)
e64	2700K	7.0	80
e65	3000K	7.0	80
e66	4000K	7.0	80
e74	Amber (590nm)	7.0	~

L70 DATA

Minimum Rated Life (hrs.) 70% of initial lumens(L70)
50,000
50,000
50,000
50,000

* OPTICAL DATA

Beam Type	Angle	e66 CBCP	Visual Indicator
Narrow Spot	13°	6889	Red Dot
Spot	15°	5225	Green Dot
Medium Flood	23°	1984	Yellow Dot
Wide Flood	31°	1300	Blue Dot

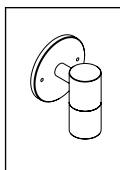
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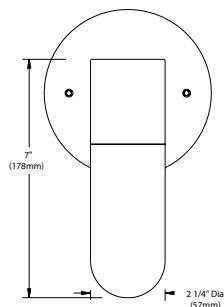
EL CAPITAN™

PROJECT:

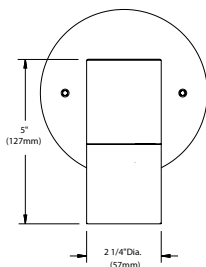
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FRONT VIEW

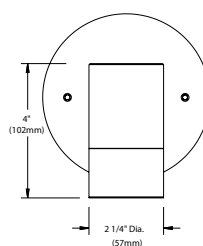
"A/D" CAP



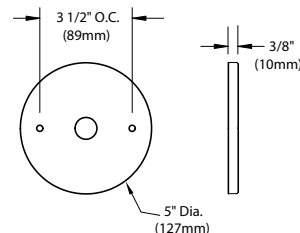
"B/E/F" CAP



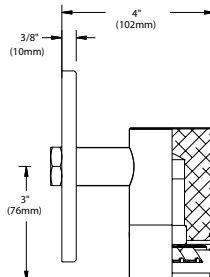
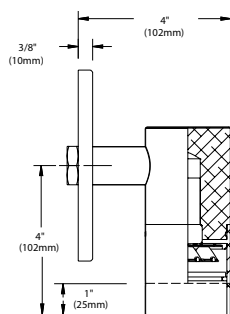
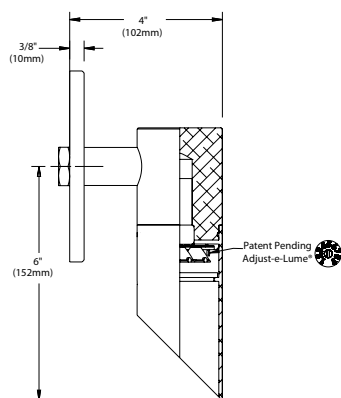
"C" CAP



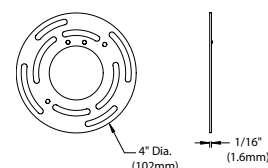
CANOPY DETAIL



SIDE VIEW



UNIVERSAL RING



Accessories (Configure separately)

Remote options:



TR Series



UPMRM™

All dimensions indicated on this submittal are nominal.
Contact Technical Sales if you require more stringent specifications.

SPECIFICATIONS

GreenSource Initiative™

Metal and packaging components are made from recycled materials. Manufactured using renewable solar energy, produced on site. Returnable to manufacturer at end of life to ensure cradle-to-cradle handling. Packaging contains no chlorofluorocarbons (CFC's). Use of this product may qualify for GreenSource efficacy and recycling rebate(s). Consult www.bklighting.com/greensource for program requirements.

Materials

Furnished in Copper-Free Aluminum (Type 6061-T6), Brass (Type 360) or Stainless Steel (Type 316).

Body

Fully machined from solid billet. Unibody design provides enclosed, water-proof wireway and integral heat sink for maximum component life. High temperature, silicone 'O' Ring provides water-tight seal.

Cap

Fully machined. Accommodates [1] lens or louver media. Choose from 45° cutoff ('A' or 'D'), 1" deep bezel with 90° cutoff ('B' or 'E'), flush lens ('C') cap styles, or 1" deep cutoff with flush mounted lens ('F'). 'A' and 'B' caps include weephole for water and debris drainage. 'D' and 'E' caps exclude weep-hole and are for interior use only.

Lens

Shock resistant, tempered, glass lens is factory adhered to fixture cap and provides hermetically sealed optical compartment. Specify soft focus (#12) or rectilinear (#13) lens.

BKSSL®

Integrated solid state system with 'e' technology is scalable for field upgrade. Modular design with electrical quick disconnects permit field maintenance. High power, forward throw source complies with ANSI C78.377 binning requirements. Exceeds ENERGY STAR® lumen maintenance requirements. LM-80 certified components.

Integral, constant current driver. 12VAC/VDC input. 50/60Hz. Proprietary input control scheme achieves power factor correction and eliminates inrush current. Output, over-voltage, open-circuit, and short circuit protected. Inrush current limited to <1A (non-dimmed). Conforms to Safety Std. C22.2 No. 250.13-12.

Dimming

Line voltage dimmable via magnetic low voltage dimmer. For use with low voltage dimmer with dedicated neutral conductor. For purposes of dimming: Remote magnetic transformer with BKSSL® Power of 'e' technology loads should be loaded to 25% of the transformer VA (watts) rated value.

Optics

Interchangeable OPTIKIT™ modules permit field changes to optical distribution. Color-coded for easy reference: Narrow Spot (NSP) = Red. Spot (SP) = Green. Medium Flood (MFL) = Yellow. Wide Flood (WFL) = Blue.

Adjust-e-Lume® (Pat. Pending)

Integral electronics allows dynamic lumen response at the individual fixture. Indexed (100% to 25% nom.) lumen output. Maintains output at desired level or may be changed as conditions require. Specify factory preset output intensity.

Installation

5" dia., machined canopy with stainless steel universal mounting ring permits mounting to 4" octagonal junction box (by others). Suitable for uplight or downlight installation.

Remote Transformer

For use with 12VAC **BKSSL** remote transformer or magnetic transformers only. B-K Lighting cannot guarantee performance with third party manufacturers' transformers.

Wiring

Teflon® coated, 18AWG, 600V, 250° C rated and certified to UL 1659 standard.

Hardware

Tamper-resistant, stainless steel hardware. Canopy mounting screws are additionally black oxide treated for additional corrosion resistance.

Finish

StarGuard®, our exclusive RoHs compliant, 15 stage chromate-free process cleans and conversion coats aluminum components prior to application of Class 'A' TGIC polyester powder coating. Brass components are available in powder coat or handcrafted metal finish. Stainless steel components are available in handcrafted metal finish. (Brushed finish for interior use only).

Warranty

5 year limited warranty.

Certification and Listing

ITL tested to IESNA LM-79. UL Listed. Certified to CAN/CSA/ANSI Standards. Suitable for indoor or outdoor use. Suitable for use in wet locations. RoHs compliant. Made in USA.



*Teflon is a registered trademark of DuPont Corporation.

*Energy Star is a registered trademark of the United States Environmental Protection Agency.

B-K LIGHTING

40429 Brickyard Drive • Madera, CA 93636 • USA
559.438.5800 • FAX 559.438.5900
www.bklighting.com • info@bklighting.com

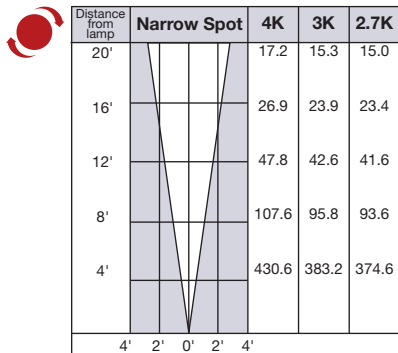
RELEASED
06-06-16

DRAWING NUMBER
SUB000942

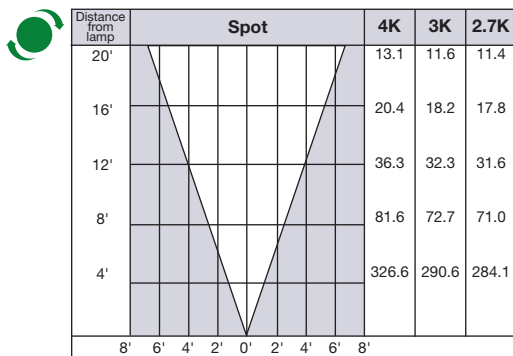
Select OptiKit™ for desired distribution

- RED**  **Narrow Spot (NSP)**
- GREEN**  **Spot (SP)**
- YELLOW**  **Medium Flood (MFL)**
- BLUE**  **Wide Flood (WFL)**

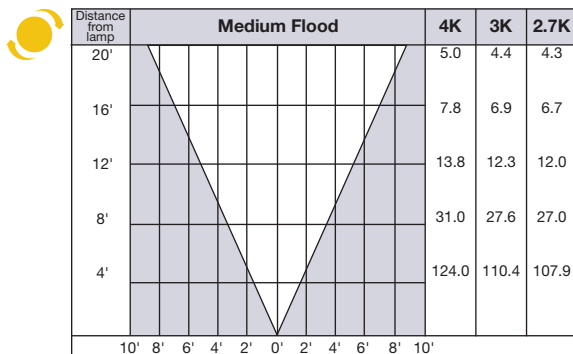
Set adjust-e-lume® Dial to desired output



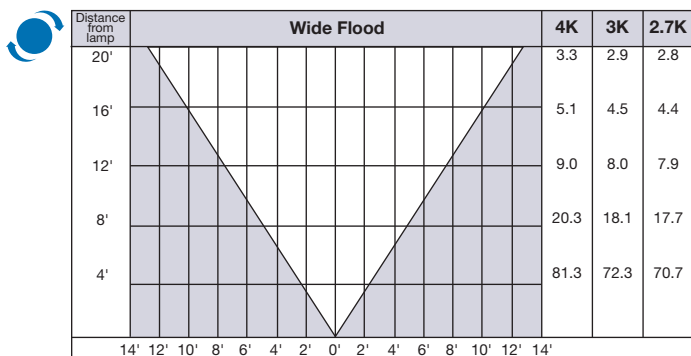
Note: If using No. 11 honeycomb baffle multiply footcandle values by .80



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Note: If using No. 11 honeycomb baffle multiply footcandle values by .80

Type:
Job:
Fixture Catalog number:

 Fixture Mode Finish

Approvals:

Date:
Page: 1 of 2

Specifications

Housing: Die-cast low copper alloy (<0.6% Cu) aluminum with clear anodized finish. Two 1/2" NPT in sides. Housing mounts into concrete, brick, or masonry (non-combustible materials). Internal splice area provided behind lamp plate.

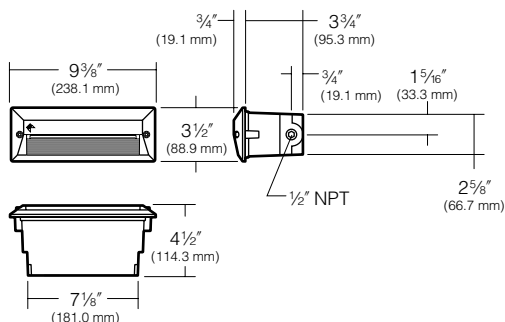
Lens Frame: Die-cast aluminum, with silicone gasket, attaches to housing with two captive 10-32 stainless steel, hex socket cap screws.

Lens: Tempered prismatic glass with silicone gasket, concealed above lens frame opening.

Finish: On lens frame only, each luminaire receives a fade and abrasion resistant, electrostatically applied, thermally cured, triglycidal isocyanurate (TGIC) polyester powdercoat finish. Standard colors are Black (**BL**), Dark Bronze (**DB**), and Verde Green (**GR**).

Optical System: A total of 3 or 9 LED emitters are configured together as a module. Available in 3000K, 4200K, and 5100K.

Driver: Universal Voltage from 120 to 277V with a ±10% tolerance. -40° F. starting temperature. All drivers are Underwriters Laboratories recognized.



ORDERING INFORMATION

Fixture	Source
☐ EL807 / 3L3KUV¹	5.3W, 3 LED's, 3000K
☐ EL807 / 3L4KUV¹	5.3W, 3 LED's, 4200K
☐ EL807 / 3L5KUV¹	5.3W, 3 LED's, 5100K

Fixture	Source
☐ EL807 / 9L3KUV¹	10.5W, 9 LED's, 3000K
☐ EL807 / 9L4KUV¹	10.5W, 9 LED's, 4200K
☐ EL807 / 9L5KUV¹	10.5W, 9 LED's, 5100K

¹ Universal Voltage from 120 to 277V with a ±10% tolerance.
 For 5.3W, Max Amps. are .13 for 120V, .080 for 208V, .080 for 240V, .060 for 277V. For 10.8W, Max Amps. are .090 for 120V, .050 for 208V, .040 for 240V, .040 for 277V..

Finish

- ☐ **BL** - Black
- ☐ **DB** - Dark Bronze
- ☐ **GR** - Verde Green



Listings and Ratings

UL cUL 1598 ¹	IP66 Rated	25C Ambient
--------------------------	------------	-------------

¹Suitable for wet locations

KIM LIGHTING RESERVES THE RIGHT TO CHANGE SPECIFICATIONS WITHOUT NOTICE.

Type:

Job:

Page: 2 of 2

Lumen Data

Spectroradiometric			
	3000K	4200K	5100K
Correlated Color Temp. CCT (K)	2800 to 3175K	3800 to 4600K	4600 to 5600K
Color Rendering Index (CRI)	≥75	≥70	≥65

ELECTRICAL - Drive Current @350mA (3 LEDs)		
Volts -AC	Amps - AC	System Watts
120	0.13	5.3
208	0.08	5.3
240	0.08	5.3
277	0.06	5.3

ELECTRICAL - Drive Current @350mA (9 LEDs)		
Volts -AC	Amps - AC	System Watts
120	0.09	10.5
208	0.05	10.5
240	0.04	10.5
277	0.04	10.5

Absolute Lumens (3 LEDs)	
Temperature	EL807/3L*K
3000K	61
4200K	71
5100K	78

Absolute Lumens (9 LEDs)	
Temperature	EL807/9L*K
3000K	167
4200K	188
5100K	211

Lumens Per Watt (3 LEDs)	
Temperature	EL807/3L*K
3000K	11.5
4200K	13.4
5100K	14.7

Lumens Per Watt (9 LEDs)	
Temperature	EL807/9L*K
3000K	15.9
4200K	17.9
5100K	20.1



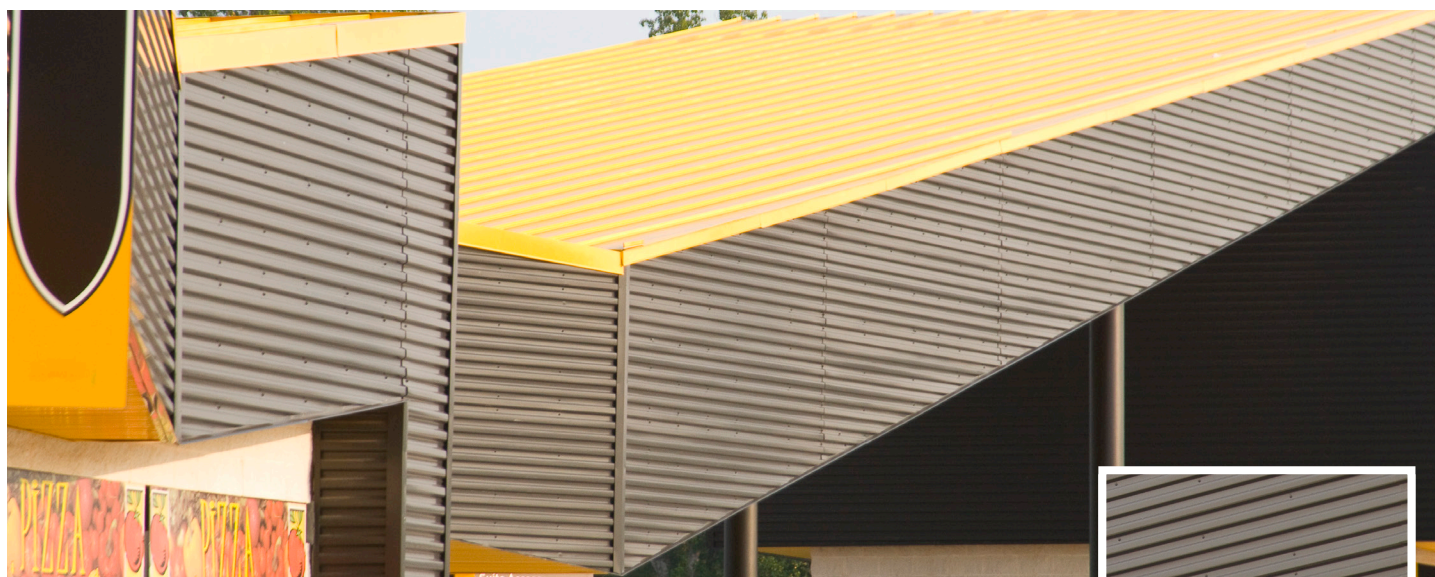
Siding Examples



Siding Examples

FABRAL® 4" RIB

BRIEF PRODUCT SPECIFICATION



Kennesaw State University Soccer Stadium, Kennesaw, GA, USA

Completed in record time, over 200 squares of 4" Rib panels were used in a custom black to match the university's school color in a design to reflect the surrounding mountains.

FABRAL CORE™

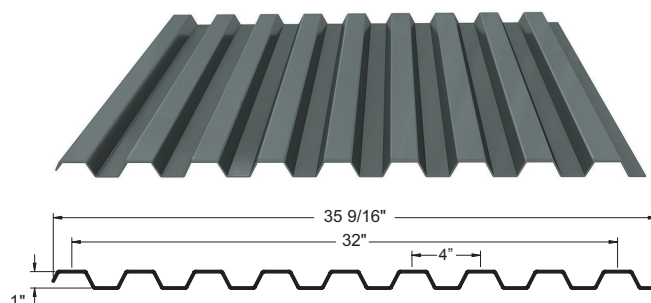
**You challenge us.
And we like it.**

Your vision for a building and what you want to achieve makes us think harder. It'd be easy to say - That won't work. Instead we go with - Let's see what we can do.

Fabral.com
800.884.4484

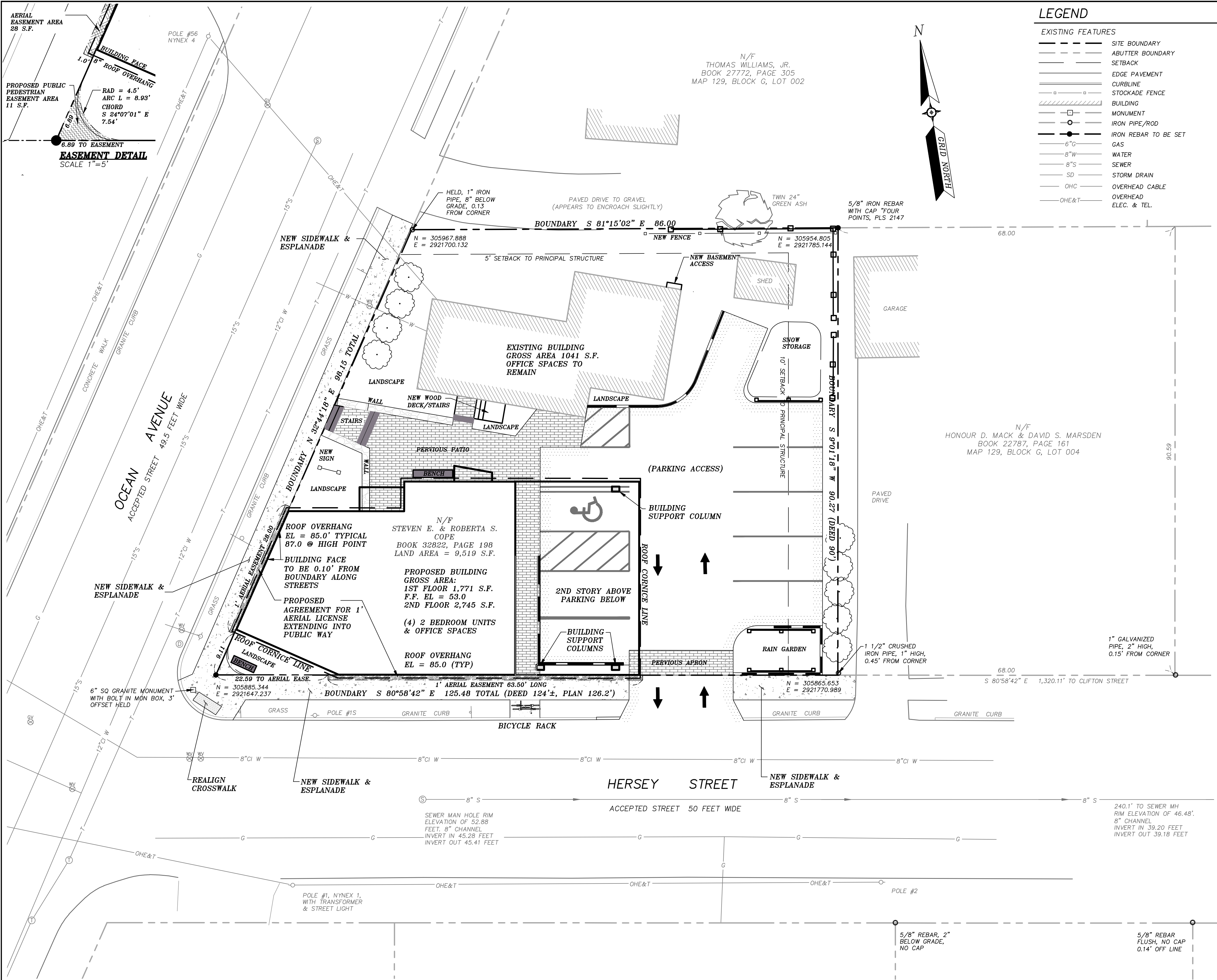
EXPOSED FASTENER ROOFING & SIDING PANEL 4" RIB

Fabral® 4" Rib is a classically designed exposed fastener panel with 4" Rib spacing. With exceptional durability and unlimited color options, 4" Rib is a preferred choice for function and creativity. The unique construction of 4" Rib allows panels to follow every curve of your design. And it's suitable for use on both wall and roof applications (in siding only, can be applied in vertical and horizontal orientation). With 4" Rib your vision is limitless.



(Product details on reverse)

FABRAL®



LEGEND

EXISTING FEATURES

- SITE BOUNDARY
- ABUTTER BOUNDARY
- SETBACK
- EDGE PAVEMENT
- CURBLINE
- STOCKADE FENCE
- BUILDING
- MONUMENT
- IRON PIPE/ROD
- IRON REBAR TO BE SET
- GAS
- WATER
- SEWER
- SD
- STORM DRAIN
- OVERHEAD CABLE
- OVERHEAD
- ELEC. & TEL.

EXISTING FEATURES

- SIGN
- WATER VALVE
- GAS VALVE
- UTILITY POLE
- GUY WIRE
- HYDRANT
- CATCH BASIN
- DRAINAGE MANHOLE
- SEWER MANHOLE
- DECIDUOUS TREE

PROPOSED IMPROVEMENTS

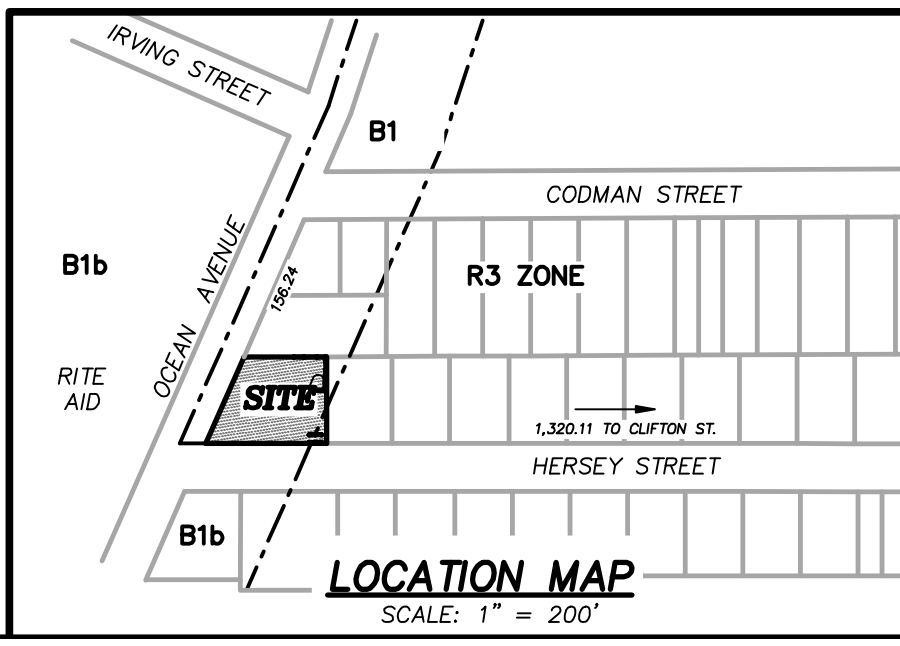
- BUILDING
- FENCE
- EDGE PAVEMENT
- SHRUBS
- CURBING
- AERIAL EASEMENT
- PUBLIC PEDESTRIAN EASEMENT
- ZONE BOUNDARY

GENERAL NOTES:

- RECORD OWNERS OF THE PROPERTY ARE STEVEN E. & ROBERTA S. COPE BY DEED OF STEPHEN D. SEWALL DATED DECEMBER 22, 2015, RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS DECEMBER 24, 2015 IN BOOK 32822, PAGE 198.
- THE PROPERTY IS SHOWN ON THE CITY OF PORTLAND TAX MAP 129 AS LOT G-001 AND THE MAJORITY OF THE PROPERTY IS LOCATED WITHIN THE NEIGHBORHOOD BUSINESS 1 (B1) ZONE, A SMALL PORTION IN THE RESIDENTIAL 3 (R3) ZONE
- SPACE AND BULK:
 - MIN. LOT SIZE.....N/A
 - MIN. FRONTAGE.....20 FEET
 - MIN. REAR YARD.....10 FEET IF ABUTTING RESIDENTIAL
 - MIN. SIDE YARD.....5 FEET FOR ACCESSORY STRUCTURE
 - MAX. IMPERVIOUS SURFACE.....90%
- PLAN REFERENCES:
 - A) PLAN OF CODMAN STREET SUBDIVISION SURVEYED OCTOBER OF 1913 BY PERCY H. RICHARDSON, C.E. AND RECORDED AT SAID REGISTRY IN PLAN BOOK 12, PAGE 99.
 - B) PLAN OF LAND IN PORTLAND MAINE SURVEYED FOR STANDARD OIL COMPANY OF NEW YORK, DATED JULY 1926 BY PERCY H. RICHARDSON, C.E. (ON THE OPPOSITE SIDE OF HERSEY STREET ON OCEAN AVENUE) RECORDED AT SAID REGISTRY IN PLAN BOOK 17, PAGE 28.
 - C) PLAN OF HERSEY SAUNDERS FIELD, WOODFORDS MAINE BY PERCY H. RICHARDSON, C.E. RECORDED MAY 18, 1926 AT SAID REGISTRY IN PLAN BOOK 17, PAGE 4. THIS WAS THE LATEST OF SEVERAL PLANS SHOWING LOTS ON BOTH SIDES OF HERSEY STREET.
 - D) STANDARD BOUNDARY AND EXISTING CONDITIONS SURVEY 701 FOREST AVENUE, PORTLAND, ME FOR THERMO CONSULTING ENGINEERS REVISED TO JUNE 1, 1998 INCLUDING AS-BUILT SURVEY BY TITCOMB ASSOCIATES AND RECORDED AT SAID REGISTRY IN PLAN BOOK 198, PAGE 203.
 - E) EXISTING CONDITIONS PLAN PREPARED BY FOUR POINTS ASSOCIATES, INC. AND OTHER PLANS SUBMITTED AS PART OF THE APPLICATION BEING SUBMITTED TO THE CITY OF PORTLAND. PLEASE REFER TO THE EXISTING CONDITIONS PLAN AND SITE PLAN FOR ADDITIONAL INFORMATION AND EXISTING CONDITIONS NOT SHOWN HEREON.
 - F) BLUE SHEETS FOR HERSEY STREET DATED FEBRUARY 3, 1938 AND OCEAN AVENUE DATED NOVEMBER 1, 1973 PROVIDED BY THE CITY OF PORTLAND PUBLIC WORKS DEPARTMENT. THE STREET LINE FOR HERSEY STREET WAS DETERMINED BY HOLDING AN OFFSET OF 0.08' OFF AN 8" SQUARE MONUMENT WITH BOLT FOUND IN A MONUMENT BOX ON THE WEST SIDE OF BAXTER BOULEVARD AND AN OFFSET OF 3 FEET FROM THE MONUMENT SHOWN HEREON AT THE INTERSECTION WITH OCEAN AVENUE. THE STREET LINE FOR OCEAN AVENUE WAS DETERMINED BY HOLDING AN ANGLE OF 66°17' OFF HERSEY STREET.
- THE FIELD SURVEY WAS COMPLETED USING A COMBINATION OF REAL TIME KINEMATIC GPS EQUIPMENT AND A QSA ROBOTICS INSTRUMENT. ALL POINTS LOCATED WITHIN A POSITIONAL TOLERANCE OF 0.10 FEET HORIZONTALLY AND 0.15 FEET VERTICALLY. BEARINGS ARE BASED ON RAPID STATIC OBSERVATIONS ON THE MONUMENT AT HERSEY AND OCEAN AS WELL AS THE MONUMENT AT CLIFTON AND HERSEY. HORIZONTAL DATUM IS MAINE STATE PLANE COORDINATES, WEST ZONE, NAD 1983(2011) AS PROCESSED ON THE NGS CPUS WEBSITE.
- VERTICAL DATUM IS NVD 1929 AND WAS TAKEN FROM A MONUMENT WITH BOLT FOUND IN A MONUMENT BOX AT THE NORTHWEST CORNER OF THE INTERSECTION BETWEEN HERSEY AND CLIFTON STREETS. ELEVATION OF 29.16 FEET PER PORTLAND PUBLIC WORKS DEPT. A RAPID STATIC OBSERVATION ON THE MONUMENT CONFIRMED THE ELEVATION TO WITHIN 0.03 FEET, (THE ORTHO HEIGHT COMPUTED USING GEOID 12B).
- THIS PLAN IS BASED ON A SURVEY COMPLETED TO THE BEST OF MY KNOWLEDGE IN ACCORDANCE WITH THE STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS STANDARDS OF PRACTICE, EXCEPTING NO REPORT OR METES AND BOUNDS DESCRIPTION PREPARED.
- FOUR POINTS ASSOCIATES, INC. HAS NOT CONFIRMED ALL UNDERGROUND UTILITY LOCATIONS. ALL UTILITIES SHOWN HEREON ARE APPROXIMATE AND BASED ON VISIBLE ABOVE GROUND STRUCTURES. THE CITY OF PORTLAND'S GIS MAPPING FOR WATER AND SEWER AND A PLAN FOR THE DEVELOPMENT OF THE RITE AID PARCEL ON THE OPPOSITE SIDE OF OCEAN AVENUE. NO EXCAVATION OF ANY KIND CAN BE PERMITTED WITHOUT THE CONTRACTOR CONTACTING DIG-SAFE AT 1-888-DIGSAFE FOR THE LOCATION OF ANY POSSIBLE UNDERGROUND UTILITIES, ABANDONED OR OTHERWISE. THE CONTRACTOR RESPONSIBLE FOR EXCAVATION AND CONNECTION OF ALL UNDERGROUND UTILITIES MUST CONFIRM ALL INVERTS AND PIPE SIZES PRIOR TO ANY CONSTRUCTION.
- THE PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD AREA PER THE FEMA FIRM FLOOD HAZARD MAP 2300510007C EFFECTIVE DATE DECEMBER 8, 1998.
- THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION PURPOSES. PLEASE REFER TO THE SITE PLAN AND ARCHITECTURAL PACKAGE FOR ANY NEW CONSTRUCTION.

APPROVED BY CITY OF PORTLAND
PLANNING BOARD

DATE
CHAIRPERSON

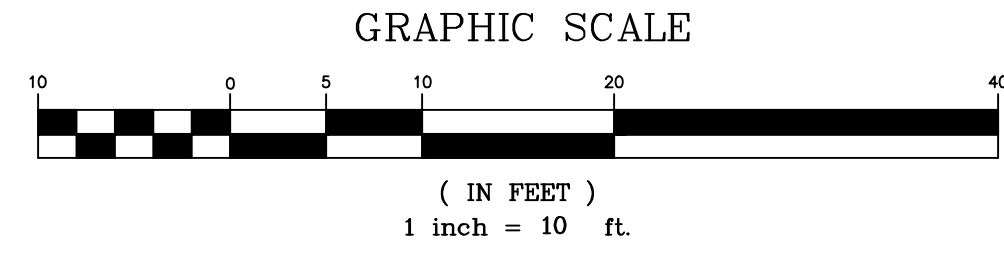


DESIGN TEAM:

CARROLL ASSOCIATES
Patrick J. Carroll, Principal
Maine Licensed Landscape Architect
217 Commercial Street, Suite 200
Portland, Maine 04101
Tel: 207-772-1552

RANSOME CONSULTING, INC.
John Mahoney, P.E.
Project Engineer
400 Commercial Street, Suite 404
Portland, Maine 04101
Tel: 207-772-2891 Ex 32
Website: www.ransomeenv.com

KEVIN MOQUIN ARCHITECT
Kevin Moquin
Portland, Maine 04103
Tel: 207-615-6421
Website: www.km-a.me



MAINTENANCE AGREEMENT NOTE

REFERENCE IS MADE TO A STORMWATER DRAINAGE SYSTEM MAINTENANCE AGREEMENT AND RELEASE FROM LIABILITY BY STEPHEN AND ROBERTA COPE FOR THE BENEFIT OF THE CITY OF PORTLAND OUTLINING MEASURES TO INSTALL, REPAIR AND MAINTAIN ALL STORMWATER STRUCTURES WITHIN THE PROPERTY, INCLUDING RAIN GARDENS AND PERVIOUS PAVERS. THIS AGREEMENT TO BE SIGNED AND RECORDED UPON RECEIVING SITE PLAN APPROVAL FROM THE CITY OF PORTLAND.

STATE OF MAINE

CUMBERLAND COUNTY SS REGISTRY OF DEEDS

RECEIVED 10/11/2016

AT 11:00 AM AND RECORDED IN

PLAN BOOK 32822 PAGE 198

ATTEST REGISTER

NAME: DONALD E. DOSTIE

UC: #2147

PLS #2147

DATE: 06/04/2016

REV: A

STATUS: ADD PROPOSED BUILDING/PARKING/WALKS, PRELIMINARY SUBMISSION

PROJ. NO: 15069

DWG NAME: 23 OCEAN SCALE: 1"=10'

PLAN BY: DED

SITE/SUBDIVISION PLAN (PRELIMINARY)

OF 23 OCEAN AVENUE

PORTLAND, MAINE

FOR RECORD OWNERS:

STEVEN E. AND ROBERTA S. COPE

PLS #2147

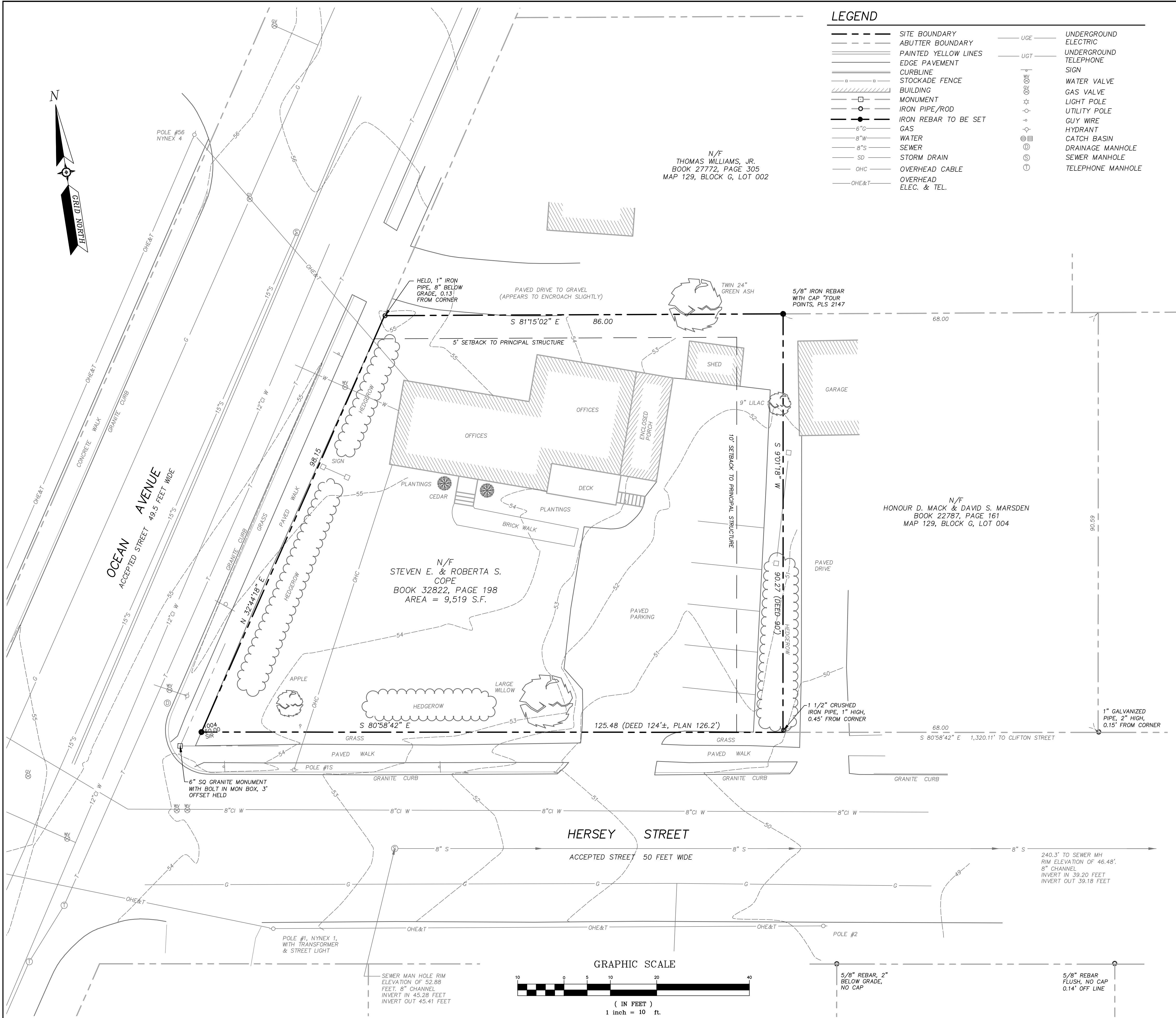
PORTLAND, MAINE 04104

PLAN DATE: 06/04/2016

Four Points Associates, Inc.

Donald E. Dostie PLS, Principal

9 Ralph Avenue, Lewiston, ME 04240 Tel: 207-577-5840



LEGEND

- SITE BOUNDARY
- ABUTTER BOUNDARY
- PAINTED YELLOW LINES
- EDGE PAVEMENT
- CURBLINE
- STOCKADE FENCE
- BUILDING
- MONUMENT
- IRON PIPE/ROD
- IRON REBAR TO BE SET
- 6" GAS
- 8" WATER
- 8" SEWER
- SD STORM DRAIN
- OHC OVERHEAD CABLE
- OHE&T OVERHEAD ELEC. & TEL.
- UGE UNDERGROUND ELECTRIC
- UGT UNDERGROUND TELEPHONE
- SIGN
- WATER VALVE
- GAS VALVE
- LIGHT POLE
- UTILITY POLE
- GUY WIRE
- HYDRANT
- CATCH BASIN
- DRAINAGE MANHOLE
- SEWER MANHOLE
- TELEPHONE MANHOLE

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 - F) THE FIELD SURVEY WAS COMPLETED USING A COMBINATION OF REAL TIME KINEMATIC GPS EQUIPMENT AND A QSA ROBOTICS INSTRUMENT. ALL POINTS LOCATED WITHIN A POSITIONAL TOLERANCE OF 0.10 FEET HORIZONTALLY AND 0.15 FEET VERTICALLY. BEARINGS ARE BASED ON RAPID STATIC OBSERVATIONS ON THE MONUMENT AT HERSEY AND OCEAN AS WELL AS THE MONUMENT AT CLIFTON AND HERSEY. HORIZONTAL DATUM IS MAINE STATE PLANE COORDINATES, WEST ZONE, NAD 1983(2011) AS PROCESSED ON THE NGS OPUS WEBSITE.
 - G) VERTICAL DATUM IS NGVD 1929 AND WAS TAKEN FROM A MONUMENT WITH BOLT FOUND IN A MONUMENT BOX AT THE NORTHWEST CORNER OF THE INTERSECTION BETWEEN HERSEY AND CLIFTON STREETS. ELEVATION OF 29.16 FEET PER PORTLAND PUBLIC WORKS DEPT. A RAPID STATIC OBSERVATION ON THE MONUMENT CONFIRMED THE ELEVATION TO WITHIN 0.03 FEET, (THE ORTHO HEIGHT COMPUTED USING GEOID 12B).
 - H) THIS PLAN IS BASED ON A SURVEY COMPLETED TO THE BEST OF MY KNOWLEDGE IN ACCORDANCE WITH THE STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS STANDARDS OF PRACTICE, EXCEPTING NO REPORT OR METES AND BOUNDS DESCRIPTION PREPARED.
 - I) THIS PLAN IS SUBJECT TO REVISION UPON RECEIPT OF A TITLE OPINION WHICH MAY NOTE OTHER POSSIBLE RESTRICTIONS, EASEMENTS OR CONDITIONS ENCUMBERING OR BENEFITING THE SITE.
 - J) FOUR POINTS ASSOCIATES, INC. HAS NOT CONFIRMED ALL UNDERGROUND UTILITY LOCATIONS. ALL UTILITIES SHOWN HEREON ARE BASED ON VISIBLE ABOVE GROUND STRUCTURES, THE CITY OF PORTLAND'S GIS MAPPING FOR WATER AND SEWER AND A PLAN FOR THE DEVELOPMENT OF THE RITE AID PARCEL ON THE OPPOSITE SIDE OF OCEAN AVENUE. NO EXCAVATION OF ANY KIND CAN BE PERMITTED WITHOUT THE CONTRACTOR CONTRACTING DIG-SAFE FOR LOCATION OF POSSIBLE UNDERGROUND UTILITIES.
 - K) THE PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD AREA PER THE FEMA FIRM FLOOD HAZARD MAP 2300510007C EFFECTIVE DATE DECEMBER 8, 1998.

EXISTING CONDITIONS PLAN OF 23 OCEAN AVENUE PORTLAND, MAINE

FOR RECORD OWNERS: STEVEN E. AND ROBERTA S. COPE

PLS #2147

DATE: 07/13/2016

STATUS: SUBMISSION TO CLIENT FOR REVIEW

CONVERSION TO STATE PLANE COORDINATES NAD83: ADD DATA

DATE: 07/13/2016

STATUS: SUBMISSION TO CLIENT FOR REVIEW

PLAN BY: DED

SCALE: 1"=10'

DWG NAME: 23 OCEAN

REQ. NO: 15069

NAME: DONALD E. DOSTIE

UC. # PLS #2147

STATE OF MAINE DONALD E. DOSTIE LAND SURVEYOR

EXISTING CONDITIONS PLAN OF 23 OCEAN AVENUE PORTLAND, MAINE

FOR RECORD OWNERS: STEVEN E. AND ROBERTA S. COPE

PLS #2147

DATE: 07/13/2016

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STATUS: SUBMISSION TO CLIENT FOR REVIEW

PLAN BY: DED

SCALE: 1"=10'

DWG NAME: 23 OCEAN

REQ. NO: 15069

EXISTING CONDITIONS PLAN OF 23 OCEAN AVENUE PORTLAND, MAINE

FOR RECORD OWNERS: STEVEN E. AND ROBERTA S. COPE

PLS #2147

DATE: 07/13/2016

STATUS: SUBMISSION TO CLIENT FOR REVIEW

CONVERSION TO STATE PLANE COORDINATES NAD83: ADD DATA

DATE: 07/13/2016

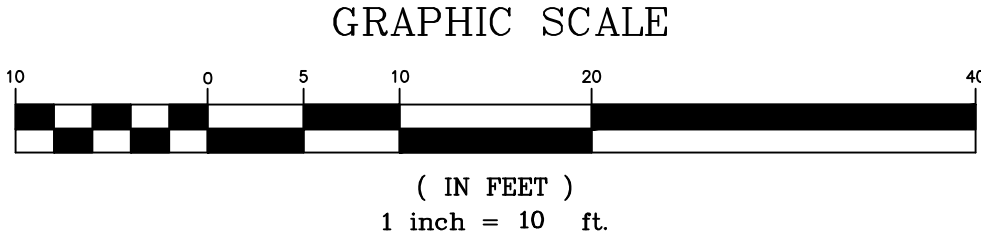
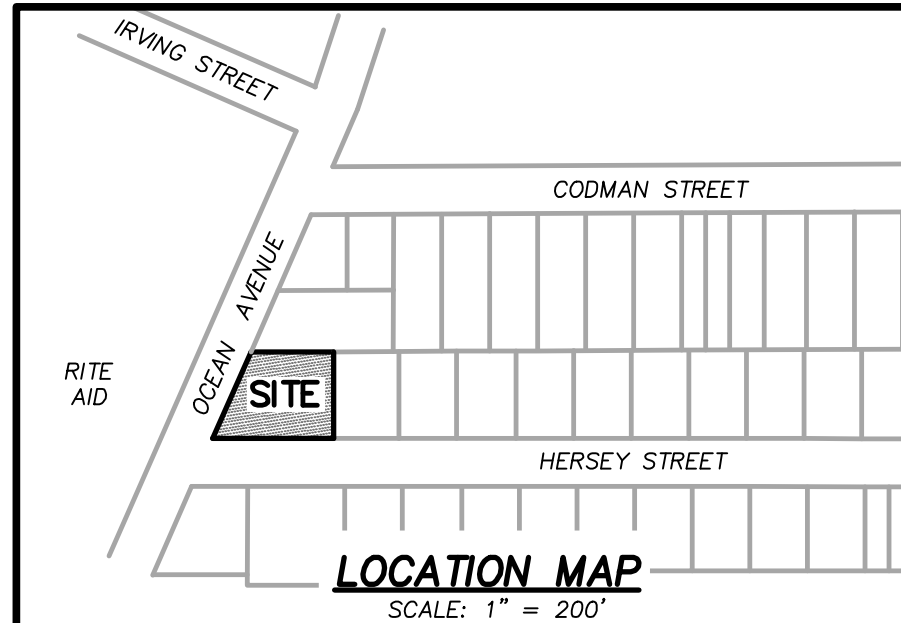
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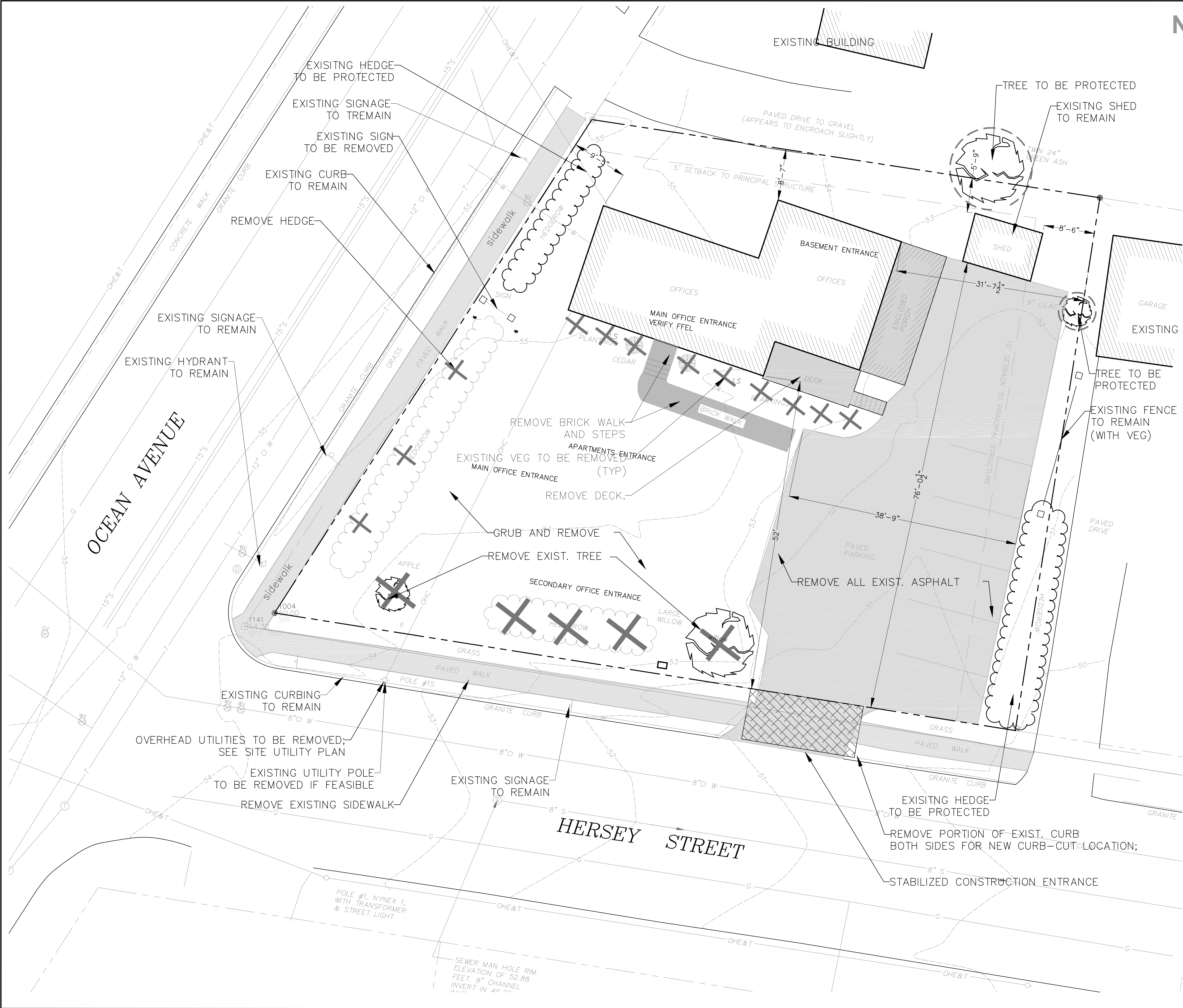
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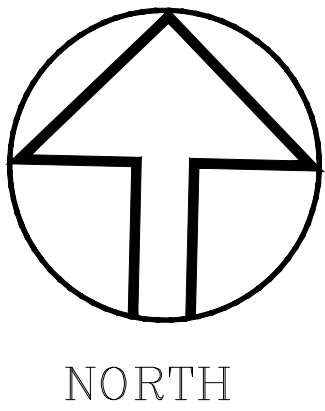
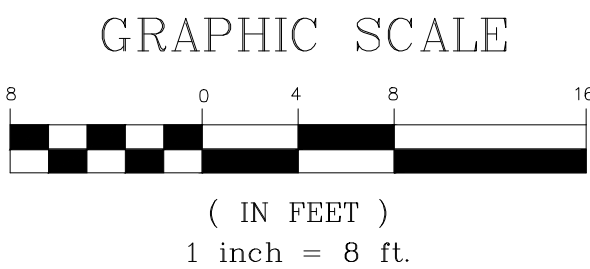
DWG NAME: 23 OCEAN

REQ. NO: 15069





NOT FOR CONSTRUCTION



LEGEND

EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY/ROW	---
---	SETBACK	---
---	EASEMENT	---
---	CENTERLINE	---
---	MONUMENT	---
---	IRON PIPE/ROD	---
---	BUILDING	---
---	EDGE PAVEMENT	---
---	GRAVEL ROAD	---
---	CURBLINE	---
---	CONTOURS	124
---	CULVERT	SD
---	WATER	W
---	SEWER	S
---	STORM DRAIN	SD
---	UNDERGROUND ELEC. & TEL.	---
---	OVERHEAD ELEC. & TEL.	OHE&T
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---	BENCHMARK	---
---	SPOT GRADE	---
---	CHAIN LINK FENCE	---
---	RIPRAP	---
---	STOCKADE FENCE	---
---	ZONE LINE	---

SITE PREPARATION NOTES

- EXISTING CONDITIONS BASED ON TOPOGRAPHIC SURVEY COMPLETED BY FOUR POINTS ASSOCIATES DATED 1/13/16. FIELD CONDITIONS MAY VARY SLIGHTLY FROM WHAT IS DEPICTED ON THE PLANS.

INSTALL INLET PROTECTION FOR ALL CATCH BASINS WITHIN WORK ZONE CONSISTING OF SILT SACK OR OTHER APPROVED METHODS.
- THE SITE SHALL BE GRUBBED AS SHOWN ON THE PLANS. EXISTING PAVEMENT SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN A LAWFUL MANNER.
- KEEP ALL STREETS FREE OF DUST, MUD, AND DEBRIS. SURFACES MUST BE SWEEPED CLEAN AT END OF EACH WORK DAY AND OTHER TIMES AS REQUIRED TO MINIMIZE TRACKING OF MUD AND CREATION OF DUST. INSTALL STABILIZED CONSTRUCTION ENTRANCE AT PRIMARY ACCESS ROUTE ONTO LANCASTER STREET AND MAINTAIN AS REQUIRED THROUGHOUT CONSTRUCTION.
- REMOVAL OF EXISTING BUILDING BY OTHERS UNDER SEPARATE CONTRACTS WITH THE OWNER PRIOR TO CONSTRUCTION. BUILDING REMOVAL WORK SHALL INCLUDE COMPLETE DEMOLITION OF ALL ABOVE-GRADE STRUCTURES AND FOUNDATIONS, DISPOSAL OF DEMOLITION WASTE GENERATED, AND DISCONNECTION OF ELECTRICAL, WATER, SEWER, AND GAS SERVICE TO THE BUILDING.
- CONTRACTOR SHALL INSTALL ALL EROSION CONTROL MEASURES IN ACCORDANCE WITH THE EROSION AND SEDIMENTATION CONTROL NOTES AND DETAILS.



Project Name:

23
Ocean Ave
Portland, Maine

Owner:

Steven & Roberta Cope
172 Concord Street
Portland, Maine 04103

Consultants:

Architect
Kevin Moquin, Architect
Hammond Street
Portland, Maine 04104
207.615-6421



Landscape Architects
Carroll Associates
217 Commercial St.
Portland, ME 04101
207.772.1552



Civil Engineer
Ransom Consulting
400 Commercial St.
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207.772.2891



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No.	Date	Revision

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Drawing Title:

SITE PREPARATION
PLAN

Job Number:

File:

Date: 09-02-2016

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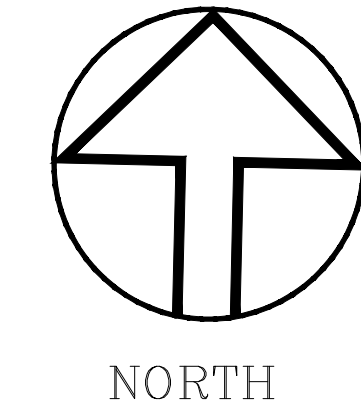
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GRAPHIC SCALE

(IN FEET)
1 inch = 8 ft.



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Ocean Ave
Portland, Maine

Consultants:
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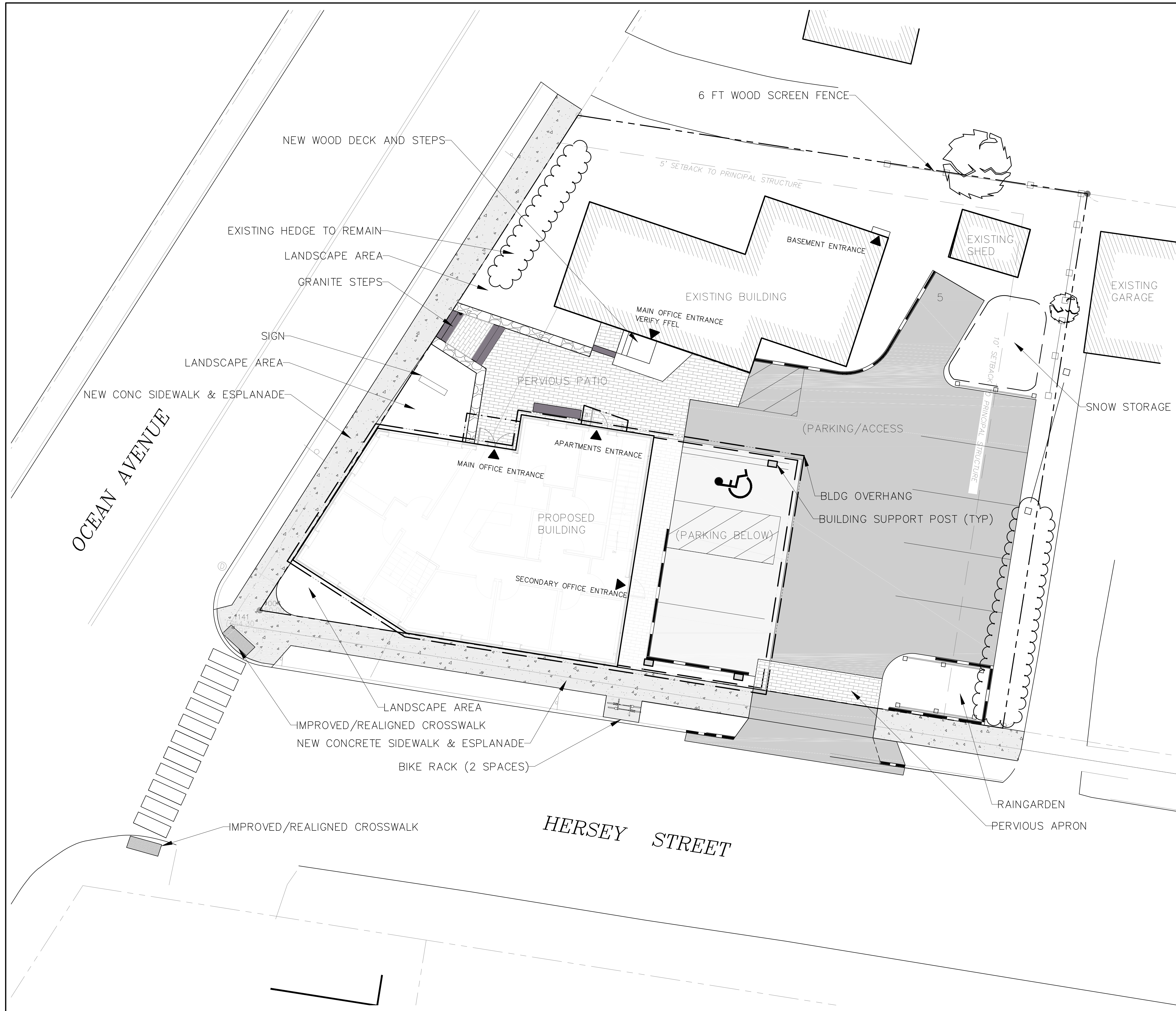
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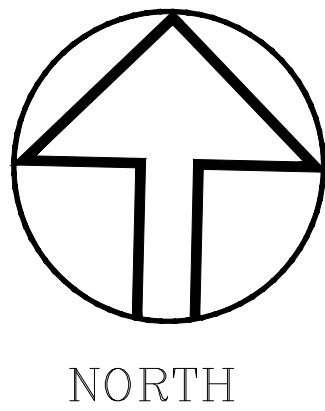
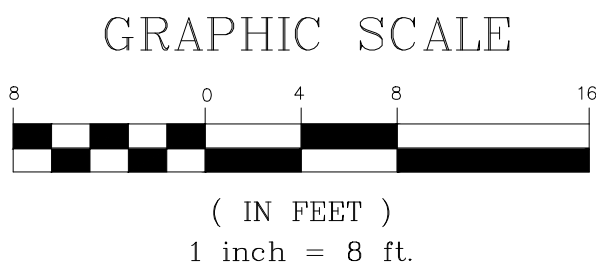
A circular professional seal for Patrick J. Carroll, No. 127, Licensed Landscape Architect, State of Maine. The seal features the text "LICENSED LANDSCAPE ARCHITECT" around the top and "STATE OF MAINE" around the bottom, separated by two stars. The center contains the name "PATRICK J. CARROLL" and "NO. 127". A signature is written across the seal.

SITE PLAN

L-2.0
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LEGEND

EXISTING	DESCRIPTION	PROPOSED
	PROPERTY/ROW	
	SETBACK	
	EASEMENT	
	CENTERLINE	
	MONUMENT	
	IRON PIPE/ROD	
	BUILDING	
	EDGE PAVEMENT	
	GRAVEL ROAD	
	CURBLINE	
	CONTOURS	124
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	GATE VALVE	
	UTILITY POLE	
	MANHOLE	
	POTABLE WELL	
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	SIGN	
	BENCHMARK	
	SPOT GRADE	
	CHAIN LINK FENCE	
	RIPRAP	
	STOCKADE FENCE	
	ZONE LINE	

NOTES

- ALL WORK SHALL CONFORM TO THE APPLICABLE CODES AND ORDINANCES.
- EXISTING CONDITIONS BASED ON TOPOGRAPHIC SURVEY COMPLETED BY FOUR POINTS ASSOCIATES DATED 1/13/16. FIELD CONDITIONS MAY VARY SLIGHTLY FROM WHAT IS DEPICTED ON THE PLANS.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO CONSTRUCTION. ANY UNUSUAL CONDITIONS SHALL BE REPORTED TO THE ATTENTION OF THE OWNER.
- CONTRACTOR SHALL CLEAN AND REMOVE DEBRIS AND SEDIMENT DEPOSITED ON PUBLIC STREETS, SIDEWALKS, ADJACENT AREAS, OR OTHER PUBLIC WAYS DUE TO CONSTRUCTION.
- CONTRACTOR SHALL PROTECT EXISTING STRUCTURES, PHYSICAL FEATURES, AND MAINTAIN SITE STABILITY DURING CONSTRUCTION. CONTRACTOR SHALL RESTORE ALL AREAS TO ORIGINAL CONDITION AND AS DIRECTED.
- THE CONTRACTOR SHALL CONTACT DIG SAFE (1-888-DIGSAFE) AT LEAST THREE (3) BUT NOT MORE THAN THIRTY (30) DAYS PRIOR TO COMMENCEMENT OF EXCAVATION OR DEMOLITION TO VERIFY HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES.
- ALL PAVEMENT JOINTS SHALL BE SAWCUT PRIOR TO PAVING TO PROVIDE A DURABLE AND UNIFORM JOINT.
- NO HOLES, TRENCHES OR STRUCTURES SHALL BE LEFT OPEN OVERNIGHT IN ANY EXCAVATION ACCESSIBLE TO THE PUBLIC OR IN PUBLIC RIGHTS-OF-WAY.
- ALL WORK WITHIN THE PUBLIC RIGHT-OF-WAY SHALL REQUIRE A STREET-OPENING PERMIT FROM THE CITY OF PORTLAND AS APPLICABLE.



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Drawing Set:

No.	Date	Revision
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Drawing Set:

FOR PERMITTING

Drawn:

PAB

Checked:

PC

Approved:



Drawing Title:

MATERIALS AND
LAYOUT PLAN

Job Number:

File:

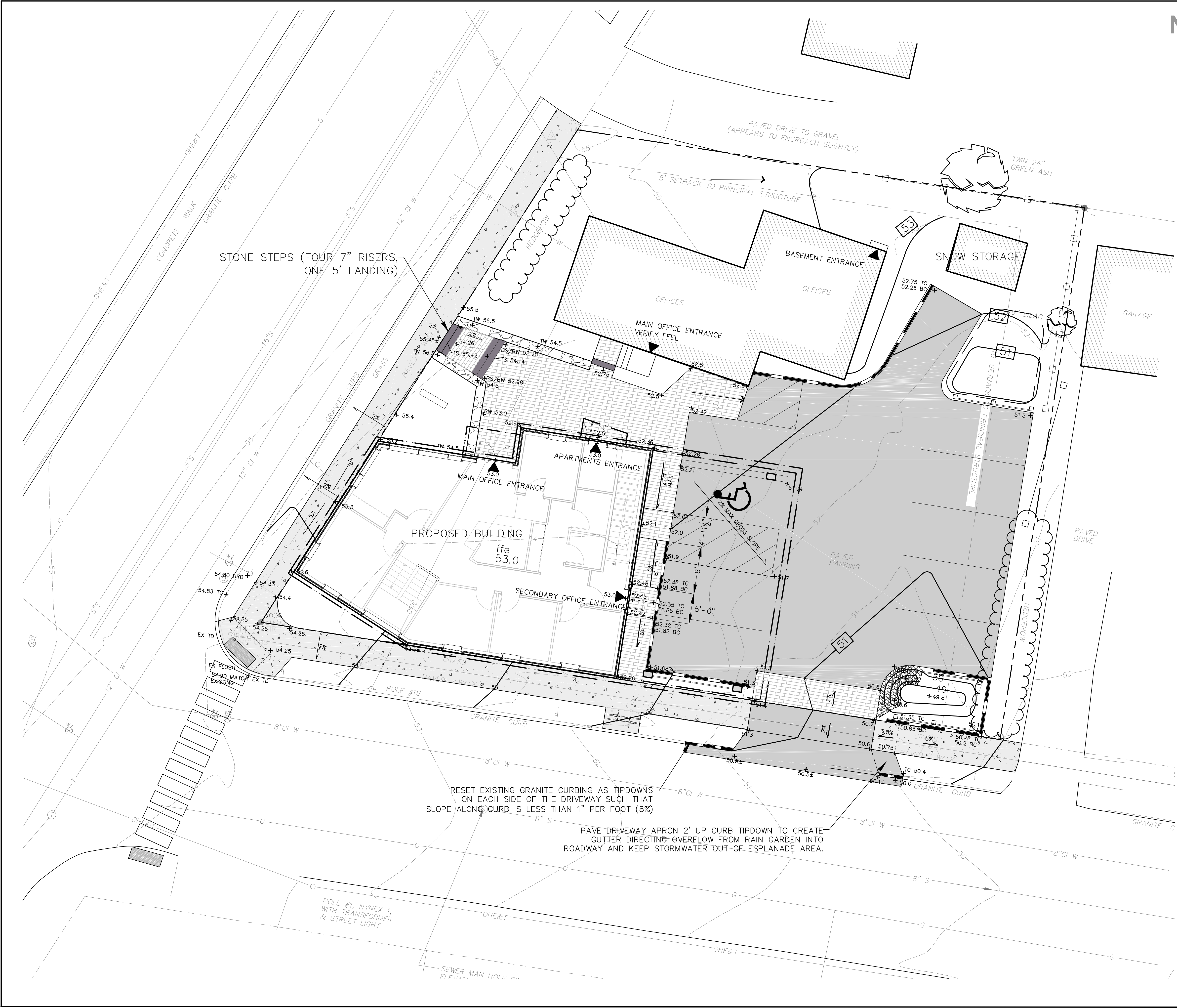
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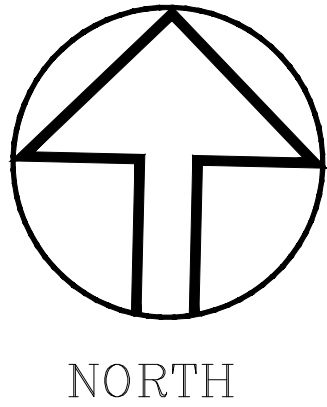
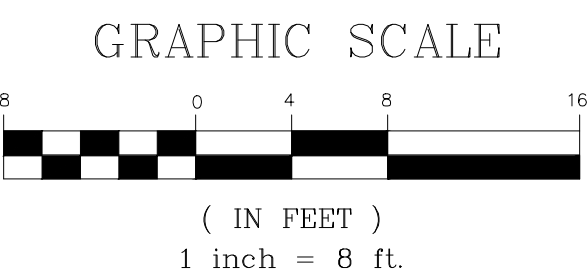
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EXISTING	DESCRIPTION	PROPOSED
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GRADING AND DRAINAGE NOTES

- EXISTING CONDITIONS BASED ON TOPOGRAPHIC SURVEY COMPLETED BY FOUR POINTS ASSOCIATES IN JANUARY 2016. FIELD CONDITIONS MAY VARY SLIGHTLY FROM WHAT IS DEPICTED ON THE PLANS.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND GRADES IN THE FIELD AND NOTIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES.
- AREAS NOT REQUIRING GRADING SHALL BE LEFT UNDISTURBED. CONTRACTOR SHALL AVOID THESE AREAS AND PRESERVE ALL EXISTING VEGETATION AS NOTED.
- UTILITY LOCATIONS ARE APPROXIMATE AND SHALL BE VERIFIED PRIOR TO CONSTRUCTION. ANY DISCREPANCIES OR CONFLICTS SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT.
- ALL UTILITY INSTALLATIONS SHALL MEET THE REQUIREMENTS OF THE CITY OF PORTLAND, AS WELL AS ANY OTHER LOCAL, STATE, AND FEDERAL REQUIREMENTS.
- SITE CONTRACTOR SHALL REPAIR ALL DISTURBED AREAS IN ACCORDANCE WITH THE EROSION CONTROL PLAN AND DETAILS.
- ALL TEMPORARY AND PERMANENT EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED IN THE BEST MANAGEMENT PRACTICES, AND MAINTAINED THROUGHOUT CONSTRUCTION OF THIS PROJECT.
- ALL AREAS DISTURBED BY CONSTRUCTION NOT TO BE PAVED OR OTHERWISE TREATED SHALL BE LOAMED AND SEEDED ACCORDING TO THE PROJECT SPECIFICATIONS. EXISTING LAWN AREAS WHICH ARE DISTURBED SHALL BE RESTORED TO THEIR ORIGINAL CONDITION.
- INFILTRATION POND AREAS ARE NOT TO BE UTILIZED FOR SNOW STORAGE.



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Drawing Set:

No.	Date	Revision

Drawing Set:

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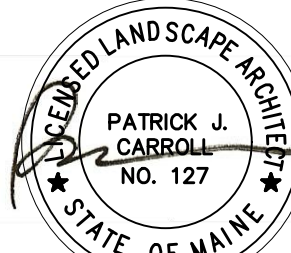
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GRADING PLAN

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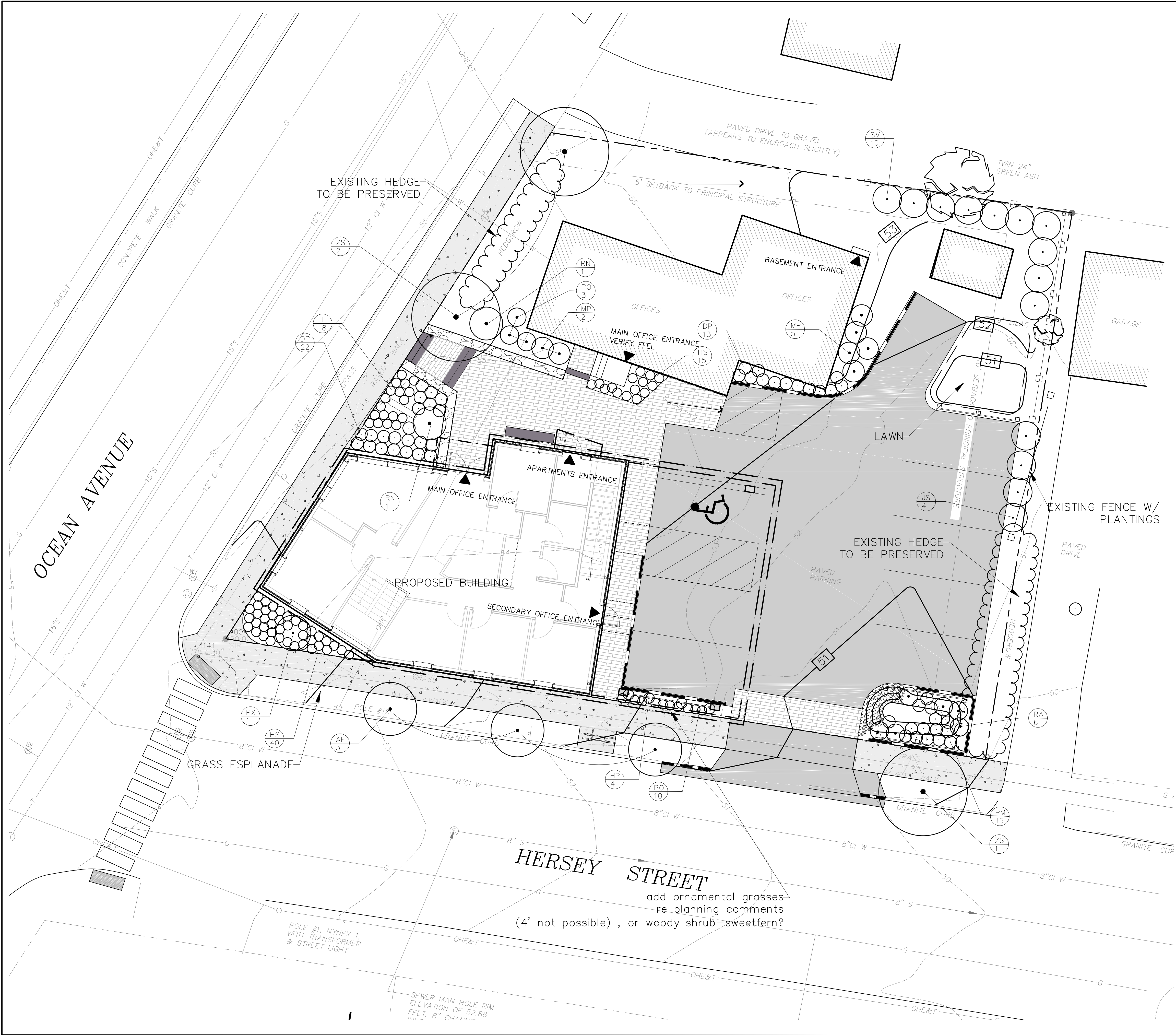
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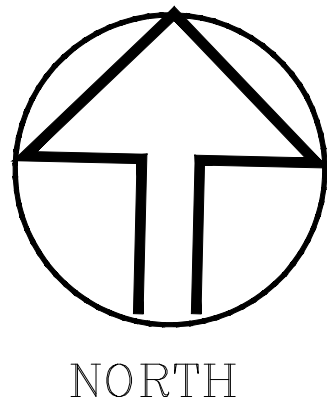
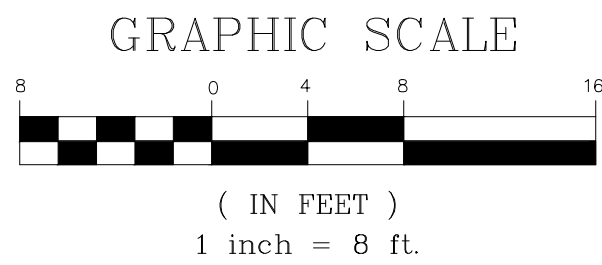
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PLANTING NOTES

1. CONTRACTOR SHALL BEGIN MAINTENANCE IMMEDIATELY AFTER PLANTING AND SHALL CONTINUE UNTIL FINAL ACCEPTANCE. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL MEANS AND METHODS OF WATERING AND MAINTENANCE.
2. CONTRACTOR SHALL SUPPLY PLANTS IN QUANTITIES SUFFICIENT TO COMPLETE WORK SHOWN ON THE PLAN. ANY DISCREPANCY BETWEEN THE QUANTITIES SHOWN IN THE PLANT SCHEDULE AND THOSE REQUIRED ON THE PLAN SHALL NOT ENTITLE THE CONTRACTOR TO ADDITIONAL REMUNERATION. ANY DISCREPANCIES SHALL BE CLARIFIED WITH THE LANDSCAPE ARCHITECT PRIOR TO ORDERING PLANT MATERIAL.
3. ALL MATERIALS SHALL CONFORM TO SPECIFICATIONS OF THE AMERICAN STANDARDS FOR NURSERY STOCK (LATEST EDITION) AS SET FORTH BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
4. ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISH GRADE AS THE ORIGINAL GRADES BEFORE DIGGING.
5. THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIALS FOR ONE (1) FULL YEAR FROM DATE OF SUBSTANTIAL COMPLETION.
6. ALL PLANT MATERIALS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT AT THE NURSERY AND AT THE SITE.
7. ALL PLANT BEDS SHALL MEET MINIMUM TOPSOIL REQUIREMENTS (SEE SPECIFICATIONS).
8. NO PLANT MATERIAL SHALL BE INSTALLED UNTIL GRUBBING, BED PREPARATION, AND FINISH GRADING HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
9. ALL PLANTS BEDS AND TREE WELLS SHALL HAVE A MINIMUM OF 3" OF UNIFORMLY DISTRIBUTED, DARK, SHREDDED BARK MULCH.
10. CONTRACTOR SHALL SUBMIT SOIL SAMPLE AND TEST OF TOPSOIL TO LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. SOIL ADMIXTURE SHALL BE ADDED TO EXISTING SOIL (BY CONTRACTOR) IF DEEMED NECESSARY BY SOIL TEST RESULTS.
11. ROUGH GRADING AND BED PREPARATION SHALL BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO PLANT INSTALLATION. CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT 48 HOURS PRIOR TO REQUIRED SITE VISIT.
12. ALL PLANTS SHALL BE BALLED AND WRAPPED OR CONTAINER GROWN AS SPECIFIED. ALL ROOT WRAPPING AND CONTAINER MATERIAL MADE OF SYNTHETICS OR PLASTICS SHALL BE REMOVED AT THE TIME OF PLANTING.
13. ALL BROAD LEAF EVERGREEN PLANTS SHALL BE SPRAYED WITH AN ANTIDESSICANT AT THE BEGINNING OF THEIR FIRST WINTER.
14. ALL PLANTS SHALL BE INSTALLED AS PER DETAILS AND THE CONTRACT SPECIFICATIONS. THE LANDSCAPE CONTRACTOR SHALL REFER TO THE CONTRACT SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS.
15. CONTRACTOR SHALL STAKE TREES SHALL IF DEEMED NECESSARY.
16. THE LANDSCAPE CONTRACTOR SHALL PROVIDE LOAM FILL AS PER THE CONTRACT SPECIFICATIONS.
17. ALL PLANTS SHALL THEN BE WATERED BY THE CONTRACTOR, AS NECESSARY TO INSURE HEALTH UNTIL FINAL ACCEPTANCE.
18. THE LANDSCAPE CONTRACTOR SHALL REFER TO THE PLANT LIST AND PLANTING SPECIFICATIONS FOR SEASONAL REQUIREMENTS AND OTHER RESTRICTIONS RELATED TO THE TIME AND SEASON OF PLANTING.

PLANT SCHEDULE

QTY.	SYM.	BOTANICAL NAME	COMMON NAME	SIZE
			TREES	
3	AF	ACER X. FREEMANI	ARMSTRONG MAPLE	2" CAL.
1	PX	PRUNUS X 'CRIMSON POINTE'	CRIMSON POINTE CHERRY	1.75" CAL.
3	ZS	ZELKOVA SERRATA	ZELKOVA	2" CAL.
			SHRUBS / PERENNIALS	
35	DP	DENNSTAEDIA PUNCTILOBA	HAY SCENTED FERN	#1
40	HS	HEMMEROCALIS SPP	MIXED DAYLILY SPECIES	#1
4	HP	HYDRANGEA PETIOLARIS	CLIMBING HYDRANGEA	#5
4	JS	JUNIPERUS SCOPULORUM	WITCHITA BLUE JUNIPER	#5
18	LI	LIROPE MUSCARI 'BIG BLUE'	BIG BLUE LILY TURF	#1
7	MP	MYRICA PENNSYLVANICA	NORTHERN BAYBERRY	#3
13	PO	PENNISETUM ORIENTALE 'KARLY ROSE'	KARLY ROSE FOUNTAINGRASS	#1
2	RN	RHODODENDRON NOVA-ZEMBLA	RHODODENDRON	2.5-3'
6	RA	RHUS AROMATICA 'GRO-LOW'	GRO-LOW SUMAC	#3
10	SV	SYRINGA VULGARIS	COMMON LILAC	#7
25	PM	MIXED DROUGHT TOLERANT PERENNIALS		#1

NOTE: ALL SUBSTITUTIONS SHALL BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO ORDERING OF PLANTS

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Drawing Set:

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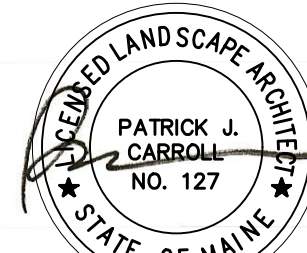
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LANDSCAPE PLAN

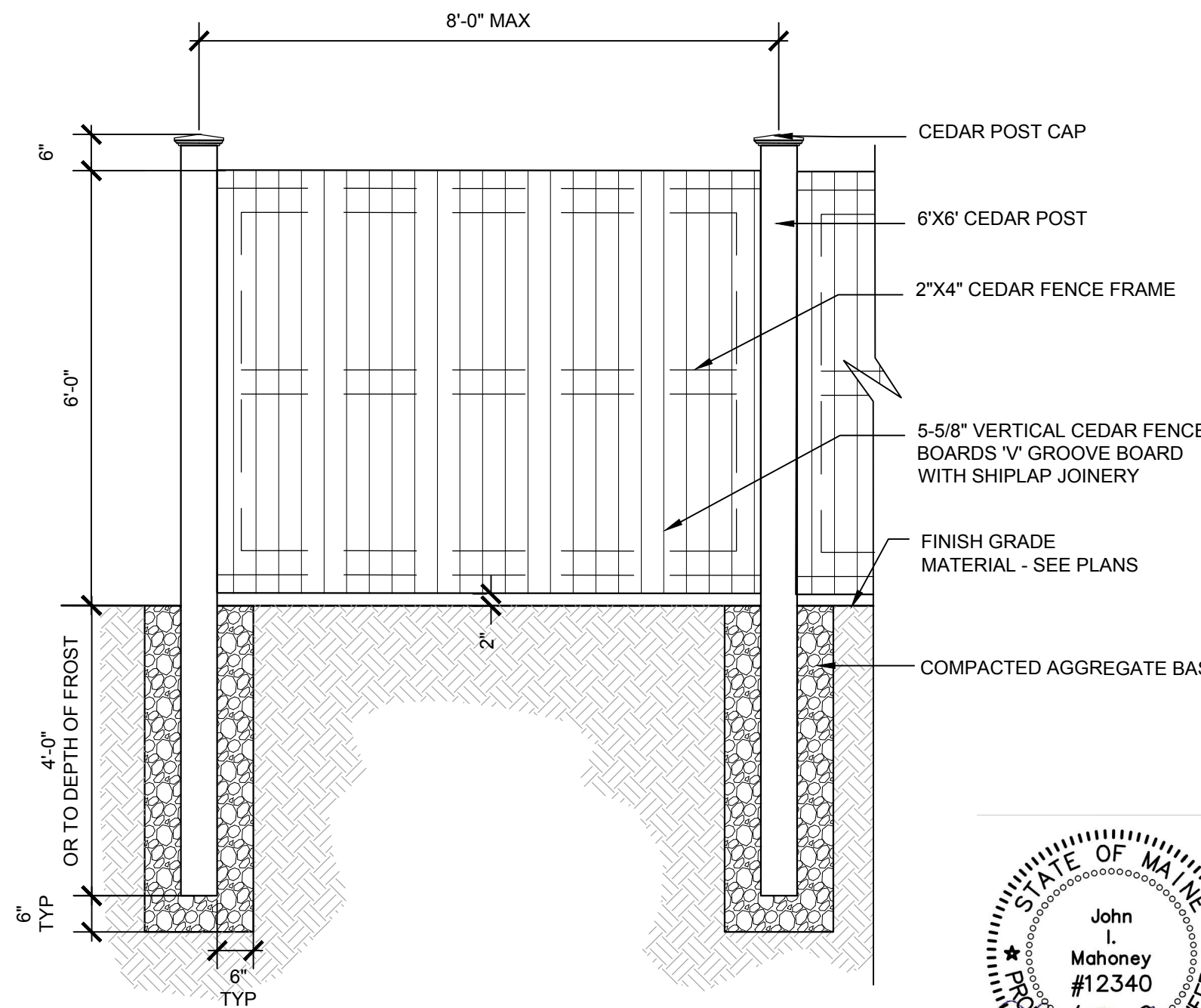
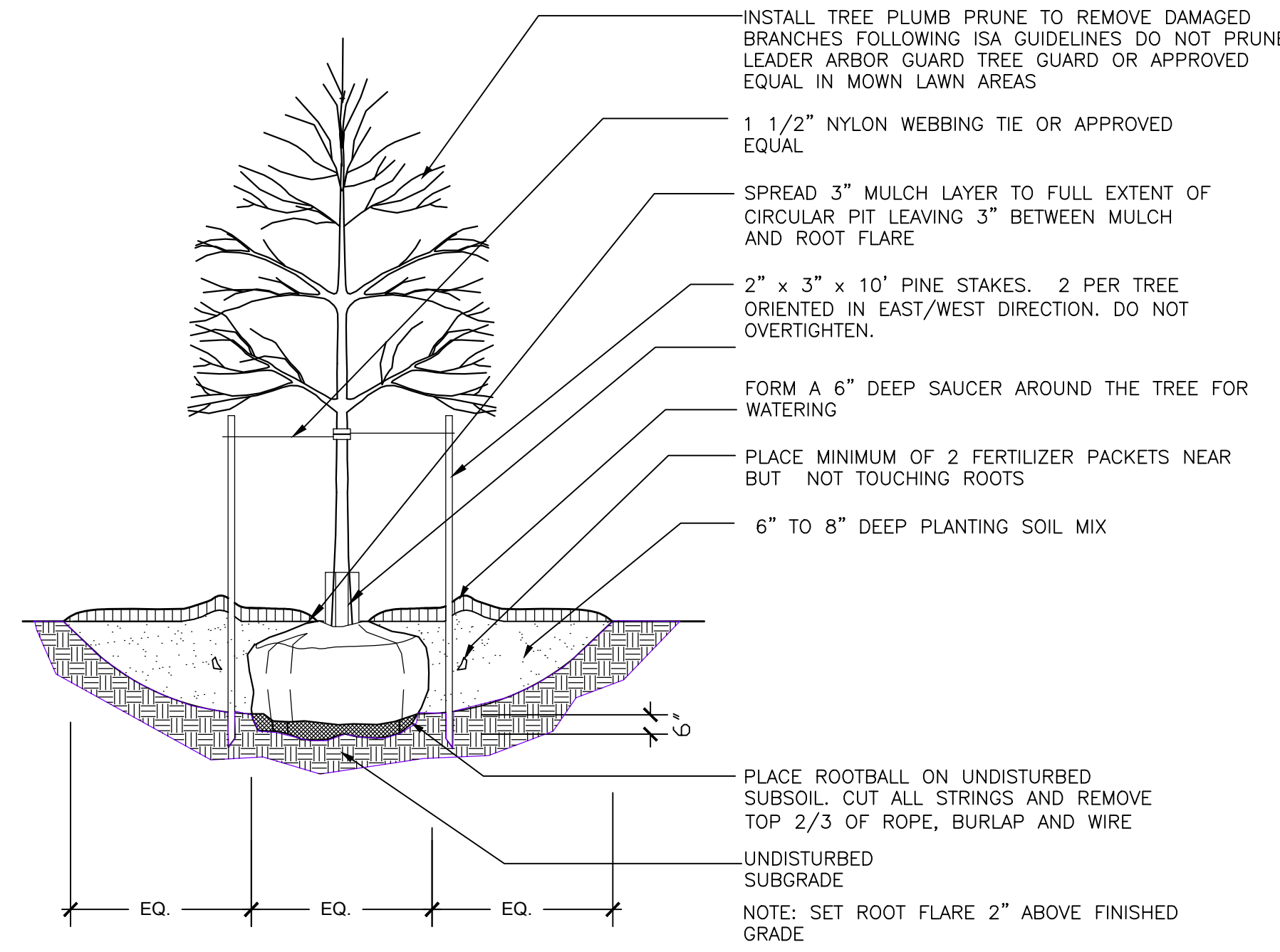
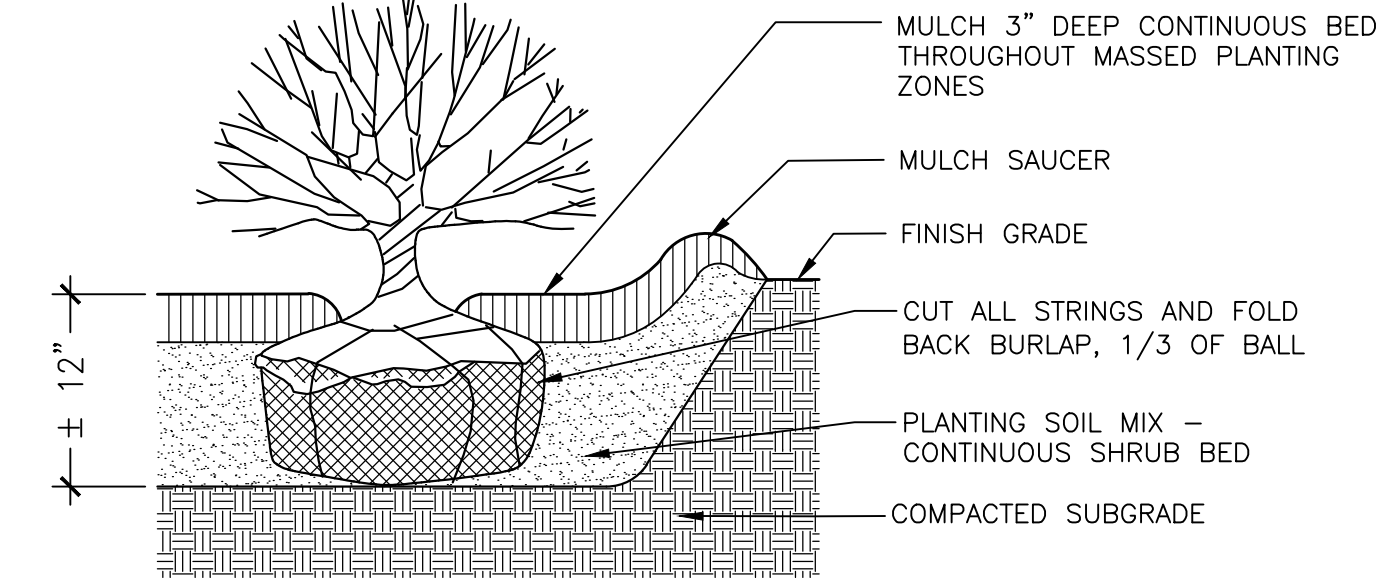
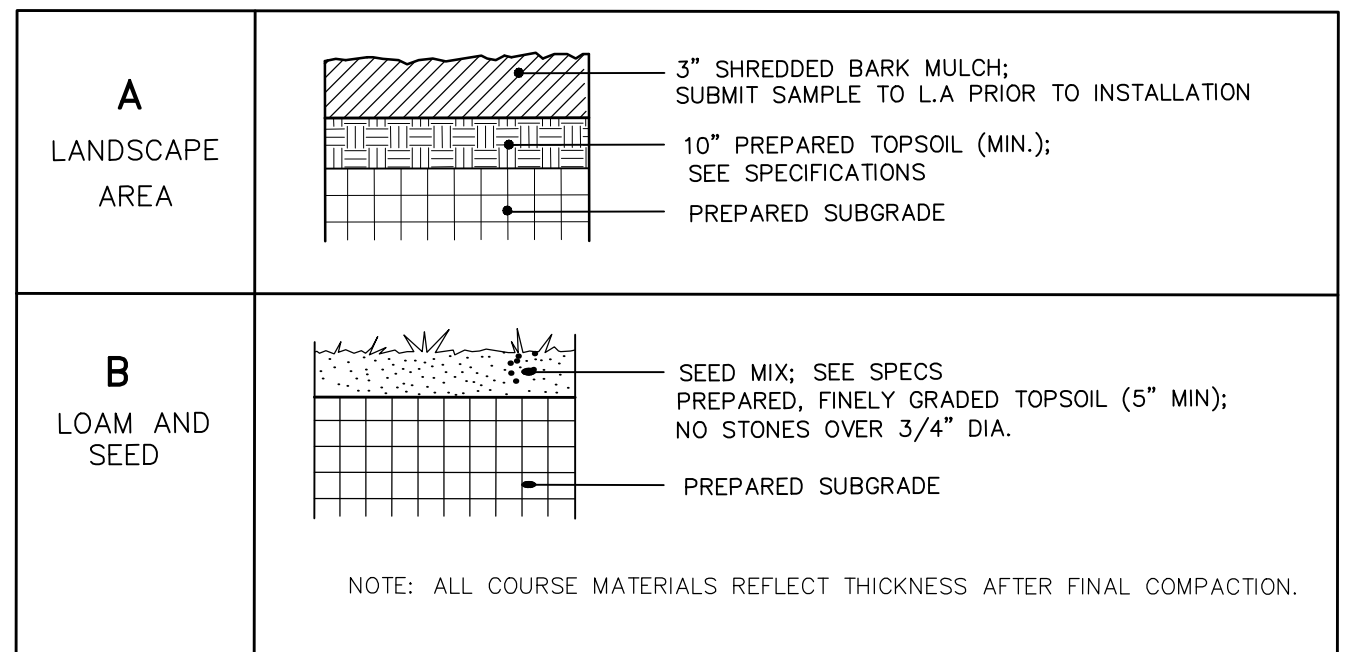
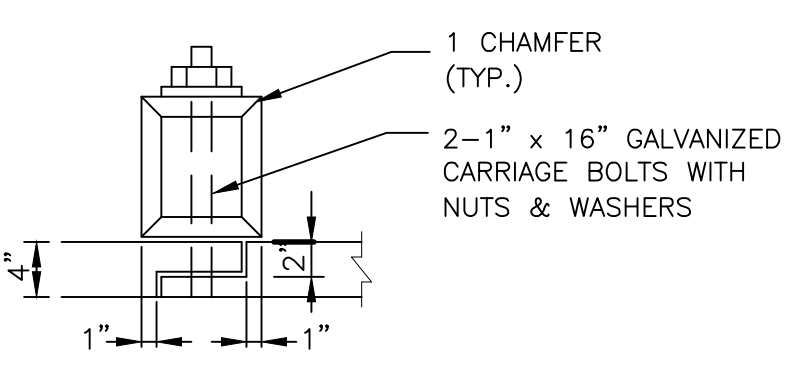
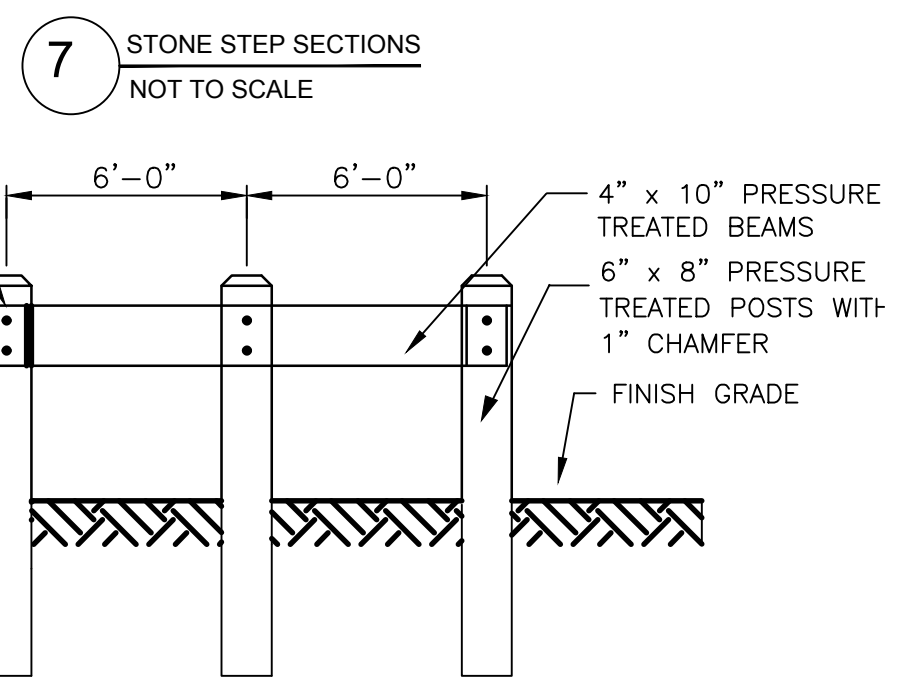
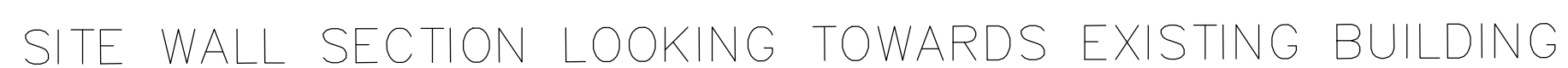
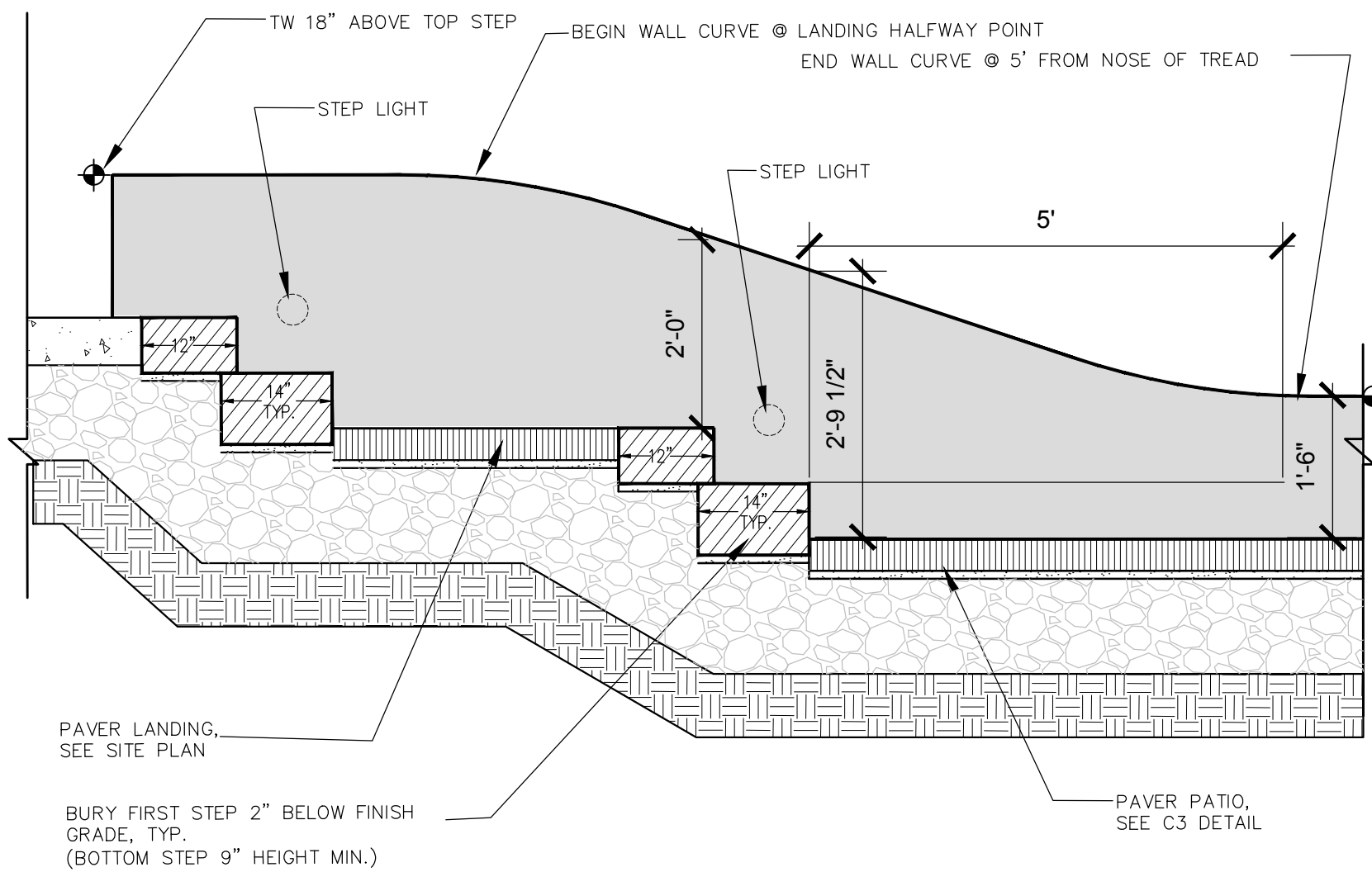
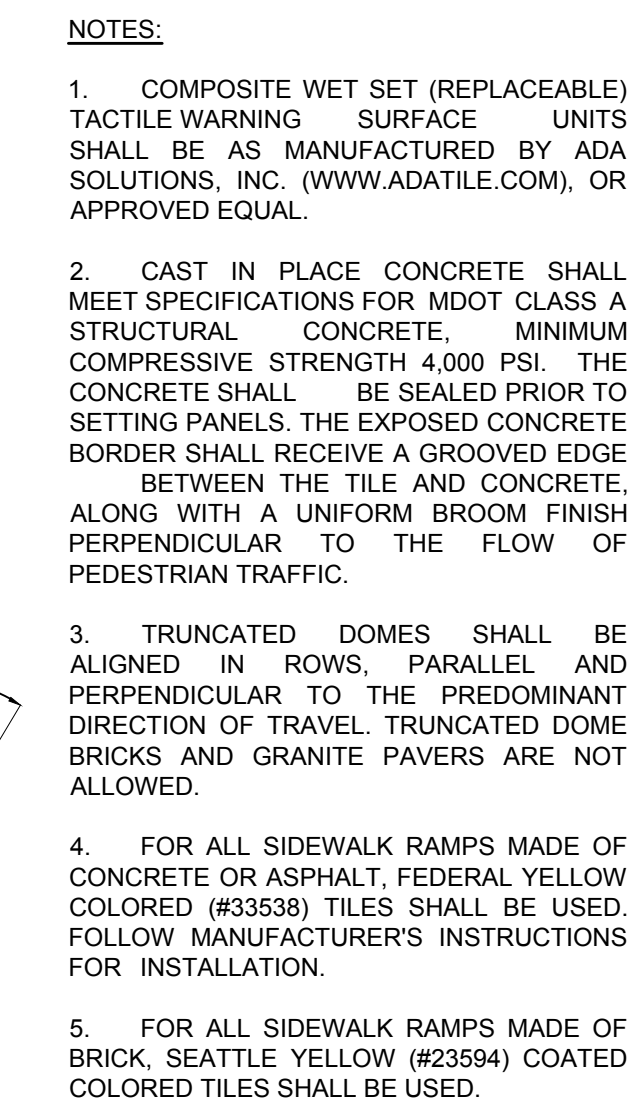
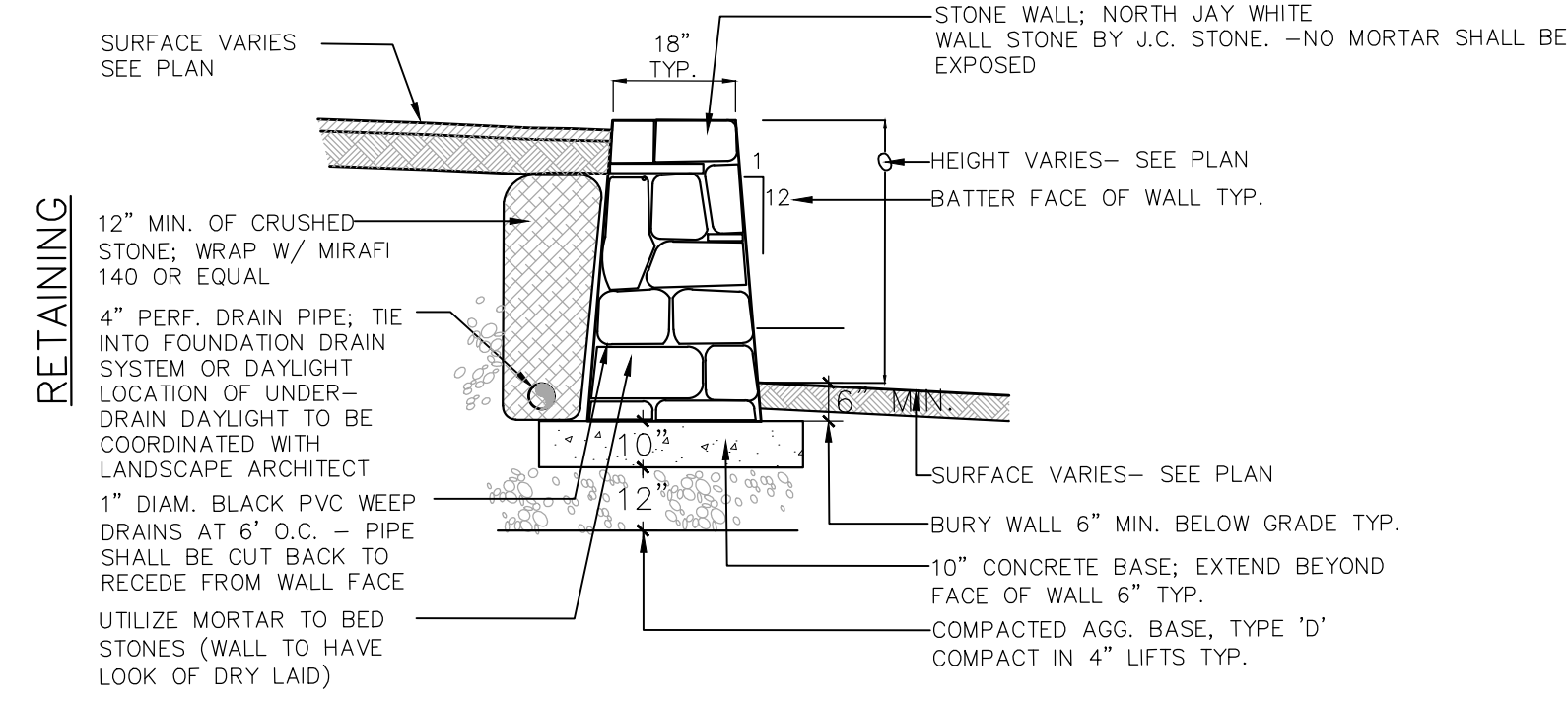
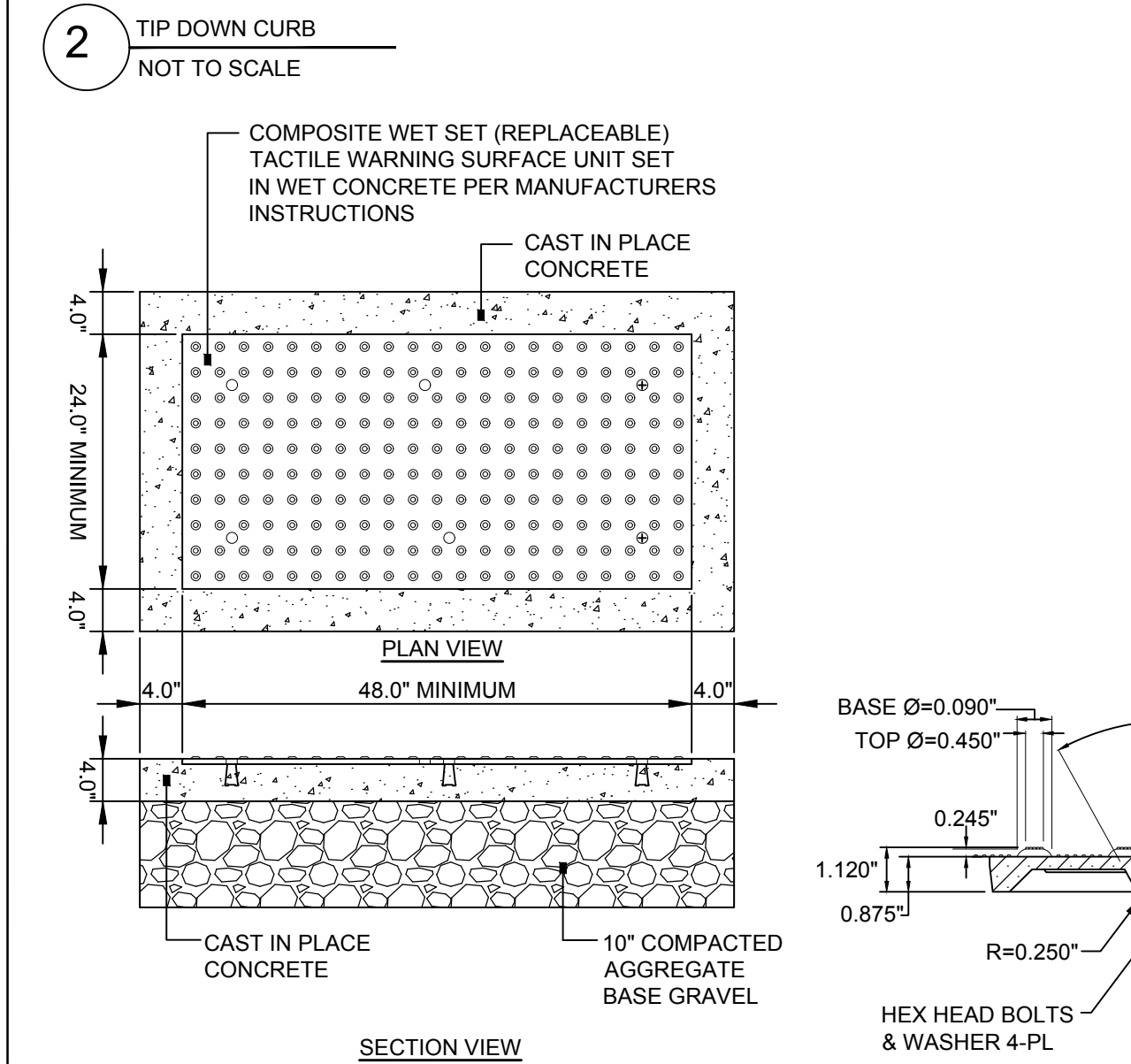
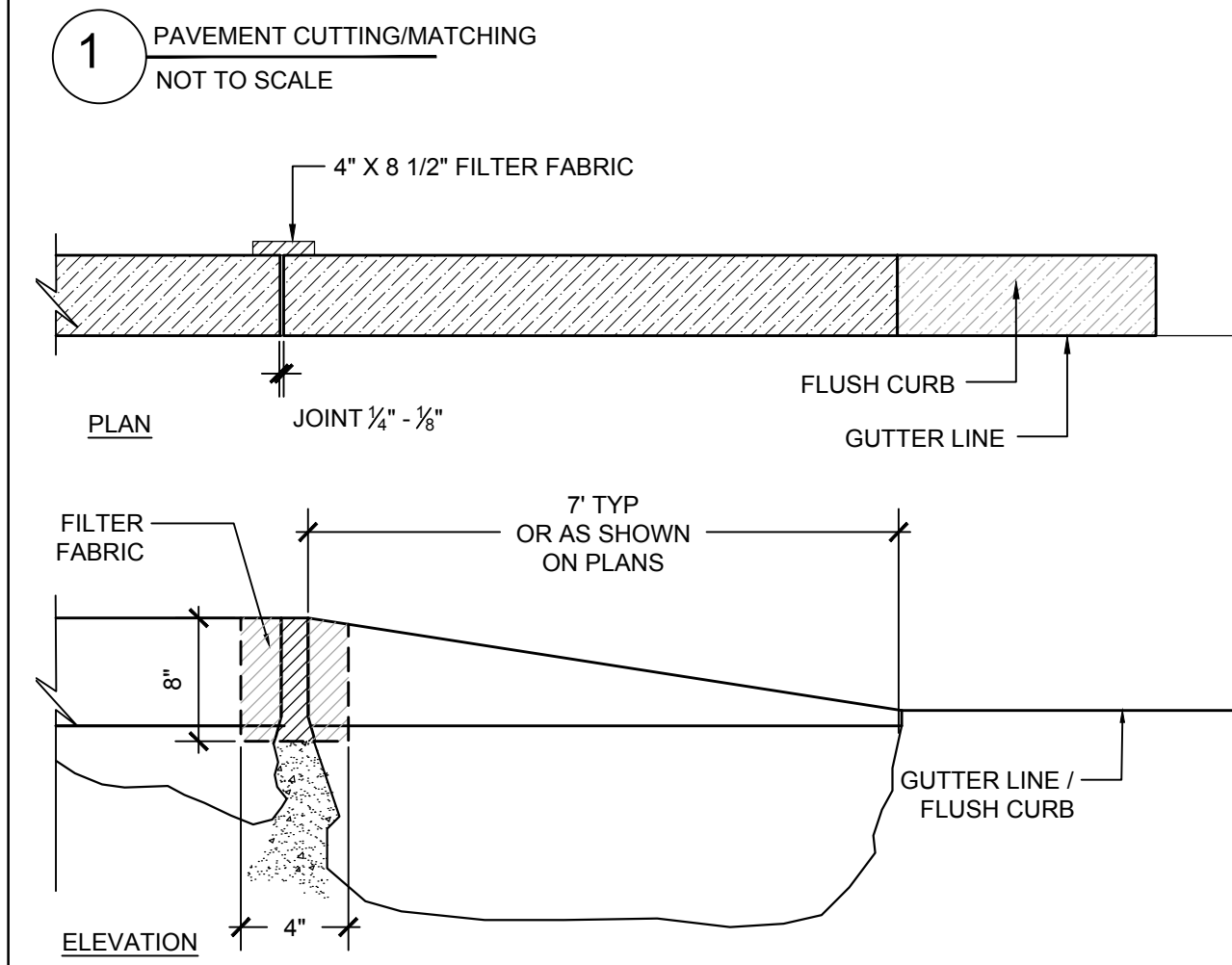
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L-5.0
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Project Name:

23
Ocean Ave
Portland, Maine

Owner:
Steven & Roberta Cope
172 Concord Street
Portland, Maine 04103

Consultants:

Architect
Kevin Moquin, Architect
Hammond Stret
Portland, Maine 04104
207.615-6421

km
a

Landscape Architects
Carroll Associates
217 Commercial St.
Portland, ME 04101
207.772.1552



CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

Civil Engineer
Ransom Consulting
400 Commercial St.
Portland, ME 04101
207.772.2891



RANSOM
Consulting Engineers
and Scientists

Drawing Set:

No.	Date	Revision
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Drawing Set:
FOR PERMITTING

Drawn:	PAB
Checked:	PC
Approved:	

Drawing Title:

DETAILS

Job Number:

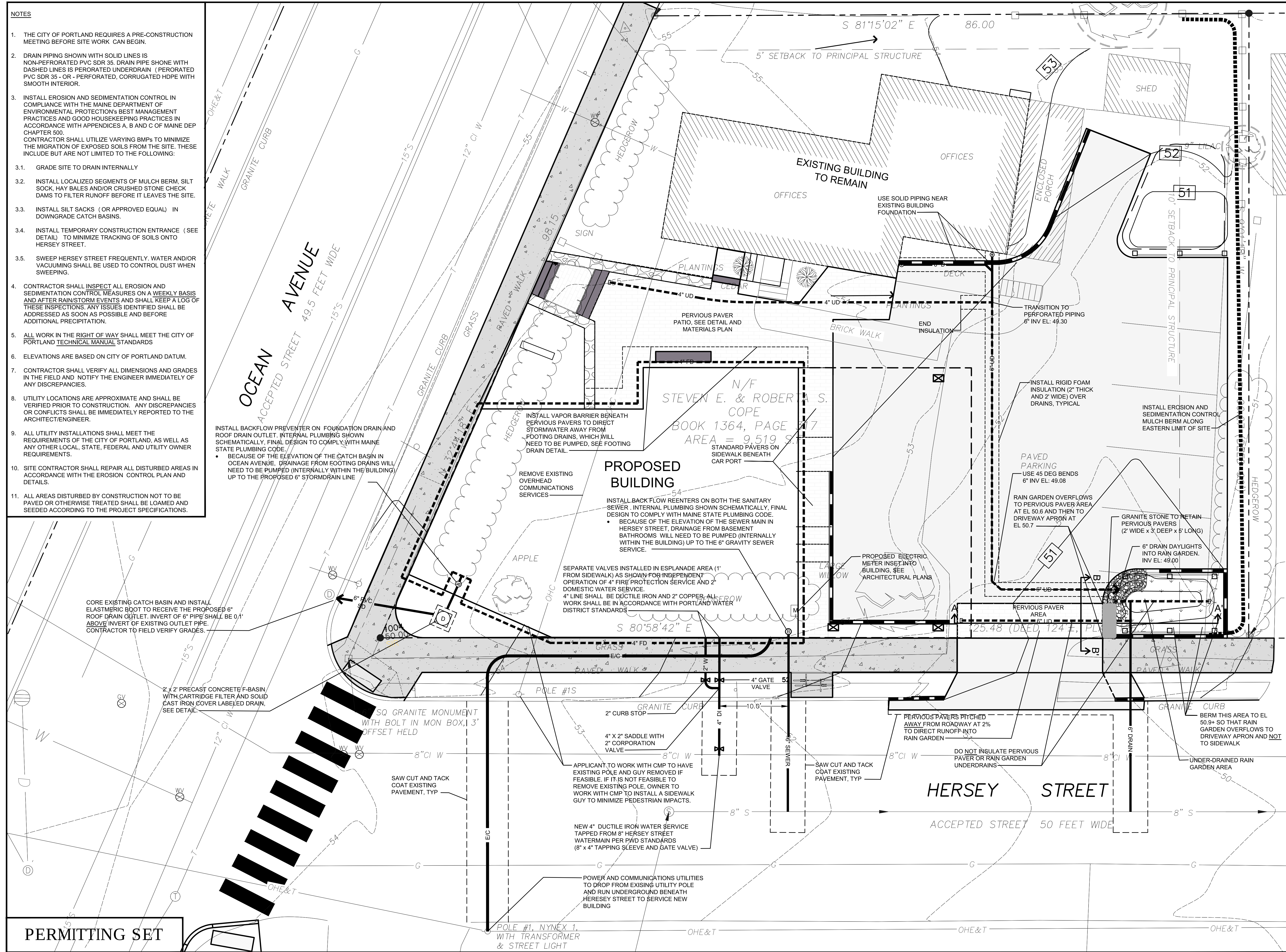
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Date: 09-02-2016	Scale: $\frac{1}{8}" = 1'-0"$
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Drawing Number:
L-6.0
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NOTES

1. THE CITY OF PORTLAND REQUIRES A PRE-CONSTRUCTION MEETING BEFORE SITE WORK CAN BEGIN.
2. DRAIN PIPING SHOWN WITH SOLID LINES IS NON-PERFORATED PVC SDR 35. DRAIN PIPE SHOWN WITH DASHED LINES IS PERFORATED UNDERDRAIN (PERFORATED PVC SDR 35 - OR - PERFORATED, CORRUGATED HDPE WITH SMOOTH INTERIOR).
3. INSTALL EROSION AND SEDIMENTATION CONTROL IN COMPLIANCE WITH THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S BEST MANAGEMENT PRACTICES AND GOOD HOUSEKEEPING PRACTICES IN ACCORDANCE WITH APPENDICES A, B AND C OF MAINE DEP CHAPTER 500. CONTRACTOR SHALL UTILIZE VARYING BMPs TO MINIMIZE THE MIGRATION OF EXPOSED SOILS FROM THE SITE. THESE INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:
 - 3.1. GRADE SITE TO DRAIN INTERNALLY
 - 3.2. INSTALL LOCALIZED SEGMENTS OF MULCH BERM, SILT SOCK, HAY BALES AND/OR CRUSHED STONE CHECK DAMS TO FILTER RUNOFF BEFORE IT LEAVES THE SITE.
 - 3.3. INSTALL SILT SACKS (OR APPROVED EQUAL) IN DOWNGRADE CATCH BASINS.
 - 3.4. INSTALL TEMPORARY CONSTRUCTION ENTRANCE (SEE DETAIL) TO MINIMIZE TRACKING OF SOILS ONTO HERSEY STREET.
 - 3.5. SWEEP HERSEY STREET FREQUENTLY. WATER AND/OR VACUUMING SHALL BE USED TO CONTROL DUST WHEN SWEEPING.
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11. ALL AREAS DISTURBED BY CONSTRUCTION NOT TO BE PAVED OR OTHERWISE TREATED SHALL BE LOAMED AND SEEDED ACCORDING TO THE PROJECT SPECIFICATIONS.



PERMITTING SET

23 Ocean Avenue

23 OCEAN AVE, E, PORTLAND, MAINE

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Portland, Maine 04103

Consultants



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Portland, Maine 04104
207.615-6421

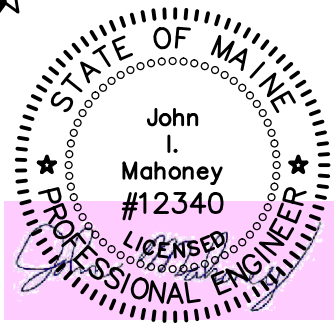
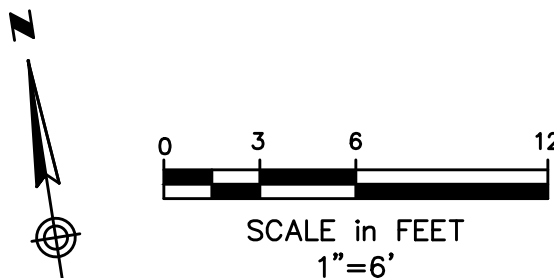


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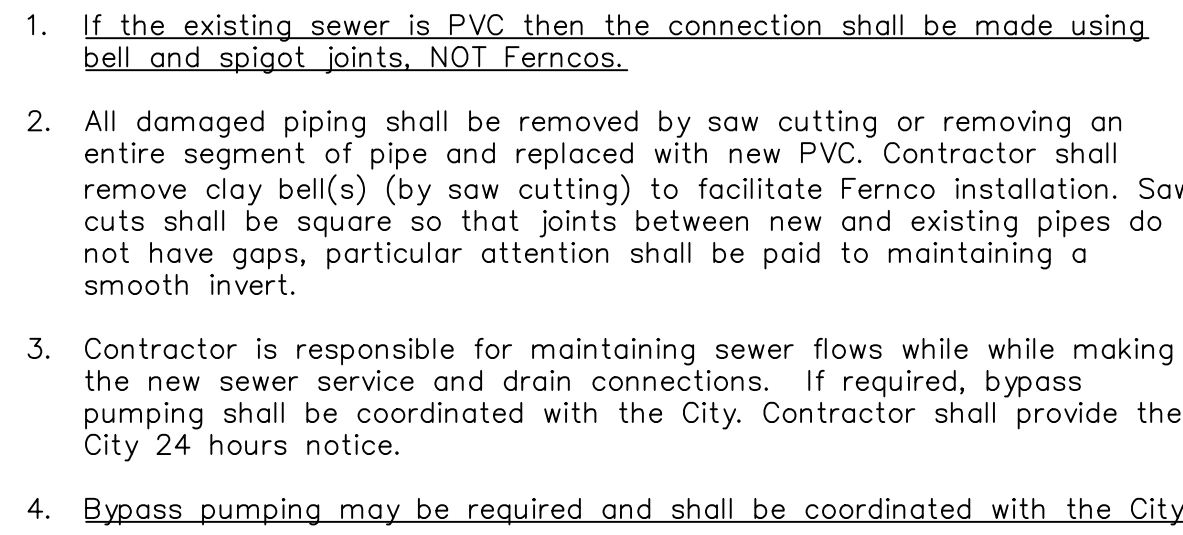
Civil Engineer
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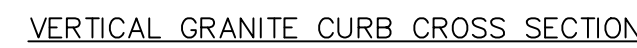
TILT
STORM WATER
MANAGEMENT PLAN

B	REVISED PER CITY COMMENT	9-7-16
A	SITE PLAN PERMITTING	6-6-16
No.	Revision/Issue	Date
Design by:	JIM	Checked by: SJB
Drawn by:	JIM	Approved by: SJB
Project:	161.06035	
Sheet No:		

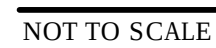
C1



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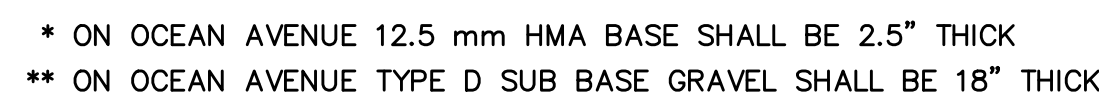


NOT TO SCALE



* SEE PLANS FOR SHAPE/SIZE OF ENERGY DISSIPATORS
** RIP RAP SHALL CONSIST OF ROUND NATURAL STONE SUCH AS RIVER ROCK

NOT TO SCALE



NOT TO SCALE



NOT TO SCALE

Steven & Roberta Cope
172 Concord Street
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$$\frac{\text{km}}{\text{a}}$$

Architect
Kevin Moquin, Architect
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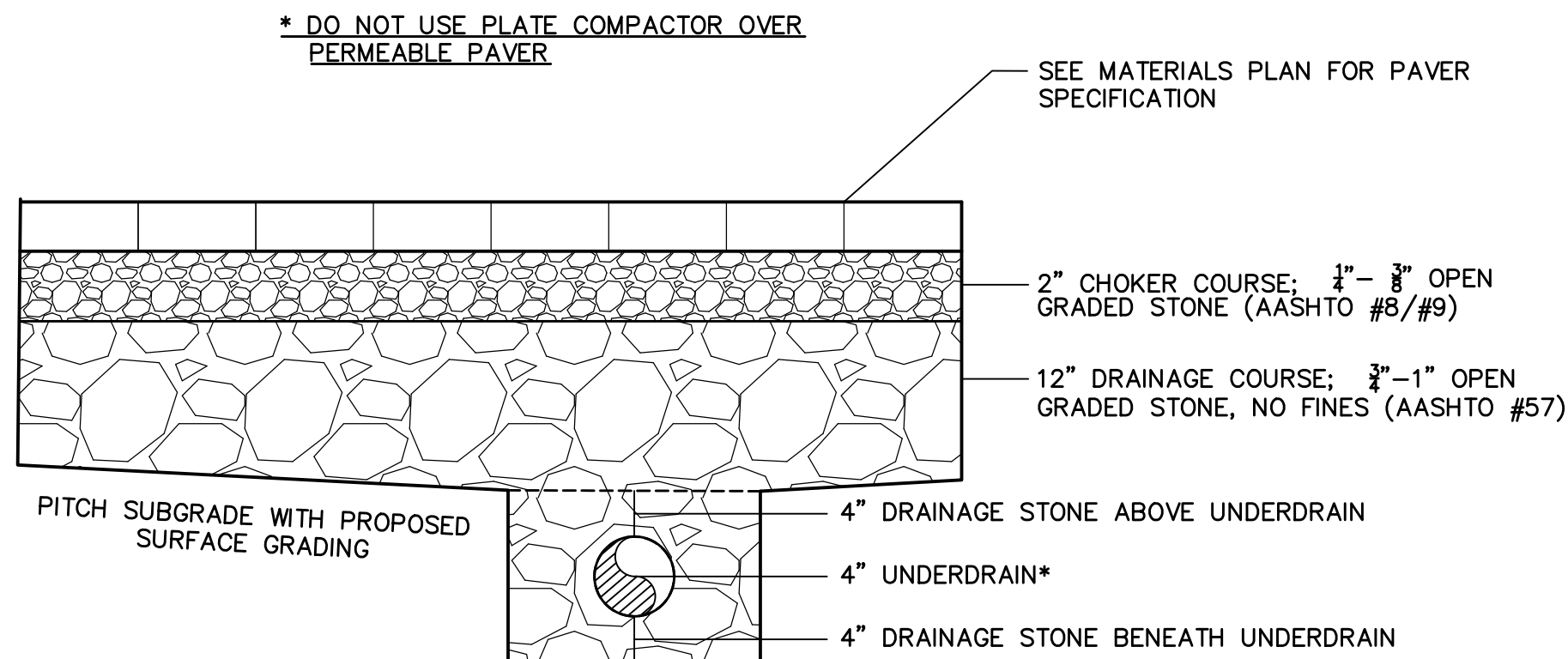


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CIVIL DETAILS

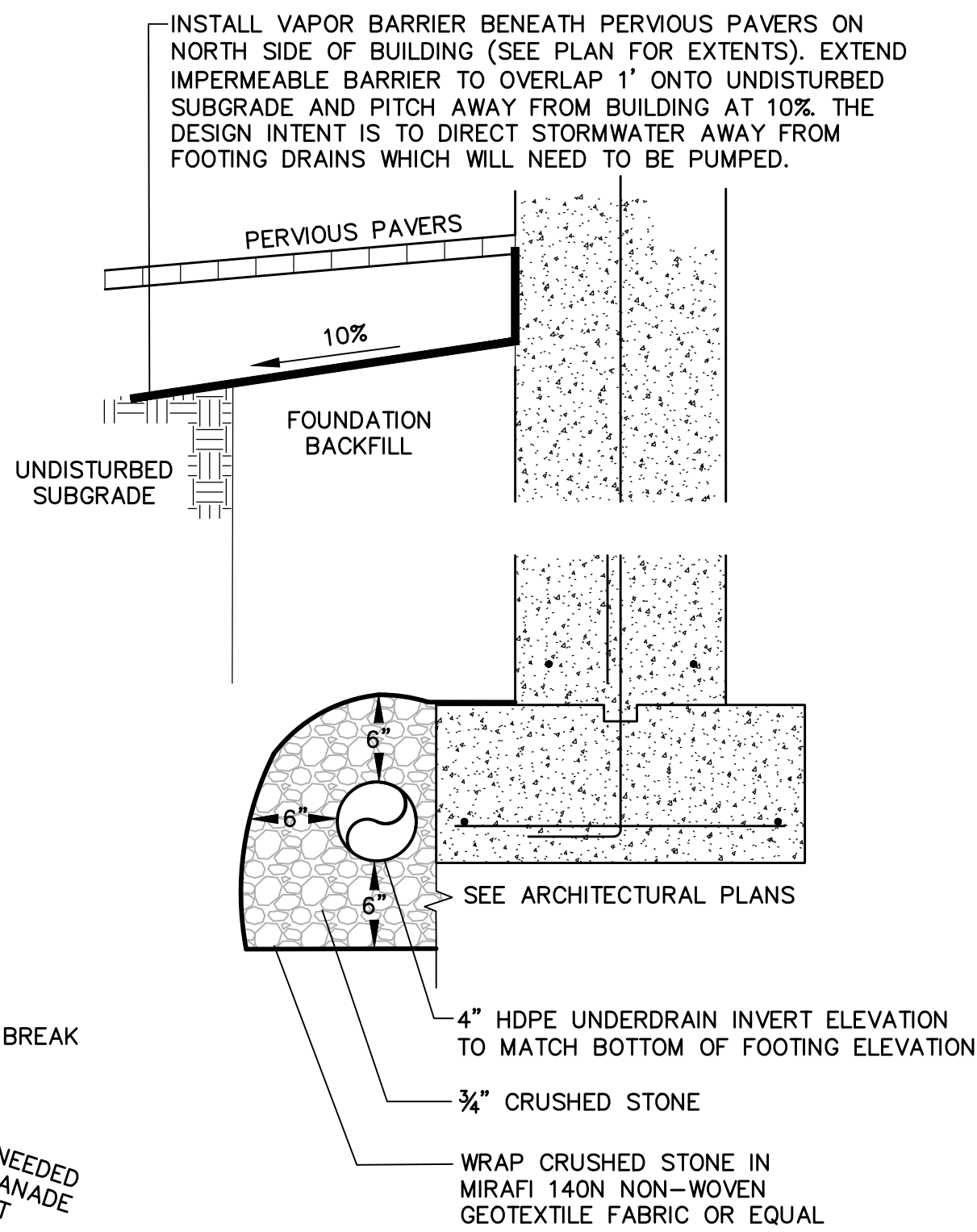
C2



* USE PERFORATED PVC SDR-35 OR CORRUGATED HDPE SMOOTH INTERIOR WALL

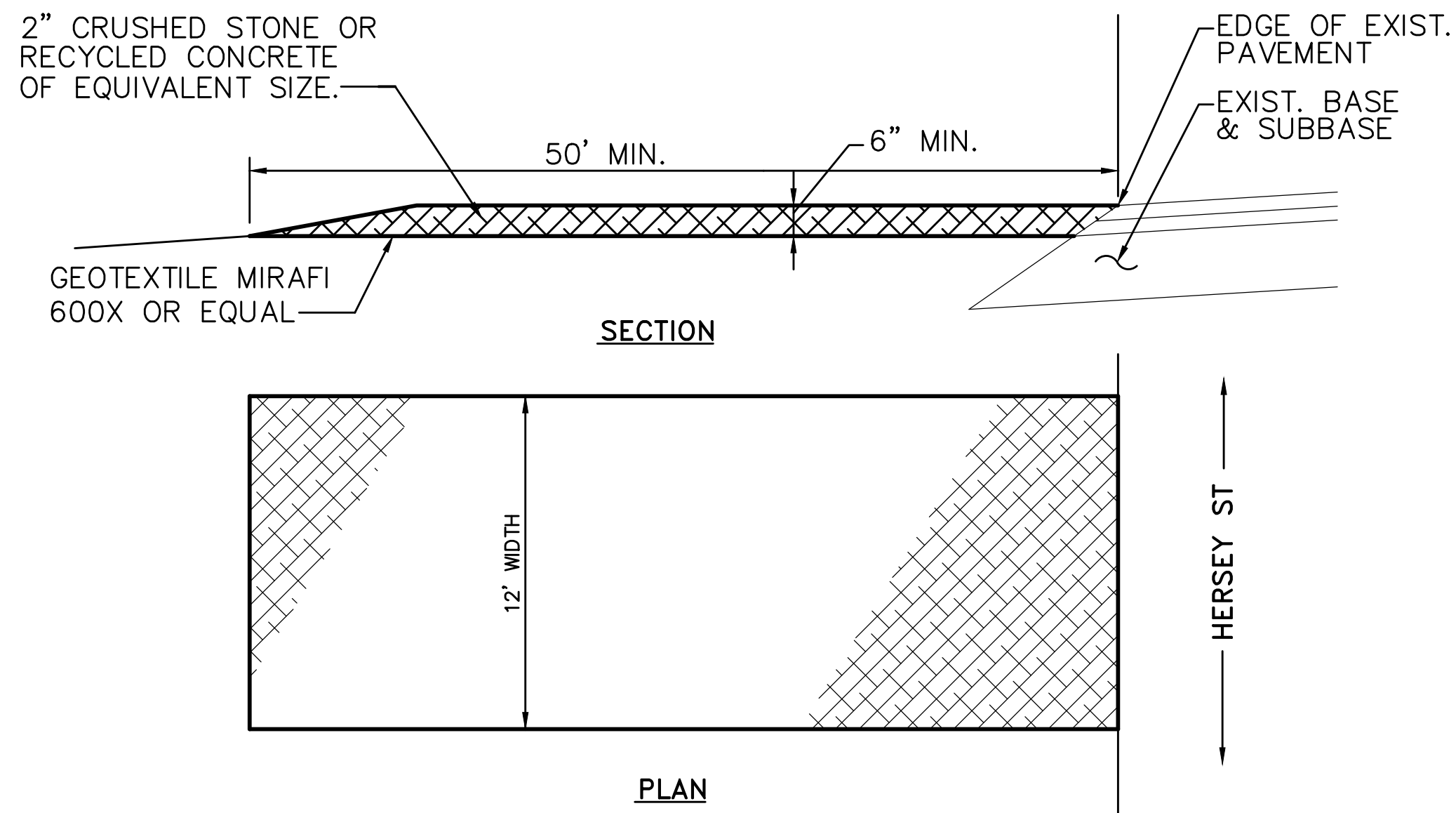
PERMEABLE PAVER DETAIL (PATIO AREA)

NOT TO SCALE



FOOTING DRAIN DETAIL

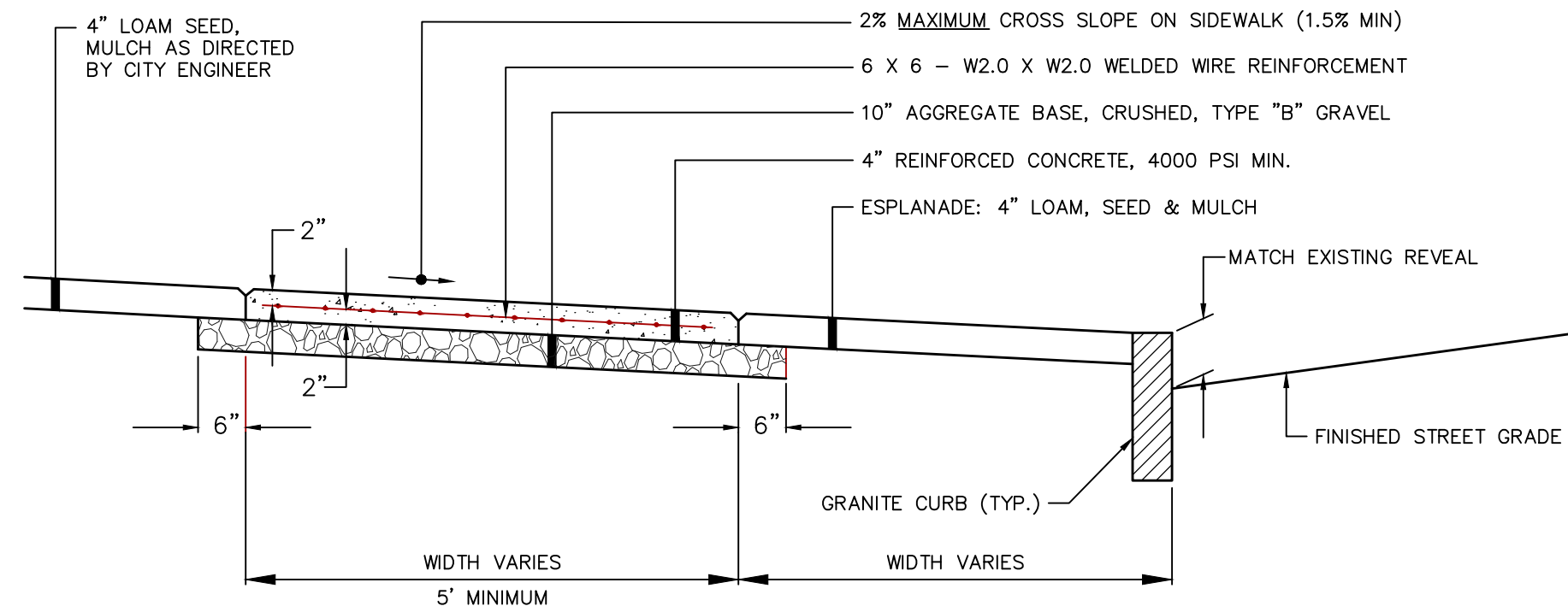
NOT TO SCALE



- NOTES:
1. MAINTAIN ENTRANCE IN A CONDITION THAT WILL PREVENT TRACKING OF SEDIMENT ONTO PUBLIC RIGHT OF WAY. IF WASHING IS REQUIRED PREVENT SEDIMENT FROM ENTERING WATERWAYS, DITCHES OR STORM DRAINS.
 2. REMOVE STABILIZED CONSTRUCTION ENTRANCE TO FINISH ROAD CONSTRUCTION & PAVEMENT.

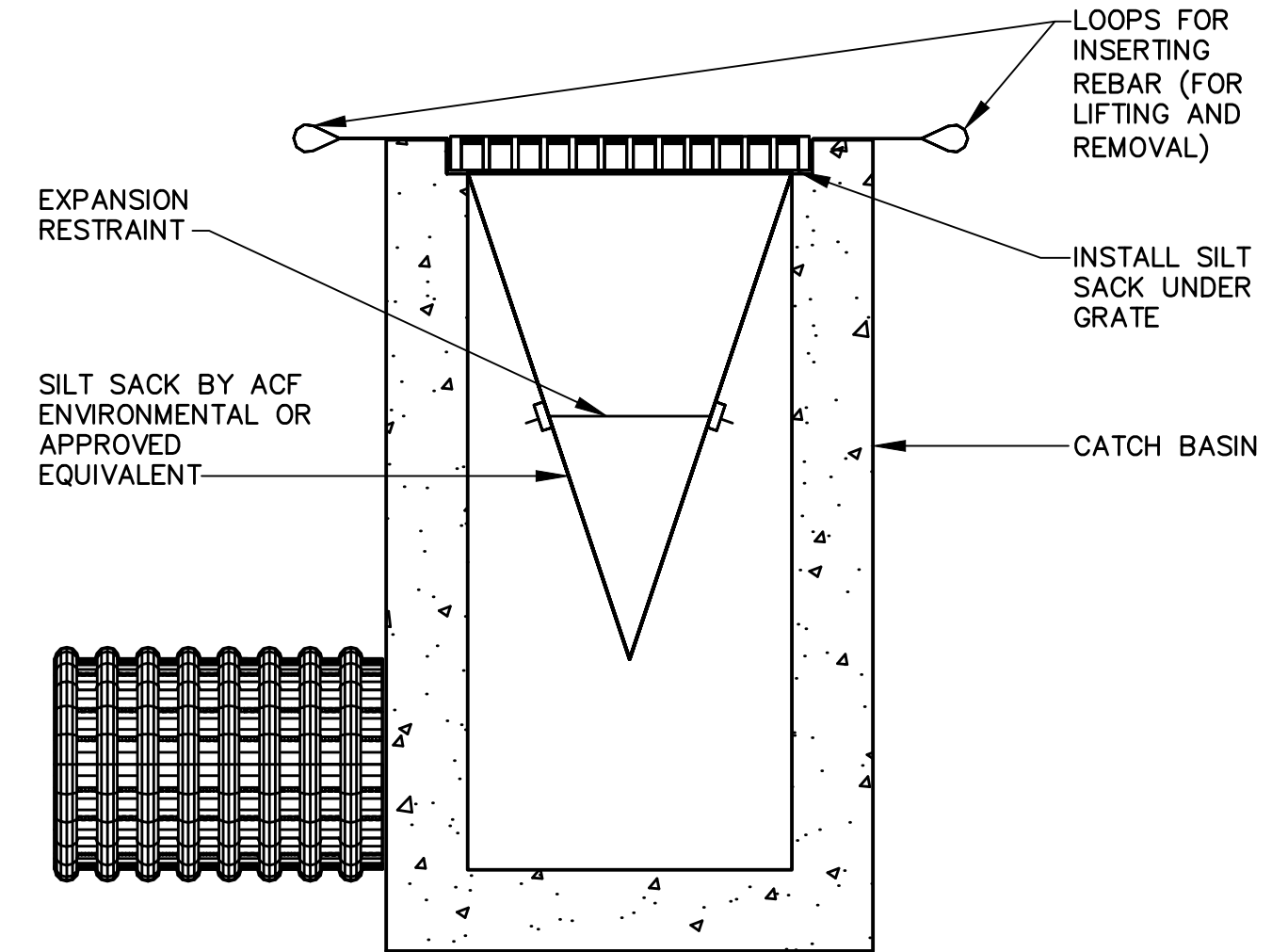
STABILIZED CONSTRUCTION ENTRANCE

NOT TO SCALE



REINFORCED CONCRETE SIDEWALK

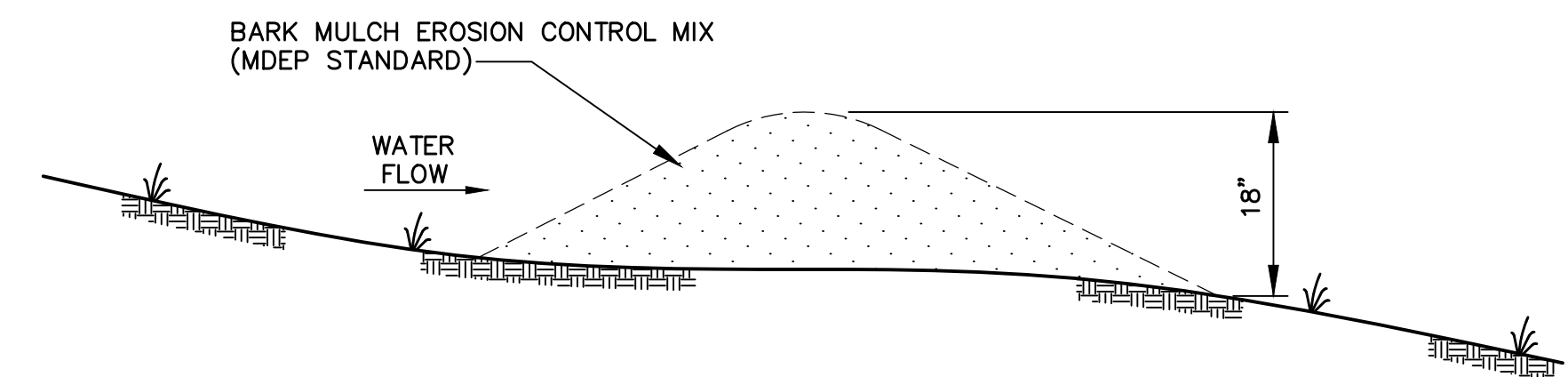
NOT TO SCALE



- NOTES:
1. INSTALL SILTSACK PER MANUFACTURER'S RECOMMENDATIONS.
 2. SILTSACKS SHALL BE CHECKED FOR SEDIMENT LEVEL AND OVERALL CONDITION IMMEDIATELY AFTER EVERY RAIN EVENT AND AT LEAST EVERY DAY DURING PROLONGED RAINFALL.
 3. SEDIMENT SHALL BE REMOVED WHEN THE SEDIMENT HAS ACCUMULATED TO 1/2 THE DESIGN DEPTH OF THE SILTSACK. REMOVED SEDIMENT SHALL BE DEPOSITED IN A SUITABLE AREA AND IN SUCH A MANNER THAT WILL NOT ERODE.
 4. SEDIMENT SHALL ONLY BE REMOVED BY REMOVING THE SILTSACKS FROM THE CATCH BASINS ACCORDING TO MANUFACTURER RECOMMENDATIONS.
 5. CARE SHALL BE TAKEN TO AVOID SPILLING SEDIMENT WHILE REMOVING THE SILTSACK.
 6. ANY DAMAGED SILTSACK SHALL BE REPLACED WITH A NEW SILTSACK.

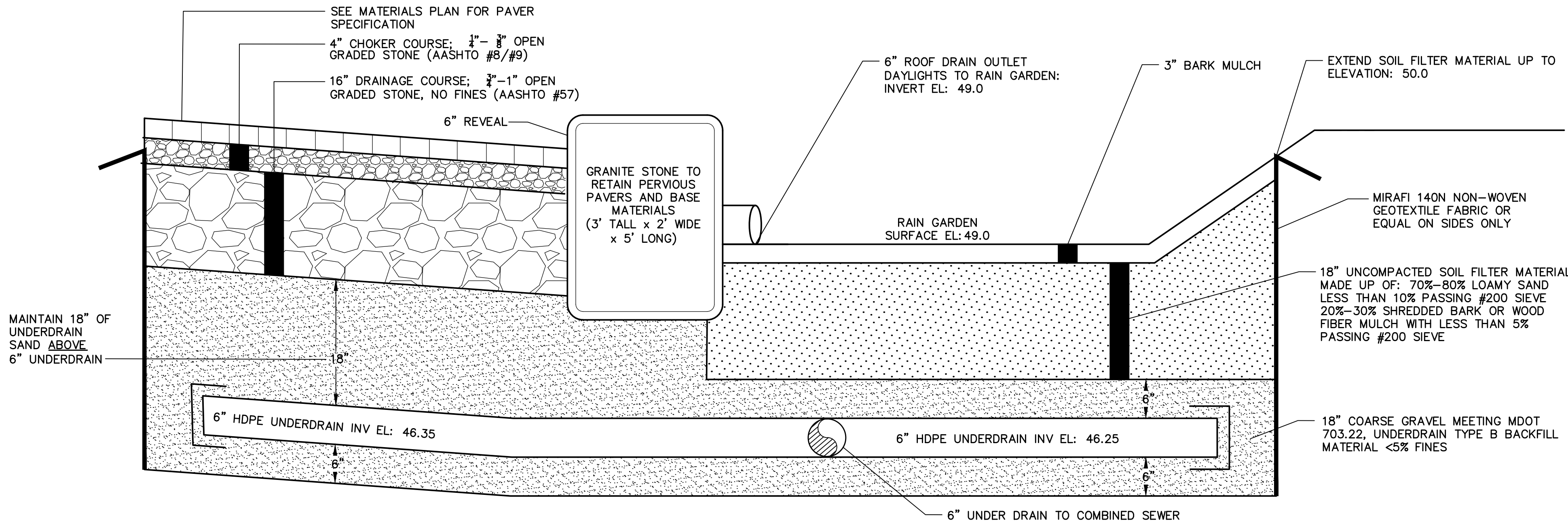
INLET PROTECTION - SILT SACK

NOT TO SCALE



MULCH BERM DETAIL

NOT TO SCALE



PERMITTING SET

SECTION A-A' - RAIN GARDEN AND DRIVEWAY PERVIOUS PAVERS

NOT TO SCALE

23 Ocean Avenue

23 OCEAN AVE N E, PORTLAND, MAINE

Owner Developer

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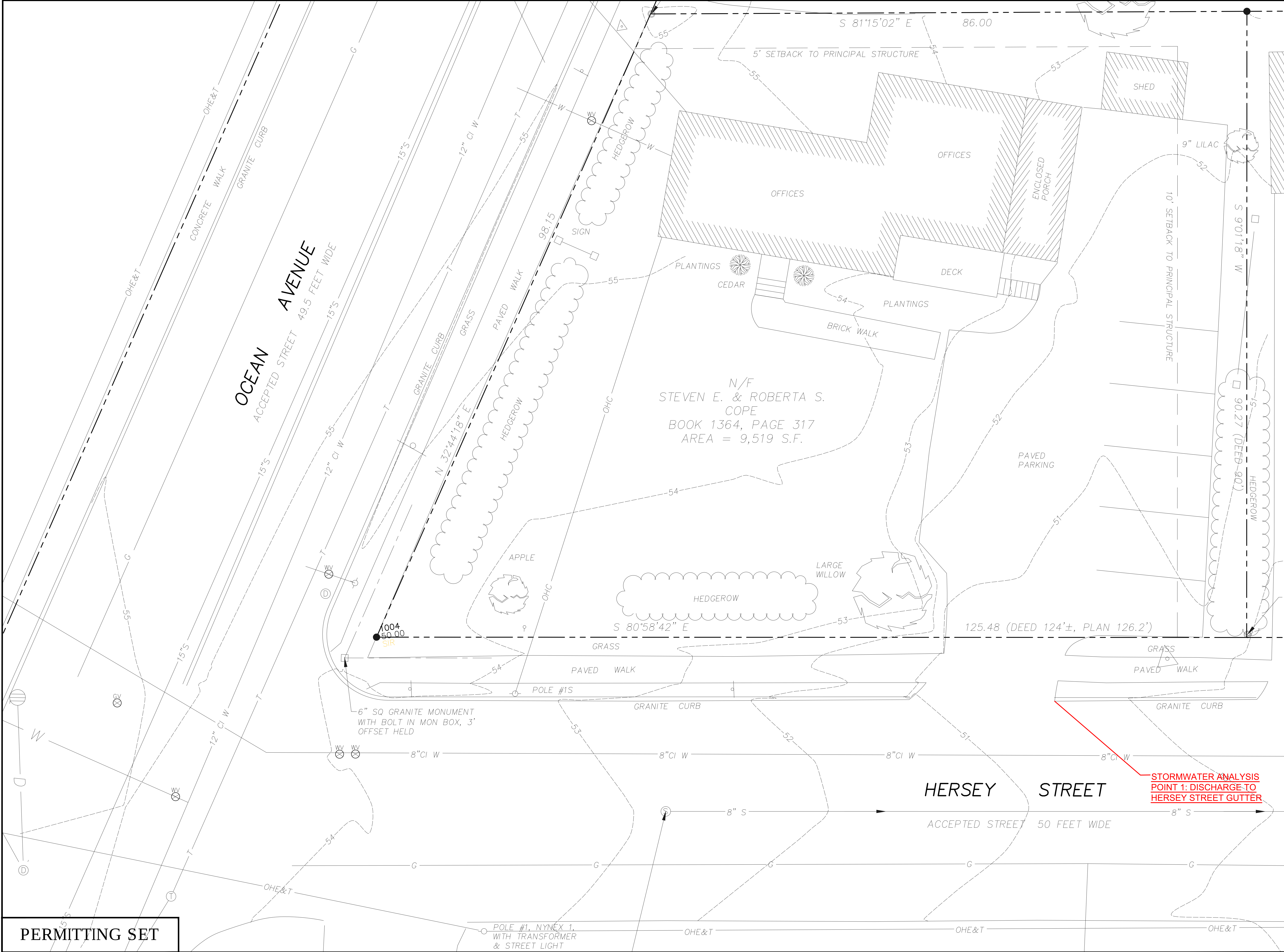
Civil Engineer
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400 Commercial Street, Suite 404
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CIVIL DETAILS

No.	Revision/Issue	Date
B	REVISED PER CITY COMMENT	9-7-16
A	SITE PLAN PERMITTING	6-6-16
Design by:	JIM	Checked by: SJB
Drawn by:	JIM	Approved by: SJB
Project:	161.06035	
Sheet No:		

C3



23 Ocean Avenue

23 OCEAN AVE, PORTLAND, MAINE

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TILT

STORM

ATER

MANAGEMENT PLAN

A	REVISED PER CITY COMMENT	10-12-16
No.	Revision/Issue	Date
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STORMWATER ANALYSIS
POINT 2: DISCHARGE TO
OCEAN AVE STORMDRAIN

CORE EXISTING CATCH BASIN AND INSTALL ELASTIMERIC BOOT TO RECEIVE THE PROPOSED 6" ROOF DRAIN OUTLET. INVERT OF 6" PIPE SHALL BE 0.1' ABOVE INVERT OF EXISTING OUTLET PIPE. CONTRACTOR TO FIELD VERIFY GRADES.

2' x 2' PRECAST CONCRETE F-BASIN WITH CARTRIDGE FILTER AND SOLID CAST IRON COVER LABELED DRAIN. SEE DETAIL.

50 SQ GRANITE MONUMENT WITH BOLT IN MON BOX, 3' OFFSET HELD

SAW CUT AND TACK COAT EXISTING PAVEMENT, TYP

APPLICANT TO WORK WITH CMP TO HAVE EXISTING POLE AND GUY REMOVED IF FEASIBLE. IF IT IS NOT FEASIBLE TO REMOVE EXISTING POLE, OWNER TO WORK WITH CMP TO INSTALL A SIDEWALK GUY TO MINIMIZE PEDESTRIAN IMPACTS.

NEW 4" DUCTILE IRON WATER SERVICE TAPPED FROM 8" HERSEY STREET WATERMAIN PER PWD STANDARDS (8" x 4" TAPPING SLEEVE AND GATE VALVE)

POWER AND COMMUNICATIONS UTILITIES TO DROP FROM EXISING UTILITY POLE AND RUN UNDERGROUND BENEATH HERSEY STREET TO SERVICE NEW BUILDING

POLE #1, NYNEX 1, WITH TRANSFORMER & STREET LIGHT

INSTALL BACKFLOW PREVENTER ON FOUNDATION DRAIN AND ROOF DRAIN OUTLET. INTERNAL PLUMBING SHOWN SCHEMATICALLY. FINAL DESIGN TO COMPLY WITH MAINE STATE PLUMBING CODE.

- BECAUSE OF THE ELEVATION OF THE CATCH BASIN IN OCEAN AVENUE, DRAINAGE FROM FOOTING DRAINS WILL NEED TO BE PUMPED (INTERNALLY WITHIN THE BUILDING) UP TO THE PROPOSED 6" STORMDRAIN LINE

INSTALL VAPOR BARRIER BENEATH PERVIOUS PAVERS TO DIRECT STORMWATER AWAY FROM FOOTING DRAINS, WHICH WILL NEED TO BE PUMPED. SEE FOOTING DRAIN DETAIL.

REMOVE EXISTING OVERHEAD COMMUNICATIONS SERVICES

PROPOSED BUILDING

INSTALL BACK FLOW REENTERS ON BOTH THE SANITARY SEWER. INTERNAL PLUMBING SHOWN SCHEMATICALLY. FINAL DESIGN TO COMPLY WITH MAINE STATE PLUMBING CODE.

- BECAUSE OF THE ELEVATION OF THE SEWER MAIN IN HERSEY STREET, DRAINAGE FROM BASEMENT BATHROOMS WILL NEED TO BE PUMPED (INTERNALLY WITHIN THE BUILDING) UP TO THE 6" GRAVITY SEWER SERVICE.

SEPARATE VALVES INSTALLED IN ESPLANADE AREA (1' FROM SIDEWALK) AS SHOWN FOR INDEPENDENT OPERATION OF 4" FIRE PROTECTION SERVICE AND 2" DOMESTIC WATER SERVICE.

- 4" LINE SHALL BE DUCTILE IRON AND 2" COPPER. ALL WORK SHALL BE IN ACCORDANCE WITH PORTLAND WATER DISTRICT STANDARDS

SAW CUT AND TACK COAT EXISTING PAVEMENT, TYP

PERVIOUS PAVERS PITCHED AWAY FROM ROADWAY AT 2% TO DIRECT RUNOFF INTO RAIN GARDEN

DO NOT INSULATE PERVIOUS PAVER OR RAIN GARDEN UNDERDRAINS

UNDER-DRAINED RAIN GARDEN AREA

STORMWATER ANALYSIS
POINT 1: DISCHARGE TO
HERSEY STREET GUTTER

PERMITTING SET

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Civil Engineer
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0 3 6 12
SCALE IN FEET
1"=6'

STATE OF MAINE
John L. Mahoney
#12340
LICENSED PROFESSIONAL ENGINEER

TILT
STORM WATER
MANAGEMENT PLAN

B REVISED PER CITY COMMENT 9-7-16

A SITE PLAN PERMITTING 6-6-16

No. Revision/Issue Date

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C1



Hersey-Ocean Corner View
9-6-2016



Courtyard View

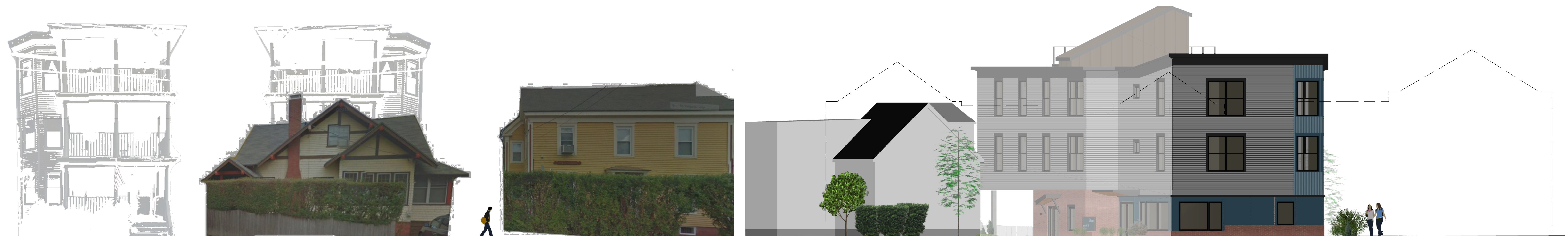
9-6-2016



Hersey Pedestrian Gateway



Hersey Street



Ocean Avenue

Streetscape Elevations

9-6-2016



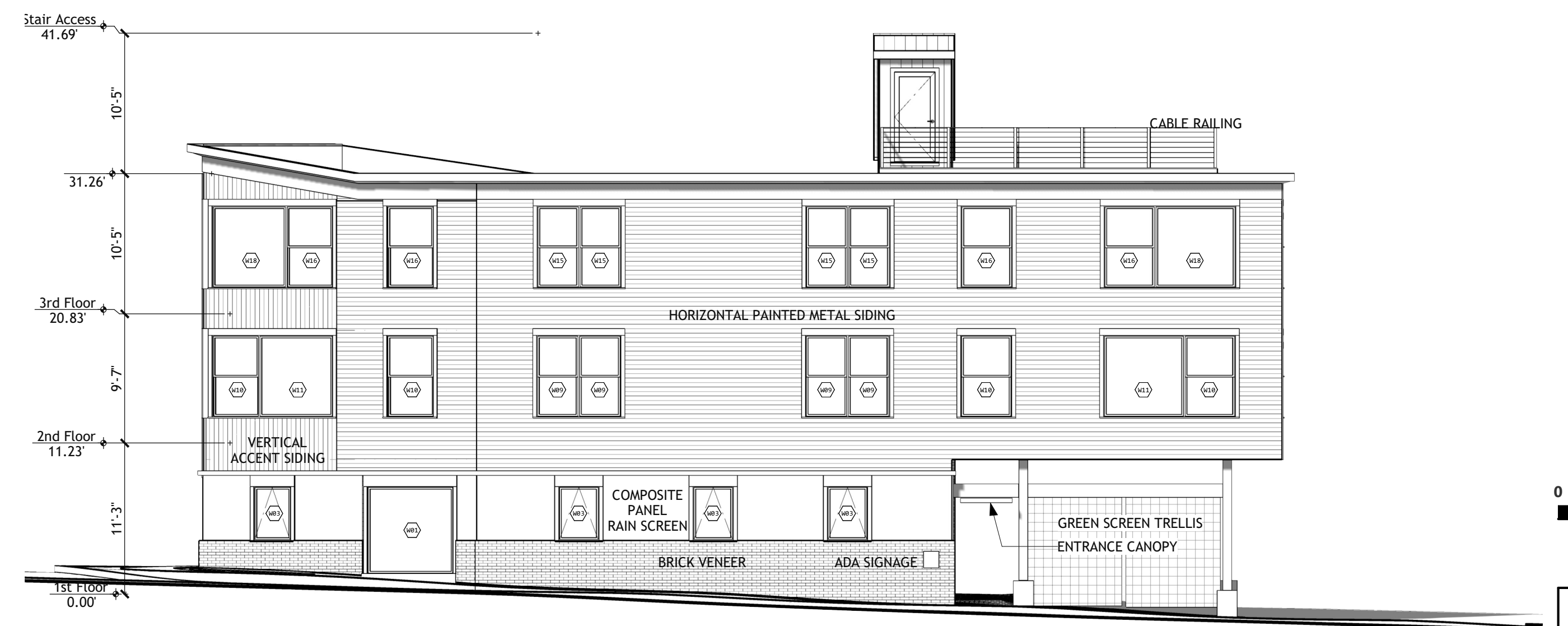
1 : East Elevation : 1/8 in = 1 ft



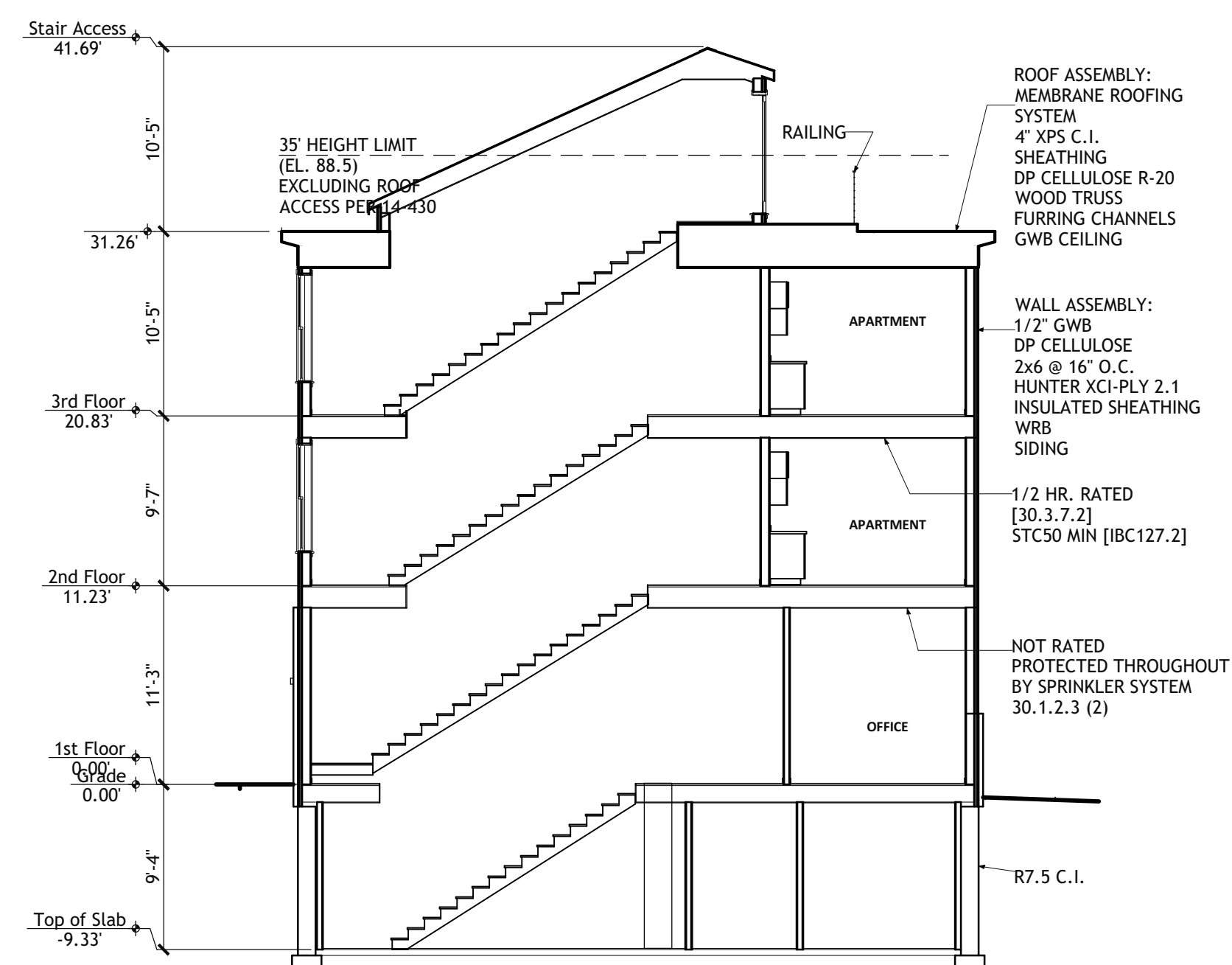
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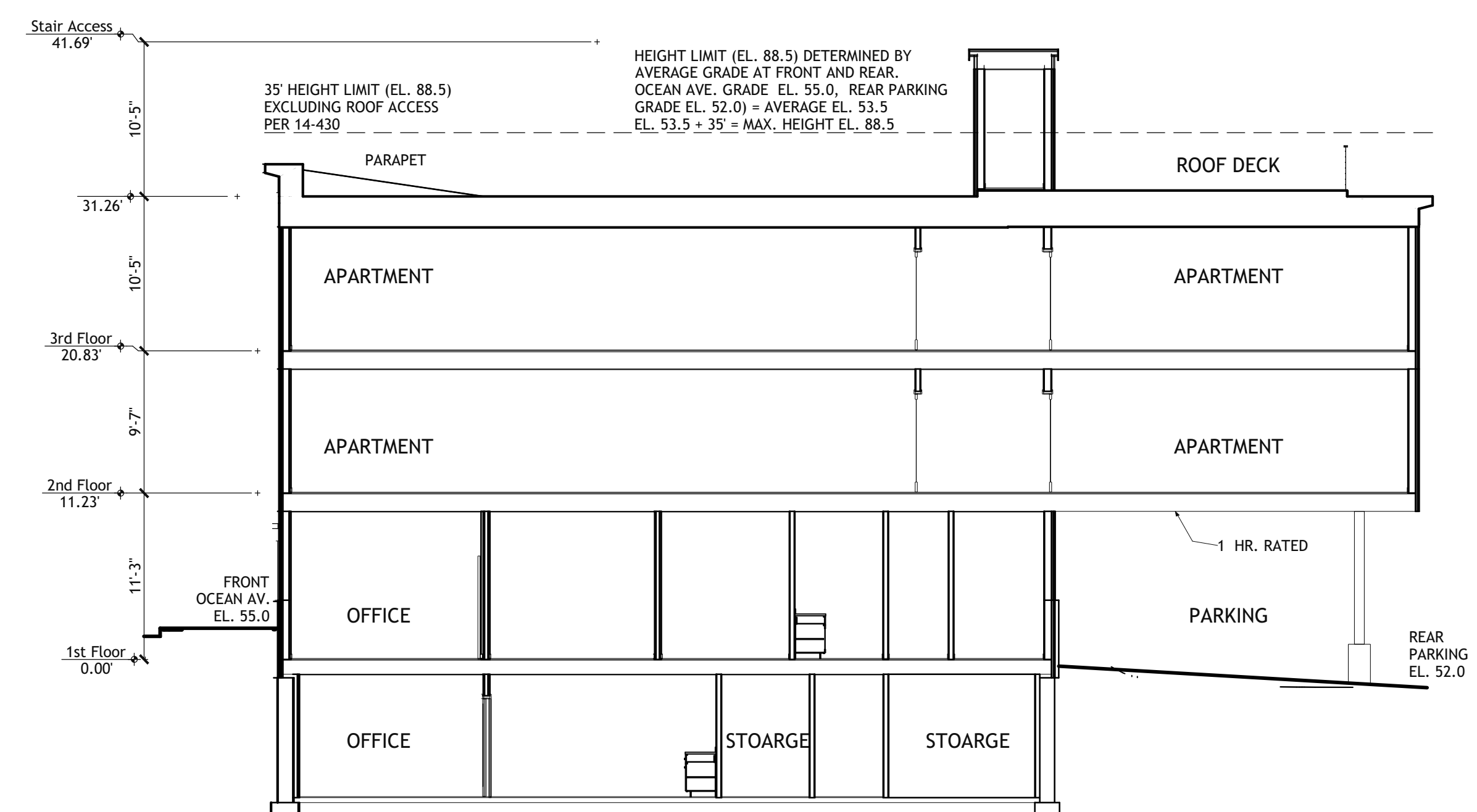
3 : West Elevation : 1/8 in = 1 ft



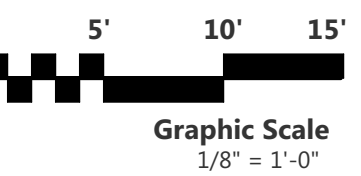
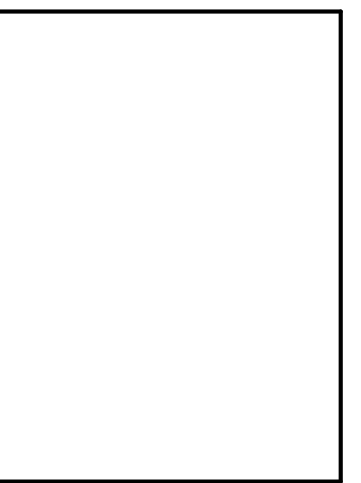
4 : South Elevation : 1/8 in = 1 ft



5 : Section at Stair : 1/8 in = 1 ft



6 : Longitudinal Section : 1/8 in = 1 ft



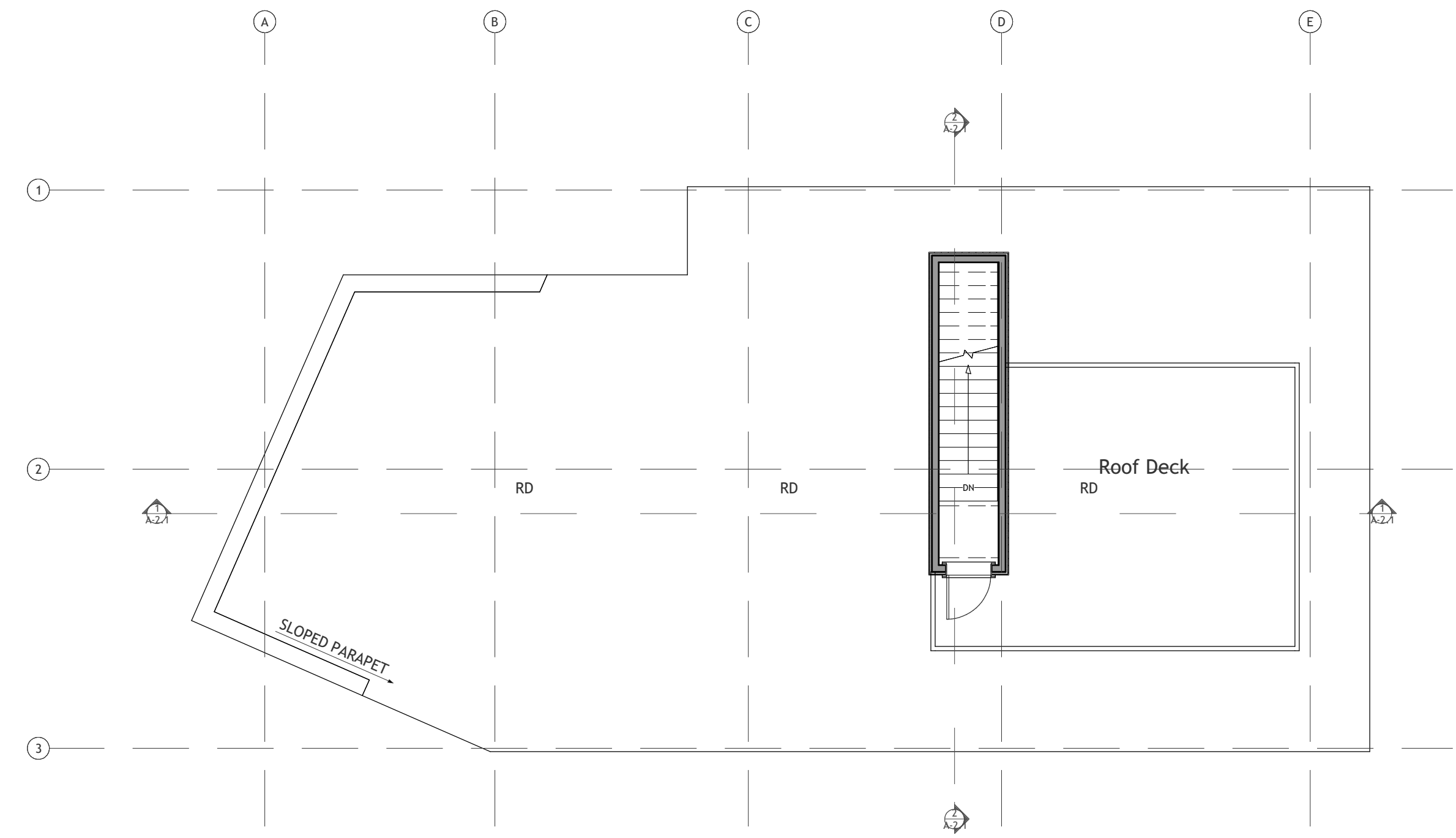
Kevin Moquin Architect
 Portland, ME
 Info@km-a-me
 (207)-615-6421
 Revisions:

23 Ocean

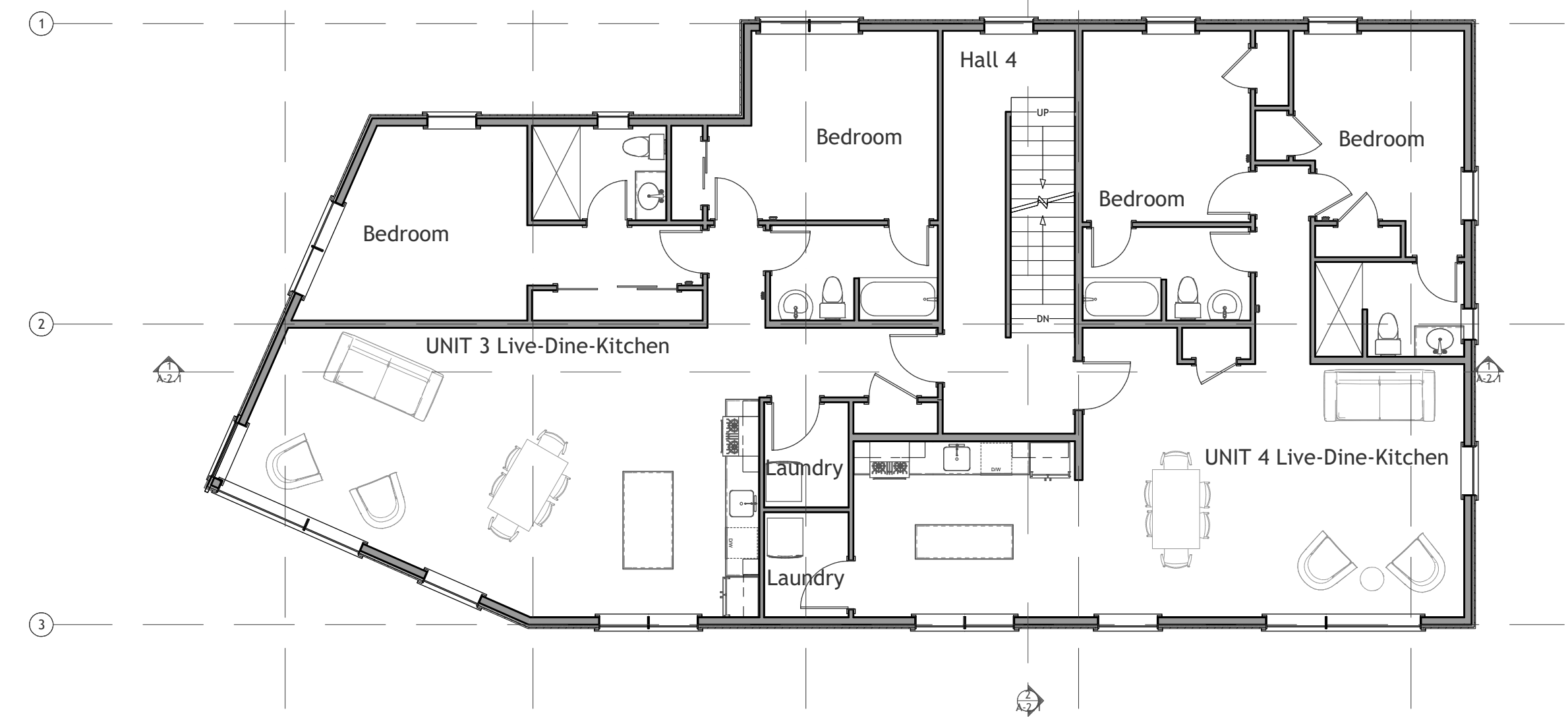
Portland, ME

ELEVATIONS
 & SECTIONS

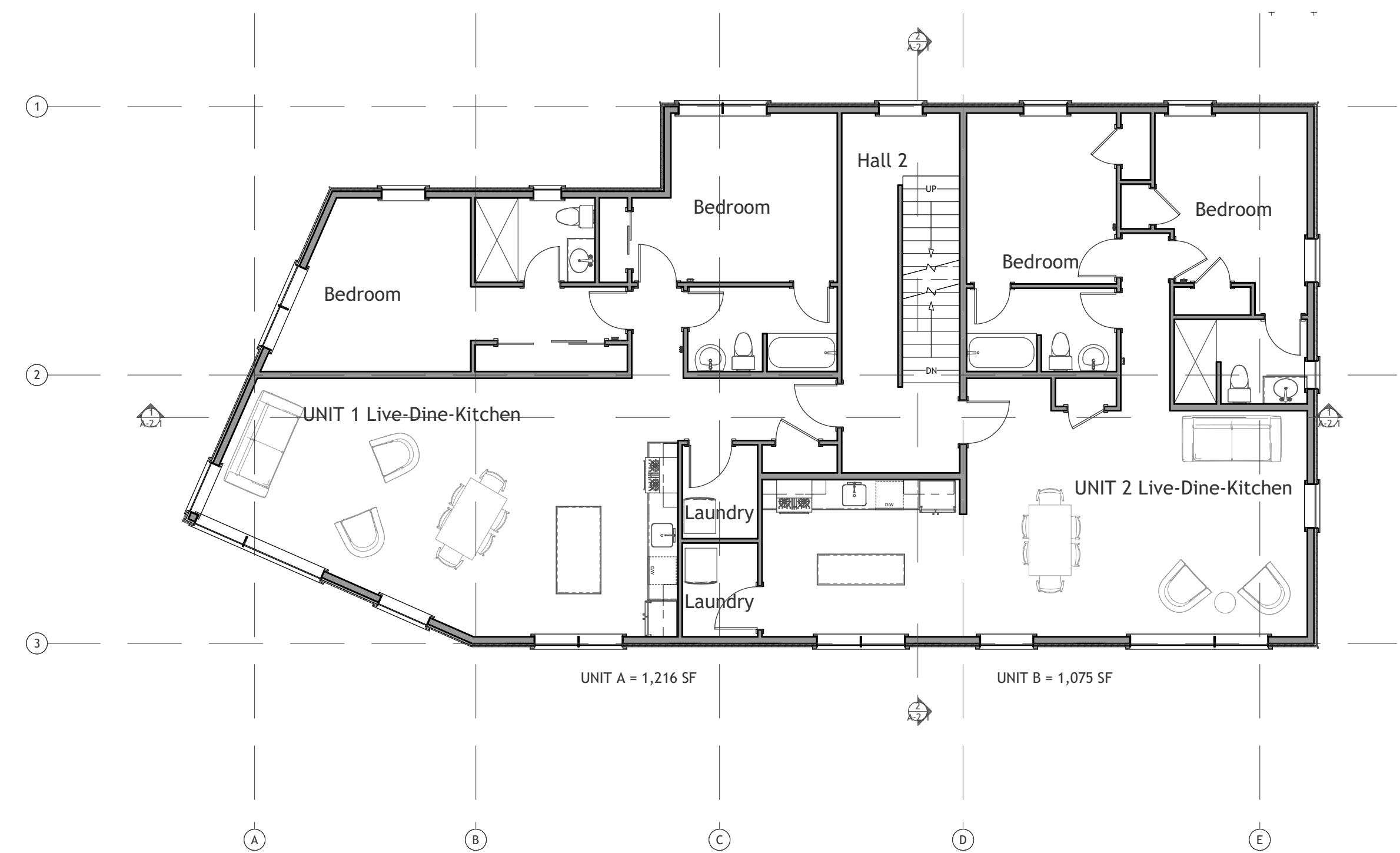
9/6/2016
 A-2.1
 PROGRESS PRINT
 3 of 3



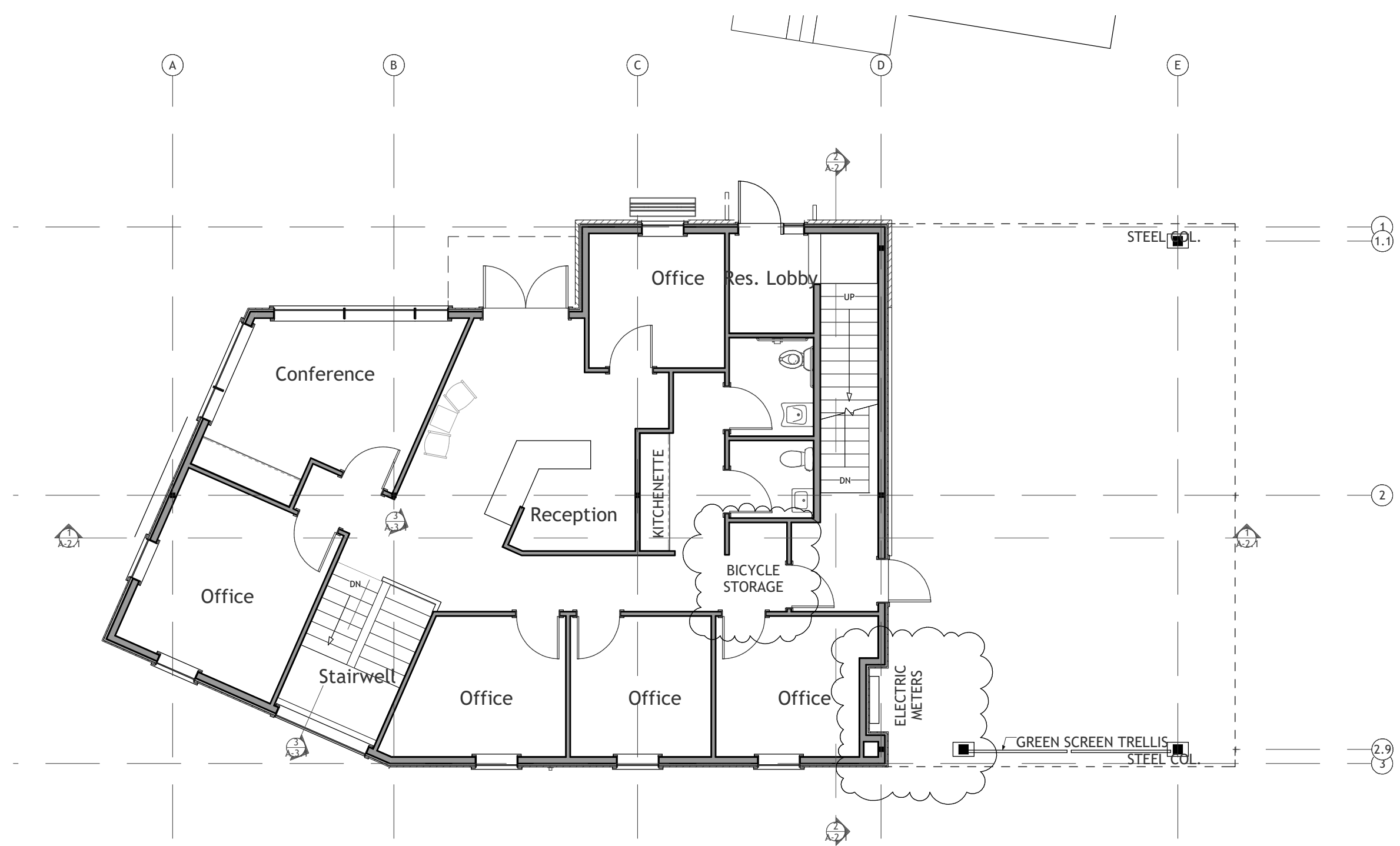
4 : Roof Plan : 1/8 in = 1 ft



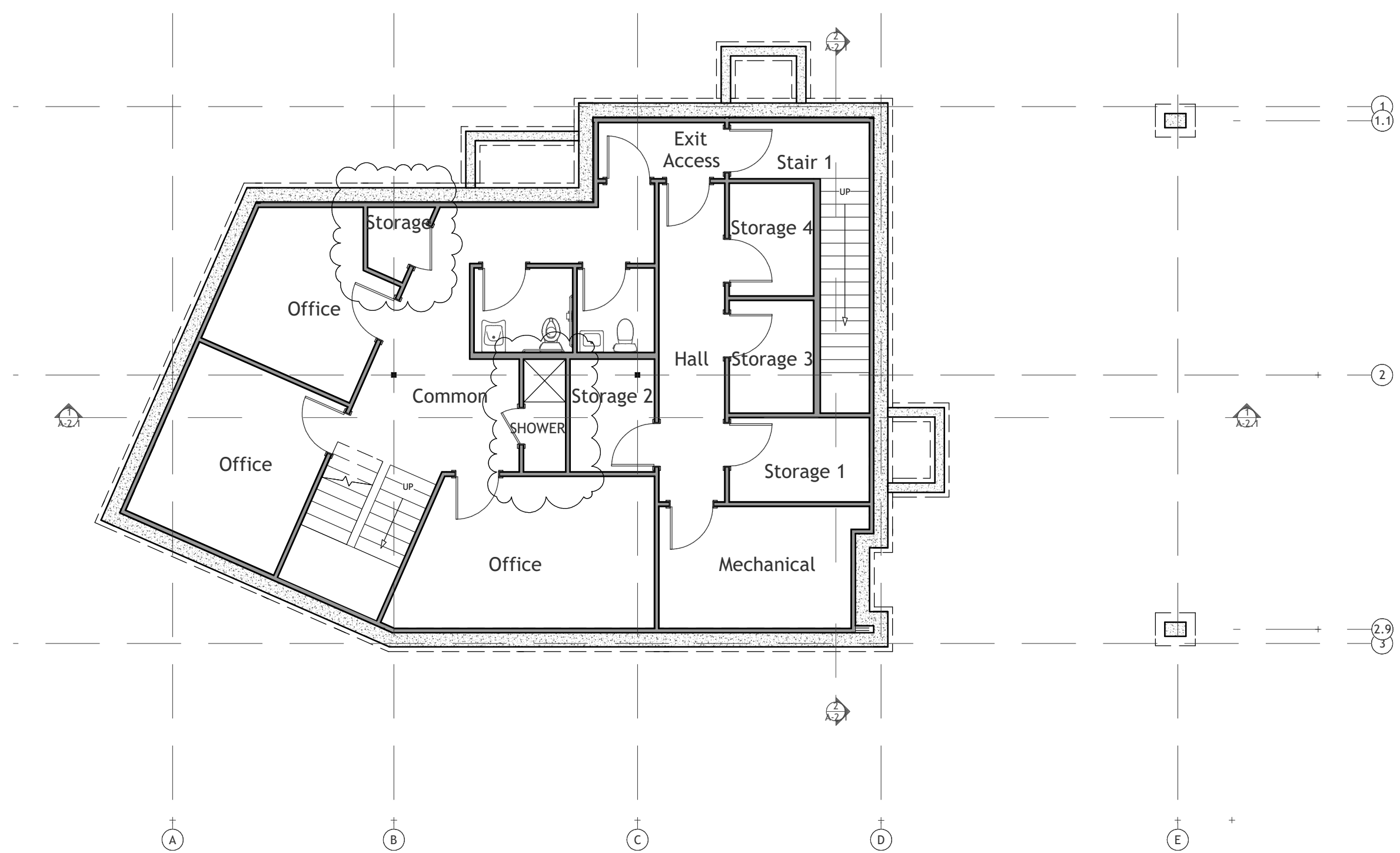
3 : Third Floor Plan : 1/8 in = 1 ft



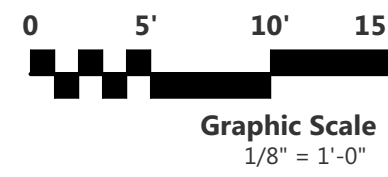
2 : Second Floor Plan : 1/8 in = 1 ft



1 : First Floor Plan : 1/8 in = 1 ft



0 : Basement Plan : 1/8 in = 1 ft



Kevin Moquin Architect
Portland, ME
Info@km-a.me
(207)-615-6421

Revisions:

23 Ocean

Portland, ME

FLOOR PLANS

9/6/2016
A-1.1
PROGRESS PRINT
2 of 3

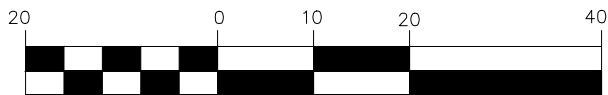
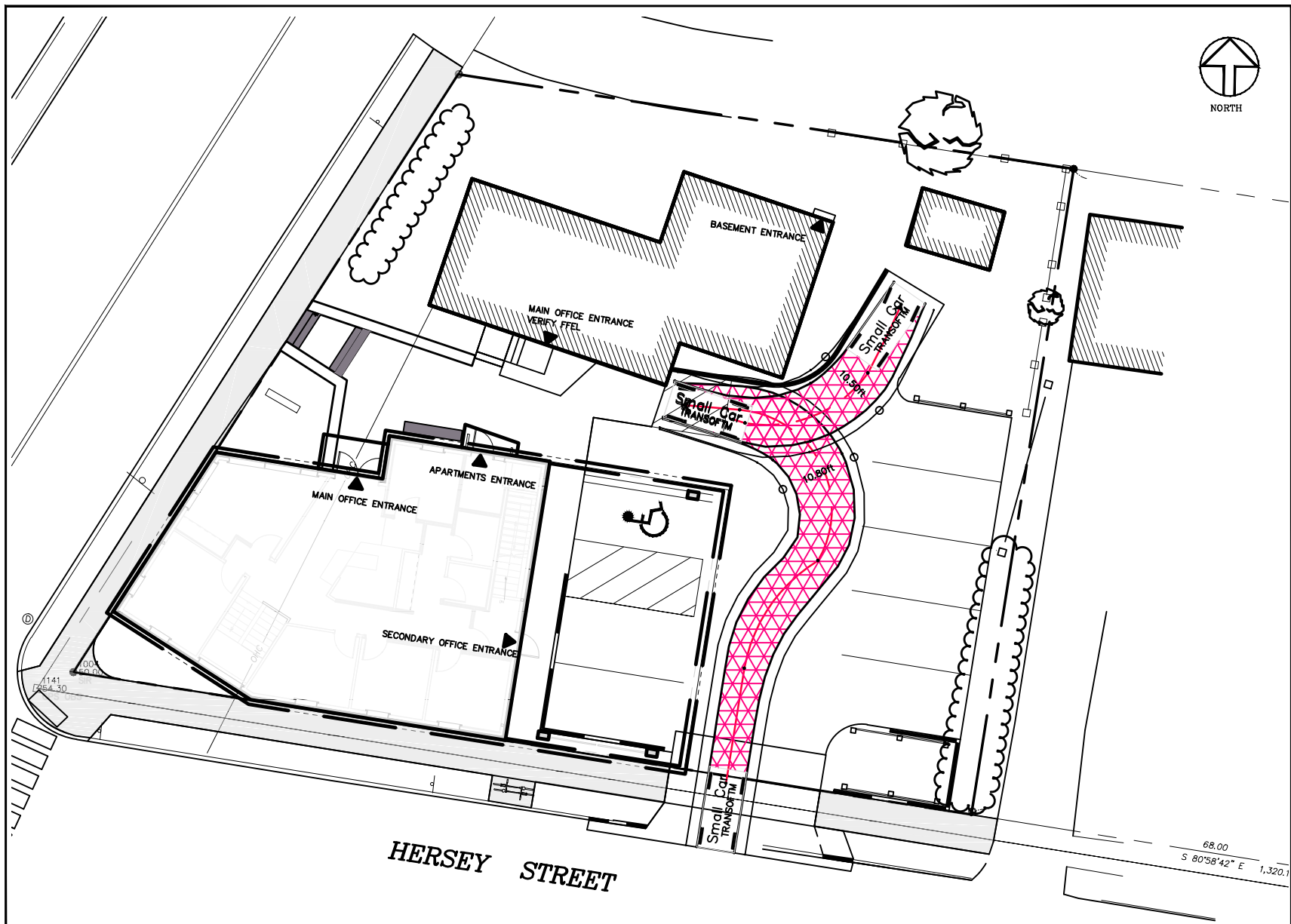


- | Calculation Summary | | | | | |
|---------------------|------|-----|-----|---------|---------|
| Label | Avg | Max | Min | Avg/Min | Max/Min |
| full site | 0.82 | 3.8 | 0.0 | N.A. | N.A. |
| Off Property | 0.00 | 0.1 | 0.0 | N.A. | N.A. |
| property line | 0.01 | 0.1 | 0.0 | N.A. | N.A. |

**23 OCEAN AVE
PORTLAND, ME
PRELIMINARY SITE LIGHTING**

GENERATED FOR:
WESCO
BH MILL

[illegible]



(IN FEET)
1 inch = 2 ft.

23 Ocean Ave

E□□□IT 1
T□RNING MO□EMENT

9.7.2016



Helen Donaldson <hcd@portlandmaine.gov>

23 Ocean Ave

2 messages

Levine, Howard A. <Howard.Levine@klgates.com>

Thu, Jul 21, 2016 at 12:53 PM

To: "Nell Donaldson (hcd@portlandmaine.gov)" <hcd@portlandmaine.gov>

Cc: Stuart O'Brien <SGO@portlandmaine.gov>, "JEFF LEVINE (jlevine@portlandmaine.gov)" <jlevine@portlandmaine.gov>

Greetings: My wife and I own the property at 84 Hersey Street. My wife, Karen, grew up in the house. I have been to City Hall to review the proposed plans for the redevelopment of 23 Ocean Ave (access off Hersey St) and look forward to following its progress through the public process.

Because we are not in residence all the time (our primary location is Newton, Ma -- where I grew up), is it possible to have all future notifications mailed to that address (as is the case with our Portland tax bill, etc.)? **Howard and Karen Levine, 27 Lantern Lane, Newton, Ma 02459.** We would greatly appreciate that. Please let me know? Thanks.

In addition, I have reviewed the Zoning Ordinance, Section 14-161 to begin to familiarize myself with the regulations, process, parking requirements, requirement for traffic studies, etc. I would like to offer the following very preliminary comments:

1. Where is the off-site parking to be located? Distance from site? Walkable or is a van needed? Why is that being required? Is the lease non-terminable so it will be an ongoing condition? Are parking restrictions being considered for that section or all of Hersey Street -- some of the allowed office uses could produce a large number of visitors. I have not yet been able to review Division 20 (is off site parking as a condition required to be within a certain distance and in the same business zone, and allowed as a use so that the parking will not put the property on which it is located into zoning violation?).
2. Will the traffic engineer require a Traffic Study as a result of the thresholds set forth in the Ordinance? I suppose that will depend in part on the type of office uses?
3. Will there be an analysis of the intersection of Hersey and Ocean, which is currently quite difficult to maneuver even on non-peak hours?
4. Will there be consideration of removing or limiting the Hersey Street access? Consideration of entrance and/or exit off Ocean Ave seems now to make more sense.

Those are my preliminary thoughts. Please let me know if you will be able to mail the future public notices to our home in Newton!!! Thank you very much. I can always be reached at the telephone number and email below as well.

Regards, Howard



Howard A. Levine

Of Counsel
K&L Gates LLP
One Lincoln Street

State Street Financial Center

Boston, Massachusetts 02111

[617-951-9290](tel:617-951-9290)

Howard.levine@klgates.com

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Howard.Levine@klgates.com.

Helen Donaldson <hcd@portlandmaine.gov>

Thu, Jul 21, 2016 at 2:20 PM

Draft To: "Levine, Howard A." <Howard.Levine@klgates.com>

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Nell Donaldson
Planner, City of Portland
874-8723
hcd@portlandmaine.gov



Helen Donaldson <hcd@portlandmaine.gov>

23 Ocean Ave

Levine, Howard A. <Howard.Levine@klgates.com>
To: Helen Donaldson <hcd@portlandmaine.gov>
Cc: Tuck O'Brien <sgo@portlandmaine.gov>

Mon, Jul 25, 2016 at 1:07 PM

Hi Helen: I have "scrubbed" Division 20 and have many questions for when we are able to speak. On the top of the long list is the lease (and I have reviewed it and the incredibly well done memo of the Planning Board and the excellent yet to be answered questions from the various departments) --- assuming its location makes any sense at all (customers, employees, etc and not wanting to clog Hersey any more than currently (Traffic Engineer's memo is excellent and identifies many of the issues), and the Ocean Ave intersection)) because of location and walkability, what happens after 5 years or even 10 years unless the 23 Ocean folks own the land for the lot, and then transferability? Enforcement? The approximate 1400' seems pretty far and I assume the Woodford's Club cannot end up in violation of zoning and become nonconforming in violation of parking requirements and that the ability to lease for parking is an allowed use in its zone? I also note that there is no delineation for different parking ratios for different kinds of office uses. Or, will that be hypothecated in the traffic reports? E.g., in many ordinances, there is a higher ratio required for medical offices, and "retail" type uses, like AAA, etc. and more. I assume the Planning Board is unable to restrict the kinds of office uses allowed?

As I said, the memo is excellent and we will be very anxious to read the responses to the excellent questions raised -- which if not satisfactory clearly make this proposal ill conceived. I am all for furthering the goals and policies of comprehensive plans -- but..... Also, the Woodford Corner revitalization is fascinating, but clearly a future plan; this proposal will impact that greatly, perhaps negatively. Finally, is the current structure a valid pre-existing nonconforming use and structure? If so, are there additional permit and analyses required? Does the residential piece of the lot have any zoning effect?

Finally, for now, Hersey Street (large file at City Hall in Public Works) has a terrible and costly flooding problem because of the sewer/stormwater (nevermind EPA violations, etc) which is old and grossly undersized. Homes get flooded in even modest rain storms and snow. I hope the City Engineer will coordinate with Public Works about this as until that is remedied (we've been trying for almost 30 years) it seems this could exacerbate the problem for those affected homeowners.

Apologies for this stream of conscious rant -- we can vet the rest later "in person over the phone". I wish I were able to be at the Planning Board meeting on Tuesday, however..... Thanks again. Howard

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Helen Donaldson <hcd@portlandmaine.gov>

Comments on new building at head of Hersey St

sirkell@maine.rr.com <sirkell@maine.rr.com>

Mon, Jul 25, 2016 at 9:29 PM

To: Hcd@portlandmaine.gov

Dear Donald,

I live on 107 Hersey and I am very concerned about the proposed building at the head of the street.

First, the size seems very large and the runoff from the covered spaces will cause addition flooding at the head of the street.

There is already congested parking along the entire upper half of the street and in essence it is a one lane road all year long.

If there is need for 25 additional parking spaces.....then offsite ones are not acceptable. People will simply park as close to their building as they can!!!!!!! More parked cars clogging our street.

Lastly, a building that large will put an enormous load on the NG line from Unitil.

Unitil should be consulted regarding this additional load and more important the exact date of completion of the new high pressure line. A building of that size if it uses NG should not be allowed until a high pressure line is completed for the area.

Your careful analysis of this project is needed for lots of reasons

Thanks for your caution on this one.

Dr. Dave and Karen Haskell
107 Hersey



Helen Donaldson <hcd@portlandmaine.gov>

Mixed Use Dev, 23 Ocean Ave, Project #2016-150

6 messages

Lynn Dombek <lynn.dombek@gmail.com>

Mon, Aug 1, 2016 at 2:43 PM

To: hcd@portlandmaine.gov, sgo@portlandmaine.gov, jlevine@portlandmaine.gov, bab@portlandmaine.gov

Cc: howard.levine@klgates.com, dl.lawlor@gmail.com

Dear Portland Planning Board Members,

Thank you for the opportunity to comment on the mixed-use development proposal (Project #2016-150) for 23 Ocean Avenue, Portland ME. My partner and I were unable to attend the meeting in person, but our neighbor shared the planning documents with us.

We moved to Portland from New York City in 2014, and purchased our property at 87 Hersey Street, where we now permanently reside. We were drawn to the residential neighborhood of the back cove with its proximity to Portland city proper, and its vibrant combination of life-long residents who meticulously maintain their homes, with transplants like us, who have invested significant time and money to upgrade our older properties.

We are alarmed and disappointed by 23 Ocean Avenue LLC's proposal. While professing to achieve the goals of the city's comprehensive plan to 'promote livability, economic vibrancy and mobility', it in fact fails at all three. We strongly support smart urban planning in small cities like Portland, including the concept of mixed use projects, but this proposal seems only to benefit the developers, who appear to be making the least possible investment for their highest possible personal gain.

The applicants submitted their 'final plan' marking all the required submissions as 'complete', even though that is clearly not the case. These are the items we found most troubling about the proposal:

- Have not provided evidence of their financial capacity for development.
- Have not acquired right of way easement from city, which owns sidewalk adjacent proposal
- Do not plan to replace the sidewalks in full
- Have requested a waiver for parking lot aisle width, so cars must back into Hersey from parking lot
- Have not provided a traffic analysis
- Have requested a waiver to the flooding standard
- Have submitted a nonsensical stormwater management plan
- Have not met design standards (metal exterior)

The plan also seems disingenuous at best. Even though their proposal includes a new building that will completely cover the existing grassy plot (which is approx 8,300 square feet), their engineering report claims that the proposed development will result in “a moderate increase in the impervious area”. That description defies all logic.

They are requesting a waiver to the flooding standard, and instead will manage stormwater through 'roof drains, a rain garden and pervious pavers". The 'rain garden' appears as a minuscule plot — is it even five square feet? - jammed between the existing building, patio and proposed 7,000 square foot building. Another 'rain garden' of uncertain dimensions exists adjacent the parking lot, and is alleged to capture water runoff from the buildings' roofs.

City planners know that properties on the east end of Hersey Street (downhill from Ocean Ave) flood regularly even during moderate rainfalls. Removal of the big willow tree and the introduction of a large impervious surface will only exacerbate that problem.

The lack of a traffic study, and the untenable notion that the building will provide 10 parking spaces on site and some others some where else, do little to address the fact that Hersey Street is already suffering from traffic and parking challenges.

When cars park on both side of the street, as they often do, the street no longer supports two way traffic. One car must wait in an open spot down the street, while the oncoming car passes.

That failure, and the failure to fully replace the current sidewalks, will only add to safety risks on a block that includes small children, families and elderly people.

Barbara

Barbara Barhydt <bab@portlandmaine.gov> Mon, Aug 1, 2016 at 3:06 PM
To: "Cope, Roberta" <bcope@maine.rr.com>, Steve Cope <scope@copelegal.com>
Cc: "O'Brien, Stuart" <sgo@portlandmaine.gov>, "Donaldson, Helen" <hcd@portlandmaine.gov>

Barbara

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Steve

<https://mail.google.com/mail/u/0/?ui=2&ik=f75ad2e64&view=pt&search=inbox&th=156476ad24002f6a&siml=156476ad24002f6a&siml=156476ad612f907c&sim...> 3/4

From: Barbara Barhydt [mailto:bab@portlandmaine.gov]
Sent: Monday, August 01, 2016 3:06 PM
To: Cope, Roberta <bcope@maine.rr.com>; Steven Cope <scope@copelegal.com>
Cc: O'Brien, Stuart <sgo@portlandmaine.gov>; Donaldson, Helen <hcd@portlandmaine.gov>
Subject: Fwd: Mixed Use Dev, 23 Ocean Ave, Project #2016-150

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

Helen Donaldson <hcd@portlandmaine.gov>
To: scope@copelegal.com

Mon, Aug 1, 2016 at 3:12 PM

[Quoted text hidden]

Dear Nell:

Thank you for the opportunity to summarize some of the concerns I have been discussing with you over the past several months for presentation to the Planning Board.

My wife, Karen, grew up at 84 Hersey Street (after moving there at an early age from Forest Park) and we have kept ownership in the family and upgraded the house. Hersey Street and Portland are very dear to us, our children and grandchildren, and we are very familiar with its significant and costly environmental problems, and the neighborhood. As well, you are aware of my background in municipal government, representation of real estate developers, religious and educational institutions, creating public private partnerships, and teaching Real Estate Development and Local Government Law at Boston College Law School. Thus, my comments emanate from the heart and from my experiences over a 50 year period in the public and private sector, and from the perspective of a solid and ardent supporter of responsible and economic development, growth, and affordable housing.

It is very disappointing that the applicant has never offered to meet with the neighborhood to address and potentially alleviate and solve the issues and concerns of the neighborhood. My experience has taught me that successful and responsible developments result when there is interaction with neighbors, compromise, transparency and openness to ideas and change by neighborhoods and developers. When a developer engages in that kind of dialogue and he becomes a part of the neighborhood community, not apart from the neighborhood and community, everybody, including the City, benefits. Had the applicant engaged in that kind of process, I am confident many, if not most of the questions I raise below would have been answered and issues resolved. The developer's failure to do so sends a very strong message offensive to the affected stakeholders. And, it is also very disappointing that the various reports and analyses from the applicant are replete with "buzz words", unsubstantiated conclusions, and estimations. They are not at a level of competency and accuracy which this neighborhood and City deserves. I find many parts of the Reports to be somewhat deceptive, manipulative, as well as very unsubstantiated.

I am disappointed that I am not able to attend the October 25th hearing. Thus, I offer the following additional thoughts:

1. The "Shared Parking Analysis", dated August 30, 2016:

Shared Parking is a methodology for calculating the parking demands of a proposed project developed by the Urban Land Institute (ULI) in collaboration with the Institute of Transportation Engineers (ITE). This methodology is a departure from the standard zoning ordinance method of calculating required parking which is to apply a parking demand ratio (or parking requirement per local code or ordinance) to each component within a project, sum the total of all demands and build against this figure. In the case of Portland Zoning, the types of office uses are not delineated even though they produce different kinds of traffic generation and parking demand. This traditional methodology treats parking demand as a fixed, unwavering phenomenon and,

as result, often results in the provision of parking supply greater than the true need of the development.

Shared Parking methodology is a statistical modeling approach that incorporates real-world data on how land uses actually behave and simulates how parking demand for each land use in development waxes and wanes during the course of day and year. This methodology allows the planner to accurately determine the need for the development as an organic whole, rather than an assembly of disparate parts. The result is provision of parking supply to support the project which is adequate to meet the project's needs without building excess parking spaces, and without impacting neighborhoods.

Shared Parking models are comprised of industry standard base parking demand ratios, adjusted to reflect for variations in demand specific to each project's composition and locality, as well as fluctuations in demand according to time of day and year.

Base parking demand ratios are developed through the long-term study of stand-alone land uses (i.e. office buildings, retail stores, hotel, etc.) with their own dedicated parking facilities. Researchers perform occupancy counts at different times of day, different days of the week, and different times of the year, to isolate the busiest weekday and/or weekend day annually. Once the peak hour is isolated, researchers divide the number of vehicles parked by the key driving element in each land use, such as the number of hotel rooms or total gross leasable square footage of the building. This division renders a parking demand ratio; the mathematic expression of the number of cars parked at the busiest hour of the busiest day related to the land use's key driver.

The Urban Land Institute (ULI), the Institute of Transportation Engineers (ITE), the International Parking Institute (IPI), the National Parking Association (NPA), the American Planning Association (APA) and other agencies gather and consolidate these individual studies into peer-reviewed, statistically reliable resources for application in planning studies.

The "shared parking analysis" letter dated August 30, 2016 presented by the Developer does not satisfy any of the above standards and criteria and offers no real analysis, but rather, it offers conclusions without data, recognized by the industry and the above cited professional associations, to substantiate the conclusions. For example:

- a. "The proposed uses (presumably, but with the ability to change, and intensify, albeit undefined by type, general office and four residential apartments) are ideal for consideration of shared parking". True, however, the consideration must involve discussion of supporting data as described above for a conclusion to be credible. There is no such analysis in this letter.
- b. On page 2: "to summarize the shared parking results". Results of and from what? "the overnight parking is expected to be....7-8". From what analysis or manual did that come from? Same argument for what the daytime demand is "expected" to be.

Professional conclusions cannot be based on unsupported expectations, guesses and hopes..

- c. That same paragraph goes on to give a conclusion that is based on the "shared parking analysis". Again, respectfully, there is no analysis presented in the letter; only expectations and unsubstantiated conclusions.
- d. "Possible means to address this projected shortage would be to restrict parking for the residential units to nighttime use through their leases (ie., no on-site residential parking allowed from 9:00 AM to 4:00 PM)". A traffic person cannot/should not also try to be a leasing/marketing person. Would a tenant seriously sign a lease requiring him to move his car from the site during the day. What if he works from home, or is ill? Further, the letter indicates that during the AM peak, residential usage would be between 30-33%, presumably with no lease restrictions. There is no mention of from where this information was derived. However, it is significant to note that the Urban Land Institute has concluded that the usage would be 60% or more.
- e. "Another option would be to encourage transportation demand management (TDM) actions." The applicant and Traffic Consultant have not presented a TDM Plan. It is disingenuous to state simply that the site is located on a Metro route (it is near one) and that bus use will be encouraged -- by whom and how? How will putting an interior bike "locker" in the building, "encourage" commuting by bike -- and how will that "encourage" walking and from where is a mystery.
- f. The offices are also expected to promote the use of carpooling and ridesharing amongst employees (HOW?). Then to conclude that all of this "should" reduce vehicular trips to the site, without any plan or data is simply an unacceptable statement.

2. Maine Traffic Resources also submitted a "Trip Generation and Accident Analyses". I offer the following thoughts.

- a. The number of trips for the EXISTING offices was "estimated". That is not standard and should not be accepted. Actual counts must be required. Using ITE estimates at this location, Ocean and Forest, is misplaced and insufficient because the location is unique and does not fit into a manual's analysis.
- b. "This minimal number of new (ESTIMATED) traffic WOULD NOT BE EXPECTED TO HAVE ANY SIGNIFICANT IMPACT OFF-SITE ON TRAFFIC OPERATIONS." Because of the unique location of the site, the applicant should be required to do ACTUAL traffic counts on Ocean Ave at peak hours to determine if even that "minimal" number of estimated additional trips will have an impact. There is also no analysis of the vehicle trips already on Hersey Street attempting to get on to Ocean Ave, which is already quite difficult.
- c. "Typically, a project will not have any measurable impact unless it generates in excess of 25 to 35 new lane hour trips". What is the resultant additional delay time? What is the data base for this conclusion and how does that fit into the real, not estimated, situation at Hersey and Ocean Ave. Also, in the September 6, 2016 memo from Pat Carroll to Nell Donaldson its states: "I do believe documentation (presumably not estimates) of traffic volumes changes is necessary".

3. **The current combined stormwater/sewerage pipe on Hersey Street** is under capacity (and illegal) and floods homes with sewerage, condoms, needles, and more, even with moderate rainfall and melting snow. It is greatly appreciated that after our making Planning aware of the problem, that most is being redirected to Ocean Ave. However, we submit that ANY additional runoff is a huge problem. Thus, the Waiver for flooding should be DENIED.
4. **OFFSITE PARKING as it relates to the "shared parking analysis"**. We urge the Planning Board to carefully assess the other uses for that offsite parking location (which we have just learned might be 28 Vannah Ave), its peak demand, etc. --- ie., a shared parking analysis to "insure" that spaces will be available when the new development needs the spaces? Is the location walkable to the project site. How will the applicant guarantee usage by employees. What happens after the 5 years (presumably) of the lease ends and it is not renewed? What happens if the applicant defaults on the lease? All of this vetting and a legally appropriate lease should be approved before a vote.
5. **TYPES OF OFFICE USES:** The Zoning Ordinance does not distinguish between types of office uses to project parking demand. A medical office use creates, for example, a much higher demand than a regular office use. However, I assume the Planning Board has no legal authority to restrict the types of office uses. Thus, the traffic consultant should have considered this issue and projected impacts in both the traffic generation and parking reports, but did not.
6. **CONSTRUCTION MANAGEMENT PLAN:** We are informed that the applicant does not want to supply one until the contractor is on board. While that is understandable, the Planning Board should impose conditions that preclude Truck Traffic and on street parking of workers ON Hersey Street. Also, a construction phasing plan should be made available, and approved by ISD or building, along with the actual plan, prior to the issuance of a building permit.
7. I understand that the **Portland Comprehensive Plan** encourages mixed use development (as do I). However, Comprehensive Plans are GUIDES, not laws, and its goals and policies must be assessed in light of location, long-term effects, and appropriateness AT THIS TIME. I fully understand and appreciate that there is ongoing planning to create a **plan for the future Woodford's Corner** area. However, until such a plan is a reality and economically feasible, this proposal is very premature and could produce inconsistent results. Portland's Comprehensive Plan seeks to find ways to build neighborhoods and commercial centers where they make the most sense in order to stimulate economic growth. This project, therefore, makes no such sense in 2016. Growth should be managed in a way that serves property rights, economic growth, environment, and equity. The current proposal is not consistent with those goals and is not yet ready for "prime time".

8. SECTION 14-332 OF THE ZONING ORDINANCE. My reading of that section and Section 343 is that while the "Planning Board MAY be substituted for the Board of Appeal" because this application is before the Planning Board, that is not a requirement. It does not say "shall". Given the difficulty of this area, it would be prudent to require a broader public process, and the approval or denial of the off-site parking request SHOULD BE HANDLED BY THE ZONING BOARD OF APPEALS AS A SPECIAL PERMIT REQUEST. Who decides on the appropriateness of the substitution?
9. I respectfully disagree with a Planning Department conclusion that "This proposal is not deemed to have an adverse impact on the scenic beauty of the area". The proposed structure needs significant architectural improvement, and as a "transitional" structure, should look far more residential -- and more like the existing nonconforming structure, formerly a residence.
10. Given the constraints of the site, the requested waiver for aisle width should NOT be granted.
11. From "Comment #3 of the memo, dated September 6, 2016 from Pat Carroll: "NOTE THAT THERE MAY BE NEIGHBORHOOD CONCERNS ABOUT SPILLOVER PARKING ON HERSEY STREET". THERE IS THAT CONCERN FOR SURE --GRAVE CONCERN. The applicant has not provided any analysis of the current ongoing on street parking problem on that end of Hersey Street. This analysis is critical and should be factored into a substantiated traffic and parking analysis (and on-street parking violations), with actual counts.
12. Has the applicant submitted a photometric plan that demonstrates there will be no LIGHT SPILLAGE on to adjacent properties and that all lighting is shielded and shines downward?
13. Will there be any blasting required for construction?
14. SNOW STORAGE. Applicant should be required to haul snow off site. Any piled up snow will create loss of parking spaces and, thus, spillover parking on Hersey Street. Also, the stormwater features, rain gardens, etc., cannot be used for snow storage.

Respectfully,



Howard A Levine
84 Hersey Street
Portland, Maine

From: **Dibbie Appleton** <dib@maine.rr.com>

Date: Sat, Oct 22, 2016 at 1:58 PM

Subject: Appeal to the Planning Board

To: jlevine@portlandmaine.gov

When I purchased my home on Hersey Street in 1998, I did so on a Saturday. I had found the perfect house in the perfect neighborhood for me.

I moved in on a Wednesday and was absolutely shocked to find cars shooting up and down the quiet street on which I had chosen to live. The moving van was large enough that it took up about half of the street width and cars piled up waiting to get past, going both directions. It was a real disappointment. Meeting a new neighbor, I learned their dog had been run over by a speeding car on the street.

Well, I have learned to live with the congestion. My neighbors and I for years petitioned our representative Cheryl Leeman to help us get speed humps or bumps, but we were told the street could not have them, mostly as a means of slowing down the cars, but also to encourage many of them to take a different route perhaps.

I have just learned that there is a provision coming before the Planning Board to allow the building of a three-story office building at the top (Ocean Avenue) end of Hersey, with the second and third floors being apartments for rent. This means a lot more traffic on our residential street, tenants of the building as well as customers or clients coming and going to whatever business is proposed for the basement and first floor of this proposed building. Because it is often difficult to get out of Hersey onto Ocean Avenue, this would mean that the additional traffic is likely to come or depart through the length of this one block street, increasing what is already a problem for the residents.

I have seen the drawing of the building on the site. It is a very utilitarian looking, no-character building. You'd think at least that the designer might disguise the building as an old Victorian to help it fit into a residential neighborhood. The stunning weeping willow that would be sacrificed for the building is far nicer than the proposed structure and the tree makes the top entrance of the street look like a quiet residential street. Having an office building there feels like another chink in the wall of our nice family street.

I pray the Planning Board will be wise in its decision making. This is NOT a good move for our neighborhood and it will increase many of the problems of too much traffic, speeding, etc. We have had people move out of the neighborhood because they felt the traffic was a danger for their young children.

Help us keep Hersey Street a residential, NON-business street. Please.

Thank you.

Isabelle Appleton
98 Hersey Street.