

# CITY OF PORTLAND, MAINE

## PLANNING BOARD



Maggie Stanley, Chair  
Brandon Mazer, Vice Chair  
Justin Barker  
Marpheen Chann  
Sean Murphy  
David Silk  
Austin Smith

### AGENDA PORTLAND PLANNING BOARD MEETING

The Planning Board will hold a remote meeting on **Tuesday, December 13, 4:30 p.m.** This meeting will take place remotely using Zoom pursuant to the Remote Meeting Policy adopted by the Planning Board and as authorized under 1 M.R.S. 403-B because of the existence of an emergency or urgent issue that requires the committee to meet by remote methods. Allow your computer to install the free Zoom app to get the best meeting experience.

If you are not able to attend live, a recording will be available following the meeting. For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit \*9. You will be unmuted by the host when it is time for public comment.

For more information on submitting written public comments and participating in the remote meeting, please refer to the document, A Guide to Public Comment, Remote Mtg. and Public Participation, which can be found at <https://www.portlandmaine.gov/485/Development-Review>. Public comments will be taken for each item on the agenda during the estimated allotted time.

#### Written Public Comment

Written comments received by email by 12:00 p.m. **the day before** the scheduled meeting date will be included in the agenda backup materials ("agenda packet").

Written comments received **by the aforementioned deadline** will be published in the agenda packet no later than 12:00 p.m. the day of the meeting. Written comments must be submitted to [planningboard@portlandmaine.gov](mailto:planningboard@portlandmaine.gov). If you have any questions or feedback regarding this process, please email [citymanager@portlandmaine.gov](mailto:citymanager@portlandmaine.gov)

Please note that the placement of each item on the agenda is subject to change. Please check the Agenda & Minutes Center prior to the meeting for the item start time here: <https://www.portlandmaine.gov/602/Agendas-Mintues>.

#### **ZOOM MEETING INSTRUCTIONS**

You are invited to a Zoom webinar.

When: Dec 13, 2022 04:30 PM Eastern Time (US and Canada)

Topic: Planning Board Workshop and Public Hearing 12/13/2022

Please click the link below to join the webinar:

<https://portlandmaine-gov.zoom.us/j/85773582763>

Or One tap mobile :

US: +19292056099,,85773582763# or +13017158592,,85773582763#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 646 931 3860 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 669 444 9171 or +1 669 900 6833 or +1 689 278 1000 or +1 719 359 4580

Webinar ID: 857 7358 2763

International numbers available: <https://portlandmaine-gov.zoom.us/j/85773582763>

#### **WORKSHOP - 4:30 PM**

- i. Zoning Map Amendment; 50 Industrial Way; 50 Industrial Way, LLC., Applicant. (estimated time 4:30 – 5:30 pm) The Planning Board will hold a remote workshop to consider a rezoning from I-M Moderate Impact Industrial to I-Mb Moderate Impact Industrial to accommodate the future growth of Allagash Brewing Company. The subject property is 4.4 acres in size. A project and plan summary are available for viewing on the city’s CSS Portal (<https://css.portlandmaine.gov/>) by referencing Plan Number ZN-002236-2022.

## **PUBLIC HEARING - 5:30 PM**

### **1. ROLL CALL AND DECLARATION OF QUORUM**

### **2. COMMUNICATION AND REPORTS**

### **3. REPORT OF ATTENDANCE AT THE MEETING HELD ON NOVEMBER 22, 2022**

#### Evening Hearing

Technical Manual Updates: Chann, Mazer, Murphy, Silk, Smith, and Stanley present; Barker absent.  
1 Bean Pot Circle: Chann, Mazer, Murphy, Silk, Smith, and Stanley present; Barker absent.

### **4. REPORTS OF DECISIONS AT THE MEETING HELD ON NOVEMBER 22, 2022**

- i. Technical Manual Updates Mazer moved and Silk seconded a motion to find that the proposed revisions to Sections 1, 2, 4, 10, 16, & 17, of the City of Portland Technical Manual are consistent with the requirements of Section 2.1.10(P) of the Land Use Code and approves such revisions with one condition of approval. Vote 6-0, Barker absent.
- ii. Zoning Map and Text Amendment; 1 Bean Pot Circle; IDEALS (The Initiative for Digital Engineering and Life Sciences), Applicant. Mazer moved and Silk seconded a motion to find that the proposed zoning text amendment to identify The Roux Institute at Northeastern University as an eligible institution to submit an IOZ application is consistent with the Comprehensive Plan for the City of Portland; and therefore, the Planning Board recommends to the City Council adoption of the zoning text amendment as shown in Attachment F. Vote 6-0, Barker absent. Mazer moved and Silk seconded a motion to find that the proposed B-5 zoning map amendment is consistent with the Comprehensive Plan for the City of Portland; and therefore, the Planning Board recommends to the City Council adoption of the zoning map amendment for the area of land as shown in Attachment 3. Vote 6-0, Barker absent. Mazer moved and Silk seconded a motion to find that the proposed IOZ zoning map amendment is consistent with the Comprehensive Plan for the City of Portland; and therefore, the Planning Board recommends to the City Council adoption of the zoning map amendment for the area of land identified as 1 Bean Pot Circle (447 A001001) as shown in Attachment 4. Vote 6-0, Barker absent. Mazer moved and Chann seconded a motion to find that the proposed regulatory framework is consistent with the standards of Sec. 8.5.5. of the Land Use Code; and therefore, the Planning Board recommends to the City Council adoption of the regulatory framework as included in Attachment B. Vote 5-1, Silk opposed, Barker absent. Mazer moved and Silk seconded a motion to find that the proposed Institutional Development Plan (IDP) is consistent with the Institutional Development Plan standards of Sec. 8.5.4. of the Land Use Code. Vote 6-0, Barker absent.

### **5. NEW BUSINESS**

- i. Zoning Map Amendment; 1772 Westbrook Street; Touchstone Enterprises, Inc., Applicant. (estimated time 5:30 p.m.) The Planning Board will hold a remote public hearing to consider the rezoning of a 52-acre parcel from I-L Low Impact Industrial to I-M Moderate Impact Industrial to allow the future siting of warehousing, storage and distribution facility uses greater than 10,000 square feet at this location. A project and plan summary are available for viewing on the city’s CSS Portal (<https://css.portlandmaine.gov/>) by referencing Plan Number ZN-002163-2022.



To: Chair Stanley & Members of the Planning Board  
From: Austen Torres Davis  
Date: December 9, 2022  
Re: 50 Industrial Way Rezoning from IM to I-Mb  
Project ID: ZN-002236-2022  
CBL: 326 Boo8001  
Meeting Date: December 13, 2022



*Figure 1: Aerial Image of 50 Industrial Way Showing Property Line.*

## I. INTRODUCTION

50 Industrial Way, LLC. is seeking a zoning map amendment on behalf of Allagash Brewery to change an existing I-M Industrial-Moderate impact zone to an I-Mb Industrial-Moderate Impact zone onto an approximately 4.4 acre site located at 50 Industrial Way (CBL: 326 Boo8001) in the Riverton neighborhood. This action is being sought as Allagash Brewery is approaching the maximum allowable impervious surface ratio for the I-M zone as prescribed in Land Use Code Article 7 Table 7-G. The maximum allowable impervious ratio in the I-M zone is 75%, while the maximum in the I-Mb is 100%. Therefore, in order to expand operations and accommodate future growth on-site this change is being sought.

The Planning and Urban Development Department mailed 44 notices advertising this meeting to interested parties and property owners within 1,000 feet of the site. The legal advertisement ran in December 3 and 6, 2022 editions of the *Portland Press Herald*. Additionally, the applicant is holding neighborhood meeting on December 12th.

**Applicant:** 50 Industrial Way, LLC.; Allagash Brewery  
**Applicant Representative:** Kylie Mason, Stefanie Nichols; Sebago Technics

## II. PROJECT DATA

|                 |                                   |
|-----------------|-----------------------------------|
| Existing Zoning | I-M Industrial – Moderate Impact  |
| Proposed Zoning | I-Mb Industrial – Moderate Impact |
| Existing Use    | Manufacturing – Brewery           |
| Proposed Use    | Manufacturing – Brewery           |

## III. BACKGROUND & EXISTING CONDITIONS

The site now known as 50 Industrial Way was created as Lots 17, 18, and 19 as part of the Turnpike Industrial Park in 1986. The property was purchased in 2011 by 50 Industrial Way, LLC, and subsequently operated by Allagash Brewery. Most recently, an addition to the brewery was approved on December 12, 2018 (PL-000063-2018).

The subject property is comprised of three parcels at 50 Industrial Way, improved with a brewery, tasting room, and parking. The site is within and bordered on all sides by the I-M zone. There are a variety of businesses nearby including four breweries, a distillery, warehouses, and a bowling alley. The site has frontage on Industrial Way, which intersects with Riverside Street about 300 feet from the western edge of the property. Riverton Trolley Park, Riverside Recycling Center, and Riverside Golf Course are nearby across Riverside Street to the west. The Turnpike Industrial Park is adjacent to Interstate I-95 to the east. The overall character of the surrounding area is industrial, though commercial uses are clustered to the south around the intersection of Riverside Street and Forest Avenue and include a Hannaford's grocery store and gas station with associated convenient store. The site is accessible to public transportation along Forest Avenue including GP Metro routes 2 and 3, as well as the Lakes Region Bus.



Figure 2: 50 Industrial Way in Neighborhood Context





Figure 3: 50 Industrial Way Conceptual Site Plan

#### IV. CONCEPTUAL DEVELOPMENT PROPOSAL

The proposed rezoning from I-M to I-Mb would facilitate the expansion of the Allagash Brewery building and operations. The intent of this rezoning is to allow Allagash to remain at their current location and expand to keep up with anticipated growth over the coming decade, rather than requiring relocation of their operations elsewhere. This action is being sought as Allagash Brewery is approaching the maximum allowable impervious surface ratio for the I-M zone as prescribed in Land Use Code Article 7 Table 7-G. The maximum allowable impervious ratio in the I-M zone is 75%, while the maximum in the I-Mb is 100%. Therefore, in order to expand operations on-site this change is being sought.

The development contemplated in this application is conceptual at this stage – no site plan application has yet been submitted - though the current 50 Industrial Way map amendment application package submitted by the applicant includes a conceptual plan showing the potential expansion that this map amendment would facilitate. (See attached Plan 3). Should the proposed rezoning be approved by the City Council, a site plan application would be submitted by the applicant addressing applicable land use standards.

## V. PROPOSED ZONING MAP AMENDMENT

Allagash Brewing Company has submitted an application requesting a zoning map amendment to change their 50 Industrial Way property from an I-M Industrial-Moderate Impact zone to an I-Mb Industrial-Moderate Impact zone (Compare Figures 4 and 5).

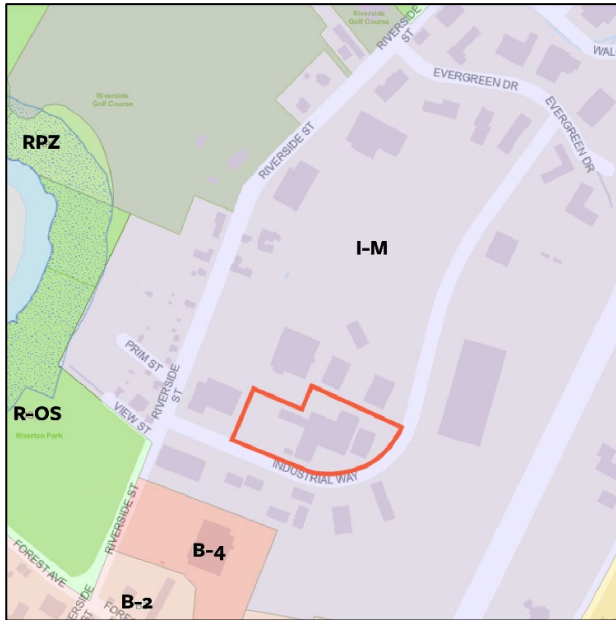


Figure 5: 50 Industrial Way Existing Zoning Context

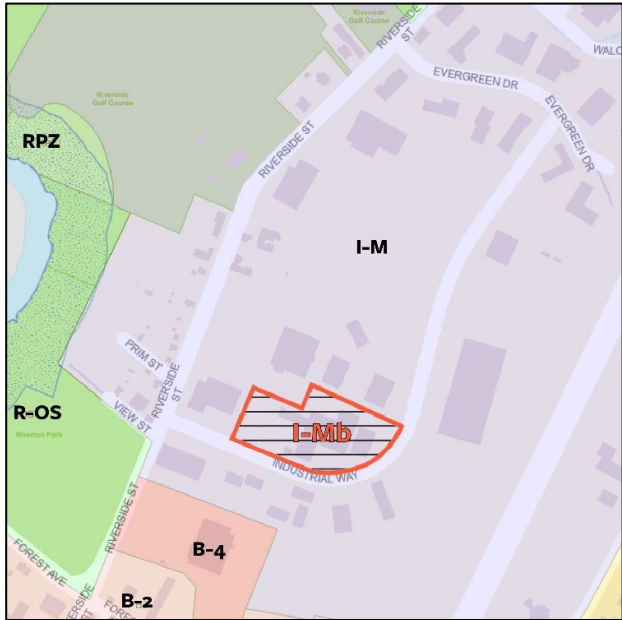


Figure 4: 50 Industrial Way Proposed Map Amendment

In addition to the applicant's request, Planning staff recommend that the Planning Board consider expanding the zoning map amendment to include the following adjacent parcels: 326 Boo1001, 327A Aoo9001, 327A Aoo8002, 327A Aoo7001, 327A Aoo1001, 326 Boo7001, and 326 Boo5001 (See Figure 6).

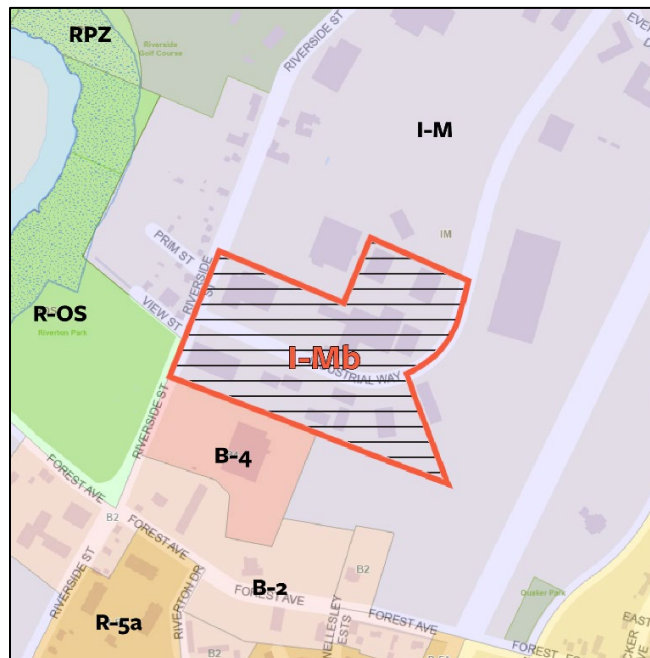


Figure 6: Recommended Map Amendment

## VI. ZONING ANALYSIS

### Existing Versus Proposed Zoning: I-M Industrial-Moderate Impact, and I-Mb Industrial-Moderate Impact

The I-M Industrial-Moderate Impact zone is a moderate-density mixed-use zone mapped in locations throughout the city, primarily off-peninsula close to arterials and highway connections, particularly along the I-95 corridor. Throughout Portland, the I-M zone totals about 1,308 acres. The I-Mb zone is significantly less widespread throughout the city, existing only within the Valley Street neighborhood in the southwestern portion of the Portland Peninsula. The I-Mb zone is also significantly smaller than the I-M zone, totaling about 20.77 acres.

The I-M and I-Mb zones allow a variety of industrial, commercial/services, and institutional uses, including low-impact industrial (bakeries and breweries), as well as warehousing and distribution, and laboratory and research facilities. However, they vary in terms of building form that is promoted through the dimensional requirements.

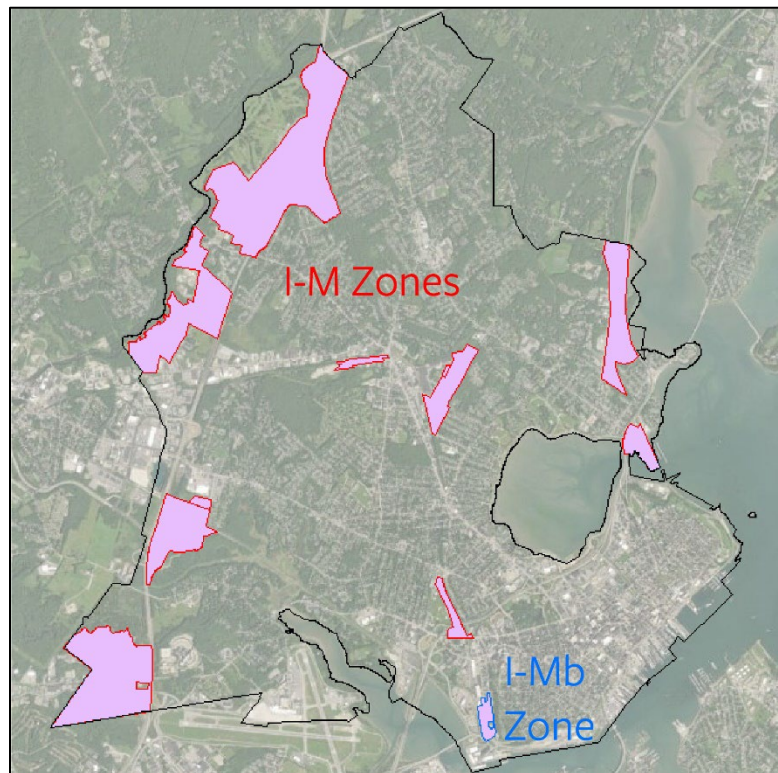


Figure 7: Distribution and Size of I-M & I-Mb Zones

The City's zoning code describes the purpose of the I-M and I-Mb Industrial-Moderate Impact zones as:

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

The purpose statement of the I-M and I-Mb promotes moderate-impact industries and transportation-related uses that can coexist and are in locations that provide for direct access onto arterials. While the purpose statement references that the I-Mb zone is mapped on the peninsula, the intention does not preclude the zone from being expanded in appropriate areas. Staff have conducted an analysis comparing the proposed I-Mb zone requirements with the existing I-M zone and have highlighted the differences in the tables below.



**Use Summary:**

The existing I-M zoning district permits a range of institutional, commercial, and industrial uses. These include

Low-impact industrial uses, which do not include the processing of raw materials or salvaging operations. Instead, low-impact industrial uses involve manufacturing, packaging, assembly, and distribution of previously processed materials. Businesses that fit in this category range in operations from bakeries and breweries to machine shops and tree nurseries. In addition to these industrial operations that are generally compatible with adjacent residential and commercial zones, the I-M zone allows miscellaneous uses such as solar and wind generation, general office, laboratory and research facilities, and lumber yards. The I-Mb zone permits the same uses as the I-M zone except for correctional pre-release facilities, which are not permitted in the I-Mb zone.

*Table 1 provides a comparison of the permitted uses between existing and proposed zone. Uses marked with a 'P', are permitted uses in the zone. A 'C' indicates a conditional use, otherwise uses are not permitted. Highlighted in yellow shows any changes between zones*

| <b>TABLE 1: PERMITTED AND CONDITIONAL USES<br/>IN<br/>I-L Industrial &amp; B-2 Business Community Zones</b> |                                                         | <b>I-M</b> | <b>I-Mb</b> |
|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|------------|-------------|
| <b>Institutional</b>                                                                                        | Airports                                                |            |             |
|                                                                                                             | Preschool facilities                                    | P          | P           |
|                                                                                                             | Emergency shelters                                      | C          | C           |
|                                                                                                             | Intermediate care facilities                            | P          | P           |
|                                                                                                             | Places of assembly (<10,000 SF)                         |            |             |
| <b>Commercial</b>                                                                                           | Bars                                                    |            |             |
|                                                                                                             | General offices (<5,000 SF)                             | P          | P           |
|                                                                                                             | General offices (>5,000 SF)                             | P          | P           |
|                                                                                                             | General services (<5,000 SF)                            |            |             |
|                                                                                                             | General services (>5,000 SF)                            |            |             |
|                                                                                                             | Hotels                                                  |            |             |
|                                                                                                             | Recreation and amusement centers                        | P          | P           |
|                                                                                                             | Repair services                                         | P          | P           |
|                                                                                                             | Restaurants                                             |            |             |
| <b>Industrial</b>                                                                                           | Animal-related services                                 |            |             |
|                                                                                                             | Construction & engineering services                     | P          | P           |
|                                                                                                             | Dairies                                                 | P          | P           |
|                                                                                                             | Fish waste processing                                   |            |             |
|                                                                                                             | Food & seafood processing, packing, and distribution    | P          | P           |
|                                                                                                             | High-impact industrial uses                             |            |             |
|                                                                                                             | Intermodal transportation facilities                    | P          | P           |
|                                                                                                             | Laboratory and research facilities                      | P          | P           |
|                                                                                                             | Low-impact industrial                                   | P          | P           |
|                                                                                                             | Lumber yards                                            | P          | P           |
|                                                                                                             | Marijuana cultivation facility (<2,000 SF plant canopy) | P          | P           |

|       |                                                                 |   |   |
|-------|-----------------------------------------------------------------|---|---|
|       | Marijuana cultivation facility<br>(2,000-7,000 SF plant canopy) | P | P |
|       | Marijuana cultivation facility<br>(>7,000 SF plant canopy)      | P | P |
|       | Marijuana manufacturing facility                                | P | P |
|       | Marijuana testing facility                                      | P | P |
|       | Printing and publishing                                         | P | P |
|       | Recycling and solid waste disposal facilities                   | P | P |
|       | Studios for artists and craftspeople                            | P | P |
|       | Telecommunication towers (ground-mounted)                       | P | P |
|       | Tow lots                                                        | P | P |
|       | Warehousing, storage, and distribution facilities               | P | P |
| Other | Correctional pre-release facilities                             | P |   |
|       | Marinas                                                         | P | P |
|       | Solar energy system (minor)                                     | P | P |
|       | Solar energy system (major)                                     | P | P |
|       | Utility substations                                             | P | P |
|       | Wind energy system (minor)                                      | P | P |
|       | Wind energy system (major)                                      | P | P |

#### Dimensional Requirement Summary:

The bulk of the difference between the I-M and I-Mb moderate-impact industrial zones are related to dimensional standards. Generally the I-Mb zone allows for greater lot coverage in the form of less restrictive setback and impervious surface ratio requirements.

Buildings in the I-M zone have a minimum front setback of one foot distance for every one foot of building height, while there are no front setback requirements in the I-Mb zone. Similarly, rear and side setbacks in the I-M zone are one foot in distance per one foot of building height, with 35 foot minimums if abutting residential zones. Structures in the I-Mb zone differ in that there are no rear or side setbacks unless abutting residential zones, in which case a setback of 25 feet is required. Both zones have a maximum building height of 75 feet.

The most pertinent difference between zones as related to the applicant's conceptual development proposal is that the I-M requires a maximum impervious surface ratio of 75%, whereas 100% is allowable in the I-Mb zone.

*Table 2 provides a comparison of the dimensional requirements between existing and proposed zone. Highlighted in yellow shows any changes between zones*

| TABLE 2: Zoning Requirements by Use | I-M                                                                                                 | I-Mb                                                |
|-------------------------------------|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| Lot area (min.)                     | None                                                                                                | None                                                |
| Street frontage (min.)              | 60 ft.                                                                                              | 60 ft.                                              |
| Lot width (min.)                    | None                                                                                                | None                                                |
| Front setback (min.)                | (1 ft. for each ft. of building height)                                                             | None                                                |
| Rear setback (min.)                 | (1 ft. for each ft. of building height up to 25 ft., except 35 ft. when abutting residential zones) | None, except 25 ft. when abutting residential zones |
| Side setback (min.)                 | (1 ft. for each ft. of building height up to 25 ft., except 35 ft. when abutting residential zones) | None, except 25 ft. when abutting residential zones |
| Structure height (max.)             | 75 ft.                                                                                              | 75 ft.                                              |
| Lot coverage (max.)                 | None                                                                                                | None                                                |
| Impervious surface ratio (max.)     | 75%                                                                                                 | 100%                                                |
| Pavement setback (min.)             | 10 ft.                                                                                              | 10 ft.                                              |

## VII. COMPREHENSIVE PLAN ANALYSIS

### Portland's Plan 2030

Comprehensive Plan goals and policies (state and local) relevant to the proposed zoning map amendment are included below as well as provided in the analysis submitted by the applicant (Attachment D). In the provided analysis the applicant lays out various portions of Portland's Plan 2030 that their proposal adheres to.

Several aspects of the proposed map amendment to I-Mb Industrial-Moderate Impact are consistent with the Comprehensive Plan. The Comprehensive Plan highlights the importance of creating prosperity by growing the tax and employment base, as well as valuing and nurturing Portland-based businesses and supporting industries with high-growth/high-value potential. The Comprehensive Plan also acknowledges that physically integrated transportation systems, utilities, and open spaces provide for the city's growth, and a well-connected system is more efficient and resilient. Riverside Street and along the I-95 corridor has



Figure 8: Visions of Portland's Plan 2030



been an area where industrial businesses have been able to grow and thrive well have access to multiple transportation networks.

Relevant Comprehensive Plan goals have been excerpted below:

*Economic:*

- State Goal: Promote an economic climate that increases job opportunities and overall economic well-being.
- Promote an economic climate that increases job opportunities and overall economic well-being.
- Value and nurture Portland-based businesses.
- Value innovation and creativity as cornerstones of the local economy and as central to Portland's uniqueness and diversity.
- Invest in, attract, and retain human capital to support a growing economy.
- Create economic prosperity by growing Portland's tax and employment base.
- Respect that our unique quality of place is key to our current and future economic success

*Transportation:*

- Support the economic vitality by ensuring the efficient movement of goods, services, and people.

## **VIII. PUBLIC COMMENT**

As of the writing of this report no public comments have been received. A neighborhood meeting has been scheduled for December 12, 2022, with attendance and minutes forthcoming.

## **IX. NEXT STEPS**

- Incorporate feedback from Planning Board
- Return to Planning Board for future Public Hearing
- Forward recommendation to City Council for consideration

## **X. ATTACHMENTS**

### **PLANNING BOARD REPORT ATTACHMENTS**

1. Preliminary Review Comments & Email Correspondence

### **APPLICANT'S SUBMITTAL**

- A. Project Cover Letter
- B. Map Amendment Application Checklist
- C. Right, Title, and Interest
- D. Consistency with Comprehensive Plan Analysis

### **PLANS**

- Plan 1. 50 Industrial Way Vicinity Maps
- Plan 2. Proposed Map Amendment
- Plan 3. Conceptual Master Plan



Austen Davis &lt;austentd@portlandmaine.gov&gt;

## Preliminary Comments/Questions for 50 Industrial Way (ZN-002236-2022)

10 messages

**Austen Davis** <austentd@portlandmaine.gov>  
 To: snichols@sebagotechnics.com  
 Cc: sdiffley@allagash.com

Mon, Dec 5, 2022 at 7:00 AM

Good morning Stefanie,

I wanted to reach out as I am the Planner currently reviewing this Map-Amendment application. We have the project on for an afternoon Planning Board Workshop, set to take place on December 13 at 4:30pm. I wanted to check if that works for your team?

I also was hoping you could send over the conceptual development program? When attempting to access the submitted plans in our system they appear not to load entirely.

I will follow up ASAP of we have any other questions or concerns.

Best wishes,

--

Austen Torres Davis  
 Planner  
 Planning & Urban Development Department

389 Congress Street  
 Portland, Maine 04101  
[austentd@portlandmaine.gov](mailto:austentd@portlandmaine.gov) | (207) 874-8632



**Stefanie Nichols** <snichols@sebagotechnics.com>  
 To: Austen Davis <austentd@portlandmaine.gov>  
 Cc: "sdiffley@allagash.com" <sdiffley@allagash.com>, Kylie Mason <kmason@sebagotechnics.com>, "Mycokk, Liz" <lmycokk@allagash.com>

Mon, Dec 5, 2022 at 7:09 AM

Good morning Austen,

Please find the requested submittal package attached for your use. I will verify the Workshop timing this morning.

Best,

Stefanie

**From:** Austen Davis <austentd@portlandmaine.gov>  
**Sent:** Monday, December 5, 2022 7:00 AM  
**To:** Stefanie Nichols <snichols@sebagotechnics.com>  
**Cc:** [sdiffley@allagash.com](mailto:sdiffley@allagash.com)  
**Subject:** Preliminary Comments/Questions for 50 Industrial Way (ZN-002236-2022)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[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.

### 7 attachments

- 01-Project Description.pdf**  
1224K
- 02-Consistency with Comp Plan.pdf**  
1269K
- 03-Checklist.pdf**  
90K
- 04-Right, Title, or Interest.pdf**  
341K
- A-Vicinity Maps.pdf**  
906K
- B-Proposed Map Amendment.pdf**  
2551K
- C-Master Plan.pdf**  
140K

**Austen Davis** <austentd@portlandmaine.gov>  
 To: Stefanie Nichols <snichols@sebagotechnics.com>

Mon, Dec 5, 2022 at 8:41 AM

Thanks Stefanie,

I'm still having trouble with attachments B and C, I only see the top left corner of each.

Regarding the workshop, this meeting would be for the Planning Board to hear about the project and weigh in on specifics and potentially propose alternatives. As no votes take place it's relatively low stakes. I mention this because our next potentially-available date is January 10th and I did not want our tight schedule here to delay your team's project.

Best wishes,  
Austen  
[Quoted text hidden]

Stefanie Nichols <snichols@sebagotechnics.com>  
To: Austen Davis <austentd@portlandmaine.gov>  
Cc: "sdiffley@allagash.com" <sdiffley@allagash.com>

Mon, Dec 5, 2022 at 9:39 AM

Hi everyone,

I apologize for the strange PDF glitch – I can see the drawings! Please let me know if the replacements are opening correctly. If yes, I will add them to EPlan as versioned copies.

[Quoted text hidden]

2 attachments

 **B-Proposed Map Amendment.pdf**  
1455K

 **C-Master Plan.pdf**  
586K

Austen Davis <austentd@portlandmaine.gov>  
To: Stefanie Nichols <snichols@sebagotechnics.com>  
Cc: "sdiffley@allagash.com" <sdiffley@allagash.com>

Mon, Dec 5, 2022 at 9:47 AM

Hey Stefanie,

Thank you very much, these are working for me now.  
This is very helpful!

Best,  
Austen  
[Quoted text hidden]

Stefanie Nichols <snichols@sebagotechnics.com>  
To: Austen Davis <austentd@portlandmaine.gov>

Mon, Dec 5, 2022 at 9:55 AM

Hi again,

I am glad that the plans are opening for you! I have been having issues with text scrambling when converted from Word to PDF.

Do you mind circulating a meeting invite for the virtual workshop on December 13<sup>th</sup> at 4:30 pm? We want to add this meeting to Kylie's calendar ASAP.

[kmason@sebagotechnics.com](mailto:kmason@sebagotechnics.com)  
[seandiffley@allagash.com](mailto:seandiffley@allagash.com)  
[lmymcock@allagash.com](mailto:lmymcock@allagash.com)  
[snichols@sebagotechnics.com](mailto:snichols@sebagotechnics.com)

[Quoted text hidden]

Stefanie Nichols <snichols@sebagotechnics.com>  
To: Austen Davis <austentd@portlandmaine.gov>

Tue, Dec 6, 2022 at 9:56 AM

Austen – As discussed, the revised workshop list is below:

[kmason@sebagotechnics.com](mailto:kmason@sebagotechnics.com) Kylie Mason, Project Manager, RLA, COO Sebago Technics  
[seandiffley@allagash.com](mailto:seandiffley@allagash.com) Sean Diffley  
[lmymcock@allagash.com](mailto:lmymcock@allagash.com) Liz Mycock  
[snichols@sebagotechnics.com](mailto:snichols@sebagotechnics.com) Stefanie Nichols  
[postrowski@sebagotechnics.com](mailto:postrowski@sebagotechnics.com) Paul Ostrowski, P.E.  
[eleanorroberts@sebagotechnics.com](mailto:eleanorroberts@sebagotechnics.com) Eleanor Roberts

[Quoted text hidden]

Austen Davis <austentd@portlandmaine.gov>  
To: Stefanie Nichols <snichols@sebagotechnics.com>

Tue, Dec 6, 2022 at 5:10 PM

Good evening Stefanie,

I wanted to let you know I forwarded all of the panelist email/info to our admin staff, they will send everyone links to the zoom meeting.  
I also wanted to follow up by asking if Allagash was hoping to include the lot they own at 108 Industrial Way (outlined in the image below) in the map-amendment request?

We typically assess adjacent properties/areas when considering map-amendments so I thought I should reach out to be sure.



Best wishes,  
Austen  
[Quoted text hidden]

Stefanie Nichols <snichols@sebagotechnics.com>  
To: Austen Davis <austentd@portlandmaine.gov>

Wed, Dec 7, 2022 at 8:41 AM

Austen,

Yes, please include the [108 Industrial Way](#) acreage. I like that you assess the area.

Best, Stefanie

From: Austen Davis <austentd@portlandmaine.gov>  
Sent: Tuesday, December 6, 2022 5:11 PM  
To: Stefanie Nichols <snichols@sebagotechnics.com>  
Subject: Re: Preliminary Comments/Questions for 50 Industrial Way (ZN-002236-2022)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening Stefanie,

I wanted to let you know I forwarded all of the panelist email/info to our admin staff, they will send everyone links to the zoom meeting.

I also wanted to follow up by asking if Allagash was hoping to include the lot they own at [108 Industrial Way](#) (outlined in the image below) in the map-amendment request?

We typically assess adjacent properties/areas when considering map-amendments so I thought I should reach out to be sure.



Best wishes,  
Austen  
[Quoted text hidden]

Stefanie Nichols <snichols@sebagotechnics.com>  
To: Austen Davis <austentd@portlandmaine.gov>

Thu, Dec 8, 2022 at 4:14 PM

Austen,



Please find the revised graphics showing the inclusion of the [108 Industrial Way](#) lot, as outlined below, for your use. I did not notice that GIS had not included the entire property on the previous graphics. I will upload them to EPlan before I leave the office today.

Best, Stefanie

[Quoted text hidden]

---

**2 attachments**

 **A-Vicinity Maps.pdf**  
1186K

 **B-Proposed Map Amendment.pdf**  
1453K

October 3, 2022  
02249-04

Att. A

Mr. Kevin Kraft, AICP  
Deputy Director Planning & Urban Development Department  
City of Portland  
389 Congress Street  
Portland, Maine 04101

**RE: Proposed Zoning Map Amendment**  
**50 Industrial Way, Portland**  
**Tax Map 326/Lots: B008,B009,B010, B001001**  
**Applicant: 50 Industrial Way, LLC**

Dear Mr. Kraft and Planning Board members:

50 Industrial Way, LLC seeks a map amendment to rezone their 50 Industrial Way property from I-M to I-Mb Industrial Zones. The proposed zoning map amendment will allow for continued growth and development in situ by the tenant, Allagash Brewing Company. The applicant intends to maximize the density on the site to accommodate approximately ten years of anticipated growth for the operational needs at the existing Allagash facility. No change to the site use is proposed for this map change request. Per the Zoning Ordinance, I-M and I-Mb zones share allowed uses without deviation. Reference is made to the enclosed table showing allowed and conditional uses at the site.

The subject property consists of 4.4-acres± within the Turnpike Industrial Park located off Riverside Street in the Riverton section of the City. The City approved the subdivision in 1987, and it is now home to several craft breweries in addition to Allagash, including Foundation Brewing, Austin Street Brewery, and Definitive Brewing Company, co-mingled with an electrical supply store, Maine Bay Canvas, an office supply facility, and Eimskip cargo handling and management company within close proximity to the Allagash site. The property has 1,085 LF of street frontage on the northern side of Industrial Way

The applicant provides a conceptual Master Plan showing possible future expansion on the site that the rezoning to I-Mb would facilitate. The applicant's objective is to remain at 50 Industrial Way for a decade, with the proposed density change allowing for continued operational expansion. The proposal for map amendment for rezoning the property is consistent with the Comprehensive Plan and existing and permitted uses in the original zone. The applicant understands that future projects will require separate applications for specific projects should the map amendment/zoning be approved.

We do not anticipate traffic or transportation impact will be of concern as the current zoning and allowed uses are the same in I-M and I-Mb zones. Future site improvements will not include drastic changes to peak hour trips requiring an impact study or an MDOT Traffic Movement Permit.

Stormwater will be addressed as expansion and site improvements are proposed. Stormwater management design will be reviewed carefully to ensure that neighboring properties and the watershed are not adversely impacted and meet local and state requirements.

The applicant respectfully requests that the Planning Board find the proposed rezoning from I-M to I-Mb for the 50 Industrial Way property, as shown on the proposed zoning map exhibit, is consistent with the Comprehensive Plan for the City, and recommends the City Council adoption of the zoning map amendment as presented (Exhibit 06).

We understand that the next steps will include scheduling a neighborhood meeting and forwarding a meeting certification, sign-in sheet, and meeting minutes when available. We look forward to working with the City.

Sincerely  
Sebago Technics, Inc.



Kylie S. Mason, RLA, LEED-AP  
Chief Operations Officer  
Maine Licensed Landscape Architect

enc.

cc: 50 Industrial Way, LLC

## 50 Industrial Way, LLC-Allagash Campus

| Dimensional Comparison I-Mb vs I-M Zone                                                                       |                                             |                                                      |                                |
|---------------------------------------------------------------------------------------------------------------|---------------------------------------------|------------------------------------------------------|--------------------------------|
|                                                                                                               | I-Mb (Proposed)                             | I-M (Current)                                        | Comments                       |
| <b>Lot area (min)</b>                                                                                         | None                                        | None                                                 |                                |
| <b>Street frontage (min)</b>                                                                                  | 60'                                         | 60'                                                  |                                |
| <b>Lot width (min)</b>                                                                                        | None                                        | None                                                 |                                |
| <b>Front setback</b>                                                                                          | None                                        | 1 ft./1 ft. bldg. ht. up to 25',<br>35' abutting res |                                |
| <b>Rear Setback</b>                                                                                           | None, Except 25'<br>abutting<br>residential | 1 ft./1 ft. bldg. ht. up to 25',<br>35' abutting res | Not Adjacent<br>to Residential |
| <b>Side Setback</b>                                                                                           | None, Except 25'<br>abutting<br>residential | 1 ft./1 ft. bldg. ht. up to 25',<br>35' abutting res | Not adjacent<br>to Residential |
| <b>Structure Height</b>                                                                                       | 75'                                         | 75'                                                  |                                |
| <b>Impervious surface<br/>ratio (max)</b>                                                                     | 100%                                        | 75%                                                  |                                |
| <b>Pavement setback<br/>(min.)</b>                                                                            | 10'                                         | 10'                                                  |                                |
|                                                                                                               |                                             |                                                      |                                |
| <p>Overview: The Zoning Map change reduces all setbacks to 0 and increases lot coverage from 75% to 100%.</p> |                                             |                                                      |                                |

## Permitted and Conditional Uses – I-M and I-Mb zones

|                     |                                                              | I-M/I-Mb       |
|---------------------|--------------------------------------------------------------|----------------|
| Institutional       | Airports                                                     | -              |
|                     | Preschool Facilities                                         | X              |
|                     | Emergency Shelters                                           | C              |
|                     | Intermediate Care Facilities                                 | X <sup>4</sup> |
|                     | Places of Assembly, (<10,000 SF)                             | -              |
| Commercial/Services | Bars                                                         | -              |
|                     | General Offices, (<5,000 SF)                                 | X              |
|                     | General Offices, (>5,000 SF)                                 | X              |
|                     | General Services, (<5,000 SF)                                | -              |
|                     | General Service, (>5,000 SF)                                 | -              |
|                     | Hotels                                                       | -              |
|                     | Recreation and Amusement Centers                             | X              |
|                     | Restaurants                                                  | -              |
| Industrial          | Animal-related Services                                      | -              |
|                     | Construction & Engineering Services                          | X              |
|                     | Dairies                                                      | X              |
|                     | Fish Waste Processing                                        | -              |
|                     | Food & Seafood Processing, Packing and Distribution          | X              |
|                     | Highiimpact Industrial Uses                                  | -              |
|                     | Intermodel Transportation Facilities                         | X              |
|                     | Laboratory & Research Facilities                             | X              |
|                     | Low-Impact Industrial                                        | X              |
|                     | Lumber Yards                                                 | X              |
|                     | Marijuana Cultivation Facility (<2,000 SF Plant Canopy       | X              |
|                     | Marijuana Cultivation Facility (2,000-7,000 SF plant Canopy) | X              |
|                     | Marijuana Cultivation Facility (>7,000 SF plant Canopy)      | -              |
|                     | Marijuana Manufacturing Facility                             | X              |
|                     | Marijuana Testing Facility                                   | X              |
|                     | Printing and Publishing                                      | X              |
|                     | Recycling and solid waste disposal facilities                | X <sup>5</sup> |
|                     | Studios for Artists and Craftspeople                         | X              |
|                     | Telecommunication Towers (ground-mounted)                    | X              |
|                     | Tow Lots                                                     | X              |
|                     | Warehousing, Storage and Distribution facilities             | X              |
|                     | Correctional pre-release facilities                          | X <sup>6</sup> |
|                     | Marinas                                                      | -              |
| Other               | Off-street Parking                                           | -              |
|                     | Solar Energy System (Minor)                                  | X              |
|                     | Solar Energy System (Major)                                  | X              |
|                     | Utility Substations                                          | X              |
|                     | Wind Energy System (Minor)                                   | X              |
|                     | Wind Energy System (Major)                                   | X              |



|   |                                                                                                                                                                                                                                           |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 | Permitted in existing structures not designed for industrial, amusement, warehouse or manufacturing uses as of 9/15/14 or later, Such structures may be reused ir expanded to establish a facility if no more than 30 persons plus staff. |
| 5 | Permitted within an enclosed structure only.                                                                                                                                                                                              |
| 6 | Not permitted in the I-M and I-Mb or I-Hb zones.                                                                                                                                                                                          |
| C | Conditional                                                                                                                                                                                                                               |

**CITY OF PORTLAND**  
**Planning & Urban Development Department**

| MAP AMENDMENT<br>SUBMISSION CHECKLIST                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| * Please submit each document <u>and</u> drawing as a separate PDF file<br>* Please submit all drawings in a <u>24 x 36</u> sheet size<br>* Please confirm each item by electronically checking the boxes to the left for each document/drawing |                                                                                                                                                                                                                                                                                                  |
| GENERAL APPLICATION DOCUMENTS                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                  |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <b>Project Description</b> <ul style="list-style-type: none"> <li>Cover Letter with detailed project description</li> </ul> <div style="text-align: right;"><b>01</b></div>                                                                                                                      |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <b>Consistency with Comprehensive Plan</b> <ul style="list-style-type: none"> <li>Analysis of the consistency of the zone change request with the goals, policies and land use plan of Portland's Comprehensive Plan.</li> </ul> <div style="text-align: right;"><b>02</b></div>                 |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <b>Completed Checklist – Map Amendment Application (this document)</b> <div style="text-align: right;"><b>03</b></div>                                                                                                                                                                           |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <b>Right, Title and Interest</b> <ul style="list-style-type: none"> <li>Deeds, leases, or purchase and sales agreements</li> </ul> <div style="text-align: right;"><b>04</b></div>                                                                                                               |
| PLANS                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                  |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <b>Vicinity Map</b> <div style="text-align: right;"><b>A</b></div>                                                                                                                                                                                                                               |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <b>Proposed Map Amendment</b> (please use the Portland zoning map as a reference) <div style="text-align: right;"><b>B</b></div>                                                                                                                                                                 |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <del>Site Plan</del> (if applicable) <b>Master Plan</b><br>Provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. <div style="text-align: right;"><b>C</b></div> |

**Exhibit 04: Right, Title, or Interest**

The recorded owner of the parcel is 50 Industrial Way, LLC, by deed and recorded at the Cumberland County Registry of Deeds in the following Book/Page: 28660/237, April 26, 2011. A copy of the deed is enclosed in this section.

QUITCLAIM DEED WITH COVENANT

NORTHEASTERN GRAPHIC SUPPLY, INC., a Maine corporation, for consideration paid, grants to 50 INDUSTRIAL WAY LLC, a Maine limited liability company with an address of 100 Industrial Way, Portland, Maine 04103, with Quitclaim Covenant, the following described real property:

A certain lot or parcel of land, with any buildings and improvements thereon, situated on the northerly side of Industrial Way, so-called, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Lot 19 as shown on a Plan entitled Turnpike Industrial Park-Riverside Street, Portland, Maine, Recording Plat, made for Portland Venture Partners, 100 Silver Street, Portland, Maine, by Land Use Consultants, dated March 25, 1986, revised through September 9, 1986 and recorded in the Cumberland County Registry of Deeds, in Plan Book 157, Page 61 ("the Subdivision Plan"), to which Subdivision Plan reference is hereby made for a more particular description.

Meaning and intending to convey and hereby conveying a portion of the premises as conveyed to Northeastern Graphic Supply, Inc. by deed of Turnstone Properties, dated March 29, 1988 and recorded in the Cumberland County Registry of Deeds in Book 8226, Page 37.

IN WITNESS WHEREOF, Northeastern Graphic Supply, Inc. has caused this instrument to be executed by Brian Kroot, its Treasurer, as of the 26<sup>th</sup> day of April, 2011.

WITNESS

NORTHEASTERN GRAPHIC  
SUPPLY, INC.



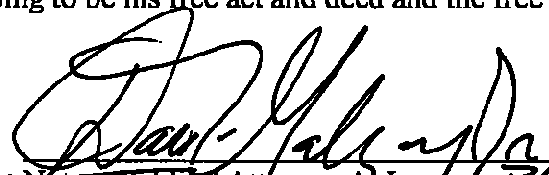
By:   
Brian Kroot  
Its Treasurer

State of Maine  
County of Cumberland, ss.

April 26, 2011

Personally appeared before me the above named Brian Kroot, Treasurer of Northeastern Graphic Supply, Inc. and acknowledged the foregoing to be his free act and deed and the free act and deed of Northeastern Graphic Supply, Inc.

Received  
Recorded Register of Deeds  
Apr 26, 2011 12:41:53P  
Cumberland County  
Pamela E. Lovley

  
Notary Public / Attorney At Law  
Print Name: David L. GALLOWAY JR  
My Commission Expires: \_\_\_\_\_

MAINE REAL ESTATE TAX PAID

**Exhibit 02: Consistency with Comprehensive Plan**

The 2017 Comprehensive Plan has a threefold master plan for Portland's economy: growing the economy, enriching the creative economy, and supporting business. The proposed map change will allow Allagash Brewing Company to continue growing operations in situ for the next decade. Allagash has a high-growth/high-value potential that will create quality, desirable jobs while providing a continued focus on community-dedicated high-level recycling and environmental stewardship for years to come.

This section contains a narrative with specific reference and an explanation of consistency with the Comprehensive Plan, *Portland's Plan 2030*, 2017.

## Consistency with Comprehensive Plan

Upon consideration of operational expansion at the Allagash Brewing Company facility, based on a newly created Master plan, the applicant respectfully requests a map change for the 50 Industrial Way property located in the Turnpike Industrial Park Subdivision approved in 1986. A map change allows the applicant to thoroughly utilize the property by providing the area required for the operational needs now and up to ten years into the future. The applicant strongly desires to promote continued operations at the current campus. The existing technical, logistical, and operating infrastructure can be expanded and enhanced under a map change from I-M to I-Mb zoning, refining the site density to provide a more modernized, more extensive, and continued use of the existing brewery property without relocation.

The City's Comprehensive Plan (CP) – *Portland's Plan 2030* was released in 2017 and is found to be consistent with Maine's Growth Management Act by the State of Maine Department of Agriculture, Conservation & Forestry and is the policy guide for the entire city. The request for map change is consistent with *Portland's Plan 2030* as follows:

### Policy Guide: Environment, A Healthy City

#### City Strategy:

- Support and recognize Portland's role as a thriving food economy in City codes and policies
- Reduce City-wide non-renewable energy consumption through policies that support public and private investments in alternative energy sources
- Strive to be a state-wide leader in creating high-performance buildings in order to decrease carbon emissions in the building sector.
- Encourage landowners and developers to incorporate sustainable design, materials, and practices in...and in new construction
- Increase efforts to promote waste reduction in City operations and in the community

Consistency: Allagash invested in alternative energy sources and is dedicated to the reduction of carbon emissions. The sustainability focus, now and in the future, follows a model consistent with the Healthy City/Environmental strategies. Allagash recycles or sidestreams 98.8% of waste and formed a recycling co-op in 2021 with other companies to get hard-to-recycle materials out of the waste stream. A map change at 50 Industrial Way expands the goodwill and sustainability at a larger facility and aligns completely with the waste reduction goals desired by the city.

Comprehensive Plan references: Pages 301

### Policy Guide: Economy, A Vibrant City

State Goals: Promote an economic climate that increases job opportunities and overall economic well-being.

#### Applicable City Goals:

- Create economic prosperity by growing Portland's tax and employment base
- Value and nurture Portland-based businesses



Consistency: The map change is consistent with the goals of both the state and city. Allowing a change in density on the Allagash site grows the tax and employment base and is part of acknowledging the value of long-established businesses.

Comprehensive Plan references: Pages 45, 49, 188

### **Policy Guide: Future Land Use**

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

Consistency: Allagash Brewing Company is consistent with the plan as a map change allows continued use as a brewery at its current location, limits sprawl by expanding operations in situ, and keeps existing and future jobs concentrated in one recognized location. Reference is made to the recently completed Allagash Brewing Company Master Plan included in this submittal package.

Comprehensive Plan references: Pages 84, 281

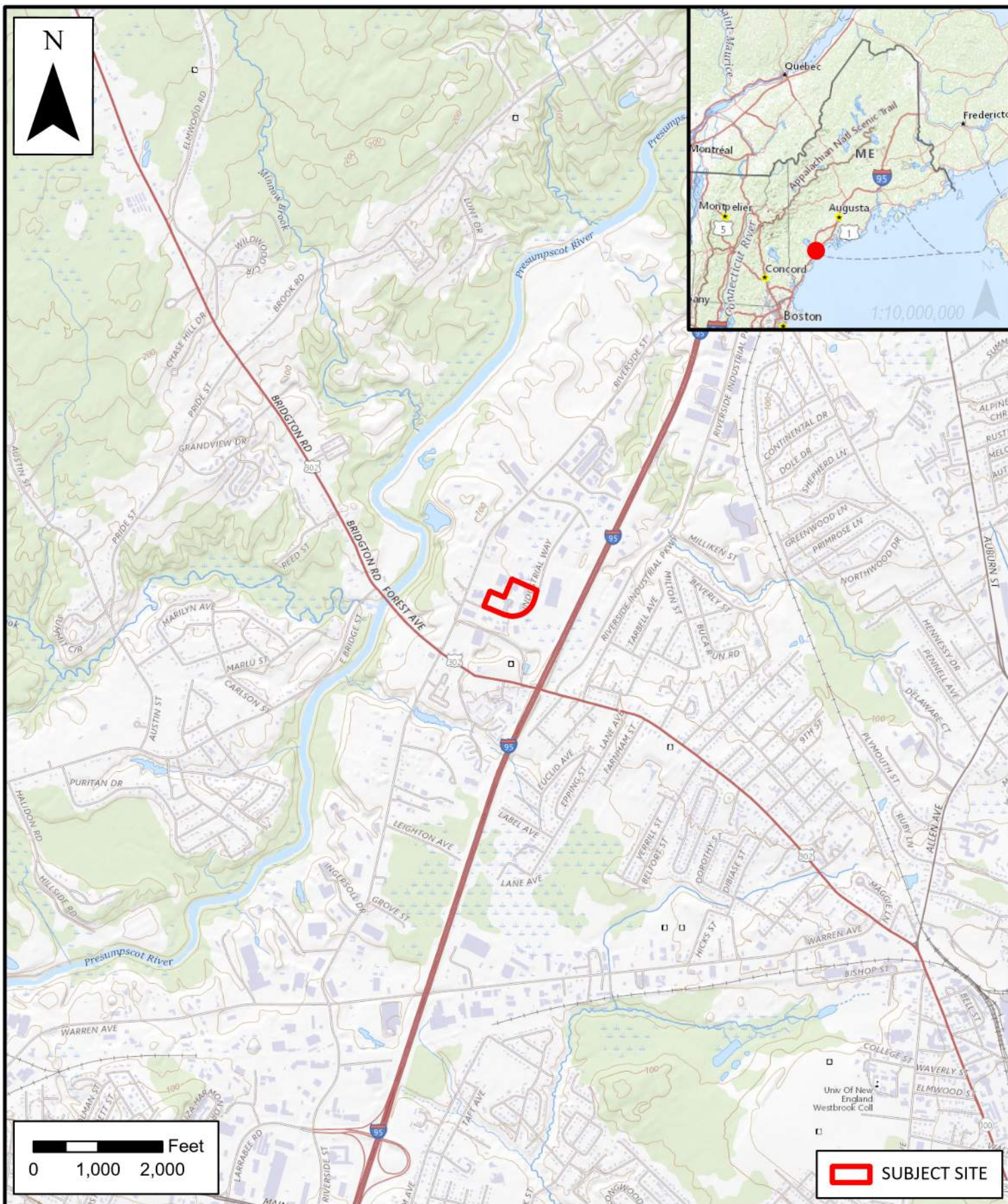
### **Regional Coordination**

From the summary of *Regional Coordination Goals and Strategies – Environment*

- Collaborate with local non-profits, research organizations, property owners, and surrounding communities to achieve cleaner water

Consistency: Allagash currently has a program in place that includes ongoing monetary donations (10 cents per barrel) to non-profits that preserve the watershed, including Sebago Clean Waters. This program is consistent with the goals and strategies to raise awareness and achieve cleaner water.

Comprehensive Plan references: Page 93, 94



**SEBAGO**  
TECHNICS

WWW.SEBAGOTECHNICS.COM  
75 John Roberts Rd. - Suite 4A  
South Portland, ME 04106  
Tel: 207-290-2100

# LOCATION MAP ALLAGASH BREWING COMPANY

LOCATION:  
50 INDUSTRIAL WAY  
PORTLAND, ME

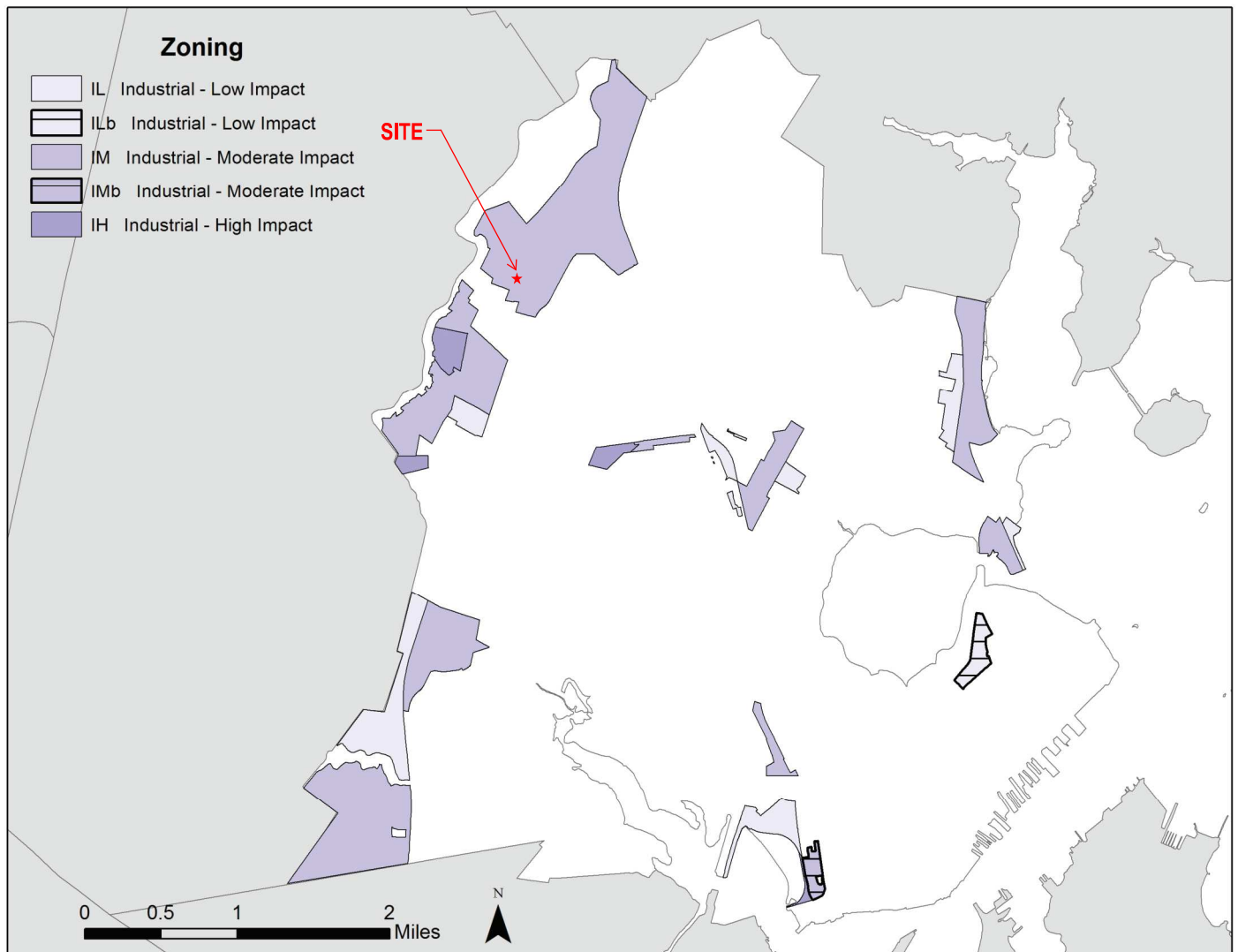
INFORMATION:  
MAINE GEOLIBRARY  
USGS QUADRANGLE

SCALE: 1:24,000  
DATE: 12/8/2022

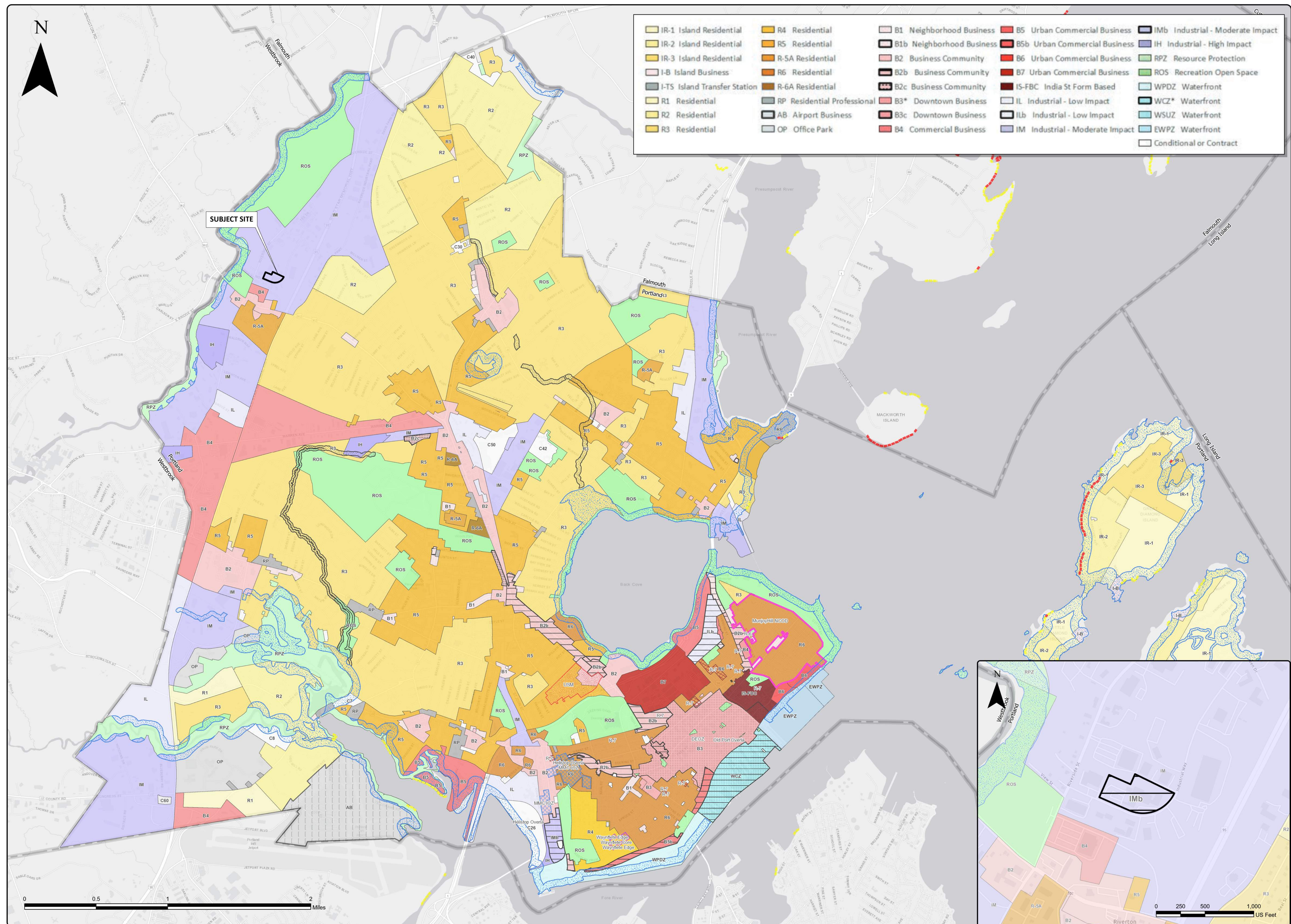


PORTLAND'S PLAN | 281

### Industrial Zones in Portland (2015)







## EXTERNAL DATA SOURCES

City of Portland, Maine - Portland's Existing Zoning (2015)  
from Portland's Plan 2030  
ESRI World Light Gray Canvas

|                                                                                                                                                                                                                                                                                                                                                                                                                         |     |       |         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------|---------|
| REV:                                                                                                                                                                                                                                                                                                                                                                                                                    | BY: | DATE: | STATUS: |
| <p>THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC. THE USER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO SEBAGO TECHNICS, INC. THIS PLAN IS FOR PLANNING PURPOSES. THIS PLAN SHOULD NOT BE USED FOR THE PERMITTING PROCESS.</p> |     |       |         |



75 John Roberts Rd.  
Suite 4A  
South Portland, ME 04106  
Tel. 207-200-2100

ZONING MAP  
OF:

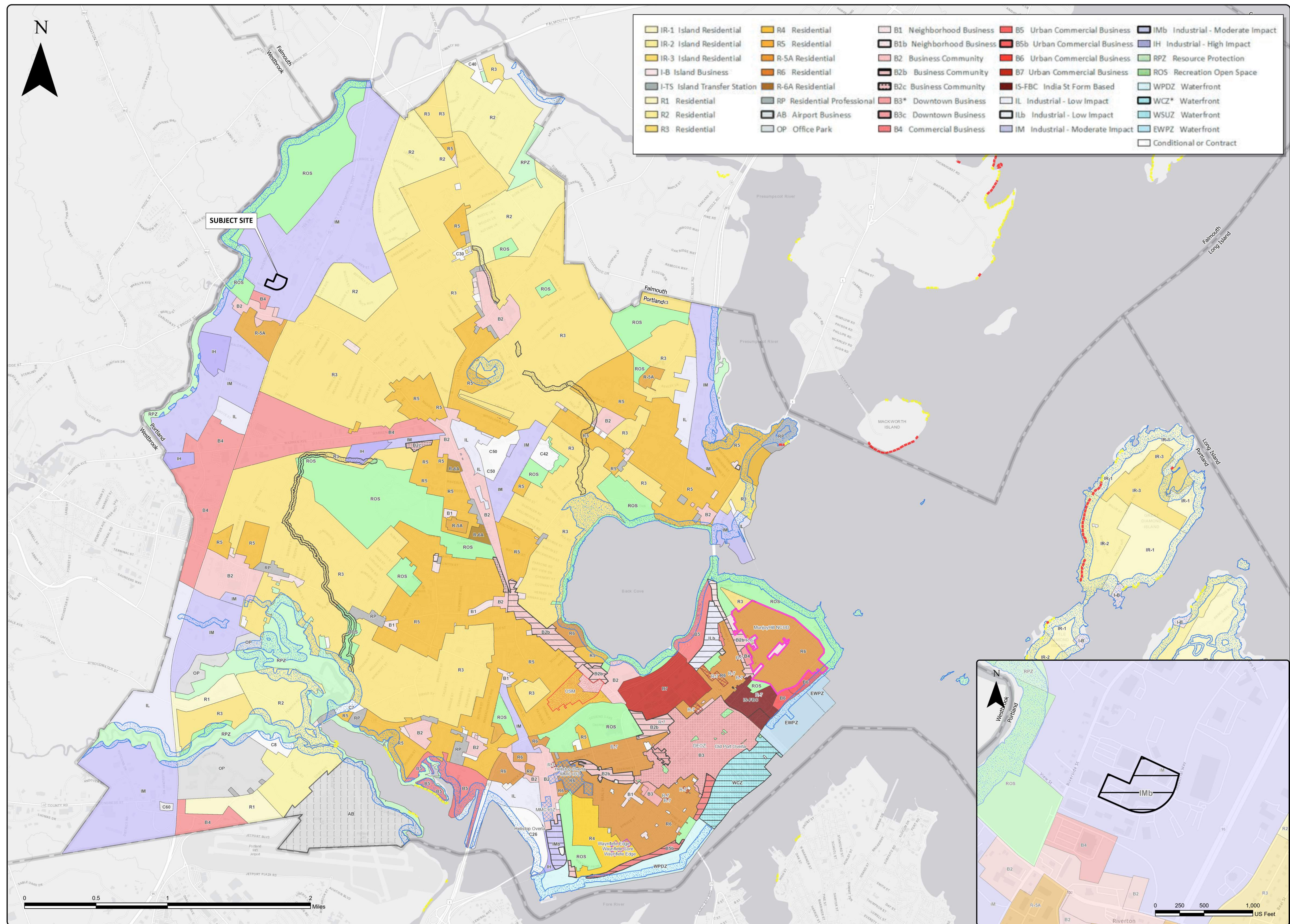
50 INDUSTRIAL WAY  
PORTLAND, MAINE

FOR:  
ALLAGASH BREWING COMPANY  
50 INDUSTRIAL WAY  
SCOTT AND ME

|          |             |
|----------|-------------|
| DESIGNED |             |
| DRAWN    | MTM         |
| CHECKED  |             |
| DATE     | 8/31/2022   |
| SCALE    | 1" = 1,500' |
| PROJECT  | 02249-04    |

SHEET 1 OF 1









02249-04 S.dwg, TAB 24x36

MASTER PLAN  
OF:  
ALLAGASH BREWING COMPANY EXPANSION  
50 INDUSTRIAL WAY  
PORTLAND, ME

FOR:  
ALLAGASH BREWING COMPANY  
50 INDUSTRIAL WAY  
PORTLAND, ME

|          |            |
|----------|------------|
| DESIGNED | KSM        |
| DRAWN    | MRS        |
| CHECKED  | KSM        |
| DATE     | 01/11/2022 |
| SCALE    | 1" = 30'   |
| PROJECT  | 02249-04   |

SHEET 1 OF XX

75 John Roberts Rd.  
Suite 4A  
South Portland, ME 04106  
Tel: 207-200-2100  
WWW.SEBOGOTECHNICS.COM

|     |     |            |        |                          |
|-----|-----|------------|--------|--------------------------|
| REV | BY  | DATE       | STATUS | ISSUED FOR CLIENT REVIEW |
| A   | KSM | 01/11/2022 | STATUS |                          |

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

PLS OR PE

PLS OR PE



# PLANNING BOARD REPORT PORTLAND, MAINE



1772 Westbrook Street  
Zoning Map Amendment  
ZN-002163-2022

Touchstone Enterprises, Inc. Applicant

|                             |                         |                     |                  |
|-----------------------------|-------------------------|---------------------|------------------|
| <b>Submitted to:</b>        | Portland Planning Board | <b>Prepared By:</b> | Charles Tetelman |
| <b>Public Hearing Date:</b> | December 13, 2022       | <b>Date:</b>        | December 9, 2022 |

## I. INTRODUCTION

Touchstone Enterprises, Inc. have submitted a Zoning Map Amendment application for the properties located at 1772 Westbrook (~52 acres) to rezone from Industrial Low-Impact (I-L) to Industrial Moderate-Impact (I-M). This rezoning application would facilitate the development of a new, five-lot industrial subdivision containing warehouses. This application is being referred to the Planning Board for compliance with the City of Portland's Comprehensive Plan Portland's Plan 2030.

The Planning and Urban Development Department mailed 46 notices advertising this meeting to property owners within 1,000 feet of the site. A legal advertisement ran in the December 3, 2022 and December 6, 2022 editions of the *Portland Press Herald*. Additionally, the Planning and Urban Development Department mailed a notice to the City of Westbrook as the rezoning is along the municipal border between the two cities.

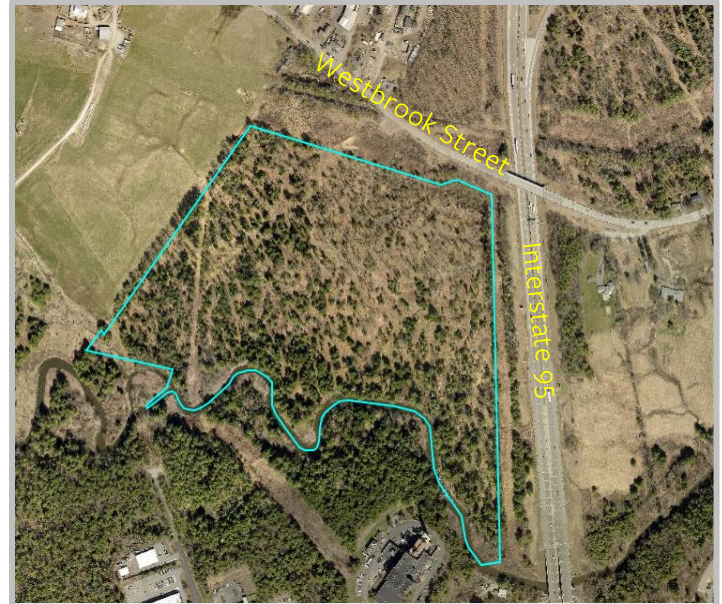


Figure 1: 1772 Westbrook Street

The Planning Board held a workshop on October 11, 2022.

**Applicant:** Touchstone Enterprises, Inc.  
**Applicant** Woodard & Curran, Inc.  
**Representatives:**

## II. PROJECT DATA

|                 |                                       |
|-----------------|---------------------------------------|
| Existing Zoning | Industrial Low-Impact (I-L)           |
| Proposed Zoning | Industrial Moderate-Impact (I-M)      |
| Property Size   | 52 acres                              |
| Existing Use    | Undeveloped                           |
| Proposed Use    | Industrial (uses permitted under I-M) |

## III. BACKGROUND

The proposed zoning map amendment is within the parcels located at 1772 Westbrook Street (239-A003002, 329-A003001, 238-A003001, 242-A004001, 243-A008, and 243-A003). The parcels are currently zoned I-L Industrial Low-Impact and are bounded by Westbrook Street to the north, Interstate 95 to the

east, Stroudwater River to the south, and the City of Westbrook to the west. The site is currently undeveloped and Westbrook Street is classified as an urban major collector according to the Federal Functional Classification. Urban collectors provide both land access and traffic circulation within urban residential neighborhoods and commercial and industrial areas in federally designated urban areas. A portion of the site is zoned Resource Protection (RPZ) along the Stroudwater River and the Shoreland Overlay Zone extends 250 feet from the high-water line, which requires any future development to comply with Shoreland Zone site development standards. Central Maine Power (CMP) has transmission lines running along the Portland-Westbrook municipal border that cross into Portland and over Westbrook Street.

To the east of Interstate 95 in Portland, the area contains mostly single family residential developments including Stroudwater Preserve along Westbrook Street. On May 9, 2017, the Planning Board unanimously (7-0) voted to recommend a zone change from R-1 to R-3 and Recreation and Open Space (ROS) to facilitate the development of a residential subdivision at 1700 Westbrook Street and 1714 Westbrook Street (Stroudwater Preserve), formerly referred to as Camelot Farms. On November 28, 2017, the Planning Board voted unanimously 6-0 (Stanley absent) to approve 95 housing lots, two two-family lots, and a planned residential unit development (PRUD) with 25 townhouses – all located within the Stroudwater Preserve subdivision at 1700 Westbrook Street (Project #s 2017-193 and 2017-199).

To the west, Westbrook Street connects with Stroudwater Street in the City of Westbrook. This corridor leading into the center of Westbrook includes a variety of businesses, farmland, and Westbrook Middle School and High School. Moreover, Stroudwater Street connects to Westbrook Arterial via Forest Street which provides access to Route I-95. The Portland Jetport is located approximately 2,000 feet south of the intersection of Westbrook Street and Congress Street.

The site is not located near any Greater Portland METRO bus routes.

#### IV. PROPOSED MAP AMENDMENT

##### I. Zoning Change

The applicant proposes a zoning map amendment to rezone the properties associated with 1772 Westbrook Street from Industrial Low-Impact (I-L) to Industrial Moderate-Impact (I-M). According to the applicant, this zoning map amendment would facilitate the development of warehousing, storage, and distribution facilities that are currently restricted to 10,000 square feet or less in the I-L zone. The applicant's submittal (Plan 1) shows that the existing I-L zone at the 1772 Westbrook Street parcels are proposed to be rezoned into I-M while maintaining the current boundary for the Resource Protection Zone (RPZ – shown in green on Plan 1). The existing Shoreland Overlay Zone would also be retained.

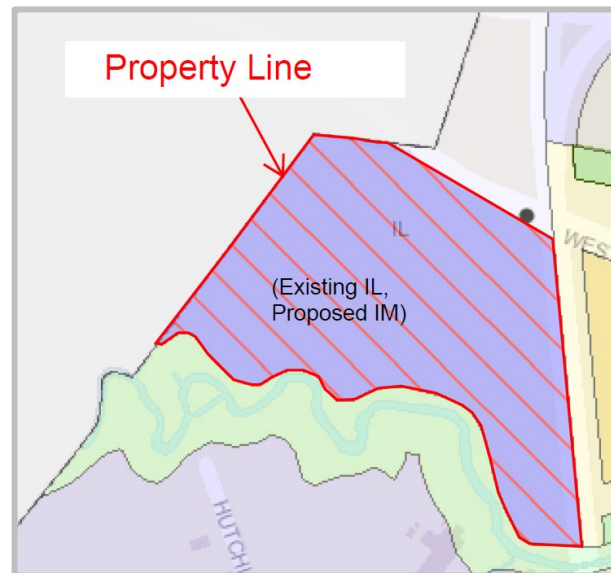


Figure 2: Proposed Zoning Map Amendment (Plan 1)

##### II. Conceptual Plans



The applicant submitted a **conceptual** subdivision and **illustrative** site layout (Plan 3) that demonstrates a possible layout at 1772 Westbrook Street. The plan shows the wetland areas (as identified by the applicant) and showing the proximity of the Shoreland and Resource Protection zones. The applicant envisions a five-lot subdivision with a new road through the site off of Westbrook Street. As with any zoning map amendment request, development plans are conceptual, and site layout, roadways, traffic impacts/mitigation, and stormwater measures are all subject to vetting and review during subdivision and site plan reviews. Whether under current zoning or under the rezoned scenario site development standards would be considered during future subdivision and site plan reviews for conformance with city standards.



Figure 3: Conceptual Subdivision and Site Plan Layout (Plan 3)

## V. PREVIOUS WORKSHOPS

At the October 12, 2022 Planning Board Workshop, the Board discussed the proposed rezoning and reviewed the submitted documents. The sections below provide additional information and updates regarding specific topics of conversation.

### I. Street Classifications

The Planning Board requested more information related to the Federal Road Classifications in the surrounding area. The Street Classification map (Figure 4 below and Attachment 3) show the classifications of Westbrook Street and the surrounding road network. The U.S. Department of Transportation's Federal Highway Administration classified all urban rural roadways by road function. Interstates 95 and 295 can be

seen in blue. The proposed rezoning (shown in purple) is along Westbrook Street which is classified as a Major Collector (the section of the street in Portland is further classified as an Urban Major Collector). Major collectors serve major intracounty travel corridors while providing access between arterial roadways. Urban Collectors, provide both land access and traffic circulation within urban residential neighborhoods and commercial and industrial areas. The site is adjacent to a section of I-95 between exits 46 and 47. The quickest access to I-95 from 1772 Westbrook Street would be west towards the Westbrook Arterial which is classified as Other Freeway or Expressway and leads to an interchange at Exit 47 for I-95.

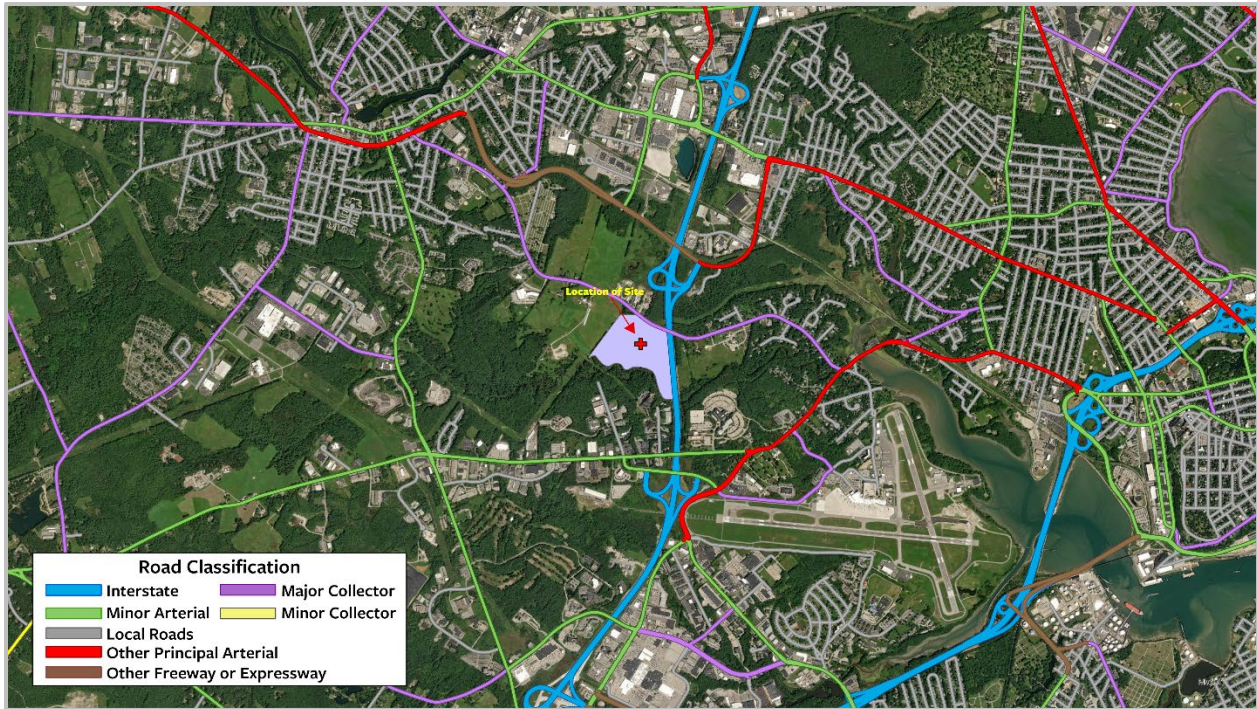


Figure 4: Street Classification (Attachment 3)

## II. Westbrook Street Traffic Improvements

The Planning Board asked for more information regarding traffic alleviation work on Westbrook Street. City Staff reviewed previous developments and reports to outline changes over the last fifteen years along Westbrook Street and the surrounding street network.

In 2006, the City of Portland conducted an *Outer Congress Street Corridor Study* looking at anticipated traffic growth and potential solutions to traffic. The study area included Congress Street from I-95 to I-295 as well as the surrounding street networks along that route. The report contains a variety of improvements and other recommendations to manage traffic along a corridor with increasing traffic. In general, the study called for recommendations throughout the entire corridor including marked crosswalks, clearer road markings, updated turn lanes and corresponding traffic signals, ADA compliance at sidewalks, and upgrading traffic signals to have back plates. Most of the general recommendations have since been implemented.

For the intersection of Congress Street and Westbrook Street, the study recommended restriping the Westbrook Street southbound approach to provide an exclusive left turn lane and shared left, through, and right turn lane. The report also recommended signal modifications to provide appropriate phasing for a dual left turn movement from the intersection. These changes have been implemented and enhanced since



the study was conducted. Currently, there are two lanes at the intersection into Congress – a right turn only lane and a left-turn-straight-through combination.

As a Condition of Approval for the Stroudwater Preserve subdivision Traffic Movement Permit (Projects #2017-193 and #2017-199), the Planning Board required the applicant to contribute \$12,600 to the Outer Congress Transportation and Streetscape Plan as well as install a variable speed indicator on Westbrook Street. The approval also recommended implementing traffic calming mitigation strategies acceptable to the City of Portland. Figure 5 shows some of the changes. These changes include narrowing of the roadway, installation of the speed indicator, and installation of an island near 1772 Westbrook Street.



Figure 5: Westbrook Street Improvements

### III. Westbrook Zoning

The Planning Board requested more information about the zoning classifications along Stroudwater Street in the City of Westbrook, which immediately abuts the applicant's parcel. According to the City of Westbrook Zoning Map (Attachment 4), the properties along Stroudwater Street are currently mapped with various zones including Business Professional Office (BPOD), Rural District (RD), Residential Growth Area 2 (RGA2), as well as two contract zones.

In addition to the current zoning, City staff consulted the City of Westbrook's comprehensive plan and spoke with Westbrook Planning Department staff. As outlined in Westbrook's Comprehensive Plan, the City of Westbrook intends to continue their long-standing policy of developing industrial, manufacturing and other large-scale commercial uses in proximity to existing services, and major transportation

routes adjacent to similar districts in Portland and South Portland. Areas designated Industrial Districts on the Future Land Use Map (Attachment 5) incorporated within the Comprehensive Plan include:

- Generally, the area from Saco Street to the Portland city line, just north of the Stroudwater River to the South Portland city line, but not including Smiling Hill Farm; and
- The Warren Avenue corridor, including the Sappi property to the Portland city line.

Furthermore, Westbrook has identified the land on both sides of outer Stroudwater Street, near the Portland city line as Industrial District II, and the area is intended to serve as a reserve area for future industrial, business or mixed-use development on large lots. This designation is consistent with Westbrook's intent to reserve the area along outer Stroudwater for industrial uses and provide opportunities for future industrial and business growth in areas with access to the transportation network.

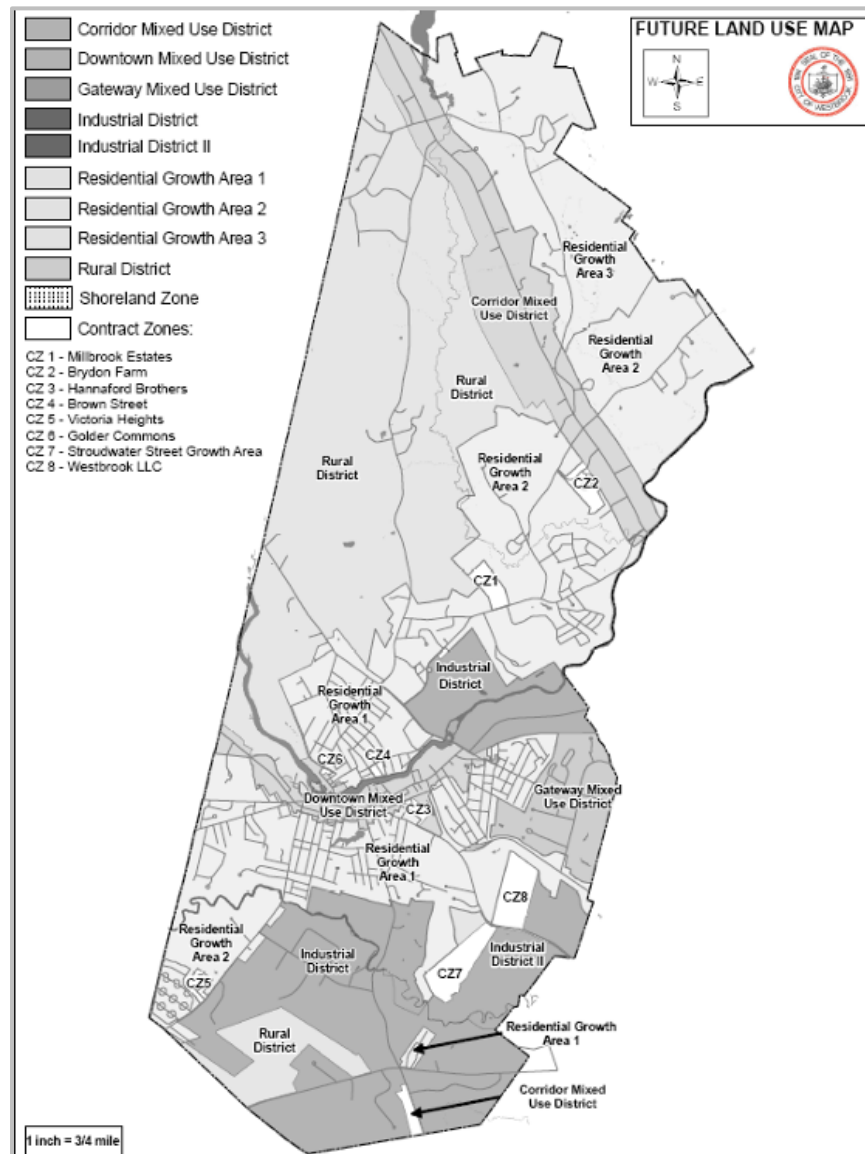


Figure 6: Westbrook Future Land Use (Attachment 5)



#### IV. Extension of Zoning Change

The Planning Board briefly discussed extending the proposed map amendment to incorporate existing I-L zone land to the north of Westbrook Street. City Staff reviewed this consideration and recommends maintaining the current boundaries of the proposed map amendment. The land zoned I-L to the north is currently improved primarily with I-95 right-of-way and parcels owned by the City of Portland, State of Maine, and CMP.

#### VI. RIGHT, TITLE, & INTEREST

The applicant has submitted a document demonstrating Right, Title, and Interest in the site including a Cumberland County Registry of Deeds reference, an Option to Purchase Real Estate, Assignment of Option to Purchase Real Estate, and an amendment to Option to Purchase Real Estate (Attachment D).

#### VII. ZONING ANALYSIS

##### I-L: Industrial Light-Impact

The existing zoning at 1772 Westbrook Street is mostly I-L Industrial Light-Impact. The purpose of the I-L industrial zone is to:

*“...provide areas in which low-impact industrial uses, and limited other uses serving employees and residents of the surrounding neighborhood, will be compatible with adjacent residential uses, will provide a buffer between residential neighborhoods and higher impact industrial zones, or will stand alone as a smaller scale industrial district. The I-L zone is located adjacent to residential neighborhoods, business uses and other industrial uses where the low-intensity nature of the uses, as well as their strict performance standards, will ensure the compatibility of the uses with other adjacent industrial and nonindustrial uses. Performance standards for uses in the I-L zone are designed to maintain compatibility between low impact industrial uses and neighboring nonindustrial and industrial uses.”*

The applicants are seeking zoning that permits Warehousing, Storage, and Distribution Facilities uses greater than 10,000 square feet. According to *Table 6-3: Permitted and Conditional Uses In Industrial & Airport Zones*, warehousing, storage, and distribution facilities are allowed in the I-L and I-Lb zones but must be less than 10,000 square feet, cannot have outdoor storage, and self-storage is not permitted.

##### I-M: Industrial Moderate Impact

The purpose of the I-M Industrial Moderate-Impact zone is to:

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

According to the applicant, the I-M zone would permit the development of approximately five new industrial lots with the ability to construct warehousing, storage, and/or distribution facilities greater than

10,000 square feet at 1772 Westbrook Street. As mentioned above, Westbrook Street is classified as a major collector road.

### Staff Analysis:

Table 1 provides a comparison of the permitted uses for zones under consideration. Uses marked with a ‘P’ are permitted uses in the zone. A ‘C’ indicates a conditional use. Uses with an empty cell are **not** permitted in the zone. \*\* indicates that other restrictions apply.

Table 1 shows the differences between the I-L and I-M zones. Although the uses mostly overlap, key differences include Intermediate Care Facilities (permitted in I-M), Places of Assembly <10,000 sq. ft. (permitted in I-L), General Offices (back-office use only in I-L), Animal-Related Services (permitted in I-L), Marijuana Cultivation Facility 2,000 to 7,000 sq. ft. (permitted in I-M), Telecommunications Towers (permitted in I-M), Tow Lots (permitted in I-M), Warehousing, Storage, and Distribution Facilities (<10,000 sq. ft., no outdoor storage, no self-storage in I-L), major Solar Energy Systems (permitted in I-M), and major Wind Energy Systems (permitted in I-M). As use relates to proposed future use of the site, the applicant emphasizes that Warehousing, Storage, and Distribution Facilities will serve as the primary use of future development.

| Table 1 - Permitted Uses                                          | I-L | I-M |
|-------------------------------------------------------------------|-----|-----|
| Preschool Facilities                                              | P   | P   |
| Emergency Shelters                                                | C   | C   |
| Intermediate Care Facilities                                      |     | P** |
| Places of Assembly (<10, 000 sq. ft.)                             | P   |     |
| General Offices (>5,000 sq. ft.)                                  | P** | P   |
| General Offices (>5,000 sq. ft.)                                  | P** | P   |
| Recreation and Amusement Centers                                  | P   | P   |
| Repair Services                                                   | P   | P   |
| Animal-Related Services                                           | P** |     |
| Construction & Engineering Services                               | P   | P   |
| Dairies                                                           | P   | P   |
| Food & Seafood Processing, Packing, and Distribution              |     | P   |
| Intermodal Transportation Facilities                              | P   | P   |
| Laboratory And Research Facilities                                | P   | P   |
| Low-Impact Industrial                                             | P   | P   |
| Lumber Yards                                                      | P   | P   |
| Marijuana Cultivation Facility (<2,000 sq. ft. plant canopy)      | P   | P   |
| Marijuana Cultivation Facility (2,000-7,000 sq. ft. plant canopy) |     | P   |
| Marijuana Manufacturing Facility                                  | P   | P   |
| Marijuana Testing Facility                                        | P   | P   |
| Printing and Publishing                                           | P   | P   |
| Recycling and Solid Waste Disposal Facilities                     |     | P** |
| Studios for Artists and Craftspeople                              | P   | P   |



|                                                   |                                                                      |     |
|---------------------------------------------------|----------------------------------------------------------------------|-----|
| Telecommunications Towers (ground-mounted)        |                                                                      | P   |
| Tow Lots                                          |                                                                      | P   |
| Warehousing, Storage, and Distribution Facilities | P** (<10,000 sq. ft.; no outdoor storage permitted; no self-storage) | P   |
| Correctional Pre-Release Facilities               |                                                                      | P** |
| Solar Energy System (minor)                       | P                                                                    | P   |
| Solar Energy System (major)                       |                                                                      | P   |
| Utility Substations                               | P                                                                    | P   |
| Wind Energy System (minor)                        | C                                                                    | P   |
| Wind Energy System (major)                        |                                                                      | P   |

The dimensional standards have minor differences as shown in Table 2. The I-L dimensional standards have static setbacks – 25 ft. or 40ft. when abutting residential zones. The I-M zone setbacks are determined by building height – 1 ft. for each foot of building height up to 25 ft., except 35 ft. when abutting residential zones. For building height, the maximum structure height in the I-L zones is 45 ft. and 75 ft. in I-M zones. The maximum impervious surface ratio for I-L zones is 65% and for I-M zones 75%. The pavement setbacks do not apply to driveways.

| Table 2 – Dimensional Standards | I-L                                                   | I-M                                                                                               |
|---------------------------------|-------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| Street Frontage (min.)          | 60 ft.                                                | 60 ft.                                                                                            |
| Front Setback (min.)            | 25 ft.                                                | 1 ft. for each ft. of building height.                                                            |
| Rear setback (min.)             | 25 ft., except 40 ft. when abutting residential zone. | 1 ft. for each ft. of building height up to 25 ft., except 35 ft. when abutting residential zone. |
| Side Setback (min.)             | 25 ft., except 40 ft. when abutting residential zone. | 1 ft. for each ft. of building height up to 25 ft., except 35 ft. when abutting residential zone. |
| Structure Height (max.)         | 45 ft.                                                | 75 ft.                                                                                            |
| Impervious Surface Ratio (max.) | 65%                                                   | 75%                                                                                               |
| Pavement Setback (min.)         | 15 ft.                                                | 10 ft.                                                                                            |
| Side Yard (Side Street, min)    | 15 ft.                                                | 20 ft.                                                                                            |

Figure 7 below shows the locations of all Industrial Zones in the City of Portland:

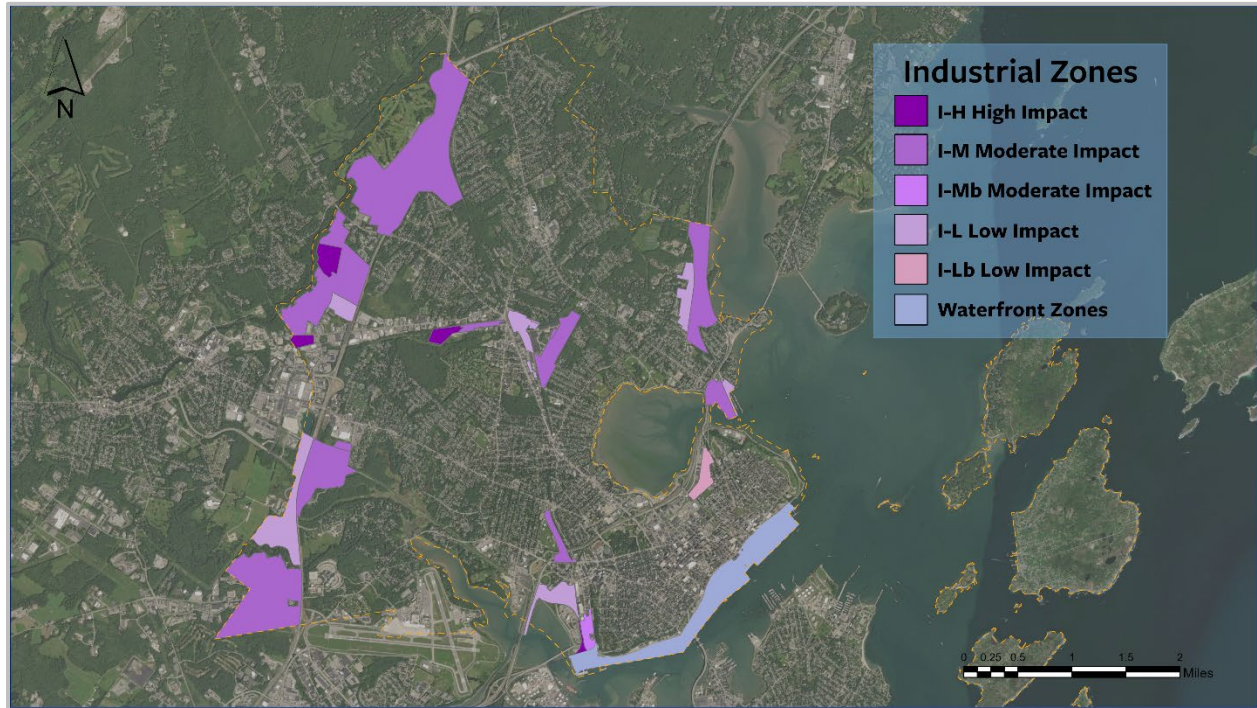


Figure 7: Industrial Zones in Portland

Industrial zones are generally located along Interstate 95 on the western side of Portland. Other industrial zones are scattered throughout Portland with a concentration along Presumpscot Street as well as Canco Road and Read Street. Moreover, I-M zones are primarily concentrated along the I-95 corridor and are located along Riverside Street where I-M abuts R-2, R-3, R-5a residential zones and the B-2 zone; Canco Road and Read Street where I-M zones abut residential neighborhoods zoned R-3, and R-5; along Presumpscot Street where I-M abuts R-3 and R-5 residential zones; St. James Street where I-M abuts R-5, and R-5a residential zones; and Outer Congress Street where I-M abuts an office park (OP) zone, B-4 commercial zone, and a nearby R-1 residential zone.

Under existing zoning, the applicant estimated trip generation for several uses contained in the ITE Trip Generation Manual (Attachments C and G). These included Warehousing, Manufacturing, Industrial Park, and General Light Industrial. The trip generation estimate was performed for a conceptual maximum building area of 160,000 sq. ft. as permitted under current zoning dimensional requirements for the I-L zone. For comparison, the applicant also provided trip generation estimates for similar uses in the I-M zone. The applicant has estimated the worst-case peak hour generation (AM Weekday Peak Hour for Office Use in the I-M zone) to be 266 trips assuming a maximum building area of 175,000 sq. ft. Table 3 below shows a comparison:

| <b>Table 3 – Traffic Analysis</b>                      | <b>I-L</b><br>(160,000 sq. ft.) | <b>I-M</b><br>(175,000 sq. ft.) | <b>Difference</b> |
|--------------------------------------------------------|---------------------------------|---------------------------------|-------------------|
| <b>Warehousing (LUC 150)</b><br>PM Weekday Peak Hour   | <b>29</b> Trips Generated       | <b>32</b> Trips Generated       | <b>+3</b>         |
| <b>Manufacturing (LUC 140)</b><br>PM Weekday Peak Hour | <b>118</b> Trips Generated      | <b>130</b> Trips Generated      | <b>+12</b>        |
| <b>Industrial Park (LUC 130)</b>                       | <b>54</b> Trips Generated       | <b>60</b> Trips Generated       | <b>+6</b>         |



|                                                                                        |                            |                            |            |
|----------------------------------------------------------------------------------------|----------------------------|----------------------------|------------|
| PM Weekday Peak Hour                                                                   |                            |                            |            |
| <b>General Light Industrial (LUC 110)</b><br>AM Weekday Peak Hour                      | <b>118</b> Trips Generated | <b>130</b> Trips Generated | <b>+12</b> |
| <b>Marijuana Cultivation and Processing Facility (LUC 190)</b><br>AM Weekday Peak Hour | (n/a)                      | <b>121</b> Trips Generated | —          |
| <b>Mini-Warehouse (LUC 151)</b><br>PM Weekday Peak Hour                                | (n/a)                      | <b>26</b> Trips Generated  | —          |
| <b>General Office Building (LUC 710)</b><br>AM Weekday Peak Hour                       | (n/a)                      | <b>266</b> Trips Generated | -          |

City Staff and the consulting Traffic Engineer determined that, under the most intense use (General Office Building), the Zoning Map Amendment would generate approximately 150 peak hour trips above that generated according to existing zoning. Not all this traffic will be destined to Portland, given its proximity to Westbrook and closer access to I-95. When comparing the industrial uses under current zoning (I-L), 160,000 square feet of manufacturing or general light industrial building area would generate 118 peak hour trips. Build out of 175,000 square feet of manufacturing or general light industrial under the proposed zone (I-M) would generate 130 peak hour trips. Accordingly, the zone change would be expected to add 12 additional trips above the current zoning requirements for industrial uses. The consulting Traffic Engineer determined this level of traffic can be accommodated on Westbrook Street from a capacity perspective. Given concerns raised throughout the review process regarding vehicles speeds and volume impacts, additional traffic calming strategies may be needed and would be further vetted during site plan review, whether under current zoning or the proposed zoning. The Congress Street and Westbrook Street intersection does experience traffic congestion and there are limited options for expanding capacity, other than signal enhancements. Under either existing or proposed zoning, a detailed traffic study would be required to assess impacts to the surrounding street system which would be submitted and reviewed as part of future site plan development and mitigation measures for any identified impacts would be required.

## VIII. COMPREHENSIVE PLAN CONSISTENCY

### I. Applicant Submission

Maine law requires that zoning enactments and amendments, to be valid, must be “pursuant to and consistent with [the municipal] comprehensive plan.” 30-A M.R.S. 4352. Zoning is “consistent” with a comprehensive plan when it is “in basic harmony” with some (though not necessarily all) portion of it. As part of their application, the applicant highlighted a variety of elements from Portland’s Plan 2030 as it relates to the proposed zoning map amendment (Attachment E). Many elements of this attachment relate more directly to the future use associated with 1772 Westbrook Street.

#### Vision Statement:

##### Sustainable:

“Portland has been built and rebuilt to endure; we will balance our historic fabric, sound infrastructure, and the best of new technology and design for future.”



Figure 8: From *Portland's Plan 2030*

“We will use sound fiscal decision making as an essential element of our city’s future health.”

“Portland will grow in order to sustain our community, infrastructure, and economy.”

Secure:

“We will strive to create a resilient economy through innovation, investment, and commitment to diversity.”

Authentic:

“We will invest in and support our local economy.”

**Local Goals:**

Environment:

“Identify and protect Portland’s critical natural resources.” Applicant notes the project is near the Resource Protection Zone (RPZ) and the Stroudwater Trail and future development will not infringe upon either resources.

Economy:

“Create economic prosperity by growing Portland’s tax and employment base.” Applicant notes that there is a demand for uses allowed in the I-M zone and not I-L.

“Respect that our unique quality of place is key to our current and future economic success.” According to the applicant, the project will allow growth in an I-M zone acknowledging the proximity to natural resources.

Recreation and Open Spaces:

“Strengthen connections between open spaces.” The applicant mentions the proposed zoning change will strengthen the connection to the Stroudwater River area near the proposed I-M zone.

**II. Staff Analysis**

In conducting its review of the application, Staff identified a number of objectives outlined in Portland’s Plan 2030 that may support the requested re-zoning. Those sections include the Plan’s stated desire to promote an economic climate that increases job opportunities and overall economic well-being as well as create economic prosperity by growing Portland’s tax and employment base (Portland’s Plan Economy Policy Guide, State and Local Goals), and its emphasis to evaluate identified priority nodes where there is a need to support future growth (Future Land Use Chapter, Priority Nodes and Corridors map). The Plan highlights this portion of Westbrook Street as a node to evaluate. Moreover, the Plan highlights the importance of supporting the pursuit of policies that create, nurture, and retain local businesses (Portland’s Plan Economy Policy Guide, Future Strategy #2) as well as supporting industries with high growth/high-value potential. The Plan also acknowledges that physically integrated transportation systems, utilities, and open spaces provide for the city’s growth and a well-connected system is more efficient and resilient, the proposed rezoning allows for job generating uses to be located near other employers such as the Portland Technology Park, UNUM, Jetport, and new and existing housing developments and key transit routes. Portland has had a long-standing intent to ensure industrial districts are located with access to major transportation routes, particularly access to I-95 and the Portland Jetport. The Plan also highlights the importance of livability and improving quality of life in neighborhoods, contextual development, and



sensitivity to neighborhood context in the Vision Statement, which emphasizes uniqueness of neighborhoods (pg. 6).

## IX. NEIGHBORHOOD MEETING & PUBLIC COMMENT

The applicant hosted a Neighborhood Meeting on November 9, 2022 with 64 attendees (Attachment I).

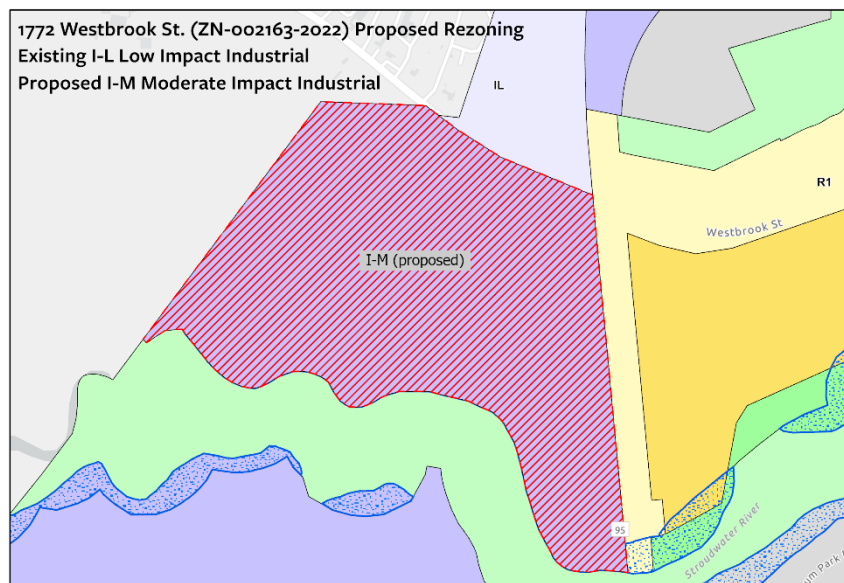
The Planning & Urban Development Department has received 31 public comments regarding this Zoning Map Amendment (PC 1-31). Comments note that this rezoning would result in an increase in traffic along Westbrook Street (specifically larger vehicles related to industrial uses). Citing safety concerns, the increase in traffic and larger vehicles could lead to an unsafe pedestrian environment. Public comments also mention the increase in industrial uses would contribute to more noise to the surrounding residential neighborhoods. There are additional concerns regarding environmental impact to the Stroudwater River and surrounding wetlands on site and in the surrounding ecosystem (portions of the site are within the Shoreland Zone and Resource Protection Zone).

## X. REQUISITE COUNCIL ACTION

Any proposed rezoning, regardless of whether it is recommended by the Planning Board, must be approved by City Council vote in order to take effect.

## XI. PROPOSED MOTIONS

On the basis of materials submitted by the applicant, the City of Portland Land Use Code, Portland's Comprehensive Plan, public comment, and the information provided in the public hearing on December 13, 2022 for the application ZN-002163-2022 (1772 Westbrook Street), and/or other findings, the Planning Board finds that the proposed zoning map amendment **[is/is not]** consistent with the Comprehensive Plan for the city of Portland; and therefore, the Planning Board **[recommends/does not recommend]** to the City Council adoption of the Zoning Map amendment for the area of land that includes 1768 Westbrook Street, 1772 Westbrook Street, 1784 Westbrook Street, and 1828 Westbrook Street as shown below:



## XII. ATTACHMENTS

APPLICANT SUBMITTAL

- A. Application Cover & Table of Contents
- B. Application Checklist
- C. Project Description
- D. Right, Title, and Interest
- E. Consistency with Portland's Plan 2030
- F. Cover Letter
- G. Supplemental Trip Generation Memo
- H. Notice of Public Meeting Certification
- I. 2022.11.09 Neighborhood Meeting Certification

## ATTACHMENTS

- 1. Zoning Map
- 2. Industrial Zones
- 3. 1772 Westbrook Street Classification Map
- 4. Westbrook Zoning Map
- 5. City of Westbrook Future Land Use Map
- 6. Staff Review Comments

## PLANS

- Plan 1. Proposed Map Amendment
- Plan 2. Vicinity Map
- Plan 3. Conceptual Subdivision and Site Plan

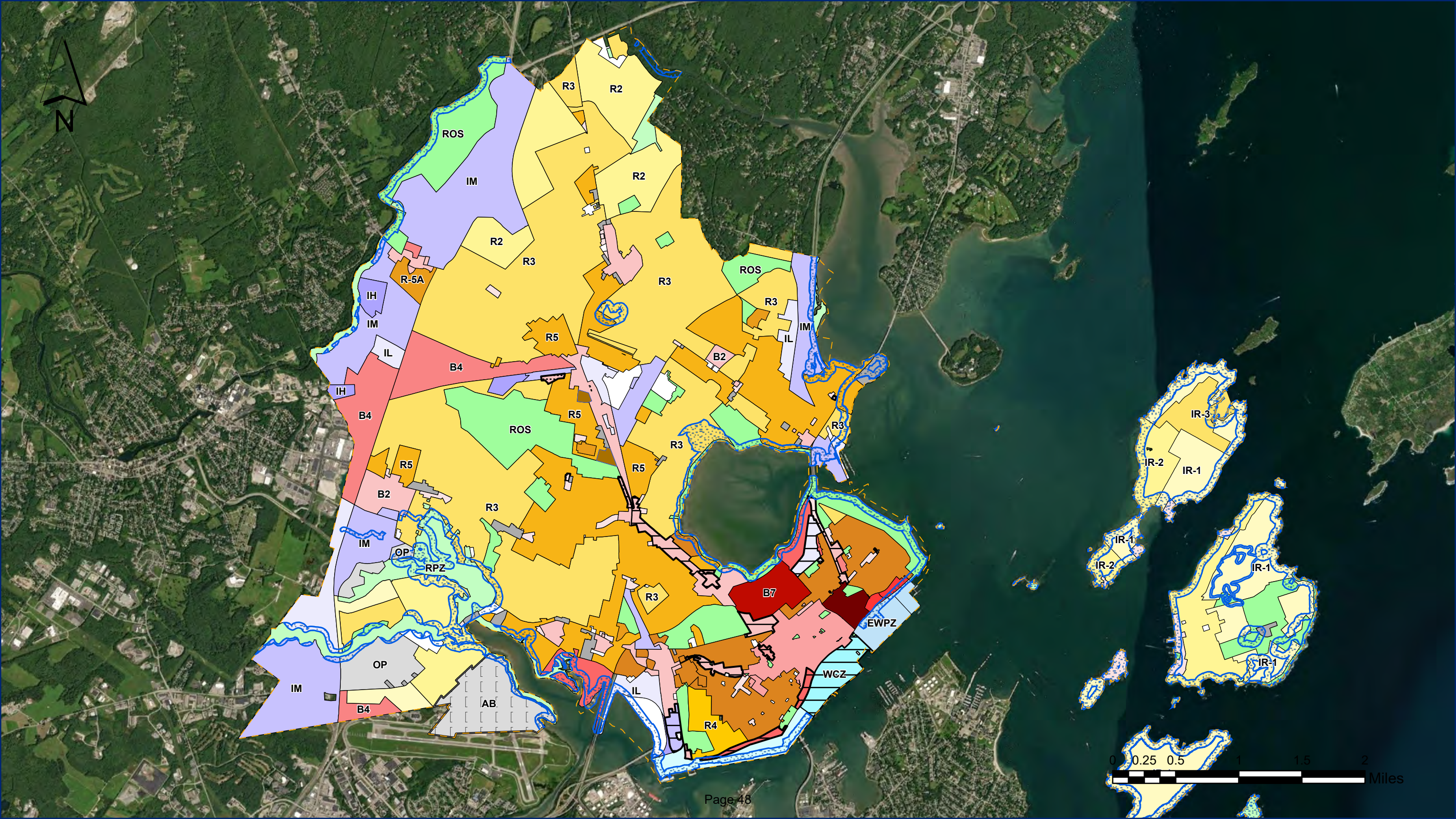
## PUBLIC COMMENT

- PC 1. Ruth Barton 9/30/22
- PC 2. Roy St. Clair and Elizabeth Germani 9/28/22
- PC 3. Maryann & Eric Leffler 9/30/22
- PC 4. Margaret Dion-Marovitz 9/30/22
- PC 5. Kathleen Gardner 9/30/22
- PC 6. James Alexander 10/1/22
- PC 7. B. Beaulé 10/2/22
- PC 8. Maryann & Eric Leffler 10/7/22
- PC 9. William Lairsey 10/31/22
- PC 10. Anne Marie Wilberg 11/12/22
- PC 11. Ayumi Horie 11/10/22
- PC 12. Carter Waldren 10/12/22
- PC 13. Carter Waldren 10/28/22
- PC 14. Christy Ellingsworth 11/13/22
- PC 15. Dan Beressi 11/7/22
- PC 16. Diane Diconzo 11/2/22
- PC 17. Ellen Faller 10/25/22
- PC 18. Eugenie Rham 11/21/22
- PC 19. Frederick Faller
- PC 20. James Alexander 10/23/22
- PC 21. Jeanne McCliment 10/31/22
- PC 22. John and Judy Peverada 11/7/22
- PC 23. John McDonald 11/6/22
- PC 24. Kelly McDonald 11/17/22



- PC 25. Kimberly Keaney 10/26/22
- PC 26. Margaret Coleman 11/9/22
- PC 27. Michael Archibald 10/30/22
- PC 28. Roy St. Clair 12/7/22
- PC 29. Tara Caciola and Alicia Peters 11/2/22
- PC 30. Willa Vennema 10/25/22
- PC 31. Jen Stenberg 12/8/22







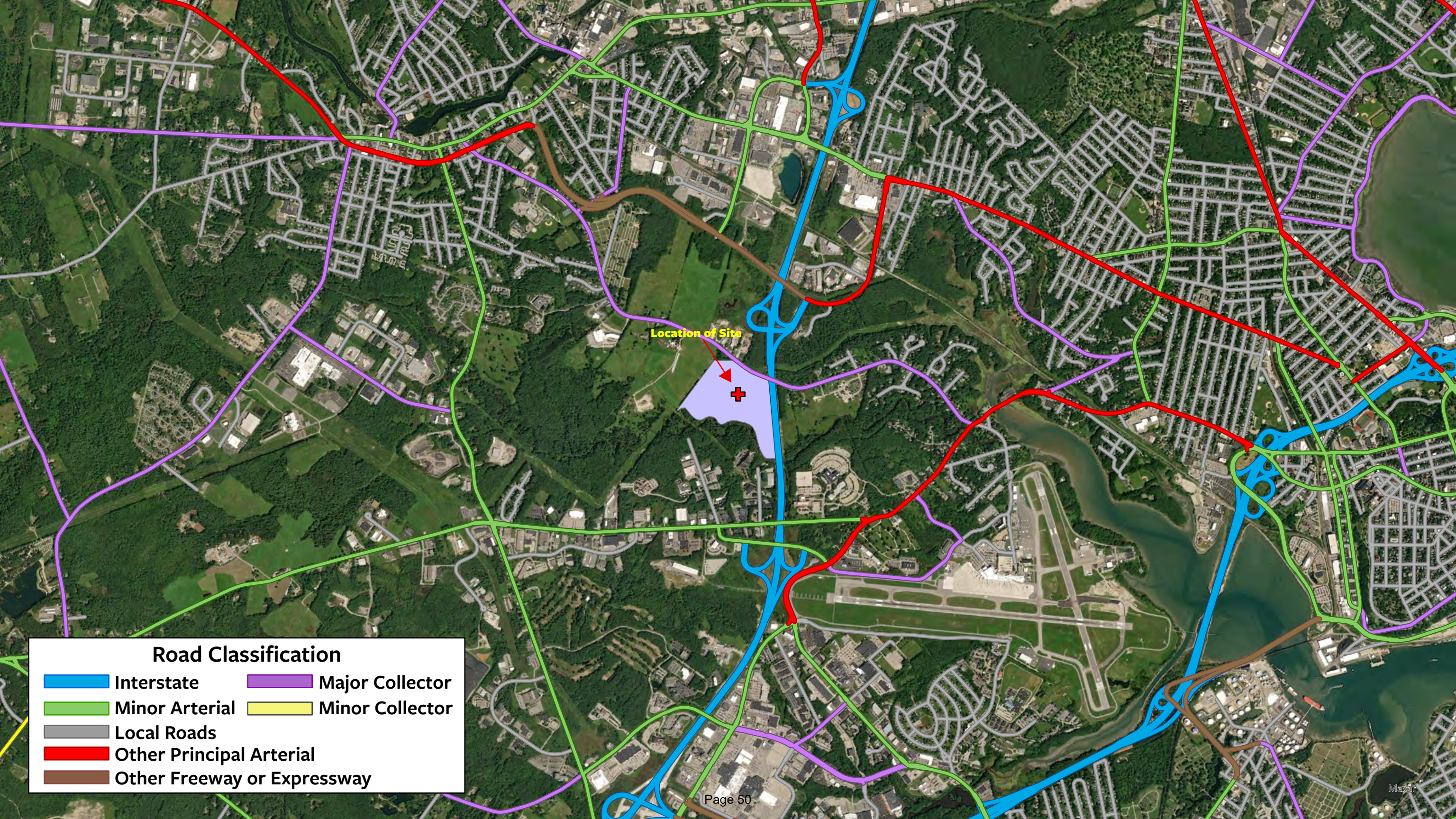


## Industrial Zones

-  **I-H High Impact**
-  **I-M Moderate Impact**
-  **I-Mb Moderate Impact**
-  **I-L Low Impact**
-  **I-Lb Low Impact**
-  **Waterfront Zones**

0 0.25 0.5 1 1.5 2 Miles





**Road Classification**

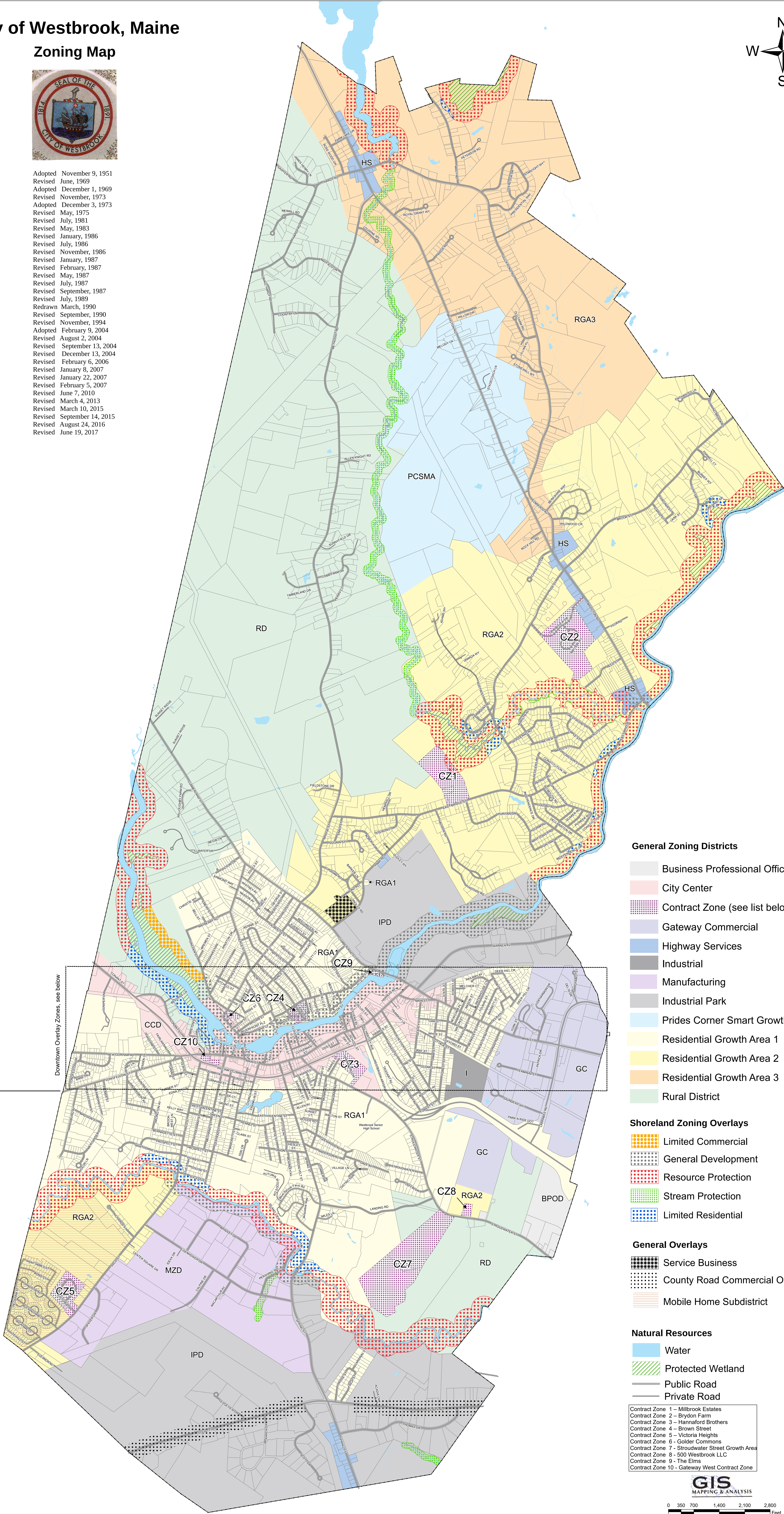
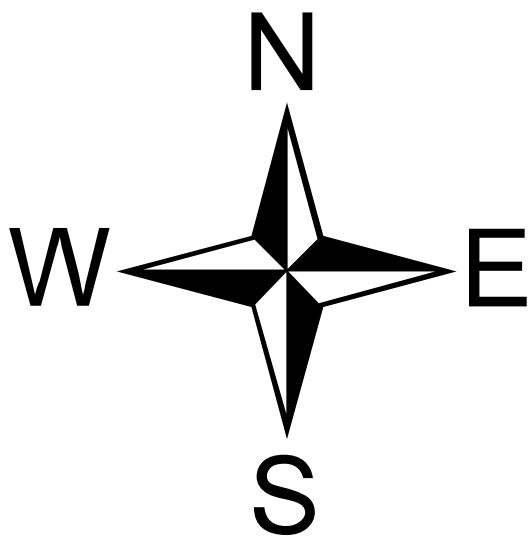
- |                                                                                                                |                                                                                                     |
|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
|  Interstate                  |  Major Collector |
|  Minor Arterial              |  Minor Collector |
|  Local Roads                 |                                                                                                     |
|  Other Principal Arterial    |                                                                                                     |
|  Other Freeway or Expressway |                                                                                                     |



City of Westbrook, Maine  
Zoning Map



- Adopted November 9, 1951  
Revised June, 1969  
Adopted December 1, 1969  
Revised November, 1973  
Adopted December 3, 1973  
Revised May, 1975  
Revised July, 1981  
Revised May, 1983  
Revised January, 1986  
Revised July, 1986  
Revised November, 1986  
Revised January, 1987  
Revised February, 1987  
Revised May, 1987  
Revised July, 1987  
Revised September, 1987  
Revised July, 1989  
Redrawn March, 1990  
Revised September, 1990  
Revised November, 1994  
Adopted February 9, 2004  
Revised August 2, 2004  
Revised September 13, 2004  
Revised December 13, 2004  
Revised February 6, 2006  
Revised January 8, 2007  
Revised January 22, 2007  
Revised February 5, 2007  
Revised June 7, 2010  
Revised March 4, 2013  
Revised March 10, 2015  
Revised September 14, 2015  
Revised August 24, 2016  
Revised June 19, 2017



General Zoning Districts

- Business Professional Office
- City Center
- Contract Zone (see list below)
- Gateway Commercial
- Highway Services
- Industrial
- Manufacturing
- Industrial Park
- Prides Corner Smart Growth Area
- Residential Growth Area 1
- Residential Growth Area 2
- Residential Growth Area 3
- Rural District

Shoreland Zoning Overlays

- Limited Commercial
- General Development
- Resource Protection
- Stream Protection
- Limited Residential

General Overlays

- Service Business
- County Road Commercial Overlay
- Mobile Home Subdistrict

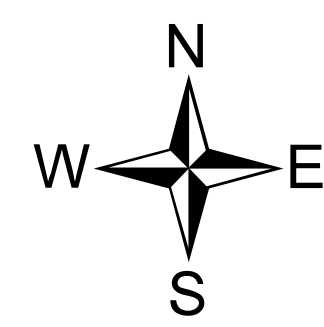
Natural Resources

- Water
- Protected Wetland
- Public Road
- Private Road

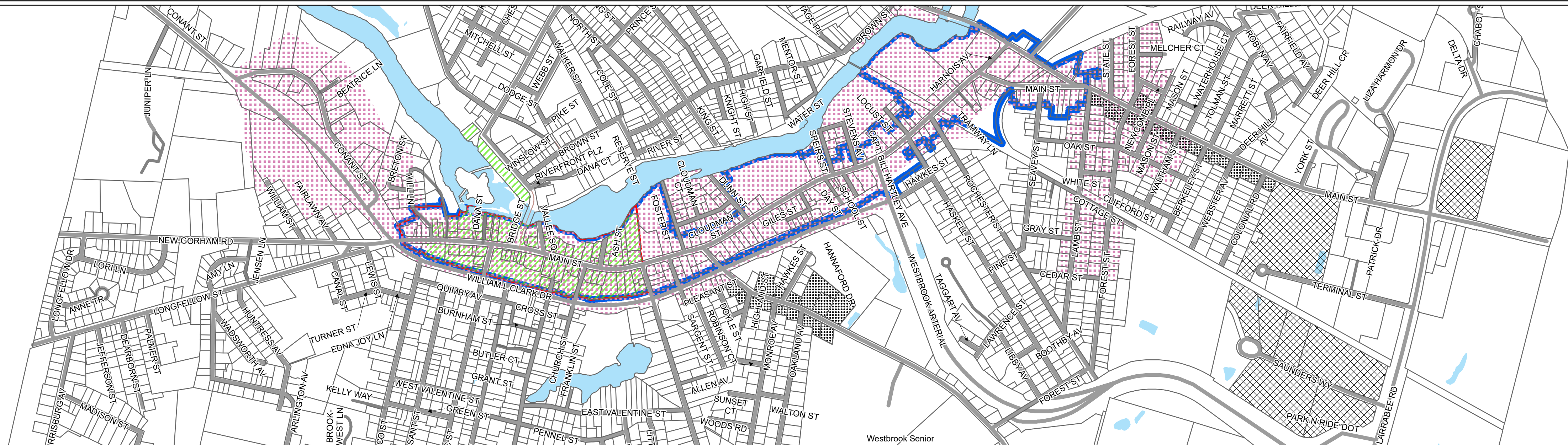
- Contract Zone 1 – Millbrook Estates  
Contract Zone 2 – Brydon Farm  
Contract Zone 3 – Hannaford Brothers  
Contract Zone 4 – Brown Street  
Contract Zone 5 – Victoria Heights  
Contract Zone 6 – Golder Commons  
Contract Zone 7 - Stroudwater Street Growth Area  
Contract Zone 8 - 500 Westbrook LLC  
Contract Zone 9 - The Elms  
Contract Zone 10 - Gateway West Contract Zone



0 350 700 1,400 2,100 2,800  
Feet



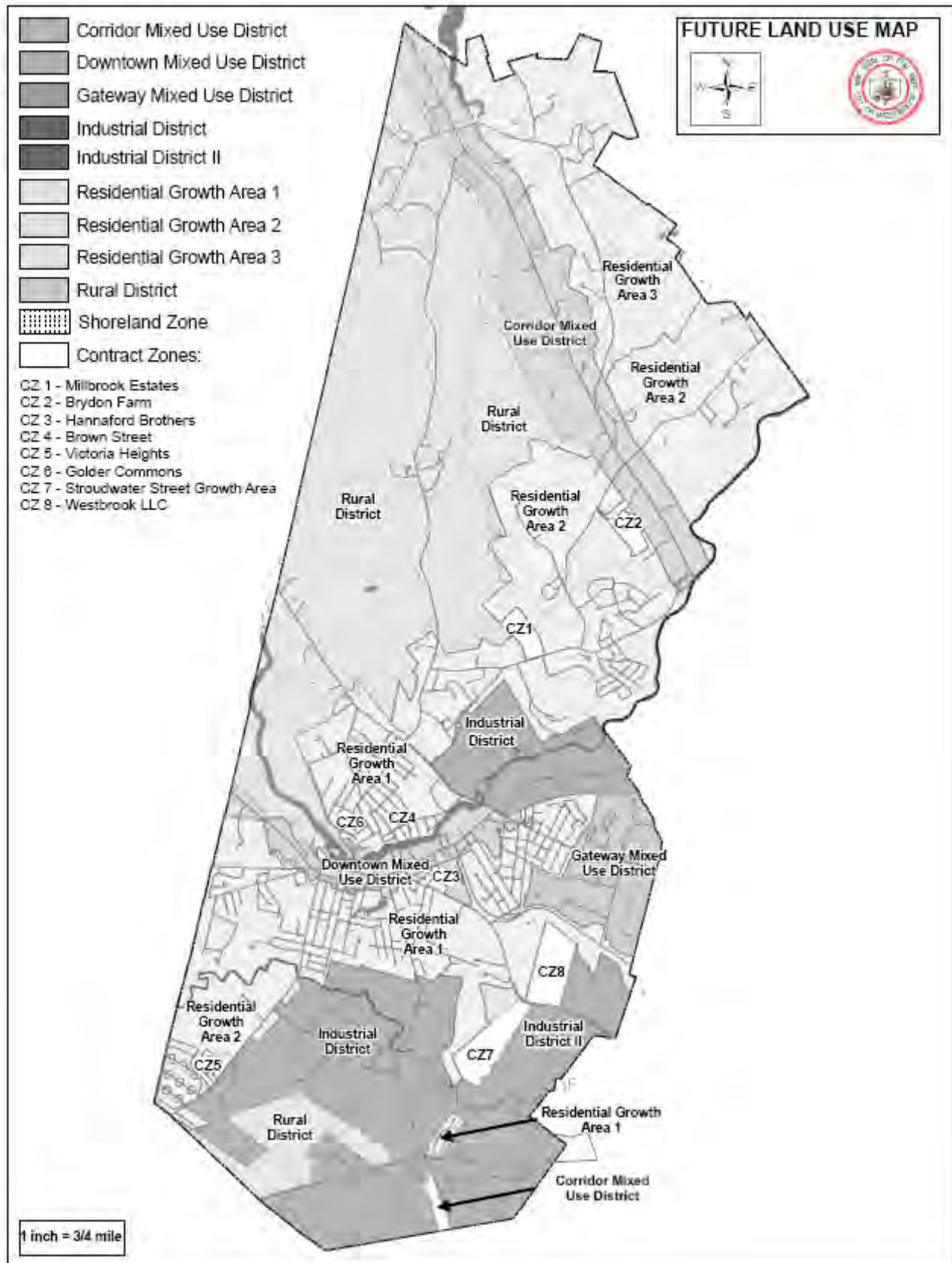
0 330 660 1,320  
Feet



Downtown Overlay Zones

- Gateway Auto Dealership
- Business Office
- Village Review
- Downtown Housing
- Downtown District Heart
- Downtown District







## GENERAL

- The applicant shall estimate trip generation for the proposed I-M zone assuming the worst-case or most intensive use allowed, which is likely an office use. The applicant should confirm that office is the highest or most intense trip generating land use. City Staff would suggest that ITE Land Use code 710 - General Office be used for estimating trip generation.
- Please provide a conceptual subdivision layout and site plan. A version had been shown at the workshop and City Staff would like to confirm that the layout matches the size and scale proposed in the traffic analysis.





## ZONING MAP AMENDMENT

1772 Westbrook  
Street, Portland, ME

41 Hutchins Drive  
Portland, ME 04102  
800.426.4262

[woodardcurran.com](http://woodardcurran.com)

0233858.01  
**Touchstone  
Enterprises, Inc.**  
August 2022



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## 1. APPLICATION CHECKLIST



**CITY OF PORTLAND**  
**Planning & Urban Development Department**

| <b>MAP AMENDMENT<br/>SUBMISSION CHECKLIST</b>                                                                                                                                                                                                   |                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| * Please submit each document <u>and</u> drawing as a separate PDF file<br>* Please submit all drawings in a <u>24 x 36</u> sheet size<br>* Please confirm each item by electronically checking the boxes to the left for each document/drawing |                                                                                                                                                                                                                                  |
| GENERAL APPLICATION DOCUMENTS                                                                                                                                                                                                                   |                                                                                                                                                                                                                                  |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <b>Project Description</b> <ul style="list-style-type: none"> <li>Cover Letter with detailed project description</li> </ul>                                                                                                      |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <b>Consistency with Comprehensive Plan</b> <ul style="list-style-type: none"> <li>Analysis of the consistency of the zone change request with the goals, policies and land use plan of Portland's Comprehensive Plan.</li> </ul> |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <b>Completed Checklist – Map Amendment Application (this document)</b>                                                                                                                                                           |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <b>Right, Title and Interest</b> <ul style="list-style-type: none"> <li>Deeds, leases, or purchase and sales agreements</li> </ul>                                                                                               |
| PLANS                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                  |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <b>Vicinity Map</b>                                                                                                                                                                                                              |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <b>Proposed Map Amendment</b> (please use the Portland zoning map as a reference)                                                                                                                                                |
| <input type="checkbox"/><br><div style="color: blue;">N/A</div>                                                                                                                                                                                 | <b>Site Plan (if applicable)</b><br>Provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries.       |



### 3. PROJECT DESCRIPTION

On behalf of Touchstone Enterprises, Inc. (Applicant), Woodard & Curran (W&C) is submitting this application for a Zoning Map Amendment for the subject property at 1772 Westbrook Street. This application requests that the Zoning Map be amended for this property from Industrial – Low Impact (I-L) to Industrial – Moderate Impact (I-M). A Vicinity Map and Proposed Map Amendment is attached to this Section for your reference. The property is approximately 52 acres.

#### 3.1 Project Justification

The reason for this map change request by the Applicant is to permit Warehousing, Storage, and Distribution Facilities uses greater than 10,000 square feet (SF) – which is the current limitation of the I-L zone. The applicant has identified demand for low- and moderate-impact industries in the greater Portland area that is unmet by the City's existing inventory of commercial real estate larger than 10,000 SF. Approving this map change will permit the development of approximately five new industrial lots with sufficient flexibility to provide a variety of building footprints.

The proposed change would also maintain consistency with the City of Portland's Zoning Map. At present, industrial-zoned land along I-295 south of Brighton Avenue (the City's southwest border) is mostly I-M, except a smaller area of I-L west of the turnpike. Adjacent to the subject parcel, directly across the Stroudwater River, is another area of I-M-zoned land. The subject parcel would continue the trend of I-M industrial zoning in the area and is sufficiently large to mitigate any additional perceived impacts of the I-M zone.

#### 3.2 Industrial Zone Purpose Statements

Chapter 5, Table 5-F of the Land Use Code contains purpose statements for each of the zones, as follows:

*I-L Zone: To provide areas in which low-impact industrial uses and limited other uses serving employees and residents of the surrounding neighborhood, will be compatible with adjacent residential uses, will provide a buffer between residential neighborhoods and higher impact industrial zones, or will stand alone as a smaller scale industrial district. The I-L zone is located adjacent to residential neighborhoods, business uses and other industrial uses where the low-intensity nature of the uses, as well as their strict performance standards, will ensure the compatibility of the uses with other adjacent industrial and nonindustrial uses. Performance standards for uses in the I-L zone are designed to maintain compatibility between low impact industrial uses and neighboring nonindustrial and industrial uses.*

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



The purpose statement for the I-L zone contains several clauses that are not directly applicable to this property. The property is unlikely to, “[serve] employees and residents of the surrounding neighborhood”, due to its adjacency to the Maine Turnpike, which buffers the area from residential zones to the east. It is not, “located adjacent to residential neighborhoods, business uses and other industrial uses where the low-intensity nature of the uses.” While the property is bounded to the south by a Resource Protection Zone, or RPZ, another I-M zone exists to the south of the RPZ that includes established uses greater than 10,000 SF, including the property’s closest neighbor, the EcoMaine Waste-to-Energy Facility. The entire east side of the property is bounded by the Maine Turnpike; and the northern side of the property is fronted by a large CMP transmission line corridor as well as Westbrook Street, which is classified as a “Major Urban Collector” in the City of Portland Technical Manual (Figure I-26). Businesses established on the opposite side of Westbrook Street (currently zoned I-L) include an auto sale business and a larger (20,000 SF plus) industrial use, an arborist/waste management company, and several other professional service offices. The property to the west of 1772 Westbrook Street is zoned “Rural District” within Westbrook and is currently used for agricultural purposes.

The purpose statement for the I-M zone states that it is, “[t]o provide zones in areas of the city in which low- and moderate-impact industries and transportation-related uses will coexist. I-M and I-Ma zones are located on arterials or collectors.” The subject property is located on Westbrook Street, a Major Urban Collector. Although there is no direct access to the Maine Turnpike, it abuts the property to the east. Changing to an I-M zone is compatible with adjacent transportation related uses.

The Applicant feels that the zone change of this property to from I-L to I-M, is appropriate for the responsible development of this property and is compatible within the surrounding context. As noted above, the property is sufficiently large to mitigate any additional perceived impacts of the I-M zone.

A Comparative Trip Generation Assessment for the two zones is attached. Preliminary site development density calculations show that under the existing (I-L) zone, a theoretical maximum of sixteen 10,000 SF buildings could be developed on the “buildable area” of the parcel, for a combined 160,000 SF. The proposed (I-M) zone would theoretically allow for a maximum of five 35,000 SF buildings, with a combined 175,000 SF or a very modest “net” difference of 15,000 SF. The assessment concludes the comparative trip generation analysis prepared property based upon both the existing (I-L) zoning standards and the requested (I-M) zoning regulations, clearly demonstrates the overall peak hour trip generation differential between both development scenarios is negligible.

### 3.3 Comparison of Permitted Uses and Dimensional Standards

A select comparison of Permitted and Conditional Uses for the I-L and I-M zone is below for comparison:

**Table 1. Comparison of Select Uses in the I-L and I-M Zones**

| Use                                          | I-L Zone (Current)   | I-M Zone (Proposed) |
|----------------------------------------------|----------------------|---------------------|
| <b>General Offices</b>                       | Back-office use only | Permitted           |
| <b>Repair Services</b>                       | Permitted            | Permitted           |
| <b>Construction and Engineering Services</b> | Permitted            | Permitted           |

| Use                                              | I-L Zone (Current)                                               | I-M Zone (Proposed) |
|--------------------------------------------------|------------------------------------------------------------------|---------------------|
| Laboratory and Research Facilities               | Permitted                                                        | Permitted           |
| Low-Impact Industrial                            | Permitted                                                        | Permitted           |
| Printing and Publishing                          | Permitted                                                        | Permitted           |
| Warehousing, Storage and Distribution Facilities | <10,000 SF area<br>No outdoor storage permitted; no self-storage | Permitted           |

A comparison of the space and bulk dimensions for each zone is included in Table 2 below. In general, the two zones are fairly similar, with the main difference being in the allowable structure height. The I-M zone permits building heights up to 75 feet, while the I-L zone limits building heights to 45 feet. The vision of the Applicant is generally for buildings in the 35-40 ft. range, which is below the maximum allowed in the I-L zone. While building heights and other space and bulk dimensions would be addressed with future site plan approvals, the proposed rezoning is driven entirely by the maximum square footage limit on warehousing, storage, and distribution facilities

**Table 2. Space and Bulk Dimensions for I-L and I-M Zones**

| Standard                       | I-L Zone (Current)                                  | I-M Zone (Proposed)                                                                         |
|--------------------------------|-----------------------------------------------------|---------------------------------------------------------------------------------------------|
| Lot Area (min)                 | Not Applicable                                      | Not Applicable                                                                              |
| Street Frontage (min)          | 60 ft                                               | 60 ft                                                                                       |
| Front Setback (min)            | 25 ft                                               | 1 ft for each ft of building height                                                         |
| Rear Setback (min)             | 25 ft (except 40 ft when abutting residential zone) | 1ft for each ft of building height up to 25ft (except 35ft when abutting residential zones) |
| Side Setback                   | 25 ft (except 40 ft when abutting residential zone) | 1ft for each ft of building height up to 25ft (except 35ft when abutting residential zones) |
| Structure Height               | 45 ft                                               | 75 ft                                                                                       |
| Lot coverage (max)             | Not Applicable                                      | Not Applicable                                                                              |
| Impervious Surface Ratio (max) | 65%                                                 | 75%                                                                                         |
| Pavement Setback (min)         | 15 ft (Does not apply to entrance drive)            | 10 ft (Does not apply to entrance drive)                                                    |



### **3.4 Attachments**

- Agent Authorization Letter
- Vicinity Map
- Proposed Map Amendment
- Comparative Industrial Zoning Trip Generation Assessment

Chris Paszyc  
Touchstone Enterprises Inc.  
8 E Grand Ave  
Scarborough, ME 04074

July 19, 2022

Re: 1772 Westbrook Street, Portland, ME – Agent Authorization

To Whom it May Concern:

Woodard & Curran, Inc. will be acting as our agent for all local, state, and federal permitting associated with the Touchstone Enterprises project located at 1772 Westbrook Street in Portland, Maine.

Please feel free to contact me if you have any questions at (207) - 939-4147.

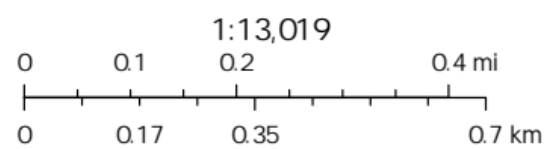
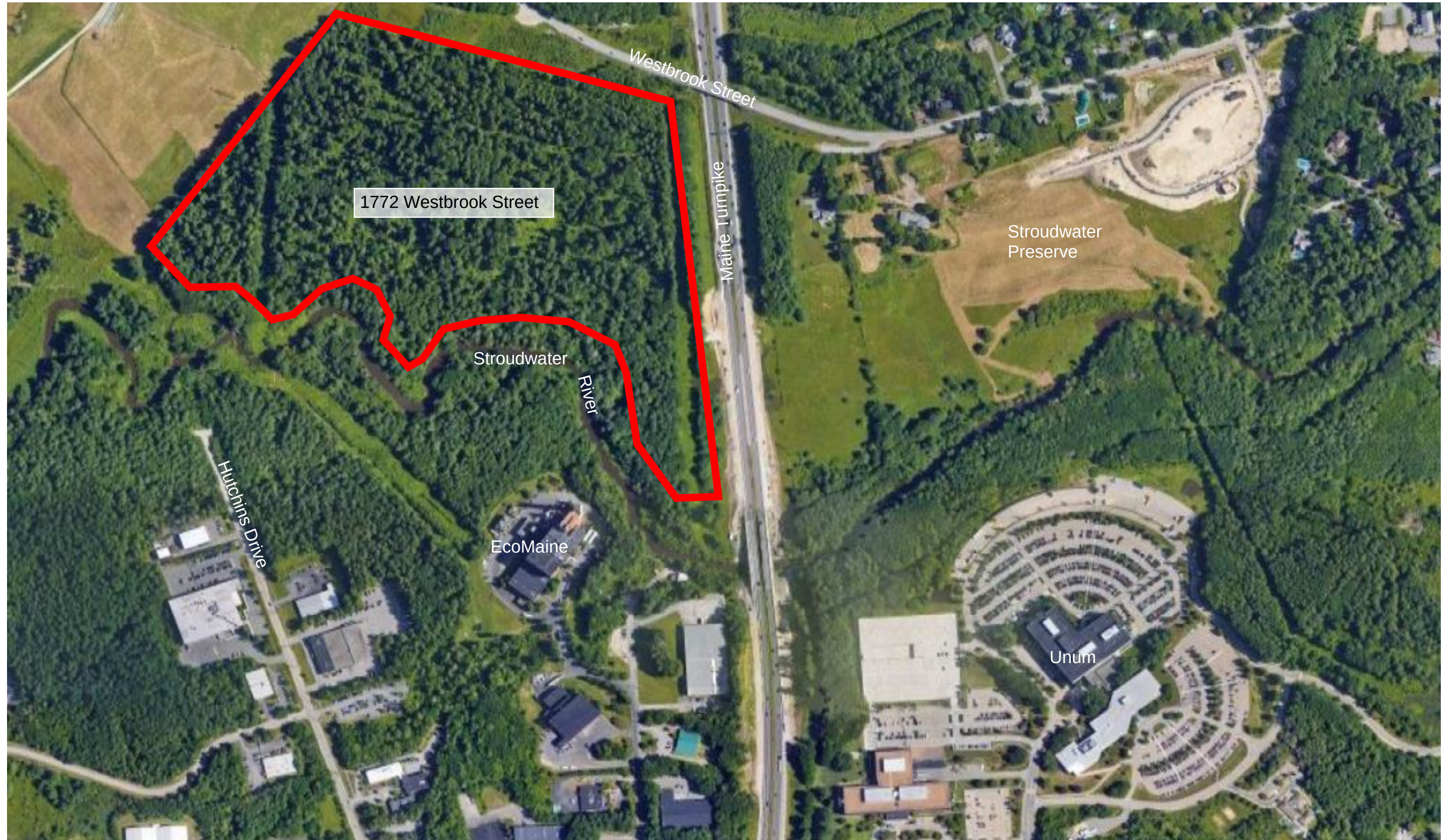
Sincerely,

A handwritten signature in black ink, appearing to read 'CAP' followed by a stylized flourish.

Chris Paszyc  
President  
Touchstone Enterprises, Inc.

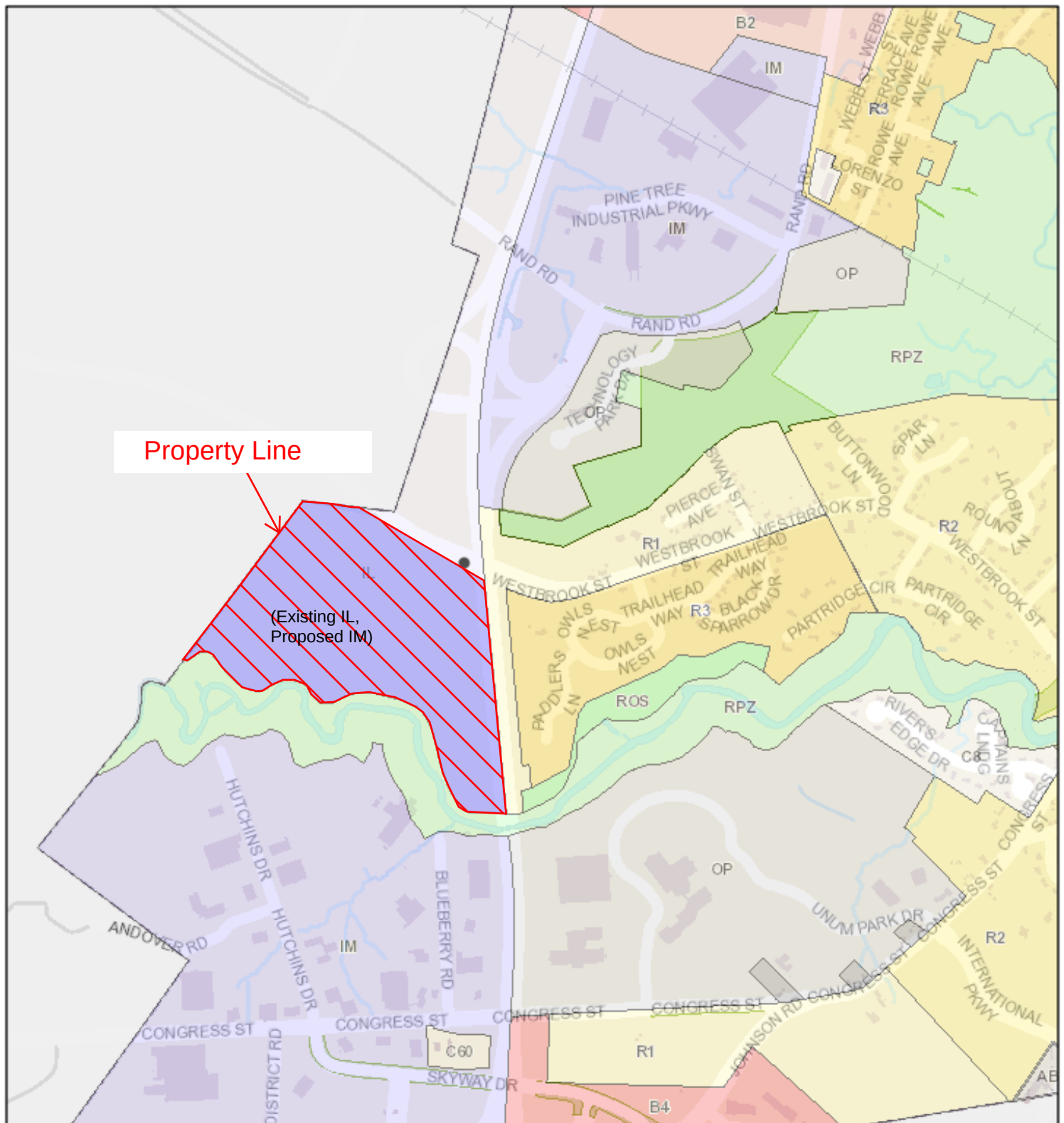


# Vicinity Map

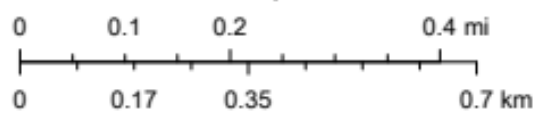




## Proposed Zoning



1:13,160





## Comparative Industrial Zoning Trip Generation Assessment

**Date:** August 17, 2022

**To:** **Darrin B. Stairs, PE,**  
Woodard & Curran

**From:** Jacob Sirois  
Engineer 1  
Barton & Loguidice, LLC. William J. Bray, P.E.  
Senior Transportation Engineer  
Barton & Loguidice, LLC.

**Re:** **Comparative Industrial Zoning Trip Generation Assessment**  
1772 Westbrook Street  
Zone Change Application  
Portland, Maine

~~~~~

### Introduction

Touchstone Enterprises, Inc. is proposing a zoning map amendment for the subject property at 1772 Westbrook Street in the City of Portland to allow for larger warehousing, storage, and/or distribution buildings. The current zoning of the site is Industrial – Low Impact (I-L) which allows for a maximum building size of 10,000 square-feet. The Applicant is requesting a zoning amendment change for the property to the Moderate Impact (I-M) zone, which effectively allows for a larger building footprint than the existing (I-L) zone requirements.

Preliminary site development density calculations show that under the existing (I-L) zone, a theoretical maximum of sixteen 10,000 sf buildings could be developed on the “*buildable area*” of the parcel, for a combined 160,000 sf. The proposed (I-M) zone would theoretically allow for a maximum of five 35,000 sf buildings, with a combined 175,000 sf or a very modest “net” difference of 15,000 sf.

Barton and Loguidice, LLC presents maximum site trip generation comparisons for both the existing (I-L) zone and requested (I-M) zone for both build-out conditions to determine the net difference in traffic generation of both building zones. The trip analyses compare peak hour trip generation for general warehouse, storage and distribution facilities allowed uses in both the (I-L) and (I-M) zones. Additionally, trip generation forecasts are provided for development uses allowed in the (I-M) zone but not the (I-L) zone.

### Proposed Site Trip Generation Comparison

Daily and peak hour trip generation was determined for the calculated maximum development for both the (I-L) and (I-M) zones based upon trip tables presented in the eleventh edition of the Institute of Transportation Engineers (ITE) “**TRIP GENERATION MANUAL**”. The ITE publication provides numerous land use categories and the average volume of trips generated by each category.

Trip generation estimates for both preliminary development plans for the 1772 Westbrook Street property are prepared for: LUC #150 – Warehousing, described as: primarily devoted to the storage of materials, but it may also include office and maintenance areas; LUC #140 – Manufacturing, which is

described as: a facility where the primary activity is the conversion of raw material or parts into a finished product; LUC #130 – Industrial Park, described as: containing several individual industrial or related facilities. It's characterized by a mix of manufacturing, service, and warehouse facilities with a wide variation and highly diversified facilities; and LUC #110 – General Light Industrial, described in the ITE manual as a free-standing facility devoted to a single use with an emphasis on activities other than manufacturing, with minimal office space. Each of the identified land-uses are allowed uses in both the (I-L) and (I-M) zones.

**Industrial – Low Impact Maximum Trip Generation (I-L) Zone:** In this study, we perform trip calculations for each of the proposed land use codes assuming all buildings will be dedicated to that respective land use, given that the final development uses and total square foot areas are still undetermined. The following tables, Table 1.1 thru 1.4 present the trip generation calculations for the proposed site industrial uses allowed in the existing (I-L) zone.

| Table 1.1<br>ITE Trip Generation Calculations |                       |                                  |                 |                                 |       |      |
|-----------------------------------------------|-----------------------|----------------------------------|-----------------|---------------------------------|-------|------|
| Land Use                                      | Warehousing - LUC 150 |                                  |                 |                                 |       |      |
| Time Period                                   | Square Footage (KSF)  | Trip Generation Rate Trips/1 KSF | Trips Generated | Distribution Entering / Exiting | Enter | Exit |
| Weekday                                       | 160                   | 1.71                             | 274             | 50% / 50%                       | 137   | 137  |
| AM Weekday Peak Hour (Street)                 | 160                   | 0.17                             | 27              | 77% / 23%                       | 21    | 6    |
| PM Weekday Peak Hour (Street)                 | 160                   | 0.18                             | 29              | 28% / 72%                       | 8     | 21   |
| AM Weekday Peak Hour (Generator)              | 160                   | 0.21                             | 34              | 66% / 34%                       | 22    | 12   |
| PM Weekday Peak Hour (Generator)              | 160                   | 0.23                             | 37              | 24% / 76%                       | 9     | 28   |

| Table 1.2<br>ITE Trip Generation Calculations |                         |                                  |                 |                                 |       |      |
|-----------------------------------------------|-------------------------|----------------------------------|-----------------|---------------------------------|-------|------|
| Land Use                                      | Manufacturing - LUC 140 |                                  |                 |                                 |       |      |
| Time Period                                   | Square Footage (KSF)    | Trip Generation Rate Trips/1 KSF | Trips Generated | Distribution Entering / Exiting | Enter | Exit |
| Weekday                                       | 160                     | 4.75                             | 760             | 50% / 50%                       | 380   | 380  |
| AM Weekday Peak Hour (Street)                 | 160                     | 0.68                             | 109             | 76% / 24%                       | 83    | 26   |
| PM Weekday Peak Hour (Street)                 | 160                     | 0.74                             | 118             | 31% / 69%                       | 37    | 81   |
| AM Weekday Peak Hour (Generator)              | 160                     | 0.80                             | 128             | 73% / 27%                       | 93    | 35   |
| PM Weekday Peak Hour (Generator)              | 160                     | 0.80                             | 128             | 42% / 58%                       | 54    | 74   |



| Table 1.3<br>ITE Trip Generation Calculations |                           |                                  |                 |                                 |       |      |
|-----------------------------------------------|---------------------------|----------------------------------|-----------------|---------------------------------|-------|------|
| Land Use                                      | Industrial Park - LUC 130 |                                  |                 |                                 |       |      |
| Time Period                                   | Square Footage (1KSF)     | Trip Generation Rate Trips/1 KSF | Trips Generated | Distribution Entering / Exiting | Enter | Exit |
| Weekday                                       | 160                       | 3.37                             | 539             | 50% / 50%                       | 270   | 269  |
| AM Weekday Peak Hour (Street)                 | 160                       | 0.34                             | 54              | 81% / 19%                       | 44    | 10   |
| PM Weekday Peak Hour (Street)                 | 160                       | 0.34                             | 54              | 22% / 78%                       | 12    | 42   |
| AM Weekday Peak Hour (Generator)              | 160                       | 0.41                             | 66              | 87% / 13%                       | 57    | 9    |
| PM Weekday Peak Hour (Generator)              | 160                       | 0.40                             | 64              | 21% / 79%                       | 13    | 51   |

| Table 1.4<br>ITE Trip Generation Calculations |                                    |                                  |                 |                                 |       |      |
|-----------------------------------------------|------------------------------------|----------------------------------|-----------------|---------------------------------|-------|------|
| Land Use                                      | General Light Industrial - LUC 110 |                                  |                 |                                 |       |      |
| Time Period                                   | Square Footage (1KSF)              | Trip Generation Rate Trips/1 KSF | Trips Generated | Distribution Entering / Exiting | Enter | Exit |
| Weekday                                       | 160                                | 4.87                             | 779             | 50% / 50%                       | 390   | 389  |
| AM Weekday Peak Hour (Street)                 | 160                                | 0.74                             | 118             | 88% / 12%                       | 104   | 14   |
| PM Weekday Peak Hour (Street)                 | 160                                | 0.65                             | 104             | 14% / 86%                       | 15    | 89   |
| AM Weekday Peak Hour (Generator)              | 160                                | 0.91                             | 146             | 87% / 13%                       | 127   | 19   |
| PM Weekday Peak Hour (Generator)              | 160                                | 0.80                             | 128             | 18% / 82%                       | 23    | 105  |

The preliminary site density calculations developed for the 1772 Westbrook Street property based upon the existing (I-L) zone yielded a total of sixteen 10,000 sf buildings for a total 160,000 sf of building area.

The above trip generation calculations show a maximum total of 146 vehicle trips are generated in the morning peak hour and a slightly lower volume of 128 trips in the evening peak hour.

**Industrial – Moderate Impact Maximum Trip Generation (I-M) Zone:** Similar trip forecasts are presented for the requested (I-M) zone for the same industrial land-uses. The requested (I-M) zone allows the same industrial development uses presented for the existing (I-L) zone; albeit, with a larger building footprint. The preliminary density calculations developed for the (I-M) zone suggests a total of five 35,000 square foot buildings could be built for a combined 175,000 sf of development. In addition to allowing for larger warehousing, storage and distribution buildings; the proposed (I-M) zone allows for land uses that aren't allowed under the existing (I-L) zone. These land uses include:

- o Intermediate care facilities (Not applicable. Standards allow only in existing structures.)
- o Food and seafood, packing and distribution
- o Marijuana cultivation facility (2,000-7,000 sf plant canopy)
- o Recycling and solid waste disposal facilities (permitted within an enclosed structure)
- o Telecommunication towers (ground-mounted)
- o Tow lots
- o Self-storage facility
- o Correctional pre-release facilities

## Comparative Industrial Zoning Trip Generation Assessment – 1772 Westbrook Street

- o Solar energy system (major)
- o Wind energy system (major)

In the preceding list, there are facilities that won't be large trip generators, as well as facilities which trip generation data is not provided for in the ITE manual. The uses that wouldn't be expected to generate a high number of trips include: a Telecommunications Tower, Solar Energy System (major) and Wind Energy System (major). The only trips expected to be produced by these facilities are maintenance type trips which are assumed to be minimal. The land uses that are excluded from the ITE publication include: Food and Seafood, Packing and Distribution; Recycling and Solid Waste Disposal Facility; Tow Lots, and Correctional Pre-Release facilities.

The ITE publication does, however, provide trip rates for a Marijuana Cultivation facility, based off of one study performed at an approximately 40,000 sf facility, and a Self-Storage facility.

The following tables present the ITE trip generation calculations under the proposed zoning conditions which would include five 35,000 sf facilities for a total buildout of 175,000 sf.

The following tables, Table 1.5 thru 1.10 present trip generation estimates for the maximum and allowable development under the proposed (I-M) zoning that can be estimated with the ITE publication.

| Table 1.5<br>ITE Trip Generation Calculations |                       |                                  |                 |                                 |       |      |
|-----------------------------------------------|-----------------------|----------------------------------|-----------------|---------------------------------|-------|------|
| Land Use                                      | Warehousing - LUC 150 |                                  |                 |                                 |       |      |
| Time Period                                   | Square Footage (1KSF) | Trip Generation Rate Trips/1 KSF | Trips Generated | Distribution Entering / Exiting | Enter | Exit |
| Weekday                                       | 175                   | 1.71                             | 299             | 50% / 50%                       | 150   | 149  |
| AM Weekday Peak Hour (Street)                 | 175                   | 0.17                             | 30              | 77% / 23%                       | 23    | 7    |
| PM Weekday Peak Hour (Street)                 | 175                   | 0.18                             | 32              | 28% / 72%                       | 9     | 23   |
| AM Weekday Peak Hour (Generator)              | 175                   | 0.21                             | 37              | 66% / 34%                       | 24    | 13   |
| PM Weekday Peak Hour (Generator)              | 175                   | 0.23                             | 40              | 24% / 76%                       | 10    | 30   |

| Table 1.6<br>ITE Trip Generation Calculations |                         |                                  |                 |                                 |       |      |
|-----------------------------------------------|-------------------------|----------------------------------|-----------------|---------------------------------|-------|------|
| Land Use                                      | Manufacturing - LUC 140 |                                  |                 |                                 |       |      |
| Time Period                                   | Square Footage (1KSF)   | Trip Generation Rate Trips/1 KSF | Trips Generated | Distribution Entering / Exiting | Enter | Exit |
| Weekday                                       | 175                     | 4.75                             | 831             | 50% / 50%                       | 416   | 415  |
| AM Weekday Peak Hour (Street)                 | 175                     | 0.68                             | 119             | 76% / 24%                       | 90    | 29   |
| PM Weekday Peak Hour (Street)                 | 175                     | 0.74                             | 130             | 31% / 69%                       | 40    | 90   |
| AM Weekday Peak Hour (Generator)              | 175                     | 0.80                             | 140             | 73% / 27%                       | 102   | 38   |
| PM Weekday Peak Hour (Generator)              | 175                     | 0.80                             | 140             | 42% / 58%                       | 59    | 81   |



| Table 1.7<br>ITE Trip Generation Calculations |                           |                                  |                 |                                 |       |      |
|-----------------------------------------------|---------------------------|----------------------------------|-----------------|---------------------------------|-------|------|
| Land Use                                      | Industrial Park - LUC 130 |                                  |                 |                                 |       |      |
| Time Period                                   | Square Footage (1KSF)     | Trip Generation Rate Trips/1 KSF | Trips Generated | Distribution Entering / Exiting | Enter | Exit |
| Weekday                                       | 175                       | 3.37                             | 590             | 50% / 50%                       | 295   | 295  |
| AM Weekday Peak Hour (Street)                 | 175                       | 0.34                             | 60              | 81% / 19%                       | 49    | 11   |
| PM Weekday Peak Hour (Street)                 | 175                       | 0.34                             | 60              | 22% / 78%                       | 13    | 47   |
| AM Weekday Peak Hour (Generator)              | 175                       | 0.41                             | 72              | 87% / 13%                       | 63    | 9    |
| PM Weekday Peak Hour (Generator)              | 175                       | 0.40                             | 70              | 21% / 79%                       | 15    | 55   |

| Table 1.8<br>ITE Trip Generation Calculations |                                    |                                  |                 |                                 |       |      |
|-----------------------------------------------|------------------------------------|----------------------------------|-----------------|---------------------------------|-------|------|
| Land Use                                      | General Light Industrial - LUC 110 |                                  |                 |                                 |       |      |
| Time Period                                   | Square Footage (1KSF)              | Trip Generation Rate Trips/1 KSF | Trips Generated | Distribution Entering / Exiting | Enter | Exit |
| Weekday                                       | 175                                | 4.87                             | 852             | 50% / 50%                       | 426   | 426  |
| AM Weekday Peak Hour (Street)                 | 175                                | 0.74                             | 130             | 88% / 12%                       | 114   | 16   |
| PM Weekday Peak Hour (Street)                 | 175                                | 0.65                             | 114             | 14% / 86%                       | 16    | 98   |
| AM Weekday Peak Hour (Generator)              | 175                                | 0.91                             | 159             | 87% / 13%                       | 138   | 21   |
| PM Weekday Peak Hour (Generator)              | 175                                | 0.80                             | 140             | 18% / 82%                       | 25    | 115  |

| Table 1.9<br>ITE Trip Generation Calculations |                                                         |                                  |                 |                                 |       |      |
|-----------------------------------------------|---------------------------------------------------------|----------------------------------|-----------------|---------------------------------|-------|------|
| Land Use                                      | Marijuana Cultivation and Processing Facility - LUC 190 |                                  |                 |                                 |       |      |
| Time Period                                   | Square Footage (1KSF)                                   | Trip Generation Rate Trips/1 KSF | Trips Generated | Distribution Entering / Exiting | Enter | Exit |
| Weekday*                                      |                                                         |                                  |                 |                                 |       |      |
| AM Weekday Peak Hour (Street)                 | 175                                                     | 0.69                             | 121             | 93% / 7%                        | 113   | 8    |
| PM Weekday Peak Hour (Street)                 | 175                                                     | 0.64                             | 112             | 28% / 72%                       | 31    | 81   |
| AM Weekday Peak Hour (Generator)*             |                                                         |                                  |                 |                                 |       |      |
| PM Weekday Peak Hour (Generator)*             |                                                         |                                  |                 |                                 |       |      |

\*Weekday and Generator rates are not provided by ITE

Warning - Small Sample Size (one study was conducted at a ~40ksf facility)

| Table 1.1.10<br>ITE Trip Generation Calculations |                          |                                  |                 |                                 |       |      |
|--------------------------------------------------|--------------------------|----------------------------------|-----------------|---------------------------------|-------|------|
| Land Use                                         | Mini-Warehouse - LUC 151 |                                  |                 |                                 |       |      |
| Time Period                                      | Square Footage (1KSF)    | Trip Generation Rate Trips/1 KSF | Trips Generated | Distribution Entering / Exiting | Enter | Exit |
| Weekday                                          | 175                      | 1.45                             | 254             | 50% / 50%                       | 127   | 127  |
| AM Weekday Peak Hour (Street)                    | 175                      | 0.09                             | 16              | 59% / 41%                       | 9     | 7    |
| PM Weekday Peak Hour (Street)                    | 175                      | 0.15                             | 26              | 47% / 53%                       | 12    | 14   |
| AM Weekday Peak Hour (Generator)                 | 175                      | 0.18                             | 32              | 51% / 49%                       | 16    | 16   |
| PM Weekday Peak Hour (Generator)                 | 175                      | 0.18                             | 32              | 51% / 49%                       | 16    | 16   |

As presented in the preceding tables, the maximum trip generation occurring within the proposed development at 1772 Westbrook Street, based upon the requested (I-M) zoning regulations for those land-uses measured, assumes full development of the property under the (I-M) zoning requirements for general light industry. The provided trip estimates for LUC #110 General Light Industry in Table 1-8 shows a total of 159 AM trips and 140 PM trips are generated. The peak hour trip generation results highlighted for the other studied potential land-uses in the (I-M) zone are somewhat lower, as follows: 1) marijuana cultivation and processing facility 121 trips AM peak hour and 112 trips in the PM peak hour; 2) self-storage facility, 32 trips in both peak hour time periods.

### Summary

Barton and Loguidice, LLC concludes the comparative trip generation analysis prepared for the 1772 Westbrook Street property based upon both the existing (I-L) zoning standards and the requested (I-M) zoning regulations, clearly demonstrates the overall peak hour trip generation differential between both development scenarios is negligible. The only allowed land-use in the requested (I-M) zone that may potentially result in a higher number of peak hour trip generation would be a food and seafood processing and distribution facility which likely would require a higher level of employment.

John Q. Adams, PE, PTOE, Date: 07/14/22



## APPENDIX

## 4. RIGHT, TITLE AND INTEREST

The proposed project is located on property owned by the Applicant and identified on the City of Portland Tax Assessor Maps as 239-A-3, Map 242-A-1, Map 243-A-1, Map 245-A-1, and Map 246-A-1. Attached is a copy of the deed associated with this property.

The Applicant has been assigned an Option to Purchase the subject property. A redacted version of the Option and the Assignment to Chris Paszyc, owner of Touchstone Enterprises, is attached.

### 4.1 Attachments

- Deed, Book 4962, Page 219, Cumberland County Registry of Deeds
- Option to Purchase Real Estate (redacted)
- Assignment of Option to Purchase Real Estate (redacted)
- Amendment 4 to Option to Purchase Real Estate (redacted)



*Know All Men By These Presents.*

*That* I, SIMON A. SNYDER, of Winter Park, County of Orange,  
and State of Florida

*in consideration of* One Dollar (\$1.00) and other valuable considerations  
and love and affection

*paid by* SIMON A. SNYDER and JASON A. SNYDER, both of Winter Park,  
County of Orange, State of Florida

*the receipt whereof* I do hereby acknowledge, do hereby

give, grant, bargain, sell and convey unto the said SIMON A. SNYDER and JASON A.  
SNYDER, as joint tenants and not as tenants in common,

their heirs and assigns forever,

a certain lot or parcel of land situated in the City of Portland and the City  
of Westbrook, County of Cumberland, State of Maine, bounded and des-  
cribed as follows:

Beginning on the southwesterly side line of Westbrook Street  
at its intersection with the line between the cities of Westbrook and  
Portland; thence southeasterly by the southwest side line of Westbrook  
Street to the northeast corner of land conveyed to Maine Turnpike  
Authority by Susie E. Mitchell, September 13, 1954, recorded in the  
Cumberland County Registry of Deeds, Book 2195, Page 423 and the  
westerly side line of land formerly of Maurice S. Tomlinson, et al,  
now or formerly of Helen W. Soule; thence southerly by said Soule  
land to the Stroudwater River; thence westerly along the Stroudwater  
River, land now or formerly of Frank P. Cummings heirs and land  
conveyed by Susie E. Mitchell to Portland Water District, March 24,  
1958, recorded in Cumberland County Registry of Deeds, Book 2401, Page  
139 to land formerly of Elmer W. Randall, now or formerly of Llewellyn  
A. Randall; thence northeasterly along said Randall line to the south-  
westerly side line of Stroudwater Street in Westbrook; thence south-  
easterly by Stroudwater Street to the line between the cities of  
Westbrook and Portland and point of beginning.

Excepting a parcel of land conveyed by George B. Leavitt to  
Portland Electric Co., July 15, 1907, recorded in Cumberland County  
Registry of Deeds, Book 808, Page 500; parcel conveyed by George B.  
Leavitt to Cumberland County Power and Light Co., March 22, 1921,  
recorded in Cumberland County Registry of Deeds, Book 1071, Page 374;  
parcel of land taken by Maine Turnpike Authority September 7, 1954,  
recorded Cumberland County Registry of Deeds Book 2192, Page 219;  
parcel conveyed by Susie E. Mitchell to Maine Turnpike Authority,  
September 13, 1954 recorded in Cumberland County Registry of Deeds,  
Book 2195, Page 423 and a parcel conveyed by Susie E. Mitchell to  
Central Maine Power Company, March 12, 1955, recorded in Cumberland  
County Registry of Deeds Book 2221, Page 122; provided, however, all  
rights, easements and interests in land reserved by the Grantor(s)  
in said conveyance are included in this deed.

Subject to rights and easements conveyed by Ida M. Leavitt  
to Portland Water District, November 28, 1938 recorded in Book 1564,  
Page 137; and by Susie M. Mitchell to Socony-Vacuum Oil Company,  
Incorporated, August 25, 1947 and January 28, 1948, recorded in said  
Registry in Book 1891, Pages 86 and 188, to Central Maine Power  
Company, May 7, 1951 and June 24, 1954 recorded in said Registry in  
Book 2046, Page 69 and Book 2186, Page 112; to Portland Pipe Line  
Corporation, February 2, 1965, recorded in said Registry in Book 2879,  
Page 208 and to Northern Utilities, Inc., January 23, 1968 and Febru-  
ary 27, 1968, recorded in said Registry in Book 3028, Page 253 and  
Book 3032, Page 249.

Title of the grantors is derived as sole lineal descendants of Ina Mitchell Currie who died October 8, 1975, Cumberland County Probate Docket #74970 who was devisee under the Will of Susie Eva Mitchell who died April 5, 1977, Cumberland County Probate Docket #75937; said Ina Mitchell Currie was the natural sister of said Susie Eva Mitchell. Meaning and intending to convey all real estate, rights and interests in land owned by Grantors situated southerly of Westbrook Street in Portland and Stroudwater Street in Westbrook, and northeasterly, northerly and northwesterly of the Stoudwater River; and to the extent all such real estate, rights and interests in land are not included within the above described premises, such real estate rights and interests in land owned by Grantors are hereby included in this deed.

Being the same premises conveyed to the Grantor herein by Frederick W. Currie, Robert L. Currie, Bruce A. Currie, and Jean F. Currie by Quit-Claim Deed deed December 29, 1978 and recorded in the Cumberland County Registry of Deeds in Book 4362 Page 197.



To Have and to Hold the aforegranted and bargained premises with  
all the privileges and appurtenances thereof to the said  
SIMON A. SNYDER and JASON A. SNYDER

221

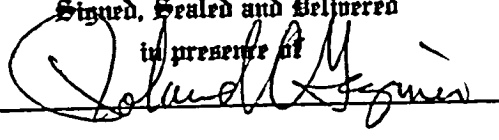
their heirs and assigns, to them and their use and behoof forever.

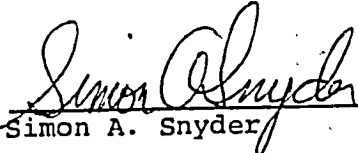
And I do COVENANT with the said Grantee s, their heirs  
and assigns, that I am lawfully seized in fee of the premises that they  
are free of all encumbrances:

that I have good right to sell and convey the same to the said Grantee s to  
hold as aforesaid; and that I and MY heirs shall and will WARRANT  
and DEFEND the same to the said Grantee s, their heirs and assigns forever,  
against the lawful claims and demands of all persons.

In Witness Whereof, I, SIMON A. SNYDER, being unmarried,

~~joining in this deed as Grantor and conveying the same to the said Grantee s~~  
~~by the power and authority in the above recited premises, have hereunto set~~  
my hand and seal this 20th  
day of May in the year of our Lord one thousand nine  
hundred and eighty-two.

Signed, Sealed and Delivered  
in presence of  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

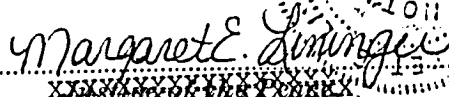
  
Simon A. Snyder  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Florida  
State of ~~Maine~~ } ss.  
ORANGE

May 20 1982

Personally appeared the above named  
SIMON A. SNYDER

and acknowledged the above  
instrument to be HIS free act and deed.

Before me,  
Notary Public, State of Florida at Large  
My Commission Expires Feb. 18, 1983  
Bonded by American Fire & Casualty Company  
  
Notary Public

STATE OF MAINE  
CUMBERLAND, ss.  
Received at 3 H 05 M P M on MAY 25 1982 and recorded in  
Book 4962 Page 219  
Attest  
Edward J. Benstein Register



## OPTION TO PURCHASE REAL ESTATE

THIS AGREEMENT is made as of March 20, 2021, by and between Simon A. Snyder ("Owner") and David Gendron and/or assigns ("Optionee"), WHO AGREE AS FOLLOWS:

1. Option Property: Owner is the owner of certain premises situated at 1772 Westbrook Street, Portland, ME and 695 Stroudwater Street, Westbrook, consisting of approximately 61± acres of land, together with all buildings and improvements thereon and all rights and easements appurtenant thereto, which parcel is further identified in the City of Portland tax assessor's records on Map 239-A-3, Map 242-A-1, Map 243-A-1, Map 245-A-1, Map 246-A-1; and the City of Westbrook tax assessor's records on Map 9 Lot 13; and is outlined in heavy line on the attached **Exhibit A** (the "Property").
2. Option: In consideration of the "Option Consideration" herewith paid to Owner by Optionee as identified below, Owner hereby grants to Optionee the exclusive, irrevocable right to purchase the Property on the terms set forth in this Agreement (the "Option"). If Optionee elects to purchase the Property, such election shall be made by written notice given to Owner at any time on or before the end of the "Option Period" identified below. Optionee shall have the right, on each occasion by written notice, to extend the Option Period for up to eight (8) consecutive "Extension Periods" as described below, in exchange for the corresponding "Extension Consideration" payments set forth below. Each such extension notice and payment shall be made on or before the end of the Option Period (as then extended). The Option and Extension Periods (hereinafter collectively the "Option Period") and their corresponding Option and Extension Consideration payments (hereinafter collectively the "Option Consideration") are as follows:

Option Period  
From execution through October 30, 2021

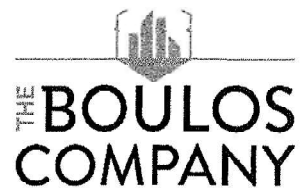
Option Consideration  
██████ paid herewith

Extension Periods  
Eight (8) Periods of Thirty (30) days each

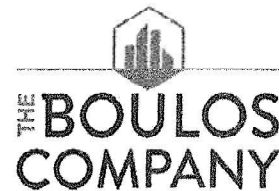
Extension Consideration  
██████ for each Option Period. Funds shall be non-refundable but applicable to the sale price.

3. Purchase Price: If this Option is exercised, the Purchase Price for the Property shall be ██████. The Option Consideration shall be credited against the Purchase Price payable at the closing. If Optionee does not exercise this Option, or if Optionee fails to close, Owner shall retain all Option Consideration then paid as full consideration and as its sole remedy. Optionee shall be entitled to a refund of the Option Consideration only if Owner's title to the Property proves defective, as provided below.





4. Testing, Inspection, Approvals: During the Option Period, Optionee and its employees, contractors and agents shall have the right at their expense to enter upon the Property, after reasonable notice to Owner, for the purposes of conducting inspections, survey work, soils tests, and/or other testing. Owner agrees to cooperate and join with Optionee or its designees in obtaining any rezoning, permits and approvals or the like as Optionee desires, at Optionee's expense. Upon request Optionee agrees to furnish to Owner a copy of any soils testing reports it obtains.
5. Closing: If Optionee elects to purchase the Property, Owner shall convey the Property to Optionee (or its designee) by good and sufficient general Quit Claim Deed with Covenant conveying marketable title, free and clear of all encumbrances, defects, liens, tenants and occupants ("Title Defects"), and utilizing the description obtained by Optionee's survey if requested. The closing shall take place within thirty (30) days after written notice from Optionee that it has exercised the Option at the date, time and place specified in the notice. Optionee shall have the right to apply the Purchase Price at the Closing to the removal of any Title Defects. The parties agree to execute and deliver such documents as are reasonably necessary and customary to complete the closing. Real estate taxes and utilities shall be prorated as of the closing date. Real estate transfer taxes shall be split 50/50 between Owner and Optionee as customary in Maine. Income taxes and gains taxes shall be paid by Owner.
6. Broker: The parties agree that no broker, other than The Boulos Company has been involved in this transaction. The Seller shall be responsible for all fees due to The Boulos Company through a separate brokerage agreement.
7. Ownership/Risk of Loss: Owner hereby warrants that Owner is the owner of the Property in fee simple, that Owner has the full right and authority to grant the Option described in this Agreement and that there is no other option, contract or other right to purchase the Property in existence. The risk of loss to the Property or taking by eminent domain during the Option Period shall be on Owner.
8. Owner's Warranties: To the best of Owner's knowledge and belief there are no and have never been "Hazardous Materials" on, under, in or about, or migrating to or from the Property. The presence of such materials at or any time prior to the Closing shall constitute a Title Defect, rendering the title unmarketable as aforesaid. As used herein, "Hazardous Materials" means any hazardous or toxic materials, waste, substances or matter, oil or other petroleum products, underground tanks, asbestos, or similar materials, including as defined in any federal, state or local law or regulation, or any other substances constituting a hazard or threat to the health of persons, animals or plants. This warranty shall survive the Closing and any expiration or other termination of this Option.
9. Memorandum of Option: Owner agrees to execute a document for recording purposes which will include the terms outlined herein, other than the Purchase Price.
10. Notice: Any notice required to be given by Optionee to extend or exercise this Option shall be in writing, shall be addressed as set forth above, and shall be sent by registered or certified mail, return receipt requested, or by a reputable overnight carrier that provides a receipt, such as Federal Express or Airborne, and shall be deemed delivered on the date postmarked or the date deposited with the overnight carrier



11. Binding Effect: This Option Agreement shall be binding upon the parties and their heirs, administrators, successors and assigns upon full execution by Owner and Optionee in the spaces provided below. Optionee may assign its rights hereunder.

IN WITNESS WHEREOF, Owner and Optionee have executed this Agreement effective as of the date first set forth above.

**OWNER:**

DocuSigned by:  
  
3A3BF89728F5477...

Simon Snyder

Date: 3/20/2021, 2021

**OPTIONEE:**

By: 

Date: 3-19-2021, 2021



[illegible]

**ASSIGNMENT OF OPTION TO PURCHASE REAL ESTATE**

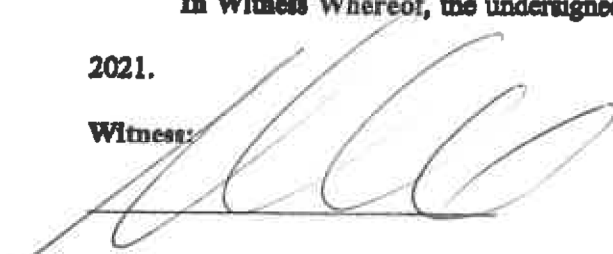
David M. Gendron with a mailing address c/o 1035 Lisbon Street, P.O. Box 1915, Lewiston, Maine 04241-1915 (the "Assignor") hereby assigns, transfers, and conveys to Chris Paszye with a mailing address c/o One Canal Plaza, Suite 500, Portland, Maine 04101 (the "Assignee"), all of the Assignor's right, title and interest in, and rights arising under, that certain Option To Purchase Real Estate dated March 20, 2021 between Simon A. Snyder, as Owner, and David M. Gendron and/or assigns, as Optionee (the "Option"), a copy of said Option being attached hereto as Exhibit "A."

The Assignee hereby expressly assumes all liabilities and obligations of the Optionee and Assignor under the terms of said Option.

Notwithstanding the foregoing assignment, if the Assignee exercises the Option and closes on the Property described therein, the Assignee shall pay to the Assignor an amount equal to [REDACTED] simultaneous with transfer of title to the Assignee.

In Witness Whereof, the undersigned has hereunto his hand effective this 30<sup>th</sup> day of July, 2021.

Witness:


  
David M. Gendron, Assignor  
  
Chris Paszye, Assignee



STATE OF MAINE  
ANDROSCOGGIN, SS.

July 30, 2021

Personally appeared before me, the above-named David M. Gaudron, and acknowledged the foregoing instrument to be his free act and deed.

*Barbara E. Tracy*

Notary Public

Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Barbara E. Tracy  
Notary Public, State of Maine  
My Commission Expires May 11, 2023

STATE OF MAINE  
CUMBERLAND, SS.

July 28, 2021

Personally appeared before me, the above-named Chris Pamyre, and acknowledged the foregoing instrument to be his free act and deed.

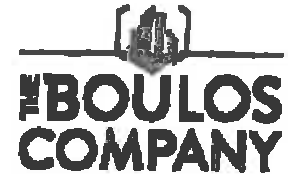
*Micki B. Francombe*

Notary Public

Print Name: *Micki B. Francombe*

My Commission Expires: *1/29/2025*

MICKI FRANCOMBE  
Notary Public, State of Maine  
My Commission Expires January 29, 2025



One Canal Place  
Portland, ME 04101  
(207) 772-1333 Tel  
(207) 871-1288 Fax  
www.boulos.com

## OPTION TO PURCHASE REAL ESTATE

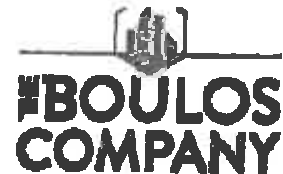
THIS AGREEMENT is made as of March 20, 2021, by and between Simon A. Snyder ("Owner") and David Gendron and/or assigns ("Optionee"), WHO AGREE AS FOLLOWS:

- Option Property:** Owner is the owner of certain premises situated at 1772 Westbrook Street, Portland, ME and 605 Stroudwater Street, Westbrook, consisting of approximately 61± acres of land, together with all buildings and improvements thereon and all rights and easements appurtenant thereto, which parcel is further identified in the City of Portland tax assessor's records on Map 238-A-3, Map 242-A-1, Map 243-A-1, Map 245-A-1, Map 246-A-1; and the City of Westbrook tax assessor's records on Map 9 Lot 13; and is outlined in heavy line on the attached Exhibit A (the "Property").
- Option:** In consideration of the "Option Consideration" herewith paid to Owner by Optionee as identified below, Owner hereby grants to Optionee the exclusive, irrevocable right to purchase the Property on the terms set forth in this Agreement (the "Option"). If Optionee elects to purchase the Property, such election shall be made by written notice given to Owner at any time on or before the end of the "Option Period" identified below. Optionee shall have the right, on each occasion by written notice, to extend the Option Period for up to eight (8) consecutive "Extension Periods" as described below, in exchange for the corresponding "Extension Consideration" payments set forth below. Each such extension notice and payment shall be made on or before the end of the Option Period (as then extended). The Option and Extension Periods (hereinafter collectively the "Option Period") and their corresponding Option and Extension Consideration payments (hereinafter collectively the "Option Consideration") are as follows:

|                                                                               |                                                                                                                                           |
|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| <u><b>Option Period</b></u><br>From execution through October 30, 2021        | <u><b>Option Consideration</b></u><br>\$80,000 paid herewith                                                                              |
| <u><b>Extension Periods</b></u><br>Eight (8) Periods of Thirty (30) days each | <u><b>Extension Consideration</b></u><br>\$10,000 for each Option Period. Funds shall be non-refundable but applicable to the sale price. |
- Purchase Price:** If this Option is exercised, the Purchase Price for the Property shall be Seven Hundred Thousand Dollars (\$700,000). The Option Consideration shall be credited against the Purchase Price payable at the closing. If Optionee does not exercise this Option, or if Optionee fails to close, Owner shall retain all Option Consideration then paid as full consideration and as its sole remedy. Optionee shall be entitled to a refund of the Option Consideration only if Owner's title to the Property proves defective, as provided below.







4. **Testing, Inspection, Approvals:** During the Option Period, Optionee and its employees, contractors and agents shall have the right at their expense to enter upon the Property, after reasonable notice to Owner, for the purposes of conducting inspections, survey work, soils tests, and/or other testing. Owner agrees to cooperate and join with Optionee or its designees in obtaining any rezoning, permits and approvals or the like as Optionee desires, at Optionee's expense. Upon request Optionee agrees to furnish to Owner a copy of any soils testing reports it obtains.
5. **Closing:** If Optionee elects to purchase the Property, Owner shall convey the Property to Optionee (or its designee) by good and sufficient general Quit Claim Deed with Covenant conveying marketable title, free and clear of all encumbrances, defects, liens, tenants and occupants ("Title Defects"), and utilizing the description obtained by Optionee's survey if requested. The closing shall take place within thirty (30) days after written notice from Optionee that it has exercised the Option at the date, time and place specified in the notice. Optionee shall have the right to apply the Purchase Price at the Closing to the removal of any Title Defects. The parties agree to execute and deliver such documents as are reasonably necessary and customary to complete the closing. Real estate taxes and utilities shall be prorated as of the closing date. Real estate transfer taxes shall be split 50/50 between Owner and Optionee as customary in Maine. Income taxes and gains taxes shall be paid by Owner.
6. **Broker:** The parties agree that no broker, other than The Boulos Company has been involved in this transaction. The Seller shall be responsible for all fees due to The Boulos Company through a separate brokerage agreement.
7. **Ownership/Risk of Loss:** Owner hereby warrants that Owner is the owner of the Property in fee simple, that Owner has the full right and authority to grant the Option described in this Agreement and that there is no other option, contract or other right to purchase the Property in existence. The risk of loss to the Property or taking by eminent domain during the Option Period shall be on Owner.
8. **Owner's Warranties:** To the best of Owner's knowledge and belief there are no and have never been "Hazardous Materials" on, under, in or about, or migrating to or from the Property. The presence of such materials at or any time prior to the Closing shall constitute a Title Defect, rendering the title unmarketable as aforesaid. As used herein, "Hazardous Materials" means any hazardous or toxic materials, waste, substances or matter, oil or other petroleum products, underground tanks, asbestos, or similar materials, including as defined in any federal, state or local law or regulation, or any other substances constituting a hazard or threat to the health of persons, animals or plants. This warranty shall survive the Closing and any expiration or other termination of this Option.
9. **Memorandum of Option:** Owner agrees to execute a document for recording purposes which will include the terms outlined herein, other than the Purchase Price.
10. **Notice:** Any notice required to be given by Optionee to extend or exercise this Option shall be in writing, shall be addressed as set forth above, and shall be sent by registered or certified mail, return receipt requested, or by a reputable overnight carrier that provides a receipt, such as Federal Express or Airborne, and shall be deemed delivered on the date postmarked or the date deposited with the overnight carrier.



11. ~~Binding Effect~~: This Option Agreement shall be binding upon the parties and their heirs, administrators, successors and assigns upon full discussion by Owner and Optionee in the spaces provided below. Optionee may assign its rights hereunder.

IN WITNESS WHEREOF, Owner and Optionee have executed this Agreement effective as of the date first set forth above.

OWNER:

Executed by  
  
3438FB720F0471

Simon Snyder

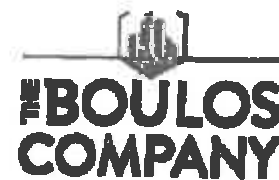
Date: 3/20/2021 2021

OPTIONEE:

By: 

Date: 3-19-2021 2021





**EXHIBIT A**

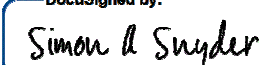


AMENDMENT 4  
TO OPTION TO PURCHASE REAL ESTATE LOCATED AT  
1772 WESTBROOK STREET, PORTLAND, ME & 695 STROUDWATER STREET, WESTBROOK, ME  
BETWEEN SIMON A. SNYDER AND DAVID GENDRON AND/OR ASSIGNS  
DATED MARCH 20, 2021  
ASSIGNED TO CHRIS PASZYC BY DAVID GENDRON JULY 30, 2021

The Extension Periods referenced in Section 2 of the Option shall be amended as follows:

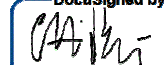
- a. One (1) Extension Period of Four (4) months Two (2) weeks starting November 1, 2021 for [REDACTED]
- b. One (1) Extension Period of approximately Four (4) months Two (2) weeks starting March 15, 2022 for [REDACTED]
- c. One (1) Extension Period of Four (4) months starting August 1, 2022 for [REDACTED]
- d. Four (4) Extension Periods of One (1) month starting December 1, 2022 each for [REDACTED] for each additional Extension Period.
- e. Funds for all Extension Periods shall be non-refundable but applicable to the sale price.
- f. In the event the Optionee terminates the Option, Optionee shall provide Owner with all due diligence materials, reports, surveys, and designs developed during the Option. Such materials shall be due immediately upon termination.

**OWNER:**

DocuSigned by:  
  
By: 3A3BF89728F5477...  
Simon A. Snyder

Date: 4/27/2022, 2022

**OPTIONEE:**

DocuSigned by:  
  
By: 0A03E06C7826408...  
Chris Paszyc

Date: 4/27/2022, 2022



## 5. CONSISTENCY WITH PORTLAND'S PLAN 2030

The City's Planning and Urban Development Department establishes content requirements for a zoning map amendment application, including considerations of *Portland's Plan 2030*. The following applies these lenses to the proposed zoning district change for 1772 Westbrook Street.

*Portland's Plan 2030* focuses on eight aspects of Portland's identity and performance: environment; waterfront; transportation; housing; recreation and open spaces; facilities; historic resources; and economy. The sections that are most relevant to the proposed project are environment, economy, and recreation and open spaces; the other sections generally focus on municipal operations.

### 5.1 Vision Statement

The six interconnected themes of the *Plan* constitute a vision statement for the City. This vision provides the foundation for City policies and priorities, and for gauging success. Select parts of the vision statement that correlate to this project are below:

- Sustainable
  - o "Portland has been built and rebuilt to endure; we will balance our historic fabric, sound infrastructure, and the best of new technology and design for the future."
  - o "We will use sound fiscal decision making as an essential element of our city's future health."
  - o "Portland will grow in order to sustain our community, infrastructure, and economy."
- Secure
  - o "We will strive to create a resilient economy through innovation, investment, and commitment to diversity."
- Authentic
  - o "We will invest in and support our local economy."

### 5.2 Local Goals

The proposed zone change for this property is consistent with the following local goals.

- ENVIRONMENT
  - o "Identify and protect Portland's critical natural resources."
    - The proposed project will provide access to, but not infringe upon, a resource protection zone and the Stroudwater Trail (located south of the project site). This will provide a connection to this valuable resource from the north that does not currently exist.
- ECONOMY
  - o "Create economic prosperity by growing Portland's tax and employment base."

- The proposed project will promote economic prosperity by providing a zoning district (I-M) for which there is current demand.
- o **"Respect that our unique quality of place is key to our current and future economic success."**
  - This project will allow growth within the moderate impact industrial sector that respects surrounding natural resources.
- **RECREATION AND OPEN SPACES**
  - o **"Strengthen connections between open spaces."**
    - The proposed zone change will strengthen the connection to the Stroudwater River area (consistent with the existing moderate impact industrial zone in the Hutchins Drive area to the south).



Att. F

Via Electronic Mail

August 22, 2022



James Rather  
Development Review Services Manager  
City of Portland  
389 Congress Street  
Portland, ME 04101

Re: 1772 Westbrook Street  
Application for Zoning Map Amendment

Dear James:

We are pleased to submit this application for a zoning map amendment on behalf of Touchstone Enterprises, Inc. for the subject property located at 1772 Westbrook Street. The property is approximately 52 acres and is currently zoned as Industrial – Low Impact (I-L). With this application, we are requesting that the zoning for this property be amended to Industrial – Moderate Impact (I-M). It is our belief that this request is consistent with the City of Portland Comprehensive Plan (Portland's Plan 2030) and will encourage responsible development of the site to its best use.

The Applicant is requesting this zoning map amendment to permit Warehousing, Storage, and Distribution Facilities uses greater than 10,000 square feet (SF) – which is the current limitation of the I-L zone. The applicant has identified low- and moderate-impact industries in the greater Portland area that is unmet by the current inventory of commercial real estate larger than 10,000 SF. Approving this map change will permit the development of approximately five new industrial lots with the sufficient flexibility to provide a variety of building footprints.

The application materials and supporting documents will be uploaded into the Eplan folder when it is made available for the project. We look forward to working with you on this project. If you have any questions regarding this application, please feel free to contact me at (207) 558-3662 or by email at [dstairs@woodardcurran.com](mailto:dstairs@woodardcurran.com).

Sincerely,

WOODARD & CURRAN, INC.

A handwritten signature in black ink, appearing to read "D. Stairs", written over a horizontal line.

Darrin B. Stairs, PE  
Project Manager

cc: Chris Paszyc - Touchstones Enterprises, Inc.

PN: 0238858.01



**Date:** November 9, 2022

**To:** Darrin B. Stairs, P.E.  
Project Manager/Associate Principal  
Woodard & Curran

**Re:** **Comparative Industrial Zoning Trip Generation Assessment**  
Zone Change Application  
1772 Westbrook Street  
Portland, Maine

Dear Darrin:

Please find, as follows, updated trip generation calculations and land use code review which incorporates the Planning Board's comments on the Comparative Industrial Zoning Trip Generation Assessment prepared for the proposed zoning change of the parcel located at 1772 Westbrook Street, signed and dated July 14, 2022.

The City of Portland Planning Board has requested that *"The applicant shall estimate trip generation for the proposed I-M zone assuming the worst-case or most intensive use allowed, which is likely an office use. The applicant should confirm that office is the highest or most intense trip generating land use. I would suggest that ITE Land Use code 710 - General Office be used for estimating trip generation."*

#### General Office Building Trip Generation Review

Barton & Loguidice, LLC has reviewed *Table 6-E: Permitted and Conditional Uses in Industrial and Airport Zones* of the City of Portland Land Use Code, and confirmed that LUC #710 would be a more intense trip generator (see Table 1 on the following page) than the largest trip generator listed in the Comparative Industrial Zoning Trip Generation Assessment, LUC #110 – General Light Industrial. However, both the existing (I-L) zone and the proposed (I-M) zone allow for general office buildings which are greater than 5,000 square-feet. The current (I-L) zone limits the general office buildings to *"back office uses"*, while the proposed (I-M) zone permits all office uses.

The Institute of Transportation Engineers Trip Generation Manual describes LUC #710 as: *a general office building where affairs of businesses, commercial or industrial organizations, or professional persons or firms are conducted. An office building houses multiple tenants that can include, as examples, professional services, insurance companies, investment brokers, a banking institution, a restaurant, or other service retailers.* The general office description covers all business uses which take place in a typical general office building and does not differentiate between *"back office"* or *"front office"* uses, henceforth, we can expect the same trip generation rates to apply to a general office building allowed in the existing (I-L) zone, and a general office building permitted in the proposed (I-M) zone. Additionally, unlike the *"warehousing, storage and distribution facility"* use, the square-footage of the general office building is not restricted under the present (I-L) zone, resulting in the same allowed building footprint under both zoning conditions.

Using the preliminary site development calculations presented in the Comparative Industrial Zoning Trip Generation Assessment, Barton & Loguidice has prepared trip generation calculations using LUC #710 for



a maximum of five 35,000sf buildings. Table 1, following, presents the trip generation produced by a general office building under both the existing (I-L) zone and the proposed (I-M) zone.

| Table 1<br>ITE Trip Generation Calculations |                                   |                                             |                 |                                 |       |      |
|---------------------------------------------|-----------------------------------|---------------------------------------------|-----------------|---------------------------------|-------|------|
| Land Use                                    | General Office Building - LUC 710 |                                             |                 |                                 |       |      |
| Time Period                                 | Sq. Footage (1k)                  | Avg. Trip Generation Rate (Trips Per 1k Sf) | Trips Generated | Distribution Entering / Exiting | Enter | Exit |
| Weekday                                     | 175                               | 10.84                                       | 1897            | 50% / 50%                       | 949   | 948  |
| AM Weekday Peak Hour (Street)               | 175                               | 1.52                                        | 266             | 88% / 12%                       | 234   | 32   |
| PM Weekday Peak Hour (Street)               | 175                               | 1.44                                        | 252             | 17% / 83%                       | 43    | 209  |
| AM Weekday Peak Hour (Generator)*           |                                   |                                             |                 |                                 |       |      |
| PM Weekday Peak Hour (Generator)*           |                                   |                                             |                 |                                 |       |      |

\*ITE does not provide trip generation rates for the Peak Hours of the generator

Under both zones, the general office building land use is projected to produce a maximum of 266 trips during the morning peak hour and 252 trips during the evening peak hour.

### Summary

In summary, while LUC #710 – General Office Building is shown to be a more intense trip generator than LUC #110 – General light Industrial, by approximately 100 trips during each peak hour, these trips may occur under the existing (I-L) zone as well as the proposed (I-M) zone.

Regards,



William J. Bray, PE,      Date: 11/09/2022

Att. H

Via Electronic Mail

December 2, 2022



James Rather  
Development Review Services Manager  
City of Portland  
389 Congress Street, 4<sup>th</sup> Floor  
Portland, ME 04101

Re: 1772 Westbrook Street - Notice of Public Meeting Certification

Dear James:

I, Darrin Stairs, PE hereby certify that a Notice of Public Meeting sign was posted from 12/2/2022 to 12/13/2022 prior to the public workshop held on 12/13/2022 for the proposed project ZN-002163-2022, located at 1772 WESTBROOK STREET.

Photo documentation of sign in situ:



Sincerely,

WOODARD & CURRAN, INC.

A handwritten signature in black ink, appearing to read "D. Stairs".

Darrin Stairs, PE  
Project Manager

PN: 233858.01



Att. I

Via Electronic Mail

November 10, 2022



Department of Planning & Development  
Attn: James Rather  
City of Portland  
389 Congress Street  
Portland, ME 04101

**Re: 1772 Westbrook Street - Neighborhood Meeting Certification**

Dear James:

I, Darrin Stairs, PE of Woodard & Curran, hereby certify that a neighborhood meeting was held on Wednesday, November 9, 2022 at the Italian Heritage Center located at 40 Westland Avenue, Portland, Maine at 6:00 p.m. regarding the Zoning Map Amendment Application for the property located at 1772 Westbrook Street, Portland, Maine.

I also certify that on October 28, 2022, invitations were mailed to the following:

1. All addresses on the abutters list provided by the Planning Division which includes property owners within 500 feet of the proposed development.
2. Residents on the "interested parties" list.

Signed,

WOODARD & CURRAN INC.

A handwritten signature in black ink, appearing to read "D. Stairs", written over a horizontal line.

Darrin Stairs, PE  
Project Manager

Attached to this certification are:

1. Meeting Invitation
2. Meeting Attendance Sheets

October 28, 2022



Dear Neighbor:

On behalf of Touchstone Enterprises (Applicant), please join us in person for a neighborhood meeting to discuss our plans for a proposed zoning map amendment for the property located at 1772 Westbrook Street in Portland, Maine. A Zoning Map Amendment Application for the proposed development has been filed with the City of Portland Planning Department.

Meeting Location: Italian Heritage Center, 40 Westland Avenue, Portland, Maine

Meeting Date: Wednesday, November 9, 2022

Meeting Time: 6:00-7:00 PM

The Land Use Code requires that neighboring property owners and residents on an "interested parties list" be invited to participate in this neighborhood meeting. A sign-in sheet will be circulated, and a record of the meeting will be taken. Both the sign-in sheet and record will be submitted to the Planning Board.

If you have any questions, please contact Darrin Stairs at (207)558-3662 or via email at [dstairs@woodardcurran.com](mailto:dstairs@woodardcurran.com).

Sincerely,

WOODARD & CURRAN INC.

Darrin B. Stairs, PE  
Project Manager

Note: Under the City of Portland land use code, an applicant for a zoning map amendment is required to hold a neighborhood meeting within 30 days of an application being deemed complete and no less than seven calendar days before a public hearing. Should you wish to offer additional comments on this proposed development, you may forward them by e-mail to [planning@portlandmaine.gov](mailto:planning@portlandmaine.gov) or by mail to the Planning and Urban Development Department, Planning Division, 4th Floor, 389 Congress Street Portland, ME 04101.





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

T 800.426.4262  
T 207.774.2112  
F 207.774.6635

## NEIGHBORHOOD MEETING

**DATE:** Wednesday, November 9, 2022, 6:00 p.m. – 7:00 p.m.  
**RE:** 1772 Westbrook Street – Neighborhood Meeting Sign-in Sheet

Dear Neighbors,

Thank you for attending tonight's neighborhood meeting at the Italian Heritage Center, to discuss plans for a proposed zoning map amendment for the property located at 1772 Westbrook Street in Portland, Maine. Please sign in below.

Thank you.

**Name**

**Address**

Lynn Jennings

1187 Westbrook St.

ANTONETTE DEMARCO

34 KINGSMARK LN

Luigi Della Colletta

34 KINGSMARK LN

RUTH BARTON

26 BLACK SPARROW DR.

Margaret Dion-Moravitz

31 Trailhead Way

JIM ALEXANDER

25 TRAILHEAD WAY

Pam

" " "

~~Linda Green~~

~~1772~~

ANNE MARIE WILBERG

44 TIDE MILL RD

Kathleen Stokes

15 Old Mast Rd

Carter Waldren

40 Garrison

Willa Vennema

40 Garrison

Wendy + Michael Taylor

35 Buttonwood

Frederick + Ellen Fuller

1443 Westbrook St



Name

Address

Martha Johnston

Richard Michel

Jeff & Jena Breece

Liza Morong + Nick Cameron

Jay Panora

Valerie + Matthew Todd

Mark McAllister

Margaret Coleman

Tom Ainsworth

Christy Ellingsworth

PHILIP BOGDEN

TARA CACCIOIA

Maryann Cocca-Leffler

Gilbert Twitchell

Edward Howard

Elizabeth Hoglund

Amanda Scrivani

1457 Westbrook Street

1683 Westbrook St.

96 Stroudwater Rd

15 Trailhead Way

12 Black Sparrow Drive

68 Black Sparrow Dr.

40 Black Sparrow Dr.

1247 Westbrook St.

12 Garrison St.

1365 Westbrook St.

1247 Westbrook St

48 Penkith Rd.

18 Black Sparrow Dr

28 Roundabout Lane

28 Roundabout Lane

138 Stroudwater Rd

22 Trailhead Way





## NEIGHBORHOOD MEETING

**DATE:** Wednesday, November 9, 2022, 6:00 p.m. – 7:00 p.m.

**RE:** 1772 Westbrook Street – Neighborhood Meeting Sign-in Sheet

Dear Neighbors,

Thank you for attending tonight's neighborhood meeting at the Italian Heritage Center, to discuss plans for a proposed zoning map amendment for the property located at 1772 Westbrook Street in Portland, Maine. Please sign in below.

Thank you.

**Name**

**Address**

ROBERT BEAULIE

Jim Stenberg

BRUCE DAVIS

Tom Brewster

Deborah Napier

Patrick Connell

Diane Diconzo

HOLLY HOFFMAN

ERIC GRIFFIN

Brian Gosch

Harmony Renn

Parke Burmeister

Lisa McLaughlin

34 TRAILHEAD WAY PORT.

25 Stroudwater Rd

34 BLACK SPARROW DRIVE

44 Black Sparrow Dr

111 Cobb Ave

521 Penrith Rd

54 Penrith Rd

1619 WESTBROOK ST.

42 PENRITH RD

62 Cobb Ave

90 Cobb Ave

71 Stroudwater Rd

30 Partridge Road



Name

Address

Angela Wheaton  
CAROLAN & ROSANNA D'ORSO

30 Partridge Rd  
1376 WESTBROOK ST

Rick Lucas

51 Garrison St.

JoAnn Antonelli

51 Garrison St.

Lee Edwards

57 Garrison St

Larry Richards

82 Black Sparrow

Jane Richards

82 Black Sparrow

Simon Smycher

528 Stroudwater St.

JOSH ROGERS

1242 Westbrook St

Christie & Scott Dresser

54 Poundabout Lane

Sarah Cramton

83 Cobb Ave

Kiran Mahal

83 Cobb Ave

Kathy MOSCHETTO

73 Cobb Ave

John Peverada

21 Kingsmark Lane

Jim Mooney

54 STROUDWATER ROAD

Roy ST. CLAIR

48 Stroudwater Rd.

Ed Resnisky

50 River's Edge Drive

William de Rham

1810 CONGRESS ST.

Eugene de Rham

" " "

Brian Farr

1457 Westbrook Street





Ruth Barton <[rbartondesigns@gmail.com](mailto:rbartondesigns@gmail.com)>

Sep 30, 2022, 2:26:26 PM (2 days ago)

to [planningboard@portlandmaine.gov](mailto:planningboard@portlandmaine.gov)

This email is to express my opposition to the above referenced project by Developer Mr. Paczyc. Westbrook Road is far too busy already to accommodate the type of traffic that is sure to come from such a development or zoning change. What he proposes is nothing like the current small businesses along that stretch of road. This two lane road already carries an incredible amount of traffic between Westbrook and Portland, passes two major public schools and numerous residential driveways and streets. I am a resident of Stroudwater Preserve and we do not want this project and vehemently reject a zoning change. As we have found, Developers get a project approved and the begin to make changes that seem small on their own, but end up having an impact on neighborhood residents, usually to their own advantage. Our neighborhood already attracts many walkers because the noise of traffic on Westbrook is extremely loud. The sidewalk, where there is one, is quite narrow, and is only on one side of the street for the most part. There are no left hand turning lanes. Speed is already a problem and adding more, larger vehicles is disaster waiting to happen.

We have also had to contend with a great deal of noise this summer and fall coming from Eco Maine. The sound carries right across the highway and has been very loud during the day as well as at night. We complain, it gets better, but then is right back to a terrible noise level. This developer uses Eco Maine as a positive neighbor, when, in fact, it is not.

Apparently the Developer has not yet purchased the property and we would like him to take his project elsewhere where the trucks and noise will not impact a residential neighborhood.

Thank you,

Ruth Barton  
26 Black Sparrow Drive  
Portland ME 04102

rstclair@aol.com <rstclair@aol.com>

Sep 28, 2022, 2:37:38 PM (4 days ago)

to planningboard@portlandmaine.gov, egermani@dwmlaw.com

To: Portland Planning Board

**RE: Touchstone Enterprises, Inc. has submitted a Zoning Map Amendment application to rezone a 52 acre parcel at 1772 Westbrook Street from I-L Low Impact Industrial to I-M Moderate Impact Industrial to allow the future siting of Warehousing, Storage, and Distribution Facility uses greater than 10,000 square feet at this location.**

We would like to express our significant concern over how this project, and the re-zoning from Low Impact to Moderate Impact, will influence traffic on the Stroudwater neighborhood.

Trucks loading or unloading, and then traveling to Congress Street, airport facilities, or to the Maine Turnpike (exit 46) will result in heavy use of Westbrook Street and severe negative effect on our (already busy) neighborhood street.

We are opposed to this re-zoning and to the overall development of this project.

There are better locations than this particular site, which consists of mostly residential homes.

Thank you for your consideration.

Roy St.Clair  
Elizabeth Germani  
48 Stroudwater Road  
Portland, ME 04102



Maryann Cocca-Leffler <mcleffler@aol.com>

Sep 30, 2022, 11:54:04 AM (3 days ago)

to planningboard@portlandmaine.gov, Maryann Cocca-Leffler

Dear Portland Planning Board-

We are residents of the Stoudwater Preserves Neighborhood. We were recently informed that real estate developer Chris Paszyc, owner of Touchstone Enterprises and Partner at Boulos Commercial Real Estate, is under contract to purchase a 60-acre parcel of land on Westbrook Street. His plans are to construct warehouses and is seeking a zoning change.

We would like to strongly voice our concern and disapproval of this proposal. This site is in a residential area and NOT the proper place for warehouses and the traffic in will cause, including trucks and tractor trailers traveling through the Stroudwater Historical District. Besides many safety issues, there will be congestion, noise & pollution.

Neither Westbrook St nor Stroudwater St in Westbrook has direct access to 95. This will be a dangerous nightmare for our quiet community.

Please consider building much needed affordable housing on this site.

Thank you-

Maryann & Eric Leffler  
18 Black Sparrow Dr  
Portland ME  
[207-245-2332](tel:207-245-2332)

Margaret Dion-Marovitz <margaretdionmarovitz@gmail.c... Sep 30, 2022, 7:18:19 PM (2 days ago)  
to Kathleen Gardner, planningboard@portlandmaine.gov, Maryann Cocca-Leffler, Stroudwater Preserve Neighbors

Bravo, Kathleen! Thank you!

Margaret Dion-Marovitz  
31 Trailhead Way  
Portland, ME 04102

Sent from my iPhone

> On Sep 30, 2022, at 12:31 PM, Kathleen Gardner <[kgardner1me@gmail.com](mailto:kgardner1me@gmail.com)> wrote:

>

> Hello,

>

> I am writing to express my concern with the proposed Westbrook Street Warehouse development which is right down the street from our neighborhood- Stroudwater Preserve.

>

> As I'm sure you have heard our neighborhood was built to provide a quiet, trail accessible environment for families. Given that our neighborhood has many young children, pets (one of my dogs is blind) and many work from home families, the increased presence of large capacity truck traffic will make the area unsafe and noisier.

>

> Also Westbrook Street houses the ARLGP, Westbrook Middle School and High School, as well as being a main route for many Rescue Services. Just the increase in large vehicle traffic alone would make it harder for residents, buses and emergency vehicles to travel safely.

>

> I Agree with some of our fellow neighbors, that adding more actual affordable housing in this high priced housing market would be far more beneficial, and allow people working in the Portland area to live in Portland.

>

> Thank you for hearing me out.

>

> Sincerely,

> Kathleen Gardner

> 16 Trailhead Way

> Portland, Me

>



Kathleen Gardner <kgardner1me@gmail.com> Sep 30, 2022, 12:31:24 PM (3 days ago)  
to planningboard@portlandmaine.gov, Maryann Cocca-Leffler, Stroudwater Preserve Neighbors

Hello,

I am writing to express my concern with the proposed Westbrook Street Warehouse development which is right down the street from our neighborhood- Stroudwater Preserve.

As I'm sure you have heard our neighborhood was built to provide a quiet, trail accessible environment for families. Given that our neighborhood has many young children, pets (one of my dogs is blind) and many work from home families, the increased presence of large capacity truck traffic will make the area unsafe and noisier.

Also Westbrook Street houses the ARLGP, Westbrook Middle School and High School, as well as being a main route for many Rescue Services. Just the increase in large vehicle traffic alone would make it harder for residents, buses and emergency vehicles to travel safely.

I Agree with some of our fellow neighbors, that adding more actual affordable housing in this high priced housing market would be far more beneficial, and allow people working in the Portland area to live in Portland.

Thank you for hearing me out.

Sincerely,  
Kathleen Gardner  
16 Trailhead Way  
Portland, Me

James R Alexander <jimalexander@me.com>

Oct 1, 2022, 2:13:08 PM (yesterday)

to planningboard@portlandmaine.gov, kgardner1me@gmail.com, Maryann Cocca-Leffler, Stroudwater Preserve Neighbors, Susan Griffin

Dear Board Members,

We agree and support many of the comments that our neighbor, Kathleen Gardner, made in her email. We have recently moved back to Maine after having been away for 25 years. We decided to build in Stroudwater Preserve because of its quality and location. More specifically, we did not want to live in a condo or a 55+ community, but rather in a place with a real neighborhood feel, with residents and children of all ages. To our mind, Stroudwater Preserve is ideal.

We do not support the rezoning of the 60 acre parcel from I-L (low impact) to I-M (moderate/medium impact) for several reasons, namely;

1. the negative impact on property values for Stroudwater Preserve as well as the abutting neighborhood. Currently, Phase 1 is nearing completion and some current owners like us are looking forward to the start of Phase 2 which we think will further enhance the value of our neighborhood. A large commercial presence with more trucks and noise could slow the growth of Phase 2 and make for a harder, more difficult "selling environment" for the developer.
2. the increase in traffic and noise from heavy vehicles as well as the traffic tie-ups that will occur at the Congress/Westbrook traffic light. Getting into Portland via Congress or the Maine Mall could become even more of a hassle. It's now easier to take Westbrook Street into Westbrook to shop for groceries and other necessities.
3. the definitions of light industrial vs medium industrial state that light industrial is an appropriate buffer to residential housing while medium industrial is better suited for direct access to arterials, thereby protecting residential neighborhoods from drive-through traffic. It seems to us that significant due diligence was given to this property when originally zoned - why change it now?
4. although some have suggested making the site available for affordable housing, this will only work if you have good public transportation, which would also mean increased bus traffic on Westbrook Street. We feel that keeping the property in its present zoning classification is most appropriate.

Thank you for your time,

Jim & Pam Alexander



Oct 2, 2022, 1:18:19 PM (24 hours ago)

**B Beale** <rousher3stg@aol.com>

to jimalexander@me.com, planningboard@portlandmaine.gov, kgardner1me@gmail.com, mcleffler@aol.com, stroudwater-preserve-neighbors@googlegroups.com, sgriffin@jhrdevelopment.com

I agree, I relocated from NH to have a home built in this development to be with my family who live nearby after much deliberation and am very pleased with the community.

Was distressed upon learning of the proposed development being warehouses and the impact on the infrastructure, the traffic specifically trucks and the subsequent noise.

Jim eloquently pointed out the other numerous reasons that we as neighbors should rally to see this does not go forward.

Thank you Jim, et all

Robert Beale

## Written Public Comments OCT 11 meeting/ 1772 Westbrook St SITE/Zoning

Subscribe ☐

0 views



Maryann Cocca-Leffler <mcleffler@aol.com>  
to planningboard@portlandmaine.gov, eleffler@aol.com

7:53 AM (1 hour ago)

Dear Portland Planning Board-

We are residents of the Stroudwater Preserves Neighborhood, off Westbrook St in Portland. We are unable to make the Oct 11 planning board meeting at which you will be discussing the rezoning of a 52-acre parcel from I-L Low Impact Industrial to I-M Moderate Impact Industrial, in relation to Chris Paszyc/ Touchstone Enterprises, Inc's plans to construct warehouses.

We would like our Written Public Comments published in the agenda packet:

We strongly voice our concern and disapproval of the proposal to change the zoning of the 52-acre site at 1772 Westbrook St and the building of warehouses. This site abuts the quiet residential neighborhood of Stroudwater Historical District and is NOT the proper place for warehouses and the traffic it will cause, including trucks and tractor trailers traveling through our neighborhood. Besides many safety issues, there will be traffic congestion, noise & pollution.

Furthermore, neither Westbrook Street nor Stroudwater Street in Westbrook have direct access to 95. The Congress & Westbrook St intersection is a dangerous intersection now. We can't imagine trucks making that turn and then stopping traffic on Westbrook St to turn left into the site. This entire project is a dangerous nightmare for this community, even at the I-L zone. If the developer really wants to do the right thing for the neighborhood they would build an exit over the river to the EcoMaine site area to access 95. No trucks should travel on Westbrook St/ Stroudwater St.

We urge you to deny this request and instead, push for building much needed, affordable housing on this site.

Thank you-

Maryann & Eric Leffler  
18 Black Sparrow Dr  
Portland ME  
[207-245-2332](tel:207-245-2332)



Bill Lairsey <wlairsey@gmail.com>

Oct 31, 2022, 11:29:52 AM (2 days ago)

to [planningboard@portlandmaine.gov](mailto:planningboard@portlandmaine.gov), [citycouncil@portlandmaine.gov](mailto:citycouncil@portlandmaine.gov)

Please.... NO,NO,NO... To Rezone request for 60 Acre parcel on Westbrook Street.

William Lairsey  
40 Spar Ln.  
Portland, ME 04102  
Tel: [207-828-3918](tel:207-828-3918)

anne marie wilberg <mientje4663@gmail.com>  
to planningboard@portlandmaine.gov

Nov 12, 2022, 11:23:44 AM (yesterday)

## Opposition to Rezoning Request for 1772 Westbrook St. ( ZN 002163-2022)

Dear members of the Planning Board

We are writing to register our strong opposition to the proposed zoning change from I-L to I-M for the parcel of land at 1772 Westbrook Street. ( ZN 002163-2022).

We understand the importance and need for development within Portland , and are not inherently opposed to development within the current zoning classification of I-L. Having carefully reviewed the difference between I-L and I-M however, we are concerned on multiple levels if this zoning change is allowed.

We assume that the original zoning recommendation was made with knowledge and information that are in line with the City's overall strategic plan. (Portland's Plan 2030) . According to the City of Portland Land Use Code I-L and I-Lb zoning is intended for" low impact industrial uses , and limited uses serving employees and residents of the surrounding neighborhood, will be compatible with adjacent residential uses, will provide a buffer between residential neighborhoods and higher impact industrial zones". ..... "will ensure compatibility of the uses with other adjacent industrial and non industrial uses" and ... "designed to maintain compatibility between low impact industrial uses and neighboring non industrial and industrial uses. " None of this language is included in the descriptor of I-M zoning.

About 13-14 years ago the City of Portland purposely and functionally " narrowed " Westbrook street by putting in an island and building sidewalks to improve the walkability and safety of the road. This implies to me that the City was serious about maintaining the Residential flavor of this neighborhood. Changing the zoning to I-M would put this in significant jeopardy.

The Developer has stated that his only reason for requesting this zone change is to allow him to build 5 larger buildings. ( 35,000-50,000 SF rather than being limited to the 10,000SF allowed by I-L . He states that he plans to not build above 30 ft and that he envisions the businesses there as " quiet and clean". Please recognize that he is not personally going to be building on each of the lots and will be selling all but one or two. He has acknowledged this. There is NO guarantee that any other builder /business will share this vision, nor will they have ANY obligation to follow it. In fact it would seem very unlikely that they would so do, given they would be purchasing this parcel because it is zoned as I-M. There will be no going back at that point.

The issue of increased traffic has been a serious concern for many of my neighbors, which I share .

At the Community meeting on Nov 9th at the Italian Heritage Center Mr Paszyc and his engineer stated that their traffic engineers had concluded that there was no " substantive difference " in the increased amount of traffic in the scenario of developing land according to I- L vs I-M zoning. ( 150 vs 165 PSE /passenger car equivalents ) . He emphasized that his current proposed tenant would have a fleet of approximately 18 Box trucks and two 18 wheelers . When pressed on the fact that there were no plans for what an I-L development would look like ,and no clarity as to who other tenants might be, thereby raising the question of the validity of such estimates we were just told that " we know because we do this a lot".

It is hard to believe that a change from I-L to I-M would not come with a significant increase in the number of larger trucks/ 18 wheelers. The transportation needs for a business utilizing a 10,000SF building would be very different than those for a 50,000SF building.

As an aside, it is also our understanding that for any anticipated increase of 150 PSE or more ,according to the City of Portland Technical Manual a formal traffic study would be required. It is not clear to us whether this has been done. I understand that typically these are not done until there is a plan, but given the likely significant difference in type of traffic between I-L and I-M it seems appropriate to address this issue before a zoning change is allowed to go through. Again, once a zone change has been made there will be no turning back .

The potential of a significant number of 18 wheelers driving on Westbrook street obviously creates concerns on multiple levels.

Westbrook street is a " major urban collector" and not an " arterial" which is the recommended designation for a road serving an I-M zoned property. As such, I suspect that this means that Westbrook street was not constructed in compliance



with the “ City of Portland technical manual Section 1 transportation Systems and Street design ( p12) . The wear and tear on this road would therefore be significant . The cost and disruption of bringing the road “up to code” would be significant.

Additionally , the turning radius of an 18 wheeler is sufficiently large to make turning on to Outer Congress street extremely difficult and dangerous and would significantly affect traffic flow on an already busy thoroughfare. Going the other direction would bring them past the Westbrook school system. Also not an ideal circumstance

It will also impact the safety of the residents of Westbrook street and all the neighborhoods that branch off of it. My understanding is that most of these neighborhoods are cul de sacs . The only way for residents to get around is to travel on Westbrook street. Again, referring back to one of my earlier points, the City of Portland actively modified Westbrook street to enhance its safety and promote the residential feel of this neighborhood where families walk and bike .

Finally , we do recognize the importance of development in Portland so as to support its ongoing growth and to maintain a healthy vibrant community . Jobs are important, as is the importance maintaining the sense of community that so many of our neighborhoods offer. This requires careful and mindful decision making. I believe the likelihood of maintaining this balance is far higher if this Zoning change request is denied, and it is developed as it was originally intended as I-L 1

Respectfully. Jim and Anne Marie Wilberg

44 Tide Mill Rd Portland, ME 04102

Ayumi Horie <ayumihorie@gmail.com>

Nov 10, 2022, 9:41:34 AM (3 days ago)

to planningboard@portlandmaine.gov, citycouncil@portlandmaine.gov

November 10, 2022

Dear Planning Board,

We are writing to express our strong opposition to the proposed rezone of 1772 Westbrook St. Granting the zone change would violate the-

- City of Portland Land Use Code
- The City Charter
- Portland Comprehensive Plan

Granting the rezone from I-L to I-M would clearly violate city codes ([City of Portland Land Use Code, section 5-page 8](#)), which state that the I-L designation, *"provide areas in which low-impact industrial uses, and limited other uses serving employees and residents of the surrounding neighborhood, will be compatible with adjacent residential uses, will provide a buffer between residential neighborhoods and higher impact industrial zones."* Your job as a planning board is to assess the codes as written, not to rewrite them for the benefit of one developer. Granting this zone change would be an abuse of your position.

The Preamble of the City Charter states that the charge of our local government is *"to provide for the general health, safety and welfare of our community."* The development of this property provides no benefit whatsoever to the Stroudwater neighborhood. Furthermore, Portland's Comprehensive Plan lays out city values, including-

- *Complete Neighborhoods, improving livability while retaining the key characteristics that make neighborhoods unique (pg) 9)*
- *Growth should respect and seek to preserve our spectacular natural resources (pg 12)*
- *We will enable meaningful access to the natural world and recreational opportunities as a central component of community health. (pg 12)*

Developing this land serves **only** the developer, as he can not assure what will be stored in the warehouses, who will occupy them, or have any part in what happens on the lots in the future. This short-term gain for the developer will open a can of worms for the neighborhood in an incredibly sensitive ecological area located along a waterway, disrupt the historic character of the neighborhood, and become a safety and quality of life issue for its residents.

The developer has not done an environmental impact study yet. How can his proposal be taken seriously if this information is not taken into account for the sake of the neighborhood and environment? Our property borders the Stroudwater river in back and we are three houses in from the intersection of Westbrook St and Congress st. Changing the zoning toward heavier industrial use will have a profoundly negative impact on both the natural and lived environment, which will in turn negatively impact the quality of life for my family.

We have a 3 year old who is learning how to swim in the river and an 8 month old who will also grow up swimming in the river. Because the river runs right through the 1772 Westbrook St lot, I do not believe that shoreline setbacks will do much good as industrial runoff will enter the watershed and into the water we swim in. We regularly see herons, egrets, kingfishers, and otters to name some of the animals who share our river. How will the city assure that the septic systems from the warehouse will not fail and how will the tenants be held accountable, especially if they are purchased by out-of-state developers? Destroying more wildlife habitat will certainly affect wildlife through light, air, water and noise pollution. In this time of climate crisis, it is irresponsible and negligent to support a zoning change for even heavier industry that abuts residential neighborhoods and next to wetlands.



I realize that this lot is already zoned for light industry. However, given the current state and capacity of Westbrook St, this lot should not have been zoned this way in the first place. The developer has not reached out to the city of Westbrook to inquire about traffic going toward their city and major changes would need to be done on Westbrook St to accommodate a fleet of semi-trailers. Widening and repaving Westbrook St would violate the City's Charter and Comprehensive Plan.

We take walks as a family in the neighborhood, often down Westbrook St. As it is, the road borders on unsafe for children and pets with all the speeding cars and small trucks. We do not take the proposal to increase semi-trailer traffic lightly. The developer framed a jump to I-M as only increasing the traffic slightly, but that is a specious argument. Right now, we hardly have any semis barreling down the road. Creating more dangerous traffic situations for residents here is reprehensible and misaligned with our city's stated values.

Developing 1772 Westbrook St at all, will have an extremely detrimental impact on the quality of life for our children and our entire neighborhood. I urge the Planning Board to weigh our quality of life against what will have minimal, if any financial benefit for the city. Last night, the developer could not answer the question, "what benefit does this have for the neighborhood?" He could not answer the question, because developing this lot only lines his own pocket. He should find another lot to build on and this zoning change is the last thing this neighborhood needs.

Your job as a Planning Board is to align with the code as written and to adhere to Portland's values. Please vote to deny this proposal and consider other options for the zoning of this lot for the health and safety of generations to come.

Sincerely,  
Ayumi and Chloe Horie  
1266 Westbrook St  
Portland, Maine

October 12 2022  
 Carter Waldren  
 40 Garrison Street  
 Portland, Maine 04102  
 Carter Waldren1966@gmail.com

Portland Maine City manager Danielle West, and Portland planning board members.

Maggie Stanley, Chair  
 Brandon Mazer, Vice chair.  
 Justin Barker  
 Marpheen Chann  
 Sean Murphy  
 David Silk  
 Austin Smith

New letter to the City Manager and Portland planning committee members dated October 12 2022. **Re Zoning Map amendment ; 1772 Westbrook Street; Touchstone Enterprises Inc.**

I had written comments prior to the public meeting on October 11th about the proposed map amendment and did not feel that the questions contained in the letter were answered. I will reiterate my questions and hope you and the planning board will explain answers to them on the record.

Questions:

1. Where are the impact reports and where is the planning process ? Environmental, Sewage, Noise, Watershed damage, Traffic flow, Public Safety, Infrastructure, Shoreland zoning, Construction impacts, Electrical infrastructure and environmental impact to the Fore river estuary related to dumping more runoff into the Stroudwater?
2. How does this project fit with the city's vision plan? More trucks and more pollution in a residential neighborhood. Is that part of the city's comprehensive plan?
3. What are the benefits to the Stroudwater neighborhood or to Westbrook?
4. What is the environmental impact of this project on the Stroudwater area watershed? Storm runoff etc. Have the existing environmental protections been followed? There has already been logging on the property . Were the shoreland zoning requirements met?
6. What specific requirements are in place to protect neighborhoods , the Fore river estuary and the Stroudwater area from projects that negatively impact residential neighborhoods and the environment. Eco maine is located adjacent to the proposed warehouse site and how will this project work to mitigate pollution that is emitted from the eco maine site by removing the forest



and vegetation. Is the committee following those guidelines? Has the Maine DEP been consulted related to the project?

End of questions.

My first point is the depersonalization of the map amendment to what in reality is a policy decision about land use. This project is not just a map change. This change to the zoning is in fact a policy change. This change will directly impact the Stroudwater neighborhood and the city of Westbrook. This property is not accessible in any other way except through a residential neighborhood making it an on and off ramp to a trucking depot. Comparing it to other projects that have easy access to the highway is not a fair comparison. Secondly I heard acronyms such as IOD, or IDP, or TDM or TMP used at the meetings. These jargon words alienate the public and turn the process into an agenda item. Again making it an impersonal agenda item.

The agenda item to amend the map was framed by the applicant. The uses of traffic were supplied by the applicant based on hypothetical numbers made to create an environment that would be favorable to a map amendment to rezone the property. This zone change is framed as a simple map amendment. But if it was framed as three 50 thousand square foot trucking warehouses then I am sure the planning board would have objections at this location due to its proximity to neighborhoods. I am confident the committee would see it more as a policy and public disruption issue rather than a map change.

I would assume that policy changes that would affect direct neighborhoods would require a much more thorough process. The applicant provided minimal information about the actual buildings, disruptions to traffic, specific site planning, environmental etc, and conceptual planning for the future and many other factors. This is not a way to make decisions. The planning committee would need more details of actual impacts, such as trucking, routes, sewage, impact to wetlands etc. The applicant does not own the land and is being cautious about moving forward without the zone change. His intentions about the land use are intentionally vague. He stands to profit from a zone change and the home owners along Westbrook and into Westbrook city stand to lose value. This project lacks preparation, planning, impact, and reality based on trucking routes and environmental impact. Westbrook street and Stroudwater road are not trucking access routes no matter what terminology is given to the road. This area is not a trucking access route. The stroudwater road has no shoulder and access to the highway both getting off and on is at Forest in Westbrook or to Congress would lead to traffic issues.

I encourage the city manager and members of the planning committee to take the exit off Rand road to Forest street and to imagine doing this in a tractor trailer. The difficulties to truck navigation are self-evident..

This original zone was put on the land to protect the neighborhoods in the first place and just making a map amendment does not take into account the investments that homeowners have made in this neighborhood. Perhaps the city should secure the use of this land to the environment because of its sensitive location to EcoMaine and the Stroudwater basin to the Fore river estuary. This Zone change is controversial and is not just a map amendment. There are no assurances or balance in the system if a zone change is approved.

The argument by the applicant that he can build 19 smaller units is invalid because he would have already purchased the land and then come to the planning board with Plans for smaller units. But he is cautious about that and uses that as a red herring to get what he is really after a zone change to build large warehouses that will definitely have a negative impact on the Stroudwater neighborhood and to Westbrook.

The real issue is that the applicant does not want to pay for a road across the stroudwater and instead wants to use the Stroudwater neighborhood as an on and off ramp to the highway. This is not fair or a correct use and changing the zoning is a big deal. Not just a map amendment. There is no comparison to other areas with zones that have access to the highway. There is no past precedent. This is not an agenda item to quickly be voted on. This is an actual neighborhood and this decision for a zone change will determine the livability of this neighborhood into the extended future. I encourage the city manager and members of the planning committee to really try and define what the city wants in terms of land use and protecting neighborhoods into the future.

Sincerely,

Carter Waldren

Waldren, Carter &lt;waldrenc@westbrookschoools.org&gt;

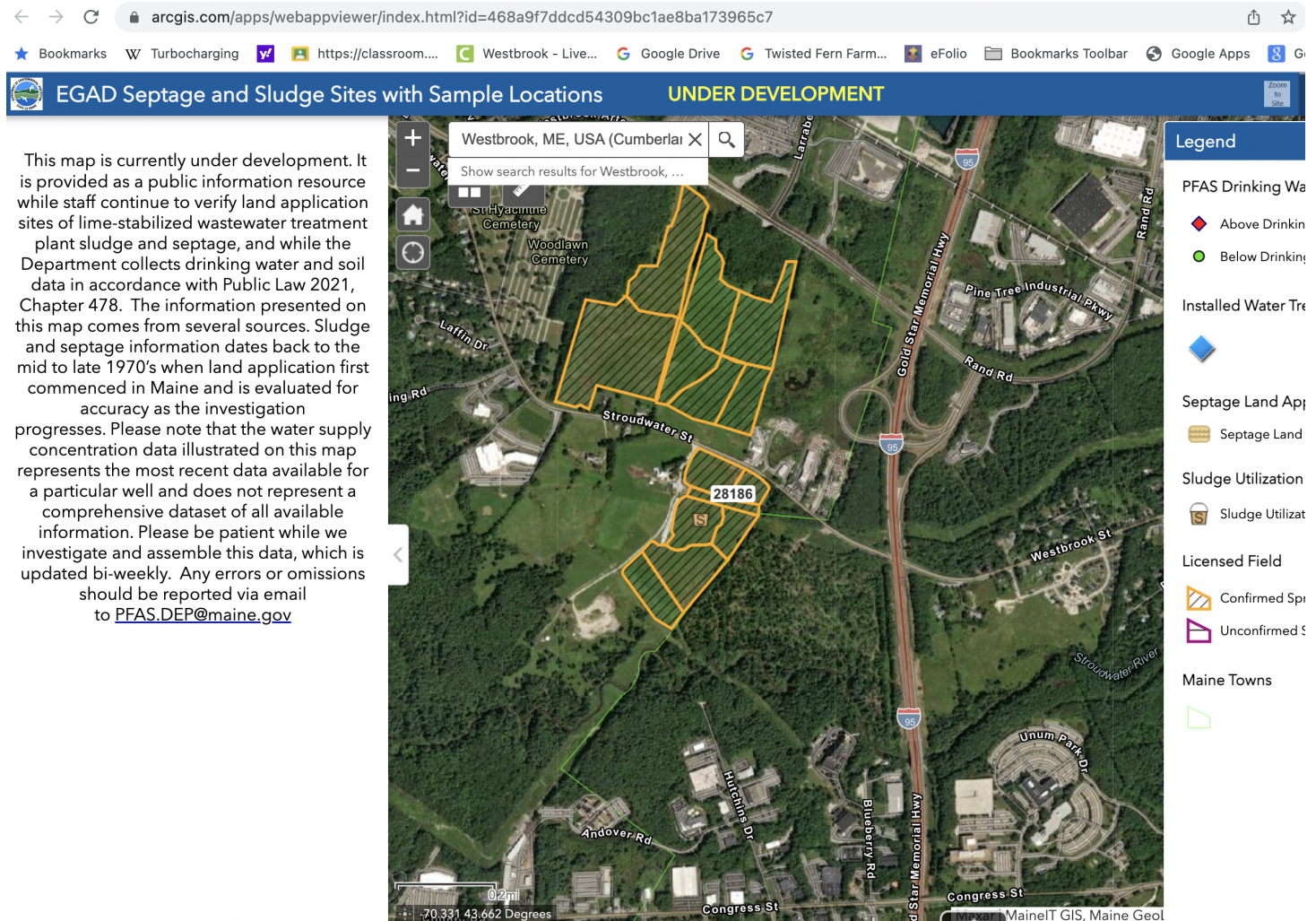
Oct 28, 2022, 3:09:41 PM (5 days ago)

to Planningboard@portlandmaine.gov

Planning board please look at this map it shows the Septage distribution on the abutting land to the proposed land zone change. This is a very serious matter. This map is a state of Maine government issued map showing PFAS distribution sites.

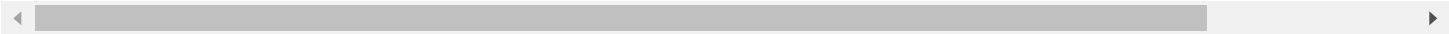
If there is contamination and it is listed as a Tier one site then the runoff and water of the abutting property will be affected into the long term future. This is one more reason to deny the zone change. That contamination will enter the groundwater and move towards the Stroudwater river . I urge you to understand the natural resource of that property in terms of its location to Eco Maine and to possibly mitigate runoff to the Stroudwater from the adjacent property. Time to call the Maine DEP and wildlife biologists. Not authorize a zone change, this property is a natural corridor for wildlife to the West and East. Any development here will be detrimental to wildlife and ultimately the health of the residents in this area and all of Portland because it is connected to the Fore River.

Take a good look at the map and see how important this piece of land is . The web site is under development. Your attention to this matter is very important.



Carter Waldren





Christy Ellingsworth <christy@thedailydish.us> Nov 13, 2022, 10:06:40 AM (23 hours ago)  
to planningboard@portlandmaine.gov, oppose-the-rezone@googlegroups.com

Dear Planning Board Members,

I am writing to respectfully ask that you please deny Chris Payzek's request to rezone 1770 Westbrook Street from Industrial Light to Industrial Moderate.

My family and I reside at 1365 Westbrook Street. Our historic home, the Francis Waldo - Daniel Dole House, is approximately 280 years old. Our home is located directly on Westbrook Street in the Stroudwater historic preservation district.

This historic designation is intended to preserve the nature and character of our very historic home and neighborhood from significant alterations, including precisely the types of industrial and commercial activity Mr. Payzek is suggesting. The historic designation requires that home owners seek approval before proceeding with any change that would alter the character or nature of our properties. For instance, we cannot put up a fence to block road noise, pollution, or traffic, without approval. A fence isn't even a structure attached to a house! Yet, it would require approval.

The nature of our neighborhood will be irrevocably impacted by a decision to rezone to Industrial Moderate. Any increase in traffic will be significant, and the type of tractor trailer activity associated with a rezoning to Industrial Moderate requires an arterial route, something Westbrook Street is not, nor currently paved to be. We do not want to be living on an arterial route. We love our historic home and do not want it, nor us, to be subjected to the traffic of an arterial road.

We are unable to simply put up a fence and pretend a significant increase in truck traffic away. Our neighborhood and our home are precious to us. We daily walk Westbrook Street with our family and our dogs. Our physical safety, peace of mind, quality of life, the value of our historic home, and the nature of our historic neighborhood will be very negatively impacted by a decision to rezone to Industrial Moderate.

I kindly urge you to consider the harm that a rezoning to Industrial Moderate will do and ask that you please reject Chris Payzek's request to rezone 1770 Westbrook Street from Industrial Light to Industrial Moderate. Please do not vote to put a developer's interests before those of Portland residents. Any increase in city tax revenue will directly be at our expense and will do irrevocable harm to all residing in this neighborhood.

Thank you truly for your time and consideration in this matter.

Sincerely yours,  
Christy Ellingsworth  
1365 Westbrook Street

Dan Beressi <dberessi@gmail.com>  
to planningboard@portlandmaine.gov

10:08 AM (22 minutes ago)

Hi,

I am writing to express my strong opposition to the zone change request to rezone the 60 acre parcel on Westbrook Street from I-L to I-M. This is a residential neighborhood and the proposed rezoning would have a negative impact on pedestrian safety, noise pollution and air pollution.

I am out of the state on November 9th and won't be present at the Planning Board meeting, so I am writing to register my opposition.

Sincerely,

Howard (Dan) Beressi

1190 Westbrook St, Portland, ME 04102



diane diconzo <dianediconzo@gmail.com>

Nov 2, 2022, 10:17:20 PM (13 hours ago)

to planningboard@portlandmaine.gov

Good day, I am writing to voice my concerns of the re-zoning the parcel of land on Westbrook Street that is currently for sale. I reside at 54 Penrith Rd. I walk Stroudwater Street twice daily with my husband and our dogs. Westbrook Street is very active with commuter and business traffic as well as pedestrian traffic. I can't imagine having 18 wheeler trucks added to this mix. I'm concerned about our safety as the speed of the vehicle traffic usually exceeds the 30 MPH limit and it seems people tend to drive offensively rather than defensively. Westbrook St shouldn't be considered a major thruway for 18 wheeler trucks. The traffic pattern at Congress St and Westbrook St doesn't appear to support the larger vehicles.

Stroudwater is a residential area, added traffic and noise would be detrimental to us all. Surely, there must be an industrial area better suited for the developer. Thank you. Diane Diconzo

## rezoning of 60 acre Westbrook St. parcel (1772 Westbrook St.)

Subscribe ☐

0 views



Ellen Faller <efaller@verizon.net>

Oct 25, 2022, 2:01:43 PM (2 days ago)

to planningboard@portlandmaine.gov

To whom it may concern:

I am a registered voter and Westbrook St. resident and I write to express my strong opposition to this proposal.

Please vote "NO" to change the zoning from industrial light (I-L) to industrial moderate (I-M).

I have attended meetings about the proposed zone change and read up on the reasons behind the request. I find the developer's request to change the zoning incompatible with planning board guidelines. Not only is Westbrook St. itself not built to carry heavy trucks, but also falls woefully short of the turn radius required for trucks to safely turn onto Westbrook from Congress. In addition, the board is well aware that this is a residential zone and thus must protect the safety of its residents. The zoning code says specifically that an I-M zoning requires direct access to an arterial roadway to protect residential streets from industrial traffic associated with I-M zoning.

Thank you for your time and attention to this matter.

Sincerely,

Ellen Faller  
1443 Westbrook St.  
Portland, ME 04102

[781-864-9627](tel:781-864-9627)

Eugenie de Rham <[eugeniederham@icloud.com](mailto:eugeniederham@icloud.com)>

9:21 AM (6 hours ago)

to [planningboard@portlandmaine.gov](mailto:planningboard@portlandmaine.gov)

I know your planning board meeting is tomorrow, but I'm not sure if it's open to the public.

Our concerns are the increased traffic on a mostly residential road through a historic district. While the first lot appears to be planning on two 18 wheelers and an additional 15 box trucks. That's enough a problem traffic wise, but it's only one of 5 lots. We live on Congress Street near the Westbrook Street intersection. Traffic is crazy enough as it is, but that is simply the Portland end. The other entry goes through Westbrook on Strouwater Street right through a school zone.

Thank you for your time and hopefully you will take the time to consider this zone change carefully,

Eugenie de Rham



# Planning board letter 2

RE: Zoning change for the I-L industrial site west of I-95 off Westbrook Street.

FROM: Frederick Faller - 1443 Westbrook Street, Portland, ME

I want to thank the planning board for your patience with the discussion of this topic at the workshop on Tuesday, Oct 11, 2022. By the time we got to this topic it was late and I know everyone was tired. While it may have been frustrating to some that the board was not able to reach a decision, I believe there is enough more to be considered before a decision can be made.

The observation that zoning changes usually are only considered when there is a sufficiently detailed plan is important. Once the zoning is changed without a plan, the plan can then be changed to fit the zoning. If there is no plan, there is no *reason* to change.

In addition, I did not realize that the board was seeking questions as much as general feedback. Most of the community respondents, including myself, expressed concern over what this change would mean for the community without actually asking any questions regarding the change. This second letter is geared to ask specific pointed questions about this zone change and whether it is a good idea.

Right or wrong, most of the responding residents are concerned that the change from I-L to I-M on the zoning will not be as subtle as the developer is implying. See the section below on Portland City land Codes.

The fact that there is no concrete plan and commitment to the site is also concerning: If the developer is given an I-M zoning on the land, the land value increases greatly. The act of getting the zoning change without a significant commitment to the development, leaves the developer with a potential windfall based on resale of land that is now considerably more valuable, with no restriction on the new owner except I-M zoning.

Below is a series of specific questions that I feel need to be addressed before a decision can be made on this zoning change:

## Traffic Questions

The developer offered a traffic study showing that the difference between I-L and I-M would only be 150 visits a day vs 165. These numbers may not be exact, but they are approximately what was presented. The lack of specificity begs a few questions:

According to the [City of Portland Technical Manual, Section 1- Transportation Systems and Street Design](#), the estimated 150 passenger car equivalents (PCE) for this zone change will require a formal traffic study with the standards listed in section 1.1 (pages 1-2) by review with the City Transportation Engineer. For the purposes of a study, one tractor trailer is 2 PCE.

**Questions: Was the traffic study done to this standard? Is it available for review by the public?**

**Question: Is this estimate based on a fully built out site or is it based on the single occupant that the developer has enlisted at this time if the zoning is changed?**

**Question: What is the percentage difference between these additional visits and the current traffic on Westbrook Street?** A 5% increase in traffic would be very different than if these numbers increase the traffic by 50%

**Question: What is the *qualitative difference* between these two numbers?** If the 150 for I-L is mostly commuter traffic to office space and the 165 for I-M includes a dozen 18-wheelers and a fleet of panel trucks delivering newspapers between 2 am and 6 am, this is significant. **What is the breakdown?**

**Question: What percentage of this traffic will be going through Westbrook vs. down into Portland?**

In the fall of 2008 or the spring of 2009, (I was not living here at the time) the city of Portland undertook a project to narrow Westbrook street by adding sidewalks and adding an island on the long, flat straight away approaching the overpass at I-95. The presumed purpose of this was to slow down the traffic and preserve the ambiance of the historic district of Stroudwater, but this is only a guess. If this was the purpose, then this new request is reversing that intent.

**Request: Will the planning board please review the purpose of this change and make it available for review by others before ruling on this zoning change.**

Roads are designed and graded for a specific expected type and load of traffic as well as the expected vehicle traffic. Heavy industrial vehicles wreak havoc on roads not built to handle them. This is probably one of the reasons why the code requires I-M sites to have direct access to arterials that are built for such traffic.

I found the following chart in the *City of Portland Technical manual, Section 1 Transportation Systems and Street Design: page 12*

### Minimum thicknesses for pavement structure materials

| Street Classification | Minimum Materials Thicknesses (Inches) |                      |                  |                     |
|-----------------------|----------------------------------------|----------------------|------------------|---------------------|
|                       | Wearing Course Pavement                | Base Course Pavement | Agg. Base Course | Agg. Subbase Course |
| Minor Residential     | 1 ½                                    | 2                    | 3                | 15                  |
| Residential           | 1 ½                                    | 2                    | 3                | 15                  |

12

City of Portland Technical Manual

Section 1 - Transportation Systems and Street Design  
Adopted 7/19/10. Rev. 6/17/11; 7/21/11; 12/13/16; 11/14/17; 12/8/20

|                       |     |     |   |    |
|-----------------------|-----|-----|---|----|
| Collector             | 1 ½ | 2 ½ | 3 | 18 |
| Commercial/Industrial | 2   | 3   | 3 | 18 |

The Street classification for Westbrook Street can be found in the same manual: here is the key and a snapshot of Westbrook's street: (page 59)

~~Section 1 - Transportation Systems and Street Design~~  
Adopted 7/19/10. Rev. 6/17/11; 7/21/11

## City of Portland, Maine

### FEDERAL STREET CLASSIFICATION

Other Principal Arterial - Federal & Expressway

Principal Arterial - Interstate

Other Principal Arterial

Minor Arterial

Major Urban Collector

Local

Map prepared by the City of Portland's Department of Public Services  
May 2009





Westbrook Street is classified as a *Major Urban Collector* and not an arterial required by the zoning codes for I-M zoning it is highly unlikely that it was paved as an arterial. The additional traffic possibilities for I-M zoning are not appropriate for Westbrook Street.

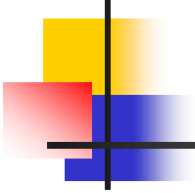
**Question: Was the road design and plan for Westbrook Street between Congress Street and I-95 designed for heavy construction and industrial traffic?**

## Truck Sizes

**Question: Did the traffic study that was done actually evaluate the navigability of the three exits off Westbrook Street that lead to arterials?**

- Below is a snapshot of the vehicle design standards from ASSHTO (American Association of State Highway and Transportation Officials) showing the various vehicle designs, with the Trucks highlighted that might visit a I-M warehouse site:

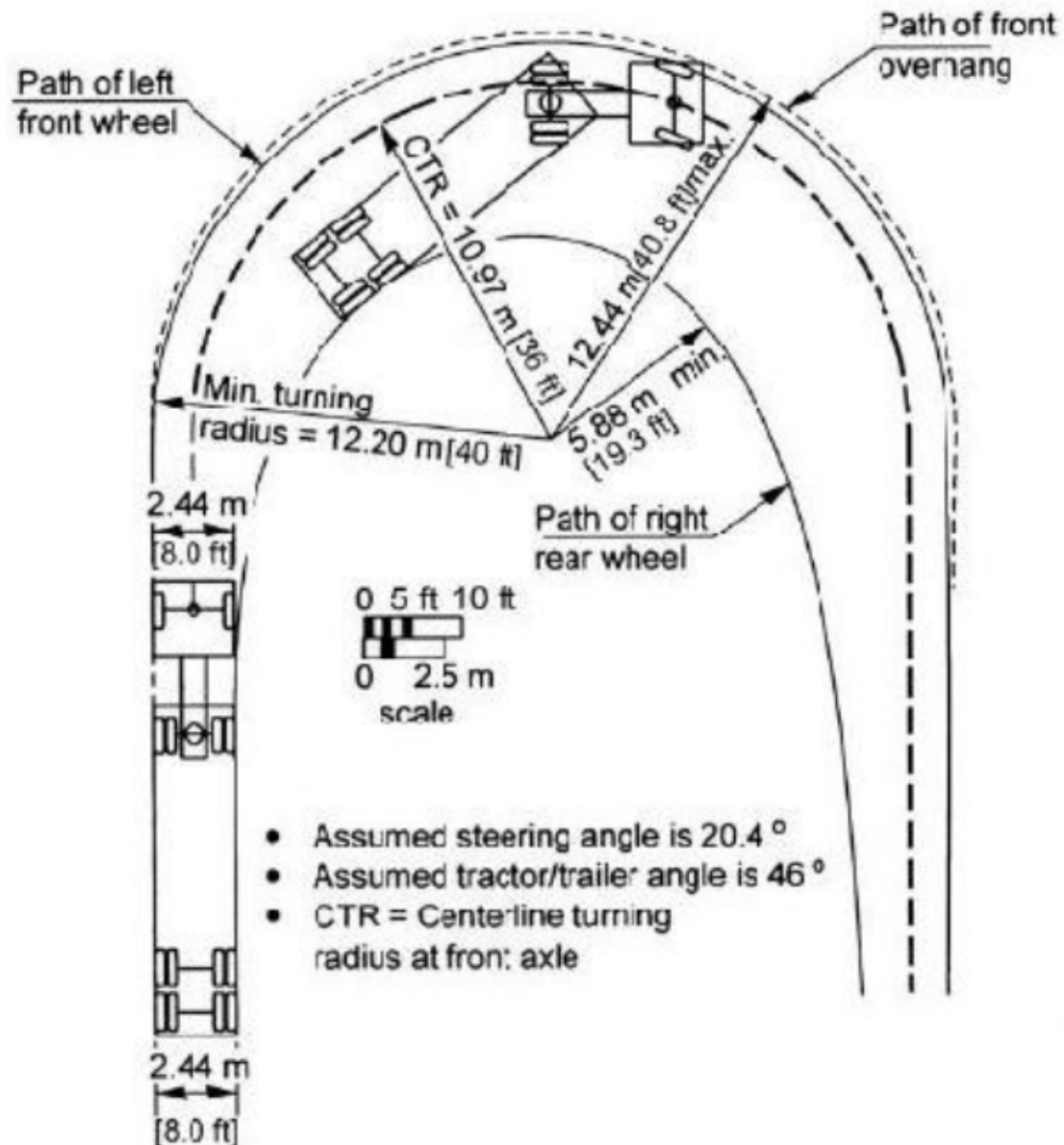
# Design Vehicle Dimensions



AASHTO,  
Exhibit 2-1

| Design Vehicle Type                 | Symbol           | Overall |       |        |
|-------------------------------------|------------------|---------|-------|--------|
|                                     |                  | Height  | Width | Length |
| Passenger Car                       | P                | 4.25    | 7     | 19     |
| Single Unit Truck                   | SU               | 11-13.5 | 8.0   | 30     |
| <b>Buses</b>                        |                  |         |       |        |
| Inter-city Bus (Motor Coaches)      | BUS-40           | 12.0    | 8.5   | 40     |
|                                     | BUS-45           | 12.0    | 8.5   | 45     |
| City Transit Bus                    | CITY-BUS         | 10.5    | 8.5   | 40     |
| Conventional School Bus (65 pass.)  | S-BUS 36         | 10.5    | 8.0   | 35.8   |
| Large School Bus (84 pass.)         | S-BUS 40         | 10.5    | 8.0   | 40     |
| Articulated Bus                     | A-BUS            | 11.0    | 8.5   | 60     |
| <b>Trucks</b>                       |                  |         |       |        |
| Intermediate Semitrailer            | WB-40            | 13.5    | 8.0   | 45.5   |
| Intermediate Semitrailer            | WB-50            | 13.5    | 8.5   | 55     |
| Interstate Semitrailer              | WB-62*           | 13.5    | 8.5   | 68.5   |
| Interstate Semitrailer              | WB-65** or WB-67 | 13.5    | 8.5   | 73.5   |
| "Double-Bottom"-Semitrailer/Trailer | WB-67D           | 13.5    | 8.5   | 73.3   |
| Triple-Semitrailer/ Trailers        | WB-100T          | 13.5    | 8.5   | 104.8  |
| Turnpike Double-Semitrailer/Trailer | WB-109D*         | 13.5    | 8.5   | 114    |

- Below is a diagram taken from the AASHTO standards. It shows the turning radius of tractor trailers. It shows a minimum curb radius of 19.3 feet and a front path overhang radius of 40.8 feet minimum. This is for the WB-40 design listed above, the smallest of the 18 wheelers..



**Exhibit 2-13. Minimum Turning Path for Intermediate Semitrailer (WB-12 [WB-40]) Design Vehicle**

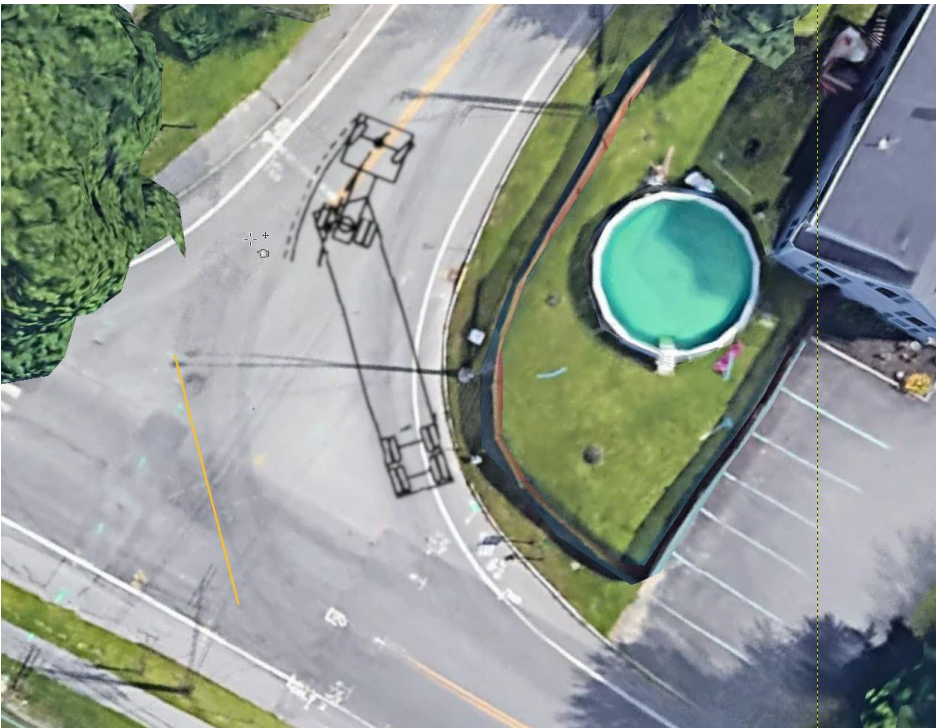
I snagged an image of this truck turning and modeled it for the WB40, WB50 and WB55 Trucks. I sized these images to scale as closely as I could using markers from Google Earth (the orange-yellow line is 40 feet on google earth) I then superimposed the scaled images onto the intersections to show the challenge.

- The intersection of Forest Street and Stroudwater Street is a two lane "T" with a slightly less. The back is a scaled truck trying to make this turn.

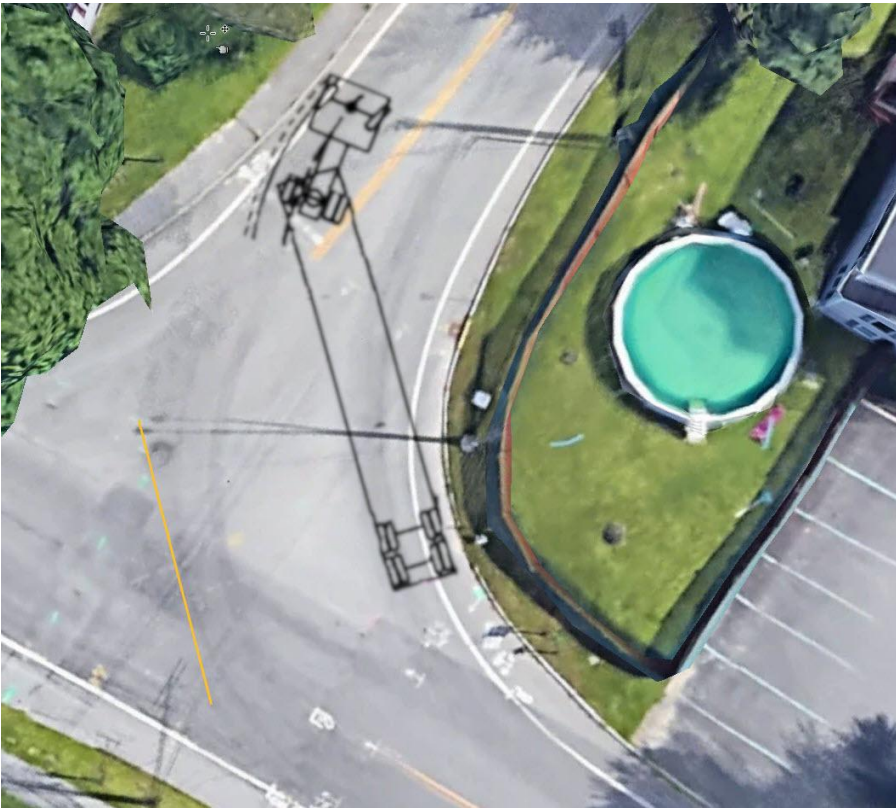




WB40 at Forest Avenue and Stroudwater Street.

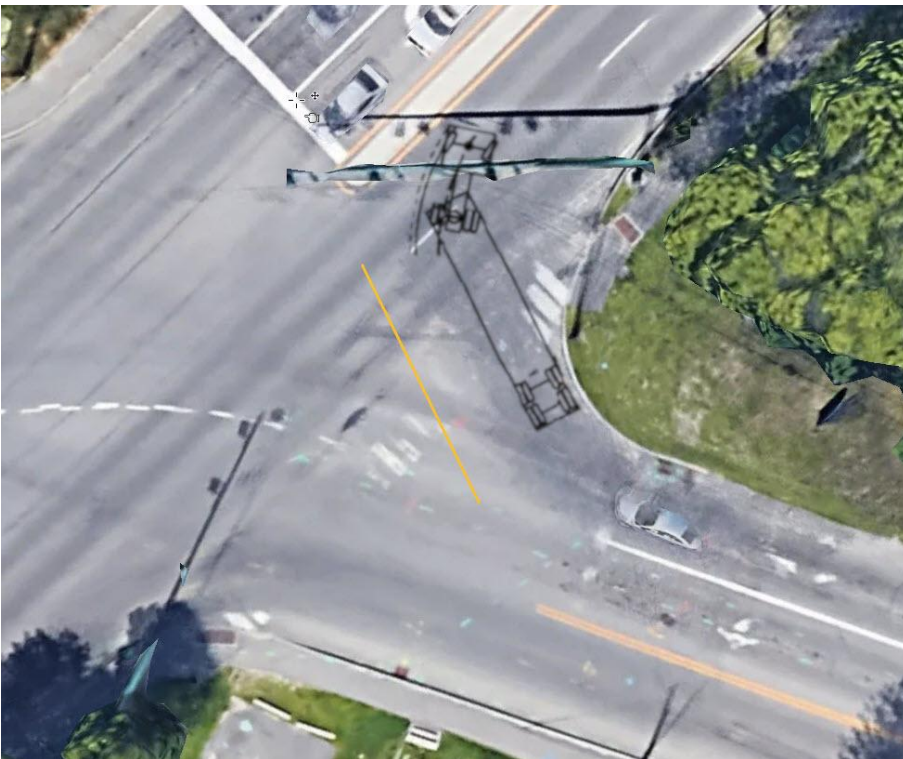


WB50 at Forest Street and Stroudwater Street



WB65 at Forest Street and Stroudwater Street

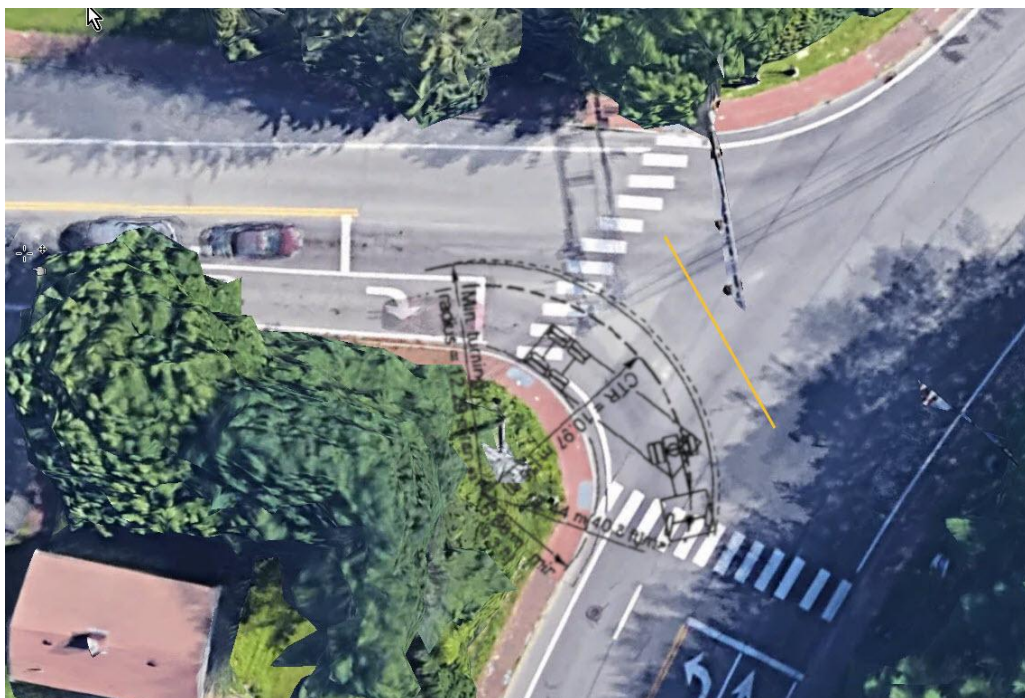
- The other exit off Stroudwater Street in Westbrook connecting to the arterial s William Clarke Drive in the center of Westbrook. (pictures not shown - this is a totally urban intersection)



WB50 at Westbrook Center



- The Third exit off Westbrook Street is onto Congress Street in Portland. Again this is a less than 90 degree turn. While there seems to be ample clearance for turning onto Westbrook Street from Congress Street, going the other way could be problematic if headed south on Congress Street. The Yellow rectangle is a 70 ft tractor trailer trying to make this turn.



WB40 at Congress Street and Westbrook Street



WB50 at Congress Street and Westbrook Ave.



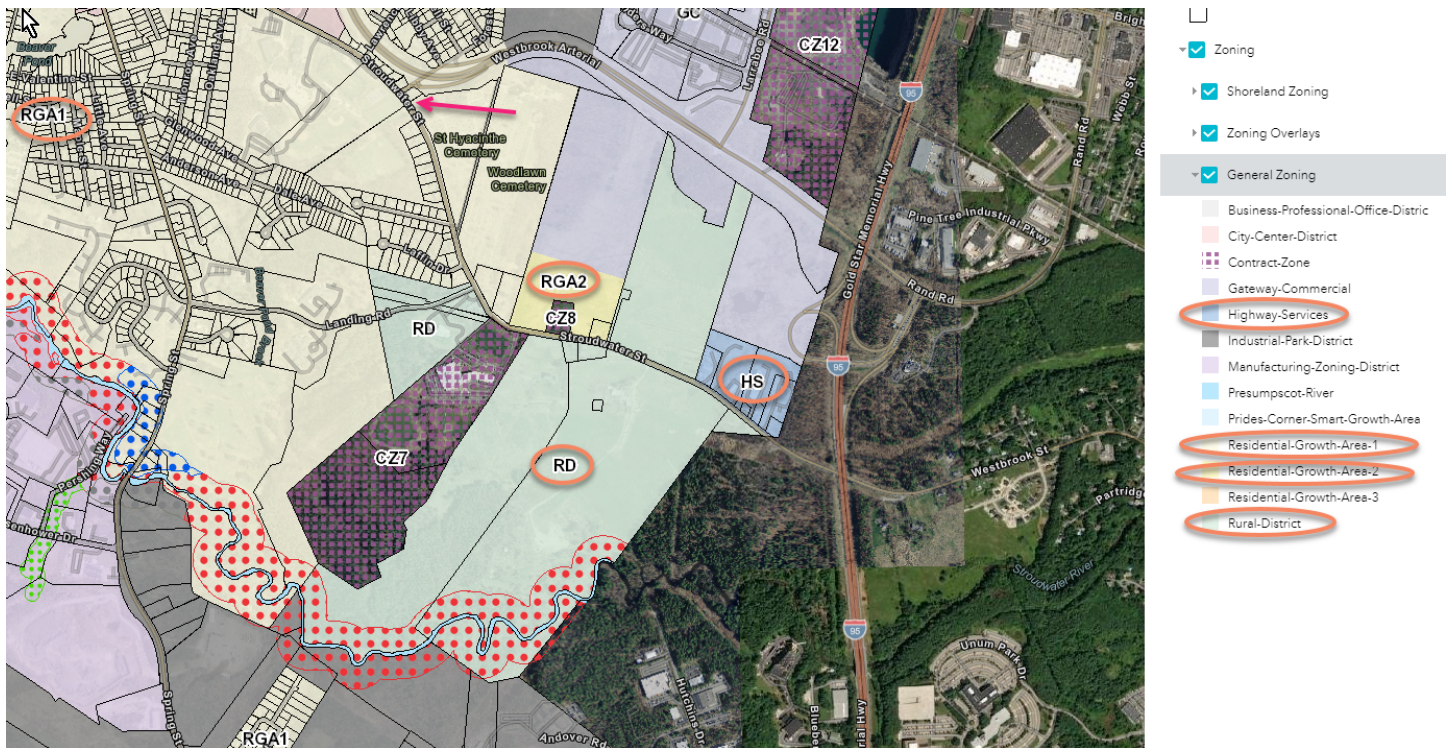


WB65 at Congress Street and Westbrook Street

One can see from these diagrams that the size of trucks servicing warehouses in the area in question is critical.

## Westbrook Zoning

There were unanswered questions about the zoning in Westbrook right beside this proposed zoning change. Below is a snapshot of Westbrook Zoning map showing exactly what is there. We see that Stroudwater Road (what is Westbrook Street in Portland) passes through a rural district (RD), past a residential development area (RGA2), past the Westbrook middle School (C27) past another small Rural district (RD) and then through a substantially residential (RGA1), which includes the High School directly opposite the entrance to Forest Street. (orange arrow) and the Cemetary.



**Question: Has the Westbrook Planning board or other city governing board been informed of this proposed change and how it might affect Westbrook?** While this might not be a requirement, it seems that this is an issue of being a responsible neighbor to the city of Westbrook.

## A Bridge over the River...

**Question: Why can we not build a bridge across the Stroudwater River from the I-M Zoned parcel to the south of the river?**

- There are two spurs through this I-M zone: Blueberry Road and Hutchins Drive. Both of these lead down almost to the Stroudwater River and could be extended over the River.
- Hutchins Drive crosses Congress street directly into the Skyway drive arterial directly to I-95.
- Blueberry Road and Hutchins Drive are already suited for the kind of traffic in an I-M zone.
- All the concerns about traffic; feeding an I-M zone through a residential neighborhood, increased traffic load, navigability of the feeder intersections, direct access to arterials, quality of life in the historic district of Stroudwater - would be eliminated.





I understand that a bridge would be expensive to the city and to the developer, but the residents of Westbrook Street believe that the burden on Westbrook Street would be expensive for them in quality of life and confidence that the city will honor their commitments to zoning.

Bridges are built all the time when there is a need. It was noted in the Planning Board meeting discussion that there is a crude oil pipeline under the river along I-95. It was also noted that a sizable city water conduit crosses this river there and also some subterranean power lines(?) The environmental impact of these infrastructure items and the cost of building them cannot be less than the cost of a bridge. If this change is so important to the city's development, then the cost of a bridge to feed it should be considered. If it is important enough, the city should help with the cost, as it apparently will benefit the city to have this site utilized.



A bridge is likely to cost the city less than bringing Westbrook Street and adjoining intersections up to an arterial grade road.

A bridge should be considered even if the site remains zoned for I-L

**Questions: What is the economic benefit differential to the city of Portland between I-L and I-M zoning of this site? If there is no clear benefit to the city between I-L and I-M, then why would the city allow this change?**

- It's clear that the developer thinks there is an economic benefit to him or he would not be pursuing this.
- In one of the meetings with the Stroudwater Neighborhood Association, The developer noted that he was interested in developing this site, *even if the zone change did not happen*. The zone change would be desirable, but he would still pursue development with a retained I-L zoning. Unless the change results in a substantial economic differential to the city, the current zoning should be honored.
- This change should not be considered if there is no substantial net benefit to Portland that is greater than the need to protect the residents of Westbrook street.

## Portland City Land use Codes

The following is quoted from the [City of Portland Land Use Code, section 5-page 8](#) regarding I-L and I-Lb zones. (The emphasis is mine)

To provide areas in which low-impact industrial uses, and limited other uses ***serving employees and residents of the surrounding neighborhood, will be compatible with adjacent residential uses, will provide a buffer between residential neighborhoods and higher impact industrial zones***, or will stand alone as a smaller scale industrial district. The I-L zone is located adjacent to residential neighborhoods, business uses and other industrial uses where the low-intensity nature of the uses, as well as their strict performance standards, ***will ensure the compatibility of the uses with other adjacent industrial and nonindustrial uses. Performance standards for uses in the I-L zone are designed to maintain compatibility between low impact industrial uses and neighboring nonindustrial and industrial uses.***

The following is quoted from the [City of Portland Land Use Code, section 5-page 8](#) regarding I-M, I-Ma and I-Mb zoned lands (the emphasis is mine)

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

thus relying on citywide and regional transportation infrastructure. Industrial uses in these moderate-impact industrial zones may require separation from higher-impact uses.”

The developer has significantly understated the differences between these two zoning regs. He has repeatedly stated that the only reason he wants the change is so he can build bigger buildings and be more efficient in the land use. Reading these two regs carefully shows that there is a very big difference between the intent of these two different zoning designations.

The change of this zoning seems to ignore almost all of the stated objectives for the I-L zoning purposes that is currently designated for this parcel.

- Will it:
  - ***serve employees and residents of the surrounding neighborhood?***
  - ***be compatible with adjacent residential uses?***
  - ***provide a buffer between residential neighborhoods and higher impact industrial zones?***
  - ***maintain compatibility between low impact industrial uses and neighboring nonindustrial and industrial uses.?***

My guess is that these characteristics were written into the zoning regs specifically to protect residential neighborhoods like Stroudwater and the original designation of I-L took this into account..

- The eventual use of Randall Farm (the adjacent property to the parcel in Westbrook) is undetermined. If Westbrook were to make this into an industrial site, then leaving the Portland Parcel at I-L would “provide a buffer between residential neighborhoods and higher impact industrial zones”
- The I-L statement about “providing for larger industrial buildings for limited or controlled use ...etc.” seems to imply that every community needs places where it can store things and have businesses that are not desired in a residential portion of the community, but actually serve the adjacent community in some tangible way. (Places to store equipment, and goods that we don;t want in people's driveways etc..). The proposed change to I-M zoning would change the very nature of this requirement.
- There is no **direct access to arterials, thereby protecting residential neighborhoods from Drive-through traffic** (in either direction). If the parcel zoning is changed it would violate Portland’s own regulations for I-M zoning.
- The fact that I-M zoning makes note of “***facilities (that) often require large volumes of imported materials and products which result in large volumes of shipping and receiving,***” indicates that this is probably NOT true of the I-L zoning.

**Question: Is the zoning board willing to overlook the Zoning regulations as stated in the City of Portland Land Use Code?** It seems from the quotes above that there is no reasonable justification to allow the planning board to change this zoning designation. While the parcel in question IS on the other side of I-95, it is directly invasive to the Stroudwater community with all the traffic flowing through it. If one goes off into Westbrook, it incurs the same violation to another city.

**Final Request of the Planning Board: To be well informed, I believe that each member of the planning board should take the time to ride down Westbrook Street from Congress Street to Forest Street in Westbrook.**

It's 2.4 miles. At 30mph this is about five minutes or ten minutes round trip. Look at the intersections with Congress Street and Forest street and observe the nature of the road and the communities through which it passes before ruling on this zoning change.

Link to this document:

[https://docs.google.com/document/d/e/2PACX-1vTm78p9tdSQIT\\_UOBcGsQPZR\\_Y9dfO01VnMs4XjWq1adCb\\_ZZ5fegSFRiBXfzWs1-xANooVUqLNki0YT/pub](https://docs.google.com/document/d/e/2PACX-1vTm78p9tdSQIT_UOBcGsQPZR_Y9dfO01VnMs4XjWq1adCb_ZZ5fegSFRiBXfzWs1-xANooVUqLNki0YT/pub)



Frederick Faller <ffaller@verizon.net>  
to planningboard@portlandmaine.gov

Oct 13, 2022, 12:44:39 PM (3 days ago)

My name is Frederick Faller, 1443 Westbrook Street, Portland, ME

This letter is to the Portland Planning Board regarding the 52 Acre west of I-95 and south of Westbrook Street.

You can find the letter at the following link or a PDF attached to this EMAIL.

The letter contains detailed information regarding the legitimacy of the zoning change request. Please read it carefully.

[https://docs.google.com/document/d/e/2PACX-1vTm78p9tdSQIT\\_UOBcGsQPZR\\_Y9dfO01VnMs4XjWq1adCbZZ5fegSFRiBXfzWs1-xANooVUqLNki0YT/pub](https://docs.google.com/document/d/e/2PACX-1vTm78p9tdSQIT_UOBcGsQPZR_Y9dfO01VnMs4XjWq1adCbZZ5fegSFRiBXfzWs1-xANooVUqLNki0YT/pub)

At the end of the day, please take the time to ride down Westbrook street and assess for yourself whether this makes sense.

Thank you for your time and patience on this issue.

James R Alexander <jimalexander@me.com>

Oct 23, 2022, 12:41:52 PM (20 hours ago)

to planningboard@portlandmaine.gov, Stroudwater Neighbors, Sue Griffin, swendland@legacysir.com

Dear Board Members,

This letter is an addition to our letter of October 1, where we stated our objections to the rezoning of the 60-acre parcel at 1772 Westbrook Street. We attended the October 11 meeting via Zoom and have come away even more firmly opposed. As a starting point, we refer you to the definitions of light and medium industrial zoning (see Table 5-F of the Portland Land Use Code). The following are some additional thoughts:

1. Mr Paszyc's representative referenced a slide suggesting that the increase in traffic from 5 large buildings encompassing 160,000sf would be slightly greater than the traffic from 15 smaller buildings encompassing 150,000sf. Who conducted this assessment and has it been vetted by traffic experts?

2. Mr. Paszyc further indicated that his preferred tenant has 16 box trucks and expects to receive 2-3 tractor trailer loads daily. This first tenant needs a 50,000-60,000sf building. So, let's imagine four other tenants for the remaining 100,000-110,000sf. How many additional box trucks will those other four tenants have and how many more tractor trailer loads will be received on a daily basis?

3. Mr Paszyc and his representative continued to reference square footage - 15 smaller buildings totaling 150,000sf vs 5 large buildings totaling 160,000sf. Is there any consideration for his project's potential cubic feet? The height allowance for medium industrial is 75 feet vs 45 feet for light industrial (see Table 7-G of the Portland Land Use Code). Don't companies requiring warehouse space consider cubic feet capacity? The maximum cubic feet for this site could easily be as high as 12 million cubic feet vs 6.75 million cubic feet for light industrial. More cubic feet means more truck traffic, noise and pollution.

4. Interestingly, there is a 50,000sf warehouse currently available for lease, the former Sturbridge Yankee Workshop warehouse at 90 Blueberry Road. Ceiling height ranges between 24-28 feet. That this property is not being pursued suggests that Mr. Paszyc's client wants a significantly taller, high-cube warehouse building.

5. The additional tenants permitted in medium industrial zones include seafood processors, large 2,000-7,000sf marijuana cultivation facilities, recycling/solid waste disposal facilities, telecommunication towers, tow lots and correctional pre-release facilities (see Table 6-E of the Portland Land Use Code). Personally, we would not be thrilled to have these businesses as neighbors.

6. All of our neighbors living on Westbrook Street, on side streets near Westbrook Street and in Stroudwater Preserve who participated in the October 11 meeting were unanimously opposed to a zoning change for this property. We especially reference Martha Johnson's comment that in 2008, the City of Portland reduced the width of Westbrook Street by adding sidewalks to lower the amount of heavy truck traffic as well as traffic speeds through this residential area.

7. Again, we would like to point out the difficulty of large trucks turning onto Westbrook street from Congress Street. This is not a true 90-degree intersection, but rather a flattened X shape. Large trucks coming from South Portland and I-95 have to negotiate a particularly tough turn. This

intersection is going to cause more tie-ups and delays than what is currently experienced. Wasn't International Boulevard at the Jetport created years ago to eliminate the airport traffic bottlenecks caused by the Congress/Westbrook intersection?

8. Quoting from section 6.18.16 of the Portland Land Use Code (attached), development of I-M, I-Ma and I-Mb zones shall utilize streets classified as arterials by the Maine DOT to the greatest extent possible. Westbrook Street is not an arterial; it is a collector road. Several commenters at the Zoom meeting suggested that in exchange for a zoning change to medium industrial, the developer should be required to construct a bridge over the Stroudwater River to access Hutchins Drive or Blueberry Road to connect with Congress Street and/or Skyway Drive to access the Maine Turnpike. As previously noted, there is a 50,000sf warehouse on Blueberry Road currently available for lease.

9. PACTS (Portland Area Comprehensive Transportation System) conducts road condition assessments and currently rates Westbrook Street from Congress up to the construction entrance to Stroudwater Preserve as satisfactory. The remaining portion of Westbrook Street to the town line where the property is located is rated fair. If any project, whether light or medium industrial moves ahead, how quickly will the city respond to upgrade the road?

10. Lastly, Mr. Paszyc in a September 28 meeting with the Stroudwater Neighborhood Association indicated he was buying the land no matter what. If he couldn't get the zoning changed, he said he would work within the confines of what is possible. He did not re-affirm this statement in his presentation to the Planning Board on October 11, should his zoning change request be denied. We found this omission both vague and troubling.

Thank you for your consideration,

Jim & Pam Alexander

25 Trailhead Way  
Portland, ME 04102-1634  
C: (860) 460-1330  
E: [jimalexander@me.com](mailto:jimalexander@me.com)



**TABLE 5-F: INDUSTRIAL AND AIRPORT ZONE PURPOSE STATEMENTS**

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>I-L &amp; I-Lb</b>        | To provide areas in which low-impact industrial uses, and limited other uses serving employees and residents of the surrounding neighborhood, will be compatible with adjacent residential uses, will provide a buffer between residential neighborhoods and higher impact industrial zones, or will stand alone as a smaller scale industrial district. The I-L zone is located adjacent to residential neighborhoods, business uses and other industrial uses where the low-intensity nature of the uses, as well as their strict performance standards, will ensure the compatibility of the uses with other adjacent industrial and nonindustrial uses. Performance standards for uses in the I-L zone are designed to maintain compatibility between low impact industrial uses and neighboring nonindustrial and industrial uses.                                                                                                                                                           |
| <b>I-M, I-Ma, &amp; I-Mb</b> | To provide zones in areas of the city in which low- and moderate-impact industries and transportation-related uses will coexist. I-M and I-Ma zones are located on arterials or collectors. The I-Mb zone is similarly located on the peninsula. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic. The purpose of the I-M, I-Ma and I-Mb industrial zones is also to provide for larger industrial buildings and for the limited or controlled use of areas outside of structures for storage of materials and machinery. These facilities often require large volumes of imported materials and products which result in large volumes of shipping and receiving. Often uses may be highway-oriented and transportation-related, thus relying on citywide and regional transportation infrastructure. Industrial uses in these moderate-impact industrial zones may require separation from higher-impact uses. |
| <b>I-H &amp; I-Hb</b>        | To provide areas suitable for higher impact industrial uses than are permitted in other industrial zones and other uses that are capable of demonstrating, through design, layout and topography, their compatibility with, or non-intrusion on, existing or future higher impact industrial uses on adjacent or neighboring I-H zoned properties. Due to the intensity of use, the I-H zones are intended for uses which may require extensive outdoor storage and usage and may utilize heavy equipment. Processes may require separation from residential or sensitive environmental areas. The I-H zones are separated from other nonindustrial uses as well as natural or constructed features. High-impact industrial uses will be of a higher intensity, with a greater lot coverage, than the other zones.                                                                                                                                                                                |
| <b>A-B</b>                   | To provide an area for the development of airport-related enterprises. Appropriate uses permitted in this zone are those customarily associated with the operation of the airport terminal and individual airlines and accessory uses to provide for the comfort and convenience of the airport's patrons and employees.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

**TABLE 5-G: OPEN SPACE ZONE PURPOSE STATEMENT**

|             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>R-OS</b> | To preserve and protect open space as a limited and valuable resource; to permit the reasonable use of open space, while simultaneously preserving and protecting its inherent open space characteristics to assure its continued availability for public use as scenic, recreation, and conservation or natural resource area, and for the containment and structuring of urban development; to provide a suitable location for large-scale regional sports and athletic facilities; and to develop an open space system throughout the city, which provides the highest quality parks, plazas, and pedestrian environment. The R-OS zone may include parcels of public property and private property legally restricted from intensive use or development through deed, covenant, or otherwise. |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**TABLE 7-G: INDUSTRIAL & AIRPORT ZONE DIMENSIONAL STANDARDS**

|                                      | I-L/I-Lb |                                                      | I-M/I-Ma/I-Mb |                                                                                                  | I-H/I-Hb |        | A-B                                                                   |
|--------------------------------------|----------|------------------------------------------------------|---------------|--------------------------------------------------------------------------------------------------|----------|--------|-----------------------------------------------------------------------|
| Lot area (min.)                      |          |                                                      |               |                                                                                                  |          |        | 20,000 SF                                                             |
| Street frontage (min.)               | 60 ft.   |                                                      | 60 ft.        |                                                                                                  | 60 ft.   |        | 50 ft. <sup>2</sup>                                                   |
| Lot width (min.)                     |          |                                                      |               |                                                                                                  |          |        | 50 ft.                                                                |
| Front setback (min.)                 | I-L      | 25 ft.                                               | I-M/I-Ma      | 1 ft. for each ft. of building height                                                            | I-H      | 25 ft. | None, except 20 ft. if property has frontage on Westbrook St.         |
|                                      | I-Lb     | None                                                 | I-Mb          | None                                                                                             | I-Hb     | None   |                                                                       |
| Rear setback (min.)                  | I-L      | 25 ft., except 40 ft. when abutting residential zone | I-M/I-Ma      | 1 ft. for each ft. of building height up to 25 ft., except 35 ft. when abutting residential zone | I-H      | 35 ft. | None., except 50 ft. if abutting residential zone or use <sup>3</sup> |
|                                      | I-Lb     | None, except 25 ft. when abutting residential zone   | I-Mb          | None, except 25 ft. when abutting residential zone                                               | I-Hb     |        |                                                                       |
| Side setback (min.)                  | I-L      | 25 ft., except 40 ft. when abutting residential zone | I-M/I-Ma      | 1 ft. for each ft. of building height up to 25 ft., except 35 ft. when abutting residential zone | I-H      | 35 ft. | None, except 25 ft. if abutting residential zone or use <sup>3</sup>  |
|                                      | I-Lb     | None, except 25 ft. when abutting residential zone   | I-Mb          | None, except 25 ft. when abutting residential zone                                               | I-Hb     |        |                                                                       |
| Structure height (max.)              | 45 ft.   |                                                      | I-M/I-Mb      | 75 ft.                                                                                           | 75 ft.   |        | 75 ft., except 45 ft. within 100 ft. of a residential zone            |
|                                      |          |                                                      | I-Ma          | 45 ft.                                                                                           |          |        |                                                                       |
| Impervious surface ratio (max.)      | I-L      | 65%                                                  | I-M/I-Ma      | 75%                                                                                              | I-H      | 85%    | 70% <sup>2</sup>                                                      |
|                                      | I-Lb     | 100%                                                 | I-Mb          | 100%                                                                                             | I-Hb     | 100%   |                                                                       |
| Pavement setback (min.) <sup>1</sup> | 15 ft.   |                                                      | 10 ft.        |                                                                                                  | 10 ft.   |        |                                                                       |

<sup>1</sup> Shall not apply to entrance drives.

<sup>2</sup> Except for lots in airport restricted access areas, which shall not be subject to this provision.

<sup>3</sup> No structure may extend beyond the building line established for any runway or taxiway. If provided, rear and side yards must not be less than 5 ft. in width.





TABLE 6-E: PERMITTED AND CONDITIONAL USES IN INDUSTRIAL & AIRPORT ZONES

|                     |                                                              | I-L/I-Lb       | I-M/I-Mb       | I-H/I-Hb       | A-B <sup>7</sup> | Use Standards |
|---------------------|--------------------------------------------------------------|----------------|----------------|----------------|------------------|---------------|
| Institutional       | Airports                                                     |                |                |                | ● <sup>8</sup>   |               |
|                     | Preschool facilities                                         | ●              | ●              |                |                  |               |
|                     | Emergency shelters                                           | ○              | ○              | ○              |                  | 6.5.6(B)      |
|                     | Intermediate care facilities                                 |                | ● <sup>4</sup> |                |                  |               |
|                     | Places of assembly (<10,000 SF)                              | ●              |                |                |                  |               |
| Commercial/Services | Bars                                                         |                |                |                | ●                |               |
|                     | General offices (<5,000 SF)                                  | ● <sup>1</sup> | ●              |                |                  |               |
|                     | General offices (>5,000 SF)                                  | ● <sup>1</sup> | ●              |                |                  |               |
|                     | General services (<5,000 SF)                                 |                |                |                | ●                |               |
|                     | General services (>5,000 SF)                                 |                |                |                | ●                |               |
|                     | Hotels                                                       |                |                |                | ●                |               |
|                     | Recreation and amusement centers                             | ●              | ●              |                |                  |               |
|                     | Repair services                                              | ●              | ●              | ●              |                  |               |
|                     | Restaurants                                                  |                |                |                | ●                |               |
|                     | Animal-related services                                      | ● <sup>2</sup> |                |                |                  |               |
|                     | Construction & engineering services                          | ●              | ●              | ●              |                  |               |
|                     | Dairies                                                      | ●              | ●              | ●              |                  |               |
|                     | Fish waste processing                                        |                | ●              | ●              |                  |               |
|                     | Food & seafood processing, packing, and distribution         |                | ●              | ●              |                  |               |
|                     | High-impact industrial uses                                  |                |                | ●              |                  |               |
| Industrial          | Intermodal transportation facilities                         | ●              | ●              | ●              |                  |               |
|                     | Laboratory and research facilities                           | ●              | ●              | ●              |                  |               |
|                     | Low-impact industrial                                        | ●              | ●              | ●              |                  |               |
|                     | Lumber yards                                                 | ●              | ●              | ●              |                  |               |
|                     | Marijuana cultivation facility (<2,000 SF plant canopy)      | ●              | ●              | ●              |                  |               |
|                     | Marijuana cultivation facility (2,000-7,000 SF plant canopy) |                | ●              | ●              |                  |               |
|                     | Marijuana cultivation facility (>7,000 SF plant canopy)      |                |                | ●              |                  | 6.4.10        |
|                     | Marijuana manufacturing facility                             | ●              | ●              | ●              |                  |               |
|                     | Marijuana testing facility                                   | ●              | ●              | ●              |                  |               |
|                     | Printing and publishing                                      | ●              | ●              | ●              |                  |               |
|                     | Recycling and solid waste disposal facilities                |                | ● <sup>5</sup> | ● <sup>5</sup> |                  |               |
|                     | Studios for artists and craftspeople                         | ●              | ●              |                |                  |               |
|                     | Telecommunication towers (ground-mounted)                    |                | ●              | ●              |                  |               |
|                     | Tow lots                                                     |                | ●              | ●              |                  | 6.4.17        |
|                     | Warehousing, storage, and distribution facilities            | ● <sup>3</sup> | ●              | ●              |                  |               |



TABLE 6-E (CONT.): PERMITTED AND CONDITIONAL USES IN INDUSTRIAL &amp; AIRPORT ZONES

|                                     | I-L/I-Lb | I-M/I-Mb       | I-H/I-Hb       | A-B <sup>7</sup> | Use Standards |
|-------------------------------------|----------|----------------|----------------|------------------|---------------|
| Correctional pre-release facilities |          | ● <sup>6</sup> | ● <sup>6</sup> |                  | 6.4.7         |
| Marinas                             | ●        |                |                |                  |               |
| Off-street parking                  |          |                |                | ●                |               |
| Solar energy system (minor)         | ●        | ●              | ●              | ●                | 6.4.16        |
| Solar energy system (major)         |          | ●              | ●              | ⦿                |               |
| Utility substations                 | ●        | ●              | ●              |                  |               |
| Wind energy system (minor)          | ⦿        | ●              | ●              | ●                | 6.4.18        |
| Wind energy system (major)          |          | ●              | ●              | ⦿                |               |

<sup>1</sup> Only back office uses permitted.

<sup>2</sup> Not including kennel or boarding facilities.

<sup>3</sup> Must be less than 10,000 SF in floor area. No outdoor storage permitted. Self-storage not permitted in the I-L/I-Lb zone.

<sup>4</sup> Permitted in existing structures not designed for industrial, amusement, warehouse or manufacturing uses as of 9/15/14 or later. Such structures may be reused or expanded to establish a facility of no more than 30 persons plus staff.

<sup>5</sup> Permitted within an enclosed structure only.

<sup>6</sup> Not permitted in the I-Ma, I-Mb, or I-Hb zones.

<sup>7</sup> Permitted uses on lots within airport restricted access areas shall be limited to those which do not require or encourage access or visits by the public and which provide technical administrative or other support to airport operations.

<sup>8</sup> Including airport administration, terminals, carrier operations, concessions, reservations and ticket sales, freight, repair and storage, fueling services, flying schools, car rental operations, and other associated uses.

closer than five feet to any part of any church, public or private hospital, or school or if any part of either old or new building when completed would be less than 15 feet from the boundary line of any lot upon which any part of any church, public or private hospital, or school is located. No existing garage used for the storage of more than three motor vehicles or for the business of repairing motor vehicles shall be deemed to become a nonconforming use through the subsequent erection of such church, hospital, or school closer than the aforesaid distance to such a garage.

#### 6.8.16 Traffic

Development in the I-M, I-Ma and I-Mb zones shall utilize streets classified as arterials by the Maine Department of Transportation to the greatest extent possible.

#### 6.8.17 Waste disposal

- A. All solid waste disposal, including materials which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in fully enclosed, covered containers or receptacles. In all nonresidential zones with the exception of the industrial zones, such containers or receptacles shall be within designated, screened areas. In industrial zones and the B-4 zone, outdoor storage of refuse, debris, or previously used materials awaiting reuse shall either be in an appropriate container or located within a designated, screened area.
- B. Containers or receptacles shall not leak or otherwise permit liquids or solids to escape from the container or be transferred beyond lot boundaries by natural causes or forces.

Areas attracting large numbers of insects or vermin are prohibited.

- C. Where food processing is permitted, all food processing waste shall be stored within a completely enclosed structure and if not refrigerated shall be removed from the site in an enclosed container within 48 hours of its generation. All enclosed and exterior food processing waste storage areas shall be cleaned and sanitized on a regular basis.

#### 6.8.18 Vibration

- A. In any mixed-use zone, the O-P, and the R-P zones, 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.
- B. In all industrial zones, any use creating earthshaking vibrations, with the exception of airports, shall be controlled in such a manner as to prevent transmission beyond lot lines of vibrations causing a displacement of .003 or greater on one inch, as measured by a vibrograph or similar instrument at the property boundaries.

Jeanne <jeannetmccliment@gmail.com>

Oct 31, 2022, 10:07:44 AM (3 days ago)

to planningboard@portlandmaine.gov, citycouncil@portlandmaine.gov

Hello Board and Council Members, I have been made aware of a change you were considering and hopefully have not made a decision on yet. I live on Swan St. off Westbrook St. I purchased a home here over a year ago. I am disturbed that this 2 lane road might be the corridor for the business the developer is wanting to build. A lot of residents walk along Westbrook and being subject to the noise and pollution of large trucks and increased traffic on this mostly quiet street would be very disturbing to this residential environment. Since we back up to wetlands the only access in and out of our streets is Westbrook. The least that should be considered is no trucks on this residential corridor. We need more housing in the area to serve those who work here not more industry. Thank you for contemplating this information and judging for the residences in the area and not a company. There are plenty of unfilled jobs here so no need to create more. Jeanne McCliment

16 Swan St.  
Portland, ME



judith peverada <jpeverada@outlook.com>

Nov 7, 2022, 7:22:19 PM (13 hours ago)

to planningboard@portlandmaine.gov, opposetherezone@gmail.com, stroudwaterassociation@gmail.com

Hi,

I just want to voice my opposition to the proposed zone change of the property at 1772 Westbrook St. from IL to IM.

The property is currently zoned IL, and believe that the developer should be allowed to develop the site following the existing zoning requirements.

However, I do not think this sight should be rezoned for the following reasons:

1.The size of the buildings would be allowed to increase from 10,000sq ft to 60,000sq. ft. which in of itself would promote more truck traffic. Obviously there would be more tractor trailer traffic associated with a60,000 sq. ft. building than a10,000 sq. ft. building.

2. The building height could be increased from 45' to 75', which would be overpowering and obtrusive to the rural character of the neighborhood.

3. The IM Zone requires direct arterial access, and Westbrook St. is only a collector street.

4. The larger development would cause more traffic, making it more difficult to pull out of the side streets, and cause unsafe walking and biking

issues on Westbrook St.

It would also be difficult for large tractor trailer trucks to turn on and off of Westbrook St from Congress St. Also remember Westbrook St. is also an

ambulance route for communities from the west. My biggest fear is that the developer could combine lots and create a massive warehouse such as a AMAZON distribution.

Thank You for your time and consideration.

John & Judy Peverada

21 Kingsmark Lane

Portland, Me. 04102

John McDonald <johnmcdonald12@gmail.com>

Nov 6, 2022, 9:53:41 AM (yesterday)

to planningboard@portlandmaine.gov

Good morning Planning Board -

My name is John McDonald and I live at 32 Buttonwood Lane in Portland. I am writing to ask that you vote NO on a recently proposed industrial Zone change. My wife and I have two kids under the age of three years old. We are looking forward to raising our growing family in Portland, and strongly feel this ReZone would have a tremendously negative effect on our local community and neighborhood. Please help preserve Portland's oldest neighborhood. My family and I appreciate your consideration.

Thank you!

John McDonald  
32 Buttonwood Lane  
Portland ME 04102

# Opposition to Stroudwater Rezone

0 views

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Kelly W. McDonald <kmcDonald@mpmlaw.com>

8:46 AM (5 hours ago)

to [planningboard@portlandmaine.gov](mailto:planningboard@portlandmaine.gov), [council@portlandmaine.gov](mailto:council@portlandmaine.gov), [stroudwaterassociation@gmail.com](mailto:stroudwaterassociation@gmail.com), Lynn Maziarz ([lynn.maziarz@gmail.com](mailto:lynn.maziarz@gmail.com))

To the members of the Planning Board and City Council:

I live at 45 Penrith Road in Portland, just off of Westbrook Street, with my spouse and three children. I am writing to ask you to reject the proposed rezoning from Industrial – Low-Impact (I-L) to Industrial – Moderate Impact (I-M) at 1772 Westbrook Street.

This proposed rezoning would be inconsistent with the City's Comprehensive Plan. Under that Plan, this property is zoned I-L. In order to justify the requested rezoning, the applicant must demonstrate that the rezoning is "in basic harmony with the [comprehensive] plan" and "strikes a reasonable balance among the municipality's various zoning goals or overlaps considerably with the plan." *Remmel v. City of Portland*, 2014 ME 114, ¶ 14, 102 A.3d 1168. The applicant fails to meet this burden in several respects.

*First*, the Woodard & Curran analysis regarding abutting properties focuses on a "top-down" view instead of a perspective that actually reflects the reality on the ground. Woodard & Curran makes much of the fact that the lot in question borders the Maine Turnpike and that there is another parcel to the south (across the river) that is zoned I-M. This might be a persuasive argument from a bird's perspective, but not from a human's perspective. The sole access to the parcel in question is along Westbrook Street. A drive along that road reflects a much different reality than that presented in the applicant's documents. As one drives from Congress Street towards Westbrook, Westbrook Street is bounded on both sides by neighborhoods. Among those neighborhoods is Stroudwater Preserve, a large residential development currently under construction. (I note that while some of my neighbors objected to this development, I did not. Stroudwater Preserve met a need for housing in Portland and was consistent with the neighborhood, unlike the proposal at 1772 Westbrook Street.) Stroudwater Preserve and other houses are a mere few hundred feet from the parcel at issue here. The fact that Westbrook Street passes over the Maine Turnpike does not change that fact. The Turnpike does not act as a wall to separate zoning uses. Just past the parcel in question is farmland, which will likely be turned into a residential development someday. Allowing the applicant to place Moderate Impact Industrial uses in this zone will fundamentally alter the nature of the neighborhood.

The fact that a parcel on the other side of the Stroudwater River is zoned I-M should not impact the analysis, as that property is barely visible from the Westbrook Street neighborhood.

*Second*, the Woodard & Curran analysis suggests that the difference in potential build-out for the two uses is "very modest." This may be disingenuous, and the applicant is vague on how this conclusion was reached. Woodard & Curran calculated the maximum square footage for an I-L zoning at 160,000 square feet. It then suggests that the proposed I-M zone would allow for a maximum of five 35,000 square foot buildings, for a total of 175,000 square feet. Notably, Woodard & Curran does not appear to provide a calculation for the *maximum density* that could potentially be built on this parcel under the I-M zoning. Given the fact that buildings could be built 66% higher with the same setback requirements, the suggestion that the parcel would be limited to 175,000 square feet under an I-M zoning is questionable.



(Notably, the traffic study offered in support of the application relies on the assumption that only 175,000 square feet will be built out on the property.)

While the applicant may have vague plans that would limit the build-out of the parcel in question to 175,000 square feet, those vague plans are not binding on the applicant. Accordingly, I ask that you take into consideration the *maximum* density that could be built on this parcel under the I-M zoning when comparing it to the current I-L zoning.

*Third*, the purpose statement for the I-M zone specifically provides that such locations “provide for direct access onto arterials, **thereby protecting residential neighborhoods from drive-through traffic.**” (emphasis added). The proposed rezoning would directly impact the residential neighborhoods of Westbrook Street with drive-through traffic. Every day, my children walk along Westbrook Street to catch their buses to school. I and my neighbors walk along the street to walk our dogs. While there is some commuter traffic currently, there is minimal truck traffic. This would dramatically change under the applicant’s proposal.

*Fourth*, the applicant’s arguments for why this rezoning comports with Portland’s goals is unpersuasive. The applicant suggests that the project will “provide a connection to [the Stroudwater Trail] that does not currently exist.” But this is mere conjecture. Nothing in the proposed rezoning binds the applicant to providing such a connection. Indeed, the applicant, after receiving the rezoning, can simply walk away from this proposed goal. A more accurate analysis of this project’s impact on “Portland’s critical natural resources” is that a more densely-populated industrial zone next to the Stroudwater River will undoubtedly affect that River for the worse.

In requiring that municipalities adopt a comprehensive plan, “the legislature clearly attempted to avoid ad hoc, unplanned, and potentially arbitrary zoning.” *Waterville Hotel Corp. v. Bd. of Zoning Appeals*, 241 A.2d 50, 54 (Me. 1968). The proposed rezoning here attempts to shoehorn a significant industrial district right next to a residential neighborhood and imposes significant traffic impacts on the residents of that neighborhood. I support careful, planned development to help Portland grow; this project is neither careful nor does it fit into the City’s Plan. For these reasons, I ask that you deny the requested rezoning of 1772 Westbrook Street.

I know these are difficult decisions and that you are trying to weigh many different interests. I am also keenly aware that the developer here has an economic interest in the rezoning and the financial capability to hire effective advocates for that rezoning. I ask you to dig into the arguments made by those advocates and challenge their assumptions, recognizing that individual homeowners nearby lack the financial capability to hire similar advocates.

I appreciate your time working through these issues.

Best,

Kelly McDonald

# Please DENY developer request for Rezoning on Westbrook Street

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0 views



Kim Keaney &lt;keaneykim@hotmail.com&gt;

Oct 26, 2022, 12:16:46 PM (yesterday)

to planningboard@portlandmaine.gov

Planning Board,

I write to address the developer request for rezoning for property on Westbrook Street beyond the turnpike. I have lived at 21 Roundabout Lane 20+ years. For all of those years and many before I moved here, the Stroudwater neighborhood has struggled to maintain its residential nature. The city has shown commitment to the preservation of the neighborhood with sidewalks (where there were none), traffic calming through narrowing Westbrook Street and installing new traffic lights and islands. We are very appreciative of those measure and hope to work with the city to continue to address traffic issues.

Westbrook Street, specifically from Congress to Westbrook, is a very busy pedestrian walkway. It only has a sidewalk on one side of the street. There are no side street connectors which could keep pedestrians from having to include Westbrook Street in their travels. People of all ages walk, bike, run, rollerblade and walk pets on this very busy road. An increase in traffic, especially large trucks, will negatively affect the health and safety of residents using the road.

Please deny the developers request for rezoning the parcel of land on Westbrook Street beyond the turnpike. Changing the zoning from I-L to I-M will add more traffic, specifically large trucks to Westbrook Street and will negatively impact all measures of the quality of our neighborhood. Increased traffic will add noise pollution, air pollution and endanger pedestrians and pets. The current zoning of I-L helps to preserve our neighborhood in economic terms (property values), health, safety and quality of neighborhood life.

Kimberly Keaney

21 Roundabout Lane

Portland, Maine

margaret coleman <megbogden@gmail.com>  
to planningboard@portlandmaine.gov

Nov 9, 2022, 8:34:45 PM (4 days ago)

Dear Planning Board,

I live on Westbrook St. in the Stroudwater Neighborhood and I just attended an informational session from the developers who would like to rezone the 60-acre parcel on Westbrook Street from I-L to I-M.

This change to the zoning would have negative impacts on our neighborhood and would change the character of the neighborhood. Of particular concern is the increase in traffic that would include tractor trailer trucks on Westbrook St. This particular location, although adjacent to I-95 - has no direct access to 95 through arterials designed for heavy duty trucks, and seems like a particularly bad location for moderate industrial uses, considering the neighborhoods the trucks will need to travel through to reach the highway.

Please vote NO to this proposed zone change and keep it zoned as it currently is.

The long-range planning of Portland did not designate that area as "industrial moderate" for good reason and we are counting on you to uphold the existing zoning and do not make changes that will degrade our quality of life and reduce our property values.

Sincerely,  
Margaret Coleman

1247 Westbrook St.  
Portland, ME 04102



Michael Archibald <marchie1962@gmail.com>

Oct 30, 2022, 8:48:26 AM (4 days ago)

to planningboard@portlandmaine.gov, citycouncil@portlandmaine.gov

To the Portland Planning Board,

As a concerned Portland resident of the Stroudwater neighborhood, I would like to voice my firm OPPOSITION to the proposed zoning change by Mr. Chris Pascyz to the parcel at 1772 Westbrook St. from "light industrial" to "moderate industrial".

1. If the site is already zoned I-L (low impact) then so be it, and it is too late for us to contest that, however I do not agree with a zone change to I-M, as I think the larger buildings will be obtrusive and will generate more and larger truck traffic. The developer states that "Rezoning would match a connecting site (EcoMaine) already zoned IM.", but that is irrelevant as the Eco Maine site is across the river.
2. There is solid reasoning why this parcel is zoned I-L and not I-M in the first place. The City's zone code clearly states the definition of an "I-L Zone":  
"The I-L zone is located adjacent to residential neighborhoods, business uses and other industrial uses where the low intensity nature of the uses, as well as their strict performance standards. will ensure the compatibility of the uses with other adjacent industrial and non-industrial uses."  
In other words, I-L zones are buffers between residential areas, such as the Stroudwater neighborhood, and larger I-M areas. Changing this zoning would be against the city's established zoning definition.
3. I am concerned with additional traffic and noise on Westbrook St. and being able to safely walk or bicycle along it with the potential of large 18 wheel trucks bringing goods to much larger buildings on the site.
4. Westbrook St. is a large collector feeder and not an arterial, which current zoning requires for a I-M zone. Also, Westbrook St. does not currently have the under-pavement for such large trucks. Who is paying for that potential upgrade to the under-pavement to handle larger trucks?
5. Where are the traffic studies for such a proposal? And what is the environmental impact to the Stroudwater River runoff to such a proposal?

Thank you for your consideration on this matter.

Sincerely,  
Michael Archibald

rstclair@aol.com <rstclair@aol.com>

11:45 AM (1 hour ago)

to planningboard@portlandmaine.gov

To: Portland Planning Board

**RE: Touchstone Enterprises, Inc. has submitted a Zoning Map Amendment application to rezone a 52 acre parcel at 1772 Westbrook Street from I-L Low Impact Industrial to I-M Moderate Impact Industrial to allow the future siting of Warehousing, Storage, and Distribution Facility uses greater than 10,000 square feet at this location.**

We would like to express our significant concern over how this project, and the re-zoning from Low Impact to Moderate Impact, will influence traffic on the Stroudwater neighborhood.

Trucks loading or unloading, and then traveling to Congress Street, airport facilities, or to the Maine Turnpike (exit 46) will result in heavy use of Westbrook Street and severe negative effect on our (already busy) neighborhood street.

We are opposed to this re-zoning and to the overall development of this project.

There are better locations than this particular site, which consists of mostly residential homes.

Thank you for your consideration.

Roy St.Clair  
Elizabeth Germani  
48 Stroudwater Road  
Portland, ME 04102

Tara Cacciola <tara@kscoopenyc.com>

Nov 2, 2022, 10:50:43 AM (yesterday)

to planningboard@portlandmaine.gov, citycouncil@portlandmaine.gov, Stroudwater Neighborhood Association Board of Trustees, Alicia Peters

Hello Planning Board and City Council of Portland Maine,

We live at 48 Penrith Rd. in the Stroudwater neighborhood of Portland and often experience large Mack trucks and similar vehicles, turning from Congress onto Westbrook at a rapid speed. These trucks barrel by as we walk with our kids and pup down Westbrook St., and typically a huge breeze follows these trucks due to their mass and speed. An electric speed sign has been installed, but that hasn't seemed to curb the speed issue with cars nor these larger trucks.

As a result, we are staunchly against the zone change for Westbrook Street from Industrial Light" (I-L) to "Industrial Moderate" (I-M) as it would amplify the above safety issues and decrease the quality of life for the residential neighborhoods in the area by allowing more and even larger trucks down this route.

Increasing noise and air pollution, destruction of the roadways as well as decreasing safety is not a direction any community is keen to go down so a developer can grow their business.

Please vote No on this zone change.

Thank you for your attention and consideration.

All our best,

Tara Cacciola & Alicia Peters

48 Penrith Rd.

Portland, ME



## Westbrook St. Rezoning request 1 view

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Willa Vennema <willavennema@gmail.com> Oct 25, 2022, 4:31:48 PM (2 days ago)  
to Planningboard@portlandmaine.gov

Dear Esteemed Members of the City of Portland Planning Board,

I am writing to urge you to vote NO on the developer's request to rezone the area where the 60 acre parcel of land is located on Westbrook street. You have received detailed and well documented information about why the requested zone change from I-L to I-M does not make sense for this neighborhood. Although outer Westbrook street is on the edge of Portland, and may not be a place many of you travel through on a regular basis, please come visit! You will see just how residential this street is. Children wait for the bus on this street, elderly people walk their dogs, people jog and bike. There is already too much traffic on this residential street. Imagine if a zone change was proposed for Steven's Avenue to allow 18 wheeler trucks down that street. It would seem absolutely outrageous due to the schools and the residential neighborhood it runs through. Westbrook street also has schools, and is in fact more residential than Steven's Avenue.

Please protect our neighborhoods, and put people before developers. There does not seem to be any good reason to favor a developer's request for such an impactful zone change in a quiet neighborhood such as that found along Westbrook street. People are moving to Portland from all over the nation. They are doing so because of our wonderful neighborhoods, not because of sprawling industrial areas. We are counting on the planning board to keep our city livable and to know when to say NO to a developer when a request does not make sense for our neighborhoods.

Thank you for your time in reading this letter.

Willa Vennema  
Stroudwater Neighborhood Home Owner

Jen Stenberg <jensten.88@gmail.com>

Dec 8, 2022, 9:05:42 AM (yesterday)

to planningboard@portlandmaine.gov

To Staff at the Planning Board Office,

Please find the attached letter from the Stroudwater Neighborhood Association Board of Trustees. We respectfully request that it be included in the packet for the Planning Board members at the 12/13 hearing regarding the map amendment request for 1772 Westbrook Street.

This letter contains 2 important links; one containing a short 3 minute video of the Westbrook Street area, the second is a link with research supporting our opposition to the map amendment using Portland's 2030 Comprehensive Plan as well as the city's Land Use Code. We urge all to review this vital information prior to the members issuing a final decision on the matter.

Thank you for your time and consideration.

Jennifer Stenberg (She/Her/Hers)  
Stroudwater Neighborhood Association Trustee  
25 Stroudwater Road



## Stroudwater Neighborhood Association

PO Box 8672

Portland, Maine 04104

[www.stroudwaterassociation.org](http://www.stroudwaterassociation.org)

Dear Members of the Planning Board,

December 5, 2022

### 2022-2023

#### Trustees

Michael Archibald  
126 Stroudwater ST

Mary Davis  
1666 Westbrook ST

Eric Griffin  
42 Penrith RD

Woody Howard  
28 Roundabout LN

Kerry Kimball  
12 Heritage Court

Dan Koloski  
1296 Westbrook ST

Mark McAllister  
40 Black Sparrow DR

Deborah Napier  
111 Cobb ST

Jen Stenberg  
25 Stroudwater RD

Carter Waldren  
40 Garrison ST

Stephanie Walsh  
28 Garrison ST

Ann Marie Wilberg  
44 Tide Mill RD

We're writing to register our opposition to the proposed zone change for the 1772 Westbrook Street parcel from I-L to I-M. Prior to coming to this position, we met with the developer on 3 occasions then carefully reviewed the City's Land Use Code document, Portland's 2030 Comprehensive Plan document, researched Maine DOT's roadway classification and requirements and Maine DEP's land maps. The findings clearly show that a zoning change to I-M is directly *counter* to the City's 2030 plan regarding "complete streets" and "complete neighborhoods", zoning definitions and regulations, and the DOT's roadway classification and uses.

The links below include a 3-minute video for some perspective on the Westbrook Street roadway and a website containing research used in our decision making. We hope you will familiarize yourself with the area at hand.

<https://youtu.be/R3x2EZSJEn8>

<https://tinyurl.com/StopTheRezone>

We urge you to specifically review the following areas of concern before making any recommendations or decisions:

- Many of the articles and goals of the city planners, as set forth in Portland's Plan2030, aimed at protecting the livability of the city, are being violated by this proposed zone change in favor of the profits of a developer and the city's tax base.
  - \* Historic preservation is being overlooked.
  - \* Maintaining the Westbrook Street community as a "Complete Community" is being ignored.
  - \* The concept of maintaining Westbrook Street as a "Complete Street" is being ignored.
  - \* Many other goals of this progressive document are being overlooked and overridden.
- A zoning change to I-M will eliminate any language in the zoning regulations that require the developer to "benefit" the community in which the development is done (City of Portland Land Use Code, section 5-8) allowing the developer to use the land with no benefit to the adjoining community.
- Rezoning to I-M will remove it as a "buffer between residential areas and higher industrial areas" as required by Land Use Code, section 5-8.
- Land Use Code, Section 5-8, I-M zoning requires direct access to arterial roadways that this site currently does not have. *These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic.* All traffic exiting this site would be forced onto Westbrook Street, which is not designated an arterial, is not graded as an arterial and passes through residential communities in both directions with no alternative for industrial traffic.
- There are many other concerns outlined in the document linked above.

As defined on the City's website, *'The Planning Board...implements and ensures consistency with Portland's Comprehensive Plan...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.'*

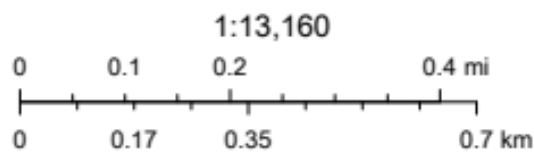
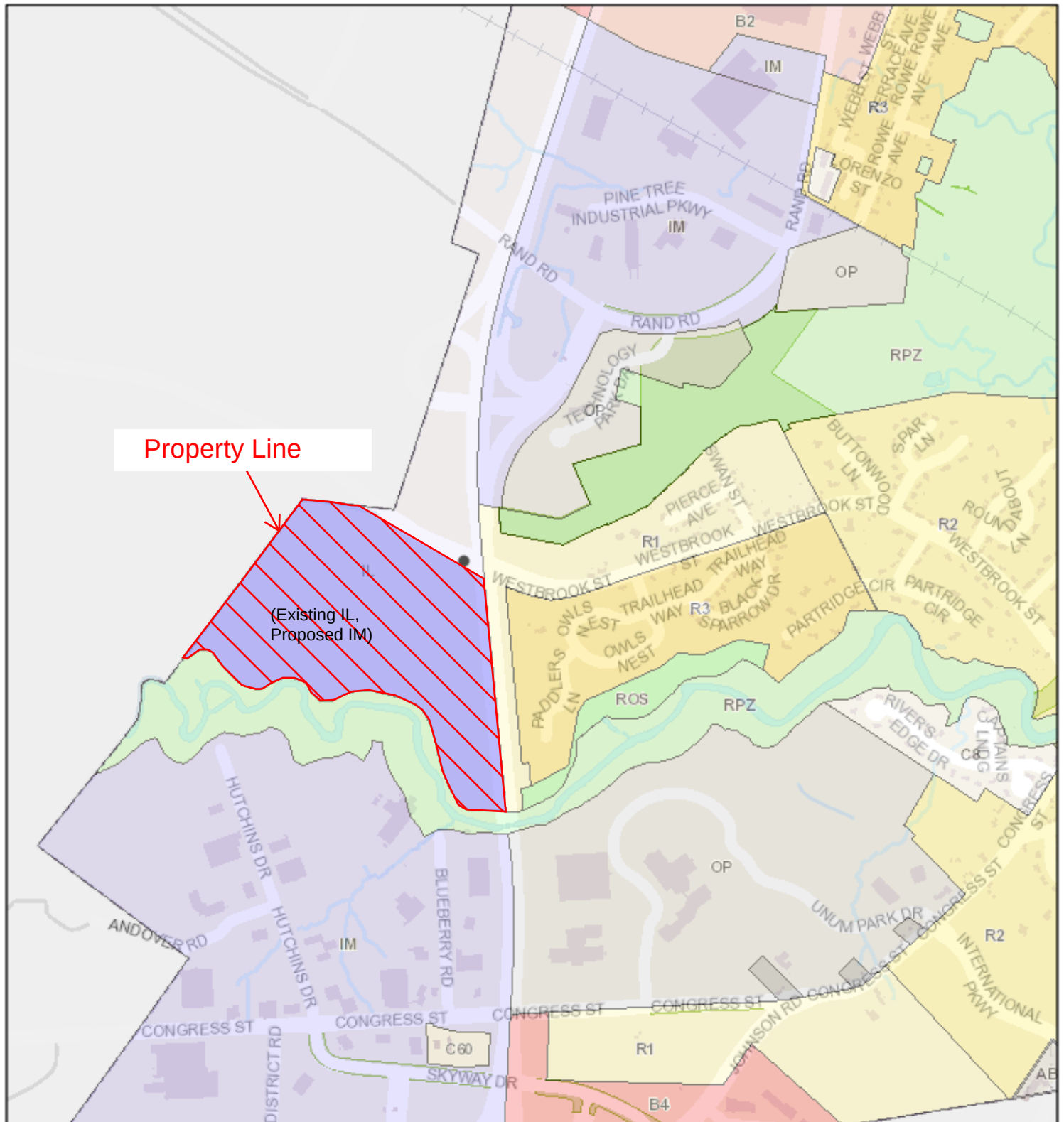
Respectfully, we urge you to stay true to the mandate of the planning board set forth by the city and find that the zone change to I-M is incompatible with the City's own vision and land use codes.

Sincerely,

Stroudwater Neighborhood Association Board of Trustees

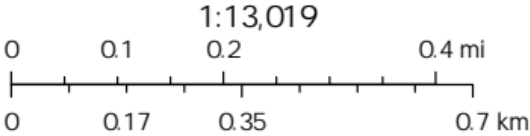
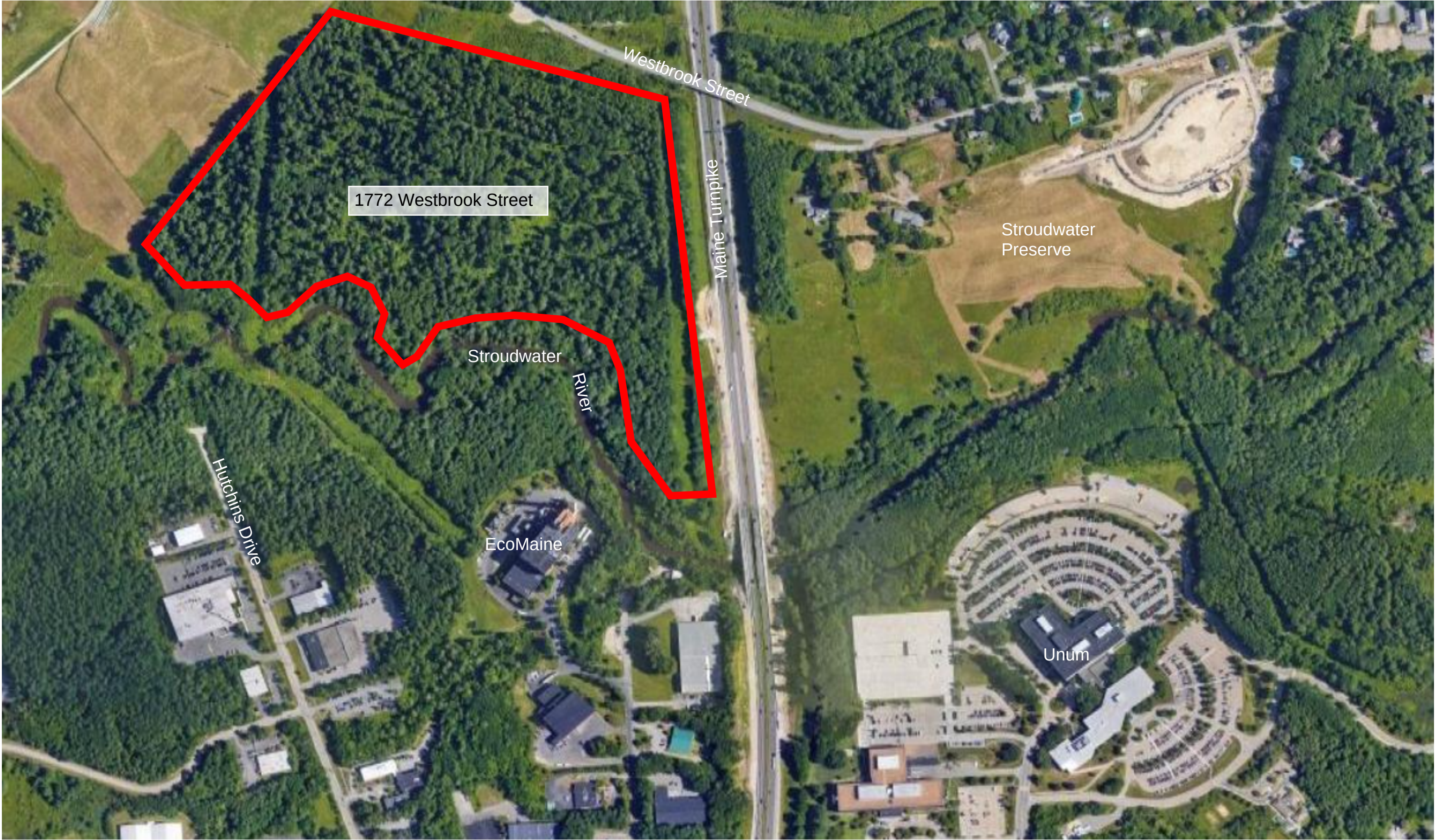


# Proposed Zoning





Vicinity Map



1:13,019





LEGEND

- BOUNDARY LINE (SUBJECT PARCEL)
- BOUNDARY LINE (OTHER)
- STREAM
- ZONING DISTRICT BOUNDARY
- UTILITY POLE WITH OVERHEAD WIRES
- STREAM SETBACK
- FLOOD ZONE (BASED ON ELEVATION) (WESTBROOK STUDY)
- FLOOD ZONE (FEMA FIRM SHADING)
- WETLAND AREA
- WETLAND IMPACT - ROADWAY
- EXISTING WATER MAIN
- EXISTING OIL PIPELINE
- EXISTING GAS MAIN
- EXISTING EASEMENT

NOTES

- THE PURPOSE OF THIS PLAN IS TO AID IN DISCUSSIONS OF THE SITE'S DEVELOPMENT POTENTIAL. THIS IS NOT A BOUNDARY OR EXISTING CONDITIONS SURVEY.
- BOUNDARY AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A PLAN ENTITLED 'STANDARD BOUNDARY SURVEY - LAND OF SIMON A. & JASON A. SNYDER' DATED JANUARY 2002, PREPARED BY LAND SERVICES, INC.
- ADDRESS - 1772 WESTBROOK STREET  
DEED REFERENCE - BOOK 4962, PAGE 219
- WETLANDS WERE DELINEATED BY MARK CENCI GEOLOGIC, INC. IN AUGUST 2021.
- PARCEL BOUNDARIES AND OWNERSHIP OF ADJACENT PARCELS IS SHOWN BASED ON CITY OF PORTLAND AND CITY OF WESTBROOK TAX RECORDS.
- THE LOCATION, DEPTH, SIZE & EXISTENCE OF ALL UNDERGROUND UTILITY LINES, TANKS AND/OR STRUCTURES WAS NOT VERIFIED. CONTRACTOR SHALL CONTACT DIGSAFE/ON-TARGET PRIOR TO EXCAVATION TO CONFIRM THE LOCATION OF ALL PUBLIC & PRIVATE UTILITIES WITHIN THE PROJECT AREA.
- A PORTION OF THE PARCEL IS LOCATED WITHIN A 100-YEAR FLOOD HAZARD AREA AS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP, PANEL #20025 0010, DATED DECEMBER 9, 1998. NO FLOOD ELEVATION IS NOTED FOR THIS LOT ON PORTLAND MAPS. BELOW THE MAINE TURNPIKE BRIDGE IS NOTED AT ELEVATION 21. WESTBROOK MAPS SHOW ELEVATION 31 AT CITY OF PORTLAND TOWN LINE. THIS PLAN SHOWS FLOOD AT ELEVATION 31 FOR PLANNING PURPOSES. FLOOD ELEVATIONS FOR THIS AREA NEED TO BE DETERMINED.
- DEVELOPMENT OF THIS SITE MAY REQUIRE EASEMENTS FROM OIL AND GAS PIPELINE COMPANIES AS WELL AS THE OWNER OF THE POWER TRANSMISSION LINES TO CROSS THESE FACILITIES WITH ROADS OR DRIVEWAYS REQUIRED TO SERVE THE LOTS SHOWN. THESE UTILITY LINES MAY NEED TO BE RELOCATED OR MODIFIED TO SUPPORT DEVELOPMENT OF THE ACCESS ROAD OR LOTS SHOWN.
- WETLAND IMPACTS SHOWN FOR DRIVEWAY AND ROADWAY IMPROVEMENTS INCLUDE 12,600 SF. APPROXIMATELY 6,000 SF OF THOSE IMPACTS ARE LOCATED ON LAND OWNED BY CMP.

PROGRESS PRINT

| REV. | DATE    | CHANGES | RENUMBER LOTS |
|------|---------|---------|---------------|
| 1    | 2/15/22 |         |               |

DO NOT MODIFY PLAN WITHOUT WRITTEN PERMISSION FROM STONEBROOK LAND USE, INC.

SUBDIVISION SCHEMATIC  
1772 WESTBROOK STREET  
PORTLAND, MAINE  
PREPARED FOR  
TOUCHSTONE ENTERPRISES, INC.  
106 CHENERY STREET - PORTLAND, ME 04103

| DATE      | PROJECT   |
|-----------|-----------|
| NOV. 2021 | 21-008    |
| DRAWN BY  | SCALE     |
| BRJ       | 1" = 100' |

FILE: 21-008 SCH2 SUB

SHEET 1