PLANNING BOARD

Tuesday, April 11, 2023 at 4:30 PM
The meeting will be held remotely using Zoom

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

REMOTE ACCESS INFORMATION:
The Planning Board will conduct this meeting remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Planning Board. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the Agenda Center following the meeting.

For public comment via Zoom, 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.

You are invited to a Zoom webinar.
When: Apr 11, 2023 04:30 PM Eastern Time (US and Canada)
Topic: Planning Board Workshop and Public Hearing 4/11/2023

Please click the link below to join the webinar:
https://portlandmaine-gov.zoom.us/j/85263426376
Or One tap mobile :
US: +13092053325,,85263426376# or +13126266799,,85263426376#
Or Telephone:
Dial(for higher quality, dial a number based on your current location):
US: +1 309 205 3325 or +1 312 626 6799 or +1 646 931 3860 or +1 929 205 6099 or +1 301 715 8592 or +1 305 224 1968 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 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209 5623
Webinar ID: 852 6342 6376
International numbers available: https://portlandmaine-gov.zoom.us/u/kbyGKjlxq2

PUBLIC COMMENT INFORMATION:
To submit written public comment on an agenda item, email planningboard@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Planning Board meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the name of the agenda item (see below).

Please note that the placement of items on this agenda are subject to change – please check the Agenda Center prior to the meeting for the item start time.

AGENDA:

WORKSHOP - 4:30 PM

i. Zoning Map Amendment; 900 Ocean Avenue; Ocean Avenue Residential, LLC, Applicant. (estimated time 4:30 p.m.) The Planning Board will hold a remote workshop to consider rezoning a 16.19-acre parcel located at 900 Ocean Avenue (416A A002 and 417 A004) from R-3 Residential to R-5A

Residential to facilitate the development of a Planned Residential Unit Development (PRUD). A project and plan summary are available for viewing on the city's CSS Portal (https://css.portlandmaine.gov/) by referencing Plan Number ZN-002346-2023.

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 MARCH 28, 2023

Afternoon Workshop
2 Riverton Drive: Chann, Mazer, Murphy, Silk, and Stanley present. Barker recused. Smith absent.

Public Hearing
111 Bedford Street: Barker, Chann, Mazer, Murphy, Silk, and Stanley present. Smith absent.
73 Powsland Street (Tabled): Barker, Chann, Mazer, Murphy, Silk, and Stanley present. Smith absent.
178-184 Middle Street: Barker, Mazer, Murphy, Silk, and Stanley present. Chann and Mazer absent.

4. REPORTS OF DECISIONS AT THE MEETING HELD ON MARCH 28, 2023

i. Major Site Plan; 111 Bedford Street; University of Southern Maine, Applicant. Mazer moved, and Barker seconded a motion to waive Ch. 14, Article 14.6.2.B.3 requiring that a minimum of 30% of existing trees with a DBH of 10 inches or greater be preserved within the building setback area. Vote 6-0, Smith absent. Mazer moved, and Chann seconded a motion to approve the site plan and site location of development amendment. Vote 6-0, Smith absent.

ii. Major Site Plan; 73 Powsland Street; STJ, Inc, Applicant. Mazer moved, and Murphy seconded a motion to table the public hearing to April 11, 2023. Vote 6-0, Smith absent.

iii. Conditional Use for Hotel Inclusionary Zoning; 178-184 Middle Street; Fresnell, LLC and Abatose, LLC, Co-Applicants. Mazer moved, and Murphy seconded a motion to approve the hotel inclusionary zoning conditional use application. Vote 5-0, Chann and Smith absent.

5. NEW BUSINESS

i. Planning Board Officer Elections (estimated time 5:30 p.m.)

ii. Major Site Plan; 73 Powsland Street; STJ, Inc., Applicant. (estimated time 6:00 p.m.) The Planning Board will hold a remote public hearing to consider a proposal to develop four duplex units and one single-family unit, totaling nine new residential units, at 73 Powsland Street. The subject property is 30,000 square feet in area and is zone B-5 Urban Commercial. A project and plan summary are available for viewing on the city's CSS Portal (https://css.portlandmaine.gov/) by referencing Plan Number PL-001808-2021.

iii. Administrative Appeal of Blasting Permit (2022-01299); 368 Ray Street; Marin Magat and Jenirose Friedkin, Co-Appellants. (estimated time 8:00 p.m.) The Planning Board will hold a remote public hearing to consider an appeal of an administrative decision to issue a blasting permit (FIRE2022-01299) associated with the development of the Fallbrook Commons Assisted Living Facility (PL-000925-2019), currently under construction, which is to be located at 60 Merrymeeting Drive in the R-3 Residential zone.

To:	Chair Stanley & Members of the Planning Board
From:	Austen Torres Davis
Date:	April 7, 2023
Re:	900 Ocean Avenue Rezoning from R-3 to R-5a
Project ID:	ZN-002346-2023
CBL:	416A A002001
Meeting Date:	April 11, 2023



Figure 1: Aerial Image of 900 Ocean Avenue Showing Property Line.

I. INTRODUCTION

Ocean Avenue Residential, LLC. is seeking a zoning map amendment to change an existing R-3 Residential zone to an R-5a Residential zone on an approximately 16-acre site located at 900 Ocean Avenue (CBL: 416A A002001) in the North Deering neighborhood. This action is being sought to facilitate the development of a planned residential unit development (PRUD) at this location. The applicant is seeking this map-amendment as the R-5a zone permits greater residential density for PRUDs than the R-3 zone, and would allow for more concentrated density in certain locations on-site in order to reduce impacts on significant natural features such as wetlands.

The Planning and Urban Development Department mailed 103 notices advertising this meeting to interested parties and property owners within 500 feet of the site. The legal advertisement ran in April 1 and 4, 2023 editions of the *Portland Press Herald*. Additionally, the applicant held a neighborhood meeting on March 15th, 2023.

Applicant:	Ocean Avenue Residential, LLC.
Applicant Representative:	Sam Lebel; Acorn Engineering

II. PROJECT DATA

Existing Zoning	R-3 – Residential
Proposed Zoning	R-5a – Residential
Existing Use	Undeveloped Land
Proposed Use	Planned Residential Unit Development (PRUD)

III. BACKGROUND & EXISTING CONDITIONS

The subject property is comprised of two undeveloped parcels at 900 Ocean Avenue, consisting of woodland and wetland areas. Graves Hill, an area of comparatively higher elevation than the surrounding neighborhood, is located near the center of 900 Ocean Avenue. Overall the site is relatively flat, gradually rising in elevation from the edges toward the center of the site, with significant grade changes at the western, northern, and eastern edges of the property. The site is adjacent to a defunct quarry to the northeast and the Old City Landfill to the northwest. Along Ocean Avenue there are a number of other PRUD developments that are similar in scale to the conceptual development proposal for this site.

The site is within and bordered on all sides by the R-3 residential zone. Other nearby zones include the R-5 and R-5a Residential along portions of Ocean Avenue, as well as the I-M Moderate Impact Industrial zone along Presumpscot Street.

The nearest public transportation bus routes are the GP Metro routes 9A and 9B, approximately 0.7 miles south of the site along Washington Avenue. A sidewalk exists between Summer Place and Washington Avenue along the east side of Ocean Avenue.



Figure 2: 900 Ocean Avenue in Neighborhood Context



Figure 3: 900 Ocean Avenue Conceptual PRUD Site Plan Showing Interior Wetlands

IV. CONCEPTUAL DEVELOPMENT PROPOSAL

The proposed rezoning from R-3 to R-5a would facilitate the development of a multi-unit PRUD residential development and associated parking. The intent of this rezoning is to allow higher residential density within each building so that the applicant can concentrate development away from the most environmentally sensitive areas on-site. The conceptual development proposal currently calls for a single, two-way access driveway that would connect to two clusters of multi-family structures and surface parking.

The development contemplated in this application is conceptual at this stage and no site plan application has yet been submitted. The current 900 Ocean Avenue map amendment application package submitted by the applicant includes a conceptual plan showing the potential development that this map amendment would facilitate. (See attached Plan 3). Should the proposed rezoning be approved by the City Council, a site plan application, addressing all applicable land use standards, would be required to be submitted by the applicant to facilitate the development of this project.

V. PROPOSED ZONING MAP AMENDMENT

Ocean Avenue Residential, LLC. proposes a zoning map amendment to change their 900 Ocean Avenue property from an R-3 Residential zone to an R-5a Residential zone (Compare Figures 4 and 5).
In addition to the applicant's request, Planning staff recommends that the Planning Board consider expanding the zoning map amendment to include Parcel 416A A003034, which is currently improved with an existing 46-unit PRUD, the Ocean Ridge Condominium Development, which was approved by the Planning Board on August 14, 2001 and completed construction in 2006 (see Figure 6).

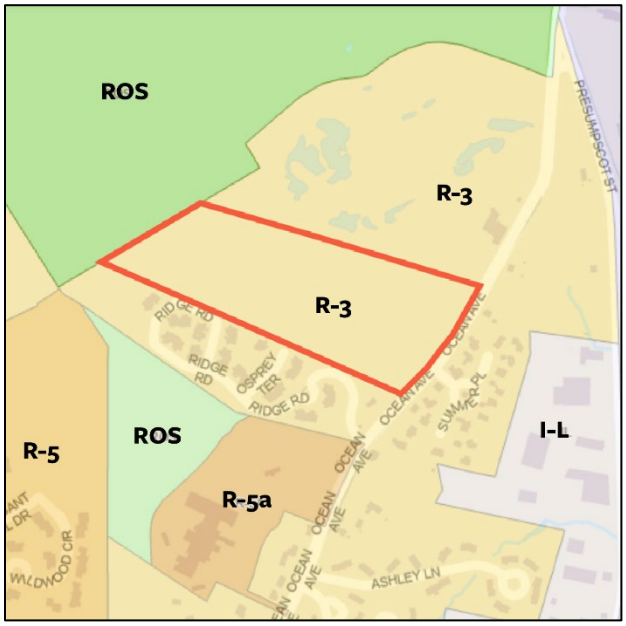


Figure 4: 900 Ocean Avenue Existing Zoning Context

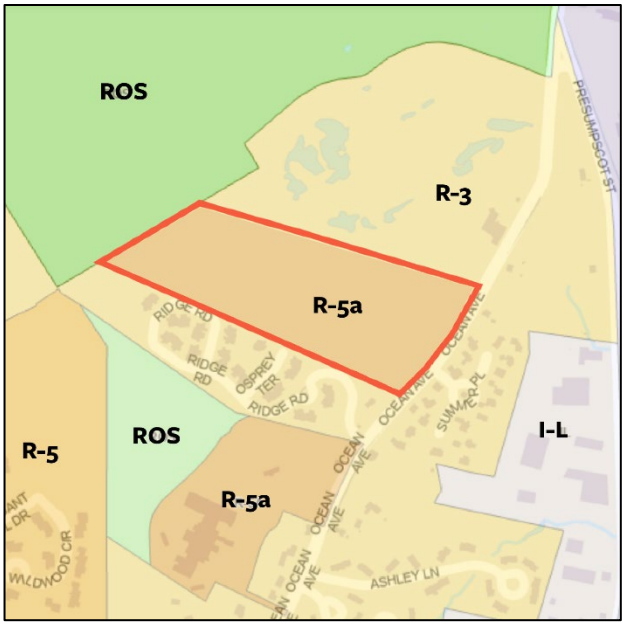


Figure 5: Applicant Proposed Map Amendment

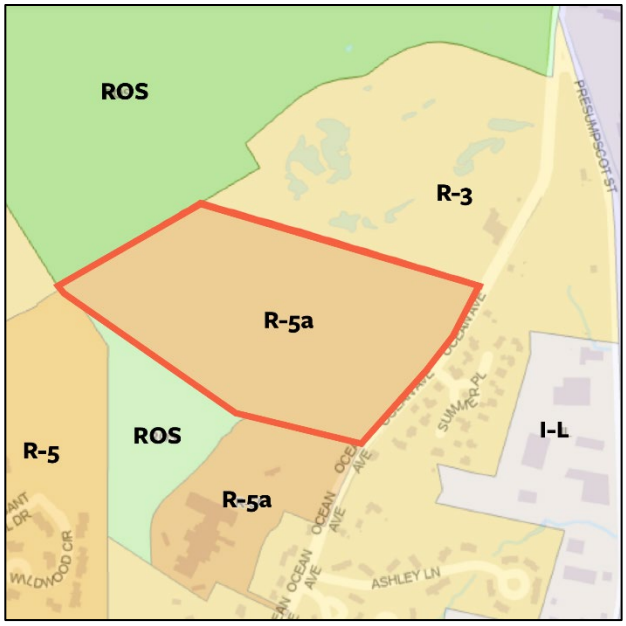


Figure 6: Staff-Proposed Map Amendment

VI. ZONING ANALYSIS

Existing Versus Proposed Zoning: R-3 Residential, and R-5a Residential

The R-3 is a low to moderate density residential zone characterized by a mixture of single-family homes, certain institutional uses such as schools, care facilities and places of assembly, and PRUDs. The R-3 zone is mapped in locations throughout the city, though primarily off-peninsula.

The R-3 and R-5a zones allow for a similar range of uses, though the R-3 does not allow post-secondary schools, lodging houses, special needs independent dwelling units, congregate care facilities, multiplexes, Two-family dwellings or Multi-family construction. PRUDs are allowed in both the R-3 and R-5a zones, though the R-3 zone has more restrictive dimensional requirements, and permits lower residential density than the R-5a zone.

The purpose of the R-3 Residential zone is to:

> *"Provide for medium-density residential development characterized by single-family homes on individual lots and also to provide for planned residential unit developments on substantially sized parcels."*

Whereas the purpose of the R-5a Residential zone is:

> *"To provide for moderate-density residential development in off-peninsula locations that can provide a unique residential living experience with a high degree of natural site amenities; and to provide areas of the city in the general proximity of the peninsula that have the capability for adequate municipal services, including traffic corridors with adequate traffic capacity, that can appropriately accommodate a more intensive use of land than other lower-density zoned land and be compatible with surrounding neighborhoods; and to increase affordable housing opportunities in off-peninsula locations by providing a moderate-density zone.."*

***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.*

TABLE 1: PERMITTED AND CONDITIONAL USES IN R-3 and R-5a Residential Zones		R-3	R-5a
Residential	Single-family dwellings	P	P
	Two-family dwellings		P
	Multi-family dwellings	C	P
	Multiplex		P
	Congregate care facilities		P
	Handicapped family units	P	P
	Planned Residential Unit Developments	P	P
	Special needs independent dwelling units		P
	Lodging houses		C
	Sheltered care group homes	C	C
Instituti	Elementary, middle, and secondary schools	C	C
	Governmental uses	P	P
	Hospitals	C	C

	Intermediate care facilities	C	P
	Long-term and extended care facilities	C	P
	Places of assembly (<10,000 SF)	C	C
	Places of assembly (>10,000 SF)	C	C
	Preschool facilities	C	C
	Post-secondary schools	C	C
Commercial & Other	Bed and breakfasts		
	General offices (<5,000 SF)		
	Hostels		
	Agriculture		
	Cemeteries		
	Off-street Parking	C	C
	Parks and open spaces	P	P
	Raising of domesticated animals		
	Solar energy system (minor)	P	P
	Utility Substations	C	C

Dimensional Requirement Summary:

As the PRUD constitutes the most intensive form of development permitted in either zone, this analysis is limited to the discussion of the PRUD use.

The R-5a PRUD standards limits residential density by requiring a minimum of 1,600 square feet of net land area per dwelling unit and further requires a minimum lot area of two acres. There is no limit on the total amount of units per building and no restrictions on building length. Buildings with a length of 100 feet or less are required to be setback a minimum of 25 feet from external subdivision property lines while buildings with a building length greater than 100 feet are required to be setback 35 feet. The maximum height permitted in the R-5a zone for a PRUD is 55 feet. The maximum lot coverage permitted is 30 percent. A minimum of 200 square feet of common recreation space area per dwelling unit is also required.

The R-3 PRUD standards limit residential density by requiring a minimum of 6,500 square feet of net land area per dwelling unit and further requires a minimum lot area of three acres. The maximum number of units per building on a site less than five acres is two and the maximum number of units per building on a site greater than five acres is six. Building length is limited to a maximum of 100 feet without a garage and 140 feet with garages. Buildings with three or fewer units are required to be setback a minimum of 25 feet from external subdivision property lines, while buildings with four or more units are required to be setback a minimum of 35 feet. The minimum distance between detached PRUD dwelling units is 16 feet. The maximum height in the R-3 zone for a PRUD is 35 feet. A minimum of 300 square feet of common recreation space area per dwelling unit is required.

Any PRUD development that includes 50 percent of the units as low-income or workforce units for rent or sale is eligible for the following dimensional bonuses:

1. Minimum lot area per dwelling unit is reduced by 50%.

2. Maximum number of units and maximum length of buildings do not apply but may be set through site plan review.
3. Minimum building setbacks may be reduced to 10 feet.
4. The PRUD may cross public rights of way provided that the right of way does not count towards minimum lot size nor towards open space requirements.
5. Minimum recreation open space area is reduced to 200 square feet per dwelling unit of common area designed for recreational purposes by residents. Minimum contiguous size and setbacks do not apply and shall be set through site plan review.

For both the R-3 and R-5a zones one off-street parking space per single-, two, or multi-family unit is required and sites that are within a ¼ mile of fixed route transit may be exempt from providing parking as specified in Table 19-B of the Land Use Code.

Table 2 provides a comparison of the dimensional requirements between existing and proposed zone.

TABLE 2: PRUD Zoning Requirements by Use	R-3	R-5a
Lot area (min.)	3 acres	2 acres
Net land area per dwelling unit (min.)	6,500 sq. ft.	1,600 sq. ft.
Units per building (max.)	PRUD <5 ac.: 2 PRUD > 5 ac.: 6	
Average number of units per building (max.)	PRUD >5 ac.: 5	
Structure height (max.)	35 ft.	55 ft.
Building length (max.)	100 ft. without garages; 140 ft. with internal garages	N/A
Length of accessory garage structure (max.)	N/A	N/A
Building setback from external subdivision property lines (min.)	3 or fewer D.U. in building: 25 ft.; 4 or more D.U. in building: 35 ft.	Bldg. Length 100 ft. or less: 25 ft.; Bldg. Length >100 ft.: 35 ft.
Distance between detached PRUD dwelling units (min.)	16 ft.	N/A
Common recreation open space area (min.)	300 SF/D.U	200 SF/D.U.
Habitable space elevation	No habitable space in a PRUD shall be below grade, except basements that are a part of and below above-ground units	

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. In the provided analysis the applicant lays out various portions of Portland's Plan 2030 that their proposal adheres to.



Figure 4: Visions of Portland's Plan 2030

Several aspects of the proposed map amendment to R-5a Residential are consistent with the Comprehensive Plan. The Comprehensive Plan highlights the importance of diversifying housing types and increasing the supply of housing city-wide. The proposed map amendment would facilitate a residential development that would provide housing and provide opportunities for people who work Portland to have the opportunity to live in Portland.

Relevant Comprehensive Plan goals have been excerpted below:

Housing:

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.
- Pursue policies to enable people who work in Portland to have the option to live in Portland.
- Encourage quality, sustainable design in new housing development.
- State Goal: To encourage and promote affordable decent, housing opportunities for all Maine citizens.
- Evaluate whether current zoning allows for new development consistent with historic patterns of form, density, and/or use, as whether it allows for priority in growth areas.

VIII. PUBLIC COMMENT

As of the writing of this memo three public comments have been received, all from nearby residents in opposition to this map amendment. Public comments in opposition were largely centered on potential environmental impacts, including to wetlands and to rocky outcroppings requiring blasting.

A neighborhood meeting was held by the applicant March 15th, 2023, with attendance and minutes forthcoming.

IX. NEXT STEPS

- Incorporate feedback from Staff and Planning Board
- Return to Planning Board for future meeting
- Forward recommendation to City Council for consideration

X. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Staff Review Comments

APPLICANT'S SUBMITTAL

A. Cover Letter
B. Map Amendment Checklist
C. Right, Title, and Interest
D. Neighborhood Meeting Invite

PLANS

Plan 1. 900 Ocean Avenue Vicinity Map
Plan 2. Proposed Map Amendment
Plan 3. Conceptual Site Plan

PUBLIC COMMENT

Pc1. Leslie Fuller
Pc2. Ron Morris
Pc3. Chuck Grossman

Review Criteria:
The proposed R-3 to R-5a Map Amendment located at 900 Ocean Avenue (ZN-002346-2023) was reviewed against Section 1.10 of the City of Portland Land Use Code. Please find below, comments from Planning & Urban Development Department staff and site plan peer-reviewers.

ZONING

- The CBL provided by the applicant is incorrect. The lead (main) CBL is 416A A002, with 417 A004 as the trail (subordinate) CBL.
- Please provide information on why the conceptual development cannot be achieved through a PRUD in the R-3 zone or a PRUD in the R-5 zone? (*In other words, why does it need to be rezoned to R-5a? The only nearby R-5a zone was set up for a congregate-care-facility, not a PRUD for housing. Nearby housing developments are either R-3 or R-5.*)

TRANSPORTATION

- No comments for the current submission.

LANDSCAPING & ENVIRONMENTAL QUALITY

- The City encourages the applicant to coordinate with Portland Trails when developing future plans for the site. There are numerous existing and planned trails in the vicinity of 900 Ocean Avenue operated by Portland Trails. Any residential development would benefit from connections to these trails.
- The City also encourages future coordination with city departments regarding tree and landscape preservation, wetlands, and the location of ledge and potential blasting sites.

STORMWATER & UTILITIES

- The City's existing gravity sewer line in Ocean Avenue terminates approximately 350 LF to the southwest of this proposed development site. DPW has concerns that the existing 8" sewer system will not have the capacity to serve a high density residential development of this nature without upgrades to the existing system. Approximately 1,850 linear feet of new 12" sewer line may be required to be installed from the proposed development site to Wellstone Drive if it's ultimately confirmed the existing system does not have the capacity to serve this development. These concerns have previously been expressed to the developer's engineer.

ACORN ENGINEERING, INC.

Planning & Urban Development Department
Attn: Matthew Grooms, Development Review Manager
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

January 20, 2023

Subject: Zoning Map Amendment – 900 Ocean Avenue

Matt:

On behalf of Ocean Avenue Residential, LLC, we are pleased to submit this map amendment for the approximate 16-acre parcel located at 900 Ocean Ave (Tax Map 416/A/2001). The parcel is currently within the R-3 zoning district (medium density residential) and is proposed to be rezoned into the R-5a zoning district (medium and high-density residential).

The parcel consists of vacant wooded land with several pockets of wetlands and steep slopes. Abutting the parcel to the west is the City's capped landfill/solar farm; to the south and east, a planned residential unit development (PRUD); and to the north, a discontinued concrete batch plant and an industrial warehouse/quarry currently used for construction laydown and material processing. The project team has conducted its due diligence phase to evaluate the site's suitability for land development. As part of this exercise, it was concluded that the development model that benefits the most stakeholders will require a map amendment to respond to the site's unique physical characteristics such as topography and natural resources. The zone change will allow the project to create a variety of housing options under a cluster subdivision model where the residential density is increased, and infrastructure is consolidated in favor of open space and natural resources. With an approved map amendment by City Council, the project would then be subject to the City's PRUD standards during the Major Site Plan process with the Planning Board.

We are pleased to submit this map amendment application which is consistent with Portland's Comprehensive Plan and will unlock the parcel's ability to increase the City's available housing stock through a low-impact approach. We look forward to your review of this project – if you have any questions regarding these application materials, please do not hesitate to reach out.

Sincerely,

Sam Lebel

Sam Lebel, P.E.
Project Manager
Acorn Engineering, Inc.

Consistency with Portland's Comprehensive Plan

This document provides an analysis of the consistency of the zone change request with the goals, policies and land use plan of Portland's Comprehensive Plan.

This map amendment helps implement goals and strategies outlined in *Portland's Plan 2030*, as well as the future land use plan. It will unlock the potential of the site for much-needed housing. In addition, given that this site is within walking distance of Washington Avenue, it will promote development along an identified growth corridor as well as a major transit route.

The R-5A designation will allow this site to better meet goals and strategies in the *Housing* and *Environment* sections of the Comprehensive Plan, as well as strategies from other areas. By unlocking the potential for higher density allowed under the R-5A, the large site will be more efficiently developed – Further it will allow for the preservation of sensitive open spaces through the ability to build more densely other areas of the site – the R-5A designation is more consistent with the Comprehensive Plan than the existing R-3 designation.

The R-5A zone is intended to "provide a unique residential living experience with a high degree of natural site amenities." It allows for a plan that preserves open space and sensitive environmental areas, while allowing for efficient use of portions of the site that will be developed. Given the complex geography of this part of the city, this zoning designation will allow for both housing development and environmental protection.

Conversely, the R-3 zone is intended for areas "characterized by single-family homes on individual lots." The Ocean Avenue corridor does not currently meet this characterization. In addition, the Comprehensive Plan doesn't envision it as a single-family corridor.

Specifically, this map change helps achieve the following Plan goals:

Housing

- ✓ Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.
- ✓ Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.
- ✓ Pursue policies to enable people who work in Portland to have the option to live in Portland.

Environment

- ✓ Adopt sustainable land use and transportation policies that support connectivity, walkable neighborhoods, and multi-modal transportation.

Additionally, it helps meet the following strategies:

Housing

- ✓ Evaluate whether current zoning allows for new development consistent with historic patterns of form, density, and/or use, as well as whether it allows for priority growth areas.
- ✓ Coordinate linkages between accessible transportation and housing affordability.
- ✓ Support programs and tools that facilitate aging safely in place.

Facilities & Services

- ✓ Make fiscal stability a factor in land use planning by considering both public investments and potential gains in the City's tax base when planning for a sustainable future for the city, while recognizing that not all land use decisions will be driven by the fiscal impacts of the development produced.

Portland's Plan sets a goal of production of at least 2,557 new housing units in next ten years, or 256 a year. This map change will help meet approximately one year's worth of that ten-year goal. It will do so within a short distance of the Washington Avenue priority corridor and the priority node at Washington and Ocean Avenues.

In summary, this map change is fully consistent with the Comprehensive Plan. In fact, it is more consistent with City goals and strategies outlined in the plan than the existing R-3 designation.

CITY OF PORTLAND
Planning & Urban Development Department

MAP AMENDMENT SUBMISSION CHECKLIST * Please submit each document and drawing as a separate PDF file * Please submit all drawings in a 24 x 36 sheet size * Please confirm each item by electronically checking the boxes to the left for each document/drawing	
GENERAL APPLICATION DOCUMENTS	
☑	**Project Description** • Cover Letter with detailed project description
☑	**Consistency with Comprehensive Plan** • Analysis of the consistency of the zone change request with the goals, policies and land use plan of Portland's Comprehensive Plan.
☑	**Completed Checklist – Map Amendment Application** **(this document)**
☑	**Right, Title and Interest** • Deeds, leases, or purchase and sales agreements
PLANS	
☑	**Vicinity Map**
☑	**Proposed Map Amendment** (please use the Portland zoning map as a reference)
☑	**Site Plan (if applicable)** Provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries.

Att. C

DLN: 1002140137656

QUITCLAIM DEED WITH COVENANT

OCEAN AVENUE DEVELOPMENT, LLC

A Maine limited liability company with a mailing address of 33 Powderhorn Drive, Scarborough, Maine 04074

for consideration paid, grant to

OCEAN AVENUE RESIDENTIAL, LLC

A Maine limited liability company with a mailing address of 33 Powderhorn Drive, Scarborough, Maine 04074, with QUITCLAIM COVENANTS, the following described real estate in Portland, County of Cumberland, and State of Maine:

See Exhibit A attached hereto and made a part hereof

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

WITNESS my hand and seal this 30th day of March 2021.

Witness

Ocean Avenue Development, LLC

By: Matthew E. Tonello
Its: Manager

State of Maine
County of Cumberland,

March 30, 2021

Personally appeared before me the above-named Matthew E. Tonello, Manager of Ocean Avenue Development, LLC, and acknowledged the foregoing to be his free act and deed in his said capacity and the free act and deed of said Ocean Avenue Development, LLC.

Before me,

Notary Public:
Printed Name:
My commission expires:

SARAH HEAD
NOTARY PUBLIC
State of Maine
My Commission Expires
November 14, 2025

DOC :22382 BK:37997 PG:314
RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS
03/30/2021, 01:19:18P
Register of Deeds Nancy A. Lane E-RECORDED

EXHIBIT A

A certain lot or parcel of land situated on the northwesterly side of Ocean Avenue in Portland, County of Cumberland and State of Maine and being more particularly bound and described as follows:

Commencing at a point on the northwesterly side of Ocean Avenue at the southeasterly corner of land now or formerly of Ocean Ridge Realty, LLC as described in a deed recorded in the Cumberland County Registry of Deeds in Book 18466, Page 304;

Thence North 61° 01' 40" East along the northwesterly side of Ocean Avenue a distance of 160.66 feet to an iron pipe found in ledge;

Thence North 52° 44' 40" East along the northwesterly side of Ocean Avenue a distance of 197.17 feet to a point;

Thence North 44° 53' 40" East along the northwesterly side of Ocean Avenue a distance of 250.15 feet to an iron rod found;

Thence southeasterly a distance of 1,313 feet, more or less, to an iron rod found on the southerly side of land now or formerly of the City of Portland as described in a deed recorded in the Cumberland County Registry of Deeds in Book 2451, Page 242, which iron pipe is located South 75° 17' 00" West from the southeasterly corner of said City of Portland land;

Thence South 75° 28' 40" West along the southerly side of said City of Portland land a distance of 524.52 feet to said land of Ocean Ridge Realty, LLC;

Thence South 50° 36' 20" East along the northeasterly side of said land of Ocean Ridge Realty, LLC a distance of 1,481.99 feet to the northwesterly side of Ocean Avenue and the point of beginning.

Being a portion of land conveyed to Ocean Avenue Development, LLC by Dragon Products by deed dated January 12, 2021 and recorded in Cumberland County Registry of Deeds in Book 37696 Page 130.

Reference is also made to a "Standard Boundary Survey on Ocean Avenue in Portland, Maine for Dragon Products Co." dated February 7, 1991 and recorded in the Cumberland County Registry of Deeds in Plan Book 189, Page 65.

G:\CLIENTS\T\Tonello, Matthew\1. 2021 Dragon Properties Purchases\OCEAN AVE DEVELOPMENT\Deed to Ocean Ave Residential\Quitclaim Deed.doc

ACORN ENGINEERING, INC.

Dear Neighbor: March 3, 2023

On behalf of Ocean Avenue Residential, LLC, we are pleased to invite you to a neighborhood meeting on March 15th, 2023, to discuss a proposed map amendment for the approximate 16-acre parcel located at 900 Ocean Ave (Tax Map 416/A/2001). The parcel is currently within the R-3 zoning district and is proposed to be rezoned into the R-5a zoning district. The zone change will increase the potential of the site by providing the opportunity for new housing while preserving open space and natural resources. With an approved map amendment by City Council, the project would then be subject to the Major Site Plan process with the Planning Board.

Meeting Location: GPCOG – 970 Baxter Blvd, Suite 201, Portland, ME 04103
Meeting Date/Time: Wednesday, March 15, 2023 at 5:00pm

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 call (207) 775-2655.

Sincerely,

Sam Lebel

Sam Lebel, P.E.
Project Manager
Acorn Engineering, Inc.

Note: Under the City of Portland land use code, an applicant for a major site plan, master development plan, subdivision of over five lots, or 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 or by mail to the Planning and Urban Development Department, Planning Division, 4th Floor, 389 Congress Street Portland, ME 04101.

PC1

Chuck NGrossman <chuckngrossman@gmail.com>
to planningboard

To Whom it May Concern:

My name is Charles Grossman and I live at 175 Ridge Road part of the Ocean Ridge Condo Association.
My comments/questions (focused on the Geology, Blasting and Environmental factors) for the Workshop on April 11th on the consideration for the requested zoning change at 900 Ocean Avenue from R-3 to R-5A.

Comments/Questions for Workshop
Portland Planning Board
April 11th @ 4:30 p.m.
900 Ocean Avenue Proposed Rezoning from R-3 to R-5A

This is an excerpt from Portland's Plan 2030, Housing - Local Goals: I don't believe that the proposed project checks off any of the goals in this statement.

"Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods."

Geology/Blasting/Environmental Survey/Site Plans

1. Geology – Graves Hill is a geologically unique place in Cumberland County and the State of Maine according to a Professor at USM. The whole area has been subjected to fault-type shearing that is reflected in the overall texture of the rock. The weaker rock in this case is the foliated metamorphic rocks that flank the mass of granite that makes up Graves Hill. You can see this in the steep grade of the entry drive into Ocean Ridge Condos. This is why the 13 buildings of Ocean Ridge were built on top of the mass of granite and not excavated into the mass. My question to the Planning Board is whether the plans have taken this into account and how would it affect the stability of the granite mass known as Graves Hill?
2. Blasting – I would like to raise the issue of blasting, and potential issues resulting therefrom. What are the regulations in place to limit any adverse effects of Blasting? Does the Planning Board require a project bond (in an adequate amount) in light of the basting/fault lines and other safety concerns?
3. Environmental Survey – Has there been an Environmental Survey done? Has there been site consideration for the protection of the natural areas (Wetlands and Vernal Pools) and historic sites (Graves Hill)? Wetlands have been cited on Acorn's Powerpoint but some of the wetlands/vernal pools have not been included.
4. Site Plan - Is there an updated Site Plan? The proposed access road is over the top of Graves Hill. The proposed access road abuts the property line of Ocean Ridge Condo Association. Is the proposed access road outside of the legal buffer lines required?

PC2

Leslie Fuller <lfuller2@maine.rr.com> Mar 16, 2023, 12:13:44 PM (3 days ago)
to planning@portlandmaine.gov

Hello,

I just returned from a neighborhood meeting held by Acorn Engineering regarding the proposal to change the zoning currently R-3 to R-5a for the parcel at 900 Ocean Avenue in Portland.

I live at 153 Ridge Road in Portland which will be directly impacted by the project. While I fully understand the property owners prerogative to develop the property I do not believe that 280 units and the traffic issues that would bring has a positive impact on this area.

One of the principals of the project was there along with the Engineer. I was disturbed by what I felt were rather evasive answers to questions. They stressed that their desire was to provide housing for “working people” but had no idea what the range of price points would be offered. I don’t think anyone gets to the point of trying to change zoning without having some idea what their rate of return would be.

I wanted to stress that my opinion for the change in zoning is a resounding NO!

I look forward to the meeting on April 11th which I understand will be a zoom meeting. Can you please insure that interested parties receive the information to join in the meeting.

Wanted to share my thoughts, respectfully,
Leslie Fuller
153 RIDGE ROAD
Portland ME

PC3

Austen Davis <austentd@portlandmaine.gov>

900 Ocean Ave - Map Amendment

1 message

Ron Morris <remorris57@gmail.com> Tue, Apr 4, 2023 at 5:58 PM
To: austentd@portlandmaine.gov

Mr. Davis,

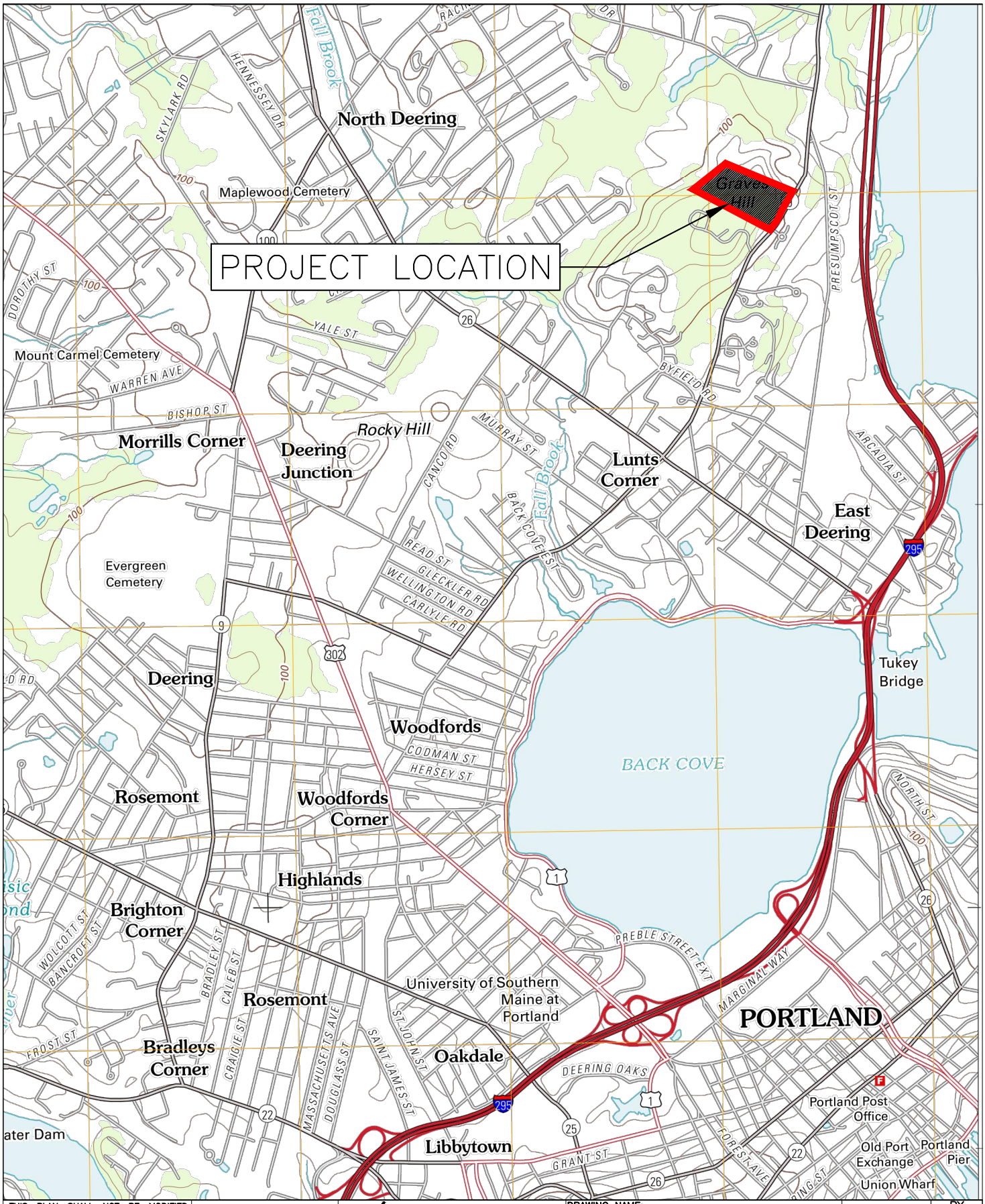
My name is Ron Morris, President of the neighboring property, Ocean Ridge Condominium Association. I attended the informational meeting presented by Acorn Engineering on 3/15. Myself and my neighbors were quite shocked to hear about the magnitude of the proposed development. My association is planning to submit comments in opposition to this zone change request to the 4/11 Planning Board workshop.

But I'm curious to know if you or members of the Board have walked the subject parcel. From Ocean Ave the land ascends to a high point on Graves Hill with vernal pools in between the rocky outcrops. A change to 5A, allowing as many as 450 housing units, would require a massive blasting & excavation of the site. Even the 107 units allowed under the current zone would be quite the project, sewer extension & traffic considerations. There is the Ashton Gardens complex to our south that provides a look into what is required to develop the site of this nature.

I know this is in the early stages of this process, but have you or the board walked this property?

Await your response, thank you!

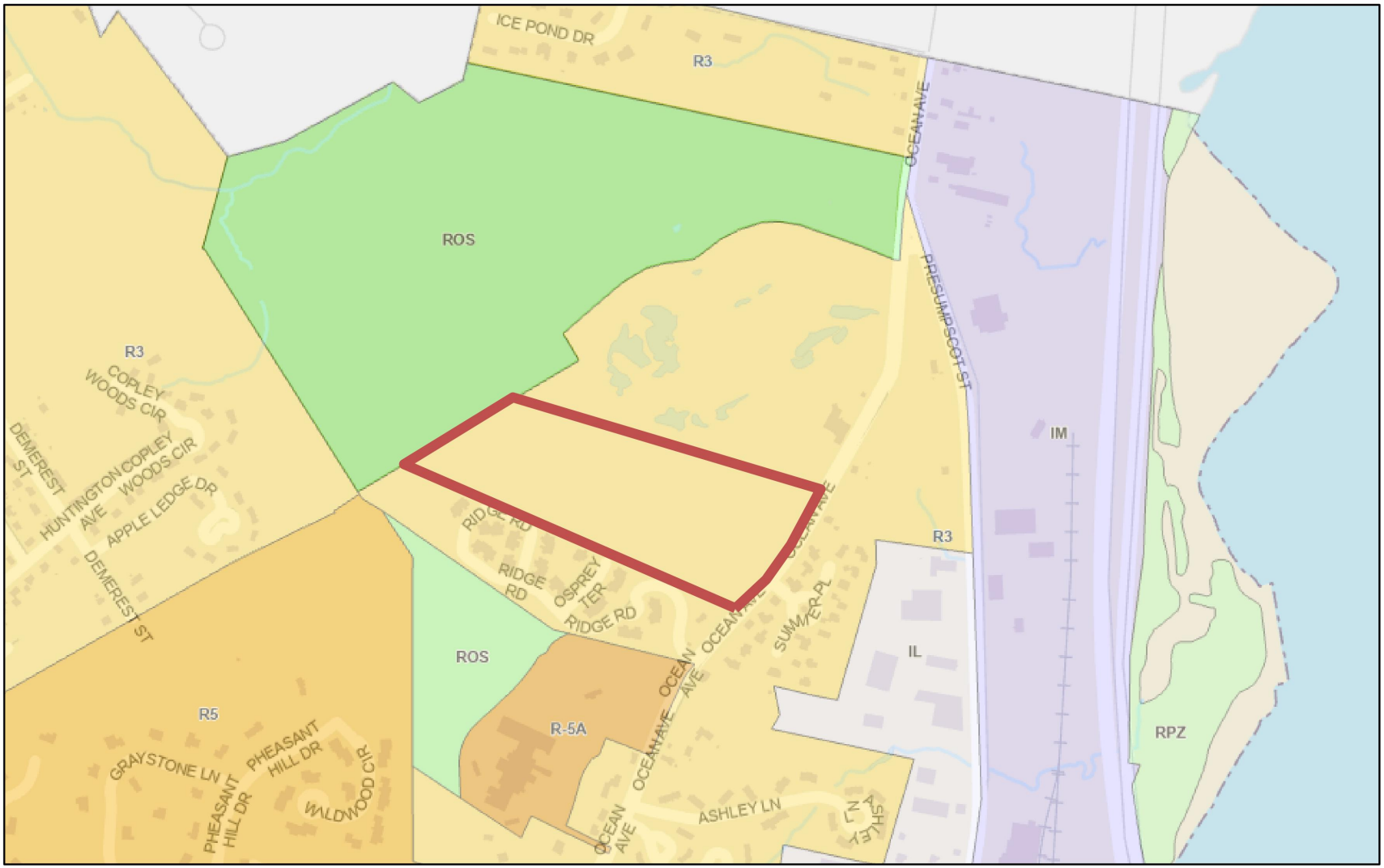
Ron Morris
178 Ridge Rd.



THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.	FILE: 1190_CIVIL JN: 1190.1 SCALE: AS NOTED DESIGN BY: SJL DRAWN BY: DNM CHECKED BY: SJL	ACORN ENGINEERING, INC ACORN ENGINEERING, INC. P.O. BOX 3372 PORTLAND, MAINE 04104 (207) 775-2655	DRAWING NAME: VICINITY MAP PROJECT NAME: 900 OCEAN AVENUE CLIENT: OCEAN AVENUE RESIDENTIAL LLC	ISSUED FOR / BY / DATE RESOURCE REVIEW / SJL / 8/14/22 MAP AMENDMENT / SJL / 1/16/23	DRAWING NO. EX-01

NOTES:
1. ZONING INFORMATION OBTAINED FROM CITY OF PORTLAND ZONING MAP. ADOPTED 12/28/22

ArcGIS Web Map



12/28/2022, 1:48:49 PM

Override 1

Zoning

R3 Residential

R5 Residential

R-5A Residential

IL Industrial - Low Impact

IM Industrial - Moderate Impact

RPZ Resource Protection

ROS Recreation Open Space

1:9,399

0 0.05 0.1 0.2 mi

0 0.07 0.15 0.3 km

City of Portland, DPS

ArcGIS Web AppBuilder
City of Portland, DPS |

ISSUED FOR	BY DATE
MAP AMENDMENT	SJL 1/6/23
	REV. DATE

DRAWING NAME: PROPOSED MAP AMENDMENT

PROJECT NAME: 900 OCEAN AVENUE, PORTLAND, ME

CLIENT: OCEAN AVENUE RESIDENTIAL LLC

ACORN ENGINEERING, INC
ACORN ENGINEERING, INC. P.O. BOX 3372 PORTLAND, MAINE 04104 (207) 775-2655

FILE:	1190.1
DATE:	1/6/23
JN:	1190.1
SCALE:	AS NOTED
DESIGN BY:	SJL
DRAWN BY:	DNM
CHECKED BY:	SJL

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DRAWING NO.

EX-02

SPACE AND BULK STANDARDS		
	R-5A	PROPOSED
MIN. LOT AREA	2 AC	16.04 AC
MIN. STREET FRONTAGE	50 FT	607 FT
MIN. FRONT SETBACK	25 FT	70 FT
MIN. REAR SETBACK	25 FT	35 FT
MIN. SIDE SETBACK	5 FT	35 FT
MIN. BUILDING SETBACK FROM EXTERNAL SUBDIVISION PROPERTY LINES (BLDG. LENGTH >100FT	35 FT	>35 FT
MAX. STRUCTURE HEIGHT	55 FT	TBD
MAX. LOT COVERAGE	30 %	< 30%
NET ALLOWABLE LAND AREA*	*	12.94 AC
MIN. NET LAND AREA PER DWELLING UNIT (1,600 SF)**	441	TBD
*NET LAND AREA DERIVED FROM LOT AREA MINUS THE SQUARE FOOTAGE OF ANY AREA WITH WETLAND COVERAGE OR SLOPES GREATER THAN 25%		
**INCLUDING THE 25% DENSITY BONUS		

MAP/LOT 418-A-1
ZONE: R-3

MAP/LOT 418-A-2
ZONE: R-3

TM 417-A-9
N/F
CITY OF PORTLAND
ZONE: R-OS

MAP/LOT 416-A-2001
ACREAGE 16.3 AC.

EX. WETLAND

BLDG 1

BLDG 2

BLDG 3

BLDG 4

BLDG 5

BLDG 6

BLDG 7

OCEAN AVENUE

TM 416A-A-1
N/F
JAMES L. BICKFORD

TM 416A-A-3
N/F
OCEAN RIDGE CONDOMINIUMS
ZONE: R-3

50 0 50 100

SCALE: 1: 50'

CONCEPTUAL
NOT ISSUED FOR CONSTRUCTION

ACORN ENGINEERING, INC

73 Powsland Street
Major Site Plan
PL-001808-2021
STJ, Inc. | Applicant

Submitted to:	Portland Planning Board	**Prepared By:**	Charles Tetelman
Public Hearing Date:	March 28, 2023	**Date:**	March 24, 2023

I. INTRODUCTION

STJ Inc. has submitted a Major Site Plan Application to facilitate the development of five buildings including four duplexes and one single-family home (totaling approximately 6,900 square feet) at 73 Powsland Street in the Libbytown neighborhood. This application is being referred to the Planning Board for compliance with the City of Portland's Land Use Code Site Plan Standards, Section 14.6.



Figure 1: Site Rendering

The Planning and Urban Development Department mailed 80 notices advertising this meeting to property owners within 500 feet of the site. A legal advertisement ran in the March 17, 2023 and March 18, 2023 editions of the *Portland Press Herald*.

The Planning Board held Workshops for 73 Powsland Street on July 12, 2022 and February 14, 2023.

Applicant:	STJ, Inc. (Mark Curtis)
Applicant Representatives:	Sebago Technics (Henry Hess) Ryan Senatore Architecture, LLC (Ryan Senatore)

II. REQUIRED REVIEWS

Review	*Applicable Standards*

Site Plan	Section 14.6
Design Review	Section (i)Two-Family

Waiver Requests	*Applicable Standards*
Waiver to Allow Discharging Directly into a non-Major River segment	Technical Manual Section 5. III
Sidewalk Waiver to waive sidewalk requirements along the development's frontage.	14.6.1.B.3.c (Sidewalk Installation Waiver)

III. PROJECT DATA

Existing Zoning	B-5 Urban Commercial
Property Size	29,000 square feet
Existing Use	Undeveloped
Proposed Use	Residential

	Existing	*Proposed*	*Net Change*
Total Building Floor Area	0	~13,900 sq. ft.	+13,900 sq. ft.
Impervious Surface Area	0	16,585 sq. ft.	+16,585 sq. ft.
Parking Spaces	0	5	+5
Bicycle Parking Spaces	0	0	0

IV. BACKGROUND



Figure 2: Aerial View

The proposed development site consists of six undeveloped lots located on the west side of Powsland Street, which extends southward beyond the currently developed portion of the street. The Powsland Street right-of-way (ROW) also continues southward beyond the current edge of pavement across an existing wetland area to a Central Maine Power (CMP) utility corridor. The parcels associated with the

development are addressed 65-73 and 93 Powsland Street. The character of Powsland Street is predominantly small-to-mid scale residential consisting mostly of single-family residential homes with some mixed-use buildings at the corner of Powsland and Congress streets.

Powsland Street connects to the western portion of Congress Street proximate to Interstate 295. Congress Street is identified as a priority corridor in the City's Comprehensive Plan and includes sidewalks, established street trees, and a variety of building types and uses including both commercial and residential development. The proposed development is near the Portland Transportation Center and Thompson's Point. The Portland Transportation Center is approximately 750 ft. east of the proposed development and provides access to the Amtrak Downeaster line and the Concord Coach Bus Station. Additionally, METRO Routes 9A, 9B, and 5 run along Congress Street and Routes B and 1 connect at the Portland Transportation Center.

V. RIGHT, TITLE, & INTEREST

The applicant has submitted a deed recorded at the Cumberland County Registry of Deeds dated January 15, 2007 that demonstrate that the applicant, STJ Inc., is the current owner of the properties associated with the proposed development at 73 Powsland Street (Attachment 1).

The applicant is proposing to extend Powsland Street 280 ft. along the Powsland Street right-of-way (ROW) to be accepted as a public street. The applicant will need a construction easement with the City of Portland to perform site work within the ROW. The applicant will require a maintenance agreement with Central Maine Power (CMP) to maintain the unaccepted, paved portions of Powsland Street including the gated paved entry on CMP property. Upon acceptance of the extended portion of Powsland Street, the City will need a maintenance agreement from the applicant and Central Maine Power to maintain the paved portions of the turnaround beyond the Powsland Street ROW including the gated paved entry.

The applicant will also need two separate drainage easements from the stormwater system on private property to the CMP-owned detention pond and from the Powsland Street ROW to the CMP-owned detention pond. The applicant has provided draft easement agreements (Attachment 26 + 27), which is expected to be executed prior to issuance of a building permit.

Additionally, the applicant is proposing to upgrade an off-site culvert underneath the adjacent railroad corridor. The applicant has provided an easement between CMP and previous owners of the railroad corridor (Attachment 30) as well as a draft work agreement from CMP (Attachment 29) demonstrating that CMP has rights to construct and maintain the culvert. The draft agreement grants the applicant permission to replace the culvert and perform necessary work in the surrounding area. A construction easement between the applicant, CMP, and the Railroad will be included as a Condition of Approval.

VI. FINANCIAL & TECHNICAL CAPACITY

The applicant has submitted a letter of financial capability from Gorham Savings Bank dated October 5, 2021 that demonstrates the applicant has financial capacity for the proposed development (Attachment 1).

The applicant has submitted information about their agent, Sebago Technics, explaining their experience, credentials, and prior projects as it relates to this application (Attachment 1). The applicant and applicant representatives have demonstrated technical capacity to undergo and complete the proposed project.

VII. PREVIOUS WORKSHOPS

At the July 12, 2022 workshop, the Planning Board reviewed the original submission which included waiver requests from driveway, curbing, and sidewalk requirements as well as potential layouts for the turnaround at the end of Powsland Street. The Planning Board and City staff encouraged the applicant to explore utilizing the existing CMP property at Hooper Street for emergency vehicle access. The Planning Board discussed the development of the site within the shoreland zone and near wetlands. The Planning Board asked the applicant to provide stormwater calculations and confirm that the site could manage stormwater properly without replacing the culvert under the abutting rail corridor.

At the February 14, 2023 workshop, the Planning Board reviewed the applicant's resubmission, submitted to address feedback from the Planning Board, City staff, and third-party Reviewers. The Planning Board discussed the sidewalk waiver and noted that the site plan lacked connectivity between units. Some Board members expressed concern with the sidewalk waiver and requested that the applicant explore ways to ensure the new buildings fit within the neighborhood context. The Planning Board also expressed concerns regarding the stormwater calculations and asked City Staff for clarity regarding stormwater calculations with and without the culvert replacement. Additionally, the Board asked the applicant to provide an updated wetland impact square footage number as well as updated renderings that reflect changes to the site plans.

Since the February 14 workshop, the applicant has updated the site plan (Plan 4 + 5) to show a continuous pathway across all five lots but is still requesting a sidewalk waiver. The applicant has provided additional stormwater calculations discussed below (Attachments 4, 13, 14, 25) and provided updated wetland impact square footage (approximately 3,552 sq. ft.) demonstrating less wetland impact than initially proposed. The applicant submitted updated renderings that reflect the updated site plan (Attachments 18 + 19).

VIII. PROPOSED DEVELOPMENT

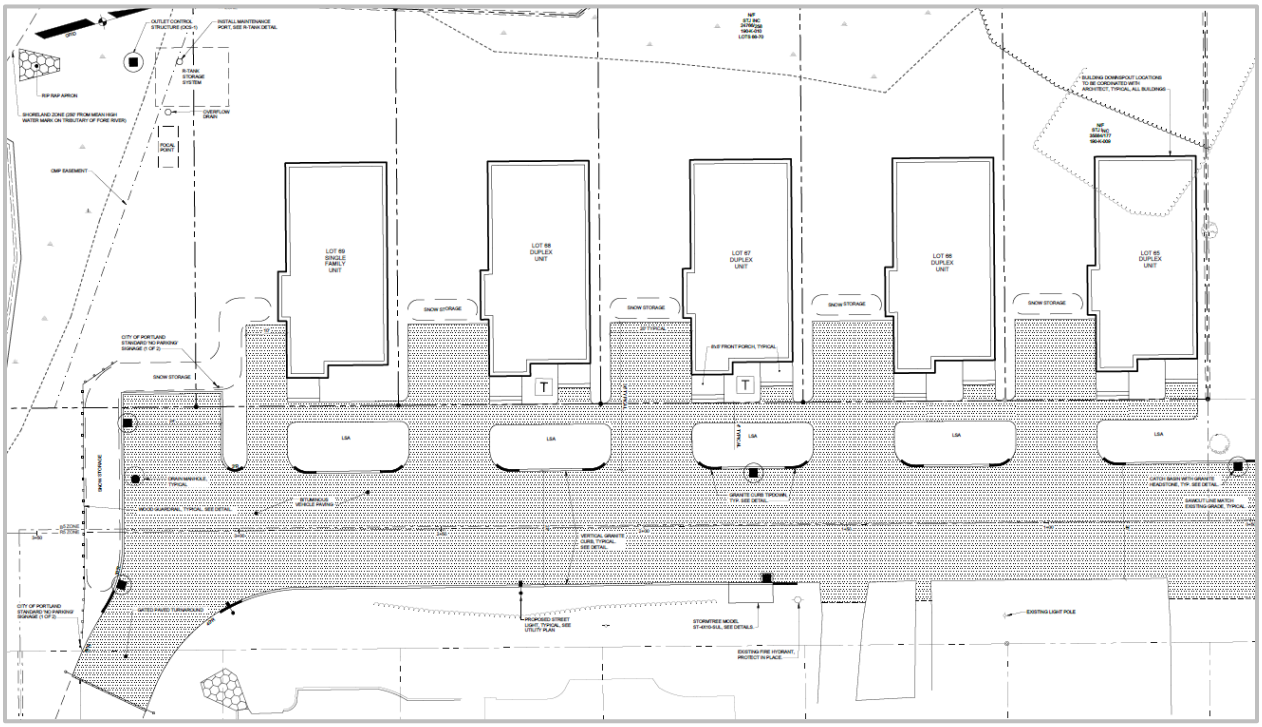


Figure 3: Site Plan (Plan 4)

The applicant is proposing to construct five buildings (with building footprints being approximately 1,380 square feet each) including four residential duplexes and one single-family residential building, totaling 9 units. Each parcel will have one driveway and curb cut, with the duplex buildings having a shared driveway for the two units. The proposal includes one off-street parking space per unit outside of the public right-of-way. The proposed buildings are designed to be similar in scale and disposition to other residential developments along Powsland Street. The site plan has been updated to include walkways connecting each building to its driveway, this is consistent with the existing context of houses along Powsland Street.

Additionally, the applicant is proposing to extend Powsland Street 280 ft. (approximately 3,500 square feet) along the ROW just beyond the single-family building. The total impervious area for the proposed development is 31,480 sq. ft. The applicant's site plan (Plan 4 + 5) has a hammerhead turn-around with a smaller paved area to the North into the applicant's property and a gated paved entrance to Hooper Street to the South on CMP property – providing access to utility infrastructure along Hooper Street and a turnaround for emergency service vehicles at the end of Powsland Street. In lieu of a retaining wall at the end of Powsland Street, the updated plans include granite curbing, a stormtree catch basin, new stormwater drain designs, and a stormwater outlet discharging into the existing detention pond.

The applicant is also proposing to upgrade an off-site culvert that moves stormwater from the CMP-owned detention pond, under the railroad corridor, to a wetland area that drains into the Fore River.

IX. ZONING ANALYSIS

The proposed development is located within the B-5 Urban Commercial zone and is being reviewed under the B-5 Urban Commercial Zone standards and dimensional requirements (Table 7-E) shown below:

Dimensional Requirement	Required	Proposed	Status
Lot Size	None	29,000 square feet	Met
Front Yard	None	17-20 feet	Met
Side Yard	None	12 feet	Met
Height (max.)	65 feet	35 feet	Met
Off-Street Parking	0 per unit	1 per unit	Met

Per Table 19-A off-street parking minimums for single-, two-, or multi-family units are required to provide one parking space per dwelling unit. However, no off-street parking is required in the B-5 zone (Table 19-B Categorical exceptions to off-street parking minimums).

SITE PLAN REVIEW STANDARDS (Section 14.6)

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland's Site Plan Ordinance, Section 14.6. Staff comments are below (Attachments A-E):

1. Transportation Standards (Section 14.6.1)
   A. Impact on surrounding street systems

      As a nine-unit development, the incremental traffic impact from the proposed project is expected to be minimal. The applicant has provided a trip generation analysis (Attachment 2) showing that the proposed development would generate 68 daily trips, less than the threshold which would trigger a traffic study. The Consulting Traffic Engineer concurs with this finding.

The applicant has provided a Turning Template (Plan 19) showing that a large emergency vehicle has enough space to maneuver within the proposed turnaround.

The applicant will be required to get an Excavation Permit and coordinate with the Department of Public Works (DPW) prior to any work within the Powsland Street ROW per Sec. 4.09 Five-Year Moratorium Street Restoration Requirements.

B. Access and circulation

The applicant is proposing to extend Powsland Street 280 ft. along the existing ROW. The street includes granite curbing along both sides of the street extension. Final plans and details that demonstrate the proposed street will meet the City's Street Acceptance Standards have been included as a Condition of Approval.

The applicant has provided a walkway between the proposed buildings after receiving feedback from the Planning Board. The applicant is requesting a sidewalk waiver (Attachment 11) noting that the development does not expect pedestrian usage coming from, going to, and traversing the site, that there are no sidewalks within 1000 feet along Powsland Street, and that recent work along Powsland Street did not include sidewalk installation.

City staff believes that granting a waiver of the sidewalk installation requirements is appropriate because there is no reasonable expectation for pedestrian usage coming from, going to, and traversing the site, and that there is no sidewalk in existence or expected within 1,000 feet and the construction of sidewalks will not contribute to the development of pedestrian oriented infrastructure. The development site is located at the end of Powsland Street, a primarily residential street without sidewalks lined with mature trees. The applicants proposed design which includes walkways connecting each building with a driveway is consistent with the existing character of the block.



Figure 4: Powsland Street View

The hammerhead turn-around at the western end of Powsland Street includes a gated paved entrance towards Hooper Lane to the South of Powsland Street and a smaller paved area to the North of Powsland Street. The turn-around is required for emergency vehicle access at the end of Powsland Street and also provides access to nearby CMP infrastructure for repairs and maintenance.

C. Public transit access

All residential development consisting of 20 or more dwelling units shall provide a transit shelter adjacent to or within the public right-of-way along its frontage if the development is proposed along an existing public transit route. As the proposed project is less than 20 units and is not located along a transit route, this standard is not applicable.

D. Parking

The applicant is providing one parking space per unit with one driveway per lot. This standard is considered met.

E. Transportation demand management (TDM)

The proposal does not meet the threshold requiring a TDM Plan. Therefore, a TDM Plan is not required as part of this application.

2. Environmental Quality Standards (Section 14.6.2)

A. Preservation of significant natural features

The property is located within a developed area and there are no endangered or threatened trees, plants, habitats, or moderate and high value waterfowl and wading habitats on site.

The applicant has filed and provided documentation showing a Tier 1 Natural Resources Protection Act (NRPA) Permit with MaineDEP (Attachments 3 + 4) for the 3,552 square feet of wetland impacts.

B. Landscape preservation

The applicant will be clearing two maple trees on site and the Notes and Legend Plan (Plan 2) notes that all remaining trees shall be protected during constructed and preserved. Tree preservation locations and measures are included in submitted landscape plans and details according to the City of Portland Technical Manual Section 4.3.4.

C. Site landscaping and buffers

The applicant has provided a landscaping plan (Plan 9) showing ten street trees and additional landscaping near the stormwater BMPs in the rear of the site. City Staff requested the applicant replace invasive species, including Japanese Knotweed, with desirable native plants while preventing the spread of invasive species to neighboring properties. The landscaping plan calls for the removal of all invasive species before planting new material.

D. Water quality/stormwater management/erosion control

Sebago Technics has provided a Stormwater Report (Attachments 4, 13, 14, 25) in accordance with MaineDEP Chapter 500 Stormwater standards, with a FocalPoint system and R-Tanks to be employed as stormwater best management practices (BMPs). The applicant has also included a stormtree filter system on the East side of the project to treat existing impervious area from Powsland Street. The proposed R-Tank Stormwater System will be on private property and will require a Housing Association to assume long term maintenance of the stormwater treatment

system on private property. Additionally, DPW will require any treatment or infrastructure at the end of Powsland Street to be designed as to allow a future connection to Sewall Street via Hooper Street.

The applicant is proposing to replace an off-site culvert which flows from the base of the CMP detention pond, crossing under the Amtrak rail-line, out-falling onto CMP-owned property. The applicant has provided updated stormwater calculations (Attachment 25) that look at the site with and without the culvert upgrade. With the upgraded culvert, the stormwater calculations meet stormwater standards and minimally impact areas downstream on the outfall end of the culvert. Without the culvert, City Staff requested (Attachment D) that the applicant update stormwater calculations with the downstream impact focused on the CMP-owned detention pond. This stormwater calculation also concluded that the proposal would meet the stormwater standards and shows minimal flow increase to the detention pond. City Staff and Third-Party Stormwater reviewers also requested (Attachment E) a worst-case post-development scenario modelling failure of the culvert. In the event that the culvert fails, the updated stormwater calculations demonstrate that the detention pond has the capacity to detain stormwater and that excess stormwater would spill over onto CMP property and the railroad's property without impacting adjacent properties.

The applicant has submitted a waiver request (Attachment 10) in accordance with the standards of Maine Department of Environmental Protection (MDEP) Chapter 500 Stormwater Management. During a 25-year storm event, the upgraded culvert will increase outflow (compared to prior peak flows) into the coastal wetlands and tributary of the Fore River on the other side of the railroad corridor. This increase is due to the increased flow capacity from the proposed culvert upgrade. According to Chapter 500, the proposed development is eligible for a waiver from the flooding standard if the project conveys stormwater in a piped system directly into the wetland or tributary, the increase in peak flow will not significantly affect peak flow or result in unreasonable adverse impact on any wetlands, and if the applicant secures drainage easements from any downstream property owners. City Staff and Third-Party Stormwater Engineer support the waiver request as the upgraded culvert will bolster stormwater management in the surrounding area and will not adversely impact the surrounding wetlands or Fore River tributary. The applicant has provided draft drainage easements with CMP and final drainage easements to be executed prior to applying for a Building Permit have been included as a Condition of Approval.

3. Public Infrastructure and Community Safety Standards (Section 14.6.3)

A. Consistency with City Master Plans

There are no City Council-approved master plans or facilities plans related to the proposed development.

B. Public safety and fire prevention

The proposed development will all be sprinkled and water for these sprinklers will be provided via NFPA 13D Tank Systems instead of using a combined fire/domestic service line. Portland Water District have determined that the NFPA 13D proposed as part of this project are sufficient (Attachment 16).

The gated paved entry at the turnaround will have a Knox Box (final location to be coordinated with the Fire Department). Updated site plans that include the final location of the Knox Box has been included as a Condition of Approval.

C. Availability and capacity of public utilities

The applicant has reached out to all utility providers and requested ability to serve letters (to be provided to the Planning Authority once received). The applicant is providing underground electrical service to buildings on site. Review and approval of Ability to Serve letters has been added as a Condition of Approval.

Portland Water District confirmed that PWD will be able to serve the proposed project including the proposed NFDA 13D tanks for sprinklers (Attachment 15 + 16).

DPW has reviewed and determined that the downstream sewers from the proposed project have the capacity to convey the estimated dry weather wastewater flows generated from the proposed development (Attachment 17).

4. Site Design Standards (Section 14.6.4)

A. Massing, ventilation, and wind impact

Given the location of the development site, the typologies chosen, and the surrounding built environment, the proposed building will not create massing, ventilation, or wind impacts to adjoining structures or abutting public spaces. The proposed buildings are significantly below the maximum height permitted in the B-5 zone and are similar in context and scale to nearby residential buildings.

B. Shadows

There are no publicly accessible open spaces or areas that will be affected by shadows from the proposed development.

C. Snow and ice loading

The applicant has noted a ten-foot shoulder adjacent to the end of the Powsland Street ROW pavement for snow storage with the guard rail located behind the snow storage area.

D. View corridors

The project is not located along any designated view corridors; not applicable.

E. Historic resources

The proposed development is not located in or near any designated historic districts, landscapes, or landmarks; not applicable.

F. Exterior lighting

Lighting will be affixed to the residential buildings. The applicant has provided a Photometric Plan (Plans 20 and 21) that meets the standards of the City of Portland Technical Manual. The applicant has updated plans to include street lighting according to City standards.

G. Noise and vibration

The noise and vibration standards are not applicable to the proposed development.

H. Signage and wayfinding

The signage and wayfinding standards are not applicable to the proposed development.

I. Zoning-related design standards

The proposed development is required to comply with the City of Portland Design Manual Section (i) for Two-Family structures. City Staff have provided three design review memos to the applicant (Attachments F, G, H). The latest renderings and architectural elevations show that the proposed development meets all applicable design standards.

X. NEIGHBORHOOD MEETING & PUBLIC COMMENT

The Planning & Urban Development Department has received sixteen public comments regarding the proposed development at 73 Powsland Street (PC 1-16). The comments include concerns regarding impact of development on surrounding wetlands and stormwater runoff onto abutting properties. These individuals believe development will adversely impact the surrounding area.

The applicant has held a neighborhood meeting as required (Attachment 24).

XI. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Department staff finds that PL-001808-2021 to construct five new residential buildings at 73 Powsland Street and extend Powsland Street along the right-of-way meets the applicable standards of Portland's Land Use Code.

XII. PROPOSED MOTIONS

A. WAIVERS

On the basis of the application, plans, reports, and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing on April 11, 2023 for application PL-001808-2021 at 73 Powsland Street relevant to the Site Plan Standards of the Land Use Code and Portland's Technical and Design Standards, and other regulations, and testimony presented at the Planning Board public hearing:

1. The Planning Board **[finds/does not find]**, based upon City Staff and the Third-Party Traffic Engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the Site Plan Standards section 14.6.1.B.3 which requires sidewalks along all frontages. The Planning Board **[waives/does not waive]** the Site Plan Standard to build sidewalks along all frontages.

2. The Planning Board **[finds/does not find]**, based upon the consulting stormwater engineer's review, that the application meets the criteria of and is compliance with the Maine Department of Environmental Protection Chapter 500 Waiver of the Flooding Standard. The Planning Board **[waives/does not waive]** the Flooding Standard and allows the project to discharge directly into a major river segment and coastal wetland.

B. SITE PLAN REVIEW

On the basis of the application, plans, reports, and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing on April 11, 2023 for application PL-001808-2021 at 73 Powsland Street relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board **[finds/does not find]** that the plan is in conformance with the site plan standards of the land use code subject to the following conditions of approval:

PRIOR TO APPLYING FOR A BUILDING PERMIT:

1. The applicant shall provide final executed easements related to construction of the off-site culvert with Amtrak and Central Maine Power for review and approval by the Planning Authority and Corporation Counsel. In the event the applicant is unable to secure easements, the applicant shall submit revised site plans to the Planning Authority that do not include the off-site culvert upgrade.
2. The applicant shall provide a final executed easement with Central Maine Power related to construction of the stormwater maintenance system that includes drainage from the private stormwater maintenance system and drainage from the Powsland Street right-of-way into the Central Maine Power-owned detention pond for review and approval by the Planning Authority and Corporation Counsel.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

3. The applicant shall coordinate with the Portland Fire Department to identify the final location of the Knox Box near the gated paved entry and submit updated site plans for review and approval by the Planning Authority and the Portland Fire Department.

4. The applicant shall coordinate with the Planning Authority and Department of Public Works final road plans and designs in order to confirm that the applicant will meet the City of Portland Street Acceptance standards.

5. The applicant shall enter into a maintenance agreement with Central Maine Power that includes, but may not be limited to, maintenance of the portions of the paved turnaround on CMP property including the gated paved entry for review and approval by the Planning Authority and Corporation Counsel.

6. Confirmation of ability to serve letters from CMP shall be submitted for review and approval by the Planning Authority.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY:

7. The applicant shall submit a final Homeowner's Association agreement and documentation for review and approval by the Planning Authority and Corporation Counsel.

8. The applicant shall submit a completed Street Acceptance Application Packet to the Department of Public Works and finalize the street acceptance process for Powsland Street.

XIII. ATTACHMENTS

STAFF ATTACHMENTS

A. Staff and Third-Party Review Preliminary Comments
B. Staff and Third-Party Review Second Round Comments
C. Staff and Third-Party Review Third Round Comments
D. Staff and Third-Party Review Fourth Round Comments
E. Staff and Third-Party Review Final Comments
F. Design Review Final Comments
G. Second Design Review Comments
H. Preliminary Design Review

APPLICANT SUBMITTAL

1. General Plan Documents
2. Transportation
3. Environmental and LS Features
4. Stormwater
5. Public Infrastructure and Safety
6. Site Design
7. Construction Management Narrative
8. Comment Response 1.11
9. Comment Response 3.7
10. Flooding Standard Waiver
11. Sidewalk Waiver
12. Moratorium Memo
13. SWM Binder 3.22
14. SWM Report 1.10
15. Ability to Serve Gas
16. PWD Ability to Serve
17. Wastewater Capacity Authorization
18. Rendering 1
19. Rendering 2
20. HOA Bylaws Draft
21. HOA Declaration of Restrictions Draft
22. HOA Incorporation Draft
23. Articles of Incorporation Draft
24. Neighborhood Meeting Minutes
25. SW Report Binder 2.28
26. Draft Drainage Easement
27. Draft Turnaround Easement
28. CMP Culvert Docs
29. CMP Correspondence
30. CMP Railroad Easement
31. CMP Correspondence 2

DRAWINGS

Plan 1. Cover Sheet
Plan 2. Notes and Legend Plan
Plan 3. Overall Site Plan
Plan 4. Site Plan
Plan 5. Overall Grading Plan
Plan 6. Grading Plan
Plan 7. Plan and Profile
Plan 8. Utility Plan
Plan 9. Landscape Plan
Plan 10. Erosion Control Notes and Details
Plan 11. Detail Sheet 1
Plan 12. Detail Sheet 2
Plan 13. Detail Sheet 3
Plan 14. Detail Sheet 4
Plan 15. Detail Sheet 5

Plan 16. Pre development
Plan 17. Pre development
Plan 18. Post development
Plan 19. Vehicle Exhibit
Plan 20. Revised Photometric Plan
Plan 21. Lighting Plan

PUBLIC COMMENT

PC 1. Dale Holman 12.11.21
PC 2. Dale Holman 12.11.21
PC 3. Dale Holman 12.11.21
PC 4. Harlan Baker 12.12.21
PC 5. Dale Holman 7.5.22
PC 6 Scott Rheault 7.6.22
PC 7. Dale Holman 2.4.23
PC 8. B Melcher 2.4.23
PC 9. Dale Holman 2.15.23
PC 10. Dale Holman 2.16.23
PC 11. Dale Holman 2.17.23
PC 12. Dale Holman 3.19.23
PC 13. Dale Holman 3.20.23
PC 14. Harlan Baker 3.28.23
PC 15. Paul McGuire 2.15.23
PC 16. Rachel Taylor 4.7.23

73 Powsland Street – Preliminary Review Comments

Zoning

-Please show shoreland zone line on the plan. The 250' setback needs to be measured from the upland edge of the coastal wetland or the annual highest tide, whichever is closest to the property. The plan should show the location of the edge of the shoreland to the 250' mark on the property. The plan should also state the square footage of the area within the Shoreland Zone and include any trees or existing vegetation within this area.

-For any development or land use activities within 250 feet of the Shoreland zone, please respond with narrative to how the proposal is addressing any applicable Shoreland Zone standards under City Code Chapter 14, Section 11.4

Transportation

-In general hammerhead turnarounds are not recommended, and the retaining wall is not something Public Works generally supports in the Public ROW. Public Works would prefer to see a street connection with Powsland Street connecting to Sewall Street.

-Please note the street width

-Please clearly label on the site plan where new paving begins and label which portions of the roadway that are being repaved. A written request to repave a street under moratorium should be submitted, and permission to pave during moratorium must be granted Public Works (Powsland St was recently paved in 2019 and currently under a 5-year moratorium). Please address request to Chris Branch, Director of Public Works, and Planning Staff will forward this to Public Works for consideration.

-If no sidewalk or curb is proposed, please submit a waiver request for not providing a sidewalk and curb providing the eligibility of how the project meets the criteria listed under City Code Chapter 14, Section 14.6.1.B.3.c and d.

-The current driveway separation will necessitate a waiver to Technical Manual Section 1.7.1. Please submit a written request citing this section and justification as a basis for granting a waiver.

-Please show snow storage areas on plan or note how snow removal will occur and parties responsible. (Note: Snow storage areas may not encroach on areas designed to meet minimum parking requirements or on pedestrian walkways and shall not be located where they would adversely impact the functionality of stormwater management systems. Landscaping also should also not be negatively impacted)

Landscape Preservation/Landscaping

-Please indicate any tree removals or areas where vegetation is being removed as well as showing any appropriate tree protection measures taken for any existing trees/vegetation to be preserved on site.

-The project is required to provide 10 street trees (Per Sec. 4 of Technical Manual: 2 required trees for a single family, and 1 tree per unit for multifamily). If site constraints prevent the project from planting the required, please submit a request to be considered for an alternative (ex. tree fund financial contribution ($400 per tree) for each tree not planted, or proposing trees planted within 20 feet of the street frontage where visible from the street may also be considered to address street tree requirement).

-Please clarify if transformers are above ground if so, please also provide adequate screening. Per City Code Section 14.6.2.C.2.a ground-mounted utility structures must be screened from view from public sidewalks, streets and adjacent properties by dense evergreen landscaping, fencing, architectural screening products, masonry walls, building walls, or a combination thereof.

-Per City Code Section. 14.6.2.C.2.c. *"All residential development shall provide and/or preserve evergreen vegetated buffers where necessary to buffer the development from detrimental impacts of existing surrounding development."* Please update plan to meet this standard, and also see design comments regarding open space for more information.

-On the existing conditions plan, please note the two 12" maples that are being cleared to develop the site

Utility
-Please submit the attached Wastewater Capacity Application to Brad Roland brad@portlandmaine.gov in Public Works to confirm sufficient capacity to handle wastewater.

-Please provide an ability serve letter from the Portland Water District for the project

Parking
-Please denote the parking space areas on plan. (Note: a standard parking space is 9'x18')

Street Lighting
-The project is subject to meeting street lighting standards (Technical Manual Sec 10.2). Town and Country pole lighting fixtures are required for a local streets, please update plans to show at least one new pole street lighting which should start approximately 130 feet from the nearest/existing cobrahead fixture. (Please note the distance to nearest existing street light) Public Works continues to review the proposed street design so additional lighting may potentially be determined necessary. Please see attached detail for the required X-1 fixture type.

Site Lighting
-Please provide a lighting plan or request waiver for providing a lighting plan. Staff recommend providing a lighting plan. Regardless, please provide cutsheets of any lighting fixtures proposed, indicating the models intended. (Note: please ensure these fixtures are full cutoff and do not exceed 3000k CCT.

Stormwater
-Our stormwater consultant has the following notes:

- The stormwater management plan was not attached, please submit
- The waiver request for the flooding standard appears to have an incorrect reference. The stormwater management plan should provide more information to support the waiver request.
- The stormwater report should also provide more information on the stormwater treatment requirements – treatment of the new roadway per Maine DEP Chapter 500 and City of Portland Technical Manual Section 5 will be required, and it is not clear from the plan how this is being accomplished.
- The application notes a NRPA permit has been filed for wetland impacts. The grading plan should clearly delineate the wetland impact area. No erosion control plan was provided, or a plan in the set that includes locations of erosion control. This plan should also account for the wetlands proximity with appropriate measures (i.e. double row of sediment barrier).
- The documents note that a NRPA exemption was issued in 2004. This was not provided, please submit this documentation to confirm the project's right to replace of the existing culvert under the railroad tracks.

-Please provide any updates on the NRPA filed for wetland impacts. Please forward to the City when received.

- Please clarify the amount of wetland that might be filled. Please also provide more information on how the wetland was delineated.

Design
-See attached design review memo with review comments

General:

-Please provide documentation for the right title and interest for lot 190 K009. The deed provided appears to only cover lots 190 K010 thru 014.

-Several documents provided, the contract for the sale of commercial real estate dated August 2020 for, DEP letter from 2005, Planning Board Approval from 2005, and a Declaration of Covenants and Restrictions, don't appear to pertain to the property being applied for, please resubmit any other relevant documents for the application such as past applicable approvals, easements, and restrictions on the property.

-Please confirm that the project has obtained the necessary permission from CMP or that the project will not conflict with the existing CMP easement (which is shown on survey), or if corrective easement if needed. Please also provide a copy of the existing easement for documentation purposes, and show any easement areas on the plan.

-The financial capability letter described was not attached. Please submit demonstration of financial capability.

GENERAL

- This project will need some kind of **alternative or common ownership structure** (like a homeowners association) in order for the site to fully function as it relates to the structure of the site (as proposed) and responsibility for stormwater maintenance.
- City Staff sent over recommendations on alternative layouts. The City recommended four options that the applicant could receive although those are **not** the only options available at this time – only what City staff had considered. Any future changes that will significantly impact site plan layout after conversations with CMP and the City will need to be reviewed.

ZONING

- Please make sure the 250 ft. Shoreland Zone setback is properly located and labeled on the site plan.

TRANSPORTATION

- At this time, City Staff do not find the waiver analysis for driveway separation to be acceptable. The applicant should revisit the design layout of the site and consider shared driveways or other access scenarios.
- The applicant will need to submit a waiver for exceeding the maximum number of driveways on each lot. Technical Manual requires 1 per lot. City Staff are not fully supportive of this waiver without justification provided from the applicant.
- DPW will need to complete the review of the sidewalk and curbing waiver analysis.
- The roadway alignment of Powsland adjacent to the site has a shifting alignment. DPW will need to review.

WATER QUALITY, STORMWATER, & INFRASTRUCTURE

- DPW not supportive of maintaining the r-tank stormwater system on private property and DPW doesn't usually take ownership or long-term maintenance responsibility for these improvements.
- Staff are still reviewing stormwater, but anticipate some follow up comments on future layouts.
- DPW is requiring that any treatment or infrastructure at the end of Powsland not interefere with a future connection to Sewall Street.
- Applicant will need to receive permission for a pavement moratorium repair.
- City Staff are requesting a downstream capacity evaluation (Discharge Study) to see site impacts on surrounding system. (May not be needed if site layout changes).

PUBLIC SAFETY

- Public Safety has not provided comments at this time.

LANDSCAPING & ENVIRONMENTAL QUAILTY

- Planning Staff have not received landscaping/environmental quality comments at this time.

DESIGN REVIEW

- Design Memo has been attached to this document. Comments are below. 73 Powsland is being reviewed against section (i) Two-Family in the City of Portland Design Manual.
- Open Space requirement not met.
- The proposed development landscape plan includes tree plantings within the street frontage buffer to screen from street. Identify open space functions to include but are not limited to buffers and screening from streets and neighboring properties, yard space for residents, play areas, and planting strips along the perimeter of proposed buildings. Include additional vegetated screening to buffer adjacent properties at side and rear yard, with special consideration for vegetation at top of proposed slope in rear to screen steep grades proposed and views from adjacent rear properties.
- The scale and surface area of parking, driveways and paved areas are arranged and landscaped to properly screen vehicles from adjacent properties and streets. – Not Met

Review Criteria:

- Major Site Plan – Site Plan Review Standards

GENERAL

- The City would like to schedule a meeting with the applicant team to discuss the most recent plan submittal.
- The Applicant's latest response to comments noted that maintenance of the proposed Focal Point system would be addressed by the HOA. The maintenance agreement should be provided.
- Design Review Memo is attached to email from City Staff.

WATER QUALITY, STORMWATER, & INFRASTRUCTURE

Follow Up Comments:

- Updated Comment: After further review, DPW does not find the driveway separation waiver and related waiver analysis for driveway separation acceptable. The applicant should explore alternative layouts to increase the proposed separation. Staff would point that reducing the amount of proposed driveways to meet technical manual requirements may solve this issue. DPW would also encourage the applicant to pursue shared driveways between lots with easements which could help the applicant comply with the City of Portland standards.
- Updated Comment: *The applicant will need to submit a waiver for exceeding the maximum number of driveways on each lot. Technical Manual requires 1 per lot. City Staff are not fully supportive of this waiver without justification proved from the applicant.* The comment response for this comment did not answer the question raised – does not appear that a waiver request was submitted. DPW is not supportive of allowing the applicant to exceed maximum number of driveways on each lot at this time.
- Updated Comment: DPW is supportive of the sidewalk waiver request.
- Updated Comment: DPW is not supportive of the proposed curbing waiver request. The applicant has not provided a sufficient stormwater design for the proposed Powsland roadway extension area. The analysis appears to ignore nearly 630 feet of drainage course on Powsland Street which drains towards the end of the street. The design proposes to capture all the stormwater runoff from more than 900 feet of Powsland Street into a single catch basin and a 12" outlet pipe in the proposed turn around area. DPW's concerns range from erosion at the edge of the roadway gutter line, to flooding at the end of the street at the proposed catch basin location. The applicant will need to consider the entire watershed draining to the storm drain system and factor this into the hydraulic analysis for the proposed storm drain conveyance system and stormwater treatment systems. The applicant shall extend storm drainage from the proposed turn around area towards northerly limit of work. The road should be redesigned to provide a crown, curbing and catch basins to properly manage runoff from the entire drainage course on Powsland Street in order to meet City of Portland street design standards and the requirements of street extensions listed in section 14 of the land use code. While it's accurate that a majority of Powsland does not currently have curbing, it's DPW's opinion that the stormwater impacts of the proposed roadway extension are significant enough to warrant the installation of curbing as part of this project.

New Comments

- Section 16.1.C of the Technical Manual requires site plans to be stamped by a licensed professional engineer in the State of Maine.
- The typical road section shown on sheet 9 of 11 does not match what is being proposed on the plan. The current design shows the roadway extension transitioning from having a crown to being super elevated. This design does not meet the City's local street design criteria listed in section 1.4.1 of the technical manual which requires a crowned street cross section with a cross slope of 3%. It appears feasible for the roadway to be constructed to have a crowned cross section if curbing and additional storm drainage infrastructure is installed. The applicant should also provide a profile of the proposed roadway extension so DPW can determine if the design meets the vertical roadway design standards in section 1 of the technical manual.
- DPW needs further clarification on the rationale for the proposed horizontal alignment shift at the end of the proposed Powsland roadway extension. The horizontal roadway alignment should remain consistent to the end of the street unless further rationale is provided for DPW to consider.
- The applicant is showing snow storage areas behind guardrails and steep slopes at the end of the proposed roadway extension which appear to be problematic. It appears that the snow would end up piling up in front of the proposed curb line and guard rail and ultimately limit the ability of vehicles to turn-around. This would also potentially cause significant drainage problems for the one catch basin being proposed at the end of the street during winter months. Some of this concern could be eased with further storm drain modifications as requested above. The applicant shall provide alternative snow storage strategies at the end of Powsland Street which do not interfere with drainage or the ability for vehicles to turn around.
- The applicant is proposing to replace an existing culvert which crosses the Amtrak rail-line with a note which states the culvert will be replaced in coordination with Amtrak. The applicant should provide documentation of an agreement and easement rights to do this proposed work as part of the site plan approval process.
- The plans reference that work within a CMP easement area shall require CMP's permission prior to that work being performed. This agreement should be secured and presented to the City for review as part of the site plan review process.
- The City will require permanent drainage easements from the applicant in areas where stormwater from Powsland Street will discharge onto private property.
- The proposed turnaround configuration is not sufficient. DPW would request that the developer work out an agreement with CMP to grant the City permanent rights to either extend the proposed turnaround further onto CMP property or to allow for a connection for City vehicles to connect through to Sewall Street. Any turnaround area must be paved to meet City street construction standards.
- The applicant is proposing grading and work on adjacent CMP property but has not provided any easements or agreements with CMP to complete this work.
- It appears that a 12" culvert underneath the railroad tracks may be insufficient to provide adequate drainage for the entire watershed draining to it. The applicant has noted that the 12" culvert will be replaced as part of this project. The applicant should consider the entire watershed draining to this culvert, include this information in the project's stormwater report/calculations and to ensure the replacement culvert is adequately sized.

- The proposed pavement section for the roadway does not meet the City's standards for a local road as detailed in the Technical Manual. Specifically the proposed surface pavement is 9.5 mm, but I believe the City requires 12.5mm for surface – DPW should confirm that is the case for this location.
- The plans do not appear to show a consistent location for the gate onto the access road to the south. On some plans, notes seem to be pointing to a different location, and the turning movement plan shows a vehicle moving through the gate location.
- The project previously noted that a NRPA permit is required. The Applicant should provide an update on the status of that.
- The building elevations show sloped roofs, but do not indicate gutters and downspouts. I would recommend the applicant consider utilizing these for roof drainage to provide direct discharge of the stormwater back to the rear stormwater swale.
- The project's stormwater analysis includes off-site drainage areas located west of the site, but does not consider the area north of the site. Existing topography indicates that existing portions of Powsland Street will drain towards the site, and will likely drain down the street be picked up by the proposed catch basin. The stormwater analysis should be updated to include all area draining through the site. It is recommended that multiple catch basins be provided along the length of Powsland Street to collect stormwater along the roadway. This would work in conjunction with the curbing and crowned roadway grading as noted by DPW in their review.

PUBLIC SAFETY

- Fire Truck turning radius will need to be provided at turn around.
- Please provide distance from the closest hydrant to the furthest building.
- Access Gate at end of Powsland Street will need a Knox Box for Emergency access at all times. Will CMP be accessing this gate as well? If CMP will also be utilizing gate for access applicant has two options: 1) get a Knox padlock and daisy chain our padlock together with their padlock so either one can open gate; or 2) get a Knox box and put a key to their padlock in the box and mount it on the gate.

GENERAL

- The applicant and CMP will need a maintenance agreement with the City to maintain the parts of the Powsland Street extension not within the City ROW including the turnaround and stormtree filter. Will the applicant be maintaining the gate leading into Hooper Street?
- City Staff are requesting Homeowners Association documents to be submitted for review prior to future before PB Meetings.
- Please include area for snow storage on each lot.
- City Staff are requesting a photometric plan to be submitted.

DPW

- The proposed location of the Electrical transformers are not conducive for the construction of future sidewalks. Please move the proposed transformers to the edge of the existing right of way.
- The plan shows a proposed catch basin on private property. If this remains here, an easement will be needed for the City to accept and maintain it.
- The Stormwater Maintenance Agreement and HOA documents outlining maintenance responsibilities for the private stormwater treatment must be prepared and submitted for review so that it can be finalized prior to project completion. The storm tree unit within the City right-of-way must be inspected, maintained, and a post-construction monitoring report submitted annually until the City accepts the street and associated infrastructure.
- A riprap slope detail should be added to the plan set for the armoring of the proposed 1.5:1 slope at the end of Powsland Street.
- The applicant should explore ways to reduce the velocity of the outfall pipe SD-13.
- The City updated the Technical Manual in November 2022. Although this application is vested under the regulations in effect when the application was deemed complete, DPW recommends matching sewer and storm details to reflect the updated technical manual standards.
- City Staff are strongly suggesting to upgrade the culvert at the end of Powsland Street as proposed.

PUBLIC SAFETY

- Provide Portland Water District ability to serve documentation. All units will require water supply for both sprinkler protection along with domestic water and the street hydrant is only showing that it can only provide 1000 GPM. City Staff are concerned that there is not enough water in the street for this project.

LANDSCAPING & ENVIRONMENTAL QUALITY

- The site contains extensive amount of invasive plants including Japanese Knotweed. Landscape and site work should reflect the proper treatment to reduce erosion and replace invasive plants with desirable native plants with a minimum of controlling invasive plants so do not continue to spread to neighbors properties.

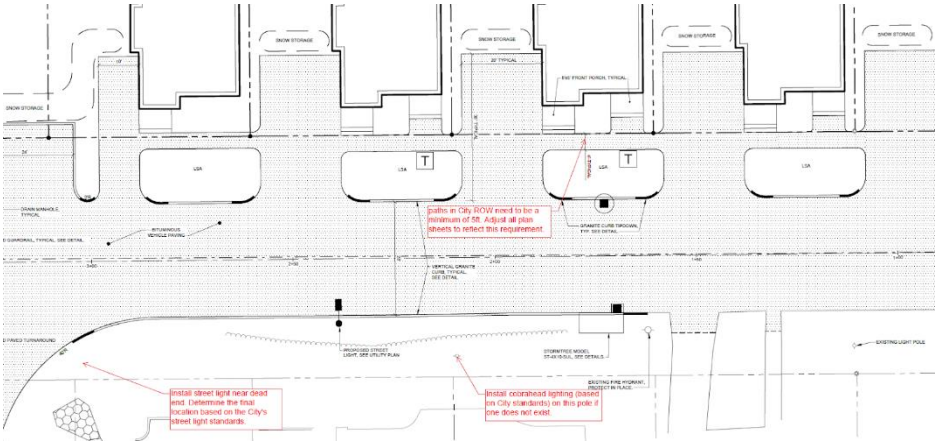
Please Submit Updated Drawings and a Comment Response Document. This project will be going to the Planning Board for Public Hearing on March 28, 2023.

GENERAL

- HOA Documentation needs to be submitted *as soon as possible* for review by the Planning Authority and Corporation Counsel.
- Sheet 4 Overall Site Plan does not include Storage Area for each individual lot or show connected walkways between the Sites. Please submit updated plans and drawings that reflect the intended changes. Please make sure older versions and site layouts are removed.

DPW

- City Staff and Third-Party Reviewers do not fully support the Floodplain Waiver request. Please provide updated stormwater calculations that include a worst-case post-development scenario (Emergency Overflow Evaluation; similar to emergency overflow for a new detention pond) in the event the culvert fails. Stormwater Calculations without the culvert upgrade must also show that post-development flow into the detention pond does not increase rather than downstream (other side of culvert).
- City Staff and Third-Party Reviewers recommend adding additional capacity to R-Tank that can account for the increases in flow generated into the detention pond.
- Please update Site Plan to include appropriate parking signs. Applicant may need to coordinate with Parking Division.
- After reviewing submission, DPW is still requiring the Applicant move the Transformers away from the ROW to allow for future sidewalk construction. CMP has minimum distances that need to be maintained from their equipment. If sidewalk is constructed in the future those requirements will not be met based on the current location of the transformers.
- DPW may have additional comments following recent (3.17.23) resubmission of documents.
- City does not typically permit off-street parking to a site within the public right-of-way. For this project they would be permitted two parking spaces per driveway (side-by-side).
- City Staff and Third-Party Reviewers find the driveway dimensions to be acceptable. Although not dimensioned for depth, it appears to be 20 feet wide by 18 feet deep.
- Driveway separation is acceptable.
- Adjust the proposed path to meet the 5ft minimum clearance width. See notes below.



- To comply with the City's street lighting standards for Powsland Street the applicant shall install cobrahead lighting per section 10.2.1(see below).

10.2.1 Lighting Design – Standard street lighting design shall conform to the following table:

STREET CLASSIFICATION	COMMERCIAL/INDUSTRIAL		RESIDENTIAL	
	Min. Avg. Foot Candles	Maximum Pole Spacing	Min. Avg. Foot Candles	Maximum Pole Spacing
Arterial	2.0	160' (30' pole)	1.0	130' (30' pole)
Collector	1.2	130' (30' pole)	0.6	60' (14' pole)
Local/Minor	0.9	130' (30' pole)	0.4	120' (14' pole)

STANDARD COBRAHEAD				
Fixture – Figures X-2A through X-2G				
Location	**Fixture Type**	**Fixture Height**	**Spacing + Layout**	**Color**
One-lane Roadways: Without parking with low traffic	COBRAHEAD A	20'	One side: 65' – 70' Alt. sides: 125' – 135'	Grey (Manufacturer's Specification)
One-lane Roadways: With on-street parking with low traffic	COBRAHEAD A	30'	One side: 70' – 80' Alt. sides: 120' – 130'	
Two-lane Roadways: With on-street parking with medium traffic	COBRAHEAD B	20'	One side: 75' – 80' Alt. sides: 145' – 155'	
Two-lane Roadways: With on-street parking with low traffic	COBRAHEAD B	30'	One side: 80' – 90' Alt. sides: 175' – 185'	
Two-lane Roadways: With on-street parking with medium traffic	COBRAHEAD C	20'	One side: 90' – 100' Alt. sides: 180' – 190'	
Two-lane Roadways: With on-street parking with medium traffic	COBRAHEAD C	30'	One side: 100' – 110' Alt. sides: 200' – 210'	
Two or more lane Roadways: With on-street with high/medium traffic	COBRAHEAD D	20'	One side: 95' – 105' Alt. sides: 195' – 210'	
Two or more lane Roadways: With on-street parking with high traffic	COBRAHEAD D	30'	One side: 115' – 125' Alt. sides: 245' – 255'	
	COBRAHEAD E	20'	One side: 100' – 110' Alt. sides: 200' – 215'	
	COBRAHEAD E	30'	One side: 115' – 130' Alt. sides: 240' – 255'	

PUBLIC SAFETY

- Maintenance Agreement between Applicant and CMP must include maintenance of emergency gate. After street accepted, CMP or the City must be responsible for maintaining gate.

LANDSCAPING & ENVIRONMENTAL QUALITY

- The site contains extensive amount of invasive plants including Japanese Knotweed. Landscape and site work should reflect the proper treatment to reduce erosion and replace invasive plants with desirable native plants with a minimum of controlling invasive plants so do not continue to spread to neighbors properties.

Subject:	73 Powsland Street
Zone:	B5
Date of Review:	Friday January 20, 2023
Review:	Design Review – Completed
Reviewer(s):	Sean King (Urban Designer), Charles Tetelman (Planner)
Project ID:	PL-001808-2021

I. INTRODUCTION

The proposed development of (4) two-family (duplex) and (1) single family residence at 65-73, 93 Powsland Street.

II. DESIGN REVIEW COMMENTS:

The proposed development was reviewed against section (*i*) Two-Family in the City of Portland Design Manual. Conditions of approval may be needed to resolve these outstanding design items.

MULTIPLE-FAMILY STANDARDS. Multiple-family shall meet the following standards, *red text denotes standards that are not met*)*:*

(i) **TWO-FAMILY,** SPECIAL NEEDS INDEPENDENT LIVING UNITS, MULTIPLE-FAMILY, LODGING HOUSES, BED AND BREAKFASTS, AND EMERGENCY SHELTERS

a. Proposed structures and related site improvements shall meet the following standards:

1. The exterior design of the proposed structures shall be designed to complement and enhance the nearest residential neighborhood. – **Met**

   The residential quality of the neighborhood can be described as incremental infill that reflects a variety of architectural style and periods that does not capture a singular precedent. The applicant has provided a complimentary variation of architectural style to create distinguishable dwelling units that reinforce that overall residential neighborhood pattern. The design of exterior facades provides positive visual interest in building form and height, roof form variations, window pattern and spacing, porches and entryways, cornerboard and trim details, and facade variation in projecting or recessed building elements.

2. The proposed development shall respect the existing relationship of buildings to public streets. – **Met**

   The proposed development integrates into the existing residential fabric with observed building location, street frontage landscaping and identified porches for each residence.

3. Open space on the site for all two-family shall be integrated into the development site. – **Met**

   Open space is proposed within the landscape plan with tree plantings within the street frontage buffer to screen from street. Applicant has included additional shrubs between proposed driveways to screen internal adjacent properties. **Applicant has provided additional landscape for screening to buffer neighboring north property and at the lot lines between proposed buildings for screening to the parking areas.**

4. The design of proposed dwellings shall provide ample windows to enhance opportunities for sunlight and air in each dwelling in principal living areas and shall also provide sufficient storage areas – **Met**

   Proposed dwellings include ample windows throughout all facades, in addition to storage areas accessed by each unit at the basement level.

5. The scale and surface area of parking, driveways and paved areas are arranged and landscaped to properly screen vehicles from adjacent properties and streets. – **Met**

   The proposed development landscape plan includes low screening shrubs between driveways to properly screen vehicles from internal adjacent properties.

6. Two-family shall not be converted to lodging houses unless all units in the building have been vacant for at least one (1) year prior to the date conversion is sought or unless the individual multiple-family units are less than one thousand (1,000) square feet in size. **Standard is not applicable.**

Subject:	73 Powsland Street
Zone:	B5
Date of Review:	Friday June, 3 2022
	Design Review – Follow Up
Reviewer(s):	Sean King (Urban Designer), Austen Torres Davis (Planner), Kevin Kraft (Deputy Director)
Project ID:	PL-001808-2021

I. INTRODUCTION

The proposed development of (4) two-family (duplex) and (1) single family residence at 65-73, 93 Powsland Street.

II. DESIGN REVIEW COMMENTS:

The proposed development was reviewed against section *(i)* Two-Family in the City of Portland Design Manual. Conditions of approval may be needed to resolve these outstanding design items.

MULTIPLE-FAMILY STANDARDS. Multiple-family shall meet the following standards, *(red text denotes standards that are not met)*:

(i) **TWO-FAMILY,** SPECIAL NEEDS INDEPENDENT LIVING UNITS, MULTIPLE-FAMILY, LODGING HOUSES, BED AND BREAKFASTS, AND EMERGENCY SHELTERS

a. Proposed structures and related site improvements shall meet the following standards:

1. The exterior design of the proposed structures shall be designed to complement and enhance the nearest residential neighborhood. – **Met**

   The residential quality of the neighborhood can be described as incremental infill that reflects a variety of architectural style and periods that does not capture a singular precedent. The applicant has provided a complimentary variation of architectural style to create distinguishable dwelling units that reinforce that overall residential neighborhood pattern. The design of exterior facades provides positive visual interest in building form and height, roof form variations, window pattern and spacing, porches and entryways, cornerboard and trim details, and facade variation in projecting or recessed building elements.

2. The proposed development shall respect the existing relationship of buildings to public streets. – Met

The proposed development integrates into the existing residential fabric with observed building location, street frontage landscaping and identified porches for each residence.

3. Open space on the site for all two-family shall be integrated into the development site. – Not Met

   The proposed development landscape plan includes tree plantings within the street frontage buffer to screen from street. Identify open space functions to include but are not limited to buffers and screening from streets and neighboring properties, yard space for residents, play areas, and planting strips along the perimeter of proposed buildings. Include additional vegetated screening to buffer adjacent properties at side and rear yard, with special consideration for vegetation at top of proposed slope in rear to screen steep grades proposed and views from adjacent rear properties.

4. The design of proposed dwellings shall provide ample windows to enhance opportunities for sunlight and air in each dwelling in principal living areas and shall also provide sufficient storage areas – **Met**

   Proposed dwellings include ample windows throughout all facades, in addition to storage areas accessed by each unit at the basement level.

5. The scale and surface area of parking, driveways and paved areas are arranged and landscaped to properly screen vehicles from adjacent properties and streets. – Not Met

   The proposed development landscape plan shall include 5' feet minimum planted area between each driveway and adequately screened with landscaping with a mix of tree and understory shrub plantings.

6. Two-family shall not be converted to lodging houses unless all units in the building have been vacant for at least one (1) year prior to the date conversion is sought or unless the individual multiple-family units are less than one thousand (1,000) square feet in size. **Standard is not applicable.**

Subject:	73 Powsland Street
Zone:	B5
Date of	Friday September, 29 2022
Review:	Design Review – Follow Up
Reviewer(s):	Sean King (Urban Designer), Charles Tetelman (Planner), Kevin Kraft (Deputy Director)
Project ID:	PL-001808-2021

I. INTRODUCTION

The proposed development of (4) two-family (duplex) and (1) single family residence at 65-73, 93 Powsland Street.

II. DESIGN REVIEW COMMENTS:

The proposed development was reviewed against section *(i)* Two-Family in the City of Portland Design Manual. Conditions of approval may be needed to resolve these outstanding design items.

MULTIPLE-FAMILY STANDARDS. Multiple-family shall meet the following standards, *(red text denotes standards that are not met)*:

(i) **TWO-FAMILY,** SPECIAL NEEDS INDEPENDENT LIVING UNITS, MULTIPLE-FAMILY, LODGING HOUSES, BED AND BREAKFASTS, AND EMERGENCY SHELTERS

a. Proposed structures and related site improvements shall meet the following standards:

1. The exterior design of the proposed structures shall be designed to complement and enhance the nearest residential neighborhood. – **Met**

   The residential quality of the neighborhood can be described as incremental infill that reflects a variety of architectural style and periods that does not capture a singular precedent. The applicant has provided a complimentary variation of architectural style to create distinguishable dwelling units that reinforce that overall residential neighborhood pattern. The design of exterior facades provides positive visual interest in building form and height, roof form variations, window pattern and spacing, porches and entryways, cornerboard and trim details, and facade variation in projecting or recessed building elements.

2. The proposed development shall respect the existing relationship of buildings to public streets. – **Met**

The proposed development integrates into the existing residential fabric with observed building location, street frontage landscaping and identified porches for each residence.

3. Open space on the site for all two-family shall be integrated into the development site. – Not Met

   Open space is proposed within the landscape plan with tree plantings within the street frontage buffer to screen from street. Applicant has included additional shrubs between proposed driveways to screen internal adjacent properties. City staff observes the proposed grading at Lot 65 will impact the existing trees at adjacent residential property. Applicant shall provide additional landscape for screening, such as trees and understory shrubs at a variety of height as indicated in section 4 landscape standards of technical manual, along the length of the proposed duplex at side property line to buffer the existing residence at 65 Powsland Street (Lot 64).

4. The design of proposed dwellings shall provide ample windows to enhance opportunities for sunlight and air in each dwelling in principal living areas and shall also provide sufficient storage areas – **Met**

   Proposed dwellings include ample windows throughout all facades, in addition to storage areas accessed by each unit at the basement level.

5. The scale and surface area of parking, driveways and paved areas are arranged and landscaped to properly screen vehicles from adjacent properties and streets. – **Met**

   The proposed development landscape plan includes low screening shrubs between driveways to properly screen vehicles from internal adjacent properties.

6. Two-family shall not be converted to lodging houses unless all units in the building have been vacant for at least one (1) year prior to the date conversion is sought or unless the individual multiple-family units are less than one thousand (1,000) square feet in size. **Standard is not applicable.**

CITY OF PORTLAND
Planning & Urban Development Department

MAJOR SITE PLAN
GENERAL DOCUMENT AND DRAWINGS CHECKLIST
Please submit each document as a separate PDF file.
Please confirm by electronically checking the boxes in the left-hand column.

** PLEASE FILL OUT AND UPLOAD THE ZONING ASSESSMENT TABLE AND WAIVER TABLE SEPARATELY AS NOTED BELOW **

At the time of application submission, please contact the Department of Public Works regarding E-911 addressing for your project.

GENERAL APPLICATION DOCUMENTS		
Yes	NA	**Project Description** • Cover letter with detailed project description
Yes	NA	**Completed Checklist** (this document)
Yes	NA	**Evidence of Right, Title, and Interest** • Deeds, leases, or purchase and sales agreements
Yes	NA	**Evidence of State or Federal Approvals** • Permits or letters of non-jurisdiction, if applicable
Yes	NA	**Zoning Assessment** (see Zoning Assessment Table) Summary of compliance with use and dimensional standards of the land use code
Yes	NA	**Site Plan Standards Assessment** (see Section 14.6 of the land use code) • Summary of project compliance with site plan standards of the land use code
Yes	NA	**Summary of Existing and/or Proposed Easements or Covenants, applicable.** • Evidence of existing easements and any proposed easements, covenants, public or private rights-of-way
Yes	NA	**Waiver Requests** (see Waiver Table) • Written request for waiver describing request and compliance with applicable waiver standards
Yes	NA	**Financial Capability** • Letter or evidence from a financial institution or third party verifying financial capacity to undertake project
Yes	NA	**Technical Capability** • Evidence of technical capability of applicant and consultants – resumes and/or examples of past projects

MAJOR SITE PLAN
STANDARDS AND SUBMISSION CHECKLIST

Provide assessment of compliance with standards and include supplemental documentation, as applicable.
Please submit each document as a separate PDF file.

TRANSPORTATION	
Yes NA	**Impact on Surrounding Street Systems (14-14.6.1(A))** ● Describe incremental volume of traffic impacts and mitigation measures. If needed
Yes NA	**Access and Circulation (14-14.6.1(B))** Identify and describe the following: ● Site access and internal circulation, including ADA access ● Drive-up features, if applicable ● Loading and servicing needs, routes, and geometry, providing turning templates for delivery vehicles, if applicable ● Sidewalks and condition along street frontages and internal walkways ● Engineered details for ADA ramps and public sidewalks, meeting sidewalk material policy and construction requirements (Technical Manual, Section 1)
Yes NA	**Public Transit (14-14.6.1(C)), if applicable** Identify and describe the following: ● Existing available transit service and proposed transit improvements, including design details, such as easement, pad base, and shelter
Yes NA	**Off-Street Parking (14-14.6.1(D)), if applicable** Identify and describe the following: ● Proposed vehicular and bicycle parking supply (including ADA-compliant parking) in relation to applicable parking requirements in Article 19 of the land use code ● Curb cut separation and parking layout (Technical Manual, Section 1) ● Construction details for bicycle racks ● Management plan for snow storage and removal
Yes NA	**Transportation Demand Management (TDM) (14-14.6.1(E)), if applicable** ● Provide TDM plan drafted in accordance with Technical Manual Section 1 requirements

ENVIRONMENTAL		
Yes	NA	**Preservation of Significant Natural Features (14-14.6.2(A)), if applicable** Identify and describe the following: ● High and moderate value waterfowl and wading habitat ● Aquifers (for Casco Bay Islands) ● Waterbodies (including wetlands, watercourses, significant vernal pools and floodplains) ● Proposed preservation areas and protection measures ● Documentation from environmental compliance consultants and determinations from applicable state and federal agencies
Yes	NA	**Landscape Preservation (14-14.6.2(B))** Identify and describe the following: ● Measures to preserve trees, including within required zoning setbacks (Technical Manual, Section 4) ● Measures to protect existing vegetation during construction
Yes	NA	**Site Landscaping and Buffers (14-14.6.2(C))** Identify and describe the following: ● Overall landscaping approach and consistency with standards ● The use of screening and buffering of service areas and between non-residential and residential uses ● Existing Heritage or Feature Trees on site and measures to preserve ● Compliance with street tree requirements
Yes	NA	**Water Quality, Stormwater Management, and Erosion Control (14-14.6.2(D))** Identify and describe the following: ● Erosion and sedimentation control plan and measures ● Evidence of compliance with Urban Impaired Stream Standards pursuant to DEP Chapter 500 stormwater law, as applicable ● Subsurface sanitary sewage disposal and groundwater protection measures

PUBLIC INFRASTRUCTURE AND COMMUNITY SAFETY	
(Yes) NA	**Consistency with City Master Plans (14-14.6.3(A))** ● Describe proposed easements, rights and improvements to connect or continue off-premises public infrastructure, as applicable
(Yes) NA	**Public Safety and Fire Prevention (14-14.6.3(B))** Identify and describe the following: ● Compliance with Crime Prevention through Environmental Design (CPTED) requirements (Technical Manual, Section 3) ● Emergency vehicle access ● Consistency with public safety standards (Technical Manual, Section 3)
(Yes) NA	**Availability and Adequacy of Public Utilities (14-14.6.3(C)) (Technical Manual, Sections 2 & 9)** Identify and describe the following: ● Electrical services, including providing underground services ● Existing and proposed connections for public utilities and required public utility upgrades ● Sewer line connections
SITE DESIGN	
Yes (NA)	**Massing, Ventilations and Wind Impact (14-14.6.4(A))** Identify and describe the following: ● Wind and ventilation impacts on adjoining structures and/or adjacent public spaces, including wind study, if applicable ● Bulk, location, or height impacts on adjoining structures
Yes (NA)	**Shadows (14-14.6.4(B)), if applicable** ● Provide shadow analysis of impacts on publicly accessible open space (Technical Manual, Section 11)
(Yes) NA	**Snow and Ice Loading (14-14.6.4(C))** ● Describe building design measures to prevent snow and ice from loading or falling onto adjacent properties or public ways
Yes (NA)	**View Corridors (14-14.6.4(D)), if applicable** ● Describe any protection of designated view corridors (Portland Design Manual, Appendix. 1)
(Yes) NA	**Historic Resources (14-14.6.4(E)), if applicable** Identify and describe the following: ● The site's status as a designated landmark, within a historic district or historic landscape district, or within 100 feet of any designated landmark, historic district, or historic landscape district ● Compliance with standards for preservation and documentation of archaeological resources

Yes (NA)	**Exterior Lighting (14-14.6.4(F))** ● Describe how the proposed site lighting will adhere to photometrics requirements as it relates to light trespass and full cutoff fixture design, pursuant to Technical Manual Section 12
(Yes) NA	**Noise and Vibration (14-14.6.4(G))** ● Provide data on noise levels for HVAC and other mechanical equipment, such as design specifications, to demonstrate consistency with state and federal noise emissions requirements as well as City code
(Yes) NA	**Signage and Wayfinding (14-14.6.4(H)), if applicable** ● Provide signage plan showing the location, dimensions, height and setback of all existing and proposed signs ● Provide drawings of all commercial and directional signage on site
Yes (NA)	**Zone-Related Design Standards (14-14.6.4(I))** ● Address any applicable design review standards by zone, including compliance with Design Manual

MAJOR SITE PLAN
DRAWINGS CHECKLIST

Please upload the following DRAWINGS with the listed details into e-Plan as separate pdfs.

All drawings must be submitted in a 24 x 36 sheet size.

BOUNDARY SURVEY (stamped by a Maine Licensed Surveyor and drawn as per Technical Manual Sec. 13)

SITE PLAN(s) (stamped by a Maine Licensed Professional Engineer) including:

All sheets – Include a title block with project title and the following information:

- Project street address
- Name and address of property owner & applicant
- Licensed design professional, incl firm that produced plans
- North arrow
- Date of preparation and revision history block
- Tax parcel (chart, block, and lot) number

Existing Conditions Plan with the following:

- Existing structures, with distance from primary building façade(s) to the property line
- Approximate location of structures on abutting properties
- All streets and intersections adjacent to the site
- Existing driveways, pedestrian ways, and bicycle infrastructure, including dimensions and materials
- Existing public transit infrastructure
- Existing vehicle & bicycle parking areas
- Existing utilities on site and within adjacent rights-of-way
- Existing grades (two-foot contours preferred)
- Location of water courses, wetlands, and vegetation, or other significant natural features
- Existing soil conditions and location of test pits and borings
- Zoning boundary lines, including overlays
- Location of all existing easements and rights-of-way

Proposed Site Plan with the following:

- Proposed structures, including distance from primary building façade(s) to property lines
- Ground floor area, and finished floor elevations for all buildings
- Any proposed geometric modifications to streets and intersections adjacent to site
- Location, dimensions and materials of all proposed driveways, vehicle, bicycle, & pedestrian access ways with corresponding curb lines
- Engineered specifications/ cross-sections for proposed driveways, sidewalks & paved areas
- Location and dimensions of proposed loading areas, including turning templates
- Proposed transit infrastructure with dimensions/ engineering specifications
- Location of vehicle and bicycle parking with dimensions and engineering specifications
- Location of all snow storage areas
- Exterior lighting (please see Technical Manual Sec. 12 for photometrics requirements)
- Location of fire hydrants

- Location of solid waste management receptacles
- Location of all proposed HVAC and mechanical equipment, including proposed screening, where applicable
- Location of proposed easements and rights-of-way, including dimensions
- Please utilize color-coding and/or hatches and shading to delineate changes between the pre and post development condition as needed

UTILITY PLAN including:

- Proposed electrical infrastructure
- Location, sizing and directional flows of all proposed sewer and stormwater infrastructure
- Location and dimensions of off-premises public or publicly accessible infrastructure adjacent to site
- Electric utility infrastructure

GRADING AND DRAINAGE PLAN including:

- Proposed grades
- Proposed stormwater management measures meeting Technical Manual (Section 5) standards
- Any proposed alteration of a watercourse or wetlands
- Any groundwater protection measures
- Proposed buffers and preservation measures for wetlands or significant natural features

LANDSCAPE PLAN including:

- Existing vegetation to be preserved and preservation measures
- Proposed landscaping, screening, and street trees, including caliper widths for trees
- Planting schedule, including street trees

ARCHITECTURAL PLANS AND RENDERINGS including:

- Exterior building elevations, color renderings, illustrations of all sides
- Axonometric and street-level views for structures greater than three stories in height
- Provide context drawings, if applicable (Design Manual, page 1)
- Floor plans

CONSTRUCTION MANAGEMENT PLAN including:

- Specifics on traffic control, sidewalk sheds, and pedestrian rerouting
- Include a drawing and written narrative

OTHER

- Details and cross-sections, as necessary

03: Right, Title, or Interest

The subject property is being developed by applicant, STJ Inc who are the current owner of the property

The record owner of the parcel is STJ Inc by deed recorded at the Cumberland County Registry of Deeds in Book 24766, page 258 and 259, see a copy, this section.

03: Right, Title, or Interest

The subject property is being developed by applicant, STJ Inc who are the current owner of the property

The record owner of the parcel is STJ Inc by deed recorded at the Cumberland County Registry of Deeds in Book 24766, page 258 and 259, see a copy, this section.

QUITCLAIM DEED

MAINE REAL ESTATE TAX PAID

KNOW ALL PERSONS BY THESE PRESENTS, that the **Portland Water District** , a quasi- municipal corporation organized and existing under the laws of the State of Maine, with a mailing address of 225 Douglass Street, Portland, Maine 04104-3553 in consideration of one dollar ($1.00) and other valuable consideration paid by STJ, Inc., with a mailing address of 939 Parker Farm Road, Buxton, Maine, the receipt whereof is hereby acknowledged, does hereby remise, release, bargain, sell and convey and forever quitclaim with quitclaim covenants, to the said STJ, Inc., its successors and assigns, a certain lot or parcel of land described in Schedule A, attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the said Portland Water District has hereunto caused this instrument to be signed by Ronald Miller, its duly authorized General Manager, this 15th day of January, 2007.

PORTLAND WATER DISTRICT

Donna M. Katsiaficas
Witness

By: Ronald Miller
Ronald Miller
General Manager

STATE OF MAINE
CUMBERLAND, ss.

January 15, 2007

Personally appeared the above-named Ronald Miller in his capacity as the General Manager of the Portland Water District, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the Portland Water District.

Before me,

Donna M. Katsiaficas
~~Notary Public~~/Attorney at Law

Donna M. Katsiaficas
Printed Name

SCHEDULE A

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

Being lots 66,67,68,69 and 70 as appear on a plan of land of Martin Curran, Jr., recorded in the Cumberland County Registry of Deeds in Plan Book 9, Page 121.

Being the same premises conveyed to this Grantor by Deed and recorded on December 18, 1968in the Cumberland County Registry of Deeds in Book 3069 Page 815.

Received
Recorded Register of Deeds
Jan 18,2007 01:36:36P
Cumberland County
Pamela E. Lovley

04: Evidence of State or Federal Permits

The proposed development will disturb less than one acre of land, will create less than one acre of impervious area. No additional permitting is required through the Maine Department of Environmental Protection.

The property qualifies for an NRPA exception based on the determination provided by the Maine Department of Environmental Protection. The project received a letter of determination from the Maine Department of Environmental Protection that determined the adjacent drainage is not a river, stream or brook as defined by the Natural Resources Protection Act (NRPA) and qualifies for the 4300 SF NRPA alteration exception for any work that shall occur to improve the outdated and poorly functioning outlet control structure and culvert.

A PBR was filed for the work that shall be performed within 25ft of the wetlands.

Attached is a copy of the 2004 determination by MDEP and receipt of payment for the NRPA PBR.

CITY OF PORTLAND, MAINE
PLANNING BOARD

Lee Lowry III, Chair
Kevin Beal, Vice Chair
John Anton
Michael Patterson
David Silk
Janice E. Tevanian
Shalom Odokara

June 16, 2005

Mr. Ken Porter
Rio Tierra, LLC
655 Riverside Street
Portland, ME 04103

RE: Lot 6 McAllister Farm Subdivision and Site Plan
ID# 2005-0001, CBL# 319-A-001

Dear Mr. Porter:

On May 10, 2005 the Portland Planning Board voted unanimously on the following motions regarding the Lot 6 McAllister Farm subdivision:

1. That the Planning Board does waive the Technical Standards, which requires "if the estimated post-development peak rate of stormwater runoff from the affected land is calculated to be greater than the pre-development runoff peak rate, in any watershed within the boundaries of the affected land during any phase of development, then a detention basin should be designed and constructed to maintain pre-development runoff peak rates from the site", due to the fact that the drainage is flowing towards the Presumpscot River.

2. That the Planning Board does approve the subdivision amendment to the McAllister Farm Subdivision Plan.

3. That the plan was in conformance with the Subdivision Review Ordinance of the City Land Use Code with the following conditions:

   i. that the applicant comply with the Traffic Engineer's memo dated May 6, 2005, with the exception that (vis-à-vis) the applicant be allowed to phase his contribution to the Riverside Intersection upgrade at a rate of $5,000 per building to be paid prior to the issuance of a building permit.

   ii. that the wastewater generation from Lot 6 shall be limited to the flows as defined in their current capacity letter request for sanitary flows and not be eligible to use these facilities for any high volume production discharge. In the event the City adopts an amendment to the Westbrook/Portland inter-local agreement, the applicant shall connect and discharge to the Westbrook system. And if the McAllister Farm Subdivision is at some point

sewered by the City of Portland, Lot 6 shall be connected into the new sewer constructed to accommodate the subdivision.

iii. that the applicant address Woodard & Curran's comments in the May 5, 2005 memo to be reviewed and approved by staff.

iv. that the applicant provide evidence of conformance for stormwater quality measures to determine that they provide adequate means to remove TSS (total suspended solids) from the stormwater in a manner consistent with the MDEP Stormwater Best Management Practices.

4. That the plan is in conformance with the site plan standards of the land use code with the following conditions:

i. that the applicant staff with building elevations for Buildings Two and Three, for review and approval, prior to issuance of building permits for Buildings Two and Three.

ii. that the applicant comply with the Traffic Engineer's memo dated May 6, 2005 subject to the amendment that the applicant contribute $15,000 to the Riverside Intersection upgrades, per building, prior to the issuance of the building permit.

The approval is based on the submitted plan and the findings related to site plan review standards as contained in Planning Board #31-05, which is attached.

Please note the following provisions and requirements for all subdivision approvals:

1. Mylar copies of the construction drawing for the subdivision must be submitted to the Public Works Department prior to the release of the plat. Where submission drawings are available in electronic form, the applicant shall submit any available electronic AutoCAD files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.

2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount must be submitted to and approved by the Planning Division and Public works prior to the recording of the subdivision plat. The subdivision approval is valid for three (3) years.

3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

4. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

5. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

6. The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Department at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions regarding the Board's actions, please contact Kandice Talbot at 874-8901.

Sincerely,

Lee Lowry III, Chair
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Services Manager
Kandice Talbot, Planner
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Inspections Division
Michael Bobinsky, Public Works Director
Traffic Division
Eric Labelle, City Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Fire Prevention
Assessor's Office
Approval Letter File

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

DEPARTMENT ORDER

IN THE MATTER OF

RIO-TIERRA, L. L. C.	) NATURAL RESOURCES PROTECTION
Portland, Cumberland County	) TIER TWO WETLAND ALTERATION
OFFICE/WAREHOUSE BUILDINGS	) WATER QUALITY CERTIFICATION
L-22207-TE-A-N (approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of RIO-TIERRA, L. L. C. with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History of Project: In Department Order #L-14644-26-A-N, dated September 16, 1987, the Department approved the construction of a warehouse on Lot 4 of McAllister Farm Subdivision. Several minor modifications to Lot 4 were approved in subsequent Department orders. The applicant is acquiring Lot 6 of McAllister Farm Subdivision and is proposing to develop the property as described below.

B. Summary: The applicant proposes to construct three 10,000-square foot office/warehouse buildings and associated parking, driveways, and utility connections. The proposed project will result in the alteration of 42,430 square feet of freshwater wetland and is shown on a set of plans, the first of which is entitled "McAllister Farm Subdivision – Lot 6 Master Plan," prepared by Mohr and Seredin, dated January 18, 2005, and last revised March 28, 2005. The project site is located on the west side of Riverside Street in the City of Portland.

C. Current Use of the Site: The site is currently undeveloped but was cleared for development approximately 20 years ago, at which time a culvert and gravel road were installed. The lot is also bisected by a Portland Water District water main.

2. EROSION CONTROL:

The applicant submitted a Grading, Drainage, and Erosion Control Plan, dated March 3, 2005, as Sheet L3.1 of the set of plans referenced in Finding 1. The plan was reviewed by an engineer from the Division of Watershed Management of the Bureau of Land and Water Quality (BLWQ), who stated that it meets Department standards for erosion control.

3. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicant proposes to fill approximately 42,430 square feet of scrub shrub and wet meadow wetland to construct the commercial buildings and associated improvements. The Department's Wetlands and Waterbodies Protection Rules, Chapter 310, require that the applicant meet the following standards:

a. Avoidance. No activity may be permitted if there is a practicable alternative to the project that would be less damaging to the environment. The applicant submitted an alternatives analysis for the proposed project completed by Mohr and Seredin, dated January 18, 2005. Six parcels of land were evaluated over a three-year period. Because of the scarcity of suitably-zoned land in the greater Portland area, a majority of the parcels had significant wetlands and other environmental constraints on site.

The applicant submitted information regarding the proposed uses and tenants for the facilities to be constructed, including letters of intent to enter into lease agreements with the applicant signed by prospective tenants. This information demonstrates that the types of uses are specific and require certain size buildings, parking, and loading areas that will necessitate the filling of the wetlands.

b. Minimal Alteration. The amount of wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicant presented three on-site alternative building plans for the project site and demonstrated that the proposed alternative represents the plan that will alter the least amount of wetland. By constructing three separate buildings, the applicant will be able to avoid impacting other stream-associated wetlands and floodplain. The proposed layout also provides for an undisturbed 200-foot wide buffer to the Presumpscot River as required by Department Order #L-14644-26-A-N.

c. Compensation. In accordance with Chapter 310, Section 5(c), compensation is required to achieve the goal of no net loss of wetland functions and values. The applicant submitted a functional assessment of the wetland to be altered. Principal functions of the wetland to be altered were identified as wildlife habitat, sediment/toxicant retention, and nutrient removal.

To compensate for these functional losses, the applicant proposes to create four new wetland areas that will total approximately 32,393 square feet of new wet meadow and scrub shrub wetlands. Additionally, plantings will be installed in existing wetland areas to enhance their functions and values. The applicant also identified four areas on site that are exhibiting erosion problems that will be regraded as necessary and stabilized with conservation seed mix, riprap and geotextile fabric where appropriate. Details of the compensation are presented in a document entitled "Wetland Compensation Plan for Lot 6 – McAllister Farm Subdivision," dated March 1, 2005, and on Sheet L3.1 of the set of plans referenced in Finding 1, entitled "Lot 6 – McAllister Farm Subdivision – Phase 2: Grading, Drainage, Erosion Control Plan," last revised March 28, 2005.

The applicant proposes to place restrictive covenants on all of the created and enhanced wetland areas, and additional land on site for a total of 6.06 acres. The applicant submitted draft restrictive language that will be attached to the deed for lot 6. Prior to construction, the applicant must have the restrictive language recorded at the Cumberland County Registry of Deeds and submit a copy of the recorded deed to the Department.

The proposed compensation plan states that the compensation areas will be constructed concurrently with project construction, and includes post-construction monitoring of the created and enhanced wetlands.. The site will be inspected and reports will be submitted to the Department at least annually for a minimum period of five years. Criteria for success are outlined in the compensation plan.

The Department finds that the applicant has avoided and minimized wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

4. OTHER CONSIDERATIONS:

The Department did not identify any other issues involving existing scenic, aesthetic, or navigational uses, habitat or fisheries, the natural transfer of soil, natural flow of water, water quality, or flooding.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.

B. The proposed activity will not cause unreasonable erosion of soil or sediment.

C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life provided the recorded deed is submitted, and monitoring is performed, as described in Finding 3.

E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.

F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.

G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.

H. The proposed activity is not on or adjacent to a sand dune.

I. The proposed activity is not on an outstanding river segment as noted in Title 38 M.R.S.A. Section 480-P.

THEREFORE, the Department APPROVES the above-noted application of RIO-TIERRA, L. L. C. to fill freshwater wetland in conjunction with the development of an office/warehouse complex as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. Standard Conditions of Approval, a copy attached.

2. The applicant shall take all necessary measures to ensure that its activities or those of its agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.

3. Prior to construction, the applicant shall have the restrictive language discussed in Finding 3 recorded at the Cumberland County Registry of Deeds and submit a copy of the recorded deed to the Department.

4 The applicant shall perform post-construction monitoring of the created and enhanced wetlands as outlined in the compensation plan submitted with the application. The site shall be inspected and reports shall be submitted to the Department at least annually for a minimum period of five years.

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

DONE AND DATED AT AUGUSTA, MAINE, THIS 1ST DAY OF APRIL, 2005.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____ FOR
DAWN R. GALLAGHER, COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application February 3, 2005
Date of application acceptance February 7, 2005

Date filed with Board of Environmental Protection
MR/ATS53927/L22207AN

FILED
APR - 5 2005
BOARD OF ENVIRONMENTAL PROT.
STATE OF MAINE

05: Zoning Assessment

The subject property is located within the B-5 Zoning District. Please refer to the required Zoning Analysis Table enclosed in this section.

ZONING ANALYSIS Relevant Zone(s) B-5

All Projects:

	Required	Proposed
Lot Size	NA	29,000 SF
Area Per Dwelling Unit	NA	
Minimum Street Frontage	NA	50 ft
Front Yard Minimum	NA	20 ft and 17 ft
Front Yard Maximum	NA	
Rear Yard	NA	39 ft
Yard Right	NA	12 ft
Yard Left	NA	12 ft
Side Street Setback	NA	N/A
Step Back	NA	N/A
Maximum Lot Coverage	NA	25%
Minimum Lot Coverage	NA	N/A
Maximum Height	65 FT	35'
Open Space	NA	
Maximum Impervious Area	N/A	
Pavement Setback	N/A	
Floor Area Ratio	N/A	
Off Street Parking Spaces	1/ UNIT	2/ PER UNIT
Loading Bays	N/A	N/A
Other 1	N/A	N/A
Other 2	N/A	N/A
Other 3	N/A	N/A

Planned Residential Unit Developments (PRUD) Requirements

	Required	Proposed
Minimum Lot Size	2 ac.	N/A
Minimum Lot Area per Dwelling	3,000 SF	N/A
Maximum # Units per Building	12 ft	N/A
Maximum Building Length	140 ft	N/A
Maximum Accessory Building Length	60 ft	N/A
Minimum Setbacks	25 ft	N/A
Minimum Building Separation		N/A
Minimum Open Space	300 SF/D.U.	N/A`

Affordable Housing Density Bonuses (if applicable)

	Bonus Increase or Decrease	Maximum Allowable With Bonus	Proposed
Density			
Height			
Setback Reduction			
Recreation Space			
Maximum Accessory Building Length			
Minimum Setbacks			
Minimum Building Separation			
Minimum Open Space			
Explanatory Text 1 (optional):			
Explanatory Text 2 (optional):			
Explanatory Text 3 (optional):			

06: Existing and/or Proposed Easements or Covenants

There is a proposed drainage easement as a part of the overall project. the drainage easement runs along the rear of the buildings.

there is also a small easement proposed for an area of the pavement where the turnaround enters the adjacent properties (lots 69 and 70).

07: Waiver Requests

No new waivers are requested at this time.

08: Financial Capability

A letter of financial capability from Gorham Savings Bank dated October 5, 2021 is enclosed in this section stating that the applicant has the financial capacity to complete the proposed project. Please see the attached letter.

Gorham
SAVINGS BANK

October 5, 2021

City of Portland
City Planning Department
389 Congress Street
Portland, ME 04101

RE: S J T, Inc.-Powsland Street Project

Ladies and Gentlemen:

I am writing to inform you that Gorham Savings Bank has been doing business with S J T, Inc. for over 30 years. They have handled their entire banking relationship in a fully satisfactory manner. Based on the company's history with the Bank, they have exhibited the financial capacity to complete the proposed project on Powsland Street, Portland, Maine.

If you should need further information, please call me at 222-1498.

Sincerely,

Frederick G. Proctor
Vice President

09: TECHNICAL CAPABILITY

STJ Inc is well experienced in civil construction contracting. Mr. Curtis and his firm have the technical capability to manage a construction project of the scale proposed.

Sebago Technics: The applicant has retained Sebago Technics, Inc., a multi-disciplinary consulting engineering firm, to assist in all aspects of the proposed site development.

10: Transportation Analysis – Traffic Impact (14-526(a)1)

- Provisions for pedestrian, bicycle, vehicle, and loading circulation and incremental volume of traffic impacts.

    1. The proposed project shall generate 68 Daily trips. The project shall generate 5 AM Peak Hour trips and 6 PM peak hour trips according the traffic memorandum provided by Sebago Technics traffic engineer and as such shall not require further traffic study.

- Traffic Impact Study (Technical Manual, Section 1), if applicable.

    1. Not applicable. Per the Technical Manual, the proposed project does not meet the criteria requiring a Traffic Impact Study. The project creates less than 25 passenger car equivalents in the peak hour and is not located on an arterial, within ½ mile of a high crash location, and is not to the best of our knowledge, within ¼ mile of an intersection identified in a previous study as a failing intersection.

SEBAGO TECHNICS

CIVIL ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE

Memorandum

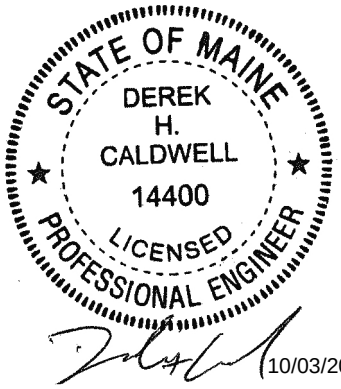
07360-01

To: **Henry Hess, RLA**
Sebago Technics, Inc

From: **Derek Caldwell, P.E., PTOE**
Sebago Technics, Inc

Date: **October 3, 2021**

Subject: **Traffic Impact Assessment**
65-73, 69 Powsland Street Residential Development
Portland, Maine



Introduction

We have completed a trip generation calculation and crash data review for the proposed residential development located at 65-73 & 93 Powsland Street in Portland. It is our understanding the development is to consist of four duplex buildings housing a total of eight dwelling units and one single family home. The development location is at the southerly end of Powsland Street, a dead-end local roadway, on a currently undeveloped parcel. It is proposed to have a total of nine curb cuts on Powsland Street, each serving an individual residential unit. An improved "hammerhead" terminus of Powsland Street will also be constructed to allow for proper access for emergency vehicles and other vehicles needing to turnaround at the end of Powsland Street.

Trip Generation

Using the *10th Edition of Institute of Transportation Engineers (ITE) Trip Generation Manual* we have calculated the estimated vehicular trip generation for the development. Land Use Code (LUC) – 220 – Multi-Family Housing (Low-Rise) considering the independent variable of number of Dwelling Units was used to calculate the trip generation attributed to the proposed duplex units and LUC – 210 – Single Family Detached Housing considering the independent variable of number of Dwelling Units was used for the proposed single-family home. Tables 1 and 2 show the trip generation calculation for the duplex units and single-family home respectively.

Table 1 – Proposed Trip Generation
Land Use Code 220 – Multi-Family Housing (Low-Rise)
8 Dwelling Units

Time Period	Trip Generation Rater per DU	Total Trips	Entering %	Exiting %	Entering Trips	Exiting Trips
Weekday	7.32	59	50%	50%	30	29
AM Peak Hour of Adjacent Street	0.46	4	23%	77%	1	3
PM Peak Hour of Adjacent Street	0.56	4	63%	37%	3	1
AM Peak Hour of Generator	0.56	4	28%	72%	1	3
PM Peak Hour of Generator	0.67	5	59%	41%	3	2
Saturday	8.14	65	50%	50%	33	32
Saturday Peak Hour	0.7	6	50%	50%	3	3

Table 2 – Proposed Trip Generation
Land Use Code 210 – Single-Family Detached Housing
1 Dwelling Units

Time Period	Trip Generation Rater per DU	Total Trips	Entering %	Exiting %	Entering Trips	Exiting Trips
Weekday	9.44	9	50%	50%	5	4
AM Peak Hour of Adjacent Street	0.74	1	25%	75%	0	1
PM Peak Hour of Adjacent Street	0.99	1	63%	37%	1	0
AM Peak Hour of Generator	0.76	1	26%	74%	0	1
PM Peak Hour of Generator	1.00	1	64%	36%	1	0
Saturday	9.54	10	50%	50%	5	5
Saturday Peak Hour	0.93	1	54%	46%	1	0

Table 3 shows the total calculated trip generation of the development, found by summing the values shown in Table 1 and Table 2.

75 John Roberts Road – Suite 4A, South Portland, ME 04106-6963 • 207.200.2100 • Fax: 207.856.2206

Table 3
Total Proposed Trip Generation

Time Period	Total Trips	Entering Trips	Exiting Trips
Weekday	68	35	33
AM Peak Hour of Adjacent Street	5	1	4
PM Peak Hour of Adjacent Street	5	4	1
AM Peak Hour of Generator	5	1	4
PM Peak Hour of Generator	6	4	2
Saturday	75	38	37
Saturday Peak Hour	7	4	3

As shown above, the development is calculated to generate a total of 5 trips in the AM Peak Hour of the Generator and 6 trips in the PM Peak Hour of the Generator.

Crash Data Review

A review of MaineDOT crash data for the most recent available three-year period (2018-2020) does not show any High Crash Locations (HCL) within the immediate vicinity of the site. The closest HCL is shown to be segment of Congress Street between Caleb Street and Bradley Street, a distance of approximately 0.35 miles from the project location.

Conclusion

- The proposed residential development at 65-73, 69 Powsland Street in Portland is calculated to generate 68 daily weekday trips, 5 trips during the AM Peak Hour of the Generator and 6 trips during the PM Peak Hour of the Generator. Since the calculated peak hour trip generation is less than 100 trips, a MaineDOT Traffic Movement Permit is not required. Furthermore, as the development is calculated to generate less than 25 peak hour trips, a traffic study is not required as stated in Section 1.1 of the City of Portland Technical Manual.

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11: Access and Circulation (14-526(a)2a)

- Access and internal circulation, addressing ADA access

  The new duplex and single family homes buildings provide for ADA accessibility as required. It complies with the standards outlined in Section 1 of the Technical Manual addressing ADA access. No changes to internal circulation are proposed.

- Access and egress impacts on traffic flows

  The site was designed to avoid conflicts with the existing turning movements and traffic flows. Please see the site plan.

- Description and use of drive-up features, if applicable.

  Not applicable. There are no existing or proposed public drive-up features on the site.

12: Loading and Servicing (14-526 (a) 2 b)

- Load and servicing needs, route and travel way geometrics for deliveries
- Turning templates for delivery vehicles, if applicable

(i) The site allows for the safe turning and backing needs of the applicant and does not impede site access, vehicle circulation, pedestrian movement, or affect the parking required by ordinance. Reference is made to the attached site plans. A Hammerhead is provided for turnaround. The turnaround has been altered from the city standard detail in order to reduce the impacts to the adjacent wetlands and eliminate the need for a retaining wall within the ROW. A vehicle turning exhibit has been included as a part of this submission.

13: Sidewalks (14-526 (a) 2 c)

- Sidewalks and condition along street frontages and internal walkways

  No public sidewalks are proposed as part of the proposed site layout. We note that Powsland Street does have public sidewalks, and the closest public sidewalks are located along Congress Street at its intersection with Powsland Street.

  Internal walkways to each unit are shown on the enclosed site plans.

- Engineered details for ADA ramps and public sidewalk details meeting sidewalk materials policy and ADA ramp construction details as applicable (Technical Manual, Section 1)

  Not applicable. No public sidewalks or ADA ramps are proposed.

14: Off-Street Parking: Vehicle & Motorcycle/Scooter (14-526 (a) 4 a and c)

- Expected parking demand, proposed parking supply, ADA parking, and applicable Zoning Requirements

  The parking required for the development based on the proposed use is as follows:

  Singe-, two, or multi-family units @ 1 space per dwelling unit = 9 spaces

  Total required = 9 spaces
  Total provided = 9 Spaces

- Address Technical Manual standards (Section 1) for curb cut separation and parking lot layout and locate on site plan

  Not applicable.

15: Bicycle Parking (14-526 (a) 4 b)

- Address bicycle parking requirements and identify locations on-site

Not applicable.

16: Snow Storage (14-526 (a) 4 d)

- Management plan for snow removal and locate snow storage areas on plan

Areas for snow removal have been called out on the site plans.

17: Traffic Design Management (TDM) (14-526(a)5)

- Develop TDM with Trip Reduction Targets and Strategies

  Not applicable. The project does not meet the types of development required to implement a TDM Plan.

18: Preservation of Significant Natural Features (14-526 (b) 1), if applicable

- Trees, plants, habitats listed on State or Federal list of endangered or threatened

  No trees, plants, habitats from a State or Federal list were observed during onsite investigations.

- High and moderate value waterfowl and wading habitat

  Not applicable.

- Aquifers on Casco Bay Islands

  Not applicable.

- Waterbodies (including wetlands, watercourses, significant vernal pools, and floodplains)

  All water bodies are shown on the appended existing conditions and site plans.

- Proposed preservation areas and protection measures

  A PBR has been filed for work to be performed within 25ft of a wetland

- Documentation from environmental consultants' determinations from applicable state agencies

  The project received a letter of determination from the Maine Department of Environmental Protection that determined the adjacent drainage is not a river, stream or brook as defined by the Natural Resources Protection Act (NRPA) and qualifies for the 4300 SF NRPA alteration exemption.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND AND WATER QUALITY

4/15/2014

FIELD DETERMINATION FORM

CONTACT ID 10,270

CONTACT

SETH PARKER
AVESTA HOUSING
307 CUMBERLAND AVE.
PORTLAND, ME 04101
2075537777

PROPERTY OWNER

MARK CURTIS

STJ, INC
939 PACKEY FARM RD
BUXTON, ME 04093

STAFF KALINICH, JEFFREY

DIRECTIONS

Congress Street to Powsland Street to the end.

SITE TOWN PORTLAND
MAP **LOT**

MEMO

Jeff Kalinich met Seth Parker, Steve Bushy and Jim Logan at the parcel for a resource determination. It was determined that the drainage is not a river, stream or brook as defined by the Natural Resources Protection Act (NRPA). It was determined that the parcel contains freshwater wetland as defined by the NRPA. The Department does not have adjacency jurisdiction to this wetland and the wetland qualifies for the 4300 square foot NRPA alteration exemption. A culvert under the railroad tracks drains this wetland beyond the tracks to a coastal wetland. The culvert may be replaced without a permit from the Department as long as it is replaced at the same elevation as the existing culvert. The existing culvert is twelve inches in diameter and may be replaced without a permit from the Department with a larger diameter culvert as long as the bottom elevation of the replacement culvert is at the same elevation as the existing culvert. Changing the elevation of the existing culvert with a replacement culvert will require an individual NRPA permit. Erosion control devices must be installed and maintained on the project site during any soil disturbance activity. A Stormwater Management Law PBR or Maine Construction General Permit "NOI" and "NOT" must be filed with the Department if more than 1 acre of area is going to be disturbed on the project site at any given time during construction.

NAME: _____

1

RECEIVED 3/31/2014 **SITE VISIT** 4/8/2014 **COMPLETED** 4/15/2014

19: Landscaping and Landscape Preservation (14-526 (b) 2a)

- Preservation of trees and preservation within required zoning setbacks (Technical Manual, Section 4)

  Two 12" maples are being cleared to develop the site. There are no other trees available to preserve on the project site.

- Protection measures of existing vegetation during construction

  Vegetation will be protected during site construction in accordance with the tree preservation standards found in Section 4 of the Technical Manual.

- Protection measures within Shoreland Zone, if applicable.

  The project site is not located in the Shoreland Zone.

20: Site Landscaping (14-526 (b) 2 b)

- Screening and buffering of service areas and between non-residential and residential uses

  Not applicable.

- Planting plans with plant schedule and sizes (Technical Manual, Section 4)

  New plantings are proposed for the site per the Technical Manual, Section 4. Proposed plant material is keyed to a table that includes sizes, as required. (1) street tree is located per building.

21: Parking Lot Landscaping (14-526 (b) 2 b ii), if applicable

- Landscaped islands within parking areas (Technical Manual, Section 4)

Not applicable. No parking lot islands are proposed.

22: Street Trees (14-526 (b) 2 B iii)

- Existing Heritage or Feature Trees on site and measures to preserve

  Not applicable. Site does not have Heritage or Feature trees to be preserved.

- Identify street trees on the plan meeting the site plan and Technical Manual standards (Section 4) or identify alternative measures, if applicable

  Street trees are proposed on the landscape plans. Please see attached plan set.

23: Water Quality, Stormwater Management and Erosion Control (14-526 (b) 3 a)

Please refer to the Stormwater Management Plan by Sebago Technics, Inc. developed in accordance with Maine DEP Chapter 500-Stormwater standards that is included in this section.

24: Consistency with City Master Plans (14-526 (c) 1)

- Identify consistency with master plans

  A formal Master Plan for this section of the City is not available. The proposed new buildings are developed to fit in with the surround neighborhood in aesthetics and character. The project is consistent with the adjacent uses and will not create an eyesore or diminish the neighborhood characteristics nor will the proposed site development include features that will burden the City's resources.

- Proposed easements, rights and improvements to connect or continue off-premises public infrastructure, as applicable

  Connections are limited to extension of existing/available public services as shown on the enclosed Site Plans.

PORTLAND FIRE DEPARTMENT
SITE REVIEW
FIRE DEPARTMENT CHECKLIST

07360-01

A separate drawing[s] shall be provided as part of the site plan application for the Portland Fire Department's review.

1. Name, address, telephone number of applicant **Mark Curtis, 207-839-2442**
2. **STJ Inc., 939 Parker Farm Road Buxton, ME 040931**
3. Name address, telephone number of architect/designer: **RYAN SENATORE ARCHITECTURE 207-650-6414**
   500 Congress Street #2 Portland, Maine 04101
4. Proposed uses of any structures [NFPA and IBC classification]
5. **Structures shall be residential buildings**
6. Square footage of all structures [total and per story] **6,250 SF, two-story structures**
7. Elevation of all structures **Preliminary design thoughts include a building height of 35'+/-**
8. Proposed fire protection of all structures
   - ***As of September 16, 2010 all new construction of one and two family homes are required to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101 2009 ed.)***
9. Hydrant locations **There is a Fire hydrant located within 500' of the project on Powsland Street.**
10. Water main[s] size and location **2" domestic extending from 2" main in entry drive**
11. Access to all structures [min. 2 sides] **Yes.**
12. A code summary shall be included referencing NFPA 1 and all fire department. Technical standards. **To be submitted under separate cover.**

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

25: PUBLIC SAFETY AND CRIME PREVENTION (14-526(c))

Address Crime Prevention through Environmental Design (CPTED) (Technical Manual, Section 3)

Natural Surveillance: The site design allows formal and non-formal natural surveillance increasing the safety of users and deterring possible offenders. The proximity of the existing building on the site and the internal access enables occupants and visitors to observe movement and activities on the site during the day and night. A mechanical surveillance system is not proposed as part of this project.

Mechanical Access Control: Not applicable. Mechanical access controls are not proposed.

Emergency vehicle access

2.b. There is adequate access to the site for emergency vehicles. Please see the plan set that includes a City standard hammerhead turnaround for vehicles.

Address consistency with public safety standards (Technical Manual, Section 3)
The site design complies with the applicable sections of the Technical Design Manual in the following manner:

Fire Hydrant Standard: There is an existing active hydrant within 500' of the project on Powsland Street.

Site Access Standards: Fire Department vehicles can directly access the site via Powsland Street.

Street Numbers: The assigned street numbers will be placed on the new buildings as required by the City of Portland.

Submit a code summary referring NFPA 1 and all Fire Department standards (Technical Manual, Section 3)-Fire Checklist.

Please see the attached Fire Department Checklist. this section.

26: AVAILABILITY AND ADEQUACY OF PUBLIC UTILITIES (14-526 (c) 3)
Technical Manual, Sections 2 & 9

Electrical services, including providing underground services

Underground electrical service will be provided to the buildings on site from two transformers that will pull from a pole on the east side of Powsland street. Reference is made to the attached Utilities Plan.

Identify existing and proposed connections for public utilities and required public utility upgrades

See the enclosed plan set for proposed utility connections.

Water service will be provided by Portland Water District by connecting to the existing public water main in Powsland Street.

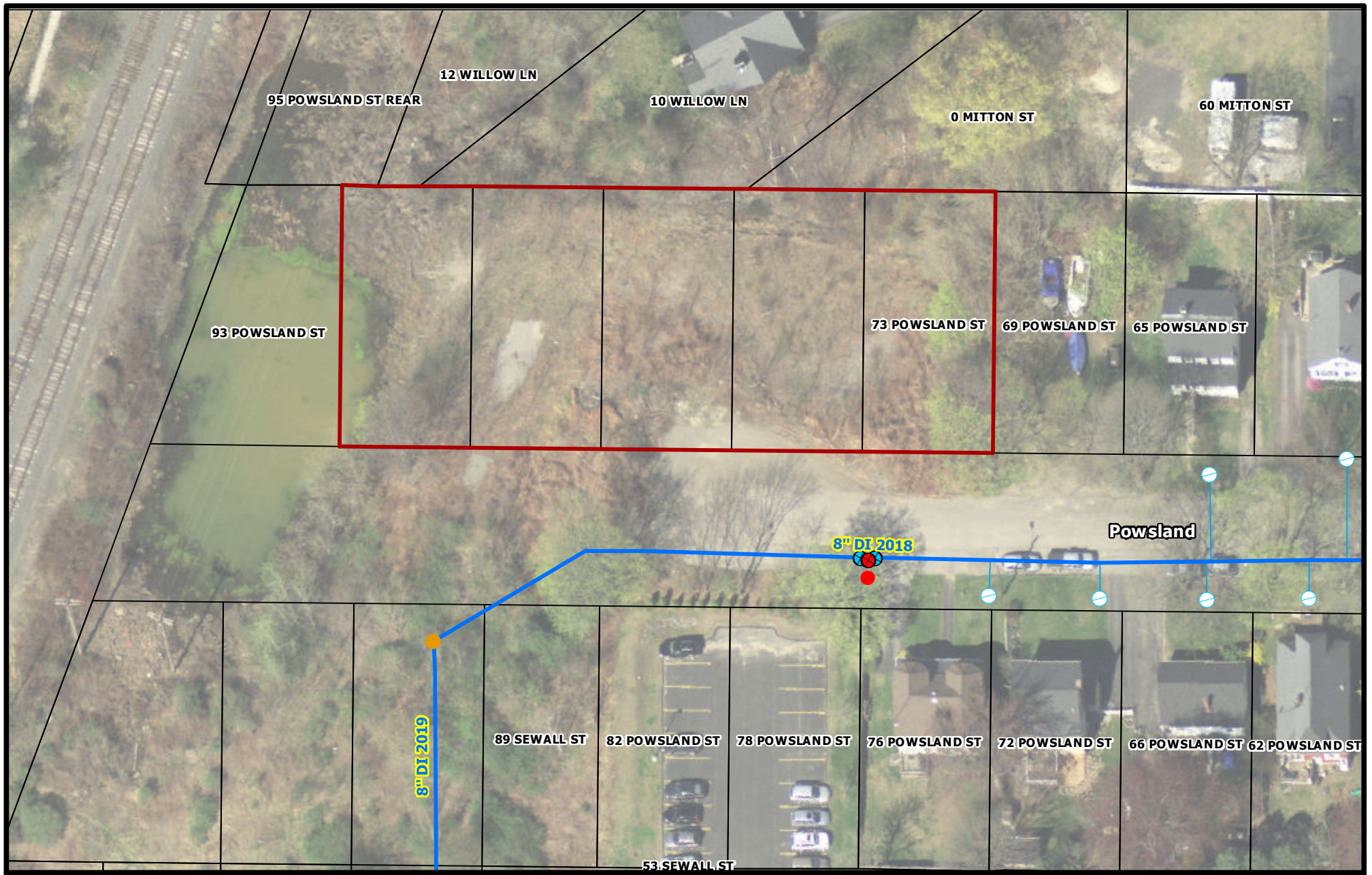
There are no existing utilities extending to the site. All design and connections will be reviewed by and coordinated directly with the utility companies.

Sewer line connections are required if there is a main within 200 feet

All buildings on site will be connecting to the public sewer main that exists within Powsland Street. Reference is made in the attached Utility Plan.

Written evidence of the ability to serve from utility companies, as applicable

Please refer to the ability/capacity to serve correspondence regarding water and sewer service from the Portland Water District.



Powsland Street

Portland

PORTLAND WATER DISTRICT
225 Douglass Street
Portland, ME 04104

Scale 0 12.5 25 50 75 100 Feet — 1 inch = 50 feet

Legend

- Air Valve
- Blow Off
- By Pass
- Distribution
- Transmission
- Connection
- Attribute Change
- Hydrant Control
- Reducer
- Hydrant
- Meter Pits
- Combined Service
- Domestic Service
- Fire Service
- Shallow Water Main
- Deep Water Main
- Proposed Water Main
- Private Hydrants
- Gravity
- Force
- Manhole
- CSO

Disclaimer: This map is suitable for preliminary study and analysis and is based on PWD record information. PWD is not liable for any damages whatsoever resulting from inaccurate data or from errors made in the location and marking of its infrastructure.

Drawn By: BSJ

Scale: As Noted

Date: June 15, 2021

27: MASSING, VENTILATION AND WIND IMPACT (14-526(d) 1)

- Wind and ventilation impacts on adjoining structures and/or adjacent public spaces. Wind study, if applicable
  The proposed building will not result in health or safety problems due to a reduction in ventilation to adjoining structures or adjacent public spaces. A wind study is not applicable to this site development.

- Bulk, location or height impacts on adjoining structures
  The bulk, location, and height of the proposed buildings will not minimize the value or utility of neighboring structures. The proposed development is consistent in size and scale and use with neighboring properties and is an allowed use in the district.

- Identify and locate HVAC equipment and venting away from public spaces and residential properties
  HVAC equipment will not be utilized.

- Identify screening and manufacturing specifications for noise, if applicable
  Not applicable.

28: SHADOWS (14-526 9d), if applicable

Shadow analysis of impacts on publicly accessible open space (Technical Manual, Section 11)

Not applicable. There are no publicly accessible open spaces areas that will be affected by shadows from the proposed new building.

29: SNOW AND ICE LOADING (14-526 (d) 3)

Building design to prevent snow and ice from loading or falling onto adjacent properties or public ways

Not applicable. The proposed new building is not located adjacent to a public way or in close proximity to adjacent properties where snow or ice is of concern.

30: VIEW CORRIDORS (14-526 (d)4)

Protection of designated view corridors (Portland Design Manual, Appendix 1)

Not applicable. The site is not located in a view corridor as identified in the City of Portland Downtown Vision View Corridor Protection Plan, Portland Design Manual, Appendix 1.

31: HISTORIC RESOURCES (14-526(d) 5)

Identify developments within Historic Districts or affecting Desginated Landmarks

Certificate of Appropriateness or other evidence

Identify Developments within 100 feet of Historic Districts of affecting Designated Landmarks. Advisory HP review may be required

Address preservation and documentation of Archaeological Resources

Per review of available City information, the proposed new buildings on site are not located in a City Historic District and will not affect a designated landmark.

32: EXTERIOR LIGHTING (14-526 (d) 6)

Cut sheets of on-site light fixtures and any architectural or specialty lights (Technical Manual, Section 12

Not applicable. No onsite light fixtures proposed. Lighting for the building units shall be residential lighting attached to the buildings. No Photometric plan is submitted as a part of this application.

Engineered details for any lights proposed in street right-of-way (Technical Manual, Section 10)

No additional lights are proposed in a street right-of-way.

33: NOISE AND VIBRATION (14-526(d)7)

Evidence of noise levels for equipment, such as equipment specifications, to demonstrate consistency with zoning requirements

(i), (ii) Not Applicable.

34: SIGNAGE AND WAYFINDING (14-526(d)8), if applicable

Signage plan showing the location, dimensions, height, and setback of all existing and proposed signs. Signs in Historic Districts are reviewed by Historic Preservation staff

All signage shall meet applicable requirements of Division 22 of the City Code, in addition to:

(i) Historic Preservation: Not applicable

(ii) Commercial Signage and Directional Traffic Signage: Not applicable

(iii) On-site directional traffic signage: Not applicable; no new internal directional signage is proposed.

(iv) Waiver criteria: Not applicable, no signage waivers requested.

35: ZONE RELATED STANDARDS (14-526(d) 5)

The buildings on 65-73, 93 Powsland Street are subject to zone B-5 related standards, including design standards by zone, and neighborhood context.

Preliminary building floor plans and elevation drawings are attached to this application.

36: Construction Management Plan

October 1, 2021

This document and its attachment comprise the Construction Management Plan (CMP) for the new housing development on 65-73, 93 Powsland Street as part of the City of Portland Major Site Plan review. The plan is submitted by Sebago Technics, Inc. on behalf of the applicant. The CMP plan contains information pertaining to the overall planning and coordination of the project.

A. Construction Management Principles

The impact of this project during construction will be minimized via the following management practices and principles:

- As shown on the plans, the Construction Zone is on private property and will have minimal impact to the Public. The site is located at the end of a dead end road and we do not anticipate that the project will require traffic control. If needed, Traffic Control Measures (TCMs) will be developed, established, and executed by the Sitework contractor and follow MUTCD guidelines and requirements.
- Onsite, the immediate area surrounding the work will be secured with a construction fence. Adequate signage will also be provided to ensure that the employees understand the parameters of the work site and are provided with safe access to and from their place of work. These measures will be coordinated directly by the Owner.
- All construction activities will be performed within the limits of the site fence and in the areas shown on the plans to minimize public exposure to risks associated with construction activities. The existing vehicular access will be maintained and used for construction access. No changes to site access are proposed. Construction access and emergency vehicle access to the site will be maintained throughout the construction period
- All deliveries will be scheduled and coordinated to ensure there is minimal off-site queuing required. Exisitng on site areas controlled by the applicant will be used by the contractor for laydown and storage.
- All construction activities will occur within standards and times within applicable sound ordinances.

B. Development Review of Construction Management Plan

A comprehensive management plan will remain in place for the duration of the construction timeline or until permanent/final measures are installed. These are depicted on the accompanying graphic. At no point will the Public have access to the project site within the fenced limits.

C. Performance Guarantees, Inspection Fees, Preconstruction Meeting, and Permits

All fees, building permit fee and guarantees, will be paid/issued prior to the commencement of construction. No blasting is anticipated for this project.

D. Construction Administration and Communication

The contact person for all construction activities for the project will be:

Mark Curtis
STJ Inc.
939 Parker Farm Road
Buxton, ME 04093

Phone 207-839-2442
Mark Curtis <markcurtis@gsgravel.com>

Signage will be posted on site with additional emergency contact information for the selected superintendent that will be the site contractor for the project. An Emergency Call Log will be developed and distributed to the project team, including subcontractors.

E. Construction Schedule

The project is expected to commence upon permit issuance, Spring 2022/Summer 2022 start, and be completed witin a one-year period of work. All construction activities will adhere to the City of Portland Noise Ordinances and applicable timeframes. Deliveries for this project are anticipated to occur during normal recognized working hours (7 AM-7 PM).

F. Security and Public Safety

Care will be taken to ensure security to the site ad public safety. No hole shall remain open over night and the construction site shall be secured to avoid safety and security issues.

G. Construction Permitting and Traffic Control Plans

No temporary or semi-permanent barriers will encroach on Powsland Street, and no traffic controls are anticipated as part of this project. The project does include utilities that will require work within the public right-of-way.

H. Site Management and Controls

The site contractor will adopt the following management and maintenance activities through the duration of the project:

- Trash and debris will be contained within the project area and removed on a regular basis.
- Street cleaning will not be required on a regular basis but reviewed and cleaned as necessary to remove dirt/debris caused by the construction efforts. A stabilized temporary construction entrance will be installed and maintained where the pavement ends at the existing gravel within the project site.
- Noise levels will be in compliance with City Ordinances.
- If needed, water will be used to control dust during the site work activities. We do not anticipate any other activities that will require dust control measures.

- On site snow removal will be handled by the owner and site contractor and deposited at designated storage areas on the site. The snow storage will be located in the area of the property designated for the future Building 3 and its associated parking shown on the approved 2005 site and subdivision plan for Lot 6 McAlister Farm.

I. Erosion Control and Preservation of Trees

The contractor will comply with the approved erosion and sedimentation control plan.

J. Construction Staging Area

- Construction staging areas will be provided on the owner's property in the area designated at the time of construction

K. Parking During Construction

- On-site parking is expected to be utilized. The parking will be coordinated with the applicant. Construction parking will occur in the area of the property designated at the time of construction

L. Special Measures as Necessary

As it is understood currently, no special measures will be required.

January 11, 2023
07360-01

Planning and Urban Development Department
City Hall – 4th Floor, 389 Congress Street
Portland, Maine 04103

Response to Preliminary Comments on 9/29/22
73 Powsland Street

Charles Tetelman:

This letter and the associated attachments are provided in response to the comments dated 9/29/2022. We have organized the responses to restate each review comment in *italics*, followed by our response in **bold**.

General:

1. *The City would like to schedule a meeting with the applicant team to discuss the most recent plan submittal.*

   Response: Acknowledged. We have met with the City Staff in October and discussed comments, related to private versus public stormwater, road alignment, and driveway layout and separation, curbing, and the geometry of a turnaround at the at the south end of the site. The revisions discussed with City staff are reflected on the revised plans.

2. *The applicant's latest response to comments noted that maintenance of the proposed Focal Point system would be addressed by the HOA. The maintenance agreement should be provided.*

   Response: Enclosed is a draft stormwater maintenance agreement with the applicant identified as the party responsible. It is anticipated that the Homeowner's association will be assigned responsibility when the infrastructure is conveyed and the homeowner's association is created.

Water Quality, Stormwater, & Infrastructure:

1. *Updated Comment: After further review, DPW does not find the driveway separation waiver and related waiver analysis for driveway separation acceptable. The applicant should explore alternative layouts to increase the proposed separation. Staff would point that reducing the amount of proposed driveways to meet technical manual requirements may solve this issue. DPW would also encourage the applicant to pursue shared driveways between lots with easements which could help the applicant comply with the City of Portland standards.*

Response: The plans have been revised to add curbing on both sides of the road. The layout of the buildings and driveways has been revised to include one driveway per lot and appropriate driveway separation to meet City standards. See page 4

2. *Updated Comment: DPW is supportive of the sidewalk waiver request.*

   Response: Acknowledged. The plans do not include sidewalks.

3. *Updated Comment: DPW is not supportive of the proposed curbing waiver request. The applicant has not provided a sufficient stormwater design for the proposed Powsland roadway extension area. The analysis appears to ignore nearly 630 feet of drainage course to capture all the stormwater runoff for more than 900 feet of Powsland Street into a single catch basin and a 12" outlet pipe in the proposed turn around area. DPW's concerns range from erosion at the edge of the roadway gutter line, to flooding at the end of the street at the proposed catch basin location. The applicant will need to consider the entire watershed draining to the storm drain system and factor this into the hydraulic analysis for the proposed storm drain conveyance system and stormwater systems. The applicant shall extend the storm drainage from the proposed turn around area towards northerly limit of work. The road should be redesigned to provide a crown, curbing and catch basins to properly manage runoff from the entire drainage course on Powsland Street in order to meet City of Portland street design standards and the requirements of street extensions listed in section 14 of the land use code. While its accurate that a majority of Powsland does not currently have curbing, its DPW's opinion that the stormwater impacts of the proposed roadway extension are significant enough to warrant the installation of curbing as part of this project.*

   Response: The road design is revised to include a crowned section with curbing on both sides of the extended street. Catch basins have been added to collect offsite runoff and convey it to the existing pond at the south side end of the road, allowing offsite runoff from the north to follow its existing pattern and bypass the proposed site's treatment system. (1) Stormtree filter system is proposed on the East side of the project to treat existing impervious upstream of the project in lieu of the proposed impervious from the turnaround. The new impervious surfaces within the ROW are captured in catch basins and outlet to the existing detention pond. The Stormtree filter system is treating enough existing impervious to offset any new impervious beyond the filter system. Please refer to the attached stormwater report and grading plan. Runoff from the site development and existing portions of the roadway is treated to meet the City's stormwater management standards. The revised Stormwater Report is attached.

4. *Section 16.1C of the Technical Manual requires site plans to be stamped by a licensed professional engineer in the State of Maine.*

   Response: The revised plans are stamped by a licensed professional engineer

5. *The typical road section shown on sheet 9 of 11 does not match what is being proposed on the plan. The current design shows the roadway extension transitioning from having a*

crown to being super elevated. This design does not meet the City's local street design criteria listed in section 1.4.1 of the technical manual which requires a crowned street cross section with a cross slope of 3%. It appears feasible for the roadway to be constructed to have a crowned cross section if curbing and additional storm drainage infrastructure is installed. The applicant should also provide a profile of the proposed roadway extension so DPW can determine if the design meets the vertical roadway design standards in section 1 of the technical manual.

Response: The typical roadway detail and design section phase been revised to include a crowned road section. The superelevation has been eliminated and curbing is included on both sides of the extended street. A Plan and profile of the proposed road extension has been added to the plan set as sheet 7.

6. *DPW needs further clarification on the rationale for the proposed horizontal alignment shift at the end of the proposed Powsland roadway extension. The horizontal roadway alignment should remain consistent to the end of the street unless further rationale is provided for DPW to consider.*

   Response: The road extension section has been revised to align with the right of way. A Plan and profile sheet has been provided as a part of the plan set uploaded to E-Plan as sheet 7.

7. *The applicant is showing snow storage areas behind guardrails and steep slopes at the end of the proposed roadway extension which appear to be problematic. It appears that the snow would end up piling up in front of the proposed curb line and guard rail and ultimately limit the ability of vehicles to turn around. This would also potentially cause significant drainage problems for the one catch basin being proposed at the end of the street during winter months. Some of this concern could be eased with further storm drain modifications as requested above. The applicant shall provide alternative snow storage strategies at the end of Powsland Street which do not interfere with drainage or the ability for vehicles to turn around.*

   Response: The slope at the east end of the site has been revised to provide a 10-foot shoulder adjacent to the pavement for snow storage, the guard rail has been moved to the south, located at the top of the revised slope, behind the snow storage area. See the revised site plan and grading plan, pages 4 and 6.

8. *The applicant is proposing to replace an existing culvert which crosses the Amtrak rail-line with a note which states the culvert will be replaced in coordination with Amtrak. The applicant should provide documentation of an agreement and easement rights to do this proposed work as a part of the site plan approval process.*

   Response: Acknowledged. The applicant has contacted Amtrak requesting written authorization and an agreement to perform the work. Documentation will be provided when it is received. The applicant has stated that they would replace the culvert in previous meetings and conversations with the City as it is something that will be good for

their project and surrounding properties and the future of Powsland Street drainage. The attached stormwater report shows the project meets Portland's stormwater treatment standards without any upgrade to the outlet control structure or culvert. The project is capable of treating the water quality storm and conveying the 2, 10, and 25-year storms only increasing the levels in the detention pond by approximately less than one inch (See Stormwater Report Appendix 2C for proposed vs. existing condition pond elevations without the culvert replacement). Again, the applicant has stated that they will replace the culvert but it is not necessary to meet Portland's Stormwater Standards, with the exception of the flooding standard which we are requesting a waiver for (per Chapter 500 waiver criteria, see page 4 of the Stormwater Report) due to the location of the railroad cross culvert outlet being the mouth of a major river segment tributary to the Fore River. Due to the long lead times in working with Amtrak, it is requested that this not be a formal condition of approval for the project.

9. *The plans reference that work within a CMP easement area shall require CMP's permission prior to that work being performed. This agreement should be secured and presented to the City for review as part of the site plan review process.*

   Response: Please see the attached draft letter of permission for work to be performed within CMP property. CMP will allow the gated turnaround with locks that are daisy chained for CMP, City of Portland, and Emergency access. Revised easement language is underway and final documentation shall be provided to the City prior to building permit.

10. *The City will require permanent drainage easements from the applicant in areas where stormwater from Powsland Street will discharge onto private property.*

    Response: Drainage from Powsland Street and the proposed lots has been separated. The runoff from Powsland Street stays in the right of way.

11. *The proposed turnaround configuration is not sufficient. DPW would request that the developer work out an agreement with CMP to grant the City permanent rights to either extend the proposed turnaround further into CMP property or to allow for a connection for City vehicles to connect through to Sewall Street. Any turnaround area must be paved to meet City street construction standards.*

    Response: The turnaround has been revised as discussed with staff to accommodate a fire truck turning around in front of the gated access to Sewall Street. A firetruck turning exhibit is attached to this submission demonstrating that a fire truck can turn at this location. Pavement has been extended to where the gate is located. The vehicle turning exhibit is attached as the last page of the plan set (1 of 1)

12. *The applicant is proposing grading and work on adjacent CMP property but has not provided any easements or agreements with CMP to complete this work.*

    Response: Please see the attached draft letter of permission form from CMP for the work to be performed attached. A copy of the agreement will be provided when it is received.

There is currently Municipal access through this property to maintain the existing water and sewer utilities.

13. *It appears that a 12" culvert underneath the railroad tracks may be insufficient to provide adequate drainage for the entire watershed draining to it. The applicant has noted that the 12" culvert will be replaced as part of this project. The applicant should consider the entire watershed draining to this culvert include this information in the project's stormwater report/calculations and ensure the replacement culvert is adequately sized.*

    Response: The analysis of the existing and proposed watersheds has been revised to include the offsite watershed draining to the culvert that crosses under the railroad tracks.

    The 12" culvert is proposed to be replaced with a 24" a ductile iron culvert. To determine the appropriate size of the replacement culvert, the 100-yr storm was modeled to the detention pond with the proposed double grate outlet control structure. During this storm event, the maximum inlet capacity of the double grate inlet was approximately 24.5 CFS. It was determined through manning's equation that a 24" D.I. culvert is the appropriate size as it has the capacity for approximately 35 CFS, giving the culvert capacity a factor of safety of about 1.4. Please see the revised stormwater management report for further analysis.

14. *The proposed pavement section for the roadway does not meet the City's standards for a local road as detailed in the Technical Manual. Specifically, the proposed surface placement is 9.5 mm, but I believe The City requires 12.5 mm for surface – DPW should confirm that is the case for this location.*

    Response: The typical section on sheet 11 has been revised to reflect the current technical manual standards for pavement section, cross slopes, and curbing.

15. *The plans do not appear to show a consistent location for the gate onto the access road to the south. On some plans, notes seem to be pointing to a different location, and the turning movement plan shows a vehicle moving through the gate location.*

    Response: Please see the updated site plan sheet 3 and 4 for the proposed gate location. Gate location is consistent on each sheet. The pavement extending up to the gate represents the extent of the turnaround.

16. *The project previously noted that a NRPA permit is required. The applicant should provide an update on the status of that.*

    Response: Please see the enclosed receipt of payment to MDEP for the NRPA Permit-By-Rule.

17. *The building elevations show sloped roofs, but do not indicate gutters and downspouts. I would recommend the applicant consider utilizing these for roof drainage to provide direct discharge of the stormwater back to the rear stormwater swale.*

    Response: Acknowledged. The plans have been revised to include callouts for downspouts with final locations to be coordinated with the architectural plans.

18. *The projects stormwater analysis includes off-site drainage areas located west of the site, but does not consider the area north of the site. Existing topography indicates that existing portions of Powsland Street will drain towards the site, and will likely drain down the street and be picked up by the proposed catch basin. The stormwater analysis should be updated to include all area draining through the site. It is recommended that multiple catch basins be provided along the length of Powsland Street to collect stormwater along the roadway. This would work in conjunction with the curbing and crowned roadway grading as noted by DPW in their review.*

    Response: The analysis of the existing and proposed watersheds has been revised to include the offsite area draining through the project site. Catch basins, a Stormtree filtration system, and storm drains have been added to collect runoff from Powsland Street and convey it to the existing pond to the south of the site, maintaining the exiting drainage patterns.

Public Safety:

1. *Fire Truck turning radius will need to be provided at turn around.*

   Response: Please see the attached truck turning movement for the turnaround uploaded as a part of this re-submission.

2. *Please provide distance from the closed hydrant to the furthest building.*

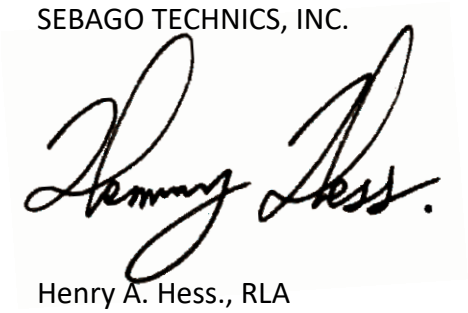
   Response: The closest existing fire hydrant is across the street from lots 66/67 near the center of the site a callout for the existing hydrant has been added to the site plan (sheet 3) and is noted on the utility plans..

3. *Access Gate at the end of Powsland Street will need a Know Box for Emergency access at all times. Will CMP be accessing this gate as well? If CMP will also be utilizing gate for access applicant has two options: 1) get a Know padlock and daisy chain out padlock together with their padlock so either one can open gate; or 2) get a Know box and put a key to their padlock in the box and mount it on the gate.*

   Response: Acknowledged. Option 1 will be implemented. Please refer to the attached email correspondence with CMP.

Upon your review of our responses, please contact me if you have any questions.

Sincerely,
SEBAGO TECHNICS, INC.



Henry A. Hess., RLA
Project Manager
Maine Licensed Landscape Architect.

HAH:jsh

INSPECTION, MAINTENANCE, AND HOUSEKEEPING PLAN

For:
POWSLAND STREET
PORTLAND, MAINE

By:
Sebago Technics, Inc.
75 John Roberts Road, Suite 4A
South Portland, Maine

Introduction

The following plan outlines the anticipated inspection and maintenance procedures for the erosion and sedimentation control measures as well as stormwater management facilities for the project. This plan also outlines several housekeeping requirements that shall be followed during and after construction. These procedures shall be followed in order to ensure the intended function of the designed measures and to prevent unreasonably adverse impacts to the surrounding environment.

The procedures outlined in this Inspection, Maintenance and Housekeeping Plan are provided as an overview of the anticipated practices to be used on this site. In some instances, additional measures may be required due to unexpected conditions. For additional detail on any of the erosion and sedimentation control measures or stormwater management devices to be utilized on this project, refer to the most recently revised edition of the "Maine Erosion and Sedimentation Control BMP" manual and/or the "Stormwater Management for Maine: Best Management Practices" manual as published by the Maine Department of Environmental Protection (MDEP).

During Construction

1. **Inspection:** During the construction process, it is the Contractor's responsibility to comply with the inspection and maintenance procedures outlined in this section. These responsibilities include inspecting disturbed and impervious areas, erosion control measures, materials storage areas that are exposed to precipitation, and locations where vehicles enter or exit the site. These areas shall be inspected at least once a week as well as before and after a storm event (0.5" of rainfall), and prior to completing permanent stabilization measures. A person with knowledge of erosion and stormwater control, including the standards and conditions in any applicable permits, shall conduct the inspections.

2. **Maintenance:** All measures shall be maintained in an effective operating condition until areas are permanently stabilized. If Best Management Practices (BMPs) need to be maintained or modified, additional BMPs are necessary, or other corrective action is needed, implementation must be completed within 7 calendar days and prior to any storm event (0.5" of rainfall).

3. **Documentation:** A log summarizing the inspections and any corrective action taken must be maintained on-site. The log must include the name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of erosion and sedimentation controls, material storage areas, and vehicle access points to the site. Major observations must include BMPs that need maintenance, BMPs that failed

to operate as designed or proved inadequate for a particular location, and locations where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken. The log must be made accessible to the appropriate regulatory agency upon request. The permittee shall retain a copy of the log for a period of at least three years from the completion of permanent stabilization.

4. **Specific Inspection and Maintenance Tasks:** The following is a list of erosion control and stormwater management measures and the specific inspection and maintenance tasks to be performed during construction.

A. Sediment Barriers:

- Hay bale barriers, silt fences, and filter berms shall be inspected immediately after each rainfall and at least daily during prolonged rainfall.
- If the fabric on a silt fence or filter barrier should decompose or become ineffective prior to the end of the expected usable life and the barrier is still necessary, it shall be replaced.
- Sediment deposits should be removed after each storm event (0.5" of rainfall). They must be removed before deposits reach approximately one-half the height of the barrier.
- Filter berms shall be reshaped as needed.
- Any sediment deposits remaining in place after the silt fence or filter barrier is no longer required should be dressed to conform to the existing grade, prepared, and seeded.

B. Riprap Materials:

- Once a riprap installation has been completed, it should require very little maintenance. It shall, however, be inspected periodically to determine if high flows have caused scour beneath the riprap or dislodged any of the stone.

C. Erosion Control Blankets:

- Inspect these reinforced areas semi-annually and after significant rainfall events for slumping, sliding, seepage, and scour. Pay close attention to unreinforced areas adjacent to the erosion control blankets, which may experience accelerated erosion.
- Review all applicable inspection and maintenance procedures recommended by the specific blanket manufacturer. These tasks shall be included in addition to the requirements of this plan.

D. Stabilized Construction Entrances/Exits:

- The exit shall be maintained in a condition that will prevent tracking of sediment onto public rights-of-way.
- When the control pad becomes ineffective, the stone shall be removed along with the collected soil material. The entrance should then be reconstructed.
- Areas that have received mud-tracking or sediment deposits shall be swept or washed. Washing shall be done on an area stabilized with aggregate, which drains

into an approved sediment-trapping device (not into storm drains, ditches, or waterways).

E. Temporary Seed and Mulch:

- Mulched areas should be inspected after rain events to check for rill erosion.
- If less than 90% of the soil surface is covered by mulch, additional mulch shall be applied in bare areas.
- In applications where seeding and mulch have been applied in conjunction with erosion control blankets, the blankets must be inspected after rain events for dislocation or undercutting.
- Mulch shall continue to be reapplied until 95% of the soil surface has established temporary vegetative cover.

F. Stabilized Temporary Drainage Swales:

- Sediment accumulation in the swale shall be removed once the cross section of the swale is reduced by 25%.
- The swales shall be inspected after rainfall events. Any evidence of sloughing of the side slopes or channel erosion shall be repaired and corrective action should be taken to prevent reoccurrence of the problem.
- In addition to the stabilized lining of the channel (i.e. erosion control blankets), stone check dams may be needed to further reduce channel velocity.

5. **Housekeeping:** The following general performance standards apply to the proposed project.

A. Spill prevention: Controls must be used to prevent pollutants from being discharged from materials on-site, including storage practices to minimize exposure of the materials to stormwater, and appropriate spill prevention, containment, and response planning and implementation.

B. Groundwater protection: During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the site draining to an infiltration area. An "infiltration area" is any area of the site that by design or as a result of soils, topography and other relevant factors, accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the site for the purposes of storage and handling of these materials.

C. Fugitive sediment and dust: Actions must be taken to ensure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control.

D. Debris and other materials: Litter, construction debris, and chemicals exposed to stormwater must be prevented from becoming a pollutant source.

E. Trench or foundation dewatering: Trench dewatering is the removal of water from trenches, foundations, cofferdams, ponds, and other areas within the construction area

that retain water after excavation. In most cases, the collected water is heavily silted and hinders correct and safe construction practices. The collected water must be removed from the ponded area, either through gravity or pumping, and must be spread through natural wooded buffers or removed to areas that are specifically designed to collect the maximum amount of sediment possible, like a cofferdam sedimentation basin. Avoid allowing the water to flow over disturbed areas of the site. Equivalent measures may be taken if approved.

Post-Construction

1. **Inspection:** After construction, it is the responsibility of the owner or assigned heirs to comply with the inspection and maintenance procedures outlined in this section. All measures must be maintained in effective operating condition. The owner shall inspect and maintain the BMPs, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.

2. **Specific Inspection and Maintenance Tasks:** The following is a list of permanent erosion control and stormwater management measures and the inspection and maintenance tasks to be performed after construction. If the BMP requires maintenance, repair or replacement to function as intended by the approved post-construction stormwater management plan, the owner or operator of the BMP shall take corrective action(s) to address the deficiency or deficiencies as soon as possible after the deficiency is discovered and shall provide a record of the deficiency and corrective action(s) to the local municipality in the annual report.

   A. Vegetated Areas:

   - Inspect vegetated areas, particularly slopes and embankments, early in the growing season or after heavy rains (>0.5”) to identify active or potential erosion problems.
   - Replant bare areas or areas with sparse growth. Where rill erosion is evident, armor the area with an appropriate lining or divert the erosive flows to on-site areas able to withstand the concentrated flows.

   B. Ditches, Swales and Other Open Channels:

   - Inspect ditches, swales, level spreaders and other open stormwater channels in the spring, in the late fall, and after heavy rains to remove any obstructions to flow. Remove accumulated sediments and debris, remove woody vegetative growth that could obstruct flow, and repair any erosion of the ditch lining.
   - Vegetated ditches must be mowed at least annually or otherwise maintained to control the growth of woody vegetation and maintain flow capacity.
   - Any woody vegetation growing through riprap linings must also be removed. Repair any slumping side slopes as soon as practicable.
   - If the ditch has a riprap lining, replace riprap in areas where any underlying filter fabric or underdrain gravel is showing through the stone or where stones have dislodged.

C. Culverts:

- Inspect culverts in the spring, in the late fall, and after heavy rains (>0.5") to remove any obstructions to flow.
- Remove accumulated sediments and debris at the inlet, at the outlet, and within the conduit.
- Inspect and repair any erosion damage at the culvert's inlet and outlet.

D. Removal of Winter Sand:

- Clear accumulations of winter sand in parking lots and along roadways at least once a year, preferably in the spring.
- Accumulations on pavement may be removed by pavement sweeping.
- Accumulations of sand along road shoulders may be removed by grading excess sand to the pavement edge and removing it manually or by a front-end loader or other acceptable method.

E. Focal Points:

- Debris and sediment buildup shall be removed as needed. Any bare area or erosion rills on focal point surface shall be repaired with double shredded hardwood mulch.
- See inspection log within Attachment 1 of this document for the inspection requirements of this BMP.

3. Documentation:

A. The owner or operator of a BMP or a qualified post-construction stormwater inspector hired by that person, shall, as required by the local municipality, provide a completed and signed certification on a form provided by the local municipality, certifying that the person has inspected the BMP(s) and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they required maintenance or repair, including the record of the deficiency and corrective action(s) taken.

B. A log summarizing the inspections and any corrective action taken must be maintained. The log must include the name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of controls. Major observations must include BMPs that need maintenance, BMPs that failed to operate as designed or proved inadequate for a particular location, and locations where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken. The log must be made accessible to the appropriate regulatory agency upon request. A sample "Stormwater Inspection and Maintenance Form" has been included as Attachment 1 of this Inspection, Maintenance, and Housekeeping Plan.

4. Duration of Maintenance: Perform maintenance as described and required for any associated permits unless and until the system is formally accepted by a municipality or quasi-municipal district, or is placed under the jurisdiction of a legally created association that will be responsible for the maintenance of the system. If a municipality or quasi-municipal district chooses to accept a stormwater management system, or a component of a stormwater system, it must provide a letter to the MDEP stating that it assumes responsibility for the system. The letter must specify the components of the system for which the municipality or district will assume responsibility, and that the municipality or district agrees to maintain those components of the system in compliance with MDEP standards. Upon such assumption of responsibility, and approval by the MDEP, the municipality, quasi-municipal district, or association becomes a co-permittee for this purpose only and must comply with all terms and conditions of the permit.

ATTACHMENT 1 – STORMWATER INSPECTION AND MAINTENANCE LOG

POWSLAND STREET
PORTLAND, MAINE

This log is intended to accompany the Inspection, Maintenance, and Housekeeping Plan for the Subdivision Development. The following items shall be checked, cleaned, and maintained on a regular basis as specified in the Maintenance Plan and as described in the sections below. This log shall be kept on file for a minimum of five (5) years and shall be available for review by the City of Portland and the Maine DEP. Qualified personnel familiar with the drainage systems and soils shall perform all inspections. A copy of the construction and post-construction maintenance logs are provided.

INSPECTION MAINTENANCE AND HOUSEKEEPING FORM			
General Information			
Project Name:		**Inspection Date:**	
Project Location:		**Current Weather:**	
		Date / Amount Last Precip:	
BMP Owner:		**Company conducting inspection:**	
Owner Mailing Address:		**Company Mailing Address**	
Owner Phone #:		**Company Phone #:**	
Owner Email:		**Inspector Name:**	
		Inspector Email:	

BMP Element	Suggested Maintenance (recm'd frequency)	Observations	Inspection Notes/Recommended Action
Forebay/Pretreatment	Sediment/Debris Removal (Semi-Annually)		
	Inspect for bare areas or rill erosion (Semi-Annually)		
R-Tanks	Sediment Depth (Quartly for the first year and annually thereafter.)		
	Floatables/Debris (Quartly for the first year and annually thereafter.)		
Discharge Pipe	Ground Stabilized (>1" rain, Annually)		
Embankments	Review for signs of erosion (Semi-Annually)		
Filter Bed	Harvesting and pruning of excessive growth (Occasionally)		
	Review basin for evidence of vehicular traffic or storage of snow within footprint (Semi-Annually)		
	Review for removal and replacement of mulch (Annually or As Needed)		
	Confirm filter drains in 24-48 hours for water quality volume (Semi-Annually)		

Additional Notes/Observations:

October , 2022

STJ, Inc.

Dear :

This letter agreement will serve as written permission for you (Permittee) to access a portion of Central Maine Power Co.'s (CMP) property and easement rights, in the Town of Portland, designated transmission line corridor Sections 101, 191, and 161, for the purpose of a temporary work space to replace a culvert under the Portland Terminal Railroad track. CMP's property and easement rights are further described in a deed dated June 4, 1907 recorded in the Cumberland County Registry of Deeds in Book 829, Page 99 and a deed dated July 16, 1951 recorded at said Registry of Deeds in Book 2051, Page 425.

This permission herein is subject to the following conditions:

1. Since CMP only has an easement interest in a portion of the property, Permittee is responsible for obtaining access permission for the stated purpose from the fee owner, if necessary;

2. The Permittee will be performing the culvert replacement by slip-lining the existing culvert.

3. No waste of any kind or nature will be left on the property.

4. No stockpiling of materials or storage of construction vehicles will take place on the property

5. The permission shall be at the sole risk and expense of the Permittee and will be in compliance with all laws, ordinances and regulations pertaining thereto.

6. Any work performed that cannot maintain 20-feet of clearance from the overhead conductors as now located on the property will require a Non-Reclose Agreement (NRA) on the transmission line and an on-site CMP clearance holder and inspector at the Permittee's cost.

7. The Permission shall in no way encumber CMP's fee ownership of the property.

DRAFT

8. The Permission shall not limit or restrict nor shall liability arise from CMP's it's successors and assigns use of its land in its operation as a public utility.

9. Permittee shall not use the property for any other purpose not defined herein.

10. This agreement is not assignable and is for your personal use only.

11. The rights and privileges granted by this letter may be canceled at any time by CMP and will automatically expires on _____.

By acceptance of this permission, Permittee hereby waives any claim that it now has or may have in the future against CMP, it's parent corporation and affiliates and its and their directors, officers, employees, agents, contractors, successors and assigns and further agrees to indemnify, protect and save harmless, CMP, it's parent corporation and affiliates and its and their directors, officers, employees, agents, contractors, successors and assigns from and against any and all claims, demands and actions, which may arise pursuant to the exercise of the permission hereby granted or otherwise. Additionally, Permittee for itself and its directors, officers, employees, agents, successors, and assigns, hereby waives any defenses or immunity Permittee might otherwise have under applicable worker's compensation laws or any other statute or judicial decision disallowing or limiting such indemnification, including without limitation, Diamond International Corp. v Sullivan & Merritt, Inc., 493 A2d. 1043 (Me. 1985), and Permittee consents to a cause of action by CMP for Indemnity.

If this agreement is acceptable under the conditions stated above, kindly sign and return the letter me. A fully executed copy will be returned for your records.

Sincerely,

CENTRAL MAINE POWER COMPANY

By:_____
Alen Saric, Manager, Energy
Land Management

ACCEPTED BY

_____ Date:_____

_____ Date:_____

DRAFT

Jake S. Hunnewell

From: noreply@informe.org
Sent: Monday, October 10, 2022 2:15 PM
Subject: DEP Payment Receipt

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.

Payment Receipt Confirmation

Your payment was successfully processed.

Transaction Summary

Description	Amount
DEP Payment Portal	$266.00
Service Fee	$2.00
Maine.gov Total	$268.00

Customer Information

Customer Name Jake Hunnewell
Company Name Sebago Technics, Inc.
Local Reference ID 1018100873
Receipt Date 10/10/2022
Receipt Time 02:14:45 PM EDT

Payment Information

Payment Type Credit Card
Credit Card Type VISA
Credit Card Number [redacted]
Order ID 63761496
Billing Name Mark Adams

Billing Information

Billing Address 75 John Roberts Road, Suite 4A
Billing City, State South Portland, ME
ZIP/Postal Code 04106
Country US
Phone Number 207-200-2139
This receipt has been emailed to the address below.
Email Address jhunnewell@sebagotechnics.com

March 7, 2023
07360-01

Planning and Urban Development Department
City Hall – 4th Floor, 389 Congress Street
Portland, Maine 04103

Response to Preliminary Comments on 02/09/23
73 Powsland Street

Charles Tetelman:

This letter and the associated attachments are provided in response to the comments dated 02/09/2023. We have organized the responses to restate each review comment in *italics*, followed by our response in **bold**.

General:

1. *The applicant and CMP will need a maintenance agreement with the City to maintain the parts of the Powsland Street extension not within the City ROW including the turnaround and stormtree filter. Will the applicant be maintaining the gate leading into Hooper Street?*

   Response: Acknowledged. The HOA will be responsible for maintaining any infrastructure that is located within the property. The maintenance of the street extension will be the responsibility of the HOA until the City accepts the street extension and associated infrastructure. The storm tree filter is *within* the City ROW and it is intended that the city would take over this maintenance when the street is accepted. It is intended that the City and CMP maintain the propose Gate as they will be the users of the gate. The applicant shall install the gate as a part of the project, but the long-term maintenance of the gate should fall to the primary users of the gate.

2. *City Staff are requesting Homeowners Association documents to be submitted for review prior to future before PB meetings.*

   Response: Acknowledged. The HOA documents will be submitted prior to the next planning board meeting.

3. *Please include area for snow storage on each lot.*

   Response: Snow storage areas have been added to each of the lots on the revised Site Plan (Sheet 4).

4. *City Staff are requesting a photometric plan to be submitted.*

   Response: Please see the attached photometric plan produced by Swaney Lighting.

DPW

1. *The proposed location of the electric transformers are not conducive for the construction of future sidewalks. Please move the proposed transformers to the edge of the existing right of way.*

   Response: The walkways have been revised creating a connection between all the units in place of a sidewalk. The transformers have remained in place as they do not conflict with the current proposed walkway connection between the lots. Please see the revised Site Plan (Sheet 4).

2. *The plan shows a proposed catch basin on private property. If this remains here, an easement will be needed for the City to accept and maintain it.*

   Response: The catch basin has been moved into the City right of way and the grading has been adjusted to maintain the catch basin as the low point to collect stormwater runoff. See the revised Grading and Drainage Plan (Sheet 6).

3. *The Stormwater Maintenance Agreement and HOA documents outlining maintenance responsibilities for the private stormwater treatment must be prepared and submitted for review so that it can be finalized prior to project completion. The storm tree unit within the City right-of-way must be inspected, maintained, and a post-construction monitoring report submitted annually until the City accepts the street and associated infrastructure.*

   Response: A Stormwater Maintenance Agreement has been included from Sterling Stormwater for the maintenance of the focal point treatment system and R-Tank storage system. Inspection, maintenance, and housekeeping (IM&H) forms have also been included within the revised stormwater report for the focal point, R-Tanks, and StormTree systems. Also included within the revised stormwater under appendix 3 is the operation and maintenance plan provided by StormTree for the StormTree system. The HOA documents have been revised to include the responsibility of inspection, maintenance, and post-construction monitoring reporting of the roadway extension and associated infrastructure to be upon the HOA until the City accepts the street and associated infrastructure.

4. *A riprap slope detail should be added to the plan set for the armoring of the proposed 1.5:1 slope and the end of Powsland Street.*

   Response: A riprap slope detail has been included. Please see the revised detail on sheet 11.

5. *The applicant should explore ways to reduce the velocity of the outfall pipe SD-13.*

   Response: The slope of the outfall pipe has been decreased by increasing the depth of the structure. A riprap apron has also been included at the outfall to help slow runoff and prevent erosion and sedimentation.

6. *The City updated the Technical Manual in November 2022. Although this application is vested under the regulations in effect when the application was deemed complete, DPW recommends matching sewer and storm details to reflect the updated technical manual standards.*

   Response: The plan set details have been updated to reflect the revised technical manual.

7. *The City Staff are strongly suggesting to upgrade the culvert at the end of Powsland Street as proposed.*

   Response: Acknowledged. The applicant has stated that they will replace the culvert but it is not necessary to meet Portland's Stormwater Standards, with the exception of the flooding standard which we are requesting a waiver for (per Chapter 500 waiver criteria, see page 4 of the Stormwater Report) due to the location of the railroad cross culvert outlet being the mouth of a major river segment tributary to the Fore River. Due to the long lead times in working with Amtrak, it is requested that this not be a formal condition of approval for the project.

Public Safety:

1. *Provide Portland Water District ability to serve documentation. All units will require water supply for both sprinkler protection along with domestic water and the street hydrant is only showing that it can only provide 1000 GPM. City Staff are concerned that there is not enough water in the street for this project.*

   Response: Please see the attached letter of capacity received from PWD for the proposed project on 03/01/2022.

Landscaping & Environmental Quality:

1. *The site contains an extensive amount of invasive plants including Japanese Knotweed. Landscape and site work should reflect the proper treatment to reduce erosion and replace invasive plants with desirable native plants with a minimum of controlling invasive plants so do not continue to spread to neighbors properties.*

   Response: Landscape note 13 on sheet 9 calls for the removal of all invasives prior to planting of new material.

Board / Staff Comments From 02/14/2023 Meeting:

1. *Concern was expressed about there not being sidewalks and/or connectivity between the units.*

Response: The applicant is still requesting a waiver from the sidewalk standard as it is still be applicable. However, the walkways to access each of the units have been revised to create a continuous walkway between all the units. Please see the revised site plan (Sheet 4).

2. *Concern was expressed about the stormwater calculations and request to provide stormwater calculations with and without the culvert replacement.*

   Response: The stormwater report has been revised to include calculations outlining the project's stormwater compliance with the Portland Stormwater Standards with and without the culvert being replaced. Please see the revised Stormwater Report that has been included with this resubmission.

3. *Please provide updated renderings.*

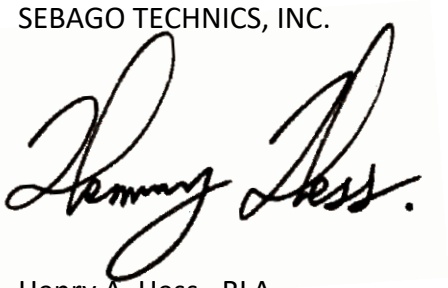
   Response: Please see the revised architectural renderings with walkways and driveways that match the site plans.

4. *Confirm the wetland impact number.*

   Response: The wetland fill was originally permitted through MDEP and ACOE with an approximate wetland impact of 3,600 square feet, and since then there have been revisions to the plans that have resulted in less wetland impact. The proposed wetland impact is now approximately 3,552 square feet.

Upon your review of our responses, please contact me if you have any questions.

Sincerely,
SEBAGO TECHNICS, INC.



Henry A. Hess., RLA
Project Manager
Maine Licensed Landscape Architect.

HAH:jsh

January 11, 2023
07360-01

Planning and Urban Development Department
City Hall – 4th Floor, 389 Congress Street
Portland, Maine 04103

Flooding Standard Waiver Request
73 Powsland Street Portland ME 04103

To Whom It May Concern,

On behalf of the applicant STJ Inc., we are respectfully submitting this waiver request from the flooding standard for the Powsland Street Project. Per MDEP Chapter 500 flooding standard waiver criteria we would like to request a waiver from flooding standard.

> *"A project is eligible for a waiver from the flooding standard as follows. A) Discharge to a coastal wetland, a great pond, or a major river segment. A waiver is available for a project in the watershed of a coastal wetland, a great pond, or a major river segment provided the applicant demonstrates that the project conveys stormwater exclusively in sheet flow, in a manmade open channel, or in a piped system directly into one of these resources." - Page 14 of Chapter 500*

Due to the nature of this project's watershed, we would like to respectfully request a waiver from the flooding standard. The location of the point of analysis (POA-1) is likely a coastal wetland and is located at beginning of a major river segment that is directly tributary to the Fore River. It is understood that the peak flow rate at the culvert outfall (POA-1) will inevitably increase due to the larger diameter culvert and improved outlet control structure capable of conveying more flow, and to address the increased flow rate a properly sized rip rap apron is proposed at the outfall. It is anticipated that there will be no significant impact on the surrounding waterways due to the detention still available in the pond to the south of the project site and the proposed rip rap apron at the culvert outfall.

We hope we have provided sufficient information for a waiver from the flooding standard. In the interim, if you or staff have comments on this waiver request or require additional information, please contact me.

Sincerely,
SEBAGO TECHNICS, INC.

Henry A. Hess., RLA
Project Manager
Maine Licensed Landscape Architect.

HAH:jsh

February 07, 2023
07360-01

Planning and Urban Development Department
City Hall – 4th Floor, 389 Congress Street
Portland, Maine 04103

Sidewalk Waiver Request Article 14 Section 6.1
73 Powsland Street Portland ME 04103

To Whom It May Concern,

On behalf of the applicant STJ Inc., I am pleased to submit this waiver request for the Minor Site Plan Application for the Powsland Street Project. The applicant would like to request a waiver from site plan review standards 14.6.1.B.3.c and d.

> "All Development shall provide curbs and sidewalks along all frontages, installed to specifications as described in the transportation systems and street design standards of the technical manual."

The applicant is requesting the waiver for sidewalks along all frontages due to meeting at least (2) of the waiver criteria as listed in Chapter 14, section 14.6.1.B.3.c. Descriptions of those criteria and how they are met are listed below.

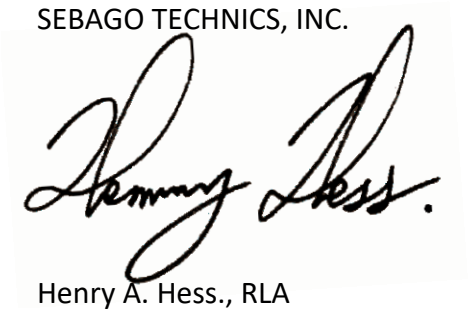
i. *There is no reasonable expectation for pedestrian usage coming from, going to, and traversing the site*.
   a. The Powsland street project is located at the very end of the street where there will not be pedestrian traffic other than from the residents in the proposed homes.

ii. There is no sidewalk in existence or expected within 1000 feet and the construction of sidewalks does not contribute to the development of pedestrian-oriented infrastructure.
   a. Currently, no sidewalk runs the length of Powsland Street on the project side. Therefore, the creation of a sidewalk in front of this project will not contribute to the development of pedestrian-oriented infrastructure.

iii. The street has been repaved recently and no sidewalks were installed during the recent reconstruction /paving of Powsland St.

We hope we have provided sufficient information for a waiver of the sidewalk development along the entire frontage of the Powsland street project as requested above. In the interim, if you or the staff have comments on this waiver request or require additional information, please contact me.

Sincerely,
SEBAGO TECHNICS, INC.



Henry A. Hess., RLA
Project Manager
Maine Licensed Landscape Architect.

HAH:jsh

SEBAGO TECHNICS

40 YEARS OWNERSHIP • GROWTH

Memorandum

To: **Chris Branch, Director of Public Works**

From: **Henry Hess, R.L.A., Sebago Technics**

Date: **September 13, 2022**

Subject: **Request to Repave Under Moratorium in Response to City Comment**
73 Powsland Street
Portland, Maine

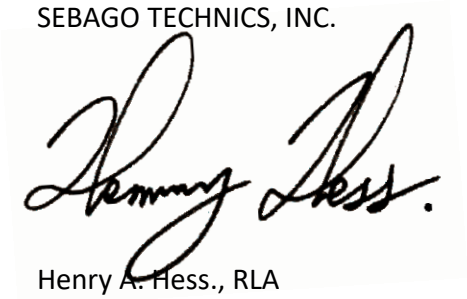
Chris,

On behalf of the applicant STJ Inc., we are pleased to submit this request to repave the end of Powsland Street currently under the existing 5-year moratorium. The roadway work will extend from the beginning limit of work (proposed saw cut line) to the end of the road extension. STJ Inc. is proposing to repave 185 feet of Powsland Street to extend the road. 125 ft of the total 185ft will be a new road extension and turnaround. Included will be a dirt road connection to an existing dirt road and gated (for emergency and municipal access only). We understand the purpose of a moratorium is to preserve the condition of the roadway, and due to the expected number of saw cuts and patchwork for utility connections for the proposed buildings we believe that the roadway condition will be preferable if repaved entirely for 185ft of completed new roadway.

Attached you will find the proposed Overall Grading and Utility Plan showing the existing edge of the pavement at the end of Powsland Street, the proposed saw cut line/start of new pavement and the proposed utility connections where trench work would be necessary.

We hope we have provided sufficient information for the ability to repave under the moratorium. In the interim, if you or staff have comments on this request or require additional information, please contact me.

Sincerely,
SEBAGO TECHNICS, INC.



Henry A. Hess., RLA
Project Manager
Maine Licensed Landscape Architect.

HAH:jsh

SEBAGO TECHNICS
CIVIL ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE

STORMWATER MANAGEMENT REPORT

For

POWSLAND STREET
PORTLAND, ME

Prepared for:

STJ, INC
P.O. Box 58
Gorham, ME 04038

Prepared by:

Sebago Technics, Inc.
75 John Roberts Rd, Suite 4A
South Portland, ME 04106

February, 2023

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Appendix 2A: Hydrologic Modeling– Existing Conditions (HydroCAD)Summary
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STORMWATER MANAGEMENT REPORT
POWSLAND STREET
PORTLAND, ME

1. Introduction

This Stormwater Management Plan Report has been prepared to present analyses performed to address the potential impacts associated with the project due to proposed modification in stormwater runoff characteristics and land cover changes. The stormwater management controls that are outlined in this report have been designed to suit the proposed development and to comply with applicable regulatory requirements.

2. Existing Conditions

The project site consists of undeveloped land that was previously owned by the Portland Water District, located on the west side of Powsland Street in Portland. The site is approximately 0.69 acres in size and it is bounded by wetlands to the south and west. Train tracks on the south side of the wetlands provide a barrier for the watershed that outlets through a culvert underneath the railroad tracks. Slopes on the site range from 2-55% in some areas.

The site is tributary to a small wetland detention pond to the South that discharges through a culvert underneath the train tracks to the mouth of a river segment that drains into the Fore River. According to Chapter 502 of the Maine Department of Environmental Protection (MDEP) regulations, the Fore River is not listed as an Urban Impaired Stream.

The development area of the site is not located in an identified flood zone per the FEMA Flood Insurance Rate Map for the City of Portland, Community Panel 2300510006B with an effective date of 1986.

3. Soils

Soil characteristics were obtained from the USDA Web Soil Survey. The Hydrologic Groups (HSG) of the soils is classified by Technical Release TR-55 of the Soil Conservation Service as follows:

Soil Map Symbol	Soil Name	Slope (%)	HSG
BgB	Nicholville	0-8	C
BuB	Lamoine	3-8	C/D
DeB	Deerfield	3-8	A
Wa	Walpole	0-3	A/D

Hydrologic Soil Group boundaries are delineated on the Stormwater Management Plans. A copy of the Class D Medium Intensity Soil Survey is included as Appendix 4.

4. Proposed Site Improvements

The proposed development will consist of five 1,305 SF residential buildings and approximately 3,500 SF road extension with a turnaround. The project will result in the creation of 16,585 SF of impervious area and 31,480 SF of developed area.

Proposed as part of the project is the replacement and upsizing of the cross culvert that connects the existing wetland detention pond south of the project site to the Fore River on the other side of the railroad tracks. In 2014 STJ, Inc. received an MDEP field determination letter granting them the ability to replace and upsize the culvert without an MDEP permit if the culvert is replaced with the same inverts. To determine the appropriate size of the replacement culvert the 100-yr storm was modeled to the pond with the proposed double grate outlet control structure. During this storm event, the maximum inlet capacity of the double grate inlet was approximately 24.5 CFS. It was determined that a 24" D.I. culvert is the appropriate size as it has the capacity for approximately 35 CFS, giving the culvert capacity a factor of safety of about 1.4.

5. Existing Conditions Model

The existing conditions watershed plan consists of seven (7) subcatchments labeled 1S thru 7S in the HydroCAD model. One location was identified as a Point of Analysis (POA) for comparing peak runoff rates. POA-1 is the culvert outlet on the south side of the train tracks connecting the pond in the wetland (1P) to the Fore River. All the subcatchments contribute runoff to this study point with an overall analysis area of approximately 9.98 acres.

6. Proposed Conditions Model

The proposed conditions watershed plan consists of slightly more overall area due to proposed grading changes directing more runoff to the point of analysis. The overall analysis area is approximately 9.99 acres.

POA-1: Subcatchment 4S does not change. Subcatchments 1.1S and 1.2S are broken up from 1S. Subcatchment 5S loses area to 1.1S which represents the roadway and attributing grassed area. Subcatchment 3S loses area to 1.1S and 1.2S which represents the roof area and landscaped area on the west side of the buildings. Subcatchment 2S gains area from 1S by the grading done onsite. Subcatchment 6S and 7S represent the northern portion of Powsland Street and the adjacent residential lots, these subcatchments remain mostly the same only gaining and losing area around the proposed catch basins.

Subcatchments 2S, 3S, 4S, 5S, and 7S directly contribute runoff to 1P which discharges to POA-1. Subcatchment 6S runoff is captured by the Stormtree treatment system (ST1) which has been sized to treat a portion of the existing roadway and bypass the rest to 1P and then POA-1. Subcatchment 1.2S runoff is captured by the Focal Point treatment system (1FP) which then discharges to the R-Tank storage system (1RT) under the Focal Point system. From 1RT flow is then conveyed into 1P and then to POA-1.

The Best Management Practices used (Focal Point and R-Tanks) have been designed and sized in accordance with DEP BMP standards contained within Chapter 500 and the BMP Manual. The Stormtree system has been sized in accordance with the manufacturer's specifications. Sizing calculations can be found in Appendix 1.

7. Stormwater Management

Basic Standard - Chapter 500, Section 4(B)

Since the project will disturb more than one (1) acre of land area, MDEP Basic Standards apply, requiring that grading or other construction activities on the site do not impede or otherwise alter drainage ways to have an unreasonable adverse impact. We have avoided adverse impacts by providing an Erosion & Sedimentation Control Plan, and an Inspection, Maintenance and Housekeeping Plan (Appendix 3) to be implemented during construction and post-construction stabilization of the site. These construction requirements have been developed following Best Management Practice guidelines.

General Standard - Chapter 500, Section 4(C)

Although the project will not create more than one (1) acre of impervious surface, since the project is a new development classified as a minor site plan and will create more than 1,000 SF of impervious surface, under Section 5 of the City of Portland's technical manual, MDEP General Standards must be met. This requires a project's stormwater management system to include treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. The General Standards require treatment of no less than 95% of the site's created impervious area and no less than 80% of the site's created developed area (landscaped area and impervious area combined). To mitigate the changes in hydrologic patterns due to the development of this project a Focal Point media filter, subsurface R-Tank storage system, and Stormtree filter system have been implemented into the stormwater management infrastructure. Filtration BMPs are very effective at removing a wide range of pollutants through the use of organic soil filter media.

BMP sizing and treatment calculations are provided as Appendix 1.

Through the use of the aforementioned BMP's, 98.17% of new impervious area and 89.63% of new developed area will be receiving treatment. This calculation is including all new impervious and landscaped areas within the right of way. This meets the requirements for the Maine DEP General Standards.

Flooding Standard - Chapter 500, Section 4(F)

Since the project is a new development classified as a minor site plan and will create more than 1,000 SF of impervious surface, under Section 5 of the City of Portland's technical manual, MDEP Flooding Standards must be met. The Flooding Standard requires a project's stormwater management system detain, retain, or result in the infiltration of stormwater from 24-hour storms of the 2, 10, and 25-year frequencies such that the peak flows of stormwater from the project site do not exceed the peak flows of stormwater prior to undertaking the project. As such, a runoff evaluation was performed using the methodology outlined in the USDA Soil Conservation Service's "Urban Hydrology for Small Watersheds - Technical Release #55 (TR-55)". HydroCAD computer software was utilized to perform the calculations.

Runoff curve numbers were determined for each of the subcatchments by measuring the area of each hydrologic soil group within each type of land cover. The type of land cover was determined based on survey data, field reconnaissance and aerial photography. Times of concentration were determined from site topographic maps in accordance with SCS procedures.

The 24-hour rainfall values utilized in the hydrologic model were obtained from Appendix H of MDEP's Chapter 500: Stormwater Management (effective date August 2015). Rainfall values for Cumberland County SE are listed in the table below.

Storm Frequency Precipitation (in./24 hr) Cumberland County SE	
2-year	3.10
10-year	4.60
25-year	5.80

Due to the nature of this project's watershed, we would like to respectfully request a waiver from the flooding standard (per MDEP Chapter 500 waiver criteria). The location of POA-1 is likely a coastal wetland and is located at beginning of a major river segment that is directly tributary to the Fore River. It is also understood that the peak flow rate at the culvert outfall (POA-1) will inevitably increase due to the larger diameter culvert and improved outlet control structure capable of conveying more flow, and to address the increased flow rate a properly sized rip rap apron is proposed at the outfall. It is anticipated that there will be no significant impact on the surrounding waterways due to the detention still available in the pond to the south of the project site and the proposed rip rap apron at the culvert outfall.

The following table presents the results of the peak runoff calculations at POA-1 for the existing and proposed conditions.

Peak Runoff Rate Summary Table			
Analysis Point	**Storm Event**	**Existing Conditions (cfs)**	**Proposed Conditions (cfs)**
POA-1	2-year	2.8	1.5
	10-year	4.0	11.5
	25-year	4.3	16.8

The HydroCAD Data output sheets from this analysis are appended to this report (Appendix 2) along with the Stormwater Management Plans (Appendix 5). As mentioned above it is anticipated that the peak flow rate at the culvert outfall (POA-1) will increase due to the larger diameter culvert capable of conveying more flow, as well as the addition of a storm drain system within the end of Powsland Street that directly conveys runoff into the detention pond.

Stormwater Management – Without Culvert Replacement

The applicant has stated they will replace the culvert but that it is not necessary to meet Portland's Stormwater Standards, with the exception of the flooding standard which we are requesting a waiver for per MDEP Chapter 500 waiver criteria. The location of POA-1 is likely a coastal wetland and is located at the beginning of a major river segment that is directly tributary to the Fore River. This section is intended to outline the project's general compliance with Portland's Stormwater standards to disconnect the culvert replacement project from the proposed residential development. Due to the long lead times in working with Amtrak, it is requested that this not be a formal condition of approval for the project.

The Basic and General Standards will still be met as the culvert replacement does not affect the proposed stormwater treatment or erosion and sediment control plan. There is however a minor anticipated effect on the pond elevation associated with not replacing the culvert that in hand creates a minor increase in peak flow rate at the outfall of the cross culvert (POA-1).

The following table presents the results of the peak runoff calculations at POA-1 for the existing and proposed conditions without the culvert replacement.

Peak Runoff Rate Summary Table			
Analysis Point	**Storm Event**	**Existing Conditions (cfs)**	**Proposed Conditions (cfs)**
POA-1	2-year	2.8	2.9
	10-year	4.0	4.1
	25-year	4.3	4.4

The HydroCAD Data output sheets from this analysis are appended to this report (Appendix 2) along with the Stormwater Management Plans (Appendix 5). The model predicts that the peak runoff rates in the post-development condition at POA-1 are slightly above below pre-development runoff rates for the 2, 10, and 25-year storm events with the implementation of the proposed stormwater management practices and stormwater infrastructure within Powsland Street.

The following table presents the results of the peak elevation calculations at the detention pond 1P for the existing and proposed conditions without the culvert replacement.

Peak Elevations Table			
Analysis Point	**Storm Event**	**Existing Conditions Elev. (ft)**	**Proposed Conditions Elev. (ft)**
Pond 1P	2-year	10.89	10.99
	10-year	12.16	12.25
	25-year	13.09	13.19

In the proposed conditions it is anticipated that the detention pond peak elevations will see a minor increase due to the addition of a storm drain system within the end of Powsland Street. The proposed stormdrain system directly conveys the majority of runoff from Powsland Street into the detention pond that otherwise is delayed as it currently travels through the densely vegetated project site.

It is anticipated that there will be no significant impact on the surrounding waterways due to the detention still available in the pond to the south of the project site, and POA-1 likely being a coastal wetland and located at the beginning of a major river segment.

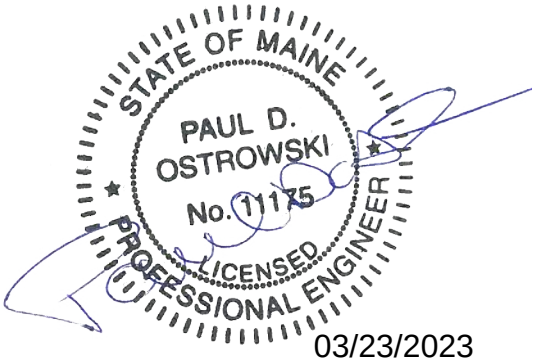
Summary

The proposed development has been designed to manage stormwater runoff through Best Management Practices approved by MDEP. Stormwater BMP's provide treatment to 98.17% (95% required) of impervious areas, and 89.63% (80% required) of the total developed area,

including the treatment of new impervious, existing impervious, and new landscaped areas within the right of way. Runoff discharging from the site will be properly handled through the proposed outlet control structures and rip rap aprons. Additionally, erosion and sedimentation controls along with associated maintenance and housekeeping procedures have been outlined to prevent unreasonable impacts on the site and to the surrounding environment.

Prepared by:

SEBAGO TECHNICS, INC.



03/23/2023

Jake S. Hunnewell, E.I.
Civil Engineer
JSH

Paul D. Ostrowski, P.E.
Senior Project Engineer
PDO

Appendix 1

Stormwater Quality Calculations

Table 1: MDEP GENERAL STANDARD CALCULATIONS

Job # 07360-01

AREA ID	WATERSHED SIZE (S.F.)	EXISTING ONSITE IMPERVIOUS AREA TO REMAIN (S.F.)	NEW ONSITE IMPERVIOUS AREA (S.F.)	EXISTING ONSITE LANDSCAPED AREA TO REMAIN (S.F.)	NEW ONSITE LANDSCAPED AREA (S.F.)	NET NEW DEVELOPED AREA (S.F.)	NET EXISTING DEVELOPED AREAS (S.F.)	TREATMENT PROVIDED?	IMPERVIOUS AREA TREATED (S.F.)	LANDSCAPED AREA TREATED (S.F.)	DEVELOPED AREA TREATED (S.F.)	TREATMENT BMP
1.1S	12,765	85	5,910	0	665	6,575	85	NO	0	0	0	
1.2S	22,745	0	10,675	0	12,070	22,745	0	YES	10,675	12,070	22,745	FP1
2S	84,325	0	0	0	0	0	0	NO	0	0	0	
3S	6,565	0	0	0	940	940	0	NO	0	0	0	
4S	153,485	0	0	0	0	0	0	NO	0	0	0	
5S	43,680	10,505	175	0	1,075	1,250	10,505	NO	0	0	0	
6S	31,980	6,000	0	0	0	0	6,000	YES	6,000	0	6,000	ST1
7S	79,835	15,785	225	0	335	560	15,785	NO	0	0	0	
TOTAL (S.F.)	**435,380**	**32,375**	**16,985**	**0**	**15,085**	**32,070**	**32,375**		**16,675**	**12,070**	**28,745**	

TOTAL NEW IMPERVIOUS AREA (S.F.)	**16,985**	**TOTAL DEVELOPED AREA (S.F.)**	**32,070**
TOTAL IMPERVIOUS AREA RECEIVING TREATMENT (S.F.)	**16,675**	**TOTAL AREA RECEIVING TREATMENT (S.F.)**	**28,745**
% OF IMPERVIOUS AREA RECEIVING TREATMENT	**98.17%**	**% OF AREA RECEIVING TREATMENT**	**89.63%**

"NEW ON SITE" IS INCLUDING ALL NEW PAVEMENT AND LANDSCAPED AREA IN THE R.O.W.

SEBAGO TECHNICS, INC.
75 John Roberts Road Suite 4A
South Portland, Maine 04106
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JOB
SHEET NO. 1 OF 1
CALCULATED BY DATE
FILE NAME 07360-01 WQC.xlsx PRNT DATE 3/22/2023

FOCALPOINT, ACF ENVIRONMENTAL

Task: Size Focal Point treatment system pursuant to the General Standards, Section 4.C of Chapter 500.

References 1. Letter from Maine Department of Environmental Protection, Director-Bureau of Land Resources to Stormwater Systems ACF-Convergent Water Technologies Alliance, Dated May 16, 2016 indicating FocalPoint biofiltration meets requirements of the General Standards for Treatment.

Per Reference 1 above, the system must be sized to meet:

a. "entire volume of a 0.96 inch Type III 24-hour storm is treated prior to activation of the bypass/overflow"

b. "surface area….must be a minimum of 174 s.f. per 1 acres of impervious area treated (26s.f. per 0.15 acres)"

c. "treatment flow rate for the Stormtech Isolator Row is the projected one year peak flow rate for the drainage area feeding the Isolator Row"

Flow rates:

Stormtech SC-310	0.10	cfs/chamber
Stormtech SC-740	0.20	cfs/chamber
Stormtech DC-780	0.20	cfs/chamber
Stormtech MC-3500	0.30	cfs/chamber
Cultech 150XLHD	0.185	cfs/chamber
Cultech 330XLHD	0.227	cfs/chamber

Tributary to FocalPoint System: FP1

Landscaped Area	12,070.00	SF
Impervious Area	10,675.00	SF

Minimum Surface Area of FocalPoint:

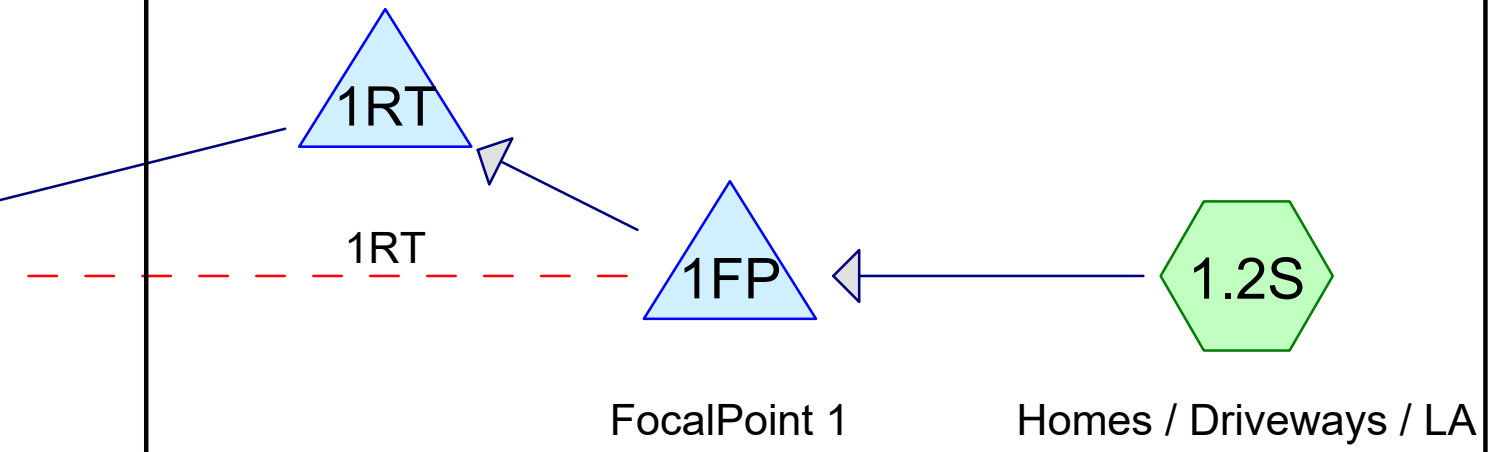
Required: 26 s.f. per 0.15 acres of impervious area

Total Impervious Area	10,675.00	SF	0.25	AC
		X	174.00	SF/ACRE
Required Minimum Surface Area			42.6	SF
Provided Surface Area			50.0	SF

Treatment Volume

Required: (0.4" X Landscaped + 1.0" X Impervious)

Landscaped Area	12,070.00	SF	Volume	402.3				
Impervious Area	10,675.00	SF	Volume	889.6				
Treatment Volume Required				1,291.9	CF	0.030	AF	
				must discharge in 24-48 hours				



Subcat Reach Pond Link

Routing Diagram for 07360-01 Post SW 2023-01-06
Prepared by Sebago Technics, Inc., Printed 3/22/2023
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Area Listing (selected nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
3,095	74	>75% Grass cover, Good, HSG C (1.2S)
8,975	80	>75% Grass cover, Good, HSG D (1.2S)
10,675	98	Roof / Driveways (1.2S)
22,745	**88**	**TOTAL AREA**

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1.2S: Homes / Driveways / Runoff Area=22,745 sf 46.93% Impervious Runoff Depth=0.73"
Tc=6.0 min CN=88 Runoff=0.4 cfs 1,383 cf

Pond 1FP: FocalPoint 1 Peak Elev=20.61' Storage=266 cf Inflow=0.4 cfs 1,383 cf
Primary=0.2 cfs 1,382 cf Secondary=0.0 cfs 0 cf Outflow=0.2 cfs 1,382 cf

Pond 1RT: 1RT Peak Elev=14.51' Storage=389 cf Inflow=0.2 cfs 1,382 cf
Outflow=0.1 cfs 1,334 cf

Total Runoff Area = 22,745 sf Runoff Volume = 1,383 cf Average Runoff Depth = 0.73"
53.07% Pervious = 12,070 sf 46.93% Impervious = 10,675 sf

Summary for Subcatchment 1.2S: Homes / Driveways / LA

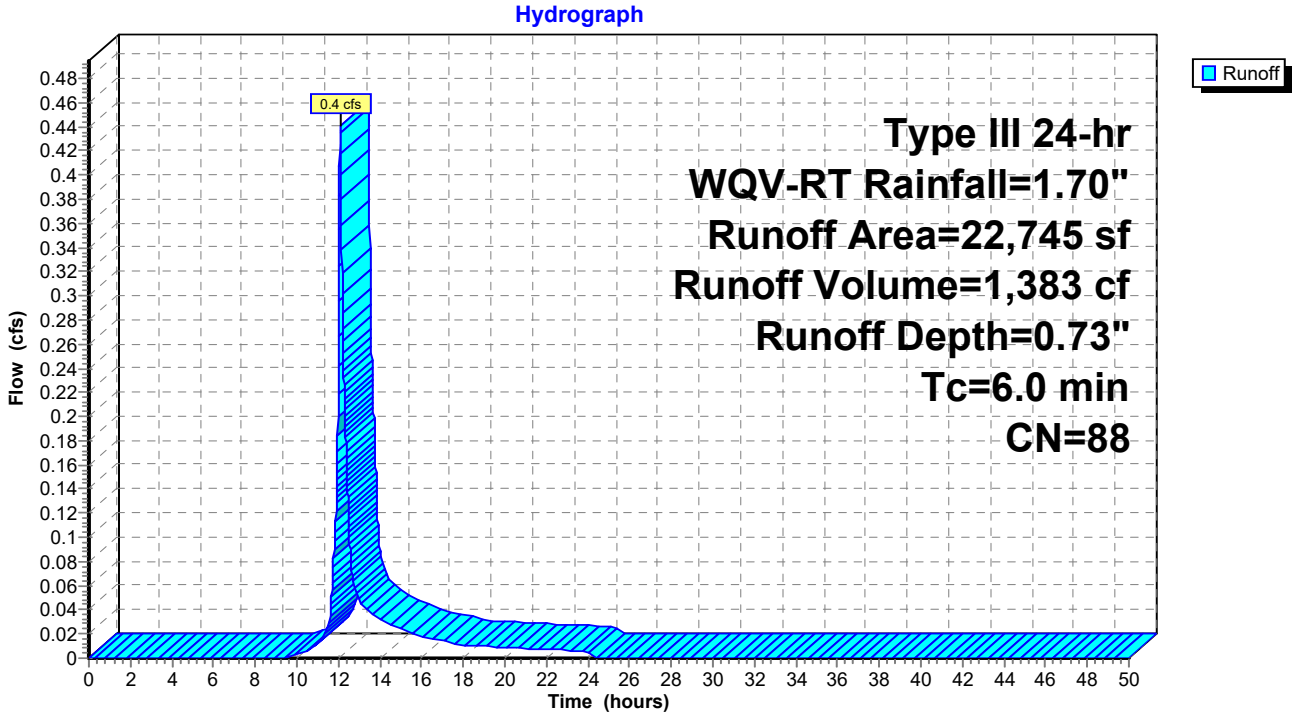
Runoff = 0.4 cfs @ 12.09 hrs, Volume= 1,383 cf, Depth= 0.73"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr WQV-RT Rainfall=1.70"

	Area (sf)	CN	Description
	8,975	80	>75% Grass cover, Good, HSG D
	3,095	74	>75% Grass cover, Good, HSG C
*	10,675	98	Roof / Driveways
	22,745	88	Weighted Average
	12,070		53.07% Pervious Area
	10,675		46.93% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 1.2S: Homes / Driveways / LA



Summary for Pond 1FP: FocalPoint 1

behind units 22 and 23

Inflow Area = 22,745 sf, 46.93% Impervious, Inflow Depth = 0.73" for WQV-RT event
Inflow = 0.4 cfs @ 12.09 hrs, Volume= 1,383 cf
Outflow = 0.2 cfs @ 12.42 hrs, Volume= 1,382 cf, Atten= 66%, Lag= 19.8 min
Primary = 0.2 cfs @ 12.42 hrs, Volume= 1,382 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 20.61' @ 12.42 hrs Surf.Area= 50 sf Storage= 266 cf

Plug-Flow detention time= 12.3 min calculated for 1,382 cf (100% of inflow)
Center-of-Mass det. time= 11.7 min (855.8 - 844.1)

Volume	Invert	Avail.Storage	Storage Description
#1	16.75'	23 cf	**5.00'W x 10.00'L x 2.25'H FocalPoint** 113 cf Overall x 20.0% Voids
#2	19.00'	588 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc) -Impervious
		610 cf	Total Available Storage

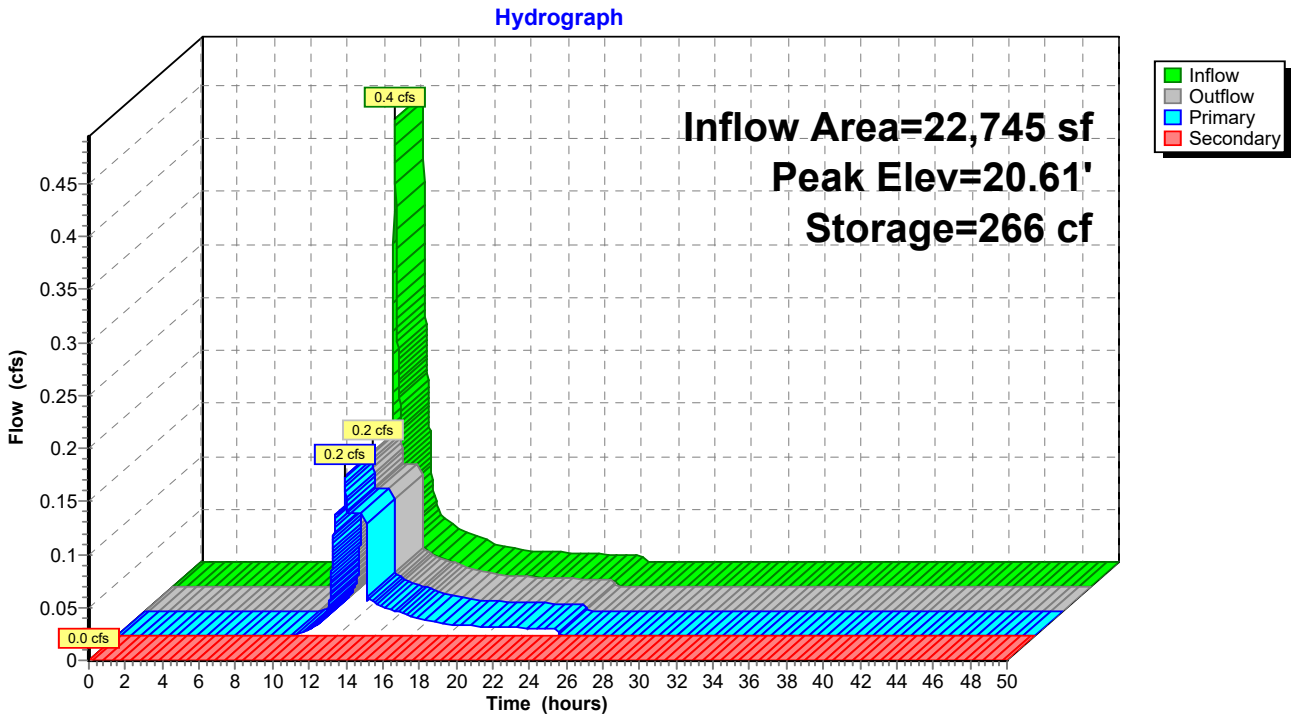
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
19.00	50	0	0
20.00	168	109	109
21.00	343	256	365
21.50	550	223	588

Device	Routing	Invert	Outlet Devices
#1	Primary	15.90'	**12.0" Round Culvert** L= 6.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 15.90' / 15.80' S= 0.0167 '/' Cc= 0.900 n= 0.012, Flow Area= 0.79 sf
#2	Device 1	16.75'	**100.000 in/hr Exfiltration over Surface area**
#3	Device 1	20.60'	**24.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#4	Secondary	21.00'	**12.0' long x 4.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50 Coef. (English) 2.38 2.54 2.69 2.68 2.67 2.67 2.65 2.66 2.66 2.68 2.72 2.73 2.76 2.79 2.88 3.07 3.32

Primary OutFlow Max=0.1 cfs @ 12.42 hrs HW=20.61' (Free Discharge)
└**1=Culvert** (Passes 0.1 cfs of 7.8 cfs potential flow)
  ├**2=Exfiltration** (Exfiltration Controls 0.1 cfs)
  └**3=Orifice/Grate** (Weir Controls 0.0 cfs @ 0.29 fps)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=16.75' (Free Discharge)
└**4=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Pond 1FP: FocalPoint 1



Summary for Pond 1RT: 1RT

Inflow Area = 22,745 sf, 46.93% Impervious, Inflow Depth = 0.73" for WQV-RT event
Inflow = 0.2 cfs @ 12.42 hrs, Volume= 1,382 cf
Outflow = 0.1 cfs @ 13.64 hrs, Volume= 1,334 cf, Atten= 23%, Lag= 73.0 min
Primary = 0.1 cfs @ 13.64 hrs, Volume= 1,334 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 14.51' @ 13.64 hrs Surf.Area= 466 sf Storage= 389 cf

Plug-Flow detention time= 287.4 min calculated for 1,334 cf (97% of inflow)
Center-of-Mass det. time= 268.4 min (1,124.2 - 855.8)

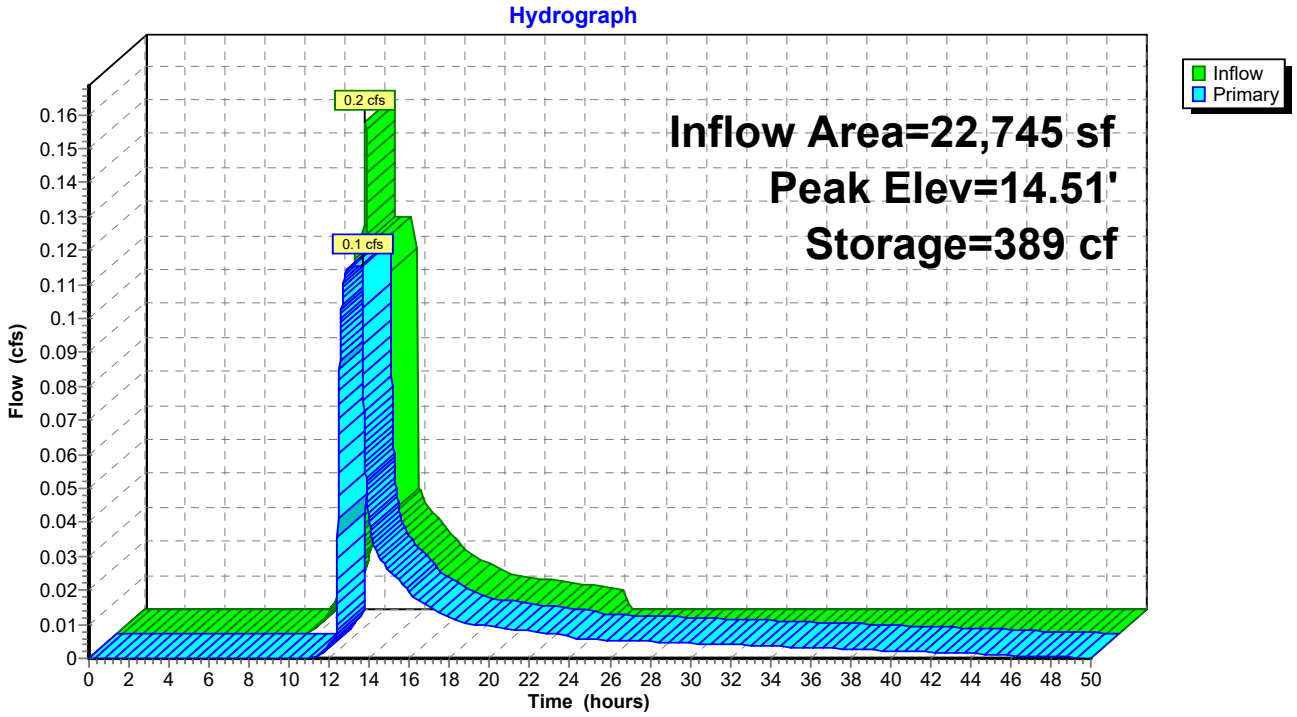
Volume	Invert	Avail.Storage	Storage Description
#1A	13.28'	426 cf	**14.50'W x 32.15'L x 4.07'H Field A** 1,898 cf Overall - 834 cf Embedded = 1,064 cf x 40.0% Voids
#2A	13.53'	792 cf	**ACF R-Tank HD 2** x 96 Inside #1 Inside= 15.7"W x 33.9"H => 3.52 sf x 2.35'L = 8.3 cf Outside= 15.7"W x 33.9"H => 3.70 sf x 2.35'L = 8.7 cf 96 Chambers in 8 Rows
		1,218 cf	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Primary	13.53'	**15.0" Round Culvert** L= 32.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 13.53' / 13.05' S= 0.0150 '/' Cc= 0.900 n= 0.012, Flow Area= 1.23 sf
#2	Device 1	13.35'	**0.5" Vert. Orifice/Grate** C= 0.600
#3	Device 1	14.30'	**5.0" Vert. Orifice/Grate** C= 0.600
#4	Device 1	16.00'	**4.0' long x 0.5' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32

Primary OutFlow Max=0.1 cfs @ 13.64 hrs HW=14.51' (Free Discharge)
└**1=Culvert** (Passes 0.1 cfs of 3.5 cfs potential flow)
  ├**2=Orifice/Grate** (Orifice Controls 0.0 cfs @ 4.77 fps)
  ├**3=Orifice/Grate** (Orifice Controls 0.1 cfs @ 1.57 fps)
  └**4=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Pond 1RT: 1RT


Hydrograph
Inflow
Primary
0.2 cfs
0.1 cfs
Inflow Area=22,745 sf
Peak Elev=14.51'
Storage=389 cf
Flow (cfs)
0 0.01 0.02 0.03 0.04 0.05 0.06 0.07 0.08 0.09 0.1 0.11 0.12 0.13 0.14 0.15 0.16
Time (hours)
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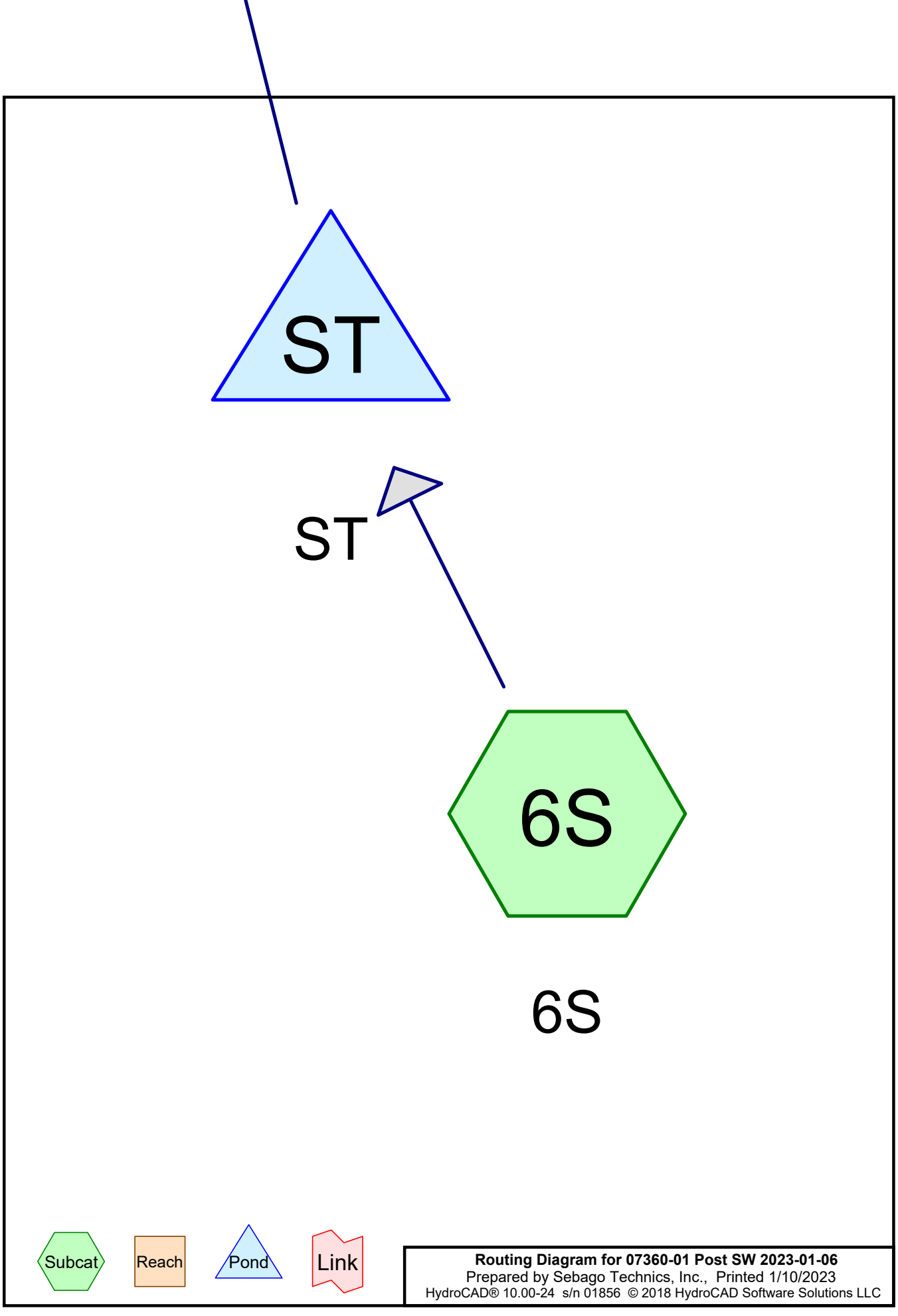
ST
ST
6S
6S
Subcat
Reach
Pond
Link
Routing Diagram for 07360-01 Post SW 2023-01-06
Prepared by Sebago Technics, Inc., Printed 1/10/2023
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Area Listing (selected nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
9,805	77	1/8 acre lots, 65% imp, HSG A (6S)
6,910	90	1/8 acre lots, 65% imp, HSG C (6S)
4,670	39	>75% Grass cover, Good, HSG A (6S)
2,755	74	>75% Grass cover, Good, HSG C (6S)
7,840	98	Pavement (6S)
31,980	**79**	**TOTAL AREA**

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment6S: 6S Runoff Area=31,980 sf 58.49% Impervious Runoff Depth=0.19"
Flow Length=718' Tc=6.6 min CN=79 Runoff=0.1 cfs 513 cf

Pond ST: ST Peak Elev=29.62' Storage=15 cf Inflow=0.1 cfs 513 cf
Outflow=0.1 cfs 501 cf

Total Runoff Area = 31,980 sf Runoff Volume = 513 cf Average Runoff Depth = 0.19"
41.51% Pervious = 13,275 sf 58.49% Impervious = 18,705 sf

Summary for Subcatchment 6S: 6S

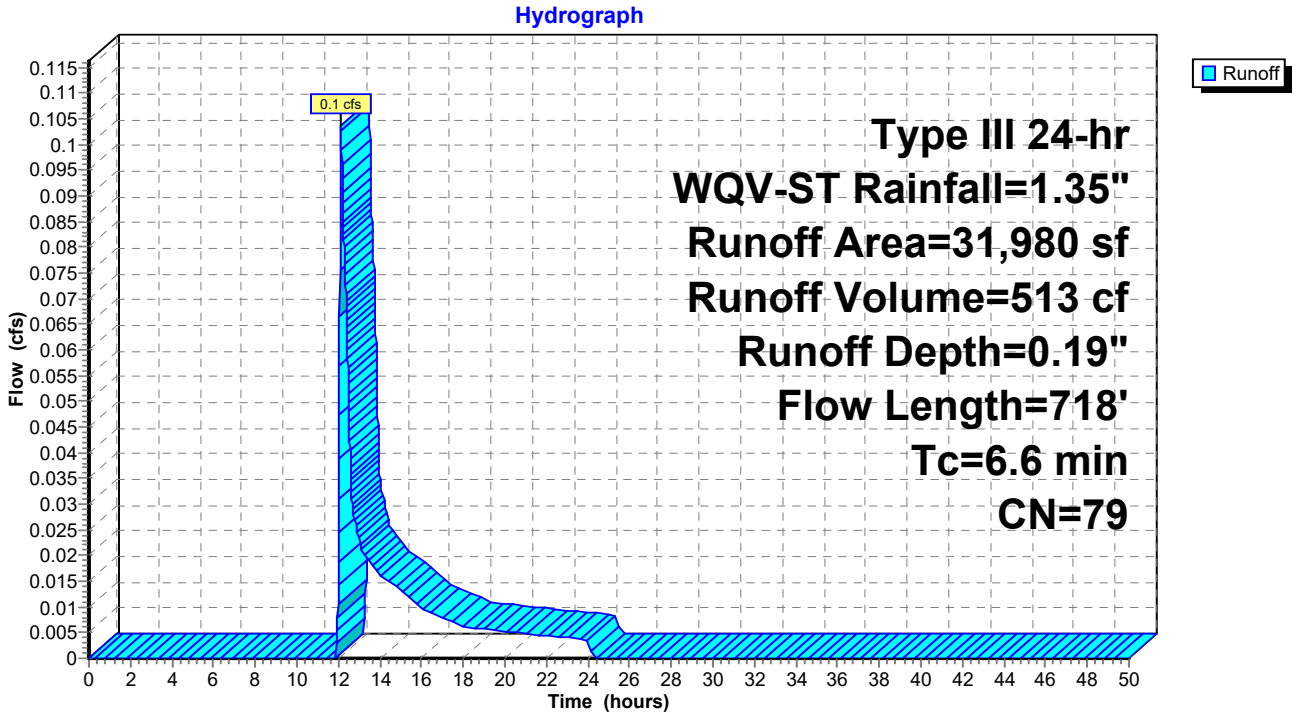
Runoff = 0.1 cfs @ 12.13 hrs, Volume= 513 cf, Depth= 0.19"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr WQV-ST Rainfall=1.35"

	Area (sf)	CN	Description
*	7,840	98	Pavement
	2,755	74	>75% Grass cover, Good, HSG C
	4,670	39	>75% Grass cover, Good, HSG A
	6,910	90	1/8 acre lots, 65% imp, HSG C
	9,805	77	1/8 acre lots, 65% imp, HSG A
	31,980	79	Weighted Average
	13,275		41.51% Pervious Area
	18,705		58.49% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.5	30	0.0568	0.20		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
3.0	370	0.0100	2.03		**Shallow Concentrated Flow, B-C** Paved Kv= 20.3 fps
0.6	115	0.0213	2.96		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
0.1	28	0.0200	6.95	5.46	**Pipe Channel, D-E** 12.0" Round Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.012 Corrugated PP, smooth interior
0.4	175	0.0250	7.77	6.10	**Pipe Channel, E-F** 12.0" Round Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.012
6.6	718	Total			

Subcatchment 6S: 6S



Summary for Pond ST: ST

Inflow Area = 31,980 sf, 58.49% Impervious, Inflow Depth = 0.19" for WQV-ST event
Inflow = 0.1 cfs @ 12.13 hrs, Volume= 513 cf
Outflow = 0.1 cfs @ 12.13 hrs, Volume= 501 cf, Atten= 0%, Lag= 0.3 min
Primary = 0.1 cfs @ 12.13 hrs, Volume= 501 cf

WQV REQUIRED TO TREAT 6,000 S.F. OF EXISTING ROADWAY

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 29.62' @ 12.13 hrs Surf.Area= 40 sf Storage= 15 cf

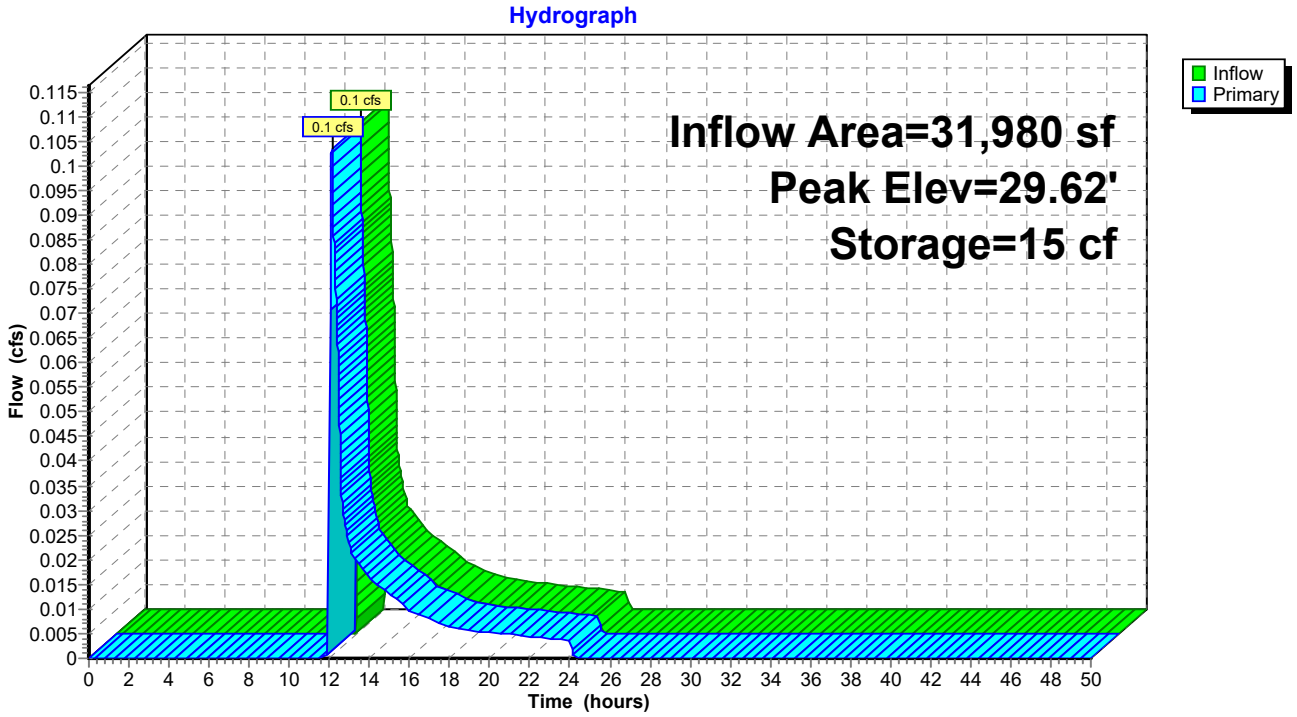
Plug-Flow detention time= 17.8 min calculated for 501 cf (98% of inflow)
Center-of-Mass det. time= 5.7 min (919.2 - 913.5)

Volume	Invert	Avail.Storage	Storage Description
#1	30.70'	36 cf	**10.00'W x 4.00'L x 2.25'H Prismatoid** 90 cf Overall x 40.0% Voids
#2	32.95'	27 cf	**10.00'W x 4.00'L x 0.68'H Prismatoid**
#3	28.70'	32 cf	**10.00'W x 4.00'L x 2.00'H Prismatoid** 80 cf Overall x 40.0% Voids
		95 cf	Total Available Storage

Device	Routing	Invert	Outlet Devices
#1	Device 2	28.70'	**140.000 in/hr Exfiltration over Surface area**
#2	Primary	29.45'	**12.0" Round Culvert** L= 25.0' CPP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 29.45' / 29.20' S= 0.0100 '/' Cc= 0.900 n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf
#3	Device 2	33.37'	**12.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.1 cfs @ 12.13 hrs HW=29.62' (Free Discharge)
└**2=Culvert** (Inlet Controls 0.1 cfs @ 1.12 fps)
  └**1=Exfiltration** (Passes 0.1 cfs of 0.1 cfs potential flow)
  └**3=Orifice/Grate** (Controls 0.0 cfs)

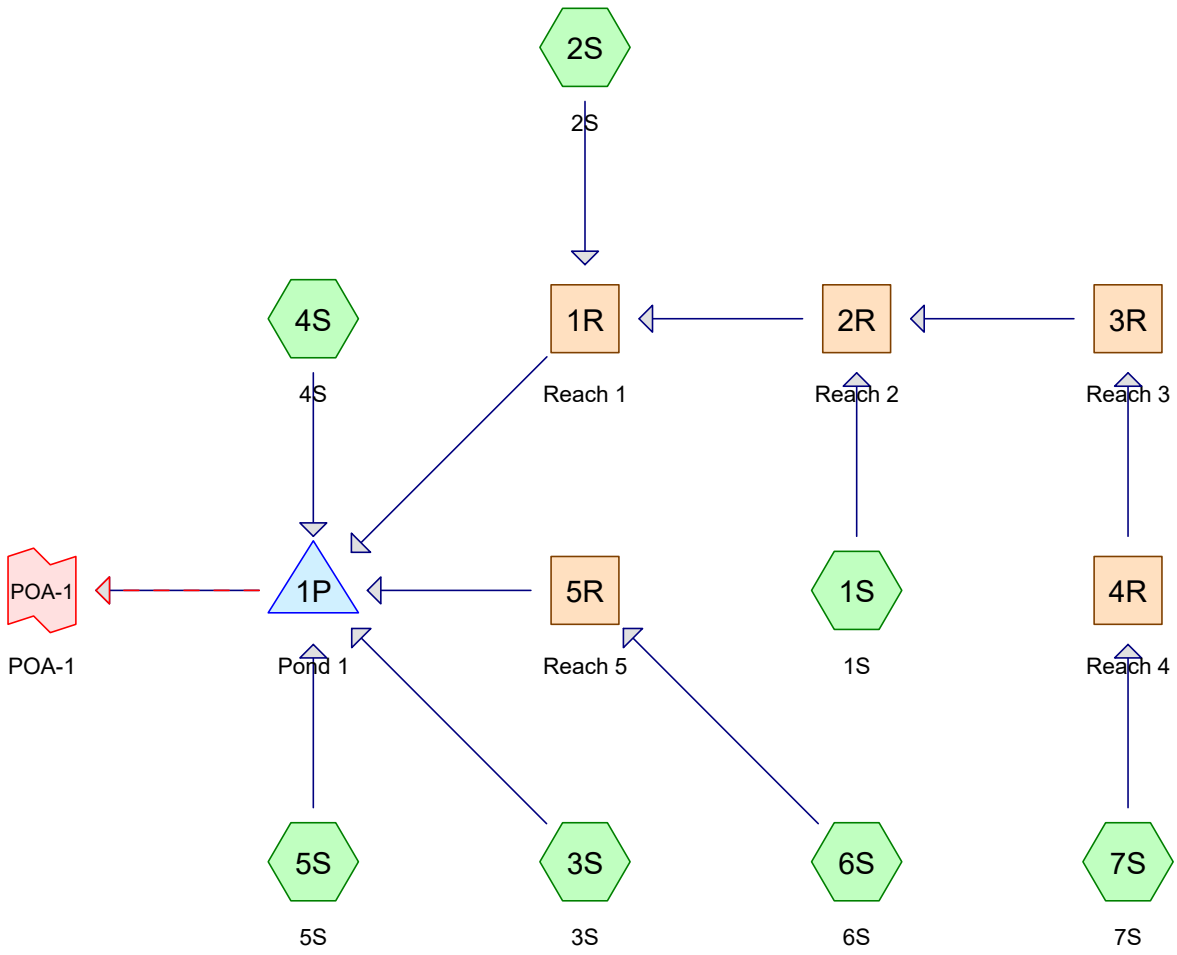
Pond ST: ST



STORMTREE (ST-4X10-SUL) TREATMENT FLOW RATE = 0.132 CFS
WQV STORM = 0.1 CFS

Appendix 2A

Existing Conditions HydroCAD Summary



Subcat Reach Pond Link

Routing Diagram for 07360-01 Pre SW 3
Prepared by Sebago Technics, Inc., Printed 3/22/2023
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Area Listing (selected nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
20,110	86	1/3 acre lots, 30% imp, HSG D (2S)
9,235	61	1/4 acre lots, 38% imp, HSG A (2S, 7S)
760	83	1/4 acre lots, 38% imp, HSG C (2S)
42,750	77	1/8 acre lots, 65% imp, HSG A (2S, 6S, 7S)
44,440	90	1/8 acre lots, 65% imp, HSG C (2S, 6S, 7S)
16,725	39	>75% Grass cover, Good, HSG A (6S, 7S)
18,525	74	>75% Grass cover, Good, HSG C (2S, 6S, 7S)
58,250	30	Brush, Good, HSG A (4S)
13,090	65	Brush, Good, HSG C (1S, 2S, 3S, 5S)
129,615	73	Brush, Good, HSG D (1S, 2S, 3S, 4S, 5S)
6,380	98	CMP impervious (5S)
1,215	98	Ex Gravel (5S)
4,555	98	Existing Gravel (1S)
2,865	98	Existing Pavement (1S)
1,260	98	Gravel (3S)
43,220	98	Pavement (3S, 4S, 6S, 7S)
3,095	98	Roof / Driveways (2S)
17,555	98	Train track gravel (4S, 5S)
980	72	Woods/grass comb., Good, HSG C (2S)
434,625	**73**	**TOTAL AREA**

Summary for Subcatchment 1S: 1S

Runoff = 2.5 cfs @ 12.09 hrs, Volume= 7,781 cf, Depth= 3.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
*	2,865	98	Existing Pavement
*	4,555	98	Existing Gravel
	13,940	73	Brush, Good, HSG D
	6,080	65	Brush, Good, HSG C
	27,440	78	Weighted Average
	20,020		72.96% Pervious Area
	7,420		27.04% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.6	52	0.0380	1.54		**Sheet Flow, A-B** Smooth surfaces n= 0.011 P2= 3.10"
0.2	30	0.3000	2.74		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
0.5	52	0.1250	1.77		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
4.7					**Direct Entry,**
6.0	134	Total			

Summary for Subcatchment 2S: 2S

Runoff = 6.1 cfs @ 12.23 hrs, Volume= 26,339 cf, Depth= 3.91"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
	16,190	73	Brush, Good, HSG D
	1,390	65	Brush, Good, HSG C
	20,110	86	1/3 acre lots, 30% imp, HSG D
	26,370	90	1/8 acre lots, 65% imp, HSG C
	275	77	1/8 acre lots, 65% imp, HSG A
	980	72	Woods/grass comb., Good, HSG C
	10,920	74	>75% Grass cover, Good, HSG C
	825	61	1/4 acre lots, 38% imp, HSG A
	760	83	1/4 acre lots, 38% imp, HSG C
*	3,095	98	Roof / Driveways
	80,915	83	Weighted Average
	53,865		66.57% Pervious Area
	27,050		33.43% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.3	50	0.0160	0.13		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
5.3	360	0.0257	1.12		**Shallow Concentrated Flow, B-C** Short Grass Pasture Kv= 7.0 fps
0.2	40	0.3513	2.96		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
5.1	210	0.0192	0.69		**Shallow Concentrated Flow, D-E** Woodland Kv= 5.0 fps
16.9	660	Total			

Summary for Subcatchment 3S: 3S

Runoff = 1.3 cfs @ 12.09 hrs, Volume= 4,020 cf, Depth= 3.11"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
	13,780	73	Brush, Good, HSG D
*	1,260	98	Gravel
*	60	98	Pavement
	400	65	Brush, Good, HSG C
	15,500	75	Weighted Average
	14,180		91.48% Pervious Area
	1,320		8.52% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.5	48	0.0417	1.57		**Sheet Flow, A-B** Smooth surfaces n= 0.011 P2= 3.10"
0.1	20	0.2500	2.50		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
0.7	50	0.0600	1.22		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
0.1	15	0.6667	4.08		**Shallow Concentrated Flow, D-E** Woodland Kv= 5.0 fps
0.1	13	0.2307	2.40		**Shallow Concentrated Flow, E-F** Woodland Kv= 5.0 fps
4.5					**Direct Entry,**
6.0	146	Total			

Summary for Subcatchment 4S: 4S

Runoff = 4.8 cfs @ 12.35 hrs, Volume= 25,003 cf, Depth= 1.95"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
	59,840	73	Brush, Good, HSG D
*	20,640	98	Pavement
*	14,755	98	Train track gravel
	58,250	30	Brush, Good, HSG A
	153,485	62	Weighted Average
	118,090		76.94% Pervious Area
	35,395		23.06% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.4	30	0.0250	1.16		**Sheet Flow, A-B** Smooth surfaces n= 0.011 P2= 3.10"
4.1	145	0.0138	0.59		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
0.7	80	0.1299	1.80		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
14.1	600	0.0050	0.71		**Shallow Concentrated Flow, D-E** Nearly Bare & Untilled Kv= 10.0 fps
2.7	200	0.0151	1.23		**Shallow Concentrated Flow, E-F** Nearly Bare & Untilled Kv= 10.0 fps
0.7	165	0.0662	3.86		**Shallow Concentrated Flow, F-G** Grassed Waterway Kv= 15.0 fps
0.9	120	0.0245	2.35		**Shallow Concentrated Flow, G-H** Grassed Waterway Kv= 15.0 fps
23.6	1,340	Total			

Summary for Subcatchment 5S: 5S

Runoff = 2.6 cfs @ 12.27 hrs, Volume= 11,762 cf, Depth= 3.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
	25,865	73	Brush, Good, HSG D
*	1,215	98	Ex Gravel
*	2,800	98	Train track gravel
*	6,380	98	CMP impervious
	5,220	65	Brush, Good, HSG C
	41,480	78	Weighted Average
	31,085		74.94% Pervious Area
	10,395		25.06% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
14.7	60	0.0193	0.07		**Sheet Flow, A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
3.1	120	0.0169	0.65		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
1.4	155	0.1323	1.82		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
19.2	335	Total			

Summary for Subcatchment 6S: 6S

Runoff = 3.7 cfs @ 12.09 hrs, Volume= 11,593 cf, Depth= 3.60"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
*	9,035	98	Pavement
	5,150	74	>75% Grass cover, Good, HSG C
	4,670	39	>75% Grass cover, Good, HSG A
	9,970	90	1/8 acre lots, 65% imp, HSG C
	9,805	77	1/8 acre lots, 65% imp, HSG A
	38,630	80	Weighted Average
	16,741		43.34% Pervious Area
	21,889		56.66% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.5	30	0.0568	0.20		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
3.0	370	0.0100	2.03		**Shallow Concentrated Flow, B-C** Paved Kv= 20.3 fps
1.0	170	0.0213	2.96		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
6.5	570	Total			

Summary for Subcatchment 7S: 7S

Runoff = 4.7 cfs @ 12.21 hrs, Volume= 19,406 cf, Depth= 3.02"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
*	13,485	98	Pavement
	2,455	74	>75% Grass cover, Good, HSG C
	12,055	39	>75% Grass cover, Good, HSG A
	8,100	90	1/8 acre lots, 65% imp, HSG C
	32,670	77	1/8 acre lots, 65% imp, HSG A
	8,410	61	1/4 acre lots, 38% imp, HSG A
	77,175	74	Weighted Average
	33,994		44.05% Pervious Area
	43,181		55.95% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
7.0	55	0.0145	0.13		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
4.0	190	0.0131	0.80		**Shallow Concentrated Flow, B-C** Short Grass Pasture Kv= 7.0 fps
0.8	110	0.0131	2.32		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
3.3	405	0.0100	2.03		**Shallow Concentrated Flow, D-E** Paved Kv= 20.3 fps
15.1	760	Total			

Summary for Reach 1R: Reach 1

Inflow Area = 185,530 sf, 41.85% Impervious, Inflow Depth = 3.46" for 25-YR event
Inflow = 12.0 cfs @ 12.23 hrs, Volume= 53,526 cf
Outflow = 11.9 cfs @ 12.25 hrs, Volume= 53,526 cf, Atten= 0%, Lag= 0.9 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 1.31 fps, Min. Travel Time= 1.1 min
Avg. Velocity = 0.38 fps, Avg. Travel Time= 3.7 min

Peak Storage= 773 cf @ 12.25 hrs
Average Depth at Peak Storage= 0.44'
Bank-Full Depth= 0.50' Flow Area= 11.3 sf, Capacity= 15.9 cfs

10.00' x 0.50' deep channel, n= 0.100 Earth, dense brush, high stage
Side Slope Z-value= 25.0 '/' Top Width= 35.00'
Length= 85.0' Slope= 0.0412 '/'
Inlet Invert= 15.00', Outlet Invert= 11.50'



‡

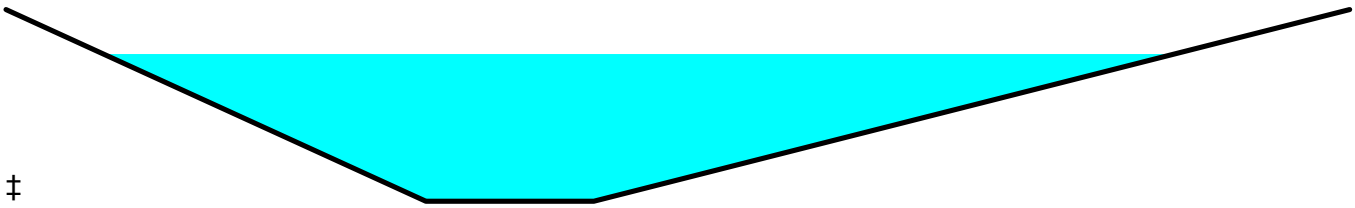
Summary for Reach 2R: Reach 2

Inflow Area = 104,615 sf, 48.37% Impervious, Inflow Depth = 3.12" for 25-YR event
Inflow = 6.1 cfs @ 12.20 hrs, Volume= 27,187 cf
Outflow = 5.9 cfs @ 12.25 hrs, Volume= 27,187 cf, Atten= 3%, Lag= 3.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 0.83 fps, Min. Travel Time= 4.3 min
Avg. Velocity = 0.27 fps, Avg. Travel Time= 13.1 min

Peak Storage= 1,521 cf @ 12.25 hrs
Average Depth at Peak Storage= 0.38'
Bank-Full Depth= 0.50' Flow Area= 11.3 sf, Capacity= 10.9 cfs

5.00' x 0.50' deep channel, n= 0.100 Earth, dense brush, high stage
Side Slope Z-value= 25.0 45.0 '/' Top Width= 40.00'
Length= 215.0' Slope= 0.0233 '/'
Inlet Invert= 16.50', Outlet Invert= 11.50'



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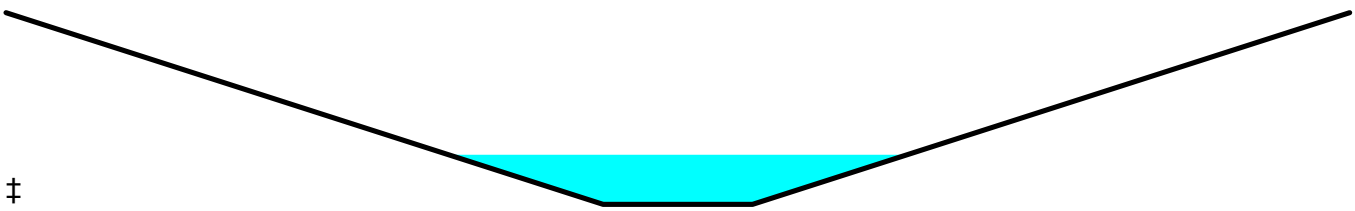
Summary for Reach 3R: Reach 3

Inflow Area = 77,175 sf, 55.95% Impervious, Inflow Depth = 3.02" for 25-YR event
Inflow = 4.7 cfs @ 12.21 hrs, Volume= 19,406 cf
Outflow = 4.7 cfs @ 12.23 hrs, Volume= 19,406 cf, Atten= 0%, Lag= 0.9 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 1.78 fps, Min. Travel Time= 1.1 min
Avg. Velocity = 0.66 fps, Avg. Travel Time= 2.8 min

Peak Storage= 298 cf @ 12.23 hrs
Average Depth at Peak Storage= 0.26'
Bank-Full Depth= 1.00' Flow Area= 25.0 sf, Capacity= 97.3 cfs

5.00' x 1.00' deep channel, n= 0.100 Earth, dense brush, high stage
Side Slope Z-value= 20.0 '/' Top Width= 45.00'
Length= 113.0' Slope= 0.1504 '/'
Inlet Invert= 33.50', Outlet Invert= 16.50'



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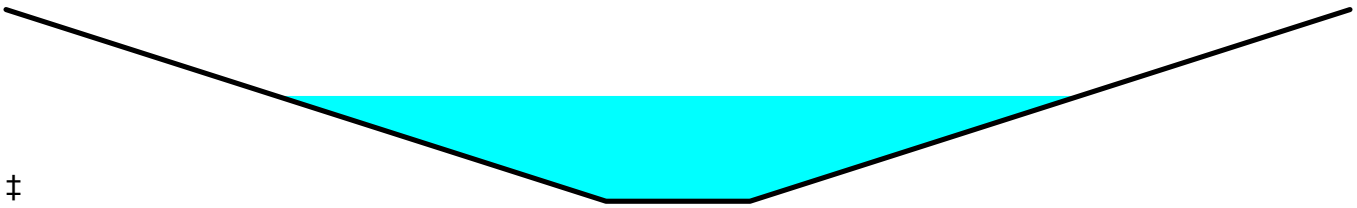
Summary for Reach 4R: Reach 4

Inflow Area = 77,175 sf, 55.95% Impervious, Inflow Depth = 3.02" for 25-YR event
Inflow = 4.7 cfs @ 12.21 hrs, Volume= 19,406 cf
Outflow = 4.7 cfs @ 12.21 hrs, Volume= 19,406 cf, Atten= 0%, Lag= 0.5 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 3.48 fps, Min. Travel Time= 0.5 min
Avg. Velocity = 1.41 fps, Avg. Travel Time= 1.3 min

Peak Storage= 144 cf @ 12.21 hrs
Average Depth at Peak Storage= 0.14'
Bank-Full Depth= 0.25' Flow Area= 3.9 sf, Capacity= 19.3 cfs

3.00' x 0.25' deep channel, n= 0.013 Asphalt, smooth
Side Slope Z-value= 50.0 '/' Top Width= 28.00'
Length= 106.0' Slope= 0.0264 '/'
Inlet Invert= 36.30', Outlet Invert= 33.50'



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Summary for Reach 5R: Reach 5

Inflow Area = 38,630 sf, 56.66% Impervious, Inflow Depth = 3.60" for 25-YR event
Inflow = 3.7 cfs @ 12.09 hrs, Volume= 11,593 cf
Outflow = 3.6 cfs @ 12.10 hrs, Volume= 11,593 cf, Atten= 1%, Lag= 0.5 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 3.12 fps, Min. Travel Time= 0.8 min
Avg. Velocity = 0.87 fps, Avg. Travel Time= 2.8 min

Peak Storage= 171 cf @ 12.10 hrs
Average Depth at Peak Storage= 0.10'
Bank-Full Depth= 0.50' Flow Area= 10.0 sf, Capacity= 78.0 cfs

10.00' x 0.50' deep channel, n= 0.035 Earth, dense weeds
Side Slope Z-value= 20.0 '/' Top Width= 30.00'
Length= 146.0' Slope= 0.1462 '/'
Inlet Invert= 32.35', Outlet Invert= 11.00'



‡

Summary for Pond 1P: Pond 1

Inflow Area = 434,625 sf, 33.74% Impervious, Inflow Depth = 2.92" for 25-YR event
Inflow = 21.4 cfs @ 12.26 hrs, Volume= 105,905 cf
Outflow = 4.3 cfs @ 13.04 hrs, Volume= 101,945 cf, Atten= 80%, Lag= 46.8 min
Primary = 4.3 cfs @ 13.04 hrs, Volume= 101,945 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 13.09' @ 13.04 hrs Surf.Area= 19,166 sf Storage= 41,364 cf

Plug-Flow detention time= 109.0 min calculated for 101,925 cf (96% of inflow)
Center-of-Mass det. time= 87.8 min (928.8 - 841.0)

Volume	Invert	Avail.Storage	Storage Description
#1	8.00'	530,800 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
8.00	1,000	0	0
9.00	2,000	1,500	1,500
10.00	4,000	3,000	4,500
11.00	8,800	6,400	10,900
12.00	14,915	11,858	22,758
13.00	18,900	16,908	39,665
14.00	21,882	20,391	60,056
15.00	24,236	23,059	83,115
16.00	26,633	25,435	108,550
17.00	31,915	29,274	137,824
18.00	36,515	34,215	172,039
19.00	40,310	38,413	210,451
20.00	44,220	42,265	252,716
21.00	48,191	46,206	298,922
22.00	52,507	50,349	349,271
23.00	57,773	55,140	404,411
24.00	62,584	60,179	464,589
25.00	69,838	66,211	530,800

Device	Routing	Invert	Outlet Devices
#1	Primary	7.74'	**12.0" Round Culvert** L= 113.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 7.74' / 4.98' S= 0.0244 '/' Cc= 0.900 n= 0.025 Corrugated metal, Flow Area= 0.79 sf
#2	Device 1	9.86'	**1.3" x 1.3" Horiz. Grate X 7.00 columns** X 7 rows C= 0.600
#3	Secondary	24.85'	**100.0' long x 15.0' breadth Railroad Spillway** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63

Primary OutFlow Max=4.3 cfs @ 13.04 hrs HW=13.09' TW=0.00' (Dynamic Tailwater)
└**1=Culvert** (Barrel Controls 4.3 cfs @ 5.52 fps)
└**2=Grate** (Passes 4.3 cfs of 5.0 cfs potential flow)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=8.00' TW=0.00' (Dynamic Tailwater)
└**3=Railroad Spillway** (Controls 0.0 cfs)

Summary for Link POA-1: POA-1

Inflow Area = 434,625 sf, 33.74% Impervious, Inflow Depth = 2.81" for 25-YR event
Inflow = 4.3 cfs @ 13.04 hrs, Volume= 101,945 cf
Primary = 4.3 cfs @ 13.04 hrs, Volume= 101,945 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment1S: 1S Runoff Area=27,440 sf 27.04% Impervious Runoff Depth=1.20"
Flow Length=134' Tc=6.0 min CN=78 Runoff=0.9 cfs 2,745 cf

Subcatchment2S: 2S Runoff Area=80,915 sf 33.43% Impervious Runoff Depth=1.53"
Flow Length=660' Tc=16.9 min CN=83 Runoff=2.4 cfs 10,300 cf

Subcatchment3S: 3S Runoff Area=15,500 sf 8.52% Impervious Runoff Depth=1.03"
Flow Length=146' Tc=6.0 min CN=75 Runoff=0.4 cfs 1,326 cf

Subcatchment4S: 4S Runoff Area=153,485 sf 23.06% Impervious Runoff Depth=0.44"
Flow Length=1,340' Tc=23.6 min CN=62 Runoff=0.8 cfs 5,614 cf

Subcatchment5S: 5S Runoff Area=41,480 sf 25.06% Impervious Runoff Depth=1.20"
Flow Length=335' Tc=19.2 min CN=78 Runoff=0.9 cfs 4,150 cf

Subcatchment6S: 6S Runoff Area=38,630 sf 56.66% Impervious Runoff Depth=1.33"
Flow Length=570' Tc=6.5 min CN=80 Runoff=1.3 cfs 4,267 cf

Subcatchment7S: 7S Runoff Area=77,175 sf 55.95% Impervious Runoff Depth=0.97"
Flow Length=760' Tc=15.1 min CN=74 Runoff=1.4 cfs 6,253 cf

Reach 1R: Reach 1 Avg. Flow Depth=0.26' Max Vel=0.98 fps Inflow=4.1 cfs 19,298 cf
n=0.100 L=85.0' S=0.0412 '/' Capacity=15.9 cfs Outflow=4.1 cfs 19,298 cf

Reach 2R: Reach 2 Avg. Flow Depth=0.23' Max Vel=0.61 fps Inflow=1.9 cfs 8,998 cf
n=0.100 L=215.0' S=0.0233 '/' Capacity=10.9 cfs Outflow=1.8 cfs 8,998 cf

Reach 3R: Reach 3 Avg. Flow Depth=0.14' Max Vel=1.27 fps Inflow=1.4 cfs 6,253 cf
n=0.100 L=113.0' S=0.1504 '/' Capacity=97.3 cfs Outflow=1.4 cfs 6,253 cf

Reach 4R: Reach 4 Avg. Flow Depth=0.08' Max Vel=2.55 fps Inflow=1.4 cfs 6,253 cf
n=0.013 L=106.0' S=0.0264 '/' Capacity=19.3 cfs Outflow=1.4 cfs 6,253 cf

Reach 5R: Reach 5 Avg. Flow Depth=0.05' Max Vel=2.19 fps Inflow=1.3 cfs 4,267 cf
n=0.035 L=146.0' S=0.1462 '/' Capacity=78.0 cfs Outflow=1.3 cfs 4,267 cf

Pond 1P: Pond 1 Peak Elev=10.89' Storage=9,981 cf Inflow=6.5 cfs 34,655 cf
Primary=2.8 cfs 30,695 cf Secondary=0.0 cfs 0 cf Outflow=2.8 cfs 30,695 cf

Link POA-1: POA-1 Inflow=2.8 cfs 30,695 cf
Primary=2.8 cfs 30,695 cf

Total Runoff Area = 434,625 sf Runoff Volume = 34,655 cf Average Runoff Depth = 0.96"
66.26% Pervious = 287,975 sf 33.74% Impervious = 146,650 sf

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment1S: 1S Runoff Area=27,440 sf 27.04% Impervious Runoff Depth=2.38"
Flow Length=134' Tc=6.0 min CN=78 Runoff=1.8 cfs 5,432 cf

Subcatchment2S: 2S Runoff Area=80,915 sf 33.43% Impervious Runoff Depth=2.81"
Flow Length=660' Tc=16.9 min CN=83 Runoff=4.4 cfs 18,979 cf

Subcatchment3S: 3S Runoff Area=15,500 sf 8.52% Impervious Runoff Depth=2.13"
Flow Length=146' Tc=6.0 min CN=75 Runoff=0.9 cfs 2,750 cf

Subcatchment4S: 4S Runoff Area=153,485 sf 23.06% Impervious Runoff Depth=1.20"
Flow Length=1,340' Tc=23.6 min CN=62 Runoff=2.8 cfs 15,323 cf

Subcatchment5S: 5S Runoff Area=41,480 sf 25.06% Impervious Runoff Depth=2.38"
Flow Length=335' Tc=19.2 min CN=78 Runoff=1.8 cfs 8,212 cf

Subcatchment6S: 6S Runoff Area=38,630 sf 56.66% Impervious Runoff Depth=2.55"
Flow Length=570' Tc=6.5 min CN=80 Runoff=2.6 cfs 8,199 cf

Subcatchment7S: 7S Runoff Area=77,175 sf 55.95% Impervious Runoff Depth=2.05"
Flow Length=760' Tc=15.1 min CN=74 Runoff=3.2 cfs 13,181 cf

Reach 1R: Reach 1 Avg. Flow Depth=0.37' Max Vel=1.19 fps Inflow=8.3 cfs 37,592 cf
n=0.100 L=85.0' S=0.0412 '/' Capacity=15.9 cfs Outflow=8.3 cfs 37,592 cf

Reach 2R: Reach 2 Avg. Flow Depth=0.32' Max Vel=0.75 fps Inflow=4.1 cfs 18,614 cf
n=0.100 L=215.0' S=0.0233 '/' Capacity=10.9 cfs Outflow=3.9 cfs 18,614 cf

Reach 3R: Reach 3 Avg. Flow Depth=0.21' Max Vel=1.60 fps Inflow=3.2 cfs 13,181 cf
n=0.100 L=113.0' S=0.1504 '/' Capacity=97.3 cfs Outflow=3.2 cfs 13,181 cf

Reach 4R: Reach 4 Avg. Flow Depth=0.12' Max Vel=3.14 fps Inflow=3.2 cfs 13,181 cf
n=0.013 L=106.0' S=0.0264 '/' Capacity=19.3 cfs Outflow=3.2 cfs 13,181 cf

Reach 5R: Reach 5 Avg. Flow Depth=0.08' Max Vel=2.77 fps Inflow=2.6 cfs 8,199 cf
n=0.035 L=146.0' S=0.1462 '/' Capacity=78.0 cfs Outflow=2.6 cfs 8,199 cf

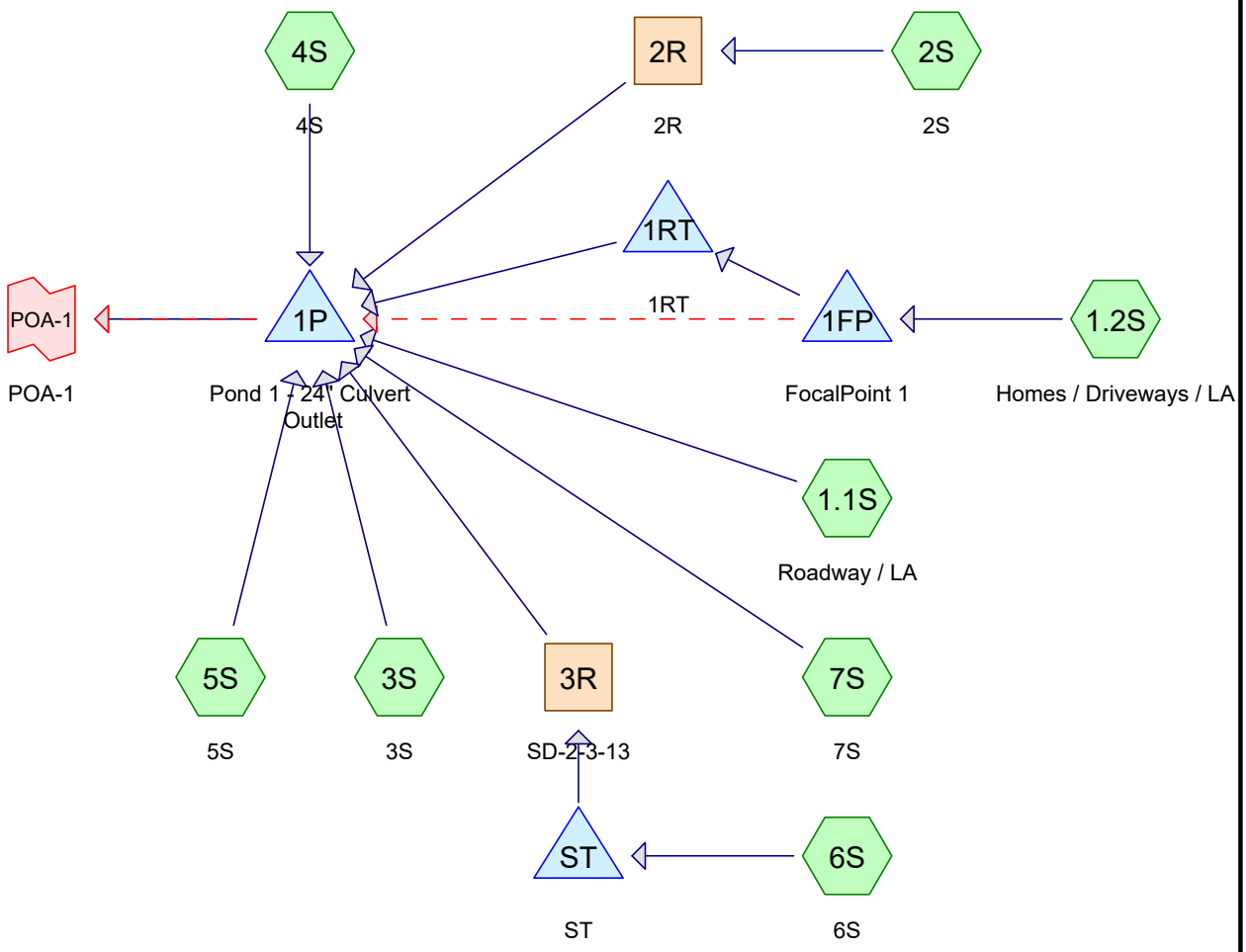
Pond 1P: Pond 1 Peak Elev=12.16' Storage=25,214 cf Inflow=14.3 cfs 72,077 cf
Primary=4.0 cfs 68,117 cf Secondary=0.0 cfs 0 cf Outflow=4.0 cfs 68,117 cf

Link POA-1: POA-1 Inflow=4.0 cfs 68,117 cf
Primary=4.0 cfs 68,117 cf

Total Runoff Area = 434,625 sf Runoff Volume = 72,077 cf Average Runoff Depth = 1.99"
66.26% Pervious = 287,975 sf 33.74% Impervious = 146,650 sf

Appendix 2B

Proposed Conditions
HydroCAD Summary



Subcat Reach Pond Link

Routing Diagram for 07360-01 Post SW 2023-01-06
Prepared by Sebago Technics, Inc., Printed 3/22/2023
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Area Listing (selected nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
20,110	86	1/3 acre lots, 30% imp, HSG D (2S)
9,235	61	1/4 acre lots, 38% imp, HSG A (2S, 7S)
760	83	1/4 acre lots, 38% imp, HSG C (2S)
42,750	77	1/8 acre lots, 65% imp, HSG A (2S, 6S, 7S)
45,900	90	1/8 acre lots, 65% imp, HSG C (1.1S, 2S, 6S, 7S)
16,725	39	>75% Grass cover, Good, HSG A (6S, 7S)
21,380	74	>75% Grass cover, Good, HSG C (1.1S, 1.2S, 2S, 6S, 7S)
9,515	80	>75% Grass cover, Good, HSG D (1.1S, 1.2S)
58,250	30	Brush, Good, HSG A (4S)
6,610	65	Brush, Good, HSG C (2S, 5S)
111,685	73	Brush, Good, HSG D (2S, 3S, 4S, 5S)
6,380	98	CMP impervious (5S)
1,325	98	Ex Gravel (5S)
85	98	Gravel to stay (1.1S)
5,910	98	New Pavement (1.1S)
44,440	98	Pavement (4S, 5S, 6S, 7S)
2,015	80	Riprap area (3S, 5S)
13,770	98	Roof / Driveways (1.2S, 2S)
17,555	98	Train track gravel (4S, 5S)
980	72	Woods/grass comb., Good, HSG C (2S)
435,380	**74**	**TOTAL AREA**

Summary for Subcatchment 1.1S: Roadway / LA

Runoff = 1.6 cfs @ 12.08 hrs, Volume= 5,065 cf, Depth= 4.76"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	540	80	>75% Grass cover, Good, HSG D
	1,710	74	>75% Grass cover, Good, HSG C
	4,520	90	1/8 acre lots, 65% imp, HSG C
*	5,910	98	New Pavement
*	85	98	Gravel to stay
	12,765	91	Weighted Average
	3,832		30.02% Pervious Area
	8,933		69.98% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Summary for Subcatchment 1.2S: Homes / Driveways / LA

Runoff = 2.6 cfs @ 12.09 hrs, Volume= 8,403 cf, Depth= 4.43"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	8,975	80	>75% Grass cover, Good, HSG D
	3,095	74	>75% Grass cover, Good, HSG C
*	10,675	98	Roof / Driveways
	22,745	88	Weighted Average
	12,070		53.07% Pervious Area
	10,675		46.93% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Summary for Subcatchment 2S: 2S

Runoff = 6.2 cfs @ 12.23 hrs, Volume= 26,728 cf, Depth= 3.80"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	19,515	73	Brush, Good, HSG D
	1,390	65	Brush, Good, HSG C
	20,110	86	1/3 acre lots, 30% imp, HSG D
	26,370	90	1/8 acre lots, 65% imp, HSG C
	275	77	1/8 acre lots, 65% imp, HSG A
	980	72	Woods/grass comb., Good, HSG C
	11,005	74	>75% Grass cover, Good, HSG C
	825	61	1/4 acre lots, 38% imp, HSG A
	760	83	1/4 acre lots, 38% imp, HSG C
*	3,095	98	Roof / Driveways
	84,325	82	Weighted Average
	57,275		67.92% Pervious Area
	27,050		32.08% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.3	50	0.0160	0.13		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
5.3	360	0.0257	1.12		**Shallow Concentrated Flow, B-C** Short Grass Pasture Kv= 7.0 fps
0.2	40	0.3513	2.96		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
5.1	210	0.0192	0.69		**Shallow Concentrated Flow, D-E** Woodland Kv= 5.0 fps
16.9	660	Total			

Summary for Subcatchment 3S: 3S

Runoff = 0.5 cfs @ 12.09 hrs, Volume= 1,651 cf, Depth= 3.02"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	5,625	73	Brush, Good, HSG D
*	940	80	Riprap area
	6,565	74	Weighted Average
	6,565		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Summary for Subcatchment 4S: 4S

Runoff = 4.8 cfs @ 12.35 hrs, Volume= 25,003 cf, Depth= 1.95"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	59,840	73	Brush, Good, HSG D
*	20,640	98	Pavement
*	14,755	98	Train track gravel
	58,250	30	Brush, Good, HSG A
	153,485	62	Weighted Average
	118,090		76.94% Pervious Area
	35,395		23.06% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.4	30	0.0250	1.16		**Sheet Flow, A-B** Smooth surfaces n= 0.011 P2= 3.10"
4.1	145	0.0138	0.59		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
0.7	80	0.1299	1.80		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
14.1	600	0.0050	0.71		**Shallow Concentrated Flow, D-E** Nearly Bare & Untilled Kv= 10.0 fps
2.7	200	0.0151	1.23		**Shallow Concentrated Flow, E-F** Nearly Bare & Untilled Kv= 10.0 fps
0.7	165	0.0662	3.86		**Shallow Concentrated Flow, F-G** Grassed Waterway Kv= 15.0 fps
0.9	120	0.0245	2.35		**Shallow Concentrated Flow, G-H** Grassed Waterway Kv= 15.0 fps
23.6	1,340	Total			

Summary for Subcatchment 5S: 5S

Runoff = 2.7 cfs @ 12.27 hrs, Volume= 12,386 cf, Depth= 3.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	26,705	73	Brush, Good, HSG D
*	1,325	98	Ex Gravel
*	2,800	98	Train track gravel
*	6,380	98	CMP impervious
	5,220	65	Brush, Good, HSG C
*	175	98	Pavement
*	1,075	80	Riprap area
	43,680	78	Weighted Average
	33,000		75.55% Pervious Area
	10,680		24.45% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
14.7	60	0.0193	0.07		**Sheet Flow, A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
3.1	120	0.0169	0.65		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
1.4	155	0.1323	1.82		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
19.2	335	Total			

Summary for Subcatchment 6S: 6S

Runoff = 3.0 cfs @ 12.09 hrs, Volume= 9,332 cf, Depth= 3.50"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
*	7,840	98	Pavement
	2,755	74	>75% Grass cover, Good, HSG C
	4,670	39	>75% Grass cover, Good, HSG A
	6,910	90	1/8 acre lots, 65% imp, HSG C
	9,805	77	1/8 acre lots, 65% imp, HSG A
	31,980	79	Weighted Average
	13,275		41.51% Pervious Area
	18,705		58.49% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.5	30	0.0568	0.20		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
3.0	370	0.0100	2.03		**Shallow Concentrated Flow, B-C** Paved Kv= 20.3 fps
0.6	115	0.0213	2.96		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
6.1	515	Total			

Summary for Subcatchment 7S: 7S

Runoff = 4.9 cfs @ 12.22 hrs, Volume= 20,706 cf, Depth= 3.11"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
*	15,785	98	Pavement
	2,815	74	>75% Grass cover, Good, HSG C
	12,055	39	>75% Grass cover, Good, HSG A
	8,100	90	1/8 acre lots, 65% imp, HSG C
	32,670	77	1/8 acre lots, 65% imp, HSG A
	8,410	61	1/4 acre lots, 38% imp, HSG A
	79,835	75	Weighted Average
	34,354		43.03% Pervious Area
	45,481		56.97% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
7.0	55	0.0145	0.13		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
4.0	190	0.0131	0.80		**Shallow Concentrated Flow, B-C** Short Grass Pasture Kv= 7.0 fps
0.8	110	0.0131	2.32		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
4.0	540	0.0120	2.22		**Shallow Concentrated Flow, D-E** Paved Kv= 20.3 fps
0.4	177	0.0279	8.21	6.45	**Pipe Channel, E-F** 12.0" Round Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.012
16.2	1,072	Total			

Summary for Reach 2R: 2R

Inflow Area = 84,325 sf, 32.08% Impervious, Inflow Depth = 3.80" for 25-yr event
Inflow = 6.2 cfs @ 12.23 hrs, Volume= 26,728 cf
Outflow = 6.2 cfs @ 12.26 hrs, Volume= 26,728 cf, Atten= 1%, Lag= 2.3 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 1.09 fps, Min. Travel Time= 1.3 min
Avg. Velocity = 0.36 fps, Avg. Travel Time= 4.0 min

Peak Storage= 479 cf @ 12.24 hrs
Average Depth at Peak Storage= 0.32'
Bank-Full Depth= 0.50' Flow Area= 11.3 sf, Capacity= 15.9 cfs

10.00' x 0.50' deep channel, n= 0.100 Earth, dense brush, high stage
Side Slope Z-value= 25.0 '/' Top Width= 35.00'
Length= 85.0' Slope= 0.0412 '/'
Inlet Invert= 15.00', Outlet Invert= 11.50'



‡

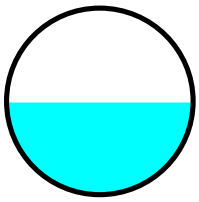
Summary for Reach 3R: SD-2-3-13

Inflow Area = 31,980 sf, 58.49% Impervious, Inflow Depth = 3.50" for 25-yr event
Inflow = 3.0 cfs @ 12.09 hrs, Volume= 9,315 cf
Outflow = 3.0 cfs @ 12.10 hrs, Volume= 9,315 cf, Atten= 0%, Lag= 0.8 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 7.70 fps, Min. Travel Time= 0.5 min
Avg. Velocity = 2.79 fps, Avg. Travel Time= 1.3 min

Peak Storage= 81 cf @ 12.09 hrs
Average Depth at Peak Storage= 0.50'
Bank-Full Depth= 1.00' Flow Area= 0.8 sf, Capacity= 6.1 cfs

12.0" Round Pipe
n= 0.012 Corrugated PP, smooth interior
Length= 210.0' Slope= 0.0248 '/'
Inlet Invert= 22.80', Outlet Invert= 17.60'



Summary for Pond 1FP: FocalPoint 1

Inflow Area = 22,745 sf, 46.93% Impervious, Inflow Depth = 4.43" for 25-yr event
Inflow = 2.6 cfs @ 12.09 hrs, Volume= 8,403 cf
Outflow = 2.6 cfs @ 12.09 hrs, Volume= 8,404 cf, Atten= 0%, Lag= 0.3 min
Primary = 2.6 cfs @ 12.09 hrs, Volume= 8,404 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 20.85' @ 12.09 hrs Surf.Area= 50 sf Storage= 336 cf

Plug-Flow detention time= (not calculated: outflow precedes inflow)
Center-of-Mass det. time= 9.8 min (802.4 - 792.7)

Volume	Invert	Avail.Storage	Storage Description
#1	16.75'	23 cf	**5.00'W x 10.00'L x 2.25'H FocalPoint** 113 cf Overall x 20.0% Voids
#2	19.00'	588 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc) -Impervious
		610 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
19.00	50	0	0
20.00	168	109	109
21.00	343	256	365
21.50	550	223	588

Device	Routing	Invert	Outlet Devices
#1	Primary	15.90'	**12.0" Round Culvert** L= 6.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 15.90' / 15.80' S= 0.0167 '/' Cc= 0.900 n= 0.012, Flow Area= 0.79 sf
#2	Device 1	16.75'	**100.000 in/hr Exfiltration over Surface area**
#3	Device 1	20.60'	**24.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#4	Secondary	21.00'	**12.0' long x 4.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50 Coef. (English) 2.38 2.54 2.69 2.68 2.67 2.67 2.65 2.66 2.66 2.68 2.72 2.73 2.76 2.79 2.88 3.07 3.32

Primary OutFlow Max=2.6 cfs @ 12.09 hrs HW=20.85' (Free Discharge)
└**1=Culvert** (Passes 2.6 cfs of 8.0 cfs potential flow)
  ├**2=Exfiltration** (Exfiltration Controls 0.1 cfs)
  └**3=Orifice/Grate** (Weir Controls 2.5 cfs @ 1.62 fps)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=16.75' (Free Discharge)
└**4=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Summary for Pond 1P: Pond 1 - 24" Culvert Outlet

Inflow Area = 435,380 sf, 36.04% Impervious, Inflow Depth = 3.01" for 25-yr event
Inflow = 21.9 cfs @ 12.25 hrs, Volume= 109,210 cf
Outflow = 16.8 cfs @ 12.43 hrs, Volume= 105,210 cf, Atten= 23%, Lag= 11.1 min
Primary = 16.8 cfs @ 12.43 hrs, Volume= 105,210 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 12.11' @ 12.43 hrs Surf.Area= 15,207 sf Storage= 24,362 cf

Plug-Flow detention time= 106.5 min calculated for 105,210 cf (96% of inflow)
Center-of-Mass det. time= 84.1 min (924.5 - 840.4)

Volume	Invert	Avail.Storage	Storage Description
#1	8.00'	485,960 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
8.00	1,000	0	0
9.00	2,000	1,500	1,500
10.00	4,000	3,000	4,500
11.00	8,800	6,400	10,900
12.00	14,807	11,804	22,704
13.00	18,431	16,619	39,323
14.00	20,991	19,711	59,034
15.00	23,193	22,092	81,126
16.00	25,551	24,372	105,498
17.00	29,800	27,676	133,173
18.00	33,100	31,450	164,623
19.00	36,118	34,609	199,232
20.00	39,878	37,998	237,230
21.00	43,231	41,555	278,785
22.00	47,301	45,266	324,051
23.00	51,170	49,236	373,286
24.00	55,812	53,491	426,777
25.00	62,553	59,183	485,960

Device	Routing	Invert	Outlet Devices
#1	Primary	7.74'	**24.0" Round Culvert** L= 113.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 7.74' / 4.98' S= 0.0244 '/' Cc= 0.900 n= 0.013 Cast iron, coated, Flow Area= 3.14 sf
#2	Device 1	9.86'	**6.0" Vert. 6" Bleeder Orifice** C= 0.600
#3	Device 1	11.45'	**1.2" x 7.2" Horiz. Double Grate X 22.00 columns** X 3 rows C= 0.600 Limited to weir flow at low heads
#4	Secondary	24.85'	**100.0' long x 15.0' breadth Railroad Spillway** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63

Primary OutFlow Max=16.8 cfs @ 12.43 hrs HW=12.11' (Free Discharge)
└**1=Culvert** (Passes 16.8 cfs of 21.9 cfs potential flow)
  └**2=6" Bleeder Orifice** (Orifice Controls 1.3 cfs @ 6.81 fps)
  └**3=Double Grate** (Orifice Controls 15.5 cfs @ 3.91 fps)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=8.00' (Free Discharge)
└**4=Railroad Spillway** (Controls 0.0 cfs)

Summary for Pond 1RT: 1RT

Inflow Area = 22,745 sf, 46.93% Impervious, Inflow Depth = 4.43" for 25-yr event
Inflow = 2.6 cfs @ 12.09 hrs, Volume= 8,404 cf
Outflow = 2.6 cfs @ 12.10 hrs, Volume= 8,355 cf, Atten= 1%, Lag= 0.7 min
Primary = 2.6 cfs @ 12.10 hrs, Volume= 8,355 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 16.28' @ 12.10 hrs Surf.Area= 466 sf Storage= 1,007 cf

Plug-Flow detention time= 64.0 min calculated for 8,355 cf (99% of inflow)

Center-of-Mass det. time= 60.3 min (862.8 - 802.4)

Volume	Invert	Avail.Storage	Storage Description
#1A	13.28'	426 cf	**14.50'W x 32.15'L x 4.07'H Field A** 1,898 cf Overall - 834 cf Embedded = 1,064 cf x 40.0% Voids
#2A	13.53'	792 cf	**ACF R-Tank HD 2** x 96 Inside #1 Inside= 15.7"W x 33.9"H => 3.52 sf x 2.35'L = 8.3 cf Outside= 15.7"W x 33.9"H => 3.70 sf x 2.35'L = 8.7 cf 96 Chambers in 8 Rows
		1,218 cf	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Primary	13.53'	**15.0" Round Culvert** L= 32.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 13.53' / 13.05' S= 0.0150 '/' Cc= 0.900 n= 0.012, Flow Area= 1.23 sf
#2	Device 1	13.35'	**0.5" Vert. Orifice/Grate** C= 0.600
#3	Device 1	14.30'	**5.0" Vert. Orifice/Grate** C= 0.600
#4	Device 1	16.00'	**4.0' long x 0.5' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32

Primary OutFlow Max=2.6 cfs @ 12.10 hrs HW=16.28' (Free Discharge)
└─**1=Culvert** (Passes 2.6 cfs of 8.6 cfs potential flow)
  ├─**2=Orifice/Grate** (Orifice Controls 0.0 cfs @ 7.99 fps)
  ├─**3=Orifice/Grate** (Orifice Controls 0.9 cfs @ 6.41 fps)
  └─**4=Broad-Crested Rectangular Weir** (Weir Controls 1.7 cfs @ 1.51 fps)

Summary for Pond ST: ST

Inflow Area = 31,980 sf, 58.49% Impervious, Inflow Depth = 3.50" for 25-yr event
Inflow = 3.0 cfs @ 12.09 hrs, Volume= 9,332 cf
Outflow = 3.0 cfs @ 12.09 hrs, Volume= 9,315 cf, Atten= 0%, Lag= 0.0 min
Primary = 3.0 cfs @ 12.09 hrs, Volume= 9,315 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 33.84' @ 12.09 hrs Surf.Area= 120 sf Storage= 95 cf

Plug-Flow detention time= 2.9 min calculated for 9,315 cf (100% of inflow)
Center-of-Mass det. time= 1.8 min (820.0 - 818.2)

Volume	Invert	Avail.Storage	Storage Description
#1	30.70'	36 cf	**10.00'W x 4.00'L x 2.25'H Prismatoid** 90 cf Overall x 40.0% Voids
#2	32.95'	27 cf	**10.00'W x 4.00'L x 0.68'H Prismatoid**
#3	28.70'	32 cf	**10.00'W x 4.00'L x 2.00'H Prismatoid** 80 cf Overall x 40.0% Voids
		95 cf	Total Available Storage

Device	Routing	Invert	Outlet Devices
#1	Device 2	28.70'	**140.000 in/hr Exfiltration over Surface area**
#2	Primary	29.45'	**12.0" Round Culvert** L= 25.0' CPP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 29.45' / 29.20' S= 0.0100 '/' Cc= 0.900 n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf
#3	Device 2	33.37'	**12.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=3.0 cfs @ 12.09 hrs HW=33.84' (Free Discharge)
└─**2=Culvert** (Passes 3.0 cfs of 5.9 cfs potential flow)
  ├─**1=Exfiltration** (Exfiltration Controls 0.4 cfs)
  └─**3=Orifice/Grate** (Orifice Controls 2.6 cfs @ 3.31 fps)

Summary for Link POA-1: POA-1

Inflow Area = 435,380 sf, 36.04% Impervious, Inflow Depth = 2.90" for 25-yr event
Inflow = 16.8 cfs @ 12.43 hrs, Volume= 105,210 cf
Primary = 16.8 cfs @ 12.43 hrs, Volume= 105,210 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1.1S: Roadway / LA Runoff Area=12,765 sf 69.98% Impervious Runoff Depth=2.16"
Tc=6.0 min CN=91 Runoff=0.7 cfs 2,303 cf

Subcatchment1.2S: Homes / Driveways / Runoff Area=22,745 sf 46.93% Impervious Runoff Depth=1.91"
Tc=6.0 min CN=88 Runoff=1.2 cfs 3,615 cf

Subcatchment2S: 2S Runoff Area=84,325 sf 32.08% Impervious Runoff Depth=1.46"
Flow Length=660' Tc=16.9 min CN=82 Runoff=2.4 cfs 10,246 cf

Subcatchment3S: 3S Runoff Area=6,565 sf 0.00% Impervious Runoff Depth=0.97"
Tc=6.0 min CN=74 Runoff=0.2 cfs 532 cf

Subcatchment4S: 4S Runoff Area=153,485 sf 23.06% Impervious Runoff Depth=0.44"
Flow Length=1,340' Tc=23.6 min CN=62 Runoff=0.8 cfs 5,614 cf

Subcatchment5S: 5S Runoff Area=43,680 sf 24.45% Impervious Runoff Depth=1.20"
Flow Length=335' Tc=19.2 min CN=78 Runoff=0.9 cfs 4,370 cf

Subcatchment6S: 6S Runoff Area=31,980 sf 58.49% Impervious Runoff Depth=1.26"
Flow Length=515' Tc=6.1 min CN=79 Runoff=1.1 cfs 3,363 cf

Subcatchment7S: 7S Runoff Area=79,835 sf 56.97% Impervious Runoff Depth=1.03"
Flow Length=1,072' Tc=16.2 min CN=75 Runoff=1.5 cfs 6,831 cf

Reach 2R: 2R Avg. Flow Depth=0.19' Max Vel=0.83 fps Inflow=2.4 cfs 10,246 cf
n=0.100 L=85.0' S=0.0412 '/' Capacity=15.9 cfs Outflow=2.4 cfs 10,246 cf

Reach 3R: SD-2-3-13 Avg. Flow Depth=0.28' Max Vel=5.80 fps Inflow=1.1 cfs 3,351 cf
12.0" Round Pipe n=0.012 L=210.0' S=0.0248 '/' Capacity=6.1 cfs Outflow=1.1 cfs 3,351 cf

Pond 1FP: FocalPoint 1 Peak Elev=20.74' Storage=303 cf Inflow=1.2 cfs 3,615 cf
Primary=1.2 cfs 3,614 cf Secondary=0.0 cfs 0 cf Outflow=1.2 cfs 3,614 cf

Pond 1P: Pond 1 - 24" Culvert Outlet Peak Elev=11.46' Storage=15,559 cf Inflow=6.9 cfs 36,812 cf
Primary=1.5 cfs 32,813 cf Secondary=0.0 cfs 0 cf Outflow=1.5 cfs 32,813 cf

Pond 1RT: 1RT Peak Elev=15.49' Storage=729 cf Inflow=1.2 cfs 3,614 cf
Outflow=0.7 cfs 3,565 cf

Pond ST: ST Peak Elev=33.53' Storage=91 cf Inflow=1.1 cfs 3,363 cf
Outflow=1.1 cfs 3,351 cf

Link POA-1: POA-1 Inflow=1.5 cfs 32,813 cf
Primary=1.5 cfs 32,813 cf

Total Runoff Area = 435,380 sf Runoff Volume = 36,874 cf Average Runoff Depth = 1.02"
63.96% Pervious = 278,461 sf 36.04% Impervious = 156,919 sf

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1.1S: Roadway / LA Runoff Area=12,765 sf 69.98% Impervious Runoff Depth=3.59"
Tc=6.0 min CN=91 Runoff=1.2 cfs 3,824 cf

Subcatchment1.2S: Homes / Driveways / Runoff Area=22,745 sf 46.93% Impervious Runoff Depth=3.29"
Tc=6.0 min CN=88 Runoff=2.0 cfs 6,237 cf

Subcatchment2S: 2S Runoff Area=84,325 sf 32.08% Impervious Runoff Depth=2.72"
Flow Length=660' Tc=16.9 min CN=82 Runoff=4.5 cfs 19,141 cf

Subcatchment3S: 3S Runoff Area=6,565 sf 0.00% Impervious Runoff Depth=2.05"
Tc=6.0 min CN=74 Runoff=0.4 cfs 1,121 cf

Subcatchment4S: 4S Runoff Area=153,485 sf 23.06% Impervious Runoff Depth=1.20"
Flow Length=1,340' Tc=23.6 min CN=62 Runoff=2.8 cfs 15,323 cf

Subcatchment5S: 5S Runoff Area=43,680 sf 24.45% Impervious Runoff Depth=2.38"
Flow Length=335' Tc=19.2 min CN=78 Runoff=1.9 cfs 8,647 cf

Subcatchment6S: 6S Runoff Area=31,980 sf 58.49% Impervious Runoff Depth=2.46"
Flow Length=515' Tc=6.1 min CN=79 Runoff=2.1 cfs 6,558 cf

Subcatchment7S: 7S Runoff Area=79,835 sf 56.97% Impervious Runoff Depth=2.13"
Flow Length=1,072' Tc=16.2 min CN=75 Runoff=3.3 cfs 14,164 cf

Reach 2R: 2R Avg. Flow Depth=0.27' Max Vel=1.00 fps Inflow=4.5 cfs 19,141 cf
n=0.100 L=85.0' S=0.0412 '/' Capacity=15.9 cfs Outflow=4.4 cfs 19,141 cf

Reach 3R: SD-2-3-13 Avg. Flow Depth=0.41' Max Vel=7.04 fps Inflow=2.1 cfs 6,552 cf
12.0" Round Pipe n=0.012 L=210.0' S=0.0248 '/' Capacity=6.1 cfs Outflow=2.1 cfs 6,552 cf

Pond 1FP: FocalPoint 1 Peak Elev=20.80' Storage=322 cf Inflow=2.0 cfs 6,237 cf
Primary=2.0 cfs 6,235 cf Secondary=0.0 cfs 0 cf Outflow=2.0 cfs 6,235 cf

Pond 1P: Pond 1 - 24" Culvert Outlet Peak Elev=11.75' Storage=19,194 cf Inflow=14.8 cfs 74,960 cf
Primary=11.6 cfs 70,961 cf Secondary=0.0 cfs 0 cf Outflow=11.6 cfs 70,961 cf

Pond 1RT: 1RT Peak Elev=16.19' Storage=976 cf Inflow=2.0 cfs 6,235 cf
Outflow=1.8 cfs 6,187 cf

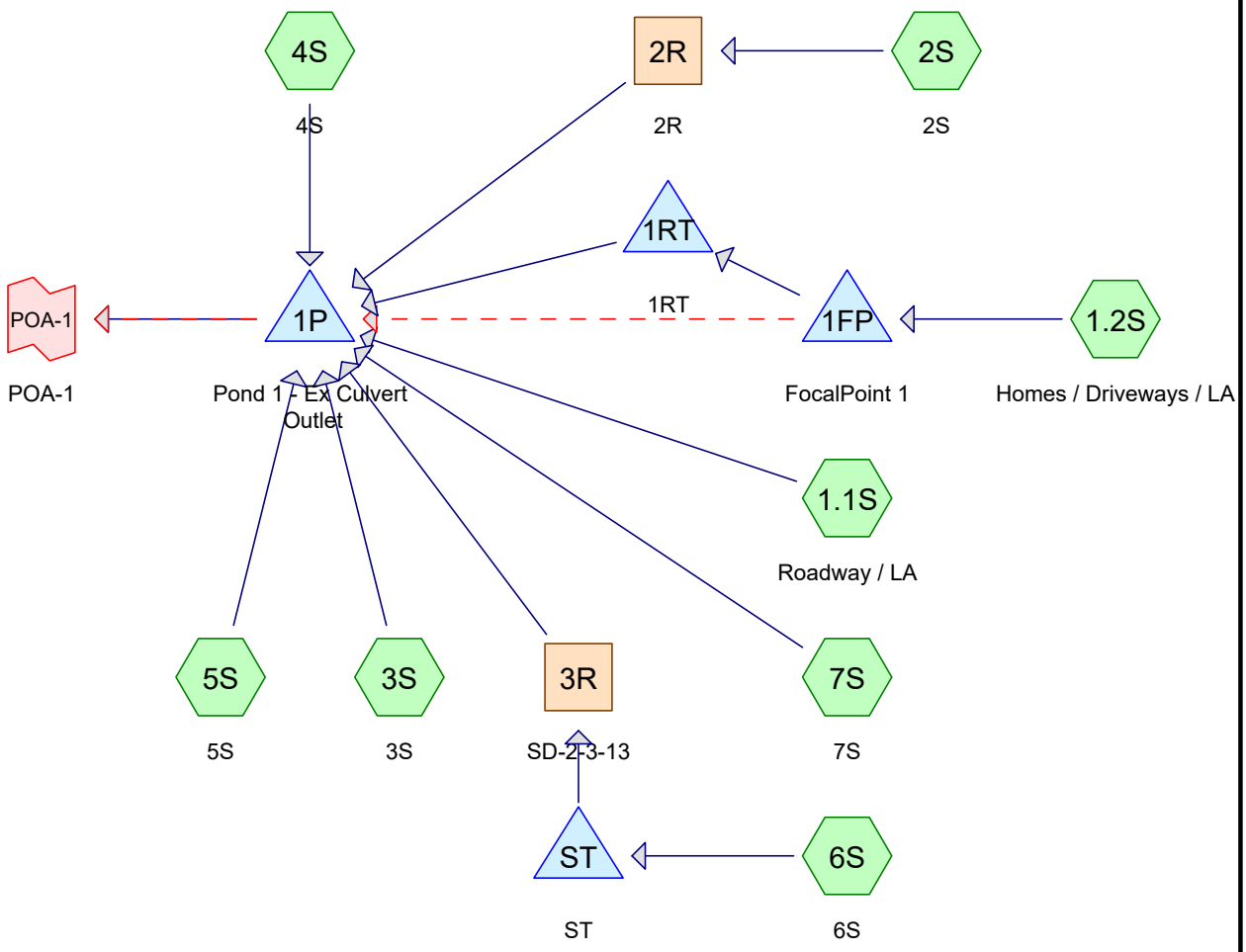
Pond ST: ST Peak Elev=33.67' Storage=95 cf Inflow=2.1 cfs 6,558 cf
Outflow=2.1 cfs 6,552 cf

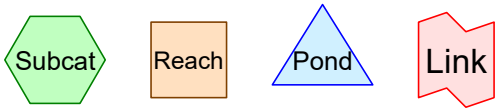
Link POA-1: POA-1 Inflow=11.6 cfs 70,961 cf
Primary=11.6 cfs 70,961 cf

Total Runoff Area = 435,380 sf Runoff Volume = 75,016 cf Average Runoff Depth = 2.07"
63.96% Pervious = 278,461 sf 36.04% Impervious = 156,919 sf

Appendix 2C

Proposed Conditions
Without Culvert Replacement





Routing Diagram for 07360-01 Post SW 2023-01-06
Prepared by Sebago Technics, Inc., Printed 3/22/2023
HydroCAD® 10.00-24 s/n 01856 © 2018 HydroCAD Software Solutions LLC

Area Listing (selected nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
20,110	86	1/3 acre lots, 30% imp, HSG D (2S)
9,235	61	1/4 acre lots, 38% imp, HSG A (2S, 7S)
760	83	1/4 acre lots, 38% imp, HSG C (2S)
42,750	77	1/8 acre lots, 65% imp, HSG A (2S, 6S, 7S)
45,900	90	1/8 acre lots, 65% imp, HSG C (1.1S, 2S, 6S, 7S)
16,725	39	>75% Grass cover, Good, HSG A (6S, 7S)
21,380	74	>75% Grass cover, Good, HSG C (1.1S, 1.2S, 2S, 6S, 7S)
9,515	80	>75% Grass cover, Good, HSG D (1.1S, 1.2S)
58,250	30	Brush, Good, HSG A (4S)
6,610	65	Brush, Good, HSG C (2S, 5S)
111,685	73	Brush, Good, HSG D (2S, 3S, 4S, 5S)
6,380	98	CMP impervious (5S)
1,325	98	Ex Gravel (5S)
85	98	Gravel to stay (1.1S)
5,910	98	New Pavement (1.1S)
44,440	98	Pavement (4S, 5S, 6S, 7S)
2,015	80	Riprap area (3S, 5S)
13,770	98	Roof / Driveways (1.2S, 2S)
17,555	98	Train track gravel (4S, 5S)
980	72	Woods/grass comb., Good, HSG C (2S)
435,380	**74**	**TOTAL AREA**

Summary for Subcatchment 1.1S: Roadway / LA

Runoff = 1.6 cfs @ 12.08 hrs, Volume= 5,065 cf, Depth= 4.76"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	540	80	>75% Grass cover, Good, HSG D
	1,710	74	>75% Grass cover, Good, HSG C
	4,520	90	1/8 acre lots, 65% imp, HSG C
*	5,910	98	New Pavement
*	85	98	Gravel to stay
	12,765	91	Weighted Average
	3,832		30.02% Pervious Area
	8,933		69.98% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Summary for Subcatchment 1.2S: Homes / Driveways / LA

Runoff = 2.6 cfs @ 12.09 hrs, Volume= 8,403 cf, Depth= 4.43"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	8,975	80	>75% Grass cover, Good, HSG D
	3,095	74	>75% Grass cover, Good, HSG C
*	10,675	98	Roof / Driveways
	22,745	88	Weighted Average
	12,070		53.07% Pervious Area
	10,675		46.93% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Summary for Subcatchment 2S: 2S

Runoff = 6.2 cfs @ 12.23 hrs, Volume= 26,728 cf, Depth= 3.80"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	19,515	73	Brush, Good, HSG D
	1,390	65	Brush, Good, HSG C
	20,110	86	1/3 acre lots, 30% imp, HSG D
	26,370	90	1/8 acre lots, 65% imp, HSG C
	275	77	1/8 acre lots, 65% imp, HSG A
	980	72	Woods/grass comb., Good, HSG C
	11,005	74	>75% Grass cover, Good, HSG C
	825	61	1/4 acre lots, 38% imp, HSG A
	760	83	1/4 acre lots, 38% imp, HSG C
*	3,095	98	Roof / Driveways
	84,325	82	Weighted Average
	57,275		67.92% Pervious Area
	27,050		32.08% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.3	50	0.0160	0.13		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
5.3	360	0.0257	1.12		**Shallow Concentrated Flow, B-C** Short Grass Pasture Kv= 7.0 fps
0.2	40	0.3513	2.96		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
5.1	210	0.0192	0.69		**Shallow Concentrated Flow, D-E** Woodland Kv= 5.0 fps
16.9	660	Total			

Summary for Subcatchment 3S: 3S

Runoff = 0.5 cfs @ 12.09 hrs, Volume= 1,651 cf, Depth= 3.02"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	5,625	73	Brush, Good, HSG D
*	940	80	Riprap area
	6,565	74	Weighted Average
	6,565		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Summary for Subcatchment 4S: 4S

Runoff = 4.8 cfs @ 12.35 hrs, Volume= 25,003 cf, Depth= 1.95"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	59,840	73	Brush, Good, HSG D
*	20,640	98	Pavement
*	14,755	98	Train track gravel
	58,250	30	Brush, Good, HSG A
	153,485	62	Weighted Average
	118,090		76.94% Pervious Area
	35,395		23.06% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.4	30	0.0250	1.16		**Sheet Flow, A-B** Smooth surfaces n= 0.011 P2= 3.10"
4.1	145	0.0138	0.59		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
0.7	80	0.1299	1.80		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
14.1	600	0.0050	0.71		**Shallow Concentrated Flow, D-E** Nearly Bare & Untilled Kv= 10.0 fps
2.7	200	0.0151	1.23		**Shallow Concentrated Flow, E-F** Nearly Bare & Untilled Kv= 10.0 fps
0.7	165	0.0662	3.86		**Shallow Concentrated Flow, F-G** Grassed Waterway Kv= 15.0 fps
0.9	120	0.0245	2.35		**Shallow Concentrated Flow, G-H** Grassed Waterway Kv= 15.0 fps
23.6	1,340	Total			

Summary for Subcatchment 5S: 5S

Runoff = 2.7 cfs @ 12.27 hrs, Volume= 12,386 cf, Depth= 3.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	26,705	73	Brush, Good, HSG D
*	1,325	98	Ex Gravel
*	2,800	98	Train track gravel
*	6,380	98	CMP impervious
	5,220	65	Brush, Good, HSG C
*	175	98	Pavement
*	1,075	80	Riprap area
	43,680	78	Weighted Average
	33,000		75.55% Pervious Area
	10,680		24.45% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
14.7	60	0.0193	0.07		**Sheet Flow, A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
3.1	120	0.0169	0.65		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
1.4	155	0.1323	1.82		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
19.2	335	Total			

Summary for Subcatchment 6S: 6S

Runoff = 3.0 cfs @ 12.09 hrs, Volume= 9,332 cf, Depth= 3.50"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
*	7,840	98	Pavement
	2,755	74	>75% Grass cover, Good, HSG C
	4,670	39	>75% Grass cover, Good, HSG A
	6,910	90	1/8 acre lots, 65% imp, HSG C
	9,805	77	1/8 acre lots, 65% imp, HSG A
	31,980	79	Weighted Average
	13,275		41.51% Pervious Area
	18,705		58.49% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.5	30	0.0568	0.20		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
3.0	370	0.0100	2.03		**Shallow Concentrated Flow, B-C** Paved Kv= 20.3 fps
0.6	115	0.0213	2.96		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
6.1	515	Total			

Summary for Subcatchment 7S: 7S

Runoff = 4.9 cfs @ 12.22 hrs, Volume= 20,706 cf, Depth= 3.11"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
*	15,785	98	Pavement
	2,815	74	>75% Grass cover, Good, HSG C
	12,055	39	>75% Grass cover, Good, HSG A
	8,100	90	1/8 acre lots, 65% imp, HSG C
	32,670	77	1/8 acre lots, 65% imp, HSG A
	8,410	61	1/4 acre lots, 38% imp, HSG A
	79,835	75	Weighted Average
	34,354		43.03% Pervious Area
	45,481		56.97% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
7.0	55	0.0145	0.13		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
4.0	190	0.0131	0.80		**Shallow Concentrated Flow, B-C** Short Grass Pasture Kv= 7.0 fps
0.8	110	0.0131	2.32		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
4.0	540	0.0120	2.22		**Shallow Concentrated Flow, D-E** Paved Kv= 20.3 fps
0.4	177	0.0279	8.21	6.45	**Pipe Channel, E-F** 12.0" Round Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.012
16.2	1,072	Total			

Summary for Reach 2R: 2R

Inflow Area = 84,325 sf, 32.08% Impervious, Inflow Depth = 3.80" for 25-yr event
Inflow = 6.2 cfs @ 12.23 hrs, Volume= 26,728 cf
Outflow = 6.2 cfs @ 12.26 hrs, Volume= 26,728 cf, Atten= 1%, Lag= 2.3 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 1.09 fps, Min. Travel Time= 1.3 min
Avg. Velocity = 0.36 fps, Avg. Travel Time= 4.0 min

Peak Storage= 479 cf @ 12.24 hrs
Average Depth at Peak Storage= 0.32'
Bank-Full Depth= 0.50' Flow Area= 11.3 sf, Capacity= 15.9 cfs

10.00' x 0.50' deep channel, n= 0.100 Earth, dense brush, high stage
Side Slope Z-value= 25.0 '/' Top Width= 35.00'
Length= 85.0' Slope= 0.0412 '/'
Inlet Invert= 15.00', Outlet Invert= 11.50'



‡

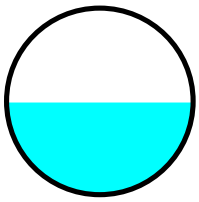
Summary for Reach 3R: SD-2-3-13

Inflow Area = 31,980 sf, 58.49% Impervious, Inflow Depth = 3.50" for 25-yr event
Inflow = 3.0 cfs @ 12.09 hrs, Volume= 9,315 cf
Outflow = 3.0 cfs @ 12.10 hrs, Volume= 9,315 cf, Atten= 0%, Lag= 0.8 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 7.70 fps, Min. Travel Time= 0.5 min
Avg. Velocity = 2.79 fps, Avg. Travel Time= 1.3 min

Peak Storage= 81 cf @ 12.09 hrs
Average Depth at Peak Storage= 0.50'
Bank-Full Depth= 1.00' Flow Area= 0.8 sf, Capacity= 6.1 cfs

12.0" Round Pipe
n= 0.012 Corrugated PP, smooth interior
Length= 210.0' Slope= 0.0248 '/'
Inlet Invert= 22.80', Outlet Invert= 17.60'



Summary for Pond 1FP: FocalPoint 1

Inflow Area = 22,745 sf, 46.93% Impervious, Inflow Depth = 4.43" for 25-yr event
Inflow = 2.6 cfs @ 12.09 hrs, Volume= 8,403 cf
Outflow = 2.6 cfs @ 12.09 hrs, Volume= 8,404 cf, Atten= 0%, Lag= 0.3 min
Primary = 2.6 cfs @ 12.09 hrs, Volume= 8,404 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 20.85' @ 12.09 hrs Surf.Area= 50 sf Storage= 336 cf

Plug-Flow detention time= (not calculated: outflow precedes inflow)
Center-of-Mass det. time= 9.8 min (802.4 - 792.7)

Volume	Invert	Avail.Storage	Storage Description
#1	16.75'	23 cf	**5.00'W x 10.00'L x 2.25'H FocalPoint** 113 cf Overall x 20.0% Voids
#2	19.00'	588 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc) -Impervious
		610 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
19.00	50	0	0
20.00	168	109	109
21.00	343	256	365
21.50	550	223	588

Device	Routing	Invert	Outlet Devices
#1	Primary	15.90'	**12.0" Round Culvert** L= 6.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 15.90' / 15.80' S= 0.0167 '/' Cc= 0.900 n= 0.012, Flow Area= 0.79 sf
#2	Device 1	16.75'	**100.000 in/hr Exfiltration over Surface area**
#3	Device 1	20.60'	**24.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#4	Secondary	21.00'	**12.0' long x 4.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50 Coef. (English) 2.38 2.54 2.69 2.68 2.67 2.67 2.65 2.66 2.66 2.68 2.72 2.73 2.76 2.79 2.88 3.07 3.32

Primary OutFlow Max=2.6 cfs @ 12.09 hrs HW=20.85' (Free Discharge)
└**1=Culvert** (Passes 2.6 cfs of 8.0 cfs potential flow)
└**2=Exfiltration** (Exfiltration Controls 0.1 cfs)
└**3=Orifice/Grate** (Weir Controls 2.5 cfs @ 1.62 fps)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=16.75' (Free Discharge)
└**4=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Summary for Pond 1P: Pond 1 - Ex Culvert Outlet

Inflow Area = 435,380 sf, 36.04% Impervious, Inflow Depth = 3.01" for 25-yr event
Inflow = 21.9 cfs @ 12.25 hrs, Volume= 109,210 cf
Outflow = 4.4 cfs @ 13.04 hrs, Volume= 105,250 cf, Atten= 80%, Lag= 47.5 min
Primary = 4.4 cfs @ 13.04 hrs, Volume= 105,250 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 13.19' @ 13.04 hrs Surf.Area= 18,911 sf Storage= 42,822 cf

Plug-Flow detention time= 112.8 min calculated for 105,250 cf (96% of inflow)
Center-of-Mass det. time= 90.6 min (931.0 - 840.4)

Volume	Invert	Avail.Storage	Storage Description
#1	8.00'	485,960 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
8.00	1,000	0	0
9.00	2,000	1,500	1,500
10.00	4,000	3,000	4,500
11.00	8,800	6,400	10,900
12.00	14,807	11,804	22,704
13.00	18,431	16,619	39,323
14.00	20,991	19,711	59,034
15.00	23,193	22,092	81,126
16.00	25,551	24,372	105,498
17.00	29,800	27,676	133,173
18.00	33,100	31,450	164,623
19.00	36,118	34,609	199,232
20.00	39,878	37,998	237,230
21.00	43,231	41,555	278,785
22.00	47,301	45,266	324,051
23.00	51,170	49,236	373,286
24.00	55,812	53,491	426,777
25.00	62,553	59,183	485,960

Device	Routing	Invert	Outlet Devices
#1	Primary	7.74'	**12.0" Round Culvert** L= 113.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 7.74' / 4.98' S= 0.0244 '/' Cc= 0.900 n= 0.025 Corrugated metal, Flow Area= 0.79 sf
#2	Device 1	9.86'	**1.3" x 1.3" Horiz. Grate X 7.00 columns** X 7 rows C= 0.600
#3	Secondary	24.85'	**100.0' long x 15.0' breadth Railroad Spillway** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63

Primary OutFlow Max=4.4 cfs @ 13.04 hrs HW=13.19' (Free Discharge)
↑—**1=Culvert** (Barrel Controls 4.4 cfs @ 5.56 fps)
↑—**2=Grate** (Passes 4.4 cfs of 5.1 cfs potential flow)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=8.00' (Free Discharge)
↑—**3=Railroad Spillway** (Controls 0.0 cfs)

Summary for Pond 1RT: 1RT

Inflow Area = 22,745 sf, 46.93% Impervious, Inflow Depth = 4.43" for 25-yr event
Inflow = 2.6 cfs @ 12.09 hrs, Volume= 8,404 cf
Outflow = 2.6 cfs @ 12.10 hrs, Volume= 8,355 cf, Atten= 1%, Lag= 0.7 min
Primary = 2.6 cfs @ 12.10 hrs, Volume= 8,355 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 16.28' @ 12.10 hrs Surf.Area= 466 sf Storage= 1,007 cf

Plug-Flow detention time= 64.0 min calculated for 8,355 cf (99% of inflow)
Center-of-Mass det. time= 60.3 min (862.8 - 802.4)

Volume	Invert	Avail.Storage	Storage Description
#1A	13.28'	426 cf	**14.50'W x 32.15'L x 4.07'H Field A** 1,898 cf Overall - 834 cf Embedded = 1,064 cf x 40.0% Voids
#2A	13.53'	792 cf	**ACF R-Tank HD 2** x 96 Inside #1 Inside= 15.7"W x 33.9"H => 3.52 sf x 2.35'L = 8.3 cf Outside= 15.7"W x 33.9"H => 3.70 sf x 2.35'L = 8.7 cf 96 Chambers in 8 Rows
		1,218 cf	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Primary	13.53'	**15.0" Round Culvert** L= 32.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 13.53' / 13.05' S= 0.0150 '/' Cc= 0.900 n= 0.012, Flow Area= 1.23 sf
#2	Device 1	13.35'	**0.5" Vert. Orifice/Grate** C= 0.600
#3	Device 1	14.30'	**5.0" Vert. Orifice/Grate** C= 0.600
#4	Device 1	16.00'	**4.0' long x 0.5' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32

Primary OutFlow Max=2.6 cfs @ 12.10 hrs HW=16.28' (Free Discharge)
└**1=Culvert** (Passes 2.6 cfs of 8.6 cfs potential flow)
  ├**2=Orifice/Grate** (Orifice Controls 0.0 cfs @ 7.99 fps)
  ├**3=Orifice/Grate** (Orifice Controls 0.9 cfs @ 6.41 fps)
  └**4=Broad-Crested Rectangular Weir** (Weir Controls 1.7 cfs @ 1.51 fps)

Summary for Pond ST: ST

Inflow Area = 31,980 sf, 58.49% Impervious, Inflow Depth = 3.50" for 25-yr event
Inflow = 3.0 cfs @ 12.09 hrs, Volume= 9,332 cf
Outflow = 3.0 cfs @ 12.09 hrs, Volume= 9,315 cf, Atten= 0%, Lag= 0.0 min
Primary = 3.0 cfs @ 12.09 hrs, Volume= 9,315 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 33.84' @ 12.09 hrs Surf.Area= 120 sf Storage= 95 cf

Plug-Flow detention time= 2.9 min calculated for 9,315 cf (100% of inflow)
Center-of-Mass det. time= 1.8 min (820.0 - 818.2)

Volume	Invert	Avail.Storage	Storage Description
#1	30.70'	36 cf	**10.00'W x 4.00'L x 2.25'H Prismatoid** 90 cf Overall x 40.0% Voids
#2	32.95'	27 cf	**10.00'W x 4.00'L x 0.68'H Prismatoid**
#3	28.70'	32 cf	**10.00'W x 4.00'L x 2.00'H Prismatoid** 80 cf Overall x 40.0% Voids
		95 cf	Total Available Storage

Device	Routing	Invert	Outlet Devices
#1	Device 2	28.70'	**140.000 in/hr Exfiltration over Surface area**
#2	Primary	29.45'	**12.0" Round Culvert** L= 25.0' CPP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 29.45' / 29.20' S= 0.0100 '/' Cc= 0.900 n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf
#3	Device 2	33.37'	**12.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=3.0 cfs @ 12.09 hrs HW=33.84' (Free Discharge)
└─**2=Culvert** (Passes 3.0 cfs of 5.9 cfs potential flow)
  ├─**1=Exfiltration** (Exfiltration Controls 0.4 cfs)
  └─**3=Orifice/Grate** (Orifice Controls 2.6 cfs @ 3.31 fps)

Summary for Link POA-1: POA-1

Inflow Area = 435,380 sf, 36.04% Impervious, Inflow Depth = 2.90" for 25-yr event
Inflow = 4.4 cfs @ 13.04 hrs, Volume= 105,250 cf
Primary = 4.4 cfs @ 13.04 hrs, Volume= 105,250 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1.1S: Roadway / LA Runoff Area=12,765 sf 69.98% Impervious Runoff Depth=2.16"
Tc=6.0 min CN=91 Runoff=0.7 cfs 2,303 cf

Subcatchment1.2S: Homes / Driveways / Runoff Area=22,745 sf 46.93% Impervious Runoff Depth=1.91"
Tc=6.0 min CN=88 Runoff=1.2 cfs 3,615 cf

Subcatchment2S: 2S Runoff Area=84,325 sf 32.08% Impervious Runoff Depth=1.46"
Flow Length=660' Tc=16.9 min CN=82 Runoff=2.4 cfs 10,246 cf

Subcatchment3S: 3S Runoff Area=6,565 sf 0.00% Impervious Runoff Depth=0.97"
Tc=6.0 min CN=74 Runoff=0.2 cfs 532 cf

Subcatchment4S: 4S Runoff Area=153,485 sf 23.06% Impervious Runoff Depth=0.44"
Flow Length=1,340' Tc=23.6 min CN=62 Runoff=0.8 cfs 5,614 cf

Subcatchment5S: 5S Runoff Area=43,680 sf 24.45% Impervious Runoff Depth=1.20"
Flow Length=335' Tc=19.2 min CN=78 Runoff=0.9 cfs 4,370 cf

Subcatchment6S: 6S Runoff Area=31,980 sf 58.49% Impervious Runoff Depth=1.26"
Flow Length=515' Tc=6.1 min CN=79 Runoff=1.1 cfs 3,363 cf

Subcatchment7S: 7S Runoff Area=79,835 sf 56.97% Impervious Runoff Depth=1.03"
Flow Length=1,072' Tc=16.2 min CN=75 Runoff=1.5 cfs 6,831 cf

Reach 2R: 2R Avg. Flow Depth=0.19' Max Vel=0.83 fps Inflow=2.4 cfs 10,246 cf
n=0.100 L=85.0' S=0.0412 '/' Capacity=15.9 cfs Outflow=2.4 cfs 10,246 cf

Reach 3R: SD-2-3-13 Avg. Flow Depth=0.28' Max Vel=5.80 fps Inflow=1.1 cfs 3,351 cf
12.0" Round Pipe n=0.012 L=210.0' S=0.0248 '/' Capacity=6.1 cfs Outflow=1.1 cfs 3,351 cf

Pond 1FP: FocalPoint 1 Peak Elev=20.74' Storage=303 cf Inflow=1.2 cfs 3,615 cf
Primary=1.2 cfs 3,614 cf Secondary=0.0 cfs 0 cf Outflow=1.2 cfs 3,614 cf

Pond 1P: Pond 1 - Ex Culvert Outlet Peak Elev=10.99' Storage=10,805 cf Inflow=6.9 cfs 36,812 cf
Primary=2.9 cfs 32,853 cf Secondary=0.0 cfs 0 cf Outflow=2.9 cfs 32,853 cf

Pond 1RT: 1RT Peak Elev=15.49' Storage=729 cf Inflow=1.2 cfs 3,614 cf
Outflow=0.7 cfs 3,565 cf

Pond ST: ST Peak Elev=33.53' Storage=91 cf Inflow=1.1 cfs 3,363 cf
Outflow=1.1 cfs 3,351 cf

Link POA-1: POA-1 Inflow=2.9 cfs 32,853 cf
Primary=2.9 cfs 32,853 cf

Total Runoff Area = 435,380 sf Runoff Volume = 36,874 cf Average Runoff Depth = 1.02"
63.96% Pervious = 278,461 sf 36.04% Impervious = 156,919 sf

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1.1S: Roadway / LA Runoff Area=12,765 sf 69.98% Impervious Runoff Depth=3.59"
Tc=6.0 min CN=91 Runoff=1.2 cfs 3,824 cf

Subcatchment1.2S: Homes / Driveways / Runoff Area=22,745 sf 46.93% Impervious Runoff Depth=3.29"
Tc=6.0 min CN=88 Runoff=2.0 cfs 6,237 cf

Subcatchment2S: 2S Runoff Area=84,325 sf 32.08% Impervious Runoff Depth=2.72"
Flow Length=660' Tc=16.9 min CN=82 Runoff=4.5 cfs 19,141 cf

Subcatchment3S: 3S Runoff Area=6,565 sf 0.00% Impervious Runoff Depth=2.05"
Tc=6.0 min CN=74 Runoff=0.4 cfs 1,121 cf

Subcatchment4S: 4S Runoff Area=153,485 sf 23.06% Impervious Runoff Depth=1.20"
Flow Length=1,340' Tc=23.6 min CN=62 Runoff=2.8 cfs 15,323 cf

Subcatchment5S: 5S Runoff Area=43,680 sf 24.45% Impervious Runoff Depth=2.38"
Flow Length=335' Tc=19.2 min CN=78 Runoff=1.9 cfs 8,647 cf

Subcatchment6S: 6S Runoff Area=31,980 sf 58.49% Impervious Runoff Depth=2.46"
Flow Length=515' Tc=6.1 min CN=79 Runoff=2.1 cfs 6,558 cf

Subcatchment7S: 7S Runoff Area=79,835 sf 56.97% Impervious Runoff Depth=2.13"
Flow Length=1,072' Tc=16.2 min CN=75 Runoff=3.3 cfs 14,164 cf

Reach 2R: 2R Avg. Flow Depth=0.27' Max Vel=1.00 fps Inflow=4.5 cfs 19,141 cf
n=0.100 L=85.0' S=0.0412 '/' Capacity=15.9 cfs Outflow=4.4 cfs 19,141 cf

Reach 3R: SD-2-3-13 Avg. Flow Depth=0.41' Max Vel=7.04 fps Inflow=2.1 cfs 6,552 cf
12.0" Round Pipe n=0.012 L=210.0' S=0.0248 '/' Capacity=6.1 cfs Outflow=2.1 cfs 6,552 cf

Pond 1FP: FocalPoint 1 Peak Elev=20.80' Storage=322 cf Inflow=2.0 cfs 6,237 cf
Primary=2.0 cfs 6,235 cf Secondary=0.0 cfs 0 cf Outflow=2.0 cfs 6,235 cf

Pond 1P: Pond 1 - Ex Culvert Outlet Peak Elev=12.25' Storage=26,456 cf Inflow=14.8 cfs 74,960 cf
Primary=4.1 cfs 71,001 cf Secondary=0.0 cfs 0 cf Outflow=4.1 cfs 71,001 cf

Pond 1RT: 1RT Peak Elev=16.19' Storage=976 cf Inflow=2.0 cfs 6,235 cf
Outflow=1.8 cfs 6,187 cf

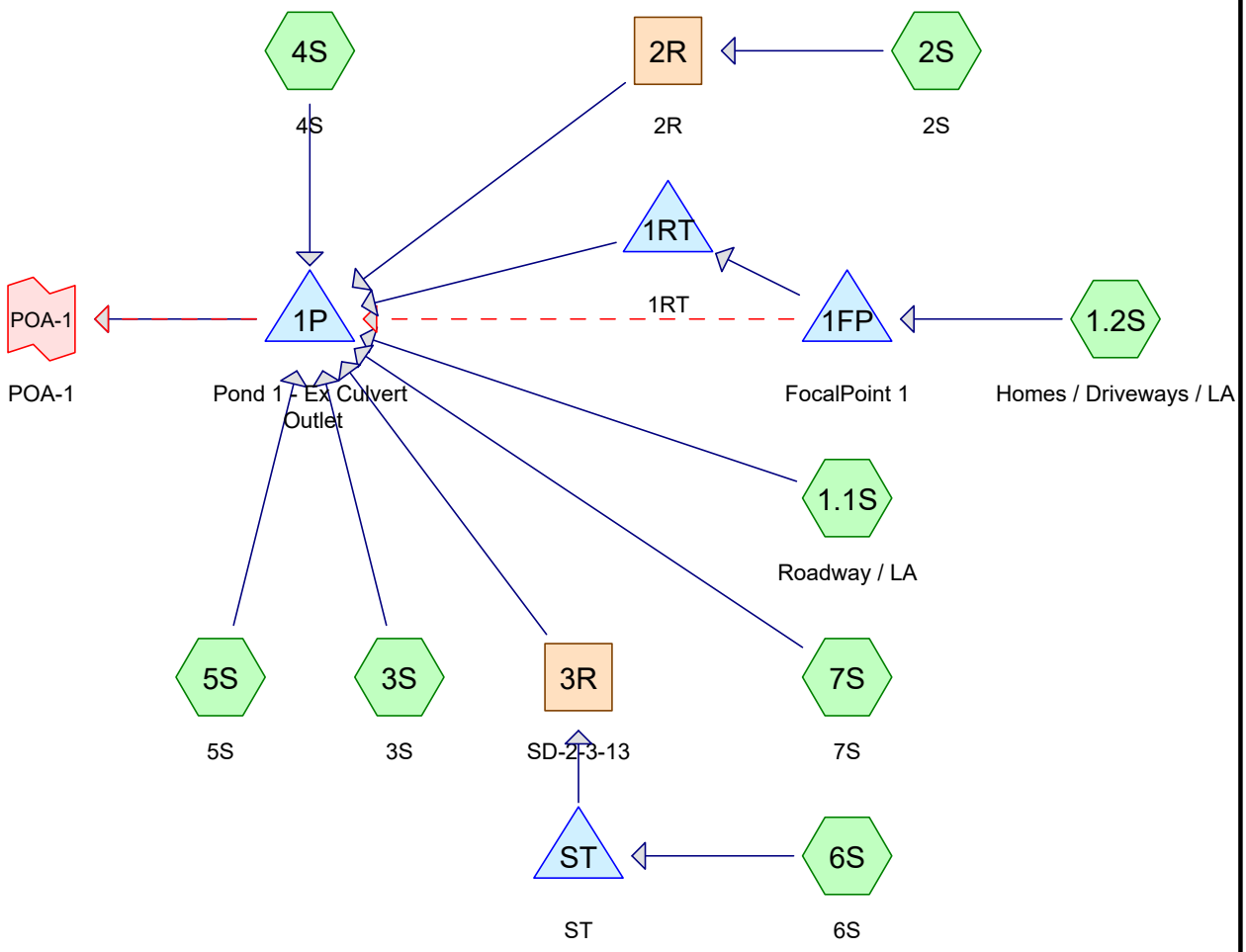
Pond ST: ST Peak Elev=33.67' Storage=95 cf Inflow=2.1 cfs 6,558 cf
Outflow=2.1 cfs 6,552 cf

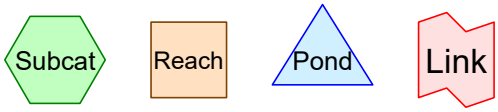
Link POA-1: POA-1 Inflow=4.1 cfs 71,001 cf
Primary=4.1 cfs 71,001 cf

Total Runoff Area = 435,380 sf Runoff Volume = 75,016 cf Average Runoff Depth = 2.07"
63.96% Pervious = 278,461 sf 36.04% Impervious = 156,919 sf

Appendix 2D

Proposed Conditions vs. Existing Conditions
Culvert Fail





Routing Diagram for 07360-01 Post SW 2023-01-06
Prepared by Sebago Technics, Inc., Printed 3/22/2023
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Area Listing (selected nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
20,110	86	1/3 acre lots, 30% imp, HSG D (2S)
9,235	61	1/4 acre lots, 38% imp, HSG A (2S, 7S)
760	83	1/4 acre lots, 38% imp, HSG C (2S)
42,750	77	1/8 acre lots, 65% imp, HSG A (2S, 6S, 7S)
45,900	90	1/8 acre lots, 65% imp, HSG C (1.1S, 2S, 6S, 7S)
16,725	39	>75% Grass cover, Good, HSG A (6S, 7S)
21,380	74	>75% Grass cover, Good, HSG C (1.1S, 1.2S, 2S, 6S, 7S)
9,515	80	>75% Grass cover, Good, HSG D (1.1S, 1.2S)
58,250	30	Brush, Good, HSG A (4S)
6,610	65	Brush, Good, HSG C (2S, 5S)
111,685	73	Brush, Good, HSG D (2S, 3S, 4S, 5S)
6,380	98	CMP impervious (5S)
1,325	98	Ex Gravel (5S)
85	98	Gravel to stay (1.1S)
5,910	98	New Pavement (1.1S)
44,440	98	Pavement (4S, 5S, 6S, 7S)
2,015	80	Riprap area (3S, 5S)
13,770	98	Roof / Driveways (1.2S, 2S)
17,555	98	Train track gravel (4S, 5S)
980	72	Woods/grass comb., Good, HSG C (2S)
435,380	**74**	**TOTAL AREA**

Summary for Subcatchment 1.1S: Roadway / LA

Runoff = 1.6 cfs @ 12.08 hrs, Volume= 5,065 cf, Depth= 4.76"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	540	80	>75% Grass cover, Good, HSG D
	1,710	74	>75% Grass cover, Good, HSG C
	4,520	90	1/8 acre lots, 65% imp, HSG C
*	5,910	98	New Pavement
*	85	98	Gravel to stay
	12,765	91	Weighted Average
	3,832		30.02% Pervious Area
	8,933		69.98% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Summary for Subcatchment 1.2S: Homes / Driveways / LA

Runoff = 2.6 cfs @ 12.09 hrs, Volume= 8,403 cf, Depth= 4.43"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	8,975	80	>75% Grass cover, Good, HSG D
	3,095	74	>75% Grass cover, Good, HSG C
*	10,675	98	Roof / Driveways
	22,745	88	Weighted Average
	12,070		53.07% Pervious Area
	10,675		46.93% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Summary for Subcatchment 2S: 2S

Runoff = 6.2 cfs @ 12.23 hrs, Volume= 26,728 cf, Depth= 3.80"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	19,515	73	Brush, Good, HSG D
	1,390	65	Brush, Good, HSG C
	20,110	86	1/3 acre lots, 30% imp, HSG D
	26,370	90	1/8 acre lots, 65% imp, HSG C
	275	77	1/8 acre lots, 65% imp, HSG A
	980	72	Woods/grass comb., Good, HSG C
	11,005	74	>75% Grass cover, Good, HSG C
	825	61	1/4 acre lots, 38% imp, HSG A
	760	83	1/4 acre lots, 38% imp, HSG C
*	3,095	98	Roof / Driveways
	84,325	82	Weighted Average
	57,275		67.92% Pervious Area
	27,050		32.08% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.3	50	0.0160	0.13		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
5.3	360	0.0257	1.12		**Shallow Concentrated Flow, B-C** Short Grass Pasture Kv= 7.0 fps
0.2	40	0.3513	2.96		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
5.1	210	0.0192	0.69		**Shallow Concentrated Flow, D-E** Woodland Kv= 5.0 fps
16.9	660	Total			

Summary for Subcatchment 3S: 3S

Runoff = 0.5 cfs @ 12.09 hrs, Volume= 1,651 cf, Depth= 3.02"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	5,625	73	Brush, Good, HSG D
*	940	80	Riprap area
	6,565	74	Weighted Average
	6,565		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Summary for Subcatchment 4S: 4S

Runoff = 4.8 cfs @ 12.35 hrs, Volume= 25,003 cf, Depth= 1.95"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	59,840	73	Brush, Good, HSG D
*	20,640	98	Pavement
*	14,755	98	Train track gravel
	58,250	30	Brush, Good, HSG A
	153,485	62	Weighted Average
	118,090		76.94% Pervious Area
	35,395		23.06% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.4	30	0.0250	1.16		**Sheet Flow, A-B** Smooth surfaces n= 0.011 P2= 3.10"
4.1	145	0.0138	0.59		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
0.7	80	0.1299	1.80		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
14.1	600	0.0050	0.71		**Shallow Concentrated Flow, D-E** Nearly Bare & Untilled Kv= 10.0 fps
2.7	200	0.0151	1.23		**Shallow Concentrated Flow, E-F** Nearly Bare & Untilled Kv= 10.0 fps
0.7	165	0.0662	3.86		**Shallow Concentrated Flow, F-G** Grassed Waterway Kv= 15.0 fps
0.9	120	0.0245	2.35		**Shallow Concentrated Flow, G-H** Grassed Waterway Kv= 15.0 fps
23.6	1,340	Total			

Summary for Subcatchment 5S: 5S

Runoff = 2.7 cfs @ 12.27 hrs, Volume= 12,386 cf, Depth= 3.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	26,705	73	Brush, Good, HSG D
*	1,325	98	Ex Gravel
*	2,800	98	Train track gravel
*	6,380	98	CMP impervious
	5,220	65	Brush, Good, HSG C
*	175	98	Pavement
*	1,075	80	Riprap area
	43,680	78	Weighted Average
	33,000		75.55% Pervious Area
	10,680		24.45% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
14.7	60	0.0193	0.07		**Sheet Flow, A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
3.1	120	0.0169	0.65		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
1.4	155	0.1323	1.82		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
19.2	335	Total			

Summary for Subcatchment 6S: 6S

Runoff = 3.0 cfs @ 12.09 hrs, Volume= 9,332 cf, Depth= 3.50"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
*	7,840	98	Pavement
	2,755	74	>75% Grass cover, Good, HSG C
	4,670	39	>75% Grass cover, Good, HSG A
	6,910	90	1/8 acre lots, 65% imp, HSG C
	9,805	77	1/8 acre lots, 65% imp, HSG A
	31,980	79	Weighted Average
	13,275		41.51% Pervious Area
	18,705		58.49% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.5	30	0.0568	0.20		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
3.0	370	0.0100	2.03		**Shallow Concentrated Flow, B-C** Paved Kv= 20.3 fps
0.6	115	0.0213	2.96		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
6.1	515	Total			

Summary for Subcatchment 7S: 7S

Runoff = 4.9 cfs @ 12.22 hrs, Volume= 20,706 cf, Depth= 3.11"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
*	15,785	98	Pavement
	2,815	74	>75% Grass cover, Good, HSG C
	12,055	39	>75% Grass cover, Good, HSG A
	8,100	90	1/8 acre lots, 65% imp, HSG C
	32,670	77	1/8 acre lots, 65% imp, HSG A
	8,410	61	1/4 acre lots, 38% imp, HSG A
	79,835	75	Weighted Average
	34,354		43.03% Pervious Area
	45,481		56.97% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
7.0	55	0.0145	0.13		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
4.0	190	0.0131	0.80		**Shallow Concentrated Flow, B-C** Short Grass Pasture Kv= 7.0 fps
0.8	110	0.0131	2.32		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
4.0	540	0.0120	2.22		**Shallow Concentrated Flow, D-E** Paved Kv= 20.3 fps
0.4	177	0.0279	8.21	6.45	**Pipe Channel, E-F** 12.0" Round Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.012
16.2	1,072	Total			

Summary for Reach 2R: 2R

Inflow Area = 84,325 sf, 32.08% Impervious, Inflow Depth = 3.80" for 25-yr event
Inflow = 6.2 cfs @ 12.23 hrs, Volume= 26,728 cf
Outflow = 6.2 cfs @ 12.26 hrs, Volume= 26,728 cf, Atten= 1%, Lag= 2.3 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 1.09 fps, Min. Travel Time= 1.3 min
Avg. Velocity = 0.36 fps, Avg. Travel Time= 4.0 min

Peak Storage= 479 cf @ 12.24 hrs
Average Depth at Peak Storage= 0.32'
Bank-Full Depth= 0.50' Flow Area= 11.3 sf, Capacity= 15.9 cfs

10.00' x 0.50' deep channel, n= 0.100 Earth, dense brush, high stage
Side Slope Z-value= 25.0 '/' Top Width= 35.00'
Length= 85.0' Slope= 0.0412 '/'
Inlet Invert= 15.00', Outlet Invert= 11.50'



‡

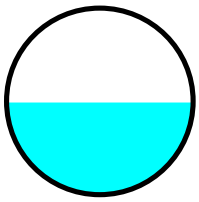
Summary for Reach 3R: SD-2-3-13

Inflow Area = 31,980 sf, 58.49% Impervious, Inflow Depth = 3.50" for 25-yr event
Inflow = 3.0 cfs @ 12.09 hrs, Volume= 9,315 cf
Outflow = 3.0 cfs @ 12.10 hrs, Volume= 9,315 cf, Atten= 0%, Lag= 0.8 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 7.70 fps, Min. Travel Time= 0.5 min
Avg. Velocity = 2.79 fps, Avg. Travel Time= 1.3 min

Peak Storage= 81 cf @ 12.09 hrs
Average Depth at Peak Storage= 0.50'
Bank-Full Depth= 1.00' Flow Area= 0.8 sf, Capacity= 6.1 cfs

12.0" Round Pipe
n= 0.012 Corrugated PP, smooth interior
Length= 210.0' Slope= 0.0248 '/'
Inlet Invert= 22.80', Outlet Invert= 17.60'



Summary for Pond 1FP: FocalPoint 1

Inflow Area = 22,745 sf, 46.93% Impervious, Inflow Depth = 4.43" for 25-yr event
Inflow = 2.6 cfs @ 12.09 hrs, Volume= 8,403 cf
Outflow = 2.6 cfs @ 12.09 hrs, Volume= 8,404 cf, Atten= 0%, Lag= 0.3 min
Primary = 2.6 cfs @ 12.09 hrs, Volume= 8,404 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 20.85' @ 12.09 hrs Surf.Area= 50 sf Storage= 336 cf

Plug-Flow detention time= (not calculated: outflow precedes inflow)
Center-of-Mass det. time= 9.8 min (802.4 - 792.7)

Volume	Invert	Avail.Storage	Storage Description
#1	16.75'	23 cf	**5.00'W x 10.00'L x 2.25'H FocalPoint** 113 cf Overall x 20.0% Voids
#2	19.00'	588 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc) -Impervious
		610 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
19.00	50	0	0
20.00	168	109	109
21.00	343	256	365
21.50	550	223	588

Device	Routing	Invert	Outlet Devices
#1	Primary	15.90'	**12.0" Round Culvert** L= 6.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 15.90' / 15.80' S= 0.0167 '/' Cc= 0.900 n= 0.012, Flow Area= 0.79 sf
#2	Device 1	16.75'	**100.000 in/hr Exfiltration over Surface area**
#3	Device 1	20.60'	**24.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#4	Secondary	21.00'	**12.0' long x 4.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50 Coef. (English) 2.38 2.54 2.69 2.68 2.67 2.67 2.65 2.66 2.66 2.68 2.72 2.73 2.76 2.79 2.88 3.07 3.32

Primary OutFlow Max=2.6 cfs @ 12.09 hrs HW=20.85' (Free Discharge)
└**1=Culvert** (Passes 2.6 cfs of 8.0 cfs potential flow)
└**2=Exfiltration** (Exfiltration Controls 0.1 cfs)
└**3=Orifice/Grate** (Weir Controls 2.5 cfs @ 1.62 fps)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=16.75' (Free Discharge)
└**4=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Summary for Pond 1P: Pond 1 - Ex Culvert Outlet

Inflow Area = 435,380 sf, 36.04% Impervious, Inflow Depth = 3.01" for 25-yr event
Inflow = 21.9 cfs @ 12.25 hrs, Volume= 109,210 cf
Outflow = 0.0 cfs @ 0.00 hrs, Volume= 0 cf, Atten= 100%, Lag= 0.0 min
Primary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 16.14' @ 50.00 hrs Surf.Area= 26,160 sf Storage= 109,205 cf

Plug-Flow detention time= (not calculated: initial storage exceeds outflow)
Center-of-Mass det. time= (not calculated: no outflow)

Volume	Invert	Avail.Storage	Storage Description
#1	8.00'	485,960 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Railroad Track Overflow Elevation: 24.85'
Top of Focal Point Elevation: 21.0'
Lowest Powsland Street Elevation: 30.37'
Lowest Proposed Basement FFE Elevation: 24.90'

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
8.00	1,000	0	0
9.00	2,000	1,500	1,500
10.00	4,000	3,000	4,500
11.00	8,800	6,400	10,900
12.00	14,807	11,804	22,704
13.00	18,431	16,619	39,323
14.00	20,991	19,711	59,034
15.00	23,193	22,092	81,126
16.00	25,551	24,372	105,498
17.00	29,800	27,676	133,173
18.00	33,100	31,450	164,623
19.00	36,118	34,609	199,232
20.00	39,878	37,998	237,230
21.00	43,231	41,555	278,785
22.00	47,301	45,266	324,051
23.00	51,170	49,236	373,286
24.00	55,812	53,491	426,777
25.00	62,553	59,183	485,960

STORAGE FOR ELEVATIONS 18'-25' WERE ADDED TO REFLECT ENTIRE POND STORAGE DATA

Device	Routing	Invert	Outlet Devices
#1	Primary	7.74'	**12.0" Round Culvert X 0.00** L= 113.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 7.74' / 4.98' S= 0.0244 '/' Cc= 0.900 n= 0.025 Corrugated metal, Flow Area= 0.79 sf
#2	Device 1	9.86'	**1.3" x 1.3" Horiz. Grate X 7.00 columns** X 7 rows C= 0.600
#3	Secondary	24.85'	**100.0' long x 15.0' breadth Railroad Spillway** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63

Primary OutFlow Max=0.0 cfs @ 0.00 hrs HW=8.00' (Free Discharge)
↑—**1=Culvert** (Controls 0.0 cfs)
↑—**2=Grate** (Controls 0.0 cfs)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=8.00' (Free Discharge)
↑—**3=Railroad Spillway** (Controls 0.0 cfs)

WOSRT CASE SCENARIO: CULVERT OUTLET FAILED, NO OUTFLOW

Summary for Pond 1RT: 1RT

Inflow Area = 22,745 sf, 46.93% Impervious, Inflow Depth = 4.43" for 25-yr event
Inflow = 2.6 cfs @ 12.09 hrs, Volume= 8,404 cf
Outflow = 2.6 cfs @ 12.10 hrs, Volume= 8,355 cf, Atten= 1%, Lag= 0.7 min
Primary = 2.6 cfs @ 12.10 hrs, Volume= 8,355 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 16.28' @ 12.10 hrs Surf.Area= 466 sf Storage= 1,007 cf

Plug-Flow detention time= 64.0 min calculated for 8,355 cf (99% of inflow)
Center-of-Mass det. time= 60.3 min (862.8 - 802.4)

Volume	Invert	Avail.Storage	Storage Description
#1A	13.28'	426 cf	**14.50'W x 32.15'L x 4.07'H Field A** 1,898 cf Overall - 834 cf Embedded = 1,064 cf x 40.0% Voids
#2A	13.53'	792 cf	**ACF R-Tank HD 2** x 96 Inside #1 Inside= 15.7"W x 33.9"H => 3.52 sf x 2.35'L = 8.3 cf Outside= 15.7"W x 33.9"H => 3.70 sf x 2.35'L = 8.7 cf 96 Chambers in 8 Rows
		1,218 cf	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Primary	13.53'	**15.0" Round Culvert** L= 32.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 13.53' / 13.05' S= 0.0150 '/' Cc= 0.900 n= 0.012, Flow Area= 1.23 sf
#2	Device 1	13.35'	**0.5" Vert. Orifice/Grate** C= 0.600
#3	Device 1	14.30'	**5.0" Vert. Orifice/Grate** C= 0.600
#4	Device 1	16.00'	**4.0' long x 0.5' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32

Primary OutFlow Max=2.6 cfs @ 12.10 hrs HW=16.28' (Free Discharge)
└**1=Culvert** (Passes 2.6 cfs of 8.6 cfs potential flow)
  ├**2=Orifice/Grate** (Orifice Controls 0.0 cfs @ 7.99 fps)
  ├**3=Orifice/Grate** (Orifice Controls 0.9 cfs @ 6.41 fps)
  └**4=Broad-Crested Rectangular Weir** (Weir Controls 1.7 cfs @ 1.51 fps)

Summary for Pond ST: ST

Inflow Area = 31,980 sf, 58.49% Impervious, Inflow Depth = 3.50" for 25-yr event
Inflow = 3.0 cfs @ 12.09 hrs, Volume= 9,332 cf
Outflow = 3.0 cfs @ 12.09 hrs, Volume= 9,315 cf, Atten= 0%, Lag= 0.0 min
Primary = 3.0 cfs @ 12.09 hrs, Volume= 9,315 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 33.84' @ 12.09 hrs Surf.Area= 120 sf Storage= 95 cf

Plug-Flow detention time= 2.9 min calculated for 9,315 cf (100% of inflow)
Center-of-Mass det. time= 1.8 min (820.0 - 818.2)

Volume	Invert	Avail.Storage	Storage Description
#1	30.70'	36 cf	**10.00'W x 4.00'L x 2.25'H Prismatoid** 90 cf Overall x 40.0% Voids
#2	32.95'	27 cf	**10.00'W x 4.00'L x 0.68'H Prismatoid**
#3	28.70'	32 cf	**10.00'W x 4.00'L x 2.00'H Prismatoid** 80 cf Overall x 40.0% Voids
		95 cf	Total Available Storage

Device	Routing	Invert	Outlet Devices
#1	Device 2	28.70'	**140.000 in/hr Exfiltration over Surface area**
#2	Primary	29.45'	**12.0" Round Culvert** L= 25.0' CPP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 29.45' / 29.20' S= 0.0100 '/' Cc= 0.900 n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf
#3	Device 2	33.37'	**12.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=3.0 cfs @ 12.09 hrs HW=33.84' (Free Discharge)
└─**2=Culvert** (Passes 3.0 cfs of 5.9 cfs potential flow)
  ├─**1=Exfiltration** (Exfiltration Controls 0.4 cfs)
  └─**3=Orifice/Grate** (Orifice Controls 2.6 cfs @ 3.31 fps)

Summary for Link POA-1: POA-1

Inflow Area = 435,380 sf, 36.04% Impervious, Inflow Depth = 0.00" for 25-yr event
Inflow = 0.0 cfs @ 0.00 hrs, Volume= 0 cf
Primary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1.1S: Roadway / LA Runoff Area=12,765 sf 69.98% Impervious Runoff Depth=5.84"
Tc=6.0 min CN=91 Runoff=1.9 cfs 6,213 cf

Subcatchment1.2S: Homes / Driveways / Runoff Area=22,745 sf 46.93% Impervious Runoff Depth=5.50"
Tc=6.0 min CN=88 Runoff=3.2 cfs 10,418 cf

Subcatchment2S: 2S Runoff Area=84,325 sf 32.08% Impervious Runoff Depth=4.82"
Flow Length=660' Tc=16.9 min CN=82 Runoff=7.8 cfs 33,888 cf

Subcatchment3S: 3S Runoff Area=6,565 sf 0.00% Impervious Runoff Depth=3.96"
Tc=6.0 min CN=74 Runoff=0.7 cfs 2,164 cf

Subcatchment4S: 4S Runoff Area=153,485 sf 23.06% Impervious Runoff Depth=2.73"
Flow Length=1,340' Tc=23.6 min CN=62 Runoff=6.9 cfs 34,889 cf

Subcatchment5S: 5S Runoff Area=43,680 sf 24.45% Impervious Runoff Depth=4.38"
Flow Length=335' Tc=19.2 min CN=78 Runoff=3.5 cfs 15,959 cf

Subcatchment6S: 6S Runoff Area=31,980 sf 58.49% Impervious Runoff Depth=4.49"
Flow Length=515' Tc=6.1 min CN=79 Runoff=3.8 cfs 11,974 cf

Subcatchment7S: 7S Runoff Area=79,835 sf 56.97% Impervious Runoff Depth=4.06"
Flow Length=1,072' Tc=16.2 min CN=75 Runoff=6.4 cfs 27,020 cf

Reach 2R: 2R Avg. Flow Depth=0.35' Max Vel=1.17 fps Inflow=7.8 cfs 33,888 cf
n=0.100 L=85.0' S=0.0412 '/' Capacity=15.9 cfs Outflow=7.8 cfs 33,888 cf

Reach 3R: SD-2-3-13 Avg. Flow Depth=0.57' Max Vel=8.16 fps Inflow=3.8 cfs 11,947 cf
12.0" Round Pipe n=0.012 L=210.0' S=0.0248 '/' Capacity=6.1 cfs Outflow=3.8 cfs 11,947 cf

Pond 1FP: FocalPoint 1 Peak Elev=20.88' Storage=348 cf Inflow=3.2 cfs 10,418 cf
Primary=3.2 cfs 10,417 cf Secondary=0.0 cfs 0 cf Outflow=3.2 cfs 10,417 cf

Pond 1P: Pond 1 - Ex Culvert Outlet Peak Elev=17.31' Storage=142,439 cf Inflow=28.6 cfs 142,448 cf
Primary=0.0 cfs 0 cf Secondary=0.0 cfs 0 cf Outflow=0.0 cfs 0 cf

Pond 1RT: 1RT Peak Elev=16.34' Storage=1,027 cf Inflow=3.2 cfs 10,417 cf
Outflow=3.2 cfs 10,368 cf

Pond ST: ST Peak Elev=34.19' Storage=95 cf Inflow=3.8 cfs 11,974 cf
Outflow=3.8 cfs 11,947 cf

Link POA-1: POA-1 Inflow=0.0 cfs 0 cf
Primary=0.0 cfs 0 cf

Total Runoff Area = 435,380 sf Runoff Volume = 142,524 cf Average Runoff Depth = 3.93"
63.96% Pervious = 278,461 sf 36.04% Impervious = 156,919 sf

Railroad Track Overflow Elevation: 24.85'
Top of Focal Point Elevation: 21.0'
Lowest Powsland Street Elevation: 30.37'
Lowest Proposed Basement FFE Elevation: 24.90'

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1.1S: Roadway / LA Runoff Area=12,765 sf 69.98% Impervious Runoff Depth=7.02"
Tc=6.0 min CN=91 Runoff=2.2 cfs 7,471 cf

Subcatchment1.2S: Homes / Driveways / Runoff Area=22,745 sf 46.93% Impervious Runoff Depth=6.67"
Tc=6.0 min CN=88 Runoff=3.9 cfs 12,635 cf

Subcatchment2S: 2S Runoff Area=84,325 sf 32.08% Impervious Runoff Depth=5.95"
Flow Length=660' Tc=16.9 min CN=82 Runoff=9.6 cfs 41,844 cf

Subcatchment3S: 3S Runoff Area=6,565 sf 0.00% Impervious Runoff Depth=5.02"
Tc=6.0 min CN=74 Runoff=0.9 cfs 2,744 cf

Subcatchment4S: 4S Runoff Area=153,485 sf 23.06% Impervious Runoff Depth=3.63"
Flow Length=1,340' Tc=23.6 min CN=62 Runoff=9.3 cfs 46,481 cf

Subcatchment5S: 5S Runoff Area=43,680 sf 24.45% Impervious Runoff Depth=5.48"
Flow Length=335' Tc=19.2 min CN=78 Runoff=4.4 cfs 19,960 cf

Subcatchment6S: 6S Runoff Area=31,980 sf 58.49% Impervious Runoff Depth=5.60"
Flow Length=515' Tc=6.1 min CN=79 Runoff=4.7 cfs 14,927 cf

Subcatchment7S: 7S Runoff Area=79,835 sf 56.97% Impervious Runoff Depth=5.13"
Flow Length=1,072' Tc=16.2 min CN=75 Runoff=8.1 cfs 34,143 cf

Reach 2R: 2R Avg. Flow Depth=0.39' Max Vel=1.23 fps Inflow=9.6 cfs 41,844 cf
n=0.100 L=85.0' S=0.0412 '/' Capacity=15.9 cfs Outflow=9.5 cfs 41,844 cf

Reach 3R: SD-2-3-13 Avg. Flow Depth=0.66' Max Vel=8.55 fps Inflow=4.7 cfs 14,903 cf
12.0" Round Pipe n=0.012 L=210.0' S=0.0248 '/' Capacity=6.1 cfs Outflow=4.7 cfs 14,903 cf

Pond 1FP: FocalPoint 1 Peak Elev=20.92' Storage=360 cf Inflow=3.9 cfs 12,635 cf
Primary=3.9 cfs 12,635 cf Secondary=0.0 cfs 0 cf Outflow=3.9 cfs 12,635 cf

Pond 1P: Pond 1 - Ex Culvert Outlet Peak Elev=18.46' Storage=180,121 cf Inflow=36.1 cfs 180,132 cf
Primary=0.0 cfs 0 cf Secondary=0.0 cfs 0 cf Outflow=0.0 cfs 0 cf

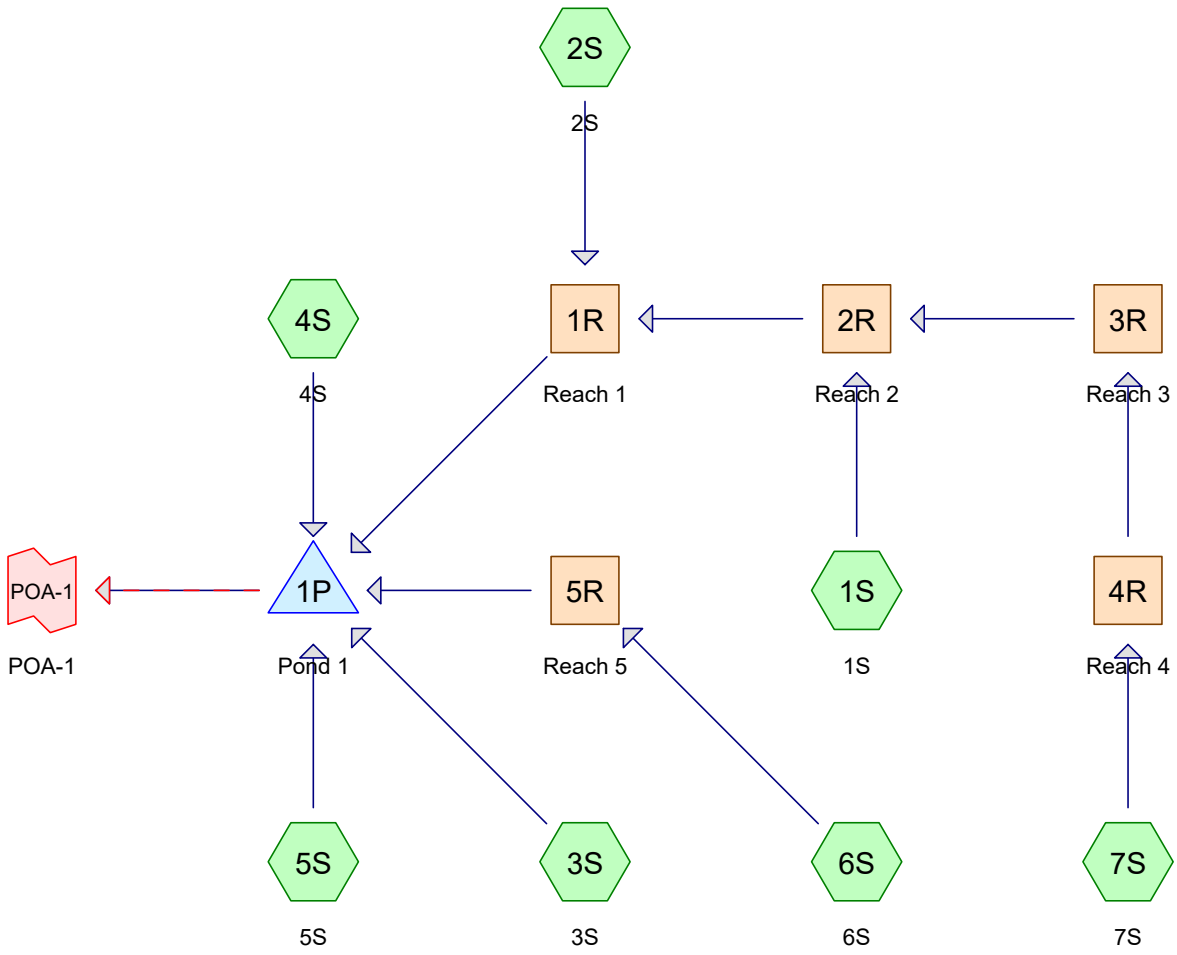
Pond 1RT: 1RT Peak Elev=16.40' Storage=1,040 cf Inflow=3.9 cfs 12,635 cf
Outflow=3.8 cfs 12,586 cf

Pond ST: ST Peak Elev=34.69' Storage=95 cf Inflow=4.7 cfs 14,927 cf
Outflow=4.7 cfs 14,903 cf

Link POA-1: POA-1 Inflow=0.0 cfs 0 cf
Primary=0.0 cfs 0 cf

Total Runoff Area = 435,380 sf Runoff Volume = 180,205 cf Average Runoff Depth = 4.97"
63.96% Pervious = 278,461 sf 36.04% Impervious = 156,919 sf

Railroad Track Overflow Elevation: 24.85'
Top of Focal Point Elevation: 21.0'
Lowest Powsland Street Elevation: 30.37'
Lowest Proposed Basement FFE Elevation: 24.90'



Subcat Reach Pond Link

Routing Diagram for 07360-01 Pre SW 3
Prepared by Sebago Technics, Inc., Printed 3/22/2023
HydroCAD® 10.00-24 s/n 01856 © 2018 HydroCAD Software Solutions LLC

Area Listing (selected nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
20,110	86	1/3 acre lots, 30% imp, HSG D (2S)
9,235	61	1/4 acre lots, 38% imp, HSG A (2S, 7S)
760	83	1/4 acre lots, 38% imp, HSG C (2S)
42,750	77	1/8 acre lots, 65% imp, HSG A (2S, 6S, 7S)
44,440	90	1/8 acre lots, 65% imp, HSG C (2S, 6S, 7S)
16,725	39	>75% Grass cover, Good, HSG A (6S, 7S)
18,525	74	>75% Grass cover, Good, HSG C (2S, 6S, 7S)
58,250	30	Brush, Good, HSG A (4S)
13,090	65	Brush, Good, HSG C (1S, 2S, 3S, 5S)
129,615	73	Brush, Good, HSG D (1S, 2S, 3S, 4S, 5S)
6,380	98	CMP impervious (5S)
1,215	98	Ex Gravel (5S)
4,555	98	Existing Gravel (1S)
2,865	98	Existing Pavement (1S)
1,260	98	Gravel (3S)
43,220	98	Pavement (3S, 4S, 6S, 7S)
3,095	98	Roof / Driveways (2S)
17,555	98	Train track gravel (4S, 5S)
980	72	Woods/grass comb., Good, HSG C (2S)
434,625	**73**	**TOTAL AREA**

Summary for Subcatchment 1S: 1S

Runoff = 2.5 cfs @ 12.09 hrs, Volume= 7,781 cf, Depth= 3.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
*	2,865	98	Existing Pavement
*	4,555	98	Existing Gravel
	13,940	73	Brush, Good, HSG D
	6,080	65	Brush, Good, HSG C
	27,440	78	Weighted Average
	20,020		72.96% Pervious Area
	7,420		27.04% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.6	52	0.0380	1.54		**Sheet Flow, A-B** Smooth surfaces n= 0.011 P2= 3.10"
0.2	30	0.3000	2.74		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
0.5	52	0.1250	1.77		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
4.7					**Direct Entry,**
6.0	134	Total			

Summary for Subcatchment 2S: 2S

Runoff = 6.1 cfs @ 12.23 hrs, Volume= 26,339 cf, Depth= 3.91"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
	16,190	73	Brush, Good, HSG D
	1,390	65	Brush, Good, HSG C
	20,110	86	1/3 acre lots, 30% imp, HSG D
	26,370	90	1/8 acre lots, 65% imp, HSG C
	275	77	1/8 acre lots, 65% imp, HSG A
	980	72	Woods/grass comb., Good, HSG C
	10,920	74	>75% Grass cover, Good, HSG C
	825	61	1/4 acre lots, 38% imp, HSG A
	760	83	1/4 acre lots, 38% imp, HSG C
*	3,095	98	Roof / Driveways
	80,915	83	Weighted Average
	53,865		66.57% Pervious Area
	27,050		33.43% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.3	50	0.0160	0.13		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
5.3	360	0.0257	1.12		**Shallow Concentrated Flow, B-C** Short Grass Pasture Kv= 7.0 fps
0.2	40	0.3513	2.96		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
5.1	210	0.0192	0.69		**Shallow Concentrated Flow, D-E** Woodland Kv= 5.0 fps
16.9	660	Total			

Summary for Subcatchment 3S: 3S

Runoff = 1.3 cfs @ 12.09 hrs, Volume= 4,020 cf, Depth= 3.11"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
	13,780	73	Brush, Good, HSG D
*	1,260	98	Gravel
*	60	98	Pavement
	400	65	Brush, Good, HSG C
	15,500	75	Weighted Average
	14,180		91.48% Pervious Area
	1,320		8.52% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.5	48	0.0417	1.57		**Sheet Flow, A-B** Smooth surfaces n= 0.011 P2= 3.10"
0.1	20	0.2500	2.50		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
0.7	50	0.0600	1.22		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
0.1	15	0.6667	4.08		**Shallow Concentrated Flow, D-E** Woodland Kv= 5.0 fps
0.1	13	0.2307	2.40		**Shallow Concentrated Flow, E-F** Woodland Kv= 5.0 fps
4.5					**Direct Entry,**
6.0	146	Total			

Summary for Subcatchment 4S: 4S

Runoff = 4.8 cfs @ 12.35 hrs, Volume= 25,003 cf, Depth= 1.95"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
	59,840	73	Brush, Good, HSG D
*	20,640	98	Pavement
*	14,755	98	Train track gravel
	58,250	30	Brush, Good, HSG A
	153,485	62	Weighted Average
	118,090		76.94% Pervious Area
	35,395		23.06% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.4	30	0.0250	1.16		**Sheet Flow, A-B** Smooth surfaces n= 0.011 P2= 3.10"
4.1	145	0.0138	0.59		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
0.7	80	0.1299	1.80		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
14.1	600	0.0050	0.71		**Shallow Concentrated Flow, D-E** Nearly Bare & Untilled Kv= 10.0 fps
2.7	200	0.0151	1.23		**Shallow Concentrated Flow, E-F** Nearly Bare & Untilled Kv= 10.0 fps
0.7	165	0.0662	3.86		**Shallow Concentrated Flow, F-G** Grassed Waterway Kv= 15.0 fps
0.9	120	0.0245	2.35		**Shallow Concentrated Flow, G-H** Grassed Waterway Kv= 15.0 fps
23.6	1,340	Total			

Summary for Subcatchment 5S: 5S

Runoff = 2.6 cfs @ 12.27 hrs, Volume= 11,762 cf, Depth= 3.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
	25,865	73	Brush, Good, HSG D
*	1,215	98	Ex Gravel
*	2,800	98	Train track gravel
*	6,380	98	CMP impervious
	5,220	65	Brush, Good, HSG C
	41,480	78	Weighted Average
	31,085		74.94% Pervious Area
	10,395		25.06% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
14.7	60	0.0193	0.07		**Sheet Flow, A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
3.1	120	0.0169	0.65		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
1.4	155	0.1323	1.82		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
19.2	335	Total			

Summary for Subcatchment 6S: 6S

Runoff = 3.7 cfs @ 12.09 hrs, Volume= 11,593 cf, Depth= 3.60"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
*	9,035	98	Pavement
	5,150	74	>75% Grass cover, Good, HSG C
	4,670	39	>75% Grass cover, Good, HSG A
	9,970	90	1/8 acre lots, 65% imp, HSG C
	9,805	77	1/8 acre lots, 65% imp, HSG A
	38,630	80	Weighted Average
	16,741		43.34% Pervious Area
	21,889		56.66% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.5	30	0.0568	0.20		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
3.0	370	0.0100	2.03		**Shallow Concentrated Flow, B-C** Paved Kv= 20.3 fps
1.0	170	0.0213	2.96		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
6.5	570	Total			

Summary for Subcatchment 7S: 7S

Runoff = 4.7 cfs @ 12.21 hrs, Volume= 19,406 cf, Depth= 3.02"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
*	13,485	98	Pavement
	2,455	74	>75% Grass cover, Good, HSG C
	12,055	39	>75% Grass cover, Good, HSG A
	8,100	90	1/8 acre lots, 65% imp, HSG C
	32,670	77	1/8 acre lots, 65% imp, HSG A
	8,410	61	1/4 acre lots, 38% imp, HSG A
	77,175	74	Weighted Average
	33,994		44.05% Pervious Area
	43,181		55.95% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
7.0	55	0.0145	0.13		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
4.0	190	0.0131	0.80		**Shallow Concentrated Flow, B-C** Short Grass Pasture Kv= 7.0 fps
0.8	110	0.0131	2.32		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
3.3	405	0.0100	2.03		**Shallow Concentrated Flow, D-E** Paved Kv= 20.3 fps
15.1	760	Total			

Summary for Reach 1R: Reach 1

Inflow Area = 185,530 sf, 41.85% Impervious, Inflow Depth = 3.46" for 25-YR event
Inflow = 12.0 cfs @ 12.23 hrs, Volume= 53,526 cf
Outflow = 11.9 cfs @ 12.25 hrs, Volume= 53,526 cf, Atten= 0%, Lag= 0.9 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 1.31 fps, Min. Travel Time= 1.1 min
Avg. Velocity = 0.38 fps, Avg. Travel Time= 3.7 min

Peak Storage= 773 cf @ 12.25 hrs
Average Depth at Peak Storage= 0.44'
Bank-Full Depth= 0.50' Flow Area= 11.3 sf, Capacity= 15.9 cfs

10.00' x 0.50' deep channel, n= 0.100 Earth, dense brush, high stage
Side Slope Z-value= 25.0 '/' Top Width= 35.00'
Length= 85.0' Slope= 0.0412 '/'
Inlet Invert= 15.00', Outlet Invert= 11.50'



‡

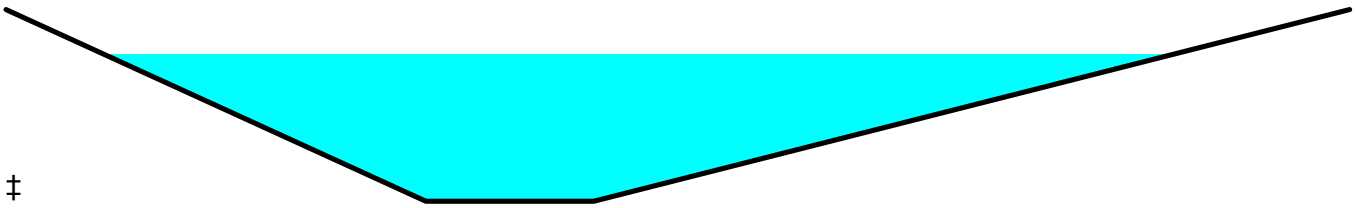
Summary for Reach 2R: Reach 2

Inflow Area = 104,615 sf, 48.37% Impervious, Inflow Depth = 3.12" for 25-YR event
Inflow = 6.1 cfs @ 12.20 hrs, Volume= 27,187 cf
Outflow = 5.9 cfs @ 12.25 hrs, Volume= 27,187 cf, Atten= 3%, Lag= 3.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 0.83 fps, Min. Travel Time= 4.3 min
Avg. Velocity = 0.27 fps, Avg. Travel Time= 13.1 min

Peak Storage= 1,521 cf @ 12.25 hrs
Average Depth at Peak Storage= 0.38'
Bank-Full Depth= 0.50' Flow Area= 11.3 sf, Capacity= 10.9 cfs

5.00' x 0.50' deep channel, n= 0.100 Earth, dense brush, high stage
Side Slope Z-value= 25.0 45.0 '/' Top Width= 40.00'
Length= 215.0' Slope= 0.0233 '/'
Inlet Invert= 16.50', Outlet Invert= 11.50'



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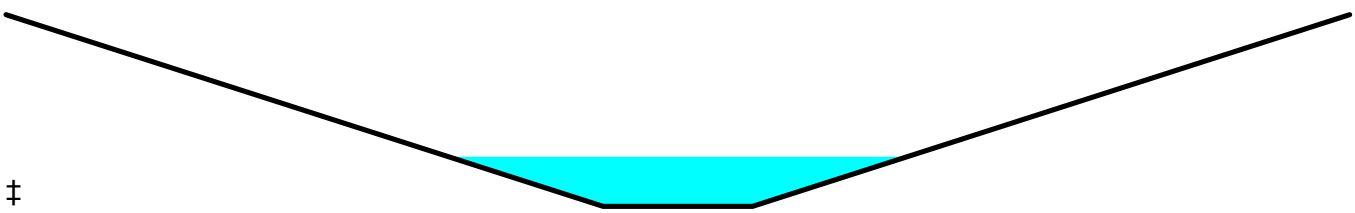
Summary for Reach 3R: Reach 3

Inflow Area = 77,175 sf, 55.95% Impervious, Inflow Depth = 3.02" for 25-YR event
Inflow = 4.7 cfs @ 12.21 hrs, Volume= 19,406 cf
Outflow = 4.7 cfs @ 12.23 hrs, Volume= 19,406 cf, Atten= 0%, Lag= 0.9 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 1.78 fps, Min. Travel Time= 1.1 min
Avg. Velocity = 0.66 fps, Avg. Travel Time= 2.8 min

Peak Storage= 298 cf @ 12.23 hrs
Average Depth at Peak Storage= 0.26'
Bank-Full Depth= 1.00' Flow Area= 25.0 sf, Capacity= 97.3 cfs

5.00' x 1.00' deep channel, n= 0.100 Earth, dense brush, high stage
Side Slope Z-value= 20.0 '/' Top Width= 45.00'
Length= 113.0' Slope= 0.1504 '/'
Inlet Invert= 33.50', Outlet Invert= 16.50'



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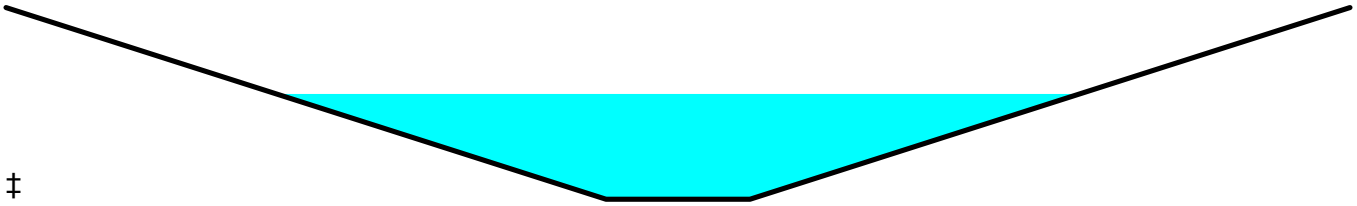
Summary for Reach 4R: Reach 4

Inflow Area = 77,175 sf, 55.95% Impervious, Inflow Depth = 3.02" for 25-YR event
Inflow = 4.7 cfs @ 12.21 hrs, Volume= 19,406 cf
Outflow = 4.7 cfs @ 12.21 hrs, Volume= 19,406 cf, Atten= 0%, Lag= 0.5 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 3.48 fps, Min. Travel Time= 0.5 min
Avg. Velocity = 1.41 fps, Avg. Travel Time= 1.3 min

Peak Storage= 144 cf @ 12.21 hrs
Average Depth at Peak Storage= 0.14'
Bank-Full Depth= 0.25' Flow Area= 3.9 sf, Capacity= 19.3 cfs

3.00' x 0.25' deep channel, n= 0.013 Asphalt, smooth
Side Slope Z-value= 50.0 '/' Top Width= 28.00'
Length= 106.0' Slope= 0.0264 '/'
Inlet Invert= 36.30', Outlet Invert= 33.50'



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Summary for Reach 5R: Reach 5

Inflow Area = 38,630 sf, 56.66% Impervious, Inflow Depth = 3.60" for 25-YR event
Inflow = 3.7 cfs @ 12.09 hrs, Volume= 11,593 cf
Outflow = 3.6 cfs @ 12.10 hrs, Volume= 11,593 cf, Atten= 1%, Lag= 0.5 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 3.12 fps, Min. Travel Time= 0.8 min
Avg. Velocity = 0.87 fps, Avg. Travel Time= 2.8 min

Peak Storage= 171 cf @ 12.10 hrs
Average Depth at Peak Storage= 0.10'
Bank-Full Depth= 0.50' Flow Area= 10.0 sf, Capacity= 78.0 cfs

10.00' x 0.50' deep channel, n= 0.035 Earth, dense weeds
Side Slope Z-value= 20.0 '/' Top Width= 30.00'
Length= 146.0' Slope= 0.1462 '/'
Inlet Invert= 32.35', Outlet Invert= 11.00'



‡

Summary for Pond 1P: Pond 1

Inflow Area = 434,625 sf, 33.74% Impervious, Inflow Depth = 2.92" for 25-YR event
Inflow = 21.4 cfs @ 12.26 hrs, Volume= 105,905 cf
Outflow = 0.0 cfs @ 0.00 hrs, Volume= 0 cf, Atten= 100%, Lag= 0.0 min
Primary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 15.90' @ 46.96 hrs Surf.Area= 26,394 sf Storage= 105,905 cf

Plug-Flow detention time= (not calculated: initial storage exceeds outflow)
Center-of-Mass det. time= (not calculated: no outflow)

Volume	Invert	Avail.Storage	Storage Description
#1	8.00'	530,800 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
8.00	1,000	0	0
9.00	2,000	1,500	1,500
10.00	4,000	3,000	4,500
11.00	8,800	6,400	10,900
12.00	14,915	11,858	22,758
13.00	18,900	16,908	39,665
14.00	21,882	20,391	60,056
15.00	24,236	23,059	83,115
16.00	26,633	25,435	108,550
17.00	31,915	29,274	137,824
18.00	36,515	34,215	172,039
19.00	40,310	38,413	210,451
20.00	44,220	42,265	252,716
21.00	48,191	46,206	298,922
22.00	52,507	50,349	349,271
23.00	57,773	55,140	404,411
24.00	62,584	60,179	464,589
25.00	69,838	66,211	530,800

STORAGE FOR ELEVATIONS 18'-25' WERE ADDED TO REFLECT ENTIRE POND STORAGE DATA

Device	Routing	Invert	Outlet Devices
#1	Primary	7.74'	**12.0" Round Culvert X 0.00** L= 113.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 7.74' / 4.98' S= 0.0244 '/' Cc= 0.900 n= 0.025 Corrugated metal, Flow Area= 0.79 sf
#2	Device 1	9.86'	**1.3" x 1.3" Horiz. Grate X 7.00 columns** X 7 rows C= 0.600
#3	Secondary	24.85'	**100.0' long x 15.0' breadth Railroad Spillway** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63

Primary OutFlow Max=0.0 cfs @ 0.00 hrs HW=8.00' TW=0.00' (Dynamic Tailwater)
└─**1=Culvert** (Controls 0.0 cfs)
└─**2=Grate** (Controls 0.0 cfs)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=8.00' TW=0.00' (Dynamic Tailwater)
└─**3=Railroad Spillway** (Controls 0.0 cfs)

Summary for Link POA-1: POA-1

Inflow Area = 434,625 sf, 33.74% Impervious, Inflow Depth = 0.00" for 25-YR event
Inflow = 0.0 cfs @ 0.00 hrs, Volume= 0 cf
Primary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs

WOSRT CASE SCENARIO:
CULVERT OUTLET FAILED,
NO OUTFLOW

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment1S: 1S Runoff Area=27,440 sf 27.04% Impervious Runoff Depth=4.38"
Flow Length=134' Tc=6.0 min CN=78 Runoff=3.2 cfs 10,025 cf

Subcatchment2S: 2S Runoff Area=80,915 sf 33.43% Impervious Runoff Depth=4.93"
Flow Length=660' Tc=16.9 min CN=83 Runoff=7.7 cfs 33,266 cf

Subcatchment3S: 3S Runoff Area=15,500 sf 8.52% Impervious Runoff Depth=4.06"
Flow Length=146' Tc=6.0 min CN=75 Runoff=1.7 cfs 5,246 cf

Subcatchment4S: 4S Runoff Area=153,485 sf 23.06% Impervious Runoff Depth=2.73"
Flow Length=1,340' Tc=23.6 min CN=62 Runoff=6.9 cfs 34,889 cf

Subcatchment5S: 5S Runoff Area=41,480 sf 25.06% Impervious Runoff Depth=4.38"
Flow Length=335' Tc=19.2 min CN=78 Runoff=3.3 cfs 15,155 cf

Subcatchment6S: 6S Runoff Area=38,630 sf 56.66% Impervious Runoff Depth=4.60"
Flow Length=570' Tc=6.5 min CN=80 Runoff=4.7 cfs 14,815 cf

Subcatchment7S: 7S Runoff Area=77,175 sf 55.95% Impervious Runoff Depth=3.96"
Flow Length=760' Tc=15.1 min CN=74 Runoff=6.2 cfs 25,436 cf

Reach 1R: Reach 1 Avg. Flow Depth=0.49' Max Vel=1.40 fps Inflow=15.4 cfs 68,727 cf
n=0.100 L=85.0' S=0.0412 '/' Capacity=15.9 cfs Outflow=15.3 cfs 68,727 cf

Reach 2R: Reach 2 Avg. Flow Depth=0.43' Max Vel=0.89 fps Inflow=8.0 cfs 35,461 cf
n=0.100 L=215.0' S=0.0233 '/' Capacity=10.9 cfs Outflow=7.7 cfs 35,461 cf

Reach 3R: Reach 3 Avg. Flow Depth=0.30' Max Vel=1.91 fps Inflow=6.2 cfs 25,436 cf
n=0.100 L=113.0' S=0.1504 '/' Capacity=97.3 cfs Outflow=6.2 cfs 25,436 cf

Reach 4R: Reach 4 Avg. Flow Depth=0.15' Max Vel=3.73 fps Inflow=6.2 cfs 25,436 cf
n=0.013 L=106.0' S=0.0264 '/' Capacity=19.3 cfs Outflow=6.2 cfs 25,436 cf

Reach 5R: Reach 5 Avg. Flow Depth=0.11' Max Vel=3.38 fps Inflow=4.7 cfs 14,815 cf
n=0.035 L=146.0' S=0.1462 '/' Capacity=78.0 cfs Outflow=4.6 cfs 14,815 cf

Pond 1P: Pond 1 Peak Elev=17.03' Storage=138,832 cf Inflow=28.2 cfs 138,832 cf
Primary=0.0 cfs 0 cf Secondary=0.0 cfs 0 cf Outflow=0.0 cfs 0 cf

Link POA-1: POA-1 Inflow=0.0 cfs 0 cf
Primary=0.0 cfs 0 cf

Total Runoff Area = 434,625 sf Runoff Volume = 138,832 cf Average Runoff Depth = 3.83"
66.26% Pervious = 287,975 sf 33.74% Impervious = 146,650 sf

Railroad Track Overflow Elevation: 24.85'
Top of Focal Point Elevation: 21.0'
Lowest Powsland Street Elevation: 30.37'
Lowest Proposed Basement FFE Elevation: 24.90'

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment1S: 1S Runoff Area=27,440 sf 27.04% Impervious Runoff Depth=5.48"
Flow Length=134' Tc=6.0 min CN=78 Runoff=4.0 cfs 12,539 cf

Subcatchment2S: 2S Runoff Area=80,915 sf 33.43% Impervious Runoff Depth=6.07"
Flow Length=660' Tc=16.9 min CN=83 Runoff=9.4 cfs 40,949 cf

Subcatchment3S: 3S Runoff Area=15,500 sf 8.52% Impervious Runoff Depth=5.13"
Flow Length=146' Tc=6.0 min CN=75 Runoff=2.1 cfs 6,629 cf

Subcatchment4S: 4S Runoff Area=153,485 sf 23.06% Impervious Runoff Depth=3.63"
Flow Length=1,340' Tc=23.6 min CN=62 Runoff=9.3 cfs 46,481 cf

Subcatchment5S: 5S Runoff Area=41,480 sf 25.06% Impervious Runoff Depth=5.48"
Flow Length=335' Tc=19.2 min CN=78 Runoff=4.2 cfs 18,955 cf

Subcatchment6S: 6S Runoff Area=38,630 sf 56.66% Impervious Runoff Depth=5.72"
Flow Length=570' Tc=6.5 min CN=80 Runoff=5.7 cfs 18,410 cf

Subcatchment7S: 7S Runoff Area=77,175 sf 55.95% Impervious Runoff Depth=5.02"
Flow Length=760' Tc=15.1 min CN=74 Runoff=7.9 cfs 32,254 cf

Reach 1R: Reach 1 Avg. Flow Depth=0.55' Max Vel=1.48 fps Inflow=19.1 cfs 85,742 cf
n=0.100 L=85.0' S=0.0412 '/' Capacity=15.9 cfs Outflow=19.1 cfs 85,742 cf

Reach 2R: Reach 2 Avg. Flow Depth=0.48' Max Vel=0.95 fps Inflow=10.0 cfs 44,793 cf
n=0.100 L=215.0' S=0.0233 '/' Capacity=10.9 cfs Outflow=9.8 cfs 44,793 cf

Reach 3R: Reach 3 Avg. Flow Depth=0.33' Max Vel=2.04 fps Inflow=7.8 cfs 32,254 cf
n=0.100 L=113.0' S=0.1504 '/' Capacity=97.3 cfs Outflow=7.8 cfs 32,254 cf

Reach 4R: Reach 4 Avg. Flow Depth=0.17' Max Vel=3.96 fps Inflow=7.9 cfs 32,254 cf
n=0.013 L=106.0' S=0.0264 '/' Capacity=19.3 cfs Outflow=7.8 cfs 32,254 cf

Reach 5R: Reach 5 Avg. Flow Depth=0.13' Max Vel=3.62 fps Inflow=5.7 cfs 18,410 cf
n=0.035 L=146.0' S=0.1462 '/' Capacity=78.0 cfs Outflow=5.7 cfs 18,410 cf

Pond 1P: Pond 1 Peak Elev=18.11' Storage=176,217 cf Inflow=35.8 cfs 176,217 cf
Primary=0.0 cfs 0 cf Secondary=0.0 cfs 0 cf Outflow=0.0 cfs 0 cf

Link POA-1: POA-1 Inflow=0.0 cfs 0 cf
Primary=0.0 cfs 0 cf

Total Runoff Area = 434,625 sf Runoff Volume = 176,217 cf Average Runoff Depth = 4.87"
66.26% Pervious = 287,975 sf 33.74% Impervious = 146,650 sf

Railroad Track Overflow Elevation: 24.85'
Top of Focal Point Elevation: 21.0'
Lowest Powsland Street Elevation: 30.37'
Lowest Proposed Basement FFE Elevation: 24.90'

Appendix 3

Inspection, Maintenance and Housekeeping Plan

INSPECTION, MAINTENANCE, AND HOUSEKEEPING PLAN

For:
POWSLAND STREET
PORTLAND, MAINE

By:
Sebago Technics, Inc.
75 John Roberts Road, Suite 4A
South Portland, Maine

Introduction

The following plan outlines the anticipated inspection and maintenance procedures for the erosion and sedimentation control measures as well as stormwater management facilities for the project. This plan also outlines several housekeeping requirements that shall be followed during and after construction. These procedures shall be followed in order to ensure the intended function of the designed measures and to prevent unreasonably adverse impacts to the surrounding environment.

The procedures outlined in this Inspection, Maintenance and Housekeeping Plan are provided as an overview of the anticipated practices to be used on this site. In some instances, additional measures may be required due to unexpected conditions. For additional detail on any of the erosion and sedimentation control measures or stormwater management devices to be utilized on this project, refer to the most recently revised edition of the "Maine Erosion and Sedimentation Control BMP" manual and/or the "Stormwater Management for Maine: Best Management Practices" manual as published by the Maine Department of Environmental Protection (MDEP).

During Construction

1. **Inspection:** During the construction process, it is the Contractor's responsibility to comply with the inspection and maintenance procedures outlined in this section. These responsibilities include inspecting disturbed and impervious areas, erosion control measures, materials storage areas that are exposed to precipitation, and locations where vehicles enter or exit the site. These areas shall be inspected at least once a week as well as before and after a storm event (0.5" of rainfall), and prior to completing permanent stabilization measures. A person with knowledge of erosion and stormwater control, including the standards and conditions in any applicable permits, shall conduct the inspections.

2. **Maintenance:** All measures shall be maintained in an effective operating condition until areas are permanently stabilized. If Best Management Practices (BMPs) need to be maintained or modified, additional BMPs are necessary, or other corrective action is needed, implementation must be completed within 7 calendar days and prior to any storm event (0.5" of rainfall).

3. **Documentation:** A log summarizing the inspections and any corrective action taken must be maintained on-site. The log must include the name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of erosion and sedimentation controls, material storage areas, and vehicle access points to the site. Major observations must include BMPs that need maintenance, BMPs that failed

to operate as designed or proved inadequate for a particular location, and locations where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken. The log must be made accessible to the appropriate regulatory agency upon request. The permittee shall retain a copy of the log for a period of at least three years from the completion of permanent stabilization.

4. **Specific Inspection and Maintenance Tasks:** The following is a list of erosion control and stormwater management measures and the specific inspection and maintenance tasks to be performed during construction.

A. Sediment Barriers:

- Hay bale barriers, silt fences, and filter berms shall be inspected immediately after each rainfall and at least daily during prolonged rainfall.
- If the fabric on a silt fence or filter barrier should decompose or become ineffective prior to the end of the expected usable life and the barrier is still necessary, it shall be replaced.
- Sediment deposits should be removed after each storm event (0.5" of rainfall). They must be removed before deposits reach approximately one-half the height of the barrier.
- Filter berms shall be reshaped as needed.
- Any sediment deposits remaining in place after the silt fence or filter barrier is no longer required should be dressed to conform to the existing grade, prepared, and seeded.

B. Riprap Materials:

- Once a riprap installation has been completed, it should require very little maintenance. It shall, however, be inspected periodically to determine if high flows have caused scour beneath the riprap or dislodged any of the stone.

C. Erosion Control Blankets:

- Inspect these reinforced areas semi-annually and after significant rainfall events for slumping, sliding, seepage, and scour. Pay close attention to unreinforced areas adjacent to the erosion control blankets, which may experience accelerated erosion.
- Review all applicable inspection and maintenance procedures recommended by the specific blanket manufacturer. These tasks shall be included in addition to the requirements of this plan.

D. Stabilized Construction Entrances/Exits:

- The exit shall be maintained in a condition that will prevent tracking of sediment onto public rights-of-way.
- When the control pad becomes ineffective, the stone shall be removed along with the collected soil material. The entrance should then be reconstructed.
- Areas that have received mud-tracking or sediment deposits shall be swept or washed. Washing shall be done on an area stabilized with aggregate, which drains

into an approved sediment-trapping device (not into storm drains, ditches, or waterways).

E. Temporary Seed and Mulch:

- Mulched areas should be inspected after rain events to check for rill erosion.
- If less than 90% of the soil surface is covered by mulch, additional mulch shall be applied in bare areas.
- In applications where seeding and mulch have been applied in conjunction with erosion control blankets, the blankets must be inspected after rain events for dislocation or undercutting.
- Mulch shall continue to be reapplied until 95% of the soil surface has established temporary vegetative cover.

F. Stabilized Temporary Drainage Swales:

- Sediment accumulation in the swale shall be removed once the cross section of the swale is reduced by 25%.
- The swales shall be inspected after rainfall events. Any evidence of sloughing of the side slopes or channel erosion shall be repaired and corrective action should be taken to prevent reoccurrence of the problem.
- In addition to the stabilized lining of the channel (i.e. erosion control blankets), stone check dams may be needed to further reduce channel velocity.

5. **Housekeeping:** The following general performance standards apply to the proposed project.

A. Spill prevention: Controls must be used to prevent pollutants from being discharged from materials on-site, including storage practices to minimize exposure of the materials to stormwater, and appropriate spill prevention, containment, and response planning and implementation.

B. Groundwater protection: During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the site draining to an infiltration area. An "infiltration area" is any area of the site that by design or as a result of soils, topography and other relevant factors, accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the site for the purposes of storage and handling of these materials.

C. Fugitive sediment and dust: Actions must be taken to ensure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control.

D. Debris and other materials: Litter, construction debris, and chemicals exposed to stormwater must be prevented from becoming a pollutant source.

E. Trench or foundation dewatering: Trench dewatering is the removal of water from trenches, foundations, cofferdams, ponds, and other areas within the construction area

that retain water after excavation. In most cases, the collected water is heavily silted and hinders correct and safe construction practices. The collected water must be removed from the ponded area, either through gravity or pumping, and must be spread through natural wooded buffers or removed to areas that are specifically designed to collect the maximum amount of sediment possible, like a cofferdam sedimentation basin. Avoid allowing the water to flow over disturbed areas of the site. Equivalent measures may be taken if approved.

Post-Construction

1. **Inspection:** After construction, it is the responsibility of the owner or assigned heirs to comply with the inspection and maintenance procedures outlined in this section. All measures must be maintained in effective operating condition. The owner shall inspect and maintain the BMPs, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.

2. **Specific Inspection and Maintenance Tasks:** The following is a list of permanent erosion control and stormwater management measures and the inspection and maintenance tasks to be performed after construction. If the BMP requires maintenance, repair or replacement to function as intended by the approved post-construction stormwater management plan, the owner or operator of the BMP shall take corrective action(s) to address the deficiency or deficiencies as soon as possible after the deficiency is discovered and shall provide a record of the deficiency and corrective action(s) to the local municipality in the annual report.

   A. Vegetated Areas:

   - Inspect vegetated areas, particularly slopes and embankments, early in the growing season or after heavy rains (>0.5") to identify active or potential erosion problems.
   - Replant bare areas or areas with sparse growth. Where rill erosion is evident, armor the area with an appropriate lining or divert the erosive flows to on-site areas able to withstand the concentrated flows.

   B. Ditches, Swales and Other Open Channels:

   - Inspect ditches, swales, level spreaders and other open stormwater channels in the spring, in the late fall, and after heavy rains to remove any obstructions to flow. Remove accumulated sediments and debris, remove woody vegetative growth that could obstruct flow, and repair any erosion of the ditch lining.
   - Vegetated ditches must be mowed at least annually or otherwise maintained to control the growth of woody vegetation and maintain flow capacity.
   - Any woody vegetation growing through riprap linings must also be removed. Repair any slumping side slopes as soon as practicable.
   - If the ditch has a riprap lining, replace riprap in areas where any underlying filter fabric or underdrain gravel is showing through the stone or where stones have dislodged.

C. Culverts:

- Inspect culverts in the spring, in the late fall, and after heavy rains (>0.5") to remove any obstructions to flow.
- Remove accumulated sediments and debris at the inlet, at the outlet, and within the conduit.
- Inspect and repair any erosion damage at the culvert's inlet and outlet.

D. Removal of Winter Sand:

- Clear accumulations of winter sand in parking lots and along roadways at least once a year, preferably in the spring.
- Accumulations on pavement may be removed by pavement sweeping.
- Accumulations of sand along road shoulders may be removed by grading excess sand to the pavement edge and removing it manually or by a front-end loader or other acceptable method.

E. Focal Point:

- Debris and sediment buildup shall be removed as needed. Any bare area or erosion rills on focal point surface shall be repaired with double shredded hardwood mulch.
- See inspection log within Attachment 1 of this document for the inspection requirements of this BMP.

F. R-Tank Storage System:

- Debris and sediment buildup shall be removed as needed.
- Remove sediment and debris from the outlet control structure as needed.
- See the inspection log within Attachment 1 of this document for the inspection requirements of this BMP.

G. StormTree System:

- The StormTree system post-construction inspection and maintenance responsibilities shall be upon the developer or HOA until the City of Portland accepts the street extension and associated infrastructure.
- Debris and sediment buildup shall be removed as needed.
- See the inspection log within Attachment 1 of this document for the inspection requirements of this BMP as well as the Operation and Maintenance Plan provided by the manufacturer.

3. Documentation:

A. The owner or operator of a BMP or a qualified post-construction stormwater inspector hired by that person, shall, as required by the local municipality, provide a completed and signed certification on a form provided by the local municipality, certifying that the person has inspected the BMP(s) and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they required maintenance or repair, including the record of the deficiency and corrective action(s) taken.

B. A log summarizing the inspections and any corrective action taken must be maintained. The log must include the name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of controls. Major observations must include BMPs that need maintenance, BMPs that failed to operate as designed or proved inadequate for a particular location, and locations where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken. The log must be made accessible to the appropriate regulatory agency upon request. A sample "Stormwater Inspection and Maintenance Form" has been included as Attachment 1 of this Inspection, Maintenance, and Housekeeping Plan.

4. Duration of Maintenance: Perform maintenance as described and required for any associated permits unless and until the system is formally accepted by a municipality or quasi-municipal district, or is placed under the jurisdiction of a legally created association that will be responsible for the maintenance of the system. If a municipality or quasi-municipal district chooses to accept a stormwater management system, or a component of a stormwater system, it must provide a letter to the MDEP stating that it assumes responsibility for the system. The letter must specify the components of the system for which the municipality or district will assume responsibility, and that the municipality or district agrees to maintain those components of the system in compliance with MDEP standards. Upon such assumption of responsibility, and approval by the MDEP, the municipality, quasi-municipal district, or association becomes a co-permittee for this purpose only and must comply with all terms and conditions of the permit.

ATTACHMENT 1 – STORMWATER INSPECTION AND MAINTENANCE LOG

POWSLAND STREET
PORTLAND, MAINE

This log is intended to accompany the Inspection, Maintenance, and Housekeeping Plan for the Residential Development. The following items shall be checked, cleaned, and maintained on a regular basis as specified in the Maintenance Plan and as described in the sections below. This log shall be kept on file for a minimum of five (5) years and shall be available for review by the City of Portland and the Maine DEP. Qualified personnel familiar with the drainage systems and soils shall perform all inspections. A copy of the construction and post-construction maintenance logs are provided.

INSPECTION MAINTENANCE AND HOUSEKEEPING FORM			
General Information			
Project Name:		**Inspection Date:**	
Project Location:		**Current Weather:**	
		Date / Amount Last Precip:	
BMP Owner:		**Company conducting inspection:**	
Owner Mailing Address:		**Company Mailing Address**	
Owner Phone #:		**Company Phone #:**	
Owner Email:		**Inspector Name:**	
		Inspector Email:	

BMP Element	Suggested Maintenance (recm'd frequency)	Observations	Inspection Notes/Recommended Action
Forebay/Pretreatment	Sediment/Debris Removal (Semi-Annually)		
	Inspect for bare areas or rill erosion (Semi-Annually)		
R-Tanks	Sediment Depth (Quartly for the first year and annually thereafter.)		
	Floatables/Debris (Quartly for the first year and annually thereafter.)		
Discharge Pipe	Ground Stabilized (>1" rain, Annually)		
Embankments	Review for signs of erosion (Semi-Annually)		
Filter Bed	Harvesting and pruning of excessive growth (Occasionally)		
	Review basin for evidence of vehicular traffic or storage of snow within footprint (Semi-Annually)		
	Review for removal and replacement of mulch (Annually or As Needed)		
	Confirm filter drains in 24-48 hours for water quality volume (Semi-Annually)		

Additional Notes/Observations:

INSPECTION MAINTENANCE AND HOUSEKEEPING FORM			
General Information			
Project Name:		**Inspection Date:**	
Project Location:		**Current Weather:**	
		Date / Amount Last Precip:	
BMP Owner:		**Company conducting inspection:**	
Owner Mailing Address:		**Company Mailing Address**	
Owner Phone #:		**Company Phone #:**	
Owner Email:		**Inspector Name:**	
		Inspector Email:	

BMP Element	Suggested Maintenance	Observations	Inspection Notes/Recommended Action
Outlet Control Structure			
	Sediment Depth (Annually)		
	Floatables/Debris (Annually)		
Discharge Pipe			
	Ground Stabilized (>1" rain, Annually)		
Subsurface Chambers			
	Sediment Depth/Removal (Annually)		

Additional Notes/Observations:

INSPECTION MAINTENANCE AND HOUSEKEEPING FORM			
General Information			
Project Name:		**Inspection Date:**	
Project Location:		**Current Weather:**	
		Date / Amount Last Precip:	
BMP Owner:		**Company conducting inspection:**	
Owner Mailing Address:		**Company Mailing Address**	
Owner Phone #:		**Company Phone #:**	
Owner Email:		**Inspector Name:**	
		Inspector Email:	

BMP Element	Suggested Maintenance (recm'd frequency)	Observations	Inspection Notes/Recommended Action
Forebay/Pretreatment	Sediment/Debris Removal (Annually)		
	Inspect for bare areas or rill erosion (Annually)		
Outlet Control Structure	Sediment Depth (Annually)		
	Floatables/Debris (Annually)		
Discharge Pipe	Ground Stabilized (>1" rain, Annually)		
Filterra Stucture	Review condition of installed planting for signs on stress or damage (annually)		
	Review condition of concrete structure and inlet that no damage has occurred to weaken intergrity (annually)		

Additional Notes/Observations:

Operation and Maintenance Plan
StormTree Tree Filter System
(Combined Catch Basin/Sump Models)

The following Operation and Maintenance (O&M) Plan was prepared by StormTree to assist the designated owner/operator in providing for the successful long term operation of the tree filter system. It is understood that the O&M Plan will become effective immediately following construction and system installation. Maintenance will be performed as described and required by the owner/operator, assignee, or other third party entity.

Post Installation:

Following the installation of the tree filter (system), including backfilling the area surrounding the system to final grade, the system is considered to be "active" since water, sand, sediment, trash, etc. could potentially enter the system. Should the site not be secured, in that construction activities including grading, paving, or final landscaping have not been completed, the system could be impacted by large quantities of construction debris entering the system. This impact could compromise the system's ability to function properly causing a reduction in infiltration efficiency and overall performance. It is **highly recommended** that the surface grating be covered with wood sheeting, non-woven filter fabric or other materials to restrict the movement of water (and debris) from entering the system until the site is fully secured.

Watering:

The engineered media of a tree filter system is very porous and designed to provide high water conductivity (infiltration) but also sufficient organic material to maintain essential water holding capacity to allow for successful plant growth. Due to the inherent high infiltration capacity of the media, particular attention is required to the installation of plant material and irrigation needs.

The ideal season to install plant material (e.g., trees, shrubs) is Fall (September 1 thru November 1); Spring (April 1 thru June 1) is also a preferred season to install plant material. The acclimation of plant material is most successful during these two seasonal periods. Following plant installation, and at least one month thereafter, it is recommended that twice weekly (deep) watering take place, particularly during periods of drought or minimal rain events. Slow release watering bags are also very beneficial.

If possible, avoid installing plant material during the heat of summer, between approximately June 1 and August 31, due to the potential for placing tremendous stress on plant material following transplanting. Daily watering over a period of several weeks may be required to prevent mortality and allow for the establishment of a healthy root system.

General Maintenance:

Maintenance should optimally be performed on a twice yearly basis: in fall after leaves have fallen; in spring, following all winter sanding operations. If winter sanding operations are not customarily performed as to impact the system, or minimal accumulation occurs, once yearly maintenance may only be necessary.

1. Remove any debris or trash from the concrete surface and/or grating.

2. Remove surface grating surrounding the interior sump, tree, media bed; remove any visible debris and trash. Should any accumulated sands or sediment be observed on the media surface (including mulch layer), remove to ensure a loose and unobstructed media layer. If the system utilizes a fiberglass grate, refer to No. 5 for additional instructions.

3. Evacuate accumulated debris, sands, and sediment via vactor or other equipment. If hand tools are utilized, shovel out as necessary. Replace surface grating and ensure stable positioning.

4. Remove cast iron grate from catch basin. Evacuate accumulated debris, sands and sediment via vactor or other equipment. If hand tools are to be utilized, shovel out as necessary. Replace grate and ensure stable positioning.

5. If overflow/bypass port and piping exist, remove any debris or obstruction surrounding the atrium grate or exposed inlet.

6. Fiberglass grate: Inspect the grate opening surrounding the tree trunk to determine if the exterior trunk is in contact with, or in close proximity to the grate. If so, with the use of a powered reciprocating saw, or other cutting device, increase the opening by removing portions of the grating material as necessary. Refer to the attached grate cutting specification for proper cutting technique.

7. Replace all grating and securely fasten any hardware. Sand and debris may have accumulated in the gap between the sides of the grate and the concrete ledge. Remove as necessary to allow for proper setting of the grate. **IMPORTANT: If the system utilizes a fiberglass grate, carefully return the grate to the notched ledge, paying careful attention to not allowing the grate to make contact with the trunk of the tree. Severe damage and death of the tree may result if the grate scrapes the tree's bark. DO NOT attempt to drop the grate into place from a standing position.**

8. Complete any required maintenance logs or paperwork.

9. Properly dispose of sands, sediment, debris, and trash.

After several years of operation, depending upon the extent and frequency of winter sanding operations and system maintenance, the system may experience excessive sand loading. This condition may require more thorough cleaning, and possibly renovation to include the removal of the top 4 to 6 inches of surface material (media/mulch), and subsequent replenishing. Although not a proprietary product, the engineered media is a specially blended mixture of several components formulated to maintain a specific infiltration capacity. The mixture materials are readily available from a sand & gravel facility and landscape nursery. The mulch is typically a coarsely shredded or chipped, (preferably) hardwood (e.g. larch, cedar) which can be sourced at many box stores, landscape nursery, or agricultural suppliers.

Please consult StormTree directly regarding media addition/replacement.
For additional information please contact StormTree (www.storm-tree.com) 401-626-8999.

Appendix 4

Subsurface Investigations

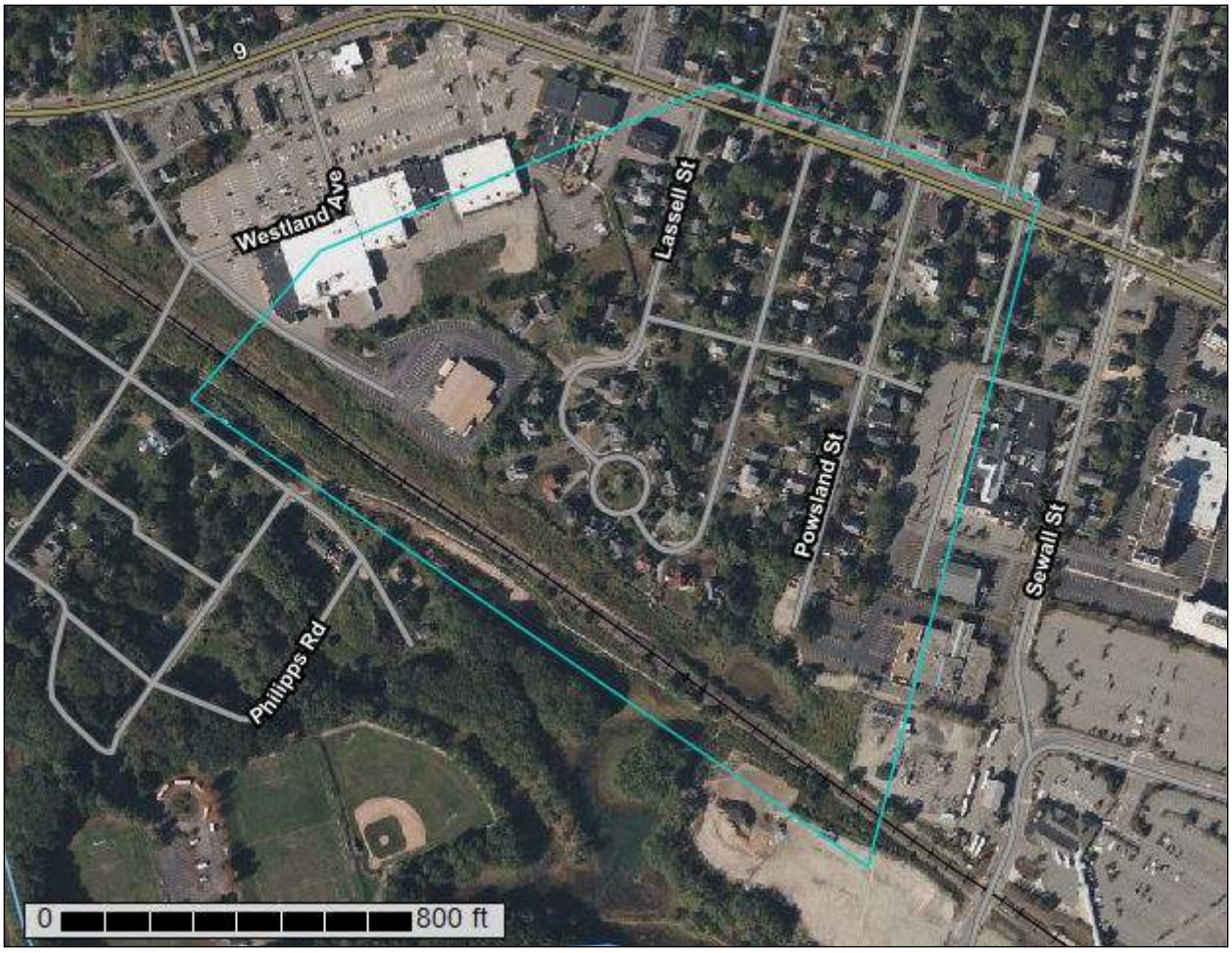
United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Cumberland County and Part of Oxford County, Maine



December 6, 2022

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Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.


70° 18' 5" W
70° 17' 20" W
43° 39' 32" N
43° 39' 11" N
395100
395200
395300
395400
395500
395600
395700
395800
395900
396000
4834800
4834700
4834600
4834500
4834400
4834300
4834200
9
22
Wa
DeB
Wa
Willow Ln
Powsland St
Congress St
Hobart St
DeB
BuB
BgB
Sewall St
Philipps Rd
Tm
Soil Map may not be valid at this scale.
Map Scale: 1:4,610 if printed on A landscape (11" x 8.5") sheet.
N
Meters
0 50 100 200 300
Feet
0 200 400 800 1200
Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine
Survey Area Data: Version 19, Aug 30, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 19, 2020—Sep 20, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BgB	Nicholville very fine sandy loam, 0 to 8 percent slopes	6.6	14.9%
BuB	Lamoine silt loam, 3 to 8 percent slopes	12.0	27.2%
DeB	Deerfield loamy fine sand, 3 to 8 percent slopes	23.3	53.0%
Tm	Pemaquid, Todds point, and Damariscotta soils, 0 to 2 percent slopes	0.1	0.1%
Wa	Walpole fine sandy loam	2.1	4.8%
Totals for Area of Interest		**43.9**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Cumberland County and Part of Oxford County, Maine

BgB—Nicholville very fine sandy loam, 0 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2yjg5
Elevation: 20 to 2,300 feet
Mean annual precipitation: 34 to 50 inches
Mean annual air temperature: 37 to 45 degrees F
Frost-free period: 90 to 160 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Nicholville and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Nicholville

Setting

Landform: Lakebeds (relict)
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Coarse-silty glaciomarine deposits

Typical profile

Ap - 0 to 7 inches: very fine sandy loam
Bs - 7 to 19 inches: very fine sandy loam
BC - 19 to 30 inches: very fine sandy loam
C - 30 to 65 inches: loamy very fine sand

Properties and qualities

Slope: 0 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.14 to 1.42 in/hr)
Depth to water table: About 18 to 30 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)
Available water supply, 0 to 60 inches: High (about 10.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: C
Ecological site: F144BY501ME - Loamy Slope (Northern Hardwoods)
Hydric soil rating: No

BuB—Lamoine silt loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2t0kc
Elevation: 10 to 490 feet
Mean annual precipitation: 33 to 60 inches
Mean annual air temperature: 36 to 52 degrees F
Frost-free period: 90 to 160 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Lamoine and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lamoine

Setting

Landform: Marine terraces, river valleys
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Base slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Fine glaciomarine deposits

Typical profile

Ap - 0 to 7 inches: silt loam
Bw - 7 to 13 inches: silt loam
Bg - 13 to 24 inches: silty clay loam
Cg - 24 to 65 inches: silty clay

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.14 in/hr)
Depth to water table: About 6 to 17 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 7.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: C/D
Ecological site: F144BY401ME - Clay Flat
Hydric soil rating: No

DeB—Deerfield loamy fine sand, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2xfg9
Elevation: 0 to 1,190 feet
Mean annual precipitation: 36 to 71 inches
Mean annual air temperature: 39 to 55 degrees F
Frost-free period: 145 to 240 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Deerfield and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Deerfield

Setting

Landform: Kame terraces, outwash plains, outwash terraces, outwash deltas
Landform position (three-dimensional): Tread
Down-slope shape: Concave, convex, linear
Across-slope shape: Convex, linear, concave
Parent material: Sandy outwash derived from granite, gneiss, and/or quartzite

Typical profile

Ap - 0 to 9 inches: loamy fine sand
Bw - 9 to 25 inches: loamy fine sand
BC - 25 to 33 inches: fine sand
Cg - 33 to 60 inches: sand

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to very high (1.42 to 99.90 in/hr)
Depth to water table: About 15 to 37 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)
Sodium adsorption ratio, maximum: 11.0
Available water supply, 0 to 60 inches: Moderate (about 6.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2w
Hydrologic Soil Group: A
Ecological site: F144AY027MA - Moist Sandy Outwash
Hydric soil rating: No

Tm—Pemaquid, Todds point, and Damariscotta soils, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 2x1d9
Elevation: 0 to 10 feet
Mean annual precipitation: 63 to 87 inches
Mean annual air temperature: 36 to 52 degrees F
Frost-free period: 90 to 160 days
Farmland classification: Not prime farmland

Map Unit Composition

Pemaquid and similar soils: 40 percent
Todds point and similar soils: 30 percent
Damariscotta and similar soils: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Pemaquid

Setting

Landform: Tidal marshes
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Herbaceous organic material over sandy marine deposits

Typical profile

Oi - 0 to 16 inches: peat
Oe - 16 to 35 inches: mucky peat
Cseg - 35 to 65 inches: sand

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (1.42 to 14.17 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: Very frequent
Frequency of ponding: None
Maximum salinity: Very slightly saline to strongly saline (2.0 to 16.0 mmhos/cm)
Sodium adsorption ratio, maximum: 20.0
Available water supply, 0 to 60 inches: Very high (about 14.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8
Hydrologic Soil Group: A/D
Hydric soil rating: Yes

Description of Todds Point

Setting

Landform: Tidal marshes
Landform position (three-dimensional): Dip
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Herbaceous organic material

Typical profile

Oe1 - 0 to 31 inches: mucky peat
Oe2 - 31 to 42 inches: mucky peat
Oa - 42 to 65 inches: muck

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (1.42 to 14.17 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: Very frequent
Frequency of ponding: None
Maximum salinity: Very slightly saline to strongly saline (2.0 to 16.0 mmhos/cm)
Sodium adsorption ratio, maximum: 20.0
Available water supply, 0 to 60 inches: Very high (about 16.2 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8
Hydrologic Soil Group: A/D
Hydric soil rating: Yes

Description of Damariscotta

Setting

Landform: Tidal marshes
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Sandy glaciomarine deposits

Typical profile

Ase1 - 0 to 10 inches: mucky loamy fine sand
Ase2 - 10 to 21 inches: mucky loamy fine sand
Cseg - 21 to 65 inches: sand

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to very high (1.42 to 99.90 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: Very frequent
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Sodium adsorption ratio, maximum: 20.0
Available water supply, 0 to 60 inches: High (about 11.6 inches)

Interpretive groups
Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8
Hydrologic Soil Group: A/D
Hydric soil rating: Yes

Wa—Walpole fine sandy loam

Map Unit Setting
National map unit symbol: blk7
Elevation: 0 to 540 feet
Mean annual precipitation: 48 to 49 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 145 to 165 days
Farmland classification: Not prime farmland

Map Unit Composition
Walpole and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Walpole

Setting
Landform: Outwash plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Sandy glaciofluvial deposits

Typical profile
H1 - 0 to 8 inches: fine sandy loam
H2 - 8 to 20 inches: fine sandy loam
H3 - 20 to 65 inches: gravelly loamy sand

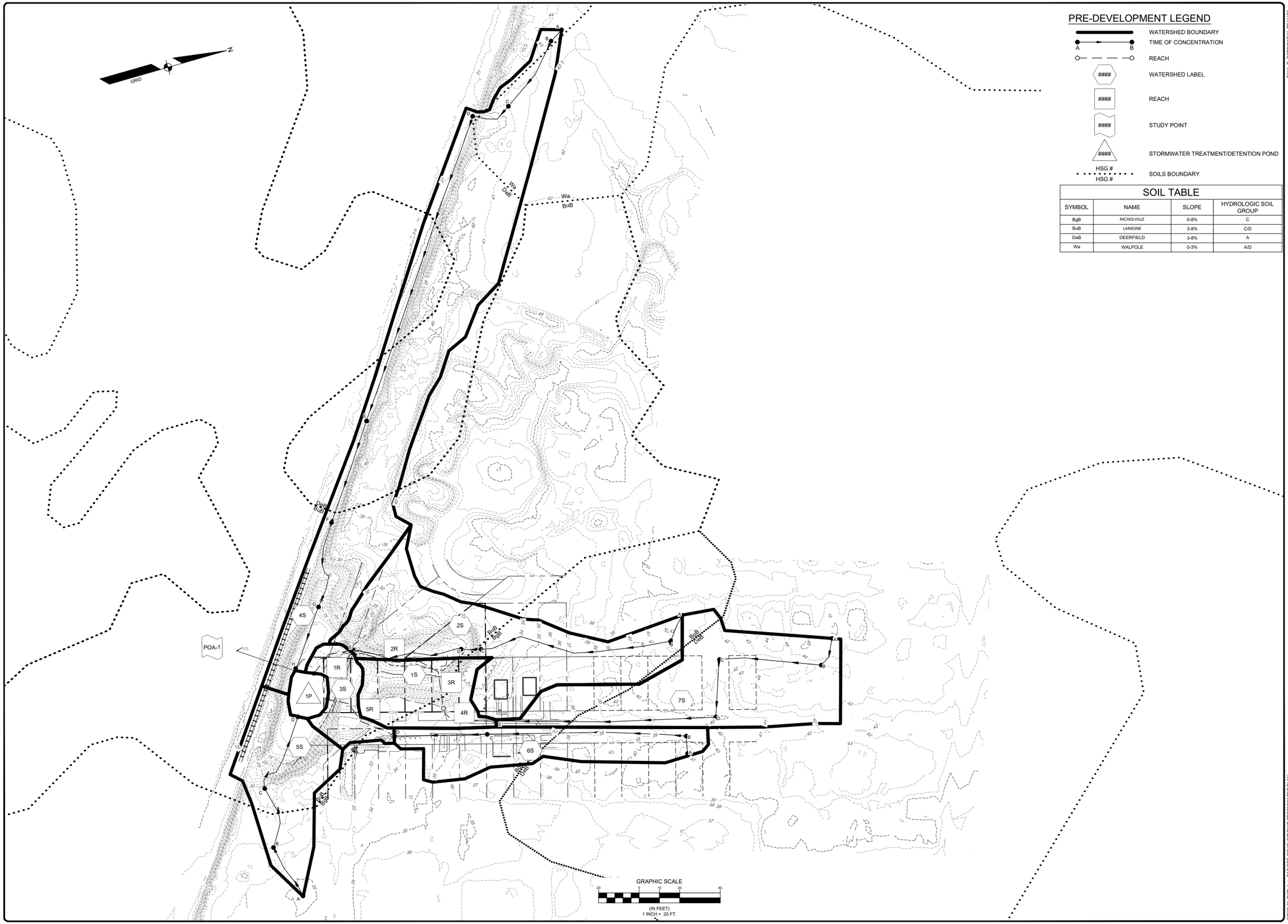
Properties and qualities
Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): High (2.00 to 6.00 in/hr)
Depth to water table: About 0 to 18 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Low (about 5.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4w
Hydrologic Soil Group: A/D
Ecological site: F144BY303ME - Acidic Swamp
Hydric soil rating: Yes

Appendix 5

Stormwater Management Plans



PAUL D. OSTROWSKI PE11175

STATE OF MAINE
PAUL D. OSTROWSKI
No. 11175
LICENSED PROFESSIONAL ENGINEER
03/03/2023

REV	BY	DATE	STATUS
A	HAH	09-10-21	ISSUED TO CLIENT FOR REVIEW
B	HAH	05-02-22	ISSUED FOR CITY REVIEW
C	HAH	01-11-23	REVISED FROM COMMENTS ON 09/29/22
D	HAH	03-01-23	REVISED FROM COMMENTS ON 02/09/23

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SEBAGO TECHNICS

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

PRE-DEVELOPMENT STORMWATER PLAN

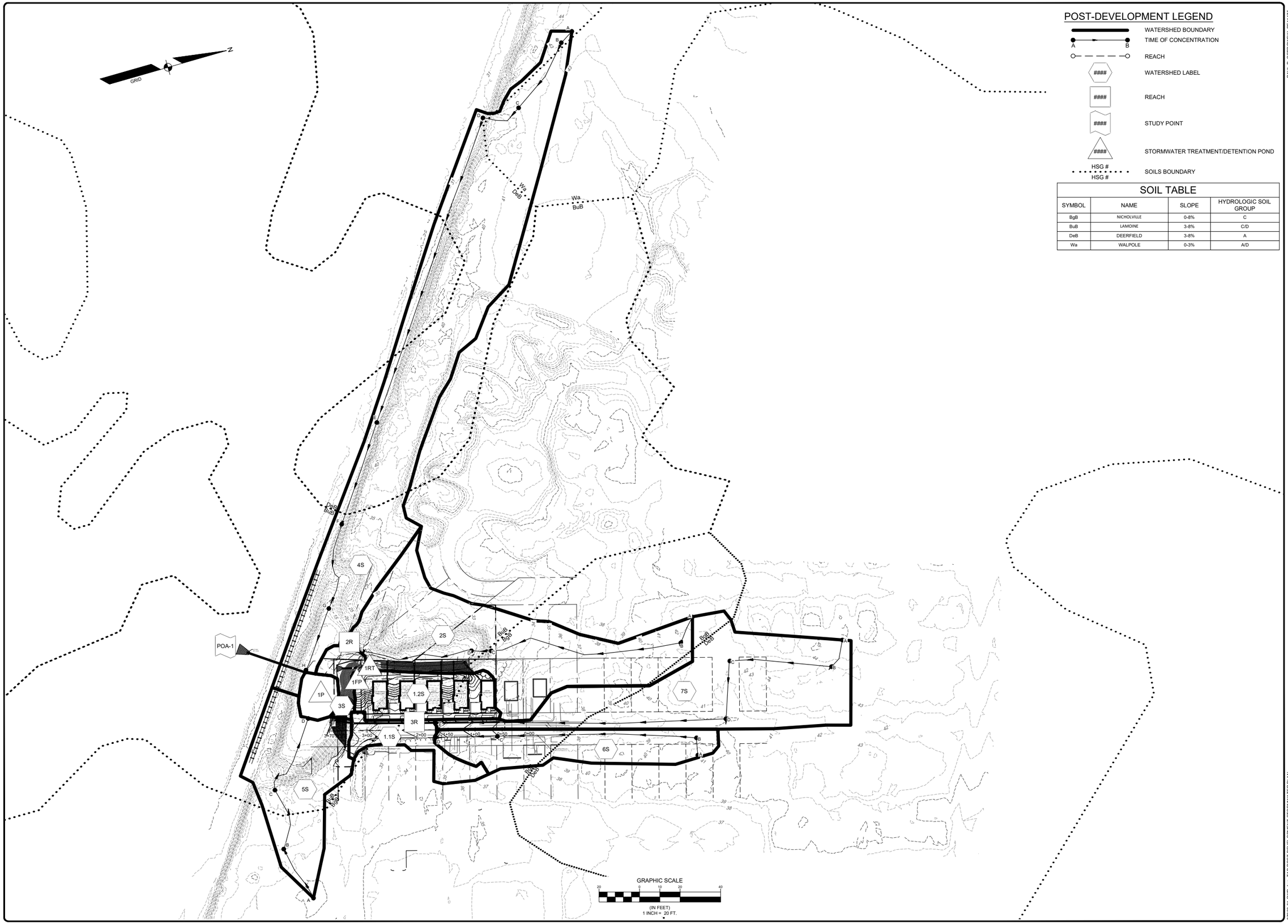
OF:
LOTS 65-70
POWSLAND STREET
PORTLAND, MAINE

FOR:
STJ, INC.
P.O. BOX 58
GORHAM, ME 04038

DESIGNED	JSH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	1" = 20'
PROJECT	07360-01

SHEET 1 OF 2

07360-01 SWP dwg, TAB:PRE-DEVELOPMENT STORMWATER PLAN



PAUL D. OSTROWSKI PE11175

STATE OF MAINE · PAUL D. OSTROWSKI · No. 11175 · LICENSED PROFESSIONAL ENGINEER · 03/03/2023

REV.	BY:	DATE:	STATUS
A	HAH	09-10-21	ISSUED TO CLIENT FOR REVIEW
B	HAH	05-02-22	ISSUED FOR CITY REVIEW
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WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd.
Suite A
South Portland, ME 04106
Tel. 207-200-2100

POST DEVELOPMENT STORMWATER PLAN

OF:
LOTS 65-70
POWSLAND STREET
PORTLAND, MAINE

FOR:
STJ, INC.
P.O. BOX 58
GORHAM, ME 04038

DESIGNED	JSH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	1" = 20'
PROJECT	07360-01

SHEET 2 OF 2

07360-01 SWP dwg, TAB POST DEVELOPMENT STORMWATER PLAN

SEBAGO TECHNICS
CIVIL ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE

STORMWATER MANAGEMENT REPORT

For

POWSLAND STREET
PORTLAND, ME

Prepared for:

STJ, INC
P.O. Box 58
Gorham, ME 04038

Prepared by:

Sebago Technics, Inc.
75 John Roberts Rd, Suite 4A
South Portland, ME 04106

January, 2023

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Appendix 2A: Hydrologic Modeling– Existing Conditions (HydroCAD)Summary
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Appendix 3: Inspection, Maintenance and Housekeeping Plan
Appendix 4: Subsurface Investigations
Appendix 5: Stormwater Management Plans

STORMWATER MANAGEMENT REPORT
POWSLAND STREET
PORTLAND, ME

1. Introduction

This Stormwater Management Plan Report has been prepared to present analyses performed to address the potential impacts associated with the project due to proposed modification in stormwater runoff characteristics and land cover changes. The stormwater management controls that are outlined in this report have been designed to suit the proposed development and to comply with applicable regulatory requirements.

2. Existing Conditions

The project site consists of undeveloped land that was previously owned by the Portland Water District, located on the west side of Powsland Street in Portland. The site is approximately 0.69 acres in size and it is bounded by wetlands to the south and west. Train tracks on the south side of the wetlands provide a barrier for the watershed that outlets through a culvert underneath the railroad tracks. Slopes on the site range from 2-55% in some areas.

The site is tributary to a small wetland detention pond to the South that discharges through a culvert underneath the train tracks to the mouth of a river segment that drains into the Fore River. According to Chapter 502 of the Maine Department of Environmental Protection (MDEP) regulations, the Fore River is not listed as an Urban Impaired Stream.

The development area of the site is not located in an identified flood zone per the FEMA Flood Insurance Rate Map for the City of Portland, Community Panel 2300510006B with an effective date of 1986.

3. Soils

Soil characteristics were obtained from the USDA Web Soil Survey. The Hydrologic Groups (HSG) of the soils is classified by Technical Release TR-55 of the Soil Conservation Service as follows:

Soil Map Symbol	Soil Name	Slope (%)	HSG
BgB	Nicholville	0-8	C
BuB	Lamoine	3-8	C/D
DeB	Deerfield	3-8	A
Wa	Walpole	0-3	A/D

Hydrologic Soil Group boundaries are delineated on the Stormwater Management Plans. A copy of the Class D Medium Intensity Soil Survey is included as Appendix 4.

4. Proposed Site Improvements

The proposed development will consist of five 1,305 SF residential buildings and approximately 3,500 SF road extension with a turnaround. The project will result in the creation of 16,585 SF of impervious area and 31,480 SF of developed area.

Proposed as part of the project is the replacement and upsizing of the cross culvert that connects the existing wetland detention pond south of the project site to the Fore River on the other side of the railroad tracks. In 2014 STJ, Inc. received an MDEP field determination letter granting them the ability to replace and upsize the culvert without an MDEP permit if the culvert is replaced with the same inverts. To determine the appropriate size of the replacement culvert the 100-yr storm was modeled to the pond with the proposed double grate outlet control structure. During this storm event, the maximum inlet capacity of the double grate inlet was approximately 24.5 CFS. It was determined that a 24" D.I. culvert is the appropriate size as it has the capacity for approximately 35 CFS, giving the culvert capacity a factor of safety of about 1.4.

5. Existing Conditions Model

The existing conditions watershed plan consists of seven (7) subcatchments labeled 1S thru 7S in the HydroCAD model. One location was identified as a Point of Analysis (POA) for comparing peak runoff rates. POA-1 is the culvert outlet on the south side of the train tracks connecting the pond in the wetland (1P) to the Fore River. All the subcatchments contribute runoff to this study point with an overall analysis area of approximately 9.98 acres.

6. Proposed Conditions Model

The proposed conditions watershed plan consists of slightly more overall area due to proposed grading changes directing more runoff to the point of analysis. The overall analysis area is approximately 9.99 acres.

POA-1: Subcatchment 4S does not change. Subcatchments 1.1S and 1.2S are broken up from 1S. Subcatchment 5S loses area to 1.1S which represents the roadway and attributing grassed area. Subcatchment 3S loses area to 1.1S and 1.2S which represents the roof area and landscaped area on the west side of the buildings. Subcatchment 2S gains area from 1S by the grading done onsite. Subcatchment 6S and 7S represent the northern portion of Powsland Street and the adjacent residential lots, these subcatchments remain mostly the same only gaining and losing area around the proposed catch basins.

Subcatchments 2S, 3S, 4S, 5S, and 7S directly contribute runoff to 1P which discharges to POA-1. Subcatchment 6S runoff is captured by the Stormtree treatment system (ST1) which has been sized to treat a portion of the existing roadway and bypass the rest to 1P and then POA-1. Subcatchment 1.2S runoff is captured by the Focal Point treatment system (1FP) which then discharges to the R-Tank storage system (1RT) under the Focal Point system. From 1RT flow is then conveyed into 1P and then to POA-1.

The Best Management Practices used (Focal Point and R-Tanks) have been designed and sized in accordance with DEP BMP standards contained within Chapter 500 and the BMP Manual. The Stormtree system has been sized in accordance with the manufacturer's specifications. Sizing calculations can be found in Appendix 1.

7. Stormwater Management

Basic Standard - Chapter 500, Section 4(B)

Since the project will disturb more than one (1) acre of land area, MDEP Basic Standards apply, requiring that grading or other construction activities on the site do not impede or otherwise alter drainage ways to have an unreasonable adverse impact. We have avoided adverse impacts by providing an Erosion & Sedimentation Control Plan, and an Inspection, Maintenance and Housekeeping Plan (Appendix 3) to be implemented during construction and post-construction stabilization of the site. These construction requirements have been developed following Best Management Practice guidelines.

General Standard - Chapter 500, Section 4(C)

Although the project will not create more than one (1) acre of impervious surface, since the project is a new development classified as a minor site plan and will create more than 1,000 SF of impervious surface, under Section 5 of the City of Portland's technical manual, MDEP General Standards must be met. This requires a project's stormwater management system to include treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. The General Standards require treatment of no less than 95% of the site's created impervious area and no less than 80% of the site's created developed area (landscaped area and impervious area combined). To mitigate the changes in hydrologic patterns due to the development of this project a Focal Point media filter, subsurface R-Tank storage system, and Stormtree filter system have been implemented into the stormwater management infrastructure. Filtration BMPs are very effective at removing a wide range of pollutants through the use of organic soil filter media.

BMP sizing and treatment calculations are provided as Appendix 1.

Through the use of the aforementioned BMP's, 97.68% of new impervious area and 94.65% of new developed area will be receiving treatment. This calculation is including all new impervious and landscaped areas within the right of way. This meets the requirements for the Maine DEP General Standards.

Flooding Standard - Chapter 500, Section 4(F)

Since the project is a new development classified as a minor site plan and will create more than 1,000 SF of impervious surface, under Section 5 of the City of Portland's technical manual, MDEP Flooding Standards must be met. The Flooding Standard requires a project's stormwater management system detain, retain, or result in the infiltration of stormwater from 24-hour storms of the 2, 10, and 25-year frequencies such that the peak flows of stormwater from the project site do not exceed the peak flows of stormwater prior to undertaking the project. As such, a runoff evaluation was performed using the methodology outlined in the USDA Soil Conservation Service's "Urban Hydrology for Small Watersheds - Technical Release #55 (TR-55)". HydroCAD computer software was utilized to perform the calculations.

Runoff curve numbers were determined for each of the subcatchments by measuring the area of each hydrologic soil group within each type of land cover. The type of land cover was determined based on survey data, field reconnaissance and aerial photography. Times of concentration were determined from site topographic maps in accordance with SCS procedures.

The 24-hour rainfall values utilized in the hydrologic model were obtained from Appendix H of MDEP's Chapter 500: Stormwater Management (effective date August 2015). Rainfall values for Cumberland County SE are listed in the table below.

Storm Frequency Precipitation (in./24 hr) Cumberland County SE	
2-year	3.10
10-year	4.60
25-year	5.80

Due to the nature of this project's watershed, we would like to respectfully request a waiver from the flooding standard (per Chapter 500 waiver criteria). The location of POA-1 is likely a coastal wetland and is located at beginning of a major river segment that is directly tributary to the Fore River. It is understood that the peak flow rate at the culvert outfall (POA-1) will inevitably increase due to the larger diameter culvert and improved outlet control structure capable of conveying more flow, and to address the increased flow rate a properly sized rip rap apron is proposed at the outfall. It is anticipated that there will be no significant impact on the surrounding waterways due to the detention still available in the pond to the south of the project site and the proposed rip rap apron at the culvert outfall.

The following table presents the results of the peak runoff calculations at POA-1 for the existing and proposed conditions.

Peak Runoff Rate Summary Table			
Analysis Point	**Storm Event**	**Existing Conditions (cfs)**	**Proposed Conditions (cfs)**
POA-1	2-year	3.5	1.6
	10-year	4.0	11.7
	25-year	4.3	17.0

The HydroCAD Data output sheets from this analysis are appended to this report (Appendix 2) along with the Stormwater Management Plans (Appendix 5). As mentioned above it is anticipated that the peak flow rate at the culvert outfall (POA-1) will increase due to the larger diameter culvert capable of conveying more flow, as well as the addition of a storm drain system within the end of Powsland Street that directly conveys runoff into the detention pond.

Summary

The proposed development has been designed to manage stormwater runoff through Best Management Practices approved by MDEP. Stormwater BMP's provide treatment to 97.68% (95% required) of impervious areas, and 94.65% (80% required) of the total developed area, including the treatment of new impervious, existing impervious, and new landscaped areas within the right of way. Runoff discharging from the site will be properly handled through the proposed outlet control structures and rip rap aprons. Additionally, erosion and sedimentation controls along with associated maintenance and housekeeping procedures have been outlined to prevent unreasonable impacts on the site and to the surrounding environment.

Prepared by:

SEBAGO TECHNICS, INC.

STATE OF MAINE
PAUL D. OSTROWSKI
No. 11175
LICENSED PROFESSIONAL ENGINEER

01/11/2023

Jake S. Hunnewell, E.I.
Civil Engineer
JSH

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Senior Project Engineer
PDO

Appendix 1

Stormwater Quality Calculations

Table 1: MDEP GENERAL STANDARD CALCULATIONS

Job # 07360-01

AREA ID	WATERSHED SIZE (S.F.)	EXISTING ONSITE IMPERVIOUS AREA TO REMAIN (S.F.)	NEW ONSITE IMPERVIOUS AREA (S.F.)	EXISTING ONSITE LANDSCAPED AREA TO REMAIN (S.F.)	NEW ONSITE LANDSCAPED AREA (S.F.)	NET NEW DEVELOPED AREA (S.F.)	NET EXISTING DEVELOPED AREAS (S.F.)	TREATMENT PROVIDED?	IMPERVIOUS AREA TREATED (S.F.)	LANDSCAPED AREA TREATED (S.F.)	DEVELOPED AREA TREATED (S.F.)	TREATMENT BMP
1.1S	12,805	55	5,910	0	410	6,320	55	NO	0	0	0	
1.2S	22,850	0	10,200	0	12,650	22,850	0	YES	10,200	12,650	22,850	FP1
2S	84,325	0	0	0	0	0	0	NO	0	0	0	
3S	6,330	0	0	0	500	500	0	NO	0	0	0	
4S	153,485	0	0	0	0	0	0	NO	0	0	0	
5S	43,775	10,525	250	0	0	250	10,525	NO	0	0	0	
6S	31,980	6,000	0	0	0	0	6,000	YES	6,000	0	6,000	ST1
7S	79,835	15,785	225	0	335	560	15,785	NO	0	0	0	
TOTAL (S.F.)	**435,385**	**32,365**	**16,585**	**0**	**13,895**	**30,480**	**32,365**		**16,200**	**12,650**	**28,850**	

TOTAL NEW IMPERVIOUS AREA (S.F.)	**16,585**	**TOTAL DEVELOPED AREA (S.F.)**	**30,480**
TOTAL IMPERVIOUS AREA RECEIVING TREATMENT (S.F.)	**16,200**	**TOTAL AREA RECEIVING TREATMENT (S.F.)**	**28,850**
% OF IMPERVIOUS AREA RECEIVING TREATMENT	**97.68%**	**% OF AREA RECEIVING TREATMENT**	**94.65%**

"NEW ON SITE" IS INCLUDING ALL NEW PAVEMENT AND LANDSCAPED AREA IN THE R.O.W.

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South Portland, Maine 04106
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JOB
SHEET NO. 1 OF 1
CALCULATED BY DATE
FILE NAME 07360-01 WQC.xlsx PRNT DATE 1/10/2023

FOCALPOINT, ACF ENVIRONMENTAL

Task: Size Focal Point treatment system pursuant to the General Standards, Section 4.C of Chapter 500.

References 1. Letter from Maine Department of Environmental Protection, Director-Bureau of Land Resources to Stormwater Systems ACF-Convergent Water Technologies Alliance, Dated May 16, 2016 indicating FocalPoint biofiltration meets requirements of the General Standards for Treatment.

Per Reference 1 above, the system must be sized to meet:

a. "entire volume of a 0.96 inch Type III 24-hour storm is treated prior to activation of the bypass/overflow"

b. "surface area….must be a minimum of 174 s.f. per 1 acres of impervious area treated (26s.f. per 0.15 acres)"

c. "treatment flow rate for the Stormtech Isolator Row is the projected one year peak flow rate for the drainage area feeding the Isolator Row"

Flow rates:

Stormtech SC-310	0.10	cfs/chamber
Stormtech SC-740	0.20	cfs/chamber
Stormtech DC-780	0.20	cfs/chamber
Stormtech MC-3500	0.30	cfs/chamber
Cultech 150XLHD	0.185	cfs/chamber
Cultech 330XLHD	0.227	cfs/chamber

Tributary to FocalPoint System: FP1

Landscaped Area	12,650.00	SF	
Impervious Area	10,200.00	SF	

Minimum Surface Area of FocalPoint:

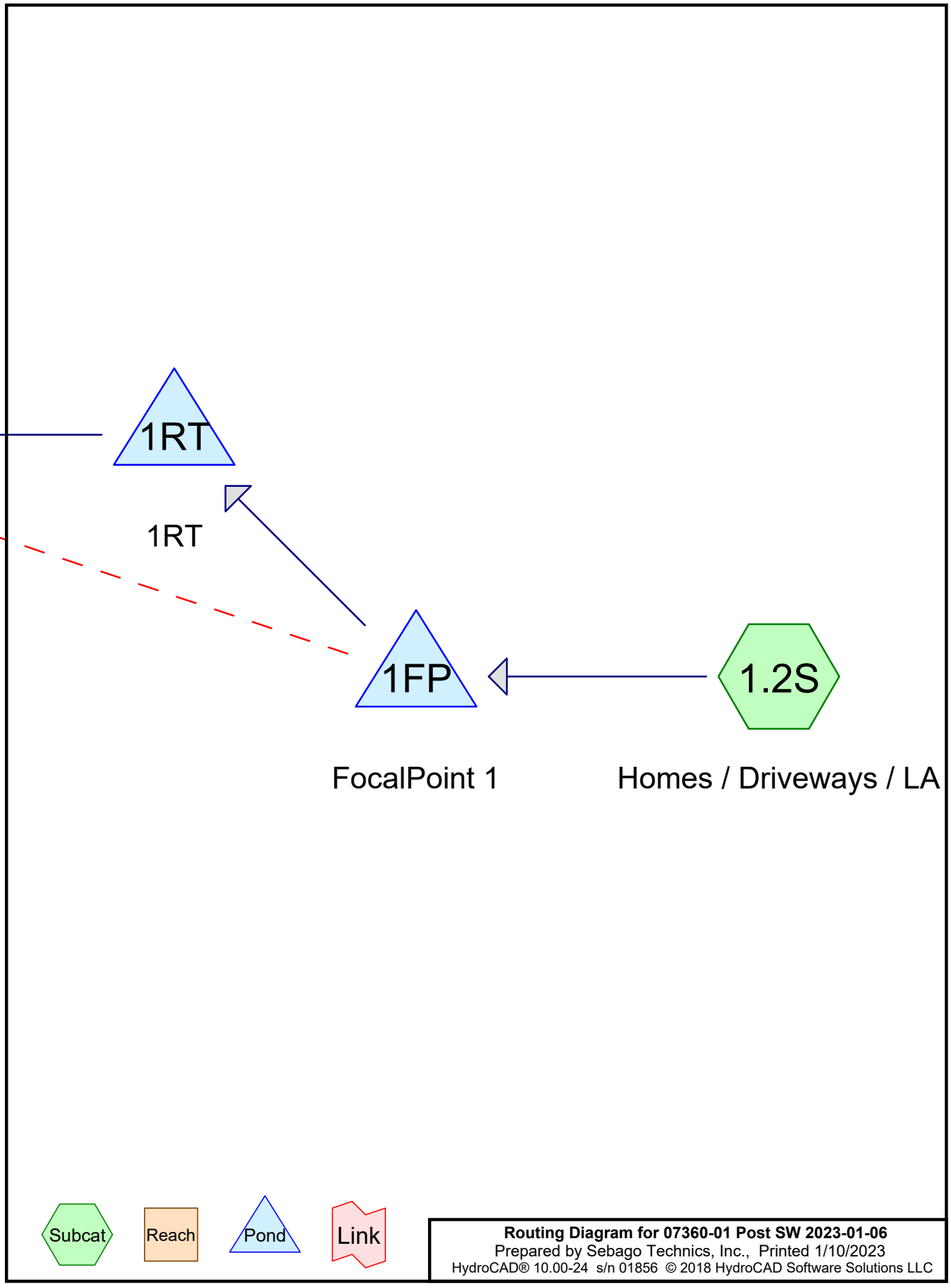
Required: 26 s.f. per 0.15 acres of impervious area

Total Impervious Area	10,200.00	SF		0.23	AC
			X	174.00	SF/ACRE
Required Minimum Surface Area				40.7	SF
Provided Surface Area				50.0	SF

Treatment Volume

Required: (0.4" X Landscaped + 1.0" X Impervious)

Landscaped Area	12,650.00	SF	Volume	421.7				
Impervious Area	10,200.00	SF	Volume	850.0				
Treatment Volume Required				1,271.7	CF	0.029	AF	
				must discharge in 24-48 hours				


1RT
1RT
1FP
1.2S
FocalPoint 1
Homes / Driveways / LA
Subcat
Reach
Pond
Link
Routing Diagram for 07360-01 Post SW 2023-01-06
Prepared by Sebago Technics, Inc., Printed 1/10/2023
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Area Listing (selected nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
3,185	74	>75% Grass cover, Good, HSG C (1.2S)
9,465	80	>75% Grass cover, Good, HSG D (1.2S)
10,200	98	Roof / Driveways (1.2S)
22,850	**87**	**TOTAL AREA**

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1.2S: Homes / Driveways / Runoff Area=22,850 sf 44.64% Impervious Runoff Depth=0.68"
Tc=6.0 min CN=87 Runoff=0.4 cfs 1,291 cf

Pond 1FP: FocalPoint 1 Peak Elev=20.50' Storage=236 cf Inflow=0.4 cfs 1,291 cf
Primary=0.1 cfs 1,291 cf Secondary=0.0 cfs 0 cf Outflow=0.1 cfs 1,291 cf

Pond 1RT: 1RT Peak Elev=14.51' Storage=209 cf Inflow=0.1 cfs 1,291 cf
Outflow=0.1 cfs 1,265 cf

Total Runoff Area = 22,850 sf Runoff Volume = 1,291 cf Average Runoff Depth = 0.68"
55.36% Pervious = 12,650 sf 44.64% Impervious = 10,200 sf

Summary for Subcatchment 1.2S: Homes / Driveways / LA

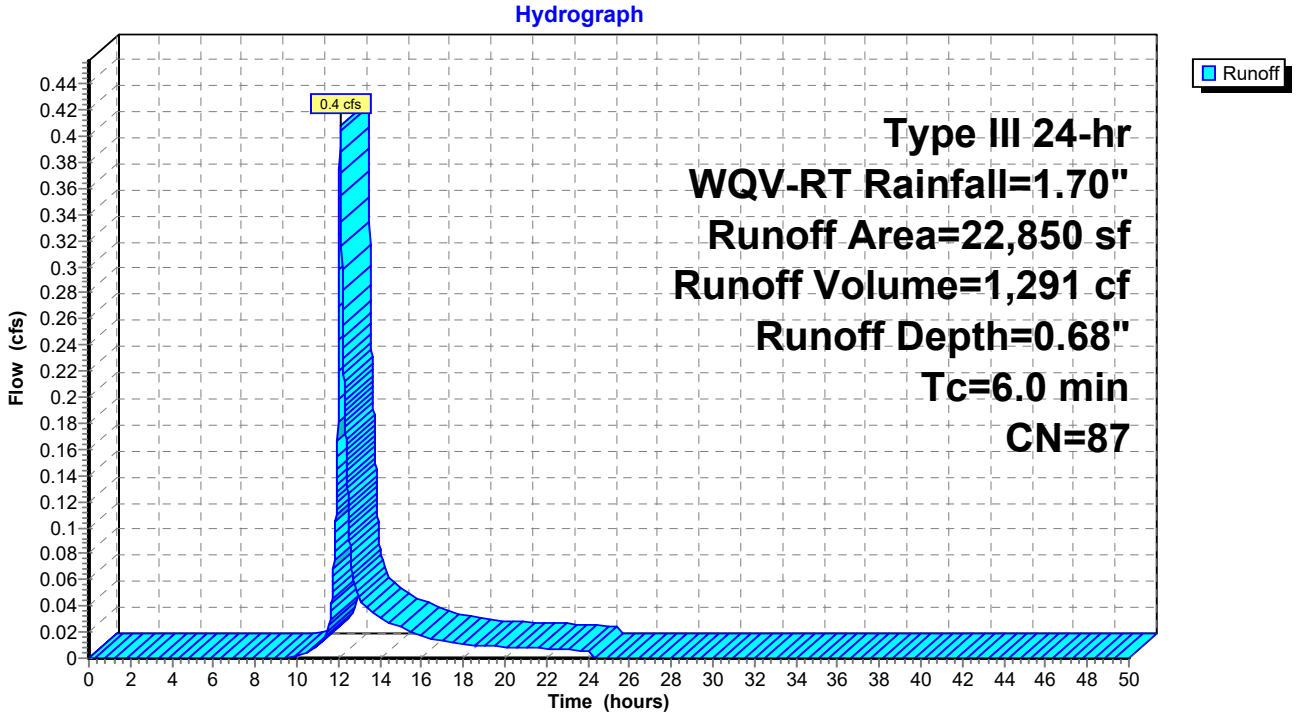
Runoff = 0.4 cfs @ 12.09 hrs, Volume= 1,291 cf, Depth= 0.68"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr WQV-RT Rainfall=1.70"

	Area (sf)	CN	Description
	9,465	80	>75% Grass cover, Good, HSG D
	3,185	74	>75% Grass cover, Good, HSG C
*	10,200	98	Roof / Driveways
	22,850	87	Weighted Average
	12,650		55.36% Pervious Area
	10,200		44.64% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 1.2S: Homes / Driveways / LA



Summary for Pond 1FP: FocalPoint 1

behind units 22 and 23

Inflow Area = 22,850 sf, 44.64% Impervious, Inflow Depth = 0.68" for WQV-RT event
Inflow = 0.4 cfs @ 12.09 hrs, Volume= 1,291 cf
Outflow = 0.1 cfs @ 11.90 hrs, Volume= 1,291 cf, Atten= 72%, Lag= 0.0 min
Primary = 0.1 cfs @ 11.90 hrs, Volume= 1,291 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 20.50' @ 12.48 hrs Surf.Area= 50 sf Storage= 236 cf

Plug-Flow detention time= (not calculated: outflow precedes inflow)
Center-of-Mass det. time= 10.2 min (859.2 - 849.0)

Volume	Invert	Avail.Storage	Storage Description
#1	16.75'	23 cf	**5.00'W x 10.00'L x 2.25'H FocalPoint** 113 cf Overall x 20.0% Voids
#2	19.00'	588 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc) -Impervious
		610 cf	Total Available Storage

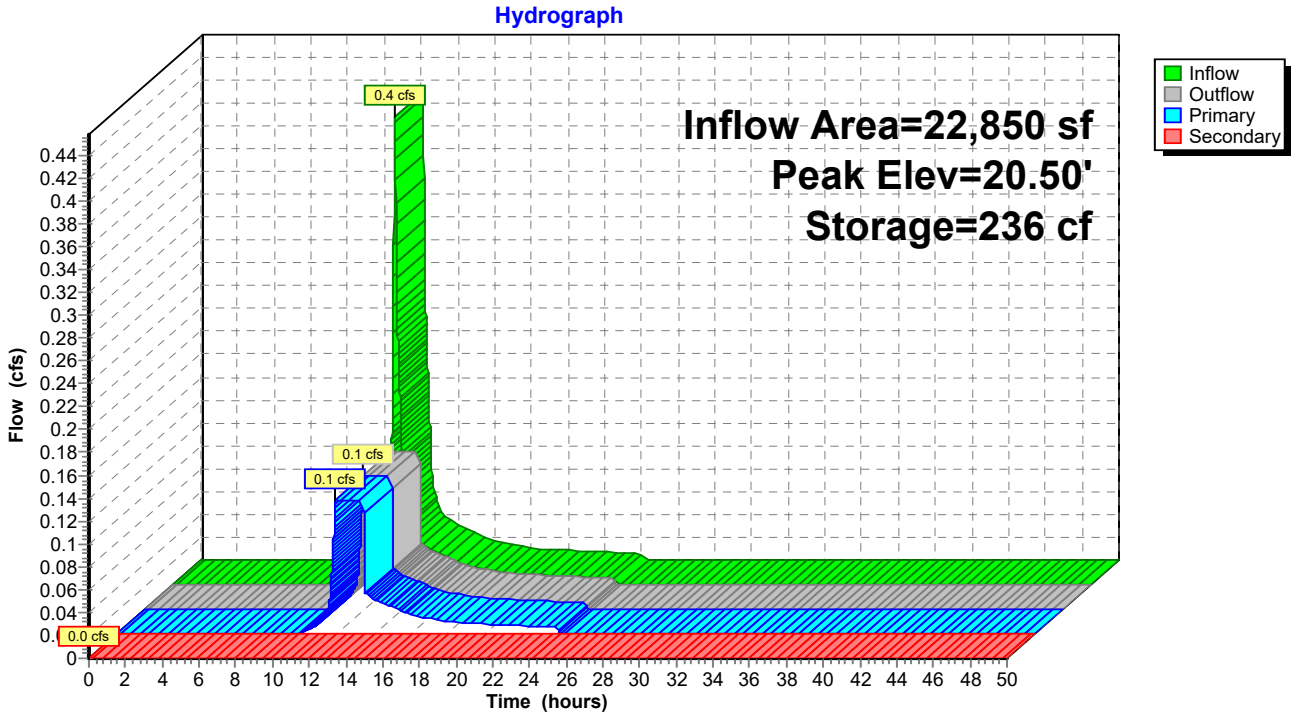
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
19.00	50	0	0
20.00	168	109	109
21.00	343	256	365
21.50	550	223	588

Device	Routing	Invert	Outlet Devices
#1	Primary	15.90'	**12.0" Round Culvert** L= 6.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 15.90' / 15.80' S= 0.0167 '/' Cc= 0.900 n= 0.012, Flow Area= 0.79 sf
#2	Device 1	16.75'	**100.000 in/hr Exfiltration over Surface area**
#3	Device 1	20.60'	**24.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#4	Secondary	21.00'	**12.0' long x 4.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50 Coef. (English) 2.38 2.54 2.69 2.68 2.67 2.67 2.65 2.66 2.66 2.68 2.72 2.73 2.76 2.79 2.88 3.07 3.32

Primary OutFlow Max=0.1 cfs @ 11.90 hrs HW=16.80' (Free Discharge)
└**1=Culvert** (Passes 0.1 cfs of 2.0 cfs potential flow)
  ├**2=Exfiltration** (Exfiltration Controls 0.1 cfs)
  └**3=Orifice/Grate** (Controls 0.0 cfs)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=16.75' (Free Discharge)
└**4=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Pond 1FP: FocalPoint 1



Summary for Pond 1RT: 1RT

Inflow Area = 22,850 sf, 44.64% Impervious, Inflow Depth = 0.68" for WQV-RT event
Inflow = 0.1 cfs @ 11.90 hrs, Volume= 1,291 cf
Outflow = 0.1 cfs @ 13.51 hrs, Volume= 1,265 cf, Atten= 0%, Lag= 96.6 min
Primary = 0.1 cfs @ 13.51 hrs, Volume= 1,265 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 14.51' @ 13.51 hrs Surf.Area= 262 sf Storage= 209 cf

Plug-Flow detention time= 137.4 min calculated for 1,265 cf (98% of inflow)
Center-of-Mass det. time= 126.0 min (985.2 - 859.2)

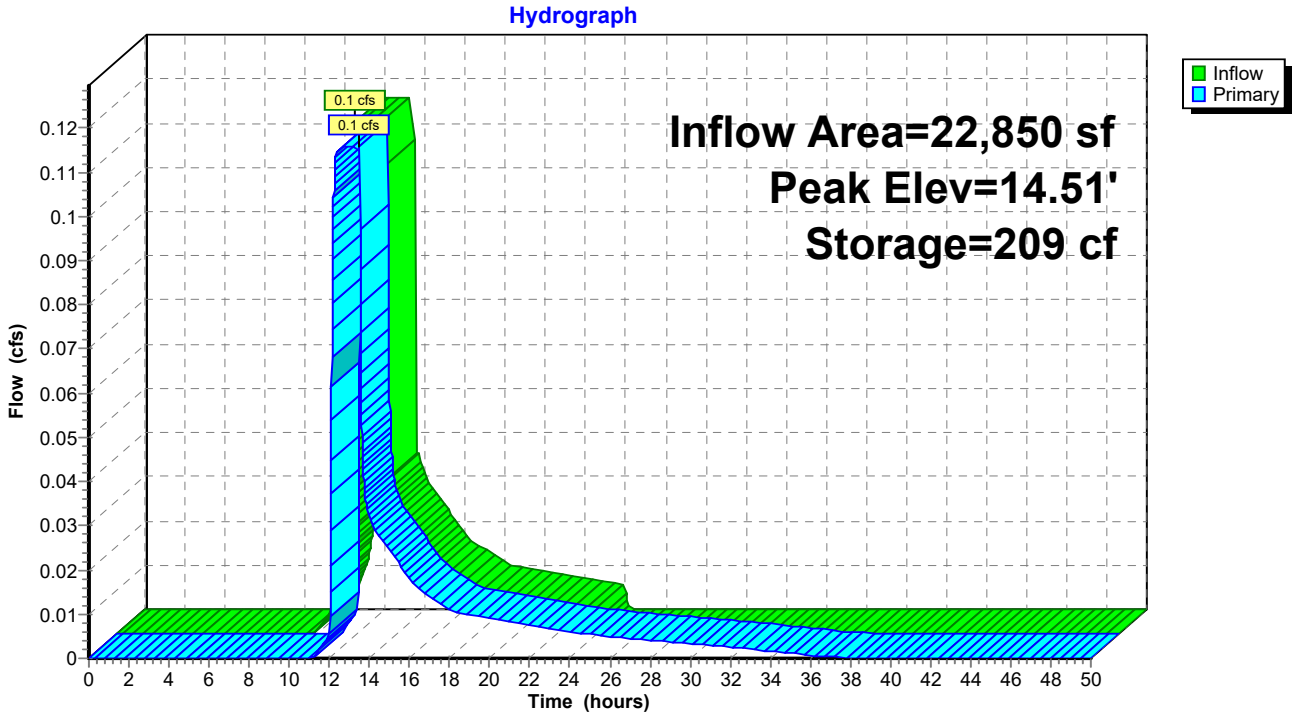
Volume	Invert	Avail.Storage	Storage Description
#1A	13.28'	260 cf	**14.50'W x 18.07'L x 4.07'H Field A** 1,067 cf Overall - 417 cf Embedded = 650 cf x 40.0% Voids
#2A	13.53'	396 cf	**ACF R-Tank HD 2** x 48 Inside #1 Inside= 15.7"W x 33.9"H => 3.52 sf x 2.35'L = 8.3 cf Outside= 15.7"W x 33.9"H => 3.70 sf x 2.35'L = 8.7 cf 48 Chambers in 8 Rows
		656 cf	Total Available Storage

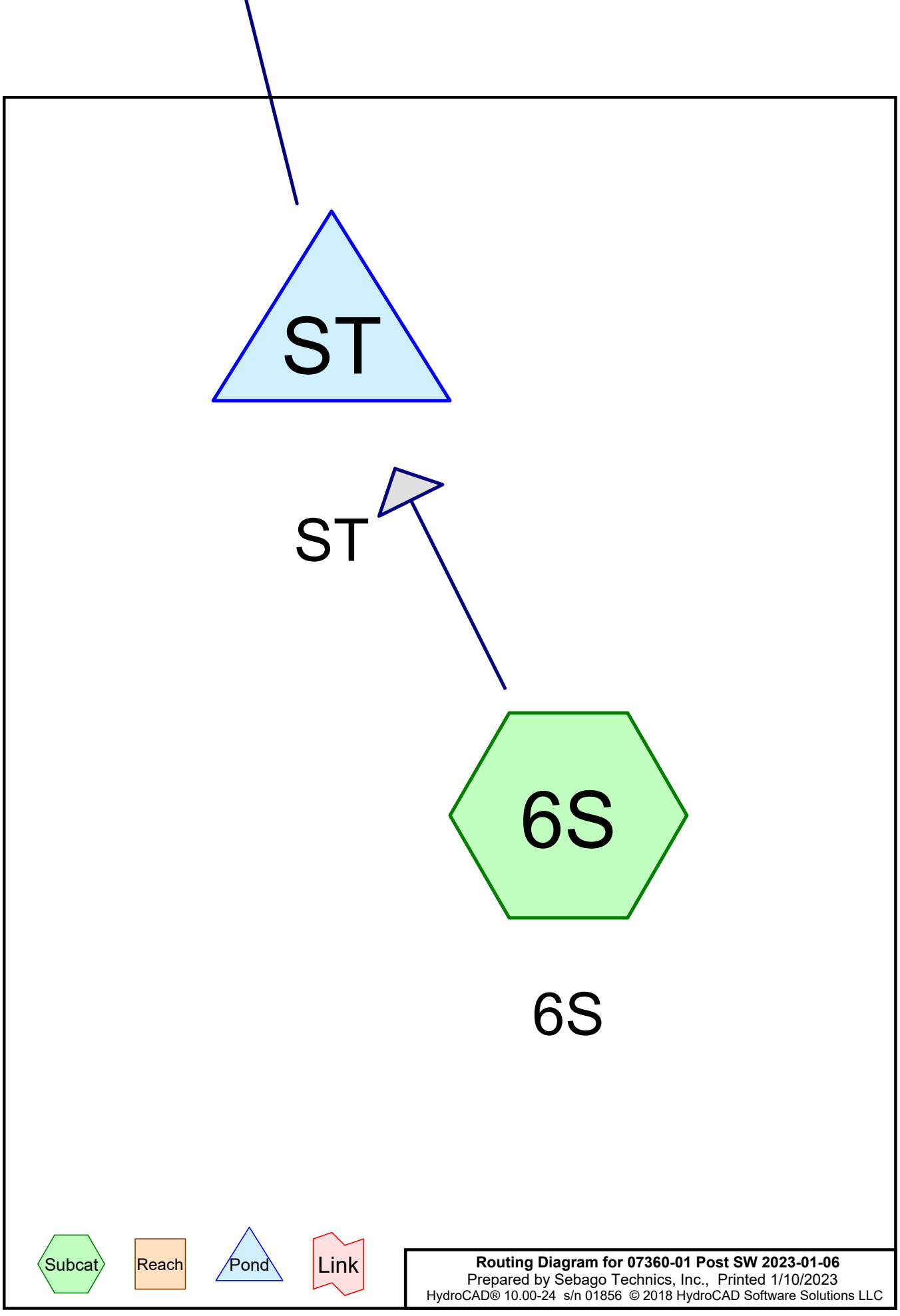
Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Primary	13.53'	**15.0" Round Culvert** L= 32.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 13.53' / 13.05' S= 0.0150 '/' Cc= 0.900 n= 0.012, Flow Area= 1.23 sf
#2	Device 1	13.35'	**0.5" Vert. Orifice/Grate** C= 0.600
#3	Device 1	14.30'	**5.0" Vert. Orifice/Grate** C= 0.600
#4	Device 1	16.00'	**4.0' long x 0.5' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32

Primary OutFlow Max=0.1 cfs @ 13.51 hrs HW=14.51' (Free Discharge)
└**1=Culvert** (Passes 0.1 cfs of 3.5 cfs potential flow)
  ├**2=Orifice/Grate** (Orifice Controls 0.0 cfs @ 4.77 fps)
  ├**3=Orifice/Grate** (Orifice Controls 0.1 cfs @ 1.57 fps)
  └**4=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Pond 1RT: 1RT


Hydrograph
Inflow Area=22,850 sf
Peak Elev=14.51'
Storage=209 cf
0.1 cfs
0.1 cfs
Inflow
Primary
Flow (cfs)
Time (hours)
0
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.1
0.11
0.12
0 2 4 6 8 10 12 14 16 18 20 22 24 26 28 30 32 34 36 38 40 42 44 46 48 50


ST
ST
6S
6S
Subcat
Reach
Pond
Link
Routing Diagram for 07360-01 Post SW 2023-01-06
Prepared by Sebago Technics, Inc., Printed 1/10/2023
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Area Listing (selected nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
9,805	77	1/8 acre lots, 65% imp, HSG A (6S)
6,910	90	1/8 acre lots, 65% imp, HSG C (6S)
4,670	39	>75% Grass cover, Good, HSG A (6S)
2,755	74	>75% Grass cover, Good, HSG C (6S)
7,840	98	Pavement (6S)
31,980	**79**	**TOTAL AREA**

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment6S: 6S Runoff Area=31,980 sf 58.49% Impervious Runoff Depth=0.19"
Flow Length=718' Tc=6.6 min CN=79 Runoff=0.1 cfs 513 cf

Pond ST: ST Peak Elev=29.62' Storage=15 cf Inflow=0.1 cfs 513 cf
Outflow=0.1 cfs 501 cf

Total Runoff Area = 31,980 sf Runoff Volume = 513 cf Average Runoff Depth = 0.19"
41.51% Pervious = 13,275 sf 58.49% Impervious = 18,705 sf

Summary for Subcatchment 6S: 6S

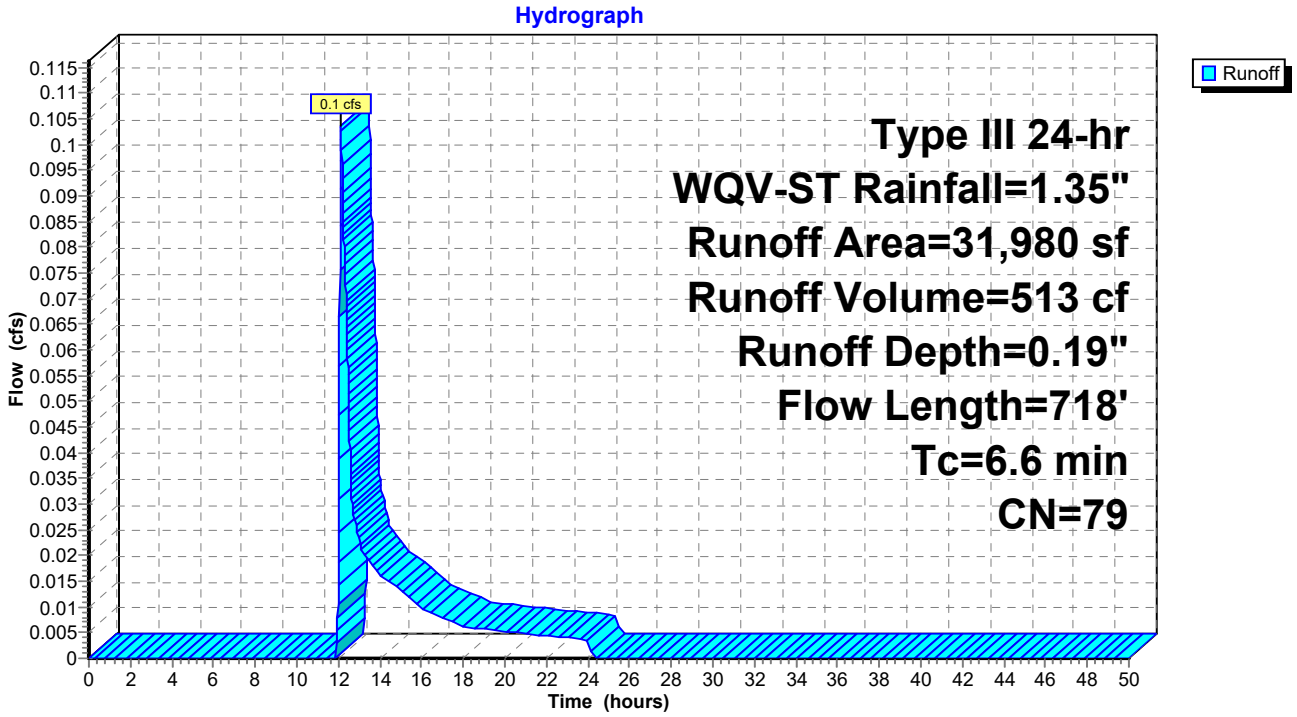
Runoff = 0.1 cfs @ 12.13 hrs, Volume= 513 cf, Depth= 0.19"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr WQV-ST Rainfall=1.35"

	Area (sf)	CN	Description
*	7,840	98	Pavement
	2,755	74	>75% Grass cover, Good, HSG C
	4,670	39	>75% Grass cover, Good, HSG A
	6,910	90	1/8 acre lots, 65% imp, HSG C
	9,805	77	1/8 acre lots, 65% imp, HSG A
	31,980	79	Weighted Average
	13,275		41.51% Pervious Area
	18,705		58.49% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.5	30	0.0568	0.20		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
3.0	370	0.0100	2.03		**Shallow Concentrated Flow, B-C** Paved Kv= 20.3 fps
0.6	115	0.0213	2.96		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
0.1	28	0.0200	6.95	5.46	**Pipe Channel, D-E** 12.0" Round Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.012 Corrugated PP, smooth interior
0.4	175	0.0250	7.77	6.10	**Pipe Channel, E-F** 12.0" Round Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.012
6.6	718	Total			

Subcatchment 6S: 6S



Summary for Pond ST: ST

Inflow Area = 31,980 sf, 58.49% Impervious, Inflow Depth = 0.19" for WQV-ST event
Inflow = 0.1 cfs @ 12.13 hrs, Volume= 513 cf
Outflow = 0.1 cfs @ 12.13 hrs, Volume= 501 cf, Atten= 0%, Lag= 0.3 min
Primary = 0.1 cfs @ 12.13 hrs, Volume= 501 cf

WQV REQUIRED TO TREAT 6,000 S.F. OF EXISTING ROADWAY

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 29.62' @ 12.13 hrs Surf.Area= 40 sf Storage= 15 cf

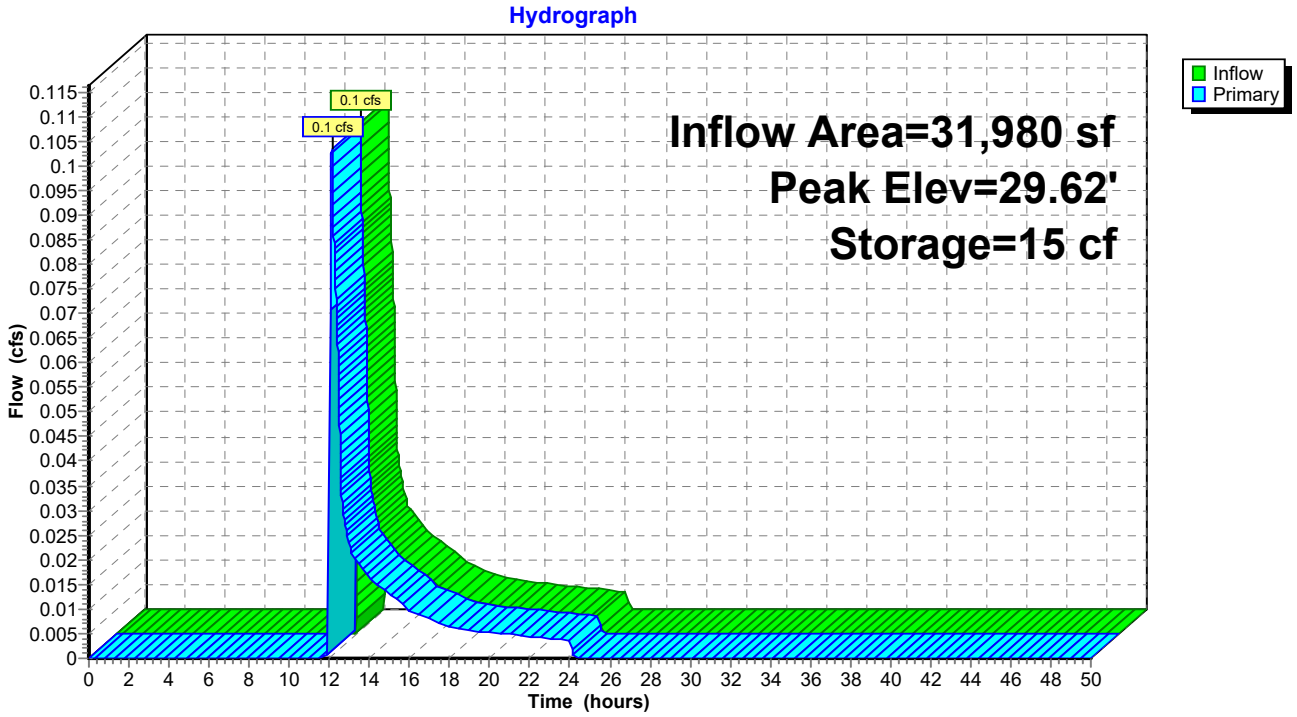
Plug-Flow detention time= 17.8 min calculated for 501 cf (98% of inflow)
Center-of-Mass det. time= 5.7 min (919.2 - 913.5)

Volume	Invert	Avail.Storage	Storage Description
#1	30.70'	36 cf	**10.00'W x 4.00'L x 2.25'H Prismatoid** 90 cf Overall x 40.0% Voids
#2	32.95'	27 cf	**10.00'W x 4.00'L x 0.68'H Prismatoid**
#3	28.70'	32 cf	**10.00'W x 4.00'L x 2.00'H Prismatoid** 80 cf Overall x 40.0% Voids
		95 cf	Total Available Storage

Device	Routing	Invert	Outlet Devices
#1	Device 2	28.70'	**140.000 in/hr Exfiltration over Surface area**
#2	Primary	29.45'	**12.0" Round Culvert** L= 25.0' CPP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 29.45' / 29.20' S= 0.0100 '/' Cc= 0.900 n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf
#3	Device 2	33.37'	**12.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.1 cfs @ 12.13 hrs HW=29.62' (Free Discharge)
└**2=Culvert** (Inlet Controls 0.1 cfs @ 1.12 fps)
  └**1=Exfiltration** (Passes 0.1 cfs of 0.1 cfs potential flow)
  └**3=Orifice/Grate** (Controls 0.0 cfs)

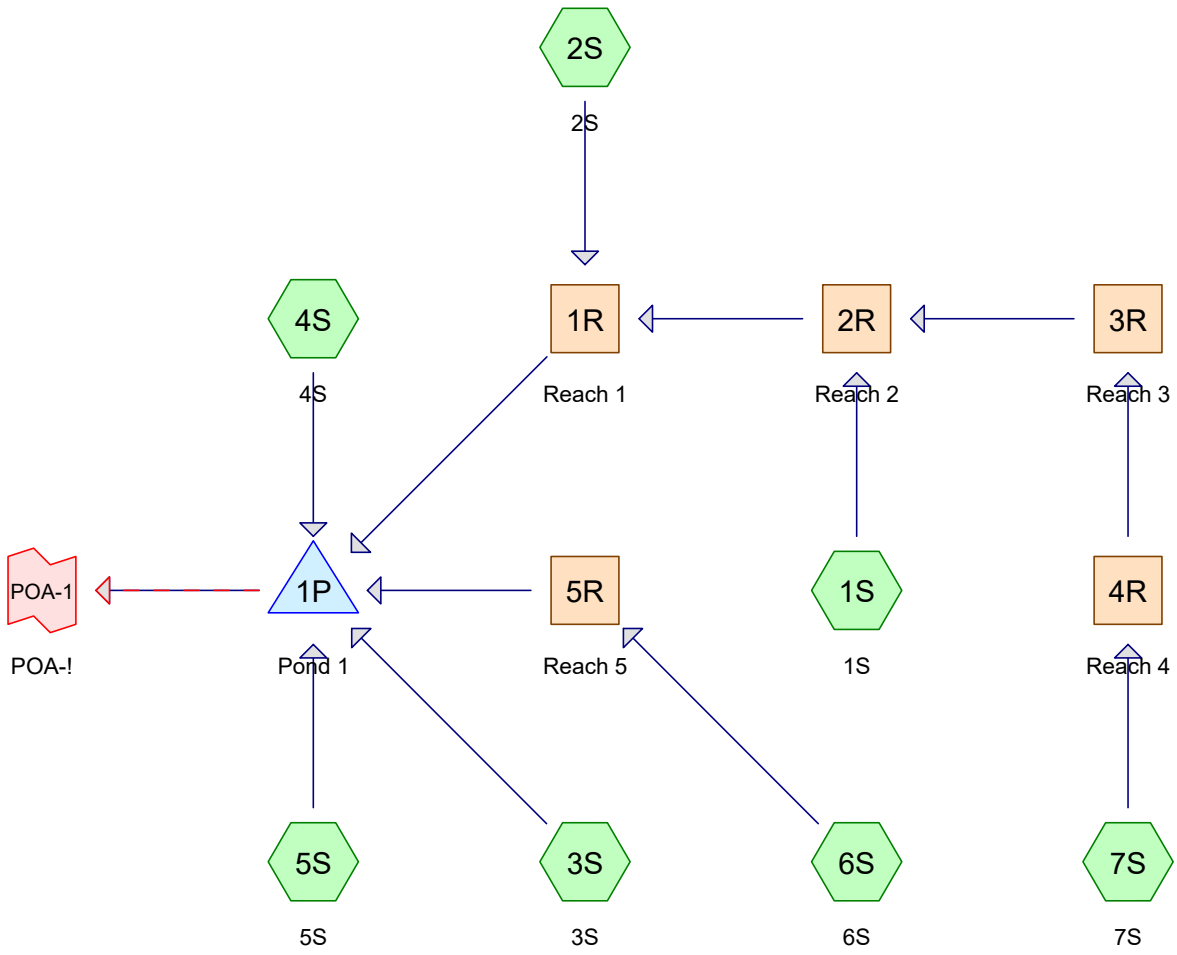
Pond ST: ST



STORMTREE (ST-4X10-SUL) TREATMENT FLOW RATE = 0.132 CFS
WQV STORM = 0.1 CFS

Appendix 2A

Existing Conditions HydroCAD Summary



Subcat Reach Pond Link

Routing Diagram for 07360-01 Pre SW 3
Prepared by Sebago Technics, Inc., Printed 1/10/2023
HydroCAD® 10.00-24 s/n 01856 © 2018 HydroCAD Software Solutions LLC

Area Listing (selected nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
20,110	86	1/3 acre lots, 30% imp, HSG D (2S)
9,235	61	1/4 acre lots, 38% imp, HSG A (2S, 7S)
760	83	1/4 acre lots, 38% imp, HSG C (2S)
42,750	77	1/8 acre lots, 65% imp, HSG A (2S, 6S, 7S)
44,440	90	1/8 acre lots, 65% imp, HSG C (2S, 6S, 7S)
16,725	39	>75% Grass cover, Good, HSG A (6S, 7S)
18,525	74	>75% Grass cover, Good, HSG C (2S, 6S, 7S)
58,250	30	Brush, Good, HSG A (4S)
13,090	65	Brush, Good, HSG C (1S, 2S, 3S, 5S)
129,615	73	Brush, Good, HSG D (1S, 2S, 3S, 4S, 5S)
6,380	98	CMP impervious (5S)
1,215	98	Ex Gravel (5S)
4,555	98	Existing Gravel (1S)
2,865	98	Existing Pavement (1S)
1,260	98	Gravel (3S)
43,220	98	Pavement (3S, 4S, 6S, 7S)
3,095	98	Roof / Driveways (2S)
17,555	98	Train track gravel (4S, 5S)
980	72	Woods/grass comb., Good, HSG C (2S)
434,625	**73**	**TOTAL AREA**

Summary for Subcatchment 1S: 1S

Runoff = 2.5 cfs @ 12.09 hrs, Volume= 7,781 cf, Depth= 3.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
*	2,865	98	Existing Pavement
*	4,555	98	Existing Gravel
	13,940	73	Brush, Good, HSG D
	6,080	65	Brush, Good, HSG C
	27,440	78	Weighted Average
	20,020		72.96% Pervious Area
	7,420		27.04% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.6	52	0.0380	1.54		**Sheet Flow, A-B** Smooth surfaces n= 0.011 P2= 3.10"
0.2	30	0.3000	2.74		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
0.5	52	0.1250	1.77		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
4.7					**Direct Entry,**
6.0	134	Total			

Summary for Subcatchment 2S: 2S

Runoff = 6.1 cfs @ 12.23 hrs, Volume= 26,339 cf, Depth= 3.91"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
	16,190	73	Brush, Good, HSG D
	1,390	65	Brush, Good, HSG C
	20,110	86	1/3 acre lots, 30% imp, HSG D
	26,370	90	1/8 acre lots, 65% imp, HSG C
	275	77	1/8 acre lots, 65% imp, HSG A
	980	72	Woods/grass comb., Good, HSG C
	10,920	74	>75% Grass cover, Good, HSG C
	825	61	1/4 acre lots, 38% imp, HSG A
	760	83	1/4 acre lots, 38% imp, HSG C
*	3,095	98	Roof / Driveways
	80,915	83	Weighted Average
	53,865		66.57% Pervious Area
	27,050		33.43% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.3	50	0.0160	0.13		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
5.3	360	0.0257	1.12		**Shallow Concentrated Flow, B-C** Short Grass Pasture Kv= 7.0 fps
0.2	40	0.3513	2.96		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
5.1	210	0.0192	0.69		**Shallow Concentrated Flow, D-E** Woodland Kv= 5.0 fps
16.9	660	Total			

Summary for Subcatchment 3S: 3S

Runoff = 1.3 cfs @ 12.09 hrs, Volume= 4,020 cf, Depth= 3.11"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
	13,780	73	Brush, Good, HSG D
*	1,260	98	Gravel
*	60	98	Pavement
	400	65	Brush, Good, HSG C
	15,500	75	Weighted Average
	14,180		91.48% Pervious Area
	1,320		8.52% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.5	48	0.0417	1.57		**Sheet Flow, A-B** Smooth surfaces n= 0.011 P2= 3.10"
0.1	20	0.2500	2.50		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
0.7	50	0.0600	1.22		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
0.1	15	0.6667	4.08		**Shallow Concentrated Flow, D-E** Woodland Kv= 5.0 fps
0.1	13	0.2307	2.40		**Shallow Concentrated Flow, E-F** Woodland Kv= 5.0 fps
4.5					**Direct Entry,**
6.0	146	Total			

Summary for Subcatchment 4S: 4S

Runoff = 4.8 cfs @ 12.35 hrs, Volume= 25,003 cf, Depth= 1.95"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
	59,840	73	Brush, Good, HSG D
*	20,640	98	Pavement
*	14,755	98	Train track gravel
	58,250	30	Brush, Good, HSG A
	153,485	62	Weighted Average
	118,090		76.94% Pervious Area
	35,395		23.06% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.4	30	0.0250	1.16		**Sheet Flow, A-B** Smooth surfaces n= 0.011 P2= 3.10"
4.1	145	0.0138	0.59		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
0.7	80	0.1299	1.80		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
14.1	600	0.0050	0.71		**Shallow Concentrated Flow, D-E** Nearly Bare & Untilled Kv= 10.0 fps
2.7	200	0.0151	1.23		**Shallow Concentrated Flow, E-F** Nearly Bare & Untilled Kv= 10.0 fps
0.7	165	0.0662	3.86		**Shallow Concentrated Flow, F-G** Grassed Waterway Kv= 15.0 fps
0.9	120	0.0245	2.35		**Shallow Concentrated Flow, G-H** Grassed Waterway Kv= 15.0 fps
23.6	1,340	Total			

Summary for Subcatchment 5S: 5S

Runoff = 2.6 cfs @ 12.27 hrs, Volume= 11,762 cf, Depth= 3.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
	25,865	73	Brush, Good, HSG D
*	1,215	98	Ex Gravel
*	2,800	98	Train track gravel
*	6,380	98	CMP impervious
	5,220	65	Brush, Good, HSG C
	41,480	78	Weighted Average
	31,085		74.94% Pervious Area
	10,395		25.06% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
14.7	60	0.0193	0.07		**Sheet Flow, A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
3.1	120	0.0169	0.65		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
1.4	155	0.1323	1.82		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
19.2	335	Total			

Summary for Subcatchment 6S: 6S

Runoff = 3.7 cfs @ 12.09 hrs, Volume= 11,593 cf, Depth= 3.60"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
*	9,035	98	Pavement
	5,150	74	>75% Grass cover, Good, HSG C
	4,670	39	>75% Grass cover, Good, HSG A
	9,970	90	1/8 acre lots, 65% imp, HSG C
	9,805	77	1/8 acre lots, 65% imp, HSG A
	38,630	80	Weighted Average
	16,741		43.34% Pervious Area
	21,889		56.66% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.5	30	0.0568	0.20		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
3.0	370	0.0100	2.03		**Shallow Concentrated Flow, B-C** Paved Kv= 20.3 fps
1.0	170	0.0213	2.96		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
6.5	570	Total			

Summary for Subcatchment 7S: 7S

Runoff = 4.7 cfs @ 12.21 hrs, Volume= 19,406 cf, Depth= 3.02"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
*	13,485	98	Pavement
	2,455	74	>75% Grass cover, Good, HSG C
	12,055	39	>75% Grass cover, Good, HSG A
	8,100	90	1/8 acre lots, 65% imp, HSG C
	32,670	77	1/8 acre lots, 65% imp, HSG A
	8,410	61	1/4 acre lots, 38% imp, HSG A
	77,175	74	Weighted Average
	33,994		44.05% Pervious Area
	43,181		55.95% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
7.0	55	0.0145	0.13		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
4.0	190	0.0131	0.80		**Shallow Concentrated Flow, B-C** Short Grass Pasture Kv= 7.0 fps
0.8	110	0.0131	2.32		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
3.3	405	0.0100	2.03		**Shallow Concentrated Flow, D-E** Paved Kv= 20.3 fps
15.1	760	Total			

Summary for Reach 1R: Reach 1

Inflow Area = 185,530 sf, 41.85% Impervious, Inflow Depth = 3.46" for 25-YR event
Inflow = 12.0 cfs @ 12.23 hrs, Volume= 53,526 cf
Outflow = 11.9 cfs @ 12.25 hrs, Volume= 53,526 cf, Atten= 0%, Lag= 0.9 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 1.31 fps, Min. Travel Time= 1.1 min
Avg. Velocity = 0.38 fps, Avg. Travel Time= 3.7 min

Peak Storage= 773 cf @ 12.25 hrs
Average Depth at Peak Storage= 0.44'
Bank-Full Depth= 0.50' Flow Area= 11.3 sf, Capacity= 15.9 cfs

10.00' x 0.50' deep channel, n= 0.100 Earth, dense brush, high stage
Side Slope Z-value= 25.0 '/' Top Width= 35.00'
Length= 85.0' Slope= 0.0412 '/'
Inlet Invert= 15.00', Outlet Invert= 11.50'



‡

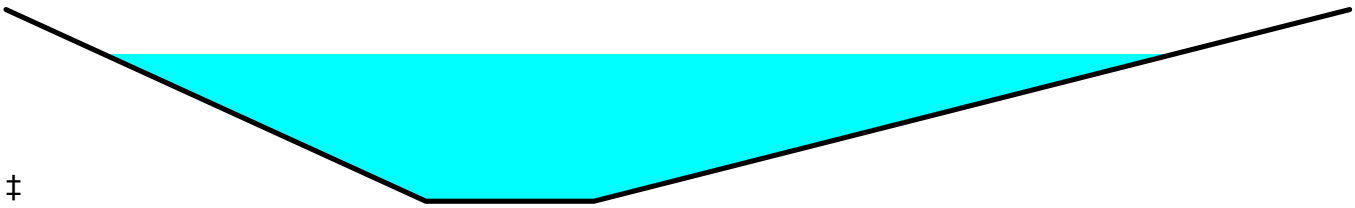
Summary for Reach 2R: Reach 2

Inflow Area = 104,615 sf, 48.37% Impervious, Inflow Depth = 3.12" for 25-YR event
Inflow = 6.1 cfs @ 12.20 hrs, Volume= 27,187 cf
Outflow = 5.9 cfs @ 12.25 hrs, Volume= 27,187 cf, Atten= 3%, Lag= 3.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 0.83 fps, Min. Travel Time= 4.3 min
Avg. Velocity = 0.27 fps, Avg. Travel Time= 13.1 min

Peak Storage= 1,521 cf @ 12.25 hrs
Average Depth at Peak Storage= 0.38'
Bank-Full Depth= 0.50' Flow Area= 11.3 sf, Capacity= 10.9 cfs

5.00' x 0.50' deep channel, n= 0.100 Earth, dense brush, high stage
Side Slope Z-value= 25.0 45.0 '/' Top Width= 40.00'
Length= 215.0' Slope= 0.0233 '/'
Inlet Invert= 16.50', Outlet Invert= 11.50'



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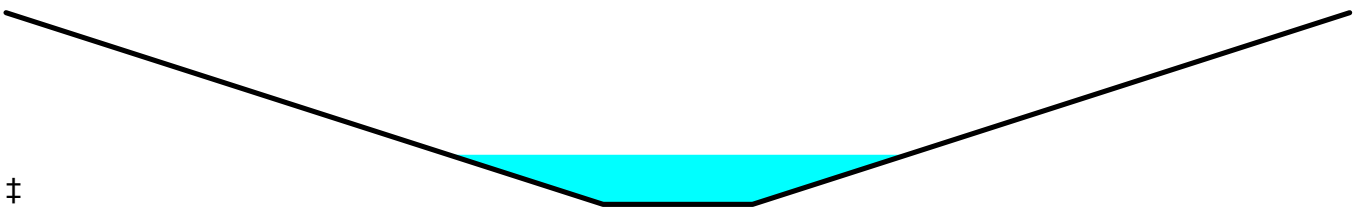
Summary for Reach 3R: Reach 3

Inflow Area = 77,175 sf, 55.95% Impervious, Inflow Depth = 3.02" for 25-YR event
Inflow = 4.7 cfs @ 12.21 hrs, Volume= 19,406 cf
Outflow = 4.7 cfs @ 12.23 hrs, Volume= 19,406 cf, Atten= 0%, Lag= 0.9 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 1.78 fps, Min. Travel Time= 1.1 min
Avg. Velocity = 0.66 fps, Avg. Travel Time= 2.8 min

Peak Storage= 298 cf @ 12.23 hrs
Average Depth at Peak Storage= 0.26'
Bank-Full Depth= 1.00' Flow Area= 25.0 sf, Capacity= 97.3 cfs

5.00' x 1.00' deep channel, n= 0.100 Earth, dense brush, high stage
Side Slope Z-value= 20.0 '/' Top Width= 45.00'
Length= 113.0' Slope= 0.1504 '/'
Inlet Invert= 33.50', Outlet Invert= 16.50'



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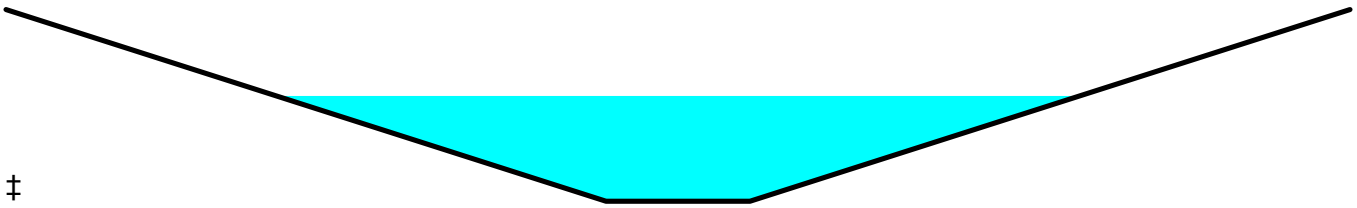
Summary for Reach 4R: Reach 4

Inflow Area = 77,175 sf, 55.95% Impervious, Inflow Depth = 3.02" for 25-YR event
Inflow = 4.7 cfs @ 12.21 hrs, Volume= 19,406 cf
Outflow = 4.7 cfs @ 12.21 hrs, Volume= 19,406 cf, Atten= 0%, Lag= 0.5 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 3.48 fps, Min. Travel Time= 0.5 min
Avg. Velocity = 1.41 fps, Avg. Travel Time= 1.3 min

Peak Storage= 144 cf @ 12.21 hrs
Average Depth at Peak Storage= 0.14'
Bank-Full Depth= 0.25' Flow Area= 3.9 sf, Capacity= 19.3 cfs

3.00' x 0.25' deep channel, n= 0.013 Asphalt, smooth
Side Slope Z-value= 50.0 '/' Top Width= 28.00'
Length= 106.0' Slope= 0.0264 '/'
Inlet Invert= 36.30', Outlet Invert= 33.50'



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Summary for Reach 5R: Reach 5

Inflow Area = 38,630 sf, 56.66% Impervious, Inflow Depth = 3.60" for 25-YR event
Inflow = 3.7 cfs @ 12.09 hrs, Volume= 11,593 cf
Outflow = 3.6 cfs @ 12.10 hrs, Volume= 11,593 cf, Atten= 1%, Lag= 0.5 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 3.12 fps, Min. Travel Time= 0.8 min
Avg. Velocity = 0.87 fps, Avg. Travel Time= 2.8 min

Peak Storage= 171 cf @ 12.10 hrs
Average Depth at Peak Storage= 0.10'
Bank-Full Depth= 0.50' Flow Area= 10.0 sf, Capacity= 78.0 cfs

10.00' x 0.50' deep channel, n= 0.035 Earth, dense weeds
Side Slope Z-value= 20.0 '/' Top Width= 30.00'
Length= 146.0' Slope= 0.1462 '/'
Inlet Invert= 32.35', Outlet Invert= 11.00'



‡

Summary for Pond 1P: Pond 1

Inflow Area = 434,625 sf, 33.74% Impervious, Inflow Depth = 2.92" for 25-YR event
Inflow = 21.4 cfs @ 12.26 hrs, Volume= 105,905 cf
Outflow = 4.3 cfs @ 13.04 hrs, Volume= 101,945 cf, Atten= 80%, Lag= 46.8 min
Primary = 4.3 cfs @ 13.04 hrs, Volume= 101,945 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 13.09' @ 13.04 hrs Surf.Area= 19,166 sf Storage= 41,364 cf

Plug-Flow detention time= 109.0 min calculated for 101,925 cf (96% of inflow)
Center-of-Mass det. time= 87.8 min (928.8 - 841.0)

Volume	Invert	Avail.Storage	Storage Description
#1	8.00'	137,824 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
8.00	1,000	0	0
9.00	2,000	1,500	1,500
10.00	4,000	3,000	4,500
11.00	8,800	6,400	10,900
12.00	14,915	11,858	22,758
13.00	18,900	16,908	39,665
14.00	21,882	20,391	60,056
15.00	24,236	23,059	83,115
16.00	26,633	25,435	108,550
17.00	31,915	29,274	137,824

Device	Routing	Invert	Outlet Devices
#1	Primary	7.74'	**12.0" Round Culvert** L= 113.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 7.74' / 4.98' S= 0.0244 '/' Cc= 0.900 n= 0.025 Corrugated metal, Flow Area= 0.79 sf
#2	Device 1	9.86'	**1.3" x 1.3" Horiz. Grate X 7.00 columns** X 7 rows C= 0.600
#3	Secondary	25.60'	**100.0' long x 15.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63

Primary OutFlow Max=4.3 cfs @ 13.04 hrs HW=13.09' TW=0.00' (Dynamic Tailwater)
↑—**1=Culvert** (Barrel Controls 4.3 cfs @ 5.52 fps)
↑—**2=Grate** (Passes 4.3 cfs of 5.0 cfs potential flow)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=8.00' TW=0.00' (Dynamic Tailwater)
↑—**3=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Summary for Link POA-1: POA-!

Inflow Area = 434,625 sf, 33.74% Impervious, Inflow Depth = 2.81" for 25-YR event
Inflow = 4.3 cfs @ 13.04 hrs, Volume= 101,945 cf
Primary = 4.3 cfs @ 13.04 hrs, Volume= 101,945 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment1S: 1S Runoff Area=27,440 sf 27.04% Impervious Runoff Depth=1.20"
Flow Length=134' Tc=6.0 min CN=78 Runoff=0.9 cfs 2,745 cf

Subcatchment2S: 2S Runoff Area=80,915 sf 33.43% Impervious Runoff Depth=1.53"
Flow Length=660' Tc=16.9 min CN=83 Runoff=2.4 cfs 10,300 cf

Subcatchment3S: 3S Runoff Area=15,500 sf 8.52% Impervious Runoff Depth=1.03"
Flow Length=146' Tc=6.0 min CN=75 Runoff=0.4 cfs 1,326 cf

Subcatchment4S: 4S Runoff Area=153,485 sf 23.06% Impervious Runoff Depth=0.44"
Flow Length=1,340' Tc=23.6 min CN=62 Runoff=0.8 cfs 5,614 cf

Subcatchment5S: 5S Runoff Area=41,480 sf 25.06% Impervious Runoff Depth=1.20"
Flow Length=335' Tc=19.2 min CN=78 Runoff=0.9 cfs 4,150 cf

Subcatchment6S: 6S Runoff Area=38,630 sf 56.66% Impervious Runoff Depth=1.33"
Flow Length=570' Tc=6.5 min CN=80 Runoff=1.3 cfs 4,267 cf

Subcatchment7S: 7S Runoff Area=77,175 sf 55.95% Impervious Runoff Depth=0.97"
Flow Length=760' Tc=15.1 min CN=74 Runoff=1.4 cfs 6,253 cf

Reach 1R: Reach 1 Avg. Flow Depth=0.26' Max Vel=0.98 fps Inflow=4.1 cfs 19,298 cf
n=0.100 L=85.0' S=0.0412 '/' Capacity=15.9 cfs Outflow=4.1 cfs 19,298 cf

Reach 2R: Reach 2 Avg. Flow Depth=0.23' Max Vel=0.61 fps Inflow=1.9 cfs 8,998 cf
n=0.100 L=215.0' S=0.0233 '/' Capacity=10.9 cfs Outflow=1.8 cfs 8,998 cf

Reach 3R: Reach 3 Avg. Flow Depth=0.14' Max Vel=1.27 fps Inflow=1.4 cfs 6,253 cf
n=0.100 L=113.0' S=0.1504 '/' Capacity=97.3 cfs Outflow=1.4 cfs 6,253 cf

Reach 4R: Reach 4 Avg. Flow Depth=0.08' Max Vel=2.55 fps Inflow=1.4 cfs 6,253 cf
n=0.013 L=106.0' S=0.0264 '/' Capacity=19.3 cfs Outflow=1.4 cfs 6,253 cf

Reach 5R: Reach 5 Avg. Flow Depth=0.05' Max Vel=2.19 fps Inflow=1.3 cfs 4,267 cf
n=0.035 L=146.0' S=0.1462 '/' Capacity=78.0 cfs Outflow=1.3 cfs 4,267 cf

Pond 1P: Pond 1 Peak Elev=10.89' Storage=9,981 cf Inflow=6.5 cfs 34,655 cf
Primary=2.8 cfs 30,695 cf Secondary=0.0 cfs 0 cf Outflow=2.8 cfs 30,695 cf

Link POA-1: POA-! Inflow=2.8 cfs 30,695 cf
Primary=2.8 cfs 30,695 cf

Total Runoff Area = 434,625 sf Runoff Volume = 34,655 cf Average Runoff Depth = 0.96"
66.26% Pervious = 287,975 sf 33.74% Impervious = 146,650 sf

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment1S: 1S Runoff Area=27,440 sf 27.04% Impervious Runoff Depth=2.38"
Flow Length=134' Tc=6.0 min CN=78 Runoff=1.8 cfs 5,432 cf

Subcatchment2S: 2S Runoff Area=80,915 sf 33.43% Impervious Runoff Depth=2.81"
Flow Length=660' Tc=16.9 min CN=83 Runoff=4.4 cfs 18,979 cf

Subcatchment3S: 3S Runoff Area=15,500 sf 8.52% Impervious Runoff Depth=2.13"
Flow Length=146' Tc=6.0 min CN=75 Runoff=0.9 cfs 2,750 cf

Subcatchment4S: 4S Runoff Area=153,485 sf 23.06% Impervious Runoff Depth=1.20"
Flow Length=1,340' Tc=23.6 min CN=62 Runoff=2.8 cfs 15,323 cf

Subcatchment5S: 5S Runoff Area=41,480 sf 25.06% Impervious Runoff Depth=2.38"
Flow Length=335' Tc=19.2 min CN=78 Runoff=1.8 cfs 8,212 cf

Subcatchment6S: 6S Runoff Area=38,630 sf 56.66% Impervious Runoff Depth=2.55"
Flow Length=570' Tc=6.5 min CN=80 Runoff=2.6 cfs 8,199 cf

Subcatchment7S: 7S Runoff Area=77,175 sf 55.95% Impervious Runoff Depth=2.05"
Flow Length=760' Tc=15.1 min CN=74 Runoff=3.2 cfs 13,181 cf

Reach 1R: Reach 1 Avg. Flow Depth=0.37' Max Vel=1.19 fps Inflow=8.3 cfs 37,592 cf
n=0.100 L=85.0' S=0.0412 '/' Capacity=15.9 cfs Outflow=8.3 cfs 37,592 cf

Reach 2R: Reach 2 Avg. Flow Depth=0.32' Max Vel=0.75 fps Inflow=4.1 cfs 18,614 cf
n=0.100 L=215.0' S=0.0233 '/' Capacity=10.9 cfs Outflow=3.9 cfs 18,614 cf

Reach 3R: Reach 3 Avg. Flow Depth=0.21' Max Vel=1.60 fps Inflow=3.2 cfs 13,181 cf
n=0.100 L=113.0' S=0.1504 '/' Capacity=97.3 cfs Outflow=3.2 cfs 13,181 cf

Reach 4R: Reach 4 Avg. Flow Depth=0.12' Max Vel=3.14 fps Inflow=3.2 cfs 13,181 cf
n=0.013 L=106.0' S=0.0264 '/' Capacity=19.3 cfs Outflow=3.2 cfs 13,181 cf

Reach 5R: Reach 5 Avg. Flow Depth=0.08' Max Vel=2.77 fps Inflow=2.6 cfs 8,199 cf
n=0.035 L=146.0' S=0.1462 '/' Capacity=78.0 cfs Outflow=2.6 cfs 8,199 cf

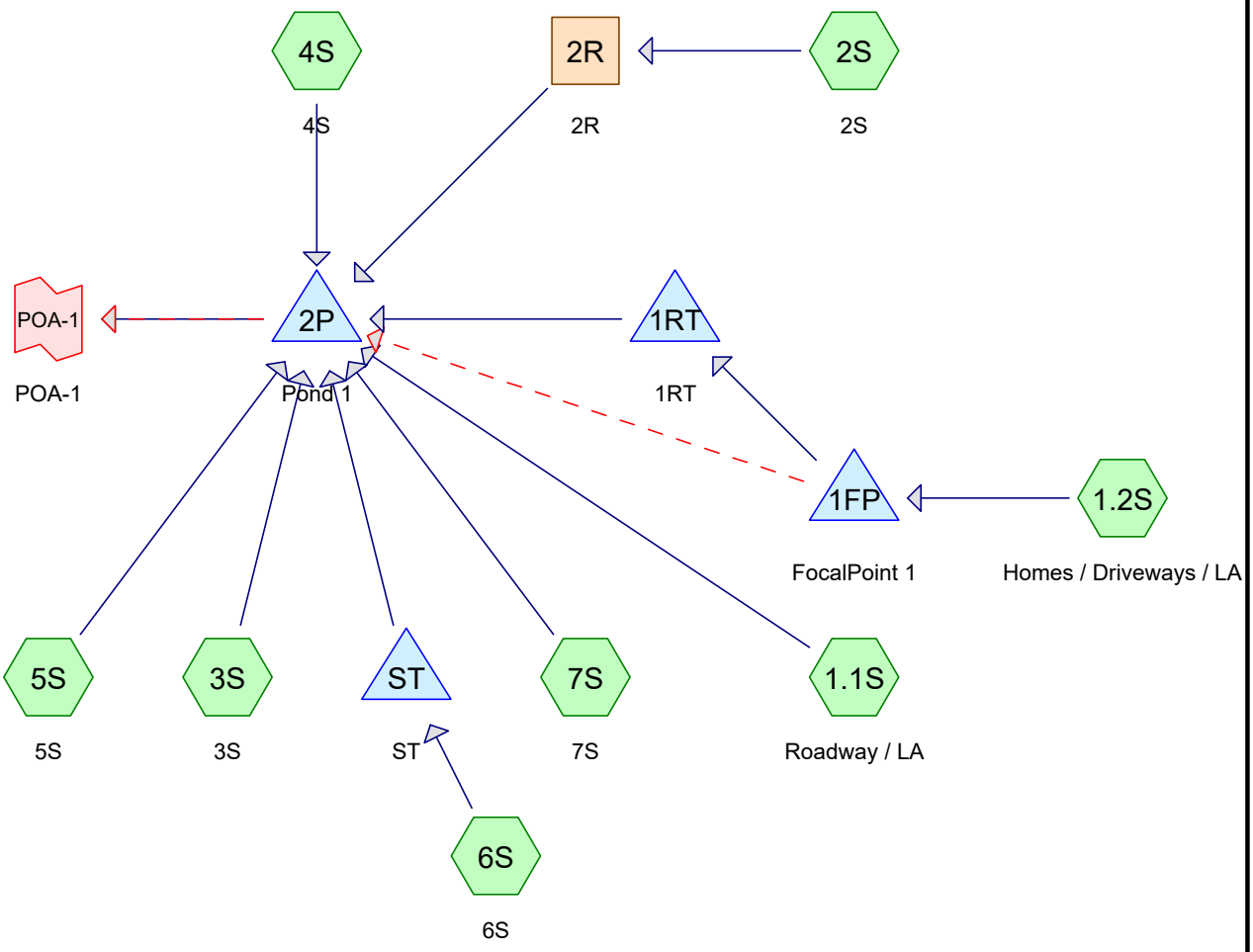
Pond 1P: Pond 1 Peak Elev=12.16' Storage=25,214 cf Inflow=14.3 cfs 72,077 cf
Primary=4.0 cfs 68,117 cf Secondary=0.0 cfs 0 cf Outflow=4.0 cfs 68,117 cf

Link POA-1: POA-! Inflow=4.0 cfs 68,117 cf
Primary=4.0 cfs 68,117 cf

Total Runoff Area = 434,625 sf Runoff Volume = 72,077 cf Average Runoff Depth = 1.99"
66.26% Pervious = 287,975 sf 33.74% Impervious = 146,650 sf

Appendix 2B

Proposed Conditions
HydroCAD Summary



Subcat Reach Pond Link

Routing Diagram for 07360-01 Post SW 2023-01-06
Prepared by Sebago Technics, Inc., Printed 1/10/2023
HydroCAD® 10.00-24 s/n 01856 © 2018 HydroCAD Software Solutions LLC

Area Listing (selected nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
20,110	86	1/3 acre lots, 30% imp, HSG D (2S)
9,235	61	1/4 acre lots, 38% imp, HSG A (2S, 7S)
760	83	1/4 acre lots, 38% imp, HSG C (2S)
42,750	77	1/8 acre lots, 65% imp, HSG A (2S, 6S, 7S)
45,900	90	1/8 acre lots, 65% imp, HSG C (1.1S, 2S, 6S, 7S)
16,725	39	>75% Grass cover, Good, HSG A (6S, 7S)
21,460	74	>75% Grass cover, Good, HSG C (1.1S, 1.2S, 2S, 6S, 7S)
10,085	80	>75% Grass cover, Good, HSG D (1.1S, 1.2S)
58,250	30	Brush, Good, HSG A (4S)
6,610	65	Brush, Good, HSG C (2S, 5S)
112,525	73	Brush, Good, HSG D (2S, 3S, 4S, 5S)
6,380	98	CMP impervious (5S)
1,345	98	Ex Gravel (5S)
55	98	Gravel to stay (1.1S)
5,910	98	New Pavement (1.1S)
44,515	98	Pavement (4S, 5S, 6S, 7S)
940	73	Rip Rap (CN for underlying soil condition) (3S)
13,295	98	Roof / Driveways (1.2S, 2S)
17,555	98	Train track gravel (4S, 5S)
980	72	Woods/grass comb., Good, HSG C (2S)
435,385	**74**	**TOTAL AREA**

Summary for Subcatchment 1.1S: Roadway / LA

Runoff = 1.6 cfs @ 12.08 hrs, Volume= 5,081 cf, Depth= 4.76"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	620	80	>75% Grass cover, Good, HSG D
	1,700	74	>75% Grass cover, Good, HSG C
	4,520	90	1/8 acre lots, 65% imp, HSG C
*	5,910	98	New Pavement
*	55	98	Gravel to stay
	12,805	91	Weighted Average
	3,902		30.47% Pervious Area
	8,903		69.53% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Summary for Subcatchment 1.2S: Homes / Driveways / LA

Runoff = 2.6 cfs @ 12.09 hrs, Volume= 8,238 cf, Depth= 4.33"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	9,465	80	>75% Grass cover, Good, HSG D
	3,185	74	>75% Grass cover, Good, HSG C
*	10,200	98	Roof / Driveways
	22,850	87	Weighted Average
	12,650		55.36% Pervious Area
	10,200		44.64% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Summary for Subcatchment 2S: 2S

Runoff = 6.2 cfs @ 12.23 hrs, Volume= 26,728 cf, Depth= 3.80"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	19,515	73	Brush, Good, HSG D
	1,390	65	Brush, Good, HSG C
	20,110	86	1/3 acre lots, 30% imp, HSG D
	26,370	90	1/8 acre lots, 65% imp, HSG C
	275	77	1/8 acre lots, 65% imp, HSG A
	980	72	Woods/grass comb., Good, HSG C
	11,005	74	>75% Grass cover, Good, HSG C
	825	61	1/4 acre lots, 38% imp, HSG A
	760	83	1/4 acre lots, 38% imp, HSG C
*	3,095	98	Roof / Driveways
	84,325	82	Weighted Average
	57,275		67.92% Pervious Area
	27,050		32.08% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.3	50	0.0160	0.13		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
5.3	360	0.0257	1.12		**Shallow Concentrated Flow, B-C** Short Grass Pasture Kv= 7.0 fps
0.2	40	0.3513	2.96		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
5.1	210	0.0192	0.69		**Shallow Concentrated Flow, D-E** Woodland Kv= 5.0 fps
16.9	660	Total			

Summary for Subcatchment 3S: 3S

Runoff = 0.5 cfs @ 12.09 hrs, Volume= 1,542 cf, Depth= 2.92"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	5,390	73	Brush, Good, HSG D
*	940	73	Rip Rap (CN for underlying soil condition)
	6,330	73	Weighted Average
	6,330		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Summary for Subcatchment 4S: 4S

Runoff = 4.8 cfs @ 12.35 hrs, Volume= 25,003 cf, Depth= 1.95"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	59,840	73	Brush, Good, HSG D
*	20,640	98	Pavement
*	14,755	98	Train track gravel
	58,250	30	Brush, Good, HSG A
	153,485	62	Weighted Average
	118,090		76.94% Pervious Area
	35,395		23.06% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.4	30	0.0250	1.16		**Sheet Flow, A-B** Smooth surfaces n= 0.011 P2= 3.10"
4.1	145	0.0138	0.59		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
0.7	80	0.1299	1.80		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
14.1	600	0.0050	0.71		**Shallow Concentrated Flow, D-E** Nearly Bare & Untilled Kv= 10.0 fps
2.7	200	0.0151	1.23		**Shallow Concentrated Flow, E-F** Nearly Bare & Untilled Kv= 10.0 fps
0.7	165	0.0662	3.86		**Shallow Concentrated Flow, F-G** Grassed Waterway Kv= 15.0 fps
0.9	120	0.0245	2.35		**Shallow Concentrated Flow, G-H** Grassed Waterway Kv= 15.0 fps
23.6	1,340	Total			

Summary for Subcatchment 5S: 5S

Runoff = 2.8 cfs @ 12.27 hrs, Volume= 12,413 cf, Depth= 3.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	27,780	73	Brush, Good, HSG D
*	1,345	98	Ex Gravel
*	2,800	98	Train track gravel
*	6,380	98	CMP impervious
	5,220	65	Brush, Good, HSG C
*	250	98	Pavement
	43,775	78	Weighted Average
	33,000		75.39% Pervious Area
	10,775		24.61% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
14.7	60	0.0193	0.07		**Sheet Flow, A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
3.1	120	0.0169	0.65		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
1.4	155	0.1323	1.82		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
19.2	335	Total			

Summary for Subcatchment 6S: 6S

Runoff = 2.9 cfs @ 12.10 hrs, Volume= 9,332 cf, Depth= 3.50"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
*	7,840	98	Pavement
	2,755	74	>75% Grass cover, Good, HSG C
	4,670	39	>75% Grass cover, Good, HSG A
	6,910	90	1/8 acre lots, 65% imp, HSG C
	9,805	77	1/8 acre lots, 65% imp, HSG A
	31,980	79	Weighted Average
	13,275		41.51% Pervious Area
	18,705		58.49% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.5	30	0.0568	0.20		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
3.0	370	0.0100	2.03		**Shallow Concentrated Flow, B-C** Paved Kv= 20.3 fps
0.6	115	0.0213	2.96		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
0.1	28	0.0200	6.95	5.46	**Pipe Channel, D-E** 12.0" Round Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.012 Corrugated PP, smooth interior
0.4	175	0.0250	7.77	6.10	**Pipe Channel, E-F** 12.0" Round Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.012
6.6	718	Total			

Summary for Subcatchment 7S: 7S

Runoff = 4.9 cfs @ 12.22 hrs, Volume= 20,706 cf, Depth= 3.11"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
*	15,785	98	Pavement
	2,815	74	>75% Grass cover, Good, HSG C
	12,055	39	>75% Grass cover, Good, HSG A
	8,100	90	1/8 acre lots, 65% imp, HSG C
	32,670	77	1/8 acre lots, 65% imp, HSG A
	8,410	61	1/4 acre lots, 38% imp, HSG A
	79,835	75	Weighted Average
	34,354		43.03% Pervious Area
	45,481		56.97% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
7.0	55	0.0145	0.13		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
4.0	190	0.0131	0.80		**Shallow Concentrated Flow, B-C** Short Grass Pasture Kv= 7.0 fps
0.8	110	0.0131	2.32		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
4.0	540	0.0120	2.22		**Shallow Concentrated Flow, D-E** Paved Kv= 20.3 fps
0.4	175	0.0250	7.77	6.10	**Pipe Channel, E-F** 12.0" Round Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.012
16.2	1,070	Total			

Summary for Reach 2R: 2R

Inflow Area = 84,325 sf, 32.08% Impervious, Inflow Depth = 3.80" for 25-yr event
Inflow = 6.2 cfs @ 12.23 hrs, Volume= 26,728 cf
Outflow = 6.2 cfs @ 12.26 hrs, Volume= 26,728 cf, Atten= 1%, Lag= 2.3 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 1.09 fps, Min. Travel Time= 1.3 min
Avg. Velocity = 0.36 fps, Avg. Travel Time= 4.0 min

Peak Storage= 479 cf @ 12.24 hrs
Average Depth at Peak Storage= 0.32'
Bank-Full Depth= 0.50' Flow Area= 11.3 sf, Capacity= 15.9 cfs

10.00' x 0.50' deep channel, n= 0.100 Earth, dense brush, high stage
Side Slope Z-value= 25.0 '/' Top Width= 35.00'
Length= 85.0' Slope= 0.0412 '/'
Inlet Invert= 15.00', Outlet Invert= 11.50'



‡

Summary for Pond 1FP: FocalPoint 1

Inflow Area = 22,850 sf, 44.64% Impervious, Inflow Depth = 4.33" for 25-yr event
Inflow = 2.6 cfs @ 12.09 hrs, Volume= 8,238 cf
Outflow = 2.6 cfs @ 12.09 hrs, Volume= 8,237 cf, Atten= 0%, Lag= 0.3 min
Primary = 2.6 cfs @ 12.09 hrs, Volume= 8,237 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 20.84' @ 12.09 hrs Surf.Area= 50 sf Storage= 335 cf

Plug-Flow detention time= 9.8 min calculated for 8,236 cf (100% of inflow)
Center-of-Mass det. time= 9.8 min (805.6 - 795.9)

Volume	Invert	Avail.Storage	Storage Description
#1	16.75'	23 cf	**5.00'W x 10.00'L x 2.25'H FocalPoint** 113 cf Overall x 20.0% Voids
#2	19.00'	588 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc) -Impervious
		610 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
19.00	50	0	0
20.00	168	109	109
21.00	343	256	365
21.50	550	223	588

Device	Routing	Invert	Outlet Devices
#1	Primary	15.90'	**12.0" Round Culvert** L= 6.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 15.90' / 15.80' S= 0.0167 '/' Cc= 0.900 n= 0.012, Flow Area= 0.79 sf
#2	Device 1	16.75'	**100.000 in/hr Exfiltration over Surface area**
#3	Device 1	20.60'	**24.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#4	Secondary	21.00'	**12.0' long x 4.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50 Coef. (English) 2.38 2.54 2.69 2.68 2.67 2.67 2.65 2.66 2.66 2.68 2.72 2.73 2.76 2.79 2.88 3.07 3.32

Primary OutFlow Max=2.6 cfs @ 12.09 hrs HW=20.84' (Free Discharge)
└**1=Culvert** (Passes 2.6 cfs of 8.0 cfs potential flow)
  ├**2=Exfiltration** (Exfiltration Controls 0.1 cfs)
  └**3=Orifice/Grate** (Weir Controls 2.5 cfs @ 1.61 fps)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=16.75' (Free Discharge)
└**4=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Summary for Pond 1RT: 1RT

Inflow Area = 22,850 sf, 44.64% Impervious, Inflow Depth = 4.33" for 25-yr event
Inflow = 2.6 cfs @ 12.09 hrs, Volume= 8,237 cf
Outflow = 2.6 cfs @ 12.10 hrs, Volume= 8,211 cf, Atten= 0%, Lag= 0.3 min
Primary = 2.6 cfs @ 12.10 hrs, Volume= 8,211 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 16.28' @ 12.10 hrs Surf.Area= 262 sf Storage= 538 cf

Plug-Flow detention time= 31.1 min calculated for 8,211 cf (100% of inflow)
Center-of-Mass det. time= 29.0 min (834.7 - 805.6)

Volume	Invert	Avail.Storage	Storage Description
#1A	13.28'	260 cf	**14.50'W x 18.07'L x 4.07'H Field A** 1,067 cf Overall - 417 cf Embedded = 650 cf x 40.0% Voids
#2A	13.53'	396 cf	**ACF R-Tank HD 2** x 48 Inside #1 Inside= 15.7"W x 33.9"H => 3.52 sf x 2.35'L = 8.3 cf Outside= 15.7"W x 33.9"H => 3.70 sf x 2.35'L = 8.7 cf 48 Chambers in 8 Rows
		656 cf	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Primary	13.53'	**15.0" Round Culvert** L= 32.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 13.53' / 13.05' S= 0.0150 '/' Cc= 0.900 n= 0.012, Flow Area= 1.23 sf
#2	Device 1	13.35'	**0.5" Vert. Orifice/Grate** C= 0.600
#3	Device 1	14.30'	**5.0" Vert. Orifice/Grate** C= 0.600
#4	Device 1	16.00'	**4.0' long x 0.5' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32

Primary OutFlow Max=2.6 cfs @ 12.10 hrs HW=16.28' (Free Discharge)
└**1=Culvert** (Passes 2.6 cfs of 8.6 cfs potential flow)
  ├**2=Orifice/Grate** (Orifice Controls 0.0 cfs @ 7.98 fps)
  ├**3=Orifice/Grate** (Orifice Controls 0.9 cfs @ 6.41 fps)
  └**4=Broad-Crested Rectangular Weir** (Weir Controls 1.7 cfs @ 1.51 fps)

Summary for Pond 2P: Pond 1

Inflow Area = 435,385 sf, 35.95% Impervious, Inflow Depth = 3.00" for 25-yr event
Inflow = 21.8 cfs @ 12.25 hrs, Volume= 109,007 cf
Outflow = 17.0 cfs @ 12.43 hrs, Volume= 105,043 cf, Atten= 22%, Lag= 10.7 min
Primary = 17.0 cfs @ 12.43 hrs, Volume= 105,043 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs

Peak Elev= 12.12' @ 12.43 hrs Surf.Area= 14,410 sf Storage= 24,016 cf

Plug-Flow detention time= 105.3 min calculated for 105,043 cf (96% of inflow)
Center-of-Mass det. time= 84.2 min (922.4 - 838.2)

Volume	Invert	Avail.Storage	Storage Description
#1	8.00'	132,324 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
8.00	1,000	0	0
9.00	2,000	1,500	1,500
10.00	4,000	3,000	4,500
11.00	8,800	6,400	10,900
12.00	13,915	11,358	22,258
13.00	17,900	15,908	38,165
14.00	20,882	19,391	57,556
15.00	23,236	22,059	79,615
16.00	25,633	24,435	104,050
17.00	30,915	28,274	132,324

Device	Routing	Invert	Outlet Devices
#1	Primary	7.74'	**24.0" Round Culvert** L= 113.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 7.74' / 4.98' S= 0.0244 '/' Cc= 0.900 n= 0.013 Cast iron, coated, Flow Area= 3.14 sf
#2	Device 1	9.86'	**6.0" Vert. 6" Bleeder Orifice** C= 0.600
#3	Device 1	11.45'	**1.2" x 7.2" Horiz. Double Grate X 22.00 columns** X 3 rows C= 0.600 Limited to weir flow at low heads
#4	Secondary	25.60'	**100.0' long x 15.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63

Primary OutFlow Max=17.0 cfs @ 12.43 hrs HW=12.12' (Free Discharge)
↑└**1=Culvert** (Passes 17.0 cfs of 22.0 cfs potential flow)
↑ ├**2=6" Bleeder Orifice** (Orifice Controls 1.3 cfs @ 6.83 fps)
 └**3=Double Grate** (Orifice Controls 15.7 cfs @ 3.95 fps)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=8.00' (Free Discharge)
↑└**4=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Summary for Pond ST: ST

Inflow Area = 31,980 sf, 58.49% Impervious, Inflow Depth = 3.50" for 25-yr event
Inflow = 2.9 cfs @ 12.10 hrs, Volume= 9,332 cf
Outflow = 2.9 cfs @ 12.10 hrs, Volume= 9,322 cf, Atten= 0%, Lag= 0.0 min
Primary = 2.9 cfs @ 12.10 hrs, Volume= 9,322 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs / 2

Peak Elev= 33.83' @ 12.10 hrs Surf.Area= 120 sf Storage= 95 cf

Plug-Flow detention time= 2.4 min calculated for 9,320 cf (100% of inflow)
Center-of-Mass det. time= 1.8 min (820.4 - 818.6)

Volume	Invert	Avail.Storage	Storage Description
#1	30.70'	36 cf	**10.00'W x 4.00'L x 2.25'H Prismatoid** 90 cf Overall x 40.0% Voids
#2	32.95'	27 cf	**10.00'W x 4.00'L x 0.68'H Prismatoid**
#3	28.70'	32 cf	**10.00'W x 4.00'L x 2.00'H Prismatoid** 80 cf Overall x 40.0% Voids
		95 cf	Total Available Storage

Device	Routing	Invert	Outlet Devices
#1	Device 2	28.70'	**140.000 in/hr Exfiltration over Surface area**
#2	Primary	29.45'	**12.0" Round Culvert** L= 25.0' CPP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 29.45' / 29.20' S= 0.0100 '/' Cc= 0.900 n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf
#3	Device 2	33.37'	**12.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=2.9 cfs @ 12.10 hrs HW=33.83' (Free Discharge)
└**2=Culvert** (Passes 2.9 cfs of 5.9 cfs potential flow)
  ├**1=Exfiltration** (Exfiltration Controls 0.4 cfs)
  └**3=Orifice/Grate** (Orifice Controls 2.6 cfs @ 3.25 fps)

Summary for Link POA-1: POA-1

Inflow Area = 435,385 sf, 35.95% Impervious, Inflow Depth = 2.90" for 25-yr event
Inflow = 17.0 cfs @ 12.43 hrs, Volume= 105,043 cf
Primary = 17.0 cfs @ 12.43 hrs, Volume= 105,043 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1.1S: Roadway / LA Runoff Area=12,805 sf 69.53% Impervious Runoff Depth=2.16"
Tc=6.0 min CN=91 Runoff=0.7 cfs 2,310 cf

Subcatchment1.2S: Homes / Driveways / Runoff Area=22,850 sf 44.64% Impervious Runoff Depth=1.83"
Tc=6.0 min CN=87 Runoff=1.1 cfs 3,478 cf

Subcatchment2S: 2S Runoff Area=84,325 sf 32.08% Impervious Runoff Depth=1.46"
Flow Length=660' Tc=16.9 min CN=82 Runoff=2.4 cfs 10,246 cf

Subcatchment3S: 3S Runoff Area=6,330 sf 0.00% Impervious Runoff Depth=0.92"
Tc=6.0 min CN=73 Runoff=0.1 cfs 485 cf

Subcatchment4S: 4S Runoff Area=153,485 sf 23.06% Impervious Runoff Depth=0.44"
Flow Length=1,340' Tc=23.6 min CN=62 Runoff=0.8 cfs 5,614 cf

Subcatchment5S: 5S Runoff Area=43,775 sf 24.61% Impervious Runoff Depth=1.20"
Flow Length=335' Tc=19.2 min CN=78 Runoff=0.9 cfs 4,380 cf

Subcatchment6S: 6S Runoff Area=31,980 sf 58.49% Impervious Runoff Depth=1.26"
Flow Length=718' Tc=6.6 min CN=79 Runoff=1.0 cfs 3,363 cf

Subcatchment7S: 7S Runoff Area=79,835 sf 56.97% Impervious Runoff Depth=1.03"
Flow Length=1,070' Tc=16.2 min CN=75 Runoff=1.5 cfs 6,831 cf

Reach 2R: 2R Avg. Flow Depth=0.19' Max Vel=0.83 fps Inflow=2.4 cfs 10,246 cf
n=0.100 L=85.0' S=0.0412 '/' Capacity=15.9 cfs Outflow=2.4 cfs 10,246 cf

Pond 1FP: FocalPoint 1 Peak Elev=20.73' Storage=302 cf Inflow=1.1 cfs 3,478 cf
Primary=1.1 cfs 3,479 cf Secondary=0.0 cfs 0 cf Outflow=1.1 cfs 3,479 cf

Pond 1RT: 1RT Peak Elev=15.79' Storage=448 cf Inflow=1.1 cfs 3,479 cf
Outflow=0.8 cfs 3,453 cf

Pond 2P: Pond 1 Peak Elev=11.46' Storage=15,460 cf Inflow=7.0 cfs 36,669 cf
Primary=1.6 cfs 32,706 cf Secondary=0.0 cfs 0 cf Outflow=1.6 cfs 32,706 cf

Pond ST: ST Peak Elev=33.53' Storage=91 cf Inflow=1.0 cfs 3,363 cf
Outflow=1.0 cfs 3,351 cf

Link POA-1: POA-1 Inflow=1.6 cfs 32,706 cf
Primary=1.6 cfs 32,706 cf

Total Runoff Area = 435,385 sf Runoff Volume = 36,707 cf Average Runoff Depth = 1.01"
64.05% Pervious = 278,876 sf 35.95% Impervious = 156,509 sf

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1.1S: Roadway / LA Runoff Area=12,805 sf 69.53% Impervious Runoff Depth=3.59"
Tc=6.0 min CN=91 Runoff=1.2 cfs 3,836 cf

Subcatchment1.2S: Homes / Driveways / Runoff Area=22,850 sf 44.64% Impervious Runoff Depth=3.19"
Tc=6.0 min CN=87 Runoff=1.9 cfs 6,078 cf

Subcatchment2S: 2S Runoff Area=84,325 sf 32.08% Impervious Runoff Depth=2.72"
Flow Length=660' Tc=16.9 min CN=82 Runoff=4.5 cfs 19,141 cf

Subcatchment3S: 3S Runoff Area=6,330 sf 0.00% Impervious Runoff Depth=1.97"
Tc=6.0 min CN=73 Runoff=0.3 cfs 1,040 cf

Subcatchment4S: 4S Runoff Area=153,485 sf 23.06% Impervious Runoff Depth=1.20"
Flow Length=1,340' Tc=23.6 min CN=62 Runoff=2.8 cfs 15,323 cf

Subcatchment5S: 5S Runoff Area=43,775 sf 24.61% Impervious Runoff Depth=2.38"
Flow Length=335' Tc=19.2 min CN=78 Runoff=1.9 cfs 8,666 cf

Subcatchment6S: 6S Runoff Area=31,980 sf 58.49% Impervious Runoff Depth=2.46"
Flow Length=718' Tc=6.6 min CN=79 Runoff=2.1 cfs 6,558 cf

Subcatchment7S: 7S Runoff Area=79,835 sf 56.97% Impervious Runoff Depth=2.13"
Flow Length=1,070' Tc=16.2 min CN=75 Runoff=3.3 cfs 14,164 cf

Reach 2R: 2R Avg. Flow Depth=0.27' Max Vel=1.00 fps Inflow=4.5 cfs 19,141 cf
n=0.100 L=85.0' S=0.0412 '/' Capacity=15.9 cfs Outflow=4.4 cfs 19,141 cf

Pond 1FP: FocalPoint 1 Peak Elev=20.80' Storage=321 cf Inflow=1.9 cfs 6,078 cf
Primary=1.9 cfs 6,080 cf Secondary=0.0 cfs 0 cf Outflow=1.9 cfs 6,080 cf

Pond 1RT: 1RT Peak Elev=16.21' Storage=524 cf Inflow=1.9 cfs 6,080 cf
Outflow=1.9 cfs 6,053 cf

Pond 2P: Pond 1 Peak Elev=11.76' Storage=19,031 cf Inflow=14.8 cfs 74,769 cf
Primary=11.7 cfs 70,805 cf Secondary=0.0 cfs 0 cf Outflow=11.7 cfs 70,805 cf

Pond ST: ST Peak Elev=33.67' Storage=95 cf Inflow=2.1 cfs 6,558 cf
Outflow=2.1 cfs 6,545 cf

Link POA-1: POA-1 Inflow=11.7 cfs 70,805 cf
Primary=11.7 cfs 70,805 cf

Total Runoff Area = 435,385 sf Runoff Volume = 74,807 cf Average Runoff Depth = 2.06"
64.05% Pervious = 278,876 sf 35.95% Impervious = 156,509 sf

Appendix 2C

Proposed Conditions vs. Existing Conditions Without Culvert Replacement

Summary for Pond 1P: Pond 1

Inflow Area = 434,625 sf, 33.74% Impervious, Inflow Depth = 0.96" for 2-YR event
Inflow = 6.5 cfs @ 12.28 hrs, Volume= 34,655 cf
Outflow = 2.8 cfs @ 12.72 hrs, Volume= 30,695 cf, Atten= 56%, Lag= 26.5 min
Primary = 2.8 cfs @ 12.72 hrs, Volume= 30,695 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 10.89' @ 12.72 hrs Surf.Area= 8,284 sf Storage= 9,981 cf

Plug-Flow detention time= 93.6 min calculated for 30,695 cf (89% of inflow)
Center-of-Mass det. time= 38.4 min (910.3 - 871.9)

Volume	Invert	Avail.Storage	Storage Description
#1	8.00'	137,824 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

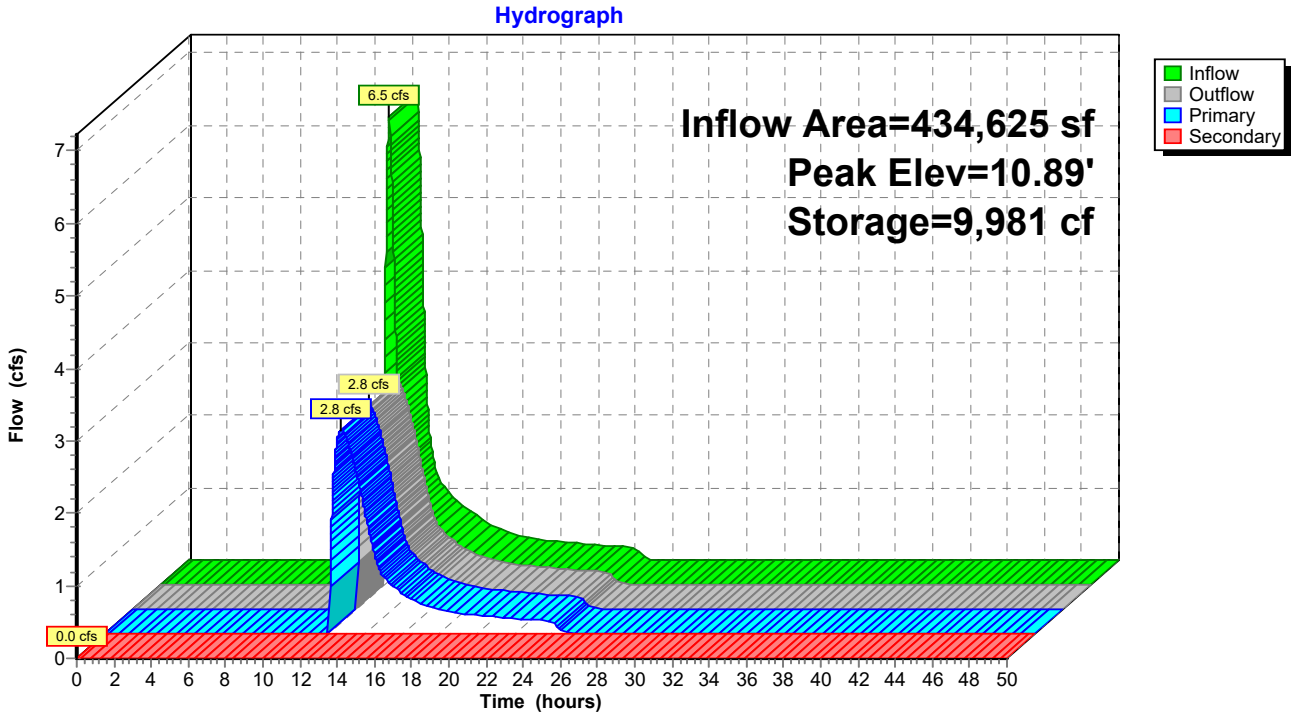
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
8.00	1,000	0	0
9.00	2,000	1,500	1,500
10.00	4,000	3,000	4,500
11.00	8,800	6,400	10,900
12.00	14,915	11,858	22,758
13.00	18,900	16,908	39,665
14.00	21,882	20,391	60,056
15.00	24,236	23,059	83,115
16.00	26,633	25,435	108,550
17.00	31,915	29,274	137,824

Device	Routing	Invert	Outlet Devices
#1	Primary	7.74'	**12.0" Round Culvert** L= 113.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 7.74' / 4.98' S= 0.0244 '/' Cc= 0.900 n= 0.025 Corrugated metal, Flow Area= 0.79 sf
#2	Device 1	9.86'	**1.3" x 1.3" Horiz. Grate X 7.00 columns** X 7 rows C= 0.600
#3	Secondary	25.60'	**100.0' long x 15.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63

Primary OutFlow Max=2.8 cfs @ 12.72 hrs HW=10.89' TW=0.00' (Dynamic Tailwater)
↑—**1=Culvert** (Passes 2.8 cfs of 3.6 cfs potential flow)
↑—**2=Grate** (Orifice Controls 2.8 cfs @ 4.89 fps)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=8.00' TW=0.00' (Dynamic Tailwater)
↑—**3=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Pond 1P: Pond 1



Summary for Pond 1P: Pond 1

Inflow Area = 434,625 sf, 33.74% Impervious, Inflow Depth = 1.99" for 10-YR event
Inflow = 14.3 cfs @ 12.27 hrs, Volume= 72,077 cf
Outflow = 4.0 cfs @ 12.86 hrs, Volume= 68,117 cf, Atten= 72%, Lag= 35.9 min
Primary = 4.0 cfs @ 12.86 hrs, Volume= 68,117 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 12.16' @ 12.86 hrs Surf.Area= 15,558 sf Storage= 25,214 cf

Plug-Flow detention time= 87.8 min calculated for 68,117 cf (95% of inflow)
Center-of-Mass det. time= 57.9 min (909.3 - 851.5)

Volume	Invert	Avail.Storage	Storage Description
#1	8.00'	137,824 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

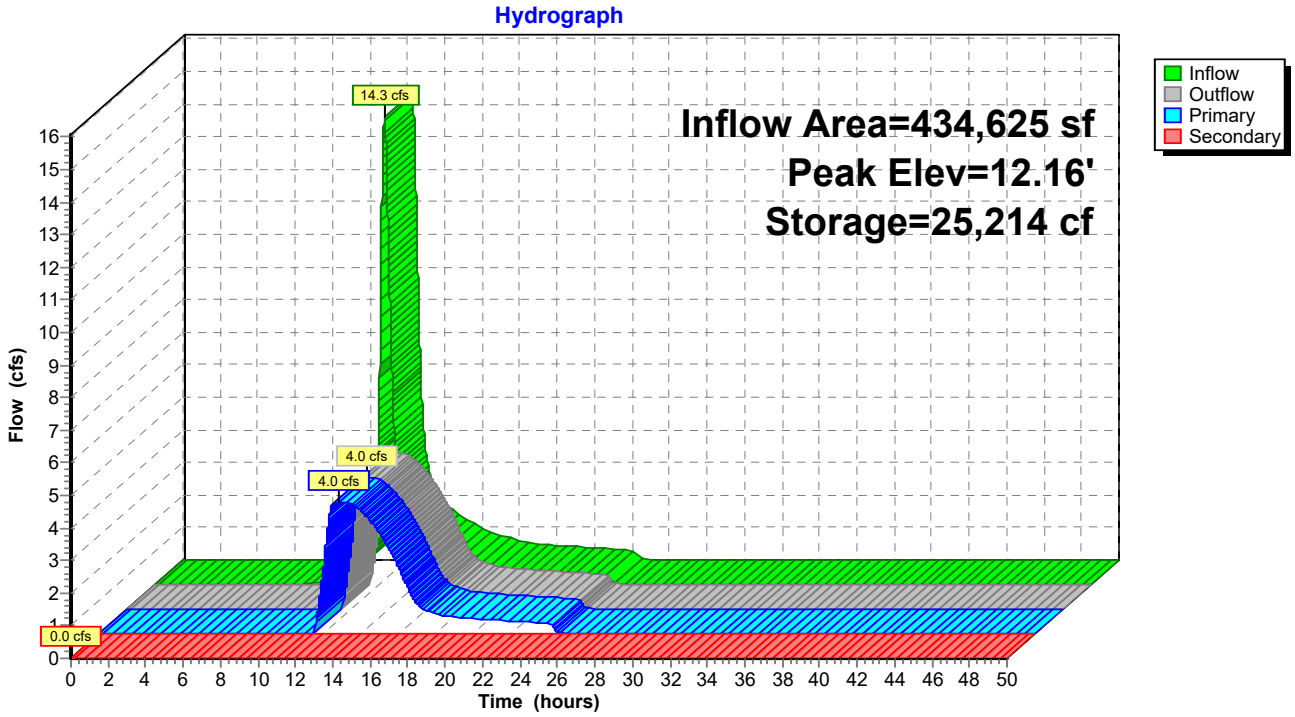
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
8.00	1,000	0	0
9.00	2,000	1,500	1,500
10.00	4,000	3,000	4,500
11.00	8,800	6,400	10,900
12.00	14,915	11,858	22,758
13.00	18,900	16,908	39,665
14.00	21,882	20,391	60,056
15.00	24,236	23,059	83,115
16.00	26,633	25,435	108,550
17.00	31,915	29,274	137,824

Device	Routing	Invert	Outlet Devices
#1	Primary	7.74'	**12.0" Round Culvert** L= 113.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 7.74' / 4.98' S= 0.0244 '/' Cc= 0.900 n= 0.025 Corrugated metal, Flow Area= 0.79 sf
#2	Device 1	9.86'	**1.3" x 1.3" Horiz. Grate X 7.00 columns** X 7 rows C= 0.600
#3	Secondary	25.60'	**100.0' long x 15.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63

Primary OutFlow Max=4.0 cfs @ 12.86 hrs HW=12.16' TW=0.00' (Dynamic Tailwater)
└**1=Culvert** (Barrel Controls 4.0 cfs @ 5.15 fps)
└**2=Grate** (Passes 4.0 cfs of 4.2 cfs potential flow)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=8.00' TW=0.00' (Dynamic Tailwater)
└**3=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Pond 1P: Pond 1



Summary for Pond 1P: Pond 1

Inflow Area = 434,625 sf, 33.74% Impervious, Inflow Depth = 2.92" for 25-YR event
Inflow = 21.4 cfs @ 12.26 hrs, Volume= 105,905 cf
Outflow = 4.3 cfs @ 13.04 hrs, Volume= 101,945 cf, Atten= 80%, Lag= 46.8 min
Primary = 4.3 cfs @ 13.04 hrs, Volume= 101,945 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 13.09' @ 13.04 hrs Surf.Area= 19,166 sf Storage= 41,364 cf

Plug-Flow detention time= 109.0 min calculated for 101,925 cf (96% of inflow)
Center-of-Mass det. time= 87.8 min (928.8 - 841.0)

Volume	Invert	Avail.Storage	Storage Description
#1	8.00'	137,824 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

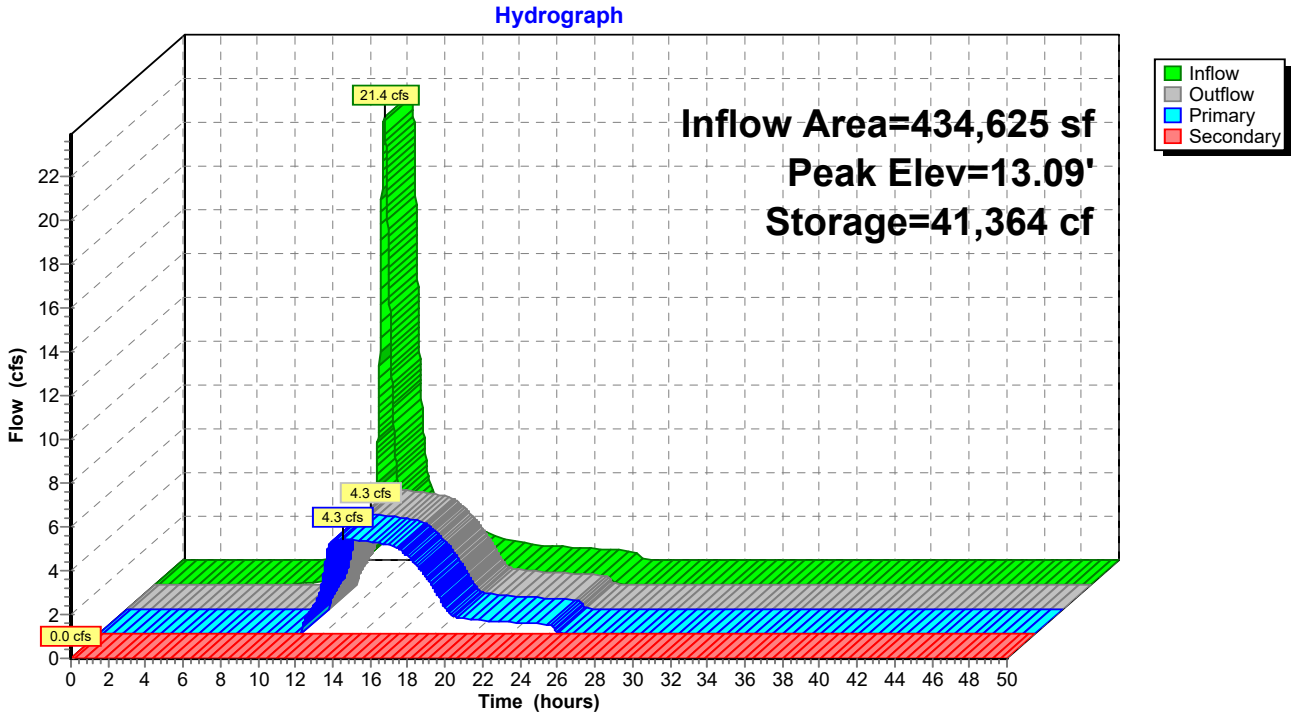
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
8.00	1,000	0	0
9.00	2,000	1,500	1,500
10.00	4,000	3,000	4,500
11.00	8,800	6,400	10,900
12.00	14,915	11,858	22,758
13.00	18,900	16,908	39,665
14.00	21,882	20,391	60,056
15.00	24,236	23,059	83,115
16.00	26,633	25,435	108,550
17.00	31,915	29,274	137,824

Device	Routing	Invert	Outlet Devices
#1	Primary	7.74'	**12.0" Round Culvert** L= 113.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 7.74' / 4.98' S= 0.0244 '/' Cc= 0.900 n= 0.025 Corrugated metal, Flow Area= 0.79 sf
#2	Device 1	9.86'	**1.3" x 1.3" Horiz. Grate X 7.00 columns** X 7 rows C= 0.600
#3	Secondary	25.60'	**100.0' long x 15.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63

Primary OutFlow Max=4.3 cfs @ 13.04 hrs HW=13.09' TW=0.00' (Dynamic Tailwater)
└**1=Culvert** (Barrel Controls 4.3 cfs @ 5.52 fps)
└**2=Grate** (Passes 4.3 cfs of 5.0 cfs potential flow)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=8.00' TW=0.00' (Dynamic Tailwater)
└**3=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Pond 1P: Pond 1



Summary for Pond 1P: Pond 1

Inflow Area = 435,385 sf, 35.95% Impervious, Inflow Depth = 1.01" for 2-yr event
Inflow = 7.0 cfs @ 12.27 hrs, Volume= 36,669 cf
Outflow = 2.9 cfs @ 12.69 hrs, Volume= 32,710 cf, Atten= 58%, Lag= 25.6 min
Primary = 2.9 cfs @ 12.69 hrs, Volume= 32,710 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 10.99' @ 12.69 hrs Surf.Area= 8,753 sf Storage= 10,814 cf

Plug-Flow detention time= 94.6 min calculated for 32,703 cf (89% of inflow)
Center-of-Mass det. time= 40.6 min (909.7 - 869.1)

Volume	Invert	Avail.Storage	Storage Description
#1	8.00'	137,824 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

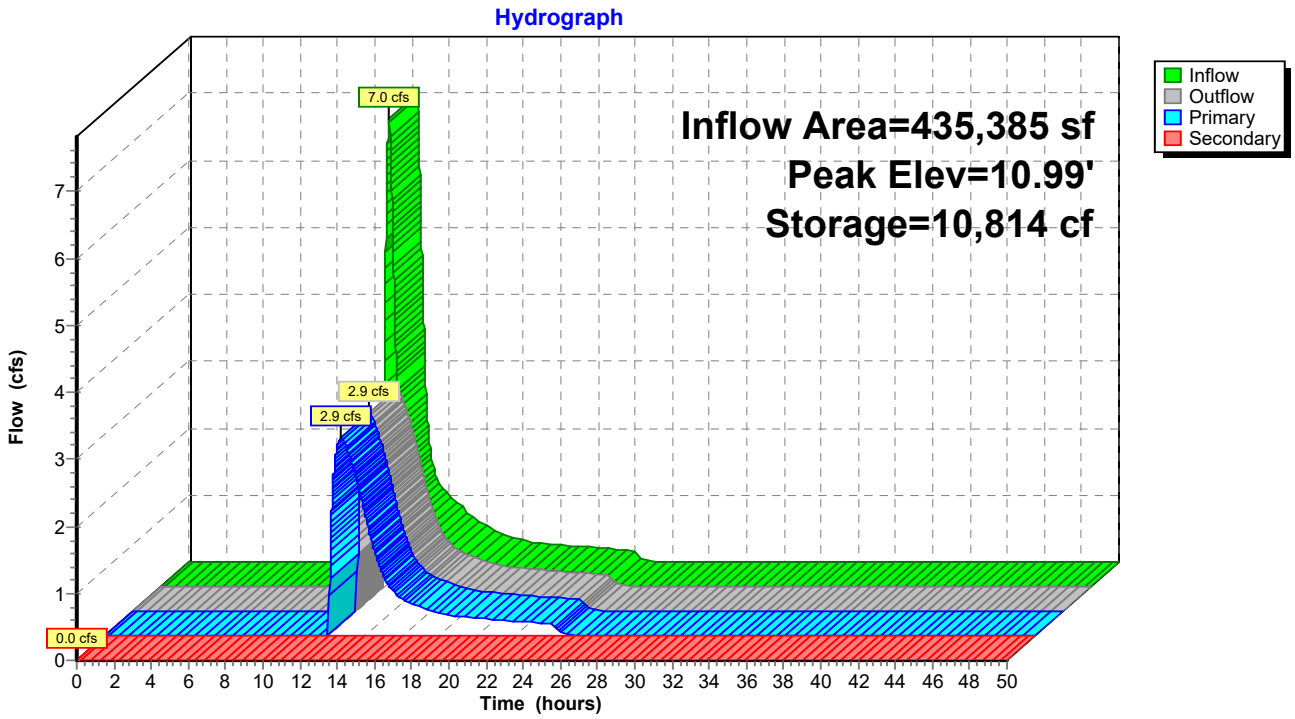
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
8.00	1,000	0	0
9.00	2,000	1,500	1,500
10.00	4,000	3,000	4,500
11.00	8,800	6,400	10,900
12.00	14,915	11,858	22,758
13.00	18,900	16,908	39,665
14.00	21,882	20,391	60,056
15.00	24,236	23,059	83,115
16.00	26,633	25,435	108,550
17.00	31,915	29,274	137,824

Device	Routing	Invert	Outlet Devices
#1	Primary	7.74'	**12.0" Round Culvert** L= 113.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 7.74' / 4.98' S= 0.0244 '/' Cc= 0.900 n= 0.025 Corrugated metal, Flow Area= 0.79 sf
#2	Device 1	9.86'	**1.3" x 1.3" Horiz. Grate X 7.00 columns** X 7 rows C= 0.600
#3	Secondary	25.60'	**100.0' long x 15.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63

Primary OutFlow Max=2.9 cfs @ 12.69 hrs HW=10.99' (Free Discharge)
↑—**1=Culvert** (Passes 2.9 cfs of 3.6 cfs potential flow)
↑—**2=Grate** (Orifice Controls 2.9 cfs @ 5.12 fps)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=8.00' (Free Discharge)
↑—**3=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Pond 1P: Pond 1



Summary for Pond 1P: Pond 1

Inflow Area = 435,385 sf, 35.95% Impervious, Inflow Depth = 2.06" for 10-yr event
Inflow = 14.8 cfs @ 12.25 hrs, Volume= 74,769 cf
Outflow = 4.1 cfs @ 12.85 hrs, Volume= 70,810 cf, Atten= 72%, Lag= 35.9 min
Primary = 4.1 cfs @ 12.85 hrs, Volume= 70,810 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 12.24' @ 12.85 hrs Surf.Area= 15,855 sf Storage= 26,387 cf

Plug-Flow detention time= 90.0 min calculated for 70,796 cf (95% of inflow)
Center-of-Mass det. time= 60.6 min (909.2 - 848.6)

Volume	Invert	Avail.Storage	Storage Description
#1	8.00'	137,824 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

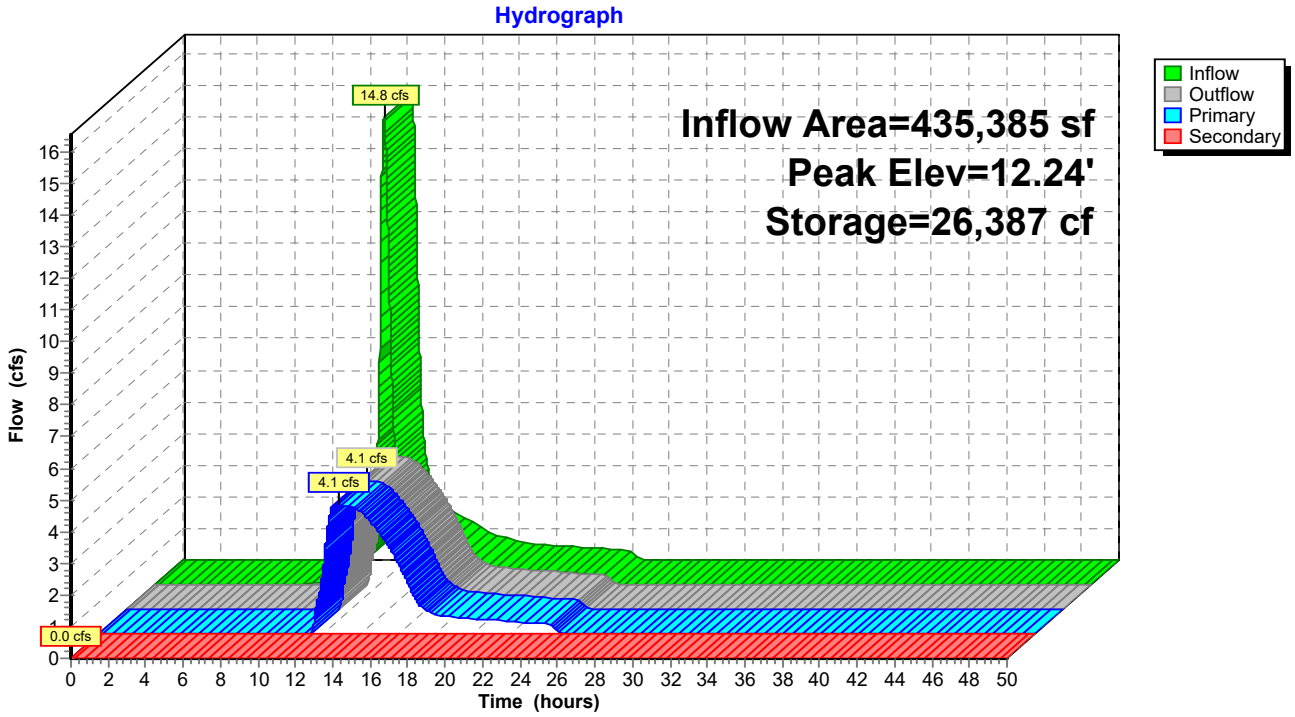
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
8.00	1,000	0	0
9.00	2,000	1,500	1,500
10.00	4,000	3,000	4,500
11.00	8,800	6,400	10,900
12.00	14,915	11,858	22,758
13.00	18,900	16,908	39,665
14.00	21,882	20,391	60,056
15.00	24,236	23,059	83,115
16.00	26,633	25,435	108,550
17.00	31,915	29,274	137,824

Device	Routing	Invert	Outlet Devices
#1	Primary	7.74'	**12.0" Round Culvert** L= 113.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 7.74' / 4.98' S= 0.0244 '/' Cc= 0.900 n= 0.025 Corrugated metal, Flow Area= 0.79 sf
#2	Device 1	9.86'	**1.3" x 1.3" Horiz. Grate X 7.00 columns** X 7 rows C= 0.600
#3	Secondary	25.60'	**100.0' long x 15.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63

Primary OutFlow Max=4.1 cfs @ 12.85 hrs HW=12.24' (Free Discharge)
└**1=Culvert** (Barrel Controls 4.1 cfs @ 5.18 fps)
└**2=Grate** (Passes 4.1 cfs of 4.3 cfs potential flow)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=8.00' (Free Discharge)
└**3=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Pond 1P: Pond 1



Summary for Pond 1P: Pond 1

Inflow Area = 435,385 sf, 35.95% Impervious, Inflow Depth = 3.00" for 25-yr event
Inflow = 21.8 cfs @ 12.25 hrs, Volume= 109,007 cf
Outflow = 4.4 cfs @ 13.03 hrs, Volume= 105,047 cf, Atten= 80%, Lag= 46.7 min
Primary = 4.4 cfs @ 13.03 hrs, Volume= 105,047 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 13.16' @ 13.03 hrs Surf.Area= 19,379 sf Storage= 42,738 cf

Plug-Flow detention time= 111.5 min calculated for 105,026 cf (96% of inflow)
Center-of-Mass det. time= 90.6 min (928.7 - 838.2)

Volume	Invert	Avail.Storage	Storage Description
#1	8.00'	137,824 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

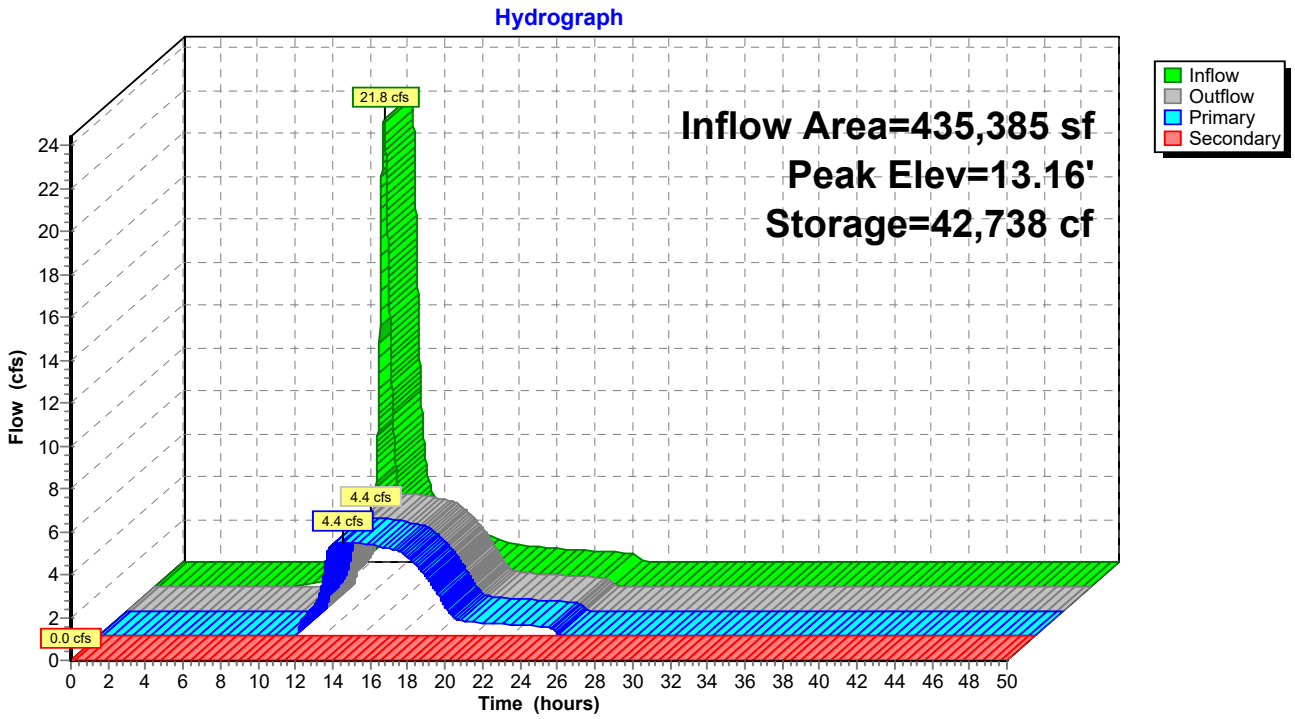
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
8.00	1,000	0	0
9.00	2,000	1,500	1,500
10.00	4,000	3,000	4,500
11.00	8,800	6,400	10,900
12.00	14,915	11,858	22,758
13.00	18,900	16,908	39,665
14.00	21,882	20,391	60,056
15.00	24,236	23,059	83,115
16.00	26,633	25,435	108,550
17.00	31,915	29,274	137,824

Device	Routing	Invert	Outlet Devices
#1	Primary	7.74'	**12.0" Round Culvert** L= 113.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 7.74' / 4.98' S= 0.0244 '/' Cc= 0.900 n= 0.025 Corrugated metal, Flow Area= 0.79 sf
#2	Device 1	9.86'	**1.3" x 1.3" Horiz. Grate X 7.00 columns** X 7 rows C= 0.600
#3	Secondary	25.60'	**100.0' long x 15.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63

Primary OutFlow Max=4.4 cfs @ 13.03 hrs HW=13.16' (Free Discharge)
└**1=Culvert** (Barrel Controls 4.4 cfs @ 5.55 fps)
└**2=Grate** (Passes 4.4 cfs of 5.0 cfs potential flow)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=8.00' (Free Discharge)
└**3=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Pond 1P: Pond 1



Appendix 3

Inspection, Maintenance and Housekeeping Plan

INSPECTION, MAINTENANCE, AND HOUSEKEEPING PLAN

For:
POWSLAND STREET
PORTLAND, MAINE

By:
Sebago Technics, Inc.
75 John Roberts Road, Suite 4A
South Portland, Maine

Introduction

The following plan outlines the anticipated inspection and maintenance procedures for the erosion and sedimentation control measures as well as stormwater management facilities for the project. This plan also outlines several housekeeping requirements that shall be followed during and after construction. These procedures shall be followed in order to ensure the intended function of the designed measures and to prevent unreasonably adverse impacts to the surrounding environment.

The procedures outlined in this Inspection, Maintenance and Housekeeping Plan are provided as an overview of the anticipated practices to be used on this site. In some instances, additional measures may be required due to unexpected conditions. For additional detail on any of the erosion and sedimentation control measures or stormwater management devices to be utilized on this project, refer to the most recently revised edition of the "Maine Erosion and Sedimentation Control BMP" manual and/or the "Stormwater Management for Maine: Best Management Practices" manual as published by the Maine Department of Environmental Protection (MDEP).

During Construction

1. **Inspection:** During the construction process, it is the Contractor's responsibility to comply with the inspection and maintenance procedures outlined in this section. These responsibilities include inspecting disturbed and impervious areas, erosion control measures, materials storage areas that are exposed to precipitation, and locations where vehicles enter or exit the site. These areas shall be inspected at least once a week as well as before and after a storm event (0.5" of rainfall), and prior to completing permanent stabilization measures. A person with knowledge of erosion and stormwater control, including the standards and conditions in any applicable permits, shall conduct the inspections.

2. **Maintenance:** All measures shall be maintained in an effective operating condition until areas are permanently stabilized. If Best Management Practices (BMPs) need to be maintained or modified, additional BMPs are necessary, or other corrective action is needed, implementation must be completed within 7 calendar days and prior to any storm event (0.5" of rainfall).

3. **Documentation:** A log summarizing the inspections and any corrective action taken must be maintained on-site. The log must include the name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of erosion and sedimentation controls, material storage areas, and vehicle access points to the site. Major observations must include BMPs that need maintenance, BMPs that failed

to operate as designed or proved inadequate for a particular location, and locations where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken. The log must be made accessible to the appropriate regulatory agency upon request. The permittee shall retain a copy of the log for a period of at least three years from the completion of permanent stabilization.

4. **Specific Inspection and Maintenance Tasks:** The following is a list of erosion control and stormwater management measures and the specific inspection and maintenance tasks to be performed during construction.

A. Sediment Barriers:

- Hay bale barriers, silt fences, and filter berms shall be inspected immediately after each rainfall and at least daily during prolonged rainfall.
- If the fabric on a silt fence or filter barrier should decompose or become ineffective prior to the end of the expected usable life and the barrier is still necessary, it shall be replaced.
- Sediment deposits should be removed after each storm event (0.5" of rainfall). They must be removed before deposits reach approximately one-half the height of the barrier.
- Filter berms shall be reshaped as needed.
- Any sediment deposits remaining in place after the silt fence or filter barrier is no longer required should be dressed to conform to the existing grade, prepared, and seeded.

B. Riprap Materials:

- Once a riprap installation has been completed, it should require very little maintenance. It shall, however, be inspected periodically to determine if high flows have caused scour beneath the riprap or dislodged any of the stone.

C. Erosion Control Blankets:

- Inspect these reinforced areas semi-annually and after significant rainfall events for slumping, sliding, seepage, and scour. Pay close attention to unreinforced areas adjacent to the erosion control blankets, which may experience accelerated erosion.
- Review all applicable inspection and maintenance procedures recommended by the specific blanket manufacturer. These tasks shall be included in addition to the requirements of this plan.

D. Stabilized Construction Entrances/Exits:

- The exit shall be maintained in a condition that will prevent tracking of sediment onto public rights-of-way.
- When the control pad becomes ineffective, the stone shall be removed along with the collected soil material. The entrance should then be reconstructed.
- Areas that have received mud-tracking or sediment deposits shall be swept or washed. Washing shall be done on an area stabilized with aggregate, which drains

into an approved sediment-trapping device (not into storm drains, ditches, or waterways).

E. Temporary Seed and Mulch:

- Mulched areas should be inspected after rain events to check for rill erosion.
- If less than 90% of the soil surface is covered by mulch, additional mulch shall be applied in bare areas.
- In applications where seeding and mulch have been applied in conjunction with erosion control blankets, the blankets must be inspected after rain events for dislocation or undercutting.
- Mulch shall continue to be reapplied until 95% of the soil surface has established temporary vegetative cover.

F. Stabilized Temporary Drainage Swales:

- Sediment accumulation in the swale shall be removed once the cross section of the swale is reduced by 25%.
- The swales shall be inspected after rainfall events. Any evidence of sloughing of the side slopes or channel erosion shall be repaired and corrective action should be taken to prevent reoccurrence of the problem.
- In addition to the stabilized lining of the channel (i.e. erosion control blankets), stone check dams may be needed to further reduce channel velocity.

5. **Housekeeping:** The following general performance standards apply to the proposed project.

A. Spill prevention: Controls must be used to prevent pollutants from being discharged from materials on-site, including storage practices to minimize exposure of the materials to stormwater, and appropriate spill prevention, containment, and response planning and implementation.

B. Groundwater protection: During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the site draining to an infiltration area. An "infiltration area" is any area of the site that by design or as a result of soils, topography and other relevant factors, accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the site for the purposes of storage and handling of these materials.

C. Fugitive sediment and dust: Actions must be taken to ensure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control.

D. Debris and other materials: Litter, construction debris, and chemicals exposed to stormwater must be prevented from becoming a pollutant source.

E. Trench or foundation dewatering: Trench dewatering is the removal of water from trenches, foundations, cofferdams, ponds, and other areas within the construction area

that retain water after excavation. In most cases, the collected water is heavily silted and hinders correct and safe construction practices. The collected water must be removed from the ponded area, either through gravity or pumping, and must be spread through natural wooded buffers or removed to areas that are specifically designed to collect the maximum amount of sediment possible, like a cofferdam sedimentation basin. Avoid allowing the water to flow over disturbed areas of the site. Equivalent measures may be taken if approved.

Post-Construction

1. **Inspection:** After construction, it is the responsibility of the owner or assigned heirs to comply with the inspection and maintenance procedures outlined in this section. All measures must be maintained in effective operating condition. The owner shall inspect and maintain the BMPs, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.

2. **Specific Inspection and Maintenance Tasks:** The following is a list of permanent erosion control and stormwater management measures and the inspection and maintenance tasks to be performed after construction. If the BMP requires maintenance, repair or replacement to function as intended by the approved post-construction stormwater management plan, the owner or operator of the BMP shall take corrective action(s) to address the deficiency or deficiencies as soon as possible after the deficiency is discovered and shall provide a record of the deficiency and corrective action(s) to the local municipality in the annual report.

   A. Vegetated Areas:

   - Inspect vegetated areas, particularly slopes and embankments, early in the growing season or after heavy rains (>0.5”) to identify active or potential erosion problems.
   - Replant bare areas or areas with sparse growth. Where rill erosion is evident, armor the area with an appropriate lining or divert the erosive flows to on-site areas able to withstand the concentrated flows.

   B. Ditches, Swales and Other Open Channels:

   - Inspect ditches, swales, level spreaders and other open stormwater channels in the spring, in the late fall, and after heavy rains to remove any obstructions to flow. Remove accumulated sediments and debris, remove woody vegetative growth that could obstruct flow, and repair any erosion of the ditch lining.
   - Vegetated ditches must be mowed at least annually or otherwise maintained to control the growth of woody vegetation and maintain flow capacity.
   - Any woody vegetation growing through riprap linings must also be removed. Repair any slumping side slopes as soon as practicable.
   - If the ditch has a riprap lining, replace riprap in areas where any underlying filter fabric or underdrain gravel is showing through the stone or where stones have dislodged.

C. Culverts:

- Inspect culverts in the spring, in the late fall, and after heavy rains (>0.5") to remove any obstructions to flow.
- Remove accumulated sediments and debris at the inlet, at the outlet, and within the conduit.
- Inspect and repair any erosion damage at the culvert's inlet and outlet.

D. Removal of Winter Sand:

- Clear accumulations of winter sand in parking lots and along roadways at least once a year, preferably in the spring.
- Accumulations on pavement may be removed by pavement sweeping.
- Accumulations of sand along road shoulders may be removed by grading excess sand to the pavement edge and removing it manually or by a front-end loader or other acceptable method.

E. Focal Points:

- Debris and sediment buildup shall be removed as needed. Any bare area or erosion rills on focal point surface shall be repaired with double shredded hardwood mulch.
- See inspection log within Attachment 1 of this document for the inspection requirements of this BMP.

3. Documentation:

A. The owner or operator of a BMP or a qualified post-construction stormwater inspector hired by that person, shall, as required by the local municipality, provide a completed and signed certification on a form provided by the local municipality, certifying that the person has inspected the BMP(s) and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they required maintenance or repair, including the record of the deficiency and corrective action(s) taken.

B. A log summarizing the inspections and any corrective action taken must be maintained. The log must include the name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of controls. Major observations must include BMPs that need maintenance, BMPs that failed to operate as designed or proved inadequate for a particular location, and locations where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken. The log must be made accessible to the appropriate regulatory agency upon request. A sample "Stormwater Inspection and Maintenance Form" has been included as Attachment 1 of this Inspection, Maintenance, and Housekeeping Plan.

4. Duration of Maintenance: Perform maintenance as described and required for any associated permits unless and until the system is formally accepted by a municipality or quasi-municipal district, or is placed under the jurisdiction of a legally created association that will be responsible for the maintenance of the system. If a municipality or quasi-municipal district chooses to accept a stormwater management system, or a component of a stormwater system, it must provide a letter to the MDEP stating that it assumes responsibility for the system. The letter must specify the components of the system for which the municipality or district will assume responsibility, and that the municipality or district agrees to maintain those components of the system in compliance with MDEP standards. Upon such assumption of responsibility, and approval by the MDEP, the municipality, quasi-municipal district, or association becomes a co-permittee for this purpose only and must comply with all terms and conditions of the permit.

ATTACHMENT 1 – STORMWATER INSPECTION AND MAINTENANCE LOG

POWSLAND STREET
PORTLAND, MAINE

This log is intended to accompany the Inspection, Maintenance, and Housekeeping Plan for the Subdivision Development. The following items shall be checked, cleaned, and maintained on a regular basis as specified in the Maintenance Plan and as described in the sections below. This log shall be kept on file for a minimum of five (5) years and shall be available for review by the City of Portland and the Maine DEP. Qualified personnel familiar with the drainage systems and soils shall perform all inspections. A copy of the construction and post-construction maintenance logs are provided.

INSPECTION MAINTENANCE AND HOUSEKEEPING FORM			
General Information			
Project Name:		**Inspection Date:**	
Project Location:		**Current Weather:**	
		Date / Amount Last Precip:	
BMP Owner:		**Company conducting inspection:**	
Owner Mailing Address:		**Company Mailing Address**	
Owner Phone #:		**Company Phone #:**	
Owner Email:		**Inspector Name:**	
		Inspector Email:	

BMP Element	Suggested Maintenance (recm'd frequency)	Observations	Inspection Notes/Recommended Action
Forebay/Pretreatment	Sediment/Debris Removal (Semi-Annually)		
	Inspect for bare areas or rill erosion (Semi-Annually)		
R-Tanks	Sediment Depth (Quartly for the first year and annually thereafter.)		
	Floatables/Debris (Quartly for the first year and annually thereafter.)		
Discharge Pipe	Ground Stabilized (>1" rain, Annually)		
Embankments	Review for signs of erosion (Semi-Annually)		
Filter Bed	Harvesting and pruning of excessive growth (Occasionally)		
	Review basin for evidence of vehicular traffic or storage of snow within footprint (Semi-Annually)		
	Review for removal and replacement of mulch (Annually or As Needed)		
	Confirm filter drains in 24-48 hours for water quality volume (Semi-Annually)		

Additional Notes/Observations:

Appendix 4

Subsurface Investigations

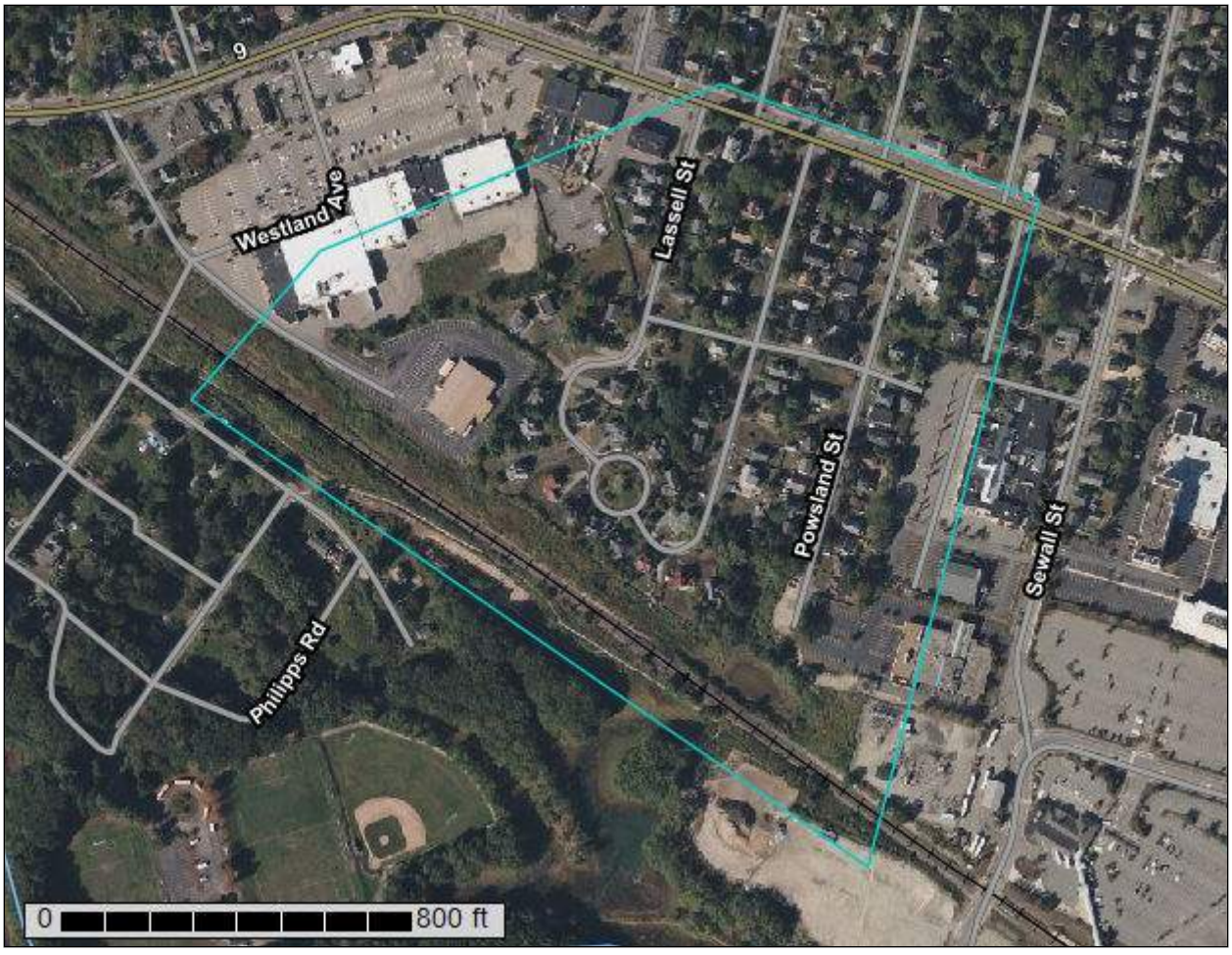
United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Cumberland County and Part of Oxford County, Maine



December 6, 2022

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Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.


70° 18' 5" W
70° 17' 20" W
43° 39' 32" N
43° 39' 11" N
395100
395200
395300
395400
395500
395600
395700
395800
395900
396000
4834800
4834700
4834600
4834500
4834400
4834300
4834200
9
22
Congress St
Powsland St
Willow Ln
Hobart St
Philipps Rd
Sewall St
Wa
DeB
BuB
BgB
Tm
Soil Map may not be valid at this scale.
Map Scale: 1:4,610 if printed on A landscape (11" x 8.5") sheet.
N
Meters
0 50 100 200 300
Feet
0 200 400 800 1200
Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine
Survey Area Data: Version 19, Aug 30, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 19, 2020—Sep 20, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BgB	Nicholville very fine sandy loam, 0 to 8 percent slopes	6.6	14.9%
BuB	Lamoine silt loam, 3 to 8 percent slopes	12.0	27.2%
DeB	Deerfield loamy fine sand, 3 to 8 percent slopes	23.3	53.0%
Tm	Pemaquid, Todds point, and Damariscotta soils, 0 to 2 percent slopes	0.1	0.1%
Wa	Walpole fine sandy loam	2.1	4.8%
Totals for Area of Interest		**43.9**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Cumberland County and Part of Oxford County, Maine

BgB—Nicholville very fine sandy loam, 0 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2yjg5
Elevation: 20 to 2,300 feet
Mean annual precipitation: 34 to 50 inches
Mean annual air temperature: 37 to 45 degrees F
Frost-free period: 90 to 160 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Nicholville and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Nicholville

Setting

Landform: Lakebeds (relict)
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Coarse-silty glaciomarine deposits

Typical profile

Ap - 0 to 7 inches: very fine sandy loam
Bs - 7 to 19 inches: very fine sandy loam
BC - 19 to 30 inches: very fine sandy loam
C - 30 to 65 inches: loamy very fine sand

Properties and qualities

Slope: 0 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.14 to 1.42 in/hr)
Depth to water table: About 18 to 30 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)
Available water supply, 0 to 60 inches: High (about 10.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: C
Ecological site: F144BY501ME - Loamy Slope (Northern Hardwoods)
Hydric soil rating: No

BuB—Lamoine silt loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2t0kc
Elevation: 10 to 490 feet
Mean annual precipitation: 33 to 60 inches
Mean annual air temperature: 36 to 52 degrees F
Frost-free period: 90 to 160 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Lamoine and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lamoine

Setting

Landform: Marine terraces, river valleys
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Base slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Fine glaciomarine deposits

Typical profile

Ap - 0 to 7 inches: silt loam
Bw - 7 to 13 inches: silt loam
Bg - 13 to 24 inches: silty clay loam
Cg - 24 to 65 inches: silty clay

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.14 in/hr)
Depth to water table: About 6 to 17 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 7.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: C/D
Ecological site: F144BY401ME - Clay Flat
Hydric soil rating: No

DeB—Deerfield loamy fine sand, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2xfg9
Elevation: 0 to 1,190 feet
Mean annual precipitation: 36 to 71 inches
Mean annual air temperature: 39 to 55 degrees F
Frost-free period: 145 to 240 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Deerfield and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Deerfield

Setting

Landform: Kame terraces, outwash plains, outwash terraces, outwash deltas
Landform position (three-dimensional): Tread
Down-slope shape: Concave, convex, linear
Across-slope shape: Convex, linear, concave
Parent material: Sandy outwash derived from granite, gneiss, and/or quartzite

Typical profile

Ap - 0 to 9 inches: loamy fine sand
Bw - 9 to 25 inches: loamy fine sand
BC - 25 to 33 inches: fine sand
Cg - 33 to 60 inches: sand

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to very high (1.42 to 99.90 in/hr)
Depth to water table: About 15 to 37 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)
Sodium adsorption ratio, maximum: 11.0
Available water supply, 0 to 60 inches: Moderate (about 6.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2w
Hydrologic Soil Group: A
Ecological site: F144AY027MA - Moist Sandy Outwash
Hydric soil rating: No

Tm—Pemaquid, Todds point, and Damariscotta soils, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 2x1d9
Elevation: 0 to 10 feet
Mean annual precipitation: 63 to 87 inches
Mean annual air temperature: 36 to 52 degrees F
Frost-free period: 90 to 160 days
Farmland classification: Not prime farmland

Map Unit Composition

Pemaquid and similar soils: 40 percent
Todds point and similar soils: 30 percent
Damariscotta and similar soils: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Pemaquid

Setting

Landform: Tidal marshes
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Herbaceous organic material over sandy marine deposits

Typical profile

Oi - 0 to 16 inches: peat
Oe - 16 to 35 inches: mucky peat
Cseg - 35 to 65 inches: sand

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (1.42 to 14.17 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: Very frequent
Frequency of ponding: None
Maximum salinity: Very slightly saline to strongly saline (2.0 to 16.0 mmhos/cm)
Sodium adsorption ratio, maximum: 20.0
Available water supply, 0 to 60 inches: Very high (about 14.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8
Hydrologic Soil Group: A/D
Hydric soil rating: Yes

Description of Todds Point

Setting

Landform: Tidal marshes
Landform position (three-dimensional): Dip
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Herbaceous organic material

Typical profile

Oe1 - 0 to 31 inches: mucky peat
Oe2 - 31 to 42 inches: mucky peat
Oa - 42 to 65 inches: muck

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (1.42 to 14.17 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: Very frequent
Frequency of ponding: None
Maximum salinity: Very slightly saline to strongly saline (2.0 to 16.0 mmhos/cm)
Sodium adsorption ratio, maximum: 20.0
Available water supply, 0 to 60 inches: Very high (about 16.2 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8
Hydrologic Soil Group: A/D
Hydric soil rating: Yes

Description of Damariscotta

Setting

Landform: Tidal marshes
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Sandy glaciomarine deposits

Typical profile

Ase1 - 0 to 10 inches: mucky loamy fine sand
Ase2 - 10 to 21 inches: mucky loamy fine sand
Cseg - 21 to 65 inches: sand

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to very high (1.42 to 99.90 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: Very frequent
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Sodium adsorption ratio, maximum: 20.0
Available water supply, 0 to 60 inches: High (about 11.6 inches)

Interpretive groups
Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8
Hydrologic Soil Group: A/D
Hydric soil rating: Yes

Wa—Walpole fine sandy loam

Map Unit Setting
National map unit symbol: blk7
Elevation: 0 to 540 feet
Mean annual precipitation: 48 to 49 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 145 to 165 days
Farmland classification: Not prime farmland

Map Unit Composition
Walpole and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Walpole

Setting
Landform: Outwash plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Sandy glaciofluvial deposits

Typical profile
H1 - 0 to 8 inches: fine sandy loam
H2 - 8 to 20 inches: fine sandy loam
H3 - 20 to 65 inches: gravelly loamy sand

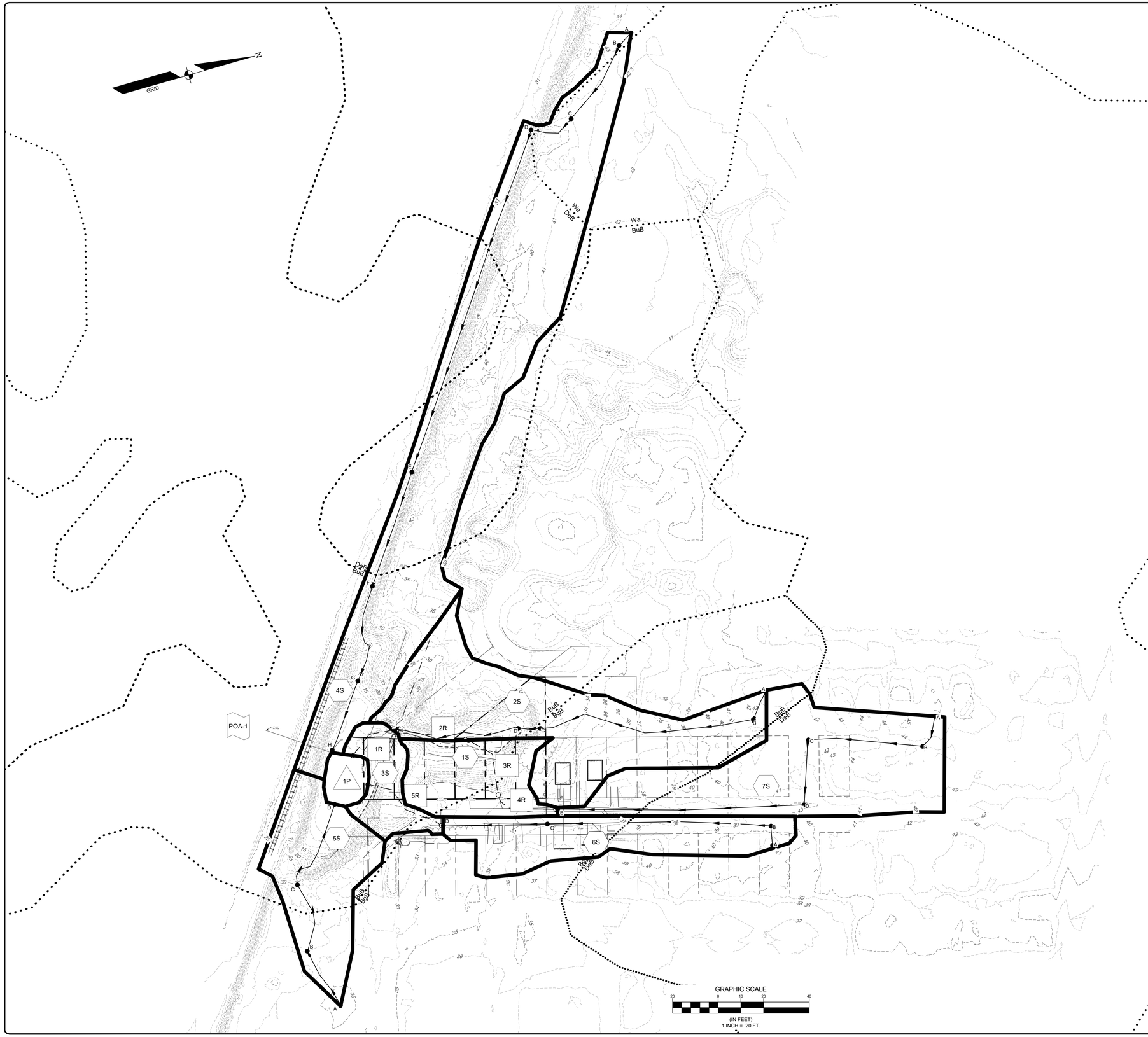
Properties and qualities
Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): High (2.00 to 6.00 in/hr)
Depth to water table: About 0 to 18 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Low (about 5.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4w
Hydrologic Soil Group: A/D
Ecological site: F144BY303ME - Acidic Swamp
Hydric soil rating: Yes

Appendix 5

Stormwater Management Plans



PAUL D. OSTROWSKI, PE11175

HENRY A. HESS, RLA 4841

STATE OF MAINE — PAUL D. OSTROWSKI — No. 11175 — LICENSED PROFESSIONAL ENGINEER — 01/10/2023

REV.	BY	DATE:	STATUS
C	HAH	12-09-22	REVISED FROM COMMENTS ON 09/29/22
B	HAH	05-02-22	ISSUED FOR CITY REVIEW
A	HAH	09-10-21	ISSUED TO CLIENT FOR REVIEW

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

SEBAGO TECHNICS

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

PRE-DEVELOPMENT STORMWATER PLAN

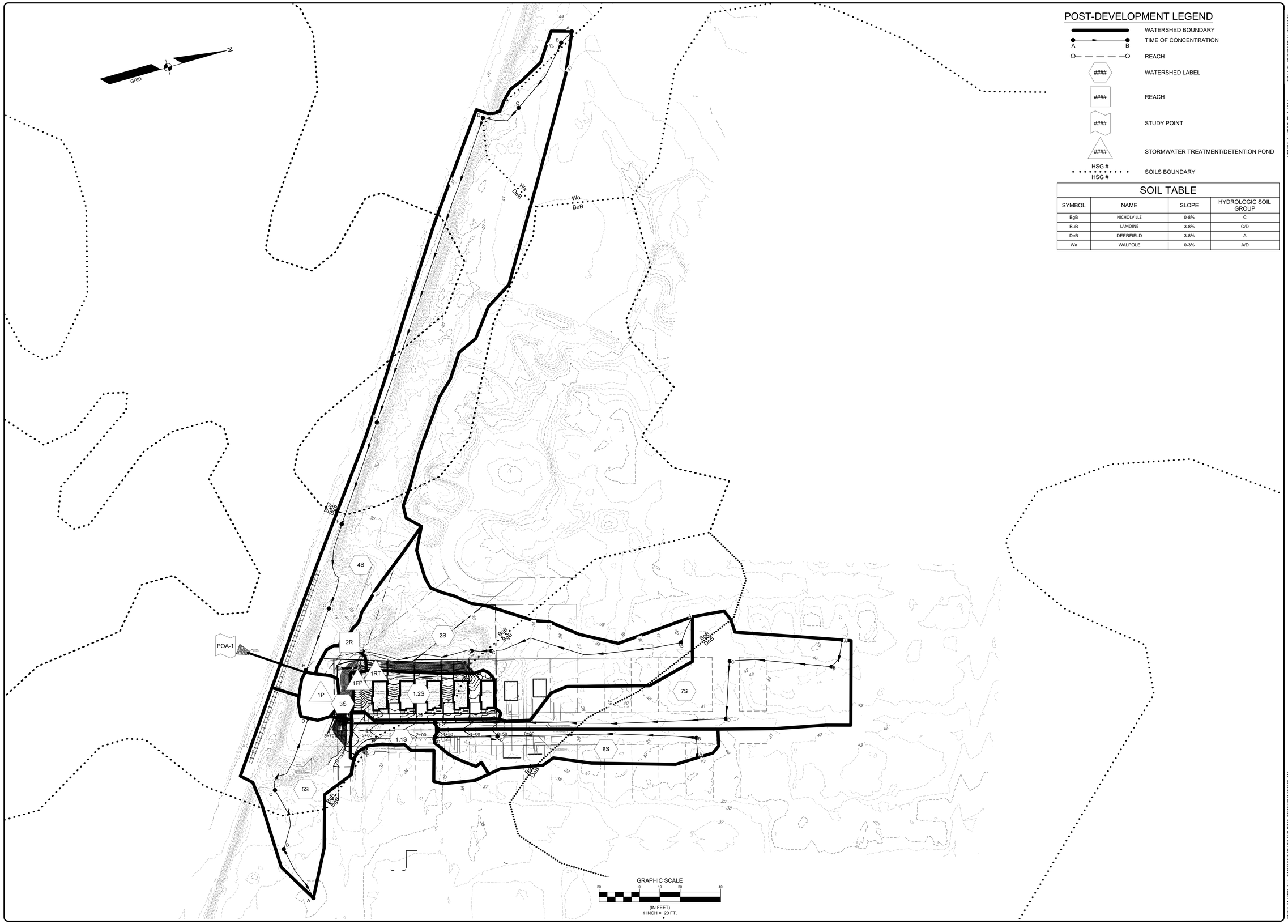
OF:
LOTS 65-70
POWSLAND STREET
PORTLAND, MAINE

FOR:
STJ, INC.
P.O. BOX 58
GORHAM, ME 04038

DESIGNED	HAH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	1" = 20'
PROJECT	07360-01

SHEET 1 OF 2

07360-01 SWP.dwg, TAB-PRE-DEVELOPMENT STORMWATER PLAN



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SEBAGO TECHNICS
WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd.
Suite A
South Portland, ME 04106
Tel. 207-200-2100

POST DEVELOPMENT STORMWATER PLAN

OF:
LOTS 65-70
POWSLAND STREET
PORTLAND, MAINE

FOR:
STJ, INC.
P.O. BOX 58
GORHAM, ME 04038

DESIGNED	HAH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	1" = 20'
PROJECT	07360-01

SHEET 2 OF 2

07360-01 SWP-dwg TAB-POST DEVELOPMENT STORMWATER PLAN

February 22, 2023

Sebago Technics, Inc.
75 John Roberts Rd., Suite 4A
South Portland, ME 04106
Attn: Jake Hunnewell

Subject: Powsland St., Duplexes and single-family home project, Portland, Maine
Re: Ability to Serve

Dear Jake,

Thank you for your interest in using natural gas for the above referenced project.

This is to confirm that Unitil has natural gas in the vicinity to the proposed residential new construction project. Once the gas load is available we can size the mains, services and meters.

If you have any further questions or require additional information, please contact me at 207-541-2543 or email at carpenters@unitil.com.

Sincerely,

Scott Carpenter

Scott Carpenter
Senior Business Development Representative
207-541-2543

Portland Water District
FROM SEBAGO LAKE TO CASCO BAY

March 1, 2022

Jake Hunnewell, E.I.
Sebago Technics, Inc.
75 John Roberts Road, Suite 4A
South Portland, ME 04106

Re: ~69, ~71, ~73, ~75, ~77, ~79, ~81, ~83, & ~85 Powsland Street, PO
Ability to Serve with PWD Water

Dear Mr. Hunnewell:

The Portland Water District has received your request for an Ability to Serve Determination for the noted site submitted on October 1, 2021. Based on the information provided, we can confirm that the District will be able to serve the proposed project as further described in this letter. **Please note that this letter constitutes approval of the water system as currently designed and is valid for eighteen (18) months after the date of issue. Any changes affecting the approved water system will require further review and approval by PWD.**

Conditions of Service

The following conditions of service apply:

- Nine (9) new 1-inch domestic services with 5/8-inch meter may be installed from the water main in Powsland Street. Please note that only one meter and one bill will be associated to each domestic service line. The services should enter through the property's frontage on Powsland Street at least 10-feet from any side property lines. An approved non-testable dual check backflow prevention device must be installed on each service line directly after the meter prior to service activation.

- It is the District's understanding that each unit in the development will be served with a NFPA 13D life safety sprinkler system supplied by a tank and pump system. Direct connection between the sprinkler system and the unit's domestic service is not permitted as part of this approval.

- The Portland Water District does not have record of any other existing infrastructure in public roads and recommends a survey and test pitting be performed by the development team prior to construction. Any conflicts that arise during construction are at the risk of the developer and may result in job shutdown until new plans are submitted by the developer and reviewed and approved by PWD.

Prior to construction, the owner or contractor will need to complete a Service Application and pay all necessary fees for each proposed service. When the project is ready for construction, an Application for each service can be requested by contacting the MEANS Group at MEANS@pwd.org or 207-774-5961 ext. 3199. Once a completed Application has been submitted with payment, please allow seven (7) days for processing.

225 DOUGLASS STREET P.O. BOX 3553 PORTLAND, MAINE 04104-3553
PHONE: 207.774.5961 FAX: 207.761.8307 WEB: WWW.PWD.ORG

Existing Site Service

According to District records, the project site does not currently have existing water service.

Water System Characteristics

According to District records, there is an 8-inch diameter ductile iron water main in Powsland Street and a public fire hydrant located approximately 60 feet from the site. The most recent static pressure reading was 100 psi on January 5, 2021.

Public Fire Protection

The installation of new public hydrants to be accepted into the District water system will most likely not be required. It is your responsibility to contact the Portland Fire Department to ensure that this project is adequately served by existing and/or proposed hydrants.

Domestic Water Needs

The data noted above indicates there should be adequate pressure and volume of water to serve the domestic water needs of your proposed project. Based on the high water pressure in this area, we recommend that you consider the installation of pressure reducing devices that comply with state plumbing codes.

Private Fire Protection Water Needs

You have indicated that this project will not require water service to provide private fire protection to the site.

Should you disagree with this determination, you may request a review by the District's Internal Review Team. Your request for review must be in writing and state the reason for your disagreement with the determination. The request must be sent to MEANS@PWD.org or mailed to 225 Douglass Street, Portland Maine, 04104 c/o MEANS. The Internal Review Team will undertake review as requested within 2 weeks of receipt of a request for review.

If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District



Robert A. Bartels, P.E.
Senior Project Engineer

CITY OF PORTLAND
Department of Public Works
Christopher C. Branch, P.E., Director

Date: October 25, 2021

Re: Wastewater Capacity Authorization

Address: 65-73 and 93 Powsland Avenue
Applicant: STJ Inc (with Sebago Technics serving as design consultant)

Planner: TBD

Anticipated Wastewater Flow:

Estimate of Anticipated Design Flows				
Development	Unit Size	Number of Units	Gallons per Day per Unit	Total Gallons per Day
Existing flow to be removed				
Vacant				0
Proposed flow				
Multiple Family Dwelling Units	2-Bedroom	8	180	1440
Multiple Family Dwelling Units	4-Bedroom	1	360	360
			Net Change	**+ 1800**
*Values based on STATE OF MAINE: SUBSURFACE WASTEWATER DISPOSAL RULES, most recent edition				

Comments:
The Department of Public Works, which includes the Water Resource Division, have reviewed and determined that the downstream sewers from the project address have the capacity to convey the estimated dry weather wastewater flows which will be generated from this development.

You are reminded that the sewers you are proposing to connect into convey both sanitary and stormwater (Combined Sewer) and therefore a backflow preventer is suggested.

If the City can be of further assistance, please contact me at all 874-8840 or brad@portlandmaine.gov

Sincerely,

Bradley A. Roland, P.E.
Senior Project Engineer

212 Canco Road, Ste B · Portland, ME 04103 · 207-874-8801
cbranch@portlandmaine.gov · www.portlandmaine.gov





Prepared by:

Att. 20

Sawyer Law LLC, P.A.
P.O. Box One, 157 Main Street
Gorham, Maine 04038-0001

Above Space Reserved for Recording Information

Bylaws of
Powsland Street Homeowners Association

Article I
CORPORATE PURPOSES, OBLIGATIONS AND DEFINITIONS

Section 1.01. Permitted Purposes. The purposes of the corporation shall be, among other lawful purposes, all purposes usual to a homeowners association, including, without limitation, the adoption of rules, regulations and restrictions regarding use of and improvements to any common or shared easements and facilities on or benefiting Lots 65, 66, 67, 68, 69 & 70 as shown on a certain plan entitled Plan of Property Belonging to Martin Curran, Jr. Prepared by Percy H. Richardson, C.E. dated April 1902 and recorded in the Cumberland County Registry of Deeds in Plan Book 9, Page 121, conjointly referred to herein as the "Powsland Street development," the "Powsland Street project," or "Lots 65-70, Powsland Street," and now as shown on a certain updated plan entitled "Site Plan of Lots 65-70, Powsland Street, Portland, Maine," prepared for STJ. Inc. by Sebago Technics dated September 1, 2021, revised through , 2023, approved by the City of Portland Planning Board on , 2023, and recorded in the Cumberland County Registry of Deeds on , 2023 in Plan Book , Page (said latter Site Plan hereinafter called the "Plan"), and including obligations to maintain any and all common easements and facilities benefiting, used by, or available for use by, members of the Powsland Street Homeowners Association (hereinafter referred to as "common facilities") in a reasonable state of function and repair.

Section 1.02. "Association" or "Corporation". "Association" or "Corporation" shall mean and refer to the **Powsland Street Homeowners Association**, a nonprofit corporation organized and existing under the laws of the State of Maine.

Section 1.03. "Lot Owner". A "Lot Owner" or "Owner of a Lot " shall mean and refer to the owner (whether an individual person, joint tenants, co-tenants, a corporation, partnership or other legal entity) of record (as shown by the appropriate local municipal assessors maps and records and/or assessors maps and records for incorporated townships of the Maine Bureau of Taxation, but as ultimately determined by reference to the records of the Cumberland County Registry of Deeds and/or

Cumberland Registry of Probate) of individual Lots numbered 65 through 68, and Lots 69 & 70 as a combined Lot (hereinafter "the numbered lots") as shown on a certain plan entitled Plan of Property Belonging to Martin Curran, Jr. Prepared by Percy H. Richardson, C.E. dated April 1902 and recorded in the Cumberland County Registry of Deeds in Plan Book 9, Page 121, conjointly referred to herein as the "Powsland Street development," the "Powsland Street project," or "Lots 65-70, Powsland Street," and now as shown on a certain updated plan entitled "Site Plan of Lots 65-70, Powsland Street, Portland, Maine," prepared for STJ. Inc. by Sebago Technics dated September 1, 2021, revised through , 2023, approved by the City of Portland Planning Board on , 2023, and recorded in the Cumberland County Registry of Deeds on , 2023 in Plan Book , Page , in Portland in Cumberland County, Maine. In the event of jointly held or co-owned lots, the joint tenants or co-tenants shall collectively be defined as a single "Lot Owner." A "Lot Owner" shall not mean and refer to an owner of record whose only interest in such lot or parcel of land is as mortgagee under a real estate mortgage as security for the performance of an obligation, until and unless such owner shall have commenced proceedings under the laws of the State of Maine to foreclose such mortgage and shall have delivered a certificate to this effect to the Secretary of the corporation.

Article II
DEVELOPMENT INFRASTRUCTURE MAINTENANCE

Section 2.02. General Infrastructure Obligations. Pursuant to conditions of Site Plan approval and the provisions of the Declaration of Covenants, Easements and Restrictions Affecting Lots 65 - 70, Powsland Street by STJ, Inc. dated March _____ , 2023 and recorded in the Cumberland County Registry of Deeds in Book _____, Page _____, the corporation is specifically obligated and required to manage and maintain the roads, buffers, detention or retention areas, storm drain inlets and outlets, swales, level spreaders, drainage easements, and other components of the storm drainage facilities, as well as any other common appurtenances, easements and elements of the Powsland Street development as described in said Declaration, as approved by the City of Portland Planning Board, and as may be shown on the approved Site Plan entitled "Site Plan of Lots 65-70, Powsland Street, Portland, Maine," prepared for STJ. Inc. by Sebago Technics dated September 1, 2021, revised through , 2023, approved by the City of Portland Planning Board on , 2023, and recorded in the Cumberland County Registry of Deeds on , 2023 in Plan Book , Page .

Section 2.03. General and Specific Infrastructure Obligations. The corporation shall undertake and perform, and shall be responsible for all aspects of the management, operation, repair and maintenance of the common development drainage and utility easement structures, and all of the components and infrastructure of the stormwater drainage facilities in the Powsland Street development.

Section 2.04. Specific Maintenance. The corporation shall undertake and perform, or shall employ qualified and appropriate persons to complete the following specific required inspections and maintenance tasks with regard to the Powsland Street develeopment infrastructure:

The following is a non-inclusive summary of maintenance tasks:

A. Vegetated Areas:
   i. Inspect vegetated areas, particularly slopes and embankments, early in the growing season or after heavy rains (>0.5″) to identify active or potential erosion problems.
   ii. Replant bare areas or areas with sparse growth. Where rill erosion is evident, armor the area with an appropriate lining or divert the erosive flows to on-site areas able to withstand the concentrated flows.

B. Ditches, Swales and Other Open Channels:
   i. Inspect ditches, swales, level spreaders and other open stormwater channels in the spring, in the late fall, and after heavy rains to remove any obstructions to flow. Remove accumulated sediments and debris, remove woody vegetative growth that could obstruct flow, and repair any erosion of the ditch lining.
   ii. Vegetated ditches must be mowed at least annually or otherwise maintained to control the growth of woody vegetation and maintain flow capacity.
   iii. Any woody vegetation growing through riprap linings must also be removed.
   iv. Repair any slumping side slopes as soon as practicable.
   v. If the ditch has a riprap lining, replace riprap in areas where any underlying filter fabric or underdrain gravel is showing through the stone or where stones have dislodged.

C. Culverts:
   i. Inspect culverts in the spring, in the late fall, and after heavy rains (>0.5″) to remove any obstructions to flow.
   ii. Remove accumulated sediments and debris at the inlet, at the outlet, and within the conduit.
   iii. Inspect and repair any erosion damage at the culvert's inlet and outlet.

D. Removal of Winter Sand:
   i. Clear accumulations of winter sand in parking lots and along roadways at least once a year, preferably in the spring.

ii. Accumulations on pavement may be removed by pavement sweeping.
iii. Accumulations of sand along road shoulders may be removed by grading excess sand to the pavement edge and removing it manually or by a front-end loader or other acceptable method.

E. Focal Point:
i. Debris and sediment buildup shall be removed as needed. Any bare area or erosion rills on focal point surface shall be repaired with double shredded hardwood mulch.

F. R-Tank Storage System:
i. On-site inspection of the R-Tanks Storage System on an annual basis; inspection of R-Tank Storage using observation/maintenance ports for blockage, trash and/or sedimentation.
ii. Debris and sediment buildup shall be removed as needed.
iii. See the Maintenance Plan provided by the manufacturer .

G. Roadways
i. On-site inspection of the roads on an annual schedule or after a significant period of rainfall.
ii. All low spots of pooling water shall be regraded to direct the water off the pavement.
iii. Areas of erosion shall be repaired immediately.
iv. Sweeping the roadway free of sand after the winter season should be completed annually.

H. StormTree System:
i. Debris and sediment buildup shall be removed as needed.
ii. See the Operation and Maintenance Plan provided by the manufacturer StormTree.

Section 2.05. Storm Water Infrastructure Inspections, Certifications and Records. The corporation shall, as part of its corporate records, keep and maintain Storm Water Management Inspection and Maintenance Logs documenting the results of its inspections, conditions found, and maintenance tasks performed, in a form similar to that attached to these bylaws as Appendix 1 and Appendix 2. The Association's maintenance obligations shall include following the post construction Best Management Practices plan for the development and being in full compliance with the City of Portland's Storm Water Ordinance, Chapter 32, Article III, Post Construction Stormwater Management, including required annual inspections by qualified inspectors and filing any required annual inspection reports with the City of Portland with required fees.

Section 2.06. Department of Environmental Protection Storm Water Permit. The development of the site plan project known as Powsland Street development did not require the issuance of any DEP storm water permit(s).

Article III
OFFICES

Section 3.01. Principal Office. The initial principal office of this corporation in the State of Maine shall be located at 157 Main Street in the Town of Gorham, County of Cumberland, which may be relocated from time to time.

Section 3.02. Other offices. The corporation may have other offices, either within or without the State of Maine, as the board of directors may from time to time determine.

Article IV
MEMBERS AND VOTING RIGHTS

Section 4.01. Classes of Members. The corporation shall have one class of members, and no more than one membership may be held by any Lot Owner as defined in Section 1.03. The rights and privileges of all members shall be equal. Each member shall be entitled to one vote.

Section 4.02. Qualifications. Any individual, group of individuals, entity, or other organization that is a Lot Owner as defined in Section 1.03, that pays the dues and or assessments as determined by the directors of the corporation and that is bound by the articles of incorporation of this corporation, the bylaws of the corporation, and by such rules and regulations as the directors may from time to time adopt, is eligible for membership in this corporation.

Section 4.03. Membership Obligations. The rights of membership are subject to the payment of dues and/or assessments levied by the corporation, the obligation of which dues and assessments is imposed against each Lot Owner, and becomes a lien upon the lot against which such assessments are made as provided in Article VI hereof.

Section 4.04. Admission to Membership. Each Lot Owner shall become a member upon execution and delivery to such Owner of a deed conveying each a Lot as defined hereinabove. Such membership shall be thereafter effective until each such owner shall convey each lot, whether or not for value, by gift, devise or otherwise. Where property is owned by more than one owner, such owners shall be considered one member. The directors shall from time to time prescribe the form and manner in which application may be made for membership.

Section 4.05. Property Rights. No member shall have any right, title, or interest in any of the property or assets, including any earnings or investment income of this corporation, nor shall any of such property or assets be distributed to any member on the corporation's dissolution or winding up.

Section 4.06. Liability of Members. No member of this corporation shall be personally liable for any of its debts, liabilities, or obligations.

Section 4.07. Transfer, Termination, and Reinstatement. Membership in this corporation is nontransferable. Membership shall terminate when a member no longer owns an interest in Lots numbered 65 through 68, and Lots 69 & 70 as a combine single Lot, as shown on a certain plan entitled "Site Plan of Lots 65-70, Powsland Street, Portland, Maine," prepared for STJ. Inc. by Sebago Technics dated September 1, 2021, revised through , 2023, approved by the City of Portland Planning Board on , 2023, and recorded in the Cumberland County Registry of Deeds on , 2023 in Plan Book , Page , on the resignation or death of a member, or on a member's failure to pay any dues and/or assessments required in these bylaws within sixty (60) days of the due date. A member whose membership has been terminated may apply for reinstatement in the same manner as application is made for initial membership.

Article V
CERTIFICATES OF MEMBERSHIP

Section 5.01. Certificate of Membership. The board of directors may provide for the issuance of certificates evidencing membership in the corporation, which shall be of such form as may be determined by the board. Such certificates shall be signed by the president and vice president or by the treasurer or the clerk and shall be sealed with the seal of the corporation. All certificates evidencing membership shall be consecutively numbered. The name and address of each member and the date of issuance of the certificate shall be entered on the records of the corporation. If any certificate shall become lost, mutilated, or destroyed, a new certificate may be issued to replace it on such terms and conditions as the board of directors may determine.

Section 5.02. Issuance of Certificates. If the board of directors shall have provided for the issuance of certificates of membership under the provisions of Section 5.01 of this Article, then, when a person has qualified and been accepted for membership and has paid any initiation fees and dues that may then be required, such a certificate shall be issued in the name of and delivered to the new member by the clerk.

Article VI
MEMBERSHIP FEES AND DUES

Section 6.01. Initiation Fee and Annual Dues. The board of directors may determine from time to time the amount of initiation fee, if any, and the amount of annual dues, if any, payable to the corporation by members.

Section 6.02. Payment of Fees and Dues. Dues shall be payable annually. Statements for dues for annual renewal of membership shall be prepared and mailed, e-mailed, faxed, or otherwise transmitted or delivered to the membership. The renewal date and payment due date for each member shall be set by the Treasurer taking into account the timing of the member's first fee payment date and the timing of any prior annual payments by the member.

Section 6.03. Default and Termination of Membership. When any member shall be in default in the payment of fees or dues for a period of two (2) months from the beginning of the fiscal year or period in which such dues become payable, that person's membership may be suspended or terminated by the Board of Directors.

Article VII
ASSESSMENTS

Section 7.01. Power to Assess. The corporation, acting through the Board of Directors in accordance with the bylaws of the corporation, shall have the power to fix and determine, from time to time, the sums necessary and adequate to provide for the expenses of the corporation, including, but not limited to, such amounts as are necessary for uncollectible assessments, budget deficits, such reserves as the Board of Directors shall deem necessary or prudent, and such other expenses as are specifically provided for in the Articles of Incorporation or the bylaws of the corporation.

Section 7.02. Purpose of Assessments. All assessments shall be used for the purposes of providing funds to maintain and operate the corporation, to provide any necessary liability, property, and/or other insurances for common areas, and other common facilities, to provide any necessary directors and officers liability insurance, and to plow, manage and maintain any buffers, detention or retention areas, common easements, storm drain inlets and outlets, swales, level spreaders, and other components of any storm drainage facilities, as well as any other common appurtenances and elements in the Powsland Street development as shown in the site plan submissions or shown on the approved Site Plan entitled "Site Plan of Lots 65-70, Powsland Street, Portland, Maine," prepared for STJ. Inc. by Sebago Technics dated September 1, 2021, revised through , 2023, approved by the City of Portland Planning Board on , 2023, and recorded in the Cumberland County Registry of Deeds on , 2023 in Plan Book

, Page . In addition, the assessments may be used for any other lawful purposes usual to a homeowners association, including, without limitation, the adoption of rules, regulations and restrictions regarding use of and improvements to the above mentioned buffers, storm drainage components, common easements, and any other common or shared facilities in the Powsland Street develeopment (hereinafter collectively referred to as the "Common Property).

Section 7.03. Special Assessments. If the cash requirement estimated at the beginning of any fiscal year shall prove to be insufficient to cover the actual expenses of the corporation for such fiscal year for any reason (including by way of illustration and not limitation, any Lot Owner's non-payment of an assessment or municipal assessments not yet assessed), the Board of Directors of the corporation shall have the power, at any time it deems necessary and proper, to levy one or more special assessments against each Lot Owner. Special assessments shall be due and payable in the manner and on the date set forth in the notice thereof.

Section 7.04. Payment of Assessments. Each Lot Owner shall pay all assessments levied by or on behalf of the corporation. Liability for such assessments shall begin accruing on the first day of the sixth month following the conveyance of the first lot to a person other than the original developer, and the first such assessment shall be due and payable in advance on such date or on such other date as may be designated by the Board of Directors. Such assessments shall thereafter be due and payable in advance on a yearly basis on the first day of each fiscal year of the corporation or as otherwise designated by the Board of Directors. Assessments that are unpaid for over fifteen (15) days after the due date shall bear interest at the rate of eighteen percent (18%) per annum from the due date until paid. In the sole discretion of the Board of Directors, a late charge of $25.00 per assessment not paid when due may be assessed against the delinquent Lot Owner.

Section 7.05. Failure to Fix New Assessments. If the Board of Directors of the corporation shall fail to fix new assessments for expenses of the corporation for the subsequent fiscal year before the expiration of any fiscal year, the Lot Owners shall pay the same sum they were paying for such assessments during the fiscal year Just ended and such sum shall be deemed to be the new assessment for the succeeding fiscal year.

Section 7.06. No Exemption by Waiver. No Lot Owner may exempt himself from liability for the expenses of the corporation by waiver of the enjoyment of the right to use the Common Property or by the abandonment of his lot or otherwise.

Section 7.07. Personal Liability of Lot Owners. All sums assessed by the corporation as a regular or special assessment shall constitute the personal liability of the Lot Owner so assessed, and also, until fully paid, shall constitute a lien against such owner' s lot with the same status as liens established on condominium units under the Maine Condominium Act, Title 33, Chapter 31 of the Maine Revised Statutes and shall

be foreclosed in the same manner provided by law for the foreclosure of mortgages. The delinquent Lot Owner shall be obligated to pay (a) all expenses of the Board of Directors of the corporation, including reasonable attorneys' fees, incurred in the collection of the delinquent assessment by legal proceedings or otherwise, and (b) any amounts paid by the Board of Directors of the corporation for taxes or on account of superior liens or otherwise to protect its lien, which expenses and amounts, together with accrued interest, shall be deemed to constitute part of the delinquent assessment and shall be collectible as such.

Section 7.08. Liability of Purchaser of Lot for Unpaid Assessments. Upon the voluntary sale, conveyance or any other voluntary transfer of a lot or any interest therein, the grantee thereof shall not be personally liable with the grantor thereof for all unpaid assessments for expenses of the corporation which are a charge against the lot as of the date of consummation of' the sale, conveyance or transfer, unless such grantee agrees to assume the obligation therefor.

Section 7.09. Subordination of Assessments. Any regular or special assessments or any late charges and interest that may be levied by the corporation shall be subordinate to any first mortgage lien recorded before or after such yearly or special assessment, late charge, or interest was due.

Section 7.10. Fraction of Expense Liability. Each lot shall be assessed an equal share of the expenses of the corporation.

Article VIII
MEETINGS OF MEMBERS

Section 8.01. Annual Meeting. An annual meeting of the members of the corporation shall be held on the first Sunday of April in each year, beginning with the year following the year of incorporation, at the corporation's registered office, or at such other time, place or places as the board of directors may designate from time to time by resolution. Appropriate for consideration at such meetings shall be the election of directors and such other corporate business as may come before the meeting. If the day fixed for the annual meeting shall be a legal holiday in the State of Maine, such meeting shall be held on the next succeeding business day, if the election of directors shall not be held on the day designated for an annual meeting, or at any adjournment of such a meeting the board of directors shall cause the election to be held at a special meeting of members conducted as soon as may be convenient.

Section 8.02. Special Meetings. Special meetings of members may be called by the President, the board of directors, or not less than three-fifths (3/5) of such members as may be qualified to vote.

Section 8.03. Place of Meeting. The board of directors may designate any place, either within or without the State of Maine, as the place of meeting for any annual or special meeting of members. If no designation is made, then the place of meeting shall be the corporation's registered office. However, if all members shall meet at any time and place, either within or without the State of Maine, and consent to the holding of a meeting, such meeting shall be valid without call or notice, and at such meeting any corporate action may be taken.

Section 8.04. Notice of Meetings. Written or printed notice, or electronically transmitted notice, stating the place, day and hour of any meeting of members shall be delivered personally, by electronic transmission, or by mail not less than ten (10) days nor more than sixty (60) days before the date of such meeting, by or at the direction of the president, clerk, or such officers or persons as are calling the meeting. In the case of special meetings, or when required by these bylaws or by law, the purpose or purposes for which the meeting is called shall be stated in the notice, If sent by mail, a notice of meeting shall be deemed delivered when deposited in the United States Mail addressed to the member at his address as it appears on the records of the Corporation at the time of mailing.

Section 8.05. Informal Action by Members. Any action required or permitted to be taken at any meeting of members, may be taken without such meeting if a consent in writing, set forth the action to be taken, shall be signed by all members entitled to vote with respect to such action.

Section 8.06. Quorum. Members holding two-thirds (2/3) of the total votes which may be cast at any meeting shall constitute a quorum at such meeting. If a quorum is not present at any meeting of members, a majority of those present may adjourn the meeting from time to time without further notice.

Section 8.07. Proxies. At any meeting of members, a member entitled to vote may vote by proxy executed in writing by the member or by the member's duly authorized attorney in fact. No proxy shall be valid after eleven (11) months from its date of execution unless otherwise provided in the proxy.

Section 8.08. Voting by Mail. Where trustees or officers are to be elected by members, such election may be conducted by mail in such manner as the board of directors shall determine.

Section 8.09. Voting Rights. Each member of the corporation shall be entitled to vote at a duly called regular or special members meeting, subject to the limitation that each of the Lots numbered 65 through 68, and Lots 69 & 70 as a combined Lot, as shown on the Plan, shall be entitled to one vote in total through membership, for a total of five (5) votes. If a member owns an interest in a lot as co-tenant, then that member shall be entitled to vote a fractional share of the one vote

applicable to such lot depending on the member's relative amount of ownership in such lot. Any member owning an interest in a lot shall be presumed to have the right and authority to vote the interest of the other co-owners of the lot unless the other co-owner manifests a contrary intention at such meeting by appearing in person or by proxy. Wherever in the bylaws of the corporation or in the Maine Nonprofit Corporations Act, 13-B M.R.S.A. §101 et seq., or under other applicable principles of law, a certain percentage vote or certain percentage of members' votes is required, the required percentage vote or percentage of members' votes shall mean that aggregate ownership interest in the Powsland Street development Lots numbered 65 through 68, and Lots 69 & 70 as a combined Lot. For example, if a certain vote requires approval by a majority of members, that means members holding a majority-in-interest in the Powsland Street development Lots 65 through 68, and Lots 69 & 70 as a combined Lot. Each member's vote is weighted depending on his ownership interest in a particular lot. Each of the Lots numbered 65 through 68, and Lots 69 & 70 as a combined Lot, is entitled to one (1) vote. Lot co-owners need not vote as a unit. A majority can be made up of a number of full and partial interests. These rules of construction shall be applied to all voting requirements under the bylaws of the corporation.

Section 8.10. Cumulative Voting Prohibited. In accordance with the prohibition of 13-B M.R.S.A. §604(3) cumulative voting at any election for directors of this corporation is not permitted.

Section 8.11. Election of Directors. The candidates for director receiving the highest number of votes up to the number of directors to be elected, will be deemed to be elected.

Article IX
DIRECTORS

Section 9.01. Number. The authorized number of directors of this corporation shall be three (3).

Section 9.02. Qualifications of Directors. Directors must be members of the corporation, or in the case of entity members (corporations, partnerships, etc.) that are not individual persons, must be owners, officers, or employees of entity members who are of members of the corporation.

Section 9.03 Term of Office. The initial three (3) directorships to be elected at the first annual meeting shall be staggered, such that initially one director shall serve a full two year terms, and the remaining two directors shall serve initial one year terms. Thereafter, upon election or reelection, the term of office of each director shall be two (2) years, until the second annual meeting of members following the director's election and until the qualification of a successor in office.

Section 9.04. Powers. Except as otherwise provided in the certificate of incorporation, or by law, the powers of this corporation shall be exercised, its properties controlled, and its affairs conducted by the board of directors, which may, however, delegate the performance of any duties or the exercise of any powers to such officers and agents as the board may from time to time, by resolution, designate.

Section 9.05. Replacement of Directors.

(a) Whenever a vacancy exists on the board of directors, whether by death, resignation, or otherwise, the vacancy shall be filled by appointment of a new director by the president of the corporation, and if that power is not exercised within thirty (30) days after the president receives notice of the vacancy, by appointment by a majority of the remaining directors at a regular or special meeting of the board. Any person appointed or elected to fill the vacancy of a director shall have the same qualifications as were required of the director whose office was vacated.

(b) Any director may be removed, with or without cause, by the vote of two-thirds (2/3) of the members of the board of directors at a special meeting called for that purpose. At any such meeting, any vacancy caused by the removal may be filed as stated above.

(c) Any person appointed or elected to fill a vacancy in the board of directors shall hold office for the unexpired term of his or her predecessor in office, subject to the power of removal stated above.

Section 9.06. Compensation. No member of the board of directors shall receive any compensation from the corporation.

Section 9.07. Meetings.

(a) Meetings shall be held at such place or places as the board of directors may from time to time by resolution designate; or, in the absence of such designation, at the registered office of the corporation.

(b) Regular meetings shall be held as soon as convenient after the first annual meeting of members of the corporation, and shall generally be held on the first Thursday of each month. The actual date, time and place of regular meetings shall be as may be prescribed by the board of directors. In the absence of such action by the board of directors in setting the date, time and place of a regular meeting, the president may, as he or she deems necessary, and the clerk shall, if so requested in writing by a majority of the members of the board of directors, set the date, time and place of a regular meeting of the board. Notice of such meetings shall be mailed, electronically mailed, transmitted by facsimile, or otherwise transmitted or delivered to each director at the director's address as kept by the corporation, or the address last recorded on the

books of the corporation, not less than ten (10), nor more than fifteen (15) days before the date of the meeting. However, this requirement may be waived by resolution of the board of directors.

(c) The president may, as he or she deems necessary, and the clerk shall, if so requested in writing by a majority of the members of the board of directors, call a special meeting of the board, In such event, ten (10) days' written or electronically transmitted notice to each director shall be deemed sufficient.

(d) A majority of the board of directors of the corporation shall constitute a quorum for the transaction of business at any meeting of the board. However, if less than a majority of the directors is present at any meeting, a majority of the directors present may adjourn the meeting from time to time without further notice.

(e) Except as may otherwise be provided in these bylaws, or in the articles of incorporation of this corporation, or by law, the act of a majority of directors present at any meeting at which a quorum is present shall be the act of the board of directors.

(f) All meetings of the board of directors shall be governed by Robert's Rules of Order, including such revisions of those rules as may from time to time be published, and except as those rules are inconsistent with these bylaws, with the articles of incorporation of this corporation, or with applicable law.

Section 9.08. Action Without Meeting. No meeting need be held by the board to take any action required or permitted to be taken by law, provided all members of the board shall individually or collectively consent in writing to such action, and such written consent or consents is filed with the minutes of the proceedings of the board. Action by written consent shall have the same force and effect as action by unanimous vote of the directors. Any certificate or other documents filed under any provision of law which relates to action so taken shall state that the action was taken by unanimous written consent of the board to directors without a meeting, and that the bylaws authorize the directors to so act. Such a statement shall be prima facie evidence of such authority.

Section 9.09. Liability of Directors. The directors of this corporation shall not be personally liable for its debts, liabilities, or other obligations.

Article X
OFFICERS

Section 10.01. Designation of Officers. The officers of the corporation shall be a president, one or more vice presidents (as shall be determined by the board of directors), a secretary, a clerk, a treasurer, and such other officers as may be elected in accordance with the provisions of this article. The board of directors may

elect or appoint such other officers, including one or more assistant clerks, and one or more assistant treasurers, as it shall deem desirable, such officers to have the authority and perform the duties prescribed, from time to time, by the board of directors. Any two or more offices may be held by the same person, except the offices of president and clerk.

Section 10.02. Election and Term of Office. The officers of this corporation shall be elected annually by the board of directors at the regular annual meeting of the board of directors. If the election of officers shall not be held at such meeting, such election shall be held as soon as may be convenient. New offices may be created and filled at any meeting of the board. Each officer shall hold office for a one year term or until his or her successor shall have been duly elected and shall have been qualified.

Section 10.03. Removal. Any officer elected or appointed by the board of directors may be removed by the board of directors whenever in its judgment the interests of the corporation would be best served thereby. Any such removal shall be without prejudice to the contract rights, if any, of the officer so removed.

Section 10.04. Vacancies. A vacancy in any office, whether due to death, resignation, removal, disqualification, or otherwise, may be filled by the board of directors for the unexpired portion of the term.

Section 10.05. President. The president shall be the chief executive officer of the corporation, and shall exercise general supervision and control over all activities of the corporation. The president:

(a) Shall preside at all meetings of members and of directors;

(b) May sign, with the clerk or other officer duly authorized by the board of directors, any deeds, mortgages, bonds, contracts, or other instruments the execution of which has been authorized by the board of directors, except in cases where the signing and execution or such instruments has been expressly delegated by the board of directors by these bylaws , or to some other officer or agent of the corporation by law; and

(c) Shall perform all other duties generally incident to the office of president and such other duties as may be prescribed by the board of directors.

Section 10.06. Vice-President. In the absence of the president or in the event of the president's inability or refusal to act, the vice-president shall perform the duties of the president, and when so acting, shall have all the powers of, and be subject to all the restrictions upon the president. Any vice president shall perform such

additional duties as may from time to time be assigned to him or her by the president or by the board of directors.

Section 10.07. Treasurer. If so required by the board of directors, the treasurer shall:

(a) Give a bond for the faithful discharge of the treasurer's duties in such sum and with such surety or sureties as the board of directors may deem appropriate;

(b) Have charge and custody of, and be responsible for, all funds and securities of the corporation;

(c) Receive and give receipts for moneys due and payable to the corporation from any source and deposit all such moneys in the name of the corporation in such banks, trust companies, or other depositories as shall be selected by the board of directors;

(d) Perform all duties generally incidental to the office of treasurer and such other duties as may from time to time be assigned to the treasurer by the president or by the board of directors,

Section 10.08. Secretary. The secretary shall:

(a) Keep the minutes of meetings of members and of the board of directors, in one or more books provided for that purpose;

(b) See that all notices are duly given in accordance with these bylaws or as required by law;

(c) Be secondary custodian of the corporate records and of the seal of the corporation;

(d) Keep a membership book containing the names and addresses of all members and directors of the corporation, and with respect to any membership that has been terminated, record that fact together with the date of termination; and

(e) Exhibit to any director of the corporation, or to a directors agent, or to any person or agency authorized by law to inspect them, at all reasonable times and on demand, these bylaws, the articles of incorporation, the membership book, the minutes of any meeting, and the other records of the corporation.

Section 10.09. Clerk. The clerk shall:

(a) Keep the minutes of annual meetings of members and annual meetings of the board of directors, in one or more books provided for that purpose;

(b) See that all annual reports are properly filed with the Maine Office of the Secretary of State;

(c) Be primary custodian of the corporate records and of the seal of the corporation;

(d) Serve as agent for receiving service or process on behalf of the corporation; and

(e) Exhibit to any director of the corporation, or to a directors agent, or to any person or agency authorized by law to inspect them, at all reasonable times and on demand, these bylaws, the articles of incorporation, the membership book, the minutes of any meeting, and the other records of the corporation.

Article XI
CONTRACTS, INSURANCE, CHECKS, DEPOSITS, AND FUNDS

Section 11.01. Contracts. The board of directors may, by resolution duly adopted, authorize any officer or officers, agent or agents of the corporation, in addition to the officers so authorized by these bylaws, to enter into any contract or to execute and deliver any instrument in the name of and on behalf of the corporation. Such authority may be general, or confined to specific instances.

Section 11.02. Insurances. The board of directors may, by resolution duly adopted, contract for, pay for and provide liability insurance for the directors and officers of the corporation as an expense of the corporation. The board of directors may also contract for general liability, property, or other appropriate insurance coverages for the roads, common areas, and other development facilities or infrastructure.

Section 11.03. Deposits. All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies, or other depositories as the board of directors may select.

Section 11.04. Checks, Drafts, Orders for Payment. All checks, drafts or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the corporation shall be signed by such officer or officers, agent or agents of the corporation and in such manner as the board of directors shall from time to time by resolution determine. In the absence of such determination, such instruments shall be signed by the treasurer, and countersigned by the president or a vice president of the corporation.

Article XII
MISCELLANEOUS

Section 12.01. Books and Records. The corporation shall prepare and maintain correct and complete books and records of account and shall also keep minutes of the meetings of its members and board of directors, and shall keep at the registered or principal office a membership book giving the names and addresses of members entitled to vote. All books and records of the corporation may be inspected by any director, or member, or the agent or attorney of either, of any proper person, at any reasonable time.

Section 12.02. Fiscal Year. The fiscal year of the corporation shall begin on the first day of January and end on the last day of December in each year.

Section 12.03. Corporate Seal. The board of directors shall provide a corporate seal.

Section 12.04. Waiver of Notice. Whenever any notice is required to be given under the laws of the State of Maine or under the provisions of the articles of incorporation or the bylaws of this corporation, a waiver of such notice in writing signed by the person or persons entitled to such notice, whether before or after the time stated, shall be deemed equivalent to the giving of such notice.

Section 12.05. Forms of Notice Permitted. Whenever any notice is required to be given under the laws of the State of Maine or under the provisions of the articles of incorporation or the bylaws of this corporation, such notice may be given by hand delivery, mail, electronic mail, facsimile transmission, or other electronic transmission format as may be reasonably expected to safely reach and notify the recipient.

Article XIII
AMENDMENTS

Section 13.01. Power of Members to Amend Bylaws. The bylaws of this corporation may be amended, repealed, or added to, or new bylaws maybe adopted by the vote or written assent of a majority of the members entitled to vote at a meeting duly called for the purpose according to the articles of incorporation or bylaws.

Section 13.02. Power of Directors to Amend Bylaws. Subject to the limitations of the articles of incorporation, these bylaws, and the laws of the State of Maine, concerning corporate action that must be authorized or approved by the members of the corporation, the bylaws of this corporation may be amended, repealed, or added to, or new bylaws may be adopted, by a resolution of the board of directors.

Article XIV
INDEMNIFICATION

Section 14.01. General Indemnification. The Corporation shall, to the full extent of its power to do so provided by law, including without limitation Section 714 of Title 13-B of the Maine Revised Statutes Annotated, indemnify any and all present and former officers, directors, employees, committee members and agents of the Corporation against expenses, including attorneys' fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by them in connection with any action, suit or proceeding in which they, or any of them, are made parties or a party, by reason of their being or having been officers, directors, employees, committee members, or agents of the corporation; except in relation to matters as to which any such person shall be finally adjudicated in any such action, suit or proceeding not to have acted in good faith in the reasonable belief that his or her action was in the best interest of the Corporation, or, with respect to any criminal action or proceeding, where such person is finally adjudged to have had reasonable cause to believe that his or her conduct was unlawful. Such indemnification shall be made in accordance with the procedures set forth in Maine Revised Statutes Annotated, Title 13-B, Section 714, subsection 3, as the same may be amended from time to time. Such indemnification shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any other bylaw, agreement, or otherwise.

Section 14.02. Special Indemnification. Nothing contained in Section 14.01 of this article shall prevent the corporation, by action of its members, or by action of disinterested directors, from indemnifying any person, including, without limitation, a director, an officer, any employee or an agent of this corporation, in any particular case, if in the judgment of the corporation such indemnification should be made. Nothing contained in Section 14.01 of this article shall prevent the corporation, by action of its members, or by action of disinterested directors, from providing liability insurance for, and/or advancing or reimbursing expenses incurred in defending a civil, criminal, administrative or investigative action, suit or proceeding involving, any person, including, without limitation, a director, an officer, any employee or an agent of this corporation, in any particular case, if in the judgment of the corporation such insurance should be provided, or defense expenses advanced or reimbursed.

APPENDIX 1

STORM WATER MANAGEMENT INSPECTION AND MAINTENANCE LOG

STORMWATER MANAGEMENT INSPECTION AND MAINTENANCE LOG

INSPECTION MAINTENANCE AND HOUSEKEEPING FORM			
General Information			
Project Name:		**Year**	
Project Location:			
BMP Owner:		**Company/Person conducting inspection:**	
Owner Mailing Address:			
Owner Phone #:		**Inspector Phone #:**	
Owner Email:		**Inspector Name:**	
		Inspector Email:	

BMP Element	Date & Description of Conditions	Maintenance Accomplished	Actual Date of Maintenance
Roadways			
Stormdrain Inlet & Outlet			
Buffers			
Vegetated Swales with Check Dams			
Detention Areas			
Focus Point			
R- Tanks			

Additional Notes/Observations:

APPENDIX 2

R-TANK STORAGE SYSTEM
INSPECTION MAINTENANCE AND HOUSEKEEPING FORM

INSPECTION MAINTENANCE AND HOUSEKEEPING FORM			
General Information			
Project Name:		**Inspection Date:**	
Project Location:		**Current Weather:**	
		Date / Amount Last Precip:	
BMP Owner:		**Company conducting inspection:**	
Owner Mailing Address:		**Company Mailing Address**	
Owner Phone #:		**Company Phone #:**	
Owner Email:		**Inspector Name:**	
		Inspector Email:	

BMP Element	Suggested Maintenance	Observations	Inspection Notes/Recommended Action
Outlet Control Structure			
	Sediment Depth (Annually)		
	Floatables/Debris (Annually)		
Discharge Pipe			
	Ground Stabilized (>1" rain, Annually)		
Subsurface Chambers			
	Sediment Depth/Removal (Annually)		

Additional Notes/Observations:

CERTIFICATION

I, the undersigned James W. Shaw, under oath, do hereby certify as follows:

I am President of STJ, Inc., a Maine corporation, which is the owner and developer of a the six (6) lots being Lots 65, 66, 67, 68, 69 & 70 as shown on a certain plan entitled Plan of Property Belonging to Martin Curran, Jr. Prepared by Percy H. Richardson, C.E. dated April 1902 and recorded in the Cumberland County Registry of Deeds in Plan Book 9, Page 121, conjointly referred to herein as the "Powsland Street development," the "Powsland Street project," or "Lots 65-70, Powsland Street," and now as shown on a certain updated plan entitled "Site Plan of Lots 65-70, Powsland Street, Portland, Maine," prepared for STJ. Inc. by Sebago Technics dated September 1, 2021, revised through , 2023, approved by the City of Portland Planning Board on , 2023, and recorded in the Cumberland County Registry of Deeds on , 2023 in Plan Book , Page , and which corporation is also an incorporator of the Powsland Street Homeowners Association established or to be established as a condition or requirement of the municipal site plan approval for such development. The Powsland Street project includes all of the property acquired by STJ, Inc. by a quitclaim deed of Portland Water District dated January 15, 2007 and recorded in the Cumberland County Registry of Deeds in Book 24766, Page 258, and a deed of sale by personal representative from Peter H. Koenig, Personal Representative of the Estate of Dorothy Ann Koenig, dated August 13, 2019 and recorded in the Cumberland County Registry of Deeds in Book 35884, Page 177.

The foregoing Bylaws are a true copy of and constitute the original Bylaws of the Powsland Street Homeowners Association established pursuant to such condition or requirement of the municipal site plan approval for such development.

In witness whereof, I have hereunto subscribed my name and affixed the seal of said certifying corporation this March _____ , 2023.

STJ, Inc.

_____ _____

Witness By James W. Shaw, President

State of Maine
County of Cumberland, ss. March _____ , 2023

Then personally appeared the above named James W. Shaw, duly authorized President of **STJ, Inc.** and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

My commission expires:

_____
Notary Public / Maine Attorney at Law

_____
AFFIX SEAL

_____
Printed Name

Below Space Reserved for Recording Information

Prepared by:

Att. 21

Sawyer Law LLC, P.A.
P.O. Box One, 157 Main Street
Gorham, Maine 04038-0001

Above Space Reserved for Recording Information

Declaration of Covenants, Easements and Restrictions Affecting

Lots 65 - 70, Powsland Street
(Martin Curran, Jr. 1902 Plan)

City of Portland, County of Cumberland and State of Maine

THIS DECLARATION dated this March _____ , 2023 (herein called the "Declaration"), by STJ, Inc., a Maine corporation with a place of business in Buxton. York County, Maine (hereinafter called the "Declarant"), with a mailing address of 939 Parker Farm Road, Buxton, Maine 04093, witnesseth:

WHEREAS, Declarant STJ, Inc. by virtue of a quitclaim deed of Portland Water District dated January 15, 2007 and recorded in the Cumberland County Registry of Deeds in Book 24766, Page 258, and a deed of sale by personal representative from Peter H. Koenig, Personal Representative of the Estate of Dorothy Ann Koenig, dated August 13, 2019 and recorded in the Cumberland County Registry of Deeds in Book 35884, Page 177, is the owner of certain real property located in Portland, Cumberland County, Maine; and

WHEREAS, this Declaration shall apply to that portion of the above referenced real property, being Lots 65, 66, 67, 68, 69 & 70 as shown on a certain plan entitled Plan of Property Belonging to Martin Curran, Jr. Prepared by Percy H. Richardson, C.E. dated April 1902 and recorded in the Cumberland County Registry of Deeds in Plan Book 9, Page 121, conjointly referred to herein as the "Powsland Street development," the "Powsland Street project," or "Lots 65-70, Powsland Street," and now as shown on a certain updated plan entitled "Site Plan of Lots 65-70, Powsland Street, Portland, Maine," prepared for STJ. Inc. by Sebago Technics dated September 1, 2021, revised through , 2023, approved by the City of Portland Planning Board on , 2023, and recorded in the Cumberland County Registry of Deeds on , 2023 in Plan Book , Page (said latter Site Plan hereinafter called the "Plan"); and

WHEREAS, this declaration is intended to ensure in part that the appeal and character of the Powsland Street development area (Lots 65, 66, 67, 68, 69 & 70, Powsland Street) as to be improved is preserved for residential use for the benefit and enjoyment of those who may purchase lots and build residential structures there, and in part to provide for the maintenance of any buffers, easements, stormwater drainage components, and other development infrastructure; and

WHEREAS, it also serves the common and mutual benefit of any future lot owners to have a formal declaration that identifies each future owner's obligations, and the City of Portland wishes to understand how any buffers, shared drainage and access easements, and other shared development infrastructure of the Powsland Street development shall be maintained; and

WHEREAS, the Declarant, being about to sell and convey lots in said Powsland Street development, desires to assure to said purchasers and their heirs, successors, and assigns, owning such lots, the use, benefit and enjoyment of said lots in accordance with a combined harmonious plan of this development, and to this end desires that said lots in the Powsland Street development as shown on said Plan shall be subjected to certain restrictions, reservations, servitudes, covenants, agreements and easements as hereinafter set forth; and

NOW THEREFORE, in consideration of these premises, the Declarant hereby declares that Lots 65, 66, 67, 68, 69 & 70 as shown on a certain plan entitled Plan of Property Belonging to Martin Curran, Jr. Prepared by Percy H. Richardson, C.E. dated April 1902 and recorded in the Cumberland County Registry of Deeds in Plan Book 9, Page 121, and now as shown on a certain updated plan entitled "Site Plan of Lots 65-70, Powsland Street, Portland, Maine," prepared for STJ. Inc. by Sebago Technics dated September 1, 2021, revised through , 2023, approved by the City of Portland Planning Board on , 2023, and recorded in the Cumberland County Registry of Deeds on , 2023 in Plan Book , Page , as well as any and all easement locations and infrastructure improvements, all as shown on the Plan, is and are held subject to, and shall be conveyed subject to the restrictions, reservations, servitudes, covenants, agreements and easements as set forth in the various clauses of this Declaration, and which Declaration shall inure to the benefit of and be binding upon the Declarant, its successors, and assigns, and the purchasers of said lots, their heirs, successors and assigns, and be binding upon all the land referenced herein and described on said Plan.

ARTICLE I
Definitions

1. "Association" shall mean and refer to the Powsland Street Homeowners Association, a nonprofit corporation, to be organized and established under the laws of the State of Maine.

2. "Property" shall mean and refer to that certain real property as shown on the Plan.

3. "Development" shall mean and refer to the Powsland Street development as described herein.

4. "Lot" or "Lots" shall mean and refer to the (six) 6 numbered lots shown on the plan annotated thereon as Lot 65, 66, 67, 68, 69 & 70, subject to the requirement that the title to Lots 69 & 70 shall not be separated from one another, and together shall be considered as one (1) lot for nearly all purposes hereunder, unless specified otherwise.

5. "Owner," "Lot Owner" or "Owner of a Lot" shall mean and refer to the owner (whether an individual person, joint tenants, co-tenants, a corporation, partnership or other legal entity) of record (as shown by the appropriate local municipal assessors maps and records and/or assessors maps and records for incorporated townships of the Maine Bureau of Taxation, but as ultimately determined by reference to the records of the Cumberland County Registry of Deeds and/or Cumberland Registry of Probate) of Lots numbered 65 through 68, and the owner of combined Lots numbered 69 and 70, the title of which latter two lots shall always remain in the same ownership (hereinafter "the numbered lots"), as shown on a certain plan entitled Plan of Property Belonging to Martin Curran, Jr. Prepared by Percy H. Richardson, C.E. dated April 1902 and recorded in the Cumberland County Registry of Deeds in Plan Book 9, Page 121, and now as shown on a certain updated plan entitled "Site Plan of Lots 65-70, Powsland Street, Portland, Maine," prepared for STJ. Inc. by Sebago Technics dated September 1, 2021, revised through , 2023, and recorded in the Cumberland County Registry of Deeds on , 2023 in Plan Book , Page , in Portland in Cumberland County, Maine.

In the event of a jointly held or co-owned lot, the joint tenants or co-tenants shall collectively be defined as a single "Lot Owner." Furthermore, the owner or owners of combined Lots numbered 69 and 70, the title of which two lots shall be in the same ownership, and not be separated or divided from one another, shall also collectively be defined as a single "Lot Owner." A "Lot Owner" shall not mean and refer to an owner of record whose only interest in such lot or parcel of land is as mortgagee under a real estate mortgage as security for the performance of an obligation, until and unless such owner shall have commenced proceedings under the laws of the State of Maine to

foreclose such mortgage and shall have delivered a certificate to this effect to the Secretary of the Association.

6. "Declarant" shall mean and refer to STJ, Inc., its successors, and assigns.

7. "Declaration" shall mean and refer to this Declaration of Covenants, Easements and Restrictions Affecting Lots 65 - 70, Powsland Street, in the City of Portland, County of Cumberland and State of Maine.

8. "MDEP" shall mean the Maine Department of Environmental Protection.

9. "Member" shall mean and refer to the persons entitled to membership in the Powsland Street Homeowners Association as provided in this Declaration.

ARTICLE II
Protective Covenants and Restrictions

Each lot conveyed in the Powsland Street development shall be subject to the following express covenants and restrictions which shall run with the land, and which covenants and restrictions shall continue in force and effect until December 31, 2075, all as if set forth at length in any said conveyances of said lot or lots:

1. All restrictions and conditions as set forth in the notes on the approved Plan.

2. Lots 69 & 70 shall always be in common ownership with one another and shall not be separated from one another in title, or subdivided. Individual Lots 65, 66, 67 & 68 shall not be further subdivided.

3. Only residential use shall be permitted on each lot. Only one (1) residential building for a single family may be erected or maintained on the combined Lots 69-70. Only one (1) residential duplex (two family) building may be erected or maintained on each of Lots 65, 66, 67 & 68. Attached or detached garages or storage buildings are allowed but must meet zoning guidelines, including space and setback requirements, and may not interfere with or be located in easement locations. No other buildings or structures of any nature or description shall be erected or maintained on said premises; provided however, that nothing in this paragraph shall be construed to prevent the construction of an outdoor fireplace, fences or storage sheds as herein provided for, directly related to the residential use of the premises.

4. All houses and / or duplex units shall be separately numbered and the numbers shall be visible from the street on a year-round basis.

5. Each residential building or structure on the premises shall be supported by a solid masonry foundation.

6. No dwelling, garage or other building on any lot shall be covered with tar paper, asphalt siding or corrugated metal siding, but shall be covered with clapboards, wood shingles, brick, stone, vinyl siding or other materials of like quality.

7. When the construction of a building on the premises is once begun, work thereof must be prosecuted diligently. All exterior construction, on any lot shall be completed within 12 months of date of building permit. No building shall be occupied during construction.

8. No lot shall be used for any commercial purpose, but this restriction shall not prevent the owner of said premises from the practice of a profession, craftwork, artistic endeavor or similar occupation, which shall be conducted within a private residence. There shall be no commercial or business signs upon the premises.

9. No house trailers, business or commercial vehicle(s) or similar vehicles shall be brought upon any lot except one registered business vehicle normally used by a lot owner in his/her business. No unregistered vehicles may be kept upon any lot. The prohibitions contained herein shall not be construed to prevent the use of trailers, vehicles, or temporary structures during the period of actual construction.

10. All lots and buildings thereon shall be maintained in a neat, attractive manner and kept in good repair.

11. No Lot Owner shall do or permit to be done any act upon the lot which may be, or is, or may become, a nuisance as defined by state or local law, ordinance or regulation.

ARTICLE III
Roads and Ways

1. The Declarant shall retain title, if any, to the road or roads, specifically the extension of Powsland Street, and be responsible for the repair, maintenance and snowplowing of the road until such time, in the opinion of the Declarant, the Association is able to maintain the same, provided, however, that until such time as such conveyance is made, Declarant shall have the right, but not the obligation, to convey all or any portion of the road or roads to the City of Portland, upon approval and acceptance by the municipality. Upon conveyance of the title to said road to the Association, the Lot Owners, through the Association, shall be responsible for the repair, maintenance and snowplowing of the road. In the event of, and upon conveyance of said road to the Association, the Association shall have the same rights to convey the road or roads or any part thereof to the City of Portland upon majority vote

of the Lot Owners. Neither this Declaration nor the recording of the Plan obligates the City to accept the extension of Powsland Street. Unless the road is so accepted by the City, the City shall not be responsible for the construction, maintenance (including snowplowing and snow removal) or repairs of the road.

2. Declarant shall have the right to enter into contracts with subcontractors for the purpose of snow plowing, snow removal, and sanding of any roads, landscaping of any common areas and general maintenance of the grounds, until such time as the Declarant shall deliver a deed for any road or roads. Upon such deed delivery, said contracts shall be binding upon the Association as if it had entered such agreements itself.

3. Declarant shall retain responsibility for the maintenance of the stormwater drainage infrastructure until such time, in the sole discretion of the Declarant, the Association is financially and practically, able to maintain the same.

ARTICLE IV
Easements

The Declarant hereby establishes and creates the easements hereinbelow described, and as may be shown on the Plan, for the general and specific benefit of the numbered lots as provided hereinafter. The numbered lots, as specified hereinafter, are hereby made subject to and shall have the appurtenant benefit of, and shall be conveyed subject to and with the benefit of the easements as hereinafter described, which easement locations may also be shown on the Plan:

1. Powsland Street extension. All of the numbered lots on the Plan shall benefit from perpetual easement rights of vehicular and pedestrian access over and across, as well as perpetual utility easement rights, over, on, across and under, the location of the extension of Powsland Street as shown on the Plan and as described hereinafter, unless and until such time as the extension of Powsland Street is accepted by the City of Portland as a public way:

Powsland Street extension

[insert metes and bounds description]

2. Drainage and Access Easement - Lots 65, 66, 67, 68, 69 & 70. Each of the numbered lots shall be subject to, and shall benefit from, non-exclusive perpetual drainage rights across all of Lot 70, and a rear portion of each of the other lots, said drainage easement being for the proper drainage of the lots themselves, as well as Powsland Street, the extension of Powsland Street, and other adjacent properties. The drainage easement rights described and created herein shall include rights of access to install, construct, maintain, service or repair any slope, grade, catch basin, manhole,

underground line or pipe, stub, grade, drain, level spreaders, the R-Tanks storm water storage system, retention pond or catch basin, ditch, culvert and any inlet or outlet thereof, related to such drainage easement. In the event that it is necessary to construct, install, maintain, service or repair any such drainage component(s), then after the completion of such work, the party performing the work shall return the surface of the real property to substantially its state prior to said work being done, excepting grade, rip-rap installation, or other changes intended to improve drainage.

The limits and specific dimensions of the above shared and common drainage and access easement location is shown on the Plan, and is specifically described as follows:

Drainage Easement Location Description

[insert metes and bounds description]

ARTICLE V
Infrastructure Maintenance Obligations

The Declarant initially, and the Lot Owners subsequently and for thereafter, by and through the mechanism of the Association, shall be obligated to undertake and perform, and shall be responsible for all aspects of the operation, repair and maintenance of the road shown on the Plan and referenced as Powsland Street extension or the proposed extension of Powsland Street (unless and until accepted by the City of Portland and deeded to such municipality), the development storm drainage and utility easement areas, and all of the components and infrastructure of the stormwater drainage facilities, including the R-Tank Storage System facilities, in the Powsland Street development, whether or not shown on the recorded Site Plan, but which are shown on the complete set of plans submitted for site plan approval .

The Lot Owners, through the Association, as part of its corporate records, shall keep and maintain Stormwater Management Inspection and Maintenance records documenting the results of its inspections, conditions found, and maintenance tasks performed. The Association's maintenance obligations shall include following the post construction Best Management Practices plan for the development and being in full compliance with the City of Portland's Storm Water Ordinance, Chapter 32, Article III, Post Construction Stormwater Management, including required annual inspections by qualified inspectors and filing any required annual inspection reports with the City of Portland with required fees.

The following is a non-inclusive summary of maintenance tasks:

A. Vegetated Areas:

i. Inspect vegetated areas, particularly slopes and embankments, early in the growing season or after heavy rains (>0.5") to identify active or potential erosion problems.

ii. Replant bare areas or areas with sparse growth. Where rill erosion is evident, armor the area with an appropriate lining or divert the erosive flows to on-site areas able to withstand the concentrated flows.

B. Ditches, Swales and Other Open Channels:

i. Inspect ditches, swales, level spreaders and other open stormwater channels in the spring, in the late fall, and after heavy rains to remove any obstructions to flow. Remove accumulated sediments and debris, remove woody vegetative growth that could obstruct flow, and repair any erosion of the ditch lining.

ii. Vegetated ditches must be mowed at least annually or otherwise maintained to control the growth of woody vegetation and maintain flow capacity.

iii. Any woody vegetation growing through riprap linings must also be removed.

iv. Repair any slumping side slopes as soon as practicable.

v. If the ditch has a riprap lining, replace riprap in areas where any underlying filter fabric or underdrain gravel is showing through the stone or where stones have dislodged.

C. Culverts:

i. Inspect culverts in the spring, in the late fall, and after heavy rains (>0.5") to remove any obstructions to flow.

ii. Remove accumulated sediments and debris at the inlet, at the outlet, and within the conduit.

iii. Inspect and repair any erosion damage at the culvert's inlet and outlet.

D. Removal of Winter Sand:

i. Clear accumulations of winter sand in parking lots and along roadways at least once a year, preferably in the spring.

ii. Accumulations on pavement may be removed by pavement sweeping.

iii. Accumulations of sand along road shoulders may be removed by grading excess sand to the pavement edge and removing it manually or by a front-end loader or other acceptable method.

E. Focal Point:
   i. Debris and sediment buildup shall be removed as needed. Any bare area or erosion rills on focal point surface shall be repaired with double shredded hardwood mulch.

F. R-Tank Storage System:
   i. On-site inspection of the R-Tanks Storage System on an annual basis; inspection of R-Tank Storage using observation/maintenance ports for blockage, trash and/or sedimentation.
   ii. Debris and sediment buildup shall be removed as needed.
   iii. See the Maintenance Plan provided by the manufacturer .

G. Roadways
   i. On-site inspection of the roads on an annual schedule or after a significant period of rainfall.
   ii. All low spots of pooling water shall be regraded to direct the water off the pavement.
   iii. Areas of erosion shall be repaired immediately.
   iv. Sweeping the roadway free of sand after the winter season should be completed annually.

H. StormTree System:
   i. Debris and sediment buildup shall be removed as needed.
   ii. See the Operation and Maintenance Plan provided by the manufacturer StormTree.

ARTICLE VI
Declarant's Reserved Rights

The Property and the conveyance of the lots to owners shall be subject to the following reserved rights. Declarant STJ, Inc., for itself, its successors and assigns, reserves the following rights and temporary easements, until the construction, marketing and sale of all lots is complete and Declarant has actually conveyed all lots to owners other than Declarant:

1. The Declarant reserves the right to change the size, number and location of any lots not sold or under contract, as well as the right to change the location of easements and other improvements. The change or changes shall be effective upon the recording by the Declarant of an amended development plan duly approved by the City of Portland Planning Board indicating the changes made.

2. The Declarant reserves the right to connect with and make use of utility lines, wires, pipes and conduits located on the Property for construction and sales

purposes, provided that the Declarant shall be responsible for the cost of service so used.

3. The Declarant reserves the right to use the road or roads shown on the Plan for ingress and egress and use the Property for the storage of construction materials and equipment used in the completion of the development project.

4. The Declarant reserves the right to use any lots owned or leased by the Declarant as models, management offices, sales offices for this and other projects or customer service from time to time within the Property; upon relocation, the furnishings thereof may be removed. The Declarant further reserves the right to maintain on the Property such sales advertising signs and lighting as may comply with applicable governmental regulations, which may be placed in any location on the Property and may be relocated or removed, all at the sole discretion of the Declarant. This easement shall continue until Declarant has conveyed all lots to Owners other than Declarant.

5. The Property shall be, and hereby is, made subject to easements in favor of the Declarant, and the authority of Declarant to grant easements to appropriate utility and service companies, cable television companies and governmental agencies or authorities for such utility and service lines and equipment as may be necessary or desirable to serve any portion of the Property. The easements created by this section shall include, without limitation, rights of Declarant, or the providing utility or service company or governmental agency or authority to install, lay maintain, repair, relocate and replace water, sewer and gas lines, drainage ditches and pump stations, telephone wire and equipment, television equipment and facilities (cable or otherwise), electrical wires, conduits, and equipment and ducts and vents over, under, through, along and on the Property. Notwithstanding the foregoing provisions of this Article VI, any such easement through a lot shall be located either in substantially at the same location as such facilities or similar facilities existed at the time of first conveyance of the lot by the Declarant or so as not to materially interfere with the use or occupancy of the lots by its occupants.

6. The Declarant reserves an easement on, over and under those portions of the Property not located within building envelopes for the purpose of maintaining and/or correcting drainage of surface water order to maintain reasonable standards of health, safety and appearance, and in accordance with any maintenance plans associated with any state or local permits.

7. So long as the Declarant owns any part of the property the Declarant reserves the unilateral authority to grant drainage easement rights over the property or development to the City of Portland, as well as the unilateral authority to dedicate and convey, subject to municipal approval and acceptance, the extension of Powsland Street to the City of Portland as a public street.

8. The Declarant reserves the right to cut any trees, bushes, or shrubbery, to grade the soil, or to take any other action determined reasonably necessary to complete the development of the development, and which action is not in violation of any development restriction or condition.

The above provisions numbered 1 through 8 of Article VI shall not be amended without the consent of the Declarant so long as the Declarant owns any part of the property.

ARTICLE VII
Association of Lot Owners

1. Association. Every Lot Owner of a numbered lot shall be a member of the Powsland Street Homeowners Association, subject to the requirement that the title to Lots 69 & 70 shall not be separated from one another, and together shall be considered as one (1) lot for nearly all purposes hereunder. Membership shall be appurtenant to and may not be separated from lot ownership in the Powsland Street development. All owners shall be entitled to one vote for each lot owned, subject to the limitation that the owner of Lots 69 & 70 as combined shall have only one vote. If a lot is owned by more than one person, the owners are collectively as a Lot Owner entitled to one vote. There shall in no case be more than five (5) votes, one for each numbered lot.

2. By-Laws. Subsequent to the date of this Declaration and the recording thereof, the Powsland Street Homeowners Association, a nonprofit mutual benefit corporation, shall be duly organized under the laws of the State of Maine, and shall adopt By-Laws. This Association shall be the governing body for all of the five (5) lot owners with respect to decisions and issues related to the administration and maintenance of the Association itself, insurances, the administration, maintenance, repair and replacement of the roads and ways, easements, facilities and appurtenances of the Powsland Street development, including (a) the roads and ways described in Article III herein, and (b) the access, drainage and utility easements described in Article IV herein. This Association shall also be the governing body for all of the five (5) lot owners with respect to allocating, collecting and paying assessments and expenses related to such corporate administration, insurances, buffers, roads, common easements, facilities and appurtenances of the Powsland Street development.

3. Authority to Assess / Assessments. The Declarant, for each lot owned within the Powsland Street development, hereby covenants, and each Owner of any lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agrees to pay to the Powsland Street Homeowners Association such regular assessments, special assessments and other charges as may be established by the Association. Such assessments shall be used for the purposes of providing funds to maintain and operate the corporation, to provide any necessary liability, property, and/or other insurances for roads and ways, common areas, and other common

facilities, to provide any necessary directors and officers liability insurance, and to plow, manage and maintain the streets and ways, including the extension of Powsland Street (until acceptance by the City), and to manage and maintain any detention areas, common easements, storm drain inlets and outlets, swales, level spreaders, and other components of any storm drainage facilities, as well as any other common appurtenances and elements in the Powsland Street development. In addition, the assessments may be used for any other lawful purposes usual to a homeowners association, including, without limitation, the adoption of rules, regulations and restrictions regarding use of and improvements to the above mentioned streets and ways, storm drainage components, common easements, and any other common or shared facilities in the Powsland Street development.

4. Assessment Lien / Personal Liability of Lot Owners. All sums assessed by the Powsland Street Homeowners Association as a regular assessment, special assessment, or other charge provided for hereunder, shall constitute the personal liability of the Lot Owner so assessed, and also, until fully paid, shall constitute a lien against such Lot Owner' s lot with the same status as liens established on condominium units under the Maine Condominium Act, Title 33, Chapter 31 of the Maine Revised Statutes and shall be foreclosed in the same manner provided by law for the foreclosure of mortgages. Assessments that are unpaid for over fifteen (15) days after the due date shall bear interest at the rate of eighteen percent (18%) per annum from the due date until paid. In the sole discretion of the Board of Directors of the Association, a late charge of $25.00 per assessment not paid when due may be assessed against the delinquent lot owner. The delinquent lot owner shall be obligated to pay (a) all expenses of the Association, including reasonable attorneys' fees, lien preparation and recording fees, court costs, and other actual costs, incurred in the efforts to collect and collection of the delinquent assessment by legal proceedings or otherwise, and (b) any amounts paid by the Association for taxes or on account of superior liens or otherwise to protect its lien, which expenses and amounts, together with accrued interest, shall be deemed to constitute part of the delinquent assessment and shall be lienable and collectible as such.

5. Liability of Purchaser of Lot for Unpaid Assessments. Upon the voluntary sale, conveyance or any other voluntary transfer of a numbered lot or any interest therein, the grantee thereof shall not be personally liable with the grantor thereof for all unpaid assessments for expenses of the Association which are a charge against the lot as of the date of consummation of the sale, conveyance or transfer, unless such grantee agrees to assume the obligation therefor.

6. Subordination of Assessments. Any regular or special assessments or any late charges and interest that may be levied by the Association shall be subordinate to any first mortgage lien recorded before or after such yearly or special assessment, late charge, or interest was due.

ARTICLE VIII
General Provisions

1. Binding Effect. The Protective Covenants and Restrictions set forth in Article II of this Declaration shall continue and be binding and shall continue in force and effect until December 31, 2075, subject to change from time to time, as provided below. Until such time as Declarant no longer owns any of the numbered lots on the Powsland Street development Plan, Declarant retains the right to amend the provisions set forth in this Declaration; thereafter, any said changes shall require the consent of at least sixty-five percent (65%) of the Lot Owners.

2. Enforcement. The provisions herein set forth shall run with the land and bind Declarant, its successors, grantees and assigns, all parties claiming by, through, or under them. Declarant, or its successor or assign, and each owner or owners of the above land from time to time shall have the right, but not the obligation, jointly and separately, to sue for and obtain a prohibitive or mandatory injunction to prevent the breach of, or to enforce the observance of, the provisions above set forth, or any of them, in addition to the right to bring an ordinary legal action for damages. In no event shall the failure of Declarant, or its successors or assigns, and such owners to enforce any of the provisions herein set forth as to a particular violation be deemed to be a waiver of the right to do so as to any continuing or subsequent violation.

3. Evidence of Compliance. Any consents making changes permitted above shall be effective only if expressed in a written instrument or instruments executed and acknowledged by each of the consenting owners and recorded in the Cumberland County Registry of Deeds. Upon and after the effective date of such change or changes, it or they shall be binding upon the lots subject to this Declaration and all persons then owning said numbered lots in this development and shall run with the land bind all persons claiming, through or under anyone or more of them.

4. Separate Provisions. If any part or provision of this Declaration shall be held invalid or unenforceable by a Court of Law, such holding shall not impair, invalidate or otherwise affect the remainder of this Declaration, which shall remain in full force and effect.

Dated this March _____ , 2023.

STJ, Inc.

_____ _____

Witness By James W. Shaw, President

State of Maine
County of Cumberland, ss. March _____ , 2023

Then personally appeared the above named James W. Shaw, duly authorized President of **STJ, Inc.** and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

My commission expires:

_____

_____
Notary Public / Maine Attorney at Law

_____
Printed Name

Below Space Reserved for Recording Information

Waiver of Notice
Organizational Meeting
of
Powsland End Homeowners Association

We, the undersigned, being all of the incorporators named in the articles of incorporation of the above corporation hereby agree and consent that the organizational meeting thereof be held on the date and at the time and place stated below and hereby waive all notice of such meeting and of any adjournment thereof.

Place of meeting: Offices of the corporation located at 157 Main Street, P.O. Box 58, Gorham, Maine 04038.

Date of meeting: March _____ , 2023

Time of meeting: 9:00 a.m. EST.

Dated: March _____ , 2023

Incorporators:

STJ, Inc.

_____ _____

By James W. Shaw, President

Minutes of the
Organizational Meeting of
Powsland End Homeowners Association

The organizational meeting of the incorporators of the nonprofit corporation was held at the offices of the corporation, located at 157 Main Street, Gorham, Maine on March _____ , 2023 at 9:00 a.m. EST.

Pursuant to 13-B M.R.S.A. §406, the incorporators met at the organizational meeting to adopt bylaws, elect initial directors to serve until the first annual meeting of the membership, and to do any and all acts to complete the organization of the nonprofit corporation, and to transact such further business which may come before the meeting.

All of the incorporators of the nonprofit corporation as listed on the certificate of incorporation were present. They are as follows: STJ, Inc., represented by James W. Shaw, President.

James W. Shaw was appointed chairman of the meeting and John W. Sawyer, Esquire, the registered clerk of the corporation as listed on the certificate of incorporation, was appointed secretary of the meeting.

The secretary then presented and read to the meeting the waiver of notice of the meeting, subscribed by all of the persons named as incorporators in the certificate of incorporation, and it was ordered that a copy of the waiver of notice be appended to the minutes of the meeting.

The secretary then presented and read to the meeting a copy of the Articles of Incorporation and reported that on March _____ , 2023 the original thereof was mailed for filing in the office of the Secretary of State of the State of Maine.

A certified copy of the Articles of Incorporation was ordered appended to the minutes of the meeting.

The secretary then presented a proposed form of bylaws for the regulation of the affairs of the nonprofit corporation, which was read, article by article. The proposed bylaws were adopted by unanimous vote of the incorporators and directors, and the chairman directed that a copy of the bylaws be appended to these minutes.

The secretary then presented the following items which were approved, endorsed and adopted by the incorporators:

1. Corporate minute book;
2. Corporate membership certificate book;
3. Corporate membership certificate record book (membership transfer ledger book).

The secretary then presented a seal proposed for use as the corporate seal of the corporation. The seal was inspected, approved and adopted as the seal of the corporation by the incorporators, and it was ordered by the chairman that an impression of said seal be made on the margin of these minutes.

The secretary then presented a specimen of a proposed certificate to represent the membership interests of the nonprofit corporation. The incorporators then inspected, approved and adopted the form of the certificate, and made the following resolutions:

Resolved, that the specimen form of certificate which has been presented to this meeting be, and the same hereby is, approved and adopted as the certificate to represent the membership interests of the nonprofit corporation; and it was further

Resolved, that the specimen certificate so presented to the meeting be annexed to the minutes hereof.

The Chairman then stated that the election of the initial directors of the nonprofit corporation was in order. Nominations were taken for each initial directorship, and ballot having been duly had, the polls were declared closed, and the ballots were tabulated. Following the tabulation of the ballots, the Chairman announced that the following persons were duly and unanimously elected in the following order to serve as directors until the first annual meeting of the membership or until their successors should be elected and qualify in their stead:

Director 1: James W. Shaw

Director 2: Devin Butts

Director 3: Mark B. Curtis

The incorporators than acknowledged and stated that the nonprofit corporation had been formed for the following purposes:

The purposes of the corporation shall be, among other lawful purposes, all purposes usual to a homeowners association, including, without limitation, the adoption of rules, regulations and restrictions regarding use of and improvements to any common or shared facilities in the Powsland Street development, consisting of Lots 65, 66, 67, 68, 69 & 70 as shown on a certain plan entitled Plan of Property Belonging to Martin Curran, Jr. Prepared by Percy H. Richardson, C.E. dated April 1902 and recorded in the Cumberland County Registry of Deeds in Plan Book 9, Page 121, and now as shown on a certain updated plan entitled "Site Plan of Lots 65-70, Powsland Street, Portland, Maine," prepared for STJ. Inc. by Sebago Technics dated September 1, 2021, revised through , 2023, approved by the City of Portland Planning Board on , 2023, and recorded in the Cumberland County Registry of Deeds on , 2023 in Plan Book , Page . The corporation shall be obligated and required to manage and maintain the streets and ways, including the extension of Powsland Street (until acceptance by the City of Portland), detention areas, storm drain inlets and outlets, swales, level spreaders, drainage easements, the R-Tank Storage System, and other components of the storm drainage facilities, as well as any other common appurtenances, easements and elements in the Powsland Street development, as well as to continue to comply with any City of Portland Planning Board conditions imposed upon the site plan approval for the project.

There being no further business to come before the meeting, the chairman adjourned the meeting by unanimous vote.

Dated: March _____ , 2023

_____

John W. Sawyer
Acting Secretary

Ratification and Unanimous Consent by Incorporators

We, the undersigned incorporators, being all of the incorporators of the above nonprofit corporation, have read these minutes and do hereby attest to their accuracy, and approve, ratify, confirm and unanimously consent to all business transacted as reported herein.

Incorporators:

STJ, Inc.

_____ _____

By James W. Shaw, President

Resolution of Ratification of Organizational Meeting of Powsland End Homeowners Association

We, the undersigned members, being all of the members of the above corporation, having read the minutes of the organizational meeting of the corporation held on this same date by this resolution do hereby ratify, approve and confirm the actions taken and business transacted at said meeting as reported in the minutes of the meeting.

Dated: March _____ , 2023

Members:

STJ, Inc.

_____ _____

By James W. Shaw, President

Waiver of Notice
of the First Meeting of Members
of
Powsland End Homeowners Association

We, the undersigned, being all of the members of the above corporation hereby agree and consent that the first meeting of the members of the corporation be held on the date and at the time and place stated below for the purposes of adopting and accepting the certificate of incorporation, ratifying the adoption of corporate bylaws, and the transaction thereat of all such other business as may lawfully come before said meeting and hereby waive all notice of such meeting and of any adjournment thereof.

Place of meeting: Offices of the corporation located at 157 Main Street, P.O. Box 58, Gorham, Maine 04038.

Date of meeting: March _____ , 2023

Time of meeting: 9:00 a.m. EST.

Dated: March _____ , 2023

Members:

STJ, Inc.

_____ _____

By James W. Shaw, President

Minutes of the First Meeting of Members
of
Powsland End Homeowners Association

The first meeting of the members of the nonprofit corporation was held at the offices of the corporation, located at 157 Main Street, Gorham, Maine on March _____ , 2023 at 9:00 a.m. EST.

The meeting was called to order by James W. Shaw, President of STJ, Inc., the sole initial member and incorporator of the nonprofit corporation.

James W. Shaw, was elected Chairman of the meeting and John W. Sawyer, Esquire, the registered Clerk as listed in the certificate of incorporation, was elected secretary of the meeting.

The secretary then presented and read to the meeting the waiver of notice of the meeting, subscribed by all of the members of the nonprofit corporation as listed on the stock transfer ledger. It was ordered that a copy of the waiver of notice be appended to the minutes of the meeting.

The secretary then read the roll of members from the membership transfer ledger. The following members were present in person or by proxy:

STJ, Inc. - sole member - represented by James W. Shaw, President.

The Chairman stated that a majority of the total number of membership interests issued and outstanding was represented and that the meeting was complete and ready to transact any business before it. It was ordered that any proxies be appended to the minutes of the meeting.

The secretary then presented and read the minutes of the organizational meeting of the incorporators, which was held at the same location, and just prior to the meeting of the members. By unanimous vote the minutes were approved. The members approved of the actions of the incorporators and made a resolution to ratify, approve and confirm the actions so taken at the organizational meeting. It was ordered that a copy of the ratification be annexed to the minutes of the meeting.

The secretary then presented the following items:

1. Certified copy of Articles of Incorporation;
2. Copy of bylaws;
3. Corporate minute book;
4. Corporate membership certificate book;
5. Corporate membership certificate record book (membership transfer ledger book);
6. Corporate seal; and
7. Specimen certificate to represent the membership interests of the nonprofit corporation.

The items listed above were inspected, approved and adopted as those of the nonprofit corporation by resolution of the members.

The Chairman then stated that the election of the officers of the nonprofit corporation was in order and that John W. Sawyer, Esquire, the registered Clerk of the nonprofit corporation had been appointed inspector of the meeting and had taken and signed an oath faithfully to executed the duties of inspector at the meeting with strict impartiality and according to the best of his ability. A copy of said oath was ordered appended to the minutes.

Nominations were taken for each elective corporate office, and ballot having been duly had, the polls were declared closed, and the inspector proceeded to tabulate the ballots. Following the tabulation of the ballots, the Chairman announced that the following persons were duly and unanimously elected in the following order to serve in their respective offices for the ensuing year or until their successors should be elected and qualify in their stead:

President:	James W. Shaw
Vice President:	Mark B. Curtis
Treasurer:	James W. Shaw
Secretary:	Mark B. Curtis
Clerk:	John W. Sawyer, Esquire

The newly elected President then took over as Chairman of the meeting.

The Chairman then stated that the nonprofit corporation had applied for a tax identification number by action of the President. It was ordered that upon receipt, a

copy of the notice of such number would then be appended to the minutes of this meeting, and would be listed and inserted herein as follows: _____ .

The President than discussed the issue of organizational expenses. The following resolution was adopted unanimously:

Resolved, that the treasurer is authorized and directed to pay by cash or check all fees and expenses incurred in connection with the incorporation and organization of the corporation and that such organizational expenses shall be amortized over such period of not less than sixty (60) months as may be selected by the nonprofit corporation in accordance with Section 248, as amended, of the Internal Revenue Code.

The President than raised the issue of the accounting method and fiscal year of the nonprofit corporation. After discussion the following resolution was unanimously adopted:

Resolved, that the nonprofit corporation's accounting method shall be on the cash basis, and the calendar year shall be the fiscal year of the corporation.

The banking arrangements of the nonprofit corporation were then discussed. After discussion the following resolutions were adopted:

Resolved, that Gorham Savings Bank is hereby designated as a depository in which the funds of this nonprofit corporation may be deposited by its officers, agents and employees; and it is further

Resolved, that any orders for the payment of money withdrawing funds so deposited shall be signed by any one of the following:

President: James W. Shaw
Treasurer: James W. Shaw

and it is further

Resolved, that such bank shall be and hereby is authorized and directed to honor and pay any orders so drawn when so signed, including such as may be payable to or for the benefit of any signer thereof individually; without inquiry as to the circumstances of the issue or the disposition of the proceeds thereof, without limitation of amount, even if drawn, endorsed, and payable to cash, bearer, or to the individual order of any signing officer or employee or agent; and it is further

Resolved, that this resolution shall remain in full force and effect and that the bank or banks to be chosen by the President can rely on the information herein contained until such time as notice in writing is received relating any change or changes in the fore-going resolutions or the instructions given therein including any and all changes of officers.

The members than acknowledged and stated that the nonprofit corporation had been formed for the following purposes:

The purposes of the corporation shall be, among other lawful purposes, all purposes usual to a homeowners association, including, without limitation, the adoption of rules, regulations and restrictions regarding use of and improvements to any common or shared facilities in the Powsland Street development, consisting of Lots 65, 66, 67, 68, 69 & 70 as shown on a certain plan entitled Plan of Property Belonging to Martin Curran, Jr. Prepared by Percy H. Richardson, C.E. dated April 1902 and recorded in the Cumberland County Registry of Deeds in Plan Book 9, Page 121, and now as shown on a certain updated plan entitled "Site Plan of Lots 65-70, Powsland Street, Portland, Maine," prepared for STJ. Inc. by Sebago Technics dated September 1, 2021, revised through , 2023, approved by the City of Portland Planning Board on , 2023, and recorded in the Cumberland County Registry of Deeds on , 2023 in Plan Book , Page . The corporation shall be obligated and required to manage and maintain the streets and ways, including the extension of Powsland Street (until acceptance by the City of Portland), detention areas, storm drain inlets and outlets, swales, level spreaders, drainage easements, the R-Tank Storage System, and other components of the storm drainage facilities, as well as any other common appurtenances, easements and elements in the Powsland Street development, as well as to continue to comply with any City of Portland Planning Board conditions imposed upon the site plan approval for the project.

It was then resolved as follows:

Resolved, that the President is authorized and empowered, on behalf of the nonprofit corporation, to negotiate with any and all parties, persons, corporations, firms or companies, concerning any contracts to perform the maintenance obligations of the corporation, thereby enabling the nonprofit corporation to begin meeting its stated purposes, and further

Resolved, that the President is authorized and empowered, on behalf of the nonprofit corporation, to enter into any such arrangements or agreements with said parties, and

to execute any and all such agreements, contracts or documents which are or may be necessary or required to effect said arrangements or agreements.

The members then discussed the issue of the possible future employment and compensation of individuals as employees of the nonprofit corporation. It was decided and resolved that there would be no salaried employees of the nonprofit corporation.

Assessments and annual membership fees were then discussed, but no action was taken.

It was observed that the annual fees for continuing the corporation would be approximately $_____.00 per lot, including legal fees, but that the projected costs of maintenance of the road and stormwater drainage system were unknown at this time.

At this point the following resolutions were adopted by unanimous vote of the members:

Resolved, that the nonprofit corporation proceed to carry the purposes for which it was incorporated, and further

Resolved, that the signing of these minutes shall constitute full ratification thereof and waiver of notice of the meeting of the signatories.

There being no further business to come before the meeting, the Chairman adjourned the meeting by unanimous vote.

Dated: March _____ , 2023

_____

John W. Sawyer, Esquire
Clerk and Acting Secretary

Inspector's Report

I, John W. Sawyer, Esquire, the undersigned Inspector of Election, having faithfully and impartially conducted the election of officers, did receive the votes of the members as set forth in these minutes.

Dated: March _____ , 2023

_____

John W. Sawyer, Esquire
Inspector of Election

Ratification and Unanimous Consent by Members

We, the undersigned members, or assignees thereof, being all of the members of the above nonprofit corporation, have read these minutes and do hereby approve, ratify, confirm and unanimously consent to all business transacted as reported herein.

Members:

STJ, Inc.

_____ _____

By James W. Shaw, President

Resolutions of Members
of
Powsland End Homeowners Association
Adopted by Unanimous Consent

The undersigned, being all of the members of the above mentioned nonprofit corporation, pursuant to the authority of 13-B M.R.S.A. § 606 permitting membership action to be taken without a meeting and by written consent of the holders of all of the outstanding membership interests entitled to vote on the action, hereby consent to the following corporate resolution, resolutions, action or actions:

RESOLVED, that Gorham Savings Bank be, and hereby is, designated a depository in which the funds of this nonprofit corporation may be deposited by its officers, agents and employees; and it is further

RESOLVED, that any orders for the payment of money withdrawing funds so deposited shall be signed by any one of the following:

President: James W. Shaw
Treasurer: James W. Shaw

and it is further

RESOLVED, that Gorham Savings Bank shall be and hereby is authorized and directed to honor and pay any orders so drawn when so signed, including such as may be payable to or for the benefit of any signer thereof individually; without inquiry as to the circumstances of the issue or the disposition of the proceeds thereof, without limitation of amount, even if drawn, endorsed, and payable to cash, bearer, or to the individual order of any signing officer or employee or agent; and it is further

RESOLVED, that this resolution shall remain in full force and effect and that Gorham Savings Bank can rely on the information herein contained until such time as notice in writing is received relating any change or changes in the foregoing resolutions or the instructions given therein including any and all changes of officers.

Dated: March _____ , 2023

Members:

STJ, Inc.

_____ _____

By James W. Shaw, President

Filing Fee $40.00

DOMESTIC
NONPROFIT CORPORATION

STATE OF MAINE

ARTICLES OF INCORPORATION

Att. 23

_____
Deputy Secretary of State

A True Copy When Attested By Signature

_____
Deputy Secretary of State

Pursuant to 13-B MRSA §403, the undersigned incorporator(s) execute(s) and deliver(s) the following Articles of Incorporation:

FIRST: The name of the corporation is Powsland Street Homeowners Association.

SECOND: ("X" one box only. Attach additional page(s) if necessary.)

☐ The corporation is organized as a public benefit corporation for the following purpose or purposes:

☑ The corporation is organized as a mutual benefit corporation for all purposes permitted under Title 13-B or, if not for all such purposes, then for the following purpose or purposes:

THIRD: The Registered Agent is a: (select **either** a Commercial or Noncommercial Registered Agent)

☐ Commercial Registered Agent CRA Public Number: _____

_____
(name of commercial registered agent)

☑ Noncommercial Registered Agent

John W. Sawyer, Esquire
(name of noncommercial registered agent)

157 Main Street, Gorham, Maine 04038
(physical location, not P.O. Box – street, city, state and zip code)

P.O. Box One, Gorham, Maine 04038
(mailing address if different from above)

FOURTH: Pursuant to 5 MRSA §108.3, the registered agent as listed above has consented to serve as the registered agent for this nonprofit corporation.

FIFTH: The number of directors (not less than 3) constituting the initial board of directors of the corporation, if the number has been designated or if the initial directors have been chosen, is three (3).

The minimum number of directors (not less than 3) shall be three (3) and the maximum number of directors shall be six (6).

SIXTH: Members: ("X" one box only.)

☐ There shall be no members.
☑ There shall be one or more classes of members and the information required by 13-B MRSA §402 is attached.

SEVENTH: **(Optional)** ☑ (Check if this article is to apply.)

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

EIGHTH: **(Optional)** ☐ (Check if this article is to apply.)

Other provisions of these articles including provisions for the regulation of the internal affairs of the corporation, distribution of assets on dissolution or final liquidation and the requirements of the Internal Revenue Code section 501(c) are set out in Exhibit _____ attached hereto and made a part hereof.

Incorporators* **Dated** _____

_____ (signature)

James W. Shaw (type or print name)

Street 939 Parker Farm Road (residence address)

Buxton, Maine 04093 (city, state and zip code)

_____ (signature)

_____ (type or print name)

Street _____ (residence address)

_____ (city, state and zip code)

_____ (signature)

_____ (type or print name)

Street _____ (residence address)

_____ (city, state and zip code)

Form No. MNPCA-6 (2 of 3)

For Corporate Incorporators*

Name of Corporate Incorporator _____

By _____ Street _____
(signature of officer) (principal business location)

_____ _____
(type or print name and capacity) (city, state and zip code)

Name of Corporate Incorporator _____

By _____ Street _____
(signature of officer) (principal business location)

_____ _____
(type or print name and capacity) (city, state and zip code)

***Articles are to be executed as follows:**

If a corporation is an incorporator (13-B MRSA §401), the name of the corporation should be typed or printed and signed on its behalf by an officer of the corporation. The articles of incorporation must be accompanied by a certificate of an appropriate officer of the corporation, not the person signing the articles, certifying that the person executing the articles on behalf of the corporation was duly authorized to do so.

Please remit your payment made payable to the Maine Secretary of State.

Submit completed form to: **Secretary of State**
Division of Corporations, UCC and Commissions
101 State House Station
Augusta, ME 04333-0101
Telephone Inquiries: **(207) 624-7752** Email Inquiries: CEC.Corporations@Maine.gov

Articles of Incorporation of

Powsland Street Homeowners Association

A Maine Nonprofit Mutual Benefit Corporation

Exhibit A
Title 13-B §402 Information

Qualifications and Rights of Members of Nonprofit Corporation

Classes of Members and Qualifications. The corporation shall have one class of members. There shall be five (5) members only. The rights and privileges of all members shall be equal. Each member shall be entitled to one vote. The members shall consist of the property owners of each of the six (6) lots on a Site Plan of Lots 65-70, Powsland Street, Portland, Maine, deriving from property acquired by STJ, Inc. by a quitclaim deed of Portland Water District dated January 15, 2007 and recorded in the Cumberland County Registry of Deeds in Book 24766, Page 258, and a deed of sale by personal representative from Peter H. Koenig, Personal Representative of the Estate of Dorothy Ann Koenig, dated August 13, 2019 and recorded in the Cumberland County Registry of Deeds in Book 35884, Page 177, being Lots 65, 66, 67, 68, 69 & 70 as shown on a certain plan entitled Plan of Property Belonging to Martin Curran, Jr. Prepared by Percy H. Richardson, C.E. dated April 1902 and recorded in the Cumberland County Registry of Deeds in Plan Book 9, Page 121, conjointly referred to herein as the "Powsland Street development," the "Powsland Street project," or "Lots 65-70, Powsland Street,"and as shown on a certain updated plan entitled "Site Plan of Lots 65-70, Powsland Street, Portland, Maine," prepared for STJ. Inc. by Sebago Technics dated September 1, 2021, revised through , 2023, approved by the City of Portland Planning Board on , 2023, and recorded in the Cumberland County Registry of Deeds on , 2023 in Plan Book , Page , and any revisions thereto. Each property owner shall be a member of the nonprofit corporation. A property owner is defined as all owners of a given numbered lot as shown on said plan, as revised, except that the title to Lots 69 & 70 shall not be separated from one another, and combined together shall be considered as one (1) lot with one property owner for all purposes of the homeowners association. A property owner shall become a member upon execution, delivery and recording to the owner of a deed conveying a lot as defined hereinabove. Such membership shall be thereafter effective until each such owner shall convey each lot or residence, whether or not for value, by gift, devise or otherwise. Where property is owned by more than one owner, such owners shall be considered one member.

Filer Contact Cover Letter

To: Department of the Secretary of State Tel. (207) 624-7752
Division of Corporations, UCC and Commissions
101 State House Station
Augusta, ME 04333-0101

Name of Entity (s):
Powsland Street Homeowners Association

List type of filing(s) enclosed (i.e. Articles of Incorporation, Articles of Merger, Articles of Amendment, Certificate of Correction, etc.) Attach additional pages as needed.

Articles of Incorporation

Special handling request(s): (check all that apply)

- ☐ Hold for pick up
- ☐ Expedited filing - 24 hour service ($50 additional filing fee per entity, per service)
- ☐ Expedited filing - Immediate service ($100 additional filing fee per entity, per service)

Total filing fee(s) enclosed: $ 40.00

Contact Information – questions regarding the above filing(s), please call or email: (failure to provide a contact name and telephone number or email address will result in the return of the erroneous filing (s) by the Secretary of State's office)

John W. Sawyer, Esquire (207) 839-6771
(Name of contact person) (Daytime telephone number)

johnsawyer@maine.rr.com
(Email address)

The enclosed filing(s) and fee(s) are submitted for filing. Please return the attested copy to the following address:

John W. Sawyer, Esquire
(Name of attested recipient)

Sawyer, Sawyer & Minott, P.A.
(Firm or Company)

P.O. Box One, 157 Main Street
(Mailing Address)

Gorham, Maine 04038
(City, State & Zip)

MEETING MINUTES

Att. 24

December 9, 2021

Project: Powsland Street Subdivision

Date / Time of Meeting: October 9, 2021, 6:00PM

Meeting Location: Zoom

Project Location: 63-71 Powsland Street, Portland ME

A meeting neighborhood meeting was held for Powsland street. The plan discussed at the meeting is attached as a reference to the discussion topics listed below.

Attendees:

Henry Hess, Sebago Technics, Inc.
Jake Hunnewell, Sebago Technics, Inc.
Mark Adams – Sebago Technics Inc.
Mark Curtis – STJ Inc.
Dale Holman
James Sloan
Paul McGuire
Rachel Taylor
Starr Soul-McDonald
Chris McDonald
Harlan Baker
Scott Rheault
Francisco Lopez
Heather Provencher
Dan Nogar
Marci Gagnon
Michael McKenney
Susan Schultz
Penny Mills

Meeting Discussion:

Henry Hess explained the reason for the meeting and the city process. Then introduced the project and explained the scope of the overall project and the extent of work that is proposed to be done.

Rachel Taylor asked questions about whether the design team had thought about the stormwater treatment and the environmental impacts downstream.

- The design team responded and said that it is being examined and the project will have to go through DEP permitting. The project has reviewed the watershed surrounding the

property to evaluate the treatment of runoff. – The City and 3-third party engineering review shall provide comments to make sure the project meets the requirements.

A follow-up question was asked about who will be buying these and the price.

- The design team replied and said they will let the market set the price.

Another follow-up question was asked about the existing building adjacent to 65 Powsland st and if that lot will be affected since the LLC owns that home as well.

- The design team replied and said that they will upgrade and renovate the house but it will stay in place.

Scott Rheault asked about existing street lights and if we will be adding street lights to the end of the hammerhead.

- The design team then responded that we will work with Portland to establish the level of lighting required along the street. Photometric plans shall be submitted as required.

A follow-up question was asked about the culvert replacement underneath the railroad and what they have said

- The design team replied and said they have received permission to do so from the railroad in the past and have renewed discussions with the Railroad again. The Railroad would like to have their inspector on-site during the work. And that they have re-engaged the conversation.

A follow-up question about the wetland impacts and clarification of what area is going to be filled.

- The design team then showed on the plan displayed the area of wetland that will be filled.

A follow-up question was then asked If the culvert replacement falls through how does this move forward?

- The design team replied and explained that the culvert was supposed to be replaced as a part of previous development and never was. The applicant plans to carry out the upgrades to the culvert to prevent future flooding as part of the project.

A follow-up question was then asked about the 5-year moratorium on the road that was paved in 2019 and how that is addressed.

- The design team responded and said we will be working with the city moving forward to find the best way to address the repairs to the street from construction.

A follow-up question was then asked about how long this project might take.

- The design team went on to explain that it is still up in the air but gave a rough timeline.

Harlan Baker asked will the elimination of that culvert resolve the flooding by the railroad?

- The design team replied that the culvert will not be eliminated and that the project proposes providing an improved culvert that will hopefully improve the current condition.

Francisco Lopez asked how long will this project take? I am worried about construction noise to a child at home and my wife working at home across the street from the project.

- The design team responded that it depends on the market, and to limit disturbance they will consider talking to CMP for access through their property to limit vehicles passing by their home.

Rachel Taylor asked if the applicant would consider making the CMP land (connection to Thompson Point) nice for walking.

- The design team responded and said we will consider that and talk to CMP and the City to see if that would be amenable to those entities. The applicant has no problem creating an improved connection to Thompson Point.

Heather Provencher asked if this was the first opportunity to ask and learn about the project or will there be more?

- The design team responded that this will be the first of a handful of meetings. At least two more meetings will include the opportunity for a public hearing.

Chris McDonald asked what will it do to the value of the property

- The design team responded and said that we are unsure how it will affect property value – but, hopefully, it provides an improvement.

Scott **Rheault** asked if there is any reason for the one single-family house vs another duplex.

- The design team responded replied that we were looking to keep the project under a 10 unit threshold as a project with 10 units or more will trigger the need for additional requirements for the type of housing required to be provided.

Dale Holman asked where the stormwater runoff pond will be located?

- The design team responded and showed where stormwater treatment and detention shall be located and explained the underground storage shown on plans.

A follow-up question was asked about the new calculations for stormwater and who reviews the engineering?

- The design team replied that the calculations for stormwater will be to State and Local standards and will be under review with the City of Portland's 3rd party reviewer (Woodard and Curran) as well as reviewed by MDEP.

A follow-up question was then asked, what will they do about snow storage, and is there enough room for a plow to turn around in that hammerhead?

- The design team responded that the turnaround is designed to city standards for a hammerhead turn around and there should an appropriate amount of room available for vehicle turn around.

A follow-up question was then asked about the potential stormwater runoff increases.

- The design team replied and said that by MDEP standards the stormwater peak runoff rates will be matched to existing conditions. The Project shall not increase the runoff rates from the existing condition – per state and local requirements.

Dan Nogar asked why build on this land? What is in it for the developers?

- The design team responded that the city has encouraged infill development and this land was a great candidate for infill development given the existing infrastructure.

A follow-up question was asked about the consideration of a playground on the property that could be available for public use.

- The design team replied that there is not enough space to include a publicly available playground within the project scope.

■ Meeting Close.--



Henry Hess, RLA.

Maine Licensed Landscape Architect

November 18, 2021
07360-01

Dear Neighbor:

On behalf of STJ, INC. you are invited to a virtual neighborhood meeting to discuss plans for a proposed residential development planned for the vacant lots at the end of Powsland Street. The proposed project is planning for four (4) duplexes and one (1) single family home providing nine (9) dwelling units. The new Housing units shall be accessed via individual driveways off Powsland Street. Improvements for a paved hammerhead turnaround at the end of the street are also planned. The site is located within the Urban Commercial Business / Residential Zone District (B-5/R-5), identified as lots 9-14 on Tax Map 190, with a combined land area of approximately 0.68 acres.

As a property owner within 500 feet of the project, you are invited to participate in a neighborhood meeting. Attendance will be recorded and minutes of the meeting will be taken. Both the attendance list and minutes shall be submitted to the Planning Department for record. The virtual meeting will take place via Zoom and can be accessed online using the link shown below.

Meeting Location: Virtual
Zoom Link: **https://us02web.zoom.us/webinar/register/WN_2ZC55UKUSa-Pu84XqZXjbA**

Meeting Date: **Thursday December 9th, 2021**
Meeting Time: **6:00PM**

If you have any questions, please email the project facilitator at PF@Sebagotechnics.com

Sincerely,

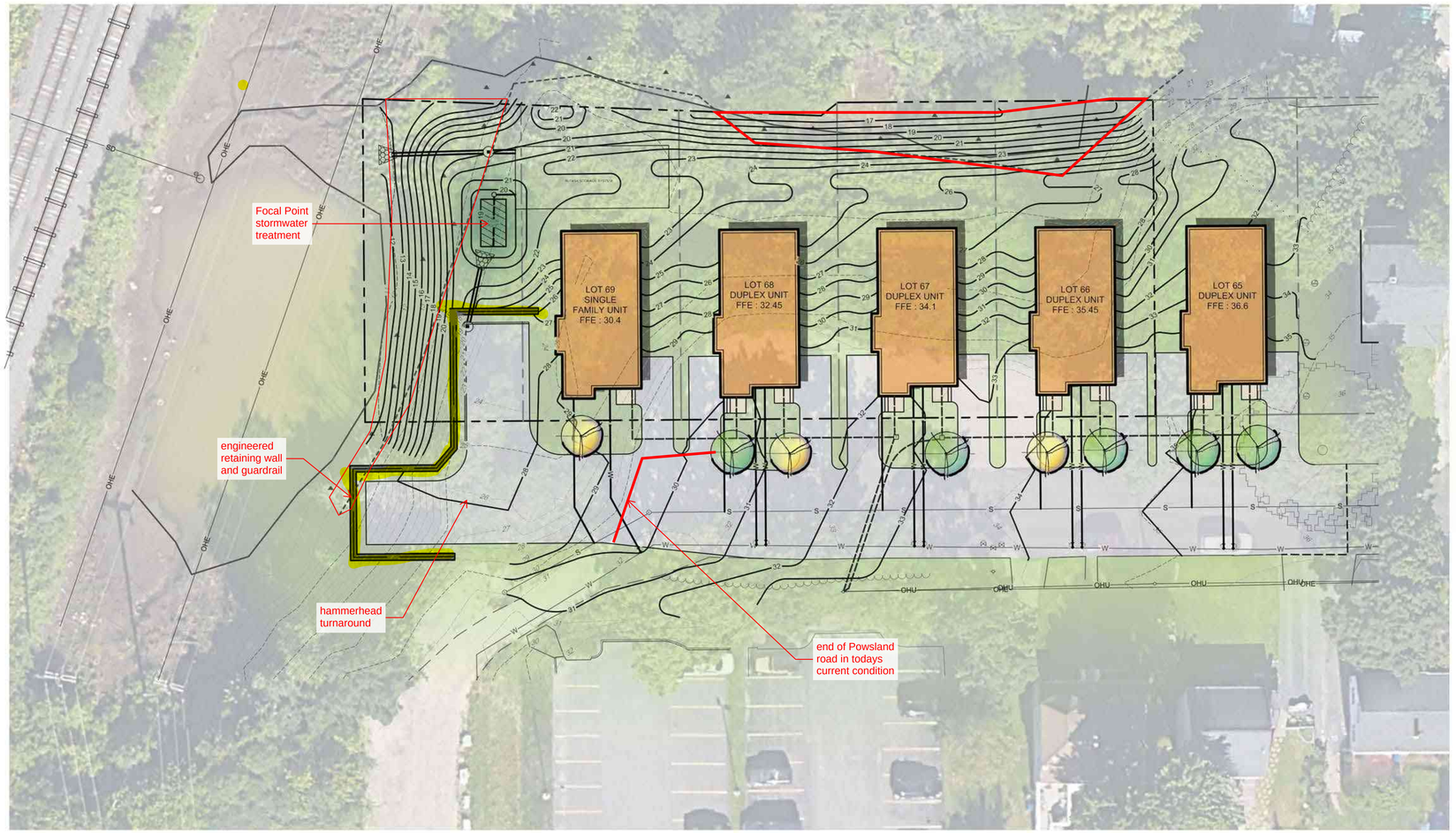
SEBAGO TECHNICS, INC.



Henry Hess, R.L.A.
Project Manager
Maine Licensed Landscape Architect

HAH:hah
Cc: STJ Inc.

Attendee Report																
Report Generated:	12/10/2021 14:23															
Topic	Webinar ID	Actual Start Time	Actual Duration (n	# Registered	# Cancelled	Unique Viewers	Total Users	Max Concurrent Views	Enable Registration							
Powsland Street Lots 9-14 Neighborhood Meeting	864 3539 6555	12/9/2021 22:52	81	19	0	16	25	0	Yes							
Host Details																
Attended	User Name (Original Nam	Email	Join Time	Leave Time	Time in Session (minutes)	Country/Region Name										
Yes	Henry Hess	Hhess@sebagote	12/9/2021 17:52	12/9/2021 19:12	81	United States										
Panelist Details																
Attended	User Name (Original Nam	Email	Join Time	Leave Time	Time in Session (minutes)	Country/Region Name										
Yes	JakeHunnewell	jhunnewell@seba	12/9/2021 17:56	12/9/2021 19:12	77	United States										
Yes	RachelTaylor	taylor.rachel.s@g	12/9/2021 18:13	12/9/2021 18:23	10	United States										
Yes	RachelTaylor	taylor.rachel.s@g	12/9/2021 18:49	12/9/2021 19:12	24	United States										
Yes	MarkCurtis	markcurtis@gsgra	12/9/2021 17:57	12/9/2021 19:12	75	United States										
Attendee Details																
Attended	User Name (Original Nam	First Name	Last Name	Email	Address	City	Phone	Organization	Registration Time	Approval Status	Join Time	Leave Time	Time in Session (m	Country/Region Name		
Yes	heather provencher	heather	provencher	heather.provencher@gmail.com	76 Powsland St	Portland			12/9/2021 18:33	approved	12/9/2021 18:33	12/9/2021 18:33	1	United States		
Yes	heather provencher	heather	provencher	heather.provencher@gmail.com							12/9/2021 18:33	12/9/2021 19:12	39	United States		
Yes	Francisco Lopez	Francisco	Lopez	francisco.lopez118@gmail.com	76 powsland	portland			12/9/2021 18:13	approved	12/9/2021 18:14	12/9/2021 18:34	20	United States		
Yes	Scott Rheault	Scott	Rheault	smrheault@hotmail.com	72 Powsland Street	Portland	2078996708		12/9/2021 18:08	approved	12/9/2021 18:09	12/9/2021 19:14	66	United States		
Yes	Jake Hunnewell	Jake	Hunnewell	jhunnewell@sebagotechnics.com	75 John Roberts Road, Suite 4A	South Portland		Sebago Technics	12/9/2021 17:36	approved	12/9/2021 17:52	12/9/2021 17:56	4	United States		
Yes	Dan Nogar	Dan	Nogar	Nogar74@gmail.com	36 Greeley	Portland			12/9/2021 18:02	approved	12/9/2021 18:12	12/9/2021 19:12	61	United States		
Yes	James Sloan	James	Sloan	cemgal53@gmail.com	60 Mitton St	Portland			12/3/2021 7:12	approved	12/9/2021 18:00	12/9/2021 19:12	73	United States		
Yes	Mark Adams	Mark	Adams	madams@sebagotechnics.com	75 John Roberts Road	South Portland			12/9/2021 18:00	approved	12/9/2021 18:01	12/9/2021 19:09	69	United States		
Yes	Paul McGuire	Paul	McGuire	paulm_04938@yahoo.com	27 Willow Lane	Portland	207-578-2264		12/9/2021 9:47	approved	12/9/2021 17:57	12/9/2021 19:12	75	United States		
Yes	Chris McDonald	Chris	McDonald	cmmcdonald7322@gmail.com	66 powsland st	Portland	2078998508		12/9/2021 18:02	approved	12/9/2021 18:03	12/9/2021 18:03	1	United States		
Yes	Chris McDonald	Chris	McDonald	cmmcdonald7322@gmail.com							12/9/2021 18:03	12/9/2021 19:12	69	United States		
Yes	Dale Holman	Dale	Holman	dholman1@maine.rr.com	10 Willow Lane	Portland			12/9/2021 17:34	approved	12/9/2021 18:01	12/9/2021 19:12	71	United States		
Yes	Rachel Taylor	Rachel	Taylor	taylor.rachel.s@gmail.com	56 Powsland Street	Portland	7032326723	'- None -	12/9/2021 17:59	approved	12/9/2021 18:00	12/9/2021 18:13	14	United States		
Yes	Rachel Taylor	Rachel	Taylor	taylor.rachel.s@gmail.com							12/9/2021 18:23	12/9/2021 18:48	26	United States		
Yes	Marci Gagnon	Marci	Gagnon	Marcigagnon@gmail.com	16 willow street	Portland			12/9/2021 18:08	approved	12/9/2021 18:09	12/9/2021 18:38	30	United States		
Yes	Michael McKenney	Michael	McKenney	mike.mckenney@hubinternational.com	54 Powsland St	Portland	207-837-4636		12/9/2021 15:55	approved	12/9/2021 18:16	12/9/2021 19:12	57	United States		
Yes	Mark Curtis	Mark	Curtis	markcurtis@gsgravel.com	939 Parker Farm Road	Buxton	2078392442	STJ, Inc.	12/7/2021 13:10	approved	12/9/2021 17:57	12/9/2021 17:57	1	United States		
No	Henry	Henry	Hess	hahess87@gmail.com	75 John roberts Rd	south Portland	207-200-2086	Sebago Technics	12/7/2021 11:33	approved	--	--	--			
Yes	Starr Soul-McDonald	Starr	Soul-McDonald	starrfire0409@gmail.com	66 Powsland Street,	Portland	2078998443		12/9/2021 18:00	approved	12/9/2021 18:00	12/9/2021 18:40	40	United States		
No	Susan Schultz	Susan Schultz	McEvoy	sms@schultzfamilylawyer.com	32 Mitton Street	Portland	2078412439	Interested neighbor	11/28/2021 13:10	approved	--	--	--			
Yes	Harlan Baker	Harlan	Baker	hbaker@maine.edu	44 Mitton Street	Portland	2077120228		12/9/2021 18:03	approved	12/9/2021 18:03	12/9/2021 19:12	69	United States		
No	Penny	Penny	Mills	phmills38@earthlink.net	20 Willow Lane	Portland	2079567739		12/1/2021 10:41	approved	--	--	--			
Other Attended																
User Name	Join Time	Leave Time	Time in Session (m	Country/Region Name												
12078374636	12/9/2021 18:08	12/9/2021 18:16	8	United States												
12072002139	12/9/2021 17:54	12/9/2021 17:56	2	United States												
12072002139	12/9/2021 17:56	12/9/2021 19:12	77	United States												



GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
1 INCH = 10 FT.

NOT FOR CONSTRUCTION PROGRESS PRINT

HENRY A. HESS, RLA 4841

REV.	BY:	DATE:	STATUS
A	HAH	09-10-21	ISSUED TO CLIENT FOR REVIEW

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

OVERALL GRADING AND UTILITY PLAN

OF:
65-73, 93 POWSLAND STREET
POWSLAND STREET
PORTLAND, MAINE
FOR:
STJ, INC.
P.O. BOX 58
GORHAM, ME 04038

DESIGNED	HAH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	1" = 10'
PROJECT	07360-01

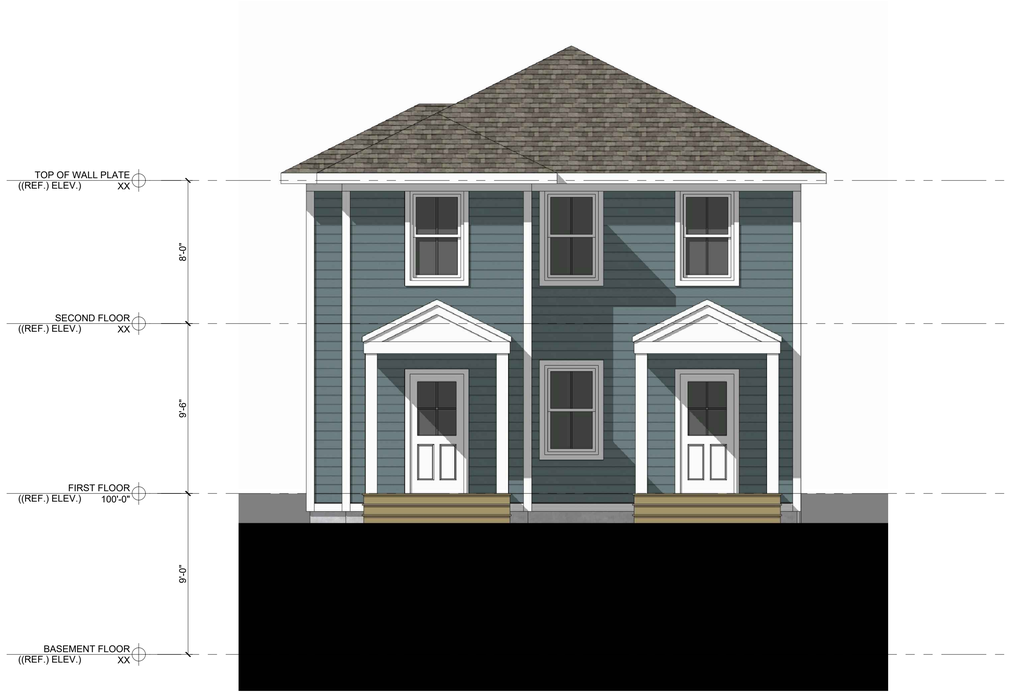
SHEET 4 OF11

07360-01 GU.dwg, TAB:OAGU

PRELIMINARY IMAGERY



2 SOUTH ELEVATION
1/4" = 1'-0"



1 EAST ELEVATION
1/4" = 1'-0"

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POWSLAND STREET APARTMENTS

63 POWSLAND STREET
PORTLAND, MAINE

RSA
RYAN SENATORE
ARCHITECTURE
500 CONGRESS STREET
PORTLAND, MAINE 04101
207-650-6414
senatorearchitecture.com

CONSULTANTS:

REVISIONS:

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OCTOBER 11, 2021

DATE:

PROJECT No. 2065

DRAWN BY: RRT, RJS, JPF

CHECKED BY: RJS

SCALE: AS NOTED

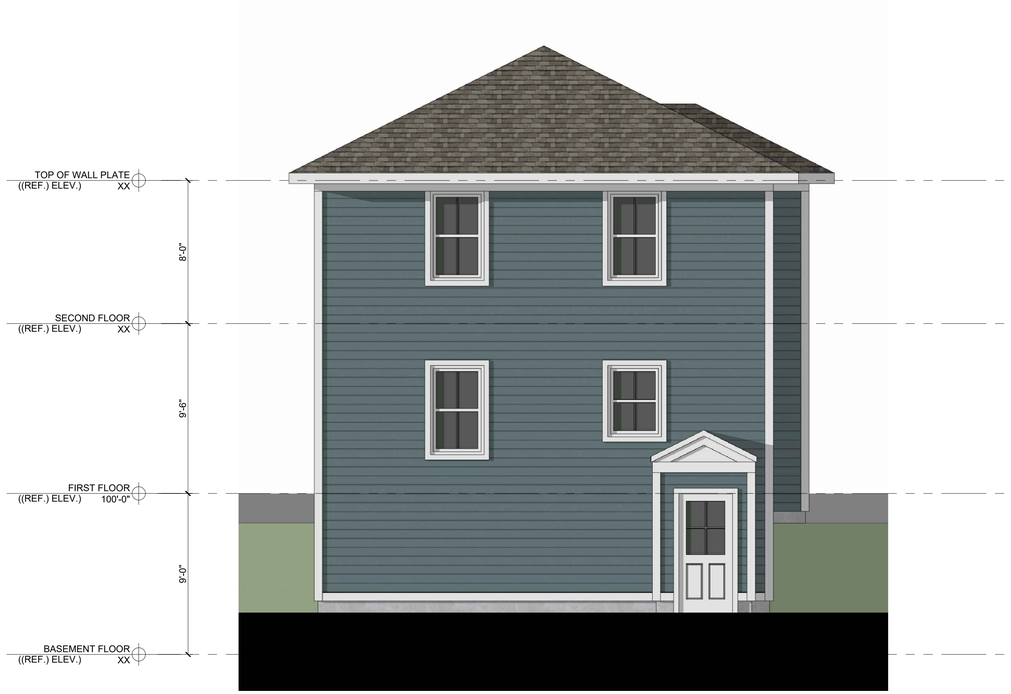
SHEET TITLE:
ELEVATIONS

A2-0

PRELIMINARY IMAGERY



2 NORTH ELEVATION
1/4" = 1'-0"



1 WEST ELEVATION
1/4" = 1'-0"

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POWSLAND STREET APARTMENTS

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PORTLAND, MAINE

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REVISIONS:

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SCALE: AS NOTED

SHEET TITLE:
ELEVATIONS

A2-1

PRELIMINARY IMAGERY



4 SOUTHEAST ELEVATION



3 SOUTHWEST ELEVATION



2 NORTHWEST ELEVATION



1 NORTHEAST ELEVATION

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POWSLAND STREET APARTMENTS

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PORTLAND, MAINE

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CONSULTANTS:

REVISIONS:

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OCTOBER 11, 2021

DATE:

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DRAWN BY: RRT, RJS, JPF

CHECKED BY: RJS

SCALE: AS NOTED

SHEET TITLE:
PERSPECTIVE VIEWS

A2-2

PRELIMINARY IMAGERY



2 VIEW SOUTH DOWN POWSLAND STREET



1 VIEW NORTH UP POWSLAND STREET

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POWSLAND STREET APARTMENTS

63 POWSLAND STREET
PORTLAND, MAINE

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207-650-6414
senatorearchitecture.com

CONSULTANTS:

REVISIONS:

PROGRESS PRINT ONLY
Not for Construction
OCTOBER 11, 2021

DATE:

PROJECT No. 2065

DRAWN BY: RRT, RJS, JPF

CHECKED BY: RJS

SCALE: AS NOTED

SHEET TITLE:
PERSPECTIVE VIEWS

A2-3

Att. 25

STORMWATER MANAGEMENT REPORT

For

POWSLAND STREET
PORTLAND, ME

Prepared for:

STJ, INC
P.O. Box 58
Gorham, ME 04038

Prepared by:

Sebago Technics, Inc.
75 John Roberts Rd, Suite 4A
South Portland, ME 04106

February, 2023

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Appendix 5: Stormwater Management Plans

STORMWATER MANAGEMENT REPORT
POWSLAND STREET
PORTLAND, ME

1. Introduction

This Stormwater Management Plan Report has been prepared to present analyses performed to address the potential impacts associated with the project due to proposed modification in stormwater runoff characteristics and land cover changes. The stormwater management controls that are outlined in this report have been designed to suit the proposed development and to comply with applicable regulatory requirements.

2. Existing Conditions

The project site consists of undeveloped land that was previously owned by the Portland Water District, located on the west side of Powsland Street in Portland. The site is approximately 0.69 acres in size and it is bounded by wetlands to the south and west. Train tracks on the south side of the wetlands provide a barrier for the watershed that outlets through a culvert underneath the railroad tracks. Slopes on the site range from 2-55% in some areas.

The site is tributary to a small wetland detention pond to the South that discharges through a culvert underneath the train tracks to the mouth of a river segment that drains into the Fore River. According to Chapter 502 of the Maine Department of Environmental Protection (MDEP) regulations, the Fore River is not listed as an Urban Impaired Stream.

The development area of the site is not located in an identified flood zone per the FEMA Flood Insurance Rate Map for the City of Portland, Community Panel 2300510006B with an effective date of 1986.

3. Soils

Soil characteristics were obtained from the USDA Web Soil Survey. The Hydrologic Groups (HSG) of the soils is classified by Technical Release TR-55 of the Soil Conservation Service as follows:

Soil Map Symbol	Soil Name	Slope (%)	HSG
BgB	Nicholville	0-8	C
BuB	Lamoine	3-8	C/D
DeB	Deerfield	3-8	A
Wa	Walpole	0-3	A/D

Hydrologic Soil Group boundaries are delineated on the Stormwater Management Plans. A copy of the Class D Medium Intensity Soil Survey is included as Appendix 4.

4. Proposed Site Improvements

The proposed development will consist of five 1,305 SF residential buildings and approximately 3,500 SF road extension with a turnaround. The project will result in the creation of 16,585 SF of impervious area and 31,480 SF of developed area.

Proposed as part of the project is the replacement and upsizing of the cross culvert that connects the existing wetland detention pond south of the project site to the Fore River on the other side of the railroad tracks. In 2014 STJ, Inc. received an MDEP field determination letter granting them the ability to replace and upsize the culvert without an MDEP permit if the culvert is replaced with the same inverts. To determine the appropriate size of the replacement culvert the 100-yr storm was modeled to the pond with the proposed double grate outlet control structure. During this storm event, the maximum inlet capacity of the double grate inlet was approximately 24.5 CFS. It was determined that a 24" D.I. culvert is the appropriate size as it has the capacity for approximately 35 CFS, giving the culvert capacity a factor of safety of about 1.4.

5. Existing Conditions Model

The existing conditions watershed plan consists of seven (7) subcatchments labeled 1S thru 7S in the HydroCAD model. One location was identified as a Point of Analysis (POA) for comparing peak runoff rates. POA-1 is the culvert outlet on the south side of the train tracks connecting the pond in the wetland (1P) to the Fore River. All the subcatchments contribute runoff to this study point with an overall analysis area of approximately 9.98 acres.

6. Proposed Conditions Model

The proposed conditions watershed plan consists of slightly more overall area due to proposed grading changes directing more runoff to the point of analysis. The overall analysis area is approximately 9.99 acres.

POA-1: Subcatchment 4S does not change. Subcatchments 1.1S and 1.2S are broken up from 1S. Subcatchment 5S loses area to 1.1S which represents the roadway and attributing grassed area. Subcatchment 3S loses area to 1.1S and 1.2S which represents the roof area and landscaped area on the west side of the buildings. Subcatchment 2S gains area from 1S by the grading done onsite. Subcatchment 6S and 7S represent the northern portion of Powsland Street and the adjacent residential lots, these subcatchments remain mostly the same only gaining and losing area around the proposed catch basins.

Subcatchments 2S, 3S, 4S, 5S, and 7S directly contribute runoff to 1P which discharges to POA-1. Subcatchment 6S runoff is captured by the Stormtree treatment system (ST1) which has been sized to treat a portion of the existing roadway and bypass the rest to 1P and then POA-1. Subcatchment 1.2S runoff is captured by the Focal Point treatment system (1FP) which then discharges to the R-Tank storage system (1RT) under the Focal Point system. From 1RT flow is then conveyed into 1P and then to POA-1.

The Best Management Practices used (Focal Point and R-Tanks) have been designed and sized in accordance with DEP BMP standards contained within Chapter 500 and the BMP Manual. The Stormtree system has been sized in accordance with the manufacturer's specifications. Sizing calculations can be found in Appendix 1.

7. Stormwater Management

Basic Standard - Chapter 500, Section 4(B)

Since the project will disturb more than one (1) acre of land area, MDEP Basic Standards apply, requiring that grading or other construction activities on the site do not impede or otherwise alter drainage ways to have an unreasonable adverse impact. We have avoided adverse impacts by providing an Erosion & Sedimentation Control Plan, and an Inspection, Maintenance and Housekeeping Plan (Appendix 3) to be implemented during construction and post-construction stabilization of the site. These construction requirements have been developed following Best Management Practice guidelines.

General Standard - Chapter 500, Section 4(C)

Although the project will not create more than one (1) acre of impervious surface, since the project is a new development classified as a minor site plan and will create more than 1,000 SF of impervious surface, under Section 5 of the City of Portland's technical manual, MDEP General Standards must be met. This requires a project's stormwater management system to include treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. The General Standards require treatment of no less than 95% of the site's created impervious area and no less than 80% of the site's created developed area (landscaped area and impervious area combined). To mitigate the changes in hydrologic patterns due to the development of this project a Focal Point media filter, subsurface R-Tank storage system, and Stormtree filter system have been implemented into the stormwater management infrastructure. Filtration BMPs are very effective at removing a wide range of pollutants through the use of organic soil filter media.

BMP sizing and treatment calculations are provided as Appendix 1.

Through the use of the aforementioned BMP's, 97.68% of new impervious area and 94.65% of new developed area will be receiving treatment. This calculation is including all new impervious and landscaped areas within the right of way. This meets the requirements for the Maine DEP General Standards.

Flooding Standard - Chapter 500, Section 4(F)

Since the project is a new development classified as a minor site plan and will create more than 1,000 SF of impervious surface, under Section 5 of the City of Portland's technical manual, MDEP Flooding Standards must be met. The Flooding Standard requires a project's stormwater management system detain, retain, or result in the infiltration of stormwater from 24-hour storms of the 2, 10, and 25-year frequencies such that the peak flows of stormwater from the project site do not exceed the peak flows of stormwater prior to undertaking the project. As such, a runoff evaluation was performed using the methodology outlined in the USDA Soil Conservation Service's "Urban Hydrology for Small Watersheds - Technical Release #55 (TR-55)". HydroCAD computer software was utilized to perform the calculations.

Runoff curve numbers were determined for each of the subcatchments by measuring the area of each hydrologic soil group within each type of land cover. The type of land cover was determined based on survey data, field reconnaissance and aerial photography. Times of concentration were determined from site topographic maps in accordance with SCS procedures.

The 24-hour rainfall values utilized in the hydrologic model were obtained from Appendix H of MDEP's Chapter 500: Stormwater Management (effective date August 2015). Rainfall values for Cumberland County SE are listed in the table below.

Storm Frequency Precipitation (in./24 hr) Cumberland County SE	
2-year	3.10
10-year	4.60
25-year	5.80

Due to the nature of this project's watershed, we would like to respectfully request a waiver from the flooding standard (per MDEP Chapter 500 waiver criteria). The location of POA-1 is likely a coastal wetland and is located at beginning of a major river segment that is directly tributary to the Fore River. It is also understood that the peak flow rate at the culvert outfall (POA-1) will inevitably increase due to the larger diameter culvert and improved outlet control structure capable of conveying more flow, and to address the increased flow rate a properly sized rip rap apron is proposed at the outfall. It is anticipated that there will be no significant impact on the surrounding waterways due to the detention still available in the pond to the south of the project site and the proposed rip rap apron at the culvert outfall.

The following table presents the results of the peak runoff calculations at POA-1 for the existing and proposed conditions.

Peak Runoff Rate Summary Table			
Analysis Point	**Storm Event**	**Existing Conditions (cfs)**	**Proposed Conditions (cfs)**
POA-1	2-year	2.8	1.5
	10-year	4.0	11.5
	25-year	4.3	16.8

The HydroCAD Data output sheets from this analysis are appended to this report (Appendix 2) along with the Stormwater Management Plans (Appendix 5). As mentioned above it is anticipated that the peak flow rate at the culvert outfall (POA-1) will increase due to the larger diameter culvert capable of conveying more flow, as well as the addition of a storm drain system within the end of Powsland Street that directly conveys runoff into the detention pond.

Stormwater Management – Without Culvert Replacement

The applicant has stated they will replace the culvert but that it is not necessary to meet Portland's Stormwater Standards, with the exception of the flooding standard which we are requesting a waiver for per MDEP Chapter 500 waiver criteria. The location of POA-1 is likely a coastal wetland and is located at the beginning of a major river segment that is directly tributary to the Fore River. This section is intended to outline the project's general compliance with Portland's Stormwater standards to disconnect the culvert replacement project from the proposed residential development. Due to the long lead times in working with Amtrak, it is requested that this not be a formal condition of approval for the project.

The Basic and General Standards will still be met as the culvert replacement does not affect the proposed stormwater treatment or erosion and sediment control plan. There is however a minor anticipated effect on the pond elevation associated with not replacing the culvert that in hand creates a minor increase in peak flow rate at the outfall of the cross culvert (POA-1).

The following table presents the results of the peak runoff calculations at POA-1 for the existing and proposed conditions without the culvert replacement.

Peak Runoff Rate Summary Table			
Analysis Point	**Storm Event**	**Existing Conditions (cfs)**	**Proposed Conditions (cfs)**
POA-1	2-year	2.8	2.9
	10-year	4.0	4.1
	25-year	4.3	4.4

The HydroCAD Data output sheets from this analysis are appended to this report (Appendix 2) along with the Stormwater Management Plans (Appendix 5). The model predicts that the peak runoff rates in the post-development condition at POA-1 are slightly above below pre-development runoff rates for the 2, 10, and 25-year storm events with the implementation of the proposed stormwater management practices and stormwater infrastructure within Powsland Street.

The following table presents the results of the peak elevation calculations at the detention pond 1P for the existing and proposed conditions without the culvert replacement.

Peak Elevations Table			
Analysis Point	**Storm Event**	**Existing Conditions Elev. (ft)**	**Proposed Conditions Elev. (ft)**
Pond 1P	2-year	10.89	10.98
	10-year	12.16	12.24
	25-year	13.09	13.18

In the proposed conditions it is anticipated that the detention pond peak elevations will see a minor increase due to the addition of a storm drain system within the end of Powsland Street. The proposed stormdrain system directly conveys the majority of runoff from Powsland Street into the detention pond that otherwise is delayed as it currently travels through the densely vegetated project site.

It is anticipated that there will be no significant impact on the surrounding waterways due to the detention still available in the pond to the south of the project site, and POA-1 likely being a coastal wetland and located at the beginning of a major river segment.

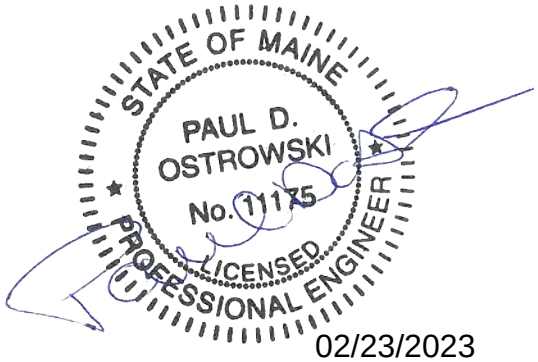
Summary

The proposed development has been designed to manage stormwater runoff through Best Management Practices approved by MDEP. Stormwater BMP's provide treatment to 98.16% (95% required) of impervious areas, and 89.63% (80% required) of the total developed area,

including the treatment of new impervious, existing impervious, and new landscaped areas within the right of way. Runoff discharging from the site will be properly handled through the proposed outlet control structures and rip rap aprons. Additionally, erosion and sedimentation controls along with associated maintenance and housekeeping procedures have been outlined to prevent unreasonable impacts on the site and to the surrounding environment.

Prepared by:

SEBAGO TECHNICS, INC.



02/23/2023

Jake S. Hunnewell, E.I.
Civil Engineer
JSH

Paul D. Ostrowski, P.E.
Senior Project Engineer
PDO

Appendix 1

Stormwater Quality Calculations

Table 1: MDEP GENERAL STANDARD CALCULATIONS

Job # 07360-01

AREA ID	WATERSHED SIZE (S.F.)	EXISTING ONSITE IMPERVIOUS AREA TO REMAIN (S.F.)	NEW ONSITE IMPERVIOUS AREA (S.F.)	EXISTING ONSITE LANDSCAPED AREA TO REMAIN (S.F.)	NEW ONSITE LANDSCAPED AREA (S.F.)	NET NEW DEVELOPED AREA (S.F.)	NET EXISTING DEVELOPED AREAS (S.F.)	TREATMENT PROVIDED?	IMPERVIOUS AREA TREATED (S.F.)	LANDSCAPED AREA TREATED (S.F.)	DEVELOPED AREA TREATED (S.F.)	TREATMENT BMP
1.1S	12,765	85	5,910	0	665	6,575	85	NO	0	0	0	
1.2S	22,745	0	10,525	0	12,220	22,745	0	YES	10,525	12,220	22,745	FP1
2S	84,325	0	0	0	0	0	0	NO	0	0	0	
3S	6,565	0	0	0	940	940	0	NO	0	0	0	
4S	153,485	0	0	0	0	0	0	NO	0	0	0	
5S	43,680	10,505	175	0	1,075	1,250	10,505	NO	0	0	0	
6S	31,980	6,000	0	0	0	0	6,000	YES	6,000	0	6,000	ST1
7S	79,835	15,785	225	0	335	560	15,785	NO	0	0	0	
TOTAL (S.F.)	**435,380**	**32,375**	**16,835**	**0**	**15,235**	**32,070**	**32,375**		**16,525**	**12,220**	**28,745**	

TOTAL NEW IMPERVIOUS AREA (S.F.)	**16,835**	**TOTAL DEVELOPED AREA (S.F.)**	**32,070**
TOTAL IMPERVIOUS AREA RECEIVING TREATMENT (S.F.)	**16,525**	**TOTAL AREA RECEIVING TREATMENT (S.F.)**	**28,745**
% OF IMPERVIOUS AREA RECEIVING TREATMENT	**98.16%**	**% OF AREA RECEIVING TREATMENT**	**89.63%**

"NEW ON SITE" IS INCLUDING ALL NEW PAVEMENT AND LANDSCAPED AREA IN THE R.O.W.

SEBAGO TECHNICS, INC.
75 John Roberts Road Suite 4A
South Portland, Maine 04106
Tel. (207) 200-2100

JOB
SHEET NO. 1 OF 1
CALCULATED BY DATE
FILE NAME 07360-01 WQC.xlsx PRNT DATE 2/23/2023

FOCALPOINT, ACF ENVIRONMENTAL

Task: Size Focal Point treatment system pursuant to the General Standards, Section 4.C of Chapter 500.

References 1. Letter from Maine Department of Environmental Protection, Director-Bureau of Land Resources to Stormwater Systems ACF-Convergent Water Technologies Alliance, Dated May 16, 2016 indicating FocalPoint biofiltration meets requirements of the General Standards for Treatment.

Per Reference 1 above, the system must be sized to meet:

a. "entire volume of a 0.96 inch Type III 24-hour storm is treated prior to activation of the bypass/overflow"

b. "surface area….must be a minimum of 174 s.f. per 1 acres of impervious area treated (26s.f. per 0.15 acres)"

c. "treatment flow rate for the Stormtech Isolator Row is the projected one year peak flow rate for the drainage area feeding the Isolator Row"

Flow rates:

Stormtech SC-310	0.10	cfs/chamber
Stormtech SC-740	0.20	cfs/chamber
Stormtech DC-780	0.20	cfs/chamber
Stormtech MC-3500	0.30	cfs/chamber
Cultech 150XLHD	0.185	cfs/chamber
Cultech 330XLHD	0.227	cfs/chamber

Tributary to FocalPoint System: FP1

Landscaped Area	12,220.00	SF	
Impervious Area	10,525.00	SF	

Minimum Surface Area of FocalPoint:

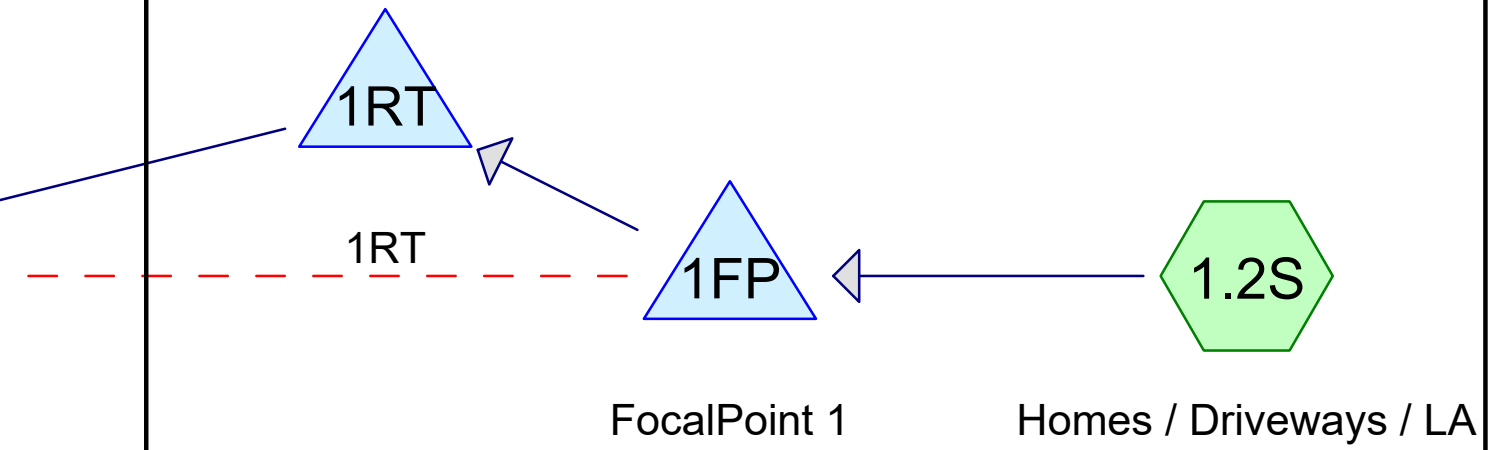
Required: 26 s.f. per 0.15 acres of impervious area

Total Impervious Area	10,525.00	SF		0.24	AC
			X	174.00	SF/ACRE
Required Minimum Surface Area				42.0	SF
Provided Surface Area				50.0	SF

Treatment Volume

Required: (0.4" X Landscaped + 1.0" X Impervious)

Landscaped Area	12,220.00	SF	Volume	407.3				
Impervious Area	10,525.00	SF	Volume	877.1				
Treatment Volume Required				1,284.4	CF	0.029	AF	
				must discharge in 24-48 hours				



Subcat Reach Pond Link

Routing Diagram for 07360-01 Post SW 2023-01-06
Prepared by Sebago Technics, Inc., Printed 2/23/2023
HydroCAD® 10.00-24 s/n 01856 © 2018 HydroCAD Software Solutions LLC

Area Listing (selected nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
3,185	74	>75% Grass cover, Good, HSG C (1.2S)
9,035	80	>75% Grass cover, Good, HSG D (1.2S)
10,525	98	Roof / Driveways (1.2S)
22,745	**87**	**TOTAL AREA**

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1.2S: Homes / Driveways / Runoff Area=22,745 sf 46.27% Impervious Runoff Depth=0.68"
Tc=6.0 min CN=87 Runoff=0.4 cfs 1,285 cf

Pond 1FP: FocalPoint 1 Peak Elev=20.49' Storage=234 cf Inflow=0.4 cfs 1,285 cf
Primary=0.1 cfs 1,286 cf Secondary=0.0 cfs 0 cf Outflow=0.1 cfs 1,286 cf

Pond 1RT: 1RT Peak Elev=14.51' Storage=389 cf Inflow=0.1 cfs 1,286 cf
Outflow=0.1 cfs 1,237 cf

Total Runoff Area = 22,745 sf Runoff Volume = 1,285 cf Average Runoff Depth = 0.68"
53.73% Pervious = 12,220 sf 46.27% Impervious = 10,525 sf

Summary for Subcatchment 1.2S: Homes / Driveways / LA

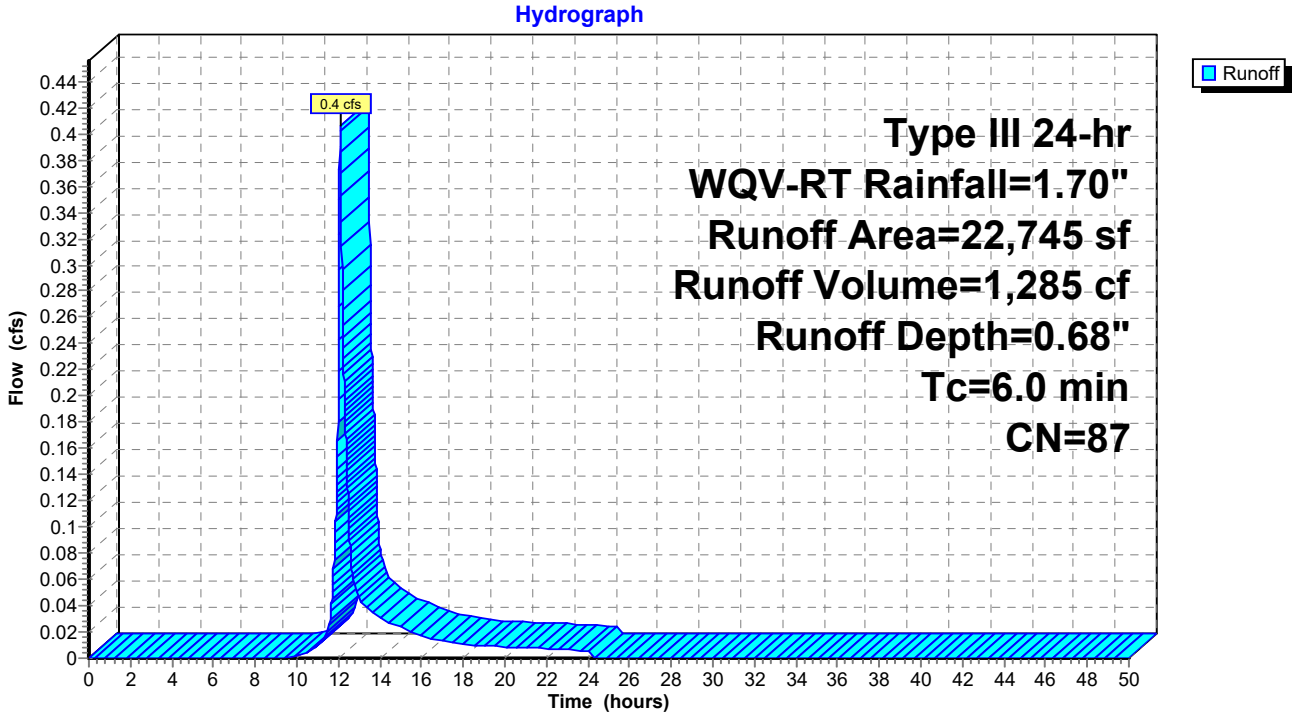
Runoff = 0.4 cfs @ 12.09 hrs, Volume= 1,285 cf, Depth= 0.68"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr WQV-RT Rainfall=1.70"

	Area (sf)	CN	Description
	9,035	80	>75% Grass cover, Good, HSG D
	3,185	74	>75% Grass cover, Good, HSG C
*	10,525	98	Roof / Driveways
	22,745	87	Weighted Average
	12,220		53.73% Pervious Area
	10,525		46.27% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 1.2S: Homes / Driveways / LA



Summary for Pond 1FP: FocalPoint 1

behind units 22 and 23

Inflow Area = 22,745 sf, 46.27% Impervious, Inflow Depth = 0.68" for WQV-RT event
Inflow = 0.4 cfs @ 12.09 hrs, Volume= 1,285 cf
Outflow = 0.1 cfs @ 11.90 hrs, Volume= 1,286 cf, Atten= 72%, Lag= 0.0 min
Primary = 0.1 cfs @ 11.90 hrs, Volume= 1,286 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 20.49' @ 12.48 hrs Surf.Area= 50 sf Storage= 234 cf

Plug-Flow detention time= (not calculated: outflow precedes inflow)
Center-of-Mass det. time= 10.0 min (859.0 - 849.0)

Volume	Invert	Avail.Storage	Storage Description
#1	16.75'	23 cf	**5.00'W x 10.00'L x 2.25'H FocalPoint** 113 cf Overall x 20.0% Voids
#2	19.00'	588 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc) -Impervious
		610 cf	Total Available Storage

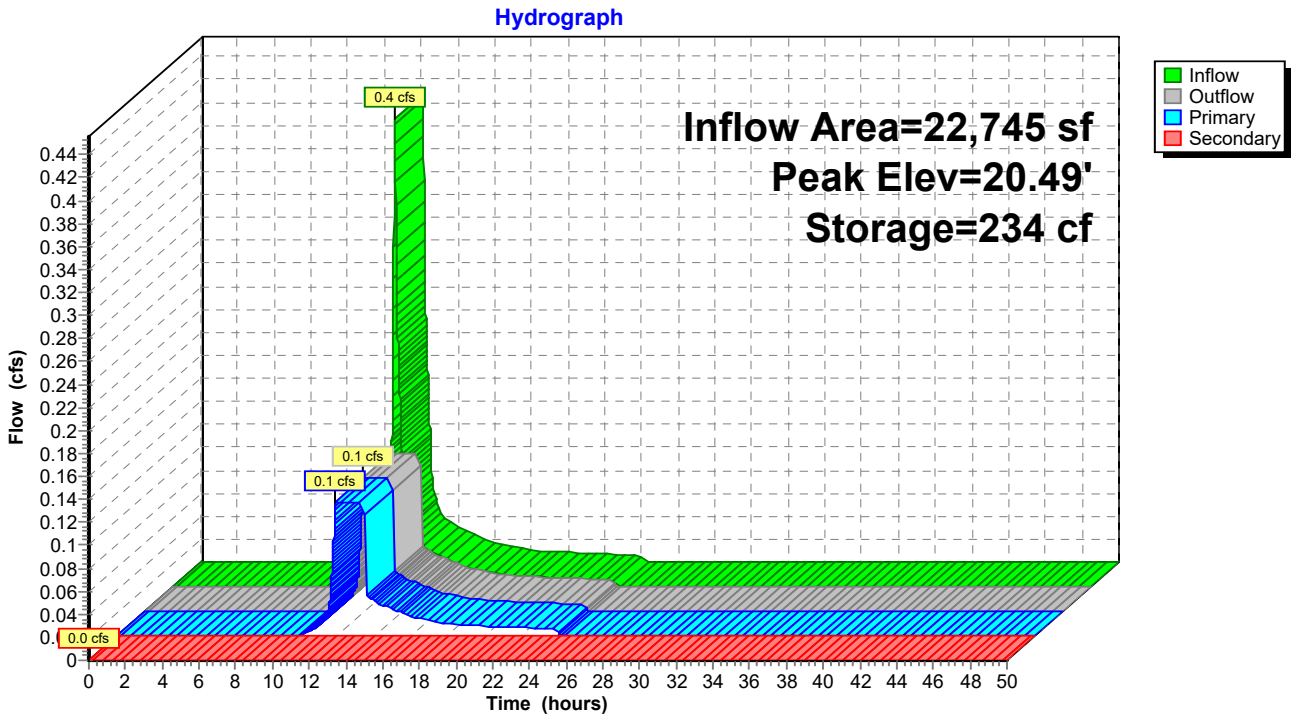
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
19.00	50	0	0
20.00	168	109	109
21.00	343	256	365
21.50	550	223	588

Device	Routing	Invert	Outlet Devices
#1	Primary	15.90'	**12.0" Round Culvert** L= 6.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 15.90' / 15.80' S= 0.0167 '/' Cc= 0.900 n= 0.012, Flow Area= 0.79 sf
#2	Device 1	16.75'	**100.000 in/hr Exfiltration over Surface area**
#3	Device 1	20.60'	**24.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#4	Secondary	21.00'	**12.0' long x 4.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50 Coef. (English) 2.38 2.54 2.69 2.68 2.67 2.67 2.65 2.66 2.66 2.68 2.72 2.73 2.76 2.79 2.88 3.07 3.32

Primary OutFlow Max=0.1 cfs @ 11.90 hrs HW=16.80' (Free Discharge)
└**1=Culvert** (Passes 0.1 cfs of 2.0 cfs potential flow)
  ├**2=Exfiltration** (Exfiltration Controls 0.1 cfs)
  └**3=Orifice/Grate** (Controls 0.0 cfs)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=16.75' (Free Discharge)
└**4=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Pond 1FP: FocalPoint 1



Summary for Pond 1RT: 1RT

Inflow Area = 22,745 sf, 46.27% Impervious, Inflow Depth = 0.68" for WQV-RT event
Inflow = 0.1 cfs @ 11.90 hrs, Volume= 1,286 cf
Outflow = 0.1 cfs @ 13.50 hrs, Volume= 1,237 cf, Atten= 0%, Lag= 96.0 min
Primary = 0.1 cfs @ 13.50 hrs, Volume= 1,237 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 14.51' @ 13.50 hrs Surf.Area= 466 sf Storage= 389 cf

Plug-Flow detention time= 306.6 min calculated for 1,237 cf (96% of inflow)
Center-of-Mass det. time= 286.5 min (1,145.6 - 859.0)

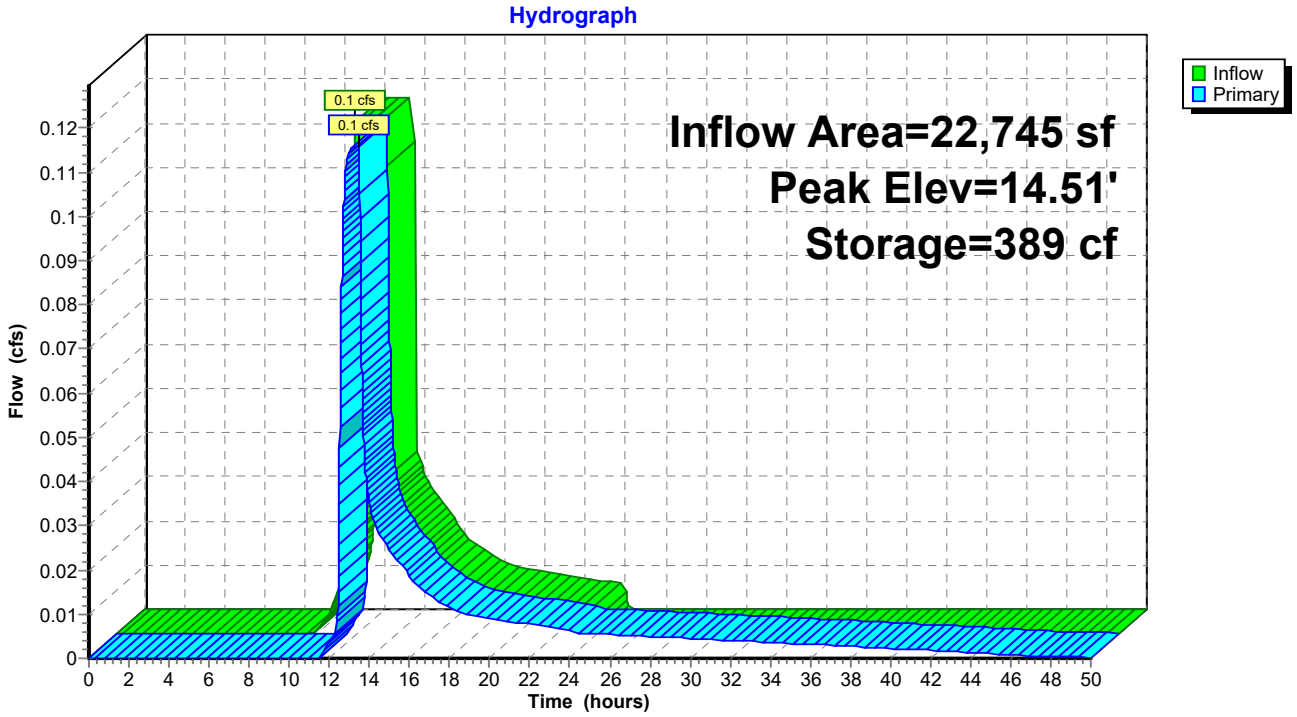
Volume	Invert	Avail.Storage	Storage Description
#1A	13.28'	426 cf	**14.50'W x 32.15'L x 4.07'H Field A** 1,898 cf Overall - 834 cf Embedded = 1,064 cf x 40.0% Voids
#2A	13.53'	792 cf	**ACF R-Tank HD 2** x 96 Inside #1 Inside= 15.7"W x 33.9"H => 3.52 sf x 2.35'L = 8.3 cf Outside= 15.7"W x 33.9"H => 3.70 sf x 2.35'L = 8.7 cf 96 Chambers in 8 Rows
		1,218 cf	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Primary	13.53'	**15.0" Round Culvert** L= 32.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 13.53' / 13.05' S= 0.0150 '/' Cc= 0.900 n= 0.012, Flow Area= 1.23 sf
#2	Device 1	13.35'	**0.5" Vert. Orifice/Grate** C= 0.600
#3	Device 1	14.30'	**5.0" Vert. Orifice/Grate** C= 0.600
#4	Device 1	16.00'	**4.0' long x 0.5' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32

Primary OutFlow Max=0.1 cfs @ 13.50 hrs HW=14.51' (Free Discharge)
└**1=Culvert** (Passes 0.1 cfs of 3.5 cfs potential flow)
  ├**2=Orifice/Grate** (Orifice Controls 0.0 cfs @ 4.77 fps)
  ├**3=Orifice/Grate** (Orifice Controls 0.1 cfs @ 1.57 fps)
  └**4=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Pond 1RT: 1RT


Hydrograph
Inflow Area=22,745 sf
Peak Elev=14.51'
Storage=389 cf
0.1 cfs
0.1 cfs
Inflow
Primary
Flow (cfs)
Time (hours)
0
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.1
0.11
0.12
0 2 4 6 8 10 12 14 16 18 20 22 24 26 28 30 32 34 36 38 40 42 44 46 48 50

Area Listing (selected nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
3,185	74	>75% Grass cover, Good, HSG C (1.2S)
9,465	80	>75% Grass cover, Good, HSG D (1.2S)
10,200	98	Roof / Driveways (1.2S)
22,850	**87**	**TOTAL AREA**

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1.2S: Homes / Driveways / Runoff Area=22,850 sf 44.64% Impervious Runoff Depth=0.68"
Tc=6.0 min CN=87 Runoff=0.4 cfs 1,291 cf

Pond 1FP: FocalPoint 1 Peak Elev=20.50' Storage=236 cf Inflow=0.4 cfs 1,291 cf
Primary=0.1 cfs 1,291 cf Secondary=0.0 cfs 0 cf Outflow=0.1 cfs 1,291 cf

Pond 1RT: 1RT Peak Elev=14.51' Storage=209 cf Inflow=0.1 cfs 1,291 cf
Outflow=0.1 cfs 1,265 cf

Total Runoff Area = 22,850 sf Runoff Volume = 1,291 cf Average Runoff Depth = 0.68"
55.36% Pervious = 12,650 sf 44.64% Impervious = 10,200 sf

Summary for Subcatchment 1.2S: Homes / Driveways / LA

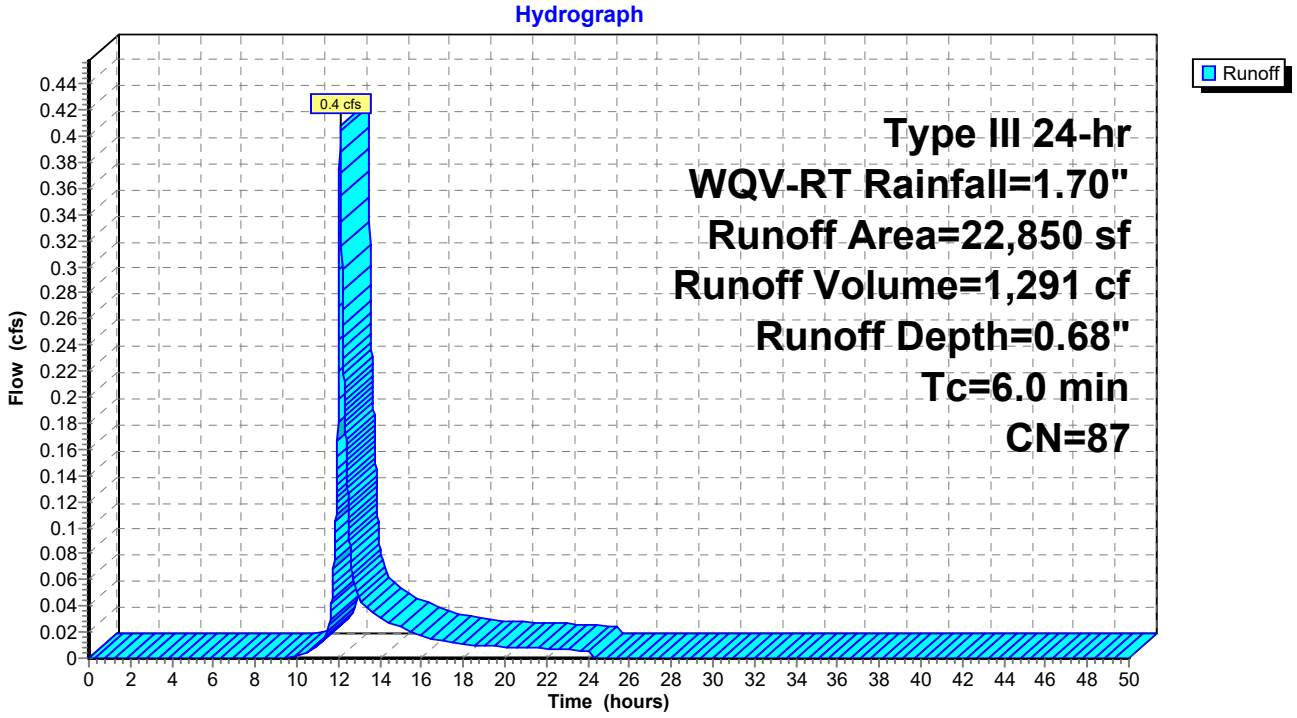
Runoff = 0.4 cfs @ 12.09 hrs, Volume= 1,291 cf, Depth= 0.68"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr WQV-RT Rainfall=1.70"

	Area (sf)	CN	Description
	9,465	80	>75% Grass cover, Good, HSG D
	3,185	74	>75% Grass cover, Good, HSG C
*	10,200	98	Roof / Driveways
	22,850	87	Weighted Average
	12,650		55.36% Pervious Area
	10,200		44.64% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 1.2S: Homes / Driveways / LA



Summary for Pond 1FP: FocalPoint 1

behind units 22 and 23

Inflow Area = 22,850 sf, 44.64% Impervious, Inflow Depth = 0.68" for WQV-RT event
Inflow = 0.4 cfs @ 12.09 hrs, Volume= 1,291 cf
Outflow = 0.1 cfs @ 11.90 hrs, Volume= 1,291 cf, Atten= 72%, Lag= 0.0 min
Primary = 0.1 cfs @ 11.90 hrs, Volume= 1,291 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 20.50' @ 12.48 hrs Surf.Area= 50 sf Storage= 236 cf

Plug-Flow detention time= (not calculated: outflow precedes inflow)
Center-of-Mass det. time= 10.2 min (859.2 - 849.0)

Volume	Invert	Avail.Storage	Storage Description
#1	16.75'	23 cf	**5.00'W x 10.00'L x 2.25'H FocalPoint** 113 cf Overall x 20.0% Voids
#2	19.00'	588 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc) -Impervious
		610 cf	Total Available Storage

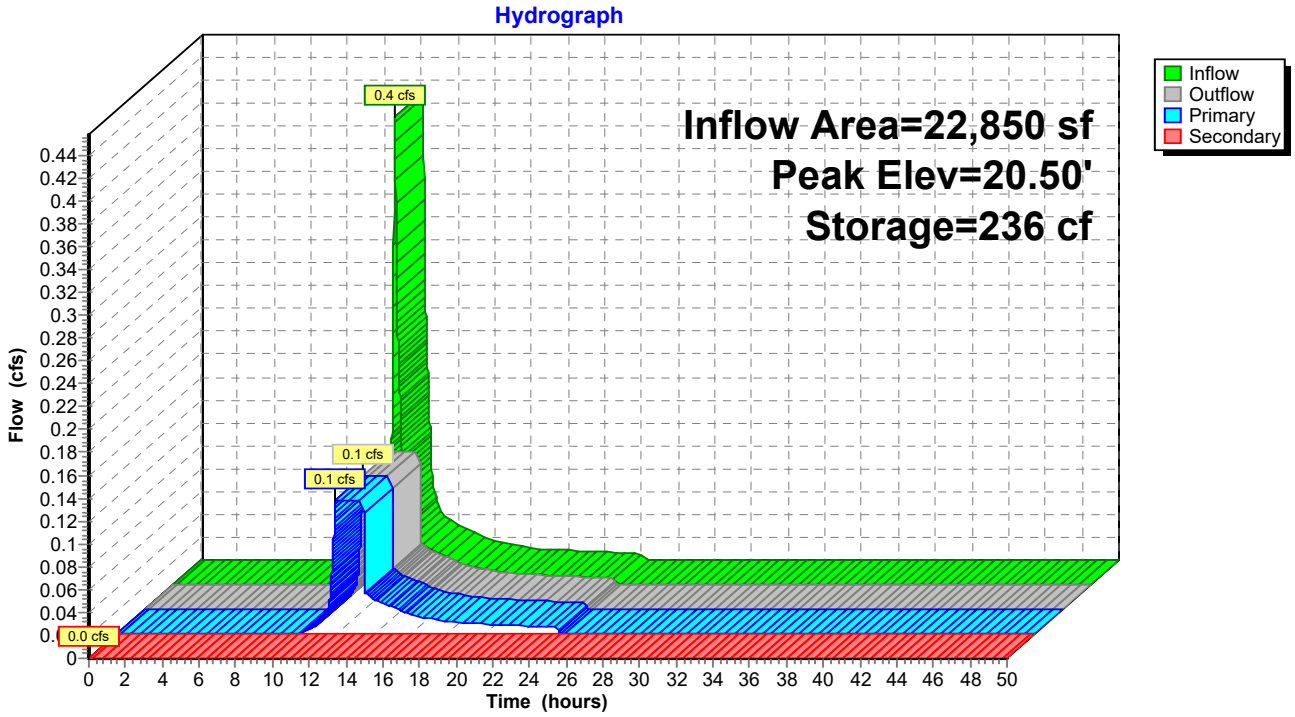
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
19.00	50	0	0
20.00	168	109	109
21.00	343	256	365
21.50	550	223	588

Device	Routing	Invert	Outlet Devices
#1	Primary	15.90'	**12.0" Round Culvert** L= 6.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 15.90' / 15.80' S= 0.0167 '/' Cc= 0.900 n= 0.012, Flow Area= 0.79 sf
#2	Device 1	16.75'	**100.000 in/hr Exfiltration over Surface area**
#3	Device 1	20.60'	**24.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#4	Secondary	21.00'	**12.0' long x 4.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50 Coef. (English) 2.38 2.54 2.69 2.68 2.67 2.67 2.65 2.66 2.66 2.68 2.72 2.73 2.76 2.79 2.88 3.07 3.32

Primary OutFlow Max=0.1 cfs @ 11.90 hrs HW=16.80' (Free Discharge)
└**1=Culvert** (Passes 0.1 cfs of 2.0 cfs potential flow)
  ├**2=Exfiltration** (Exfiltration Controls 0.1 cfs)
  └**3=Orifice/Grate** (Controls 0.0 cfs)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=16.75' (Free Discharge)
└**4=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Pond 1FP: FocalPoint 1



Summary for Pond 1RT: 1RT

Inflow Area = 22,850 sf, 44.64% Impervious, Inflow Depth = 0.68" for WQV-RT event
Inflow = 0.1 cfs @ 11.90 hrs, Volume= 1,291 cf
Outflow = 0.1 cfs @ 13.51 hrs, Volume= 1,265 cf, Atten= 0%, Lag= 96.6 min
Primary = 0.1 cfs @ 13.51 hrs, Volume= 1,265 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 14.51' @ 13.51 hrs Surf.Area= 262 sf Storage= 209 cf

Plug-Flow detention time= 137.4 min calculated for 1,265 cf (98% of inflow)
Center-of-Mass det. time= 126.0 min (985.2 - 859.2)

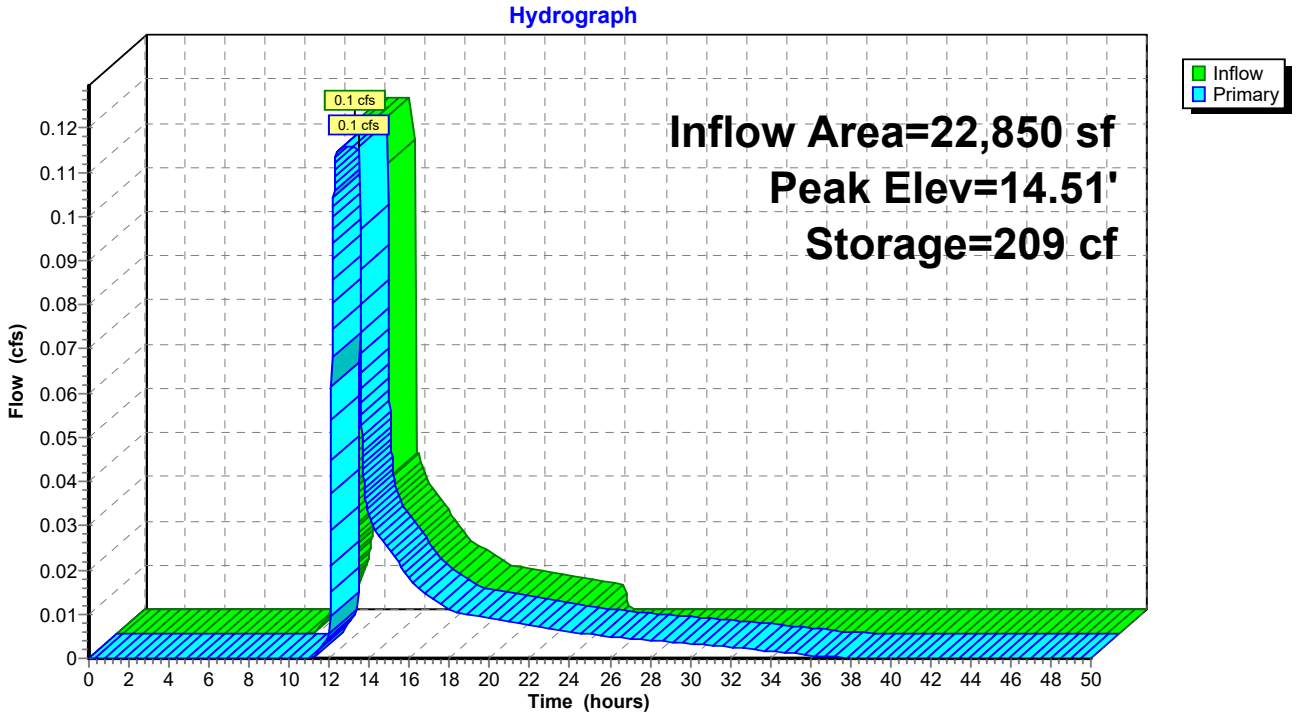
Volume	Invert	Avail.Storage	Storage Description
#1A	13.28'	260 cf	**14.50'W x 18.07'L x 4.07'H Field A** 1,067 cf Overall - 417 cf Embedded = 650 cf x 40.0% Voids
#2A	13.53'	396 cf	**ACF R-Tank HD 2** x 48 Inside #1 Inside= 15.7"W x 33.9"H => 3.52 sf x 2.35'L = 8.3 cf Outside= 15.7"W x 33.9"H => 3.70 sf x 2.35'L = 8.7 cf 48 Chambers in 8 Rows
		656 cf	Total Available Storage

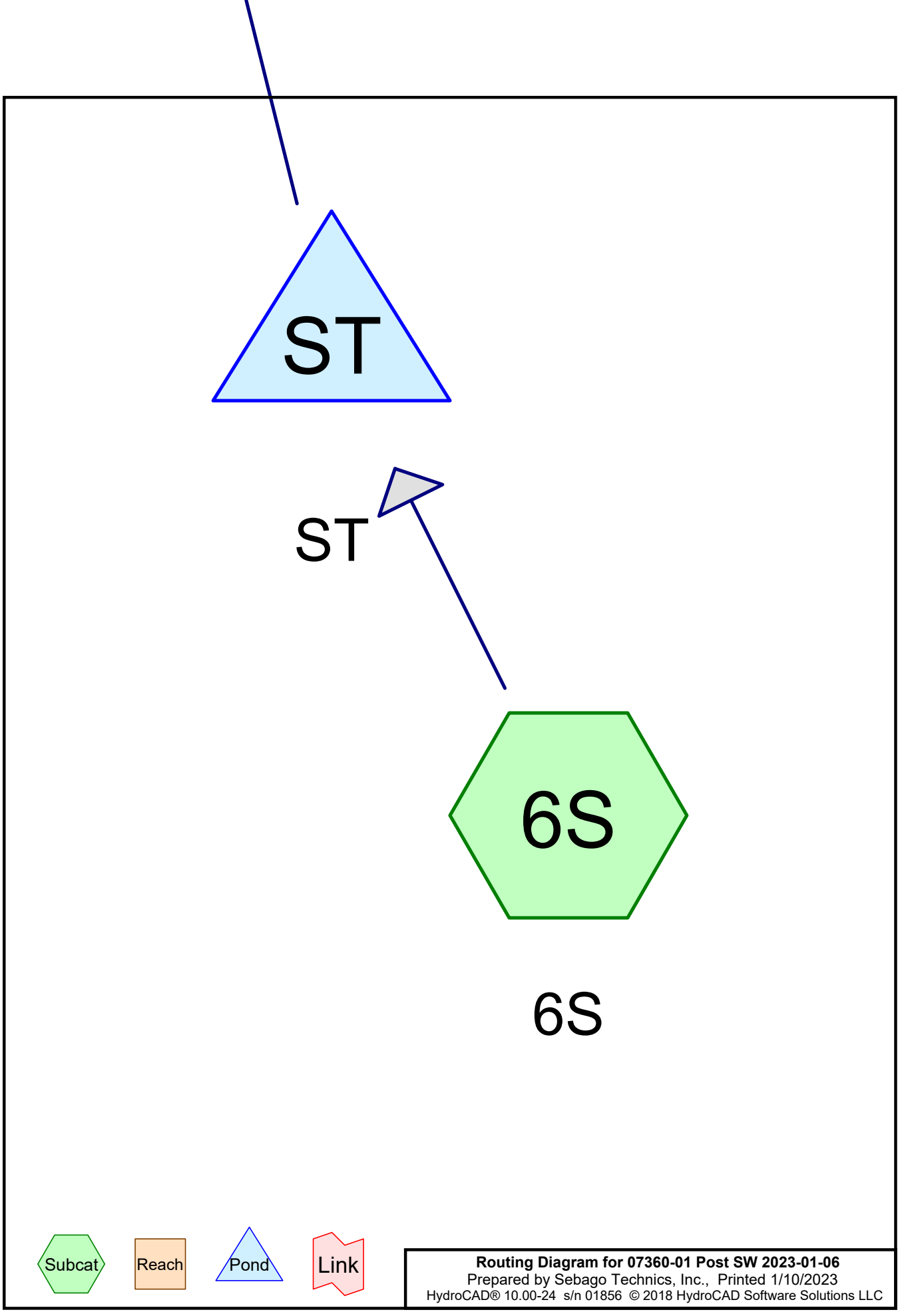
Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Primary	13.53'	**15.0" Round Culvert** L= 32.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 13.53' / 13.05' S= 0.0150 '/' Cc= 0.900 n= 0.012, Flow Area= 1.23 sf
#2	Device 1	13.35'	**0.5" Vert. Orifice/Grate** C= 0.600
#3	Device 1	14.30'	**5.0" Vert. Orifice/Grate** C= 0.600
#4	Device 1	16.00'	**4.0' long x 0.5' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32

Primary OutFlow Max=0.1 cfs @ 13.51 hrs HW=14.51' (Free Discharge)
└**1=Culvert** (Passes 0.1 cfs of 3.5 cfs potential flow)
  ├**2=Orifice/Grate** (Orifice Controls 0.0 cfs @ 4.77 fps)
  ├**3=Orifice/Grate** (Orifice Controls 0.1 cfs @ 1.57 fps)
  └**4=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Pond 1RT: 1RT


Hydrograph
Inflow Area=22,850 sf
Peak Elev=14.51'
Storage=209 cf
0.1 cfs
0.1 cfs
Inflow
Primary
Flow (cfs)
Time (hours)
0
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.1
0.11
0.12
0 2 4 6 8 10 12 14 16 18 20 22 24 26 28 30 32 34 36 38 40 42 44 46 48 50


ST
ST
6S
6S
Subcat
Reach
Pond
Link
Routing Diagram for 07360-01 Post SW 2023-01-06
Prepared by Sebago Technics, Inc., Printed 1/10/2023
HydroCAD® 10.00-24 s/n 01856 © 2018 HydroCAD Software Solutions LLC

Area Listing (selected nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
9,805	77	1/8 acre lots, 65% imp, HSG A (6S)
6,910	90	1/8 acre lots, 65% imp, HSG C (6S)
4,670	39	>75% Grass cover, Good, HSG A (6S)
2,755	74	>75% Grass cover, Good, HSG C (6S)
7,840	98	Pavement (6S)
31,980	**79**	**TOTAL AREA**

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment6S: 6S Runoff Area=31,980 sf 58.49% Impervious Runoff Depth=0.19"
Flow Length=718' Tc=6.6 min CN=79 Runoff=0.1 cfs 513 cf

Pond ST: ST Peak Elev=29.62' Storage=15 cf Inflow=0.1 cfs 513 cf
Outflow=0.1 cfs 501 cf

Total Runoff Area = 31,980 sf Runoff Volume = 513 cf Average Runoff Depth = 0.19"
41.51% Pervious = 13,275 sf 58.49% Impervious = 18,705 sf

Summary for Subcatchment 6S: 6S

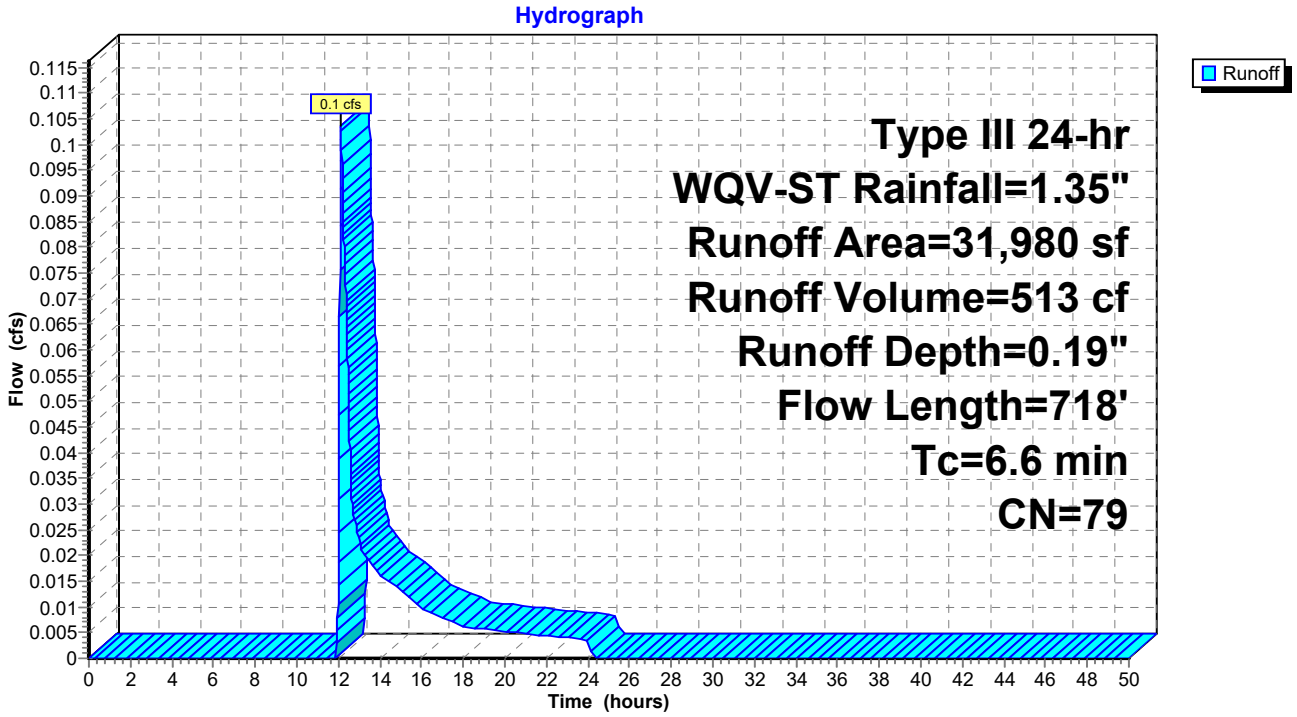
Runoff = 0.1 cfs @ 12.13 hrs, Volume= 513 cf, Depth= 0.19"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr WQV-ST Rainfall=1.35"

	Area (sf)	CN	Description
*	7,840	98	Pavement
	2,755	74	>75% Grass cover, Good, HSG C
	4,670	39	>75% Grass cover, Good, HSG A
	6,910	90	1/8 acre lots, 65% imp, HSG C
	9,805	77	1/8 acre lots, 65% imp, HSG A
	31,980	79	Weighted Average
	13,275		41.51% Pervious Area
	18,705		58.49% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.5	30	0.0568	0.20		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
3.0	370	0.0100	2.03		**Shallow Concentrated Flow, B-C** Paved Kv= 20.3 fps
0.6	115	0.0213	2.96		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
0.1	28	0.0200	6.95	5.46	**Pipe Channel, D-E** 12.0" Round Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.012 Corrugated PP, smooth interior
0.4	175	0.0250	7.77	6.10	**Pipe Channel, E-F** 12.0" Round Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.012
6.6	718	Total			

Subcatchment 6S: 6S



Summary for Pond ST: ST

Inflow Area = 31,980 sf, 58.49% Impervious, Inflow Depth = 0.19" for WQV-ST event
Inflow = 0.1 cfs @ 12.13 hrs, Volume= 513 cf
Outflow = 0.1 cfs @ 12.13 hrs, Volume= 501 cf, Atten= 0%, Lag= 0.3 min
Primary = 0.1 cfs @ 12.13 hrs, Volume= 501 cf

WQV REQUIRED TO TREAT 6,000 S.F. OF EXISTING ROADWAY

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 29.62' @ 12.13 hrs Surf.Area= 40 sf Storage= 15 cf

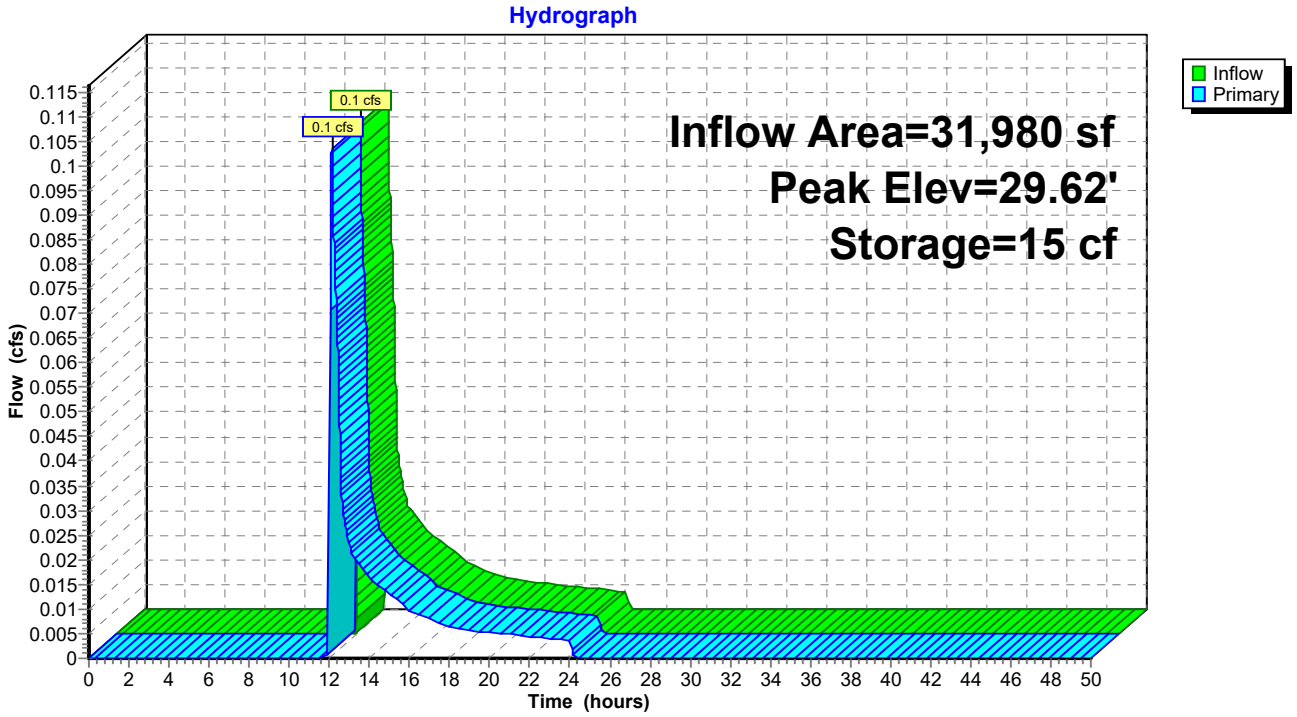
Plug-Flow detention time= 17.8 min calculated for 501 cf (98% of inflow)
Center-of-Mass det. time= 5.7 min (919.2 - 913.5)

Volume	Invert	Avail.Storage	Storage Description
#1	30.70'	36 cf	**10.00'W x 4.00'L x 2.25'H Prismatoid** 90 cf Overall x 40.0% Voids
#2	32.95'	27 cf	**10.00'W x 4.00'L x 0.68'H Prismatoid**
#3	28.70'	32 cf	**10.00'W x 4.00'L x 2.00'H Prismatoid** 80 cf Overall x 40.0% Voids
		95 cf	Total Available Storage

Device	Routing	Invert	Outlet Devices
#1	Device 2	28.70'	**140.000 in/hr Exfiltration over Surface area**
#2	Primary	29.45'	**12.0" Round Culvert** L= 25.0' CPP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 29.45' / 29.20' S= 0.0100 '/' Cc= 0.900 n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf
#3	Device 2	33.37'	**12.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.1 cfs @ 12.13 hrs HW=29.62' (Free Discharge)
└**2=Culvert** (Inlet Controls 0.1 cfs @ 1.12 fps)
  └**1=Exfiltration** (Passes 0.1 cfs of 0.1 cfs potential flow)
  └**3=Orifice/Grate** (Controls 0.0 cfs)

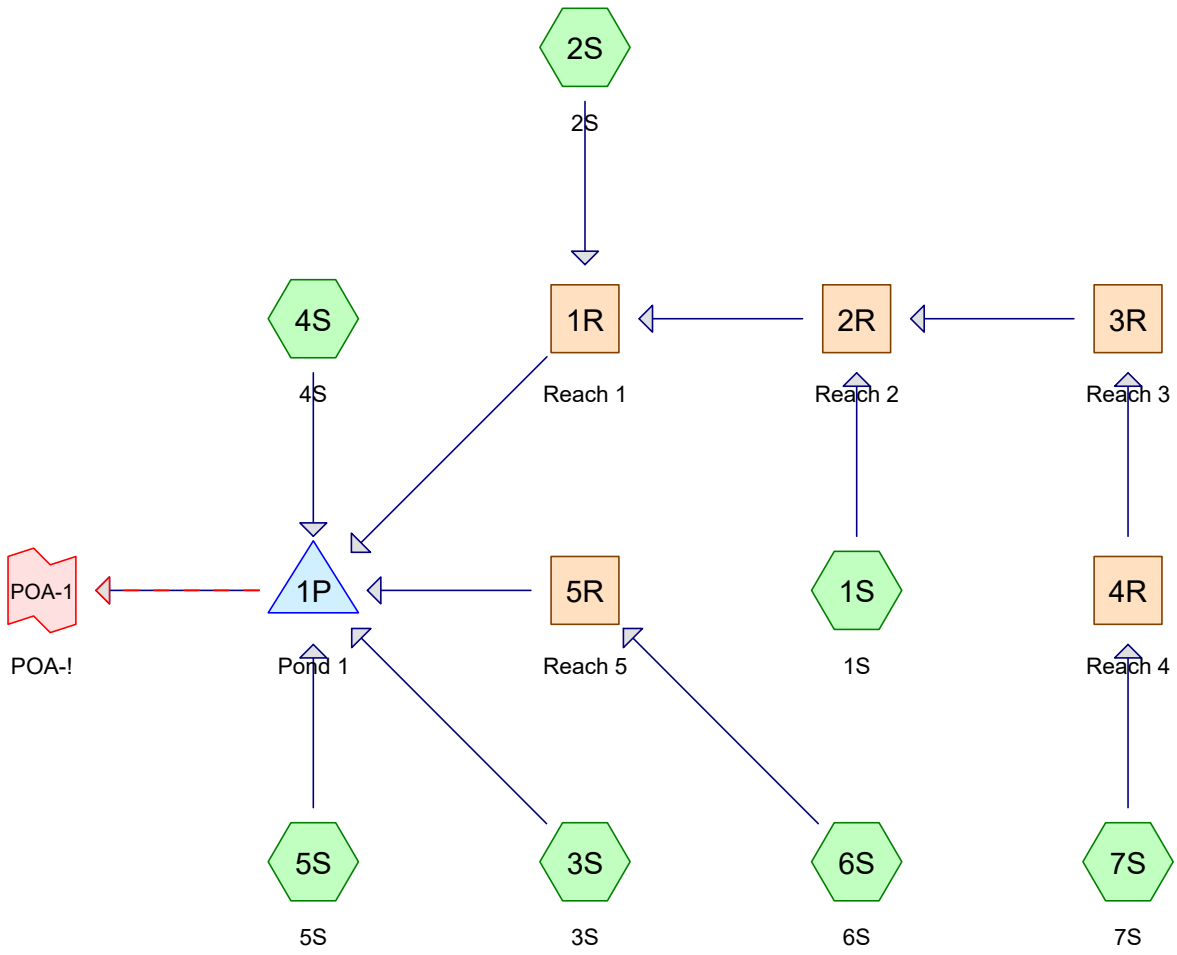
Pond ST: ST



STORMTREE (ST-4X10-SUL) TREATMENT FLOW RATE = 0.132 CFS
WQV STORM = 0.1 CFS

Appendix 2A

Existing Conditions HydroCAD Summary



Subcat Reach Pond Link

Routing Diagram for 07360-01 Pre SW 3
Prepared by Sebago Technics, Inc., Printed 1/10/2023
HydroCAD® 10.00-24 s/n 01856 © 2018 HydroCAD Software Solutions LLC

Area Listing (selected nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
20,110	86	1/3 acre lots, 30% imp, HSG D (2S)
9,235	61	1/4 acre lots, 38% imp, HSG A (2S, 7S)
760	83	1/4 acre lots, 38% imp, HSG C (2S)
42,750	77	1/8 acre lots, 65% imp, HSG A (2S, 6S, 7S)
44,440	90	1/8 acre lots, 65% imp, HSG C (2S, 6S, 7S)
16,725	39	>75% Grass cover, Good, HSG A (6S, 7S)
18,525	74	>75% Grass cover, Good, HSG C (2S, 6S, 7S)
58,250	30	Brush, Good, HSG A (4S)
13,090	65	Brush, Good, HSG C (1S, 2S, 3S, 5S)
129,615	73	Brush, Good, HSG D (1S, 2S, 3S, 4S, 5S)
6,380	98	CMP impervious (5S)
1,215	98	Ex Gravel (5S)
4,555	98	Existing Gravel (1S)
2,865	98	Existing Pavement (1S)
1,260	98	Gravel (3S)
43,220	98	Pavement (3S, 4S, 6S, 7S)
3,095	98	Roof / Driveways (2S)
17,555	98	Train track gravel (4S, 5S)
980	72	Woods/grass comb., Good, HSG C (2S)
434,625	**73**	**TOTAL AREA**

Summary for Subcatchment 1S: 1S

Runoff = 2.5 cfs @ 12.09 hrs, Volume= 7,781 cf, Depth= 3.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
*	2,865	98	Existing Pavement
*	4,555	98	Existing Gravel
	13,940	73	Brush, Good, HSG D
	6,080	65	Brush, Good, HSG C
	27,440	78	Weighted Average
	20,020		72.96% Pervious Area
	7,420		27.04% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.6	52	0.0380	1.54		**Sheet Flow, A-B** Smooth surfaces n= 0.011 P2= 3.10"
0.2	30	0.3000	2.74		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
0.5	52	0.1250	1.77		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
4.7					**Direct Entry,**
6.0	134	Total			

Summary for Subcatchment 2S: 2S

Runoff = 6.1 cfs @ 12.23 hrs, Volume= 26,339 cf, Depth= 3.91"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
	16,190	73	Brush, Good, HSG D
	1,390	65	Brush, Good, HSG C
	20,110	86	1/3 acre lots, 30% imp, HSG D
	26,370	90	1/8 acre lots, 65% imp, HSG C
	275	77	1/8 acre lots, 65% imp, HSG A
	980	72	Woods/grass comb., Good, HSG C
	10,920	74	>75% Grass cover, Good, HSG C
	825	61	1/4 acre lots, 38% imp, HSG A
	760	83	1/4 acre lots, 38% imp, HSG C
*	3,095	98	Roof / Driveways
	80,915	83	Weighted Average
	53,865		66.57% Pervious Area
	27,050		33.43% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.3	50	0.0160	0.13		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
5.3	360	0.0257	1.12		**Shallow Concentrated Flow, B-C** Short Grass Pasture Kv= 7.0 fps
0.2	40	0.3513	2.96		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
5.1	210	0.0192	0.69		**Shallow Concentrated Flow, D-E** Woodland Kv= 5.0 fps
16.9	660	Total			

Summary for Subcatchment 3S: 3S

Runoff = 1.3 cfs @ 12.09 hrs, Volume= 4,020 cf, Depth= 3.11"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
	13,780	73	Brush, Good, HSG D
*	1,260	98	Gravel
*	60	98	Pavement
	400	65	Brush, Good, HSG C
	15,500	75	Weighted Average
	14,180		91.48% Pervious Area
	1,320		8.52% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.5	48	0.0417	1.57		**Sheet Flow, A-B** Smooth surfaces n= 0.011 P2= 3.10"
0.1	20	0.2500	2.50		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
0.7	50	0.0600	1.22		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
0.1	15	0.6667	4.08		**Shallow Concentrated Flow, D-E** Woodland Kv= 5.0 fps
0.1	13	0.2307	2.40		**Shallow Concentrated Flow, E-F** Woodland Kv= 5.0 fps
4.5					**Direct Entry,**
6.0	146	Total			

Summary for Subcatchment 4S: 4S

Runoff = 4.8 cfs @ 12.35 hrs, Volume= 25,003 cf, Depth= 1.95"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
	59,840	73	Brush, Good, HSG D
*	20,640	98	Pavement
*	14,755	98	Train track gravel
	58,250	30	Brush, Good, HSG A
	153,485	62	Weighted Average
	118,090		76.94% Pervious Area
	35,395		23.06% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.4	30	0.0250	1.16		**Sheet Flow, A-B** Smooth surfaces n= 0.011 P2= 3.10"
4.1	145	0.0138	0.59		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
0.7	80	0.1299	1.80		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
14.1	600	0.0050	0.71		**Shallow Concentrated Flow, D-E** Nearly Bare & Untilled Kv= 10.0 fps
2.7	200	0.0151	1.23		**Shallow Concentrated Flow, E-F** Nearly Bare & Untilled Kv= 10.0 fps
0.7	165	0.0662	3.86		**Shallow Concentrated Flow, F-G** Grassed Waterway Kv= 15.0 fps
0.9	120	0.0245	2.35		**Shallow Concentrated Flow, G-H** Grassed Waterway Kv= 15.0 fps
23.6	1,340	Total			

Summary for Subcatchment 5S: 5S

Runoff = 2.6 cfs @ 12.27 hrs, Volume= 11,762 cf, Depth= 3.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
	25,865	73	Brush, Good, HSG D
*	1,215	98	Ex Gravel
*	2,800	98	Train track gravel
*	6,380	98	CMP impervious
	5,220	65	Brush, Good, HSG C
	41,480	78	Weighted Average
	31,085		74.94% Pervious Area
	10,395		25.06% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
14.7	60	0.0193	0.07		**Sheet Flow, A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
3.1	120	0.0169	0.65		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
1.4	155	0.1323	1.82		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
19.2	335	Total			

Summary for Subcatchment 6S: 6S

Runoff = 3.7 cfs @ 12.09 hrs, Volume= 11,593 cf, Depth= 3.60"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
*	9,035	98	Pavement
	5,150	74	>75% Grass cover, Good, HSG C
	4,670	39	>75% Grass cover, Good, HSG A
	9,970	90	1/8 acre lots, 65% imp, HSG C
	9,805	77	1/8 acre lots, 65% imp, HSG A
	38,630	80	Weighted Average
	16,741		43.34% Pervious Area
	21,889		56.66% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.5	30	0.0568	0.20		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
3.0	370	0.0100	2.03		**Shallow Concentrated Flow, B-C** Paved Kv= 20.3 fps
1.0	170	0.0213	2.96		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
6.5	570	Total			

Summary for Subcatchment 7S: 7S

Runoff = 4.7 cfs @ 12.21 hrs, Volume= 19,406 cf, Depth= 3.02"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
*	13,485	98	Pavement
	2,455	74	>75% Grass cover, Good, HSG C
	12,055	39	>75% Grass cover, Good, HSG A
	8,100	90	1/8 acre lots, 65% imp, HSG C
	32,670	77	1/8 acre lots, 65% imp, HSG A
	8,410	61	1/4 acre lots, 38% imp, HSG A
	77,175	74	Weighted Average
	33,994		44.05% Pervious Area
	43,181		55.95% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
7.0	55	0.0145	0.13		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
4.0	190	0.0131	0.80		**Shallow Concentrated Flow, B-C** Short Grass Pasture Kv= 7.0 fps
0.8	110	0.0131	2.32		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
3.3	405	0.0100	2.03		**Shallow Concentrated Flow, D-E** Paved Kv= 20.3 fps
15.1	760	Total			

Summary for Reach 1R: Reach 1

Inflow Area = 185,530 sf, 41.85% Impervious, Inflow Depth = 3.46" for 25-YR event
Inflow = 12.0 cfs @ 12.23 hrs, Volume= 53,526 cf
Outflow = 11.9 cfs @ 12.25 hrs, Volume= 53,526 cf, Atten= 0%, Lag= 0.9 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 1.31 fps, Min. Travel Time= 1.1 min
Avg. Velocity = 0.38 fps, Avg. Travel Time= 3.7 min

Peak Storage= 773 cf @ 12.25 hrs
Average Depth at Peak Storage= 0.44'
Bank-Full Depth= 0.50' Flow Area= 11.3 sf, Capacity= 15.9 cfs

10.00' x 0.50' deep channel, n= 0.100 Earth, dense brush, high stage
Side Slope Z-value= 25.0 '/' Top Width= 35.00'
Length= 85.0' Slope= 0.0412 '/'
Inlet Invert= 15.00', Outlet Invert= 11.50'



‡

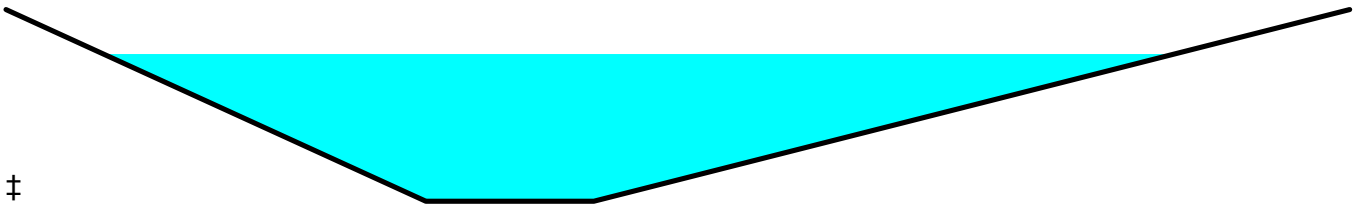
Summary for Reach 2R: Reach 2

Inflow Area = 104,615 sf, 48.37% Impervious, Inflow Depth = 3.12" for 25-YR event
Inflow = 6.1 cfs @ 12.20 hrs, Volume= 27,187 cf
Outflow = 5.9 cfs @ 12.25 hrs, Volume= 27,187 cf, Atten= 3%, Lag= 3.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 0.83 fps, Min. Travel Time= 4.3 min
Avg. Velocity = 0.27 fps, Avg. Travel Time= 13.1 min

Peak Storage= 1,521 cf @ 12.25 hrs
Average Depth at Peak Storage= 0.38'
Bank-Full Depth= 0.50' Flow Area= 11.3 sf, Capacity= 10.9 cfs

5.00' x 0.50' deep channel, n= 0.100 Earth, dense brush, high stage
Side Slope Z-value= 25.0 45.0 '/' Top Width= 40.00'
Length= 215.0' Slope= 0.0233 '/'
Inlet Invert= 16.50', Outlet Invert= 11.50'



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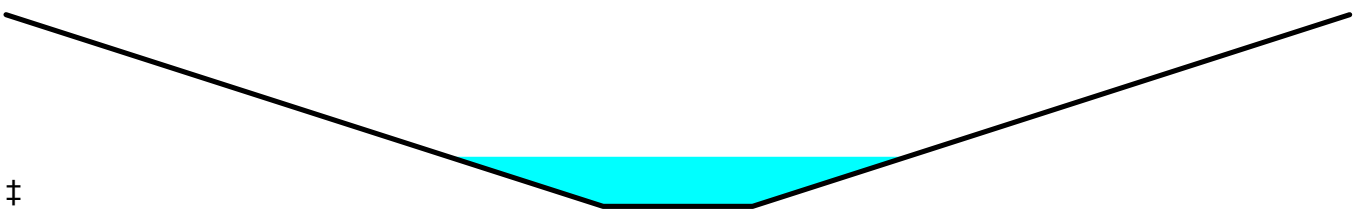
Summary for Reach 3R: Reach 3

Inflow Area = 77,175 sf, 55.95% Impervious, Inflow Depth = 3.02" for 25-YR event
Inflow = 4.7 cfs @ 12.21 hrs, Volume= 19,406 cf
Outflow = 4.7 cfs @ 12.23 hrs, Volume= 19,406 cf, Atten= 0%, Lag= 0.9 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 1.78 fps, Min. Travel Time= 1.1 min
Avg. Velocity = 0.66 fps, Avg. Travel Time= 2.8 min

Peak Storage= 298 cf @ 12.23 hrs
Average Depth at Peak Storage= 0.26'
Bank-Full Depth= 1.00' Flow Area= 25.0 sf, Capacity= 97.3 cfs

5.00' x 1.00' deep channel, n= 0.100 Earth, dense brush, high stage
Side Slope Z-value= 20.0 '/' Top Width= 45.00'
Length= 113.0' Slope= 0.1504 '/'
Inlet Invert= 33.50', Outlet Invert= 16.50'



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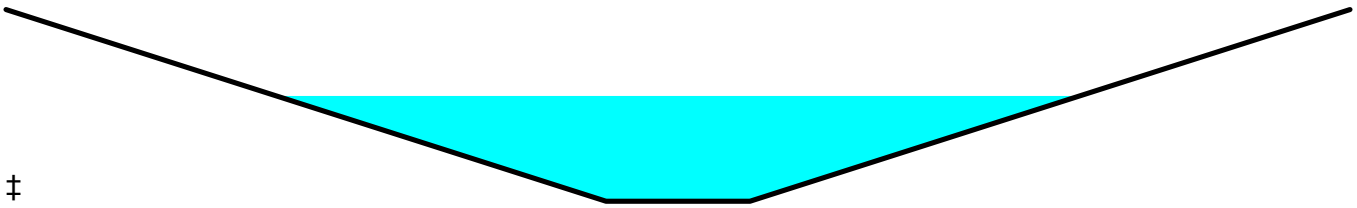
Summary for Reach 4R: Reach 4

Inflow Area = 77,175 sf, 55.95% Impervious, Inflow Depth = 3.02" for 25-YR event
Inflow = 4.7 cfs @ 12.21 hrs, Volume= 19,406 cf
Outflow = 4.7 cfs @ 12.21 hrs, Volume= 19,406 cf, Atten= 0%, Lag= 0.5 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 3.48 fps, Min. Travel Time= 0.5 min
Avg. Velocity = 1.41 fps, Avg. Travel Time= 1.3 min

Peak Storage= 144 cf @ 12.21 hrs
Average Depth at Peak Storage= 0.14'
Bank-Full Depth= 0.25' Flow Area= 3.9 sf, Capacity= 19.3 cfs

3.00' x 0.25' deep channel, n= 0.013 Asphalt, smooth
Side Slope Z-value= 50.0 '/' Top Width= 28.00'
Length= 106.0' Slope= 0.0264 '/'
Inlet Invert= 36.30', Outlet Invert= 33.50'



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Summary for Reach 5R: Reach 5

Inflow Area = 38,630 sf, 56.66% Impervious, Inflow Depth = 3.60" for 25-YR event
Inflow = 3.7 cfs @ 12.09 hrs, Volume= 11,593 cf
Outflow = 3.6 cfs @ 12.10 hrs, Volume= 11,593 cf, Atten= 1%, Lag= 0.5 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 3.12 fps, Min. Travel Time= 0.8 min
Avg. Velocity = 0.87 fps, Avg. Travel Time= 2.8 min

Peak Storage= 171 cf @ 12.10 hrs
Average Depth at Peak Storage= 0.10'
Bank-Full Depth= 0.50' Flow Area= 10.0 sf, Capacity= 78.0 cfs

10.00' x 0.50' deep channel, n= 0.035 Earth, dense weeds
Side Slope Z-value= 20.0 '/' Top Width= 30.00'
Length= 146.0' Slope= 0.1462 '/'
Inlet Invert= 32.35', Outlet Invert= 11.00'



‡

Summary for Pond 1P: Pond 1

Inflow Area = 434,625 sf, 33.74% Impervious, Inflow Depth = 2.92" for 25-YR event
Inflow = 21.4 cfs @ 12.26 hrs, Volume= 105,905 cf
Outflow = 4.3 cfs @ 13.04 hrs, Volume= 101,945 cf, Atten= 80%, Lag= 46.8 min
Primary = 4.3 cfs @ 13.04 hrs, Volume= 101,945 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 13.09' @ 13.04 hrs Surf.Area= 19,166 sf Storage= 41,364 cf

Plug-Flow detention time= 109.0 min calculated for 101,925 cf (96% of inflow)
Center-of-Mass det. time= 87.8 min (928.8 - 841.0)

Volume	Invert	Avail.Storage	Storage Description
#1	8.00'	137,824 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
8.00	1,000	0	0
9.00	2,000	1,500	1,500
10.00	4,000	3,000	4,500
11.00	8,800	6,400	10,900
12.00	14,915	11,858	22,758
13.00	18,900	16,908	39,665
14.00	21,882	20,391	60,056
15.00	24,236	23,059	83,115
16.00	26,633	25,435	108,550
17.00	31,915	29,274	137,824

Device	Routing	Invert	Outlet Devices
#1	Primary	7.74'	**12.0" Round Culvert** L= 113.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 7.74' / 4.98' S= 0.0244 '/' Cc= 0.900 n= 0.025 Corrugated metal, Flow Area= 0.79 sf
#2	Device 1	9.86'	**1.3" x 1.3" Horiz. Grate X 7.00 columns** X 7 rows C= 0.600
#3	Secondary	25.60'	**100.0' long x 15.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63

Primary OutFlow Max=4.3 cfs @ 13.04 hrs HW=13.09' TW=0.00' (Dynamic Tailwater)
└**1=Culvert** (Barrel Controls 4.3 cfs @ 5.52 fps)
└**2=Grate** (Passes 4.3 cfs of 5.0 cfs potential flow)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=8.00' TW=0.00' (Dynamic Tailwater)
└**3=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Summary for Link POA-1: POA-!

Inflow Area = 434,625 sf, 33.74% Impervious, Inflow Depth = 2.81" for 25-YR event
Inflow = 4.3 cfs @ 13.04 hrs, Volume= 101,945 cf
Primary = 4.3 cfs @ 13.04 hrs, Volume= 101,945 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment1S: 1S Runoff Area=27,440 sf 27.04% Impervious Runoff Depth=1.20"
Flow Length=134' Tc=6.0 min CN=78 Runoff=0.9 cfs 2,745 cf

Subcatchment2S: 2S Runoff Area=80,915 sf 33.43% Impervious Runoff Depth=1.53"
Flow Length=660' Tc=16.9 min CN=83 Runoff=2.4 cfs 10,300 cf

Subcatchment3S: 3S Runoff Area=15,500 sf 8.52% Impervious Runoff Depth=1.03"
Flow Length=146' Tc=6.0 min CN=75 Runoff=0.4 cfs 1,326 cf

Subcatchment4S: 4S Runoff Area=153,485 sf 23.06% Impervious Runoff Depth=0.44"
Flow Length=1,340' Tc=23.6 min CN=62 Runoff=0.8 cfs 5,614 cf

Subcatchment5S: 5S Runoff Area=41,480 sf 25.06% Impervious Runoff Depth=1.20"
Flow Length=335' Tc=19.2 min CN=78 Runoff=0.9 cfs 4,150 cf

Subcatchment6S: 6S Runoff Area=38,630 sf 56.66% Impervious Runoff Depth=1.33"
Flow Length=570' Tc=6.5 min CN=80 Runoff=1.3 cfs 4,267 cf

Subcatchment7S: 7S Runoff Area=77,175 sf 55.95% Impervious Runoff Depth=0.97"
Flow Length=760' Tc=15.1 min CN=74 Runoff=1.4 cfs 6,253 cf

Reach 1R: Reach 1 Avg. Flow Depth=0.26' Max Vel=0.98 fps Inflow=4.1 cfs 19,298 cf
n=0.100 L=85.0' S=0.0412 '/' Capacity=15.9 cfs Outflow=4.1 cfs 19,298 cf

Reach 2R: Reach 2 Avg. Flow Depth=0.23' Max Vel=0.61 fps Inflow=1.9 cfs 8,998 cf
n=0.100 L=215.0' S=0.0233 '/' Capacity=10.9 cfs Outflow=1.8 cfs 8,998 cf

Reach 3R: Reach 3 Avg. Flow Depth=0.14' Max Vel=1.27 fps Inflow=1.4 cfs 6,253 cf
n=0.100 L=113.0' S=0.1504 '/' Capacity=97.3 cfs Outflow=1.4 cfs 6,253 cf

Reach 4R: Reach 4 Avg. Flow Depth=0.08' Max Vel=2.55 fps Inflow=1.4 cfs 6,253 cf
n=0.013 L=106.0' S=0.0264 '/' Capacity=19.3 cfs Outflow=1.4 cfs 6,253 cf

Reach 5R: Reach 5 Avg. Flow Depth=0.05' Max Vel=2.19 fps Inflow=1.3 cfs 4,267 cf
n=0.035 L=146.0' S=0.1462 '/' Capacity=78.0 cfs Outflow=1.3 cfs 4,267 cf

Pond 1P: Pond 1 Peak Elev=10.89' Storage=9,981 cf Inflow=6.5 cfs 34,655 cf
Primary=2.8 cfs 30,695 cf Secondary=0.0 cfs 0 cf Outflow=2.8 cfs 30,695 cf

Link POA-1: POA-! Inflow=2.8 cfs 30,695 cf
Primary=2.8 cfs 30,695 cf

Total Runoff Area = 434,625 sf Runoff Volume = 34,655 cf Average Runoff Depth = 0.96"
66.26% Pervious = 287,975 sf 33.74% Impervious = 146,650 sf

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment1S: 1S Runoff Area=27,440 sf 27.04% Impervious Runoff Depth=2.38"
Flow Length=134' Tc=6.0 min CN=78 Runoff=1.8 cfs 5,432 cf

Subcatchment2S: 2S Runoff Area=80,915 sf 33.43% Impervious Runoff Depth=2.81"
Flow Length=660' Tc=16.9 min CN=83 Runoff=4.4 cfs 18,979 cf

Subcatchment3S: 3S Runoff Area=15,500 sf 8.52% Impervious Runoff Depth=2.13"
Flow Length=146' Tc=6.0 min CN=75 Runoff=0.9 cfs 2,750 cf

Subcatchment4S: 4S Runoff Area=153,485 sf 23.06% Impervious Runoff Depth=1.20"
Flow Length=1,340' Tc=23.6 min CN=62 Runoff=2.8 cfs 15,323 cf

Subcatchment5S: 5S Runoff Area=41,480 sf 25.06% Impervious Runoff Depth=2.38"
Flow Length=335' Tc=19.2 min CN=78 Runoff=1.8 cfs 8,212 cf

Subcatchment6S: 6S Runoff Area=38,630 sf 56.66% Impervious Runoff Depth=2.55"
Flow Length=570' Tc=6.5 min CN=80 Runoff=2.6 cfs 8,199 cf

Subcatchment7S: 7S Runoff Area=77,175 sf 55.95% Impervious Runoff Depth=2.05"
Flow Length=760' Tc=15.1 min CN=74 Runoff=3.2 cfs 13,181 cf

Reach 1R: Reach 1 Avg. Flow Depth=0.37' Max Vel=1.19 fps Inflow=8.3 cfs 37,592 cf
n=0.100 L=85.0' S=0.0412 '/' Capacity=15.9 cfs Outflow=8.3 cfs 37,592 cf

Reach 2R: Reach 2 Avg. Flow Depth=0.32' Max Vel=0.75 fps Inflow=4.1 cfs 18,614 cf
n=0.100 L=215.0' S=0.0233 '/' Capacity=10.9 cfs Outflow=3.9 cfs 18,614 cf

Reach 3R: Reach 3 Avg. Flow Depth=0.21' Max Vel=1.60 fps Inflow=3.2 cfs 13,181 cf
n=0.100 L=113.0' S=0.1504 '/' Capacity=97.3 cfs Outflow=3.2 cfs 13,181 cf

Reach 4R: Reach 4 Avg. Flow Depth=0.12' Max Vel=3.14 fps Inflow=3.2 cfs 13,181 cf
n=0.013 L=106.0' S=0.0264 '/' Capacity=19.3 cfs Outflow=3.2 cfs 13,181 cf

Reach 5R: Reach 5 Avg. Flow Depth=0.08' Max Vel=2.77 fps Inflow=2.6 cfs 8,199 cf
n=0.035 L=146.0' S=0.1462 '/' Capacity=78.0 cfs Outflow=2.6 cfs 8,199 cf

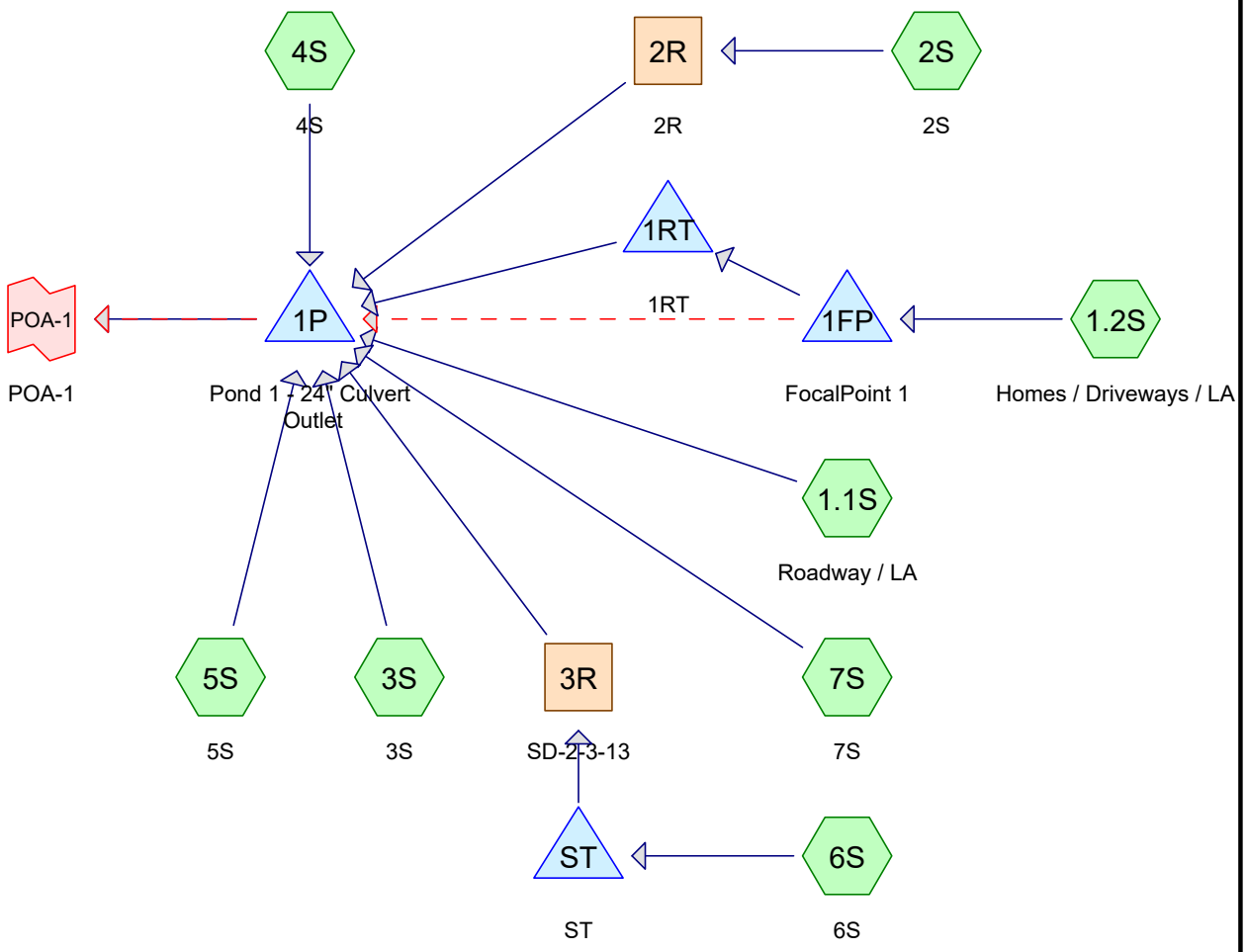
Pond 1P: Pond 1 Peak Elev=12.16' Storage=25,214 cf Inflow=14.3 cfs 72,077 cf
Primary=4.0 cfs 68,117 cf Secondary=0.0 cfs 0 cf Outflow=4.0 cfs 68,117 cf

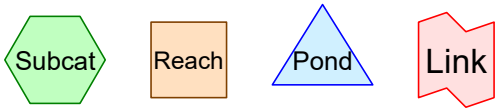
Link POA-1: POA-! Inflow=4.0 cfs 68,117 cf
Primary=4.0 cfs 68,117 cf

Total Runoff Area = 434,625 sf Runoff Volume = 72,077 cf Average Runoff Depth = 1.99"
66.26% Pervious = 287,975 sf 33.74% Impervious = 146,650 sf

Appendix 2B

Proposed Conditions
HydroCAD Summary





Routing Diagram for 07360-01 Post SW 2023-01-06
Prepared by Sebago Technics, Inc., Printed 2/23/2023
HydroCAD® 10.00-24 s/n 01856 © 2018 HydroCAD Software Solutions LLC

Area Listing (selected nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
20,110	86	1/3 acre lots, 30% imp, HSG D (2S)
9,235	61	1/4 acre lots, 38% imp, HSG A (2S, 7S)
760	83	1/4 acre lots, 38% imp, HSG C (2S)
42,750	77	1/8 acre lots, 65% imp, HSG A (2S, 6S, 7S)
45,900	90	1/8 acre lots, 65% imp, HSG C (1.1S, 2S, 6S, 7S)
16,725	39	>75% Grass cover, Good, HSG A (6S, 7S)
21,470	74	>75% Grass cover, Good, HSG C (1.1S, 1.2S, 2S, 6S, 7S)
9,575	80	>75% Grass cover, Good, HSG D (1.1S, 1.2S)
58,250	30	Brush, Good, HSG A (4S)
6,610	65	Brush, Good, HSG C (2S, 5S)
111,685	73	Brush, Good, HSG D (2S, 3S, 4S, 5S)
6,380	98	CMP impervious (5S)
1,325	98	Ex Gravel (5S)
85	98	Gravel to stay (1.1S)
5,910	98	New Pavement (1.1S)
44,440	98	Pavement (4S, 5S, 6S, 7S)
2,015	80	Riprap area (3S, 5S)
13,620	98	Roof / Driveways (1.2S, 2S)
17,555	98	Train track gravel (4S, 5S)
980	72	Woods/grass comb., Good, HSG C (2S)
435,380	**74**	**TOTAL AREA**

Summary for Subcatchment 1.1S: Roadway / LA

Runoff = 1.6 cfs @ 12.08 hrs, Volume= 5,065 cf, Depth= 4.76"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	540	80	>75% Grass cover, Good, HSG D
	1,710	74	>75% Grass cover, Good, HSG C
	4,520	90	1/8 acre lots, 65% imp, HSG C
*	5,910	98	New Pavement
*	85	98	Gravel to stay
	12,765	91	Weighted Average
	3,832		30.02% Pervious Area
	8,933		69.98% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Summary for Subcatchment 1.2S: Homes / Driveways / LA

Runoff = 2.6 cfs @ 12.09 hrs, Volume= 8,200 cf, Depth= 4.33"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	9,035	80	>75% Grass cover, Good, HSG D
	3,185	74	>75% Grass cover, Good, HSG C
*	10,525	98	Roof / Driveways
	22,745	87	Weighted Average
	12,220		53.73% Pervious Area
	10,525		46.27% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Summary for Subcatchment 2S: 2S

Runoff = 6.2 cfs @ 12.23 hrs, Volume= 26,728 cf, Depth= 3.80"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	19,515	73	Brush, Good, HSG D
	1,390	65	Brush, Good, HSG C
	20,110	86	1/3 acre lots, 30% imp, HSG D
	26,370	90	1/8 acre lots, 65% imp, HSG C
	275	77	1/8 acre lots, 65% imp, HSG A
	980	72	Woods/grass comb., Good, HSG C
	11,005	74	>75% Grass cover, Good, HSG C
	825	61	1/4 acre lots, 38% imp, HSG A
	760	83	1/4 acre lots, 38% imp, HSG C
*	3,095	98	Roof / Driveways
	84,325	82	Weighted Average
	57,275		67.92% Pervious Area
	27,050		32.08% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.3	50	0.0160	0.13		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
5.3	360	0.0257	1.12		**Shallow Concentrated Flow, B-C** Short Grass Pasture Kv= 7.0 fps
0.2	40	0.3513	2.96		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
5.1	210	0.0192	0.69		**Shallow Concentrated Flow, D-E** Woodland Kv= 5.0 fps
16.9	660	Total			

Summary for Subcatchment 3S: 3S

Runoff = 0.5 cfs @ 12.09 hrs, Volume= 1,651 cf, Depth= 3.02"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	5,625	73	Brush, Good, HSG D
*	940	80	Riprap area
	6,565	74	Weighted Average
	6,565		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Summary for Subcatchment 4S: 4S

Runoff = 4.8 cfs @ 12.35 hrs, Volume= 25,003 cf, Depth= 1.95"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	59,840	73	Brush, Good, HSG D
*	20,640	98	Pavement
*	14,755	98	Train track gravel
	58,250	30	Brush, Good, HSG A
	153,485	62	Weighted Average
	118,090		76.94% Pervious Area
	35,395		23.06% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.4	30	0.0250	1.16		**Sheet Flow, A-B** Smooth surfaces n= 0.011 P2= 3.10"
4.1	145	0.0138	0.59		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
0.7	80	0.1299	1.80		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
14.1	600	0.0050	0.71		**Shallow Concentrated Flow, D-E** Nearly Bare & Untilled Kv= 10.0 fps
2.7	200	0.0151	1.23		**Shallow Concentrated Flow, E-F** Nearly Bare & Untilled Kv= 10.0 fps
0.7	165	0.0662	3.86		**Shallow Concentrated Flow, F-G** Grassed Waterway Kv= 15.0 fps
0.9	120	0.0245	2.35		**Shallow Concentrated Flow, G-H** Grassed Waterway Kv= 15.0 fps
23.6	1,340	Total			

Summary for Subcatchment 5S: 5S

Runoff = 2.7 cfs @ 12.27 hrs, Volume= 12,386 cf, Depth= 3.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	26,705	73	Brush, Good, HSG D
*	1,325	98	Ex Gravel
*	2,800	98	Train track gravel
*	6,380	98	CMP impervious
	5,220	65	Brush, Good, HSG C
*	175	98	Pavement
*	1,075	80	Riprap area
	43,680	78	Weighted Average
	33,000		75.55% Pervious Area
	10,680		24.45% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
14.7	60	0.0193	0.07		**Sheet Flow, A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
3.1	120	0.0169	0.65		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
1.4	155	0.1323	1.82		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
19.2	335	Total			

Summary for Subcatchment 6S: 6S

Runoff = 3.0 cfs @ 12.09 hrs, Volume= 9,332 cf, Depth= 3.50"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
*	7,840	98	Pavement
	2,755	74	>75% Grass cover, Good, HSG C
	4,670	39	>75% Grass cover, Good, HSG A
	6,910	90	1/8 acre lots, 65% imp, HSG C
	9,805	77	1/8 acre lots, 65% imp, HSG A
	31,980	79	Weighted Average
	13,275		41.51% Pervious Area
	18,705		58.49% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.5	30	0.0568	0.20		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
3.0	370	0.0100	2.03		**Shallow Concentrated Flow, B-C** Paved Kv= 20.3 fps
0.6	115	0.0213	2.96		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
6.1	515	Total			

Summary for Subcatchment 7S: 7S

Runoff = 4.9 cfs @ 12.22 hrs, Volume= 20,706 cf, Depth= 3.11"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
*	15,785	98	Pavement
	2,815	74	>75% Grass cover, Good, HSG C
	12,055	39	>75% Grass cover, Good, HSG A
	8,100	90	1/8 acre lots, 65% imp, HSG C
	32,670	77	1/8 acre lots, 65% imp, HSG A
	8,410	61	1/4 acre lots, 38% imp, HSG A
	79,835	75	Weighted Average
	34,354		43.03% Pervious Area
	45,481		56.97% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
7.0	55	0.0145	0.13		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
4.0	190	0.0131	0.80		**Shallow Concentrated Flow, B-C** Short Grass Pasture Kv= 7.0 fps
0.8	110	0.0131	2.32		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
4.0	540	0.0120	2.22		**Shallow Concentrated Flow, D-E** Paved Kv= 20.3 fps
0.4	177	0.0279	8.21	6.45	**Pipe Channel, E-F** 12.0" Round Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.012
16.2	1,072	Total			

Summary for Reach 2R: 2R

Inflow Area = 84,325 sf, 32.08% Impervious, Inflow Depth = 3.80" for 25-yr event
Inflow = 6.2 cfs @ 12.23 hrs, Volume= 26,728 cf
Outflow = 6.2 cfs @ 12.26 hrs, Volume= 26,728 cf, Atten= 1%, Lag= 2.3 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 1.09 fps, Min. Travel Time= 1.3 min
Avg. Velocity = 0.36 fps, Avg. Travel Time= 4.0 min

Peak Storage= 479 cf @ 12.24 hrs
Average Depth at Peak Storage= 0.32'
Bank-Full Depth= 0.50' Flow Area= 11.3 sf, Capacity= 15.9 cfs

10.00' x 0.50' deep channel, n= 0.100 Earth, dense brush, high stage
Side Slope Z-value= 25.0 '/' Top Width= 35.00'
Length= 85.0' Slope= 0.0412 '/'
Inlet Invert= 15.00', Outlet Invert= 11.50'



‡

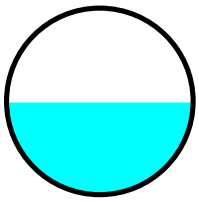
Summary for Reach 3R: SD-2-3-13

Inflow Area = 31,980 sf, 58.49% Impervious, Inflow Depth = 3.50" for 25-yr event
Inflow = 3.0 cfs @ 12.09 hrs, Volume= 9,315 cf
Outflow = 3.0 cfs @ 12.10 hrs, Volume= 9,315 cf, Atten= 0%, Lag= 0.8 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 7.70 fps, Min. Travel Time= 0.5 min
Avg. Velocity = 2.79 fps, Avg. Travel Time= 1.3 min

Peak Storage= 81 cf @ 12.09 hrs
Average Depth at Peak Storage= 0.50'
Bank-Full Depth= 1.00' Flow Area= 0.8 sf, Capacity= 6.1 cfs

12.0" Round Pipe
n= 0.012 Corrugated PP, smooth interior
Length= 210.0' Slope= 0.0248 '/'
Inlet Invert= 22.80', Outlet Invert= 17.60'



Summary for Pond 1FP: FocalPoint 1

Inflow Area = 22,745 sf, 46.27% Impervious, Inflow Depth = 4.33" for 25-yr event
Inflow = 2.6 cfs @ 12.09 hrs, Volume= 8,200 cf
Outflow = 2.6 cfs @ 12.09 hrs, Volume= 8,200 cf, Atten= 0%, Lag= 0.3 min
Primary = 2.6 cfs @ 12.09 hrs, Volume= 8,200 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 20.84' @ 12.09 hrs Surf.Area= 50 sf Storage= 335 cf

Plug-Flow detention time= (not calculated: outflow precedes inflow)
Center-of-Mass det. time= 9.8 min (805.7 - 795.9)

Volume	Invert	Avail.Storage	Storage Description
#1	16.75'	23 cf	**5.00'W x 10.00'L x 2.25'H FocalPoint** 113 cf Overall x 20.0% Voids
#2	19.00'	588 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc) -Impervious
		610 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
19.00	50	0	0
20.00	168	109	109
21.00	343	256	365
21.50	550	223	588

Device	Routing	Invert	Outlet Devices
#1	Primary	15.90'	**12.0" Round Culvert** L= 6.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 15.90' / 15.80' S= 0.0167 '/' Cc= 0.900 n= 0.012, Flow Area= 0.79 sf
#2	Device 1	16.75'	**100.000 in/hr Exfiltration over Surface area**
#3	Device 1	20.60'	**24.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#4	Secondary	21.00'	**12.0' long x 4.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50 Coef. (English) 2.38 2.54 2.69 2.68 2.67 2.67 2.65 2.66 2.66 2.68 2.72 2.73 2.76 2.79 2.88 3.07 3.32

Primary OutFlow Max=2.6 cfs @ 12.09 hrs HW=20.84' (Free Discharge)
└**1=Culvert** (Passes 2.6 cfs of 8.0 cfs potential flow)
  ├**2=Exfiltration** (Exfiltration Controls 0.1 cfs)
  └**3=Orifice/Grate** (Weir Controls 2.4 cfs @ 1.61 fps)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=16.75' (Free Discharge)
└**4=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Summary for Pond 1P: Pond 1 - 24" Culvert Outlet

Inflow Area = 435,380 sf, 36.01% Impervious, Inflow Depth = 3.00" for 25-yr event
Inflow = 21.9 cfs @ 12.25 hrs, Volume= 109,006 cf
Outflow = 16.8 cfs @ 12.43 hrs, Volume= 105,025 cf, Atten= 23%, Lag= 11.1 min
Primary = 16.8 cfs @ 12.43 hrs, Volume= 105,025 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 12.11' @ 12.43 hrs Surf.Area= 15,198 sf Storage= 24,324 cf

Plug-Flow detention time= 107.0 min calculated for 105,025 cf (96% of inflow)
Center-of-Mass det. time= 84.7 min (925.3 - 840.6)

Volume	Invert	Avail.Storage	Storage Description
#1	8.00'	133,173 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
8.00	1,000	0	0
9.00	2,000	1,500	1,500
10.00	4,000	3,000	4,500
11.00	8,800	6,400	10,900
12.00	14,807	11,804	22,704
13.00	18,431	16,619	39,323
14.00	20,991	19,711	59,034
15.00	23,193	22,092	81,126
16.00	25,551	24,372	105,498
17.00	29,800	27,676	133,173

Device	Routing	Invert	Outlet Devices
#1	Primary	7.74'	**24.0" Round Culvert** L= 113.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 7.74' / 4.98' S= 0.0244 '/' Cc= 0.900 n= 0.013 Cast iron, coated, Flow Area= 3.14 sf
#2	Device 1	9.86'	**6.0" Vert. 6" Bleeder Orifice** C= 0.600
#3	Device 1	11.45'	**1.2" x 7.2" Horiz. Double Grate X 22.00 columns** X 3 rows C= 0.600 Limited to weir flow at low heads
#4	Secondary	25.60'	**100.0' long x 15.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63

Primary OutFlow Max=16.8 cfs @ 12.43 hrs HW=12.11' (Free Discharge)
└**1=Culvert** (Passes 16.8 cfs of 21.9 cfs potential flow)
  ├**2=6" Bleeder Orifice** (Orifice Controls 1.3 cfs @ 6.81 fps)
  └**3=Double Grate** (Orifice Controls 15.5 cfs @ 3.91 fps)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=8.00' (Free Discharge)
└**4=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Summary for Pond 1RT: 1RT

Inflow Area = 22,745 sf, 46.27% Impervious, Inflow Depth = 4.33" for 25-yr event
Inflow = 2.6 cfs @ 12.09 hrs, Volume= 8,200 cf
Outflow = 2.5 cfs @ 12.10 hrs, Volume= 8,151 cf, Atten= 1%, Lag= 0.7 min
Primary = 2.5 cfs @ 12.10 hrs, Volume= 8,151 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 16.28' @ 12.10 hrs Surf.Area= 466 sf Storage= 1,005 cf

Plug-Flow detention time= 64.5 min calculated for 8,149 cf (99% of inflow)
Center-of-Mass det. time= 61.1 min (866.7 - 805.7)

Volume	Invert	Avail.Storage	Storage Description
#1A	13.28'	426 cf	**14.50'W x 32.15'L x 4.07'H Field A** 1,898 cf Overall - 834 cf Embedded = 1,064 cf x 40.0% Voids
#2A	13.53'	792 cf	**ACF R-Tank HD 2** x 96 Inside #1 Inside= 15.7"W x 33.9"H => 3.52 sf x 2.35'L = 8.3 cf Outside= 15.7"W x 33.9"H => 3.70 sf x 2.35'L = 8.7 cf 96 Chambers in 8 Rows
		1,218 cf	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Primary	13.53'	**15.0" Round Culvert** L= 32.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 13.53' / 13.05' S= 0.0150 '/' Cc= 0.900 n= 0.012, Flow Area= 1.23 sf
#2	Device 1	13.35'	**0.5" Vert. Orifice/Grate** C= 0.600
#3	Device 1	14.30'	**5.0" Vert. Orifice/Grate** C= 0.600
#4	Device 1	16.00'	**4.0' long x 0.5' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32

Primary OutFlow Max=2.5 cfs @ 12.10 hrs HW=16.28' (Free Discharge)
└**1=Culvert** (Passes 2.5 cfs of 8.6 cfs potential flow)
  ├**2=Orifice/Grate** (Orifice Controls 0.0 cfs @ 7.98 fps)
  ├**3=Orifice/Grate** (Orifice Controls 0.9 cfs @ 6.40 fps)
  └**4=Broad-Crested Rectangular Weir** (Weir Controls 1.7 cfs @ 1.50 fps)

Summary for Pond ST: ST

Inflow Area = 31,980 sf, 58.49% Impervious, Inflow Depth = 3.50" for 25-yr event
Inflow = 3.0 cfs @ 12.09 hrs, Volume= 9,332 cf
Outflow = 3.0 cfs @ 12.09 hrs, Volume= 9,315 cf, Atten= 0%, Lag= 0.0 min
Primary = 3.0 cfs @ 12.09 hrs, Volume= 9,315 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 33.84' @ 12.09 hrs Surf.Area= 120 sf Storage= 95 cf

Plug-Flow detention time= 2.9 min calculated for 9,315 cf (100% of inflow)
Center-of-Mass det. time= 1.8 min (820.0 - 818.2)

Volume	Invert	Avail.Storage	Storage Description
#1	30.70'	36 cf	**10.00'W x 4.00'L x 2.25'H Prismatoid** 90 cf Overall x 40.0% Voids
#2	32.95'	27 cf	**10.00'W x 4.00'L x 0.68'H Prismatoid**
#3	28.70'	32 cf	**10.00'W x 4.00'L x 2.00'H Prismatoid** 80 cf Overall x 40.0% Voids
		95 cf	Total Available Storage

Device	Routing	Invert	Outlet Devices
#1	Device 2	28.70'	**140.000 in/hr Exfiltration over Surface area**
#2	Primary	29.45'	**12.0" Round Culvert** L= 25.0' CPP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 29.45' / 29.20' S= 0.0100 '/' Cc= 0.900 n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf
#3	Device 2	33.37'	**12.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=3.0 cfs @ 12.09 hrs HW=33.84' (Free Discharge)
└**2=Culvert** (Passes 3.0 cfs of 5.9 cfs potential flow)
  ├**1=Exfiltration** (Exfiltration Controls 0.4 cfs)
  └**3=Orifice/Grate** (Orifice Controls 2.6 cfs @ 3.31 fps)

Summary for Link POA-1: POA-1

Inflow Area = 435,380 sf, 36.01% Impervious, Inflow Depth = 2.89" for 25-yr event
Inflow = 16.8 cfs @ 12.43 hrs, Volume= 105,025 cf
Primary = 16.8 cfs @ 12.43 hrs, Volume= 105,025 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1.1S: Roadway / LA Runoff Area=12,765 sf 69.98% Impervious Runoff Depth=2.16"
Tc=6.0 min CN=91 Runoff=0.7 cfs 2,303 cf

Subcatchment1.2S: Homes / Driveways / Runoff Area=22,745 sf 46.27% Impervious Runoff Depth=1.83"
Tc=6.0 min CN=87 Runoff=1.1 cfs 3,462 cf

Subcatchment2S: 2S Runoff Area=84,325 sf 32.08% Impervious Runoff Depth=1.46"
Flow Length=660' Tc=16.9 min CN=82 Runoff=2.4 cfs 10,246 cf

Subcatchment3S: 3S Runoff Area=6,565 sf 0.00% Impervious Runoff Depth=0.97"
Tc=6.0 min CN=74 Runoff=0.2 cfs 532 cf

Subcatchment4S: 4S Runoff Area=153,485 sf 23.06% Impervious Runoff Depth=0.44"
Flow Length=1,340' Tc=23.6 min CN=62 Runoff=0.8 cfs 5,614 cf

Subcatchment5S: 5S Runoff Area=43,680 sf 24.45% Impervious Runoff Depth=1.20"
Flow Length=335' Tc=19.2 min CN=78 Runoff=0.9 cfs 4,370 cf

Subcatchment6S: 6S Runoff Area=31,980 sf 58.49% Impervious Runoff Depth=1.26"
Flow Length=515' Tc=6.1 min CN=79 Runoff=1.1 cfs 3,363 cf

Subcatchment7S: 7S Runoff Area=79,835 sf 56.97% Impervious Runoff Depth=1.03"
Flow Length=1,072' Tc=16.2 min CN=75 Runoff=1.5 cfs 6,831 cf

Reach 2R: 2R Avg. Flow Depth=0.19' Max Vel=0.83 fps Inflow=2.4 cfs 10,246 cf
n=0.100 L=85.0' S=0.0412 '/' Capacity=15.9 cfs Outflow=2.4 cfs 10,246 cf

Reach 3R: SD-2-3-13 Avg. Flow Depth=0.28' Max Vel=5.80 fps Inflow=1.1 cfs 3,351 cf
12.0" Round Pipe n=0.012 L=210.0' S=0.0248 '/' Capacity=6.1 cfs Outflow=1.1 cfs 3,351 cf

Pond 1FP: FocalPoint 1 Peak Elev=20.73' Storage=301 cf Inflow=1.1 cfs 3,462 cf
Primary=1.1 cfs 3,463 cf Secondary=0.0 cfs 0 cf Outflow=1.1 cfs 3,463 cf

Pond 1P: Pond 1 - 24" Culvert Outlet Peak Elev=11.46' Storage=15,531 cf Inflow=6.9 cfs 36,661 cf
Primary=1.5 cfs 32,682 cf Secondary=0.0 cfs 0 cf Outflow=1.5 cfs 32,682 cf

Pond 1RT: 1RT Peak Elev=15.41' Storage=701 cf Inflow=1.1 cfs 3,463 cf
Outflow=0.6 cfs 3,414 cf

Pond ST: ST Peak Elev=33.53' Storage=91 cf Inflow=1.1 cfs 3,363 cf
Outflow=1.1 cfs 3,351 cf

Link POA-1: POA-1 Inflow=1.5 cfs 32,682 cf
Primary=1.5 cfs 32,682 cf

Total Runoff Area = 435,380 sf Runoff Volume = 36,722 cf Average Runoff Depth = 1.01"
63.99% Pervious = 278,611 sf 36.01% Impervious = 156,769 sf

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1.1S: Roadway / LA Runoff Area=12,765 sf 69.98% Impervious Runoff Depth=3.59"
Tc=6.0 min CN=91 Runoff=1.2 cfs 3,824 cf

Subcatchment1.2S: Homes / Driveways / Runoff Area=22,745 sf 46.27% Impervious Runoff Depth=3.19"
Tc=6.0 min CN=87 Runoff=1.9 cfs 6,050 cf

Subcatchment2S: 2S Runoff Area=84,325 sf 32.08% Impervious Runoff Depth=2.72"
Flow Length=660' Tc=16.9 min CN=82 Runoff=4.5 cfs 19,141 cf

Subcatchment3S: 3S Runoff Area=6,565 sf 0.00% Impervious Runoff Depth=2.05"
Tc=6.0 min CN=74 Runoff=0.4 cfs 1,121 cf

Subcatchment4S: 4S Runoff Area=153,485 sf 23.06% Impervious Runoff Depth=1.20"
Flow Length=1,340' Tc=23.6 min CN=62 Runoff=2.8 cfs 15,323 cf

Subcatchment5S: 5S Runoff Area=43,680 sf 24.45% Impervious Runoff Depth=2.38"
Flow Length=335' Tc=19.2 min CN=78 Runoff=1.9 cfs 8,647 cf

Subcatchment6S: 6S Runoff Area=31,980 sf 58.49% Impervious Runoff Depth=2.46"
Flow Length=515' Tc=6.1 min CN=79 Runoff=2.1 cfs 6,558 cf

Subcatchment7S: 7S Runoff Area=79,835 sf 56.97% Impervious Runoff Depth=2.13"
Flow Length=1,072' Tc=16.2 min CN=75 Runoff=3.3 cfs 14,164 cf

Reach 2R: 2R Avg. Flow Depth=0.27' Max Vel=1.00 fps Inflow=4.5 cfs 19,141 cf
n=0.100 L=85.0' S=0.0412 '/' Capacity=15.9 cfs Outflow=4.4 cfs 19,141 cf

Reach 3R: SD-2-3-13 Avg. Flow Depth=0.41' Max Vel=7.04 fps Inflow=2.1 cfs 6,552 cf
12.0" Round Pipe n=0.012 L=210.0' S=0.0248 '/' Capacity=6.1 cfs Outflow=2.1 cfs 6,552 cf

Pond 1FP: FocalPoint 1 Peak Elev=20.80' Storage=321 cf Inflow=1.9 cfs 6,050 cf
Primary=1.9 cfs 6,049 cf Secondary=0.0 cfs 0 cf Outflow=1.9 cfs 6,049 cf

Pond 1P: Pond 1 - 24" Culvert Outlet Peak Elev=11.75' Storage=19,157 cf Inflow=14.8 cfs 74,774 cf
Primary=11.5 cfs 70,795 cf Secondary=0.0 cfs 0 cf Outflow=11.5 cfs 70,795 cf

Pond 1RT: 1RT Peak Elev=16.18' Storage=973 cf Inflow=1.9 cfs 6,049 cf
Outflow=1.7 cfs 6,001 cf

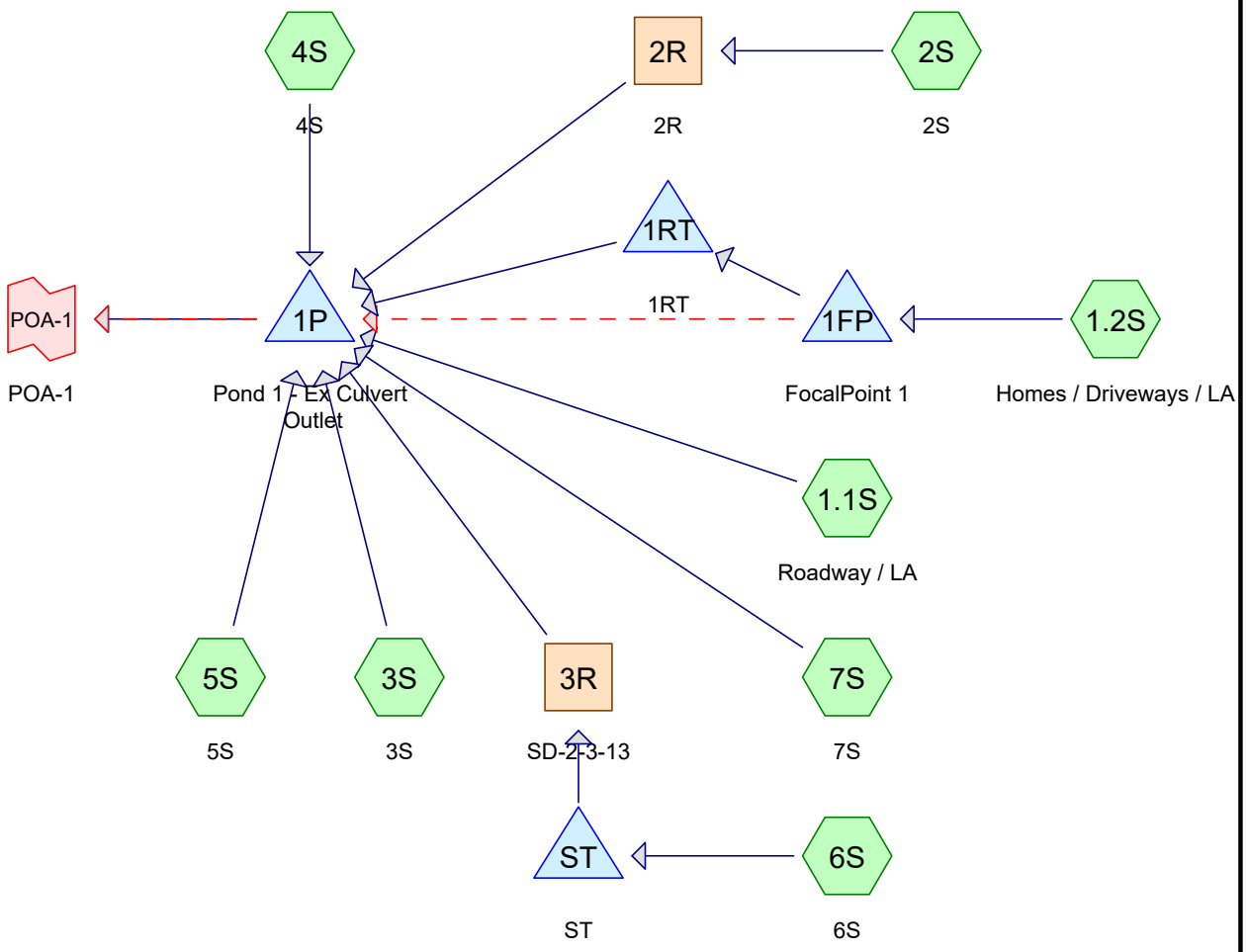
Pond ST: ST Peak Elev=33.67' Storage=95 cf Inflow=2.1 cfs 6,558 cf
Outflow=2.1 cfs 6,552 cf

Link POA-1: POA-1 Inflow=11.5 cfs 70,795 cf
Primary=11.5 cfs 70,795 cf

Total Runoff Area = 435,380 sf Runoff Volume = 74,830 cf Average Runoff Depth = 2.06"
63.99% Pervious = 278,611 sf 36.01% Impervious = 156,769 sf

Appendix 2C

Proposed Conditions vs. Existing Conditions Without Culvert Replacement



Subcat Reach Pond Link

Routing Diagram for 07360-01 Post SW 2023-01-06
Prepared by Sebago Technics, Inc., Printed 2/23/2023
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Area Listing (selected nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
20,110	86	1/3 acre lots, 30% imp, HSG D (2S)
9,235	61	1/4 acre lots, 38% imp, HSG A (2S, 7S)
760	83	1/4 acre lots, 38% imp, HSG C (2S)
42,750	77	1/8 acre lots, 65% imp, HSG A (2S, 6S, 7S)
45,900	90	1/8 acre lots, 65% imp, HSG C (1.1S, 2S, 6S, 7S)
16,725	39	>75% Grass cover, Good, HSG A (6S, 7S)
21,470	74	>75% Grass cover, Good, HSG C (1.1S, 1.2S, 2S, 6S, 7S)
9,575	80	>75% Grass cover, Good, HSG D (1.1S, 1.2S)
58,250	30	Brush, Good, HSG A (4S)
6,610	65	Brush, Good, HSG C (2S, 5S)
111,685	73	Brush, Good, HSG D (2S, 3S, 4S, 5S)
6,380	98	CMP impervious (5S)
1,325	98	Ex Gravel (5S)
85	98	Gravel to stay (1.1S)
5,910	98	New Pavement (1.1S)
44,440	98	Pavement (4S, 5S, 6S, 7S)
2,015	80	Riprap area (3S, 5S)
13,620	98	Roof / Driveways (1.2S, 2S)
17,555	98	Train track gravel (4S, 5S)
980	72	Woods/grass comb., Good, HSG C (2S)
435,380	**74**	**TOTAL AREA**

Summary for Subcatchment 1.1S: Roadway / LA

Runoff = 1.6 cfs @ 12.08 hrs, Volume= 5,065 cf, Depth= 4.76"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	540	80	>75% Grass cover, Good, HSG D
	1,710	74	>75% Grass cover, Good, HSG C
	4,520	90	1/8 acre lots, 65% imp, HSG C
*	5,910	98	New Pavement
*	85	98	Gravel to stay
	12,765	91	Weighted Average
	3,832		30.02% Pervious Area
	8,933		69.98% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Summary for Subcatchment 1.2S: Homes / Driveways / LA

Runoff = 2.6 cfs @ 12.09 hrs, Volume= 8,200 cf, Depth= 4.33"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	9,035	80	>75% Grass cover, Good, HSG D
	3,185	74	>75% Grass cover, Good, HSG C
*	10,525	98	Roof / Driveways
	22,745	87	Weighted Average
	12,220		53.73% Pervious Area
	10,525		46.27% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Summary for Subcatchment 2S: 2S

Runoff = 6.2 cfs @ 12.23 hrs, Volume= 26,728 cf, Depth= 3.80"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	19,515	73	Brush, Good, HSG D
	1,390	65	Brush, Good, HSG C
	20,110	86	1/3 acre lots, 30% imp, HSG D
	26,370	90	1/8 acre lots, 65% imp, HSG C
	275	77	1/8 acre lots, 65% imp, HSG A
	980	72	Woods/grass comb., Good, HSG C
	11,005	74	>75% Grass cover, Good, HSG C
	825	61	1/4 acre lots, 38% imp, HSG A
	760	83	1/4 acre lots, 38% imp, HSG C
*	3,095	98	Roof / Driveways
	84,325	82	Weighted Average
	57,275		67.92% Pervious Area
	27,050		32.08% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.3	50	0.0160	0.13		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
5.3	360	0.0257	1.12		**Shallow Concentrated Flow, B-C** Short Grass Pasture Kv= 7.0 fps
0.2	40	0.3513	2.96		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
5.1	210	0.0192	0.69		**Shallow Concentrated Flow, D-E** Woodland Kv= 5.0 fps
16.9	660	Total			

Summary for Subcatchment 3S: 3S

Runoff = 0.5 cfs @ 12.09 hrs, Volume= 1,651 cf, Depth= 3.02"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	5,625	73	Brush, Good, HSG D
*	940	80	Riprap area
	6,565	74	Weighted Average
	6,565		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Summary for Subcatchment 4S: 4S

Runoff = 4.8 cfs @ 12.35 hrs, Volume= 25,003 cf, Depth= 1.95"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	59,840	73	Brush, Good, HSG D
*	20,640	98	Pavement
*	14,755	98	Train track gravel
	58,250	30	Brush, Good, HSG A
	153,485	62	Weighted Average
	118,090		76.94% Pervious Area
	35,395		23.06% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.4	30	0.0250	1.16		**Sheet Flow, A-B** Smooth surfaces n= 0.011 P2= 3.10"
4.1	145	0.0138	0.59		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
0.7	80	0.1299	1.80		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
14.1	600	0.0050	0.71		**Shallow Concentrated Flow, D-E** Nearly Bare & Untilled Kv= 10.0 fps
2.7	200	0.0151	1.23		**Shallow Concentrated Flow, E-F** Nearly Bare & Untilled Kv= 10.0 fps
0.7	165	0.0662	3.86		**Shallow Concentrated Flow, F-G** Grassed Waterway Kv= 15.0 fps
0.9	120	0.0245	2.35		**Shallow Concentrated Flow, G-H** Grassed Waterway Kv= 15.0 fps
23.6	1,340	Total			

Summary for Subcatchment 5S: 5S

Runoff = 2.7 cfs @ 12.27 hrs, Volume= 12,386 cf, Depth= 3.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
	26,705	73	Brush, Good, HSG D
*	1,325	98	Ex Gravel
*	2,800	98	Train track gravel
*	6,380	98	CMP impervious
	5,220	65	Brush, Good, HSG C
*	175	98	Pavement
*	1,075	80	Riprap area
	43,680	78	Weighted Average
	33,000		75.55% Pervious Area
	10,680		24.45% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
14.7	60	0.0193	0.07		**Sheet Flow, A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
3.1	120	0.0169	0.65		**Shallow Concentrated Flow, B-C** Woodland Kv= 5.0 fps
1.4	155	0.1323	1.82		**Shallow Concentrated Flow, C-D** Woodland Kv= 5.0 fps
19.2	335	Total			

Summary for Subcatchment 6S: 6S

Runoff = 3.0 cfs @ 12.09 hrs, Volume= 9,332 cf, Depth= 3.50"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
*	7,840	98	Pavement
	2,755	74	>75% Grass cover, Good, HSG C
	4,670	39	>75% Grass cover, Good, HSG A
	6,910	90	1/8 acre lots, 65% imp, HSG C
	9,805	77	1/8 acre lots, 65% imp, HSG A
	31,980	79	Weighted Average
	13,275		41.51% Pervious Area
	18,705		58.49% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.5	30	0.0568	0.20		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
3.0	370	0.0100	2.03		**Shallow Concentrated Flow, B-C** Paved Kv= 20.3 fps
0.6	115	0.0213	2.96		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
6.1	515	Total			

Summary for Subcatchment 7S: 7S

Runoff = 4.9 cfs @ 12.22 hrs, Volume= 20,706 cf, Depth= 3.11"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-yr Rainfall=5.80"

	Area (sf)	CN	Description
*	15,785	98	Pavement
	2,815	74	>75% Grass cover, Good, HSG C
	12,055	39	>75% Grass cover, Good, HSG A
	8,100	90	1/8 acre lots, 65% imp, HSG C
	32,670	77	1/8 acre lots, 65% imp, HSG A
	8,410	61	1/4 acre lots, 38% imp, HSG A
	79,835	75	Weighted Average
	34,354		43.03% Pervious Area
	45,481		56.97% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
7.0	55	0.0145	0.13		**Sheet Flow, A-B** Grass: Short n= 0.150 P2= 3.10"
4.0	190	0.0131	0.80		**Shallow Concentrated Flow, B-C** Short Grass Pasture Kv= 7.0 fps
0.8	110	0.0131	2.32		**Shallow Concentrated Flow, C-D** Paved Kv= 20.3 fps
4.0	540	0.0120	2.22		**Shallow Concentrated Flow, D-E** Paved Kv= 20.3 fps
0.4	177	0.0279	8.21	6.45	**Pipe Channel, E-F** 12.0" Round Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.012
16.2	1,072	Total			

Summary for Reach 2R: 2R

Inflow Area = 84,325 sf, 32.08% Impervious, Inflow Depth = 3.80" for 25-yr event
Inflow = 6.2 cfs @ 12.23 hrs, Volume= 26,728 cf
Outflow = 6.2 cfs @ 12.26 hrs, Volume= 26,728 cf, Atten= 1%, Lag= 2.3 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 1.09 fps, Min. Travel Time= 1.3 min
Avg. Velocity = 0.36 fps, Avg. Travel Time= 4.0 min

Peak Storage= 479 cf @ 12.24 hrs
Average Depth at Peak Storage= 0.32'
Bank-Full Depth= 0.50' Flow Area= 11.3 sf, Capacity= 15.9 cfs

10.00' x 0.50' deep channel, n= 0.100 Earth, dense brush, high stage
Side Slope Z-value= 25.0 '/' Top Width= 35.00'
Length= 85.0' Slope= 0.0412 '/'
Inlet Invert= 15.00', Outlet Invert= 11.50'



‡

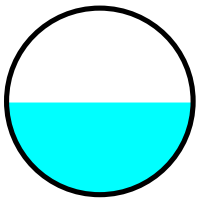
Summary for Reach 3R: SD-2-3-13

Inflow Area = 31,980 sf, 58.49% Impervious, Inflow Depth = 3.50" for 25-yr event
Inflow = 3.0 cfs @ 12.09 hrs, Volume= 9,315 cf
Outflow = 3.0 cfs @ 12.10 hrs, Volume= 9,315 cf, Atten= 0%, Lag= 0.8 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Max. Velocity= 7.70 fps, Min. Travel Time= 0.5 min
Avg. Velocity = 2.79 fps, Avg. Travel Time= 1.3 min

Peak Storage= 81 cf @ 12.09 hrs
Average Depth at Peak Storage= 0.50'
Bank-Full Depth= 1.00' Flow Area= 0.8 sf, Capacity= 6.1 cfs

12.0" Round Pipe
n= 0.012 Corrugated PP, smooth interior
Length= 210.0' Slope= 0.0248 '/'
Inlet Invert= 22.80', Outlet Invert= 17.60'



Summary for Pond 1FP: FocalPoint 1

Inflow Area = 22,745 sf, 46.27% Impervious, Inflow Depth = 4.33" for 25-yr event
Inflow = 2.6 cfs @ 12.09 hrs, Volume= 8,200 cf
Outflow = 2.6 cfs @ 12.09 hrs, Volume= 8,200 cf, Atten= 0%, Lag= 0.3 min
Primary = 2.6 cfs @ 12.09 hrs, Volume= 8,200 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 20.84' @ 12.09 hrs Surf.Area= 50 sf Storage= 335 cf

Plug-Flow detention time= (not calculated: outflow precedes inflow)
Center-of-Mass det. time= 9.8 min (805.7 - 795.9)

Volume	Invert	Avail.Storage	Storage Description
#1	16.75'	23 cf	**5.00'W x 10.00'L x 2.25'H FocalPoint** 113 cf Overall x 20.0% Voids
#2	19.00'	588 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc) -Impervious
		610 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
19.00	50	0	0
20.00	168	109	109
21.00	343	256	365
21.50	550	223	588

Device	Routing	Invert	Outlet Devices
#1	Primary	15.90'	**12.0" Round Culvert** L= 6.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 15.90' / 15.80' S= 0.0167 '/' Cc= 0.900 n= 0.012, Flow Area= 0.79 sf
#2	Device 1	16.75'	**100.000 in/hr Exfiltration over Surface area**
#3	Device 1	20.60'	**24.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#4	Secondary	21.00'	**12.0' long x 4.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50 Coef. (English) 2.38 2.54 2.69 2.68 2.67 2.67 2.65 2.66 2.66 2.68 2.72 2.73 2.76 2.79 2.88 3.07 3.32

Primary OutFlow Max=2.6 cfs @ 12.09 hrs HW=20.84' (Free Discharge)
└**1=Culvert** (Passes 2.6 cfs of 8.0 cfs potential flow)
└**2=Exfiltration** (Exfiltration Controls 0.1 cfs)
└**3=Orifice/Grate** (Weir Controls 2.4 cfs @ 1.61 fps)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=16.75' (Free Discharge)
└**4=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Summary for Pond 1P: Pond 1 - Ex Culvert Outlet

Inflow Area = 435,380 sf, 36.01% Impervious, Inflow Depth = 3.00" for 25-yr event
Inflow = 21.9 cfs @ 12.25 hrs, Volume= 109,006 cf
Outflow = 4.4 cfs @ 13.04 hrs, Volume= 105,046 cf, Atten= 80%, Lag= 47.5 min
Primary = 4.4 cfs @ 13.04 hrs, Volume= 105,046 cf
Secondary = 0.0 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 13.18' @ 13.04 hrs Surf.Area= 18,898 sf Storage= 42,726 cf

Plug-Flow detention time= 112.3 min calculated for 105,025 cf (96% of inflow)
Center-of-Mass det. time= 90.4 min (931.0 - 840.6)

Volume	Invert	Avail.Storage	Storage Description
#1	8.00'	133,173 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
8.00	1,000	0	0
9.00	2,000	1,500	1,500
10.00	4,000	3,000	4,500
11.00	8,800	6,400	10,900
12.00	14,807	11,804	22,704
13.00	18,431	16,619	39,323
14.00	20,991	19,711	59,034
15.00	23,193	22,092	81,126
16.00	25,551	24,372	105,498
17.00	29,800	27,676	133,173

Device	Routing	Invert	Outlet Devices
#1	Primary	7.74'	**12.0" Round Culvert** L= 113.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 7.74' / 4.98' S= 0.0244 '/' Cc= 0.900 n= 0.025 Corrugated metal, Flow Area= 0.79 sf
#2	Device 1	9.86'	**1.3" x 1.3" Horiz. Grate X 7.00 columns** X 7 rows C= 0.600
#3	Secondary	25.60'	**100.0' long x 15.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63

Primary OutFlow Max=4.4 cfs @ 13.04 hrs HW=13.18' (Free Discharge)
└**1=Culvert** (Barrel Controls 4.4 cfs @ 5.56 fps)
└**2=Grate** (Passes 4.4 cfs of 5.0 cfs potential flow)

Secondary OutFlow Max=0.0 cfs @ 0.00 hrs HW=8.00' (Free Discharge)
└**3=Broad-Crested Rectangular Weir** (Controls 0.0 cfs)

Summary for Pond 1RT: 1RT

Inflow Area = 22,745 sf, 46.27% Impervious, Inflow Depth = 4.33" for 25-yr event
Inflow = 2.6 cfs @ 12.09 hrs, Volume= 8,200 cf
Outflow = 2.5 cfs @ 12.10 hrs, Volume= 8,151 cf, Atten= 1%, Lag= 0.7 min
Primary = 2.5 cfs @ 12.10 hrs, Volume= 8,151 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 16.28' @ 12.10 hrs Surf.Area= 466 sf Storage= 1,005 cf

Plug-Flow detention time= 64.5 min calculated for 8,149 cf (99% of inflow)
Center-of-Mass det. time= 61.1 min (866.7 - 805.7)

Volume	Invert	Avail.Storage	Storage Description
#1A	13.28'	426 cf	**14.50'W x 32.15'L x 4.07'H Field A** 1,898 cf Overall - 834 cf Embedded = 1,064 cf x 40.0% Voids
#2A	13.53'	792 cf	**ACF R-Tank HD 2** x 96 Inside #1 Inside= 15.7"W x 33.9"H => 3.52 sf x 2.35'L = 8.3 cf Outside= 15.7"W x 33.9"H => 3.70 sf x 2.35'L = 8.7 cf 96 Chambers in 8 Rows
		1,218 cf	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Primary	13.53'	**15.0" Round Culvert** L= 32.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 13.53' / 13.05' S= 0.0150 '/' Cc= 0.900 n= 0.012, Flow Area= 1.23 sf
#2	Device 1	13.35'	**0.5" Vert. Orifice/Grate** C= 0.600
#3	Device 1	14.30'	**5.0" Vert. Orifice/Grate** C= 0.600
#4	Device 1	16.00'	**4.0' long x 0.5' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32

Primary OutFlow Max=2.5 cfs @ 12.10 hrs HW=16.28' (Free Discharge)
└─**1=Culvert** (Passes 2.5 cfs of 8.6 cfs potential flow)
  ├─**2=Orifice/Grate** (Orifice Controls 0.0 cfs @ 7.98 fps)
  ├─**3=Orifice/Grate** (Orifice Controls 0.9 cfs @ 6.40 fps)
  └─**4=Broad-Crested Rectangular Weir** (Weir Controls 1.7 cfs @ 1.50 fps)

Summary for Pond ST: ST

Inflow Area = 31,980 sf, 58.49% Impervious, Inflow Depth = 3.50" for 25-yr event
Inflow = 3.0 cfs @ 12.09 hrs, Volume= 9,332 cf
Outflow = 3.0 cfs @ 12.09 hrs, Volume= 9,315 cf, Atten= 0%, Lag= 0.0 min
Primary = 3.0 cfs @ 12.09 hrs, Volume= 9,315 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 33.84' @ 12.09 hrs Surf.Area= 120 sf Storage= 95 cf

Plug-Flow detention time= 2.9 min calculated for 9,315 cf (100% of inflow)
Center-of-Mass det. time= 1.8 min (820.0 - 818.2)

Volume	Invert	Avail.Storage	Storage Description
#1	30.70'	36 cf	**10.00'W x 4.00'L x 2.25'H Prismatoid** 90 cf Overall x 40.0% Voids
#2	32.95'	27 cf	**10.00'W x 4.00'L x 0.68'H Prismatoid**
#3	28.70'	32 cf	**10.00'W x 4.00'L x 2.00'H Prismatoid** 80 cf Overall x 40.0% Voids
		95 cf	Total Available Storage

Device	Routing	Invert	Outlet Devices
#1	Device 2	28.70'	**140.000 in/hr Exfiltration over Surface area**
#2	Primary	29.45'	**12.0" Round Culvert** L= 25.0' CPP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 29.45' / 29.20' S= 0.0100 '/' Cc= 0.900 n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf
#3	Device 2	33.37'	**12.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=3.0 cfs @ 12.09 hrs HW=33.84' (Free Discharge)
└**2=Culvert** (Passes 3.0 cfs of 5.9 cfs potential flow)
  ├**1=Exfiltration** (Exfiltration Controls 0.4 cfs)
  └**3=Orifice/Grate** (Orifice Controls 2.6 cfs @ 3.31 fps)

Summary for Link POA-1: POA-1

Inflow Area = 435,380 sf, 36.01% Impervious, Inflow Depth = 2.90" for 25-yr event
Inflow = 4.4 cfs @ 13.04 hrs, Volume= 105,046 cf
Primary = 4.4 cfs @ 13.04 hrs, Volume= 105,046 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1.1S: Roadway / LA Runoff Area=12,765 sf 69.98% Impervious Runoff Depth=2.16"
Tc=6.0 min CN=91 Runoff=0.7 cfs 2,303 cf

Subcatchment1.2S: Homes / Driveways / Runoff Area=22,745 sf 46.27% Impervious Runoff Depth=1.83"
Tc=6.0 min CN=87 Runoff=1.1 cfs 3,462 cf

Subcatchment2S: 2S Runoff Area=84,325 sf 32.08% Impervious Runoff Depth=1.46"
Flow Length=660' Tc=16.9 min CN=82 Runoff=2.4 cfs 10,246 cf

Subcatchment3S: 3S Runoff Area=6,565 sf 0.00% Impervious Runoff Depth=0.97"
Tc=6.0 min CN=74 Runoff=0.2 cfs 532 cf

Subcatchment4S: 4S Runoff Area=153,485 sf 23.06% Impervious Runoff Depth=0.44"
Flow Length=1,340' Tc=23.6 min CN=62 Runoff=0.8 cfs 5,614 cf

Subcatchment5S: 5S Runoff Area=43,680 sf 24.45% Impervious Runoff Depth=1.20"
Flow Length=335' Tc=19.2 min CN=78 Runoff=0.9 cfs 4,370 cf

Subcatchment6S: 6S Runoff Area=31,980 sf 58.49% Impervious Runoff Depth=1.26"
Flow Length=515' Tc=6.1 min CN=79 Runoff=1.1 cfs 3,363 cf

Subcatchment7S: 7S Runoff Area=79,835 sf 56.97% Impervious Runoff Depth=1.03"
Flow Length=1,072' Tc=16.2 min CN=75 Runoff=1.5 cfs 6,831 cf

Reach 2R: 2R Avg. Flow Depth=0.19' Max Vel=0.83 fps Inflow=2.4 cfs 10,246 cf
n=0.100 L=85.0' S=0.0412 '/' Capacity=15.9 cfs Outflow=2.4 cfs 10,246 cf

Reach 3R: SD-2-3-13 Avg. Flow Depth=0.28' Max Vel=5.80 fps Inflow=1.1 cfs 3,351 cf
12.0" Round Pipe n=0.012 L=210.0' S=0.0248 '/' Capacity=6.1 cfs Outflow=1.1 cfs 3,351 cf

Pond 1FP: FocalPoint 1 Peak Elev=20.73' Storage=301 cf Inflow=1.1 cfs 3,462 cf
Primary=1.1 cfs 3,463 cf Secondary=0.0 cfs 0 cf Outflow=1.1 cfs 3,463 cf

Pond 1P: Pond 1 - Ex Culvert Outlet Peak Elev=10.98' Storage=10,735 cf Inflow=6.9 cfs 36,661 cf
Primary=2.9 cfs 32,701 cf Secondary=0.0 cfs 0 cf Outflow=2.9 cfs 32,701 cf

Pond 1RT: 1RT Peak Elev=15.41' Storage=701 cf Inflow=1.1 cfs 3,463 cf
Outflow=0.6 cfs 3,414 cf

Pond ST: ST Peak Elev=33.53' Storage=91 cf Inflow=1.1 cfs 3,363 cf
Outflow=1.1 cfs 3,351 cf

Link POA-1: POA-1 Inflow=2.9 cfs 32,701 cf
Primary=2.9 cfs 32,701 cf

Total Runoff Area = 435,380 sf Runoff Volume = 36,722 cf Average Runoff Depth = 1.01"
63.99% Pervious = 278,611 sf 36.01% Impervious = 156,769 sf

Time span=0.00-50.00 hrs, dt=0.01 hrs, 5001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1.1S: Roadway / LA Runoff Area=12,765 sf 69.98% Impervious Runoff Depth=3.59"
Tc=6.0 min CN=91 Runoff=1.2 cfs 3,824 cf

Subcatchment1.2S: Homes / Driveways / Runoff Area=22,745 sf 46.27% Impervious Runoff Depth=3.19"
Tc=6.0 min CN=87 Runoff=1.9 cfs 6,050 cf

Subcatchment2S: 2S Runoff Area=84,325 sf 32.08% Impervious Runoff Depth=2.72"
Flow Length=660' Tc=16.9 min CN=82 Runoff=4.5 cfs 19,141 cf

Subcatchment3S: 3S Runoff Area=6,565 sf 0.00% Impervious Runoff Depth=2.05"
Tc=6.0 min CN=74 Runoff=0.4 cfs 1,121 cf

Subcatchment4S: 4S Runoff Area=153,485 sf 23.06% Impervious Runoff Depth=1.20"
Flow Length=1,340' Tc=23.6 min CN=62 Runoff=2.8 cfs 15,323 cf

Subcatchment5S: 5S Runoff Area=43,680 sf 24.45% Impervious Runoff Depth=2.38"
Flow Length=335' Tc=19.2 min CN=78 Runoff=1.9 cfs 8,647 cf

Subcatchment6S: 6S Runoff Area=31,980 sf 58.49% Impervious Runoff Depth=2.46"
Flow Length=515' Tc=6.1 min CN=79 Runoff=2.1 cfs 6,558 cf

Subcatchment7S: 7S Runoff Area=79,835 sf 56.97% Impervious Runoff Depth=2.13"
Flow Length=1,072' Tc=16.2 min CN=75 Runoff=3.3 cfs 14,164 cf

Reach 2R: 2R Avg. Flow Depth=0.27' Max Vel=1.00 fps Inflow=4.5 cfs 19,141 cf
n=0.100 L=85.0' S=0.0412 '/' Capacity=15.9 cfs Outflow=4.4 cfs 19,141 cf

Reach 3R: SD-2-3-13 Avg. Flow Depth=0.41' Max Vel=7.04 fps Inflow=2.1 cfs 6,552 cf
12.0" Round Pipe n=0.012 L=210.0' S=0.0248 '/' Capacity=6.1 cfs Outflow=2.1 cfs 6,552 cf

Pond 1FP: FocalPoint 1 Peak Elev=20.80' Storage=321 cf Inflow=1.9 cfs 6,050 cf
Primary=1.9 cfs 6,049 cf Secondary=0.0 cfs 0 cf Outflow=1.9 cfs 6,049 cf

Pond 1P: Pond 1 - Ex Culvert Outlet Peak Elev=12.24' Storage=26,367 cf Inflow=14.8 cfs 74,774 cf
Primary=4.1 cfs 70,814 cf Secondary=0.0 cfs 0 cf Outflow=4.1 cfs 70,814 cf

Pond 1RT: 1RT Peak Elev=16.18' Storage=973 cf Inflow=1.9 cfs 6,049 cf
Outflow=1.7 cfs 6,001 cf

Pond ST: ST Peak Elev=33.67' Storage=95 cf Inflow=2.1 cfs 6,558 cf
Outflow=2.1 cfs 6,552 cf

Link POA-1: POA-1 Inflow=4.1 cfs 70,814 cf
Primary=4.1 cfs 70,814 cf

Total Runoff Area = 435,380 sf Runoff Volume = 74,830 cf Average Runoff Depth = 2.06"
63.99% Pervious = 278,611 sf 36.01% Impervious = 156,769 sf

Appendix 3

Inspection, Maintenance and Housekeeping Plan

INSPECTION, MAINTENANCE, AND HOUSEKEEPING PLAN

For:
POWSLAND STREET
PORTLAND, MAINE

By:
Sebago Technics, Inc.
75 John Roberts Road, Suite 4A
South Portland, Maine

Introduction

The following plan outlines the anticipated inspection and maintenance procedures for the erosion and sedimentation control measures as well as stormwater management facilities for the project. This plan also outlines several housekeeping requirements that shall be followed during and after construction. These procedures shall be followed in order to ensure the intended function of the designed measures and to prevent unreasonably adverse impacts to the surrounding environment.

The procedures outlined in this Inspection, Maintenance and Housekeeping Plan are provided as an overview of the anticipated practices to be used on this site. In some instances, additional measures may be required due to unexpected conditions. For additional detail on any of the erosion and sedimentation control measures or stormwater management devices to be utilized on this project, refer to the most recently revised edition of the "Maine Erosion and Sedimentation Control BMP" manual and/or the "Stormwater Management for Maine: Best Management Practices" manual as published by the Maine Department of Environmental Protection (MDEP).

During Construction

1. **Inspection:** During the construction process, it is the Contractor's responsibility to comply with the inspection and maintenance procedures outlined in this section. These responsibilities include inspecting disturbed and impervious areas, erosion control measures, materials storage areas that are exposed to precipitation, and locations where vehicles enter or exit the site. These areas shall be inspected at least once a week as well as before and after a storm event (0.5" of rainfall), and prior to completing permanent stabilization measures. A person with knowledge of erosion and stormwater control, including the standards and conditions in any applicable permits, shall conduct the inspections.

2. **Maintenance:** All measures shall be maintained in an effective operating condition until areas are permanently stabilized. If Best Management Practices (BMPs) need to be maintained or modified, additional BMPs are necessary, or other corrective action is needed, implementation must be completed within 7 calendar days and prior to any storm event (0.5" of rainfall).

3. **Documentation:** A log summarizing the inspections and any corrective action taken must be maintained on-site. The log must include the name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of erosion and sedimentation controls, material storage areas, and vehicle access points to the site. Major observations must include BMPs that need maintenance, BMPs that failed

to operate as designed or proved inadequate for a particular location, and locations where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken. The log must be made accessible to the appropriate regulatory agency upon request. The permittee shall retain a copy of the log for a period of at least three years from the completion of permanent stabilization.

4. **Specific Inspection and Maintenance Tasks:** The following is a list of erosion control and stormwater management measures and the specific inspection and maintenance tasks to be performed during construction.

A. Sediment Barriers:

- Hay bale barriers, silt fences, and filter berms shall be inspected immediately after each rainfall and at least daily during prolonged rainfall.
- If the fabric on a silt fence or filter barrier should decompose or become ineffective prior to the end of the expected usable life and the barrier is still necessary, it shall be replaced.
- Sediment deposits should be removed after each storm event (0.5" of rainfall). They must be removed before deposits reach approximately one-half the height of the barrier.
- Filter berms shall be reshaped as needed.
- Any sediment deposits remaining in place after the silt fence or filter barrier is no longer required should be dressed to conform to the existing grade, prepared, and seeded.

B. Riprap Materials:

- Once a riprap installation has been completed, it should require very little maintenance. It shall, however, be inspected periodically to determine if high flows have caused scour beneath the riprap or dislodged any of the stone.

C. Erosion Control Blankets:

- Inspect these reinforced areas semi-annually and after significant rainfall events for slumping, sliding, seepage, and scour. Pay close attention to unreinforced areas adjacent to the erosion control blankets, which may experience accelerated erosion.
- Review all applicable inspection and maintenance procedures recommended by the specific blanket manufacturer. These tasks shall be included in addition to the requirements of this plan.

D. Stabilized Construction Entrances/Exits:

- The exit shall be maintained in a condition that will prevent tracking of sediment onto public rights-of-way.
- When the control pad becomes ineffective, the stone shall be removed along with the collected soil material. The entrance should then be reconstructed.
- Areas that have received mud-tracking or sediment deposits shall be swept or washed. Washing shall be done on an area stabilized with aggregate, which drains

into an approved sediment-trapping device (not into storm drains, ditches, or waterways).

E. Temporary Seed and Mulch:

- Mulched areas should be inspected after rain events to check for rill erosion.
- If less than 90% of the soil surface is covered by mulch, additional mulch shall be applied in bare areas.
- In applications where seeding and mulch have been applied in conjunction with erosion control blankets, the blankets must be inspected after rain events for dislocation or undercutting.
- Mulch shall continue to be reapplied until 95% of the soil surface has established temporary vegetative cover.

F. Stabilized Temporary Drainage Swales:

- Sediment accumulation in the swale shall be removed once the cross section of the swale is reduced by 25%.
- The swales shall be inspected after rainfall events. Any evidence of sloughing of the side slopes or channel erosion shall be repaired and corrective action should be taken to prevent reoccurrence of the problem.
- In addition to the stabilized lining of the channel (i.e. erosion control blankets), stone check dams may be needed to further reduce channel velocity.

5. **Housekeeping:** The following general performance standards apply to the proposed project.

A. Spill prevention: Controls must be used to prevent pollutants from being discharged from materials on-site, including storage practices to minimize exposure of the materials to stormwater, and appropriate spill prevention, containment, and response planning and implementation.

B. Groundwater protection: During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the site draining to an infiltration area. An "infiltration area" is any area of the site that by design or as a result of soils, topography and other relevant factors, accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the site for the purposes of storage and handling of these materials.

C. Fugitive sediment and dust: Actions must be taken to ensure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control.

D. Debris and other materials: Litter, construction debris, and chemicals exposed to stormwater must be prevented from becoming a pollutant source.

E. Trench or foundation dewatering: Trench dewatering is the removal of water from trenches, foundations, cofferdams, ponds, and other areas within the construction area

that retain water after excavation. In most cases, the collected water is heavily silted and hinders correct and safe construction practices. The collected water must be removed from the ponded area, either through gravity or pumping, and must be spread through natural wooded buffers or removed to areas that are specifically designed to collect the maximum amount of sediment possible, like a cofferdam sedimentation basin. Avoid allowing the water to flow over disturbed areas of the site. Equivalent measures may be taken if approved.

Post-Construction

1. **Inspection:** After construction, it is the responsibility of the owner or assigned heirs to comply with the inspection and maintenance procedures outlined in this section. All measures must be maintained in effective operating condition. The owner shall inspect and maintain the BMPs, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.

2. **Specific Inspection and Maintenance Tasks:** The following is a list of permanent erosion control and stormwater management measures and the inspection and maintenance tasks to be performed after construction. If the BMP requires maintenance, repair or replacement to function as intended by the approved post-construction stormwater management plan, the owner or operator of the BMP shall take corrective action(s) to address the deficiency or deficiencies as soon as possible after the deficiency is discovered and shall provide a record of the deficiency and corrective action(s) to the local municipality in the annual report.

   A. Vegetated Areas:

   - Inspect vegetated areas, particularly slopes and embankments, early in the growing season or after heavy rains (>0.5") to identify active or potential erosion problems.
   - Replant bare areas or areas with sparse growth. Where rill erosion is evident, armor the area with an appropriate lining or divert the erosive flows to on-site areas able to withstand the concentrated flows.

   B. Ditches, Swales and Other Open Channels:

   - Inspect ditches, swales, level spreaders and other open stormwater channels in the spring, in the late fall, and after heavy rains to remove any obstructions to flow. Remove accumulated sediments and debris, remove woody vegetative growth that could obstruct flow, and repair any erosion of the ditch lining.
   - Vegetated ditches must be mowed at least annually or otherwise maintained to control the growth of woody vegetation and maintain flow capacity.
   - Any woody vegetation growing through riprap linings must also be removed. Repair any slumping side slopes as soon as practicable.
   - If the ditch has a riprap lining, replace riprap in areas where any underlying filter fabric or underdrain gravel is showing through the stone or where stones have dislodged.

C. Culverts:

- Inspect culverts in the spring, in the late fall, and after heavy rains (>0.5") to remove any obstructions to flow.
- Remove accumulated sediments and debris at the inlet, at the outlet, and within the conduit.
- Inspect and repair any erosion damage at the culvert's inlet and outlet.

D. Removal of Winter Sand:

- Clear accumulations of winter sand in parking lots and along roadways at least once a year, preferably in the spring.
- Accumulations on pavement may be removed by pavement sweeping.
- Accumulations of sand along road shoulders may be removed by grading excess sand to the pavement edge and removing it manually or by a front-end loader or other acceptable method.

E. Focal Point:

- Debris and sediment buildup shall be removed as needed. Any bare area or erosion rills on focal point surface shall be repaired with double shredded hardwood mulch.
- See inspection log within Attachment 1 of this document for the inspection requirements of this BMP.

F. R-Tank Storage System:

- Debris and sediment buildup shall be removed as needed.
- Remove sediment and debris from the outlet control structure as needed.
- See the inspection log within Attachment 1 of this document for the inspection requirements of this BMP.

G. StormTree System:

- The StormTree system post-construction inspection and maintenance responsibilities shall be upon the developer or HOA until the City of Portland accepts the street extension and associated infrastructure.
- Debris and sediment buildup shall be removed as needed.
- See the inspection log within Attachment 1 of this document for the inspection requirements of this BMP as well as the Operation and Maintenance Plan provided by the manufacturer.

3. Documentation:

A. The owner or operator of a BMP or a qualified post-construction stormwater inspector hired by that person, shall, as required by the local municipality, provide a completed and signed certification on a form provided by the local municipality, certifying that the person has inspected the BMP(s) and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they required maintenance or repair, including the record of the deficiency and corrective action(s) taken.

B. A log summarizing the inspections and any corrective action taken must be maintained. The log must include the name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of controls. Major observations must include BMPs that need maintenance, BMPs that failed to operate as designed or proved inadequate for a particular location, and locations where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken. The log must be made accessible to the appropriate regulatory agency upon request. A sample "Stormwater Inspection and Maintenance Form" has been included as Attachment 1 of this Inspection, Maintenance, and Housekeeping Plan.

4. Duration of Maintenance: Perform maintenance as described and required for any associated permits unless and until the system is formally accepted by a municipality or quasi-municipal district, or is placed under the jurisdiction of a legally created association that will be responsible for the maintenance of the system. If a municipality or quasi-municipal district chooses to accept a stormwater management system, or a component of a stormwater system, it must provide a letter to the MDEP stating that it assumes responsibility for the system. The letter must specify the components of the system for which the municipality or district will assume responsibility, and that the municipality or district agrees to maintain those components of the system in compliance with MDEP standards. Upon such assumption of responsibility, and approval by the MDEP, the municipality, quasi-municipal district, or association becomes a co-permittee for this purpose only and must comply with all terms and conditions of the permit.

ATTACHMENT 1 – STORMWATER INSPECTION AND MAINTENANCE LOG

POWSLAND STREET
PORTLAND, MAINE

This log is intended to accompany the Inspection, Maintenance, and Housekeeping Plan for the Residential Development. The following items shall be checked, cleaned, and maintained on a regular basis as specified in the Maintenance Plan and as described in the sections below. This log shall be kept on file for a minimum of five (5) years and shall be available for review by the City of Portland and the Maine DEP. Qualified personnel familiar with the drainage systems and soils shall perform all inspections. A copy of the construction and post-construction maintenance logs are provided.

INSPECTION MAINTENANCE AND HOUSEKEEPING FORM			
General Information			
Project Name:		**Inspection Date:**	
Project Location:		**Current Weather:**	
		Date / Amount Last Precip:	
BMP Owner:		**Company conducting inspection:**	
Owner Mailing Address:		**Company Mailing Address**	
Owner Phone #:		**Company Phone #:**	
Owner Email:		**Inspector Name:**	
		Inspector Email:	

BMP Element	Suggested Maintenance (recm'd frequency)	Observations	Inspection Notes/Recommended Action
Forebay/Pretreatment	Sediment/Debris Removal (Semi-Annually)		
	Inspect for bare areas or rill erosion (Semi-Annually)		
R-Tanks	Sediment Depth (Quartly for the first year and annually thereafter.)		
	Floatables/Debris (Quartly for the first year and annually thereafter.)		
Discharge Pipe	Ground Stabilized (>1" rain, Annually)		
Embankments	Review for signs of erosion (Semi-Annually)		
Filter Bed	Harvesting and pruning of excessive growth (Occasionally)		
	Review basin for evidence of vehicular traffic or storage of snow within footprint (Semi-Annually)		
	Review for removal and replacement of mulch (Annually or As Needed)		
	Confirm filter drains in 24-48 hours for water quality volume (Semi-Annually)		

Additional Notes/Observations:

INSPECTION MAINTENANCE AND HOUSEKEEPING FORM			
General Information			
Project Name:		**Inspection Date:**	
Project Location:		**Current Weather:**	
		Date / Amount Last Precip:	
BMP Owner:		**Company conducting inspection:**	
Owner Mailing Address:		**Company Mailing Address**	
Owner Phone #:		**Company Phone #:**	
Owner Email:		**Inspector Name:**	
		Inspector Email:	

BMP Element	Suggested Maintenance	Observations	Inspection Notes/Recommended Action
Outlet Control Structure			
	Sediment Depth (Annually)		
	Floatables/Debris (Annually)		
Discharge Pipe			
	Ground Stabilized (>1" rain, Annually)		
Subsurface Chambers			
	Sediment Depth/Removal (Annually)		

Additional Notes/Observations:

INSPECTION MAINTENANCE AND HOUSEKEEPING FORM			
General Information			
Project Name:		**Inspection Date:**	
Project Location:		**Current Weather:**	
		Date / Amount Last Precip:	
BMP Owner:		**Company conducting inspection:**	
Owner Mailing Address:		**Company Mailing Address**	
Owner Phone #:		**Company Phone #:**	
Owner Email:		**Inspector Name:**	
		Inspector Email:	

BMP Element	Suggested Maintenance (recm'd frequency)	Observations	Inspection Notes/Recommended Action
Forebay/Pretreatment	Sediment/Debris Removal (Annually)		
	Inspect for bare areas or rill erosion (Annually)		
Outlet Control Structure	Sediment Depth (Annually)		
	Floatables/Debris (Annually)		
Discharge Pipe	Ground Stabilized (>1" rain, Annually)		
Filterra Stucture	Review condition of installed planting for signs on stress or damage (annually)		
	Review condition of concrete structure and inlet that no damage has occurred to weaken intergrity (annually)		

Additional Notes/Observations:

Operation and Maintenance Plan
StormTree Tree Filter System
(Combined Catch Basin/Sump Models)

The following Operation and Maintenance (O&M) Plan was prepared by StormTree to assist the designated owner/operator in providing for the successful long term operation of the tree filter system. It is understood that the O&M Plan will become effective immediately following construction and system installation. Maintenance will be performed as described and required by the owner/operator, assignee, or other third party entity.

Post Installation:

Following the installation of the tree filter (system), including backfilling the area surrounding the system to final grade, the system is considered to be "active" since water, sand, sediment, trash, etc. could potentially enter the system. Should the site not be secured, in that construction activities including grading, paving, or final landscaping have not been completed, the system could be impacted by large quantities of construction debris entering the system. This impact could compromise the system's ability to function properly causing a reduction in infiltration efficiency and overall performance. It is **highly recommended** that the surface grating be covered with wood sheeting, non-woven filter fabric or other materials to restrict the movement of water (and debris) from entering the system until the site is fully secured.

Watering:

The engineered media of a tree filter system is very porous and designed to provide high water conductivity (infiltration) but also sufficient organic material to maintain essential water holding capacity to allow for successful plant growth. Due to the inherent high infiltration capacity of the media, particular attention is required to the installation of plant material and irrigation needs.

The ideal season to install plant material (e.g., trees, shrubs) is Fall (September 1 thru November 1); Spring (April 1 thru June 1) is also a preferred season to install plant material. The acclimation of plant material is most successful during these two seasonal periods. Following plant installation, and at least one month thereafter, it is recommended that twice weekly (deep) watering take place, particularly during periods of drought or minimal rain events. Slow release watering bags are also very beneficial.

If possible, avoid installing plant material during the heat of summer, between approximately June 1 and August 31, due to the potential for placing tremendous stress on plant material following transplanting. Daily watering over a period of several weeks may be required to prevent mortality and allow for the establishment of a healthy root system.

General Maintenance:

Maintenance should optimally be performed on a twice yearly basis: in fall after leaves have fallen; in spring, following all winter sanding operations. If winter sanding operations are not customarily performed as to impact the system, or minimal accumulation occurs, once yearly maintenance may only be necessary.

1. Remove any debris or trash from the concrete surface and/or grating.

2. Remove surface grating surrounding the interior sump, tree, media bed; remove any visible debris and trash. Should any accumulated sands or sediment be observed on the media surface (including mulch layer), remove to ensure a loose and unobstructed media layer. If the system utilizes a fiberglass grate, refer to No. 5 for additional instructions.

3. Evacuate accumulated debris, sands, and sediment via vactor or other equipment. If hand tools are utilized, shovel out as necessary. Replace surface grating and ensure stable positioning.

4. Remove cast iron grate from catch basin. Evacuate accumulated debris, sands and sediment via vactor or other equipment. If hand tools are to be utilized, shovel out as necessary. Replace grate and ensure stable positioning.

5. If overflow/bypass port and piping exist, remove any debris or obstruction surrounding the atrium grate or exposed inlet.

6. Fiberglass grate: Inspect the grate opening surrounding the tree trunk to determine if the exterior trunk is in contact with, or in close proximity to the grate. If so, with the use of a powered reciprocating saw, or other cutting device, increase the opening by removing portions of the grating material as necessary. Refer to the attached grate cutting specification for proper cutting technique.

7. Replace all grating and securely fasten any hardware. Sand and debris may have accumulated in the gap between the sides of the grate and the concrete ledge. Remove as necessary to allow for proper setting of the grate. **IMPORTANT: If the system utilizes a fiberglass grate, carefully return the grate to the notched ledge, paying careful attention to not allowing the grate to make contact with the trunk of the tree. Severe damage and death of the tree may result if the grate scrapes the tree's bark. DO NOT attempt to drop the grate into place from a standing position.**

8. Complete any required maintenance logs or paperwork.

9. Properly dispose of sands, sediment, debris, and trash.

After several years of operation, depending upon the extent and frequency of winter sanding operations and system maintenance, the system may experience excessive sand loading. This condition may require more thorough cleaning, and possibly renovation to include the removal of the top 4 to 6 inches of surface material (media/mulch), and subsequent replenishing. Although not a proprietary product, the engineered media is a specially blended mixture of several components formulated to maintain a specific infiltration capacity. The mixture materials are readily available from a sand & gravel facility and landscape nursery. The mulch is typically a coarsely shredded or chipped, (preferably) hardwood (e.g. larch, cedar) which can be sourced at many box stores, landscape nursery, or agricultural suppliers.

Please consult StormTree directly regarding media addition/replacement.
For additional information please contact StormTree (www.storm-tree.com) 401-626-8999.

Appendix 4

Subsurface Investigations

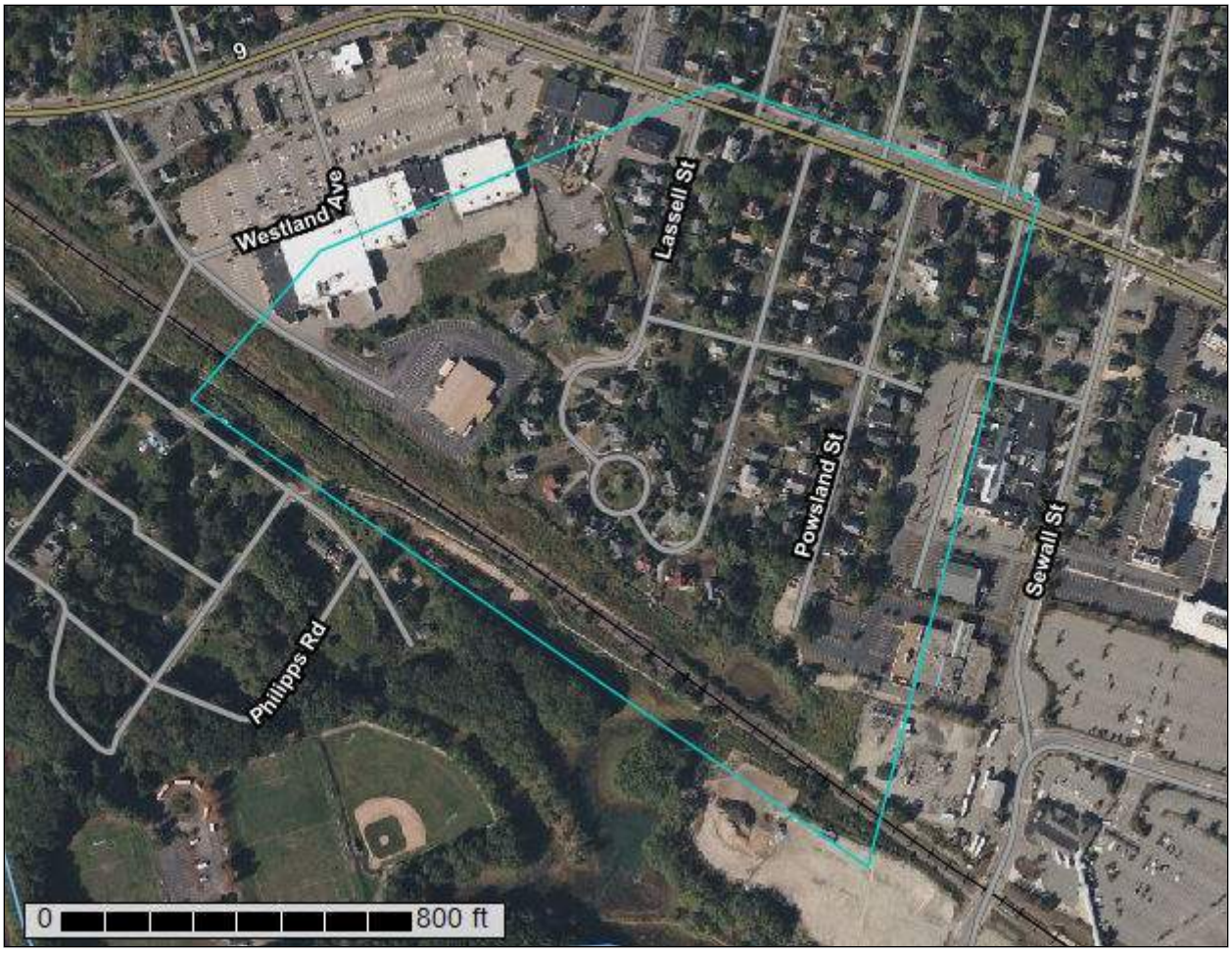
United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Cumberland County and Part of Oxford County, Maine



December 6, 2022

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Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.


70° 18' 5" W
70° 17' 20" W
43° 39' 32" N
43° 39' 11" N
395100
395200
395300
395400
395500
395600
395700
395800
395900
396000
4834800
4834700
4834600
4834500
4834400
4834300
4834200
9
22
Wa
DeB
Wa
Willow Ln
Powsland St
Congress St
Hobart St
DeB
BuB
BgB
Sewall St
Philipps Rd
Tm
Soil Map may not be valid at this scale.
Map Scale: 1:4,610 if printed on A landscape (11" x 8.5") sheet.
N
0 50 100 200 300 Meters
0 200 400 800 1200 Feet
Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine
Survey Area Data: Version 19, Aug 30, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 19, 2020—Sep 20, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BgB	Nicholville very fine sandy loam, 0 to 8 percent slopes	6.6	14.9%
BuB	Lamoine silt loam, 3 to 8 percent slopes	12.0	27.2%
DeB	Deerfield loamy fine sand, 3 to 8 percent slopes	23.3	53.0%
Tm	Pemaquid, Todds point, and Damariscotta soils, 0 to 2 percent slopes	0.1	0.1%
Wa	Walpole fine sandy loam	2.1	4.8%
Totals for Area of Interest		**43.9**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Cumberland County and Part of Oxford County, Maine

BgB—Nicholville very fine sandy loam, 0 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2yjg5
Elevation: 20 to 2,300 feet
Mean annual precipitation: 34 to 50 inches
Mean annual air temperature: 37 to 45 degrees F
Frost-free period: 90 to 160 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Nicholville and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Nicholville

Setting

Landform: Lakebeds (relict)
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Coarse-silty glaciomarine deposits

Typical profile

Ap - 0 to 7 inches: very fine sandy loam
Bs - 7 to 19 inches: very fine sandy loam
BC - 19 to 30 inches: very fine sandy loam
C - 30 to 65 inches: loamy very fine sand

Properties and qualities

Slope: 0 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.14 to 1.42 in/hr)
Depth to water table: About 18 to 30 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)
Available water supply, 0 to 60 inches: High (about 10.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: C
Ecological site: F144BY501ME - Loamy Slope (Northern Hardwoods)
Hydric soil rating: No

BuB—Lamoine silt loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2t0kc
Elevation: 10 to 490 feet
Mean annual precipitation: 33 to 60 inches
Mean annual air temperature: 36 to 52 degrees F
Frost-free period: 90 to 160 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Lamoine and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lamoine

Setting

Landform: Marine terraces, river valleys
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Base slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Fine glaciomarine deposits

Typical profile

Ap - 0 to 7 inches: silt loam
Bw - 7 to 13 inches: silt loam
Bg - 13 to 24 inches: silty clay loam
Cg - 24 to 65 inches: silty clay

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.14 in/hr)
Depth to water table: About 6 to 17 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 7.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: C/D
Ecological site: F144BY401ME - Clay Flat
Hydric soil rating: No

DeB—Deerfield loamy fine sand, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2xfg9
Elevation: 0 to 1,190 feet
Mean annual precipitation: 36 to 71 inches
Mean annual air temperature: 39 to 55 degrees F
Frost-free period: 145 to 240 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Deerfield and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Deerfield

Setting

Landform: Kame terraces, outwash plains, outwash terraces, outwash deltas
Landform position (three-dimensional): Tread
Down-slope shape: Concave, convex, linear
Across-slope shape: Convex, linear, concave
Parent material: Sandy outwash derived from granite, gneiss, and/or quartzite

Typical profile

Ap - 0 to 9 inches: loamy fine sand
Bw - 9 to 25 inches: loamy fine sand
BC - 25 to 33 inches: fine sand
Cg - 33 to 60 inches: sand

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to very high (1.42 to 99.90 in/hr)
Depth to water table: About 15 to 37 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)
Sodium adsorption ratio, maximum: 11.0
Available water supply, 0 to 60 inches: Moderate (about 6.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2w
Hydrologic Soil Group: A
Ecological site: F144AY027MA - Moist Sandy Outwash
Hydric soil rating: No

Tm—Pemaquid, Todds point, and Damariscotta soils, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 2x1d9
Elevation: 0 to 10 feet
Mean annual precipitation: 63 to 87 inches
Mean annual air temperature: 36 to 52 degrees F
Frost-free period: 90 to 160 days
Farmland classification: Not prime farmland

Map Unit Composition

Pemaquid and similar soils: 40 percent
Todds point and similar soils: 30 percent
Damariscotta and similar soils: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Pemaquid

Setting

Landform: Tidal marshes
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Herbaceous organic material over sandy marine deposits

Typical profile

Oi - 0 to 16 inches: peat
Oe - 16 to 35 inches: mucky peat
Cseg - 35 to 65 inches: sand

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (1.42 to 14.17 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: Very frequent
Frequency of ponding: None
Maximum salinity: Very slightly saline to strongly saline (2.0 to 16.0 mmhos/cm)
Sodium adsorption ratio, maximum: 20.0
Available water supply, 0 to 60 inches: Very high (about 14.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8
Hydrologic Soil Group: A/D
Hydric soil rating: Yes

Description of Todds Point

Setting

Landform: Tidal marshes
Landform position (three-dimensional): Dip
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Herbaceous organic material

Typical profile

Oe1 - 0 to 31 inches: mucky peat
Oe2 - 31 to 42 inches: mucky peat
Oa - 42 to 65 inches: muck

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (1.42 to 14.17 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: Very frequent
Frequency of ponding: None
Maximum salinity: Very slightly saline to strongly saline (2.0 to 16.0 mmhos/cm)
Sodium adsorption ratio, maximum: 20.0
Available water supply, 0 to 60 inches: Very high (about 16.2 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8
Hydrologic Soil Group: A/D
Hydric soil rating: Yes

Description of Damariscotta

Setting

Landform: Tidal marshes
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Sandy glaciomarine deposits

Typical profile

Ase1 - 0 to 10 inches: mucky loamy fine sand
Ase2 - 10 to 21 inches: mucky loamy fine sand
Cseg - 21 to 65 inches: sand

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to very high (1.42 to 99.90 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: Very frequent
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Sodium adsorption ratio, maximum: 20.0
Available water supply, 0 to 60 inches: High (about 11.6 inches)

Interpretive groups
Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8
Hydrologic Soil Group: A/D
Hydric soil rating: Yes

Wa—Walpole fine sandy loam

Map Unit Setting
National map unit symbol: blk7
Elevation: 0 to 540 feet
Mean annual precipitation: 48 to 49 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 145 to 165 days
Farmland classification: Not prime farmland

Map Unit Composition
Walpole and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Walpole

Setting
Landform: Outwash plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Sandy glaciofluvial deposits

Typical profile
H1 - 0 to 8 inches: fine sandy loam
H2 - 8 to 20 inches: fine sandy loam
H3 - 20 to 65 inches: gravelly loamy sand

Properties and qualities
Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): High (2.00 to 6.00 in/hr)
Depth to water table: About 0 to 18 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Low (about 5.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4w
Hydrologic Soil Group: A/D
Ecological site: F144BY303ME - Acidic Swamp
Hydric soil rating: Yes

Appendix 5

Stormwater Management Plans

EXHIBIT A
Drainage Easement

A certain easement over a parcel of land with the improvements thereon on the northwesterly side of and adjacent to Powsland Street in the City of Portland, County of Cumberland, State of Maine as shown on the Overall Site Plan of Lots 65-70, Powsland Street, Portland, Maine, by Sebago Technics, Inc. (project number 07360-01), last dated March 1, 2023, and being more particularly bounded and described as follows:

Beginning at the southerly corner of Lot 70 as shown on the above referenced plan and the Plan of Property Belonging to Martin Curran Jr., by Percey Richardson, dated April of 1902 and recorded in the Cumberland County Registry of Deeds (CCRD) in Plan Book 9 Page 121 also being on the northwesterly sideline of Powsland Street;

1. Thence N 15°33'23" E, along the northwesterly sideline of Powsland Street, a distance of 50.00 feet to the southerly corner of Lot 69;

2. Thence N 15°33'23" E, along the northwesterly sideline of Powsland Street, a distance of 7.05 feet;

3. Thence N 74°26'37" W, through Lot 69, a distance of 64.76 feet;

4. Thence N 15°28'07" E, through Lot 69, a distance of 42.95 feet, to a point on the sideline of Lot 68;

5. Thence N 15°28'07" E, through Lot 68, a distance of 50.00 feet, to a point on the sideline of Lot 67;

6. Thence N 15°28'07" E, through Lot 67, a distance of 50.00 feet, to a point on the sideline of Lot 66;

7. Thence N 15°28'07" E, through Lot 66, a distance of 50.00 feet, to a point on the sideline of Lot 65;

8. Thence N 74°26'37" W, along Lot 65, a distance of 15.00 feet;

9. Thence S 15°28'07" W, through Lot 66, a distance of 50.00 feet, to a point on the sideline of Lot 67;

10. Thence S 15°28'07" W, through Lot 67, a distance of 50.00 feet to a point on the sideline of Lot 68;

11. Thence S 15°28'07" W, through Lot 68, a distance of 38.23 feet;

12. Thence N 74°30'27" W, through Lot 68, a distance of 17.51 feet to land now or formerly of Dale Holman, as described in Deed Book 21057 Page 298;

13. Thence S 18°06'18" W, along land of Holman, a distance of 11.76 feet to the corner of Lot 69;

14. Thence S 18°06'18" W, along land of Holman, a distance of 50.05 feet to the corner of Lot 70;

15. Thence S 18°06'18" W, along land of Holman and land now or formerly of Minh Hoang, as described in Deed Book 37769 Page 154, and land of Central Maine Power, a distance of 50.05 feet, to the corner of Lot 70;

16. Thence S 74°26'37" E, along land of Central Maine Power, a distance of 102.33 feet to the **Point of Beginning**.

The total area of the above-described easement is approximately 9,686 Square Feet.

Meaning and intending to describe the Drainage Easement for Conveyance, Treatment, and Storage of Stormwater, to benefit Lots 65 through 69, as shown on the above referenced Overall Site Plan of Lots 65-70.

The bearings shown hereon are Grid North, Maine State Plane Coordinate System, West Zone 1802, NAD83.

MWE:
April 6, 2023

EXHIBIT A
Turnaround Easement

A certain easement over a parcel of land with the improvements thereon on the northwesterly side of and adjacent to Powsland Street in the City of Portland, County of Cumberland, State of Maine as shown on the Overall Site Plan of Lots 65-70, Powsland Street, Portland, Maine, by Sebago Technics, Inc. (project number 07360-01), last dated March 1, 2023, and being more particularly bounded and described as follows:

Beginning at the southerly corner of Lot 69 as shown on the above referenced plan and the Plan of Property Belonging to Martin Curran Jr., by Percey Richardson, dated April of 1902 and recorded in the Cumberland County Registry of Deeds (CCRD) in Plan Book 9 Page 121 also being on the northwesterly sideline of Powsland Street;

1. Thence N 15°33'23" E, along the northwesterly sideline of Powsland Street a distance of 7.05 feet;

2. Thence N 74°26'37" W, through Lot 69, a distance of 4.00 feet;

3. Thence S 15°33'23" W, through Lot 69, a distance of 7.05 feet to the sideline of Lot 70;

4. Thence S 15°33'23" W, through Lot 70, a distance of 22.95 feet;

5. Thence S 74°26'37" E, through Lot 70, a distance of 4.00 feet to the northwesterly sideline of Powsland Street;

6. Thence N 15°33'23" E, along the northwesterly sideline of Powsland Street, a distance of 22.95 feet to the **Point of Beginning**.

The total area of the above-described easement is approximately 120 Square Feet.

Meaning and intending to describe the Turnaround Easement for the City of Portland, as shown on the above referenced Overall Site Plan of Lots 65-70.

The bearings shown hereon are Grid North, Maine State Plane Coordinate System, West Zone 1802, NAD83.

MWE:
April 6, 2023

Att. 28

Subject: RW_09477 - Powlsand St - Culvert Replacement - DRAFT

Berry, Randall <rberry@canacre.com> Wed, Oct 26, 2022, 4:4
to Henry Hess

You are viewing an attached message. City of Portland Mail can't verify the authenticity of attached messages.

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

Henry,

I've attached a draft of the proposed Letter of Permission for the culvert replacement work. I've also attached a Portland parcel screenshot and Google Earth map with the work locations for reference. I think it would be good tc include a worksite plan as an exhibit once you know what the project will require within the CMP corridors. I will ne more information for STJ, Inc. to complete the name and address portion of the letter. You will need to get permiss from the landowner (Forefront Partners) for the easement area access.

Please let me know if this will work for you.

Regards,

Randy Berry

CENTRAL MAINE POWER

Randy Berry
Contractor to Central Maine Power Company
Energy Land Management
Canacre USA

83 Edison Drive, Augusta, Maine 04336
Telephone 207-500-1407
rberry@canacre.com

In the interest of the environment,
please print only if necessary and recycle.

City of Portland Maine Parcel Viewer

Find address or place

Approx. culvert location

(1 of 2)

Parcels Details

Assessor's Details	
Google Details	
Parcel ID	201 A010
Parcel Type	Conveyance
Street Number	
Street Name	
Unit Number	
Owner	
Owner Address	
Owner City	
Owner Street	
Owner Zip	
Legal Description	

Zoom to

0 30 60ft

2,918,702.205 299,427.474 Feet


S161 str70
S161 str71
Easement
S101 p88
S101 p88.6
S191 p145
Fee
S191 p145.6
S101 p87
S191 p144
Google Earth
1985
Imagery Date: 7/17/2019 lat 43.654875° lon -70.293922° elev 0 ft eye alt 514 ft

October , 2022

STJ, Inc.

Dear :

This letter agreement will serve as written permission for you (Permittee) to access a portion of Central Maine Power Co.'s (CMP) property and easement rights, in the Town of Portland, designated transmission line corridor Sections 101, 191, and 161, for the purpose of a temporary work space to replace a culvert under the Portland Terminal Railroad track. CMP's property and easement rights are further described in a deed dated June 4, 1907 recorded in the Cumberland County Registry of Deeds in Book 829, Page 99 and a deed dated July 16, 1951 recorded at said Registry of Deeds in Book 2051, Page 425.

This permission herein is subject to the following conditions:

1. Since CMP only has an easement interest in a portion of the property, Permittee is responsible for obtaining access permission for the stated purpose from the fee owner, if necessary;

2. The Permittee will be performing the culvert replacement by slip-lining the existing culvert.

3. No waste of any kind or nature will be left on the property.

4. No stockpiling of materials or storage of construction vehicles will take place on the property

5. The permission shall be at the sole risk and expense of the Permittee and will be in compliance with all laws, ordinances and regulations pertaining thereto.

6. Any work performed that cannot maintain 20-feet of clearance from the overhead conductors as now located on the property will require a Non-Reclose Agreement (NRA) on the transmission line and an on-site CMP clearance holder and inspector at the Permittee's cost.

7. The Permission shall in no way encumber CMP's fee ownership of the property.

DRAFT

8. The Permission shall not limit or restrict nor shall liability arise from CMP's it's successors and assigns use of its land in its operation as a public utility.

9. Permittee shall not use the property for any other purpose not defined herein.

10. This agreement is not assignable and is for your personal use only.

11. The rights and privileges granted by this letter may be canceled at any time by CMP and will automatically expires on _____.

By acceptance of this permission, Permittee hereby waives any claim that it now has or may have in the future against CMP, it's parent corporation and affiliates and its and their directors, officers, employees, agents, contractors, successors and assigns and further agrees to indemnify, protect and save harmless, CMP, it's parent corporation and affiliates and its and their directors, officers, employees, agents, contractors, successors and assigns from and against any and all claims, demands and actions, which may arise pursuant to the exercise of the permission hereby granted or otherwise. Additionally, Permittee for itself and its directors, officers, employees, agents, successors, and assigns, hereby waives any defenses or immunity Permittee might otherwise have under applicable worker's compensation laws or any other statute or judicial decision disallowing or limiting such indemnification, including without limitation, Diamond International Corp. v Sullivan & Merritt, Inc., 493 A2d. 1043 (Me. 1985), and Permittee consents to a cause of action by CMP for Indemnity.

If this agreement is acceptable under the conditions stated above, kindly sign and return the letter me. A fully executed copy will be returned for your records.

Sincerely,

CENTRAL MAINE POWER COMPANY

By:_____
Alen Saric, Manager, Energy
Land Management

ACCEPTED BY

_____ Date:_____

_____ Date:_____

DRAFT

Att. 29

Charles Tetelman <ctetelman@portlandmaine.gov>

FW: Powsland St - Portland Maine

4 messages

Henry Hess <hhess@sebagotechnics.com> Thu, Apr 6, 2023 at 5:01 PM
To: Charles Tetelman <ctetelman@portlandmaine.gov>

Spoke to Randy who was able to shoot me a quick email. He is going to forward along the information again to his supervisor to confirm what we have already discussed for the project and site previously and send me another email at the beginning of the coming week.

Randy sent the email below as a follow up today.

--

Thank you,

Henry Hess, RLA

Maine Licensed Landscape Architect

Sebago Technics, Inc. | An Employee-Owned Company

75 John Roberts Rd., Suite 4A, South Portland, ME 04106

Office: 207.200.2100 | Direct: 207.200.2086 | Fax: 207.856.2206

hhess@sebagotechnics.com | www.sebagotechnics.com

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---

From: BERRY, RANDY <randy.berry@avangrid.com>
Sent: Thursday, April 6, 2023 4:20 PM
To: Henry Hess <hhess@sebagotechnics.com>
Subject: RE: Powsland St - Portland Maine

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Henry,

Following our site visit and discussion, the transmission review team approved the request with expectations for DEP rules and permits to be followed, and the necessary safety protocols with CMP to work under and in proximity to the energized transmission lines.

We worked on a draft Letter of Permission and I need to follow up with you and respond to your recent documents, and think it makes sense to include the language for maintenance of the culvert. I apologize for the delay and will try to get this back on track on my end.

The review team is also agreeable to the turnaround and gate as discussed, I need to coordinate a discussion with CMP's Energy Land Management regarding the lease with the Medical Eyecare, and with the appropriate City of Portland people.

Thank you for contacting me regarding this project status.

Regards,

Randy Berry

CENTRAL MAINE POWER
An AVANGRID Company

Randy Berry

Land Specialist / Energy Land Management

Contractor to Central Maine Power Company

Canacre

83 Edison Drive, Augusta ME 04336

Telephone 207.500.1407

randy.berry@avangrid.com


Take care of the environment

Print only if necessary

Internal Use

From: Henry Hess <hhess@sebagotechnics.com>
Sent: Thursday, April 6, 2023 3:57 PM
To: BERRY, RANDY <randy.berry@avangrid.com>
Subject: Powsland St - Portland Maine

EXTERNAL SENDER: Be cautious, especially with links and attachments. Report phishing if suspicious.

Hi Randy,

I am following up on our phone call regarding the Powsland project. I appreciate you working with me and the City on this. I have attached our overall plan, for the project.

I know we have to work through the easement language for the culvert replacement/repair. Can you confirm that CMP is comfortable with the project layout and coordinating with the applicant for the work and proposed project?

--

Thank you,

Henry Hess, RLA

Maine Licensed Landscape Architect

Sebago Technics, Inc. | An Employee-Owned Company

75 John Roberts Rd., Suite 4A, South Portland, ME 04106

Office: 207.200.2100 | Direct: 207.200.2086 | Fax: 207.856.2206

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image005.png
4K

Charles Tetelman <ctetelman@portlandmaine.gov> Fri, Apr 7, 2023 at 7:32 AM
To: Kevin Kraft <kkraft@portlandmaine.gov>, Matt Grooms <mgrooms@portlandmaine.gov>

Will this work?
[Quoted text hidden]

14 attachments

image001.jpg
3K

image002.png
2K

image003.png
2K



image005.png
4K

image004.png
17K

image007.jpg
2K

image003.png
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image007.jpg
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3K

image004.png
17K

image002.png
2K

image003.png
2K

image001.jpg
3K

image002.png
2K

Charles Tetelman <ctetelman@portlandmaine.gov> Fri, Apr 7, 2023 at 8:22 AM
To: Henry Hess <hhess@sebagotechnics.com>

Hey Henry - Kevin and Matt still want language that specifically speak to the drainage easement. Kevin may be or may have already called you.
[Quoted text hidden]
--
Charles Tetelman
Planner
ctetelman@portlandmaine.gov || 207-874-8724
Planning & Urban Development Department
City Hall - 4th Floor, 389 Congress Street
Portland, Maine 04101

Henry Hess <hhess@sebagotechnics.com> Fri, Apr 7, 2023 at 8:54 AM
To: Charles Tetelman <ctetelman@portlandmaine.gov>

Thanks Charles,

I spoke with Randy yesterday and he was able to send along the response you received on short notice. Today is a holiday for CMP and he probably won't follow up until Monday at the earliest. I will look for additional correspondence to send your way as soon as I can.

--

Thank you,

Henry Hess, RLA

Maine Licensed Landscape Architect

Sebago Technics, Inc. | An Employee-Owned Company

75 John Roberts Rd., Suite 4A, South Portland, ME 04106

Office: 207.200.2100 | Direct: 207.200.2086 | Fax: 207.856.2206

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[Quoted text hidden]
[Quoted text hidden]

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Know all Men by these Presents, That

P. H. & J. M. Brown Company, a corporation organized and existing under the laws of the State of Maine and located at Portland in the County of Cumberland and State of Maine

in consideration of One Dollar ($1) and other valuable considerations, paid by Central Maine Power Company, a corporation organized and existing under the laws of the State of Maine and located at Augusta in the County of Kennebec and State of Maine

the receipt whereof it does hereby acknowledge, do es hereby, give, grant, bargain, sell and convey unto the said

Central Maine Power Company, its successors and assigns forever

The right perpetually to enter at any and all times upon a strip of land one hundred twenty-five (125) feet in width situated in Portland in the County of Cumberberland and State of Maine, being a part of the premises conveyed to the Grantor by John Marshall Brown and others by deeds dated January 3, 1894, January 6, 1894, January 11, 1894 and recorded in Cumberland County Registry of Deeds in Book 609, Page 364, Book 609, Page 368, Book 609, Page 372 and Book 609, Page 377, to which deeds reference is hereby made for a more particular description of said premises; said strip being so much of the Grantor's land as lies within seventy-five (75) feet southwesterly of and fifty (50) feet northeasterly of the following described survey line and its extension at either end;

Beginning at a stake set in the dividing line between its land and land of Utilities Distributors, Inc., said stake being southwesterly forty-eight (48) feet, more or less, along said dividing line from a stake set in the southwesterly side line of the Portland Terminal Co. railroad location; thence N31°55'W approximately parallel to said railroad location three hundred thirty-three (333) feet, more or less, to land of the heirs of Fannie L. Proctor.

and to erect, construct and maintain on and over said one hundred twenty-five (125) foot strip power lines consisting of poles with wires attached thereto for the transmission of electricity and intelligence and with all necessary foundations, fixtures, anchors, guys, braces, cables, wires and other appurtenances, and to maintain, repair, respace, replace and remove said power lines, to stretch wires and convey electricity and intelligence through said wires for all purposes of the Grantee, its successors and assigns, and with the right at all times to trim and cut down trees, timber and bushes growing on said one hundred twenty-five (125) foot strip and to trim and cut down such tall trees growing outside the limits of said strip, which in falling would in the judgment of the Grantee, its successors and assigns, interfere with the safe and efficient operation of said lines, together with the right to enter upon said strip at all times for any or all of the foregoing purposes; reserving to the Grantor, its successors and assigns, the right to use said strip for such purposes only as do not conflict with or infringe upon said use of said strip by the Grantee, its successors and assigns, for the purposes above mentioned, provided that the Grantor, its successors and assigns, shall not erect or maintain any structure of any kind on said strip.

U.S.I.R. $1.10 P.H.& J.M.B.Co 7/16/51

To Have and to Hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Central Maine Power Company, its successors and assigns, to its and Corporation does hereby their use and behoof forever. And the said Grantor ^ covenant with the said Grantee, its successors ~~heirs~~ and assigns, that it is lawfully seized in fee of the premises; that they are free of all incumbrances; that it has ~~have~~ good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors ~~heirs~~, shall and will warrant and defend the same to the said Grantee, its successors ~~heirs~~ and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said P. H. & J. M. Brown Company has caused this instrument to be sealed with its corporate seal and signed in its corporate name by ----- its Treasurer, thereunto duly authorized,

~~hand---and seal~~ this 16th day of July ~~have hereunto set~~ in the year ~~of our Lord~~ one thousand nine hundred and fifty-one.

Signed, Sealed and Delivered in presence of

Edward F. Dana

P.H. & J.M.BROWN COMPANY
CORPORATE SEAL
By Harold Lee Berry
Treasurer

~~State of Maine,~~ County of ^ CUMBERLAND, ss. 16th, July 1951

Then Personally appeared the above named. Harold Lee Berry, Treasurer of said Grantor Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed. in his said capacity and the free act and deed of said corporation.

Before me, Edna L. Plaisted, Notary Public, Notarial Seal

* Received July 17 19 51, at 1 o'clock 50 m. P. M., and recorded according to the original.

Att. 31

Charles Tetelman <ctetelman@portlandmaine.gov>

FW: Powsland St - Portland Maine

Henry Hess <hhess@sebagotechnics.com> Fri, Apr 7, 2023 at 9:28 AM
To: Charles Tetelman <ctetelman@portlandmaine.gov>
Cc: Matt Grooms <mgrooms@portlandmaine.gov>

Well, I was wrong, Randy was able to get back to me.

See the below response from CMP.

--

Thank you,

Henry Hess, RLA

Maine Licensed Landscape Architect

Sebago Technics, Inc. | An Employee-Owned Company

75 John Roberts Rd., Suite 4A, South Portland, ME 04106

Office: 207.200.2100 | Direct: 207.200.2086 | Fax: 207.856.2206

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---

From: BERRY, RANDY <randy.berry@avangrid.com>
Sent: Friday, April 7, 2023 9:16 AM
To: Henry Hess <hhess@sebagotechnics.com>
Cc: 'Mark Curtis' <markcurtis@gsgravel.com>
Subject: RE: FW: Powsland St - Portland Maine

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Henry,

I'm not working today but couldn't help but check in. Thank you for the markup, I thought the line across the pond was line was the boundary line. I will run this by the review team to be sure they are okay with the stormwater outlet on the easement. It doesn't appear to be a passable route for equipment or create a new wet area so I don't see anything that raises any red flags per usual responses.

Thanks again,

Randy

Internal Use

From: Henry Hess <hhess@sebagotechnics.com>
Sent: Friday, April 7, 2023 8:47 AM
To: BERRY, RANDY <randy.berry@avangrid.com>
Cc: 'Mark Curtis' <markcurtis@gsgravel.com>
Subject: RE: FW: Powsland St - Portland Maine
Importance: High

EXTERNAL SENDER: Be cautious, especially with links and attachments. Report phishing if suspicious.

Hi Randy,

Thanks for your assistance yesterday. I forwarded your response to the City. They are looking for confirmation that CMP is comfortable with the drainage the project shows heading into the easement (I have marked it up on the plans attached)

The water from the project that will drain into the easement is currently draining into the basin in the existing condition (along with the water from powsland st) and making its way to the culvert.

The proposed condition is treating the stormwater and then outlets it into the basin (through CMPs easement).

The City would like to know that CMP is comfortable with this drainage from this project flowing into the basin (through the CMP easement).

Thank you!

--

Thank you,

Henry Hess, RLA

Maine Licensed Landscape Architect

Sebago Technics, Inc. | An Employee-Owned Company

75 John Roberts Rd., Suite 4A, South Portland, ME 04106

Office: 207.200.2100 | Direct: 207.200.2086 | Fax: 207.856.2206

hhess@sebagotechnics.com | www.sebagotechnics.com

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From: Charles Tetelman <ctetelman@portlandmaine.gov>
Sent: Friday, April 7, 2023 8:22 AM

[Quoted text hidden]

[Quoted text hidden]
[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.

[Quoted text hidden]

Portland Maine Yes. Google's good here.

Jimmy Dealaman <jdealaman@portlandmaine.gov>

FW: 69 - 73 Powsland Street, Portland, Maine Sea Level rising/flooding

Dale <dholman1@maine.rr.com> Sat, Dec 11, 2021 at 11:50 AM
To: jdealaman@portlandmaine.gov

There will be sea level rising issues back up into the existing culvert and any new improvements.

From: Markesich, Christopher <christopher.markesich@fema.dhs.gov>
Sent: Monday, December 6, 2021 2:03 PM
To: Dale <dholman1@maine.rr.com>
Subject: RE: 69 - 73 Powsland Street, Portland, Maine Sea Level rising/flooding

Good afternoon Mr. Holman,

I have attached a copy of the preliminary Flood Insurance Rate Map (FIRM) for your location. The FIRM is not slated to go effective until sometime in 2023 but that figure is based on resolution of any /all appeals and protests from various parties.

The map itself can be downloaded by visiting our map service center website at: FEMA Flood Map Service Center | Search All Products. Once on that page there will be a series of pull down options for State (Maine), County (Cumberland) and community (City of Portland). Once you choose those options, click the blue search button.

Under the search results, select the “Preliminary Products” folder, and then the “Preliminary FIRM Panels” arrow located to the left of the text. Do not click “Download All” or your computer will be undertaking a lengthy download of all the Flood Maps in the county!

Lastly you want to locate the correct Product ID that pertains to your property which is 23005C0693F and that is located on page 3 of the results. You should then be able to download a .pdf copy of the preliminary map.

Please let me know if you have any questions once you download the map or if you have difficulty doing so.

Thank you,

Chris Markesich

From: Dale <dholman1@maine.rr.com>
Sent: Sunday, December 5, 2021 10:07 AM
To: Markesich, Christopher <christopher.markesich@fema.dhs.gov>
Subject: FW: 69 - 73 Powsland Street, Portland, Maine Sea Level rising/flooding

Good morning Chris,

I hope that this email message finds you doing well.

Read your story this a.m. regarding the Capisic Brook area that is part of the new updated flood maps.

Do you know where I can obtain these updated maps?

I live at 10 Willow Lane, Portland, Maine, and I have been in a land dispute (15 years) with the owners STJ, INC. (relentless developer Tom Shaw that own Gorham Sand and Gravel. Brother to the Shaw Brothers) that keeps trying to build upon the watercourse that abuts my property.

Attached you will find my legal complaint/response to the City of Portland for illegal zoning and allowing this proposed development to continue.

Thank you for your time!

Best,

Dale Holman

10 Willow Lane

Portland, ME 04102

207-409-9307

From: Dale <dholman1@maine.rr.com>
Sent: Monday, November 29, 2021 10:04 AM
To: 'viewermail@newshour.org' <viewermail@newshour.org>
Subject: 69 - 73 Powsland Street, Portland, Maine Sea Level rising/flooding

Please forward to Sam Weber and Christopher Booker regarding their excellent story/coverage of the sea level rise/flooding in Maine:

https://www.pbs.org/newshour/show/barely-a-cloud-in-the-sky-and-portland-maine-is-flooding

I really appreciate your work as I am a former National Account Sales Manager for VIACOM/Simon & Schuster/Macmillan Publishing, USA.

Best,

Dale Holman

10 Willow Lane

Portland, ME 04102

207-409-9307

From: Dale <dholman1@maine.rr.com>
Sent: Monday, November 29, 2021 9:55 AM
To: 'gbowness@gmri.org' <gbowness@gmri.org>; 'dreidmiller@gmri.org' <dreidmiller@gmri.org>
Subject: FW: 69 - 73 Powsland Street, Portland, Maine

Any known place to obtain maps/information/resources?

From: Dale <dholman1@maine.rr.com>
Sent: Monday, November 29, 2021 9:49 AM
To: 'tommy.higgins@usda.gov' <tommy.higgins@usda.gov>
Subject: FW: 69 - 73 Powsland Street, Portland, Maine

Good morning Tommy,

I hope that you had an enjoyable Thanksgiving holiday weekend.

Fifteen years ago the Scarborough office was very helpful with providing me flood maps.

Do you know where I can obtain updated flood maps for 73 Powsland Street, Portland, Maine?

Best,

Dale Holman

From: Dale <dholman1@maine.rr.com>
Sent: Monday, November 29, 2021 9:45 AM
To: 'nrcm@nrcm.org' <nrcm@nrcm.org>
Subject: FW: 69 - 73 Powsland Street, Portland, Maine

Good morning All,

I hope that this email finds you doing well, and that you enjoyed your Thanksgiving holiday.

I have an ongoing 15 year land dispute with an abutting property owner that attempts to develop in a watercourse/retention pond/sea level rise from backed up tide water.

Do you have a more up-to-date sea level rise map than the 2006 map from your website?

Is FEMA or other agencies that would be a resource?

Thank you!

Dale Holman

10 Willow Lane

Portland, ME 04102

207-409-9307

From: Dale <dholman1@maine.rr.com>
Sent: Friday, November 26, 2021 3:36 PM
To: 'HHess@sebagotechnics.com' <HHess@sebagotechnics.com>
Cc: 'Jen Thompson' <jlt@portlandmaine.gov>; 'Christine Grimando' <cdg@portlandmaine.gov>; 'jbartlett@sebagotechnics.com' <jbartlett@sebagotechnics.com>; 'mek@sebagotechnics.com' <mek@sebagotechnics.com>; 'cmarchese@sebagotechnics.com' <cmarchese@sebagotechnics.com>; 'madams@sebagotechnics.com' <madams@sebagotechnics.com>
Subject: 69 - 73 Powsland Street, Portland, Maine

Henry,

I am in receipt of your letter dated November 18, 2021 to my area neighbors (attached Gallery jpg).

There is a pending lawsuit regarding the legality of the zoning to this area.

I am confident that I will prevail as this illegal zone change by the City is out of the scope for statutes of limitations to apply.

I have to question your company's work as in the past they attempted to mislead the Portland Planning Department with its stormwater calculations that Woodward & Curran pointed out in their letter dated November 16, 2007 (attached Curtis Letter 11-20-07 page 4).

I still have not seen any complete work where your company or any others have addressed the following items:

Stormwater run-off issues

Geo technical study of the land

Wetland issues

Sea level rising

Written permission/rights to maintain the drainage on the CMP and Federal railroad property

Sea level rise is real. Orlando Delogu has been telling us this for years.

Science:

https://www.pbs.org/newshour/show/barely-a-cloud-in-the-sky-and-portland-maine-is-flooding

https://legislature.maine.gov/legis/bills/bills_129th/billtexts/HP040701.asp

I understand, as I have never met an engineer that doesn't believe they can build anything anywhere.

Good luck!

Best,

Dale J. Holman

10 Willow Lane

Portland, ME 04102

From: Dale <dholman1@maine.rr.com>
Sent: Wednesday, October 13, 2021 7:00 PM
To: 'cdg@portlandmaine.gov' <cdg@portlandmaine.gov>
Cc: 'planning@portlandmaine.gov' <planning@portlandmaine.gov>; 'planningboard@portlandmaine.gov.' <planningboard@portlandmaine.gov.>; 'bmazer@perkinsthompson.com' <bmazer@perkinsthompson.com>
Subject: 69 - 73 Powsland Street, Portland, Maine

Good evening Ms. Grimando,

It's my understanding that the owner STJ, Inc./Tom Shaw/Gorham Sand & Gravel will be proposing five house lots to be built upon the grandfathered lots in the illegally zoned area of Powsland Street, Portland, Maine.

This irresponsible developer has been attempting to illegally develop here since 2006 (see attached). The developer still has not addressed any of Alex Jaegerman's attached concerns:

How will the storm water flooding issues be resolved? (attached photo)

Geo technical study of the land

Wetland issues

Sea level rising

Written permission/rights to maintain the drainage on the CMP and railroad property.

My expert witness added:

Mr. Holman:

I received your email; I took the liberty of reexamining all of Sewell, Powsland, Mitton streets, Willow Circle development and then crossed over to Hobart Street's furthest extension. I drove and walked to see the lay of the land. It is what is has been for a century or more, a natural buffer area absorbing runoff waters from the upland side and sea level rise from Portland's inner harbor. The steep gulleys invite indiscriminate filling; but that fill is unstable. Moreover, the water levels at the foot of Sewell Powsland,and Mitton rise and fall with annual snow, rain, storm surges, etc.

This morning I spoke at some length with attorney AJ.

I'm knowledgable about land use law; But you need a hydrologist as well; A person who knows the value of wetlands that act as a buffer between solid upland areas and open waters; a person who designs sewer systems, storm water runoff systems is the expert you need. Illegal filling by Gorham Sand & Gravel or anyone else including the city along lower Powsland should be enjoined. Obviously any filling from behind lower Mitton St, Willow Lane properties closest to the water and from the Hobart Street extension should not be permitted. These are unbuildable natural areas in my mind; the gulleys and the vegetation they support protect the housing that is in place. An expert hydrologist can document the unbuildable character of this land and show worst case scenarios. Sea level rise suggests the situation will grow worse overtime. The other thing to be enjoined and cleaned up is the illegal dumping of trash at the foot of Powsland. Large granite stones prevent driving from Sewell to Powsland. A similar layering of stones should block off the turnaround and dumping areas at the foot of Powsland. I witnessed a pickup dumping into the gully at the foot of Powsland as I made my tour yesterday. I'd stay on the city's back; filling, dumping and certainly any large scale development should not be permitted on unstable, previously filled land in/on lower Powsland St. or any of the street areas noted above.

O. E. Delogu

I am moving forward with a Federal Lawsuit that will involve the Superior Court, State of Maine, and I am undecided to enjoin STJ, INC. If anything they will be called as a witness along with their attorney.

Please let know if you have any questions or would like to have a conversation.

Best,

Dale J. Holman

10 Willow Lane

Portland, ME 04102

207-409-9307

From: Christine Grimando <cdg@portlandmaine.gov>
Sent: Tuesday, November 5, 2019 12:41 PM
To: Dale <dholman1@maine.rr.com>
Subject: Re: Petition for City Planner to request Zoning Department to change B5 zone on Powsland Street, Portland, Maine

Mr. Holman,

Thank you for your email, and the attachments. However, if you're interested in an amendment to the City's zoning map, the attachments do not begin that process. Property owners can apply for zoning map amendments for their property (information on different application types and processes are here: http://portlandmaine.gov/2002/Application-Types-Applicability-and-Chec). The City may also initiate zoning map or text changes, but there aren't currently plans to change the zoning in this area. If I can provide any additional clarification on the process, please don't hesitate to let me know.

Christine

Christine Grimando, AICP
Acting Director
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608

From: Dale <dholman1@maine.rr.com>
Sent: Saturday, November 2, 2019 9:06 PM
To: 'Ben.Chipman@legislature.maine.gov' <Ben.Chipman@legislature.maine.gov>
Subject: FW: Petition for City Planner to request Zoning Department to change B5 zone on Powsland Street, Portland, Maine

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From: Dale <dholman1@maine.rr.com>
Sent: Saturday, November 2, 2019 7:48 PM

To: 'richard.farnsworth@legislature.maine.gov' <richard.farnsworth@legislature.maine.gov>
Cc: bbatson@portlandmaine.gov
Subject: FW: Petition for City Planner to request Zoning Department to change B5 zone on Powsland Street, Portland, Maine

Good evening Mr. Farnsworth,

Please see below email and attached items.

It's State of Maine Legislative Law that any zone change must follow a legal process, and the City of Portland never perfected nor followed the legal procedure to change the Powsland Street B5 Zone.

I am requesting that you get involved as this is a State issue not just City.

Also, please let me know if there are any other contacts that I should be reaching out to (Governor, State Attorney General, Federal contacts, etc.)?

Best,

Dale J. Holman

207-409-9307

From: Dale <dholman1@maine.rr.com>
Sent: Saturday, November 2, 2019 7:10 PM
To: 'cdg@portlandmaine.gov' <cdg@portlandmaine.gov>
Cc: DWCHUHTA@portlandmaine.gov; 'MIG@portlandmaine.gov' <MIG@portlandmaine.gov>; 'NLE@portlandmaine.gov' <NLE@portlandmaine.gov>; 'amachado@portlandmaine.gov' <amachado@portlandmaine.gov>; 'zoning@portlandmaine.gov' <zoning@portlandmaine.gov>; 'KLJ@portlandmaine.gov' <KLJ@portlandmaine.gov>; 'cityclerk@portlandmaine.gov' <cityclerk@portlandmaine.gov>; 'jdealaman@portlandmaine.gov' <jdealaman@portlandmaine.gov>; 'dmk@portlandmaine.gov' <dmk@portlandmaine.gov>
Subject: Petition for City Planner to request Zoning Department to change B5 zone on Powsland Street, Portland, Maine

Dear Ms. Grimando,

I hope that this message finds you doing well.

Below you will see the history to improperly B5 zoned of Powsland Street. Attached you will find the support material, a photo of the Powsland Street eight lots in question, and cover letter for petition to rezone B5 Powsland Street to a less impact zone.

I will be sending the original petition to you, and copies to the others that are cc'd.

Please let me know if you have any questions.

Thank you for your time!

Best,
Dale J. Holman

10 Willow Lane

Portland, ME 04102

207-409-9307

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]
Sent: Thursday, December 04, 2014 1:11 PM
To: Dale Holman
Cc: Alex Jaegerman; Katherine Jones; Rick Knowland
Subject: Fwd: RE: Powsland Street:

Hello Dale:

Kathy forwarded your e-mail to me.

I have looked at old zoning maps in the Inspection office. I have also looked at the files for the Industrial and Commerce Plan in the Planning Office. Here is what I have found to date:

1. The 1946 Zoning Map (date hand written on the back of the map) shows an Industrial zone that includes Thompson's Point and it incorporates the end of Powsland Street and the pond. There is a 400 foot measurement for the zone line from Congress Street shown along Powsland Street. Attached is a scan of this section. (You will need to rotate the image, as I had to scan it upside down due to its size).

2. The 1984 map shows Thompson's Point and the end of Powsland Street. Scan of the section attached.

3. The B-5 zone text amendments were adopted in 1992 for Peninsula locations. It included a map amendment for an area along Commercial Street. It did not include Thompson's Point at that time.

4. Portland's Industry and Commerce Plan was adopted as part of the Comprehensive Plan in 1994. As part of the Industry and Commerce Plan, Thompson's Point and the end of Powsland, were shown as potentially being rezoned to the I-L zone. I have found some task force minutes that indicate the committee looked at expanding the B-5 zone to locations off the peninsula and possible locations included Thompson's Point. This plan is available to review in our office, but it is not on-line.

5. The City Council adopted the zoning text amendments for a comprehensive update of the Industrial zones in 1997.

6. We have not found the actual council orders as of yet for the rezoning, but the area at the end of Powsland has been in an industrial zone for quite some time. It appears all of the industrially zoned area was rezoned to B-5 sometime after 1997.

I wanted to give you an update on what I have found. Alex has offered to look and see if he has any files that related to the Industry and Commerce Plan that may show the zone change to B-5. He is not in the office today.

Thank you.

Barbara

Barbara Barhydt
Development Review Services Manager

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

>>> Katherine Jones Wednesday, December 03, 2014 9:06 AM >>>

FYI

>>> "Dale Holman" <dholman1@maine.rr.com> 12/3/2014 7:46 AM >>>

Hello Kathy,

I hope that this message finds you doing well, and that you had a Happy Thanksgiving!

How can I be of help with researching the B5 zone change for 69 Powsland St (190-K-9 POWSLAND ST 69-71) & 73 Powsland St (190-K-10 TO 14 POWSLAND ST 73-91)?

My attorney is going to be making a request with the City to overturn these lots B5 zone status if there is not any evidence that the lots were properly zoned. As of right now the GIS map is the only indication and this is not an authoritative document.

Thank you,

Dale H.

From: Katherine Jones [mailto:KLJ@portlandmaine.gov]
Sent: Monday, November 24, 2014 11:50 AM
To: Dale Holman
Subject: RE: Powsland Street:

Nothing to report/ GIS mapping does not go back to the 90's. Looking manually through the 97-98 for any changes to the B5 Zone or maps.

Kathy

>>> "Dale Holman" <dholman1@maine.rr.com> 11/18/2014 8:46 PM >>>

Hello Kathy,

Any update regarding the council orders/GIS mapping for Powsland Street B5 zoning?

Thank you,
Dale H.

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]
Sent: Monday, November 10, 2014 8:24 AM
To: Dale Holman; Katherine Jones
Cc: Alex Jaegerman
Subject: RE: Powsland Street:

Hi Dale:

Katherine Jones, City Clerk, has asked that you e-mail her directly for the request and I have added her this e-mail.

I had requested the following council orders, based upon the list provided in the zoning ordinance:

Ord. No. 168-93, § 3, 1-4-93; Ord. No. 39-96, § 4, 10-7-96; Substitute Ord. No. 164-97, § 2, 5-19-97; Ord. No. 164-97, § 5, 12-1-97; Ord. No. 80, 12-8-04; Ord. No. 215-04/05, 5-2-05; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 279-09/10, 6-6-11; Ord. No. 33-11/12, 1-18-12; Ord. No. 113-11/12, 2-22-12)

Kathy, could we have copies of the orders as well, in case Mr. Holman has questions of us regarding the orders?

Thank you.

Barbara

Barbara Barhydt
Development Review Services Manager

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

>>> "Dale Holman" <dholman1@maine.rr.com> Monday, November 10, 2014 12:02 AM >>>

Good Day Barbara,

Please let me know once you have received the Council Orders regarding B-5 for 73 Powsland Street.

Thank you,
Dale Holman

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]
Sent: Monday, October 27, 2014 12:53 PM
To: Dale Holman
Cc: Alex Jaegerman
Subject: Re: Powsland Street:

Hi Dale:

I have asked the City Clerk's office for the Council Orders that pertain to B-5. We will continue to check our files, as well. The Clerk has told me that they will fulfill this request after the election. I will forward what I receive from her.

Thank you.

Barbara

Barbara Barhydt
Development Review Services Manager

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

>>> "Dale Holman" <dholman1@maine.rr.com> Friday, October 24, 2014 11:49 PM >>>

Hello Barbara,

Thank you for taking the brief time to discuss with today about my concerns of the B5 zone for the 5 grandfathered lots known as 73 Powsland Street (owner STJ, INC.). I have a copy of your letter dated October 8, 2014 to Greg Payne, Avesta Housing.

As I had mentioned to you earlier today I am challenging the B5 zone of these 5 lots. Can you please provide me with the file, and all information pertaining to any/all past meetings that demonstrate why these 5 lots were ever allowed to be a B5 zone?

I did speak with Portland Water District's Norm Twadell, and he doesn't seem to have any information pertaining to my questions.

It seems as though this information can't be produced, and I am not going to just rely on colored maps to say this was ever approved. There could be a clerical error, and this was never zoned correctly.

Thank you,
Dale Holman

207-409-9307

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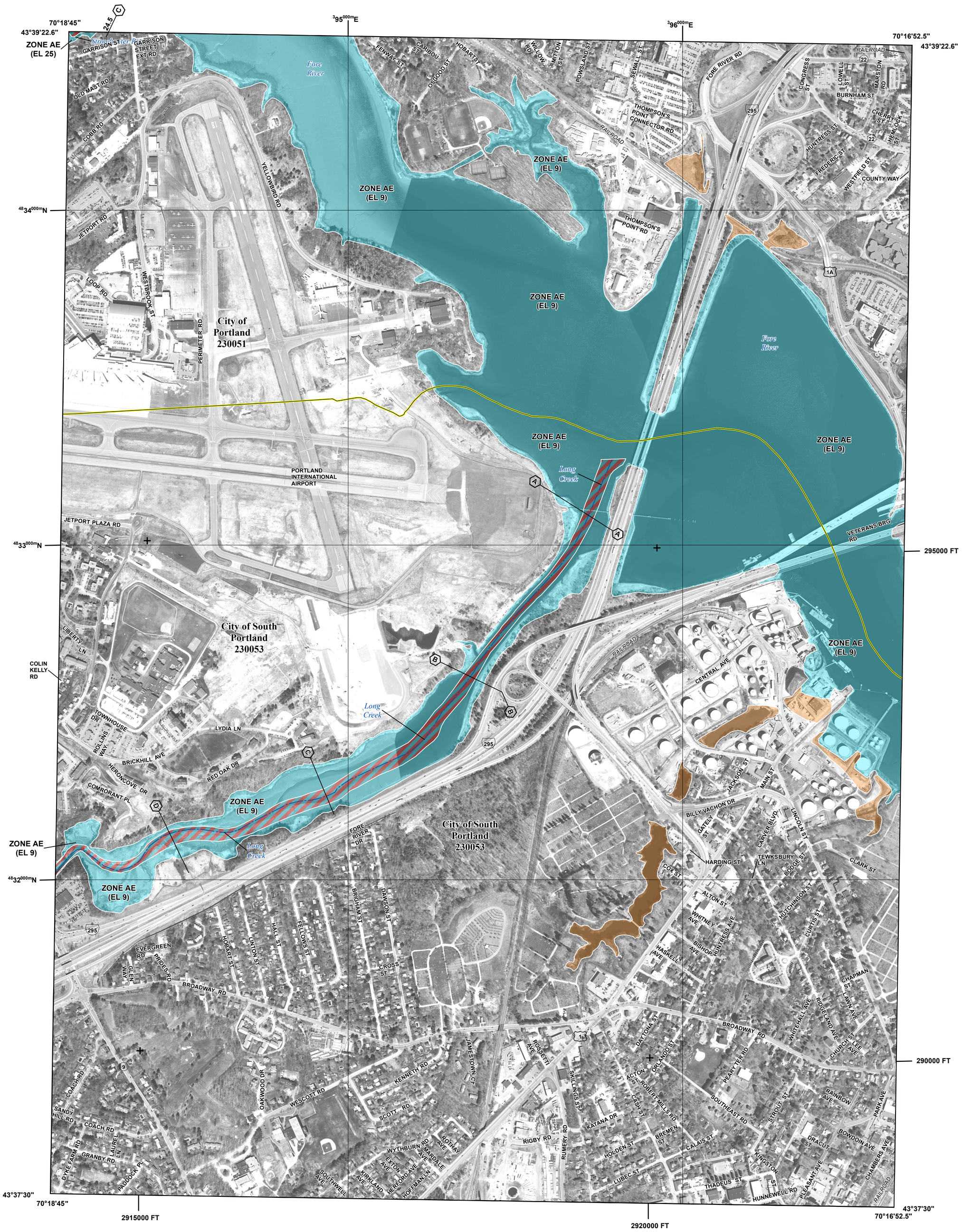
Virus-free. www.avast.com

23005C0693F.pdf
18173K



SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT

HTTP://MSC.FEMA.GOV

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) *Zone A,V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS

- NO SCREEN — Area of Minimal Flood Hazard *Zone X*
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- E 18.2 / 17.5 — Cross Sections with 1% Annual Chance Water Surface Elevation
- 8 — Coastal Transect
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature
- 513 — Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Map Information eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at http://msc.fema.gov. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Flood Map Service Center at the number listed above.

For community and countywide map dates refer to the Flood Insurance Study Report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Basemap information shown on this FIRM provided in digital format by State of Maine, Maine office of GIS (MeGIS). This information was derived from MeGIS, dated 2012.

The map reflects more detailed and up-to-date stream channel configurations than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and FDTs may reflect stream channel distances that differ from what is shown on the map.

SCALE

N

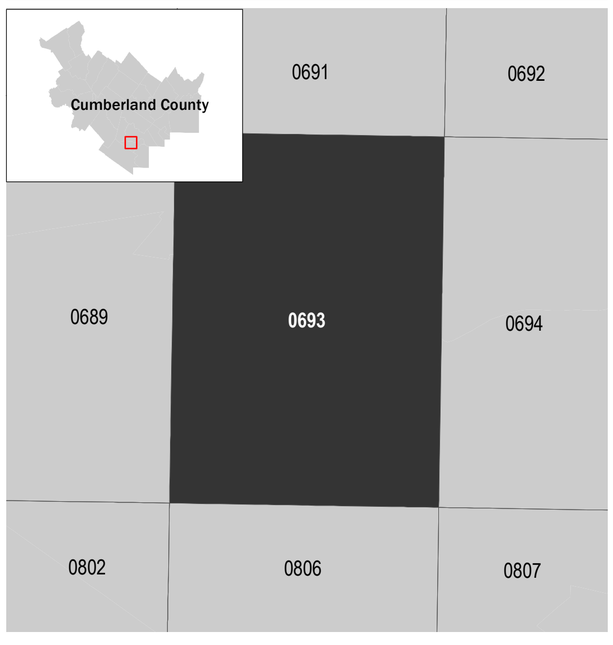
Map Projection:
NAD 1983 UTM Zone 19N;
Western Hemisphere; Vertical Datum: NAVD 88

1 inch = 500 feet 1:6,000

0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR



FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE

All Jurisdictions

PANEL 0693 OF 0837

FEMA

Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
PORTLAND, CITY OF	230051	0693	F
SOUTH PORTLAND, CITY OF	230053	0693	F

REVISED PRELIMINARY 4/14/2017

VERSION NUMBER 2.3.2.1

MAP NUMBER 23005C0693F

EFFECTIVE DATE

PC2

Portland Maine Yes. Google's good here.

Jimmy Dealaman <jdealaman@portlandmaine.gov>

73 Powsland Street, Portland, Maine Sebago Technics Harry Hess

Dale <dholman1@maine.rr.com> Sat, Dec 11, 2021 at 11:48 AM
To: jdealaman@portlandmaine.gov

It's my understanding that State Maine has not spoken with the applicant about any expansion of the drainage culvert since 2018.

I hope that this email finds you doing well.

My name is Dale Holman, and I am the property owner of 10 Willow Lane, Portland, Maine that abuts proposed 73 Powsland Street development.

I have ongoing issues (15 years) with the abutter and Sebago Technics with less than adequate work with literally misleading information/calculations.

Harry Hess with Sebago Technics has written a letter Oct 13, 2021 to Portland Planning Department, Portland, Maine.

He states the following:

MDEP has provided a letter of determination that will allow for the replacement and enlargement of the existing culvert so long as the invert of the culvert remains at the same elevation. In its current condition, the culvert and outlet control do not function to their full capacity due to being filled with debris and waste over time. This project shall provide improved conditions of City stormwater infrastructure and treatment of runoff from Powsland Street.

As part of the improvements to the site, a small portion of wetlands shall be impacted. Permitting for the wetland impacts has been filed with MDEP and approvals shall be forwarded to the City when received. The total amount of wetland impact is 4,351SF.

I am not confident of Sebago Technics work:

1. Can you please provide me or let me know where I can obtain the information that sent you regarding the culvert mentioned?
2. Shoreland zoning that will need permits?
3. Wetland delineation that Gary M. Fullerton should have submitted with field notes and photos?

Thank you!

Dale Holman

207-409-9307

Virus-free. www.avast.com

4 attachments



Flood Photo.JPG
4444K

Letter17Jan2008DEPKalinichHolman.pdf
1662K

Curtis Letter with attachment 11-20-07.pdf
1290K

HPSCAN_20211130181348465_2021-11-30_181522875.pdf
12485K

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

November 20, 2007

Mr. Mark Curtis
STJ Inc.
939 Parker Farm Road
Buxton, Maine 04093

Re: Powsland Street Fill Project, #2007-0117

Dear Mr. Curtis:

The Portland Planning Authority has reviewed the application by STJ, Inc. for an after-the-fact minor site plan for fill activities in the vicinity of 73 Powsland Street. The latest submission included a cover letter dated November 8, 2007 with supporting information and a site plan prepared by Sebago Technics and stamped by Richard Meek (dated November 8, 2007.) This information was submitted in response to a letter from Senior Planner Rick Knowland, dated August 2, 2007.

Please be advised that your site plan application is denied.

The submitted site plan proposes additional fill to be added within or adjacent to the drainage channel along the westerly property line and along the southerly property line adjacent to the pond area. The placement of additional fill in this area reduces the capacity of the watershed; facilitates the encroachment of stormwater on abutting properties; and only worsens drainage conditions in this area. The City had requested that documentation be submitted on your right to maintain the culvert under the railroad tracks in order to evaluate whether improvements to this structure might alleviate the City's concerns with your proposal. You have failed to provide this documentation. As we have recently seen, when the culvert was blocked with debris, the elevation of the water rose and stormwater encroached on abutting properties. This is an unacceptable impact and a reason for the denial of your application. (Please see the attached memorandum dated 11/16/07 from Dan Goyette, consulting engineer with Woodard & Curran, for his comments on the proposed fill plan.)

In sum, the project does not meet two important site plan standards contained within the Portland Land Use Code §§:

14-526(8) The site plan does not create any significant soil and drainage problems, whether on- or off-site, and adequately provides for control of erosion and sedimentation during construction and afterward.
This standard is not met by the proposed plan.

14-526(20) The proposed development shall have no adverse impact upon the existing natural resources including groundwater quantity and quality, surface water quantity and quality, wetlands, unusual natural areas, and wildlife and fisheries habitats. Stormwater runoff from paved areas shall be treated to the extent practicable to minimize contaminants.
This standard is not met by the proposed plan.

Required Remediation

Because you have altered the area (through regrading or fill) without the required permits and the City has determined approval of your after-the-fact application cannot be granted, you are obligated to immediately remediate the site to its previously existing condition. The drainage channel must be restored to the original grades and stabilized and re-vegetated as appropriate. Prior to this regrading, the site must be staked, and plans and specifications reviewed by this office or our designee to confirm the extent of restoration work to be performed. Evidence of permission from abutting property owners and DEP to remove the silt within the drainage channel is required. A performance guarantee to cover the cost of the regrading and site stabilization must be submitted to this office prior to commencing such site work, and no later than November 30, 2007. If the permissions for the off site remediation are not able to be secured within this time frame, the on-site remediation of your property must proceed independently. This work must be completed by December 7, 2007.

Should you have any questions on this letter, please feel free to call me. Under the provisions of sec. 14-527 of the site plan ordinance an applicant may appeal a decision by the Planning Authority to the Planning Board within ten days of such decision.

At this time, you remain in violation of the City's Site Plan Ordinance for the work done to date on the site. If we do not receive a performance guarantee for the work specified in this letter by November 30, 2007, we will refer this matter to the Corporation Counsel's office for appropriate enforcement action.

Sincerely,

Alex Jaegerman, Director
Planning Division

O:\PLAN\Dev Rev\Powsland St fill\PowslanddisapprovalletterFINAL11-20-07.doc

cc: Lee Urban, Director of Planning & Development
Barbara Barhydt, Development Review Services Manager
Richard Knowland, Senior Planner
Penny Littell, Associate Corporation Counsel

O:\PLAN\Dev Rev\Powsland St fill\PowslanddisapprovalletterFINAL11-20-07.doc

COMMITMENT & INTEGRITY DRIVE RESULTS

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

T 800.426.4262
T 207.774.2112
F 207.774.6635

MEMORANDUM

WOODARD &CURRAN

TO: **Rick Knowland**

FROM: **Dan Goyette**

DATE: **November 16, 2007**

RE: **Powsland Property Fill Project**

Woodard & Curran has performed a review of the proposed fill project for the property located on 73 Powsland Street.

Documents Reviewed

- Response Letter and Stormwater Model dated November 8, 2007, prepared by Shawn Frank, Sebago Technics, Inc..
- Engineering Plan Sheets, 1-3 for Powsland Street, dated October 8, 2007 and Watershed Map Plan Sheets 1-2 dated October 8, 2007 by Sebago Technics, Inc.

Comments

- The applicant has not shown rights to maintain the existing culvert under the railroad. We ran the stormwater model under the assumption that no outflow existed, ie a plugged culvert. The results indicate that the water in the pond would rise to the elevation of 22.69'. No filling should be allowed below this elevation as it would cause the water level to rise on abutting properties. If the applicant can demonstrate rights to maintain the existing culvert, the water level in the pond would rise to elevation 18.81'. No filling below this elevation should occur as it would result in an increase of the water level on abutting properties.
- At this time no structures are being proposed on the property. A geotechnical report will need to be supplied indicating slope stability prior to the design of any new proposed slopes.

DRG
203943.39



DALE J. HOLMAN
10 Willow Lane
Portland, ME 04102
(207) 409-9307

November 29, 2021

Cailtin Kellner, Clerk
Cumberland County Superior Court
205 Newbury Street, Ground Floor
Portland, Maine 04101

Re: Dale J. Holman v. City of Portland, Maine, et al. Docket# CV-2021-381

Dear Ms. Kellner:

I hope that this message finds you doing well.

I am the Plaintiff in the above-entitled action.

Please find enclosed Plaintiff's Response to Defendant's Opposition to Plaintiff's Motion for Preliminary Injunction.

Please let me know if you have any questions.

Thank you for your time!

Respectfully,

Dale J. Holman
Plaintiff Pro Se

cc: City of Portland, Jennifer L. Thompson, Esq.

STATE OF MAINE
SUPERIOR COURT
CUMBERLAND COUNTY
CIVIL ACTION

DALE J. HOLMAN, Plaintiff, vs. CITY OF PORTLAND, MAINE, *et al.*, Defendant.	**RESPONSE TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION** **DOCKET NO.: CV-2021-381**

COMES NOW, Plaintiff, DALE J. HOLMAN ("Holman"), and responds to Defendant's Opposition to Plaintiff's Motion for a Preliminary Injunction and states as follows:

PROCEDURAL BACKGROUND

On or about October 22, 2021, Plaintiff filed a Complaint against Defendant. **[See Plaintiff's Verified Complaint].** Plaintiff also filed a Motion for Preliminary Injunction together with the Complaint. **[See Plaintiff's Motion for Preliminary Injunction].**

On or about November 15, 2021, the Defendant filed a response to Plaintiff's filings. Notably, Defendant filed an Opposition to Plaintiff's Motion for Preliminary Injunction **[See Defendant's Opposition to Plaintiff's Motion for Preliminary Injunction]**; and alleged that the Plaintiff had not demonstrated any injury to justify the request for a preliminary injunction; the injury alleged by the Plaintiff does not outweigh public interest; and that

Plaintiff cannot show likelihood on the success on the merits of the case.

ARGUMENTS

I. Plaintiff sufficiently demonstrated irreparable injury

Violation of property right constitutes irreparable injury. *See Gaffny v. Reid*, 628 A.2d 155, 157-58 (Me. 1993). Besides, damage may be presumed to flow from a legal injury to a real property right. *James Fitzpatrick v. Boston and Maine R.R.*, 84 Me. 33, 41, 24 A. 432 (1891). It should also be noted that "irreparable injury" is defined as "injury for which there is no adequate remedy at law." *Bar Harbor Banking & Trust Co. v. Alexander*, 411 A.2d 74, 79 (Me.1980). Accordingly, since environmental harm cannot be remedied by monetary damages, it amounts to an irreparable injury.

A temporary restraining order may be granted only if it "clearly appears from specific facts shown by affidavit or by the verified complaint **that immediate and irreparable injury, loss, or damage will result to the applicant**." M.R. Civ. P. 65(a) (Emphasis added); *see also Town of Charleston v. School Admin.* Dist. No. 68, 2002 ME 95, P6, 798 A.2d at 1104. Applicant plans are to build within an illegal zone, therefore, damage will result to applicant. Letter dated November 18, 2021 from applicant's engineer firm with plans to be move forward with nine unit development within this illegal zone. [*See* **EXHIBIT A**]. Plaintiff has objected to the Defendant of this application moving forward. Engineering firms are notorious to want to build anything anywhere.

Since 2006, the said developer has been attempting to illegally develop the land. The development had been causing disturbances on the watercourse with ongoing illegal fill. [*See* **EXHIBIT B**].

The illegal change of zone from legal I2 zone to B5 zone allows higher impact to this area than the original I2 zone that would only allow one structure if the applicant can

demonstrate to remediate storm water and sea level rising **[Maine H.P. 1169 -L.D. 1572 Chp. 67 Resolve, To Analyze the Impact of Sea-Level Rise, June, 2021],** geo technical study of the earth, written rights to maintain abutters drainage, and wetlands study. Plaintiff submits that the approval of the said construction will predispose Plaintiff's property to additional flooding. Developer's activities on the property would negatively impact the watercourse, in violation of Maine's Natural Resource Protection Act 38 M.R.S.A. 480.

Further, the Planning and Development Department also observed that the developer's activities on the said property reduces the capacity of the watershed; facilitates the encroachment of storm water on abutting properties; and worsens the drainage conditions of the area. **[EXHIBIT C - Letter from the Planning Division]**. The developer also failed to provide any concrete response to the concerns of Alex Jaegarman- former Director of Planning Division. Notably, Alex Jaegarman raised concerns on how the developer would resolve the storm water flooding issues; the Geo technical study of the land; wetland issues; and written rights to maintain the abutting landowner drainage.

Since Plaintiff is already facing flooding issues, there is an urgent need for this Honorable Court to issue an Order preserving the status quo, to prevent and/or stop any activity that would expose Plaintiff's property to further damage.

II. Plaintiff's injury outweighs public interest

Plaintiff submits that public interest will not be adversely affected by enforcing property rights. *See Gaffny v. Reid*, 628 A.2d 155, 157-58 (Me. 1993). In *Gaffny,* the Court held that the Plaintiffs were entitled to an injunction prohibiting the defendants from constructing a road, which would affect Plaintiff's property.

In the instant case, Plaintiff will lose quiet enjoyment of his property if the

developer's application is permitted.

Planning Department's mission statement: "The Department of Planning & Urban Development's mission is to strengthen and revitalize the City of Portland's neighborhoods and communities and to preserve and positively transform our physical, social and economic environment, while protecting the health, safety and welfare of our residents and visitors. In doing so, we will work collaboratively toward comprehensive and sustainable solutions, streamline systems and processes to be efficient and responsive, and engage the public through open communication and ready access to information." The Defendant does not live by its own publicly stated core values and mission statement.

It is also instrumental to note that the flooding would diminish the market value of Plaintiff's property. The said damage to Plaintiff's property outweighs any public interest justification alleged by the Defendant. Plaintiff also re-alleges that it would instead be in the public interest to grant the injunction because it would help prevent and/or protect the residents around Powsland Street from the ravages of flood water consequential to the developer's construction of additional units in the said area. It follows; the public interest will not be adversely affected by preserving the status quo as this litigation proceeds and by protecting legitimate property rights.

III. Plaintiff's case has a likelihood to succeed on its merits

Plaintiff reiterates that "[e]ven if likelihood of success is low, a court might consider injunctive relief based on a very significant showing of irreparable harm." *Me. Educ. Ass'n Benefits Trust v. Cioppa*, 842 F. Supp. 2d 336, 387 (D. Me. 2012). Plaintiff therefore maintains that the Defendant illegally rezoned the area, which act subjected Plaintiff's property to flooding by allowing the illegal fill by the applicant. It is evident that Defendant's action did not follow required legislative law. *See* 5 Eugene McQuillin, The Law of Municipal Corporations § 16:53 (3d ed.1978); *see also Friends of Cong. Square Park v. City of Portland*, 91 A.3d 601 (Me. 2014). And since the act was legislative, it required public participation. *See Friends of Cong. Square Park v. City of Portland*, 91 A.3d 601 (Me. 2014).

Defendant alleges that Plaintiff's case cannot succeed because it is "almost two decades late". To that argument, Plaintiff avers that the statutory limit may cease to apply in cases of public interest. The Maine Supreme Court accepted a case challenging the 30 year-old decision in *Bell v. Town of Wells,* 557 A.2d 168 (1989) that limited the public's enjoyment of private beaches. Also, the Maine Supreme Court accepted to reconsider its decision in *Almeder v. Town of Kennebunkport*, 2014 ME 12, issued on February 4, 2014, which was past the statutory limit. The statute of limitations case laws Defendant raises in her opposition motion, i.e.; *F.S. Plummer Co. v. Cape Elizabeth, Zahares v. Town of Old Orchard*, and *Bog Lake Co. v. Town of Northfield* applied to these cases as they ALL legally followed legislative law to obtain their respective underlying zone changes. Statute of limitations does not apply to Plaintiff's motion as the zone change was illegally obtained.

The Defendant cannot claim that the Plaintiff's case is late since the Defendant's actions to rezone were illegal hence voids the B5 zone change. Defendant misleads this Court by claims that the City Council properly voted upon this zone change that is required by legislative law; public notice, public hearing, and vote by City Council. Voting on zoning maps for an existing illegal zone change does not constitute a legal zone change. It is worth noting that on or about December 4, 2014, Barbara Barhydt, the Development Review Services Manager, affirmed in an email that she could not trace the actual council orders that authorized the rezoning. [*See* **Exhibit D - Barbara Barhydt's Letter].** Further, on February 13, 2015, the Defendant's attorney, Jennifer Thompson, Esq., admitted that she could not find any order that adopted the rezoning. [*See* **Exhibit E - Defendant's Attorney Jennifer Thompson, Esq. Letter].** Therefore, Defendants cannot claim reliance on an illegal ordinance zone. Plaintiff further avers that the controversy

in the case is triggered by the developer's application to conduct construction activities, which developments expose Plaintiff's property to additional floods.

Plaintiff also avers that adhering to future acts or procedures cannot be used as a shield to validate the prior illegal acts. It is a principle of common law that no wrong should go without redress. Therefore, granting such liberty and sanction to the country's authorities will be akin to giving them an impression that they can follow such illegal practices in the future as well. If this is the standard then Plaintiff can arbitrary make a zone change as well. Defendant questions Plaintiff waiting seven years to file this lawsuit once discovering the zone change was illegal. Since there was not any threat in the past seven years of any proposed plans of development that would impact this area with additional flooding to the Plaintiff's property/home there was not any need to file a lawsuit. This does not undermine the facts that the illegal zone change does not become legal over time and just because the Defendant claims it is a legal zone change. Defendant seems to not recall that the Plaintiff attempted on two occasions to resolve this matter by exhaustive administrative remedies, and the Defendant's Attorney Jennifer Thompson, Esq. was overly combative in the first meeting that included then City Manager, Jon Jennings. A few years later a second meeting that included AJ Hungerford, Esq., and that meeting was less combative in nature.

On November 10, 2021 at 7:58 a.m. Plaintiff had received a phone call from the Defendant's Attorney Jennier Thompson, Esq. stating, "I am calling to beg for mercy as I am late with filing a response." "We will work good together, and we will work something out." Plaintiff agreed to an uncontested motion to expand time to then receive opposition to preliminary injunction and motion to dismiss. This is an example of why licensed attorneys have a bad reputation.

It follows; Plaintiff's case raises valid allegations in law, and the case will succeed on its merits. Notably, the Defendant's violation of the requirement(s) to involve the public in its decision making raises successful and meritorious causes of action against Defendant. **Pursuant to 30-A M.R.S. § 4352(1), "[t]he public shall be given an adequate opportunity to be heard in the preparation of a zoning ordinance." Further, 30-A M.R.S. § 4352(2) provides that "a zoning ordinance must be pursuant to and consistent with a comprehensive plan adopted by the municipal legislative body."**

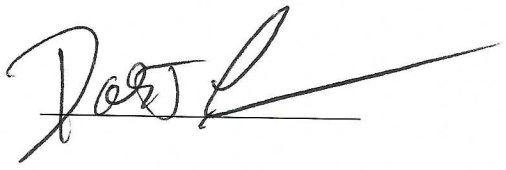
CONCLUSION

For the foregoing reasons, Plaintiff respectfully submits that the Court dismisses Defendant's opposition to Plaintiff's Motion for Preliminary Injunction in its entirety and grant Plaintiff's prayers in the said Motion.

Dated this 29 day of November, 2021

VERIFICATION

I, Dale J. Holman, hereby verify, swear and affirm under oath, under penalty of perjury, that I have read the foregoing Motion and that everything stated therein is true and accurate to the best of my knowledge, except as to those statements made by me "upon information and belief" and as to those statements I believe them to be true.



Dale J. Holman

STATE OF MAINE
SUPERIOR COURT
CUMBERLAND COUNTY
CIVIL ACTION

DALE J. HOLMAN,
Plaintiff,
vs.
CITY OF PORTLAND, MAINE, *et al.*,
Defendant.

ORDER

This matter comes before the Court, Judge of the Superior Court, Cumberland County, Maine.

Upon reading and considering the Plaintiff's Response to Defendant's Opposition to Plaintiff's Motion for a Preliminary Injunction, IT IS HEREBY ORDERED THAT:

1. The Defendant's opposition to Plaintiff's Motion for Preliminary Injunction is hereby DENIED in its entirety.

2. The Plaintiff's Motion for Preliminary Injunction is hereby GRANTED.

IT IS SO ORDERED

Dated: _____,2021

_____
Justice, Superior Court

EXHIBITS

EXHIBIT - A [Application to build additional units].

SEBAGO TECHNICS

40 YEARS OWNERSHIP GROWTH

November 18, 2021
07360-01

Dear Neighbor:

On behalf of STJ, INC. you are invited to a virtual neighborhood meeting to discuss plans for a proposed residential development planned for the vacant lots at the end of Powsland Street. The proposed project is planning for four (4) duplexes and one (1) single family home providing nine (9) dwelling units. The new Housing units shall be accessed via individual driveways off Powsland Street. Improvements for a paved hammerhead turnaround at the end of the street are also planned. The site is located within the Urban Commercial Business / Residential Zone District (B-5/R-5), identified as lots 9-14 on Tax Map 190, with a combined land area of approximately 0.68 acres.

As a property owner within 500 feet of the project, you are invited to participate in a neighborhood meeting. Attendance will be recorded and minutes of the meeting will be taken. Both the attendance list and minutes shall be submitted to the Planning Department for record. The virtual meeting will take place via Zoom and can be accessed online using the link shown below.

Meeting Location: Virtual
Zoom Link: **https://us02web.zoom.us/webinar/register/WN_2ZC55UKUSa-Pu84XqZXjbA**

Meeting Date: **Thursday December 9th, 2021**
Meeting Time: **6:00PM**

If you have any questions, please email the project facilitator at PF@Sebagotechnics.com

Sincerely,

SEBAGO TECHNICS, INC.

Henry Hess, R.L.A.
Project Manager
Maine Licensed Landscape Architect

HAH:hah
Cc: STJ Inc.

EXHIBIT - B [Illegal Fill & Flooding Photos August 2018 & December 2018]





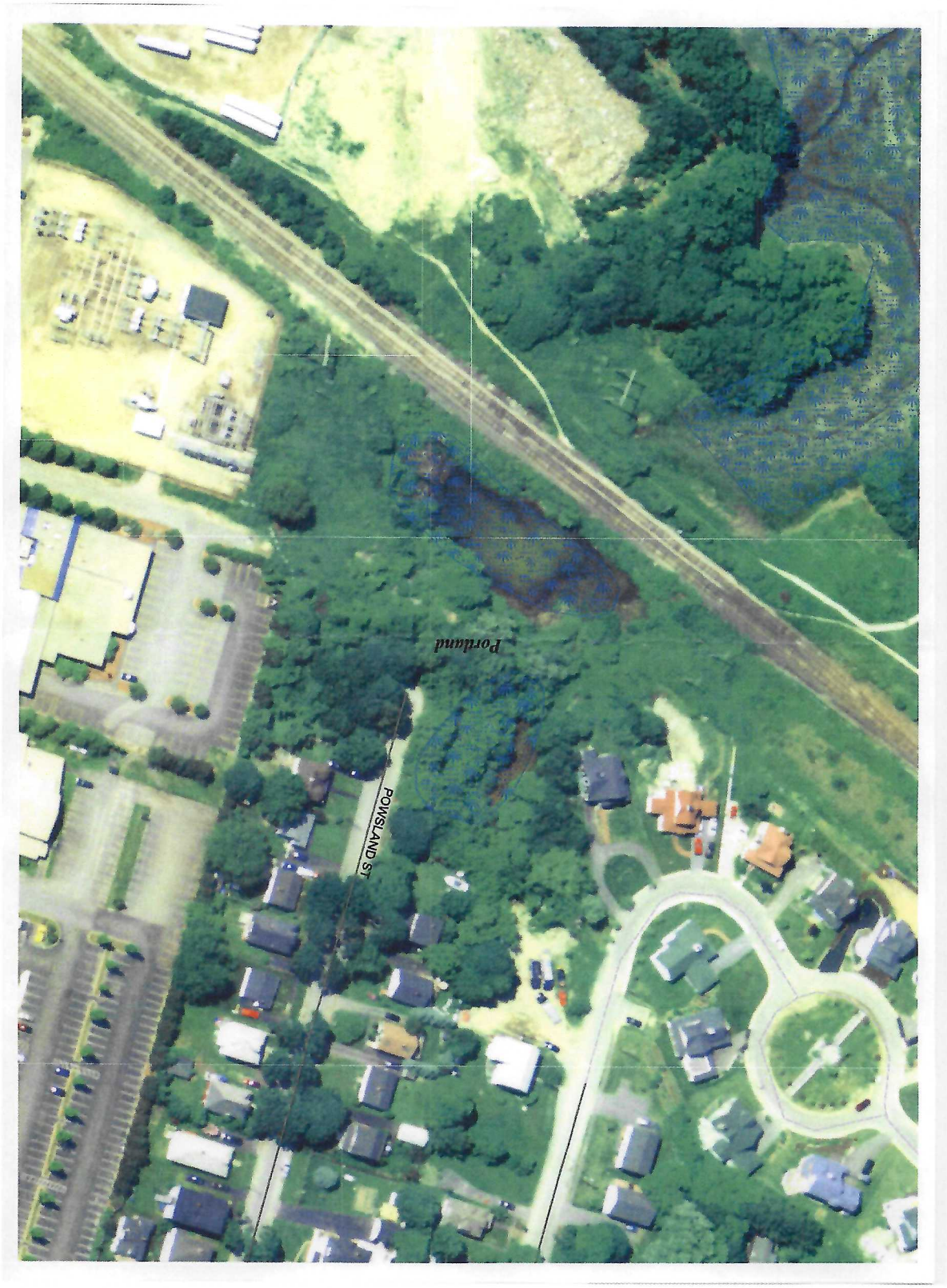






Additional development and fill only continues to flood Plaintiff's property/home.





Circa 2006 before 73 Powsland Street (end of street on right side) was leveled without any permission, approvals, or permits by developer STJ, INC (Applicant) Wetlands tidal back up is visible in the photo. Plaintiff's home has the U-shape driveway across the retention pond/watercourse to the right of the wooded area and to the left of the red roof house. Home backs up to the Pan Am Railroad.

APPROVED	CHAPTER
JUNE 16, 2021	67
BY GOVERNOR	RESOLVES

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-ONE

H.P. 1169 - L.D. 1572

Resolve, To Analyze the Impact of Sea Level Rise

Preamble. Whereas, the scientific and technical subcommittee of the Maine Climate Council determined it is likely that the sea level in Maine will rise between 3 and 5 feet by the year 2100 based on an intermediate sea level rise scenario, although scenarios of higher rise are physically plausible; and

Whereas, a one-foot increase in sea level in the future will lead to a 15-fold increase in the frequency of nuisance flooding and would cause a 100-year storm flood level to have a probability of occurring once every 10 years; and

Whereas, communities with a strong dependence on waterfront and shorefront industries such as tourism, ports and fishing will be heavily disrupted by increased flood frequency; and

Whereas, sea level rise of 4 feet by 2100 is projected to cause more than $671,000,000 in cumulative building losses and $665,000,000 in gross domestic product losses in Maine; and

Whereas, 1.5 feet of relative sea level rise by 2050 and 4 feet by 2100 would cause immersion and submersion of land and accompanying materials, structures and facilities that are not currently designed for those conditions and, therefore, present a threat of release of pollutants to the environment; and

Whereas, the scientific and technical subcommittee of the Maine Climate Council has recommended that the State manage for 1.5 feet of relative sea level rise by 2050 and 4 feet by 2100; now, therefore, be it

Sec. 1. Department review of laws and rules. Resolved: That the Department of Agriculture, Conservation and Forestry, the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources, the Department of Transportation and the Office of the Attorney General shall conduct a review of the laws and rules they are charged with administering under the Maine Revised Statutes and, by January 1, 2022, shall recommend

to the Joint Standing Committee on Environment and Natural Resources any changes necessary to:

1. Incorporate consideration of 1.5 feet of relative sea level rise by 2050 and 4 feet by 2100 into administration of those laws and rules; and

2. Implement the strategy designated as "Strategy F3" in the state climate action plan issued by the Maine Climate Council in 2020 pursuant to the Maine Revised Statutes, Title 38, section 577 to enhance community resilience to flooding and other climate impacts.

The Joint Standing Committee on Environment and Natural Resources may report out legislation to implement the recommendations to the Second Regular Session of the 130th Legislature.

EXHIBIT - C [Letter from Planning Division]

PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life · www.portlandmaine.gov

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

November 20, 2007

Mr. Mark Curtis
STJ Inc.
939 Parker Farm Road
Buxton, Maine 04093

Re: Powsland Street Fill Project, #2007-0117

Dear Mr. Curtis:

The Portland Planning Authority has reviewed the application by STJ, Inc. for an after-the-fact minor site plan for fill activities in the vicinity of 73 Powsland Street. The latest submission included a cover letter dated November 8, 2007 with supporting information and a site plan prepared by Sebago Technics and stamped by Richard Meek (dated November 8, 2007.) This information was submitted in response to a letter from Senior Planner Rick Knowland, dated August 2, 2007.

Please be advised that your site plan application is denied.

The submitted site plan proposes additional fill to be added within or adjacent to the drainage channel along the westerly property line and along the southerly property line adjacent to the pond area. The placement of additional fill in this area reduces the capacity of the watershed; facilitates the encroachment of stormwater on abutting properties; and only worsens drainage conditions in this area. The City had requested that documentation be submitted on your right to maintain the culvert under the railroad tracks in order to evaluate whether improvements to this structure might alleviate the City's concerns with your proposal. You have failed to provide this documentation. As we have recently seen, when the culvert was blocked with debris, the elevation of the water rose and stormwater encroached on abutting properties. This is an unacceptable impact and a reason for the denial of your application. (Please see the attached memorandum dated 11/16/07 from Dan Goyette, consulting engineer with Woodard & Curran, for his comments on the proposed fill plan.)

In sum, the project does not meet two important site plan standards contained within the Portland Land Use Code §§:

14-526(8) The site plan does not create any significant soil and drainage problems, whether on- or off-site, and adequately provides for control of erosion and sedimentation during construction and afterward.
This standard is not met by the proposed plan.

14-526(20) The proposed development shall have no adverse impact upon the existing natural resources including groundwater quantity and quality, surface water quantity and quality, wetlands, unusual natural areas, and wildlife and fisheries habitats. Stormwater runoff from paved areas shall be treated to the extent practicable to minimize contaminants.
This standard is not met by the proposed plan.

Required Remediation

Because you have altered the area (through regrading or fill) without the required permits and the City has determined approval of your after-the-fact application cannot be granted, you are obligated to immediately remediate the site to its previously existing condition. The drainage channel must be restored to the original grades and stabilized and re-vegetated as appropriate. Prior to this regrading, the site must be staked, and plans and specifications reviewed by this office or our designee to confirm the extent of restoration work to be performed. Evidence of permission from abutting property owners and DEP to remove the silt within the drainage channel is required. A performance guarantee to cover the cost of the regrading and site stabilization must be submitted to this office prior to commencing such site work, and no later than November 30, 2007. If the permissions for the off site remediation are not able to be secured within this time frame, the on-site remediation of your property must proceed independently. This work must be completed by December 7, 2007.

Should you have any questions on this letter, please feel free to call me. Under the provisions of sec. 14-527 of the site plan ordinance an applicant may appeal a decision by the Planning Authority to the Planning Board within ten days of such decision.

At this time, you remain in violation of the City's Site Plan Ordinance for the work done to date on the site. If we do not receive a performance guarantee for the work specified in this letter by November 30, 2007, we will refer this matter to the Corporation Counsel's office for appropriate enforcement action.

Sincerely,

Alex Jaegerman, Director
Planning Division

O:\PLAN\Dev Rev\Powsland St fill\PowslanddisapprovalletterFINAL11-20-07.doc

PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Lee Urban - Director of Planning and Development
Jeanie Bourke - Inspection Division Services Director

Exhibit A

Gorham Sand and Gravel
939 Parker Farm Road
Buxton, ME 04093

CBL: 190-K-010
Located at 73 Powsland Street

Dear Tom Shaw: **STOP WORK ORDER**

An evaluation of the above-referenced property on 06/01/2007 revealed that site work was being conducted. In particular soil disturbance has occurred in a watercourse. The Land Use Ordinance, Section 14-523 states that this site work requires minor site plan review and approval by the City and may require approval from the Maine Department of Environmental Protection. Also, there were no erosion control measures in place at the time of the site inspection, which is a violation of City and State ordinances..

Appropriate permitting has not been issued for the above listed property; therefore all construction activity at that property must STOP immediately. This is a **STOP WORK ORDER** pursuant to 14-528(b) of the Land Use Code of the City of Portland. All activity must cease until further notice.

In order to come into compliance, you must apply for a belated minor site plan review and approval. Enclosed is a checklist that will assist in what to submit on your site plan.

Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 6-1 of the Code and in Title 30-A of M.R.S.A. Section 4452. This constitutes an appealable decision pursuant to Section112 of the City of Portland Building Code.

If you wish to discuss this matter, or you have any questions, please feel free to contact me @ 874-8701 or Phil DiPierro in Planning @ 874-8632.

Sincerely,

Jeanie Bourke

Jeanie Bourke
Inspection Services Division Director

Developer's illegal activity prompted this Stop Work Order. In, 2018 Developer presumed illegal fill activity after allowing this property to be used as a staging area for the area sewer separation project.

EXHIBIT D - [Barbara Barhydt's Letter].

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]

Sent: Thursday, December 04, 2014 1:11 PM

To: Dale Holman

Cc: Alex Jaegerman; Katherine Jones; Rick Knowland

Subject: Fwd: RE: Powsland Street:

Hello Dale:

Kathy forwarded your e-mail to me.

I have looked at old zoning maps in the Inspection office. I have also looked at the files for the Industrial and Commerce Plan in the Planning Office. Here is what I have found to date:

1. The 1946 Zoning Map (date hand written on the back of the map) shows an Industrial zone that includes Thompson's Point and it incorporates the end of Powsland Street and the pond. There is a 400 foot measurement for the zone line from Congress Street shown along Powsland Street. Attached is a scan of this section. (You will need to rotate the image, as I had to scan it upside down due to its size).

2. The 1984 map shows Thompson's Point and the end of Powsland Street. Scan of the section attached.

3. The B-5 zone text amendments were adopted in 1992 for Peninsula locations. It included a map amendment for an area along Commercial Street. It did not include Thompson's Point at that time.

4. Portland's Industry and Commerce Plan was adopted as part of the Comprehensive Plan in 1994. As part of the Industry and Commerce Plan, Thompson's Point and the end of Powsland, were shown as potentially being rezoned to the I-L zone. I have found some task force minutes that indicate the committee looked at expanding the B-5 zone to locations off the peninsula and possible locations included Thompson's Point. This plan is available to review in our office, but it is not on-line.

5. The City Council adopted the zoning text amendments for a comprehensive update of the Industrial zones in 1997.

6. We have not found the actual council orders as of yet for the rezoning, but the area at the end of Powsland has been in an industrial zone for quite some time. It appears all of the industrially zoned area was rezoned to B-5 sometime after 1997.

I wanted to give you an update on what I have found. Alex has offered to look and see if he has any files that related to the Industry and Commerce Plan that may show the zone change to B-5. He is not in the office today.

Thank you.

Barbara

Barbara Barhydt

Development Review Services Manager

Planning Division

389 Congress Street 4th Floor

Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov

EXHIBIT E - [Defendant's Attorney's Letter]

Portland, Maine — Yes. Life's good here.

Danielle P. West-Chuhta
Corporation Counsel

Jennifer L. Thompson
Associate Counsel

Adam R. Lee
Associate Counsel

Michael I. Goldman
Associate Counsel

February 13, 2015

Andre J. Hungerford
PO Box 7584
Portland, ME 04112-7584

RE: Powsland Street Zoning

Dear A.J.,

Thank you for your letter of February 5, 2015 and for your visit to my office a few days later. It's always nice to talk with you.

Following your inquiry, I have been working with Barbara Barhydt in Planning and with Katherine Jones, the City Clerk to locate the map amendment and order that originally affected the change to B-5. I attach a copy of the map as it existed after March 1997, which you will see shows that portion of Powsland as B-5. We still have not been able to find the Order adopting that amendment but will continue to look.

In the meantime, however, I think there's a simpler way to demonstrate to you that, in fact, Powsland Street has effectively been rezoned to B-5. As you know, under 30-A M.R.S. 4352(3), the City is required to adopt a zoning map. Although I have every reason to believe that the Council affirmatively adopted the amendment to the map in 1996-1997 to rezone that area (and Thompson's point) to B-5, even if it hadn't, the City's current map lists that property in B-5. I attach an order from 2001 in which the Council adopted the first version of the GIS version of the City's zoning map. That map was subsequently amended in February 17, 2001 and again on January 9, 2015. As you will see, pursuant to the Order, the Council is clearly adopting the whole of the zoning map as it is required to do under Section 4352(3). Given that the map depicts that portion of Powsland as B-5, I don't think there can be any real question that that zone is correct or that it has been properly adopted.

I believe the current map is available online. We also have hard copies available for review in our Planning Division that you are welcome to come take a look at if that would be helpful.

389 Congress Street, Room 211, Portland ME 04101
www.portlandmaine.gov / tel. 207.874.8480 / tty. 207.874.8936 / fax. 207.874.8497

I hope this clears up the confusion. As always, if you have any further questions please do not hesitate to be in touch.

My best,

Jennifer L. Thompson
Associate Corporation Counsel

Enclosures
cc: Katherine Jones
Barbara Barhydt

389 Congress Street, Room 211, Portland ME 04101
www.portlandmaine.gov / tel. 207.874.8480 / tty. 207.874.8936 / fax. 207.874.8497

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

Certified Mail # 7005 1160 0003 6104 5094

January 17, 2008

Mr. Mark Curtis
STJ, Inc.
939 Parker Farm Road
Buxton, Maine 04093

Re: Powsland Street Fill Project; Response to STJ, Inc. Letter Dated January 14, 2008.

Dear Mr. Curtis,

The Department's letter dated January 7, 2008 supersedes any earlier correspondence from the Department regarding the fill project on Powsland Street in Portland, Maine. During our phone conversation you stated that you were aware the Department had changed its position regarding the wetland delineation some time ago. The issue is not what qualifications the City of Portland or Mr. Holman have to question Mr. Hampton's delineation, but that Jay Clement of the United States Army Corps of Engineers, and Mike Mullen and I from the Department have visited this property and found inaccuracies in Mr. Hampton's delineation.

Any perceived "inaccuracies or miscalculations" regarding square footage of wetland and lot size are a result of an unclear delineation report and unclear development plans. The two areas of wetlands identified by the National Wetlands Inventory (NWI) may or may not be entirely on property owned by STJ, Inc.. The issue is that these wetlands are not accounted for in the delineation report to the Department's satisfaction. Enclosed you will find a copy of ARCMAP imagery identifying the NWI wetlands and a copy of a portion of the City of Portland's zoning map identifying the shoreland zone.

Finally it should be made clear that the only way you or the Department will be able to determine if wetlands are to be filled or altered with any proposal you have made, or may make, other than restoration, will be to have the property redelineated. The delineation

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

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

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

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143

web site: www.maine.gov/dep

printed on recycled paper

by Mark Hampton reviewed by the Department is unacceptable for the purposes of determining Department permitting requirements, and during our phone conversation you stated there was no additional information available for the Department to review. I appreciate your desire to involve the Department in any proposed future activity on this property and look forward to receiving your development plans and wetland delineation.

If you have any questions regarding this letter, please contact me at (207) 822-6325.

Sincerely,

Jeffrey C. Kalinich
Enforcement Case Manager

Enclosure.

CC: Dale Holman
Andre J. Hungerford, Esq., Hungerford Legal
Mark Hampton, Mark Hampton Associates, Inc.
Penny Littell, Esq., City of Portland
Jay Clement, U.S. Army Corps of Engineers
Mike Mullen, Maine Department of Environmental Protection


Portland
POWSLAND ST


R3
BRIGHTON AV
C11
B1
IM
ROS
R5
B1
B2
RP
C39
RPZ
RPZ
RPZ
C31
B2
IL
C26
H
FORE RIVER

STJ, Inc.

939 Parker Farm Road
Buxton, Me 04093

Tel 207-839-2442
Fax 207-839-5445

RECEIVED DEP - SMR
2008 JAN 16 PM 12:04

Jeffrey C. Kalinich
State of Maine
Department of Environmental Protection
312 Canco Road
Portland, Me 04103

January 14, 2008

Mr. Kalinich,

We have received your certified letter dated January 7, 2008. Thank you for taking the time to speak with me this morning. During our conversation, we discussed the fact that you and Kara Moody initially agreed with Mr. Hampton's assessment. This was referred to in an email Kara sent to me on the July 3rd, 2007. "I performed two site visits at the property off Powsland Street during the month of June. In addition to these visits, I also examined the wetland delineation plan and accompanying letter produced by Mark Hampton, as well as aerial photography of the area. After reviewing all of this information with my supervisor, we have concluded that the Department is in agreement with the delineation performed by Mark Hampton, and there are currently no violations at the Powsland Street property. Please let me know if there is anything else I can provide you with." Kara Moody. We obviously moved forward based on the delineation and the confirmation from Ms. Moody. As I stated I our conversation we have no intent to operate outside of the DEP or Army Corps regulations.

I have many concerns regarding your letter. First, you state "Both Mr. Holman and the City of Portland have questioned the accuracy of this delineation." We hired a Certified Soil Scientist and Licensed Site Evaluator to delineate the wetlands. What qualifications does Mr. Holman or the people at the City of Portland doing the questioning have to question a licensed professional's assessment of this site? What specifically do they question?

I am perplexed by your assertion that our lots 66,67,68,69,and 70 (five lots approximately 50'x 100' each for a total of 25,000 square feet) contain 17,183.63 and 11,003.82 (a total of 28, 187.45) square feet of wetlands. The calculated wetlands total is more than the entire square footage of our property. This is obviously a typographical error or a miscalculation. You did not include any of the supporting information for our review.

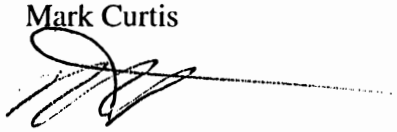
You also state that the delineation information supplied to you does not contain any supporting information. In the future, please do not rely on anyone but the source for the required information. I have no way of confirming that the information you received was the most up to date or the entire package supplied to Mr. Hungerford. Furthermore, it is my understanding that Mr. Hampton met all of the requirements for this type of delineation.

As I stated in our conversation this morning we do not intend to fill any wetlands without the proper permits. That is why we hired a certified expert. Any fill proposed to be placed in the wetland or shore land zone would be properly permitted prior to placement.

At the request of the city, we have re-graded this site to the pre-existing conditions plan on file with the City of Portland. This work was completed in early December. We are in the process of re-assessing our options for this property and will gladly involve the DEP should our new plans involve filling wetlands.

In the future, if you have a concern with any property we own please do not hesitate to contact us. We are always willing to work with the DEP to resolve any issue.

Mark Curtis



CC: Mark Hampton, Mark Hampton Associates, Inc.
Penny Littell, City of Portland
Jay Clement, US Army Corps of Engineers

PC3

Portland Maine Yes. Google's good here.

Jimmy Dealaman <jdealaman@portlandmaine.gov>

73 Powsland Street, Portland, Maine minutes for Thursday, December 9th meeting hosted by Sebago Technics Applicant STJ, INC. representatives

Dale <dholman1@maine.rr.com> Sat, Dec 11, 2021 at 11:46 AM
To: jdealaman@portlandmaine.gov

FYI-

As mentioned before, I object to this upcoming meeting Thursday, December 9th, hosted by Sebago Technics for Applicant STJ, INC. regarding proposed development in the illegal zone of 69 – 73 Powsland Street, Portland, Maine as there is an active pending lawsuit regarding this illegally zoned area.

Overview of Sebago Technics documents submitted to Portland Planning Department on October 13 & December 02, 2021.

1. Documents/plans are incorrectly labelled "93 Powsland" vs. "73 Powsland"

2. It's cute and sexy that Sebago Technics is having a "Landscape Architect" spearhead this project instead of an engineer. Guess it is the "in thing to do" with attempting to appeal to City Planning Departments with this strategy.

3. B5 is an illegal zone for lots 69 – 73 Powsland Street, Portland, Maine

4. Henry Hess cover letter dated October 13, 2021 is inaccurate as there is no mention of 65 Powsland Street that is in legal R5 zone where they are proposing a two-story unit dwelling that unsure if is allowed in this zone?

5. Would like to see a copy (along with field notes and photos) of the wetland delineation that was performed by Gary M. Fullerton on April 2021.

6. Stormwater proposal not complete: would require an overflow pond onsite of the lots owned by STJ, INC.

7. Retaining wall, fence, lawn, and planting trees will be required along the North West of the entire property line Dale Holman & James Sloan.

8. Still haven't addressed: illegal zone, geo technical study, wetlands, sea level rising, flooding, and storm water.

9. 10 Willow Lane, Portland will require a seismometer, audio, and video provided by Sebago Technics before any start of earth work/through completion.

10. Design and buildings can't impact upon neighboring property with any potential shadows, wind vortex, lighting, site views, and building heights.

11. City of Portland third party engineering firm will be required to review all flow charts, storm water plans, wetlands, plans, and documents.

There are other potential legal actions regarding tortious interference of contract by STJ, Inc./Mark Curtis/Thomas Shaw, and ongoing Defamation by their Attorney that are being considered. Sebago Technics and it's employees may become a party or party of interest.


Virus-free. www.avast.com

PC4

Harlan Baker <hbaker@maine.edu> Dec 12, 2021, 6:33:20 PM (14 hours ago)

to planningboard@portlandmaine.gov

This is where a proposed 9 unit project on Powsland Street is in developed. While the additional housing units would be welcome, my concern is that this area suffers flooding as a result of a nearby culvert. Unless that problem is satisfactorily addressed, there will problems.

>
> Hi,
> I took this photo several years ago. As you can see the area is flooded. It's right in back of where the project will be located.
> Harlan Baker



PC5

---------- Forwarded message ---------
From: **Dale** <dholman1@maine.rr.com>
Date: Tue, Jul 5, 2022 at 7:35 AM
Subject: FW: Appellant Holman v. Appellee City of Portland, et. al. Cum 22-72 Brief Electronic Copy / 73 Powsland Street, Portland Planning Board Worksop
To: <publiccomment@portlandmaine.gov>

From: Dale <dholman1@maine.rr.com>
Sent: Monday, July 4, 2022 5:48 PM
To: 'planningboard@portlandmaine.gov' <planningboard@portlandmaine.gov>
Subject: Appellant Holman v. Appellee City of Portland, et. al. Cum 22-72 Brief Electronic Copy / 73 Powsland Street, Portland Planning Board Worksop

73 Powsland Street, Portland, Maine Workshop:

I will not be attending any Zoom meeting for Tuesday, July 12, 2022 at 4:30pm

Applicant still not shown any rights/permission/approval from the State for Federal Government to remedy the storm water issues.

Please see below pending lawsuit with the City of Portland. I will be serving parties with the Federal lawsuit over the next few weeks.

From: Dale <dholman1@maine.rr.com>
Sent: Monday, May 30, 2022 11:04 AM
To: 'lawcourt.clerk@courts.maine.gov' <lawcourt.clerk@courts.maine.gov>
Subject: Appellant Holman v. Appellee City of Portland, et. al. Cum 22-72 Brief Electronic Copy

Dear Mr. Pollack:

I hope that this message finds you doing well and that you are having a great Memorial Day!

I am the Appellant in the above-entitled action.

Attached is an electronic copy of the Brief per Rule 7(a), and (2).,

Hard copies will be delivered Tuesday, May 31, 2022:

Ten copies of Appellant Brief (Two copies provided to Appellee)

Eight copies of Appellant Appendix (One copy provided to Appellee)

As a courtesy an electronic copy of the Appendix is included here via Google Drive:

https://drive.google.com/file/d/1_5SRMYtSIc03K3DAoZS7x0wIJgINHpqf/view?usp=sharing

Please let me know if you have any questions.

Thank you for your time!

Warmest regards,

Dale Holman

10 Willow Lane

Portland, ME 04102

207-409-9307

There is a pending lawsuit regarding the legality of the zoning to this area.

I am confident that I will prevail as this illegal zone change by the City is out of the scope for statutes of limitations to apply.

I have to question your company's work as in the past they attempted to mislead the Portland Planning Department with its stormwater calculations that Woodward & Curran pointed out in their letter dated November 16, 2007 (attached Curtis Letter 11-20-07 page 4).

I still have not seen any complete work where your company or any others have addressed the following items:

Stormwater run-off issues

Geo technical study of the land

Wetland issues

Sea level rising

Written permission/rights to maintain the drainage on the CMP and Federal railroad property

Sea level rise is real. Orlando Delogu has been telling us this for years.

Science:

https://www.pbs.org/newshour/show/barely-a-cloud-in-the-sky-and-portland-maine-is-flooding

https://legislature.maine.gov/legis/bills/bills_129th/billtexts/HP040701.asp

My expert witness added:

Mr. Holman:

I received your email; I took the liberty of reexamining all of Sewell, Powsland, Mitton streets, Willow Circle development and then crossed over to Hobart Street's furthest extension. I drove and walked to see the lay of the land. It is what is has been for a century or more, a natural buffer area absorbing runoff waters from the upland side and sea level rise from Portland's inner harbor. The steep gulleys invite indiscriminate filling; but that fill is unstable. Moreover, the water levels at the foot of Sewell Powsland,and Mitton rise and fall with annual snow, rain, storm surges, etc.

This morning I spoke at some length with attorney AJ.

I'm knowledgable about land use law; But you need a hydrologist as well; A person who knows the value of wetlands that act as a buffer between solid upland areas and open waters; a person who designs sewer systems, storm water runoff systems is the expert you need. Illegal filling by Gorham Sand & Gravel or anyone else including the city along lower Powsland should be enjoined. Obviously any filling from behind lower Mitton St, Willow Lane properties closest to the water and from the Hobart Street extension should not be permitted. These are unbuildable natural areas in my mind; the gulleys and the vegetation they support protect the housing that is in place. An expert hydrologist can document the unbuildable character of this land and show worst case scenarios. Sea level rise suggests the situation will grow worse overtime. The other thing to be enjoined and cleaned up is the illegal dumping of trash at the foot of Powsland. Large granite stones prevent driving from Sewell to Powsland. A similar layering of stones should block off the turnaround and dumping areas at the foot of Powsland. I witnessed a pickup dumping into the gully at the foot of Powsland as I made my tour yesterday. I'd stay on the city's back; filling, dumping and certainly any large scale development should not be permitted on unstable, previously filled land in/on lower Powsland St. or any of the street areas noted above.

O. E. Delogu

I am moving forward with a Federal Lawsuit that will involve the Superior Court, State of Maine, and I am undecided to enjoin STJ, INC. If anything they will be called as a witness along with their attorney.

I understand, as I have never met an engineer that doesn't believe they can build anything anywhere.

Good luck!

Best,

Dale J. Holman

10 Willow Lane

Portland, ME 04102

STATE OF MAINE

SUPREME JUDICIAL COURT

SITTING AS THE LAW COURT

DALE J. HOLMAN Appellant v. CITY OF PORTLAND, MAINE, et al, Appellee	Docket No. Cum-22-72 **BRIEF FOR APPELLANT**

Appeal from a decision of the

Cumberland County Superior Court

Located at Portland, Maine

Dale J. Holman
10 Willow Lane
Portland, ME 04102
Appellant, *pro se*
207-409-9307

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STATEMENT OF FACTS

On or about March 1997, the planning Board of the City's Department of Planning and Urban Development recommended to the Town Council that parcels of land on Powsland Street be zoned from I-2 (Industrial Zone) to B-5 (Urban Commercial Mixed Use Zone). The City adopted the Board's recommendation and rezoned the area around Powsland Street to B-5.

The City's current map shows the aforesaid area zoned as B-5.

Upon Appellant's information and belief, the rezoning of the aforesaid area did not follow due process. Pursuant to 30-A M.R.S. § 4352(1), "[t]he public shall be given an adequate opportunity to be heard in the preparation of a zoning ordinance." (App. p. 12) Further, 30-A M.R.S. § 4352(2) provides that "a zoning ordinance must be pursuant to and consistent with a comprehensive plan adopted by the municipal legislative body."

The City was also obligated to post and publish a public notice before adopting a new zoning ordinance or map or amending an existing zoning ordinance or map. *See* 30-A M.R.S. § 4352(2). (App. p. 17)

On or about December 4, 2014, Barbara Barhydt, the Development Review Services Manager, affirmed in an email that she could not trace the actual council orders that authorized the rezoning. (App. p. 25-30)

On or about February 5, 2015, Appellant's former Counsel, A.J. Hungerford, Esq. (hereinafter "Hungerford") wrote to Jennifer L. Thompson (hereinafter "Thompson"), who was the Associate Corporation Counsel of the City of Portland. (App. p. 18-19) In the said letter, Hungerford raised Appellant's concerns that the street directly behind Appellant's house was illegally zoned as B-5. Hungerford also pointed out to Thompson that the City Council did not make any approval of the zoning change. The Attorney further emphasized that the Planning Board violated 30-A M.R.S. § 4352(2) by effecting the zoning change without following the law.

On or about February 13, 2015, Thompson replied to Hungerford's letter, and stated that she engaged the staff of the City Council and managed to locate the amendment map and the 2001 Order that effected the 1997 decision to rezone Powsland Street to B-5. However, Jennifer noted that she did not find the 1997 order adopting the amendment. (App. p. 18-19) There had been a meeting prior to this date with City Manager Jon Jennings, and Thompson. There was also a follow up meeting with Thompson, Hungerford, and Appellant. Thomspon stated her position is that "time has passed, and that these updated maps had been voted on several times, therefore, this allows a legal zone change."

On or about November 2, 2019, Appellant drafted a letter to Christine Grimando (hereinafter "Grimando"), the Acting Planning and Urban

Development Director. (App. p. 20-24) The letter's intent was to notify Grimando of Appellant's Petition for a zone change to Powsland Street B-5 Zone to a less impact zone. In the letter, Appellant raised complaints of how his property is subjected to flooding as a result of the Appellee's unlawful decision to rezone the Powsland Street from I-2 to B-5. Appellant also emphasized how the Appellee violated the law by rezoning the said area without following the required proper legal steps including public notification, public hearing, or City Council vote.

As a result of the rezoning of the aforesaid area, Appellant's property has been subjected to flooding from storm water. (App. p. 63-64) The illegal change of zone from legal I2 zone to B5 zone allows higher impact to this area than the original I2 zone that would only allow one structure if the applicant can demonstrate to remediate storm water and sea level rising [Maine H.P. 1169 -L.D. 1572 Chp. 67 Resolve, To Analyze the Impact of Sea-Level Rise, June, 2021], (App. p. 81-82) geo technical study of the earth, written rights to maintain abutters drainage, and wetlands study. The Planning and Development Department observed that the developer's activities on the said property reduces the capacity of the watershed; facilitates the encroachment of storm water on abutting properties; and worsens the drainage conditions of the area. (App. p. 65-66)

Further, it is worth noting that plans are to build within an illegal zone, therefore, damage will result to applicant. There is to that effect a letter dated

November 18, 2021 from an engineer firm with plans to be move forward with nine unit development within this illegal zone. (App. p. 58)

PROCEDURAL HISTORY

This is an appeal from a decision of the Cumberland County Superior Court in Maine. The said decision dismissed Appellant's Complaint.

Appellant filed a Verified Complaint on or about October 22, 2021. (App. p. 7-16). Appellant also filed a Motion for Preliminary Injunction pursuant to Maine Civ. P. 65(b). (App. p. 32-40)

The Appellee filed an Opposition to the Appellant's Motion for Preliminary Injunction. (App. p. 42-46) The Appellee also filed a Motion to Dismiss. (App. p. 47-50) On or about November 29, 2021, the Appellant filed a Response to the Appellee's Opposition to Appellant's Motion for Preliminary Injunction. (App. p. 51-57) Appellant also filed a response to Appellee's Motion to Dismiss. (App. p. 68-73)

On or about March 8, 2022, the Court issued an Order dismissing the Appellant's Complaint. (App. p. 5-6) Appellant hereby files this Appeal against the aforesaid decision.

STATEMENT OF ISSUES

I. WHETHER THE TRIAL COURT ERRED WHEN IT FAILED TO RECOGNIZE THAT PUBLIC PARTICIPATION WAS REQUIRED IN THE PREPARATION OF A ZONING ORDINANCE BY PUBLIC NOTICE AND PUBLIC HEARING.

II. WHETHER THE TRIAL COURT ERRED WHEN IT FAILED TO CONSIDER THE FACT THAT THE UNDERLYING ZONE CHANGE WAS IMPROPER/ILLEGAL AS PER LEGASLATIVE LAW THE CITY COUNCIL/VOTING BODY MUST VOTE FOR ANY ZONE CHANGE.

III. WHETHER THE CASE IS BARRED BY THE STATUTE OF LIMITATIONS.

SUMMARY OF ARGUMENTS

I. The Trial Court erred when it failed to recognize that public participation was required in the preparation of the City's zoning ordinance.

II. The Trial Court erred when it failed to consider the fact that the underlying zone change was improper/illegal.

III. This case is not barred by the Statue of Limitations.

ARGUMENTS

I. THE TRIAL COURT ERRED WHEN IT FAILED TO RECOGNIZE THAT PUBLIC PARTICIPATION WAS REQUIRED IN THE PREPARATION OF THE CITY'S ZONING ORDINANCE.

Pursuant to 30-A M.R.S. § 4352(1), the public **must** be given an adequate opportunity to be heard in the preparation of a zoning ordinance. The public must also be "given [notice of a public proceeding] in ample time to allow public attendance," 1 M.R.S.A. § 406 (1989). To be sufficient under the Freedom of Access Act, 1 M.R.S.A. § 401-410 (1989 & Supp.1998), notice of the meeting must have been "given in ample time to allow public attendance and... disseminated in a manner reasonably calculated to notify the general public in the jurisdiction served" by the Town Council. *See* 30-A M.R.S.A. § 4352(1) (requiring the opportunity for public participation in the preparation of a zoning ordinance). This standard required the authority to provide notice that was sufficient to give the public a reasonable opportunity under the circumstances to be present during the authority's deliberations. *Crispin v. Town of Scarborough*, 736 A.2d 241 (1999).

The Appellee effected the rezoning upon a recommendation by the planning Board of the City's Department of Planning and Urban Development, without engaging the public for their input on the said intention. Besides, no voting was done, which included the public. According to the aforesaid law 30-A M.R.S. § 4352(1),

public participation is **required.** In that regard, public participation is a pertinent requirement in the preparation of a zoning ordinance. Failure to conduct public participation amounts to a blatant violation of the said Statute, thus making the ordinance null and void.

II. THE TRIAL COURT ERRED WHEN IT FAILED TO CONSIDER THE FACT THAT THE UNDERLYING ZONE CHANGE WAS IMPROPER/ILLEGAL.

In order for the ordinance to be a valid exercise of the Town's police power it must 1) provide for the public welfare, 2) use means appropriate to the desired ends, and 3) not be exercised in an arbitrary or capricious manner. *Tisei v. Town of Ogunquit*, 491 A.2d 564, 569 (Me. 1985). Further, "[a] zoning ordinance shall be drafted as an integral part of a comprehensive plan for municipal development, and promotion of health, safety and general welfare of the residents of the municipality." *Barnard v. Zoning Bd. of App. of Town of Yarmouth*, 313 A.2d 741, 744 (Me. 1974).

In order to constitute a valid exercise of the police power the restriction imposed by zoning ordinances must bear a substantial relation to the public health, safety, morals or general welfare of the public. *Toulouse, et al. v. Board of Zoning Adjustment*, 147 Me. 387, 393. It is worth noting that "[t]he term public welfare has never been and cannot be precisely defined. Sometimes it has been said to include public convenience, comfort, peace and order, prosperity, and similar concepts, but

not to include mere expediency." *Wright v. Michaud,* 959 A.2d 753. There is therefore a tendency to give a broad interpretation to the term “public welfare”. *Id.* Accordingly, in considering the provisions of a comprehensive zoning ordinance the legislative body may take into consideration the nature and character of the community and of its proposed zone districts, the nature and trend of the growth of the community and that of surrounding municipalities, the areas of undeveloped property and such other factors that necessarily enter into a reasonable and well-balanced zoning ordinance. *Wright v. Michaud*, 160 Me. 164, 173 (Me. 1964).

According to *Warren v. Municipal Officers, Etc.,* 431 A.2d 624, 628 (Me.1981), the zoning ordinance itself is presumed to be constitutional. Notably, a **properly promulgated** zoning ordinance is accorded a "strong presumption of constitutional validity." *Penobscot Area Housing Development Corp. v. City of Brewer,* 434 A.2d 14, 23 (Me.1981). *See* also *Barnard v. Zoning Board of Appeals of the Town of Yarmouth*, 313 A.2d 741, 744 (Me.1974). The burden is on Complainant to show by "clear and irrefutable evidence that it infringes on paramount law”. *Warren v. Municipal Officer, Etc.,* 431 A.2d 624, 628 (Me.1981). *See* also The Law of Zoning and Planning, Rathkopf, Vol. 1, page 21-1. Substantial evidence" has been characterized as "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Hrouda v. Town of Hollis,* 568

A.2d 824, 826 (Me.1990) (quoting *In re Maine Clean Fuels, Inc*., 310 A.2d 736, 741 (Me.1973)).

In the instant action, the zoning ordinance was improperly enacted and effected. First, it became operational in violation of statutory provision that required public participation. The fact that no public participation was done in the preparation of the ordinance makes the said ordinance null and void. Next, the ordinance is against public welfare. It is clear from the foregoing case law that the Courts give public welfare a broad interpretation. Accordingly, public welfare consideration may include protecting and/or preventing individuals' properties from flooding. In this case, one of the effect of the zoning ordinance is that it made it possible for developments to be done in an around the Appellant's property, which developments subject Appellant's property to flooding. In that regard, Appellant avers that there is sufficient evidence to ascertain that the City violated paramount law, when it effected the zoning ordinance without an involvement of the public as required by the applicable law.

III. THIS CASE IS NOT BARRED BY THE STATUTE OF LIMITATIONS

According to Stat. Tit. 14, § 752, all civil actions shall be commenced within 6 years after the cause of action accrues. The Maine Supreme Court accepted a case challenging the 30 year-old decision in *Bell v. Town of Wells*, 557 A.2d 168

(1989) that limited the public's enjoyment of private beaches. Also, the Maine Supreme Court accepted to reconsider its decision in *Almeder v. Town of Kennebunkport*, 2014 ME 12, issued on February 4, 2014, which was past the statutory limit.

Appellant avers that the statutory limit may cease to apply in cases of public interest. Notably, the Statute of limitations does not apply to Appellant's motion as the zone change was illegally obtained. The Appellee cannot claim that the Appellant's case is late since the Appellee's actions to rezone were illegal, hence voids the B5 zone change. Appellee misleads this Court by claims that the City Council properly voted upon this zone change that is required by legislative law; public notice, public hearing, and vote by City Council. Voting on zoning maps for an existing illegal zone change does not constitute a legal zone change.

It is worth noting that on or about December 4, 2014, Barbara Barhydt, the Development Review Services Manager, affirmed in an email that she could not trace the actual council orders that authorized the rezoning. Further, on February 13, 2015, the Appellee's attorney, Jennifer Thompson, Esq., admitted that she could not find any order that adopted the rezoning. Therefore, Appellee cannot claim reliance on an illegal ordinance zone. Appellant further avers that the controversy in the case is triggered by the developer's application to conduct construction activities, which developments expose Appellant's property to

additional floods. In that regard, Appellant avers that he did not bring this matter before the Court in 2014 as there was not any application for development to further harm the Appellant. Appellant avers that there was not any threat in the past seven years of any proposed plans of development that would impact this area with additional flooding to the Appellant's property/home there was not any need to file a lawsuit. This does not undermine the facts that the illegal zone change does not become legal over time and just because the Appellee claims it is a legal zone change. Appellee and Trial Court relies solely on the case law *Bog Lake* Co. *v*. *Town* of *Northfield*, 2008 ME 37, ¶ 9, 942 A.2d 700. This case law does not apply to this matter as in the referenced case law the Town of Northfield underlying zone change was legally perfected unlike where the Appellee did not follow the proper legal process to obtain their zone change. Appellee seems to not recall that the Appellant attempted on two occasions to resolve this matter by exhaustive administrative remedies, and the Appellee's Attorney Jennifer Thompson, Esq. was overly combative in the first meeting that included then City Manager, Jon Jennings. A few years later a second meeting that included A.J. Hungerford, Esq., and that meeting was less combative in nature.

CONCLUSION

In light of the foregoing, Appellant humbly submits that Trial Court erred in dismissing Appellant's case. Notably, the Trial Court erred when it failed to recognize that public participation was required in the preparation of the city's zoning ordinance. The Trial Court also erred when it failed to consider the fact that the underlying zone change was improper and/or illegal. Lastly, it is clear that the statute of limitations argument raised by the Appellee does not apply to the case.

Respectfully submitted,

Dated: May, 22, 2022

Dale J. Holman
10 Willow Lane
Portland, ME 04102
Appellant, *pro se*
207-409-9307

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of the foregoing brief on counsel for the Appellee/Respondent by depositing a copy, contained in a first-class postage-paid wrapper or envelope, at an office of the United States Postal Service, addressed as follows:

Appellee, Jennifer Thomas, Esq.
Acting Corporation Counsel
389 Congress Street, Room 211
Portland, ME 04101
207-874-8480

Dated: May 25, 2022

/s/ *Dale J. Holman*

Dale J. Holman
10 Willow Lane
Portland, ME 04102
Appellant, *pro se*
207-409-9307

Fwd: 73 Powsland Street, Portland Planning Board Workshop

Subscribe

0 views

S Sheba Brown <sbrown@portlandmaine.gov> Jul 6, 2022, 3:14:00 PM (yesterday)
to Planning Board

Best,
Sheba

---------- Forwarded message ---------
From: **Scott Rheault** <smrheault@hotmail.com>
Date: Wed, Jul 6, 2022 at 11:58 AM
Subject: 73 Powsland Street, Portland Planning Board Workshop
To: publiccomment@portlandmaine.gov <publiccomment@portlandmaine.gov>

The Applicant has still not shown any rights/permissions/approvals from the State or Federal Governments or the Railroad Company to remedy the storm water issues associated with this area and its potential development.

None of the documents located online have changed to address any of the concerns of the City/State and Neighborhood expressed at the last meeting.

The developer has, on multiple occasions, directly, and intentionally performed non-permitted work (and allowed R.E. Coleman to do the same) on this site without any corrective measures performed.

The developer should lose their right to develop this site as they have made it very clear with their past actions that they have no regards for the City/State planning/permitting processes.

Thanks,

Scott Rheault

72 Powsland St

207-899-6708

Dale <dholman1@maine.rr.com> Feb 4, 2023, 2:29:27 PM (yesterday)

to planningboard@portlandmaine.gov, info@portlandmaine.gov, publiccomment@portlandmaine.gov, citymanager@portlandmaine.gov, Christine Grimando, tboyd@portlandmaine.gov, nle@portlandmaine.gov

I object, to the upcoming Planning Board Workshop, Tuesday, February 14th for Applicant STJ, INC. regarding proposed development in the illegal zone of 69 – 73 Powsland Street, Portland, Maine.

(Portland Planning Board renames the company to STD, Inc.)

Major Site Plan; 73 Powsland Street; STD, Inc., Applicant. (estimated time 5:30 – 6:30 p.m.) The Planning Board will hold a remote workshop to consider a proposal to develop four duplex units and one single-family unit, totaling nine new residential units, at 73 Powsland Street. The subject property is 30,000 square feet in area and is zone B-5 Urban Commercial. A project and plan summary are available for viewing on the city's CSS Portal (https://css.portlandmaine.gov/) by referencing Plan Number PL-001808-2021.

Overview of Sebago Technics documents submitted to Portland Planning Department on October 13 & December 02, 2021.

1. B5 is an illegal zone for lots 69 – 73 Powsland Street, Portland, Maine.

2. Make public: (along with field notes and photos) of the wetland delineation that was performed by Gary M. Fullerton on April 2021.

3. Stormwater proposal not complete: would require an overflow pond and underground water storage tanks/chambers onsite for the lots owned by STJ, INC.

4. Retaining wall, fence, lawn, and planting trees will be required along the North West of the entire property line Dale Holman (10 Willow Lane) & James Sloan (60 Mitton Street).

5. Still not addressed: illegal zone, geo technical study, wetlands, sea level rising, flooding, and major storm water issues.

6. 10 Willow Lane, Portland will require a seismometer, audio, and video provided by Sebago Technics before any start of earth work/through completion

7. Design and buildings can't impact upon neighboring property with any potential shadows, wind vortex, lighting, site views, and building heights.

8. City of Portland third party engineering firm will be required to review all flow charts, storm water plans, wetlands, plans, and documents.

Best regards,
Dale J. Holman

From: Scott Rheault <smrheault@hotmail.com>
Sent: Wednesday, July 6, 2022 11:59 AM
To: publiccomment@portlandmaine.gov
Subject: 73 Powsland Street, Portland Planning Board Workshop

The Applicant has still not shown any rights/permissions/approvals from the State or Federal Governments or the Railroad Company to remedy the storm water issues associated with this area and its potential development.

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The developer should lose their right to develop this site as they have made it very clear with their past actions that they have no regards for the City/State planning/permitting processes.

Thanks,

Scott Rheault

72 Powsland St

207-899-6708

Expert witness added:

Mr. Holman:

I received your email; I took the liberty of reexamining all of Sewell, Powsland, Mitton streets, Willow Circle development and then crossed over to Hobart Street's furthest extension. I drove and walked to see the lay of the land. It is what is has been for a century or more, a natural buffer area absorbing runoff waters from the upland side and sea level rise from Portland's inner harbor. The steep gulleys invite indiscriminate filling; but that fill is unstable. Moreover, the water levels at the foot of Sewell Powsland,and Mitton rise and fall with annual snow, rain, storm surges, etc.

This morning I spoke at some length with attorney AJ.

I'm knowledgable about land use law; But you need a hydrologist as well; A person who knows the value of wetlands that act as a buffer between solid upland areas and open waters; a person who designs sewer systems, storm water runoff systems is the expert you need. Illegal filling by Gorham Sand & Gravel or anyone else including the city along lower Powsland should be enjoined. Obviously any filling from behind lower Mitton St, Willow Lane properties closest to the water and from the Hobart Street extension should not be permitted. These are unbuildable natural areas in my mind; the gulleys and the vegetation they support protect the housing that is in place. An expert hydrologist can document the unbuildable character of this land and show worst case scenarios. Sea level rise suggests the situation will grow worse overtime. The other thing to be enjoined and cleaned up is the illegal dumping of trash at the foot of Powsland. Large granite stones prevent driving from Sewell to Powsland. A similar layering of stones should block off the turnaround and dumping areas at the foot of Powsland. I witnessed a pickup dumping into the gully at the foot of Powsland as I made my tour yesterday. I'd stay on the city's back; filling, dumping and certainly any large scale development should not be permitted on unstable, previously filled land in/on lower Powsland St. or any of the street areas noted above.

O. E. Delogu





73 Powsland St project - Pedestrian and Bicycle access to pathway

Inbox

B Melcher tech@zembugroup.com via portlandmaine.gov
to planningboard

This comment may be an anomaly, as it's not a complaint or opposition!
I would just like to speak up as a neighbor who regularly rides my bicycle or walks to Thompson's Point and the Transportation Center. I use the path and hope that you will keep it a
In either case, please don't close it - it serves an excellent purpose and makes life just a little easier and nicer in this increasingly car-centric city.
Thanks,
Bill

Dale <dholman1@maine.rr.com> Feb 15, 2023, 5:50:40 PM (14 hours ago)

to planningboard@portlandmaine.gov, info@portlandmaine.gov, publiccomment@portlandmaine.gov, citymanager@portlandmaine.gov, Christine Grimando, tboyd@portlandmaine.gov, nle@portlandmaine.gov

Dear City of Portland Planning Board-

It is disheartening that Sebago Technics is continuing to mislead the public, City, and City Planning Board with their calculations of stormwater issues surrounding their proposal.

They have a history of not being trustworthy as in November 2007, Sebago Technics, Shawn Frank presented erroneous/overly exaggerated/misleading calculations. Thankful for the professional work of the City's third party engineering firm (attached) that pointed out these serious issues/flaws.

Thank you for your time!

Best regards,
Dale Holman

10 Willow Lane

Portland, Maine 04102

207-409-9307

From: Dale <dholman1@maine.rr.com>
Sent: Tuesday, December 7, 2021 11:44 AM
To: 'alison.sirois@maine.gov' <alison.sirois@maine.gov>
Subject: Please see attached regarding ANY fill for storm water calculations:

Good morning Alison,

Marybeth mentioned that you would be working on the Sebago Technics/69 – 73 Powsland Street proposed development.

I highlighted those two EXISTING elevations that Woodard & Curran noted over the proposed STJ plan. They are definitely modifying both elevations, see attached.

Sebago Technics calculations are questionable.

Best,

Dale Holman

POST-DEVELOPMENT LEGEND

- WATERSHED BOUNDARY
- TIME OF CONCENTRATION (A – B)
- REACH
- #### — WATERSHED LABEL
- #### — REACH
- #### — STUDY POINT
- #### — STORMWATER TREATMENT/DETENTION POND
- HSG # / HSG # — SOILS BOUNDARY

SOIL TABLE

SYMBOL	NAME	SLOPE	HYDROLOGIC SOIL GROUP
BgB	NICHOLVILLE	0-8%	C
BuB	LAMOINE	3-8%	C/D



NOT FOR CONSTRUCTION PROGRESS PRINT

PAUL D. OSTROWSKI, PE11175

STATE OF MAINE — PAUL D. OSTROWSKI No. 11175 — REGISTERED PROFESSIONAL ENGINEER — 09/30/2021

REV.	BY	DATE	STATUS
A	HAH	09-10-21	ISSUED TO CLIENT FOR REVIEW

THIS PLAN SHEET 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.

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

POST DEVELOPMENT STORMWATER PLAN

OF:
65-73, 93 POWSLAND STREET
POWSLAND STREET
PORTLAND, MAINE
FOR:
ST.J, INC.
P.O. BOX 58
GORHAM, ME 04038

DESIGNED	HAH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	1" = 20'
PROJECT	07360-01

SHEET 2 OF 2

07360-01 SWP-Bwg_TAB-POST

COMMITMENT & INTEGRITY
DRIVE RESULTS

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

T 800.426.4262
T 207.774.2112
F 207.774.6635

WOODARD &CURRAN

MEMORANDUM

TO: Rick Knowland

FROM: Dan Goyette

DATE: November 16, 2007

RE: Powsland Property Fill Project

Woodard & Curran has performed a review of the proposed fill project for the property located on 73 Powsland Street.

Documents Reviewed

- Response Letter and Stormwater Model dated November 8, 2007, prepared by Shawn Frank, Sebago Technics, Inc..
- Engineering Plan Sheets, 1-3 for Powsland Street, dated October 8, 2007 and Watershed Map Plan Sheets 1-2 dated October 8, 2007 by Sebago Technics, Inc.

Comments

- The applicant has not shown rights to maintain the existing culvert under the railroad. We ran the stormwater model under the assumption that no outflow existed, ie a plugged culvert. The results indicate that the water in the pond would rise to the elevation of 22.69'. No filling should be allowed below this elevation as it would cause the water level to rise on abutting properties. If the applicant can demonstrate rights to maintain the existing culvert, the water level in the pond would rise to elevation 18.81'. No filling below this elevation should occur as it would result in an increase of the water level on abutting properties.
- At this time no structures are being proposed on the property. A geotechnical report will need to be supplied indicating slope stability prior to the design of any new proposed slopes.

DRG
203943.39

Dale <dholman1@maine.rr.com> Feb 16, 2023, 7:53:19 PM (11 hours ago)

to planningboard@portlandmaine.gov, Christine Grimando

After any given rainfall this entire area completely fills with water.

Thank you,

Dale Holman

207-409-9307

10 Willow Lane

Portland, ME 04102









dholman1 7:39 AM (12 minutes ago)

to me, Planning, Christine

There is so much water in the area that it now backs up and floods in front of abutting 10 Willow Lane, Portland as well.











dholman1 <dholman1@maine.rr.com> Mar 19, 2023, 4:02:23 PM (16 hours ago)

to planningboard@portlandmaine.gov

Attached are two photos taken today March 19, 2023 at 3:54 p.m. of the water detention areas.





Dale <dholman1@maine.rr.com> 12:24 AM (7 hours ago)
to planningboard@portlandmaine.gov, info@portlandmaine.gov, publiccomment@portlandmaine.gov, citymanager@portlandmaine.gov, Christine Grimando, tboyd@portlandmaine.gov, nle@portlandmaine.gov

Recent video from 10 Willow Lane, Portland overlooking detention ponds on/abutting 73 Powsland Street, Portland.

After any given rainfall this entire area completely fills with water.

Sebago Technics attempts to mislead stormwater calculations, but the facts can't be refuted regarding the major stormwater/geo technical/environmental issues at this location.

Best regards,

Dale Holman

207-409-9307

10 Willow Lane

Portland, ME 04102

From: Dale <dholman1@maine.rr.com>
Sent: Wednesday, February 15, 2023 5:50 PM
To: 'planningboard@portlandmaine.gov' <planningboard@portlandmaine.gov>
Cc: 'info@portlandmaine.gov' <info@portlandmaine.gov>; 'publiccomment@portlandmaine.gov' <publiccomment@portlandmaine.gov>; citymanager@portlandmaine.gov; 'cdg@portlandmaine.gov' <cdg@portlandmaine.gov>; 'tboyd@portlandmaine.gov' <tboyd@portlandmaine.gov>; 'nle@portlandmaine.gov' <nle@portlandmaine.gov>
Subject: 69 - 73 Powsland Street, Portland, Maine Planning Board Workshop

Dear City of Portland Planning Board-

It is disheartening that Sebago Technics is continuing to mislead the public, City, and City Planning Board with their calculations of stormwater issues surrounding their proposal.

They have a history of not being trustworthy as in November 2007, Sebago Technics, Shawn Frank presented erroneous/overly exaggerated/misleading calculations. Thankful for the professional work of the City's third party engineering firm (attached) that pointed out these serious issues/flaws.

Thank you for your time!

Best regards,
Dale Holman

10 Willow Lane

Portland, Maine 04102

207-409-9307

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Sent: Tuesday, December 7, 2021 11:44 AM
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Subject: Please see attached regarding ANY fill for storm water calculations:

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I highlighted those two EXISTING elevations that Woodard & Curran noted over the proposed STJ plan. They are definitely modifying both elevations, see attached.

Sebago Technics calculations are questionable.

Best,

Dale Holman

207-409-9307

Harlan Baker <hbaker@maine.edu>
to planningboard, Kate

Here's a picture of the area that is under consideration for constructing of 9 housing units. Note the rise in the water level. This is directly behind where the units will be built.

As much as I think we need housing units, I do not think this is a good location for them. You might also want to listen to some of the people who live at the willows and they can talk about some of the problems they've had with drainage.

Harlan Baker
44 Mitton Street
Portland, Maine 04102



Charles Tetelman <ctetelman@portlandmaine.gov>

73 Powsland Street

Paul McGuire <paulm_04938@yahoo.com> Wed, Feb 15, 2023 at 5:41 PM
To: "ctetelman@portlandmaine.gov" <ctetelman@portlandmaine.gov>

To: Portland Planning Board
From: Paul McGuire
27 Willow Lane, Portland
Re: Proposed development at 72 Powsland St., Portland, Maine

First, please accept my apology for failure to get my audio in working order near the end of yesterday's (Feb. 14) workshop.

My concerns about the proposed project are in line with those posed by other neighbors at yesterday's session, namely the issues involving drainage, but are not limited to the upstream end.
For the past six years I have walked through the site nearly every morning on my way to the Fore River trail head at Thompson's Point. From there my route follows the trail as it skirts the old C and O Canal bed and turning basin before making a hard right turn at the railroad embankment across from the end of Powsland St. As a Portland Trails volunteer steward for the Fore River section from Thompson's Point to outer Congress Street, observation of trail conditions along the treadway and corridor, possible damage by tidal action is y primary duty. Intersected by towpaths, the salt marsh has several nooks, one of which is an inlet feeding into the turning basin from the drain end of the culvert which runs from the end of Powsland St. beneath the railroad bed. Over the few past years, it has been my observation that high tides during major storms lap against and sometimes into the culvert,whose slope seems sufficient thus far to counter the flow. As the Atlantic continues to rise it seems clear to me that there will come a time when the culvert will deliver water in two directions, one of which will pose difficulties for residents whose houses are located on the edge of the lower Powsland drainage. The city has poured millions of dollars to deal with tidal floodwaters that back into the flats below Bayside and, In a way, it would seem that a similar sort of threat looms in this case as well. So, while the current proposal fits current municipal and state storm and groundwater water disposal standards and regulations, I think it wise to remember that a rising Atlantic ocean cares not a whit about anyone's regulations. Hence planning for eventualities makes sense to me, even at a building site located behind a partial dike formed by railroad bed. It takes no great imagination for anyone to understand that absence of the railroad bed (the one and only reason for the existence of an accidental impoundment or catch basin referred to in the plans as "the pond") would put the drainage ravine at the end of Powsland squarely within a tidal zone, or so it seems to me. So, while one cannot see the tidal shoreline from the site, it is but a man-made obstacle away. It would be seriously short-sighted not to take this into account (we've seen what happens to sea walls).

Thank you for the opportunity to offer my observations.

Paul McGuire



Pedestrians and the 73 Powsland St Project

Inbox

Rachel Taylor <taylor.rachel.s@gmail.com>
to planningboard

Dear members of the Planning Board,

I am writing to suggest that the proposed development at 73 Powsland St. include improvements to the existing pedestrian path between Powsland and Hooper Ln. I live at 56 Pow

There is a LOT of pedestrian traffic through the end of our street. Every day, people walk to the end of the street and through the CMP access road toward Hooper Lane and Thomp Thompson's Point, jogging to the Fore River Parkway, or commuting via the Transportation Center. In the summer and fall, when there are frequent events and concerts at Thompso

I strongly suggest the project plans should include a convenient, attractive way to walk between Powsland and Hooper. Right now, the road is blocked only by a couple of boulders, access. The gate shown on page 12 of the project plans would need to have a pedestrian path built around it, and would always be unsightly. A removable bollard would be a good

I'd also recommend the addition of good lighting around the pedestrian pass-through, and perhaps some thoughtful plantings and signage to orient pedestrians toward the pathway.

Right now, this path is relatively informal, but even so it's an important pedestrian gateway for our neighborhood. I hope this project can be an opportunity to make it a little more for

Sincerely,
Rachel Taylor
56 Powsland St.

LOTS 65-70

POWSLAND STREET
PORTLAND, MAINE

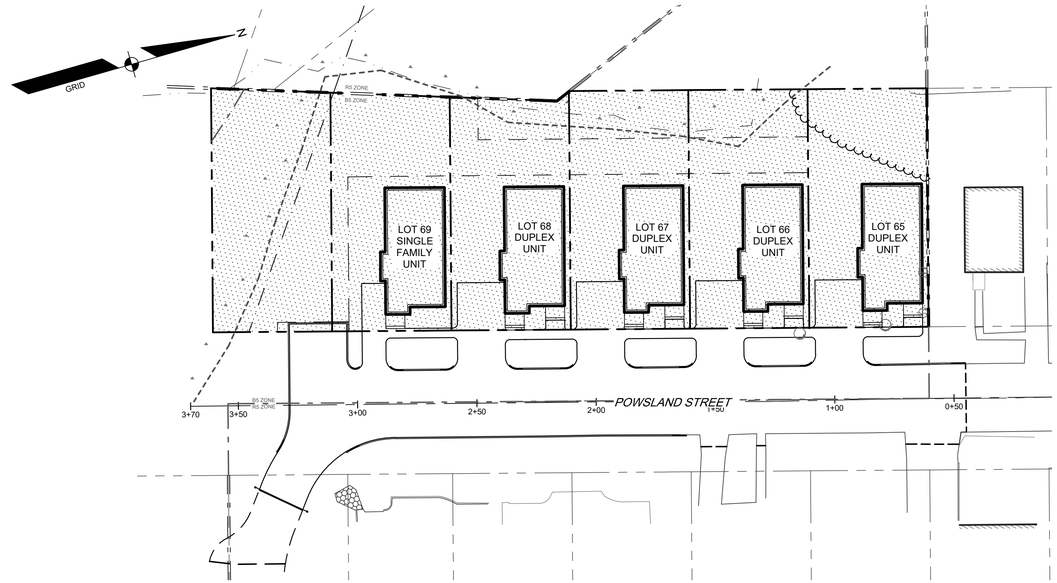
APPLICANT:

STJ, INC.

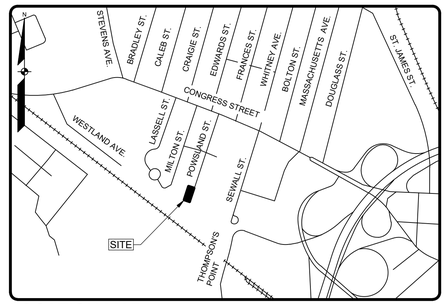
P.O. BOX 58
GORHAM, ME 04038

ENGINEER/SURVEYOR/
LANDSCAPE ARCHITECT:

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



GRAPHIC SCALE
30 0 15 30 60
(IN FEET)
1 INCH = 30 FT.



LOCATION MAP

SHEET LIST TABLE

Sheet Number	Sheet Title
1	COVER SHEET
2	NOTES AND LEGEND
3	OVERALL SITE PLAN
4	SITE PLAN
5	OVERALL GRADING AND UTILITY PLAN
6	GRADING AND DRAINAGE PLAN
7	PLAN AND PROFILE - POWSLAND STREET
8	UTILITY PLAN
9	LANDSCAPE PLAN
10	EROSION CONTROL NOTES
11	DETAILS
12	DETAILS
13	DETAILS
14	DETAILS
15	DETAILS
1 OF 2	PRE-DEVELOPMENT STORMWATER PLAN
2 OF 2	POST DEVELOPMENT STORMWATER PLAN

PAUL D. OSTROWSKI, PE11175
STATE OF MAINE — PAUL D. OSTROWSKI No. 11175 — LICENSED PROFESSIONAL ENGINEER — 03/03/2023

HENRY A. HESS, RLA 4841
LANDSCAPE ARCHITECT — HENRY HESS 4841 — STATE OF MAINE — 02/03/2023

REV.	BY	DATE:	STATUS
A	HAH	09-10-21	ISSUED TO CLIENT FOR REVIEW
B	HAH	05-02-22	ISSUED FOR CITY REVIEW
C	HAH	01-11-23	REVISED FROM COMMENTS ON 09/29/22
D	HAH	03-01-23	REVISED FROM COMMENTS ON 02/09/23

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

COVER SHEET
OF:
LOTS 65-70
POWSLAND STREET
PORTLAND, MAINE
FOR:
STJ, INC.
P.O. BOX 58
GORHAM, ME 04038

DESIGNED	JSH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	1" = 30'
PROJECT	07360-01

07360-01 C.dwg, TAB:C

SHEET 1 OF15

LEGEND

EXISTING		PROPOSED
	PROPERTY LINE/R.O.W.	
	ABUTTER LINE/R.O.W.	
	DEED LINE/R.O.W.	
	TIE LINE	
	SETBACK	
	EASEMENT	
	BUFFER	
	FLOODPLAIN	
	FLOODWAY	
	CENTERLINE	
⊡	MONUMENT	■
◎	IRON PIPE/ROD	●
◎	DRILL HOLE	◉
C1/L1	DEED CALL	
C1/L1	CURVE/LINE NO.	C1/L1
	SOILS	
	ZONE LINE	
	ZONE LINE ON PL	
BENCHMARK DESCRIPTION WITH ELEVATION	BENCHMARK	
△	SURVEY CONTROL	
TP-1	TEST PIT	
MW-1	MONITORING WELL	
B-1	BORING	
	BUILDING	
	DECK/STEPS/ OVERHANG	
	EDGE WETLAND	
	WETLANDS	
	UPLANDS	
	STREAM	
	LEDGE	
	EDGE PAVEMENT	
	PAVEMENT SAWCUT	
	EDGE CONCRETE	
	PAVEMENT PAINT	
	EDGE GRAVEL	
	CURB LINE	
	EDGE OF WATER	
	TREELINE	
120 118	CONTOURS	120
×120.00	SPOT GRADE	+120.00
	CHAIN LINK FENCE	
X	BARB WIRE FENCE	X
	STOCKADE FENCE	
	GUARD RAIL	
	STONE WALL	
	RETAINING WALL	
	DECIDUOUS TREE	X
	CONIFEROUS TREE	X
	MULCH LINE	
○	BOLLARD	●
	SIGN	
	RAILROAD	
G	GAS	G
GV	GAS GATE VALVE	GV
GM	GAS METER	
G	GAS MANHOLE	
W	WATER	W
WV	WATER GATE VALVE	WV
	WATER SHUT OFF	
	HYDRANT	
W	WATER MANHOLE	
W	WELL	W
S	SANITARY SEWER	S
FM	FORCE MAIN	FM
S	SANITARY MANHOLE	●
SD	STORM DRAIN	SD
UD	UNDER DRAIN	UD
D	DRAINAGE MANHOLE	●
	CATCH BASIN	■
OHU	OVERHEAD UTILITY	OHU
UGU	UNDERGROUND UTILITY	UGU
T	TRANSFORMER PAD	T
E	ELECTRICAL MANHOLE	E
EM	ELECTRIC METER	
H	HVAC UNIT	
T	TELEPHONE MANHOLE	
	LIGHT POLE	
	UTILITY POLE	
	GUY WIRE	
	DRAINAGE DITCH	
	EROSION CONTROL BLANKET	
	FILTER BARRIER	FB
	RIPRAP	
	CHECK DAM	
	INLET PROTECTION	
	BOULDER	
	STREAM	

GENERAL NOTES

1. THE RECORD OWNER OF THE PARCELS IS STJ INC BY THE FOLLOWING DEEDS RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS (CCRD) IN BOOK 24766, PAGE 258 (LOTS 66-70) AND BOOK 35884 PAGE 177 (LOTS 64 AND 65).
2. THE PROPERTY IS SHOWN AS LOTS 9-14, WITHIN BLOCK K ON THE CITY OF PORTLAND TAX MAP 190 AND IS LOCATED IN THE URBAN MIXED USE / RESIDENTIAL ZONE DISTRICT B-5.
3. SPACE AND BULK CRITERIA FOR THE B-5 DISTRICT ARE AS FOLLOWS:

MINIMUM LOT SIZE:	NONE
MINIMUM STREET FRONTAGE:	NONE
MINIMUM FRONT YARD:	NONE
MINIMUM SIDE YARD:	NONE
MINIMUM REAR YARD:	NONE
MAXIMUM BUILDING HEIGHT:	65 FEET
MAXIMUM BUILDING COVERAGE:	NONE
*	SEE ORDINANCE FOR MORE PARTICULAR INFORMATION.

4. TOTAL AREA OF PROJECT PARCELS IS APPROXIMATELY 29,859 SQUARE FEET.
5. BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON PLAN REFERENCE A, WITH UPDATED AND ADDITIONAL RESEARCH, AND FOUND MONUMENTATION. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON FIELD WORK PERFORMED BY SEBAGO TECHNICS, INC. IN MAY AND JUNE OF 2021 AND OFFSITE TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON LIDAR INFORMATION PUBLICLY AVAILABLE FROM NOAA THAT WAS FLOWN IN 2020.
6. PLAN REFERENCES:
   A. PLAN SHOWING A STANDARD BOUNDARY SURVEY MADE FOR GORHAM SAND AND GRAVEL ON POWSLAND STREET, PORTLAND, MAINE BY DANIEL J. DALFONSO LLC, (DRAWING NUMBER 1163), DATED FEBRUARY 14, 2007.
   B. PLAN OF PROPERTY BELONGING TO MARTIN CURRAN JR. BY PERCY RICHARDSON, DATED APRIL, 1902 AND RECORDED IN THE CCRD IN PLAN BOOK 9 PAGE 121.
   C. POWSLAND STREET / MITTON STREET SEWER REPLACEMENT PROJECT PLAN SET, BY THE CITY OF PORTLAND PUBLIC WORKS DEPARTMENT, DATED AUGUST OF 2020, P.P.W.D. VAULT NUMBER 01038_002R.
   D. POWSLAND STREET MONUMENT DRAWING BY PORTLAND PUBLIC WORKS.
   E. LOT CONFIGURATION PLAN, WILLOW, FOR NEPTUNE PROPERTIES, BY CIVIL CONSULTANTS, LAST DATED DECEMBER 2, 1996, AND RECORDED IN PLAN BOOK 197 PAGE 1.
7. PLAN ORIENTATION IS GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NAD83, ELEVATIONS DEPICTED HEREON ARE NGVD29(CITY OF PORTLAND DATUM), BASED ON DUAL FREQUENCY GPS OBSERVATIONS.
8. BENCHMARK:

BM-1	HORIZONTAL MAG NAIL IN UTILITY POLE 10	ELEVATION: 34.81' (CITY DATUM)
BM-2	FLANGE BOLT NEXT TO "N" IN OPEN	ELEVATION: 36.39' (CITY DATUM)

9. UTILITY INFORMATION DEPICTED HEREON, UNLESS OTHERWISE NOTED, IS OF QUALITY LEVEL D PER AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) STANDARD CI/ASCE 38-02. UTILITIES DEPICTED HEREON MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS AND/OR DESIGNERS NEED TO CONTACT DIG-SAFE SYSTEMS, INC. (1-888-DIG-SAFE) AND FIELD VERIFY EXISTING UTILITIES WITHIN THE PROJECT AREA PRIOR TO CONSTRUCTION AND/OR EXCAVATION.
10. THE LOCUS PROPERTY AS DEPICTED HEREON DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD AREA AS DELINEATED ON THE FLOOD INSURANCE RATE MAP FOR PORTLAND, MAINE, CUMBERLAND COUNTY, COMMUNITY-PANEL NUMBER 230051 0013 B, HAVING AN EFFECTIVE DATE OF JULY 17, 1986. THE LOCUS FALLS WITHIN AN AREA IDENTIFIED AS ZONE C, AREAS OF MINIMAL FLOODING.
11. ALL WORK SHALL CONFORM TO THE APPLICABLE CODES AND ORDINANCES.
12. CONTRACTOR SHALL VISIT THE SITE AND FAMILIARIZE HIM OR HERSELF WITH ALL CONDITIONS AFFECTING THE PROPOSED WORK AND SHALL MAKE PROVISIONS AS TO THE COST THEREOF. CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING HIM OR HERSELF WITH ALL CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS AND CONFIRMING THAT THE WORK MAY BE ACCOMPLISHED AS SHOWN PRIOR TO PROCEEDING WITH CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.
13. CONTRACTOR SHALL NOTIFY ENGINEER OF ALL PRODUCTS OR ITEMS NOTED AS "EXISTING" WHICH ARE NOT FOUND IN THE FIELD.
14. PROVIDE ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS AND OWNER'S REQUIREMENTS UNLESS SPECIFICALLY OTHERWISE INDICATED OR WHERE LOCAL CODES OR REGULATIONS TAKE PRECEDENCE.
15. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO FABRICATION AND ERECTION OF ANY MATERIAL. ANY UNUSUAL CONDITIONS SHALL BE REPORTED TO THE ATTENTION OF THE ENGINEER.
16. CONTRACTOR SHALL CLEAN AND REMOVE DEBRIS AND SEDIMENT DEPOSITED ON PUBLIC. STREETS, SIDEWALKS, ADJACENT AREAS, OR OTHER PUBLIC WAYS DUE TO CONSTRUCTION.
17. CONTRACTOR SHALL INCORPORATE PROVISIONS AS NECESSARY IN CONSTRUCTION TO PROTECT EXISTING STRUCTURES, PHYSICAL FEATURES, AND MAINTAIN SITE STABILITY DURING CONSTRUCTION. CONTRACTOR SHALL RESTORE ALL AREAS TO ORIGINAL CONDITION AND AS DIRECTED BY DESIGN DRAWINGS.
18. SITE CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS PRIOR TO CONSTRUCTION.
19. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH "MAINE EROSION AND SEDIMENT CONTROL BMPS" PUBLISHED BY THE BUREAU OF LAND AND WATER QUALITY OF THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, LATEST EDITION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO POSSESS A COPY OF THE EROSION CONTROL PLAN AT ALL TIMES.
20. THE CONTRACTOR IS HEREBY CAUTIONED THAT ALL SITE FEATURES SHOWN HEREON ARE BASED ON FIELD OBSERVATIONS BY THE SURVEYOR AND BY INFORMATION PROVIDED BY UTILITY COMPANIES. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR SHALL CONTACT DIG SAFE (811) AT LEAST THREE (3) BUT NOT MORE THAN THIRTY (30) DAYS PRIOR TO COMMENCEMENT OF EXCAVATION OR DEMOLITION TO VERIFY HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES.
21. CONTRACTOR SHALL BE AWARE THAT DIG SAFE ONLY NOTIFIES ITS "MEMBER" UTILITIES ABOUT THE DIG. WHEN NOTIFIED, DIG SAFE WILL ADVISE CONTRACTOR OF MEMBER UTILITIES IN THE AREA. CONTRACTOR IS RESPONSIBLE FOR IDENTIFYING AND CONTACTING NON-MEMBER UTILITIES DIRECTLY. NON-MEMBER UTILITIES MAY INCLUDE TOWN OR CITY WATER AND SEWER DISTRICTS AND SMALL LOCAL UTILITIES, AS WELL AS USG PUBLIC WORKS SYSTEMS.
22. CONTRACTORS SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THE REQUIREMENTS OF 23 MRSA 3360-A. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE WITH THE APPROPRIATE UTILITIES TO OBTAIN AUTHORIZATION PRIOR TO RELOCATION OF ANY EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS. IF A UTILITY CONFLICT ARISES, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER, THE MUNICIPALITY AND APPROPRIATE UTILITY COMPANY PRIOR TO PROCEEDING WITH ANY RELOCATION.
23. ALL PAVEMENT MARKINGS AND DIRECTIONAL SIGNAGE SHOWN ON THE PLAN SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) STANDARDS.
24. ALL PAVEMENT JOINTS SHALL BE SAWCUT PRIOR TO PAVING TO PROVIDE A DURABLE AND UNIFORM JOINT.
25. NO HOLES, TRENCHES OR STRUCTURES SHALL BE LEFT OPEN OVERNIGHT IN ANY EXCAVATION ACCESSIBLE TO THE PUBLIC OR IN PUBLIC RIGHTS-OF-WAY.
26. IMMEDIATELY UPON COMPLETION OF CUTS/FILLS, THE CONTRACTOR SHALL STABILIZE DISTURBED AREAS IN ACCORDANCE WITH EROSION CONTROL NOTES AND AS SPECIFIED ON PLANS.
27. THE CONTRACTOR SHALL BE FULLY AND SOLELY RESPONSIBLE FOR THE REMOVAL, REPLACEMENT AND RECTIFICATION OF ALL DAMAGED AND DEFECTIVE MATERIAL AND WORKMANSHIP IN CONNECTION WITH THE CONTRACT WORK. THE CONTRACTOR SHALL REPLACE OR REPAIR AS DIRECTED BY THE OWNER ALL SUCH DAMAGED OR DEFECTIVE MATERIALS WHICH APPEAR WITHIN A PERIOD OF ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION.
28. ALL WORK PERFORMED BY THE GENERAL CONTRACTOR AND/OR TRADE SUBCONTRACTOR SHALL CONFORM TO THE REQUIREMENTS OF LOCAL, STATE OR FEDERAL LAWS, AS WELL AS ANY OTHER GOVERNING REQUIREMENTS, WHETHER OR NOT SPECIFIED ON THE DRAWINGS.
29. WHERE THE TERMS "APPROVED EQUAL", "OTHER APPROVED", "EQUAL TO", "ACCEPTABLE" OR OTHER GENERAL QUALIFYING TERMS ARE USED IN THESE NOTES, IT SHALL BE UNDERSTOOD THAT REFERENCE IS MADE TO THE RULING AND JUDGEMENT OF SEBAGO TECHNICS, INC.
30. THE GENERAL CONTRACTOR SHALL PROVIDE ALL NECESSARY PROTECTION FOR THE WORK UNTIL TURNED OVER TO THE OWNER.
31. THE GENERAL CONTRACTOR SHALL MAINTAIN A CURRENT AND COMPLETE SET OF CONSTRUCTION DRAWINGS ON SITE DURING ALL PHASES OF CONSTRUCTION FOR USE OF ALL TRADES.
32. THE CONTRACTOR SHALL TAKE FULL RESPONSIBILITY FOR ANY CHANGES AND DEVIATION OF APPROVED PLANS NOT AUTHORIZED BY THE ARCHITECT/ENGINEER AND/OR CLIENT/OWNER.
33. DETAILS ARE INTENDED TO SHOW END RESULT OF DESIGN. ANY MODIFICATION TO SUIT FIELD DIMENSION AND CONDITION SHALL BE SUBMITTED TO THE ENGINEER FOR REVIEW AND APPROVAL PRIOR TO ANY WORK.
34. BEFORE THE FINAL ACCEPTANCE OF THE PROJECT, THE CONTRACTOR SHALL REMOVE ALL EQUIPMENT AND MATERIALS, REPAIR OR REPLACE PRIVATE OR PUBLIC PROPERTY WHICH MAY HAVE BEEN DAMAGED OR DESTROYED DURING CONSTRUCTION, CLEAN THE AREAS WITHIN AND ADJACENT TO THE PROJECT WHICH HAVE BEEN OBSTRUCTED BY HIS/HER OPERATIONS, AND LEAVE THE PROJECT AREA NEAT AND PRESENTABLE.
35. ALL GRAVITY CONDUIT PIPES SHALL BE INSTALLED USING A PIPE LASER AND TARGET SYSTEM THROUGH THE PIPE. ON PIPE RUNS 50 FEET OR LESS, THE THE CONTRACTOR SHALL REQUEST ENGINEER'S APPROVAL TO USE A GROUND LASER.
36. SIDESLOPES SHALL NOT BE STEEPER THAN 3:1 (H:V) EXCEPT AS OTHERWISE IDENTIFIED ON THIS PLAN. ALL SIDESLOPES STEEPER THAN 3:1 (H: V) SHALL BE LINED WITH EROSION CONTROL BLANKET.
37. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING FLOW THROUGH THE EXISTING CLOSED STORM DRAINAGE SYSTEM DURING CONSTRUCTION AND SHALL SUBMIT A WORK PLAN FOR APPROVAL BY THE DESIGN ENGINEER.

UTILITY DEMOLITION NOTES

1. PROTECT EXISTING BOUNDARY LINE MONUMENTATION. IF DISTURBED, EXISTING MONUMENTATION TO BE RESET BY A PROFESSIONAL LAND SURVEYOR.
2. DEMOLITION OF UTILITIES REQUIRING TREE REMOVAL SHALL BE COORDINATED WITH THE OWNER AND IN ACCORDANCE WITH PROJECT PLANS.
3. UTILITY DEMOLITION SHALL BE COMPLETED IN COORDINATION WITH NEW INFRASTRUCTURE. CONTRACTOR SHALL ENSURE EXISTING SURFACE DRAINAGE IS MAINTAINED DURING CONSTRUCTION.
4. EXISTING SEWER AND STORM DRAINAGE INFRASTRUCTURE TO REMAIN ACTIVE DURING CONSTRUCTION AND UPON COMPLETION OF PROJECT. DEMOLITION/CONSTRUCTION ACTIVITIES SHALL NOT INTERFERE OR IMPEDE EXISTING FLOWS. CONTRACTOR SHALL PROVIDE BYPASS PUMPING AS REQUIRED DURING SEWER AND STORM DEMOLITION AND NEW CONSTRUCTION. DAMAGE TO EXISTING SEWER INFRASTRUCTURE SHALL BE REPAIRED BY CONTRACTOR AT THEIR EXPENSE.
5. PROTECT EXISTING UTILITIES NOT CALLED OUT TO BE REMOVED DURING CONSTRUCTION.
6. DEMOLITION SHOWN IS FOR MAJOR SITE ELEMENTS TO BE DEMOLISHED. OTHER MINOR DEMOLITION MAY BE REQUIRED AS PART OF CONSTRUCTION AND SHALL BE CONSIDERED INCIDENTAL TO THE COST OF CONSTRUCTION. COORDINATE ALL DEMOLITION WORK WITH SITE AND BUILDING DRAWINGS.
7. PRIOR TO ANY DEMOLITION, THE CONTRACTOR SHALL SUBMIT A SEQUENCE OF DEMOLITION PLANS TO THE OWNER. THIS PLAN SHALL DEPICT LOCATIONS OF PROPOSED TERMINATIONS AND ANY TEMPORARY SERVICES THAT WILL BE NEEDED.
8. CONTRACTOR REQUIRED TO CONFIRM/MAINTAIN BENCHMARKS. IF IMPACTED CONTRACTOR IS RESPONSIBLE FOR NOTIFICATION/RELOCATION AND COORDINATION WITH PROJECT TEAM.

GRADING & EROSION NOTES

1. SIDESLOPES SHALL NOT BE STEEPER THAN 3:1 (H:V) EXCEPT AS OTHERWISE IDENTIFIED ON THIS PLAN. ALL SIDESLOPES STEEPER THAN 3:1 (H: V) SHALL BE LINED WITH EROSION CONTROL BLANKET, OR ADDITIONAL MEASURES AS INDICATED.
2. ALL SEDIMENT AND EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH "MAINE EROSION AND SEDIMENT CONTROL BMPS" MANUAL PUBLISHED BY BUREAU OF LAND AND WATER QUALITY MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, LATEST EDITION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO POSSESS A COPY OF THE EROSION CONTROL PLAN AT ALL TIMES.
3. ALL AREAS DISTURBED DURING CONSTRUCTION AND NOT RESTORED WITH IMPERVIOUS SURFACES (BUILDINGS, PAVEMENTS, WALKS, ETC.) SHALL RECEIVE LOAM AND SEED PER DETAIL.
4. SEE UTILITY DRAWINGS FOR PIPE AND STRUCTURE DATA TABLES.

CONSTRUCTION PLAN

1. PROVIDE EROSION CONTROL MEASURES PRIOR TO SITE DISTURBANCE.
2. WETLANDS, ASSOCIATED SETBACKS AND STREAM SETBACKS TO BE STAKED BY OWNER PRIOR TO SITE DISTURBANCE.
3. GRADING AND CLEARING LIMITS SHALL NOT ENCROACH ON ADJACENT PROPERTIES UNLESS NOTED OTHERWISE ON THE PLANS.
4. OPEN AREAS SHALL BE LIMITED TO AREAS BEING WORKED IN. THE AREA STRIPPED OF EXISTING VEGETATION AT ANY GIVEN TIME SHALL BE MINIMIZED AND BE PHASED WHERE PRACTICAL SO THAT AREAS ARE REVEGETATED AND PERMANENTLY STABILIZED BEFORE ADDITIONAL AREAS ARE STRIPPED OF EXISTING VEGETATION. CONSTRUCTION BY USE OF RIPRAP, SEED, MULCH, OR OTHER GROUND COVER WITHIN ONE WEEK FROM THE TIME IT WAS ACTIVELY WORKED. SURFACES SHALL BE STABILIZED PRIOR TO DIRECTING STORMWATER RUNOFF TOWARD STORMWATER BMPS. PLEASE REFER TO DRAINAGE PLANS FOR WATERSHED AREAS.

UTILITY NOTES

1. UTILITY INFORMATION DEPICTED HEREON IS COMPILED USING PHYSICAL EVIDENCE LOCATED IN THE FIELD. UTILITIES DEPICTED HEREON MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS AND/OR DESIGNERS NEED TO CONTACT DIG-SAFE SYSTEMS, INC. (1-888-DIG-SAFE) AND FIELD VERIFY EXISTING UTILITIES PRIOR TO CONSTRUCTION AND/OR EXCAVATION. PROTECT EXISTING ONSITE SEWER PIPE AND ADJUST MANHOLE RIMS TO GRADE WHERE APPLICABLE.
2. ALL GRAVITY CONDUIT PIPES SHALL BE INSTALLED USING A PIPE LASER AND TARGET SYSTEM THROUGH THE PIPE. ON PIPE RUNS 50 FEET OR LESS, THE CONTRACTOR SHALL REQUEST ENGINEER'S APPROVAL TO USE OR NOT USE A GROUND LASER.
3. MAINTAIN MINIMUM 5'-6" OF COVER ABOVE TOP OF WATER SERVICE PIPE.
4. MAINTAIN MINIMUM 10 FEET HORIZONTAL SEPARATION BETWEEN WATER MAINS AND OTHER UTILITIES. MAINTAIN MINIMUM 18 INCHES VERTICAL SEPARATION BETWEEN WATER MAINS AND OTHER UTILITIES.
5. LOWER OR RAISE WATER SERVICES AS REQUIRED TO MAINTAIN MINIMUM 12 INCH VERTICAL SEPARATION FROM OTHER UTILITIES. WATER SERVICES CROSSING SEWERS SHALL PROVIDE 12 INCH MINIMUM SEPARATION BETWEEN THE BOTTOM OF WATER LINE AND TOP OF SEWER UNLESS NOTED OTHERWISE ON THE PLANS.
6. PIPE:
   - SEWER PIPE SHALL BE SDR 35 PVC OR APPROVED EQUAL.
   - FORCEMAIN PIPE SHALL BE DR-11 HDPE OR APPROVED EQUAL.
   - STORMDRAIN SHALL BE ADS N-12 DUAL WALL HDPE PIPE WITH SMOOTH-WALLED INTERIOR OR APPROVED EQUAL UNLESS NOTED OTHERWISE ON THE UTILITY PLANS.
   - WATER PIPE AND FITTINGS SHALL CONFORM TO PORTLAND WATER DISTRICT WATER PIPING SPECIFICATIONS. MAIN WATER SERVICE PIPE SHALL BE DUCTILE IRON, CLASS 52 PUSH-ON PIPE MEETING THE REQUIREMENTS OF AWWA/ANSI C-111/A21.11 (LATEST REVISION). PIPE SHALL BE CEMENT-LINED AWWA/ANSI C104/A21.4 WITH LINING TWICE THE THICKNESS SPECIFIED, AND COATED TWICE WITH A BITUMINOUS SEAL COATING. PROVIDE THRUST BLOCKS AT ALL WATER SERVICE BENDS.
7. COORDINATE FOUNDATION DRAIN LOCATION, ELEVATION, AND DAYLIGHT LOCATION WITH THE DESIGN ENGINEER PRIOR TO CONSTRUCTION OF THE FOUNDATION FOOTINGS.
8. COORDINATE UTILITY INVERTS AT BUILDING WITH ARCHITECTURAL, STRUCTURAL AND PLUMBING DRAWINGS.
9. COORDINATE LOCATION OF SEWER, WATER, GAS, FOUNDATION DRAINS AND ROOF DRAIN INVERTS AT THE BUILDING WITH ARCHITECTURAL DRAWINGS.
10. WATER SERVICE ENTRANCE DESIGNS TO INCLUDE METERS AND BACKFLOW PREVENTERS TO MEET ALL STANDARDS AND REQUIREMENTS OF THE PORTLAND WATER DISTRICT.
11. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY GRADE CHANGES THAT WILL IMPACT STORM DRAINAGE INFRASTRUCTURE OR OTHER UTILITIES.
12. CATCH BASIN RIM ELEVATIONS NOTED ON PLANS AND IN THE STRUCTURES TABLE ARE TRUE RIM INVERT ELEVATIONS AND REFLECT A 1.5" DEPRESSION BELOW NORMAL GUTTER LINE PAVEMENT GRADES IN ACCORDANCE WITH THE DETAILS AND CITY OF PORTLAND STANDARDS. SEE SHEET 10 FOR GUTTER GRADE TRANSITION DETAIL.
13. UTILITIES WITHIN 5 FEET FROM FACE OF BUILDING ARE COORDINATED ON RELEVANT M.E.P. DRAWINGS. CONTRACTOR SHALL COORDINATE INVERTS, CONNECTIONS AND MATERIALS WITH ALL DRAWINGS.
14. PROVIDE AN OIL BOOM IN EVERY CATCH BASIN WITHIN A PAVED AREA.
15. CONTRACTOR SHALL FURNISH AND INSTALL TRENCHING, MATERIALS AND BACKFILL FOR ALL UTILITIES. ELECTRICAL AND TELECOM/DATA PROVIDERS WILL PULL PRIMARY SERVICE TO TRANSFORMER AND PANEL. CONTRACTOR RESPONSIBLE FOR TIMING AND COORDINATION WITH UTILITIES AND DRAWINGS. COORDINATE WITH ELECTRICAL DRAWINGS FOR CONDUIT SCHEDULE, TYPE AND SIZES.
16. COORDINATE ALL WATER RELATED WORK WITH PORTLAND WATER DISTRICT.
17. UTILITY CONTACTS:
    ELECTRIC:
    CENTRAL MAINE POWER (CMP)
    VAN A. HOBGOOD, DISTRIBUTION ENGINEERING
    (207) 490-3075
    WATER:
    PORTLAND WATER DISTRICT
    GORDON JOHNSON, ENGINEER
    (207) 774-3091
    FAIRPOINT:
    RICHARD JENSEN
    (207)797-1015

LANDSCAPE NOTES

1. PLANT QUANTITIES SHOWN ON PLANT LISTS ARE FOR CONVENIENCE TO THE CONTRACTOR ONLY. THE CONTRACTOR IS RESPONSIBLE FOR ALL PLANT MATERIAL INSTALLATION AS SHOWN ON PLANS.
2. SIZE AND GRADING STANDARDS OF PLANT MATERIALS SHALL CONFORM TO THE LATEST EDITION OF "U.S.A. STANDARD FOR NURSERY STOCK," BY THE AMERICAN ASSOCIATION OF NURSERYMEN, INC.
3. ALL PLANT MATERIAL SHALL BE FREE FROM INSECTS AND DISEASE.
4. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH ACCEPTABLE HORTICULTURAL PRACTICES. THIS IS TO INCLUDE PROPER PLANTING MIX, PLANT BED AND TREE PIT PREPARATION, PRUNING, STAKING OR GUYING, WRAPPING, SPRAYING, FERTILIZATION, PLANTING AND ADEQUATE MAINTENANCE UNTIL ACCEPTANCE BY THE OWNER.
5. PLANT MATERIAL SHALL BE GUARANTEED FOR A PERIOD OF ONE YEAR BY THE CONTRACTOR AND A PERIOD OF TWO YEARS THEREAFTER BY THE OWNER FROM DATE OF INSTALLATION. DURING THE ONE YEAR GUARANTEE PERIOD, DEAD PLANT MATERIAL SHALL BE REPLACED AT NO COST TO THE OWNER. AT THE END OF THE ONE YEAR PERIOD, THE CONTRACTOR SHALL OBTAIN FINAL ACCEPTANCE FROM THE OWNER.
6. ALL GRASS, OTHER VEGETATION AND DEBRIS SHALL BE REMOVED FROM ALL PLANTING AREAS PRIOR TO PLANTING.
7. EXISTING TREES TO BE PRESERVED WILL BE PROTECTED DURING CONSTRUCTION AND SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
8. THE LANDSCAPE CONTRACTOR IS ADVISED OF THE PRESENCE OF THE UNDERGROUND UTILITIES AND SHALL VERIFY THE EXISTENCE AND LOCATION OF SAME BEFORE COMMENCING AND DIGGING OPERATIONS. THE LANDSCAPE CONTRACTOR SHALL REPLACE OR REPAIR UTILITIES, PAVING, WALKS, CURBING, ETC. DAMAGED IN PERFORMANCE OF THIS JOB AT NO ADDITIONAL COST TO THE OWNER.
9. ALL SHRUB BEDS SHALL BE MULCHED WITH 3" CLEAN SHREDDED DARK BROWN BARK MULCH.
10. THE CONTRACTOR SHALL PROVIDE 4" LOAM FOR ALL AREAS TO BE SODDED OR SEEDED. PLANTING AREAS SHALL RECEIVE 12" ROLLED THICKNESS OF LOAM. THE LANDSCAPE CONTRACTOR SHALL COORDINATE SUBGRADE PREPARATION WITH THE GENERAL CONTRACTOR PRIOR TO PLACING LOAM.
11. ANY DEVIATION FROM THE LANDSCAPE PLAN, INCLUDING PLANT LOCATION, SELECTION, SIZE, QUANTITY OR CONDITION SHALL BE REVIEWED AND APPROVED BY THE OWNER AND LANDSCAPE ARCHITECT (AND MUNICIPAL AUTHORITY, IF APPLICABLE) PRIOR TO INSTALLATION ON SITE.
12. WHERE INDICATED ON PLAN, PLANTING SOIL MIXTURE FOR PERENNIAL AND ANNUAL FLOWER BED AREAS SHALL CONSIST OF FOUR PARTS TOPSOIL, TWO PARTS SPHAGNUM PEAT MOSS, AND ONE PART HORTICULTURAL PERLITE BY VOLUME. PEAT MOSS MAY BE SUBSTITUTED WITH WELL-ROTTED OR DEHYDRATED MANURE OR COMPOST. ROTOTILL BEDS TO A DEPTH OF 8 INCHES.
13. DURING CLEANING OF SITE AND PRIOR TO TREE AND SHRUB INSTALLATION, CONTRACTOR SHALL REMOVE INVASIVE PLANTS. AREAS WHERE INVASIVE PLANTS ARE REMOVED AND NO OTHER PLANTING IS PROPOSED, AREA SHALL BE LOAM AND SEEDED.

PAUL D. OSTROWSKI, PE11175

STATE OF MAINE — PAUL D. OSTROWSKI — 11175 — REGISTERED PROFESSIONAL ENGINEER — 03/03/2023

HENRY A. HESS, RLA 4841

STATE OF MAINE — HENRY HESS — 4841 — REGISTERED LANDSCAPE ARCHITECT — 03/03/2023

REV.	BY	DATE:	STATUS
A	HAH	09-10-21	ISSUED TO CLIENT FOR REVIEW
B	HAH	05-02-22	ISSUED FOR CITY REVIEW
C	HAH	01-11-23	REVISED FROM COMMENTS ON 09/29/22
D	HAH	03-01-23	REVISED FROM COMMENTS ON 02/09/23

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.

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

NOTES AND LEGEND

OF:
LOTS 65-70
POWSLAND STREET
PORTLAND, MAINE

FOR:
STJ, INC.
P.O. BOX 58
GORHAM, ME 04038

DESIGNED	JSH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	NTS
PROJECT	07360-01

07360-01 NL.dwg, TAB:NL

SHEET 2 OF15

GRID N

CONTRACTOR TO INSTALL RIP RAP APRON AT CULVERT OUTLET, TYP. SEE DETAILS

N/F MINH HOANG 37769/154 190-K-030

N/F DALE HOLMAN 21057/298 190-K-031

N/F JAMES SLOAN 15701/130 190-K-024

N/F JAMES SLOAN 14851/295 190-K-020

N/F STJ INC 24766/258 190-K-010 LOTS 66-70

N/F STJ INC 35884/177 190-K-009

N/F STJ INC 35884/177 190-K-008

N/F MYRNA & DAVINE VANCE 35627/53 190-K-007

N 22°17'02" W 0.37'
S 22°17'02" E 6.36'

N 18°06'18" E 50.05'

R5 ZONE / B5 ZONE

N 18°06'18" E 50.05'

N 18°06'18" E 45.02'

33.26'

N 15°33'23" E 49.71'

N 15°33'23" E 50.00'

N 15°33'23" E 50.00'

41.75'

N 74°26'37" W 17.51'

19.86'

S 15°28'07" W 138.23'

38.23'

20.02'

15.00'

90.00'

15.00'

15.00'

15.00'

15.00'

15'

DRAINAGE EASEMENT FOR CONVEYANCE, TREATMENT, AND STORAGE OF STORMWATER

N 15°28'07" E 192.95'

50.00'

50.00'

50.00'

50.00'

50.00'

R-TANK STORAGE SYSTEM

FOCAL POINT

SHORELAND ZONE (250' FROM MEAN HIGH WATER MARK ON TRIBUTARY OF FORE RIVER)

CMP EASEMENT

N 74°26'37" W 102.23'

LOT 70 5,061 S.F.

EXISTING POND

N 74°26'37" W 64.76'

N 74°26'37" W 100.00'

42.95'

LOT 69 SINGLE FAMILY UNIT 4,949 S.F.

LOT 68 DUPLEX UNIT 4,861 S.F.

LOT 67 DUPLEX UNIT 5,000 S.F.

LOT 66 DUPLEX UNIT 5,000 S.F.

LOT 65 DUPLEX UNIT 5,000 S.F.

64.83'

N 74°26'37" W 100.00'

64.98'

N 74°26'37" W 100.00'

64.98'

N 74°26'37" W 100.00'

65.05'

S 74°26'37" E 100.00'

N 74°26'37" W 100.00'

N 15°33'23" E 22.95'

30' TURNAROUND EASEMENT AREA

7.05'

4.00'

N 74°26'37" W 27.05'

22.95'

7.05'

4.00'

50.00'

50.00'

50.00'

50.00'

50.00'

S 15°33'23" W - 50.00'

S 15°33'23" W - 50.00'

S 15°33'23" W

S 15°33'23" W

S 15°33'23" W

N 15°33'23" E

24'

SNOW STORAGE

B5 ZONE / R5 ZONE

3+70 3+50 3+00 2+50 2+00 1+50 1+00 0+50 0+00

50' 50' 50'

40' R/W

GRAPHIC SCALE
20 0 10 20 40
(IN FEET)
1 INCH = 20 FT.

PAUL D. OSTROWSKI, PE11175
STATE OF MAINE PAUL D. OSTROWSKI No. 11175 LICENSED PROFESSIONAL ENGINEER 03/03/2023

HENRY A. HESS, RLA 4841
STATE OF MAINE HENRY HESS 4841 LICENSED LANDSCAPE ARCHITECT 03/03/2023

REV	BY	DATE	STATUS
A	HAH	09-10-21	ISSUED TO CLIENT FOR REVIEW
B	HAH	05-02-22	ISSUED FOR CITY REVIEW
C	HAH	01-11-23	REVISED FROM COMMENTS ON 09/28/22
D	HAH	03-01-23	REVISED FROM COMMENTS ON 02/09/23

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

OVERALL SITE PLAN

OF:
LOTS 65-70
POWSLAND STREET
PORTLAND, MAINE

FOR:
STJ, INC.
P.O. BOX 58
GORHAM, ME 04038

DESIGNED	JSH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	1" = 20'
PROJECT	07360-01

SHEET 3 OF15

07360-01 S.dwg, TAB:OVERALL SITE PLAN

R5 ZONE
B5 ZONE
GRID
OUTLET CONTROL STRUCTURE (OCS-1)
INSTALL MAINTENANCE PORT, SEE R-TANK DETAIL
R-TANK STORAGE SYSTEM
RIP RAP APRON
SHORELAND ZONE (250' FROM MEAN HIGH WATER MARK ON TRIBUTARY OF FORE RIVER)
OVERFLOW DRAIN
FOCAL POINT
CMP EASEMENT
N/F
STJ INC
24766/258
190-K-010
LOTS 66-70
BUILDING DOWNSPOUT LOCATIONS TO BE CORDINATED WITH ARCHITECT, TYPICAL, ALL BUILDINGS
N/F
STJ INC
35884/177
190-K-009
LOT 69 SINGLE FAMILY UNIT
LOT 68 DUPLEX UNIT
LOT 67 DUPLEX UNIT
LOT 66 DUPLEX UNIT
LOT 65 DUPLEX UNIT
SNOW STORAGE
10'
20' TYPICAL
8'x5' FRONT PORCH, TYPICAL
T
CITY OF PORTLAND STANDARD 'NO PARKING' SIGNAGE (1 OF 2)
24'
3'R
LSA
4' TYPICAL
SNOW STORAGE
DRAIN MANHOLE, TYPICAL
WOOD GUARDRAIL, TYPICAL. SEE DETAIL.
BITUMINOUS VEHICLE PAVING
GRANITE CURB TIPDOWN, TYP. SEE DETAIL
CATCH BASIN WITH GRANITE HEADSTONE, TYP. SEE DETAIL
SAWCUT LINE MATCH EXISTING GRADE, TYPICAL
B5 ZONE
R5 ZONE
3+50
3+00
2+50
2+00
1+50
1+00
0+50
VERTICAL GRANITE CURB, TYPICAL. SEE DETAIL
CITY OF PORTLAND STANDARD 'NO PARKING' SIGNAGE (1 OF 2)
GATED PAVED TURNAROUND
40'R
30'R
PROPOSED STREET LIGHT, TYPICAL, SEE UTILITY PLAN
STORMTREE MODEL ST-4X10-SUL, SEE DETAILS.
EXISTING LIGHT POLE
EXISTING FIRE HYDRANT, PROTECT IN PLACE.
PROPOSED GATE, SEE DETAIL SHEET 12

GRAPHIC SCALE
10 0 5 10 20
(IN FEET)
1 INCH = 10 FT.

PAUL D. OSTROWSKI, PE 11175
HENRY A. HESS, RLA 4841

STATE OF MAINE
PAUL D. OSTROWSKI
No. 11175
PROFESSIONAL ENGINEER
03/23/2023

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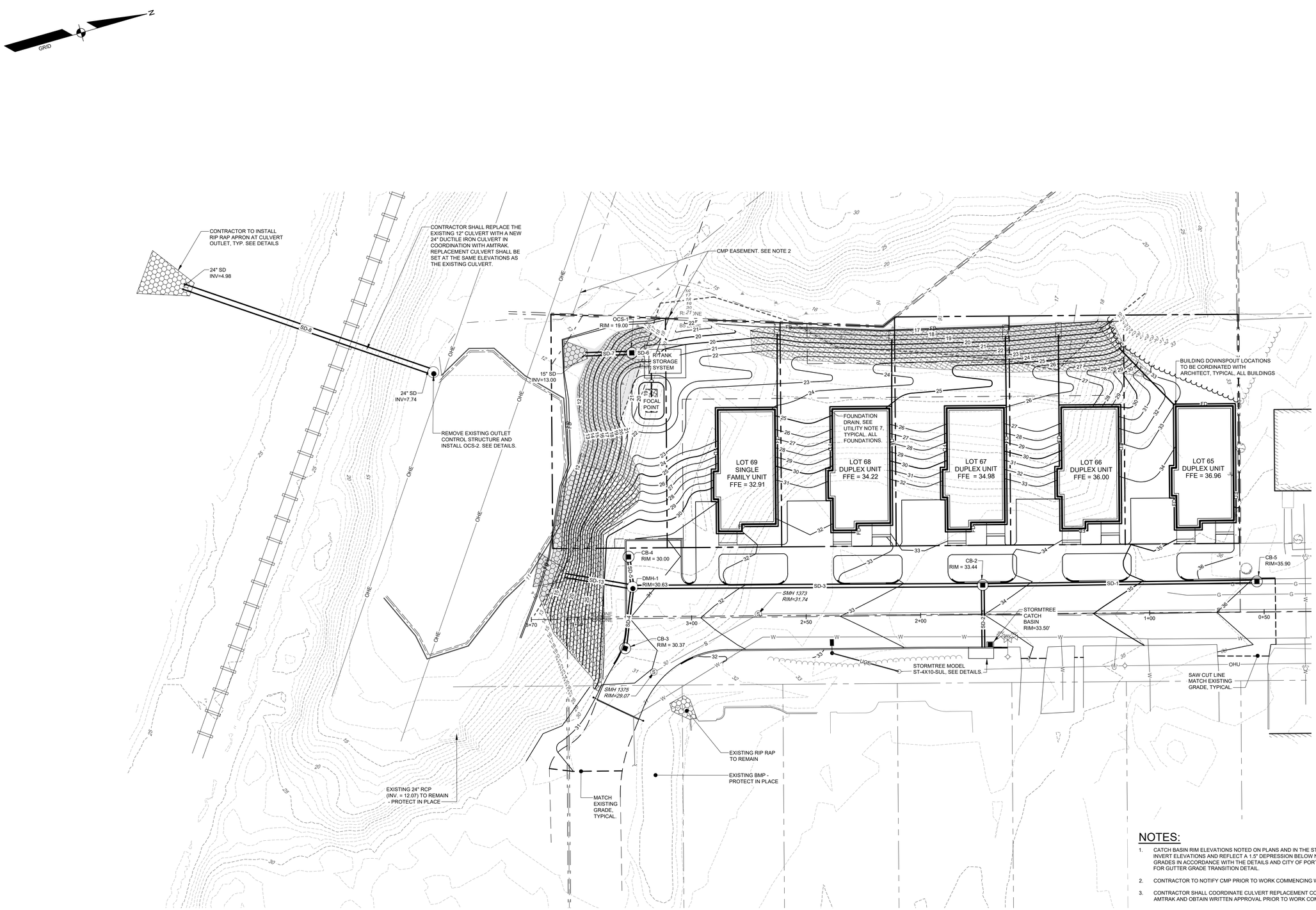
SITE PLAN
OF:
LOTS 65-70
POWSLAND STREET
PORTLAND, MAINE
FOR:
STJ, INC.
P.O. BOX 58
GORHAM, ME 04038

DESIGNED	JSH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	1" = 10'
PROJECT	07360-01

07360-01 S.dwg, TAB:SITE PLAN

SHEET 4 OF15



NOTES:

1. CATCH BASIN RIM ELEVATIONS NOTED ON PLANS AND IN THE STRUCTURES TABLE ARE TRUE RIM INVERT ELEVATIONS AND REFLECT A 1.5" DEPRESSION BELOW NORMAL GUTTER LINE PAVEMENT GRADES IN ACCORDANCE WITH THE DETAILS AND CITY OF PORTLAND STANDARDS. SEE SHEET 10 FOR GUTTER GRADE TRANSITION DETAIL.
2. CONTRACTOR TO NOTIFY CMP PRIOR TO WORK COMMENCING WITHIN CMP EASEMENT.
3. CONTRACTOR SHALL COORDINATE CULVERT REPLACEMENT CONSTRUCTION METHODS WITH AMTRAK AND OBTAIN WRITTEN APPROVAL PRIOR TO WORK COMMENCING.

GRAPHIC SCALE
20 0 10 20 40
(IN FEET)
1 INCH = 20 FT.

PAUL D. OSTROWSKI, PE11175
STATE OF MAINE PAUL D. OSTROWSKI No. 11175 LICENSED PROFESSIONAL ENGINEER
03/03/2023

HENRY A. HESS, RLA 4841
LANDSCAPE ARCHITECT HENRY HESS 4841 STATE OF MAINE
03/03/2023

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OVERALL GRADING AND UTILITY PLAN

OF:
LOTS 65-70
POWSLAND STREET
PORTLAND, MAINE

FOR:
STJ, INC.
P.O. BOX 58
GORHAM, ME 04038

DESIGNED	JSH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	1" = 20'
PROJECT	07360-01

SHEET 5 OF15

07360-01 GU.dwg, TAB-OVERALL GRADING AND UTILITY PLAN

GRID N

OCS-1
RIM = 19.00

R5 ZONE
B5 ZONE

CONSTRUCT RIP RAP APRON, TYP. SEE DETAIL

15" SD
INV=13.00

SD-7
SD-6

R-TANK STORAGE SYSTEM

OVERFLOW DRAIN

FOCAL POINT

1,725 SF WETLAND IMPACTS

INSTALL DOUBLE ROW FILTER BARRIER

INSTALL EROSION CONTROL BLANKET ON SLOPES STEEPER THAN 3:1 (NORTH AMERICAN GREEN SC150 OR EQUAL)

1.5 : 1 AND 1:1 SIDESLOPE, STABILIZE WITH MDOT HEAVY RIPRAP (703.28)

INSTALL EROSION CONTROL BLANKET ON SLOPES STEEPER THAN 3:1 (NORTH AMERICAN GREEN SC150 OR EQUAL)

COORDINATE FOUNDATION DRAIN LOCATION, ELEVATION, AND DAYLIGHT LOCATION WITH THE DESIGN ENGINEER PRIOR TO CONSTRUCTION OF THE FOUNDATION FOOTINGS, TYPICAL.

INSTALL DOUBLE ROW FILTER BARRIER

1,592 SF WETLAND IMPACTS

BUILDING DOWNSPOUT LOCATIONS TO BE CORDINATED WITH ARCHITECT, TYPICAL, ALL BUILDINGS

FOUNDATION DRAIN, SEE UTILITY NOTE 7, TYPICAL. ALL FOUNDATIONS.

LOT 69
SINGLE FAMILY UNIT
FFE = 32.91

LOT 68
DUPLEX UNIT
FFE = 34.22

LOT 67
DUPLEX UNIT
FFE = 34.98

LOT 66
DUPLEX UNIT
FFE = 36.00

LOT 65
DUPLEX UNIT
FFE = 36.96

BC:30.80
TC:31.30

CB-4
RIM = 29.95

CB-13
RIM=30.63

CB-3
RIM = 30.37

CB-2
RIM = 33.44

SD-5
SD-13
SD-4
SD-3
SD-1
SD-2

SMH 1373
RIM=31.74

CONTRACTOR SHALL RAISE SMH 1373 RIM TO ELEV. ±32.47' TO BE FLUSH WITH NEW PAVEMENT SURFACE.

24.42-10" CLAY

23.82-10" CLAY

STORMTREE CATCH BASIN RIM=33.50'

STORMTREE MODEL ST-4X10-SUL, SEE DETAILS.

EXISTING STREET LIGHT

SAW CUT LINE
MATCH EXISTING GRADE, TYPICAL.

SMH 1375
RIM=29.07

CONTRACTOR SHALL RAISE SMH 1375 RIM ELEV. ±31.06' TO BE FLUSH WITH NEW PAVEMENT SURFACE.

EXISTING RIP RAP TO REMAIN

MATCH EXISTING GRADE, TYPICAL.

EXISTING BMP - PROTECT IN PLACE

GRAPHIC SCALE
10 0 5 10 20
(IN FEET)
1 INCH = 10 FT.

STATE OF MAINE
PAUL D. OSTROWSKI
No. 11175
REGISTERED PROFESSIONAL ENGINEER
01/11/2023

PAUL D. OSTROWSKI, PE11175

HENRY A. HESS, RLA 4841

REV.	BY	DATE:	STATUS
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GRADING AND DRAINAGE PLAN

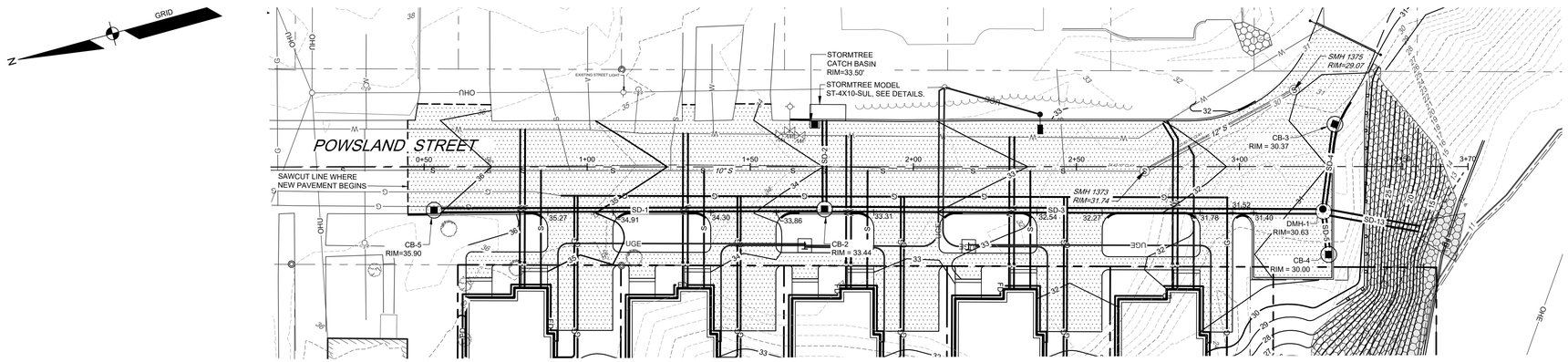
OF:
LOTS 65-70
POWSLAND STREET
PORTLAND, MAINE

FOR:
STJ, INC.
P.O. BOX 58
GORHAM, ME 04038

DESIGNED	JSH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	1" = 10'
PROJECT	07360-01

SHEET 6 OF15

07360-01 GU.dwg, TAB:GRADING AND DRAINAGE PLAN

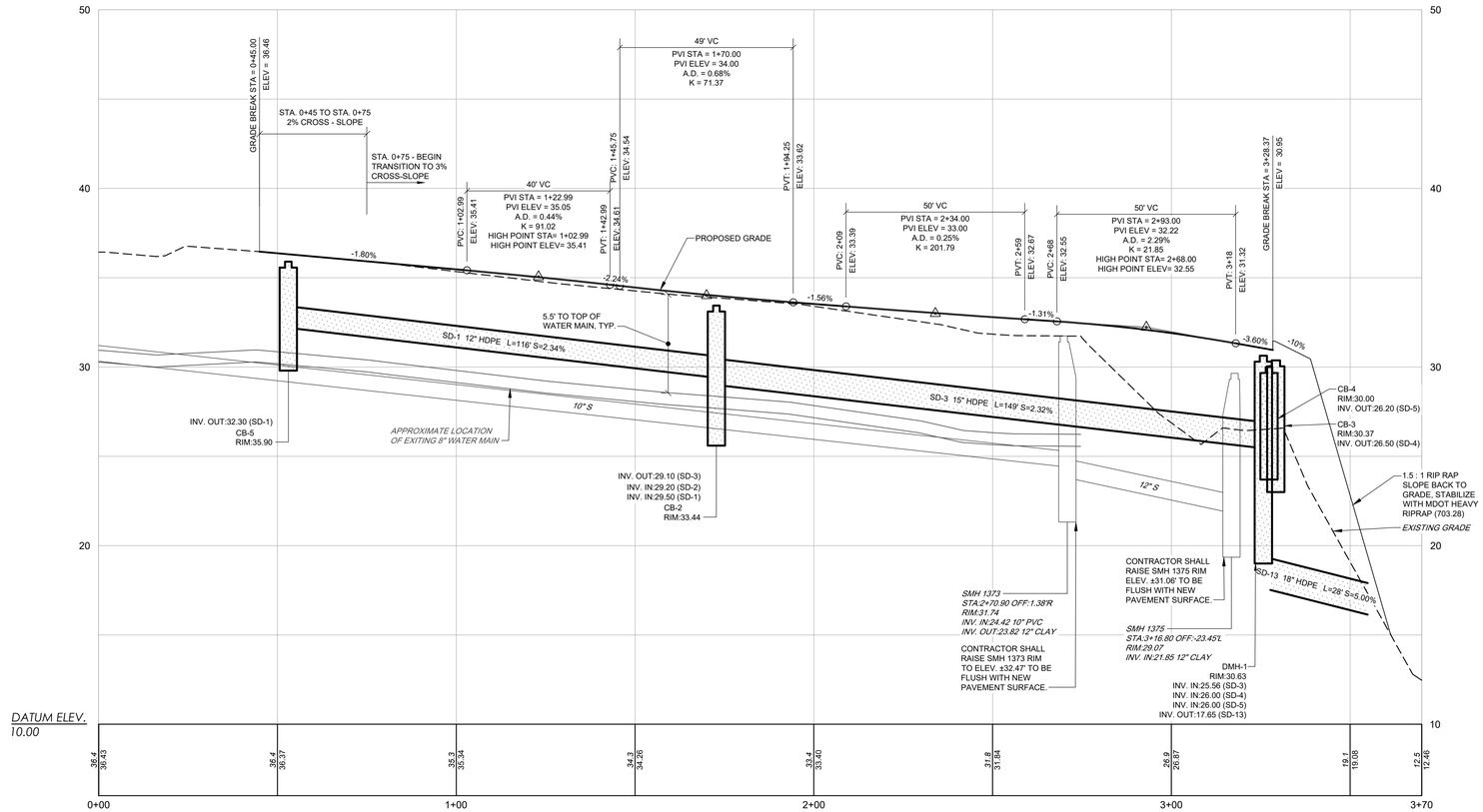


POWSLAND STREET - PLAN

SCALE: 1"=20'

NOTES:

1. CATCH BASIN RIM ELEVATIONS NOTED ON PLANS AND IN THE STRUCTURES TABLE ARE TRUE RIM INVERT ELEVATIONS AND REFLECT A 1.5" DEPRESSION BELOW NORMAL GUTTER LINE PAVEMENT GRADES IN ACCORDANCE WITH THE DETAILS AND CITY OF PORTLAND STANDARDS. SEE SHEET 10 FOR GUTTER GRADE TRANSITION DETAIL.



POWSLAND STREET - PROFILE

SCALE: H: 1"=20' / V: 1"=4'

PAUL D. OSTROWSKI, PE11175

STATE OF MAINE — PAUL D. OSTROWSKI — No. 11175 — LICENSED PROFESSIONAL ENGINEER — 03/03/2023

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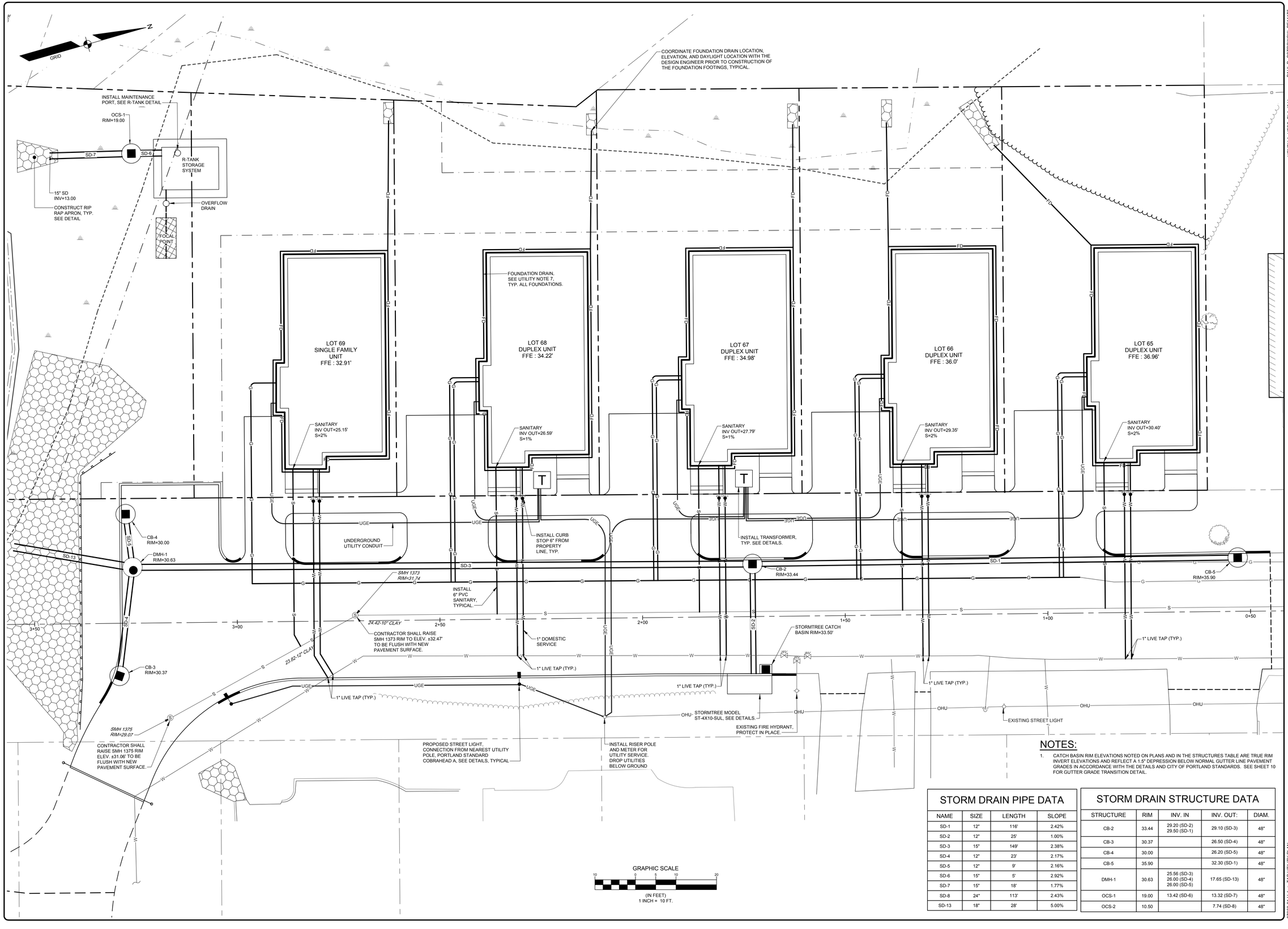
PLAN AND PROFILE - POWSLAND STREET

OF: LOTS 65-70
POWSLAND STREET
PORTLAND, MAINE
FOR: STJ, INC.
P.O. BOX 58
GORHAM, ME 04038

DESIGNED	JSH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	NTS
PROJECT	07360-01

SHEET 7 OF15

07360-01 PP dwg, TAB-PLAN AND PROFILE - POWSLAND STREET



NOTES:

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STORM DRAIN PIPE DATA

NAME	SIZE	LENGTH	SLOPE
SD-1	12"	116'	2.42%
SD-2	12"	25'	1.00%
SD-3	15"	149'	2.38%
SD-4	12"	23'	2.17%
SD-5	12"	9'	2.16%
SD-6	15"	5'	2.92%
SD-7	15"	18'	1.77%
SD-8	24"	113'	2.43%
SD-13	18"	28'	5.00%

STORM DRAIN STRUCTURE DATA

STRUCTURE	RIM	INV. IN	INV. OUT:	DIAM.
CB-2	33.44	29.20 (SD-2) 29.50 (SD-1)	29.10 (SD-3)	48"
CB-3	30.37		26.50 (SD-4)	48"
CB-4	30.00		26.20 (SD-5)	48"
CB-5	35.90		32.30 (SD-1)	48"
DMH-1	30.63	25.56 (SD-3) 26.00 (SD-4) 26.00 (SD-5)	17.65 (SD-13)	48"
OCS-1	19.00	13.42 (SD-6)	13.32 (SD-7)	48"
OCS-2	10.50		7.74 (SD-8)	48"

PAUL D. OSTROWSKI, PE11175

HENRY A. HESS, RLA 4841

STATE OF MAINE
PAUL D. OSTROWSKI
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03/23/2023

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UTILITY PLAN

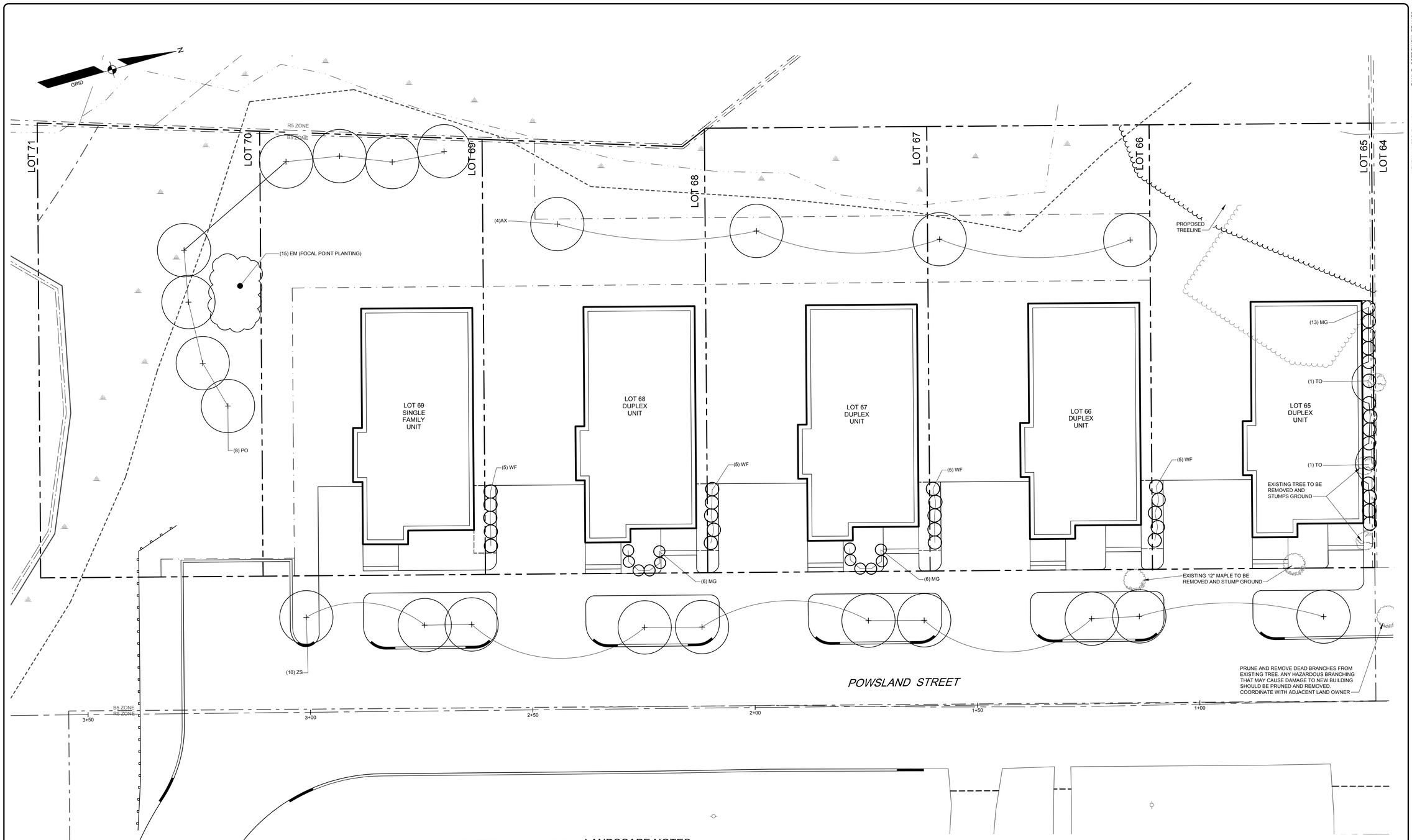
OF:
LOTS 65-70
POWSLAND STREET
PORTLAND, MAINE

FOR:
STJ, INC.
P.O. BOX 58
GORHAM, ME 04038

DESIGNED	JSH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	1" = 10'
PROJECT	07360-01

SHEET 8 OF15

07360-01 Dwg. TAB UTILITY PLAN



LANDSCAPE NOTES

1. PLANT QUANTITIES SHOWN ON PLANT LISTS ARE FOR CONVENIENCE TO THE CONTRACTOR ONLY. THE CONTRACTOR IS RESPONSIBLE FOR ALL PLANT MATERIAL INSTALLATION AS SHOWN ON PLANS.
2. SIZE AND GRADING STANDARDS OF PLANT MATERIALS SHALL CONFORM TO THE LATEST EDITION OF "U.S.A. STANDARD FOR NURSERY STOCK," BY THE AMERICAN ASSOCIATION OF NURSERYMEN, INC.
3. ALL PLANT MATERIAL SHALL BE FREE FROM INSECTS AND DISEASE.
4. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH ACCEPTABLE HORTICULTURAL PRACTICES. THIS IS TO INCLUDE PROPER PLANTING MIX, PLANT BED AND TREE PIT PREPARATION, PRUNING, STAKING OR GUYING, WRAPPING, SPRAYING, FERTILIZATION, PLANTING AND ADEQUATE MAINTENANCE UNTIL ACCEPTANCE BY THE OWNER.
5. PLANT MATERIAL SHALL BE GUARANTEED FOR A PERIOD OF ONE YEAR BY THE CONTRACTOR AND A PERIOD OF TWO YEARS THEREAFTER BY THE OWNER FROM DATE OF INSTALLATION. DURING THE ONE YEAR GUARANTEE PERIOD, DEAD PLANT MATERIAL SHALL BE REPLACED AT NO COST TO THE OWNER. AT THE END OF THE ONE YEAR PERIOD, THE CONTRACTOR SHALL OBTAIN FINAL ACCEPTANCE FROM THE OWNER.
6. ALL GRASS, OTHER VEGETATION AND DEBRIS SHALL BE REMOVED FROM ALL PLANTING AREAS PRIOR TO PLANTING.
7. EXISTING TREES TO BE PRESERVED WILL BE PROTECTED DURING CONSTRUCTION AND SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
8. THE LANDSCAPE CONTRACTOR IS ADVISED OF THE PRESENCE OF THE UNDERGROUND UTILITIES AND SHALL VERIFY THE EXISTENCE AND LOCATION OF SAME BEFORE COMMENCING AND DIGGING OPERATIONS. THE LANDSCAPE CONTRACTOR SHALL REPLACE OR REPAIR UTILITIES, PAVING, WALKS, CURBING, ETC. DAMAGED IN PERFORMANCE OF THIS JOB AT NO ADDITIONAL COST TO THE OWNER.
9. ALL SHRUB BEDS SHALL BE MULCHED WITH 3" CLEAN SHREDDED DARK BROWN BARK MULCH.
10. THE CONTRACTOR SHALL PROVIDE 4" LOAM FOR ALL AREAS TO BE SODDED OR SEEDED. PLANTING AREAS SHALL RECEIVE 12" ROLLED THICKNESS OF LOAM. THE LANDSCAPE CONTRACTOR SHALL COORDINATE SUBGRADE PREPARATION WITH THE GENERAL CONTRACTOR PRIOR TO PLACING LOAM.
11. ANY DEVIATION FROM THE LANDSCAPE PLAN, INCLUDING PLANT LOCATION, SELECTION, SIZE, QUANTITY OR CONDITION SHALL BE REVIEWED AND APPROVED BY THE OWNER AND LANDSCAPE ARCHITECT (AND MUNICIPAL AUTHORITY, IF APPLICABLE) PRIOR TO INSTALLATION ON SITE.
12. WHERE INDICATED ON PLAN, PLANTING SOIL MIXTURE FOR PERENNIAL AND ANNUAL FLOWER BED AREAS SHALL CONSIST OF FOUR PARTS TOPSOIL, TWO PARTS SPHAGNUM PEAT MOSS, AND ONE PART HORTICULTURAL PERLITE BY VOLUME. PEAT MOSS MAY BE SUBSTITUTED WITH WELL-ROTTED OR DEHYDRATED MANURE OR COMPOST. ROTOTILL BEDS TO A DEPTH OF 8 INCHES.
13. DURING CLEANING OF SITE AND PRIOR TO TREE AND SHRUB INSTALLATION, CONTRACTOR SHALL REMOVE INVASIVE PLANTS. AREAS WHERE INVASIVE PLANTS ARE REMOVED AND NO OTHER PLANTING IS PROPOSED, AREA SHALL BE LOAM AND SEEDED.

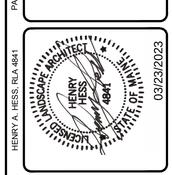
PLANT SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	SIZE
AX	ACER X FREEMANII 'SIENNA'	SIENNA RED MAPLE	2" CAL
ZS	ZELKOVA SERRATA	JAPANESE ZELKOVA	2.5" CAL.
PO	PICEA OMORIKA	SERBIAN SPRUCE	6-10' HGT
MG	MYRICA GALE	SWEET GALE BAYBERRY	#3 CONT.
WF	WEIGELA FLORIDA 'VARIGATA'	DWARF VARIEGATED WEIGELA	#5 CONT.
TO	THUJA OCCIDENTALIS 'HOLSTRUP'	HOLSTRUP ARBORVIATAE	3'-4' HGT.
EM	EUPATORIUM MACULATUM 'GATEWAY'	JOE-PYE WEED 'GATEWAY'	#3 CONT.

NOTES:
- LOAM AND SEED ALL DISTURBED AREAS WITH MDOT SEED MIX #1 (PARK MIX)
- ALL 2:1 SLOPES AND DRAINAGE SWALES SHALL BE SEEDED WITH NEW ENGLAND WETLAND PLANTS INC. "NEW ENGLAND CONSERVATION/WILDLIFE SEED MIX" - CONTRACTOR SHALL PROVIDE SEED MIX FOR APPROVAL PRIOR TO SEEDING
- COORDINATE LANDSCAPE PLANTING WITH ARCHITECTURAL WINDOWS. THUJA SHALL NOT BE PLANTED IN FRONT OF OR BELOW WINDOWS. FIELD ADJUSTMENTS MAY BE REQUIRED AT INSTALLATION.

PAUL D. OSTROWSKI, PE 11175

HENRY A. HESS, RLA 4841



REV.	BY	DATE:	STATUS
A	HAH	09-10-21	ISSUED TO CLIENT FOR REVIEW
B	HAH	05-02-22	ISSUED FOR CITY REVIEW
C	HAH	01-11-23	REVISED FROM COMMENTS ON 09/28/22
D	HAH	03-01-23	REVISED FROM COMMENTS ON 02/09/23

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LANDSCAPE PLAN

OF:
LOTS 65-70
POWLAND STREET
PORTLAND, MAINE

FOR:
STJ, INC.
P.O. BOX 68
GORHAM, ME 04038

DESIGNED	JSH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	1" = 10'
PROJECT	07360-01

SHEET 9 OF15

07360-01 L.dwg, TAB LANDSCAPE PLAN

EROSION CONTROL MEASURES

PRE-CONSTRUCTION PHASE

PRIOR TO THE BEGINNING OF ANY CONSTRUCTION, SEDIMENT BARRIERS (SILT FENCE) WILL BE STAKED/INSTALLED ACROSS THE SLOPE(S), ON THE CONTOUR AT OR JUST BELOW THE LIMITS OF CLEARING OR GRUBBING, AND/OR JUST ABOVE ANY ADJACENT PROPERTY LINE OR WATERCOURSE TO PROTECT AGAINST CONSTRUCTION RELATED EROSION. THE PLACEMENT OF SEDIMENT BARRIERS SHALL BE COMPLETED IN ACCORDANCE WITH GUIDELINES ESTABLISHED IN BEST MANAGEMENT PRACTICES AND IN ACCORDANCE WITH THIS EROSION CONTROL PLAN AND DETAILS IN THIS PLAN SET. THIS NETWORK IS TO BE MAINTAINED BY THE CONTRACTOR UNTIL ALL EXPOSED SLOPES HAVE AT LEAST 90% VIGOROUS PERENNIAL VEGETATIVE COVER TO PREVENT EROSION. TEMPORARY EROSION CONTROL MEASURES SHALL BE REMOVED WITHIN 30 DAYS AFTER PERMANENT STABILIZATION IS ATTAINED.

PRIOR TO ANY CLEARING OR GRUBBING, A CONSTRUCTION ENTRANCE/EXIT SHALL BE CONSTRUCTED AT THE INTERSECTION OF THE PROPOSED ENTRANCES AND EXISTING ROADWAY TO AVOID TRACKING OF MUD, DUST AND DEBRIS FROM THE SITE.

PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL PREPARE A DETAILED SCHEDULE AND MARKED UP PLAN INDICATING AREAS AND COMPONENTS OF THE WORK AND KEY DATES SHOWING DATE OF DISTURBANCE AND COMPLETION OF THE WORK. THE CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE MUNICIPAL STAFF. THREE COPIES OF THE SCHEDULE AND MARKED UP PLAN SHALL BE PROVIDED TO THE MUNICIPALITY THREE DAYS PRIOR TO THE SCHEDULED PRE-CONSTRUCTION MEETING. SPECIAL ATTENTION SHALL BE GIVEN TO THE 14 DAY LIMIT OF DISTURBANCE IN THE SCHEDULE ADDRESSING TEMPORARY AND PERMANENT VEGETATION MEASURES.

CONSTRUCTION AND POST-CONSTRUCTION PHASE

AREAS UNDERGOING ACTUAL CONSTRUCTION SHALL ONLY EXPOSE THAT AMOUNT OF MINERAL SOIL NECESSARY FOR PROGRESSIVE AND EFFICIENT CONSTRUCTION. AN AREA CONSIDERED OPEN IS ANY AREA NOT STABILIZED WITH PAVEMENT, VEGETATION, MULCHING, EROSION CONTROL MATS, RIPRAP OR GRAVEL BASE ON A ROAD, SUCH AS ACTIVE EXCAVATION AND ACTIVE GRADING. LIMIT THE EXPOSED AREA TO THOSE AREAS IN WHICH WORK IS ACTIVELY OCCURRING OR CAN BE MULCHED IN THE SAME DAY. OPEN AREAS SHALL BE ANCHORED WITH TEMPORARY EROSION CONTROL AS SHOWN ON THE DESIGN PLANS AND AS DESCRIBED WITHIN THIS EROSION CONTROL PLAN WITHIN SEVEN (7) DAYS OF DISTURBANCE. AREAS LOCATED WITHIN 100 FEET OF STREAMS SHALL BE ANCHORED WITH TEMPORARY EROSION CONTROL WITHIN SEVEN (7) DAYS. REFER TO WINTER EROSION CONTROL NOTES FOR THE TREATMENT OF OPEN AREAS AFTER OCTOBER 1ST OF THE CONSTRUCTION YEAR.

THE CONTRACTOR MUST INSTALL ANY ADDED MEASURES WHICH MAY BE NECESSARY TO CONTROL EROSION/SEDIMENTATION FROM THE SITE DEPENDENT UPON THE ACTUAL SITE AND WEATHER CONDITIONS. CONTINUATION OF EARTHWORK OPERATIONS ON ADDITIONAL AREAS SHALL NOT BEGIN UNTIL THE EXPOSED SOIL SURFACE ON THE AREA BEING WORKED HAS BEEN STABILIZED, IN ORDER TO MINIMIZE AREAS WITHOUT EROSION CONTROL PROTECTION.

EROSION CONTROL APPLICATIONS & MEASURES
THE PLACEMENT OF EROSION CONTROL MEASURES SHALL BE COMPLETED IN ACCORDANCE WITH GUIDELINES ESTABLISHED IN BEST MANAGEMENT PRACTICES AND IN ACCORDANCE WITH THE EROSION CONTROL PLAN AND DETAILS IN THE PLAN SET.

1. TEMPORARY MULCHING:

ALL DISTURBED AREAS SHALL BE MULCHED WITH MATERIALS SPECIFIED BELOW PRIOR TO ANY STORM EVENT. ALL DISTURBED AREAS NOT FINAL GRADED WITHIN 14 DAYS SHALL BE MULCHED. DISTURBED AREAS ADJACENT TO NATURAL RESOURCES THAT ARE NOT GRADED WITHIN SEVEN (7) DAYS SHALL BE MULCHED. ALSO, AREAS, WHICH HAVE BEEN TEMPORARILY OR PERMANENTLY SEEDED, SHALL BE MULCHED IMMEDIATELY FOLLOWING SEEDING. EROSION CONTROL BLANKETS ARE RECOMMENDED TO BE USED AT THE BASE OF GRASSED WATERWAYS AND ON SLOPES GREATER THAN 33%. MULCH ANCHORING SHOULD BE USED ON SLOPES GREATER THAN 5% AFTER SEPTEMBER 15TH OF THE CONSTRUCTION YEAR (SEE WINTER EROSION CONTROL NOTES).
TYPES OF MULCH:

HAY OR STRAW: SHALL BE APPLIED AT A RATE OF 75 LBS/1,000 S.F. (1.5 TONS PER ACRE).

EROSION CONTROL MIX: SHALL BE PLACED EVENLY AND MUST PROVIDE 100% SOIL COVERAGE. EROSION CONTROL MIX SHALL BE APPLIED SUCH THAT THE THICKNESS ON SLOPES 3:1 OR LESS IS 2 INCHES PLUS 1/2 INCH PER 20 FEET OF SLOPE UP TO 100 FEET. THE THICKNESS ON SLOPES BETWEEN 3:1 AND 2:1 SHALL BE 4 INCHES PLUS 1/2 INCH PER 20 FEET OF SLOPE UP TO 100 FEET. THIS SHALL NOT BE USED ON SLOPES GREATER THAN 2:1.

EROSION CONTROL BLANKET: SHALL BE INSTALLED SUCH THAT CONTINUOUS CONTACT BETWEEN THE MAT AND THE SOIL IS OBTAINED. INSTALL BLANKETS AND STAPLE IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

2. SOIL STOCKPILES:

STOCKPILES OF SOIL OR SUBSOIL SHALL BE MULCHED WITH HAY OR STRAW AT A RATE OF 75 LBS/1,000 S.F. (1.5 TONS PER ACRE) OR WITH A FOUR-INCH LAYER OF WOOD WASTE EROSION CONTROL MIX. THIS WILL BE DONE WITHIN 24 HOURS OF STOCKING AND RE-ESTABLISHED PRIOR TO ANY RAINFALL. ANY SOIL STOCKPILE WILL NOT BE PLACED (EVEN COVERED WITH HAY OR STRAW) WITHIN 100 FEET FROM ANY NATURAL RESOURCES. SEDIMENT BARRIERS SHALL BE INSTALLED DOWNGRADIENT OF STOCKPILES, AND STORMWATER SHALL BE PREVENTED FROM RUNNING ONTO THE STOCKPILE.

3. NATURAL RESOURCES PROTECTION:

ANY AREAS WITHIN 100 FEET FROM ANY NATURAL RESOURCES SHALL BE MULCHED USING TEMPORARY MULCHING (AS DESCRIBED IN PART 1 OF THIS SECTION) WITHIN 7 DAYS OF EXPOSURE OR PRIOR TO ANY STORM EVENT. SEDIMENT BARRIERS (AS DESCRIBED IN PART 4 OF THIS SECTION) SHALL BE PLACED BETWEEN ANY NATURAL RESOURCE AND THE DISTURBED AREA. PROJECTS CROSSING THE NATURAL RESOURCE SHALL BE PROTECTED A MINIMUM DISTANCE OF 100 FEET ON EITHER SIDE FROM THE RESOURCE.

4. SEDIMENT BARRIERS:

PRIOR TO THE BEGINNING OF ANY CONSTRUCTION, SEDIMENT BARRIERS SHALL BE STAKED ACROSS THE SLOPE(S), ON THE CONTOUR AT OR JUST BELOW THE LIMITS OF CLEARING OR GRUBBING, AND/OR JUST ABOVE ANY ADJACENT PROPERTY LINE OR WATERCOURSE TO PROTECT AGAINST CONSTRUCTION RELATED EROSION. SEDIMENT BARRIERS SHALL BE MAINTAINED BY THE CONTRACTOR UNTIL ALL EXPOSED SLOPES HAVE AT LEAST 90% VIGOROUS PERENNIAL VEGETATIVE COVER TO PREVENT EROSION.

SILT FENCE: SHALL BE INSTALLED PER THE DETAIL ON THE PLANS. THE EFFECTIVE HEIGHT OF THE FENCE SHALL NOT EXCEED 36 INCHES. IT IS RECOMMENDED THAT SILT FENCE BE REMOVED BY CUTTING THE FENCE MATERIALS AT GROUND LEVEL SO AS TO AVOID ADDITIONAL SOIL DISTURBANCE.

HAY BALES: SHALL NOT BE INSTALLED ADJACENT TO WETLAND. INSTALL PER THE DETAIL ON THE PLANS. BALES SHALL BE WIRE-BOUND OR STRING-TIED AND THESE BINDINGS MUST REMAIN PARALLEL WITH THE GROUND SURFACE DURING INSTALLATION TO PREVENT DETERIORATION OF THE BINDINGS. BALES SHALL BE INSTALLED WITHIN A MINIMUM 4 INCH DEEP TRENCH LINE WITH ENDS OF ADJACENT BALES TIGHTLY ABUTTING ONE ANOTHER.

EROSION CONTROL MIX: SHALL NOT BE USED ADJACENT TO WETLANDS. INSTALL PER THE DETAIL ON THE PLANS. THE MIX SHALL CONSIST PRIMARILY OF ORGANIC MATERIAL AND CONTAIN A WELL-GRADED MIXTURE OF PARTICLE SIZES AND MAY CONTAIN ROCKS LESS THAN 4 INCHES IN DIAMETER. THE MIX COMPOSITION SHALL MEET THE STANDARDS DESCRIBED WITHIN THE MDEP BEST MANAGEMENT PRACTICES. NO TRENCHING IS REQUIRED FOR INSTALLATION OF THIS BARRIER. EROSION CONTROL MIX BERMS SHALL NOT BE USED AT THE BOTTOM OF STEEP SLOPES (>8%) OR SLOPES WITH FLOWING WATER.

CONTINUOUS CONTAINED BERM: SHALL BE INSTALLED PER THE DETAIL ON THE PLANS. THIS SEDIMENT BARRIER IS EROSION CONTROL MIX PLACED WITHIN A SYNTHETIC TUBULAR NETTING AND PERFORMS AS A STURDY SEDIMENT BARRIER THAT WORKS WELL ON HARD GROUND SUCH AS FROZEN CONDITIONS, TRAVELED AREAS OR PAVEMENT. NO TRENCHING IS REQUIRED FOR INSTALLATION OF THIS BARRIER.

5. TEMPORARY CHECK DAMS:

SHALL BE INSTALLED PER THE DETAIL ON THE PLANS. CHECK DAMS ARE TO BE PLACED WITHIN DITCHES/ SWALES AS SPECIFIED ON THE DESIGN PLANS IMMEDIATELY AFTER FINAL GRADING. CHECK DAMS SHALL BE 2 FEET HIGH. TEMPORARY CHECK DAMS MAY BE REMOVED ONLY AFTER THE ROADWAYS ARE PAVED AND THE VEGETATED SWALE ARE ESTABLISHED WITH AT LEAST 90% OF VIGOROUS PERENNIAL GROWTH. THE AREA BENEATH THE CHECK DAM MUST BE SEEDED AND MULCHED IMMEDIATELY AFTER REMOVAL OF THE CHECK DAM.

STONE CHECK DAMS: STONE DAMS SHOULD BE CONSTRUCTED OF 2 TO 3 INCH STONE AND PLACED SUCH THAT COMPLETE COVERAGE OF THE SWALE IS OBTAINED AND THAT THE CENTER OF THE DAM IS 6 INCHES LOWER THAT THE OUTER EDGES.

HAY BALE CHECK DAMS: BALES SHALL BE WIRE-BOUND OR STRING-TIED. BALES SHALL BE INSTALLED WITHIN A MINIMUM 4 INCH DEEP TRENCH LINE WITH ENDS OF ADJACENT BALES TIGHTLY ABUTTING ONE ANOTHER. HAY BALES SHALL BE PLACED SUCH THAT COMPLETE COVERAGE OF THE SWALE IS OBTAINED AND THAT THE CENTER OF THE DAM IS 6 INCHES LOWER THAT THE OUTER EDGES.

MANUFACTURED CHECK DAMS: MANUFACTURED CHECK DAMS, AS SPECIFIED IN THE DETAIL ON THE PLANS, MAY BE USED IF AUTHORIZED BY THE PROPER LOCAL, STATE OR FEDERAL REGULATING AGENCIES. THESE UNITS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURE'S RECOMMENDATIONS.

6. STORMDRAIN INLET PROTECTION:

INLET PROTECTION SHALL BE PLACED AROUND A STORMDRAIN DROP INLET OR CURB INLET PRIOR TO PERMANENT STABILIZATION OF THE IMMEDIATE AND UPSTREAM DISTURBED AREAS. THEY SHALL BE CONSTRUCTED IN A MANNER THAT WILL FACILITATE CLEAN-OUT AND DISPOSAL OF TRAPPED SEDIMENTS AND MINIMIZE INTERFERENCE WITH CONSTRUCTION ACTIVITIES. ANY RESULTANT PONDING OF WATER FROM THE PROTECTION METHOD MUST NOT CAUSE EXCESSIVE INCONVENIENCE OR DAMAGE TO ADJACENT AREAS OR STRUCTURES.

HAY BALE DROP INLET PROTECTION: WE DO NOT RECOMMEND THE USE OF HAY BALES AS INLET PROTECTION.

CONCRETE BLOCK AND STONE INLET SEDIMENT FILTER (DROP OR CURB INLET): SHALL BE INSTALLED PER THE DETAIL ON THE PLANS. THE HEIGHT OF THE CONCRETE BLOCK BARRIER CAN VARY BUT MUST BE BETWEEN 12 AND 24 INCHES TALL. A MINIMUM OF 1 INCH CRUSHED STONE SHALL BE USED.

MANUFACTURED SEDIMENT BARRIERS AND FILTER (DROP OR CURB INLET): MANUFACTURED FILTERS, AS SPECIFIED IN THE DETAIL ON THE PLANS, MAY BE USED IF INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

7. STABILIZED CONSTRUCTION ENTRANCE/EXIT:

PRIOR TO CLEARING AND/OR GRUBBING THE SITE A STABILIZED CONSTRUCTION ENTRANCE/EXIT SHALL BE CONSTRUCTED WHEREVER TRAFFIC WILL EXIT THE CONSTRUCTION SITE ONTO A PAVED ROADWAY IN ORDER TO MINIMIZE THE TRACKING OF SEDIMENT AND DEBRIS FROM THE CONSTRUCTION SITE ONTO PUBLIC ROADWAYS. THE ENTRANCES AND ADJACENT ROADWAY AREAS SHALL BE PERIODICALLY SWEPT TO FURTHER MINIMIZE THE TRACKING OF MUD, DUST OR DEBRIS FROM THE CONSTRUCTION AREA. THE TERM "SWEEP" IS UNDERSTOOD TO MEAN REMOVAL AND RECOVERY OF TRACKED SEDIMENT WITH A STREET SWEEPER, NOT BRUSHING THE MATERIAL INTO SWALES OR STRUCTURES WITH A MECHANICAL BROOM. STABILIZED CONSTRUCTION EXITS SHALL BE CONSTRUCTED IN AREAS SPECIFIED ON THE PLANS AND AS DETAILED ON THE PLANS. THE CONTRACTOR SHALL MAINTAIN THE STABILIZED CONSTRUCTION ENTRANCE UNTIL ALL DISTURBED AREAS ARE STABILIZED.

DUST CONTROL:

DUST CONTROL DURING CONSTRUCTION SHALL BE ACHIEVED BY THE USE OF A WATERING TRUCK TO PERIODICALLY SPRINKLE THE EXPOSED ROADWAY AREAS AS NECESSARY TO REDUCE DUST DURING THE DRY MONTHS. APPLYING OTHER DUST CONTROL PRODUCTS SUCH AS CALCIUM CHLORIDE OR OTHER MANUFACTURED PRODUCTS ARE ALLOWED IF AUTHORIZED BY THE PROPER LOCAL, STATE AND/OR FEDERAL REGULATING AGENCIES. HOWEVER, IT IS THE CONTRACTOR'S ULTIMATE RESPONSIBILITY TO MITIGATE DUST AND SOIL LOSS FROM THE SITE. IF OFFSITE TRACKING OCCURS, PUBLIC ROADS SHOULD BE SWEPT IMMEDIATELY AND NOT LESS THAN ONCE A WEEK AND PRIOR TO SIGNIFICANT STORM EVENTS.

TEMPORARY VEGETATION:

TEMPORARY VEGETATION SHALL BE APPLIED TO DISTURBED AREAS THAT WILL NOT RECEIVE FINAL GRADING FOR PERIODS UP TO 12 MONTHS. THIS PROCEDURE SHOULD BE USED EXTENSIVELY IN AREAS ADJACENT TO NATURAL RESOURCES. SEEDBED PREPARATION AND APPLICATION OF SEED SHALL BE CONDUCTED AS INDICATED IN THE PERMANENT VEGETATION SECTION OF THIS NARRATIVE. SPECIFIC SEEDS (FAST GROWING AND SHORT LIVING) SHALL BE SELECTED FROM THE MAINE EROSION AND SEDIMENT CONTROL BMP MANUALS FOR CONTRACTORS AND ENGINEERS, LATEST REVISION. ALTERNATIVE EROSION CONTROL MEASURES SHOULD BE USED IF SEEDING CAN NOT BE DONE BEFORE SEPTEMBER 15TH OF THE CONSTRUCTION YEAR.

PERMANENT VEGETATION:

REVEGETATION MEASURES SHALL COMMENCE IMMEDIATELY UPON COMPLETION OF FINAL GRADING OF AREAS TO BE LOAMED AND SEEDED. THE APPLICATION OF SEED SHALL BE CONDUCTED BETWEEN APRIL 1ST AND OCTOBER 1ST OF THE CONSTRUCTION YEAR, PLEASE REFER TO THE WINTER EROSION CONTROL NOTES FOR MORE DETAIL. REVEGETATION MEASURES SHALL CONSIST OF THE FOLLOWING:

SEEDBED PREPARATION:

A. FOUR (4) INCHES OF LOAM SHALL BE SPREAD OVER DISTURBED AREAS AND SMOOTHED TO A UNIFORM SURFACE. LOAM SHALL BE FREE OF SUBSOIL, CLAY LUMPS, STONES AND OTHER OBJECTS OVER 2 INCHES OR LARGER IN ANY DIMENSION, AND WITHOUT WEEDS, ROOTS OR OTHER OBJECTIONABLE MATERIAL.

B. SOILS TESTS SHALL BE TAKEN AT THE TIME OF SOIL STRIPPING TO DETERMINE FERTILIZATION REQUIREMENTS. SOILS TESTS SHALL BE TAKEN PROMPTLY AS TO NOT INTERFERE WITH THE 14-DAY LIMIT ON SOIL EXPOSURE. BASED UPON TEST RESULTS, SOIL AMENDMENTS SHALL BE INCORPORATED INTO THE SOIL PRIOR TO FINAL SEEDING. IN LIEU OF SOIL TESTS, SOIL AMENDMENTS MAY BE APPLIED AS FOLLOWS:

ITEM	APPLICATION RATE
10-20-20 FERTILIZER (N-P205-K20 OR EQUAL)	18.4 LBS./1,000 S.F.
GROUND LIMESTONE (50% CALCIUM & MAGNESIUM OXIDE)	138 LBS./1,000 S.F.

C. WORK LIME AND FERTILIZER INTO THE SOIL AS NEARLY AS PRACTICAL TO A DEPTH OF 4 INCHES WITH PROPER EQUIPMENT. ROLL THE AREA TO FIRM THE SEEDBED EXCEPT ON CLAY OR SILTY SOILS OR COARSE SAND.

APPLICATION OF SEED:

A. SEEDING: SHALL BE CONDUCTED BETWEEN APRIL 1ST AND OCTOBER 1ST OF THE CONSTRUCTION YEAR. GENERALLY A SEED MIXTURE MAY BE APPLIED AS FOLLOWS: (MDEP SEED MIX 2 IS DISPLAYED)

SEED TYPE	APPLICATION RATE
CREEPING RED FESCUE	0.46 LBS/1,000 S.F. (20 LBS/ACRE)
REDTOP	0.05 LBS/1,000 S.F. (2 LBS/ACRE)
TALL FESCUE	0.46 LBS/1,000 S.F. (20 LBS/ACRE)
TOTAL:	0.97 LBS/1,000 S.F. (42 LBS/ACRE)

NOTE: A SPECIFIC SEED MIXTURE SHOULD BE CHOSEN TO MATCH THE SOILS CONDITION OF THE SITE. VARIOUS AGENCIES CAN RECOMMEND SEED MIXTURES. MDEP RECOMMENDED SEED MIXTURES ARE IN THE EROSION AND SEDIMENT CONTROL BMP MANUAL, LATEST REVISION.

B. HYDROSEEDING: SHALL BE CONDUCTED ON PREPARED AREAS WITH SLOPES LESS THAN 2:1. LIME AND FERTILIZER MAY BE APPLIED SIMULTANEOUSLY WITH THE SEED. RECOMMENDED SEEDING RATES MUST BE INCREASED BY 10% WHEN HYDROSEEDING.

C. MULCHING: SHALL COMMENCE IMMEDIATELY AFTER SEED IS APPLIED. REFER TO THE TEMPORARY MULCHING SECTION OF THIS NARRATIVE FOR DETAILS.

SODDING:
FOLLOWING SEEDBED PREPARATION, SOD CAN BE APPLIED IN LIEU OF SEEDING IN AREAS WHERE IMMEDIATE VEGETATION IS MOST BENEFICIAL SUCH AS DITCHES, AROUND STORMWATER DROP INLETS AND AREAS OF AESTHETIC VALUE. SOD SHOULD BE LAID AT RIGHT ANGLES TO THE DIRECTION OF FLOW, STARTING AT THE LOWEST ELEVATION. SOD SHOULD BE ROLLED OR TAMPED DOWN TO EVEN OUT THE JOINTS ONCE LAID DOWN. WHERE FLOW IS PREVALENT THE SOD MUST BE PROPERLY ANCHORED DOWN. IRRIGATE THE SOD IMMEDIATELY AFTER INSTALLATION. IN MOST CASES, SOD CAN BE ESTABLISHED BETWEEN APRIL 1ST AND NOVEMBER 15TH OF THE CONSTRUCTION YEAR, HOWEVER, REFER TO THE WINTER EROSION CONTROL NOTES FOR ANY ACTIVITIES AFTER OCTOBER 1ST.

STANDARDS FOR TIMELY STABILIZATION:

STANDARD FOR THE TIMELY STABILIZATION OF DISTURBED SLOPES -- THE CONTRACTOR WILL CONSTRUCT AND STABILIZE STONE-COVERED SLOPES BY NOVEMBER 15. THE CONTRACTOR WILL SEED AND MULCH ALL SLOPES TO BE VEGETATED BY SEPTEMBER 15. THE MDEP WILL CONSIDER ANY AREA HAVING A GRADE GREATER THAN 15% (10H:1V) TO BE A SLOPE. IF THE CONTRACTOR FAILS TO STABILIZE ANY SLOPE TO BE VEGETATED BY SEPTEMBER 15, THEN THE CONTRACTOR WILL TAKE ONE OF THE FOLLOWING ACTIONS TO STABILIZE THE SLOPE FOR LATE FALL AND WINTER.

A. STABILIZE THE SOIL WITH TEMPORARY VEGETATION AND EROSION CONTROL MATS -- BY OCTOBER 1 THE CONTRACTOR WILL SEED THE DISTURBED SLOPE WITH WINTER RYE AT A SEEDING RATE OF 3 POUNDS PER 1,000 SQUARE FEET AND APPLY EROSION CONTROL MATS OVER THE MULCHED SLOPE. THE CONTRACTOR WILL MONITOR GROWTH OF THE RYE OVER THE NEXT 30 DAYS. IF THE RYE FAILS TO GROW AT LEAST THREE INCHES OR COVER AT LEAST 75% OF THE DISTURBED SLOPE BY NOVEMBER 1, THEN THE APPLICANT WILL COVER THE SLOPE WITH A LAYER OF WOOD WASTE COMPOST AS DESCRIBED IN ITEM IV.C.) OF THIS STANDARD OR WITH STONE RIPRAP AS DESCRIBED IN ITEM 2(D.) OF THIS STANDARD.
B. STABILIZE THE SLOPE WITH SOD -- THE CONTRACTOR WILL STABILIZE THE DISTURBED SLOPE WITH PROPERLY INSTALLED SOD BY OCTOBER 1. PROPER INSTALLATION INCLUDES THE APPLICANT PINNING THE SOD ONTO THE SLOPE WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL. THE APPLICANT WILL NOT USE LATE-SEASON SOD INSTALLATION TO STABILIZE SLOPES HAVING A GRADE GREATER THAN 33% (3H:1V).
C. STABILIZE THE SLOPE WITH WOOD WASTE COMPOST -- THE CONTRACTOR WILL PLACE A SIX-INCH LAYER OF WOOD WASTE COMPOST ON THE SLOPE BY NOVEMBER 15. PRIOR TO PLACING THE WOOD WASTE COMPOST, THE APPLICANT WILL REMOVE ANY SNOW ACCUMULATION ON THE DISTURBED SLOPE. THE APPLICANT WILL NOT USE WOOD WASTE COMPOST TO STABILIZE SLOPES HAVING GRADES GREATER THAN 50% (2H:1V) OR HAVING GROUNDWATER SEEPS ON THE SLOPE FACE.
D. STABILIZE THE SLOPE WITH STONE RIPRAP -- THE CONTRACTOR WILL PLACE A LAYER OF STONE RIPRAP ON THE SLOPE BY NOVEMBER 15. THE APPLICANT WILL HIRE A REGISTERED PROFESSIONAL ENGINEER TO DETERMINE THE STONE SIZE NEEDED FOR STABILITY AND TO DESIGN A FILTER LAYER FOR UNDERNEATH THE RIPRAP.

STANDARD FOR THE TIMELY STABILIZATION OF DISTURBED SOILS -- BY SEPTEMBER 15 THE CONTRACTOR WILL SEED AND MULCH ALL DISTURBED SOILS ON AREAS HAVING A SLOPE LESS THAN 15%. IF THE CONTRACTOR FAILS TO STABILIZE THESE SOILS BY THIS DATE, THEN THE CONTRACTOR WILL TAKE ONE OF THE FOLLOWING ACTIONS TO STABILIZE THE SOIL FOR LATE FALL AND WINTER.
A. STABILIZE THE SOIL WITH TEMPORARY VEGETATION -- BY OCTOBER 1 THE CONTRACTOR WILL SEED THE DISTURBED SOIL WITH WINTER RYE AT A SEEDING RATE OF 3 POUNDS PER 1000 SQUARE FEET, LIGHTLY MULCH THE SEEDED SOIL WITH HAY OR STRAW AT 75 POUNDS PER 1000 SQUARE FEET, AND ANCHOR THE MULCH WITH PLASTIC NETTING. THE APPLICANT WILL MONITOR GROWTH OF THE RYE OVER THE NEXT 30 DAYS. IF THE RYE FAILS TO GROW AT LEAST THREE INCHES OR COVER AT LEAST 75% OF THE DISTURBED SOIL BEFORE NOVEMBER 15, THEN THE APPLICANT WILL MULCH THE AREA FOR OVER-WINTER PROTECTION AS DESCRIBED IN ITEM 3(C.) OF THIS STANDARD.
B. STABILIZE THE SOIL WITH SOD -- THE APPLICANT WILL STABILIZE THE DISTURBED SOIL WITH PROPERLY INSTALLED SOD BY OCTOBER 1. PROPER INSTALLATION INCLUDES THE APPLICANT PINNING THE SOD ONTO THE SOIL WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL.
C. STABILIZE THE SOIL WITH MULCH -- BY NOVEMBER 15 THE APPLICANT WILL MULCH THE DISTURBED SOIL BY SPREADING HAY OR STRAW AT A RATE OF AT LEAST 150 POUNDS PER 1000 SQUARE FEET ON THE AREA SO THAT NO SOIL IS VISIBLE THROUGH THE MULCH. PRIOR TO APPLYING THE MULCH, THE APPLICANT WILL REMOVE ANY SNOW ACCUMULATION ON THE DISTURBED AREA. IMMEDIATELY AFTER APPLYING THE MULCH, THE APPLICANT WILL ANCHOR THE MULCH WITH PLASTIC NETTING TO PREVENT WIND FROM MOVING THE MULCH OFF THE DISTURBED SOIL.

1. MAINTENANCE MEASURES SHALL BE APPLIED AS NEEDED DURING THE ENTIRE CONSTRUCTION CYCLE. AFTER EACH RAINFALL, SNOW STORM OR PERIOD OF THAWING AND RUNOFF, AND AT LEAST EVERY SEVEN (7) DAYS, THE CONTRACTOR SHALL PERFORM A VISUAL INSPECTION OF ALL INSTALLED EROSION CONTROL MEASURES. THE CONTRACTOR SHALL PERFORM REPAIRS NO LATER THAN THE END OF THE NEXT WORKDAY, TO ALLOW CONTINUED PROPER FUNCTIONING OF THE EROSION CONTROL MEASURE. THE CONTRACTOR SHALL PROVIDE THE NECESSARY REGULATING AGENCIES WITH WRITTEN DOCUMENTATION DESCRIBING DATES OF INSPECTIONS AND NECESSARY FOLLOW-UP WORK TO MAINTAIN EROSION CONTROL MEASURES MEETING THE REQUIREMENTS OF THIS PLAN WITHIN SEVEN (7) DAYS.

2. FOLLOWING THE TEMPORARY AND/OR FINAL SEEDINGS, THE CONTRACTOR SHALL INSPECT THE WORK AREA SEMIMONTHLY UNTIL THE SEEDINGS HAVE BEEN ESTABLISHED. ESTABLISHED MEANS A MINIMUM OF 90% OF AREAS VEGETATED WITH VIGOROUS GROWTH. RESEEDING SHALL BE CARRIED OUT BY THE CONTRACTOR WITH FOLLOW-UP INSPECTIONS IN THE EVENT OF ANY FAILURES UNTIL VEGETATION IS ADEQUATELY ESTABLISHED.

HOUSEKEEPING:

1. SPILL PREVENTION. CONTROLS MUST BE USED TO PREVENT POLLUTANTS FROM CONSTRUCTION AND WASTE MATERIALS STORED ON SITE TO ENTER STORMWATER, WHICH INCLUDES STORAGE PRACTICES TO MINIMIZE EXPOSURE OF THE MATERIALS TO STORMWATER. THE SITE CONTRACTOR OR OPERATOR MUST DEVELOP, AND IMPLEMENT AS NECESSARY, APPROPRIATE SPILL PREVENTION, CONTAINMENT, AND RESPONSE PLANNING MEASURES.

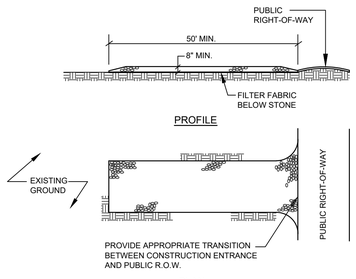
2. GROUNDWATER PROTECTION. DURING CONSTRUCTION, LIQUID PETROLEUM PRODUCTS AND OTHER HAZARDOUS MATERIALS WITH THE POTENTIAL TO CONTAMINATE GROUNDWATER MAY NOT BE STORED OR HANDLED IN AREAS OF THE SITE DRAINING TO AN INFILTRATION AREA. AN "INFILTRATION AREA" IS ANY AREA OF THE SITE THAT BY DESIGN OR AS A RESULT OF SOILS, TOPOGRAPHY AND OTHER RELEVANT FACTORS ACCUMULATES RUNOFF THAT INFILTRATES INTO THE SOIL. DIKES, BERMS, SUMPS, AND OTHER FORMS OF SECONDARY CONTAINMENT THAT PREVENT DISCHARGE TO GROUNDWATER MAY BE USED TO ISOLATE PORTIONS OF THE SITE FOR THE PURPOSES OF STORAGE AND HANDLING OF THESE MATERIALS. ANY PROJECT PROPOSING INFILTRATION OF STORMWATER MUST PROVIDE ADEQUATE PRE-TREATMENT OF STORMWATER PRIOR TO DISCHARGE OF STORMWATER TO THE INFILTRATION AREA, OR PROVIDE FOR TREATMENT WITHIN THE INFILTRATION AREA, IN ORDER TO PREVENT THE ACCUMULATION OF FINES, REDUCTION IN INFILTRATION RATE, AND CONSEQUENT FLOODING AND DESTABILIZATION.

3. FUGITIVE SEDIMENT AND DUST. ACTIONS MUST BE TAKEN TO ENSURE THAT ACTIVITIES DO NOT RESULT IN NOTICEABLE EROSION OF SOILS OR FUGITIVE DUST EMISSIONS DURING OR AFTER CONSTRUCTION. OIL MAY NOT BE USED FOR DUST CONTROL, BUT OTHER WATER ADDITIVES MAY BE CONSIDERED AS NEEDED. A STABILIZED CONSTRUCTION ENTRANCE (SCE) SHOULD BE INCLUDED TO MINIMIZE TRACKING OF MUD AND SEDIMENT. IF OFF-SITE TRACKING OCCURS, PUBLIC ROADS SHOULD BE SWEPT IMMEDIATELY AND NO LESS THAN ONCE A WEEK AND PRIOR TO SIGNIFICANT STORM EVENTS. OPERATIONS DURING DRY MONTHS, THAT EXPERIENCE FUGITIVE DUST PROBLEMS, SHOULD WET DOWN UNPAVED ACCESS ROADS ONCE A WEEK OR MORE FREQUENTLY AS NEEDED WITH A WATER ADDITIVE TO SUPPRESS FUGITIVE SEDIMENT AND DUST.

4. DEBRIS AND OTHER MATERIALS. MINIMIZE THE EXPOSURE OF CONSTRUCTION DEBRIS, BUILDING AND LANDSCAPING MATERIALS, TRASH, FERTILIZERS, PESTICIDES, HERBICIDES, DETERGENTS, SANITARY WASTE AND OTHER MATERIALS TO PRECIPITATION AND STORMWATER RUNOFF. THESE MATERIALS MUST BE PREVENTED FROM BECOMING A POLLUTANT SOURCE.

5. EXCAVATION DE-WATERING. EXCAVATION DE-WATERING IS THE REMOVAL OF WATER FROM TRENCHES, FOUNDATIONS, COFFER DAMS, PONDS, AND OTHER AREAS WITHIN THE CONSTRUCTION AREA THAT RETAIN WATER AFTER EXCAVATION. IN MOST CASES THE COLLECTED WATER IS HEAVILY SILTED AND HINDERS CORRECT AND SAFE CONSTRUCTION PRACTICES. THE COLLECTED WATER REMOVED FROM THE PONDED AREA, EITHER THROUGH GRAVITY OR PUMPING, MUST BE SPREAD THROUGH NATURAL WOODED BUFFERS OR REMOVED TO AREAS THAT ARE SPECIFICALLY DESIGNED TO COLLECT THE MAXIMUM AMOUNT OF SEDIMENT POSSIBLE, LIKE A COFFERDAM SEDIMENTATION BASIN. AVOID ALLOWING THE WATER TO FLOW OVER DISTURBED AREAS OF THE SITE. EQUIVALENT MEASURES MAY BE TAKEN IF APPROVED BY THE DEPARTMENT.

6. AUTHORIZED NON-STORMWATER DISCHARGES. IDENTIFY AND PREVENT CONTAMINATION BY NON-STORMWATER DISCHARGES. WHERE ALLOWED NON-STORMWATER DISCHARGES EXIST, THEY MUST BE IDENTIFIED AND STEPS SHOULD BE TAKEN TO ENSURE THE IMPLEMENTATION OF APPROPRIATE POLLUTION PREVENTION MEASURES FOR THE NON-STORMWATER COMPONENT(S) OF THE DISCHARGE. AUTHORIZED NON-STORMWATER DISCHARGES ARE:
   A. DISCHARGES FROM FIREFIGHTING ACTIVITY;
   B. FIRE HYDRANT FLUSHINGS;
   C. VEHICLE WASHWATER IF DETERGENTS ARE NOT USED AND WASHING IS LIMITED TO THE EXTERIOR OF VEHICLES (ENGINE, UNDERCARRIAGE AND TRANSMISSION WASHING IS PROHIBITED);
   D. DUST CONTROL RUNOFF IN ACCORDANCE WITH PERMIT CONDITIONS;
   E. ROUTINE EXTERNAL BUILDING WASHDOWN, NOT INCLUDING SURFACE PAINT REMOVAL, THAT DOES NOT INVOLVE DETERGENTS;
   F. PAV

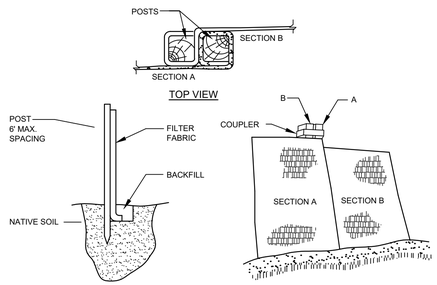


NOTES:

1. STONE SIZE- AASHTO DESIGNATION M43, SIZE NO. 2 (2 1/2" TO 1 1/2"). USE CRUSHED STONE.
2. LENGTH- AS SHOWN ON PLANS, MIN. 50 FEET.
3. THICKNESS- NOT LESS THAN EIGHT (8) INCHES.
4. WIDTH- NOT LESS THAN FULL WIDTH OF ALL POINT OF INGRESS OR EGRESS.
5. MAINTENANCE- THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHT-OF-WAY MUST BE REMOVED IMMEDIATELY.

STABILIZED CONSTRUCTION EXIT

NOT TO SCALE

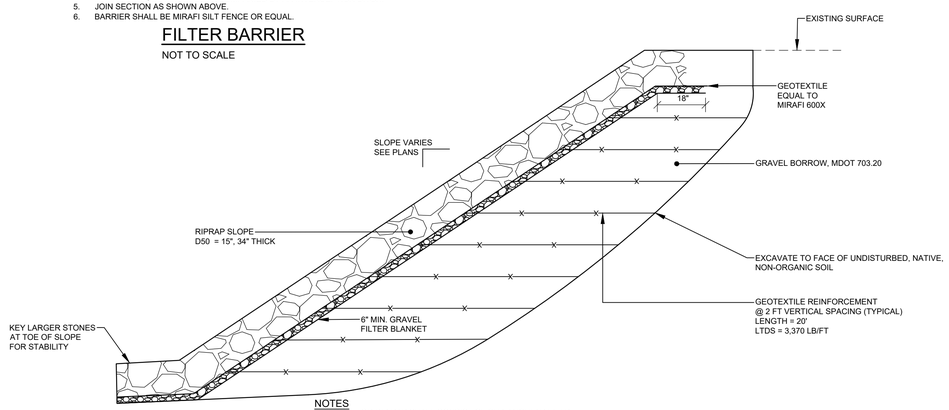


INSTALLATION NOTES:

1. EXCAVATE A 6"x 6" TRENCH ALONG THE LINE OF PLACEMENT FOR THE FILTER BARRIER.
2. UNROLL A SECTION AT A TIME AND POSITION THE POSTS AGAINST THE BACK (DOWNSTREAM) WALL OF THE TRENCH.
3. DRIVE POSTS INTO THE GROUND UNTIL APPROXIMATELY 2" OF FABRIC IS LYING ON THE TRENCH BOTTOM.
4. LAY THE TOE-IN FLAP OF FABRIC ONTO THE UNDISTURBED BOTTOM OF THE TRENCH, BACKFILL THE TRENCH AND TAMP THE SOIL. TOE-IN CAN ALSO BE ACCOMPLISHED BY LAYING THE FABRIC FLAP ON UNDISTURBED GROUND AND PILING AND TAMPING FILL AT THE BASE, BUT MUST BE ACCOMPANIED BY AN INTERCEPTION DITCH.
5. JOIN SECTION AS SHOWN ABOVE.
6. BARRIER SHALL BE MIRAFI SILT FENCE OR EQUAL.

FILTER BARRIER

NOT TO SCALE



NOTES

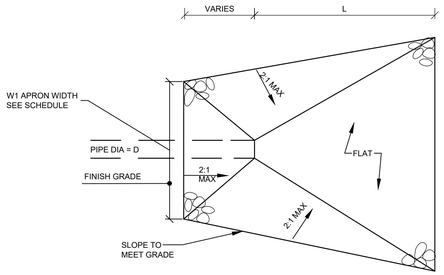
1. STONE FOR RIP RAP SHALL CONSIST OF SUB-ANGULAR FIELD STONE OR ROUGH UNHEWN QUARRY STONE OF APPROXIMATELY RECTANGULAR SHAPE.
2. GRAVEL FILTER BLANKET MATERIAL SHALL BE DOT TYPE C UNDERDRAIN AND SHALL BE FREE FROM ORGANIC MATERIAL. IT MAY BE CRUSHED, UNCRUSHED, OR WASHED GRAVEL WITH THE FOLLOWING SPECS:

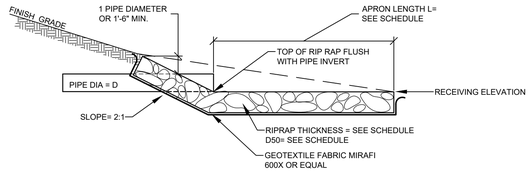
SIEVE OPENING	% BY WEIGHT PASSING MESH SIEVES
1 INCH	100 %
3/4 INCH	90-100%
3/8 INCH	0-75 %
NO. 4	0-25%
NO. 10	0-5.0%

3. SHORTEN GEOTEXTILE REINFORCEMENT LENGTH AS NECESSARY TO AVOID DISTURBING EXISTING SEWER INFRASTRUCTURE.

1.5:1 AND 1:1 (H:V) RIP RAP FACED, GEO-GRID REINFORCED EARTH SLOPE

NOT TO SCALE





NOTES:

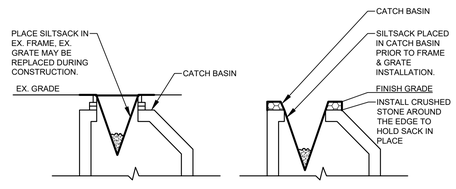
1. RIPRAP TO BE PROCESSED ANGULAR ROCK
2. RIPRAP GRADIATION SHALL BE A WELL GRADED MIX FROM ABOUT 1.5 TIMES D SIZE TO 25 PERCENT OF THE D SIZE
3. THE RIPRAP STONES SHALL BE CAREFULLY PLACED FROM THE TOE OF THE SLOPE UPWARD
4. STONES SHALL BE LOWERED TO THE SLOPE AND NOT BE ALLOWED TO DROP MORE THAN 12" ONTO THE GEOTEXTILE
5. THE FINISHED SURFACE SHALL BE A RELATIVELY SMOOTH, UNIFORMLY SLOPED SURFACE

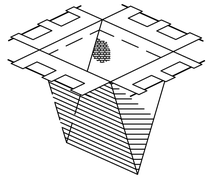
TYPICAL RIPRAP APRON SCHEDULE

CULVERT DIAMETER - D (IN.)	APRON LENGTH - L (FT.)	WIDTH -W1 (FT)	WIDTH -W2 (FT)	RIPRAP D50 (IN.)	RIPRAP THICKNESS (IN.)
15	10	4	12	6	14
18	13	5	15	7	16
24	18	6	20	8	18

RIPRAP APRON

NOT TO SCALE

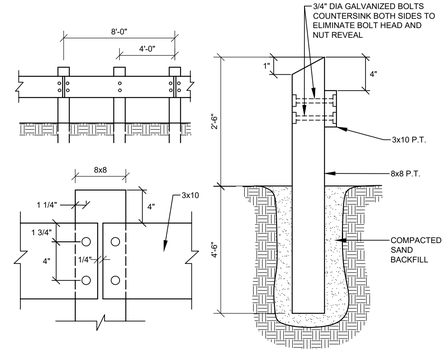




NOTES:
PRIOR TO FINAL GRADING AND PAVING OPERATIONS BEGIN A CATCH BASIN INSERT (SUCH AS A SILT SACK OR A DANDY BAG II) MUST BE INSTALLED IN EACH BASIN PER MANUFACTURES INSTRUCTIONS. HAY BALES SHOULD BE REMOVED ONCE INSERTS ARE INSTALLED.

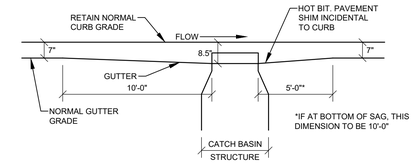
CATCH BASIN PROTECTION DETAIL (FOR PAVED AREAS)

NOT TO SCALE



PRESSURE TREATED WOOD GUARDRAIL

NOT TO SCALE

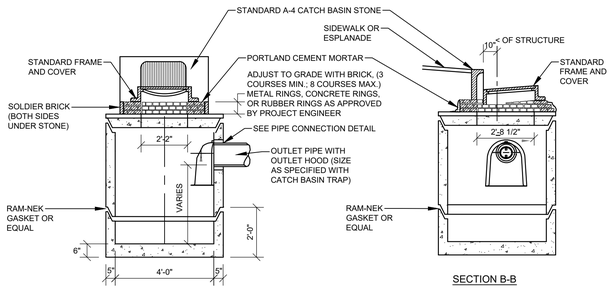


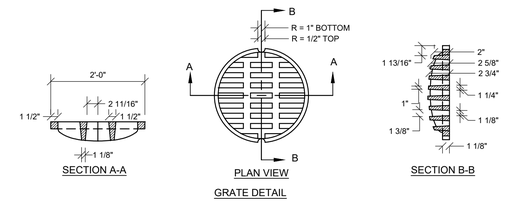
NOTES:

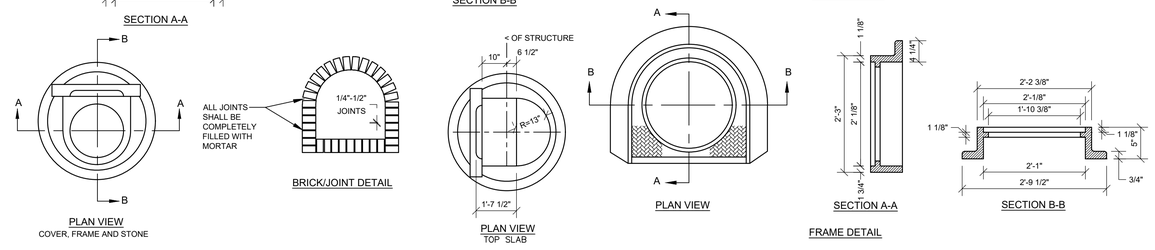
1. CATCH BASIN GRATES SHALL BE DEPRESSED 1.5" BELOW THE NORMAL GUTTER GRADE. PARALLEL BAR GRATES SHALL BE INSTALLED ON A LEVEL GRADIENT. DIMENSIONS ARE INTENDED TO BE NOMINAL.
2. CATCH BASIN ELEVATIONS SHOWN ON PLANS REFLECT THE TRUE RIM INVERT ELEVATION.

GUTTER GRADE TRANSITION AT CATCH BASIN

NOT TO SCALE







PRECAST CONCRETE CATCH BASIN - TYPE "E"

NOTES:

1. 4'-0" I.D. TYPICAL. SOME STRUCTURES MAY REQUIRE LARGER I.D. PROVIDE SHOP DRAWINGS FOR APPROVAL.
2. DRAINAGE STRUCTURES TO BE DESIGNED FOR H-20 LOADING.
3. PIPE SIZES AND INVERTS AS NOTED ON PLANS.
4. CATCH BASIN FRAME AND GRATE TO ACCOMMODATE 2' MIN. GRATE (H-20 LOADING & BICYCLE SAFE). PROVIDE SHOP DRAWINGS FOR ENGINEER'S / OWNER REPRESENTATIVE'S APPROVAL.

CATCH BASIN W/ GRANITE HEADSTONE

NOT TO SCALE

PAUL D. OSTROWSKI, PE11175

STATE OF MAINE
PAUL D. OSTROWSKI
No. 11175
LICENSED PROFESSIONAL ENGINEER
03/03/2023

HENRY A. HESS, RLA 4841

LANDSCAPE ARCHITECT
HENRY HESS
4841
STATE OF MAINE
03/03/2023

REV.	BY	DATE	STATUS
D.	HAH	03-01-23	REVISED FROM COMMENTS ON 02/09/23
C.	HAH	01-11-23	REVISED FROM COMMENTS ON 09/28/22
B.	HAH	05-02-22	ISSUED FOR CITY REVIEW
A.	HAH	09-10-21	ISSUED TO CLIENT FOR REVIEW

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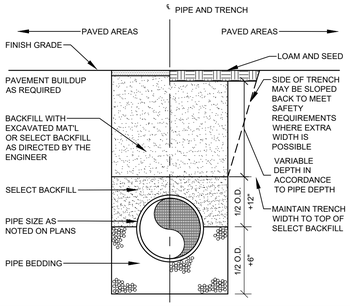
SEBAGO TECHNICS
WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd.
Suite 4A
South Portland, ME 04106
Tel. 207-200-2100

DETAILS
OF:
LOTS 65-70
POWSLAND STREET
PORTLAND, MAINE
FOR:
STJ, INC.
P.O. BOX 58
GORHAM, ME 04038

DESIGNED	JSH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	NTS
PROJECT	07360-01

07360-01 D.dwg TAB:DETAILS

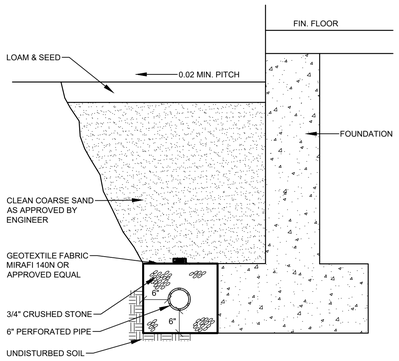
SHEET11 OF15



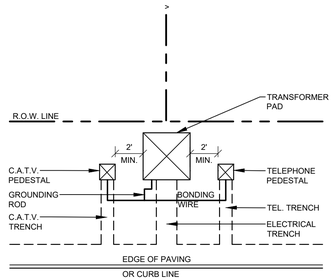
TRENCH BACKFILL SCHEDULE		
PIPE TYPE	PIPE BEDDING MATERIAL	SELECT BACKFILL
CORRUGATED METAL DUCTILE IRON REINFORCED CONCRETE	MDOT 703.22 TYPE B UD BACKFILL	MDOT 703.22 TYPE B UD BACKFILL
PVC-SDR 35 HDPE	MDOT 703.13 3/4" CRUSHED STONE	MDOT 703.22 TYPE B UD BACKFILL, OR MDOT 703.13 3/4" CRUSHED STONE
PERFORATED PVC-SDR 35 HDPE	MDOT 703.13 3/4" CRUSHED STONE	MDOT 703.22 TYPE B UD BACKFILL, OR MDOT 703.13 3/4" CRUSHED STONE

NOTE:
ALL BRACING AND SHEETING SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL MEET ALL STATE AND O.S.H.A. SAFETY STANDARDS.

TRENCH SECTION
NOT TO SCALE

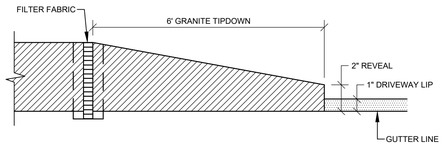


FOUNDATION DRAIN SECTION
NOT TO SCALE

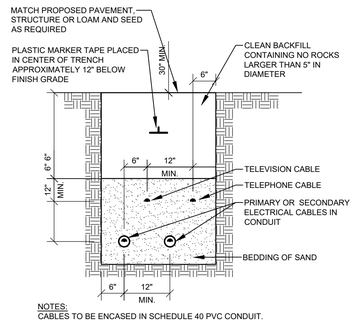


NOTE:
TRANSFORMER PAD AND COVER TO BE FIBERGLASS MEETING CENTRAL MAINE POWER SPECIFICATIONS.

TRANSFORMER
NOT TO SCALE

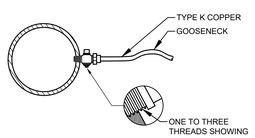


TIPDOWN CURB INSTALLATION
NOT TO SCALE

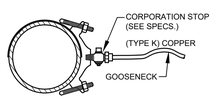


NOTES:
CABLES TO BE ENCASED IN SCHEDULE 40 PVC CONDUIT.

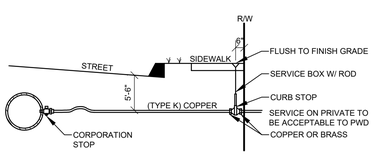
UNDERGROUND CABLE INSTALLATION
NOT TO SCALE



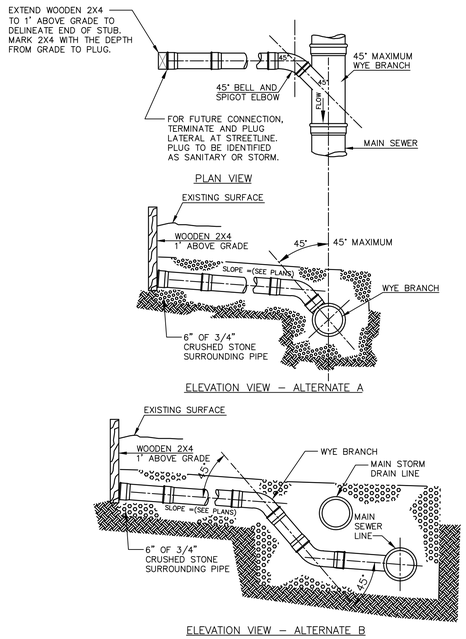
SERVICE TAP
(3/4" AND 1" C.C. THREAD)



SERVICE SADDLE
(1-1/2" AND 2" C.C. THREAD)

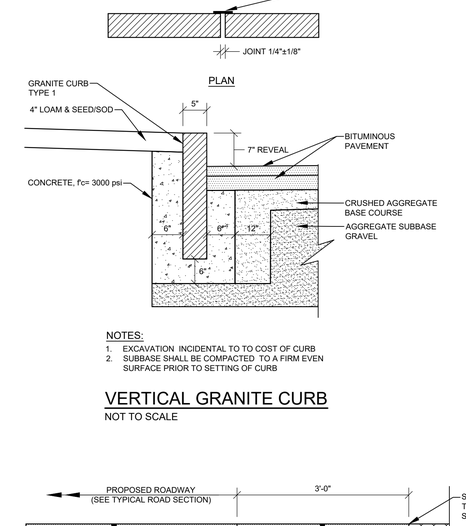


SERVICE CONNECTION
NOT TO SCALE



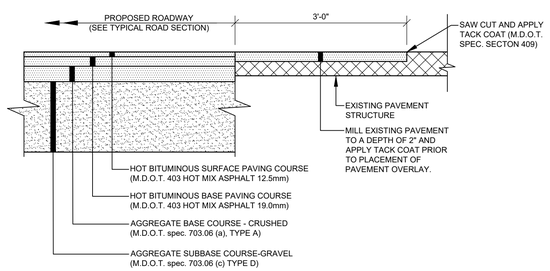
1. LOCATIONS AND ELEVATIONS OF STUBS SHOWN ON THE PLANS ARE TO BE CONSIDERED AS APPROXIMATE AND MAY BE ADJUSTED AS DIRECTED TO SUIT FIELD CONDITIONS.
2. HOUSE CONNECTIONS AND CATCH BASIN CONNECTIONS TO THE MAIN LINE OF THE SEWER SHALL CONSIST OF AN APPROPRIATE "Y" BRANCH CONNECTION AS SHOWN ON THE PLANS, OR AS DIRECTED. ACTUAL "Y" LOCATIONS FOR HOUSE CONNECTIONS AND CATCH BASIN CONNECTIONS SHALL BE DETERMINED DURING CONSTRUCTION. THE CONTRACTOR SHALL KEEP A COMPLETE RECORD OF "Y" LOCATIONS WHICH SHALL BE GIVEN TO THE CITY OF PORTLAND UPON COMPLETION OF THE CONTRACT. ALL PVC COUPLING SHALL BE "SOLID PVC COUPLINGS".

TYPICAL HOUSE LATERAL TEE/WYE CONNECTION
NOT TO SCALE

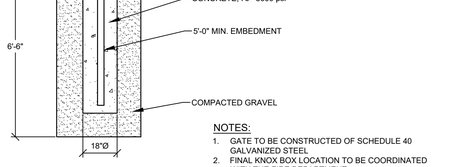


NOTES:
1. EXCAVATION INCIDENTAL TO TO COST OF CURB
2. SUBBASE SHALL BE COMPACTED TO A FIRM EVEN SURFACE PRIOR TO SETTING OF CURB

VERTICAL GRANITE CURB
NOT TO SCALE

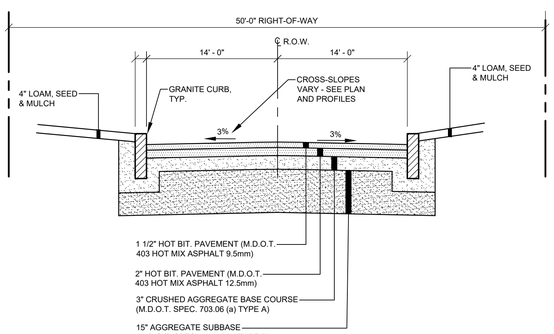


PAVEMENT JOINT
NOT TO SCALE



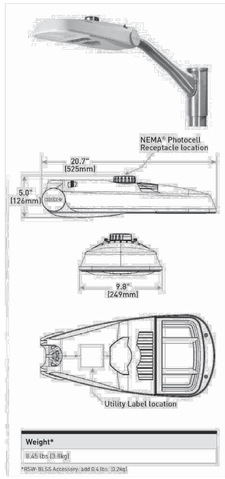
NOTES:
1. GATE TO BE CONSTRUCTED OF SCHEDULE 40 GALVANIZED STEEL
2. FINAL KNOX BOX LOCATION TO BE COORDINATED WITH THE FIRE DEPARTMENT.

GATE DETAIL
NOT TO SCALE



LOCAL STREET CROSS SECTION WITH GRANITE CURB
NOT TO SCALE

PORTLAND | me
Street & Sidewalk Lighting
STANDARD - COBRAHEAD A



LUMINAIRE
Cree RSW series LED streetlight
Model: RSWS-A-HT-3ME-3L-30K7-UL-GY-N-X3

Small, horizontal tenon
Optics IES Type III Medium, 2,756 lumens
23 watts
Universal voltage (120-227V)
7-pin photocell receptacle
LED 3000K color temperature

LIGHTING POLE
Mount to existing pole or according to Section 10.2.1

DIMENSIONS
Pole Height = 20' or 30'

FINISH
Grey: GY (standard)

APPLICATION
Standard street lighting for streets not specified for decorative lighting.

Fixture placed in furnishing zone unless space is limited. Placement on back of sidewalk or private property overhanging sidewalk may be accommodated where space is a constraint.

Date: **March, 2019**	**CITY OF PORTLAND, MAINE** TECHNICAL MANUAL	**MUNICIPAL STREET LIGHTING STANDARDS** SECTION 10	Figure: **X-2A**
Revised Date:	**COBRAHEAD A**		

167

REV.	BY	DATE:	STATUS
A	HAH	09-10-21	ISSUED TO CLIENT FOR REVIEW
B	HAH	05-02-22	ISSUED FOR CITY REVIEW
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PAUL D. OSTROWSKI, PE11175
STATE OF MAINE — PAUL D. OSTROWSKI — No. 11175 — LICENSED PROFESSIONAL ENGINEER — 03/03/2023

HENRY A. HESS, RLA 4841
LANDSCAPE ARCHITECT — HENRY HESS — 4841 — STATE OF MAINE — LICENSED — 03/03/2023

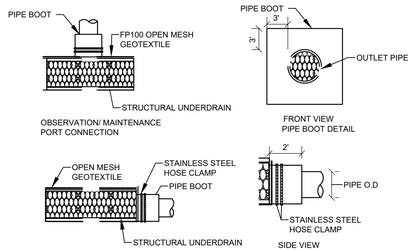
SEBAGO TECHNICS
WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd.
Suite A
South Portland, ME 04106
Tel. 207-200-2100

DETAILS
OF:
LOTS 65-70
POWLAND STREET
PORTLAND, MAINE
FOR:
ST.J, INC.
P.O. BOX 58
GORHAM, ME 04038

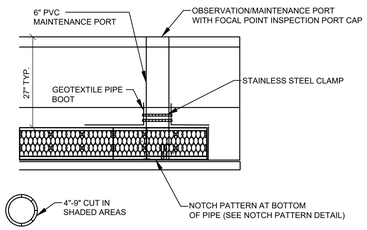
DESIGNED	JSH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	NTS
PROJECT	07360-01

07360-01 D.dwg, TAB:11 DETAILS

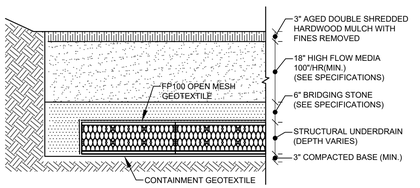
SHEET12 OF15



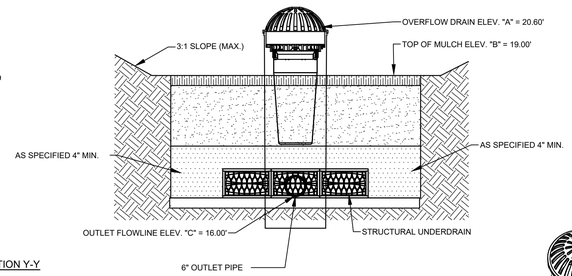
OUTLET/INLET PIPE CONNECTION

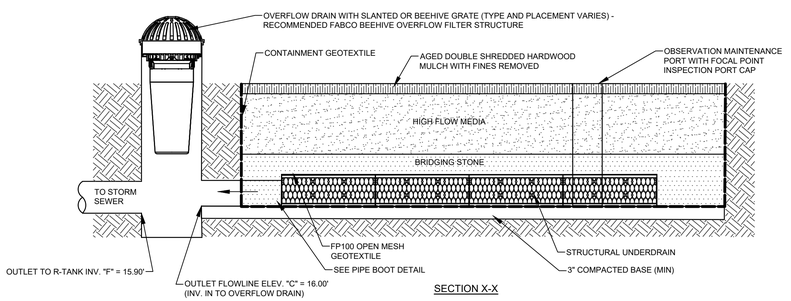


PIPE NOTCH PATTERN DETAIL

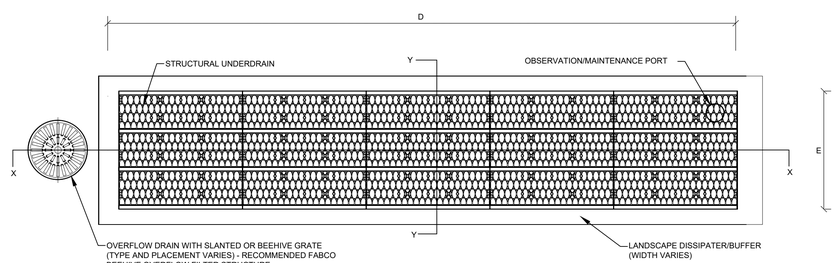


SECTION Y-Y





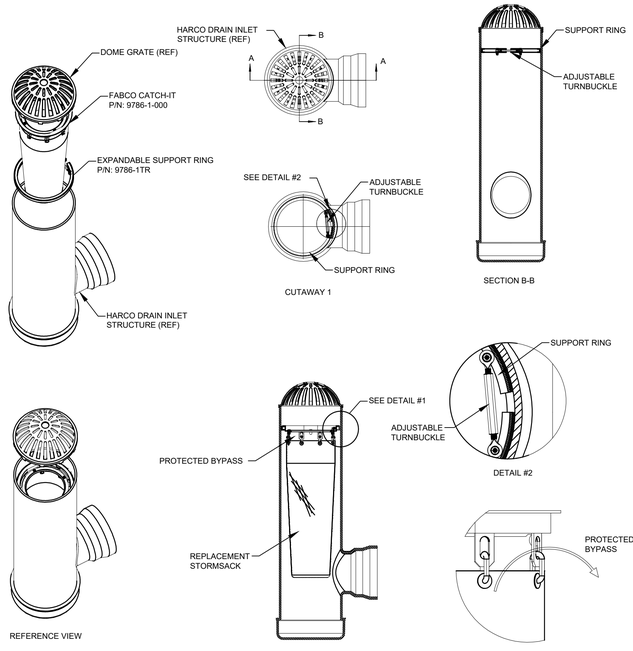
SECTION X-X



PLAN VIEW

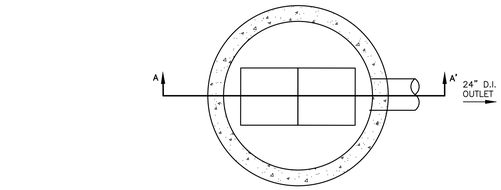
FOCAL POINT CONSTRUCTION TABLE

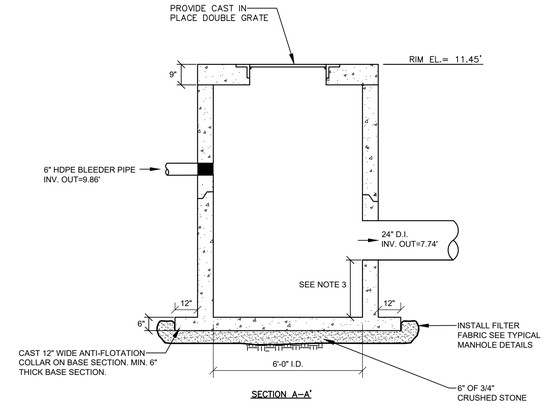
	ELEV. A	ELEV. B	INV. C	DIST D	DIST E	INV. F
FOCAL POINT 1	20.60'	19.00'	16.00'	10.00'	5.00'	15.90'



OVERFLOW DRAIN

FOCAL POINT DETAIL
NOT TO SCALE





SECTION A-A'

NOTE:
1. OCS-2 FRAME AND GRATE TO BE EAST JORDAN PRODUCT ID V-5667-ASSY OR APPROVED EQUAL.
2. SUBMIT SHOP DRAWINGS AND STRUCTURE SPECIFICATIONS FOR OWNER/ENGINEER APPROVAL.
3. 1-FOOT SUMP RECOMMENDED BY MANUFACTURER HOWEVER SUMP NOT REQUIRED.

OUTLET CONTROL STRUCTURE (OCS-2)
NOT TO SCALE

PAUL D. OSTROVSKI, PE11175



HENRY A. HESS, RLA 4841



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

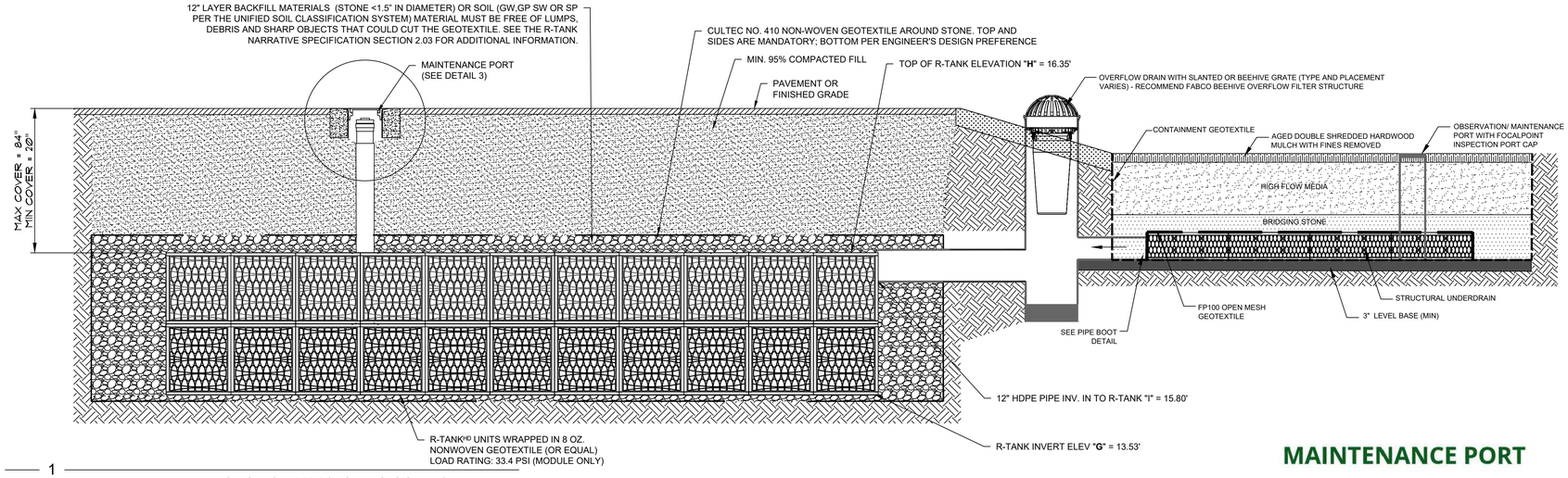
DETAILS
OF:
LOTS 65-70
POWSLAND STREET
PORTLAND, MAINE
FOR:
STJ, INC.
P.O. BOX 58
GORHAM, ME 04038

DESIGNED	JSH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	NTS
PROJECT	07360-01

07360-01 D.dwg, TAB:12 DETAILS

SHEET13 OF15

R-TANK KEY DIMENSIONAL DATA		
G	R-TANK INVERT	13.53'
H	TOP OF R-TANK ELEVATION	16.35'
I	PIPE INV. IN TO R-TANKS	15.80'
J	R-TANK OUTLET PIPE INV.	13.53'
	NUMBER OF R-TANKS	48 (8 x 6)
	R-TANK MODULE (SEGMENTS)	HD DOUBLE (2)



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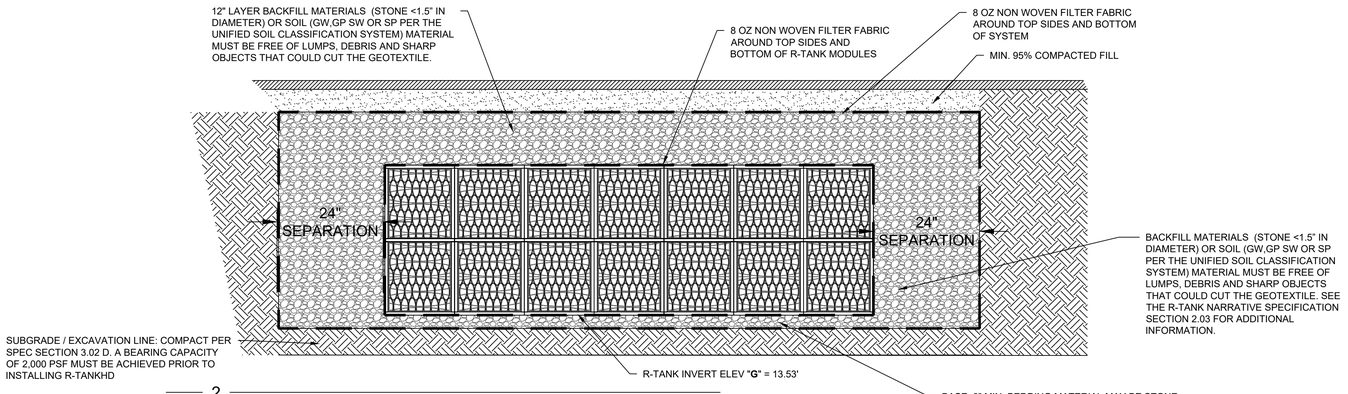
SECTION X-X (NOT TO SCALE)

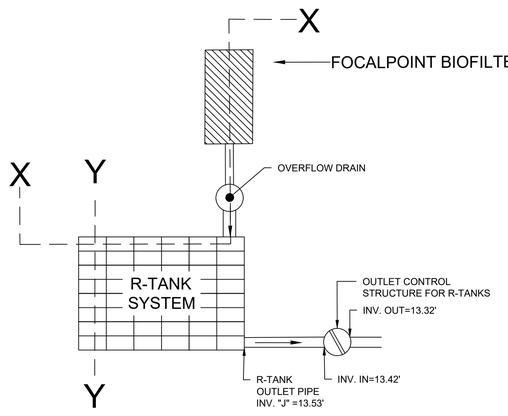


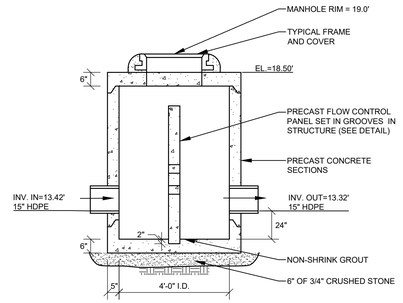
2

SECTION Y-Y (NOT TO SCALE)

FLOW/COMPONENT SCHEMATIC

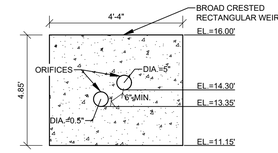
NOT TO SCALE





OCS-1 STRUCTURE DETAIL (R-TANKS)

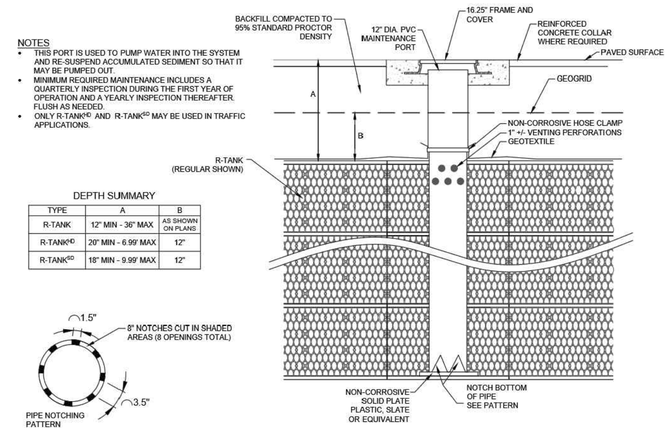
NOT TO SCALE



PRECAST FLOW CONTROL PANEL

NOT TO SCALE

MAINTENANCE PORT



NOTES

- THIS PORT IS USED TO PUMP WATER INTO THE SYSTEM AND RE-SUSPEND ACCUMULATED SEDIMENT SO THAT IT MAY BE PUMPED OUT.
- MINIMUM REQUIRED MAINTENANCE INCLUDES A QUARTERLY INSPECTION DURING THE FIRST YEAR OF OPERATION AND A YEARLY INSPECTION THEREAFTER. FLUSH AS NEEDED.
- ONLY R-TANK© AND R-TANK© MAY BE USED IN TRAFFIC APPLICATIONS.

DEPTH SUMMARY

TYPE	A	B
R-TANK	12" MIN - 36" MAX	AS SHOWN ON PLANS
R-TANK©	20" MIN - 6.99' MAX	12"
R-TANK©	18" MIN - 9.99' MAX	12"

3

PAUL D. OSTROVSKI, PE11175

STATE OF MAINE — PAUL D. OSTROWSKI — No. 11175 — LICENSED PROFESSIONAL ENGINEER — 03/03/2023

REV.	BY	DATE:	STATUS
D.	HAH	03-01-23	REVISED FROM COMMENTS ON 02/09/23
C.	HAH	01-11-23	REVISED FROM COMMENTS ON 09/23/22
B.	HAH	05-02-22	ISSUED FOR CITY REVIEW
A.	HAH	09-10-21	ISSUED TO CLIENT FOR REVIEW

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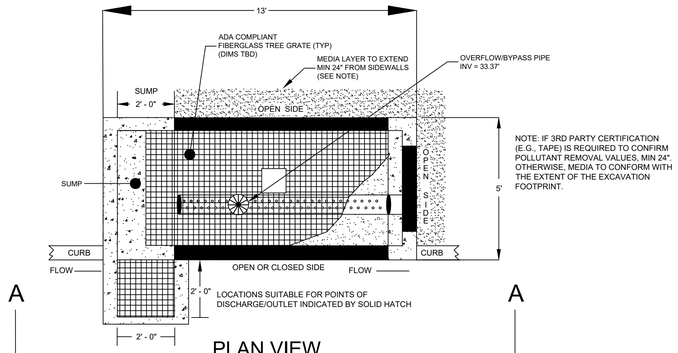
DETAILS
OF:
LOTS 65-70
POWNAL STREET
PORTLAND, MAINE
FOR:
STJ, INC.
P.O. BOX 58
GORHAM, ME 04038

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

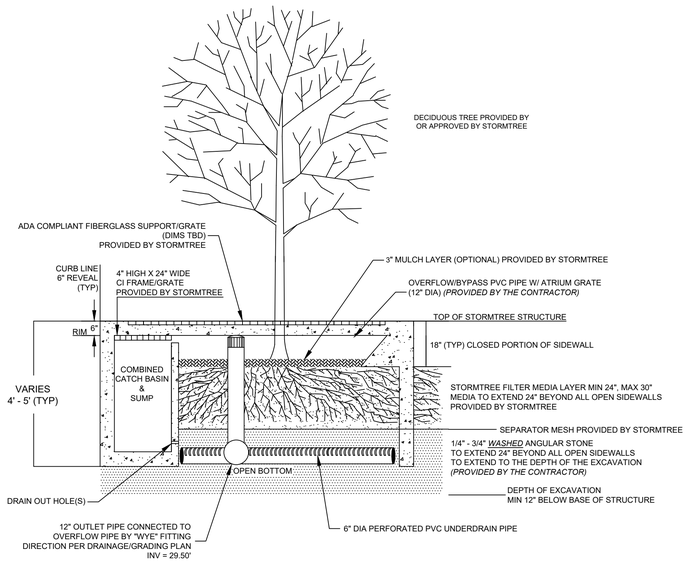
DESIGNED	JSH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	NTS
PROJECT	07360-01

07360-01 D.dwg, TAB:13 DETAILS

SHEET14 OF15



PLAN VIEW
(LEFT SIDE ENTRY)
NOT TO SCALE



SECTION A-A
(LEFT SIDE ENTRY)
NOT TO SCALE

SITE SPECIFIC DATA

STORMTREE MODEL	MEDIA BAY	RIM/THROAT ELEV.	OUTLET PIPE ELEV.	TREATMENT FLOW RATE (CFS)	BYPASS FLOW RATE (CFS)	OUTLET PIPE (DIA)	UNDERDRAIN PIPE (DIA)
ST-4X10-SUL	4' X 10'	*33.50'*	*29.45'*	0.132	*2.56*	*12"*	*6"*

STORMTREE®
COMBINED CATCH BASIN/INTERIOR SUMP SERIES W/ INTERNAL BYPASS (RIGHT, LEFT, SHORT SIDE)

STORMTREE®
Thinking Outside the Concrete Box™
24 Corliss Street, Suite 9092, Providence, RI 02940 (401) 626-8999 www.storm-tree.com

THIS DESIGN, DRAWING, AND TECHNOLOGY IS PROPRIETARY AND THE PROPERTY OF STORMTREE. AND MAY NOT BE ALTERED OR REPRODUCED WITHOUT THE EXPRESSED CONSENT OF STORMTREE
PATENT # US8333885; OTHER PATENTS PENDING

PAUL D. OSTROVSKI, PE11175

STATE OF MAINE — PAUL D. OSTROWSKI — No. 11175 — LICENSED PROFESSIONAL ENGINEER — 03/03/2023

REV.	BY	DATE	STATUS
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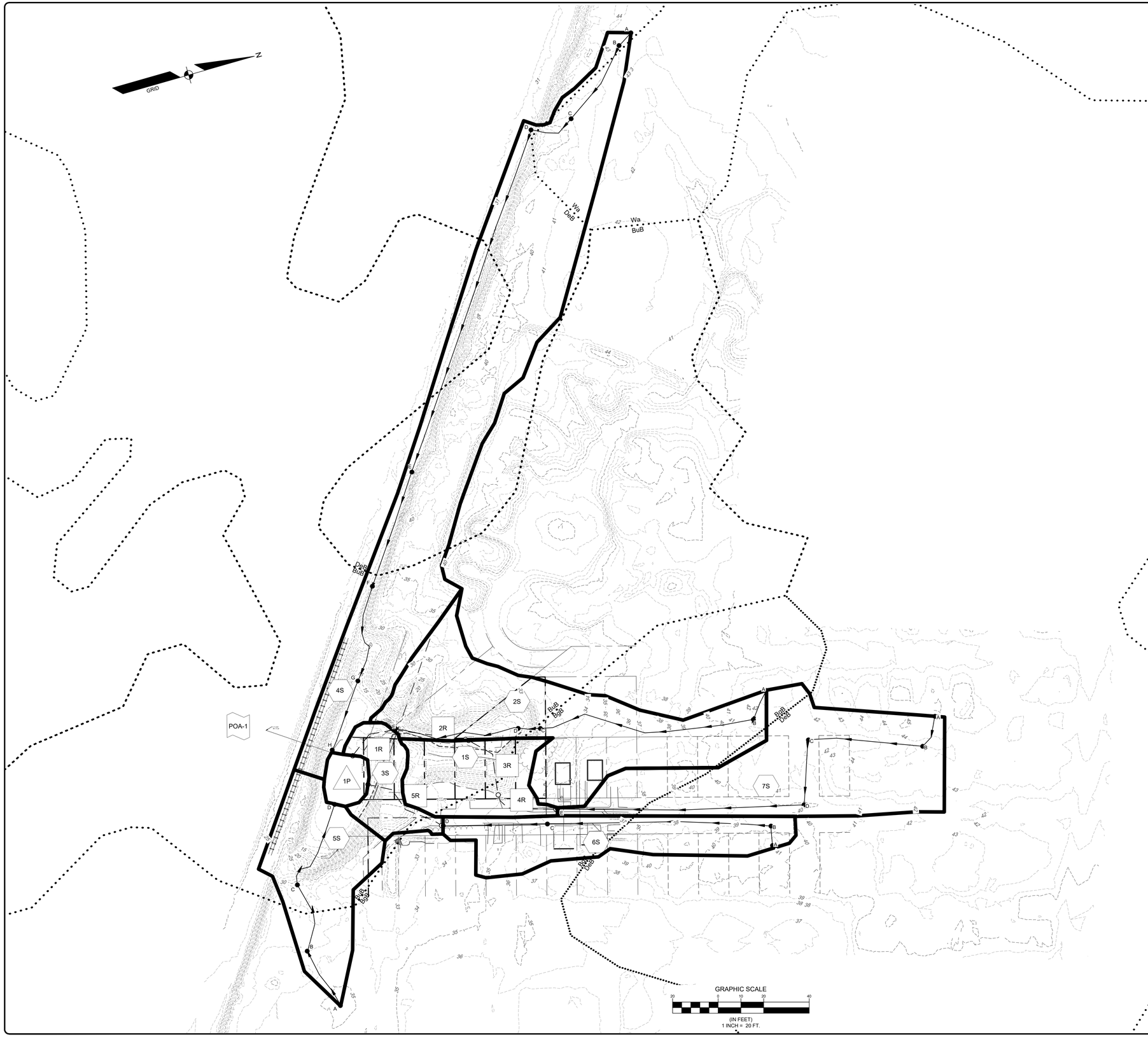
75 John Roberts Rd.
Suite A
South Portland, ME 04106
Tel. 207-200-2100

DETAILS
OF:
LOTS 65-70
POWSLAND STREET
PORTLAND, MAINE
FOR:
ST.J, INC.
P.O. BOX 58
GORHAM, ME 04038

DESIGNED	JSH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	NTS
PROJECT	07360-01

07360-01 D.dwg, TAB-15 DETAILS

SHEET15 OF15



PRE-DEVELOPMENT LEGEND

- WATERSHED BOUNDARY
- TIME OF CONCENTRATION (A → B)
- REACH
- #### WATERSHED LABEL
- #### REACH
- #### STUDY POINT
- #### STORMWATER TREATMENT/DETENTION POND
- HSG # / HSG # SOILS BOUNDARY

SOIL TABLE

SYMBOL	NAME	SLOPE	HYDROLOGIC SOIL GROUP
BgB	NICHOLVILLE	0-8%	C
BuB	LAMOINE	3-8%	C/D
DeB	DEERFIELD	3-8%	A
Wa	WALPOLE	0-3%	A/D

PAUL D. OSTROWSKI, PE11175
STATE OF MAINE — PAUL D. OSTROWSKI No. 11175 — REGISTERED PROFESSIONAL ENGINEER
01/11/2023

HENRY A. HESS, RLA #841
LANDSCAPE ARCHITECT — HENRY HESS 841 — LICENSED — STATE OF MAINE
01/11/2023

REV.	BY	DATE:	STATUS
C	HAH	01-11-23	REVISED FROM COMMENTS ON 09/29/22
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PRE-DEVELOPMENT STORMWATER PLAN
OF:
LOTS 65-70
POWSLAND STREET
PORTLAND, MAINE
FOR:
STJ, INC.
P.O. BOX 58
GORHAM, ME 04038

DESIGNED	JSH
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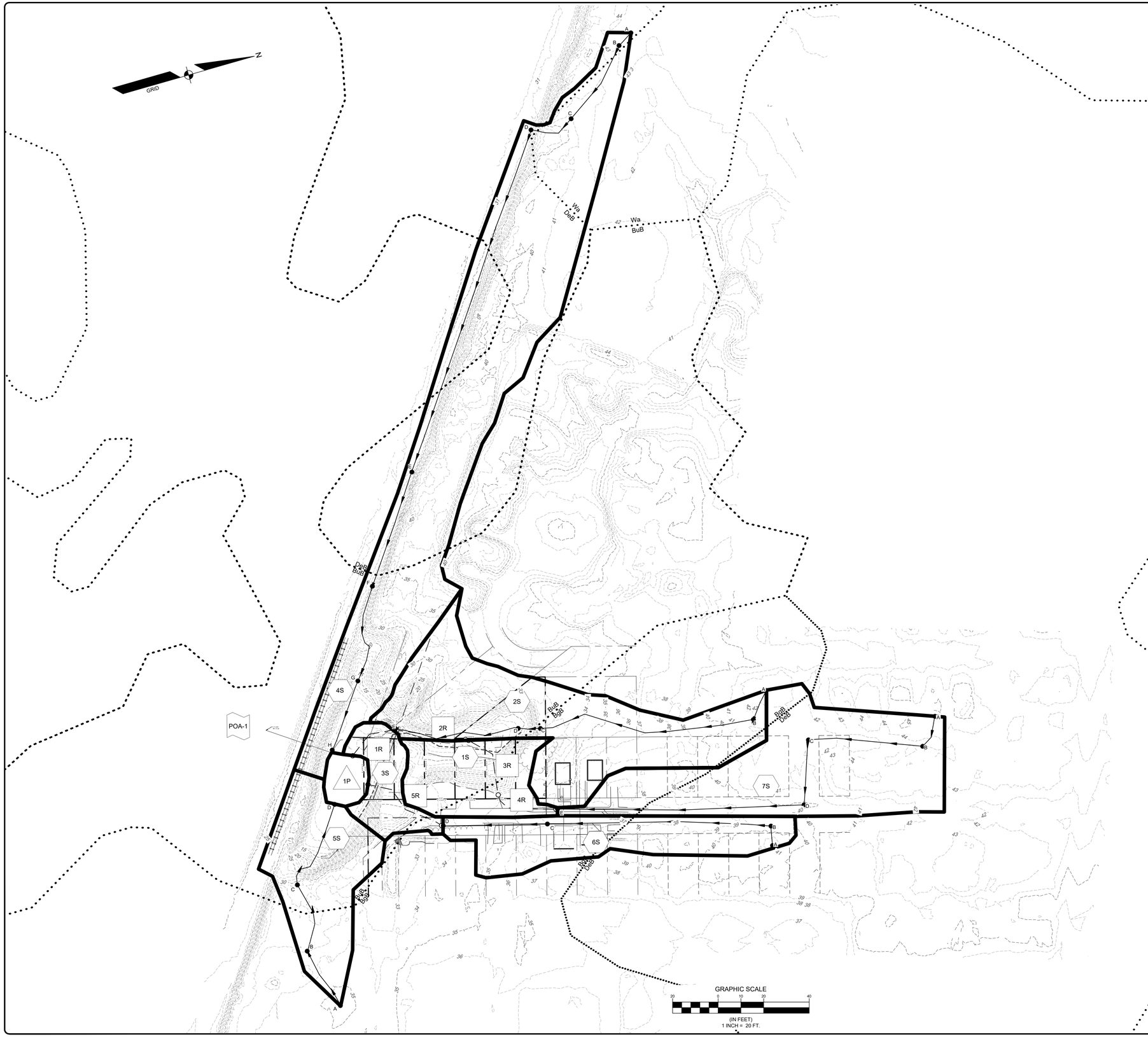
DATE	10/01/21
SCALE	1" = 20'
PROJECT	07360-01

SHEET 1 OF 2

07360-01 SWP.dwg, TAB-PRE-DEVELOPMENT STORMWATER PLAN



PAUL D. OSTROWSKI, PE11175

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PRE-DEVELOPMENT STORMWATER PLAN

OF:
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POWSLAND STREET
PORTLAND, MAINE

FOR:
STJ, INC.
P.O. BOX 58
GORHAM, ME 04038

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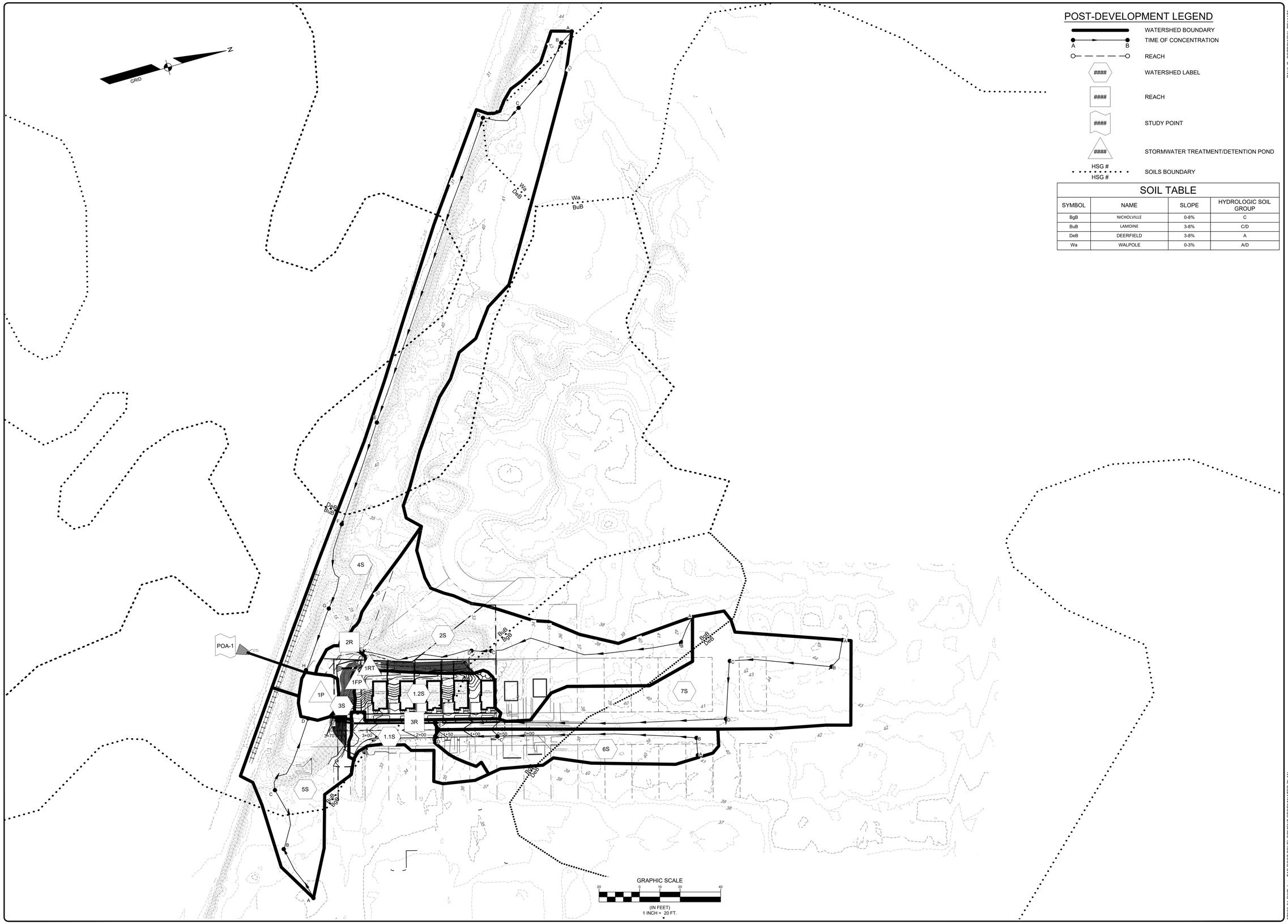
SHEET 1 OF 2

07360-01 SWP-dwg, TAB-PRE-DEVELOPMENT STORMWATER PLAN



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POST DEVELOPMENT STORMWATER PLAN

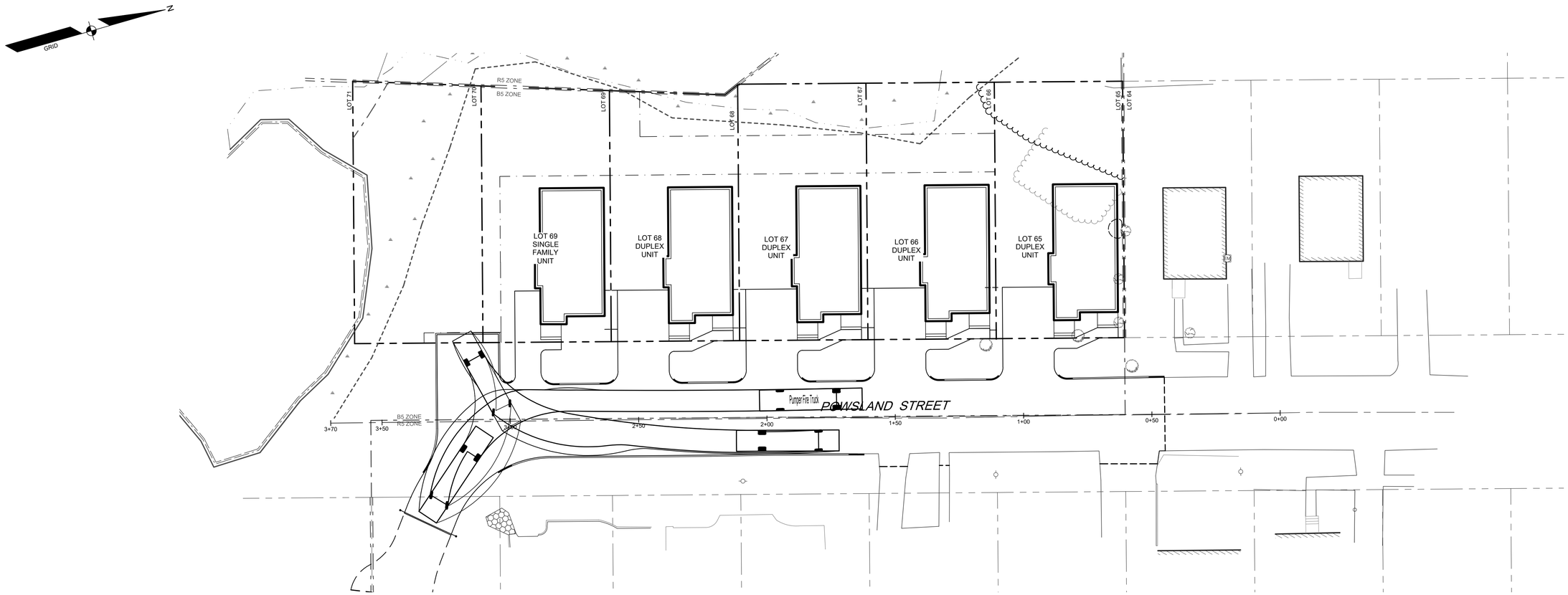
OF:
LOTS 65-70
POWSLAND STREET
PORTLAND, MAINE

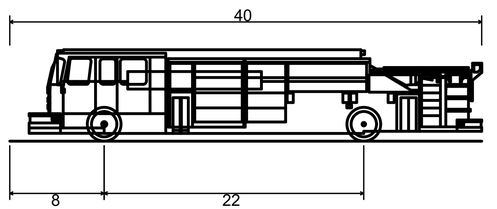
FOR:
STJ, INC.
P.O. BOX 58
GORHAM, ME 04038

DESIGNED	JSH
DRAWN	SRC
CHECKED	HAH
DATE	10/01/21
SCALE	1" = 20'
PROJECT	07360-01

SHEET 2 OF 2

07360-01 SWP-dwg TAB-POST DEVELOPMENT STORMWATER PLAN





Pumper Fire Truck	
Overall Length	40.000ft
Overall Width	8.167ft
Overall Body Height	7.745ft
Min Body Ground Clearance	0.656ft
Track Width	8.167ft
Lock-to-lock time	5.00s
Max Wheel Angle	45.00°

GRAPHIC SCALE
-10 0 5 10 20
(IN FEET)
1 INCH = 10 FT.

HENRY A. HESS, RLA 4841

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VEHICLE TURNING EXHIBIT

OF:
LOTS 65-70
POWSLAND STREET
PORTLAND, MAINE

FOR:
STJ, INC.
P.O. BOX 58
GORHAM, ME 04038

DESIGNED	JSH
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DATE	10/01/21
SCALE	1" = 10'
PROJECT	07360-01

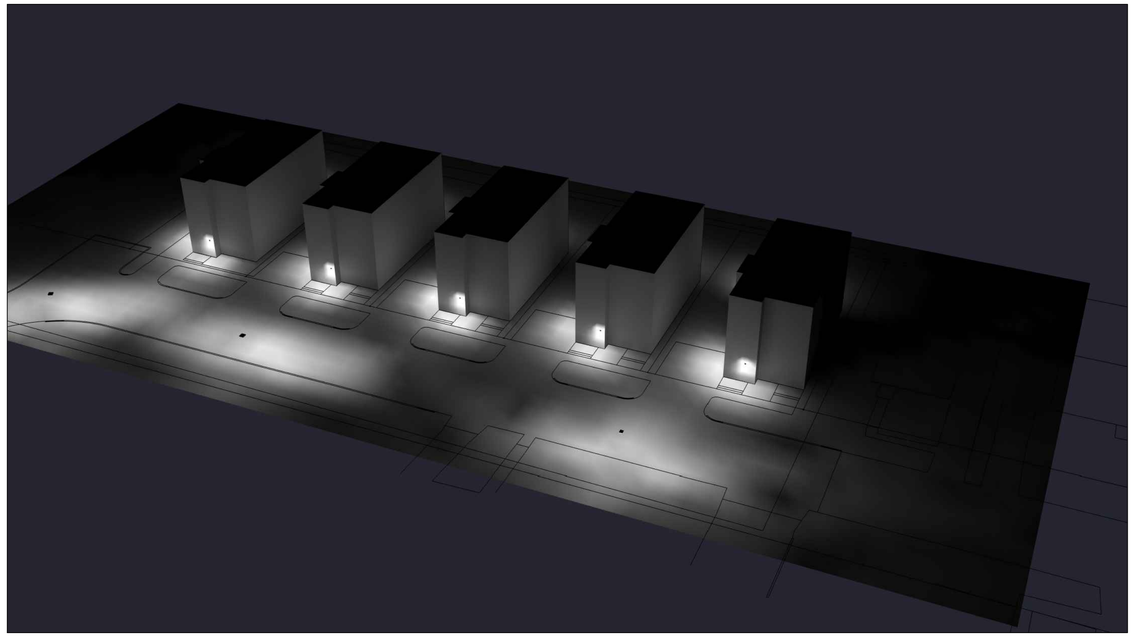
SHEET 1 OF 1

07360-01 Truck.dwg, TAB:Vehicle Turning



Luminaire Schedule							
Symbol	Qty	Label	Mounting Height	LLF	Lum. Lumens	Lum. Watts	Description
	1	EX	12' - 0" AFG	0.900	5300	56	EPTT01_06DA30 (Existing)
	1	T3	12' - 0" AFG	0.900	4800	55	TRA30-AC-24NB-55-3K-UNV-DIR3
	15	WP	7' - 0" AFG	0.900	1424	10	SG1-10-3K-PCU

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Overall Area	Illuminance	Fc	0.32	4.5	0.0	N.A.	N.A.
Paved Area	Illuminance	Fc	0.87	4.5	0.0	N.A.	N.A.



1. THIS LIGHTING DESIGN IS BASED ON LIMITED INFORMATION SUPPLIED BY OTHERS TO HUBBELL LIGHTING. SITE DETAILS PROVIDED HEREON ARE REPRODUCED ONLY AS A VISUALIZATION AID. FIELD DEVIATIONS MAY SIGNIFICANTLY AFFECT PREDICTED PERFORMANCE. PRIOR TO INSTALLATION, CRITICAL SITE INFORMATION (POLE LOCATIONS, ORIENTATION, MOUNTING HEIGHT, ETC.) SHOULD BE COORDINATED WITH THE CONTRACTOR AND/OR SPECIFIER RESPONSIBLE FOR THE PROJECT.
2. LUMINAIRE DATA IS TESTED TO INDUSTRY STANDARDS UNDER LABORATORY CONDITIONS. OPERATING VOLTAGE AND NORMAL MANUFACTURING TOLERANCES OF LAMP, BALLAST, AND LUMINAIRE MAY AFFECT FIELD RESULTS.
3. CONFORMANCE TO FACILITY CODE AND OTHER LOCAL REQUIREMENTS IS THE RESPONSIBILITY OF THE OWNER AND/OR THE OWNER'S REPRESENTATIVE.

TITLE:

POWSLAND DEVELOPMENT
PORTLAND, ME
SITE PHOTOMETRIC PLAN

REVISED FROM DRAWING NUMBER(S):	
R1: 03/30/22	R5: 03/27/23
R2: 04/07/22	
R3: 04/11/22	
R4: 02/24/23	

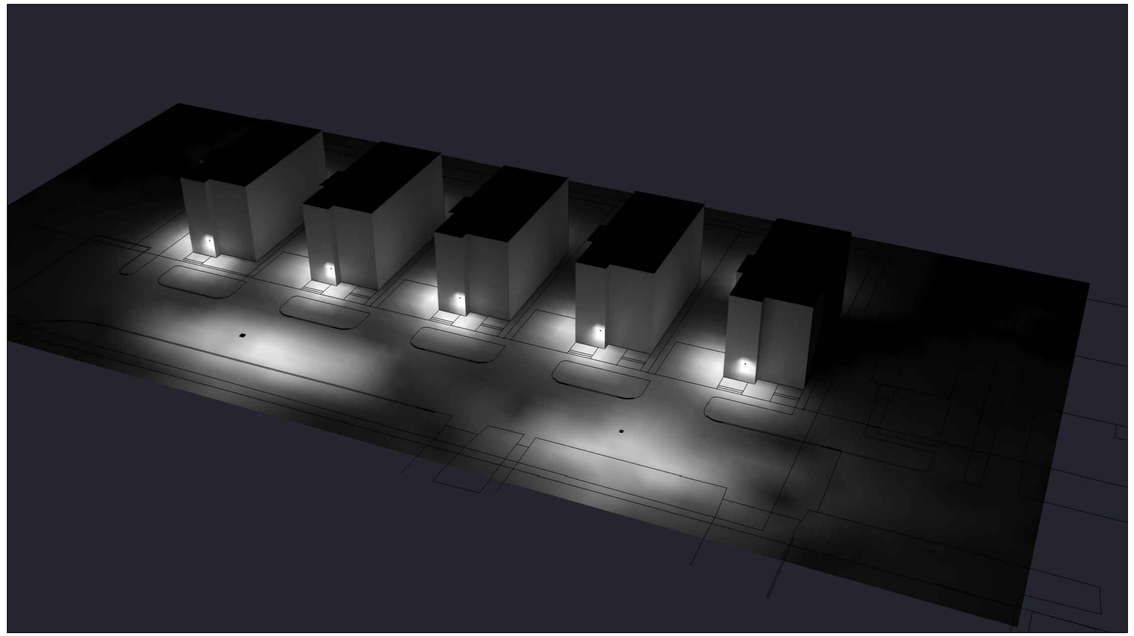
HUBBELL®
Hubbell Lighting, Inc.
701 MILLENNIUM BLVD.,
GREENVILLE, SC 29607

DN BY:	DATE:	CHK BY:
DHK	03/29/22	N/A
REV. BY:	DATE:	SCALE:
DHK	03/27/23	AS NOTED
QUOTE:	DRAWING / DESIGN NO.:	
N/A	2229444R5	



Luminaire Schedule							
Symbol	Qty	Label	Mounting Height	LLF	Lum. Lumens	Lum. Watts	Description
	1	EX	12' - 0" AFG	0.900	5300	56	EPTT01_06DA30 (Existing)
	1	T3	12' - 0" AFG	0.900	4800	55	TRA30-AC-24NB-55-3K-UNV-DIR3
	15	WP	7' - 0" AFG	0.900	1424	10	SG1-10-3K-PCU

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Overall Area	Illuminance	Fc	0.26	4.5	0.0	N.A.	N.A.
Paved Area	Illuminance	Fc	0.67	3.4	0.0	N.A.	N.A.



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REV. BY:	DATE:	SCALE:
DHK	02/24/23	AS NOTED
QUOTE:	DRAWING / DESIGN NO.:	
N/A	2229444R4	

Administrative Appeal of FIRE2022-01299
368 Ray Street
Marin Magat and Jenirose Friedkin, Co-appellants

Submitted to:	Portland Planning Board	**Prepared By:**	Matthew Grooms
Public Hearing Date:	April 11, 2023	**Date:**	April 7, 2023

I. INTRODUCTION

Marin Magat and Jenirose Friedkin are appealing a blasting permit (FIRE2022-01299) issued by the City of Portland Fire Department on December 30, 2022 for blasting work at 368 Ray Street, associated with the Fallbrook Commons Assisted Living Facility development (PL-000925-2019), which was approved by the Planning Board on November 10, 2020.

The authority to perform blasting work within the City is established under both Chapters 10 and 14 of the City Code of Ordinances, with Chapter 14, Article 22 (Regulation of Explosives) defining the process by which blasting permits may be issued. This article also outlines regulations for operators, which include the storage of explosives and hours of blasting. More detailed technical standards for blasting work can be found within Section 3 (Public Safety Standards) of the Technical Manual. The issuance of a blasting permit is considered an administrative decision by the Planning Authority (via designee), and per Chapter 14, Article 2.1.10 (O), the Planning Board is conferred jurisdiction to hear and render decisions on administrative appeals.

In this appeal hearing, the Planning Board shall consider the ordinance and technical standards by which the City evaluates blasting permit applications, the stipulations of the issued blasting permit and the argument of the appellants alleging that the City failed to enforce the provisions of the permit. At the conclusion of this hearing, the Board will need to make a series of findings related to this appeal request, and make a motion to either uphold or reject this appeal.

The Planning and Urban Development Department mailed 109 notices advertising this meeting to property owners within 500 feet of the site. A legal advertisement ran in the April 1, 2023 and April 4, 2023 editions of the *Portland Press Herald*.

Appellants: Marin Magat and Jenirose Friedkin

II. RELEVANT CODE CITATIONS

Applicable Standards
Chapter 14, Article 22 – Regulation of Explosives
Technical Manual Section 3.7 – Standards for Blasting and Regulation of Explosives

III. ADMINISTRATIVE APPEAL PROCESS

Article 2.1.11 states that an appeal may be taken to the Planning Board by any person affected by a final decision of the Planning Authority. The permit is issued by the Fire Department, which functions as a designee of the Planning Authority. The appeal is required to be submitted in writing, specifying grounds

for the appeal, and received by the Planning Authority within 30 days of the action being appealed. The Planning Authority is further responsible for providing all of the documents, plans and materials which were considered by the Planning Authority in making the administrative decision being appealed. The appeal is considered a 'de novo' review by the Planning Board, where the Board reviews the decision of the Planning Authority anew.

Staff have prepared an overview of the relevant submission requirements and review criteria associated with a blasting permit application, along with the City's findings. These criteria for the blasting permit differ from the appellants' references to their grounds for an appeal, which are outlined in section V. below, and which do not reference the blasting permit standards.

IV. CRITERIA FOR ISSUING A BLASTING PERMIT

Chapter 14, Section 22.3.1 states that no blasting operations may occur within the City without a permit issued by the Fire Department, as required by the National Fire Protection Association (NFPA) 1 Fire Prevention Code, which has been adopted by the City and is included within Chapter 10 of the City of Portland Code of Ordinances. Per Section 22.3.1, any blasting permit application shall be accompanied by a blasting plan developed in accordance with Section 3 of the City of Portland Technical Manual. The ordinance establishes three tiers of blasting operation; large blasts, where greater than 300 cubic yards of fill is removed; medium blasts, where between 50 and 300 cubic yards of fill is removed; and small blasts, where less than 50 cubic yards of fill is removed or trench blasting is performed. Each tier of blasting permit has varying application, noticing and operational requirements. As the blasting permit being appealed was issued for a large blast, staff will limit the following overview of application requirements to those pertaining specifically to a large blast, and will exclude any discussion pertaining to small or medium blasts.

A. Large Blasting Operation Blasting Plan (Ch. 14, Article 22.3.2) (Technical Manual Sec. 3.7.2.3)

An application for a large blast shall be accompanied by a Drilling Pattern and Loading Plan, also known as a blasting plan. The City of Portland requires that this application and plan be submitted a minimum of two weeks prior to the start of any drilling and/or blasting operations. A blasting plan for a large blast is required to include the following items:

- *The sequence and schedule of blasting rounds, including a general description of the proposed approach for developing each bedrock excavation area.*
- *A diagrammatic description of the typical blast pattern to be used, including pre-splitting pattern if pre-splitting is required.*
- *Diameter, spacing, burden, depth and orientation of each drill hole relative to the "free face", along with details of the delay pattern.*
- *A diagrammatic description of the loading plan for a typical production hole including charge weights and distribution of primer, explosives and stemming within a typical hole.*
- *Estimation of ground vibration levels at nearest adjacent structures.*
- *Written evidence of the licensing, experience, and qualifications of the blaster who will be responsible for loading and firing each shot.*
- *A listing of the number and type of instrumentation proposed to be used to monitor vibrations and airblast overpressures.*
- *Safety procedures, security measures, and warning sequences.*

Staff Finding: A blasting plan (Attachment H) providing all requisite information was provided as part of the blasting permit application and uploaded to the Citizen Self Service Portal on December 22, 2022.

B. Pre-Blast Survey (Technical Manual Sec. 3.7.3)

A contractor requesting a permit for a large blast is required to offer a pre-blast survey, free of charge, for all structures within 600 feet of the perimeter of the blasting site. This survey is required to be performed by an independent seismologist or blasting consultant not affiliated with the contractor or subcontractor performing the work or the manufacturer or distributor of the explosives being used.

Prior to the commencement of blasting work, the contractor is responsible for providing the following information (Sec. 3.7.3.1):

- *A list of property owners to be contacted (in accordance with the distances listed in Section 3.7.3)*
- *Verification that the subject property owners were notified of the pre-blast survey work.*
- *A copy of the pre-blast survey offer notice.*
- *Whether each offer to conduct a pre-blast survey was either accepted, rejected, or there was no response.*

The pre-blast survey is required to document the condition of interior subgrade and above grade accessible walls, ceilings, floors, roof and visible exterior as viewed from the grade level. Significant cracks, damage and other complex structural defects are to be photographed and/or video recorded for posterity (Sec. 3.7.3.2). This information is then compiled into a pre-blast survey conditions report for each property surveyed (Sec. 3.7.3.3). The contractor performing the blasting work is required to verify that all pre-blast surveys and conditions reports have been completed a minimum of two weeks prior to the commencement of blasting operations (Sec. 3.7.3.4).

Staff Finding: The blasting contractor, Drilling & Blasting Rock Specialists, hired the independent firm Pre-Construction Service, LLC to conduct the pre-blast survey. A copy of the pre-blast survey letter was included as part of the application (Attachment N) and pre-blast survey logs (Attachment P) were provided to the City as required by this standard.

C. Notification to Neighbors (Ch. 14, Article 22.7) (Technical Manual Sec. 3.7.4)

At least 10 days prior to the start of any large blasting operation, notice of the blasting work shall be published in a newspaper of local publication, and mailed by first class mail to all property owners within 600 feet of the perimeter of the blasting site. The notice is required to include a description of the proposed blasting operations, estimated schedule and duration of blasting operations, description of the blasting signals to be used during operations, and complaint protocol and the complete address, telephone numbers and email contact for the blasting contractor, the Planning Authority, and Fire Department (Article 22.7.2)

Staff Finding: A copy of the legal notice (Attachment K), the letter template (Attachment N), and the verified first-class mail receipts (Attachment O) were included as part of the blasting permit application. The blasting permit was issued eight days following notice of the intent to commence blasting which, if blasting were to have commenced immediately, would not have complied with the City's mandatory minimum noticing requirement. Once staff was made aware of this error, the City

issued a stop work order (Attachment C), which prevented blasting work from occurring until the required 10 day noticing period had passed.

D. Complaint Protocol (Technical Manual Sec. 3.7.5)

The blasting contractor is solely responsible for the safety of all persons and property during the performance of work and has full and complete responsibility for the handling, discharging, or settling of any and all damage or nuisance claims resulting from the blasting activity. Per this standard, complaints may be submitted to the blasting contractor, the Department of Planning and Urban Development, or the Fire Department, and if a complaint contends that blasting has resulted in property damage, the independent seismologist or blasting consultant is required to meet with the property owner within 24 hours to assess the reasonableness of the complaint. If a reasonable basis is verified, the seismologist or blasting consultant would then be required to perform a second condition survey within 48 hours after receiving the complaint. A new condition survey report would then be prepared and shared with the property owner and verified with the City within two weeks following this second conditions survey.

Staff Finding: Contact information for the blasting contractor, and the City of Portland Fire Department are included within the newspaper notice (Attachment K) and the mailed abutter notices (Attachment N).

E. Hours of Blasting and Storage of Explosives (Ch. 14, Article 22.4 and 22.8) (Technical Manual Sec. 3.7.6)

All explosives are to be stored and handled in accordance with the provisions of City ordinances, the laws of the State of Maine, and the NFPA 1 Fire Prevention Code. Further, a blasting contractor is prohibited from storing more than a day's supply of explosive material on a project site, and that material is required to be transported and stored in approved magazines when not in use.

The City of Portland permits blasting operations Monday through Friday between the hours of 9:00 a.m. and 4:00 p.m. unless a formal request to extend hours of operation is approved by the Planning Authority or their designee.

Staff Finding: The blasting plan (Attachment H) outlines protocols to be observed related to the storage, transportation and use of explosives on site which comply with NFPA and local requirements. The blasting plan further indicates hours of operation which comply with City requirements.

F. Blast Warning (Technical Manual Sec. 3.7.7)

Prior to the start of blasting, the contractor is required to sound an air horn to alert those nearby of the start of blasting activity, with three horns required five minutes before a blast, two horns required one minute before a blast, and one horn immediately prior to a blast (Sec. 3.7.7.1). For large blasts, the blasting contractor is required to notify all persons within 600 feet of the blasting area of this warning protocol via mailed notices and signage posted in the vicinity of the blasting site. (Sec. 3.7.7.2)

Staff Finding: The blasting plan (Attachment H) and abutter notice (Attachment N) communicate the use of blast warnings as required.

G. Blasting Schedule (Technical Manual Sec. 3.7.8)

A blasting contractor is required to submit a blasting schedule to property owners within the prescribed noticing radius, the general contractor and the Department of Planning and Urban Development at least 10 days prior to the commencement of blasting operations. This schedule is required to include relevant contact information, blasting locations, planned dates and times of blasts, blast area access restrictions and information on warning signal protocols.

During the course of blasting work, the blasting contractor is required to coordinate the schedule of blasting activity with the property owner where the blasting is occurring, the general contractor, the Department of Planning and Urban Development and the Fire Department on a weekly basis.

The morning of a planned detonation, the blasting contractor is required to notify the Fire Department and the Department of Planning and Urban Development of the planned time of the blast, the location of the blast, and the amount of explosives to be used. The blasting contractor is further required to provide 24-hour notice of blasting work to property owners who requested notice of the blasting schedule.

Staff Finding: The blasting plan (Attachment H) outlines protocols for coordinating blasting activity to the general contractor, Engineers, and Fire Department. The blasting contractor provided a minimum of 24 hours' notice to City staff and the abutters who requested notification; communicating the plan for the following day's blasting activity.

H. Vibration Limits and Ground Vibration Monitoring (Technical Manual Sec. 3.7.9)

During the course of blasting activity, the contractor is required to use a seismograph to monitor vibration data at nearby existing structures. The permissible maximum ground vibrations are limited to values established by the U.S. Bureau of Mines to avoid cracking or structural damage in residential structures. Ground vibration limits are measured by peak particle velocity (PPV) and are as follows:

Type of Structure	Maximum PPV (ins/s)	
	Frequencies below 40 HZ	Frequencies 40 HZ or greater
Modern Homes (drywall interior)	.75	2.0
Older Homes (Plaster on wood lath for interior walls)	.50	2.0

In the event that a pre-blast survey determines that a nearby structure is deteriorating, or that it houses either sensitive equipment or operations sensitive to vibrations, a lower PPV limit may be required, which would be determined by the independent seismologist or blasting consultant. In the event that a seismograph detects vibrations approaching the established limits, the blasting contractor shall modify operations to reduce ground vibrations. If an established limit is exceeded, then all blasting work is required to cease, and the blasting contractor is required to prepare an updated report outlining corrective actions to reduce ground vibrations to an acceptable level.

Staff Finding: The blasting plan submission form (Attachment G) provides calculated particle velocity measurements at various points in relation to the blasting site, all of which comply with this standard. Blasting logs (Attachment Q) verify compliance with this standard.

I. Flyrock Control (Technical Manual Sec. 3.7.10)
For large blasts, blasting mats, soil, or other material shall be utilized for all blast rounds to prevent the throw of flyrock from the blasting area.

Staff Finding: The blasting plan (Attachment H) indicated that blasting mats and backfill were to be utilized to control excessive amounts of rock movement when blasting in close proximity to structures, with the placement and number of mats to be determined by the contractor.

J. Pre-Blast Safety Meeting (Technical Manual Sec. 3.7.11)
Prior to the commencement of blasting, the blasting contractor is required to hold a pre-blast safety meeting with all contractors operating on the development site to communicate blasting signals and precautions.

Staff Finding: No information on the pre-blast safety meeting is included in the record, however this meeting would occur after the issuance of the blasting permit and the City's ordinance and technical standards do not require that this information be reported to the City once completed.

K. Test Blasts (Technical Manual Sec. 3.7.12)
The blasting contractor shall demonstrate the adequacy of the proposed blasting plan by drilling, blasting and excavating short test sections using small charges and the required monitoring instruments prior to the commencement of full-scale blasting. Test blasting allows the blasting contractor to develop a more site-specific blasting approach.

Staff Finding: No information on the test blasts has been provided, though the test blast would occur following issuance of the blasting permit, and the ordinance does not require that this information be relayed to the City once completed.

L. Personnel (Technical Manual Sec. 3.7.13)
All employees of the blasting contractor working on site during the blasting operation shall be trained in the use and handling of explosives. The contractor is required to have liability insurance coverage of no less than $2 million. For large blasts, the blasting contractor is required to be a firm specialized in the use of explosives for breaking rock that is licensed in the State of Maine. The foreman responsible for the loading and firing of each shot, as well as the person responsible for designating and directing the blasting operation, is required to have a minimum of at least five years of relevant experience.

Two weeks prior to the commencement of the pre-blast survey, the blasting contractor is required to provide the name and qualifications of the independent seismologist or blasting consultant to the Department of Planning and Urban Development.

Staff Finding: The blasting plan (Attachment H) states that all blasting operations shall be conducted by trained, qualified, experienced and competent personnel who understand the hazards involved, and who meet the City's minimum requirements. Drilling and Blasting Rock Specialists, Inc also supplied their 'Permit for Explosives User' permit (Attachment J) demonstrating their right to perform blasting work within the state. The applicant also included a copy of their liability insurance policy (Attachments E and F).

M. Record Keeping and Reporting (Technical Manual Sec. 3.7.14)

An independent seismologist or blasting consultant is required to monitor vibration and airblast pressures associated with blasting operations throughout the duration of blasting activity. This monitoring shall be completed using a minimum of two seismographs complying with the requirements of Sec. 3,7,14,1. All blast monitoring data must be available for inspection on the blasting site, be submitted to the Applicant within 24 hours following each blast, and be submitted to the Department of Planning and Urban Development on weekly basis.

The blasting contractor shall maintain a blasting log which summarizes explosives used, weather conditions, proximity of the blast location to nearest structures, exact locations of monitoring instruments, and the results of blast monitoring at each instrument location for each blast. The log is required to be available for inspection on-site, shall be submitted to the applicant within 24 hours of each blast, and submitted to the City on a weekly basis.

Staff Finding: A copy of the blasting logs is included as part of the City's record. (Attachment Q)

N. Airblast Overpressure Limits (Technical Manual Sec. 3.7.15)

The peak airblast overpressure at any inhabited building not owner or controlled by the developer shall not be allowed to exceed 133 decibels (linear) when measured by an instrument with a high pass system and a lower frequency limit of 2 Hz. This data shall be continually monitored by the seismologist or blasting consultant, and in the event that the established limit is either approached or exceeded, the blasting contractor shall modify their blasting plan to reduce airblast overpressure. Such corrective action is required to be coordinated with the applicant and the City.

Staff Finding: The blasting plan (Attachment H) indicates that the maximum allowable air blast at an inhabited building not owned or controlled by the developer was not to exceed 129 decibels for this blasting operation when measured by an instrument having a flat response (approximately 3 decibels) over the range of 5 to 200 hertz, which complies with the City's standard.

O. Carbon Monoxide Control (Technical Manual Sec. 3.7.16)

Where blasting operations are proposed to occur within 250 feet of a structure, the blasting company shall submit a carbon monoxide management plan which details strategies to prevent and mitigate health and safety risks associated with possible Carbon Monoxide migration away from the blast site and into nearby property. The blasting contractor is further responsible for communicating safety protocols to follow in the event that a carbon monoxide detector sounds. This communication is required to occur a minimum of 24 hours prior to the start of blasting work.

Staff Finding: Door tags (Attachment L) were utilized to notify abutters of the potential risks associated with carbon monoxide migration, and protocols for alerting authorities when carbon monoxide build-up occurs (Attachment M).

V. REGULATIONS BEING CONTESTED BY APPELLANTS

A. Overview

In the appeal application (Attachment 1) received by the Department of Planning and Urban Development, the co-appellants dispute multiple sections of the City's Code, along with two Technical Manual standards.

As a note of clarification, the disputed sections cited reference a version of the City's land use code (Attachment S.5) that was superseded in November of 2020, with the adoption of ReCode Phase I. While the site plan for the Fallbrook Commons Assisted Living Facility (PL-000925-2019) was subject to this earlier iteration of our land use code, the blasting permit, which is currently being appealed, was subject to ordinance requirements in effect in December of 2022, when the blasting permit application was submitted. Therefore, City staff cite current ordinance requirements within the preceding section of this report, and have provided the following reference table to indicate which sections of the current ordinance correspond to those citations listed in the appeal application. The appellants also list one citation in Chapter 6 (Building Code) of the City Code of Ordinances. As the provisions of Ch. 6 are not appealable to the Planning Board, this citation was excluded from the following overview and discussion.

Table 1: Disputed Ordinances and Regulations

Cited Section (2019 Code)	Section Title	Corresponding Citation (2022 Code)	Section Title
Ch. 14, Sec. 14-472 (b)	Appeals Procedure	Ch. 14, Art. 2.1.11	Administrative Appeals
Ch. 14, Sec. 14-474	Conditional Uses	Ch. 14, Art. 6.5	Conditional Uses
Ch. 14, Sec. 14-474 (c)	Conditions for Conditional Uses	Ch. 14, Table 6-A	Permitted and Conditional Uses in Residential Zones
Ch. 14, Sec. 14-474 (c) 2	Conditional Use Standards	Ch. 14, Art. 6.5.2	General Conditional Use Standards
Ch. 14, Sec. 14-474 (d)	Conditions on Conditional Use Permits	Ch. 14, Art. 6.5.3	Conditions on Conditional Use Approvals
Ch. 14, Sec. 14-474 (f)	Limitations on Conditional Use Permits	Ch. 14, Art. 6.5.5	Limitations on Conditional Use Approvals
Ch. 14, Sec. 14-532	General Requirements and Enforcement (Site Plan)	Ch. 14, Art. 14.15	Consistency with Approved Site Plan
Ch. 14, Sec. 14-532 (c)	Expiration of Site Plan Approval	Ch. 14, Art. 14.12	Expiration of Approvals
Tech Manual, Sec.4.5.2	Landscape – Screening and Buffers	Same	Same
Tech Manual, Sec. 4.5.7	Landscape – Walls and Fences	Same	Same

The appellants submitted a supplemental letter (Attachment 2) dated April 2, 2023, which alleges that the City failed to act to uphold the requirements of the City Code in issuing and enforcing the blasting permit. The letter further contends that the City failed to enforce its ordinance, and issued the permit prematurely and without review, which has resulted in injury and damage to neighbors. The appellants

have also requested that the appeal hearing occur in-person, and have stated that no public hearing noticing should be required.

B. Discussion:

The filed administrative appeal application disputes various conditional use requirements, City regulations pertaining to site plan approvals, and technical standards related to screening, landscape buffers, walls and fences. As noted previously, the blasting permit being appealed is associated with a site plan, conditional use and Site Location of Development application (PL-000925-2019 – Attachment S.1) for the Fallbrook Commons Assisted Living Facility, which was approved unanimously (7-0) by the Planning Board in November of 2020. For reference, long-term and extended care facilities are a conditional use in the R-3 Residential zone where the development is located.

The Planning Board's decision to approve PL-000925-2019 was later appealed to the Superior Court in accordance with the City of Portland's appeal procedures, and on June 1, 2021, Justice John O'Neil found that the petitioners failed to show that the Planning Board's approval was an error of law, abuse of discretion, or not supported by substantial evidence in the record, and upheld the decision of the Planning Board. (Attachment S.2)

While the submitted appeal cites specific code and technical manual sections, it does not provide further justification or evidence supporting the claim that the blasting permit (FIRE2022-01299 – Attachment A) was unlawfully issued or inadequately enforced by the City with respect to these disputed code and technical manual requirements. Staff would further note that the cited sections are incontestable, as they are not considered when reviewing a blasting permit application, and do not directly or indirectly pertain to the regulation of blasting activity within the City.

With respect to the request that the meeting be held in-person, staff would note that the current Planning Board meeting protocols are consistent with City policies, which are in turn consistent with State statute. The right to hold meetings virtually has been affirmed by the Superior Court, including as part of the appeal of the site plan for Fallbrook Commons (Attachment S.2). As for the request to waive the City's public meeting noticing requirements, staff would highlight that all meetings of the Planning Board are required to be noticed via both a legal advertisement in a paper of local publication, and the mailing of abutter notices in accordance with Ch. 14, Article 2.1.8.B.

VI. PUBLIC COMMENT

As of the writing of this report, 27 written public comments have been submitted to the Planning & Urban Development Department, the majority of which were nuisance complaints related to the blasting activity. Some of the public comment questioned whether the blasting activity was occurring during permissible blasting hours, whether adequate notice was provided to abutters within the prescribed blasting notice area, and whether the warning horns were consistently used.

In response, staff are attaching the application materials that were submitted to receive the blasting permit, which include relevant information on the hours of operation, households noticed, and the content of the notice.

VII. STAFF RECOMMENDATION

Based upon the compiled record of materials for FIRE2022-01299 and staff findings related to each of the submission requirements and review criteria associated with a large blasting permit application, staff recommend that the Board find that blasting permit FIRE2022-01299 was lawfully issued, and that City regulations were property enforced during the course of blasting activity. Staff would further recommend that the Board find that the appellants have not demonstrated grounds for an appeal of the Planning Authority's decision on the basis that the contested sections of ordinance and regulations do not pertain to blasting activities, or the issuance of blasting permits within the City.

VIII. MOTION

A. The Planning Board [finds/ does not find] based upon the record of decision for blasting permit FIRE2022-01299, information submitted by the appellant and Planning Authority, findings and recommendations contained in the Planning Board Report for the public hearing on April 11, 2023 for the administrative appeal of blasting permit FIRE2022-01299 relevant to the issuance of a blasting permit, that the Blasting Permit was [not] lawfully issued, based on [inconsistency/consistency] with the standards of Chapter 14 of the City Code.

IX. ATTACHMENTS

A. Appellant Attachments
   1. Blasting Appeal Application
   2. Letter to Planning Board Chair
   3. Boundary Notice Exhibit
   4. Appellant Letter to ZBA – 1.19.2023
   5. Appellant Letter to ZBA and Exhibits – 2.1.2023
   6. Motion for Temporary Restraining Order

B. Record of Decision for Blasting Permit FIRE2022-01299
   A. Blasting Permit
   B. Building Permit
   C. Stop Work Order
   D. Large Blast Permit Application
   E. Certificate of Liability Insurance 12.23.2022
   F. Certificate of Liability Insurance 2.22.2022
   G. Fallbrook Commons Blasting Plan Submission Form
   H. Blasting Plan for Fallbrook Commons
   I. Blast Site Locations Plan
   J. State of Maine Explosives User License
   K. Newspaper Notice of Blasting
   L. Notice of Blasting Door Tag
   M. Carbon Monoxide Liability Disclaimer
   N. Sample Notice Letter
   O. Certified Mail Receipts
   P. Pre-Blast Survey Log
   Q. Blasting Log

C. City Staff Attachments
- S.1. Approval Letter and Planning Board Report (PL-000925-2019)
- S.2. Superior Court Decision – Site Plan Appeal
- S.3. ZBA Appeal Decision – Building Permit Appeal
- S.4. Superior Court Decision Denying Restraining Order
- S.5. Land Use Code – Effective 9.9.2020

D. Public Comments
- PC.1 Arbuckle
- PC.2 Carter
- PC.3 Friedkin
- PC.4 Menard
- PC.5 O'Connor Gee
- PC.6 Ulloa Anderson
- PC.7 Webster
- PC.8 Crawford
- PC.9 Cashman
- PC. 10 Holub
- PC. 11 Shea
- PC. 12 Christian
- PC. 13 Paradis
- PC. 14 Holub
- PC. 15 Hojnicki
- PC. 16 Holub
- PC. 17 Webster
- PC. 18 Friedkin
- PC. 19 Tierney
- PC. 20 Bennett
- PC. 21 Bennett
- PC. 22 Whitman
- PC. 23 Taylor
- PC. 24 Webster
- PC. 25 Abdallah
- PC. 26 Gilson
- PC. 27 McIlwain

Application for Administrative Appeal

Department of Planning and Urban Development

City of portland

Applicant Information:

Applicant Name: Florida Avenue Area Neighbors Phone: (207) 252 - 9520 (207) 370.4628

Business Name (if applicable): _____ Email: jenirosa@gmail.com marin.magat@gmail.com

Mailing Address: 54 Florida + 86 Florida Ave

Is the applicant an agent, representative, or lessee of the property owner/purchaser? ☐ Yes ☐ No

Name of Property Owner/Purchaser: _____ Phone: (_____) _____ - _____

Business Name (if applicable): _____ Email: _____

Mailing Address: _____

Property and Project Information:

Property Address: 60 Merrymeeting Drive Zone: R-3 residential zone

Tax Assessor's CBL: Tax Map 403 (Chart #) A (Block #) 3+4 (Lot #) Current Use of Property: _____

Disputed provisions of the Portland Code of Ordinances (please cite sections): Code 14-474, 14-474(c), 14-474(c)2, 14-474(d), 14-532(c), 14-474(f), 14-532, 6-96, 14-472(b), City Technical Manual 4.5.7/4.5.2.

Decision being appealed:

Blasting Permit

Please attach a copy of the approval letter or permit that is under dispute. You are welcome to submit any additional documents and exhibits that may support your request.

The undersigned hereby makes application for an interpretation appeal as described above, and certifies that the information herein is true and correct to the best of his or her knowledge and belief.

Applicant signature: see attached page Date: 1/30/23

FLORIDA AVENUE AREA NEIGHBORS:

COURTNEY HOLUB, of 38 Florida Avenue, and

BETH WEBSTER, of 47 Florida Avenue, and

JENIROSE FRIEDKIN AND CHRISTOPHER HAVEY, of 54 Florida Avenue, and

CHESTER HOJAICK, of 65 Florida Avenue, and

MICHAELA VEILLETTE, of 72 Florida Avenue, and

ESME ULLOA AND MATTHEW ANDERSON, of 76 Florida Avenue, and

LOUIS GARCIA AND MONICA GARCIA, of 80 Florida Avenue, and

JENNELL CARTER AND ALICIA MENARD, of 146 Maine Avenue, and

KAITLIN O'CONNOR GEE, of 81 Florida Avenue, and

MARIN MAGAT, of 86 Florida Avenue, and

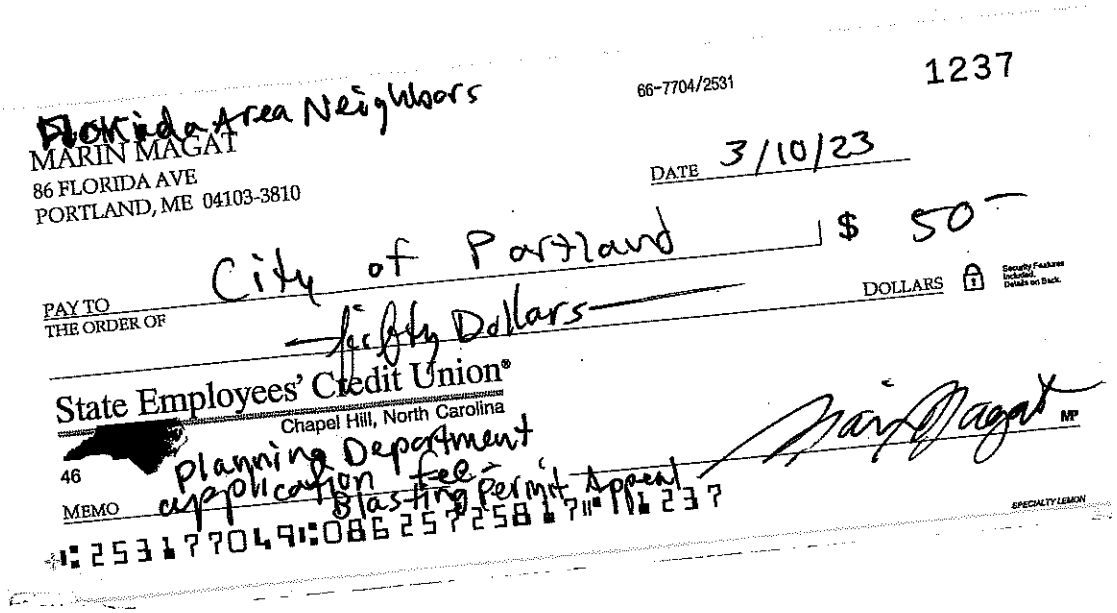
BRYN ARBUCKLE AND GAVIN PROTAS, of 92 Florida Avenue, and

JOEL MICILWAIN, of 100 Florida Avenue

DIANE SHEA, of 101 Florida Avenue, and

SABRINA CHRISTIAN, of 110 Florida Avenue, and

EMILY CASHMAN, of 336 Ray Street


Florida Area Neighbors

MARIN MAGAT
86 FLORIDA AVE
PORTLAND, ME 04103-3810

66-7704/2531

1237

DATE 3/10/23

PAY TO THE ORDER OF City of Portland $ 50—

Fifty Dollars

DOLLARS

Security Features Included. Details on Back.

State Employees' Credit Union®
Chapel Hill, North Carolina

46

MEMO Planning Department application fee - Blasting Permit Appeal

Marin Magat MP

SPECIALTY LEMON

⑈253177049⑈086257258⑆711⑈237

Marin Magat
86 Florida Avenue
Portland Maine 04103

April 2, 2023

Planning Board, Chair
City of Portland
389 Congress Street
Portland, ME 04112

Dear Planning Board, Chair-

The appellants are the Florida Avenue Area Neighbors, appealing the Blasting Permit dated January 4, 2023 pertaining to 60 Merrymeeting Dr. This is an appeal of the failure to act of the City to uphold the requirements of the City Code in issuing and enforcing the blasting permit. The City failed to enforce its Ordinance, issued the permit prematurely and without review, resulting in injury and damage.

The Planning Board has scheduled a zoom webinar for April 12, 2023. We are requesting that the hearing be continued and promptly scheduled to be in-person. We will not be in attendance on zoom.

The Blasting Permit was illegally issued by the City of Portland on January 4, 2023. Please include in the record the attached documents:

- Letters from the 15 households abutting the Fallbrook development, submitted to the planning department to appeal the Blasting Permit on January 29, 2023.
- Ian Houseal's Administrative Appeal to the Board of Appeals on February 1, 2023.
- 600-foot radius from blasting location and from edge of 60 Merrymeeting Dr.

We see no purpose in an additional advertisement for a public hearing. This is the abutters, Florida Avenue Area Neightbor's appeal who see no additional reason to make advertisements in the newspaper about this matter since we all know of the injury and damage this has caused.

Lastly, we request that this meeting is in person. Zoom Webinar is not an adequate method to hear public appeals. Our experience as a neighborhood with this over the last three years has been demeaning and dismissive, resulting in residual trauma. We do not have the emotional capacity to undertake this again. If our right to a fair hearing—a meeting in-person—is not upheld, the Planning Board should rule against us and deny our appeal, and know that this will be subsequently appealed to Cumberland County Court.

Sincerely,

Marin Magat,
86 Florida Avenue
Portland Maine 04103
207-252-9520
marin.magat@gmail.com


Rock-Tips
368 Ray St
Fallbrook Woods
Circle
3D path
3D polygon
area of a circle on the ground
606.66 Feet
06,718.44 Square Meters
3,804.23 Feet
Save
Clear
Google Earth
1985
Imagery Date: 7/17/2019 43°42'00.00" N 70°16'45.88" W elev 0 ft eye alt 1708 ft

Ian Houseal
86 Florida Avenue
Portland Maine 04103
207-272-8610

January 19, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: ZBA-002310-2022 - Update to Zoning Board of Appeals on Scheduled New Business Item Thursday January 19, 2023

Dear Chair and Zoning Board of Appeals,

First, I wanted to reiterate my appreciativeness for your hard position and willingness to hear my appeal on this matter. I understand that the hearing has been rescheduled until February 2, 2023 because of inadequate notice in the newspaper and to abutters within a certain radius. As there still is an agenda item on your agenda, I wanted to take the time to provide the Board an update and refresh with additional pictures. Please enter my update into the record.

1. It had come to my attention that this hearing scheduled for tonight was intended to be, instead a zoom webinar. I am perplexed as to the legal basis for a webinar. With all due respect, I humbly request the hearing be held in-person as required by State Statute at an appropriate time and place so noticed.
2. With regard to the matter of the retaining wall, I have attached photographs of the elevation of the wall as of January 18, 2023. My request is still 6 feet a reasonable height for a retaining wall in a residential area. This photograph is taken at eye level at my property boundary. It was reported to me by the onsite surveyor that the elevation is currently 90 feet. As displayed in the picture, from the ground to the 90 feet datum appears to be more than 12 feet, as of yesterday. This is far too high and more height is planned.
    a. With regard to the material of the wall, I am asking for material, scale, texture, and color that is appropriate to a neighborhood. The approved plans show blocks greater than 2 feet in face area. Justin Foglio, reported to me yesterday on the phone that the block had a variety of sizes with the maximum size being 24 square inches in face area. Is there such a detail?
    b. With regard to vegetation, I asked Justin Foglio on the phone yesterday for details of vegetation planned for the retaining wall. He told me turf. I asked if ornamental grasses could be used to better hid the wall. He said the owner would have to decide. The only condition the Planning Board placed on this project was additional vegetation on the retaining wall. Is there a vegetation plan for the retaining wall that would show sufficient screening?

3. With regard to the parking lot, if it can be moved please do. See the attached photograph of blasting location planned later in the day at the parking lot location. If not, please adhere to the requirements for opaque screening. Is there a screening plan? See the attached photograph of where, on these abutting houses, headlights will hit all night.

Although my concerns are primarily with the future value and enjoyment of my property, I did want to raise to the Board the imposition the construction activity is having on my property and all those homes along Florida Avenue. Construction has rendered my backyard unusable during daylight hours: The noise is deafening including the persistent keening of the rock drill and variety of equipment operating, as seen in the photographs. The ground vibrates within feet of my house from the equipment operating and my house shakes from the construction and windows rattle from the equipment banging. My backyard shed cannot be approached to use because of the vibration when the compactor machine is operating. The tree in the picture, due to the added wind fetch, and with the draining planned to occur, is at risk of falling. My privacy fence was blown over due to the additional wind fetch after the trees were taken down. See the attached picture of the flowing stream in the setback area. The Garcia Family next door is experiencing flooding as their rear yard is lower than construction site. See the second attached photograph of my backyard: approximately 8 feet beyond the kids soccer goal is my property boundary, all of which cannot be used while this construction is taking place. The owner even went so far, yesterday, to send Police to my house after I took my pictures, for using my property (praying, dancing and playing drums and windchimes in my backyard), to point that out; I trust they receive copies of my correspondence.

And finally, the blasting permit and oversight is inadequate. The siren is insufficiently loud to warn those nearby. I experienced the blast, yesterday, over an hour and a half later than scheduled, to which the blasting company was unaware of its delay; too bad for them. If an unsuspecting child or pet, or passerby would wander even near the property with the lack of onsite communication, it is dangerous. And from what my experience was, within my own house, I don't know how anyone could be near the blasting day after day. I have attached an email documenting a series of administrative errors with the issuance and maintenance of the permit, the actions being more malicious then mistaken.

Again, I appreciate your responsiveness and your service,

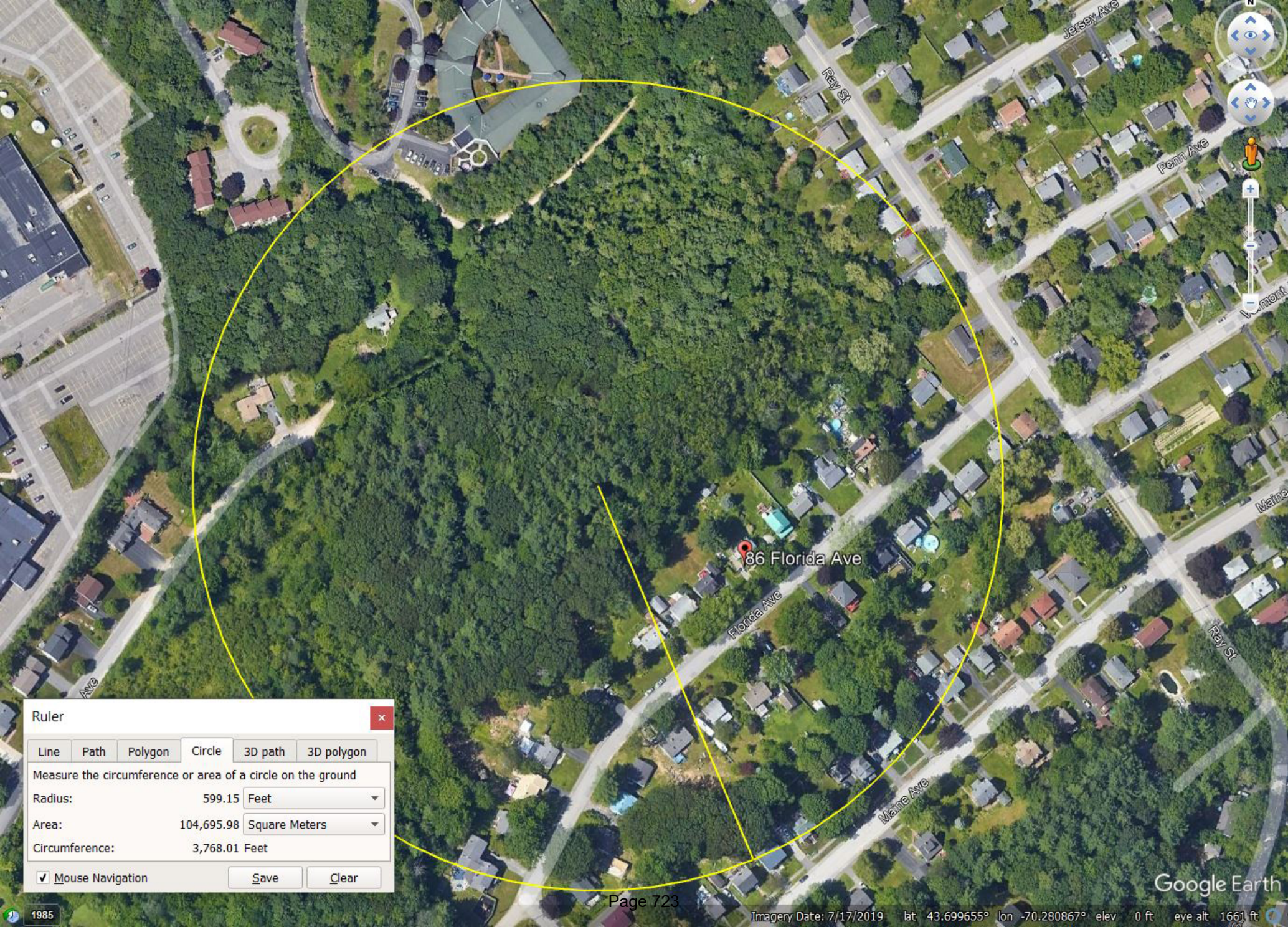
Sincerely submitted,

Ian Houseal








86 Florida Ave
Florida Ave
Ray St
Jersey Ave
Penn Ave
Maine Ave
Ruler
Line
Path
Polygon
Circle
3D path
3D polygon
Measure the circumference or area of a circle on the ground
Radius: 599.15 Feet
Area: 104,695.98 Square Meters
Circumference: 3,768.01 Feet
Mouse Navigation
Save
Clear
Google Earth
Imagery Date: 7/17/2019 lat 43.699655° lon -70.280867° elev 0 ft eye alt 1661 ft


Swing-N-Slide





Re: blasting 86 Florida Ave

ihouseal@yahoo..../Inbox

Dena Libner <dlibner@portlandmaine.gov> Jan 10 at 9:02 AM
To: Ian Pollis Houseal <ihouseal@yahoo.com>
Cc: azarro@portlandmaine.gov, Danielle West <dwest@portlandmaine.gov>,
Kate Snyder <ksnyder@portlandmaine.gov>, fireprevention@portlandmaine.gov

Their permit allows for blasting to begin as early as tomorrow, but of course the 24-hour notice to abutters who requested it applies. Blasting should not resume until at least 24 hours after those abutters have been notified, and this has been clarified with the contractor as well.

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
dlibner@portlandmaine.gov
Pronouns: she/her

On Tue, Jan 10, 2023 at 8:42 AM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:

> A permit was issued on December 30, the same day, the contractor completed the pre-blast survey of my property, with the exception of the pre-radon inspection as first requested on December 13. On December 30, the request for the pre-radon inspection was reiterated, in addition to the request for receipt of the pre-inspection report.
>
> Blasting began on Wednesday January 4 with no actual notice to abutters. To this, I requested that the situation be addressed on the same day, after raising that neighbors were not notified of the pre-blast survey, refused the survey within 600 feet, apparently not on the list for the survey, could not/did not hear the siren, and that this could be addressed with proper notice of blasting. I requested an immediate stop work order to resolve the situation before resuming on Friday or at latest Saturday as evidenced by the lack of a verifiable condition report regarding my property, lack of verifiable list of abutters (as relayed from Jason Grant), and lack of proper actual notice of blasting.
>
> Apparently, as came to my attention from neighbors, who experienced the blast in the basement of their house, that blasting was allowed to continue on Thursday and on Friday, a minimum of three discharges were reported by neighbors.
>
> Then, on eight o'clock on Friday night, I was informed that the blasting permit was being suspended for a period of two weeks (I wanted nothing of the sort,) that notice was sufficient, and if I wanted to obtain the property report for my property it must be through FOAA, that the list was on CSS, and no, the contractor would not conduct a pre-radon test.
>
> Now, instead of even proper notice to those in the blasting area, I am being notified by the City that blasting will begin again tomorrow and that I should seek to obtain notice directly from the contractor in writing of the blasting schedule for future dates of blasting scheduled.
>
> > On Tuesday, January 10, 2023, 07:52:22 AM EST, Dena Libner <dlibner@portlandmaine.gov> wrote:
> >
> > After discussion with the contractor and the City's Associate Corporation Counsel, we have confirmed that the contractor provided a complete application as of December 22, 2022. A permit will be issued to allow blasting/drilling activity to resume on Wednesday, January 11.
> >
> > Regarding 3.7.3.4 of the Technical Manual, the information provided in the PBS logs fulfills the requirement of "[v]erification that all pre-blast surveys and conditions reports have been completed". The Technical Manual does not require that the contractor provide the City with copies of the reports, but the contractor indicated it would provide you a copy of your report before blasting resumes.
> >
> > Regarding notification requirements, pursuant to 3.7.8, the contractor is required to provide the blasting schedule to any property owners who request it at least 24 hours prior to any blast. We have reminded the contractor of this requirement and passed along your contact information so that they can connect with you. If you have not already, we recommend you make your request for notification in writing, to the contractor.
> >
> > Abutters may contact the contractor at either admin@dandbrock.com or (207) 582-1391.
> >
> > I hope this information helps.
> >
> > Best,
> > Dena
> >
> > Dena Libner, MPA
> > Chief of Staff
> > City of Portland
> > 389 Congress Street
> > Portland, Maine 04101
> > dlibner@portlandmaine.govPronouns: she/her

On Sat, Jan 7, 2023 at 10:45 AM Dena Libner <dlibner@portlandmaine.gov> wrote:

Staff will confirm that all requirements are met before a permit is re-issued.

Please note that the list of abutters and information regarding whether a pre-blast survey was requested and conducted is available in the CSS portal (excel documents identified as PBS logs).

As I said, the City's authority does not extend to requiring that the contractor provide property owners with any additional tests or services (such as radon testing), or that they provide reports to property owners directly.

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
dlibner@portlandmaine.govPronouns: she/her



On Sat, Jan 7, 2023 at 9:59 AM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:

Ms. Libner,

I am so deeply sorry that you were at work and responding on this issue on a Friday night at 8:00 while the rest of us were at home. I appreciate that you are working to resolve this incorrectly issued permit, correct. And to the rest, thank you for your review of this permit and now making seeking to make it right.

I do want to clarify, however, on a couple items with regard to the permit that will be re-issued. I reference Ordinance Section 22.7.2, Technical Manual 3.7.3.1 and 3.7.8:

With regard to Notice, I do not deny that I have receive multiple notices to schedule a pre-inspection survey, this was the pre-blast survey notice as listed in the referenced sections above as contained in the CSS. But this is not the required Notice of Blasting listed in the sections above: the manner and form required for Notice of Blasting has not been met, such as dates, communications, etc. as listed in the referenced sections above. The point is that neighbors are contacted and communicated to throughout the blasting activity; that is all that matters with regard to a blasting notice. Per the requirements, we neighbors can be contacted on a 24 hour basis and informed of blasting on a plus or minus 1 hour basis especially if we make that request. That should be in the Notice of Blasting that still needs to be sent via first class mail. I asked the contractor for notice already, but was not notified.

Second, I want to point out how much of an imposition this manner of obtaining a requested Condition Survey is upon the City through FOAA and also a mighty protection offered to a contractor of liability if such a report is lost. That as a citizen, I would have to request a report conducted of my own property that may not exist, to treat it as a public record, wow, that is wrong! I have already asked the contractor for that report, but also because of this liability protection offered to a contractor by the City, they may choose to ignore my request? I do however, here, now demand that report of the City, unfortunately. You may want to consider this position; it makes no sense. You are now going to retain all these reports for 5 years, etc. It makes no sense to afford a contractor that protection and placing such a burden of cost on the City. This needs to be rethought if that is the position of the City.

And third, I have already requested the list of noticed abutters, it is absent in CSS. Please do not forget this required in the permit review as this would be the document that verifies whether such pre-blast survey actually exists. To be very clear, this is covered in Technical Manual 3.7.3.1, A list of property owners to be contacted, Verification that the subject property owners were notified of the pre-blast survey work, a copy of the pre-blast survey offered, and whether each offer to conduct a pre-blast survey was either accepted, rejected, or there was no response. Normally, a list of so called abutters would be provided in a list-form in a permit, wouldn't such a higher-order permit at least have that? It is clearly stated that there is a checklist pursuant to the pre-blast survey, written in that section, but there is nothing preventing other items like contact information and comments of that abutter or requests, as I do want to be notified of blasting.

And finally, I have requested a pre-radon, post-radon testing during the pre-inspection survey. But as the contractor has instead again ignored my multiple requests, I have gone ahead and ordered tests myself ($161) and have encouraged my neighbors do do their own testing themselves as well. I expect to be reimbursed for the testing by the contractor as part of the pre-blast survey. (I am still unclear that there is a licensed professional responsible for the pre-blast survey, Joy Love LLC was nothing of the sort.) Furthermore, the contractor has already voided their opportunity to for a pre-blast radon test to establish a baseline by blasting at least twice. I have a baseline and will have to dig it up. And I will also be demanding a radon mitigation system if radon levels are high, or near high after and during my survey. A radon mitigation system is not a particularly high cost item, but the alternative is slow death through cancer. It is unacceptable that both the contractor and City have sought to treat this normal request for blasting as frivolous. I continue to expect that this is made right for those that request a radon test and expect that when notice is reviewed, those that requested the radon test will be confirmed or redone, since I doubt it was ever recorded, by the licensed pre-blast surveyor.

Again, I am so sorry to be raising these issues and taking up your time; I hate it so much, but these are important matters.

Sincerely,

Ian Houseal
86 Florida Ave
207-272-8610

> On Friday, January 6, 2023, 08:04:09 PM EST, Dena Libner <dlibner@portlandmaine.gov> wrote:
>
> Thank you for your patience as we looked into this.
>
> Despite Mr. Houseal's concerns regarding improper notification, we have confirmed that the applicant followed the notification standards required by City Code. (Additional details can be found below.) However, upon our review of the permit application and requirements including in Chapter 14, we determined that the application we received was not complete, and are planning to issue a Stop Work Order tomorrow (Saturday, January 7). As part of the requirements of a complete application, the applicant must provide the City with conditions reports resulting from any pre-blast surveys requested by abutters; a permit may be issued two weeks after those reports are received.
>
> Regarding the other issues Mr. Houseal raised, our blasting permit application process requires notice to be published in a newspaper of local publication and the applicant to notify abutters within a 600-foot radius of the blasting site (Chapter 14, Section 22.7.1 (C) of the City Code). The applicant confirmed this was done, providing City staff confirmation of the published notice and receipts confirming that the required mailings were delivered. (Certified mail is sent via first-class delivery, with the added benefit of written evidence of its delivery.)
>
> If any residents believe a letter was not sent to them, I encourage them to contact fireprevention@portlandmaine.gov directly so we can confirm their address was included.

Regarding the pre-blast survey, we will encourage the contractor to provide any abutters who requested a pre-blast survey with the conditions report as soon as possible. However, they are not required by City Code to do so. Alternatively, residents may submit a FOAA request to obtain a copy of the report once it is submitted to the City. I recommend that Mr. Houseal (or any other resident interested in receiving a copy of the report) forward their FOAA request directly to me once it is submitted so that we can expedite our review of the request.

I hope this information helps.

Have a good weekend,
Dena

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
dlibner@portlandmaine.govPronouns: she/her



On Wed, Jan 4, 2023 at 6:50 PM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:

I had a chance to review the material in the CSS, and the so called list to notified abutters is absent, maybe that could be in there, at a minimum.

On Wed, Jan 4, 2023 at 6:34 PM, Ian Pollis Houseal <ihouseal@yahoo.com> wrote:

Just a two day hold, to review the permit and process and make any corrections as necessary, and not stick our heads in the sand about the radon gas. Just two days and there will be proper communications in place. And all the documents will be delivered, easy-peasy. I would like my inspection report, please. What about the radon?

On Wed, Jan 4, 2023 at 5:55 PM, Andrew Zarro <azarro@portlandmaine.gov> wrote:

Hi Ian,

I understand the urgency of this matter and I am trying to help navigate this. I just spoke with the City Manager and I have cc'd Staff to address this matter, and I am assured they will respond promptly. City Councilors do not have the authority to issue a stop work order, as that is under the purview of City Staff. I will keep you apprised to anything I learn. If there is an emergency, please call 911.

I agree that frequency of communication regarding blasting should be addressed -- we experienced the same thing with Baxter Blvd blasting, and it has caused a lot of frustration and concern. I will continue to work on addressing ordinance shortfalls with Council and staff. Talk to you soon.

Andrew

Andrew J. Zarro, MPA *(he/him/his)*
City Councilor, District 4
City of Portland
389 Congress Street
Portland, ME 04101
(207) 200-3467 - **(this number does not receive text messages)**
azarro@portlandmaine.gov
@andrewzarro

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 email could be released to the public and/or the media if requested.

On Wed, Jan 4, 2023 at 4:57 PM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:

Andrew, I am asking that a stop work order be placed on this activity until this is sorted out: my neighbors are not even hearing the sirens prior to the blast. There is suppose to be much better communication about blasting! I would think that I would maybe even get an email from the blasting company day-of; make it so District Councilor. What is happening it my house right now; who will hear my CO alarms going off?

I just took a read through the Ordinance to find out where this sits: under Chapter 14 and Technical Manual Chapter 3. I'll take a look through the online permit issued when I get a chance, because it wasn't there last week.

Sincerely, Ian

On Wednesday, January 4, 2023, 04:29:53 PM EST, Andrew Zarro <azarro@portlandmaine.gov> wrote:

Hi Ian,

Thank you for the detailed email. For the items you mention that are a part of existing ordinances, I have cc'd the City Manager to address specifics and act accordingly. Dena, can we please address Ian's concerns regarding blasting notice, timeline and request for copies?

As for identifying parts of existing ordinance that might need amendments/additions, I will discuss this with the Mayor and Manager and see if this is something that would go through a Council Committee, or if it is already being addressed in Recode Phase 2.

Best,

Andrew

Andrew J. Zarro, MPA *(he/him/his)*
City Councilor, District 4
City of Portland
389 Congress Street
Portland, ME 04101
(207) 200-3467 - **(this number does not receive text messages)**
azarro@portlandmaine.gov
@andrewzarro

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On Wed, Jan 4, 2023 at 4:17 PM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:

> Councilor Zarro,
>
> Jason Grant from Code Enforcement/Fire Prevention gave me a call this afternoon to let me know that he did in fact issue a blasting permit on December 30. Blasting began today. Make it stop until this is reviewed!
>
> Notice was improper, I am not sure if notice was ever was done or how improper it was. As I understand a door hanger was put one some houses and a certified mailing was sent places, if someone could receive it. I have never seen it. The requirement of Notice of Blasting is by regular mail SO THAT WE RECEIVE IT! I did receive a notice to schedule a pre-blast survey, nothing more in the form of a door hanger.
>
> My neighbors were unaware that blasting was beginning today and they are a mess. Beth, my neighbor never even received notice of the pre-blast survey, and was told by the pre-blast surveyor that they were outside the blast area so couldn't get a pre-blast survey, but most definitely felt the blasting this morning. And she is most definitely within 300 feet. Jason told me that the contractor claims they notified everyone within 600 feet. What and who did they actually notify and under what category of permit (there are three)?
>
> This permit is a joke and it shouldn't be as it is discharging explosives! I have requested a copy of the pre-blast survey that was done and have not received it, yet it has been deemed sufficient enough that a permit is issued! Jason said that the only requirement is that a pre-blast survey be offered. Offered, but not even a checklist of refused, no response, from those in the blast area? And a pile of certified letter notices, with no receipts. To discharge explosives in a residential neighborhood with next to no warning!
>
> A copy of the pre-blast survey, do we think I will ever get that? Or when there is a claim do you think they will say, sorry we lost the data, sorry we have no record of a pre-blast survey being conducted, sorry, they refused the pre-blast survey. Well I didn't; it was done!
>
> I have requested a radon survey. I understand this is not in the Ordinance, but again, we all know that this should be done. Please fix that, sir!
>
> Any questions from the impacted area should have been checked before the blasting permit was issued. As you know, I was asking these questions before the blasting permit was issued and blasting began, and the answer from Fire Prevention was that a permit was not issued.
>
> On such an important matter as blasting, this permit issuance is lackadaisical.
>
> What should I do, Councilor? Because it appears that both the contractor and City staff have intentionally misled our neighborhood.
>
> > On Tuesday, January 3, 2023, 12:22:31 PM EST, Ian Pollis Houseal <ihouseal@yahoo.com> wrote:
> >
> > Sorry to be a bother, but I would like to have the list of the properties that are in the blast notice area, please. What is the distance on the notice?
> >
> > > On Tuesday, January 3, 2023, 08:48:54 AM EST, Dena Libner <dlibner@portlandmaine.gov> wrote:
> > >
> > > Mr. Houseal, have you received a response from Fire? If not, I'll make sure someone follows up with you this week.
> > >
> > > Dena Libner, MPA
> > > Chief of Staff
> > > City of Portland
> > > 389 Congress Street
> > > Portland, Maine 04101
> > > dlibner@portlandmaine.govPronouns: she/her
> > >
> > > On Mon, Jan 2, 2023 at 10:09 AM Andrew Zarro <azarro@portlandmaine.gov> wrote:
> > > > Hi Dena,
> > > >
> > > > Is there any update on this correspondence? Thank you.
> > > >
> > > > Best,
> > > >
> > > > Andrew
> > > >
> > > > Andrew J. Zarro, MPA *(he/him/his)*
> > > > City Councilor, District 4
> > > > City of Portland
> > > > 389 Congress Street
> > > > Portland, ME 04101
> > > > (207) 200-3467 - **(this number does not receive text messages)**
> > > > azarro@portlandmaine.gov
> > > > @andrewzarro

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 email could be released to the public and/or the media if requested.

On Wed, Dec 28, 2022 at 1:05 PM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:

Dear Fire Prevention,

I left a voicemail at 874-8405 today, December 28 and also on December 13 with a detailed message, requesting a call-back. I have not received a call-back. There is no voice mail message on the phone number.

There was a doorhanger on my house door to schedule a pre-blast survey for Ray Street (Fallbrook Commons). This does not follow the City's blasting checklist you have on your website.

I scheduled an appointment as advertised on the hanger for December 29, 2022, 8:00 am as I was out-of-town at the time, traveling over the holidays and as I am not living in my house because of the construction impacts and at work otherwise, I cannot come-right-over at their request and convenience. They were very pressuring to schedule sooner, saying that they wanted to get started.

I had to reschedule until Friday December 30, 2022 at 12:00, today.

I previously requested that they provide me documentation that they are insured before entering my property, we shall see if they can provide that on the rescheduled date, tomorrow, December 29, 2022 at 12:00. Again, when rescheduling, they were very pressuring and scoffed that I would reschedule by one day saying that they really needed to get started. I asked that they did not pressure me over one day. They asked if I received the certified letter they sent me.

I received a certified letter, indicating that blasting would begin on or after December 19. This is out of order; they must complete the pre-blast survey before beginning blasting. Nor have I have received notice of the blasting by regular mail as required and indicated on the City checklist; correct this.

I have also asked for a pre-radon, post-radon survey as blasting will change the soil and geology of the area.

In my voice mail on December 13, I asked to know if the permit has been issued, and when blasting may begin pursuant to your permit. I have not received a response.

Please provide me a copy of that permit if so issued.

I have copied Councilor Zarro, District Councilor.

Thank you very much,
Ian Houseal
86 Florida Ave
207-272-8610

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Ian Houseal
86 Florida Avenue
Portland Maine 04103
207-272-8610

February 1, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: ZBA-002310-2022 – Administrative Appeal of the Decision of the Code Enforcement Officers, 60 Merrymeeting Drive, Fallbrook Commons Development LLC, Dan Maguire.

Dear Chair and Zoning Board of Appeals,

To be very clear, my administrative appeal, here, to the City of Portland Board of Appeals, is and has always been for mitigation of the "negative impacts" [Code 14-474 (c) 2.] and "adverse effects" [Code 14-474 (d)] of this project to my property. Fallbrook Commons Development LLC has exhibited no "*due diligence with respect to defending such appeal*" to mitigate the impacts of this project on abutters [Code 14-532 (c)] on this illegally permitted project. See the mitigation requested to the negative and adverse effects of this project on my property dated November 12, 2020. [See Exhibit A]

FAIR HEARING

1. I have received the agenda for the meeting and see that this is a Zoom Webinar. I believe I will be denied a fair hearing over Zoom Webinar: I will struggle to hear and communicate and do not believe I will be heard. Pursuant to 1. M.R.S. 403-B, a public body may only meet remotely if there is an emergency or urgent issue necessitating meeting only by remote methods. No such emergency exists; the Board meets by Zoom Webinar for reasons of expedience. Please see the attached guidance on this Statute from a local law firm and please deliver a forum for a fair hearing as required by law. [See Exhibit B]

ILLEGAL PERMIT BECAUSE OF EXPIRED CONDITIONAL USE

2. The issuance of the permits is illegal because the Conditional Use has expired. The Site Plan and Conditional Use was approved on November 10, 2020. Pursuant to Code 14-474, governing "Limitations of conditional use permits," and their expiration, "No conditional use permit shall be valid for a period longer than six (6) months from the date of issue, or such other time as may be fixed at the time granted not to exceed two (2)

years… and the two-year period is not exceeded thereby."[1] Under this section, the Conditional Use permanently expired on November 10, 2022 and therefore the permits were illegally issued.

3. Also, the issuance of the permits is illegal because the Conditional Use cannot also be extended beyond one year from the entry of a final judgement on an appeal. The abutters did appeal the Site Plan Approval to Superior Court as recommended by the Deputy Planning Director Kevin Kraft, AICP, but relief was denied in totality as Mary Costigan, Esq. writes. However, pursuant to Code 14-532 (c) Expiration of site plan approval. 2. Where the approval or any related land use approval granted, "…which extensions shall not last beyond one (1) year from entry of final judgement."[2] The Decision was rendered on June 1, 2021; therefore, under this section, the Conditional Use permanently expired on June 1, 2022; therefore, the issued permits are illegal.

ILLEGAL EXTENSION LETTERS LACKING FINDINGS OF FACT OR CONCLUSIONS OF LAW

4. The illegal extension letters [Exhibit C] dated August 3, 2021, and July 20, 2022 signed by Deputy Planning Director Kevin Kraft merely cut-and-paste the developer's stated reasons when granting illegal extensions of the site plan approval under Code 14-532 (c). Kraft fails to describe to any level of detail, findings of fact and conclusions of law sufficient to understand the basis for the decision to extend. The letters are factually inaccurate and do not weigh any evidence.

    a. Furthermore, in the illegal extension letter dated August 3, 2021, Kraft makes no review of the facts, glossing over the fact that over 75 letters received by the Planning Director requested that the extension not be granted. Acknowledgement of the received letters should have been written down, at least.

---

[1] Code 14-474(f) *Limitations on conditional use permits.* No conditional use permit shall be valid for a period longer than six (6) months from the date of issue, or such other time as may be fixed at the time granted not to exceed two (2) years, unless the conditional use has been commenced or is issued and construction is actually begun within that period and is thereafter diligently pursued to completion; provided, however, that one (1) or more extensions of said time may be granted if the facts constituting the basis of the decision have not materially changed, and the two-year period is not exceeded thereby. A conditional use permit shall be deemed to authorize only the particular use for which it was issued and such permit shall automatically expire and cease to be of any force or effect if such use shall for any reason be discontinued.

[2] Code 14-532. (c) *Expiration of site plan approval.* 2. Where the approval or any related land use approval granted to the same applicant by any agency of the City with respect to the same development is appealed to any court by an opponent of the development, the applicant shall be granted further extensions, beyond the expiration of said period, where the applicant has exercised due diligence with respect to defending such appeal, which extensions shall not last beyond one (1) year from entry of final judgment.

b. Furthermore, in the illegal extension letter dated July 20, 2022, Kraft references a Planning Board decision upheld on June 1, 2021, while the letter request dated July 15, 2022, states "NRPA permit." Kraft did not even take the time to match the request letter in his extension. Nonetheless, the fact is that the delays were caused because the developer had not met the State DEP Requirements. The delay's were not caused by a NRPA permit appeal, they were caused by the failure to properly conduct the requisite studies and site evaluations which only surfaced because of the appeal. The Site Plan Extension should have at least weight whether to extend, in light of the evidence and then make a conclusion, but it didn't and that it why it is also illegal.

ILLEGAL PERMITS BECAUSE OF EXPIRED SITE PLAN

5. In Kraft's letters dated July 20, 2022, even with its factual errors, Kraft applies no standards of review (conclusions of law) for issuing an extension such as evaluating Code 14-532 (c) 2. (the same section referenced in his letter), failing to give any consideration to 2. at all in a purely chronological term, when in fact, the Site Plan expired permanently on June 1, 2022, as stated in the Code 14-532. (c) *Expiration of site plan approval.* 2.: "Where the approval…which extensions shall not last beyond one (1) year from entry of final judgment. The decision was rendered on June 1, 2021; therefore the extension may not extend beyond June 1, 2022, so therefore the Site Plan permanently expired on June 1, 2022. The permit was illegal issued.

FAILURE TO EXERCISE DUE DILIGENCE WITH RESPECT TO DEFENCE

6. Furthermore, the illegal extension letters give no consideration to the Ordinance's [Code 14-532 (c) 2.] meaning of "…where the applicant has exercised due diligence with respect to defending such appeal…" instead viewing the appeal as "prevailing" or "denied relief" as Kraft and Costigan write. Kraft should have asked when adjudicating his extension: did the developer take all reasonable steps or all reasonable care to avoid the harm and negative impacts that will result and are there any steps at this juncture that could be revisited? Instead, he gave it no thought.

7. The Planning Board Approval never makes findings of fact pursuant to Code 14-474(c) 2. Standards.[3] "The Board shall find that this standard is satisfied if it finds that: a. … b. … c."

[3] Code 14-474 (c) *Conditions for conditional uses:* 2. *Standards.* The Board shall, after review of required materials, authorize issuance of a conditional use permit, upon a showing that the proposed use, at the size and intensity contemplated at the proposed location, **will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district**. The Board shall find that this standard is satisfied if it finds that:

RETAINING WALL HEIGHT IS EXCESSIVE AND ADVERSELY IMPACTING

8. Pursuant to Code 14-474 (d) Conditions on conditional use permits, the retaining wall height is excessive and does not "prevent or minimize adverse effects therefrom upon other properties in the neighborhood."[4] And arrangement of structures "the design and operations of the proposed use, *including but not limited to*…" may not "have a substantially greater effect/impact on surrounding properties…"[5] As reported by Costigan in her letter to the Board dated January 12, 2023, the retaining wall height is not planned to be 13.5 feet as I estimated, but EIGHTEEEN AND A HALF FEET TALL! This is the first time I am even learning of the height after multiple requests to learn the actual planned height after asking the Planning Board and the developer on multiple occasions. **The height is excessive.** The height is an adverse effect on my property. This does not prevent or minimize adverse effects upon my property. This will have a substantially greater effect/impact on surrounding properties. I am asking that the height be mitigated to no more than six feet by removing additional material from the site. This is very doable.

RETAINING WALL WILL NOT SUPPORT VEGETATION AS PLANNED

9. The retaining wall as presented in the approve retaining wall drawings will not support the vegetation shown in the site plan. See Note 26 on the plans calling for reinforced soil. See the Synteen Geogrid fabric sheets extending 16 to 20 feet back into the fill between each course of block. Such a highly engineered wall will not support vegetation; vegetation will cause the wall to fail. Planting will not grow on the tiered level of the wall. This is an error.

RETAINING WALL PERMIT IS ILLEGAL BECAUSE IT DOES NOT DESCRIBE IN SUFFICIENT DETAIL MEETING TECHNICAL STANDARDS

10. Pursuant to the City Technical Manual 4.5.7. [See Exhibit D] Wall and Fences, "Masonry walls shall be constructed of stone, brick or other durable and attractive materials. Concrete block walls are not permitted except when variety in color, design and detailing of the materials are of high architectural quality." There no plans or details sufficient

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[4] Code 14-474 (d) *Conditions on conditional use permits.* The board of appeals may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary **to prevent or minimize adverse effects therefrom upon other property in the neighborhood**. Such conditions shall be expressly set forth in the resolution authorizing the conditional use permit and in the permit. Violation of such conditions shall be a violation of this article.

[5] Code 14-474(c) 2. Standards. c. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage **will not have a substantially greater effect/impact on surrounding properties** than those associated with surrounding uses or other allowable uses in the zone.

enough to convey whether or not this standard is met with regard to the retaining wall. This detail is omitted in the permit approval.

PARKING LOT IS NOT ADEQUATELY SCREENED FOR HEADLIGHTS

11. Pursuant to the City Technical Manual 4.5.2. Screening and Buffers, "Buffers between contrasting land uses may incorporate earthen berms not exceeding 4:1 slope, opaque fencing, masonry walls or a combination thereof, in addition to landscape plantings." Furthermore, "Accessory site elements such as parking and loading areas, utility structures, dumpsters, storage areas and other hardscaped or unvegetated areas, shall be located and screened from view from public areas and adjacent properties. Screening shall be accomplished with opaque fencing of high architectural quality, masonry wall and/or dense evergreen landscaping." Landscaping will cause flicker of headlights impacting the adjoining properties. Headlights are 10 times brighter than site lighting. This parking lot is much higher in elevation than all of our properties and houses and headlights will directly shine in upper story windows. Vegetative screening is insufficient to accomplish this screening; opaque screening high enough to screen headlights is necessary to minimize the impact to abutting properties.

BLASTING PERMIT IS ILLEGALLY ISSUED AN IMPROPERLY ADMINISTERED

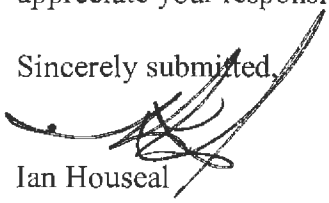
12. The blasting permit is illegally issued; issuance was lackadaisical and is causing irreparable harm. The Planning Department did not even review the permit as required. This is serious omission. Violations are replete. The permit is not being adhered to; these is a serious violation causing damage to property and people, dangerous to life and property. The correct appeals board is the Zoning Board of Appeals to hear this matter. [See Exhit E.] See the attached complaints and appeals to the Board of Appeals from neighbors stemming from the mismanagement of this permit, omissions, mismanagement. This is illegal and must stop immediately. [See Exhibit E]

And pursuant to Code 6-96, this "will result in undue hardship" and therefore my appeal should be heard and decided upon. It is resulting in undue hardship to me and my family and the neighborhood. The undue hardship is that I am robbed of the use of my property now and in the future. I have asked repeatedly for mitigation. I did not cause this situation; it was put upon me and I am just trying to protect my property and livelihood. The "public health, safety, and welfare, is not adversely affected" by hearing my appeal and making a decision, in fact, it is benefited, instead of the irreparable harm being caused by this project.

And pursuant to Code 14-472, Appeals. (b) Procedure: 1. Notice of appeal. "An appeal may be taken to the board of appeals by any person affected by the decision of the building authority. Such appeal shall be taken within thirty (30) days of the action complained of by the filing with the building authority a notice of appeal specifying the grounds thereof." This is the requirement I understood I had to meet in Chapter 14, but I see no reason why the Board would choose not even to hear my appeal.

Thank you for hearing my appeal, and I pray for any relief as may be given. This project has taken a serious toll on myself and my family's livelihood. I am so disappointed with how it has been administered by the City of Portland and in particular the Planning Department. Again, I appreciate your responsiveness and your service,

Sincerely submitted,



Ian Houseal

REFERENCED CODE

AND EXHIBITS

Chapter 14 Sec. 14-474. Conditional Uses.
(c) *Conditions for conditional uses:*

1. *Authorized uses.* A conditional use permit may be issued for any use denominated as a conditional use in the regulations applicable to the zone in which it is proposed to be located.

2. *Standards.* The Board shall, after review of required materials, authorize issuance of a conditional use permit, upon a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. The Board shall find that this standard is satisfied if it finds that:

a. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and

b. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and

c. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

(d) *Conditions on conditional use permits.* The board of appeals may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use permit and in the permit. Violation of such conditions shall be a violation of this article.
...

(f) *Limitations on conditional use permits.* No conditional use permit shall be valid for a period longer than six (6) months from the date of issue, or such other time as may be fixed at the time granted not to exceed two (2) years, unless the conditional use has been commenced or is issued and construction is actually begun within that period and is thereafter diligently pursued to completion; provided, however, that one (1) or more extensions of said time may be granted if the facts constituting the basis of the decision have not materially changed, and the two-year period is not exceeded thereby. A conditional use permit shall be deemed to authorize only the particular use for which it was issued and such permit shall automatically expire and cease to be of any force or effect if such use shall for any reason be discontinued.

Chapter 14 Sec. 14-532.

(c) *Expiration of site plan approval.*

1. A site plan approved under this article shall expire twelve (12) months from the date of approval unless:

    a. Development has been undertaken in accordance with the approved plan and site work or building construction is ongoing. Any lapse in construction for a period in excess of twelve (12) months shall result in an expiration of the site plan; or

    b. Prior to the expiration of the site plan, such other time period is agreed upon, in writing, by the Planning Authority and the applicant, not to exceed three (3) years from the date of approval;

    Provided that such extensions may not be granted if changes to the City's zoning ordinance would render the development nonconforming in any respect or if changes in the subdivision or site plan ordinance or in the Public Works Technical Standards Manual or Planning and Development Design Standards would otherwise significantly impact the approved site plan as determined by the Director of Planning and Urban Development.

2. Where the approval or any related land use approval granted to the same applicant by any agency of the City with respect to the same development is appealed to any court by an opponent of the development, the applicant shall be granted further extensions, beyond the expiration of said period, where the applicant has exercised due diligence with respect to defending such appeal, which extensions shall not last beyond one (1) year from entry of final judgment.

Chapter 6 Sec. 6-96. Appeals.

(a) An aggrieved party may appeal from a final decision made pursuant to this Article to the board of appeals within ten (10) days from the action of the building authority.

(b) The board of appeals may permit exceptions to or variances from the specific provisions of this Article where it is established that strict application of the provisions of this code will result in undue hardship, and where the purpose of this Article in promoting the public health, safety and welfare, is not adversely affected.

(c) The order of the building authority shall not be stayed during any such appeal. (Ord. 18-17/18, 8-21-2017)

Chapter 14 Sec. 14-472. Appeals.

(a) *Authority.* The board of appeals shall hear and decide appeals from and review orders, decisions, determinations or interpretations or the failure to act of the building authority.

(b) *Procedure:*

1. *Notice of appeal.* An appeal may be taken to the board of appeals by any person affected by a decision of the building authority. Such appeal shall be taken within thirty (30) days of the action complained of by filing with the building authority a notice of appeal specifying the grounds thereof. A payment of a nonrefundable filing fee, as established from time to time by the city council to cover administrative costs and costs of hearing, shall accompany notice of appeal. The building authority shall forthwith transmit to the board of appeals all of the papers constituting the record upon which the action appealed from was taken.

EXHIBIT A

Fw: 60 Merrymeeting Appeals Process

Nov 12, 2020 at 8:08 PM

Ian Houseal <ihouseal@yahoo.com>
To: Planning Board <planningboard@portlandmaine.gov>

Dear Members of the Planning Board,

I respectfully request that the Planning Board discuss opening up reconsideration of its decision made on November 10 with regard to the 60 Merrymeeting Drive project. I apologize for my curt email and it being fragmented and full of misspellings; I am trying to be respectful in getting this to you tonight since you have just one more meeting remaining this month for this consideration in your schedule as well. And I would like to make sure there is time to get this on your agenda.

The pace of this project's permitting has been proceeding at breakneck speed with very little opportunity to have a reasonable discussion. In each meeting cycle, the neighborhood has had extremely limited time to review, consider the proposal, and provide meaningful feedback. I have been trying to piece together the plan and facades provided and am struggling to add it up in my evening hours. I am still looking for the lighting plan referenced at the meeting and am still unable locate it. I am also struggling to find consistency with the plans. The overall site in color is the most confusing.

In normal times, we would be able to discuss the project in a workshop setting, hear our concerns and have a reasonable discussion and find compromise. We would normally be in a room together and there would be appropriate input from the community.

I am requesting more time to have a discussion to find common ground on this project; have a meeting with the developer, have a discussion, find common ground and what will work.

I appreciate the single condition placed on the project, but I do find the single condition insufficient to address the breadth of the impacts.

Although I can only speak for myself and the damage this will cause my property interests, in my opinion there are a number of issues that remain of great concern to the neighborhood and some design issues that can be addressed to find common ground:

1. With regard to the Florida Avenue façade, although I maintain that a 20 foot retaining wall is uncharacteristic of a residential use:

a. Could the retaining wall be feathered with soil sloping up the wall to visually reduce the impact?

b. To reduce the visual impact of the retaining wall and "wing" of the building, could the wing's roof be reduced to a flat roof or at a maximum be of metal and the slope reduce to the minimum necessary for metal? The front of the buildings is on the other side and such roof minimization would only impact Florida Ave.

c. With regard to noise impact:

i. Where are the HVAC units located? Could they be shielded to keep the noise from the Florida Ave side

of the building?

ii. I notice the generator is also behind the building facing Florida Ave. Could that be moved to a location closer to the entrance? The generator will need to exercised frequently and we will be hearing that noise regularly.

d. Could also the dumpster be better screened? A retaining wall is being employed. Could the path of the retaining wall be adjusted to shield trucks entering the access road where the dumpster is to shield our houses from noise and sight?

i. Could the roadway lighting be eliminated on the dumpster access road?

e. I am concerned about security lighting facing my property.

f. Why does the project continue to show a 8 foot high privacy fence around it as it faces Florida Avenue? Could it be lower? Could it be more open?

2. With regard to the parking lot:

a. Could the parking requirement waiver be extended to eliminate the parking lot in its entirety? There may be ample capacity for parallel parking on Merrymeeting Drive and the access road. Could it be considered long with other area next to the other facility. This might save the developer some serious funds and address the majority of the neighbor's concerns.

b. I would like a better method to screen the houses along Florida Ave from headlights. The parking lot sits above the houses and headlights are going to cause a lot of impact. We appreciate the gesturer of vegetation, but it will be insufficient. I would suggest a stone wall of sufficient height to block headlights. I could incorporate seating. It would be aesthetically enhancing and would go a long way to keep out the headlights. The vegetation treatment will cause flicker, if vegetation accomplishes that goat.

3. I also continue to be very concerned about the construction laydown area. We spent the day yesterday thinking through what we need to do to prepare for construction. The dust will be absolutely uncontrollable during the site work. We will move out during the construction rather than deal with the dust. I will likely rent our house out during that time period and I wonder if we will end up keeping it that way once we do it. It will be unfortunate.

a. Having the laydown area directly behind our houses will ensure that that area of the site is the most active through the duration of the project and highly impactful as a result. As I have already asked, could a different location closer to the entrance be considered?

I don't know what else to offer here; I would really like to be able to find some common ground to mitigate the impact to my property.

Thank you for your consideration,

Ian Houseal
86 Florida Ave
207-272-8610

----- Forwarded Message -----
From: Kevin Kraft <kkraft@portlandmaine.gov>
To: "ihouseal@yahoo.com" <ihouseal@yahoo.com>
Cc: James Rather <jrather@portlandmaine.gov>
Sent: Thursday, November 12, 2020, 01:37:07 PM EST
Subject: 60 Merrymeeting Appeals Process

Good afternoon Ian,

Thank you for your call today. This email is in response to your request on 11/12/2020 for the Planning Board to reconsider their approval related to the Conditional Use application for 60 Merrymeeting Drive at an upcoming meeting.

After further review of the City's Land Use Code the City does not reconsider project's after a final decision of the Planning Board has been determined. An appeal may be taken by any party to the superior court. Please see the related appeals section from Chapter 14 below.

Thank you for following up. We appreciate the time you have taken to offer your thoughts during this process and for providing written and public comments throughout.

Sec. 14-29. Appeals.
An appeal from any final decision of the planning board asto any matter over which it has final authority may be taken byany party or by any authorized officer or agent of the city tothe superior court in accordance with Rule 80B of the MaineRules of Civil Procedure. No appeal shall lie concerning anymatter as to which the power of the board is limited to themaking of a recommendation.
--
Kevin Kraft, AICP
Deputy Director Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
kkraft@portlandmaine.gov

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Exhibit B

CLIENT ALERT: New Legislation Permits Continued Use of Remote Meetings, But There's A Catch

BACK TO ALL NEWS

In March of 2020, the Maine Legislature passed **temporary legislation** that allowed public proceedings to be conducted using electronic platforms such as Zoom. (P.L. 2019, c. 617, Pt. G, § 1, codified at 1 M.R.S. § 403-A). However, with Governor Mills **set to end** Maine's State of Civil Emergency, this emergency legislation will automatically expire on **July 30, 2021**.

Because the use of remote meetings has proven effective over the past year, the Legislature passed – and Governor Mills has signed – **new emergency legislation** that allows public bodies (*i.e.*, select boards, planning boards, boards of appeals, county commissioners, utility district boards of trustees, etc.) to continue conducting remote meetings or allowing board or committee members to participate in in-person meetings remotely. The catch: remote meetings are permitted only if a public body complies with a specific set of criteria. This legislation became effective **June 21, 2021**. (LD 32, P.L. 2021, c. 290, codified at 1 M.R.S. § 403-B).

In order to take advantage of this remote meeting option **after** July 30, 2021, municipalities, counties, and public utility districts must take the following steps, and keep the following provisions in mind:

- **Written Policy Required**: Each public body must, after notice and a hearing, adopt a **written policy** that sets out how remote meetings, and remote participation by members of the public, will occur. While a one-size-fits all policy for each municipality or county may be feasible, note that LD 32 requires that **each body** review and adopt this policy separately.

- **In-Person Meetings Are Default**: LD 32 **does not allow** public bodies to permanently switch to exclusively remote meetings. Instead, public bodies' written policies must specify that fully remote meetings, or remote participation by a member of the body conducting an in-person meeting, may only occur under the following circumstances:

    - During a public emergency or other urgency, such as a pandemic, snow storm, or other major weather event;

    - When a member of the body is ill, or would otherwise have difficulty travelling, that member (but not the entire body) may participate by remote means;

- Where members of a statewide body, such as the Maine Land Use Planning Commission, are separated by significant distances, such that meeting remotely would be more efficient; or

- Where a public body's jurisdiction has geographic features that may slow or impede travel – which is particularly the case for island communities, or where some public body members may not be able to travel to a meeting by car.

- **Meaningful Participation by the Public; Documents Available**: As was the case with the previous emergency legislation, members of the public must be afforded a **meaningful** opportunity to participate in remote meetings, ideally by also utilizing Zoom or other electronic medium used by the public body. This also means that members of the public must also be able to **directly communicate** with the public body – simply reading messages from the public into the record is insufficient. Moreover, the public body must provide the public with electronic versions of all documents being reviewed or considered during the public meeting – ideally a scanned PDF document posted on a public website in advance. Note that this requirement only applies "when members of the body participate by remote methods."

- **Sufficient Notice**: As with all public meetings, notice to the public must be provided in advance, in accordance with 1 M.R.S. § 406. However, when conducted remotely, this public notice must include information regarding how the public can participate remotely, *i.e.*, a Zoom link or similar information.

- **Roll Call Vote Required**: As many public bodies have become accustomed to during the COVID-19 pandemic, all votes taken during remote meetings must be conducted by roll-call vote.

- **Town Meetings MUST Be In Person:** Finally, municipalities must be aware that LD 32 **does not allow** town meetings to be conducted remotely.

After **July 30, 2021**, no public body in Maine may continue to conduct remote meetings, or allow for remote participation by members at in-person meetings, until it has adopted a written policy that complies with LD 32. As such, municipalities and counties are encouraged to reach out to their Jensen Baird attorney soon, to ensure that these required policies are approved before this deadline.

For more information, please call your Jensen Baird attorney or **Ben McCall** at (207) 775-7271 or **bmccall@jensenbaird.com**.

BACK TO ALL NEWS

Exhibit C

Planning and Urban Development
Kevin Kraft, AICP
Deputy Director

City of portland

July 20, 2022

Daniel Maguire
Fallbrook Commons Development, LLC
217 Commercial Street
PO Box 110
Portland, Maine 04112

Dan Danvers
Sebago Technics
75 John Roberts Rd #4a
South Portland, ME 04106

Project Name: 60 Merrymeeting Drive Development **Project ID:** PL-000925-2019
Address: 60 Merrymeeting Drive **CBL:** 400 D023
Applicant: Fallbrook Commons Development, LLC
Planner: James Rather

Dear Mr. Riley:

Thank you for your letter dated July 15, 2022 requesting a one-year extension of the approval for the planned Fallbrook Commons at 60 Merrymeeting Drive. This project was approved by the Planning Board in November 2020 and was granted a one-year extension in August 2021. I understand that your request is based on having experienced delays to due to an appeal of the Planning Board's approval. The court denied the petitioners' appeal and the Planning Board's decision was upheld on June 1, 2021.

In my capacity as Deputy Director of the City's Planning and Urban Development Department, and under the provisions of Section 14-532 (c) expiration of site plan approval, I am granting an extension of your approval to November 10, 2023.

If there are any questions, please contact James Rather at (207) 874-8699.

Sincerely,

Kevin Kraft, AICP
Deputy Director

Attachments:

1. Approval Letter
2. Extension Letter – 8/3/2021

SEBAGO
TECHNICS

July 15, 2022
18347

Christine Grimando
Planning Director
City of Portland
389 Congress Street
Portland, ME 04101

Request for Site Plan Permit Extension
Fallbrook Commons PL-009252019

Ms. Grimando:

Fallbrook Commons Development, LLC would like to request a one-year extension of the Level III Site Plan approval for Fallbrook Commons on Merrymeeting Drive, project ID PL-0009252019.

The project was approved by the Planning Board in November 2020 and was granted an extension in August 2021. The project start has been delayed due to an extensive appeals process that related to the City's approvals and the projects NRPA permit. The appeals process concluded in April 2021 with all permits being upheld.

The project's Building Permit application has been submitted and permits are expected in September. We are requesting an extension of the Level II Site Plan approval as a precaution in the event the building permits or final construction finance closing is delayed past the Site Plan approval's expiration.

Thank you for your time. Please contact me if you have any questions or need additional information related to this request.

Sincerely,
SEBAGO TECHNICS, INC.

Daniel L. Riley PE, CFM
Vice President, Engineering

cc: Daniel Maguire ,Sandy River Company
James Rather, Development Review Coordinator

DLR/js

CITY OF PORTLAND

Planning & Urban Development

Kevin Kraft, AICP, Deputy Director

August 3, 2021

Daniel Maguire
Fallbrook Commons Development, LLC
217 Commercial Street
PO Box 110
Portland, Maine 04112

Dan Danvers
Sebago Technics
75 John Roberts Rd #4a
South Portland, ME 04106

Project Name: 60 Merrymeeting Drive Development **Project ID:** PL-000925-2019
Address: 60 Merrymeeting Drive **CBL:** 400 D023
Applicant: Fallbrook Commons Development, LLC
Planner: James Rather

Dear Mr. Danvers:

Thank you for your letter dated July 21, 2021 requesting an extension of the approval for the planned Fallbrook Commons at 60 Merrymeeting Drive. I understand that your request is based on having experienced delays to due to an appeal of the Planning Board's approval. The court denied the petitioners' appeal and the Planning Board's decision was upheld on June 1, 2021.

In my capacity as Deputy Director of the City's Planning and Urban Development Department, and under the provisions of Section 14-532 (c) expiration of site plan approval, I am granting an extension of your approval to November 10, 2022.

If there are any questions, please contact James Rather at (207) 874-8699.

Sincerely,

Kevin Kraft, AICP
Deputy Director

[Exhibit D]

4.5. SITE LANDSCAPING

4.5.1. All Landscape Design

Site landscaping should result in attractive, low-maintenance outdoor spaces that incorporate site definition and screening and support biodiversity.

4.5.2. Screening and Buffers

Where required, buffer areas shall be comprised of existing trees and vegetation, new landscaping or a combination thereof to create a dense, mixed Buffer incorporating both understory and tree canopy layers. While primarily of benefit from a ground level pedestrian viewpoint, such screening should also effectively provide screening when viewed from upper floors of surrounding properties, where applicable. New shrubs shall be approximately three (3) feet in mature height and shall be spaced 6-8 feet apart. Specification IV-3 provides an example of buffering between compatible uses.

Buffers between contrasting land uses may incorporate earthen berms not exceeding 4:1 slope, opaque fencing, masonry wall or a combination thereof, in addition to landscape plantings. Where fencing or masonry wall is proposed as part of a buffer, less landscaping density is acceptable; however, buffers shall still include trees, shrubs and other vegetation.

Landscaped buffers within the site shall complement and enhance and structures and site amenities, provide screening between structures, and buffer undesirable views from general public areas, from existing structures and from residents of proposed units. Accessory site elements such as parking and loading areas, utility structures, dumpsters, storage areas and other hardscaped or unvegetated areas, shall be located and screened from view from public areas and adjacent properties. Screening shall be accomplished with opaque fencing of high architectural quality, masonry wall and/or dense evergreen landscaping. Where fencing or masonry wall is proposed as part of a buffer, less landscaping density is acceptable; however, buffers shall still include trees, shrubs and other vegetation. Specification IV-7 provides an example of screening of accessory site elements.

4.5.3. Industrial and Commercial Development:

In addition to other requirements of the City Code and of this section, industrial and commercial developments shall incorporate landscaping that:

- Enhances proposed buildings with foundation plantings in the vicinity of public entrances to all buildings and in areas with uninterrupted or predominantly blank facades (Illustration VI-5 provides an example of interior site landscaping for commercial and industrial sites).
- Defines roadways and driveway entrances.

4.5.4. Planned Residential Unit Development (PRUDs)

Required trees to be planted and/or preserved shall separate and screen proposed buildings and separate and screen proposed recreational uses. Where cul de sacs are provided, landscaping consisting of native or adapted low maintenance vegetation shall be provided. See Illustration VI-4 for typical cul de sac landscaping.

4.5.5. Parking Areas

Landscaping shall be incorporated into the development of surface parking to reduce adverse environmental and aesthetic impacts, to shade pavement to reduce heat island effect and to screen parking areas from public view. Plant materials shall be selected for appearance, durability, and tolerance to salt. Illustrations VI-6a and VI-6b provide examples of parking lot screening.

Landscaping that abuts areas of vehicular use shall be adequately protected and separated from vehicles. Protection should be in the form of curb stops, continuous curbing or guardrails. Curbing and guardrails shall be designed with adequate visibility and durability in order to withstand normal snow plowing operations.

4.5.6. Snow Storage

Snow storage areas shall not encroach on areas designated to meet minimum parking requirements but may be located in landscaped areas provided that appropriate landscape materials are selected which can withstand such snow storage. Snow storage shall not be located where it would adversely impact the functionality of bio-retention or other stormwater management systems.

4.5.7. Walls and Fences

Fences and walls within public view must be of high architectural quality. Chain link and wire mesh fences shall be vinyl coated, dark in color, out of direct public view and shall be complimented with landscaping.

- For residential development, chain link fence shall be a minimum of 6-gauge fence fabric.
- For commercial or industrial development chain link fence shall be 9-gauge fence fabric mounted on schedule 40 pipe posts.

Electrified or barbed fencing is not permitted. Masonry walls shall be constructed of stone, brick or other durable and attractive materials. Concrete block walls are not permitted except where variety in color, design and detailing of the materials are of high architectural quality.

4.5.8. Slope Stabilization

Stabilization of slopes between 5% and 50% shall incorporate installation of a mixture of vegetation, organic mulch and/or erosion control mix.

Stabilization of slopes greater than 50% must incorporate biotechnical and/or structural methods including but not limited to terracing rip rap or retaining walls in addition to vegetation. Retaining walls, if four (4) feet in height or greater from the bottom of the footing to the top of the wall and/or if supporting a surcharge, must be designed by a licensed engineer and require a City of Portland Building Permit.

BLASTING PERMIT & PLAN

Exhibit E

The cost of noticing shall be charged to the applicant.

D. Procedures. The Board of Appeals shall adopt its own rules of procedure for the conduct of its business not inconsistent with the statutes of the state and this article. Such rules shall be filed with the City Clerk. Any rule so adopted which relates solely to the conduct of hearings, and which is not required by the statutes of the state or by this article, may be waived by the board upon good cause being shown.

1. *Conduct of hearings.*
   a. Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney, and may submit documentary evidence, provided, however, that the Board shall exclude irrelevant, immaterial and unduly repetitious evidence.
   b. The applicant and any abutter or similar person with standing shall in addition have the right to present witnesses on their own behalf and offer rebuttal evidence, to cross examine all witnesses testifying in opposition to their position through the chair, and to examine and introduce any documents produced at the hearing.
2. All other matters pertaining to the conduct of hearings shall be governed by the provisions of the relevant state statutes, this article, and the rules promulgated by the Board of Appeals.

2.3.8 Records and decisions

A. Record. The recording of testimony, if any, and all exhibits, papers, applications, and requests filed in any proceeding before the Board of Appeals and the decision of the board shall constitute the record.

B. Decision. Every decision of the Board of Appeals shall include findings of the fact, shall refer to the evidence in the record and the exhibits, plans or specifications upon which such decision is based, shall specify the reason or reasons for such decision, and shall contain a conclusion or statement separate from the findings of fact setting forth the specific relief granted or denying relief. The Building Authority shall hand deliver or mail a copy of the decision to the applicant, the Planning Board, and City Council within seven days of such decision, and shall also file the decision with the City Clerk.

2.3.9 Jurisdiction and authority

The Board of Appeals shall have the following jurisdiction and authority:

A. To hear and decide appeals from the granting or denial of any permit required by Chapter 6, Article II or Chapter 10 of the City of Portland Code of Ordinances.

B. To hear and decide appeals from any decision or order made by the Building Authority pursuant to the provisions of this chapter, except that decisions relating to enforcement of the Shoreland Zone provisions of this chapter may not be appealed to the Board of Appeals and may only be appealed directly to Superior Court in accordance with M.R. Civ. P. 80B and 30-A M.R.S. §§ 2691 & 4483.



22 REGULATION OF EXPLOSIVES

22.1 PURPOSE

The purpose of this article is to protect the public's health, safety, and general welfare by regulating and controlling blasting operations within the city.

22.2 APPLICABILITY

This article shall apply to all blasting operations related to construction and development of real estate within the city. The City of Portland *Technical Manual* is incorporated into this article by reference. Standards listed in the *Technical Manual* shall be additional to the provisions of this article.

22.3 REVIEW PROCESS

22.3.1 Permit Required

No person may conduct blasting operations within the city without first obtaining a permit from the Fire Department, as required by the National Fire Protection Association 1 Fire Prevention Code, as adopted and amended in Chapter 10 of the City of Portland Code of Ordinances. Fees for this permit shall be as established by order of the City Council.

22.3.2 Application Requirements

Prior to the issuance of a permit the following information shall be submitted to the City:

A. A blasting plan shall be submitted by the applicant to the Planning Authority for all projects where more than 300 cubic yards of material shall be removed. The blasting plan shall conform to the provisions of this article and of Section 3 of the City of Portland *Technical Manual.*

B. A blasting submittal shall be submitted to the Planning Authority where between 50 and 300 cubic yards of material shall be removed. The blasting submittal shall conform to the provisions of this article and of Section 3 of the City of Portland *Technical Manual.*

C. A blasting application shall be submitted to the Planning Authority where less than 50 cubic yards of material shall be removed, or where utility trench work in the accepted public right of way, including City or Portland Water District infrastructure is proposed. Small blasts where less than 50 cubic yards of material shall be removed are not required to submit either a blasting plan or blasting submittal. Such projects must conform to the National Fire Protection Association Fire Prevention Code and applicants shall submit a monitoring report upon request. Information provided in the blasting application shall confirm that the proposed small blast conforms to all applicable provisions of this ordinance and of Section 3 of the City of Portland *Technical Manual.*

D. A blasting plan or blasting submittal may be required for any blasting operation at the discretion of the Planning Authority when it determines that conditions at or near the site of the blasting operations warrant the provision of a plan.

22.4 STORAGE AND HANDLING

All explosives shall be stored and handled in accordance with the provisions of this code, the laws of the State of Maine, and the National Fire Protection Association 1 Fire Prevention Code.

22.5 ENFORCEMENT

In the event that there are more than three documented violations of the blasting plan, blasting submittal, or blasting permit, or any other violation of this article, a stop work order may be issued on

all construction or development related to the permitted operation. The permittee shall then be required to submit a revised blasting plan to the Planning Authority for review and approval. Work shall not be allowed to continue until the revised blasting plan is approved.

22.6 PENALTIES

In addition to the possibility of a stop work order in the event of a violation, the permittee shall be subject to the following penalties:

1st offense	$500
2nd offense	$1,000
Subsequent offenses	$1,000

22.7 NOTICE REQUIREMENTS

22.7.1 Basic noticing requirements

At least 10 days prior to the start of any blasting operation, notice shall be published in a newspaper of local publication and shall be mailed by first class mail to all property owners within the distance specified below of the perimeter of the blasting site:

A. **Small blast (trench blast or under 50 cubic yards of rock removed).** All property owners within 250 feet of the perimeter of the blasting site.
B. **Medium blast (removal of 50-300 cubic yards of rock material).** All property owners within 500 feet of the perimeter of the blasting site.
C. **Large blast (removal of over 300 cubic yards of rock material).** All property owners within 600 feet of the perimeter of the blasting site.

22.7.2 Content of notice

Notice shall conform to the model notice contained in Section 3 of the City of Portland *Technical Manual* and shall include a description of the proposed blasting operations, estimated schedule and duration of blasting operations, description of the blasting signals to be used during operations, the complaint protocol and the complete address, telephone numbers and email contact for the blasting contractor, the Planning Authority, and Fire Department where neighbors and property owners may request further information and notification.

22.7.3 Additional noticing requirements

A. For medium blasts where 50-300 cubic yards of rock material is to be removed, and large blasts where over 300 cubic yards of rock material is to be removed, additional notification requirements shall apply during construction, as detailed in Section 3 of the City of Portland *Technical Manual.*
B. If blasting operations are to occur within 250 feet of any structure, additional notification requirements shall apply, as detailed in Section 3 of the City of Portland *Technical Manual,* in order to prevent adverse public health and safety impacts due to blasting-related carbon monoxide migration.

22.8 HOURS OF BLASTING

Blasting shall occur Monday through Friday, between the hours of 9 a.m. and 4 p.m., unless otherwise approved by the Planning Authority. Requests for extension of hours of blasting must be submitted by the applicant in writing.

22.9 WAIVERS

Upon written request by the applicant, the Planning Authority, based on a positive recommendation by the Fire Department, may waive all or a portion of the blasting provisions of Section 3 of the City of Portland *Technical Manual,* provided that all waivers

are consistent with the purposes set forth in Section 22.1.

22.10 SUSPENSION OF BLASTING OPERATIONS

If it is determined that blasting operations pose any risk to public health, safety, or general welfare, the Planning Authority or the Fire Chief or their designee shall have the authority to suspend the blasting permit at any time until they deem it safe for blasting operations to continue.

3.7. STANDARDS FOR BLASTING AND REGULATION OF EXPLOSIVES

3.7.1. Definitions

Small Blast: Trench blast or removal of under fifty (50) cubic yards of rock material.
Medium Blast: Removal of 50-300 cubic yards of rock material.
Large Blast: Removal of over 300 cubic yards of rock material.

3.7.2. Submittal Requirements:

3.7.2.1. All Blast Operations:

Applicants for all blasting operations shall obtain a blasting permit from the Planning and Urban Development Department prior to any blasting. Application forms may be obtained through the Inspections Division or can be downloaded from the City of Portland website.

3.7.2.2. Medium Blast Operations:

For medium blast operations, the blasting contractor will also be required to submit a blasting submittal with the blasting application form. The blasting submittal must include, at a minimum, the following information:

- Description of Test Blast, Drill Pattern
- Description of Production Blasting, Drill Pattern
- Explosives to be used during wet and dry conditions
- Stemming material and depth
- Description of matting used to prevent fly rock
- Description and location of blasting signs
- Type of seismograph to be used
- Description of proposed transportation and storage of explosives
- Signature of blasting contractor testifying to the accuracy of the above information

3.7.2.3. Large Blast Operations:

For large blast operations, the blasting contractor will also be required to submit a drilling pattern and loading plan, referred to herein as a blasting plan, with the blasting application for review and approval. Blasting plans must be submitted at least two weeks prior to the start of any drilling and/or blasting operations. A model blasting plan is provided at the end of this section and shall include, at a minimum, the following information:

- The sequence and schedule of blasting rounds, including a general description of the proposed approach for developing each bedrock excavation area.
- A diagrammatic description of the typical blast pattern to be used,

including pre-splitting pattern if pre-splitting is required.

- Diameter, spacing, burden, depth and orientation of each drill hole relative to the "free face", along with details of the delay pattern.
- A diagrammatic description of the loading plan for a typical production hole including charge weights and distribution of primer, explosives and stemming within a typical hole.
- Estimation of ground vibration levels at nearest adjacent structures.
- Written evidence of the licensing, experience, and qualifications of the blaster who will be responsible for loading and firing each shot.
- A listing of the number and type of instrumentation proposed to be used to monitor vibrations and airblast overpressures.
- Safety procedures, security measures, and warning sequences.

3.7.3. Pre-Blast Survey

Pre-blast surveys are required for all blasting operations. The blasting contractor will hire an independent seismologist or blasting consultant to perform pre-blast surveys on all structures (contingent upon property owner agreement) within the distances specified below. The independent seismologist or blasting consultant shall not be an employee of the contractor, subcontractor, explosives manufacturer, or explosives distributor.

Size of Blast	Scope of pre-blast survey
Small Blast	Within 250 feet of the perimeter of the blasting site
Medium Blast	Within 500 feet of the perimeter of the blasting site
Large Blast	Within 600 feet of the perimeter of the blasting site

3.7.3.1. Pre-Blast Survey Offer Notice:

Prior to commencement of the pre-blast surveys, the contractor shall provide the following documentation to the Planning and Urban Development Department:

1. A list of property owners to be contacted (in accordance with the distances listed in the table, above).
2. Verification that the subject property owners were notified of the pre-blast survey work.
3. A copy of the pre-blast survey offer notice.
4. Whether each offer to conduct a pre-blast survey was either accepted, rejected, or there was no response.

The contractor shall retain a copy of each pre-blast survey offer notice for their records until the development project receives a final certificate of occupancy or is otherwise deemed complete by the City. Nothing herein shall be construed to discourage repeated efforts by the blasting contractor to contact eligible property owners via phone, hand delivery, or other method in addition to provision of the required offer notice letter.

3.7.3.2. Pre-Blast Survey Documentation:

All pre-blast surveys shall include documentation of interior subgrade and above grade accessible walls, ceilings, floors, roof and visible exterior as viewed from the grade level. Where significant cracks or damage exist, or for more complex structural defects, photographs or video shall be taken.

A high- quality videotape survey with appropriate audio description of the locations, conditions, and defects may substitute for a written pre-blast survey. Where necessary, notes and sketches may also be submitted as part of a video pre-blast survey in order to highlight or elaborate on certain aspects of the video documentation.

3.7.3.3. Pre-Blast Survey Conditions Report:

The pre-blast surveys shall include a conditions report for each property. The conditions report may be presented as narrative, photographs, video or a combination thereof. Conditions reports shall summarize the condition of each building and define areas of concern, including deteriorated structures or utilities, structures housing sensitive equipment, and/or manufacturing processes that are sensitive to vibrations.

3.7.3.4. Verification:

Verification that all pre-blast surveys and conditions reports have been completed shall be submitted to the Planning and Urban Development Department at least two weeks prior to commencing any drilling and/or blasting operations.

3.7.4. Notification to Neighbors

Notice of blasting operations shall be provided in accordance with the requirements listed in Section VIII of the Land Use Code. For medium and large blasts, please also refer to the additional notification requirements during construction, described in Section 3.7.8 of this section (*Blasting Schedule*).

3.7.5. Complaint Protocol

The blasting contractor shall be solely and completely responsible for the safety of all persons and property during the performance of work. The blasting contractor shall have full and complete responsibility for the handling, discharging, or settling of any and all damage or annoyance claims resulting from the blasting activities on the project.

Complaints may be submitted to the Blasting Contractor and to the Planning and Urban Development Department or to the Fire Department throughout the duration of blasting operations. If a property owner submits a complaint regarding alleged blasting- related damages, the independent seismologist or blasting consultant shall meet with the property owner within 24 hours of receiving the complaint to discuss the basis for the complaint, review applicable blasting

records, and evaluate the reasonableness of the complaint. If a reasonable basis for the complaint is verified, the independent seismologist or blasting consultant shall conduct a second condition survey of the property within 48 hours of receiving the complaint to identify any changes in the property conditions. A condition survey report summary shall be submitted to the Applicant, and verification that the condition survey was completed shall be submitted to the Planning and Urban Development Department within two weeks of the second condition survey being conducted.

3.7.6. Hours of Blasting and Storage of Explosives

3.7.6.1. Hours of blasting operations shall be limited to those defined in Chapter 14, Section VIII, *Regulation of Explosives* of the City Code of Ordinances.

3.7.6.2. Only the amount of explosives necessary for the day's work shall be brought to the site, and explosives shall be transported and stored in approved magazines when not in use.

3.7.7. Blast Warning

3.7.7.1. International Blast Warnings shall be utilized for all blasting operations, as described below:

3 horns	5 minutes before blast
2 horns	1 minute before blast
1 horn	All clear

HORN not whistle

3.7.7.2. Large Blasts:

For large blasts, all persons within 600 feet of the blasting area shall be notified of the "warning" and "all-clear" signals through notices left in mailboxes and signs posted in the vicinity of the blasting site.

3.7.8. Blasting Schedule (Medium and Large Blasts, only)

For medium and large blasts, the blasting contractor shall prepare and submit a blasting schedule to the property owner, the general contractor and the Planning and Urban Development Department at least 10 business days prior to commencing blasting operations. The schedule shall include name and contact information for the blasting contractor, blasting area locations, planned dates and times of blasts, access restrictions to the blast areas, and warning signal protocols.

During construction, the blasting contractor shall coordinate the blasting schedule with the property owner, the general contractor, the Planning and Urban Development Department and the Fire Department on a weekly basis.

The morning of a planned detonation, the blasting contractor shall notify the Fire Department and the Planning and Urban Development Department of the planned time of the blast (+/- one hour), the location where the blasting is to occur, and the amount of explosives to be used.

At least 24 hours prior to any blast, the blasting contractor shall inform all property owners who requested notice of the blasting schedule (+/- one hour).

3.7.9. Vibration Limits and Ground Vibration Monitoring

The seismograph must be set up at the closest structure to record each blast event. Ground vibration from all blasting operations shall be measured in terms peak particle velocity (inches per second, ips) and frequency (Hertz). The permissible maximum ground vibration at existing nearby structures shall be limited to values established by the U.S. Bureau of Mines[3] to avoid cracking or structural damage in residential structures. Particle velocity shall be recorded in three mutually perpendicular directions. Ground vibration for residential structures shall not exceed the following limits:

Type of Structure	Maximum PPV (ins/s)	
	Frequencies below 40 HZ	Frequencies 40 HZ or greater
Modern Homes (drywall interior)	.75	2.0
Older Homes (Plaster on wood lath for interior walls)	.50	2.0

Deteriorated structures or utilities, structures housing sensitive equipment, and/or manufacturing processes that are sensitive to vibrations may require lower PPV limits than those listed above. If information obtained from the pre-blast surveys indicates lower limits are required for certain structures, the independent seismologist or blasting consultant shall identify the limits applicable to a specific structure, and the blasting contractor shall incorporate such provisions in the features of the blasting plan.

In the event the blasting contractor's blasting round results in ground vibrations closely approaching the stated limits, the blasting operations shall be modified to reduce ground vibrations.

In the event the blasting contractor's blasting round results in ground vibrations exceeding the stated limits at structures, the blasting contractor shall cease all blasting activities and submit a written report to the property owner and the general contractor, copied to the Planning and Urban Development Department and the Fire Department. This report shall describe corrective action to be taken on the next shot. The next shot shall not be loaded until the property owner and the general contractor acknowledge, in writing, copied to the Planning and Urban Development Department and the Fire Department, that a design change is being attempted.

[3] United States Bureau of Mines. *Structure Response And Damage Produced By Ground Vibration From Surface Mine Blasting*. Prepared by D.E. Siskind, M.S. Stagg, J.W. Kopp, and C.H. Dowding, Report of Investigations #8507, Appendix B, 1980.

3.7.10. Flyrock Control (Large Blasts, only)

For large blasts, blasting mats, soil, or other equally serviceable material shall be utilized for all blast rounds to prevent the throw of flyrock from the blasting area.

3.7.11. Pre-Blast Safety Meeting (Medium and Large Blasts, only)

For medium and large blasts, prior to any blasting the blasting contractor will conduct a pre-blast safety meeting with all contractors to familiarize them with blast signals and precautions.

3.7.12. Test Blasts (Large Blasts, only)

For large blasts, prior to commencing full-scale blasting, the blasting contractor shall demonstrate the adequacy of the proposed blasting plan by drilling, blasting, and excavating short test sections using small charges and the required monitoring instruments. The blasting contractor shall develop site specific scaled distance relationships from the test blast rounds to determine the allowable charge weight of explosives to be detonated per delay.

3.7.13. Personnel

All employees of the blasting contractor working on site during the blasting operation shall be trained in the use and handling of explosives.

3.7.13.1. Large Scale Blasts:

For large scale blasts, the blasting contractor shall be required to carry liability insurance (XCU) coverage in an amount no less than $2,000,000.

For large blasts, the blasting contractor shall a company specializing in the use of explosives for breaking rock and licensed in the State of Maine. The blaster or foreman responsible for the loading and firing of each shot, as well as the person responsible for designing and directing the blasting operation, shall have at least five years of documented experience with similar work responsibilities. If controlled blasting methods are required, these individuals shall have at least five years of documented experience in controlled blasting techniques.

At least two weeks prior to the commencement of pre-blast surveys, the contractor will submit the name and qualifications of the independent seismologist or blasting consultant proposed to conduct the pre-blast surveys to the Planning and Urban Development Department and the applicant, if other than the blasting contractor.

At least two weeks prior to the commencement of drilling and blasting operations, the contractor will submit to the City of Portland and applicant the name and qualifications of the independent seismologist or blasting consultant proposed to monitor and report blasting vibrations.

3.7.14. Record Keeping and Reporting

3.7.14.1. For large blasts, Blast monitoring and analysis shall be conducted by the independent seismologist or blasting consultant. A minimum of two (2) seismograph instruments will be used to monitor vibrations and airblast pressures for each blast. The seismographs used by the seismologist or blasting consultant for blast monitoring shall comply with the following requirements:

- Velocity range: 0.005 to 10.0 inches per second.
- Seismic frequency range: 2 to 250 Hz, within zero to -3 dB of an ideal flat response.
- Acoustic frequency range: 2 to 250 Hz flat, -3 dB at 2 Hz ± 1 dB.
- Sound range: 100 to 140 dB (linear).
- Measure, display, and provide a permanent time history record of the event, including both ground vibration and airblast.
- Measure the three mutually perpendicular components of particle velocity in directions vertical, radial, and perpendicular to the vibration source.
- The seismograph shall display and provide a record of:
  - the date and time of the event
  - identifying information concerning the company
  - the location of the seismograph and of the blast
  - trigger levels
  - verification the instrument was set for "continuous" and not "manual" readings
  - instrument serial number
  - the date of the most recent calibration
- The seismograph shall be calibrated as often as necessary, but at least once every 12 months, and must be performed to a standard traceable to the National Institute of Standards and Technology.

Blast monitoring data obtained by the independent seismologist or blasting consultant must be available for inspection on the blasting site, be submitted in writing to the Applicant within 24 hours following each blast, and be submitted to the Planning and Urban Development Department on a weekly basis. A model blast monitoring report is included at the end of this section.

3.7.14.2. Blasting Log:

A blasting log summarizing details of the round as shot, weather conditions, proximity of the blast location to nearest structures, exact locations of monitoring instruments, and the results of blast monitoring at each instrument location shall be maintained daily for every blast. The blasting log shall be available for inspection on-site, shall be submitted in writing to the Applicant within 24 hours following each blast, and shall be submitted to the City on a weekly basis.

3.7.15. Airblast Overpressure Limits

The peak airblast overpressure at any inhabited building not owned or controlled by the developer shall not be allowed to exceed 133 decibels (linear) when measured by an instrument with a high pass system and a lower frequency limit of 2 Hz.

The seismologist or blasting consultant shall monitor, record, analyze and report airblast pressure resulting from the blasting activities. In the event the blasting contractor's blasting round results in airblast overpressures approaching the stated limits, the Applicant may require the blasting contractor to modify the blasting operations to reduce airblast overpressures. In the event the blasting contractor's blasting round results in airblast overpressures exceeding the stated limits at structures, the blasting contractor shall cease all blasting activities and submit a written report to the Applicant, and copied to the City. This report shall discuss the corrective action to be taken on the next shot, and the next shot shall not be loaded until the Applicant acknowledges, in writing, that a design change is being attempted.

3.7.16. Carbon Monoxide (CO) Control

If any blasting operations are to occur within two hundred and fifty (250) feet of any structure, the blasting company shall:

- Submit a carbon monoxide (CO) management plan to the Planning and Urban Development Department with the Blasting Application for review and approval. The plan shall detail strategies that will be employed by the blasting company throughout blasting operations to prevent and mitigate the health and safety risks associated with possible CO migration away from the blast site and into abutting structures. CO management plans shall be tailored to the specific nature of blasting operations but shall include, at a minimum, two or more of the following actions:

    - Effort to determine the presence and location of one or more operable Carbon Monoxide detector(s) within abutting structures. Where operable Carbon Monoxide detectors are not present, they shall be temporarily provided and placed in the basement of the structure, or on the first floor if there is no basement, until at least 24 hours after completion of blasting operations.
    - Immediate excavation of individual shots, with holes remaining vented for an adequate time to allow any CO produced by the blast to dissipate into the atmosphere. Safe CO levels in the blast hole shall be confirmed by a CO detector before the hole is backfilled.
    - Identify and document active and abandoned sewer connection locations and sealed drains locations for abutting

structures as part of the pre-blast survey in order to identify structures that may pose an increase risk for CO migration. This information is available through the City of Portland Department of Public Services.

- Notify all commercial and residential abutters of the blast site at least 24 hours prior to the start of blasting by means of door hangers left at both front and rear primary building entrances. Reasonable effort shall be made to also provide face-to-face notification to all building owners and/or occupants of abutting buildings. Door hangers shall be provided to the blasting company by the City of Portland and are available through the Fire Department or the Inspections Division. The language provided on the door hangar is provided at the end of this section.

If a carbon monoxide detector is in alarm during blasting operations, the blasting company or building occupant shall call 911 immediately. In addition to calling 911, the blasting company shall contact the Fire Department at (207) 874-8405 to notify them of the emergency. The blast location shall be excavated immediately and shall remain open to the atmosphere until CO is no longer detectable in the blast hole.

Re: blasting 86 Florida Ave

Jan 10 at 9:02 AM

Dena Libner <dlibner@portlandmaine.gov>
To: Ian Houseal <ihouseal@yahoo.com>
Cc: azarro@portlandmaine.gov,Danielle West <dwest@portlandmaine.gov>,Kate Snyder <ksnyder@portlandmaine.gov>,fireprevention@portlandmaine.gov
To protect your privacy, has blocked remote images in this message. Show images

Their permit allows for blasting to begin as early as tomorrow, but of course the 24-hour notice to abutters who requested it applies. Blasting should not resume until at least 24 hours after those abutters have been notified, and this has been clarified with the contractor as well.

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
dlibner@portlandmaine.gov Pronouns: she/her

On Tue, Jan 10, 2023 at 8:42 AM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:
A permit was issued on December 30, the same day, the contractor completed the pre-blast survey of my property, with the exception of the pre-radon inspection as first requested on December 13. On December 30, the request for the pre-radon inspection was reiterated, in addition to the request for receipt of the pre-inspection report.

Blasting began on Wednesday January 4 with no actual notice to abutters. To this, I requested that the situation be addressed on the same day, after raising that neighbors were not notified of the pre-blast survey, refused the survey within 600 feet, apparently not on the list for the survey, could not/did not hear the siren, and that this could be addressed with proper notice of blasting. I requested an immediate stop work order to resolve the situation before resuming on Friday or at latest Saturday as evidenced by the lack of a verifiable condition report regarding my property, lack of verifiable list of abutters (as relayed from Jason Grant), and lack of proper actual notice of blasting.

Apparently, as came to my attention from neighbors, who experienced the blast in the basement of their house, that blasting was allowed to continue on Thursday and on Friday, a minimum of three discharges were reported by neighbors.

Then, on eight o'clock on Friday night, I was informed that the blasting permit was being suspended for a period of two weeks (I wanted nothing of the sort,) that notice was sufficient, and if I wanted to obtain the property report for my property it must be through FOAA, that the list was on CSS, and no, the contractor would not conduct a pre-radon test.

Now, instead of even proper notice to those in the blasting area, I am being notified by the City that

blasting will begin again tomorrow and that I should seek to obtain notice directly from the contractor in writing of the blasting schedule for future dates of blasting scheduled.

On Tuesday, January 10, 2023, 07:52:22 AM EST, Dena Libner <dlibner@portlandmaine.gov> wrote:

After discussion with the contractor and the City's Associate Corporation Counsel, we have confirmed that the contractor provided a complete application as of December 22, 2022. A permit will be issued to allow blasting/drilling activity to resume on Wednesday, January 11.

Regarding 3.7.3.4 of the Technical Manual, the information provided in the PBS logs fulfills the requirement of "[v]erification that all pre-blast surveys and conditions reports have been completed". The Technical Manual does not require that the contractor provide the City with copies of the reports, but the contractor indicated it would provide you a copy of your report before blasting resumes.

Regarding notification requirements, pursuant to 3.7.8, the contractor is required to provide the blasting schedule to any property owners who request it at least 24 hours prior to any blast. We have reminded the contractor of this requirement and passed along your contact information so that they can connect with you. If you have not already, we recommend you make your request for notification in writing, to the contractor.

Abutters may contact the contractor at either admin@dandbrock.com or (207) 582-1391.

I hope this information helps.

Best,
Dena

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
dlibner@portlandmaine.govPronouns: she/her

On Sat, Jan 7, 2023 at 10:45 AM Dena Libner <dlibner@portlandmaine.gov> wrote:
Staff will confirm that all requirements are met before a permit is re-issued.

Please note that the list of abutters and information regarding whether a pre-blast survey was requested and conducted is available in the CSS portal (excel documents identified as PBS logs).

As I said, the City's authority does not extend to requiring that the contractor provide property owners with any additional tests or services (such as radon testing), or that they provide reports to property owners directly.

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street

Portland, Maine 04101
dlibner@portlandmaine.govPronouns: she/her

On Sat, Jan 7, 2023 at 9:59 AM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:
Ms. Libner,

I am so deeply sorry that you were at work and responding on this issue on a Friday night at 8:00 while the rest of us were at home. I appreciate that you are working to resolve this incorrectly issued permit, correct. And to the rest, thank you for your review of this permit and now making seeking to make it right.

I do want to clarify, however, on a couple items with regard to the permit that will be re-issued. I reference Ordinance Section 22.7.2, Technical Manual 3.7.3.1 and 3.7.8:

With regard to Notice, I do not deny that I have receive multiple notices to schedule a pre-inspection survey, this was the pre-blast survey notice as listed in the referenced sections above as contained in the CSS. But this is not the required Notice of Blasting listed in the sections above: the manner and form required for Notice of Blasting has not been met, such as dates, communications, etc. as listed in the referenced sections above. The point is that neighbors are contacted and communicated to throughout the blasting activity; that is all that matters with regard to a blasting notice. Per the requirements, we neighbors can be contacted on a 24 hour basis and informed of blasting on a plus or minus 1 hour basis especially if we make that request. That should be in the Notice of Blasting that still needs to be sent via first class mail. I asked the contractor for notice already, but was not notified.

Second, I want to point out how much of an imposition this manner of obtaining a requested Condition Survey is upon the City through FOAA and also a mighty protection offered to a contractor of liability if such a report is lost. That as a citizen, I would have to request a report conducted of my own property that may not exist, to treat it as a public record, wow, that is wrong! I have already asked the contractor for that report, but also because of this liability protection offered to a contractor by the City, they may choose to ignore my request? I do however, here, now demand that report of the City, unfortunately. You may want to consider this position; it makes no sense. You are now going to retain all these reports for 5 years, etc. It makes no sense to afford a contractor that protection and placing such a burden of cost on the City. This needs to be rethought if that is the position of the City.

And third, I have already requested the list of noticed abutters, it is absent in CSS. Please do not forget this required in the permit review as this would be the document that verifies whether such pre-blast survey actually exists. To be very clear, this is covered in Technical Manual 3.7.3.1, A list of property owners to be contacted, Verification that the subject property owners were notified of the pre-blast survey work, a copy of the pre-blast survey offered, and whether each offer to conduct a pre-blast survey was either accepted, rejected, or there was no response. Normally, a list of so called abutters would be provided in a list-form in a permit, wouldn't such a higher-order permit at least have that? It is clearly stated that there is a checklist pursuant to the pre-blast survey, written in that section, but there is nothing preventing other items like contact information and comments of that abutter or requests, as I do want to be notified of blasting.

And finally, I have requested a pre-radon, post-radon testing during the pre-inspection survey. But as the contractor has instead again ignored my multiple requests, I have gone ahead and ordered tests myself ($161) and have encouraged my neighbors do do their own testing themselves as well. I expect to be reimbursed for the testing by the contractor as part of the pre-blast survey. (I am still unclear that there is a licensed professional responsible for the pre-blast survey, Joy Love LLC was nothing of the sort.) Furthermore, the contractor has already voided their opportunity to for a pre-blast radon test to establish a baseline by blasting at least twice. I have a baseline and will have to dig it up. And I will also be demanding a radon mitigation system if radon levels are high, or near high after and during my survey. A radon mitigation system is not a particularly high cost item, but the alternative is slow death through

cancer. It is unacceptable that both the contractor and City have sought to treat this normal request for blasting as frivolous. I continue to expect that this is made right for those that request a radon test and expect that when notice is reviewed, those that requested the radon test will be confirmed or redone, since I doubt it was ever recorded, by the licensed pre-blast surveyor.

Again, I am so sorry to be raising these issues and taking up your time; I hate it so much, but these are important matters.

Sincerely,

Ian Houseal
86 Florida Ave
207-272-8610
On Friday, January 6, 2023, 08:04:09 PM EST, Dena Libner <dlibner@portlandmaine.gov> wrote:

Thank you for your patience as we looked into this.

Despite Mr. Houseal's concerns regarding improper notification, we have confirmed that the applicant followed the notification standards required by City Code. (Additional details can be found below.) However, upon our review of the permit application and requirements including in Chapter 14, we determined that the application we received was not complete, and are planning to issue a Stop Work Order tomorrow (Saturday, January 7). As part of the requirements of a complete application, the applicant must provide the City with conditions reports resulting from any pre-blast surveys requested by abutters; a permit may be issued two weeks after those reports are received.

Regarding the other issues Mr. Houseal raised, our blasting permit application process requires notice to be published in a newspaper of local publication and the applicant to notify abutters within a 600-foot radius of the blasting site (Chapter 14, Section 22.7.1 (C) of the City Code). The applicant confirmed this was done, providing City staff confirmation of the published notice and receipts confirming that the required mailings were delivered. (Certified mail is sent via first-class delivery, with the added benefit of written evidence of its delivery.)

If any residents believe a letter was not sent to them, I encourage them to contact fireprevention@portlandmaine.gov directly so we can confirm their address was included.

Regarding the pre-blast survey, we will encourage the contractor to provide any abutters who requested a pre-blast survey with the conditions report as soon as possible. However, they are not required by City Code to do so. Alternatively, residents may submit a FOAA request to obtain a copy of the report once it is submitted to the City. I recommend that Mr. Houseal (or any other resident interested in receiving a copy of the report) forward their FOAA request directly to me once it is submitted so that we can expedite our review of the request.

I hope this information helps.

Have a good weekend,
Dena

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
dlibner@portlandmaine.govPronouns: she/her

On Wed, Jan 4, 2023 at 6:50 PM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:
I had a chance to review the material in the CSS, and the so called list to notified abutters is absent, maybe that could be in there, at a minimum.

On Wed, Jan 4, 2023 at 6:34 PM, Ian Pollis Houseal <ihouseal@yahoo.com> wrote:
Just a two day hold, to review the permit and process and make any corrections as necessary, and not stick our heads in the sand about the radon gas. Just two days and there will be proper communications in place. And all the documents will be delivered, easy-peasy. I would like my inspection report, please. What about the radon?

On Wed, Jan 4, 2023 at 5:55 PM, Andrew Zarro <azarro@portlandmaine.gov> wrote:
Hi Ian,

I understand the urgency of this matter and I am trying to help navigate this. I just spoke with the City Manager and I have cc'd Staff to address this matter, and I am assured they will respond promptly. City Councilors do not have the authority to issue a stop work order, as that is under the purview of City Staff. I will keep you apprised to anything I learn. If there is an emergency, please call 911.

I agree that frequency of communication regarding blasting should be addressed -- we experienced the same thing with Baxter Blvd blasting, and it has caused a lot of frustration and concern. I will continue to work on addressing ordinance shortfalls with Council and staff. Talk to you soon.

Andrew

Andrew J. Zarro, MPA *(he/him/his)*
City Councilor, District 4
City of Portland
389 Congress Street
Portland, ME 04101
(207) 200-3467 - (**this number does not receive text messages)**
azarro@portlandmaine.gov
@andrewzarro

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On Wed, Jan 4, 2023 at 4:57 PM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:
Andrew, I am asking that a stop work order be placed on this activity until this is sorted out: my neighbors are not even hearing the sirens prior to the blast. There is suppose to be much better communication about blasting! I would think that I would maybe even get an email from the blasting company day-of; make it so District Councilor. What is happening it my house right now; who will hear my CO alarms going off?

I just took a read through the Ordinance to find out where this sits: under Chapter 14 and Technical Manual Chapter 3. I'll take a look through the online permit issued when I get a chance, because it wasn't there last week.

Sincerely, Ian
On Wednesday, January 4, 2023, 04:29:53 PM EST, Andrew Zarro <azarro@portlandmaine.gov> wrote:

Hi Ian,

Thank you for the detailed email. For the items you mention that are a part of existing ordinances, I have cc'd the City Manager to address specifics and act accordingly. Dena, can we please address Ian's concerns regarding blasting notice, timeline and request for copies?

As for identifying parts of existing ordinance that might need amendments/additions, I will discuss this with the Mayor and Manager and see if this is something that would go through a Council Committee, or if it is already being addressed in Recode Phase 2.

Best,

Andrew

Andrew J. Zarro, MPA *(he/him/his)*
City Councilor, District 4
City of Portland
389 Congress Street
Portland, ME 04101
(207) 200-3467 - (**this number does not receive text messages)**
azarro@portlandmaine.gov
@andrewzarro

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On Wed, Jan 4, 2023 at 4:17 PM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:
Councilor Zarro,

Jason Grant from Code Enforcement/Fire Prevention gave me a call this afternoon to let me know that he did in fact issue a blasting permit on December 30. Blasting began today. Make it stop until this is reviewed!

Notice was improper, I am not sure if notice was ever was done or how improper it was. As I understand a door hanger was put one some houses and a certified mailing was sent places, if someone could receive it. I have never seen it. The requirement of Notice of Blasting is by regular mail SO THAT WE RECEIVE IT! I did receive a notice to schedule a pre-blast survey, nothing more in the form of a door hanger.

My neighbors were unaware that blasting was beginning today and they are a mess. Beth, my neighbor never even received notice of the pre-blast survey, and was told by the pre-blast surveyor that they were outside the blast area so couldn't get a pre-blast survey, but most definitely felt the blasting this morning. And she is most definitely within 300 feet. Jason told me that the contractor claims they notified everyone within 600 feet. What and who did they actually notify and under what category of permit (there are three)?

This permit is a joke and it shouldn't be as it is discharging explosives! I have requested a copy of the pre-blast survey that was done and have not received it, yet it has been deemed sufficient enough that a

permit is issued! Jason said that the only requirement is that a pre-blast survey be offered. Offered, but not even a checklist of refused, no response, from those in the blast area? And a pile of certified letter notices, with no receipts. To discharge explosives in a residential neighborhood with next to no warning!

A copy of the pre-blast survey, do we think I will ever get that? Or when there is a claim do you think they will say, sorry we lost the data, sorry we have no record of a pre-blast survey being conducted, sorry, they refused the pre-blast survey. Well I didn't; it was done!

I have requested a radon survey. I understand this is not in the Ordinance, but again, we all know that this should be done. Please fix that, sir!

Any questions from the impacted area should have been checked before the blasting permit was issued. As you know, I was asking these questions before the blasting permit was issued and blasting began, and the answer from Fire Prevention was that a permit was not issued.

On such an important matter as blasting, this permit issuance is lackadaisical.

What should I do, Councilor? Because it appears that both the contractor and City staff have intentionally misled our neighborhood.
On Tuesday, January 3, 2023, 12:22:31 PM EST, Ian Pollis Houseal <ihouseal@yahoo.com> wrote:

Sorry to be a bother, but I would like to have the list of the properties that are in the blast notice area, please. What is the distance on the notice?
On Tuesday, January 3, 2023, 08:48:54 AM EST, Dena Libner <dlibner@portlandmaine.gov> wrote:

Mr. Houseal, have you received a response from Fire? If not, I'll make sure someone follows up with you this week.

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
dlibner@portlandmaine.govPronouns: she/her

On Mon, Jan 2, 2023 at 10:09 AM Andrew Zarro <azarro@portlandmaine.gov> wrote:
Hi Dena,

Is there any update on this correspondence? Thank you.

Best,

Andrew

Andrew J. Zarro, MPA *(he/him/his)*
City Councilor, District 4
City of Portland
389 Congress Street
Portland, ME 04101
(207) 200-3467 - (**this number does not receive text messages)**
azarro@portlandmaine.gov
@andrewzarro

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On Wed, Dec 28, 2022 at 1:05 PM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:
Dear Fire Prevention,

I left a voicemail at 874-8405 today, December 28 and also on December 13 with a detailed message, requesting a call-back. I have not received a call-back. There is no voice mail message on the phone number.

There was a doorhanger on my house door to schedule a pre-blast survey for Ray Street (Fallbrook Commons). This does not follow the City's blasting checklist you have on your website.

I scheduled an appointment as advertised on the hanger for December 29, 2022, 8:00 am as I was out-of-town at the time, traveling over the holidays and as I am not living in my house because of the construction impacts and at work otherwise, I cannot come-right-over at their request and convenience. They were very pressuring to schedule sooner, saying that they wanted to get started.

I had to reschedule until Friday December 30, 2022 at 12:00, today.

I previously requested that they provide me documentation that they are insured before entering my property, we shall see if they can provide that on the rescheduled date, tomorrow, December 29, 2022 at 12:00. Again, when rescheduling, they were very pressuring and scoffed that I would reschedule by one day saying that they really needed to get started. I asked that they did not pressure me over one day. They asked if I received the certified letter they sent me.

I received a certified letter, indicating that blasting would begin on or after December 19. This is out of order; they must complete the pre-blast survey before beginning blasting. Nor have I have received notice of the blasting by regular mail as required and indicated on the City checklist; correct this.

I have also asked for a pre-radon, post-radon survey as blasting will change the soil and geology of the area.

In my voice mail on December 13, I asked to know if the permit has been issued, and when blasting may begin pursuant to your permit. I have not received a response.

Please provide me a copy of that permit if so issued.

I have copied Councilor Zarro, District Councilor.

Thank you very much,
Ian Houseal
86 Florida Ave
207-272-8610

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exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

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Alicia Menard
146 Maine Ave.
Portland Maine 04103
207-712-9148

January 29, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and a reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

My spouse and I live within the 600 foot radius of the blasting at 368 Ray Street with our two dogs. We received notification from Pre Construction Services of a pre-blasting survey to be conducted, which arrived a day before a PCS representative came around and took video of our property ahead of the blasting permit being issued. The notice from PCS vaguely described that blasting would begin "on or after December 19th."

HOWEVER, we received absolutely no communication from Drilling and Blasting about the blasting itself -- including schedule, duration, impact, etc.

On the first day of blasting, January 4th, 2023, I was working from home with our two rescue dogs. One of the dogs is special needs and has seizures. BOTH of them are highly skittish and sensitive to loud noises, having come from traumatic backgrounds. I was standing in my kitchen when the first blast went off. I did not hear ANY warning signals, nor had I received any notification that the blasting would be commencing that day. Honestly, I thought a tree had landed on our

house. I jumped in fright, as did both dogs, who came running downstairs, scared and confused, and they started pacing frantically around the house. My first instinct was to look outside to see what fell on the house and assess the damage. Having found no tree that landed on the house, I realized then that it must have been a blast. Afraid for my dogs and for my safety in the house, I immediately gathered them up, took what I could to try to work from a different location, and left the house.

The noise undoubtedly had a lasting negative effect on the dogs, as they have been even more fearful and skittish since the occurrence. Since that day, I have been afraid to leave my dogs at home, for fear of the blasting triggering seizures or extreme fear regression in both dogs. This has caused a significant level of stress and additional hassle, not to mention monetary expense of making alternative arrangements for my dogs who cannot stay home, and for me to manage work and pet care remotely.

I have purposely braved the blasting and come back to our house on other occasions during the blasting without the dogs, so that I could further assess the impact of the blasting. In doing so, I have not heard ONE signal warning siren prior to any blast. However, the house has shaken and felt a thunderous boom every time.

I am extremely frustrated and traumatized at the level of impact this is having on my house, my family, and my dogs. The longer this goes on, the more disruptive it continues to be. The blasting company does not properly notify -- or warn -- the abutting community of the blasting schedule, and they change it all the time with no communication. On several occasions, I have called to find out whether or not there is blasting on a particular day, and multiple times, blasting was canceled without notifying the community (i.e. for inclement weather). Two recent examples are January 23rd and 26th. These are days I could have worked from home and/or left my dogs home, but not having known, I didn't dare, and instead had to make other arrangements.

Additionally, the emails sent by the blasting company to the select abutters who receive them are not accurate with respect to the timing of the blasts. For example, on January 19th, which is one of the days I waited at home to experience a blast without the dogs, the email notified the community the first blast would be at 9am, but it did not happen until approximately 9:40am, and it occurred without me being able to hear ANY warning sirens. This further traumatizes the community, as people who have no choice but to be home during the blasting can't even appropriately plan accordingly to minimize the disruptions and harmful impacts.

It is for these reasons that I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

I have standing. This appeal is timely, legal, and a reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal. This project is causing irreparable harm.

Sincerely,

Alicia Menard
146 Maine Ave.
Portland, ME 04103
207-712-9148

January 30, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland, Maine 04101

RE: Administrative appeal to the blasting permit **FIRE2022-01299** issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME04103 on 12/30/2022.

- I have standing.

- This appeal is timely, legal, and a reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.

- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

I am in the blast area, therefore an abutter. However, I have received NONE of the other notices regarding blasting. I didn't get the door hanger or the mailing that went out and no one came to my house to do any sort of inspection. I contacted the fire department and received a phone call in return telling me that my home is more than 600 feet away from the blasting; however, the house next door had the inspection, got the Notices, etc. I later found out that I am in the blasting area and that, according to the City website, a Notice was mailed to my old address (my post office box that was closed approximately a year ago). In addition, other houses further away from the blasting site received Notice.

I have been at work during most the blasting, although I have had to change up a lot of things because of it. I now leaving soothing music for my pets to help try to cover up the sound of the blasting – or at least to calm them after it's over. I now go home at lunch to check on them – including my chickens and quail in the backyard. I have heard the blasting twice while home at lunch. The drilling itself is so loud at my house that when I went out to start my car one morning I thought, for a second, it was already running but it was really the drilling / machinery in the backyards of the houses across

the street. This whole thing is so tragic for our nice little neighborhood. The wildlife, including the family of hawks, the deer and other animals that have likely been killed or at least displaced is extremely upsetting. I realize that we live in the “City,” but I picked this neighborhood because it wasn’t very city-like. I now spend my days at work being distracted with worry about my pets at home during this blasting and my home being potentially damaged.



Beth A. Webster
47 Florida Avenue
Portland, ME 04103
Beth@PortlandLegal.net

Bryn Arbuckle
92 Florida Ave
Portland, ME 04103
207-400-1003

January 29, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland, Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street, Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

Typically I do not work from home and am away during blasting times, but every month my job as a RN requires I work on the weekend and I have therefore experienced the blasting on my days off. The first time I was home during the blasting was on 1/11/23. Despite being forwarded a schedule of the blasting times by a gracious neighbor, I was completely caught off guard by the blasts as they did not follow the schedule and I could not hear the horns (whistles). Everything in the house shook. While I rationally know I don't live in a war zone, that is what living near blasting brings to mind. While I have the 'luxury' of not working from home, I have heard from neighbors with small children and pets that the blasting has been extremely distruptive and traumatizing to their daily lives. 2 weeks later the blasting is still going on on an almost daily basis with zero communication about how long we as a neighborhood will have to endure this.

I am hereby requesting a hearing on the appeal.

Thank you for your consideration,

Bryn Arbuckle

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

The blasting has now gone on for well over a month. Not only has the blasting been immensely distracting for my job (I work from home 3 days a week), but it has also had a significant impact on our dog's health. He stared to shake violently, and will cry as soon as he hears the sirens from the blasting zone (across the street from our house). He also also has wet himself on at least one occasion after a large blast.

There was no communication on exactly how long the blasting would be going on for. I am now responding because it is clear that the builders are not being forthcoming with plans, and I fear that if I do not speak up, the plans and promises that were made for the remainder of the project will not be kept. We hope that you will consider the remainder of the project, and the impact that it has on our community.

Sincerely,

Chester Hojnicki

Courtney Holub
38 Florida Avenue
Portland Maine 04103
603-732-7721

January 27, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

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- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting on this project began without notice to myself and other abutters along Florida Avenue. This is disruptive to our days, extremely loud, and shakes our entire home. On days my infant is home from daycare the blasts upset him. My understanding was they should be using warning whistles. However, no such whistle was ever heard until last week; coincidently when neighbors became more vocal about the nuisance.

As previously stated, this project is destroying the habitat of local wildlife and encroaching on important wetlands. In an email on April 4, 2022 I expressed my concerns over the Fallbrook Development to Councilor Andrew Zarro. From that email: "I'm reaching out tonight as it came to my attention that there is another opportunity to pause the proposed Fallbrook Development. We have such a beautiful wildlife presence in the woods and wetland in the neighborhood I hate the thought of them being displaced. From what I understand this is being proposed to replace St Joseph's. I wish we could put these resources to renovating the existing structure instead of getting rid of some of Portland's green spaces. I know other neighbors share these thoughts and I hope you're able to

share our concerns and wishes with Christine Grimaldi and the Portland Planning Department." I was issued no response, and no doubt other efforts of expressed concerns of neighbors went unanswered and perhaps unrecorded. This is unfortunate, and I believe we are warranted a clear response and opportunity to be heard.

At the time there was an opportunity to pause the project. I was in favor of doing so as the site plan was unclear and I had fear about how the project would impact our green spaces and the animals that live there. Finding the plans online has been, and continues to be, extremely challenging. Now our forest has been cut down and this development continues without communication to those most affected.

Sincerely,

Courtney Holub

Dear Chair and Zoning Board of Appeals,
I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

The blasting has been immensely disruptive to our lives in the following ways

- I work remotely 2 days a week. My job requires me to hold calls with clients on a regular basis. The blasting has been disruptive and distracting during these meetings
- Children's sleep schedules. I have two young boys (1 year, and 2.5 years). The blasting has caused panic and disrupted napping patterns on multiple occasions. This in turn leads to disrupted sleep at night for the entire family.
- Our family dog (a lab mix) is traumatized. She shakes with stress and hides in a corner of the basement following blasts for hours. She has not been eating regularly and has thrown up because of the stress numerous times. I went to my office and forgot to open the basement door one morning, I returned to find her cowering under pillows in our bed (which she is NOT allowed in) in her own vomit. She is a rescue dog, and has clearly been triggered by the blasting.
- The blasting causes the entire house to shake, including windows. We have had pictures fall off of the walls and shatter. A figurine given to me by my Mother-in-Law celebrating the birth of our first child fell and broke.
- We are unable to go outside and play because the blasting scares my children. A child should not be afraid to play in their own backyard.
- The blasting does NOT follow the outlined schedule - it is unacceptable.

We purchased our home in March of 2020 and were unaware of the project when we moved in. Upon moving in, we learned that there was a plan already in motion. In my review of the materials, I did not understand the INVASIVE nature of this project. Specifically, the fear and stress that it would cause my family.

In addition, the woods have been cleared and the wetland is being displaced. Where will that water go? We demand a solution to be paid for by Fallbrook to remove this water from our property.

We absolutely would not have purchased this home had we known the immense stress, property damage, and decreased home value that was to follow as a

DIRECT result of this project. We thought we had found our forever home with a beautiful, private backyard in a wonderful, family-oriented neighborhood. The reality is, our children are afraid, our dog is traumatized, and we will have a building and parking lot in our backyard.

Sincerely,
Emily Cashman

egcashman1@gmail.com
336 Ray St Portland, ME 04103
207-939-7153

Esmeralda A. Ulloa & Matthew Anderson
76 Florida Ave.
Portland Maine 04103
(207) 939-8490
January 29, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on12/30/2022

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- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

The blasting has been immensely disruptive to our lives in the following ways:

Our house is less than a hundred yards from the blasting. The blasting makes our WHOLE house shake, and the sound is INTENSE. When I hold work meetings from home on zoom, the blast sounds are unpredictable and extremely disruptive to my work routine. The sound and the shaking are EXTREMELY distressing to our poor pets who run around the house scared and cannot comprehend what is happening. A few days ago, we noticed big cracks at one of the corner ceiling of our master bedroom. We are very stressed out about how the blasting is impacting our foundation because there is so much bedrock between our home and the blasting.

It causes my family distress to feel so helpless at seeing so many animals' habitat destroyed through our very windows. Our son Adán (age 13) says, "I cried the day the trees got torn down. I felt hollow, like a piece of my childhood had been cut away. I feel appalled to see the deer running away from the place they once called home. And I really miss the sounds of the birds." As parents, it causes us distress (guilt, shame, frustration) that we cannot find the words to help our son make sense of the destruction he has to witness every day.

This construction has been so much more distressing and disruptive than we initially imagined. We did not express our concerns sooner because it has taken time to overcome the initial shock (we were not informed of the blasting beforehand), and it has taken some time to process it all.

Sincerely,

Esmeralda A. Ulloa & Matthew Anderson

Attachment A: Neighbors Appeals of Blasting Permit and Emails to City about Impact

Jenirose Friedkin
54 Florida Ave.
Portland Maine 04103
207-370-4628

Christopher Havey
54 Florida Ave.
Portland, ME 04103
207-252-7186

January 29, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray St. Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

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- This appeal is timely, legal, and within a reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

When the first blast went off on 1/4/23, we didn't hear the sirens despite being direct abutters. I thought a shelf had come crashing down. I jumped and my heart felt like it leapt into my throat. The dog came running to me. He was shaking. He is a rescue dog with significant symptoms of having prior trauma that we have spent much time and money training to help him feel safe in his new environment. This is a major setback for him.

We finally realized that the blasting had begun. We received no warning of when the blasting would begin except that it could begin on or after 12/19/22. We never received notice of how long it will last. I've often been unable to hear warning sirens when inside my house. I've heard this from neighbors too. I lived in a place where explosions meant bombs had gone off, and experienced being shot at as a teen. These blasts definitely set off my startle mechanism every time and keep my adrenaline up. Along with the constant noise of large machinery, it leads to a quite stressful home/work environment. It makes it very difficult to concentrate to get work done here and disrupts professional phone calls. I can only imagine what some of our veteran neighbors are experiencing, as well as the various forest fauna that managed to survive the brutal destruction of their ecosystem.

The stress from the blasting, construction, and project in general has worsened my chronic migraine disorder. It has also exacerbated my own and others mental health diagnoses. Increased anxiety, depression, PTS symptoms, etc. abound as a result of the stress of anticipation and experience of blasting and changes to and loss of control over our environment, including increased noise from large machinery and loss of forest and privacy.

We are certainly concerned about radon. I didn't realize how extensive the blasting would be and am dismayed that the provision of radon testing prior to the blasting wasn't a citywide requirement. I wish I'd had it done myself, but was already scheduled to leave town for the holidays and organizing for independent testing proved to be something that was beyond my capacity at the time. I was also concerned about the cost. I have heard other neighbors say they were also concerned about the cost and how to go about getting it. We shouldn't have to worry about this. Many of us wouldn't have even realized it is a concern if we weren't educated by fellow community members. This could effect our health, property values, and cost us to remediate if the levels increase due to this extensive blasting. Fallbrook Commons should have been required to include this test along with the other inspections so that we have recourse if levels increase. It should be a requirement whenever blasting is occurring.

I also worry about our foundation. We are on a slab so there is no way to know how this is affecting it. Even with the required inspection, I don't see how this could have been documented. The blasts definitely shake and reverberate throughout the entire house.

I also think it should be a requirement that copies of the documentation videos taken before blasting be sent to homeowners automatically. We shouldn't have to go out of our way to request them. I was told I would need to use the FOIA to access documentation of my own house. I'm not even sure who to request them from. This shows that the videos were made for liability purposes in protection of

the developer. They are not actually to protect the neighborhood residents whose homes are being affected by this blasting.

Usually with a project as big as this, there is a liaison hired whose only job is to communicate with the neighborhood. There is nobody in that position at Fallbrook Woods LLC. Our neighborhood is completely in the dark, and has nobody to direct our concerns toward. We have no indication as to how long this construction is planned to take, for instance. Many of us have been organizing around this build for years and the feelings of being powerless and ignored and dismissed take a toll. Also watching an active forest where kids played come down so rapidly, again without any warning, seeing giant trees downed in seconds, one after another, and not knowing where the wildlife will go if they survive was extremely disturbing and weighs heavily.

I have heard many neighbors speak about their experience of the blasting. Many people and their pets are being startled and are experiencing stress from the blasting and constant grinding and moving of large machinery. Many neighbors & myself are concerned about increased water in our crawl spaces and basements. A neighbor has said they already have more water under their house than ever before. I am experiencing new issues with drainage in our bathroom, and wonder if it's connected. Wetlands are being displaced and we wonder where that water will go.

Blasts also don't always seem to be done correctly. A neighbor who worked in construction said they could hear splattering, the sound of debris falling, after blasts and wondered if they are using blasting mats. They are, but apparently they haven't always been enough. Another neighbor saw a blasting mat fly into the air higher than a house. Another neighbor who is a couple blocks away thought their furnace might have exploded when they felt a blast, and was confounded until they learned about the blasting from another neighbor as they had not been informed of the blasting because they weren't within 600 feet. People far beyond 600 feet are being affected and received no warning.

We are concerned about rodents displaced from the blasting, and noise and odor and rodents etc. from the dumpsters that are planned to be placed right at property lines. We are concerned about an insufficient wall that won't support vegetation or block the headlights and lot lighting of a 24 hour facility where staff, emergency vehicles, and support vehicles will be coming and going. This kind of light pollution can negatively affect my migraine disorder. This also raises concerns around privacy and security. This has completely changed our neighborhood and many individual properties and negatively impacts our property values.

The neighborhood was notified by the blasting contractor, Drilling & Blasting Specialists, via email that blasts would be at 9 AM, 12 PM, and 2:30 PM on 1/25/23. The first blast actually occurred at 10:06 AM. It seriously shook the

whole house and sent my poor dog running for cover. I know many neighbors are also adjusting their whole schedules to get themselves and their animals out of the house and/ or paying for dog daycare because this is so traumatizing to the animals. It is also very tough on the humans. I don't always hear the warning sirens and I'm right next to the blasting as shown in the attached videos taken from my living room. Others in the neighborhood have said they also cannot hear the siren and so want to be able rely on the blasting schedule sent out to some neighbors and forwarded to more neighbors.

The neighborhood was informed by blasting company via email that there would be blasting on Thursday 12/26/23. No blasting occurred. This is also an inconvenience as people have been arranging their entire days, work schedules, work breaks, daycare, dog daycare, etc. around these blasts.

Another example of the blasting schedule being wrong happened on the morning of Friday 1/27/23. The first blast occurred at about 10:05 AM instead of the scheduled 9:30 AM. I got my dog in the car beforehand and drove him around the block in anticipation as he is super nervous at home now. This in itself is a disruption. I returned and asked my partner if the blast had gone off. He told me it had. I brought the dog inside, he was reluctant as he associates the house with blasts now, and another blast went off at around 10:15AM. My dog went running to hide and it sure surprised us. We were not expecting a second blast. At 11:48 AM, another blast went off. This is more than 10 minutes before schedule. I was in my bathroom washing up before this blast and did not hear the warning signals despite being located directly abutting the blast area. I had planned to be out of the house with my dog by the scheduled 12PM blast but found myself and my dog once again in the home for a blast. Below is the blasting schedule that was sent out on Thursday 1/26/23 for reference.

Good Morning,

Our blasting schedule for 368 Ray street, Portland ME on Friday, January 27, 2023 will be:

First Blast: 9:30 AM
Second Blast: Noon
Third Blast: 2:30 PM

Please let me know if you have any questions.

Thank you,

Andrew Weymouth, Controller
Drilling and Blasting Rock Specialists, Inc.
PO Box 65
Gardiner, ME 04345
Phone 207 582-1391

It seems like the blasting schedule being sent out is just another item on a to do list for the sender, as it is far from accurate and does little to address the actual needs, concerns, and safety of the project's neighbors. This lack of regard is just one example of how unneighborly the developers have been, and the city has for the most part completely catered to them while ignoring the valid concerns of the neighborhood.

The timing of this appeal is due to a number of factors. We bought our home at the end of March in 2020 and were not aware of the Fallbrook Commons project when we made the purchase, despite the plan already being in motion. We did not understand how close the parking lot, blasting, and construction would be to our property line and the extent of the blasting, construction, and general invasiveness of the project.

The plans are very hard to find and view online. They more recently seem to have been intentionally hidden, making them very difficult to access. Current permit's BLDC2022-02665 online location was changed from being its own item to being located as a sub record under voided permit BLDC2021-02097. This makes it exceedingly difficult to locate online in order to view plans and current progress of permitting, inspections, and general process. I also was unable to figure out how to open the PDFs for a long time, and I consider myself to be computer savvy for my age. I know my partner and other neighbors would never have been able open and view, let alone find the plans online. They are also difficult to view, read, and understand as a layperson. I certainly did not understand the scope and invasive nature of this project until the trees started coming down and the blasting kept on going day after day.

We were also extremely demoralized by the rapid clear cut of the forest. We couldn't have conceived of how quickly ,thoroughly, loudly, and violently the trees were to be removed. See attached video below for a small example.
Furthermore, it was right before the end of year holidays that I received the door hanging informing of blasting and was pressed for time to respond, have the inspection done, figure out how to check our own radon levels etc. before a planned trip out of state. Moreover, we have not been receiving mail pertaining to the project at our abutting home address. Correspondence was instead sent to our Co- owners' address in LaMoine. The co-owners assumed we were also getting copies of the mail they received, as we are residing more consistently at the affected address and so did not inform us. This lapse in communication has caused us to be uninformed.

We chose this property because of the quiet, peaceful, wooded, close to nature, residential neighborhood feel it had, as we knew that these qualities were essential to our mental and physical health. We wouldn't have bought this house if we'd known of the stress that would ensue and that its value would immediately

depreciate as a direct consequence of this project. This natural paradise is being paved, and they are putting up a parking lot.

Sincerely,

Jenirose Friedkin & Christopher Havey

jenirosa@gmail.com
christopherhavey@gmail.com
54 Florida Ave.
Portland, ME 04103
Jenirose: 207-370-4628
Christopher: 207-252-7186

Jennell Carter
146 Maine Ave.
Portland Maine 04103
207-252-5910

January 29, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and a reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

My spouse and I live within the 600 foot radius of the blasting at 368 Ray Street with our two dogs. We received notification from Pre Construction Services of a pre-blasting survey to be conducted, which arrived a day before a PCS representative came around and took video of our property ahead of the blasting permit being issued. The notice from PCS vaguely described that blasting would begin "on or after December 19th."

HOWEVER, we received absolutely no communication from Drilling and Blasting about the blasting itself -- including schedule, duration, impact, etc. I had to ask to be added to the notification email list for a daily blasting schedule. However, the schedule has been consistently inaccurate. It changes all the time with no updated communication to the email list. On several occasions, my spouse and I have called to find out whether or not there is blasting on a particular day, and multiple times, blasting was canceled without notifying the community (i.e. for inclement weather). Two recent examples are January 23rd and 26th. The

blasting was cancelled, and no email notification was sent. Had we known sooner, we could have made other arrangements for our home and family.

Additionally, the emails sent by the blasting company to the select abutters who receive them are not accurate with respect to the timing of the blasts each day. For example, on January 19th, the email notified the community the first blast would be at 9am, but it did not happen until approximately 9:40am, and it occurred without my spouse being able to hear ANY warning sirens. This further traumatizes the community, as people who have no choice but to be home during the blasting can't even appropriately plan accordingly to minimize the disruptions and harmful impacts.

The blasting has been traumatizing for our two rescue dogs, particularly one who has seizures. The noise undoubtedly had a lasting negative effect on the dogs, as they have been even more fearful and skittish since the occurrence. My spouse and I have been distressed trying to make other arrangements for work and pet care during the blasting, without the courtesy of timely and accurate information about the blasting schedule or impacts. We cannot even hear the warning sirens from anywhere in our house. This experience is extremely stressful and harmful for our family, and it flies in the face of our decision to buy a house in this neighborhood 15 years ago.

Zoning:

"The use of all private and public land that lies within a city’s boundaries is determined by its zoning laws. These laws extend from a city’s obligation to “promote the health, safety, morals, convenience, order, prosperity and general welfare of the community.”
Zoning is also instrumental in protecting property values, ensuring cohesive and orderly communities, promoting quality of live, and affording privacy and safety for residents.
(source: https://www.tml1.org/sites/default/files/tml/pdf/What_is_Zoning.pdf).

The development of Fallbrook Woods is in direct conflict for the city of Portland's Planning permitted use within an R3 zone which was defined by the city. The residents that decide to live and purchase homes in varies zones are protected by zoning laws and permitted usage to protect the citizens of that community from various conflicts that impact the quality of life, natural and built environment and exposure to such things as increased noise and chemical pollution, traffic flow, ease to travel as a pedestrian etc. Additionally, one of the many responsibilities of city planning and zoning is to protect the value of the homes/buildings that exist in that particular zone. Therefore, people who purchase homes in an R3 zone should have the same rights that fall under proper zoning - to protect the value and quality of life within the community and zone in which they reside. By allowing the development of Fallbrook Woods in our neighborhood, in an R3 residential zone, the city has directly contradicted the

exact reason why zoning exists in the first place. The members of our community chose to live in an area where facilities such as the expansion of Fallbrook Woods is not permitted.

The construction of this project, as evidenced by the impact of the blasting, is causing stress, trauma, and irreparable harm to my family and to our community in this R3 residential zone. It is an experience we should not be having in the first place, given where we chose to live, and the laws of that zone by which we should be protected.

It is for these reasons that I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022. I have standing. This appeal is timely, legal, and a reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal. This project is causing irreparable harm.

Sincerely,

Jennell Carter
146 Maine Ave.
Portland, ME 04103
207-252-5910

Joel McILwain
100 Florida Ave
Portland Maine 04103
207-415-3697

Date January 29, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

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- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

There was not a lot of information on the blasting. It all happened pretty quickly and the inspection service provided did not do a very thorough job of checking my property. Someone walked through quickly with a camera and most of are walls are covered with pictures, furniture, etc. Someone was supposed to check the foundation on the outside and I never saw or heard of anyone showing up to do that. When I told them we had a crawl space they said they would not be checking it, we have a four foot cement frost wall and I am not sure what the process will be if it gets damaged. The blasting shakes our entire house violently and the warning sirens are hard to hear if you are not listening attentively. The initial blasts have caused panic in the house with our small children. We have a 2 year old, 4 year old and are now fostering another 4 year old. I'm not sure why there was not more information about how something this disruptive would effect everyone in the surrounding area. I am extremely dissatisfied with the amount of time and services provided for doing a thorough inspection of my property before this started. I feel if there is damage to my house or if they cause water to be displaced onto my property there will be no recourse. Given the fact that this has the potential to severely devalue neighboring properties, the addition of possible damages to properties should be taken more seriously. If the process for this development is following the guidelines of city code there

should be revisions made to the code so this doesn't happen to other residents in the future. I was also disappointed with the wildlife habit findings. Living here I have seen an abundance of wildlife including deer, foxes, coyotes, owls and very large amount of other bird species. The report I read said findings only included the potential for bats in those woods, which not only came across as negligent, but as a precursor to how let down the people in this community would be by the handling of this project.

Sincerely,

Joel McILwain

Dear Chair and Zoning Board of Appeals,

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- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

My husband and I work from home full time and the non-consistent horns for blasting feels unacceptable. It is very distracting and causes interruption to calls/meetings.

We have a new 4 month old puppy and it causes anxiety and distress to him.

We have very young children and are fearful of the blasts when they are home and again cause disruption in our home.

Dishes have fallen off the drying rack from blasts constantly.

Additional:
As an avid runner/walker I have almost been hit on Ray street as a pedestrian but also driving on Ray to get to my home on Florida Ave; trucks or equipment are not easy to see, and could cause an accident either with pedestrians or other vehicles.

It feels worrisome to see Unitil constantly driving up and down the street, and fear the issues this could be causing to natural gas lines and to our home.

Communication and details around this entire project have been lacking, hence why the timing of now responding. I could not even find plans on the website and having to navigate where to find information about this project and site plan was a challenge as a regular citizen.

Sincerely,
Kaitlin Gee
81 Florida Avenue

Marin Magat
86 Florida Ave
Portland Maine 04103
(207)252-9520

January 30, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

I am the mother of two children who, because of the destruction, have not been back to their home since clear-cutting began without notice Tuesday, November 22, 2022. We evacuated our home the following morning Wednesday, November 23, 2022, trying not to be there for the work but the clear-cutting had started again at 7:45am. We stayed with friends, in a cabin, and now are renting a winter rental at our own expense. We do not see a scenario in which we could ever move back.

The construction and blasting are so devastating emotionally, and overwhelming of my physical senses--hearing, smell, and sight---that I can not approach my house during hours there is work being done. I will not bring my children to see what has been done, or to experience this level of destruction. I feel physically ill when I do go to the site.

The landscape and experience of our home has changed completely. The wind roars across the open site. It took down our privacy fence, snapping their new metal poles. The sound of traffic on Allen Avenue and Washington Avenue feels like it is next door,

as does the siren from the fire station. It feels like all of a sudden we live in a high-density city.

I have been talking to and dropping off flyers about the blasting to neighbors and this is what I have been told:

- blasting is being felt up to half a mile away at 8 White Birch Lane . Running along the ridge.

- those in proximity and along the ridge are experiencing pictures falling off the walls, pets and children confused and scared
- at the edge of Maine Street and Ray a house is experiencing a cracking foundation
- a neighbor on Maine Street has a service dog to alert her of seizures due to her medication who is being distracted by the blasts.. and one of our neighbors dogs can not be near the blasts because it is at risk of seizures.
- there is water in the crawlspace of an abutter
- many people reported not knowing the construction was happening and what the blasting sensation was. Many are confused why they didn't get notice.
- the blasting schedule that is being sent out is not being followed
- the blasting warning whistle is not being heard consistently especially inside homes

I experienced one blast from almost half a mile away while sitting on the steps of 11 Fobes Street. I could hear a gunshot-like sound, then a delay, then from that far away a clear shooting sensation up into my legs.

I can not imagine what repeated exposure to this is like for my neighbors and I am disgusted at such treatment of human beings and the land.

I realize as I am writing this how vulnerable and exposing it is to write about such personal matters and even my activities as related to my neighborhood and the blasting, as if it is putting me at risk. This is in the context of thinking about how, in order for our neighborhood to get an inspection report of the blasting, the City told us we would have to FOIA which would mean the inspections of the interiors of our homes would then become a public document. I am also mindful of the trailcam that has been trained on our backyard from the construction site--How I did not feel comfortable being on camera and waited to have my City Councilor accompany me to that part of my property. Need I say this is an undo burden to place on me, my family, and my neighbors especially in the context of the loss we are experiencing?

Sincerely,

Marin Magat

Michaela Crawford
72 Florida Ave
Portland Maine 04103
(207) 405-8650

January 24, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

It's hard to put into words the effect the blasting has had on our family, but I will do my best:

For two years, leading up to the beginning of this construction, we did our best to imagine what this scenario would be like and can honestly say we had underplayed it tremendously in our minds.

First off, I can honestly say that the only day in which I heard the warning sirens was last Thursday, January 19th. This day, the workers were blasting directly behind our property (where the parking lot is proposed). It wasn't until after this date that I was even made aware of who to address my concerns to.

I am not home most mornings, and up until last Thursday, I had not experienced anything quite like this. It felt as if a meteor had hit our house; not that a meteor had hit our yard, or street, or neighbors house, but that it had directly stuck us.

I have an almost 3 year old australian shepherd, and up until these blastings, I've never seen her scared of anything; not thunder, fireworks, large trucks, or loud sirens. It is her reaction that is prompting this letter - After the blast went off, my dog shrieked in fear and darted for shelter, that's when I noticed she was convulsively shaking. At first I thought she was having a seizure. What makes me most upset is that I do not know how many times this happened when I was not there to console her. These blasts completely vibrate every part of my body, I cannot even imagine what it feels like for a 45 lb dog.

Since this instance, I have spoken with many neighbors who never even received notice of these blasts and who are having hardships. At least I had some sense of comfort knowing where these quakes were coming from - why were they not
notified? Living in a residential zone, these are not the kinds of things we should have to worry about.

Sincerely,

Michaela

Monica Garcia
80 Florida Ave.
Portland, ME 04103
Your phone number here

January 30, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street, Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray St. Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

[copy and paste your letter to zoning here. i.e. what your experience has been with blasting--see, hear, feel, etc. "headaches, nightmares, stress.." blasting schedule, pets, etc.

[add details about why you are just now (timing) able to respond--ex. you didn't know it would be this bad, now that you see the reality, and have recovered from shock, you are able to respond... only a professional planner could read and translate the site plan--you as a normal citizen couldn't "conceive" of what this would look like ... when it was first presented you couldn't even find the plan on the website which is difficult to navigate as a normal citizen.. i am not a lawyer.. etc.]

Sincerely,

Monica Garcia

110 Florida Avenue

January 30, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street, Portland, Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 110 Florida Ave, Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 110 Florida Ave, Portland, ME 04103 on 12/30/2022.

· I have standing.

· This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.

· This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

When the blasting notices were received at the end of 2022, I was incredibly dismayed and apprehensive about this process. I quickly made an appointment to have my interior and exterior inspected so that if any harm came to my house, everything would be documented as needed. Now that the blasting has begun and continued for the past few weeks, I would like to include my comments and experience here (it has been as bad, if not worse, than I expected initially). The blasting (as well as other constant loud general construction noises) have become a significant disruption, inconvenience, and ongoing cause of stress for members of my household. Myself and my significant other both work from home every day and the relentless, continuous noise from construction vehicles as well as the repeated warning horns and blasting noise and house shaking are incredibly distracting and negatively impact our ability to work and hold uninterrupted meetings throughout the day. From where my home office is set up, I can hear the constant noise right in my backyard and the random blasting and house shaking at various points every day make this issue even worse. Furthermore, our two pets (cat and dog) become incredibly agitated and anxious every time they hear the blasting horns and actual blasting, therefore additional time is spent multiple times a day trying to keep them calm and happy, upsetting all involved. This is causing stress for all members of the household. Furthermore, I did not receive any communication from the blasting company as to how long this would go on for: days, weeks, months? Having no known/planned end in sight or even knowledge of the day to day schedule is also very concerning, stressful, and upsetting. All of these above-stated negative impacts these past few weeks from blasting and all other construction have contributed to my desire to submit a letter at this time as I did not realize this would be such an ongoing

and disruptive process. All in all, the communication surrounding this construction project as far as timing, impacts, what to expect, etc has been very confusing and difficult to plan for and understand fully as a normal citizen. I am concerned for my own household as well as my neighbors who have had no choice but to deal with these incredibly negative impacts on our houses, neighborhood, and quality of life in general. Thank you for reading.

Sincerely,

Sabrina Christian

From: Beth
Sent: Thursday, January 19, 2023 12:56 PM
To: zoning@portlandmaine.gov; azarro@portlandmaine.gov
Subject: Interpretation Appeal (ZBA-002310-2022) 60 Merrymeeting Drive, Fallbrook Properties, LLC

My name is Beth Webster. My address is 47 Florida Avenue, Portland.

I received the notice in the mail of the meeting tonight – TODAY. I am working tonight, so I will be unable to attend the meeting; however, if I had not gone home at lunch, I would not have gotten the Notice until after the meeting was over. My assumption is that other neighbors also may not have gotten it until today or maybe won't even get it today.

I am in the blast area, therefore an abutter. However, I have received NONE of the other notices regarding blasting. I didn't get the door hanger or the mailing that went out and no one came to my house to do any sort of inspection. I contacted the fire department and was told that my home is more than 600 feet away from the blasting; however, the house next door had the inspection, got the Notices, etc.

I demand to provide testimony for agenda item: Interpretation Appeal (ZBA-002310-2022) 60 Merrymeeting Drive, Fallbrook Properties, LLC – although it has to be in writing.

I have been at work during most the blasting, although I have had to change up a lot of things because of it. I now leaving soothing music for my pets to help try to cover up the sound of the blasting – or at least to calm them after it's over. I now go home at lunch to check on them – including my chickens and quail in the backyard. I have heard the blasting twice while home at lunch. The drilling itself is so loud at my house, that when I went out to start my car this morning I thought, for a second, it was already running but it was really the drilling / machinery in the backyards of the houses across the street. This whole thing is so tragic for our nice little neighborhood. The wildlife, including the family of hawks, the deer and other animals that have likely been killed or at least displaced is extremely upsetting. I realize that we live in the "City," but I picked this neighborhood because it wasn't very city-like. I now spend my days at work being distracted with the worry about my pets at home during this blasting and my home being potentially damaged.

From: Beth
Sent: Wednesday, January 25, 2023 11:08 AM
To: fireprevention@portlandmaine.gov
Cc: zoning@portlandmaine.gov; azarro@portlandmaine.gov
Subject: RE: Fallbrook Nursing Home - Blasting permit FIRE2022-01299

In response to my email below, I received a call telling me that my house is outside the 600' requirement for notice of blasting.

Could you please explain **(in writing, not in a phone call)** how that can be possible.

I just compared the online form (Attachment - 60 Merrymeeting Dr. (PL-925-2019 Abutter Addresses Excel).xlsx Uploaded: 09/03/2020) to the addresses in my neighborhood.

FLORIDA AVENUE:

Comparing the City of Portland real property search to that same list, it looks as though #18, #21, #30, #47 (my house), #54, #58, #72, #96 are not on the list of people who received Notices.

I did not go through the list and match names to the City property list, but I did notice that the name and address for #50 (directly across the street from me) is Sue Harkins – Sue sold her house in November of 2020, so it's very likely the new owners did not get notice.

TEXAS STREET:

There are four houses on Texas Street - #5, #9, #12 and #15.
#5, #9, & #12 were on the abutter list, but #15 was not. #15 is directly beside my house.
#5 Texas Street is on the corner of Texas Street and Main Avenue – there is no way that house is closer to Fallbrook than my house or #15 Texas Street.

In addition, we were notified that the first blast today would be at 9 am; however, the warning notice wasn't heard until after 10 am.

Beth A. Webster
47 Florida Avenue
Portland, ME 04103

From: Beth
Sent: Tuesday, January 3, 2023 1:02 PM
To: fireprevention@portlandmaine.gov
Subject: Fallbrook Nursing Home - Blasting

Hi:

I own and live at 47 Florida Avenue, Portland. All my neighbors have been having pre-blasting inspections and getting notices regarding the building, etc. but I have not. My understanding is that I am not on the list (one of my neighbors asked because I had told her that I didn't get the door hanging notice). Can you please confirm for me that I am far enough away from the blasting so that I don't need that.

Thank you.

Beth A. Webster
47 Florida Avenue
Portland, ME 04103

D Shea <drgfly88@gmail.com> Thu, Dec 15, 2022, 2:43 PM

to bryn, Beth, Caitlin, Chrismc519, Gavin, Ian, Jeffrey, Jenirose, Joel, Laura, Laura, Lee, Luis, Lynn, me, Matthew, Michael, Michaela, Paradis, Sandra, Sarah, pinkmoonlucky717

Yes they were at my house today and did the inspection video, they said the do not do radon testing. I then called PCS Blasting, they also said there is no need for radon testing and it's not required. How would you recommend I proceed? Thanks!

enirose Friedkin Sun, Jan 29, 5:08 AM (18 hours ago)

to me

I also requested the radon testing and was told that they don't do that.

Sent from my iPhone

Begin forwarded message:

From: Jenirose Friedkin <jenirosa@gmail.com>
Date: January 4, 2023 at 5:47:51 PM EST
To: Terry Hilt <dana.hilt@verizon.net>
Subject: Fwd: Blasting for Fallbrook Woods

Sent from my iPhone

Begin forwarded message:

From: Jenirose Friedkin <jenirosa@gmail.com>
Date: January 4, 2023 at 12:51:54 PM EST
To: fireprevention@portlandmaine.gov
Subject: Blasting for Fallbrook Woods

Hello, I am writing on behalf of myself, Jenirose Friedkin, Terry Hilt, Dana Hilt, & Christopher Havey, all of 54 Florida Ave. in Portland, Maine.
We want it to be documented that we requested a copy of the pre blast interior & exterior inspection from Joy Love LLC. We also requested pre and post blast radon testing twice. We were initially told they don't do that.
The blasting began today. The siren is not loud. It certainly didn't wake us up this morning before the initial blast sent our dog into a panic and my heart into my throat. I just felt another blast. I think I might have heard a high pitched noise, definitely not something I would call a siren or warning, before this blast which

also scared the heck out of us. We are abutters, so we should definitely be able to hear a siren. I’m concerned after feeling blasts that it could also affect the foundation, which was not documented.
We feel completely ignored & dismissed by developers despite our neighborhood organizing for years now.
Thank you!
Jenirose Friedkin
Terry Hilt

March 26, 2022

Dear Councilor Zarro: Re: Fall Brook Nursing Home Project

We have been following this plan to build a huge nursing home complex in our neighborhood for two years now and it is taking its toll on everyone's mental health with anxiety, fear, depression and nervousness. These are part of the emotions we experience every day just thinking about the uprooting this project will cause. This is a quiet young family and retiree centered area and the thought of the construction during and the traffic increase afterwards is daunting and depressing. Some of our neighbors have already moved away to escape this turmoil of blasting and heavy equipment, not to mention the destruction and loss of trees, our wetlands, and woodlands.

We have quiet streets with surrounding Portland walking trails and beautiful wetlands and many of the wildlife and birds that are fading fast from the Greater Portland area because of encroaching construction. There is also an existing nursing home on Ray Street with two major access roads that could be updated and added to create a beautiful state of the art nursing home in this section of the city without tearing apart our little neighborhood.

We hope that you will consider this plea for help seriously and reach out to Christine Grimando to express our fears and concerns and do all you can to stop this destructive project and use the existing facility and area for the benefit of all. Thank you very much for your consideration and assistance.

Sincerely,

Lynn Lagerstrom

57 Florida Avenue

Portland, ME 04103

207-619-7637 stonesfan26@gmail.com

Lynn Lagerstrom Wed, Jan 4, 9:51 AM

to Ian, me, Bryn, Luis, Gavin, Matthew, Michaela, Jeffrey, Joel, Michael, Jenirose , Beth, Laura, Sandra, pinkmoonlucky717, drgfly88, Lee, Chrismc519@gmail.com, Laura, Paradis, Sarah, Caitlin

I think the first blast went off this morning - no sirens that I heard and no warning. Diane thought it was a blast too and not just their usual crashing. Scared the hell out of me and my cats. I have all my inner house and outer inspections done but might not go for the radon check at this time. So, it's started. Ian, thank you for your updates and information!

L

Lynn Lagerstrom Wed, Jan 4, 12:42 PM

to Bryn, Luis, Gavin, Matthew, Michaela, Jeffrey, Joel, Michael, Jenirose, Beth, L aura, Sandra, pinkmoonlucky717, drgfly88, Lee, Chrismc519@gmail.com, Laura,
Paradis, Sarah, Caitlin,

Diane said she called and was told that some people could not hear the siren because of the "pitch". I never heard one but I do have hearing issues. But my cats didn't react either and they surely would hear the warning. There was just another very loud blast that rattled my windows even.

Lynn Lagerstrom Thu, Jan 19, 8:33 AM (11 days ago)

to zoning, azarro

My name is Lynn Lagerstrom and I live at 57 Florida Avenue, Portland Maine. I would like to report about the construction and blasting in my neighborhood for the Fall Brook Nursing Facility.

My neighbors and I received notice of the blasting some time ago and we followed through with the house inspection video recommended at the time. I know that there are sirens before the blasting but I have significant high frequency hearing loss and I cannot hear these warnings while inside my house (or even outside) even when wearing my hearing aids. The best I can do is keep an eye on my cats who apparently can hear it as they suddenly sit up straight and then run to hide. Then comes the blast and it feels very close and loud. I can actually feel the vibration through my feet and the shake throughout the house. This is, of course, very stressful and contributes to my feelings of anxiety and feelings of invasion of my space and environment, not to mention how it affects my poor cats. It is very unpleasant and I hope my report will be used towards improvements in the future for others
who live near construction and blasting sites. Thank you.

Marin Magat
86 Florida Avenue
Portland Maine 04103

Jenirose Friedkin
54 Florida Avenue
Portland Maine 04103

January 29, 2023

Shelley Sawyer, Manager of Operations
Cumberland County Superior Court
205 Newbury Street
Portland, ME 04112

RE: Florida Avenue Area Neighbors v. City of Portland

Dear Ms. Sawyer,

We, the plaintiffs and neighbors of 60 Merrymeeting Drive, are experiencing serious and immediate irreparable harm. Enclosed is a request for a Temporary Restraining Order against the City of Portland to stop blasting and other damages due to construction. We ask the Court to order a stop-work order to the City of Portland Administration, including blasting and construction.

Enclosed for filing in the above stated matter, please find Plantiffs' Motion. We are asking for a waiver of security for good cause as we are acting in the public interest and that no restraining order shall be issued until such time that the waiver is granted, pursuant to Court Rule 65 (c).

We appreciate you bringing this to the attention of a Justice, and please do not hesitate to contact me with any questions.

Sincerely,

Marin Magat, pro se
86 Florida Avenue
Portland Maine 04103
207-252-9520
marin.magat@gmail.com

Jenirose Friedkin, pro se
54 Florida Avenue
Portland Maine 04103
(207)370-4628
jenirosa@gmail.com

Cc: [Parties: City Administration, Zoning Board of Appeals, and Dan Maguire]

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
Location: Portland
Docket No. _____

FLORIDA AVENUE AREA NEIGHBORS:

COURTNEY HOLUB, of 38 Florida Avenue, and

BETH WEBSTER, of 47 Florida Avenue, and

JENIROSE FRIEDKIN AND CHRISTOPHER HAVEY, of 54 Florida Avenue, and

CHESTER HOJAICK, of 65 Florida Avenue, and

MICHAELA VEILLETTE, of 72 Florida Avenue, and

ESME ULLOA AND MATTHEW ANDERSON, of 76 Florida Avenue, and

LOUIS GARCIA AND MONICA GARCIA, of 80 Florida Avenue, and

JENNELL CARTER AND ALICIA MENARD, of 146 Maine Avenue, and

KAITLIN O'CONNOR GEE, of 81 Florida Avenue, and

MARIN MAGAT, of 86 Florida Avenue, and

BRYN ARBUCKLE AND GAVIN PROTAS, of 92 Florida Avenue, and

JOEL MICILWAIN, of 100 Florida Avenue

DIANE SHEA, of 101 Florida Avenue, and

SABRINA CHRISTIAN, of 110 Florida Avenue, and

EMILY CASHMAN, of 336 Ray Street

Plaintiffs,

v.

CITY OF PORTLAND

PLAINTIFFS' MOTION FOR INJUNCTIVE RELIEF
(Pursuant to M.R. Civ. P. Rule 65)

2

INJUNCTIVE RELIEF
Request for Temporary Restraining Order
Florida Avenue Area Neighbors v. City of Portland

We aver,

Statement of Claim

A. Where did the events giving rise to your claim(s) occur?

The property listed as 60 Merrymeeting Drive which is between Ray Street and Florida Avenue in the North Deering Neighborhood of the City of Portland. Also 368 Ray Street to which Blasting Permit was issued.

The plaintiffs listed in this injunction are all neighbors to this property, direct abutters or within the blasting zone radius set by the City of Portland (600 feet from the blasting location).

The events of construction and blasting described below occurred and are occurring within 10 feet of abutters property lines. The impacts described occurred and are occurring to our homes, person, and property at the following locations:

COURTNEY HOLUB, of 38 Florida Avenue, and
BETH WEBSTER, of 47 Florida Avenue, and
JENIROSE FRIEDKIN AND CHRISTOPHER HAVEY, of 54 Florida Avenue, and
CHESTER HOJAICK, of 65 Florida Avenue, and
MICHAELA VEILLETTE, of 72 Florida Avenue, and
ESME ULLOA AND MATTHEW ANDERSON, of 76 Florida Avenue, and
LOUIS GARCIA AND MONICA GARCIA, of 80 Florida Avenue, and
JENNELL CARTER AND ALICIA MENARD, of 146 Maine Avenue, and
KAITLIN O'CONNOR GEE, of 81 Florida Avenue, and
MARIN MAGAT, of 86 Florida Avenue, and
BRYN ARBUCKLE AND GAVIN PROTAS, of 92 Florida Avenue, and
JOEL MICILWAIN, of 100 Florida Avenue
DIANE SHEA, of 101 Florida Avenue, and
SABRINA CHRISTIAN, of 110 Florida Avenue, and
EMILY CASHMAN, of 336 Ray Street

B. What date and approximate time did the events giving rise to your claim(s) occur?

Event: Construction

Construction process began Tuesday, November 22, 2022 at 7:45am with clear cutting of the forest. Blasting began Wednesday, January 4, 2023 at 9am and occurs Monday

through Friday three times over the course of the day, and will continue for an unspecified amount of time. The next phase of the construction process will be drilling, again for an unspecified amount of time with unknown impacts.

A Conditional Use Permit was issued by the City of Portland for that property to Fallbrook Commons, LLC, November 2020 to build a new long-term care facility. A Building permit was issued on 11/14/2022.

At no date was there communication with neighbors by the City of Portland or developer regarding the onset date of the construction process, its phases, or duration. At no date were abutters given notice of blasting.

Event: Various Direct Experiences with Administration of Blasting Permit

Absent Pre-Blasting Survey:

1. On January 3, 2023 plaintiff Beth Webster of 47 Florida Avenue asked why she had not been given a survey or notices. During the weeks surrounding December 14, 2022, many (but not all) abutting neighbors received a pre-blast survey. She was under the impression she was not within the blasting radius, and that was confirmed from a phone call with Fire Prevention. However, she found that was incorrect. She is within the blasting radius and she was supposed to be on the list of who was sent notices, however a P.O. Box that had been closed a year was what was listed.
2. In addition, the property across the street, 50 Florida Ave, which is also in the blasting radius was listed under the previous owner (who sold November 2020) and therefore also did not receive a survey or notices.
3. On no date was plaintiff Courtney Holub of 38 Florida Avenue offered or given an inspection. Her property is within the 600-foot radius of the blasting location, as designated by the City. She was neither verified or included on the official list by the Fire Prevention Plan Reviewer.
4. A few days before the blasting began on January 7, 2023, plaintiff Louis Garcia of 80 Florida Avenue called to schedule the pre-blast survey. The voice mail was full and was unable to follow-up before the actual blasting began as there was no blasting notice.

[See Attachments A & C]

Notice of Blasting, Warning Whistle, and Other Administrative Errors

On January 4, 2023, the date the blasting commenced, the following administrative errors were brought to the attention of the City of Portland:

1. Negligent issuance of blasting permit----the required review was not completed of Pre-blast Condition Survey respondent list, compared to the verified list of noticed abutters, and to the verified conditions report.[1]

[1] It is required in the permit review to verify whether such pre-blast survey actually exists covered in Technical Manual 3.7.3.1, A list of property owners to be contacted, Verification

2. Notice of Blasting was never sent. This is required along with specified dates, communications, etc. as listed in Ordinance Section 22.7.2, Technical Manual 3.7.3.1 and 3.7.8.
3. Warning whistles of blasting were unable to be heard and then inadequate. Neighbors were unable to hear the warning whistle when blasting began on January 4, 2023. The week of January 16, the volume of warning whistles seemed to have increased and was heard for the first time by direct abutters. They are still only inconsistently heard, especially inside homes.
4. Blasting schedule is not being followed.

[see Attachment A, B, & C]

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Given the requirements for injunctive relief as set forth in Ingraham v. University of Maine, 441 A.2d 691 (Me. 1982), the facts of our claim are therefore outlined in the four criteria below necessary to be met by the court:

1) that plaintiff will suffer irreparable injury if the injunction is not granted;

The plaintiffs have and will continue to suffer irreparable injury due to the construction process at 60 Merrymeeting Drive if an injunction is not granted, in five ways:

1. IRREPARABLE HARM TO PERSONS, DUE TO PAST AND ONGOING CONSTRUCTION

The prolonged exposure to high decibal noise[2] and visual trauma of the construction, as well as harm to persons resulting from the damage to homes from the force of the blasting.

Psychological impact to adults, children, and pets

- Stress and fear contributing to headaches and chronic migraines, nightmares in adults and daytime terror of babies, small children, and dogs. The later eliciting screaming, vomiting, and hiding.
- Harm due to the disruption of rest and healing. Disruption of sleep schedules for napping children and for neighbors who are nurses who work night shifts. Disruption of rest for neighbors recovering from COVID-19 and other illnesses including chronic ones. Exacerbation of

---

that the subject property owners were notified of the pre-blast survey work, a copy of the pre-blast survey offered, and whether each offer to conduct a pre-blast survey was either accepted, rejected, or there was no response.

[2] Actual decibel level readings are unknown and have been requested by plaintiffs via FOIA

symptoms for neighbors with chronic mental illness experiencing increased stress symptoms, depression, anxiety, PTSD, etc. due to construction and lack of control of environment.

- Being cut off from "home" as symbolic of safety, wellbeing, and existential meaning including inability to use backyard or go outside and the extremity of impact leading to evacuation of home by one plaintiff's family.
- Visual and emotional trauma of watching trees clear cut at such a rapid, deafening, and destructive rate without notice or preparation. Overpowering of senses such that it was horrifyingly addictive and unable to be processed emotionally. Heightened by plaintiffs' relationship to forest and wildlife, experienced as violating. Especially traumatic for children.

[See Attachment A & C]

Disruption of work-from-home schedules and performance, disruption of home-based activities including caring for and educating children, and disruption of lifestyle and daily routines, including caretaking of pets.

- Work-from-home--disruption to and inability to use home offices
- Childcare and homeschooling--disruption of and inability to use home
- Pet care--inability to leave pets unattended without harm.
- Loss of wages due to needing to take time away from work to protect children and pets. Additional expense of renting after evacuating home, dog daycare, radon detection, possible future radon remediation, destruction of property, property value plummet, landscaping etc.

[See Attachment A]

Potential for Physical harm to Persons

- Sheer danger of absence of site management while detonating large explosives. No site manager assigned or present results in inability of neighbors to communicate if a small child or pet went onto the site and was in danger. Inability of blasting office to reach the site directly (no direct communication) during potential emergencies.
- Potential for dangerous radon gas exposure. Radon readings were requested by plaintiffs Jenirose Friedkin and Diane Shea and abutter Ian Houseal as part of the pre-blast survey and denied by the City of Portland and the company doing the survey. Most neighbors did not know about the increased risk of radon levels associated with blasting.[3]

[3] Harmful radioactive radon gas can enter the home through structural deficiencies such as gaps between basement walls or large cracks in the foundation and is known to be exacerbated by

Neighbors who found out felt barriers and burdens to procure readings on their own due to perceived and actual cost, time, effort, and knowledge of testing procedure and equipment.

- Elderly neighbor experienced physical fall due to surprise of blasting and not having heard warning whistle.
- Local service dog distracted by blasting and unable to do its job for neighbor at risk of seizures.

[See Attachment A, B, and C]

2. IRREPARABLE HARM TO PROPERTY, DUE TO PAST AND ONGOING CONSTRUCTION, ESPECIALLY BLASTING

- Cracked foundation at 170 Maine Avenue.
- Water in crawlspace of 62 Florida Avenue.
- Rising water in backyard of 80 Florida Avenue.
- Damage and loss of personal items and cabinet falling off the wall as a result of the blasting at 336 Ray Street and 99 Maine Avenue.
- Increased wind causing damage to newly installed metal fence poles downing the fence itself at 86 Florida Avenue.

[See Attachment A, B, and C]

3. IRREPARABLE HARM DUE TO BEING DENIED THE DOCUMENTATION AND PROTECTION OF THE PRE-BLAST SURVEY

- Plaintiffs Beth Webster of 47 Florida Ave and Courtney Holub of 38 Florida Ave did not receive a pre-blast survey, though they are in the required 600-foot radius from the blasting location. They are therefore unable to prove and get compensation for any damages which may have or will occur including but not limited to: cracked foundation, flooding, radon and carbon monoxide increase, broken windows, cracked pipes, etc.
- Plaintiff Luis and Monica Garcia of 80 Florida Ave tried to schedule their pre-blast survey but the voicemail was full and therefore also never received the inspection.
- Slab foundations are not included as part of the inspections, for even for those neighbors who did have a pre-blast survey potential damage to these are not documented and thus open to personal liability.

[See Attachment A and Exhibit A: 600 foot Blasting radius]

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blasting. Radon gas concentrations are higher in Maine and exposure causes lung cancer and other serious health problems.

4. IRREPARABLE HARM DUE TO THE ACTUAL DAMAGE TO THE SITE

The forest is gone. The wetland is draining. The ridge is leveled. Wind levels and the noise of major roads and the local fire station have increased. Light pollution increased. The experience of living there has completely changed.

- Mature forest contained grove of 200 plus year old oak trees, stand of pines, and mature maple trees.
- Wetland was habitat to endangered spotted salamander and other species and mitigated 4.5 acres of water from draining into neighboring properties.
- Topography of hill and ridge is irrevocably altered. Site looks like a pit mine.
- What was a bird sanctuary and wildlife corridor now absent of animal life, including bats (possibly endangered Northern Long Eared), flocks of songbirds, Cooper hawks, foxes, deer, skunk, and raccoon.

[See Attachment A, B, and C]

5. IRREPARABLE HARM TO PROPERTY VALUES AND LIFESTYLE EXPECTATIONS DUE TO THE CONSTRUCTION AND CHANGE IN ZONING.

The neighborhood, zoned as R3[4], now next to institutional use 24-hour facility changes expectations, choices, and property value due to the change in zoning.

"The use of all private and public land that lies within a city's boundaries is determined by its zoning laws. These laws extend from a cities obligation to "promote the health, safety, morals, convenience, order, prosperity and general welfare of the community." Zoning is also instrumental in protecting property values, ensuring cohesive and orderly communities, promoting quality of live, and affording privacy and safety for residents.[5]

The development of Fallbrook Woods is in direct conflict with the city of Portland's Planning permitted use within an R3 zone which was defined by the city. The residents that decide to live and purchase homes in various zones are protected by zoning laws and permitted usage to protect the citizens of that community from various conflicts that impact the quality of life, natural and built environment and exposure to such things as increased noise and chemical pollution, traffic flow, ease to travel as a pedestrian. etc.

The plaintiffs and surrounding members of their community chose to live in an area where facilities such as the expansion of Fallbrook Woods are not permitted. They chose to live in a quiet, wooded, neighborhood for mental health and general well being and

[4] R-3 Zoning: To provide for medium-density residential development characterized by single-family homes on individual lots and also to provide for planned residential unit developments on substantially sized parcels. Not zoned for congregate care facilities. City of Portland Land Use Code (Amended 3/7/22)
[5] https://www.tml1.org/sites/default/files/tml/pdf/What_is_Zoning.pdf

will now be experiencing the noise and lights of a 24-hour institution with employees coming and going, emergency services vehicles (even more because it houses seniors and their increased need), trash removal, delivery trucks etc. which will disrupt sleep and exacerbate neighbor's pre-existing conditions, such as migraines.

Additionally, one of the many responsibilities of city planning and zoning is to protect the value of the homes/buildings that exist in that particular zone. Therefore people who purchase a home in an R3 zone should have the same rights that fall under proper zoning - to protect the value and quality of life within the community and zone in which they reside. By allowing the development of Fallbrook Woods, the city has directly contradicted the exact reason why zoning exists in the first place.

New home purchasers are buying properties without knowledge of a development in the works or a change in zoning. There is no requirement to inform buyers. All responsibility and impact is burdened to property owners. Sellers need to withhold their knowledge or suffer lowered price. The financial loss of depreciation is then immediately on shoulders of new buyers. This leads to feeling of shady dealings, ill will, distrust, etc. in neighborhoods. The developer takes no responsibility.

[See Attachment A]

2) that such injury outweighs any harm which granting the injunctive relief would inflict on the defendant;

Granting the injunctive relief would not inflict harm to the defendant, the City of Portland. They would suffer no loss of money or property. In fact, the pause that an injunctive relief for the plaintiff neighbors would bring would gift the City of Portland time to correct administrative errors including those associated with the blasting permit. The City's blasting policy was created 25 years ago, has not been updated, and needs to be. The opportunity to do so was neglected by the Planning Department when they readopted it recently without review.

Since the City of Portland's mandate is to protect and serve the citizens of Portland, and thus the neighbors of the development at 60 Merrymeeting Drive, it would, instead of being harmful, bring relief to the hundreds of neighbors up to half a mile of the site who are directly experiencing the blasting and construction.

[See Attachment A, B, and C and Exhibit B]

3) that plaintiff has exhibited a likelihood of success on the merits (at most, a probability; at least, a substantial possibility);

The likelihood of success is the City of Portland Administration is capable of and has placed a stop work order on the construction for a period of two weeks after admitting

that the errors occurred. This was put into place on January 7, 2023 but then revoked days later for incorrect reasons.

[See Attachment B]

4) that the public interest will not be adversely affected by granting the injunction

As stated above, the public interest is positively served by granting the injunction. Local neighbors will receive relief from the disruption and harm of the blasting and construction until a fair hearing can be scheduled. Furthermore a fair, functioning, and democratic system of local government is in the larger public interest. The plaintiff's experience with the City of Portland's planning, permitting, and appeals process has been called a "case study" in what should not have happened--their treatment towards us as citizens, abutters, and neighbors was **negligent, abusive, improper, and illegal**. Ultimately, changes that come from the City's review of what went wrong and the changes to correct them will help citizens now and into the future.

[See Attachment A, B, and C]

IV. Irreparable Injury Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

The hardships that have been inflicted on us as a result of the construction process, including blasting, and their toll on our psychological health, level of stress and wellbeing, and the many hours we have taken to seek protection and remediation from the City of Portland can not be returned or repaid. As stated, neighbors who did not get pre-blasting inspections are open to damages that can not be calculated, proven, or corrected. Lastly, monetary damages would not compensate us for the loss of our neighborhood as it was before the construction process began based on our expectations of the zoning of our neighborhood. The monetary value of forest and wetland are great but their intrinsic and relational value exceeds what could be calculated.

[See Attachment A, B, and C]

V. Relief State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

We, the plaintiffs and neighbors of 60 Merrymeeting Drive, are experiencing serious and immediate irreparable harm.

We ask the Court to order a stop-work order to the City of Portland Administration, including blasting and construction. We ask that this be effective immediately and continue until appropriate mitigated measures are taken at the order of the City of Portland Board of Appeals in regard to our appeals of the blasting and other administrative errors involved in the conditional use and construction permits.

We also ask for a waiver of security for good cause as we are acting in the public interest and that no restraining order shall be issued until such time that the waiver is granted, pursuant to Court Rule 65 (c).

Dated at Portland, Maine, this ____ day of January 2023.

Marin Magat, pro se
86 Florida Avenue
Portland Maine 04103
207-252-9520
marin.magat@gmail.com

Jenirose Friedkin, pro se
54 Florida Avenue
Portland Maine 04103
(207)370-4628
jenirosa@gmail.com

CERTIFICATE OF SERVICE

I certify that on this ___ day of January 2023, I have caused the Plaintiffs' Motion to be served by email upon the parties listed below.

City of Portland
Danielle West
City Manager's Office
389 Congress Street
Portland, Maine 04101

Dan Maguire,
Fallbrook Commons Development LLC
c/o Mary Costigan
Berstein Shur
100 Middle Street, PO Box 9729
Portland Maine 04104

Marin Magat

Jenirose Friedkin

Attachment A: Neighbors Appeals of Blasting Permit to Zoning Board of Appeals

Attachment B: Appeal and Attachments to Zoning Board of Appeals, January 19, 2023

Attachment C: Neighbors Emails to City and Each Other about Construction Impact; Blasting Warning Sirens, Schedule, and Radius; and Radon testing

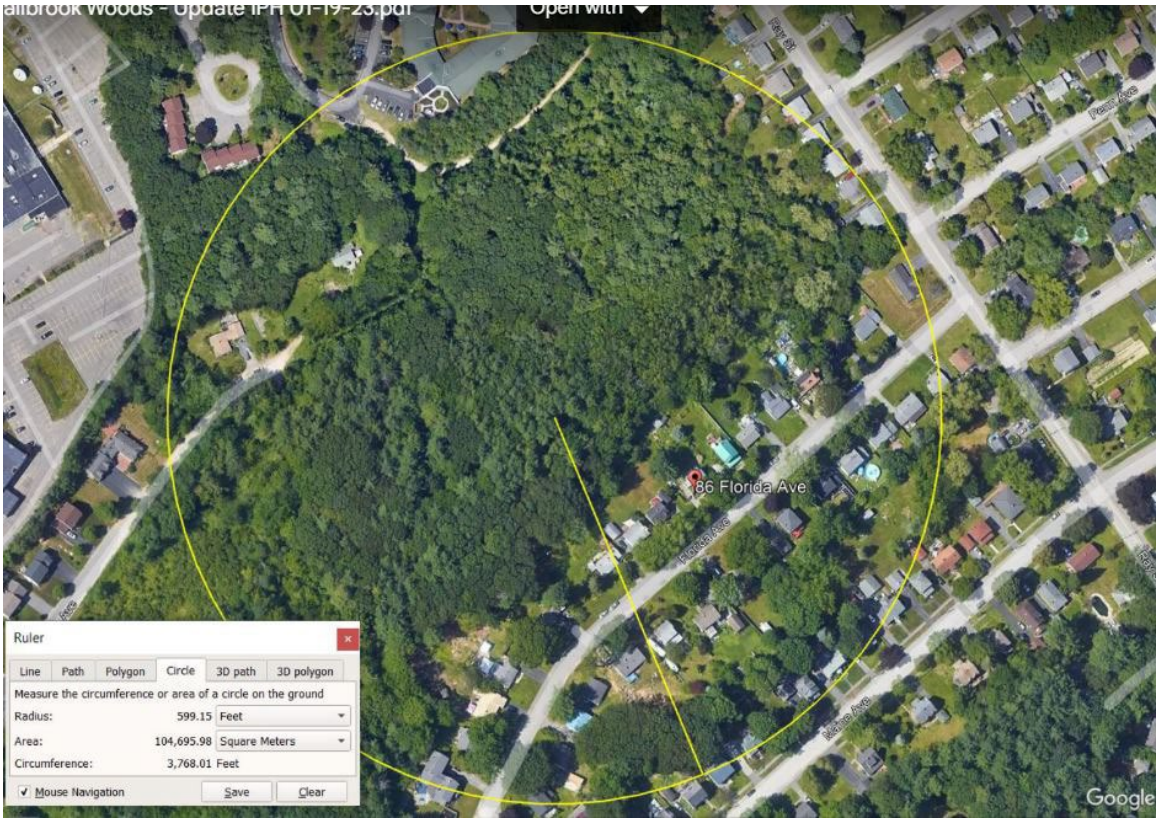


Exhibit A: 600-Foot Radius from Blasting Location which includes 38 and 47 Florida Ave

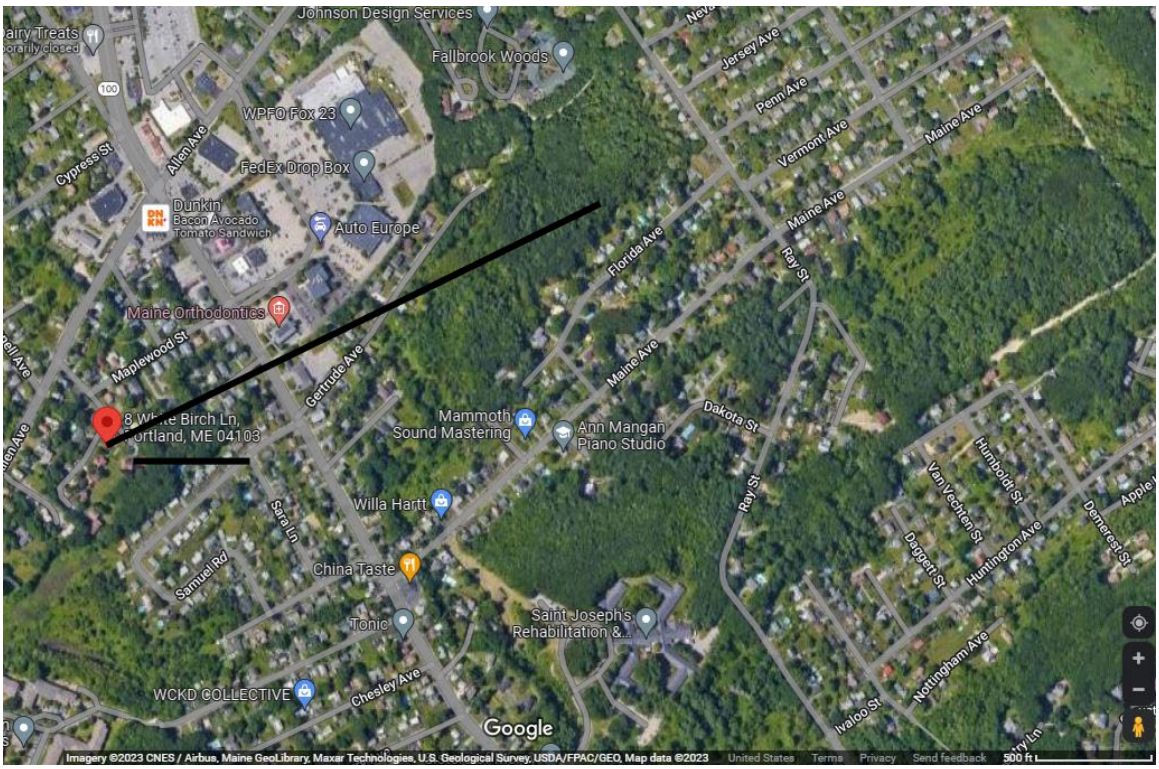


Exhibit B: Approximate 1/2 Mile from 8 White Birch Lane to Blasting Location where Blasts are Felt

Alicia Menard
146 Maine Ave.
Portland Maine 04103
207-712-9148

January 29, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and a reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

My spouse and I live within the 600 foot radius of the blasting at 368 Ray Street with our two dogs. We received notification from Pre Construction Services of a pre-blasting survey to be conducted, which arrived a day before a PCS representative came around and took video of our property ahead of the blasting permit being issued. The notice from PCS vaguely described that blasting would begin "on or after December 19th."

HOWEVER, we received absolutely no communication from Drilling and Blasting about the blasting itself -- including schedule, duration, impact, etc.

On the first day of blasting, January 4th, 2023, I was working from home with our two rescue dogs. One of the dogs is special needs and has seizures. BOTH of them are highly skittish and sensitive to loud noises, having come from traumatic backgrounds. I was standing in my kitchen when the first blast went off. I did not hear ANY warning signals, nor had I received any notification that the blasting would be commencing that day. Honestly, I thought a tree had landed on our

house. I jumped in fright, as did both dogs, who came running downstairs, scared and confused, and they started pacing frantically around the house. My first instinct was to look outside to see what fell on the house and assess the damage. Having found no tree that landed on the house, I realized then that it must have been a blast. Afraid for my dogs and for my safety in the house, I immediately gathered them up, took what I could to try to work from a different location, and left the house.

The noise undoubtedly had a lasting negative effect on the dogs, as they have been even more fearful and skittish since the occurrence. Since that day, I have been afraid to leave my dogs at home, for fear of the blasting triggering seizures or extreme fear regression in both dogs. This has caused a significant level of stress and additional hassle, not to mention monetary expense of making alternative arrangements for my dogs who cannot stay home, and for me to manage work and pet care remotely.

I have purposely braved the blasting and come back to our house on other occasions during the blasting without the dogs, so that I could further assess the impact of the blasting. In doing so, I have not heard ONE signal warning siren prior to any blast. However, the house has shaken and felt a thunderous boom every time.

I am extremely frustrated and traumatized at the level of impact this is having on my house, my family, and my dogs. The longer this goes on, the more disruptive it continues to be. The blasting company does not properly notify -- or warn -- the abutting community of the blasting schedule, and they change it all the time with no communication. On several occasions, I have called to find out whether or not there is blasting on a particular day, and multiple times, blasting was canceled without notifying the community (i.e. for inclement weather). Two recent examples are January 23rd and 26th. These are days I could have worked from home and/or left my dogs home, but not having known, I didn't dare, and instead had to make other arrangements.

Additionally, the emails sent by the blasting company to the select abutters who receive them are not accurate with respect to the timing of the blasts. For example, on January 19th, which is one of the days I waited at home to experience a blast without the dogs, the email notified the community the first blast would be at 9am, but it did not happen until approximately 9:40am, and it occurred without me being able to hear ANY warning sirens. This further traumatizes the community, as people who have no choice but to be home during the blasting can't even appropriately plan accordingly to minimize the disruptions and harmful impacts.

It is for these reasons that I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

I have standing. This appeal is timely, legal, and a reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal. This project is causing irreparable harm.

Sincerely,

Alicia Menard
146 Maine Ave.
Portland, ME 04103
207-712-9148

January 30, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland, Maine 04101

RE: Administrative appeal to the blasting permit **FIRE2022-01299** issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME04103 on 12/30/2022.

- I have standing.

- This appeal is timely, legal, and a reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.

- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

I am in the blast area, therefore an abutter. However, I have received NONE of the other notices regarding blasting. I didn't get the door hanger or the mailing that went out and no one came to my house to do any sort of inspection. I contacted the fire department and received a phone call in return telling me that my home is more than 600 feet away from the blasting; however, the house next door had the inspection, got the Notices, etc. I later found out that I am in the blasting area and that, according to the City website, a Notice was mailed to my old address (my post office box that was closed approximately a year ago). In addition, other houses further away from the blasting site received Notice.

I have been at work during most the blasting, although I have had to change up a lot of things because of it. I now leaving soothing music for my pets to help try to cover up the sound of the blasting – or at least to calm them after it's over. I now go home at lunch to check on them – including my chickens and quail in the backyard. I have heard the blasting twice while home at lunch. The drilling itself is so loud at my house that when I went out to start my car one morning I thought, for a second, it was already running but it was really the drilling / machinery in the backyards of the houses across

the street. This whole thing is so tragic for our nice little neighborhood. The wildlife, including the family of hawks, the deer and other animals that have likely been killed or at least displaced is extremely upsetting. I realize that we live in the “City,” but I picked this neighborhood because it wasn’t very city-like. I now spend my days at work being distracted with worry about my pets at home during this blasting and my home being potentially damaged.



Beth A. Webster
47 Florida Avenue
Portland, ME 04103
Beth@PortlandLegal.net

Bryn Arbuckle
92 Florida Ave
Portland, ME 04103
207-400-1003

January 29, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland, Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street, Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

Typically I do not work from home and am away during blasting times, but every month my job as a RN requires I work on the weekend and I have therefore experienced the blasting on my days off. The first time I was home during the blasting was on 1/11/23. Despite being forwarded a schedule of the blasting times by a gracious neighbor, I was completely caught off guard by the blasts as they did not follow the schedule and I could not hear the horns (whistles). Everything in the house shook. While I rationally know I don't live in a war zone, that is what living near blasting brings to mind. While I have the 'luxury' of not working from home, I have heard from neighbors with small children and pets that the blasting has been extremely distruptive and traumatizing to their daily lives. 2 weeks later the blasting is still going on on an almost daily basis with zero communication about how long we as a neighborhood will have to endure this.

I am hereby requesting a hearing on the appeal.

Thank you for your consideration,

Bryn Arbuckle

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

The blasting has now gone on for well over a month. Not only has the blasting been immensely distracting for my job (I work from home 3 days a week), but it has also had a significant impact on our dog's health. He stared to shake violently, and will cry as soon as he hears the sirens from the blasting zone (across the street from our house). He also also has wet himself on at least one occasion after a large blast.

There was no communication on exactly how long the blasting would be going on for. I am now responding because it is clear that the builders are not being forthcoming with plans, and I fear that if I do not speak up, the plans and promises that were made for the remainder of the project will not be kept. We hope that you will consider the remainder of the project, and the impact that it has on our community.

Sincerely,

Chester Hojnicki

Courtney Holub
38 Florida Avenue
Portland Maine 04103
603-732-7721

January 27, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner, and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting on this project began without notice to myself and other abutters along Florida Avenue. This is disruptive to our days, extremely loud, and shakes our entire home. On days my infant is home from daycare the blasts upset him. My understanding was they should be using warning whistles. However, no such whistle was ever heard until last week; coincidently when neighbors became more vocal about the nuisance.

As previously stated, this project is destroying the habitat of local wildlife and encroaching on important wetlands. In an email on April 4, 2022 I expressed my concerns over the Fallbrook Development to Councilor Andrew Zarro. From that email: "I'm reaching out tonight as it came to my attention that there is another opportunity to pause the proposed Fallbrook Development. We have such a beautiful wildlife presence in the woods and wetland in the neighborhood I hate the thought of them being displaced. From what I understand this is being proposed to replace St Joseph's. I wish we could put these resources to renovating the existing structure instead of getting rid of some of Portland's green spaces. I know other neighbors share these thoughts and I hope you're able to

share our concerns and wishes with Christine Grimaldi and the Portland Planning Department." I was issued no response, and no doubt other efforts of expressed concerns of neighbors went unanswered and perhaps unrecorded. This is unfortunate, and I believe we are warranted a clear response and opportunity to be heard.

At the time there was an opportunity to pause the project. I was in favor of doing so as the site plan was unclear and I had fear about how the project would impact our green spaces and the animals that live there. Finding the plans online has been, and continues to be, extremely challenging. Now our forest has been cut down and this development continues without communication to those most affected.

Sincerely,

Courtney Holub

Dear Chair and Zoning Board of Appeals,
I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

The blasting has been immensely disruptive to our lives in the following ways

- I work remotely 2 days a week. My job requires me to hold calls with clients on a regular basis. The blasting has been disruptive and distracting during these meetings
- Children's sleep schedules. I have two young boys (1 year, and 2.5 years). The blasting has caused panic and disrupted napping patterns on multiple occasions. This in turn leads to disrupted sleep at night for the entire family.
- Our family dog (a lab mix) is traumatized. She shakes with stress and hides in a corner of the basement following blasts for hours. She has not been eating regularly and has thrown up because of the stress numerous times. I went to my office and forgot to open the basement door one morning, I returned to find her cowering under pillows in our bed (which she is NOT allowed in) in her own vomit. She is a rescue dog, and has clearly been triggered by the blasting.
- The blasting causes the entire house to shake, including windows. We have had pictures fall off of the walls and shatter. A figurine given to me by my Mother-in-Law celebrating the birth of our first child fell and broke.
- We are unable to go outside and play because the blasting scares my children. A child should not be afraid to play in their own backyard.
- The blasting does NOT follow the outlined schedule - it is unacceptable.

We purchased our home in March of 2020 and were unaware of the project when we moved in. Upon moving in, we learned that there was a plan already in motion. In my review of the materials, I did not understand the INVASIVE nature of this project. Specifically, the fear and stress that it would cause my family.

In addition, the woods have been cleared and the wetland is being displaced. Where will that water go? We demand a solution to be paid for by Fallbrook to remove this water from our property.

We absolutely would not have purchased this home had we known the immense stress, property damage, and decreased home value that was to follow as a

DIRECT result of this project. We thought we had found our forever home with a beautiful, private backyard in a wonderful, family-oriented neighborhood. The reality is, our children are afraid, our dog is traumatized, and we will have a building and parking lot in our backyard.

Sincerely,
Emily Cashman

egcashman1@gmail.com
336 Ray St Portland, ME 04103
207-939-7153

Esmeralda A. Ulloa & Matthew Anderson
76 Florida Ave.
Portland Maine 04103
(207) 939-8490
January 29, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

The blasting has been immensely disruptive to our lives in the following ways:

Our house is less than a hundred yards from the blasting. The blasting makes our WHOLE house shake, and the sound is INTENSE. When I hold work meetings from home on zoom, the blast sounds are unpredictable and extremely disruptive to my work routine. The sound and the shaking are EXTREMELY distressing to our poor pets who run around the house scared and cannot comprehend what is happening. A few days ago, we noticed big cracks at one of the corner ceiling of our master bedroom. We are very stressed out about how the blasting is impacting our foundation because there is so much bedrock between our home and the blasting.

It causes my family distress to feel so helpless at seeing so many animals' habitat destroyed through our very windows. Our son Adán (age 13) says, "I cried the day the trees got torn down. I felt hollow, like a piece of my childhood had been cut away. I feel appalled to see the deer running away from the place they once called home. And I really miss the sounds of the birds." As parents, it causes us distress (guilt, shame, frustration) that we cannot find the words to help our son make sense of the destruction he has to witness every day.

This construction has been so much more distressing and disruptive than we initially imagined. We did not express our concerns sooner because it has taken time to overcome the initial shock (we were not informed of the blasting beforehand), and it has taken some time to process it all.

Sincerely,

Esmeralda A. Ulloa & Matthew Anderson

Attachment A: Neighbors Appeals of Blasting Permit and Emails to City about Impact

Jenirose Friedkin
54 Florida Ave.
Portland Maine 04103
207-370-4628

Christopher Havey
54 Florida Ave.
Portland, ME 04103
207-252-7186

January 29, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray St. Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray St. Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and within a reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

When the first blast went off on 1/4/23, we didn't hear the sirens despite being direct abutters. I thought a shelf had come crashing down. I jumped and my heart felt like it leapt into my throat. The dog came running to me. He was shaking. He is a rescue dog with significant symptoms of having prior trauma that we have spent much time and money training to help him feel safe in his new environment. This is a major setback for him.

We finally realized that the blasting had begun. We received no warning of when the blasting would begin except that it could begin on or after 12/19/22. We never received notice of how long it will last. I've often been unable to hear warning sirens when inside my house. I've heard this from neighbors too. I lived in a place where explosions meant bombs had gone off, and experienced being shot at as a teen. These blasts definitely set off my startle mechanism every time and keep my adrenaline up. Along with the constant noise of large machinery, it leads to a quite stressful home/work environment. It makes it very difficult to concentrate to get work done here and disrupts professional phone calls. I can only imagine what some of our veteran neighbors are experiencing, as well as the various forest fauna that managed to survive the brutal destruction of their ecosystem.

The stress from the blasting, construction, and project in general has worsened my chronic migraine disorder. It has also exacerbated my own and others mental health diagnoses. Increased anxiety, depression, PTS symptoms, etc. abound as a result of the stress of anticipation and experience of blasting and changes to and loss of control over our environment, including increased noise from large machinery and loss of forest and privacy.

We are certainly concerned about radon. I didn't realize how extensive the blasting would be and am dismayed that the provision of radon testing prior to the blasting wasn't a citywide requirement. I wish I'd had it done myself, but was already scheduled to leave town for the holidays and organizing for independent testing proved to be something that was beyond my capacity at the time. I was also concerned about the cost. I have heard other neighbors say they were also concerned about the cost and how to go about getting it. We shouldn't have to worry about this. Many of us wouldn't have even realized it is a concern if we weren't educated by fellow community members. This could effect our health, property values, and cost us to remediate if the levels increase due to this extensive blasting. Fallbrook Commons should have been required to include this test along with the other inspections so that we have recourse if levels increase. It should be a requirement whenever blasting is occurring.

I also worry about our foundation. We are on a slab so there is no way to know how this is affecting it. Even with the required inspection, I don't see how this could have been documented. The blasts definitely shake and reverberate throughout the entire house.

I also think it should be a requirement that copies of the documentation videos taken before blasting be sent to homeowners automatically. We shouldn't have to go out of our way to request them. I was told I would need to use the FOIA to access documentation of my own house. I'm not even sure who to request them from. This shows that the videos were made for liability purposes in protection of

the developer. They are not actually to protect the neighborhood residents whose homes are being affected by this blasting.

Usually with a project as big as this, there is a liaison hired whose only job is to communicate with the neighborhood. There is nobody in that position at Fallbrook Woods LLC. Our neighborhood is completely in the dark, and has nobody to direct our concerns toward. We have no indication as to how long this construction is planned to take, for instance. Many of us have been organizing around this build for years and the feelings of being powerless and ignored and dismissed take a toll. Also watching an active forest where kids played come down so rapidly, again without any warning, seeing giant trees downed in seconds, one after another, and not knowing where the wildlife will go if they survive was extremely disturbing and weighs heavily.

I have heard many neighbors speak about their experience of the blasting. Many people and their pets are being startled and are experiencing stress from the blasting and constant grinding and moving of large machinery. Many neighbors & myself are concerned about increased water in our crawl spaces and basements. A neighbor has said they already have more water under their house than ever before. I am experiencing new issues with drainage in our bathroom, and wonder if it's connected. Wetlands are being displaced and we wonder where that water will go.

Blasts also don't always seem to be done correctly. A neighbor who worked in construction said they could hear splattering, the sound of debris falling, after blasts and wondered if they are using blasting mats. They are, but apparently they haven't always been enough. Another neighbor saw a blasting mat fly into the air higher than a house. Another neighbor who is a couple blocks away thought their furnace might have exploded when they felt a blast, and was confounded until they learned about the blasting from another neighbor as they had not been informed of the blasting because they weren't within 600 feet. People far beyond 600 feet are being affected and received no warning.

We are concerned about rodents displaced from the blasting, and noise and odor and rodents etc. from the dumpsters that are planned to be placed right at property lines. We are concerned about an insufficient wall that won't support vegetation or block the headlights and lot lighting of a 24 hour facility where staff, emergency vehicles, and support vehicles will be coming and going. This kind of light pollution can negatively affect my migraine disorder. This also raises concerns around privacy and security. This has completely changed our neighborhood and many individual properties and negatively impacts our property values.

The neighborhood was notified by the blasting contractor, Drilling & Blasting Specialists, via email that blasts would be at 9 AM, 12 PM, and 2:30 PM on 1/25/23. The first blast actually occurred at 10:06 AM. It seriously shook the

whole house and sent my poor dog running for cover. I know many neighbors are also adjusting their whole schedules to get themselves and their animals out of the house and/ or paying for dog daycare because this is so traumatizing to the animals. It is also very tough on the humans. I don't always hear the warning sirens and I'm right next to the blasting as shown in the attached videos taken from my living room. Others in the neighborhood have said they also cannot hear the siren and so want to be able rely on the blasting schedule sent out to some neighbors and forwarded to more neighbors.

The neighborhood was informed by blasting company via email that there would be blasting on Thursday 12/26/23. No blasting occurred. This is also an inconvenience as people have been arranging their entire days, work schedules, work breaks, daycare, dog daycare, etc. around these blasts.

Another example of the blasting schedule being wrong happened on the morning of Friday 1/27/23. The first blast occurred at about 10:05 AM instead of the scheduled 9:30 AM. I got my dog in the car beforehand and drove him around the block in anticipation as he is super nervous at home now. This in itself is a disruption. I returned and asked my partner if the blast had gone off. He told me it had. I brought the dog inside, he was reluctant as he associates the house with blasts now, and another blast went off at around 10:15AM. My dog went running to hide and it sure surprised us. We were not expecting a second blast. At 11:48 AM, another blast went off. This is more than 10 minutes before schedule. I was in my bathroom washing up before this blast and did not hear the warning signals despite being located directly abutting the blast area. I had planned to be out of the house with my dog by the scheduled 12PM blast but found myself and my dog once again in the home for a blast. Below is the blasting schedule that was sent out on Thursday 1/26/23 for reference.

Good Morning,

Our blasting schedule for 368 Ray street, Portland ME on Friday, January 27, 2023 will be:

First Blast: 9:30 AM
Second Blast: Noon
Third Blast: 2:30 PM

Please let me know if you have any questions.

Thank you,

Andrew Weymouth, Controller
Drilling and Blasting Rock Specialists, Inc.
PO Box 65
Gardiner, ME 04345
Phone 207 582-1391

It seems like the blasting schedule being sent out is just another item on a to do list for the sender, as it is far from accurate and does little to address the actual needs, concerns, and safety of the project's neighbors. This lack of regard is just one example of how unneighborly the developers have been, and the city has for the most part completely catered to them while ignoring the valid concerns of the neighborhood.

The timing of this appeal is due to a number of factors. We bought our home at the end of March in 2020 and were not aware of the Fallbrook Commons project when we made the purchase, despite the plan already being in motion. We did not understand how close the parking lot, blasting, and construction would be to our property line and the extent of the blasting, construction, and general invasiveness of the project.

The plans are very hard to find and view online. They more recently seem to have been intentionally hidden, making them very difficult to access. Current permit's BLDC2022-02665 online location was changed from being its own item to being located as a sub record under voided permit BLDC2021-02097. This makes it exceedingly difficult to locate online in order to view plans and current progress of permitting, inspections, and general process. I also was unable to figure out how to open the PDFs for a long time, and I consider myself to be computer savvy for my age. I know my partner and other neighbors would never have been able open and view, let alone find the plans online. They are also difficult to view, read, and understand as a layperson. I certainly did not understand the scope and invasive nature of this project until the trees started coming down and the blasting kept on going day after day.

We were also extremely demoralized by the rapid clear cut of the forest. We couldn't have conceived of how quickly ,thoroughly, loudly, and violently the trees were to be removed. See attached video below for a small example.
Furthermore, it was right before the end of year holidays that I received the door hanging informing of blasting and was pressed for time to respond, have the inspection done, figure out how to check our own radon levels etc. before a planned trip out of state. Moreover, we have not been receiving mail pertaining to the project at our abutting home address. Correspondence was instead sent to our Co- owners' address in LaMoine. The co-owners assumed we were also getting copies of the mail they received, as we are residing more consistently at the affected address and so did not inform us. This lapse in communication has caused us to be uninformed.

We chose this property because of the quiet, peaceful, wooded, close to nature, residential neighborhood feel it had, as we knew that these qualities were essential to our mental and physical health. We wouldn't have bought this house if we'd known of the stress that would ensue and that its value would immediately

depreciate as a direct consequence of this project. This natural paradise is being paved, and they are putting up a parking lot.

Sincerely,

Jenirose Friedkin & Christopher Havey

jenirosa@gmail.com
christopherhavey@gmail.com
54 Florida Ave.
Portland, ME 04103
Jenirose: 207-370-4628
Christopher: 207-252-7186

Jennell Carter
146 Maine Ave.
Portland Maine 04103
207-252-5910

January 29, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and a reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

My spouse and I live within the 600 foot radius of the blasting at 368 Ray Street with our two dogs. We received notification from Pre Construction Services of a pre-blasting survey to be conducted, which arrived a day before a PCS representative came around and took video of our property ahead of the blasting permit being issued. The notice from PCS vaguely described that blasting would begin "on or after December 19th."

HOWEVER, we received absolutely no communication from Drilling and Blasting about the blasting itself -- including schedule, duration, impact, etc. I had to ask to be added to the notification email list for a daily blasting schedule. However, the schedule has been consistently inaccurate. It changes all the time with no updated communication to the email list. On several occasions, my spouse and I have called to find out whether or not there is blasting on a particular day, and multiple times, blasting was canceled without notifying the community (i.e. for inclement weather). Two recent examples are January 23rd and 26th. The

blasting was cancelled, and no email notification was sent. Had we known sooner, we could have made other arrangements for our home and family.

Additionally, the emails sent by the blasting company to the select abutters who receive them are not accurate with respect to the timing of the blasts each day. For example, on January 19th, the email notified the community the first blast would be at 9am, but it did not happen until approximately 9:40am, and it occurred without my spouse being able to hear ANY warning sirens. This further traumatizes the community, as people who have no choice but to be home during the blasting can't even appropriately plan accordingly to minimize the disruptions and harmful impacts.

The blasting has been traumatizing for our two rescue dogs, particularly one who has seizures. The noise undoubtedly had a lasting negative effect on the dogs, as they have been even more fearful and skittish since the occurrence. My spouse and I have been distressed trying to make other arrangements for work and pet care during the blasting, without the courtesy of timely and accurate information about the blasting schedule or impacts. We cannot even hear the warning sirens from anywhere in our house. This experience is extremely stressful and harmful for our family, and it flies in the face of our decision to buy a house in this neighborhood 15 years ago.

Zoning:

"The use of all private and public land that lies within a city’s boundaries is determined by its zoning laws. These laws extend from a city’s obligation to “promote the health, safety, morals, convenience, order, prosperity and general welfare of the community.”
Zoning is also instrumental in protecting property values, ensuring cohesive and orderly communities, promoting quality of live, and affording privacy and safety for residents.
(source: https://www.tml1.org/sites/default/files/tml/pdf/What_is_Zoning.pdf).

The development of Fallbrook Woods is in direct conflict for the city of Portland's Planning permitted use within an R3 zone which was defined by the city. The residents that decide to live and purchase homes in varies zones are protected by zoning laws and permitted usage to protect the citizens of that community from various conflicts that impact the quality of life, natural and built environment and exposure to such things as increased noise and chemical pollution, traffic flow, ease to travel as a pedestrian etc. Additionally, one of the many responsibilities of city planning and zoning is to protect the value of the homes/buildings that exist in that particular zone. Therefore, people who purchase homes in an R3 zone should have the same rights that fall under proper zoning - to protect the value and quality of life within the community and zone in which they reside. By allowing the development of Fallbrook Woods in our neighborhood, in an R3 residential zone, the city has directly contradicted the

exact reason why zoning exists in the first place. The members of our community chose to live in an area where facilities such as the expansion of Fallbrook Woods is not permitted.

The construction of this project, as evidenced by the impact of the blasting, is causing stress, trauma, and irreparable harm to my family and to our community in this R3 residential zone. It is an experience we should not be having in the first place, given where we chose to live, and the laws of that zone by which we should be protected.

It is for these reasons that I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022. I have standing. This appeal is timely, legal, and a reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal. This project is causing irreparable harm.

Sincerely,

Jennell Carter
146 Maine Ave.
Portland, ME 04103
207-252-5910

Joel McILwain
100 Florida Ave
Portland Maine 04103
207-415-3697

Date January 29, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

There was not a lot of information on the blasting. It all happened pretty quickly and the inspection service provided did not do a very thorough job of checking my property. Someone walked through quickly with a camera and most of are walls are covered with pictures, furniture, etc. Someone was supposed to check the foundation on the outside and I never saw or heard of anyone showing up to do that. When I told them we had a crawl space they said they would not be checking it, we have a four foot cement frost wall and I am not sure what the process will be if it gets damaged. The blasting shakes our entire house violently and the warning sirens are hard to hear if you are not listening attentively. The initial blasts have caused panic in the house with our small children. We have a 2 year old, 4 year old and are now fostering another 4 year old. I'm not sure why there was not more information about how something this disruptive would effect everyone in the surrounding area. I am extremely dissatisfied with the amount of time and services provided for doing a thorough inspection of my property before this started. I feel if there is damage to my house or if they cause water to be displaced onto my property there will be no recourse. Given the fact that this has the potential to severely devalue neighboring properties, the addition of possible damages to properties should be taken more seriously. If the process for this development is following the guidelines of city code there

should be revisions made to the code so this doesn't happen to other residents in the future. I was also disappointed with the wildlife habit findings. Living here I have seen an abundance of wildlife including deer, foxes, coyotes, owls and very large amount of other bird species. The report I read said findings only included the potential for bats in those woods, which not only came across as negligent, but as a precursor to how let down the people in this community would be by the handling of this project.

Sincerely,

Joel McILwain

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and a reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

My husband and I work from home full time and the non-consistent horns for blasting feels unacceptable. It is very distracting and causes interruption to calls/meetings.

We have a new 4 month old puppy and it causes anxiety and distress to him.

We have very young children and are fearful of the blasts when they are home and again cause disruption in our home.

Dishes have fallen off the drying rack from blasts constantly.

Additional:
As an avid runner/walker I have almost been hit on Ray street as a pedestrian but also driving on Ray to get to my home on Florida Ave; trucks or equipment are not easy to see, and could cause an accident either with pedestrians or other vehicles.

It feels worrisome to see Unitil constantly driving up and down the street, and fear the issues this could be causing to natural gas lines and to our home.

Communication and details around this entire project have been lacking, hence why the timing of now responding. I could not even find plans on the website and having to navigate where to find information about this project and site plan was a challenge as a regular citizen.

Sincerely,
Kaitlin Gee
81 Florida Avenue

Marin Magat
86 Florida Ave
Portland Maine 04103
(207)252-9520

January 30, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

I am the mother of two children who, because of the destruction, have not been back to their home since clear-cutting began without notice Tuesday, November 22, 2022. We evacuated our home the following morning Wednesday, November 23, 2022, trying not to be there for the work but the clear-cutting had started again at 7:45am. We stayed with friends, in a cabin, and now are renting a winter rental at our own expense. We do not see a scenario in which we could ever move back.

The construction and blasting are so devastating emotionally, and overwhelming of my physical senses--hearing, smell, and sight---that I can not approach my house during hours there is work being done. I will not bring my children to see what has been done, or to experience this level of destruction. I feel physically ill when I do go to the site.

The landscape and experience of our home has changed completely. The wind roars across the open site. It took down our privacy fence, snapping their new metal poles. The sound of traffic on Allen Avenue and Washington Avenue feels like it is next door,

as does the siren from the fire station. It feels like all of a sudden we live in a high-density city.

I have been talking to and dropping off flyers about the blasting to neighbors and this is what I have been told:

- blasting is being felt up to half a mile away at 8 White Birch Lane . Running along the ridge.

- those in proximity and along the ridge are experiencing pictures falling off the walls, pets and children confused and scared
- at the edge of Maine Street and Ray a house is experiencing a cracking foundation
- a neighbor on Maine Street has a service dog to alert her of seizures due to her medication who is being distracted by the blasts.. and one of our neighbors dogs can not be near the blasts because it is at risk of seizures.
- there is water in the crawlspace of an abutter
- many people reported not knowing the construction was happening and what the blasting sensation was. Many are confused why they didn't get notice.
- the blasting schedule that is being sent out is not being followed
- the blasting warning whistle is not being heard consistently especially inside homes

I experienced one blast from almost half a mile away while sitting on the steps of 11 Fobes Street. I could hear a gunshot-like sound, then a delay, then from that far away a clear shooting sensation up into my legs.

I can not imagine what repeated exposure to this is like for my neighbors and I am disgusted at such treatment of human beings and the land.

I realize as I am writing this how vulnerable and exposing it is to write about such personal matters and even my activities as related to my neighborhood and the blasting, as if it is putting me at risk. This is in the context of thinking about how, in order for our neighborhood to get an inspection report of the blasting, the City told us we would have to FOIA which would mean the inspections of the interiors of our homes would then become a public document. I am also mindful of the trailcam that has been trained on our backyard from the construction site--How I did not feel comfortable being on camera and waited to have my City Councilor accompany me to that part of my property. Need I say this is an undo burden to place on me, my family, and my neighbors especially in the context of the loss we are experiencing?

Sincerely,

Marin Magat

Michaela Crawford
72 Florida Ave
Portland Maine 04103
(207) 405-8650

January 24, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

It's hard to put into words the effect the blasting has had on our family, but I will do my best:

For two years, leading up to the beginning of this construction, we did our best to imagine what this scenario would be like and can honestly say we had underplayed it tremendously in our minds.

First off, I can honestly say that the only day in which I heard the warning sirens was last Thursday, January 19th. This day, the workers were blasting directly behind our property (where the parking lot is proposed). It wasn't until after this date that I was even made aware of who to address my concerns to.

I am not home most mornings, and up until last Thursday, I had not experienced anything quite like this. It felt as if a meteor had hit our house; not that a meteor had hit our yard, or street, or neighbors house, but that it had directly stuck us.

I have an almost 3 year old australian shepherd, and up until these blastings, I've never seen her scared of anything; not thunder, fireworks, large trucks, or loud sirens. It is her reaction that is prompting this letter - After the blast went off, my dog shrieked in fear and darted for shelter, that's when I noticed she was convulsively shaking. At first I thought she was having a seizure. What makes me most upset is that I do not know how many times this happened when I was not there to console her. These blasts completely vibrate every part of my body, I cannot even imagine what it feels like for a 45 lb dog.

Since this instance, I have spoken with many neighbors who never even received notice of these blasts and who are e
the same hardships. At least I had some sense of comfort knowing where these quakes were coming from - why were they not notified? Living in a residential zone, these are not the kinds of things we should have to worry about.

Sincerely,

Michaela

Monica Garcia
80 Florida Ave.
Portland, ME 04103
Your phone number here

January 30, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street, Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray St. Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

[copy and paste your letter to zoning here. i.e. what your experience has been with blasting--see, hear, feel, etc. "headaches, nightmares, stress.." blasting schedule, pets, etc.

[add details about why you are just now (timing) able to respond--ex. you didn't know it would be this bad, now that you see the reality, and have recovered from shock, you are able to respond... only a professional planner could read and translate the site plan--you as a normal citizen couldn't "conceive" of what this would look like ... when it was first presented you couldn't even find the plan on the website which is difficult to navigate as a normal citizen.. i am not a lawyer.. etc.]

Sincerely,

Monica Garcia

110 Florida Avenue

January 30, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street, Portland, Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 110 Florida Ave, Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 110 Florida Ave, Portland, ME 04103 on 12/30/2022.

· I have standing.

· This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.

· This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

When the blasting notices were received at the end of 2022, I was incredibly dismayed and apprehensive about this process. I quickly made an appointment to have my interior and exterior inspected so that if any harm came to my house, everything would be documented as needed. Now that the blasting has begun and continued for the past few weeks, I would like to include my comments and experience here (it has been as bad, if not worse, than I expected initially). The blasting (as well as other constant loud general construction noises) have become a significant disruption, inconvenience, and ongoing cause of stress for members of my household. Myself and my significant other both work from home every day and the relentless, continuous noise from construction vehicles as well as the repeated warning horns and blasting noise and house shaking are incredibly distracting and negatively impact our ability to work and hold uninterrupted meetings throughout the day. From where my home office is set up, I can hear the constant noise right in my backyard and the random blasting and house shaking at various points every day make this issue even worse. Furthermore, our two pets (cat and dog) become incredibly agitated and anxious every time they hear the blasting horns and actual blasting, therefore additional time is spent multiple times a day trying to keep them calm and happy, upsetting all involved. This is causing stress for all members of the household. Furthermore, I did not receive any communication from the blasting company as to how long this would go on for: days, weeks, months? Having no known/planned end in sight or even knowledge of the day to day schedule is also very concerning, stressful, and upsetting. All of these above-stated negative impacts these past few weeks from blasting and all other construction have contributed to my desire to submit a letter at this time as I did not realize this would be such an ongoing

and disruptive process. All in all, the communication surrounding this construction project as far as timing, impacts, what to expect, etc has been very confusing and difficult to plan for and understand fully as a normal citizen. I am concerned for my own household as well as my neighbors who have had no choice but to deal with these incredibly negative impacts on our houses, neighborhood, and quality of life in general. Thank you for reading.

Sincerely,

Sabrina Christian

Ian Houseal
86 Florida Avenue
Portland Maine 04103
207-272-8610

January 19, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: ZBA-002310-2022 - Update to Zoning Board of Appeals on Scheduled New Business Item Thursday January 19, 2023

Dear Chair and Zoning Board of Appeals,

First, I wanted to reiterate my appreciativeness for your hard position and willingness to hear my appeal on this matter. I understand that the hearing has been rescheduled until February 2, 2023 because of inadequate notice in the newspaper and to abutters within a certain radius. As there still is an agenda item on your agenda, I wanted to take the time to provide the Board an update and refresh with additional pictures. Please enter my update into the record.

1. It had come to my attention that this hearing scheduled for tonight was intended to be, instead a zoom webinar. I am perplexed as to the legal basis for a webinar. With all due respect, I humbly request the hearing be held in-person as required by State Statute at an appropriate time and place so noticed.
2. With regard to the matter of the retaining wall, I have attached photographs of the elevation of the wall as of January 18, 2023. My request is still 6 feet a reasonable height for a retaining wall in a residential area. This photograph is taken at eye level at my property boundary. It was reported to me by the onsite surveyor that the elevation is currently 90 feet. As displayed in the picture, from the ground to the 90 feet datum appears to be more than 12 feet, as of yesterday. This is far too high and more height is planned.
    a. With regard to the material of the wall, I am asking for material, scale, texture, and color that is appropriate to a neighborhood. The approved plans show blocks greater than 2 feet in face area. Justin Foglio, reported to me yesterday on the phone that the block had a variety of sizes with the maximum size being 24 square inches in face area. Is there such a detail?
    b. With regard to vegetation, I asked Justin Foglio on the phone yesterday for details of vegetation planned for the retaining wall. He told me turf. I asked if ornamental grasses could be used to better hid the wall. He said the owner would have to decide. The only condition the Planning Board placed on this project was additional vegetation on the retaining wall. Is there a vegetation plan for the retaining wall that would show sufficient screening?

3. With regard to the parking lot, if it can be moved please do. See the attached photograph of blasting location planned later in the day at the parking lot location. If not, please adhere to the requirements for opaque screening. Is there a screening plan? See the attached photograph of where, on these abutting houses, headlights will hit all night.

Although my concerns are primarily with the future value and enjoyment of my property, I did want to raise to the Board the imposition the construction activity is having on my property and all those homes along Florida Avenue. Construction has rendered my backyard unusable during daylight hours: The noise is deafening including the persistent keening of the rock drill and variety of equipment operating, as seen in the photographs. The ground vibrates within feet of my house from the equipment operating and my house shakes from the construction and windows rattle from the equipment banging. My backyard shed cannot be approached to use because of the vibration when the compactor machine is operating. The tree in the picture, due to the added wind fetch, and with the draining planned to occur, is at risk of falling. My privacy fence was blown over due to the additional wind fetch after the trees were taken down. See the attached picture of the flowing stream in the setback area. The Garcia Family next door is experiencing flooding as their rear yard is lower than construction site. See the second attached photograph of my backyard: approximately 8 feet beyond the kids soccer goal is my property boundary, all of which cannot be used while this construction is taking place. The owner even went so far, yesterday, to send Police to my house after I took my pictures, for using my property (praying, dancing and playing drums and windchimes in my backyard), to point that out; I trust they receive copies of my correspondence.

And finally, the blasting permit and oversight is inadequate. The siren is insufficiently loud to warn those nearby. I experienced the blast, yesterday, over an hour and a half later than scheduled, to which the blasting company was unaware of its delay; too bad for them. If an unsuspecting child or pet, or passerby would wander even near the property with the lack of onsite communication, it is dangerous. And from what my experience was, within my own house, I don't know how anyone could be near the blasting day after day. I have attached an email documenting a series of administrative errors with the issuance and maintenance of the permit, the actions being more malicious then mistaken.

Again, I appreciate your responsiveness and your service,

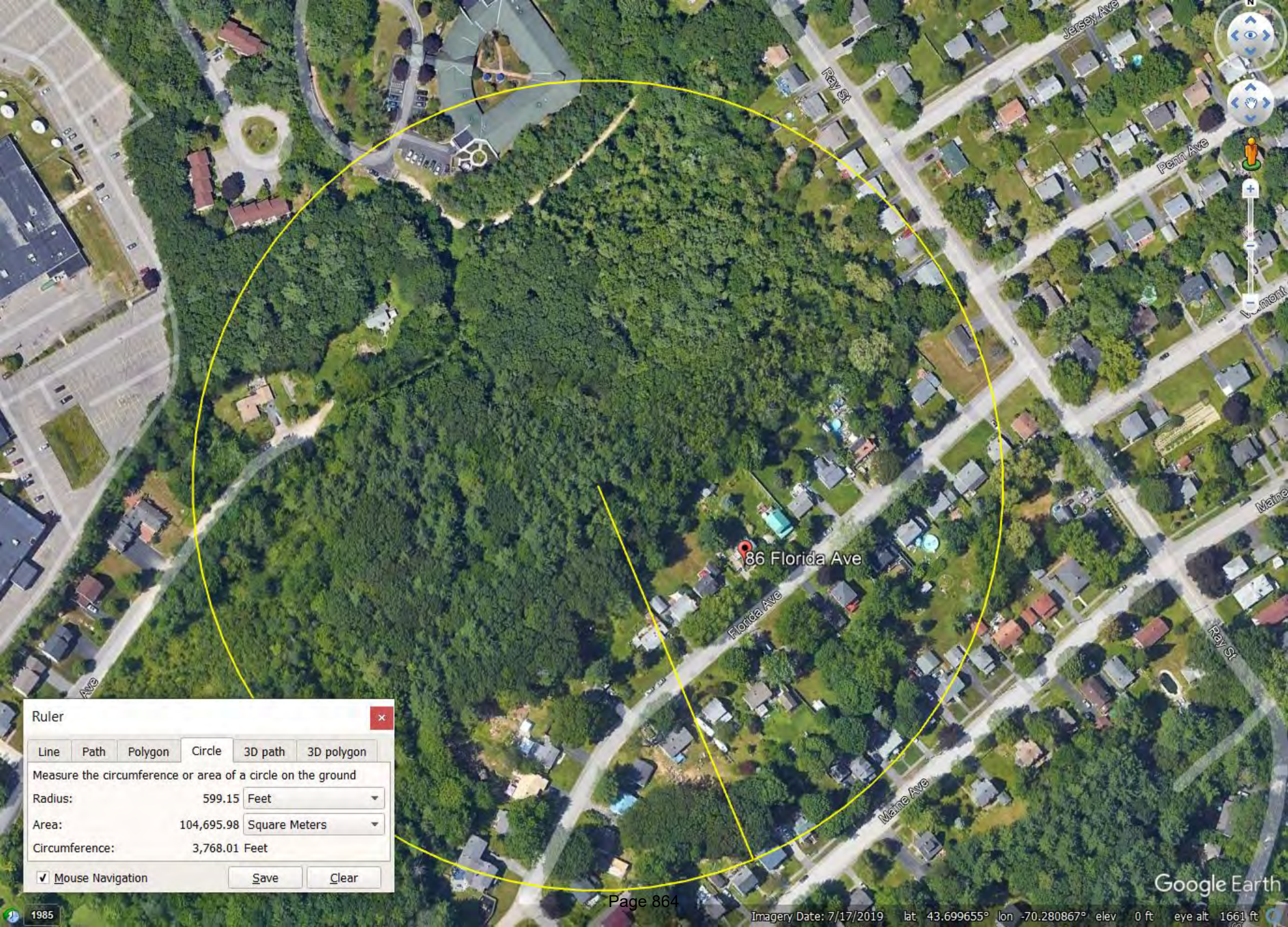
Sincerely submitted,

Ian Houseal








86 Florida Ave
Florida Ave
Ray St
Jersey Ave
Penn Ave
Maine Ave
Ruler
Line
Path
Polygon
Circle
3D path
3D polygon
Measure the circumference or area of a circle on the ground
Radius: 599.15 Feet
Area: 104,695.98 Square Meters
Circumference: 3,768.01 Feet
Mouse Navigation
Save
Clear
Google Earth
Imagery Date: 7/17/2019 lat 43.699655° lon -70.280867° elev 0 ft eye alt 1661 ft


Swing-N-Slide





Re: blasting 86 Florida Ave

ihouseal@yahoo..../Inbox

Dena Libner <dlibner@portlandmaine.gov> Jan 10 at 9:02 AM
To: Ian Pollis Houseal <ihouseal@yahoo.com>
Cc: azarro@portlandmaine.gov, Danielle West <dwest@portlandmaine.gov>,
Kate Snyder <ksnyder@portlandmaine.gov>, fireprevention@portlandmaine.gov

Their permit allows for blasting to begin as early as tomorrow, but of course the 24-hour notice to abutters who requested it applies. Blasting should not resume until at least 24 hours after those abutters have been notified, and this has been clarified with the contractor as well.

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
dlibner@portlandmaine.gov
Pronouns: she/her

On Tue, Jan 10, 2023 at 8:42 AM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:

> A permit was issued on December 30, the same day, the contractor completed the pre-blast survey of my property, with the exception of the pre-radon inspection as first requested on December 13. On December 30, the request for the pre-radon inspection was reiterated, in addition to the request for receipt of the pre-inspection report.
>
> Blasting began on Wednesday January 4 with no actual notice to abutters. To this, I requested that the situation be addressed on the same day, after raising that neighbors were not notified of the pre-blast survey, refused the survey within 600 feet, apparently not on the list for the survey, could not/did not hear the siren, and that this could be addressed with proper notice of blasting. I requested an immediate stop work order to resolve the situation before resuming on Friday or at latest Saturday as evidenced by the lack of a verifiable condition report regarding my property, lack of verifiable list of abutters (as relayed from Jason Grant), and lack of proper actual notice of blasting.
>
> Apparently, as came to my attention from neighbors, who experienced the blast in the basement of their house, that blasting was allowed to continue on Thursday and on Friday, a minimum of three discharges were reported by neighbors.
>
> Then, on eight o'clock on Friday night, I was informed that the blasting permit was being suspended for a period of two weeks (I wanted nothing of the sort,) that notice was sufficient, and if I wanted to obtain the property report for my property it must be through FOAA, that the list was on CSS, and no, the contractor would not conduct a pre-radon test.
>
> Now, instead of even proper notice to those in the blasting area, I am being notified by the City that blasting will begin again tomorrow and that I should seek to obtain notice directly from the contractor in writing of the blasting schedule for future dates of blasting scheduled.
>
> > On Tuesday, January 10, 2023, 07:52:22 AM EST, Dena Libner <dlibner@portlandmaine.gov> wrote:
> >
> > After discussion with the contractor and the City's Associate Corporation Counsel, we have confirmed that the contractor provided a complete application as of December 22, 2022. A permit will be issued to allow blasting/drilling activity to resume on Wednesday, January 11.
> >
> > Regarding 3.7.3.4 of the Technical Manual, the information provided in the PBS logs fulfills the requirement of "[v]erification that all pre-blast surveys and conditions reports have been completed". The Technical Manual does not require that the contractor provide the City with copies of the reports, but the contractor indicated it would provide you a copy of your report before blasting resumes.
> >
> > Regarding notification requirements, pursuant to 3.7.8, the contractor is required to provide the blasting schedule to any property owners who request it at least 24 hours prior to any blast. We have reminded the contractor of this requirement and passed along your contact information so that they can connect with you. If you have not already, we recommend you make your request for notification in writing, to the contractor.
> >
> > Abutters may contact the contractor at either admin@dandbrock.com or (207) 582-1391.
> >
> > I hope this information helps.
> >
> > Best,
> > Dena
> >
> > Dena Libner, MPA
> > Chief of Staff
> > City of Portland
> > 389 Congress Street
> > Portland, Maine 04101
> > dlibner@portlandmaine.govPronouns: she/her

On Sat, Jan 7, 2023 at 10:45 AM Dena Libner <dlibner@portlandmaine.gov> wrote:

Staff will confirm that all requirements are met before a permit is re-issued.

Please note that the list of abutters and information regarding whether a pre-blast survey was requested and conducted is available in the CSS portal (excel documents identified as PBS logs).

As I said, the City's authority does not extend to requiring that the contractor provide property owners with any additional tests or services (such as radon testing), or that they provide reports to property owners directly.

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
dlibner@portlandmaine.govPronouns: she/her

On Sat, Jan 7, 2023 at 9:59 AM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:

Ms. Libner,

I am so deeply sorry that you were at work and responding on this issue on a Friday night at 8:00 while the rest of us were at home. I appreciate that you are working to resolve this incorrectly issued permit, correct. And to the rest, thank you for your review of this permit and now making seeking to make it right.

I do want to clarify, however, on a couple items with regard to the permit that will be re-issued. I reference Ordinance Section 22.7.2, Technical Manual 3.7.3.1 and 3.7.8:

With regard to Notice, I do not deny that I have receive multiple notices to schedule a pre-inspection survey, this was the pre-blast survey notice as listed in the referenced sections above as contained in the CSS. But this is not the required Notice of Blasting listed in the sections above: the manner and form required for Notice of Blasting has not been met, such as dates, communications, etc. as listed in the referenced sections above. The point is that neighbors are contacted and communicated to throughout the blasting activity; that is all that matters with regard to a blasting notice. Per the requirements, we neighbors can be contacted on a 24 hour basis and informed of blasting on a plus or minus 1 hour basis especially if we make that request. That should be in the Notice of Blasting that still needs to be sent via first class mail. I asked the contractor for notice already, but was not notified.

Second, I want to point out how much of an imposition this manner of obtaining a requested Condition Survey is upon the City through FOAA and also a mighty protection offered to a contractor of liability if such a report is lost. That as a citizen, I would have to request a report conducted of my own property that may not exist, to treat it as a public record, wow, that is wrong! I have already asked the contractor for that report, but also because of this liability protection offered to a contractor by the City, they may choose to ignore my request? I do however, here, now demand that report of the City, unfortunately. You may want to consider this position; it makes no sense. You are now going to retain all these reports for 5 years, etc. It makes no sense to afford a contractor that protection and placing such a burden of cost on the City. This needs to be rethought if that is the position of the City.

And third, I have already requested the list of noticed abutters, it is absent in CSS. Please do not forget this required in the permit review as this would be the document that verifies whether such pre-blast survey actually exists. To be very clear, this is covered in Technical Manual 3.7.3.1, A list of property owners to be contacted, Verification that the subject property owners were notified of the pre-blast survey work, a copy of the pre-blast survey offered, and whether each offer to conduct a pre-blast survey was either accepted, rejected, or there was no response. Normally, a list of so called abutters would be provided in a list-form in a permit, wouldn't such a higher-order permit at least have that? It is clearly stated that there is a checklist pursuant to the pre-blast survey, written in that section, but there is nothing preventing other items like contact information and comments of that abutter or requests, as I do want to be notified of blasting.

And finally, I have requested a pre-radon, post-radon testing during the pre-inspection survey. But as the contractor has instead again ignored my multiple requests, I have gone ahead and ordered tests myself ($161) and have encouraged my neighbors do do their own testing themselves as well. I expect to be reimbursed for the testing by the contractor as part of the pre-blast survey. (I am still unclear that there is a licensed professional responsible for the pre-blast survey, Joy Love LLC was nothing of the sort.) Furthermore, the contractor has already voided their opportunity to for a pre-blast radon test to establish a baseline by blasting at least twice. I have a baseline and will have to dig it up. And I will also be demanding a radon mitigation system if radon levels are high, or near high after and during my survey. A radon mitigation system is not a particularly high cost item, but the alternative is slow death through cancer. It is unacceptable that both the contractor and City have sought to treat this normal request for blasting as frivolous. I continue to expect that this is made right for those that request a radon test and expect that when notice is reviewed, those that requested the radon test will be confirmed or redone, since I doubt it was ever recorded, by the licensed pre-blast surveyor.

Again, I am so sorry to be raising these issues and taking up your time; I hate it so much, but these are important matters.

Sincerely,

Ian Houseal
86 Florida Ave
207-272-8610

On Friday, January 6, 2023, 08:04:09 PM EST, Dena Libner <dlibner@portlandmaine.gov> wrote:

Thank you for your patience as we looked into this.

Despite Mr. Houseal's concerns regarding improper notification, we have confirmed that the applicant followed the notification standards required by City Code. (Additional details can be found below.) However, upon our review of the permit application and requirements including in Chapter 14, we determined that the application we received was not complete, and are planning to issue a Stop Work Order tomorrow (Saturday, January 7). As part of the requirements of a complete application, the applicant must provide the City with conditions reports resulting from any pre-blast surveys requested by abutters; a permit may be issued two weeks after those reports are received.

Regarding the other issues Mr. Houseal raised, our blasting permit application process requires notice to be published in a newspaper of local publication and the applicant to notify abutters within a 600-foot radius of the blasting site (Chapter 14, Section 22.7.1 (C) of the City Code). The applicant confirmed this was done, providing City staff confirmation of the published notice and receipts confirming that the required mailings were delivered. (Certified mail is sent via first-class delivery, with the added benefit of written evidence of its delivery.)

If any residents believe a letter was not sent to them, I encourage them to contact fireprevention@portlandmaine.gov directly so we can confirm their address was included.

Regarding the pre-blast survey, we will encourage the contractor to provide any abutters who requested a pre-blast survey with the conditions report as soon as possible. However, they are not required by City Code to do so. Alternatively, residents may submit a FOAA request to obtain a copy of the report once it is submitted to the City. I recommend that Mr. Houseal (or any other resident interested in receiving a copy of the report) forward their FOAA request directly to me once it is submitted so that we can expedite our review of the request.

I hope this information helps.

Have a good weekend,
Dena

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
dlibner@portlandmaine.govPronouns: she/her



On Wed, Jan 4, 2023 at 6:50 PM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:

I had a chance to review the material in the CSS, and the so called list to notified abutters is absent, maybe that could be in there, at a minimum.

On Wed, Jan 4, 2023 at 6:34 PM, Ian Pollis Houseal <ihouseal@yahoo.com> wrote:

Just a two day hold, to review the permit and process and make any corrections as necessary, and not stick our heads in the sand about the radon gas. Just two days and there will be proper communications in place. And all the documents will be delivered, easy-peasy. I would like my inspection report, please. What about the radon?

On Wed, Jan 4, 2023 at 5:55 PM, Andrew Zarro <azarro@portlandmaine.gov> wrote:

Hi Ian,

I understand the urgency of this matter and I am trying to help navigate this. I just spoke with the City Manager and I have cc'd Staff to address this matter, and I am assured they will respond promptly. City Councilors do not have the authority to issue a stop work order, as that is under the purview of City Staff. I will keep you apprised to anything I learn. If there is an emergency, please call 911.

I agree that frequency of communication regarding blasting should be addressed -- we experienced the same thing with Baxter Blvd blasting, and it has caused a lot of frustration and concern. I will continue to work on addressing ordinance shortfalls with Council and staff. Talk to you soon.

Andrew

Andrew J. Zarro, MPA *(he/him/his)*
City Councilor, District 4
City of Portland
389 Congress Street
Portland, ME 04101
(207) 200-3467 - **(this number does not receive text messages)**
azarro@portlandmaine.gov
@andrewzarro

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On Wed, Jan 4, 2023 at 4:57 PM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:

Andrew, I am asking that a stop work order be placed on this activity until this is sorted out: my neighbors are not even hearing the sirens prior to the blast. There is suppose to be much better communication about blasting! I would think that I would maybe even get an email from the blasting company day-of; make it so District Councilor. What is happening it my house right now; who will hear my CO alarms going off?

I just took a read through the Ordinance to find out where this sits: under Chapter 14 and Technical Manual Chapter 3. I'll take a look through the online permit issued when I get a chance, because it wasn't there last week.

Sincerely, Ian

On Wednesday, January 4, 2023, 04:29:53 PM EST, Andrew Zarro <azarro@portlandmaine.gov> wrote:

Hi Ian,

Thank you for the detailed email. For the items you mention that are a part of existing ordinances, I have cc'd the City Manager to address specifics and act accordingly. Dena, can we please address Ian's concerns regarding blasting notice, timeline and request for copies?

As for identifying parts of existing ordinance that might need amendments/additions, I will discuss this with the Mayor and Manager and see if this is something that would go through a Council Committee, or if it is already being addressed in Recode Phase 2.

Best,

Andrew

Andrew J. Zarro, MPA *(he/him/his)*
City Councilor, District 4
City of Portland
389 Congress Street
Portland, ME 04101
(207) 200-3467 - **(this number does not receive text messages)**
azarro@portlandmaine.gov
@andrewzarro

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On Wed, Jan 4, 2023 at 4:17 PM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:

> Councilor Zarro,
>
> Jason Grant from Code Enforcement/Fire Prevention gave me a call this afternoon to let me know that he did in fact issue a blasting permit on December 30. Blasting began today. Make it stop until this is reviewed!
>
> Notice was improper, I am not sure if notice was ever was done or how improper it was. As I understand a door hanger was put one some houses and a certified mailing was sent places, if someone could receive it. I have never seen it. The requirement of Notice of Blasting is by regular mail SO THAT WE RECEIVE IT! I did receive a notice to schedule a pre-blast survey, nothing more in the form of a door hanger.
>
> My neighbors were unaware that blasting was beginning today and they are a mess. Beth, my neighbor never even received notice of the pre-blast survey, and was told by the pre-blast surveyor that they were outside the blast area so couldn't get a pre-blast survey, but most definitely felt the blasting this morning. And she is most definitely within 300 feet. Jason told me that the contractor claims they notified everyone within 600 feet. What and who did they actually notify and under what category of permit (there are three)?
>
> This permit is a joke and it shouldn't be as it is discharging explosives! I have requested a copy of the pre-blast survey that was done and have not received it, yet it has been deemed sufficient enough that a permit is issued! Jason said that the only requirement is that a pre-blast survey be offered. Offered, but not even a checklist of refused, no response, from those in the blast area? And a pile of certified letter notices, with no receipts. To discharge explosives in a residential neighborhood with next to no warning!
>
> A copy of the pre-blast survey, do we think I will ever get that? Or when there is a claim do you think they will say, sorry we lost the data, sorry we have no record of a pre-blast survey being conducted, sorry, they refused the pre-blast survey. Well I didn't; it was done!
>
> I have requested a radon survey. I understand this is not in the Ordinance, but again, we all know that this should be done. Please fix that, sir!
>
> Any questions from the impacted area should have been checked before the blasting permit was issued. As you know, I was asking these questions before the blasting permit was issued and blasting began, and the answer from Fire Prevention was that a permit was not issued.
>
> On such an important matter as blasting, this permit issuance is lackadaisical.
>
> What should I do, Councilor? Because it appears that both the contractor and City staff have intentionally misled our neighborhood.
>
> > On Tuesday, January 3, 2023, 12:22:31 PM EST, Ian Pollis Houseal <ihouseal@yahoo.com> wrote:
> >
> > Sorry to be a bother, but I would like to have the list of the properties that are in the blast notice area, please. What is the distance on the notice?
> >
> > > On Tuesday, January 3, 2023, 08:48:54 AM EST, Dena Libner <dlibner@portlandmaine.gov> wrote:
> > >
> > > Mr. Houseal, have you received a response from Fire? If not, I'll make sure someone follows up with you this week.
> > >
> > > Dena Libner, MPA
> > > Chief of Staff
> > > City of Portland
> > > 389 Congress Street
> > > Portland, Maine 04101
> > > dlibner@portlandmaine.govPronouns: she/her
> > >
> > > On Mon, Jan 2, 2023 at 10:09 AM Andrew Zarro <azarro@portlandmaine.gov> wrote:
> > > > Hi Dena,
> > > >
> > > > Is there any update on this correspondence? Thank you.
> > > >
> > > > Best,
> > > >
> > > > Andrew
> > > >
> > > > Andrew J. Zarro, MPA *(he/him/his)*
> > > > City Councilor, District 4
> > > > City of Portland
> > > > 389 Congress Street
> > > > Portland, ME 04101
> > > > (207) 200-3467 - **(this number does not receive text messages)**
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On Wed, Dec 28, 2022 at 1:05 PM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:

Dear Fire Prevention,

I left a voicemail at 874-8405 today, December 28 and also on December 13 with a detailed message, requesting a call-back. I have not received a call-back. There is no voice mail message on the phone number.

There was a doorhanger on my house door to schedule a pre-blast survey for Ray Street (Fallbrook Commons). This does not follow the City's blasting checklist you have on your website.

I scheduled an appointment as advertised on the hanger for December 29, 2022, 8:00 am as I was out-of-town at the time, traveling over the holidays and as I am not living in my house because of the construction impacts and at work otherwise, I cannot come-right-over at their request and convenience. They were very pressuring to schedule sooner, saying that they wanted to get started.

I had to reschedule until Friday December 30, 2022 at 12:00, today.

I previously requested that they provide me documentation that they are insured before entering my property, we shall see if they can provide that on the rescheduled date, tomorrow, December 29, 2022 at 12:00. Again, when rescheduling, they were very pressuring and scoffed that I would reschedule by one day saying that they really needed to get started. I asked that they did not pressure me over one day. They asked if I received the certified letter they sent me.

I received a certified letter, indicating that blasting would begin on or after December 19. This is out of order; they must complete the pre-blast survey before beginning blasting. Nor have I have received notice of the blasting by regular mail as required and indicated on the City checklist; correct this.

I have also asked for a pre-radon, post-radon survey as blasting will change the soil and geology of the area.

In my voice mail on December 13, I asked to know if the permit has been issued, and when blasting may begin pursuant to your permit. I have not received a response.

Please provide me a copy of that permit if so issued.

I have copied Councilor Zarro, District Councilor.

Thank you very much,
Ian Houseal
86 Florida Ave
207-272-8610

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From: Beth
Sent: Thursday, January 19, 2023 12:56 PM
To: zoning@portlandmaine.gov; azarro@portlandmaine.gov
Subject: Interpretation Appeal (ZBA-002310-2022) 60 Merrymeeting Drive, Fallbrook Properties, LLC

My name is Beth Webster. My address is 47 Florida Avenue, Portland.

I received the notice in the mail of the meeting tonight – TODAY. I am working tonight, so I will be unable to attend the meeting; however, if I had not gone home at lunch, I would not have gotten the Notice until after the meeting was over. My assumption is that other neighbors also may not have gotten it until today or maybe won't even get it today.

I am in the blast area, therefore an abutter. However, I have received NONE of the other notices regarding blasting. I didn't get the door hanger or the mailing that went out and no one came to my house to do any sort of inspection. I contacted the fire department and was told that my home is more than 600 feet away from the blasting; however, the house next door had the inspection, got the Notices, etc.

I demand to provide testimony for agenda item: Interpretation Appeal (ZBA-002310-2022) 60 Merrymeeting Drive, Fallbrook Properties, LLC – although it has to be in writing.

I have been at work during most the blasting, although I have had to change up a lot of things because of it. I now leaving soothing music for my pets to help try to cover up the sound of the blasting – or at least to calm them after it's over. I now go home at lunch to check on them – including my chickens and quail in the backyard. I have heard the blasting twice while home at lunch. The drilling itself is so loud at my house, that when I went out to start my car this morning I thought, for a second, it was already running but it was really the drilling / machinery in the backyards of the houses across the street. This whole thing is so tragic for our nice little neighborhood. The wildlife, including the family of hawks, the deer and other animals that have likely been killed or at least displaced is extremely upsetting. I realize that we live in the "City," but I picked this neighborhood because it wasn't very city-like. I now spend my days at work being distracted with the worry about my pets at home during this blasting and my home being potentially damaged.

From: Beth
Sent: Wednesday, January 25, 2023 11:08 AM
To: fireprevention@portlandmaine.gov
Cc: zoning@portlandmaine.gov; azarro@portlandmaine.gov
Subject: RE: Fallbrook Nursing Home - Blasting permit FIRE2022-01299

In response to my email below, I received a call telling me that my house is outside the 600' requirement for notice of blasting.

Could you please explain **(in writing, not in a phone call)** how that can be possible.

I just compared the online form (Attachment - 60 Merrymeeting Dr. (PL-925-2019 Abutter Addresses Excel).xlsx Uploaded: 09/03/2020) to the addresses in my neighborhood.

FLORIDA AVENUE:

Comparing the City of Portland real property search to that same list, it looks as though #18, #21, #30, #47 (my house), #54, #58, #72, #96 are not on the list of people who received Notices.

I did not go through the list and match names to the City property list, but I did notice that the name and address for #50 (directly across the street from me) is Sue Harkins – Sue sold her house in November of 2020, so it's very likely the new owners did not get notice.

TEXAS STREET:

There are four houses on Texas Street - #5, #9, #12 and #15.
#5, #9, & #12 were on the abutter list, but #15 was not. #15 is directly beside my house.
#5 Texas Street is on the corner of Texas Street and Main Avenue – there is no way that house is closer to Fallbrook than my house or #15 Texas Street.

In addition, we were notified that the first blast today would be at 9 am; however, the warning notice wasn't heard until after 10 am.

Beth A. Webster
47 Florida Avenue
Portland, ME 04103

From: Beth
Sent: Tuesday, January 3, 2023 1:02 PM
To: fireprevention@portlandmaine.gov
Subject: Fallbrook Nursing Home - Blasting

Hi:

I own and live at 47 Florida Avenue, Portland. All my neighbors have been having pre-blasting inspections and getting notices regarding the building, etc. but I have not. My understanding is that I am not on the list (one of my neighbors asked because I had told her that I didn't get the door hanging notice). Can you please confirm for me that I am far enough away from the blasting so that I don't need that.

Thank you.

Beth A. Webster
47 Florida Avenue
Portland, ME 04103

D Shea <drgfly88@gmail.com> Thu, Dec 15, 2022, 2:43 PM

to bryn, Beth, Caitlin, Chrismc519, Gavin, Ian, Jeffrey, Jenirose, Joel, Laura, Laura, Lee, Luis, Lynn, me, Matthew, Michael, Michaela, Paradis, Sandra, Sarah, pinkmoonlucky717

Yes they were at my house today and did the inspection video, they said the do not do radon testing. I then called PCS Blasting, they also said there is no need for radon testing and it's not required. How would you recommend I proceed? Thanks!

enirose Friedkin Sun, Jan 29, 5:08 AM (18 hours ago)

to me

I also requested the radon testing and was told that they don't do that.

Sent from my iPhone

Begin forwarded message:

From: Jenirose Friedkin <jenirosa@gmail.com>
Date: January 4, 2023 at 5:47:51 PM EST
To: Terry Hilt <dana.hilt@verizon.net>
Subject: Fwd: Blasting for Fallbrook Woods

Sent from my iPhone

Begin forwarded message:

From: Jenirose Friedkin <jenirosa@gmail.com>
Date: January 4, 2023 at 12:51:54 PM EST
To: fireprevention@portlandmaine.gov
Subject: Blasting for Fallbrook Woods

Hello, I am writing on behalf of myself, Jenirose Friedkin, Terry Hilt, Dana Hilt, & Christopher Havey, all of 54 Florida Ave. in Portland, Maine.
We want it to be documented that we requested a copy of the pre blast interior & exterior inspection from Joy Love LLC. We also requested pre and post blast radon testing twice. We were initially told they don't do that.
The blasting began today. The siren is not loud. It certainly didn't wake us up this morning before the initial blast sent our dog into a panic and my heart into my throat. I just felt another blast. I think I might have heard a high pitched noise, definitely not something I would call a siren or warning, before this blast which

also scared the heck out of us. We are abutters, so we should definitely be able to hear a siren. I’m concerned after feeling blasts that it could also affect the foundation, which was not documented.
We feel completely ignored & dismissed by developers despite our neighborhood organizing for years now.
Thank you!
Jenirose Friedkin
Terry Hilt

March 26, 2022

Dear Councilor Zarro: Re: Fall Brook Nursing Home Project

We have been following this plan to build a huge nursing home complex in our neighborhood for two years now and it is taking its toll on everyone's mental health with anxiety, fear, depression and nervousness. These are part of the emotions we experience every day just thinking about the uprooting this project will cause. This is a quiet young family and retiree centered area and the thought of the construction during and the traffic increase afterwards is daunting and depressing. Some of our neighbors have already moved away to escape this turmoil of blasting and heavy equipment, not to mention the destruction and loss of trees, our wetlands, and woodlands.

We have quiet streets with surrounding Portland walking trails and beautiful wetlands and many of the wildlife and birds that are fading fast from the Greater Portland area because of encroaching construction. There is also an existing nursing home on Ray Street with two major access roads that could be updated and added to create a beautiful state of the art nursing home in this section of the city without tearing apart our little neighborhood.

We hope that you will consider this plea for help seriously and reach out to Christine Grimando to express our fears and concerns and do all you can to stop this destructive project and use the existing facility and area for the benefit of all. Thank you very much for your consideration and assistance.

Sincerely,

Lynn Lagerstrom

57 Florida Avenue

Portland, ME 04103

207-619-7637 stonesfan26@gmail.com

Lynn Lagerstrom Wed, Jan 4, 9:51 AM

to Ian, me, Bryn, Luis, Gavin, Matthew, Michaela, Jeffrey, Joel, Michael, Jenirose , Beth, Laura, Sandra, pinkmoonlucky717, drgfly88, Lee, Chrismc519@gmail.com, Laura, Paradis, Sarah, Caitlin

I think the first blast went off this morning - no sirens that I heard and no warning. Diane thought it was a blast too and not just their usual crashing. Scared the hell out of me and my cats. I have all my inner house and outer inspections done but might not go for the radon check at this time. So, it's started. Ian, thank you for your updates and information!

L

Lynn Lagerstrom Wed, Jan 4, 12:42 PM

to Bryn, Luis, Gavin, Matthew, Michaela, Jeffrey, Joel, Michael, Jenirose, Beth, Laura, Sandra, pinkmoonlucky717, drgfly88, Lee, Chrismc519@gmail.com, Laura, Paradis, Sarah, Caitlin, Ian, me

Diane said she called and was told that some people could not hear the siren because of the "pitch". I never heard one but I do have hearing issues. But my cats didn't react either and they surely would hear the warning. There was just another very loud blast that rattled my windows even.

Lynn Lagerstrom Thu, Jan 19, 8:33 AM (11 days ago)

to zoning, azarro, bcc: me

My name is Lynn Lagerstrom and I live at 57 Florida Avenue, Portland Maine. I would like to report about the construction and blasting in my neighborhood for the Fall Brook Nursing Facility.

My neighbors and I received notice of the blasting some time ago and we followed through with the house inspection video recommended at the time. I know that there are sirens before the blasting but I have significant high frequency hearing loss and I cannot hear these warnings while inside my house (or even outside) even when wearing my hearing aids. The best I can do is keep an eye on my cats who apparently can hear it as they suddenly sit up straight and then run to hide. Then comes the blast and it feels very close and loud. I can actually feel the vibration through my feet and the shake throughout the house. This is, of course, very stressful and contributes to my feelings of anxiety and feelings of invasion of my space and environment, not to mention how it affects my poor cats. It is very unpleasant and I hope my report will be used towards improvements in the future for others
who live near construction and blasting sites. Thank you.

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND
Blasting

PERMIT ID: FIRE2022-01299 **ISSUE DATE:** 12/30/2022 **CBL:**

This is to certify located at **368 Ray Street** has permission to:

Drilling and blasting for senior housing

provided that the person or persons, firm, or corporation accepting this permit shall comply with all of the provisons of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance, and use of the building and structures, and of the application on file in the department.

Notification of inspection and written permission procured before this building or part thereof is lathed or otherwise closed-in. 48 hour notice is required.

Portland Fire Chief

K. Sawtelle

Department: Fire **Status:** Approved **Reviewer:** Prevention Fire **Approval Date:** 12/30/2022

PERMIT ID: FIRE2022-01299 **ADDRESS:** 368 Ray Street **CBL:**

IMPORTANT BUILDING PERMIT INFORMATION

Call (207) 874-8703 or email permitting@portlandmaine.gov with questions

- Read the conditions of approval that are attached to this permit.
- Permits expire if the project is not started within 6 months from the date of issuance, or if construction ceases for 6 months or more. Demolition permits expire 30 days from issuance.
- Apply for sub-permits through the Citizen Self Service portal. In-wall inspections cannot be scheduled until all sub-permits have been approved, except for fire sprinkler and fire alarm permits, which must be submitted and found complete for review.
- If the required inspections are not followed, a Stop Work Order may be issued and fees charged.
- During busy periods, inspections may take 7 or more business days to schedule. Please plan ahead and schedule as early as possible. At least 48 business hours notice is required in all cases.
- The project cannot move to the next phase prior to passing required inspection(s).
- One set of printed approved stamped construction documents must be kept at the site of work and open to inspection by the building official or their authorized representative.
- Final Inspections and Certificates of Occupancy:
    - Final Inspection and Final Fire are scheduled through the Permitting and Inspections Department at (207) 874-8703 or permitting@portlandmaine.gov
    - Final Planning Inspection **requires 5 days notice** and is scheduled through the Planning Department at (207) 874-8719 or planning@portlandmaine.gov
- If the permit requires a Certificate of Occupancy, the fee must be paid and certificate issued before the space may be occupied. Please allow several days for certificate processing after all final inspections are complete.

The owner or their designee is required to obtain the sub-permits listed below, and to provide adequate notice to the city for the inspections listed below.

PERMIT ID: FIRE2022-01299 **ADDRESS:** 368 Ray Street **CBL:**

City of Portland, Maine - Building Permit 389 Congress St, 04101 Tel: (207) 874-8703 Fax: (207) 874-8716	Permit No: FIRE2022-01299	Applied Date:	CBL:
Proposed Use:	**Proposed Project Description:** Drilling and blasting for senior housing		

Department: Fire **Status:** Approved **Reviewer:** Prevention Fire **Approval Date:** 12/30/2022

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND
BUILDING PERMIT

PERMIT ID: FIRE2022-01299 **ISSUE DATE:** 12/30/2022 **CBL:**

This is to certify located at **368 Ray Street** has permission to:

Drilling and blasting for senior housing

provided that the person or persons, firm, or corporation accepting this permit shall comply with all of the provisons of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance, and use of the building and structures, and of the application on file in the department.

Walls shall not be closed-in before required inspections are completed. A minimum of 48 hours notice is required for scheduling inspections but may take longer to be scheduled.	A final inspection must be completed before this building or part thereof is occupied. If a certificate of occupancy is required, it must be procured prior to occupancy.

Jessica Blais Hauscombe

Building Official

PERMIT ID: FIRE2022-01299 **ADDRESS:** 368 Ray Street **CBL:**

portland

Matt Sarapas <msarapas@portlandmaine.gov>

Planned Detonations Thursday January 19th , 2023

1 message

Admin Drilling and Blasting Rock Specialists, Inc. <admin@dandbrock.com> Thu, Jan 19, 2023 at 6:10 AM
To: Fire Prevention <fireprevention@portlandmaine.gov>
Cc: Justin Foglio <justin.foglio@gmail.com>

Good Morning,

We are planning to be blasting at 368 Ray Street in Portland Maine. The Schedule of our blasts will be:

First Blast at 9:00 AM	Approximately 200 pounds of explosives
Second Blast at Noon	Approximately 200 pounds of explosives
Third Blast at 2:30 PM	Approximately 200 pounds of explosives

Please let me know if there are any questions.

Thank you,

Andrew Weymouth, Controller
Drilling and Blasting Rock Specialists, Inc.
PO Box 65
Gardiner, ME 04345
Phone 207 582-1391
Fax 207 582-8603

PORTLAND FIRE DEPARTMENT

Fire Prevention Bureau
Fire Headquarters
380 Congress Street
Portland, Maine 04101

SENT VIA EMAIL: ADMIN@DANDBROCK.COM

1/10/2023

DRILLING AND BLASTING ROCK SPECIALISTS
28 D&B ROCK DRIVE
GARDINER, ME 04345

FOGLIO, INC

RE: 368 RAY ST
PORTLAND, ME 04103

403 F005001

Stop Work Order Removal

To Fallbrook Commons Development:
As you know, the City issued a Stop Work Order on January 7, 2022 as a result of drilling and/or blasting which was conducted without the benefit of a valid blasting permit due to insufficient notice as required by Chapter 14, Sections 22.7.2 and 22.7.3 of the City's Land Use Code.

Since receiving the Stop Work Order, you have provided the City with proof of notice as required by Chapter 14 of the City's Land Use Code to the City's satisfaction. The Stop Work Order is lifted effective January 11, 2023 at 9:00 a.m. and drilling and/or blasting may resume provided all future drilling and/or blasting remains consistent with the City Code.

Please note any subsequent violation of the City Code may give rise to additional notices of violation and/or stop work orders and may be referred to the City of Portland Corporation Counsel for legal action and potential civil penalties.

We appreciate your cooperation in this matter.

Sincerely,

Matt Sarapas
Certified Fire Inspector II
Certified Code Enforcement Officer
msarapas@portlandmaine.gov
(207) 756-8131

380 Congress Street / Portland, Maine 04101 / fireprevention@portlandmaine.gov / tel: 207-874-8400/ fax: 207-874-8716

PORTLAND FIRE DEPARTMENT

Fire Prevention Bureau
Fire Headquarters
380 Congress Street
Portland, Maine 04101

SENT VIA EMAIL: ADMIN@DANDBROCK.COM

1/7/2023

FALLBROOK COMMONS DEVELOPMENT
60 MERRYMEETING DRIVE
PORTLAND, ME 04101

PRE CONSTRUCTION SERVICE
PO BOX 1394
GRAY MAINE, ME 04039

DRILLING AND BLASTING ROCK SPECIALISTS
28 D&B ROCK DRIVE
GARDINER, ME 04345

RE: 368 RAY ST
PORTLAND, ME 04103

403 F005001

Stop Work Order

To Fallbrook Commons Development:

An evaluation of the above-referenced property on 1/7/23 revealed that drilling and/or blasting was conducted without the benefit of a valid permit due to insufficient notice as required by Chapter 14, Sections 22.7.2 and 22.7.3 of the City's Land Use Code.

Therefore, you are ordered to immediately stop all drilling and/or blasting at the property. You may resume drilling and/or blasting activity only once you have obtained the appropriate blasting permit and this order has been lifted in writing. We are waiving the typical fee in this circumstance, but if work continues notwithstanding the stop work order, you will be subject to additional penalties pursuant to Ch 14, Sec 22.6 ($500 first offense, $1,000 2nd offense, $1,000 subsequent offenses

The performance of any drilling and/or blasting on or about the property while a stop work order is in effect is a violation and will be immediately referred to the City of Portland Corporation Counsel for legal action and civil penalties.

This constitutes an appealable decision under Section 6-96 of the City of Portland Code of Ordinances. You may appeal this decision by filing an appeal within 10 days of the date of this Notice. Please contact Zoning for appeal forms at zoning@portlandmaine.gov. If you choose to not appeal this Notice, then you may be barred from challenging the City's determinations in the future. Please contact me if you have questions.

City of Portland
Inspection Violation

Case Number:	BLDG2305286	**Case Module:**	Permit Management
Inspection Date:	01/07/2023	**Inspection Status:**	In Violation
Inspector:	Matt Sarapas	**Inspection Type:**	Building/Land Use
Job Address:	368 Ray St Portland, ME 04103	**Parcel Number:**	403 F005001

Contact Type	Company Name	Name
Owner	Fallbrook Commons Development	
Property Manager	Pre Construction Service Drilling and Blasting Rock Specialist	Joyce Love

Checklist Item	Passed	Comments
General Comments	False	

Noncompliance

Code Name	Comments	Deadline
City of Portland Technical Manual 3.7.3.2 Pre-blast survey documentation All pre-blast surveys shall include documentation of interior subgrade and above grade accessible walls, ceilings, floors, roof and visible exterior as viewed from the grade level. Where significant cracks or damage exist, or for more complex structural defects, photographs or video shall be taken. A high- quality videotape survey with appropriate audio description of the locations, conditions, and defects may substitute for a written pre-blast survey. Where necessary, notes and sketches may also be submitted as part of a video pre-blast survey in order to highlight or elaborate on certain aspects of the video documentation.	All drilling and blasting operations must cease immediately and may not be resumed until 14 days after receipt of pre-blast survey verification by the Planning and Urban Development department as well as the Fire Prevention Bureau.	01/23/2023
City of Portland Technical Manual 3.7.3.3 Pre-blast survey conditions report The pre-blast surveys shall include a conditions report for each property. The conditions report may be presented as narrative, photographs, video or a combination thereof. Conditions reports shall summarize the condition of each building and define areas of concern, including deteriorated structures or utilities, structures housing sensitive equipment, and/or manufacturing processes that are sensitive to vibrations.	All drilling and blasting operations must cease immediately and may not be resumed until 14 days after receipt of pre-blast survey verification by the Planning and Urban Development department as well as the Fire Prevention Bureau.	01/23/2023
City of Portland Technical Manual 3.7.3.4 Pre-blast survey verification Verification that all pre-blast surveys and conditions reports have been completed shall be submitted to the Planning and Urban Development Department at least two weeks prior to commencing any drilling and/or blasting operations.	All drilling and blasting operations must cease immediately and may not be resumed until 14 days after receipt of pre-blast survey verification by the Planning and Urban Development department as well as the Fire Prevention Bureau.	01/23/2023

portland

Matt Sarapas <msarapas@portlandmaine.gov>

Re: blasting 86 Florida Ave

1 message

Dena Libner <dlibner@portlandmaine.gov> Tue, Jan 10, 2023 at 9:02 AM
To: Ian Pollis Houseal <ihouseal@yahoo.com>
Cc: azarro@portlandmaine.gov, Danielle West <dwest@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>, fireprevention@portlandmaine.gov

Their permit allows for blasting to begin as early as tomorrow, but of course the 24-hour notice to abutters who requested it applies. Blasting should not resume until at least 24 hours after those abutters have been notified, and this has been clarified with the contractor as well.

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
dlibner@portlandmaine.gov
Pronouns: she/her

city manager's office

On Tue, Jan 10, 2023 at 8:42 AM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:

> A permit was issued on December 30, the same day, the contractor completed the pre-blast survey of my property, with the exception of the pre-radon inspection as first requested on December 13. On December 30, the request for the pre-radon inspection was reiterated, in addition to the request for receipt of the pre-inspection report.
>
> Blasting began on Wednesday January 4 with no actual notice to abutters. To this, I requested that the situation be addressed on the same day, after raising that neighbors were not notified of the pre-blast survey, refused the survey within 600 feet, apparently not on the list for the survey, could not/did not hear the siren, and that this could be addressed with proper notice of blasting. I requested an immediate stop work order to resolve the situation before resuming on Friday or at latest Saturday as evidenced by the lack of a verifiable condition report regarding my property, lack of verifiable list of abutters (as relayed from Jason Grant), and lack of proper actual notice of blasting.
>
> Apparently, as came to my attention from neighbors, who experienced the blast in the basement of their house, that blasting was allowed to continue on Thursday and on Friday, a minimum of three discharges were reported by neighbors.
>
> Then, on eight o'clock on Friday night, I was informed that the blasting permit was being suspended for a period of two weeks (I wanted nothing of the sort,) that notice was sufficient, and if I wanted to obtain the property report for my property it must be through FOAA, that the list was on CSS, and no, the contractor would not conduct a pre-radon test.
>
> Now, instead of even proper notice to those in the blasting area, I am being notified by the City that blasting will begin again tomorrow and that I should seek to obtain notice directly from the contractor in writing of the blasting schedule for future dates of blasting scheduled.
>
> > On Tuesday, January 10, 2023, 07:52:22 AM EST, Dena Libner <dlibner@portlandmaine.gov> wrote:
> >
> > After discussion with the contractor and the City's Associate Corporation Counsel, we have confirmed that the contractor provided a complete application as of December 22, 2022. A permit will be issued to allow blasting/drilling activity to resume on Wednesday, January 11.
> >
> > Regarding 3.7.3.4 of the Technical Manual, the information provided in the PBS logs fulfills the requirement of "[v]erification that all pre-blast surveys and conditions reports have been completed". The Technical Manual does not require that the contractor provide the City with copies of the reports, but the contractor indicated it would provide you a copy of your report before blasting resumes.

Regarding notification requirements, pursuant to 3.7.8, the contractor is required to provide the blasting schedule to any property owners who request it at least 24 hours prior to any blast. We have reminded the contractor of this requirement and passed along your contact information so that they can connect with you. If you have not already, we recommend you make your request for notification in writing, to the contractor.

Abutters may contact the contractor at either admin@dandbrock.com or (207) 582-1391.

I hope this information helps.

Best,
Dena

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
dlibner@portlandmaine.govPronouns: she/her



On Sat, Jan 7, 2023 at 10:45 AM Dena Libner <dlibner@portlandmaine.gov> wrote:

> Staff will confirm that all requirements are met before a permit is re-issued.
>
> Please note that the list of abutters and information regarding whether a pre-blast survey was requested and conducted is available in the CSS portal (excel documents identified as PBS logs).
>
> As I said, the City's authority does not extend to requiring that the contractor provide property owners with any additional tests or services (such as radon testing), or that they provide reports to property owners directly.
>
> Dena Libner, MPA
> Chief of Staff
> City of Portland
> 389 Congress Street
> Portland, Maine 04101
> dlibner@portlandmaine.govPronouns: she/her
>
> 
>
> On Sat, Jan 7, 2023 at 9:59 AM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:
>
> > Ms. Libner,
> >
> > I am so deeply sorry that you were at work and responding on this issue on a Friday night at 8:00 while the rest of us were at home. I appreciate that you are working to resolve this incorrectly issued permit, correct. And to the rest, thank you for your review of this permit and now making seeking to make it right.
> >
> > I do want to clarify, however, on a couple items with regard to the permit that will be re-issued. I reference Ordinance Section 22.7.2, Technical Manual 3.7.3.1 and 3.7.8:
> >
> > With regard to Notice, I do not deny that I have receive multiple notices to schedule a pre-inspection survey, this was the pre-blast survey notice as listed in the referenced sections above as contained in the CSS. But this is not the required Notice of Blasting listed in the sections above: the manner and form required for Notice of Blasting has not been met, such as dates, communications, etc. as listed in the referenced sections above. The point is that neighbors are contacted and communicated to throughout the blasting activity; that is all that matters with regard to a blasting notice. Per the requirements, we neighbors can be contacted on a 24 hour basis and informed of blasting on a plus or minus 1 hour basis especially if we make that request. That should be in the Notice of Blasting that still needs to be sent via first class mail. I asked the contractor for notice already, but was not notified.

Second, I want to point out how much of an imposition this manner of obtaining a requested Condition Survey is upon the City through FOAA and also a mighty protection offered to a contractor of liability if such a report is lost. That as a citizen, I would have to request a report conducted of my own property that may not exist, to treat it as a public record, wow, that is wrong! I have already asked the contractor for that report, but also because of this liability protection offered to a contractor by the City, they may choose to ignore my request? I do however, here, now demand that report of the City, unfortunately. You may want to consider this position; it makes no sense. You are now going to retain all these reports for 5 years, etc. It makes no sense to afford a contractor that protection and placing such a burden of cost on the City. This needs to be rethought if that is the position of the City.

And third, I have already requested the list of noticed abutters, it is absent in CSS. Please do not forget this required in the permit review as this would be the document that verifies whether such pre-blast survey actually exists. To be very clear, this is covered in Technical Manual 3.7.3.1, A list of property owners to be contacted, Verification that the subject property owners were notified of the pre-blast survey work, a copy of the pre-blast survey offered, and whether each offer to conduct a pre-blast survey was either accepted, rejected, or there was no response. Normally, a list of so called abutters would be provided in a list-form in a permit, wouldn't such a higher-order permit at least have that? It is clearly stated that there is a checklist pursuant to the pre-blast survey, written in that section, but there is nothing preventing other items like contact information and comments of that abutter or requests, as I do want to be notified of blasting.

And finally, I have requested a pre-radon, post-radon testing during the pre-inspection survey. But as the contractor has instead again ignored my multiple requests, I have gone ahead and ordered tests myself ($161) and have encouraged my neighbors do do their own testing themselves as well. I expect to be reimbursed for the testing by the contractor as part of the pre-blast survey. (I am still unclear that there is a licensed professional responsible for the pre-blast survey, Joy Love LLC was nothing of the sort.) Furthermore, the contractor has already voided their opportunity to for a pre-blast radon test to establish a baseline by blasting at least twice. I have a baseline and will have to dig it up. And I will also be demanding a radon mitigation system if radon levels are high, or near high after and during my survey. A radon mitigation system is not a particularly high cost item, but the alternative is slow death through cancer. It is unacceptable that both the contractor and City have sought to treat this normal request for blasting as frivolous. I continue to expect that this is made right for those that request a radon test and expect that when notice is reviewed, those that requested the radon test will be confirmed or redone, since I doubt it was ever recorded, by the licensed pre-blast surveyor.

Again, I am so sorry to be raising these issues and taking up your time; I hate it so much, but these are important matters.

Sincerely,

Ian Houseal
86 Florida Ave
207-272-8610

On Friday, January 6, 2023, 08:04:09 PM EST, Dena Libner <dlibner@portlandmaine.gov> wrote:

Thank you for your patience as we looked into this.

Despite Mr. Houseal's concerns regarding improper notification, we have confirmed that the applicant followed the notification standards required by City Code. (Additional details can be found below.) However, upon our review of the permit application and requirements including in Chapter 14, we determined that the application we received was not complete, and are planning to issue a Stop Work Order tomorrow (Saturday, January 7). As part of the requirements of a complete application, the applicant must provide the City with conditions reports resulting from any pre-blast surveys requested by abutters; a permit may be issued two weeks after those reports are received.

Regarding the other issues Mr. Houseal raised, our blasting permit application process requires notice to be published in a newspaper of local publication and the applicant to notify abutters within a 600-foot radius of the blasting site (Chapter 14, Section 22.7.1 (C) of the City Code). The applicant confirmed this was done, providing City staff confirmation of the published notice and receipts confirming that the required mailings were delivered. (Certified mail is sent via first-class delivery, with the added benefit of written evidence of its delivery.)

If any residents believe a letter was not sent to them, I encourage them to contact fireprevention@portlandmaine.gov directly so we can confirm their address was included.

Regarding the pre-blast survey, we will encourage the contractor to provide any abutters who requested a pre-blast survey with the conditions report as soon as possible. However, they are not required by City Code to do so. Alternatively, residents may submit a FOAA request to obtain a copy of the report once it is submitted to the City. I recommend that Mr. Houseal (or any other resident interested in receiving a copy of the report) forward their FOAA request directly to me once it is submitted so that we can expedite our review of the request.

I hope this information helps.

Have a good weekend,
Dena

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
dlibner@portlandmaine.govPronouns: she/her



On Wed, Jan 4, 2023 at 6:50 PM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:

I had a chance to review the material in the CSS, and the so called list to notified abutters is absent, maybe that could be in there, at a minimum.

On Wed, Jan 4, 2023 at 6:34 PM, Ian Pollis Houseal <ihouseal@yahoo.com> wrote:

Just a two day hold, to review the permit and process and make any corrections as necessary, and not stick our heads in the sand about the radon gas. Just two days and there will be proper communications in place. And all the documents will be delivered, easy-peasy. I would like my inspection report, please. What about the radon?

On Wed, Jan 4, 2023 at 5:55 PM, Andrew Zarro <azarro@portlandmaine.gov> wrote:

Hi Ian,

I understand the urgency of this matter and I am trying to help navigate this. I just spoke with the City Manager and I have cc'd Staff to address this matter, and I am assured they will respond promptly. City Councilors do not have the authority to issue a stop work order, as that is under the purview of City Staff. I will keep you apprised to anything I learn. If there is an emergency, please call 911.

I agree that frequency of communication regarding blasting should be addressed -- we experienced the same thing with Baxter Blvd blasting, and it has caused a lot of frustration and concern. I will continue to work on addressing ordinance shortfalls with Council and staff. Talk to you soon.

Andrew

Andrew J. Zarro, MPA *(he/him/his)*
City Councilor, District 4
City of Portland
389 Congress Street
Portland, ME 04101
(207) 200-3467 - **(this number does not receive text messages)**
azarro@portlandmaine.gov
@andrewzarro

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 email could be released to the public and/or the media if requested.

On Wed, Jan 4, 2023 at 4:57 PM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:

Andrew, I am asking that a stop work order be placed on this activity until this is sorted out: my neighbors are not even hearing the sirens prior to the blast. There is suppose to be much better communication about blasting! I would think that I would maybe even get an email from the blasting company day-of; make it so District Councilor. What is happening it my house right now; who will hear my CO alarms going off?

I just took a read through the Ordinance to find out where this sits: under Chapter 14 and Technical Manual Chapter 3. I'll take a look through the online permit issued when I get a chance, because it wasn't there last week.

Sincerely, Ian

On Wednesday, January 4, 2023, 04:29:53 PM EST, Andrew Zarro <azarro@portlandmaine.gov> wrote:

Hi Ian,

Thank you for the detailed email. For the items you mention that are a part of existing ordinances, I have cc'd the City Manager to address specifics and act accordingly. Dena, can we please address Ian's concerns regarding blasting notice, timeline and request for copies?

As for identifying parts of existing ordinance that might need amendments/additions, I will discuss this with the Mayor and Manager and see if this is something that would go through a Council Committee, or if it is already being addressed in Recode Phase 2.

Best,

Andrew

Andrew J. Zarro, MPA *(he/him/his)*
City Councilor, District 4
City of Portland
389 Congress Street
Portland, ME 04101
(207) 200-3467 - **(this number does not receive text messages)**
azarro@portlandmaine.gov
@andrewzarro

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 email could be released to the public and/or the media if requested.

On Wed, Jan 4, 2023 at 4:17 PM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:

> Councilor Zarro,
>
> Jason Grant from Code Enforcement/Fire Prevention gave me a call this afternoon to let me know that he did in fact issue a blasting permit on December 30. Blasting began today. Make it stop until this is reviewed!
>
> Notice was improper, I am not sure if notice was ever was done or how improper it was. As I understand a door hanger was put one some houses and a certified mailing was sent places, if someone could receive it. I have never seen it. The requirement of Notice of Blasting is by regular mail SO THAT WE RECEIVE IT! I did receive a notice to schedule a pre-blast survey, nothing more in the form of a door hanger.
>
> My neighbors were unaware that blasting was beginning today and they are a mess. Beth, my neighbor never even received notice of the pre-blast survey, and was told by the pre-blast surveyor that they were outside the blast area so couldn't get a pre-blast survey, but most definitely felt the blasting this morning. And she is most definitely within 300 feet. Jason told me that the contractor claims they notified everyone within 600 feet. What and who did they actually notify and under what category of permit (there are three)?
>
> This permit is a joke and it shouldn't be as it is discharging explosives! I have requested a copy of the pre-blast survey that was done and have not received it, yet it has been deemed sufficient enough that a permit is issued! Jason said that the only requirement is that a pre-blast survey be offered. Offered, but not even a checklist of refused, no response, from those in the blast area? And a pile of certified letter notices, with no receipts. To discharge explosives in a residential neighborhood with next to no warning!
>
> A copy of the pre-blast survey, do we think I will ever get that? Or when there is a claim do you think they will say, sorry we lost the data, sorry we have no record of a pre-blast survey being conducted, sorry, they refused the pre-blast survey. Well I didn't; it was done!
>
> I have requested a radon survey. I understand this is not in the Ordinance, but again, we all know that this should be done. Please fix that, sir!
>
> Any questions from the impacted area should have been checked before the blasting permit was issued. As you know, I was asking these questions before the blasting permit was issued and blasting began, and the answer from Fire Prevention was that a permit was not issued.
>
> On such an important matter as blasting, this permit issuance is lackadaisical.

What should I do, Councilor? Because it appears that both the contractor and City staff have intentionally misled our neighborhood.

> On Tuesday, January 3, 2023, 12:22:31 PM EST, Ian Pollis Houseal <ihouseal@yahoo.com> wrote:
>
> Sorry to be a bother, but I would like to have the list of the properties that are in the blast notice area, please. What is the distance on the notice?
>
> > On Tuesday, January 3, 2023, 08:48:54 AM EST, Dena Libner <dlibner@portlandmaine.gov> wrote:
> >
> > Mr. Houseal, have you received a response from Fire? If not, I'll make sure someone follows up with you this week.
> >
> > Dena Libner, MPA
> > Chief of Staff
> > City of Portland
> > 389 Congress Street
> > Portland, Maine 04101
> > dlibner@portlandmaine.govPronouns: she/her
> >
> > 
> >
> > On Mon, Jan 2, 2023 at 10:09 AM Andrew Zarro <azarro@portlandmaine.gov> wrote:
> > > Hi Dena,
> > >
> > > Is there any update on this correspondence? Thank you.
> > >
> > > Best,
> > >
> > > Andrew
> > >
> > > Andrew J. Zarro, MPA *(he/him/his)*
> > > City Councilor, District 4
> > > City of Portland
> > > 389 Congress Street
> > > Portland, ME 04101
> > > (207) 200-3467 - **(this number does not receive text messages)**
> > > azarro@portlandmaine.gov
> > > @andrewzarro
> > >
> > > 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 email could be released to the public and/or the media if requested.
> > >
> > > On Wed, Dec 28, 2022 at 1:05 PM Ian Pollis Houseal <ihouseal@yahoo.com> wrote:
> > > > Dear Fire Prevention,
> > > >
> > > > I left a voicemail at 874-8405 today, December 28 and also on December 13 with a detailed message, requesting a call-back. I have not received a call-back. There is no voice mail message on the phone number.
> > > >
> > > > There was a doorhanger on my house door to schedule a pre-blast survey for Ray Street (Fallbrook Commons). This does not follow the City's blasting checklist you have on your website.
> > > >
> > > > I scheduled an appointment as advertised on the hanger for December 29, 2022, 8:00 am as I was out-of-town at the time, traveling over the holidays and as I am not living in my house because of the construction impacts and at work otherwise, I cannot come-right-over at their request and convenience. They were very pressuring to schedule sooner, saying that they wanted to get started.

I had to reschedule until Friday December 30, 2022 at 12:00, today.

I previously requested that they provide me documentation that they are insured before entering my property, we shall see if they can provide that on the rescheduled date, tomorrow, December 29, 2022 at 12:00. Again, when rescheduling, they were very pressuring and scoffed that I would reschedule by one day saying that they really needed to get started. I asked that they did not pressure me over one day. They asked if I received the certified letter they sent me.

I received a certified letter, indicating that blasting would begin on or after December 19. This is out of order; they must complete the pre-blast survey before beginning blasting. Nor have I have received notice of the blasting by regular mail as required and indicated on the City checklist; correct this.

I have also asked for a pre-radon, post-radon survey as blasting will change the soil and geology of the area.

In my voice mail on December 13, I asked to know if the permit has been issued, and when blasting may begin pursuant to your permit. I have not received a response.

Please provide me a copy of that permit if so issued.

I have copied Councilor Zarro, District Councilor.

Thank you very much,
Ian Houseal
86 Florida Ave
207-272-8610

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CITY OF PORTLAND
MODEL BLASTING PLAN
Removal of over 300 cubic yards of rock material

The purpose of the blasting plan is to describe anticipated rock excavation requirements for the project, and outline proposed blasting operations, vibration control criteria, monitoring/ reporting protocols, and to protect surrounding properties from damage related to proposed blasting activities.

1. Project: Fallbrook Commons

2. Project Location: Ray Street

3. Project Description

Describe the project for which blasting is required. Include lot size, building construction type, number of units, etc. Refer to site/grading plans. Specify anticipated depth of fills and cuts.

4. Site and Subsurface Conditions

Provide a detailed description of the site, including but not limited to existing conditions, elevations, terrain character, topography, soil conditions, groundwater depths, depth of bedrock, etc.

5. Surrounding Properties, Utilities and Wells

Describe the surrounding properties, specifying use and type of construction. Include a vicinity map with the outlines of existing structures located within a site radius equal to the minimum radius required for pre-blast condition surveys.

Indicate the location of all utilities in the vicinity, including water, sewer, stormwater, and natural gas.

Indicate the location of drinking wells in a 2000ft radius of the property.

6. Anticipated Project Areas Requiring Blasting

Indicate on a site plan the areas where blasting is expected to occur. Provide a narrative characterizing the blasting/excavation work, the estimated total number of cubic yards of material to be removed by blasting, and an estimate of the number of blasts required to remove the specified amount of material.

Include a proposed Bedrock Excavation Plan showing approximate bedrock excavation areas, variations in the depth of bedrock excavation requiring blasting, and areas where controlled perimeter blasting methods will be used (if any).

Describe the distance of proposed blasting to the nearest structures and underground utilities.

7. Provisions of the Blasting Program for the Project

The following provisions shall govern the blasting program for the project:

A. Qualifications of the Blasting Contractor: The blasting contractor shall be licensed in the State of Maine, and the work shall be performed in accordance with pertinent Federal, State and Local standards, Safety codes and regulations. The blasting contractor shall be a company specializing in the use of explosives for breaking rock. The blaster or foreman responsible for the loading and firing of each shot, as well as the person responsible for the design and directing the blasting operation, shall have at least five years of documented experience with similar work responsibilities. If controlled blasting methods are required, these individuals shall have at least five years of documented experience in controlled blasting techniques.

B. Seismologist or Blasting Consultant: The contractor will be required to retain an independent seismologist or blasting consultant to perform pre-blast surveys, and monitor, record, analyze, and report the vibrations and airblast pressures resulting from the blasting activities. The seismologist or blasting consultant shall be present at the site during all blasts, and shall provide and use all necessary equipment to observe and record vibrations to ascertain that acceptable levels of vibrations are nor exceeded. The seismologist or blasting consultant shall not be and employee of the contractor, subcontractor, explosives manufacturer, or explosives distributor.

   At least two weeks prior to the commencement of pre-blast surveys, the contractor will submit to the City of Portland and Applicant the name of qualifications of the independent seismologist or blasting consultant proposed to conduct the pre-blast surveys. At least two weeks prior to the commencement of pre-blast surveys, the contractor will submit to the City of Portland and Applicant the name of qualifications of the independent seismologist or blasting consultant proposed to monitor and report blasting vibrations.

C. Notification of Neighbors: At least 10 business days prior to the planned commencement of blasting notification of proposed blasting, conforming to the model notice (see attached), shall be published in a newspaper of local publication and shall be mailed by first class mail to all neighbors and property owners located within **600ft** of the perimeter of the blasting site. The notification shall include a description of the proposed blasting, estimated schedule and length of time for proposed blasting, description of the blasting signals to be used during the operation, and lastly the addresses and telephone numbers for the blasting contractor, Fire Department and Planning Division where neighbors and property owners may request further information and notification. Additional notifications required during construction are discussed in Item J.

D. Pre-blast Condition Surveys: An offer of a pre-blast survey shall be conveyed to every property owner within 600ft of anticipated blasting areas. Such offers shall consist, at a minimum, of a letter sent by US Mail, conforming to the model Pre-Blast Survey Offer Notice (Attachment E). Prior to commencement of the surveys, the contractor shall provide documentation to the Fire and Planning Departments listing owners with in 600ft of the anticipated blasting areas (from Tax Map records), that the subject building owners were notified of the pre-blast work, a copy of the pre-blast offer notice, and weather the offer to conduct a pre-blast survey was either accepted, rejected, or there was no response, by each owner. The contractor shall maintain a file copy of each letter of pre-blast survey offer, until the development project receives a certificate of occupancy or is deemed complete by the City. Nothing herein shall be construed to discourage repeated efforts to contact eligible property owner via phone, hand delivery, or other method, beyond the offer notice letter required as a minimum effort.

At a minimum, pre-blast condition surveys shall be performed prior to any on-site blasting activities on the outside of all existing structures located with in 600ft of anticipated blasting areas. Structures located with in this 600ft radius area are shown on a Radius Plan, to be attached to the blasting plan.

The pre-blast surveys will be conducted by the independent seismologist or blasting consultant. The survey shall include documentation of interior subgrade and above grade accessible walls, ceilings, floors, roof and exterior as viewed from the grade level. Where significant cracks or damage exists, or for defects to complicated to describe in words, photographs shall be taken. A good quality videotape survey with appropriate audio description of the locations, conditions, and defects can be used. Notes and sketches may be made to highlight or enhance the video documentation. The condition report shall present notes and photographic or video records. The report shall also summarize the condition of each building and define areas of concern, including deteriorated structures or utilities; structures housing sensitive equipment, and/or manufacturing processes that are sensitive to vibrations. Verification that all pre-blast surveys and related reports were completed shall be submitted to the City at least two weeks prior to commencing any drilling and blasting operations.

E. Complaint Protocol: Complaints shall be submitted to the Fire Department. The Fire Department shall notify the independent seismologist and/or blasting consultant. If a near by property owner submits a complaint regarding alleged blasting damages during construction, the independent seismologist or blasting consultant shall meet with the property owner with in 24 hours of receiving the complaint to discuss the basis for the complaint, review applicable blasting records, and evaluate the reasonableness of the complaint. If a reasonable basis for the complaint is verified, the independent seismologist or blasting consultant shall conduct a second condition survey of the property with in 48 hour of receiving the complaint to identify any changes in property conditions. A condition survey report summary shall be submitted to the Applicant, and copied to the City, with in two weeks after the condition survey is conducted.

F. Blasting Plan: The blasting contractor will be required to submit a drilling pattern and loading plan, referred herein as a blasting plan, at least two weeks prior to commencing any drilling or blasting operations. The blasting plan will be submitted to the Applicant and City for review, and will include, but is not limited to, the following information:

    a. The sequence and schedule of blasting rounds, including the general approach for developing each bedrock excavation area.
    b. A diagrammatic description of the typical blast pattern to be used, including presplitting pattern if presplitting is required.
    c. Diameter, spacing, burden, depth and orientation of each drill hole relative to the “free face”, along with the details of the delay pattern.
    d. A diagrammatic description of the laoding plan for a tyupical production hole including charge weights and distrubution of primer, explosives and stemming with in a typical hole.
    e. Estimation of ground vibration levels at nearest adjacent structures.
    f. Written evidence of licensing, experience, and qualifications of the blaster who will be responsible for loading and firing each shot.

g. A list of the number and type of instrumentation proposed to be used to monitor vibrations and airblast overpressures.
h. Safety procedures, security measures, and warning sequences.

G. Test Blasts: Prior to commencing full-scale blasting, the blasting contractor shall demonstrate the adequacy of the proposed blasting plan by drilling, blasting, and excavating short test sections using small charges and the required monitoring instruments. The blasting contractor shall develop site specific scaled distance relationships from the test blast rounds to determine the allowable charge weight of explosives to be detonated per delay.

H. Ground Vibration Criteria: Ground vibration from all blasting operations shall be measured in terms of peak particle velocity (inches per second, ips) and frequency (Hertz). The permissible maximum ground vibration at existing nearby structures shall be limited to values established by the US Bureau of Mines to avoid cracking or structural damage in residential structures. Particle velocity shall be recorded in three mutually perpendicular directions. The maximum allowable peak particle velocity shall apply to each of the three measurements. The maximum peak particle velocity (PPV) of ground vibrations for above ground residential structures shall not be allowed to exceed the following limits:

Ground Vibration Limits for Residential Structures

	Maximum PPV (in/s)	
Type of Structure	*Frequencies Below 40 HZ*	*Frequencies 40Hz or Greater*
Modern Homes - Drywall Interiors	0.75	2.0
Older Homes - Plaster on Wood Lath for interior Walls	0.50	2.0

The maximum PPV of ground vibrations for non-residential structures and underground utilities shall not be allowed to exceed 2.0 in/s. Deteriorated structures or utilities, structures housing sensitive equipment, and/or manufacturing processes that are sensitive to vibrations may require lower PPV limits then those indicated above. If information obtained from the pre-blast surveys indicates lower limits are required at certain structures, the independent seismologist or blasting consultant shall identify the lower limits applicable to the specific structure, and the blasting contractor shall incorporate such provisions in the features of the blasting plan applicable to this site area.

In the event the blasting contractor's blasting round results in ground vibrations approaching the stated limits, the Applicant may require the blasting contractor to modify the blasting operations to reduse the ground vibrations. In the event the blasting contractor's blasting rounds results in ground vibrations exceeding the stated limits at structures, the blasting contractor shall cease all blasting activities and submit a written report to the applicant, and copied to the City. The report shall discuss the corrective action to be taken on the next shot, and the next shot shall not be loaded until the Applicant acknowledges, in writing, that a design change is being attempted.

I. Airblast Criteria: The peak airblast overpressure at any inhabited building not owner or controlled by the developer shall not be allowed to exceed **133 decibels** (linear) when measured by an instrument with a high pass system and a lower frequency limit of 2 Hz. The equivalent maximum allowable airblast overpressure is 0.013 pounds per square inch (psi).

In the event the blasting contractor's blasting round results in airblast overpressures approaching the stated limits, the Applicant may require the blasting contractor to modify the blasting operations to reduce airblast overpressures. In the event the blasting contractor's blasting round results in airblast overpressures exceeding the stated limits at structures, the blasting contractor shall cease all blasting activities and submit a written report to the Applicant, and copied to the City. This report shall discuss the corrective action being taken on the next shot, and the next shot shall not be loaded until the Applicant acknowledges, in writing, that the design change is being attempted.

J. Blasting Schedule: The blasting contractor shall prepare and submit a blasting schedule to the Applicant and the City (planning, fire, police, emergency agencies) at least 10 business days prior to commencing blasting operations. The schedule shall identify information about the blasting contractor, blasting area locations, planned dates and times of blasts, access restrictions to blast areas, and warning signal protocols.

During construction the blasting contractor shall coordinate the blasting schedule with the Applicant and the City (planning, fire, police, emergency agencies) on a weekly basis. A minimum of 24 hours prior to planned detonation, the blasting contractor shall notify the City's duly authorized representative of the planned time of the blast (± one hour), location where the blasting is to be done, and the amount of explosives to be used. Additional notification shall be received by the City's duly authorized representative at least one hour prior to the planned detonation and shall give the time of the blast (within 30 minutes). At least 24 hours prior to any blast, the blasting contractor shall inform by telephone all property owner who have requested to be so informed, of the impending blast stating the time of the blast (± one hour).

K. Blasting Records: A blasting log summarizing details of the round as shot, weather conditions, proximity of the blast location to the nearest structures, exact locations of monitoring instruments, and the results of the blast monitoring at each instrument location shall be maintained each daily for every blast. The blasting log shall be available for inspection on-site, shall be submitted in writing to the Applicant within 24 hours following each blast, and shall be submitted to the City on a weekly basis.

L. Blast Monitoring, Instruments and Reporting: Blast monitoring and analyisi shall be conducted by the independent seismologist or blasting consultant. A minimum of two (2) seismograph instruments will be used to monitor vibrations and airblast pressures for each blast. The seismographs used by the seismologist or blasting consultant for blast monitoring shall comply with the following requirements:

- Velocity range: 0.005 to 10.0 inches per second.
- Seismic frequency range: 2 to 250 Hz, within zero to –3 dB of an ideal flat response.
- Acoustic frequency range: 2 to 250 Hx flat, -3 dB at 2 Hz ± 1 dB.
- Sound range: 10 to 140 dB (linear).

- Measure, display, and provide a permanent time history record of the event, including both ground vibration and airblast.
- Measure the three mutually perpendicular components of particle velocity in directions vertical, radial, and perpendicular to the vibration source.
- The seismograph shall display and provide a record of: the date and time of the event; identifying information concerning the company; the location of the seismograph and of the blast; trigger levels; instrument serial number; and the date of the most recent calibration.
- The seismograph shall be calibrated as often as necessary, but at least once every 12 months and must be performed to a standard traceable to the National Institute of Standards and Technology.

M. Blast monitoring data obtained by the independent seismologist or blasting consultant shall be available for inspection on-site, shall be submitted in writing to the Applicant within 24 hours following each blast, and shall be submitted to the City on a weekly basis. In the event a ground vibration or airblast limit is exceeded, the blasting contractor shall notify the Applicant and City by telephone immediately following the blast.

N. Flyrock Control: Blasting mats, soil, or other equally serviceable shall be utilized for all blast rounds to prevent the throw of flyrock from the blasting area. Flyrock shall not be tolerated.

O. Hours of Blasting and Storage of Explosives: Blasting operations shall be limited to between the hours of 9:00 AM and 4:00 PM, Monday through Friday. Only the amount of explosives necessary for the day's work shall be brought to the site, and explosives shall be transported and stored in approved magazines when not in use. No storage of explosives on the site shall be permitted.

P. Safety Provisions: All persons within 600 ft. of the blasting shall be notified of "warning" and "all-clear" signals through notices left in mailboxes and signs posted in the area. A series of air horn warnings shall be issued to warn of an imminent blast as follows: 3 horn signals at 5 minutes prior to blast; 2 horns at 1 minute prior to blast; 1 horn signal after blast to signal all-clear conditions once the shot has been checked for any misfires.

Q. Responsibility for Blasting Operations: The blasting contractor shall be solely and completely responsible for the safety of all persons and property during the performance of its work. The blasting contractor shall have full and complete responsibility for handeling, discharge, and settling of any and all damage and annoyance claims resulting from the blasting activities on the project. The blasting contractor shall be required to carry liability insurance coverage (XCU) in an amount of not less than $2,00,000.

Attachments:

A. Site Plan
B. Radius Plan
C. Proposed Bedrock Excavation Plan
D. Model Notification Letter
E. Model Offer of Pre-Blast Survey Notice

JAMES F. CLOUTIER (MAYOR) (A/L)
PETER E. O'DONNELL (1)
KAREN A. GERAGHTY (2)
NATHAN H. SMITH (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JAMES I. COHEN (5)
JOHN W. GRIFFIN (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

ORDER ESTABLISHING FEES FOR BLASTING PERMITS PURSUANT TO SECTION 14-587 OF THE CITY CODE

ORDERED, that the following fees are enacted pursuant to Section 14-587 of the Portland City Code for blasting permits:

Amount of material removed less than fifty (50) cubic yards or a utility trench in public way	$50.00
Fifty (50) cubic yards to three hundred (300) cubic yards	$100.00
Three hundred (300) cubic yards and over	$500.00

DRIL&BL-01 JBELANGER

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 12/23/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME:	
Champoux Insurance Agency PO Box 220 Lewiston, ME 04243-0220	PHONE (A/C, No, Ext): (207) 783-2246	FAX (A/C, No): (207) 782-7881
	E-MAIL ADDRESS:	

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : United States Fire Ins. Co.	
INSURER B : Texas AGA Inc	
INSURER C : Maine Employers' Mutual Ins Co	11149
INSURER D :	
INSURER E :	
INSURER F :	

INSURED

Drilling & Blasting Rock Specialists, Inc.
PO Box 65
Gardiner, ME 04345

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [X] PRO-JECT [ ] LOC [ ] OTHER:			5069058021	1/1/2023	1/1/2024	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 100,000 $ 5,000 $ 1,000,000 $ 2,000,000 $ 2,000,000
A	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] OWNED AUTOS ONLY [X] SCHEDULED AUTOS [X] HIRED AUTOS ONLY [X] NON-OWNED AUTOS ONLY			5069058021	1/1/2023	1/1/2024	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
B	[X] UMBRELLA LIAB [X] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [X] RETENTION $ 0			5821204815	1/1/2023	1/1/2024	EACH OCCURRENCE AGGREGATE	$ 5,000,000 $ 5,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N [ ] **(Mandatory in NH)** If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		5101800155	4/10/2022	4/10/2023	[X] PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

ACORD 25 (2016/03) **© 1988-2015 ACORD CORPORATION. All rights reserved.**

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DRIL&BL-01 JBELANGER

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 2/1/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Champoux Insurance Agency
PO Box 220
Lewiston, ME 04243-0220

CONTACT NAME:
PHONE (A/C, No, Ext): (207) 783-2246 FAX (A/C, No): (207) 782-7881
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : United States Fire Ins. Co.	
INSURER B : Texas AGA Inc	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Drilling & Blasting Rock Specialists, Inc.
PO Box 65
Gardiner, ME 04345

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR			5069034576	1/1/2022	1/1/2023	DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	POLICY X PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
A	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY X SCHEDULED AUTOS			5069034576	1/1/2022	1/1/2023	BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
B	X UMBRELLA LIAB X OCCUR						EACH OCCURRENCE	$ 5,000,000
	EXCESS LIAB CLAIMS-MADE			5821181721	1/1/2022	1/1/2023	AGGREGATE	$ 5,000,000
	DED X RETENTION $ 0							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N						PER STATUTE OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	N / A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

Drilling & Blasting Rock Specialists Inc
PO Box 65
Gardiner, ME 04345

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Jane J Belanger

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Blasting Plan Submission Form

INFORMATION SECTION

Blasting Contractor -

Company Name: Drilling and Blasting Rock Specialists, Inc.

Phone: 207 582-1391

Email Address: TPurington@dandbrock.com

Contact Person: Timothy Purington

Contracted by -

Company Name: **Foglio Inc**

978 Main St

Waterboro, ME 04087

Contact Person: Justin Foglio 247-4186

Project Name: Fallbrrook Commons

Address: Portland,ME

*Latitude:

*Longitude:

Location and Distance (in feet) to Nearest Unitil Pipeline: **Closest15'.Range100'to200'**

_ Date of Blasting: 01/02/2023 to 02/28/2023

EXPLOSIVES SECTION

Type of Explosives: Maxam RIODIN/RIOHIT

Max. Charge / Hole (lbs): .75 lbs

Charge Delay (ms): 1 hole per delay

No. of Holes: 2

Max. Depth of Charge (ft): 10'

Max. Diameter of Charge (in): 3"

Depth of Blast Area (ft): 10'

Depth of Overburden (ft): 5'

Type of Rock to be Blasted: medium

Density of Rock (lbs/cu-ft): 1.5lbs/cu-ft

Calculated Particle Velocity at a point -

300 feet from blasting event (in/sec): 0.844

200 feet from blasting event (in/sec): 1.00

100 feet from blasting event (in/sec): 1.12

Directly above pipeline (in/sec): .658 @ 15'

Blasting Plan for Fallbrook Commons Project

Merrymeeting Dr
Portland,ME

Date: November 23, 2022

Prepared By:

Drilling & Blasting Rock Specialists, Inc.

P.O. Box 65
Gardiner, ME 04345

Telephone: 207-582-1391
Fax : 207-582-8603

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General
Drilling & Blasting Rock Specialists, Inc. with its 50 years of drilling & blasting experience in rock removal considers safety as the priority during all phases of blasting operations. We are knowledgeable of and will follow all local, state and federal regulations related to transportation and use of explosives. The project specifications and conditions have been reviewed. Details of procedures for pre-blast surveys, explosives use, blast security, monitoring and documentation are enclosed. Blasting will be in accordance with blasting law for site location of development projects: 38 MRSA paragraph 490-Z (14) (Blasting).

Pre-Blast Surveys / Notifications
Pre-blast surveys will be offered to all property owners within 600 foot radius of the blast site. Appropriate notices will be given and appointments arranged for those owners who desire a survey. Pre-blast surveys will be conducted by Preconstruction services. Results of those surveys will be documented through video or still photographs and appropriate narration or written reports. These results will be submitted to the Department at the property owner's authorization.

Blast Monitoring
All blasts will be monitored by Drilling & Blasting Rock Specialists, Inc. , who has been properly trained in the setup and use of seismic monitoring equipment. At least one seismograph will be in use at all times. Placement of monitoring equipment will be at the nearest structure to the blast site monitoring equipment will consist of Instantel type seismographs. Results of blast monitoring will typically be available before the next blast, usually immediately following a blast. Results can be reviewed and modifications can be made to the blast design for the next blast if necessary.

Sequence of Blasting
All blasting operations will be strictly coordinated with General Contractor, Engineers, and Fire Department. Emphasis will be on the safe and efficient removal of the rock existing on this project without impact to surrounding structures. Blasts will be developed so as to create adequate relief which will minimize ground vibrations and offer the greatest protection possible to the surrounding structures.

Blasting Procedures

1. Blasting operations shall commence after 9:00 AM and cease at 4:00 PM Monday through Friday or during daylight hours.

2. Blasting cannot be conducted at times different from those announced in the blasting schedule except in emergency situations as directed by the Portland official, or its Fire Department such as electrical storms or public safety required unscheduled detonation.

3. Warning and all-clear signals of different character that are audible within a range of one-quarter mile from the point of the blast shall be given. All persons within the permit area shall be notified of the meaning of the signals through appropriate instructions and signs posted.

4. Access to blasting area shall be regulated to protect the public from the effects of blasting. Access to the blasting area shall be controlled to prevent unauthorized entry before each blast and until the perimeter's authorized representative has determined that no unusual circumstances exist after the blast. Access to and travel in or through the area can then safely resume.

5. Areas in which charged holes are awaiting firing shall be guarded, barricaded and posted, or flagged against unauthorized entry.

6. All blasts shall be made in the direction of the stress relieved face previously marked out or previously blasted.

7. All stemming shall be minimum as specified using clean, dry 3/8" crushed Pea-stone which is supplied and stored by the Contractor at no cost to DBS.

8. Blasting mats shall be used as necessary to cover blasts.

9. The Blasting Contractor shall insure that extra safety and judgment is exercised by his blaster to prevent the simultaneous blasting of numerous holes.

10. If a blast is initiated by a detonating cord, the detonating cord will be covered by crushed stone or other suitable cover to reduce noise and other concussion effects.

11. Fly rock will be controlled so as to remain on the site and not enter any protected resources.

Blasting Mats
Blasting mats and backfill will be used to control excessive amounts of rock movement when blasting in close proximity to structures. Placement and number of mats are typically determined by the blaster. Mats will be placed so as to protect all people and structures on, or surrounding the blast site and property. Rubber tire type blasting mats will be utilized on this project and will be approximately 12' x 12' in size; Rubber mat @ 12' x 12' 38 lbs./sqft = 5,472 lbs./ea.

Blast Security and Warning Whistles
Each blast will be preceded by a security check of the affected area and then a series of warning whistles. Communications will be made with job site supervisors and local officials as required to ensure the safest possible operation. All personnel in the vicinity closest to the blast area will be warned. The warning whistles will follow the following sequence:

3 Audible Signal Pulses - 5 Minutes to Blast

2 Audible Signal Pulses - 1 Minute to Blast

1 Audible Signal Pulses - All Clear

No blast will be fired until the area has been secured and determined safe. The blast site will be examined by the blaster prior to the all-clear signal to determine that it is safe to resume work.

Explosives
All explosives will be delivered to the job site on a daily basis. There will not be any overnight storage. Only the amount of explosives required to perform the day's work will be brought to the site. All explosives will be stored in State of Maine approved truck mounted magazines when not in use.

Blaster Qualifications
All Drilling & Blasting Rock Specialists, Inc. blasters on this job will be licensed in the State of Maine and have received various amounts of training in the safe use and handling of explosives. These qualified Blasters do have experience and be responsible for all phases of blasting operations from design and supervision of persons on the site to the loading and firing of each shot. In addition, Drilling & Blasting Rock Specialists, Inc. blasters are familiar with all OSHA Regulations, State Regulations, and Federal Regulations regarding construction site safety, including transportation, use, and handling of explosive materials. Weekly safety meetings are to be held on site by the Drilling & Blasting Rock Specialists, Inc. job foreman, with a record of that meeting returned to the Drilling & Blasting Rock Specialists, Inc.

Blasting Personnel
All blasting operations shall be conducted by personnel with trained, qualified, experienced, and competent persons who understand the hazards involved. Persons working with explosive materials shall:

1. Have demonstrated knowledge of, and a willingness to comply with, safety and security requirements.
2. Have more than 5 years' experience at blasting within 100 feet of existing buildings.
3. Be capable of using mature judgment in all situations.
4. Be of good physical condition and not addicted to intoxicants, narcotics, or other similar type of drugs.
5. The person(s) responsible for the explosives shall possess current knowledge of the local, State and Federal laws and regulations applicable to his work.
6. The person(s) responsible for the explosives shall have obtained a Certificate of Competency or a license as required by State law.

Licenses and Permits
Drilling & Blasting Rock Specialists, Inc.. is fully licensed and insured for the transportation, use, and handling of explosives. Evidence of insurance is available. Blasting permits will be applied for as required from the local authorities by the Drilling & Blasting Rock Specialists, Inc.. Blaster/Foreman when blasting is about to begin.

Blast Vibration & Air-Blast
The maximum allowable air-blast at an inhabited building not owned or controlled by the developer may not exceed 129 decibels peak when measured by an instrument having a flat response (+ or - 3 decibels) over the range of 5 to 200 hertz. Additionally, sound from blasting may not exceed the following limits at any inhabited building not owned or controlled by the developer.

- Blast 1: Less than 129 decibel
- Blast 2: Less than 126 decibel
- Blast 3: Less than 124 decibel
- Blast 4: Less than 123 decibel

The maximum allowable air-blast at an uninhabited building not owned or controlled by the developer may not exceed 140 decibels peak when measured by an instrument having a flat response (+ or - 3 decibels) over a range of 5 to 200 hertz.

Blast vibration will be monitored at the blast site, typically at the structure(s) closet to the blast site. Vibration limits will closely follow limits described in the project specifications and the State Regulations. Blast designs will be modified as required to stay within the guidelines and meet project schedules as well.

Blasting operations will be modified accordingly when approaching buildings and utilities. Enclosed are preliminary vibration calculations based on known distances to the structures of concern and anticipated initial blast designs.

Ground Vibration peak particle velocity limits shall not exceed:
Refer to Appendix B, Figure B-1; U.S. Bureau of Mines RI 8507.

Drilling & Blasting Rock Specialists, Inc. will comply with the requirements as outlined in the O&M section

Blast Reports

Enclosed is a sample of a Drilling & Blasting Rock Specialists, Inc. blast report. This report will be filled out for each blast and copies supplied as needed. The reports will be kept for at least one year and will be available for inspection.

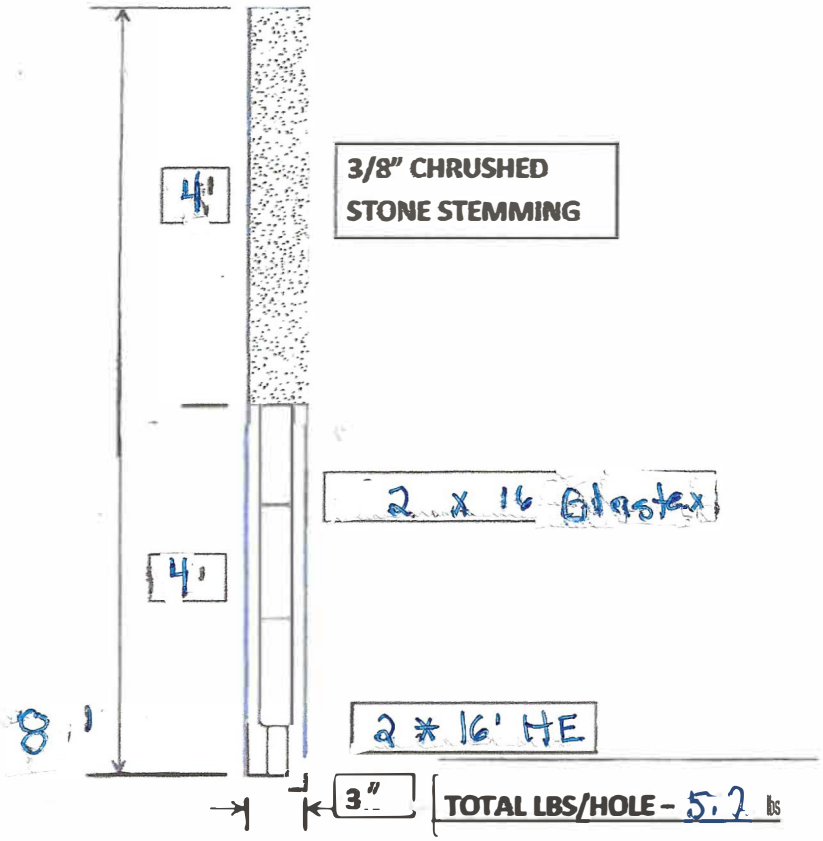
Typical Blast Design

ypical blast designs for this project. Hole sizes, depths, spacing and loading information is provided. These designs are to be considered a good starting point. Modifications are usually made, if necessary, following the first blast to meet control and seismic considerations.

Drilling & Blasting Rock Specialists

LOADED HOLE SECTION

MAXIMUM LBS/DELAY – 5.7 lbs.



TOTAL LBS/HOLE – 5.2 lbs

APPENDIX B.-AL TERNATIVE BLASTING LEVEL CRITERIA

Safe blasting vibration criteria were developed for residential structures, having two frequency ranges and a sharp discontinuity at 40 Hz (table 13). There are blasts that represent an intermediate frequency case, being higher that the structure resonance (4 to 12 Hz) and lower that 40 Hz. The criteria of table 13 apply equally to a 35-Hz and a 10- Hz ground vibration, although the responses and damage potentials are very much different.

Using both the measured structure amplifications (fig. 39) and damage summaries (:figs. 52 and 54), a smoother set of criteria was developed. These criteria have more severe measuring requirements, involving both displacement and velocity (fig. B-1).

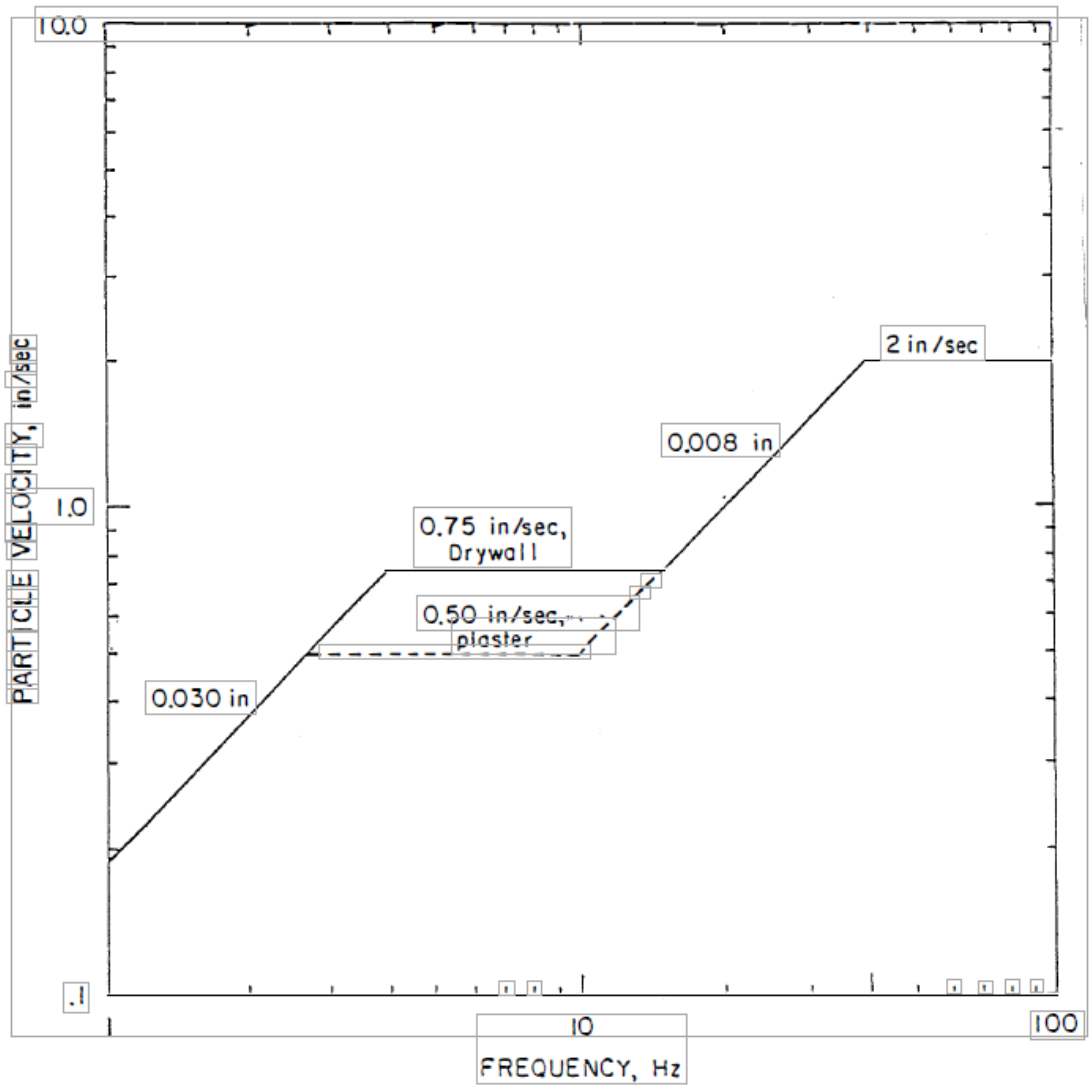


Figure B–1.—Safe levels of blasting vibration for houses using a combination of velocity and displacement.

Drilling & Blasting Rock Specialists

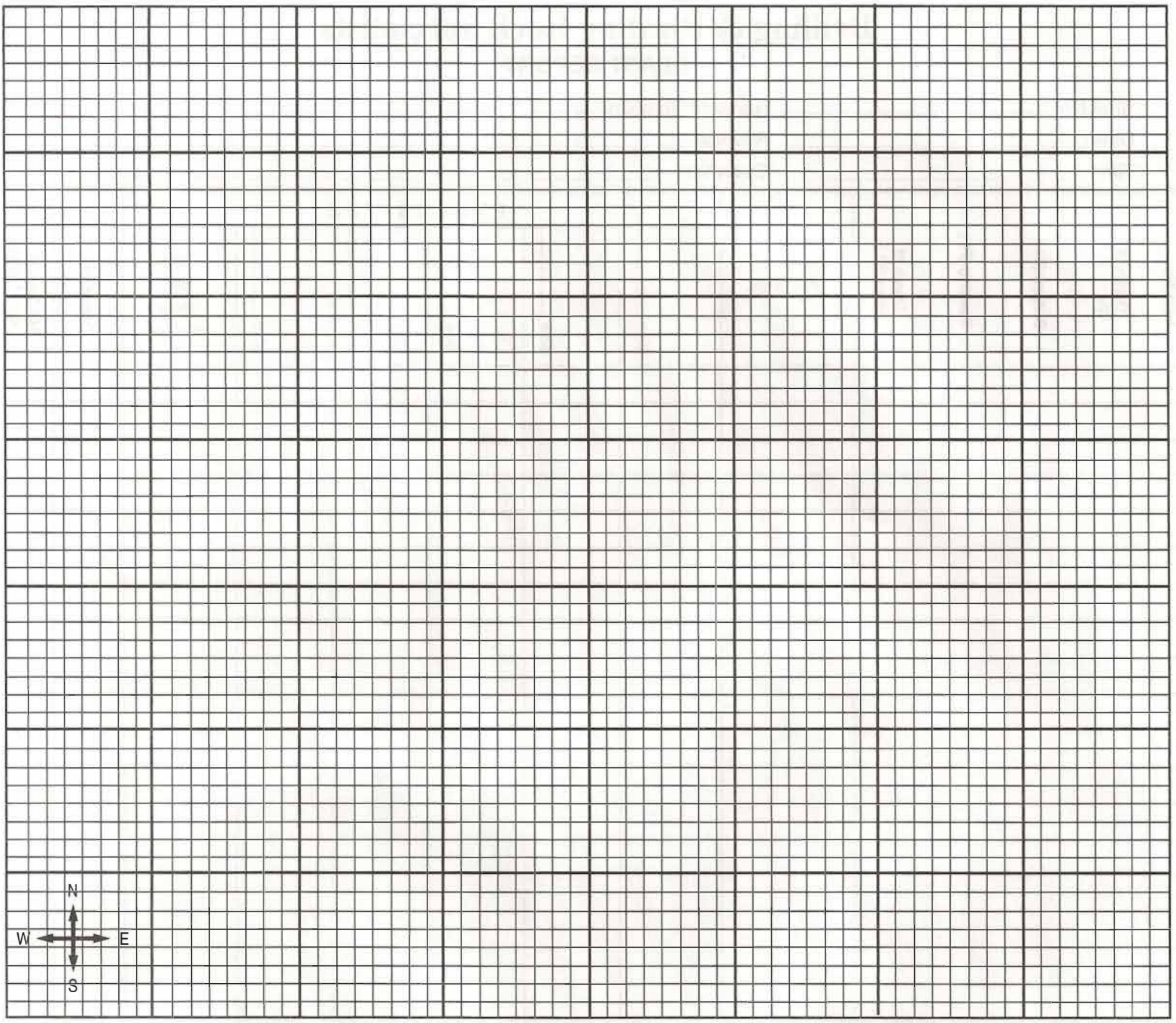
BLAST REPORT

Shot No. _____ Name of Company _____

Date _____ Address _____

Time _____ Operation _____

Hole No.	Depth of Water (Ft.)	Burden (Ft.)	Spacing (Ft.)	Depth of Hole (Ft.)	Tons or Yds. Per Hole	EXPLOSIVES						Stemming (Ft.)	MS Cap No. or Shot Duration
						Size	Size	Size	Size	Size	Total per Hole Pounds		



Direction of Shot

Scale Distance — Weight of Explosives = $\left(\frac{\text{Distance in Ft.}}{50\text{—}60}\right)^2$ = _____

Scale Distance — $\frac{\text{Distance in Ft.}}{\text{Weight Per Delay Period}}$ = _____

Check Your State and Federal Laws for the Proper Scale Distance.

Type of Blasting Machine Used

Sequential ( )
CD 450 ( )
VME 225-450 ( )
Other _____ ( )

No. Delays Used _____; Max. Lbs. Per Delay _____; Max. No. Holes Per Delay _____

Blast Direction & Location _____

Distance From Nearest Dwellings, Buildings _____ Highways or Railroads _____

Other Possible Hazards: Overhead wires _____ Underground pipes _____ Other _____

Types of Terrain: Hilly _____ Flat _____ Underground _____ Other _____

Was Mat Used? Yes _____ No _____ Type Mat _____ Other precautions _____

Exact Location of Seismograph _____

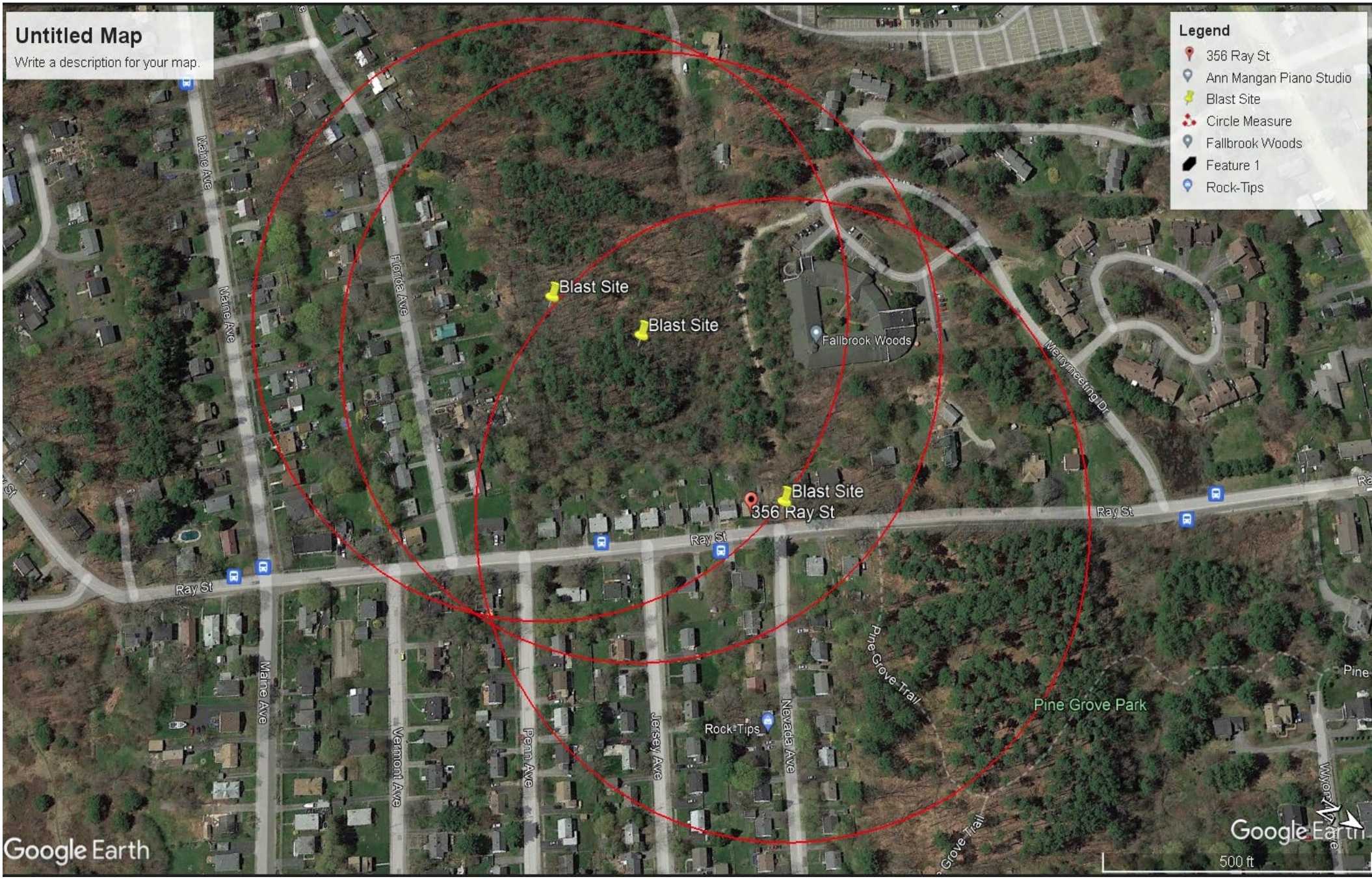
Seismograph Operator _____

Seismograph # _____ Distance/direction _____ Location _____

Seismograph # _____ Distance/direction _____ Location _____

Seismograph # _____ Distance/direction _____ Location _____

Exhibit: Blast Site Locations



STATE OF MAINE - DEPARTMENT OF PUBLIC SAFETY
OFFICE OF STATE FIRE MARSHAL
45 COMMERCE DR STE 1
AUGUSTA, ME 04333-0001

Permit for Explosives User

Permit: USR616

In accordance with the provisions of M.R.S.A. Title 25, Chapter 2473, permission is hereby granted for use of explosives as described herein:

A copy of this permit must be affixed in all trucks and magazines.

Company: DRILLING & BLASTING ROCK SPECIALISTS
Company Address: 28 D&B ROCK DRIVE, GARDINER, ME 04345-0065

Permit Date: 04/02/2022 **Expiration Date:** 04/01/2025

COMMISSIONER OF PUBLIC SAFETY

Public Notice

NOTICE OF BLASTING

This is a notification of blasting at Ray St. (Fallbrook Commons) in Portland.

During the construction stage at Ray St., (Fallbrook Commons) the engineers found rocks and/or other consolidated natural materials that require removal. Drilling & Blasting Rock Specialist has been contracted to aid in the extraction of this material. This will be achieved through the controlled detonation of explosives. As required by City Ordinance prior to blasting, abutters within 600 feet of the construction site, must be notified in writing of the blasting and are qualified to have a pre-blast survey of their structure completed. Blasting is scheduled to begin on or after December 19, 2022, taking place on weekdays between 9:00am to 4:00pm. Any questions regarding blasting should be directed to Drilling & Blasting Rock Specialist @207-582-1391 or AC Keith Gautreau, Portland Fire Prevention @207-874-8400. Pre-blast surveys will be conducted by Preconstruction Service (207)829-2754 until the commencement of the project.

	PCS PRE CONSTRUCTION SERVICE, LLC	P B S Log 1 12/09/22			Contractor: Project: Town of:	DBRS Fallbrook Commons Portland, ME
DHrs	**Address**	**Name**				
X	**286 Ray St.**	**Khanhly & Che Nguyen**	Interior	**R**	12/19	No Response
			Exterior	**R**	12/19	
	290 Ray St.					
X	**298 Ray St.**	**298 Ray LLC**	Interior	**R**	12/19	No Response
			Exterior	**R**	12/19	
X	**304 Ray St.**	**Karen Heroux**	Interior	**R**	12/19	No Response
			Exterior	**R**	12/19	
X	**305 Ray St.**	**Lisa Weiss**	Interior	**X**	12/13	
			Exterior	**X**	12/13	
X	**313 Ray St.**	**Joseph Harwood**	Interior	**X**	12/17	
			Exterior	**X**	12/19	
X	**316 Ray St.**	**Spencer Critchfield**	Interior	**R**	12/13	
			Exterior	**X**	12/13	
X	**325 Ray St.**	**Ronald Church**	Interior	**R**	12/14	
			Exterior	**X**	12/14	
X	**326 Ray St.**	**David Dipietro**	Interior	**R**	12/13	Refused
			Exterior	**R**	12/13	
X	**328 Ray St.**	**Jaime Clark**	Interior	**R**	12/19	Refused
			Exterior	**R**	12/19	

NOTE: THE SMALL AIR PULSES THAT ARE GENERATED BY BLASTING OPERATIONS WILL CAUSE SOME LOOSE WINDOWS AND LOOSE DOORS TO RATTLE LOUD ENOUGH TO BE HEARD IF YOU ARE STANDING NEARBY. ALSO, GROUND VIBRATIONS WILL SOMETIMES BE HEARD OR FELT, IF YOU LIVE NEAR THE WORK AREA. THESE EFFECTS ARE BEING MONITORED AND RECORDED, AND WILL BE KEPT WELL BELOW THE SAFE GUIDELINES RECOMMENDED BY THE FEDERAL GOVERNMENT FOR OCCUPIED RESIDENCES.

BLASTING SIGNALS

3 HORN SIGNALS 5 MINUTES TO BLAST
2 HORN SIGNALS 1 MINUTE TO BLAST
1 HORN SIGNAL ALL CLEAR

FOR INFORMATION CALL

BLASTING CONTRACTOR:
DRILLING & BLASTING ROCK SPECIALS

(207) 582-1391

NOTICE OF BLASTING

Fact Sheet

RE: CARBON MONOXIDE

This notice serves as a reminder that blasting operation will be occurring in your neighborhood. The blasting contractor during the Pre-Blast Survey process has notified you by mail and a PBS Door hanger that they will be blasting in your area. The City of Portland requires the blasting contractors to monitor for the release of any carbon monoxide gas. This notice describes what carbon monoxide is, as well as potential signs of carbon monoxide build-up and the steps for you to follow. Please read the inside of this notice for the signs of carbon monoxide build-up steps for you to follow.

It is important to note that blasting is only one of many causes of carbon monoxide build up.

BLASTING CONTRACTOR:

DRILLING & BLASTING ROCK SPECIALS

(207) 582-1391

LOCATION OF WORK:

Portland Fire Department
Fire Prevention Bureau
380 Congress Street
Portland, ME 04101
207-874-8405

Liability Disclaimer:

The following information is required by the City of Portland. CARBON MONOXIDE is created by a multitude of sources from within and outside your home. It is very rare that blasting contributes to the levels of CO buildup.

What is Carbon Monoxide? Carbon Monoxide (CO) is an odorless, colorless gas that can cause sudden illness and death.

Where is CO found? CO is found in combustion fumes, such as those produced by cars and trucks, small gasoline engines, stoves, lanterns, burning charcoal and wood, and gas ranges and heating systems. CO is also a byproduct of excavation operations in the ground. CO from any of these sources can build up in enclosed or semi-enclosed spaces. People and animals in these spaces can be poisoned by breathing it in.

Protection from CO? The best protection from CO is early detection through the installation of a working carbon monoxide detector in your home.

What are the symptoms of CO poisoning? The most common symptom of CO poisoning are headaches, dizziness, weakness, nausea, vomiting, chest pain, and confusion. High levels of CO inhalation can cause loss of consciousness and death. Unless suspected, CO poisoning can be difficult to diagnose because symptoms mimic other illnesses. People who are sleeping or intoxicated can die from CO poisoning before ever experiencing symptoms.

Emergency Contact If you or anybody in the building experiences any of the symptoms or your CO detector goes into alarm please call 911 immediately.

If you have any questions regarding construction operation in your neighborhood or carbon monoxide, please contact the Portland Fire Department, Fire Prevention Bureau.

Portland Fire Department,

Fire Prevention Bureau,

380 Congress St. Portland, ME 04101

207-874-8405

PCS
PRE CONSTRUCTION SERVICE, LLC
P. O. Box 1394
Gray, ME 04039
207-829-2754 - Cell

December 8, 2022

Ryan Oakes
34 Jersey Ave.
Portland, ME 04103

During the construction stage off of Ray Street (Fallbrook Commons), the engineers found rocks and/or other consolidated natural materials that require removal. Drilling and Blasting Rock Specialists has been contracted to aid in the extraction of this material. This shall be achieved through the controlled detonation of explosives. Blasting is scheduled to begin on or after December 19, 2022 and take place on weekdays between 9:00am and 4:00pm. In accordance with the City of Portland's Blasting Ordinance, the blasting contractor "will hire an independent firm to perform pre-blast surveys on all structures within 600 feet of the blast area." Your structure(s) fall within the 600-foot radius.

Drilling & Blasting Rock Specialists has hired Preconstruction Service, LLC to complete the pre-blast survey (PBS) of your structure. A PBS consists of video documentation of the interior and exterior of your structure and creates a record of its existing condition. All video surveys are considered confidential and will be treated as such. There will be NO COST to the property owner for these surveys. This service is optional.

Drilling & Blasting Rock Specialists will use the international blasting warning system that states:

3 horn signals	**5 minutes prior to blast**
2 horn signals	**1 minute to blast**
1 horn signal	**All clear**

Name of blasting contractor: Drilling & Blasting Rock Specialists
P. O. Box 65, Gardiner, ME 04345
(207) 582-1391

Fire Department: City of Portland Fire Dept. (207) 874-8400

City of Portland: Planning & Development Dept. (207) 874-8719

Please contact Preconstruction Service by phone at 207-829-2754 or by email at preconstructionservice@gmail.com to accept or decline this offer.



U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Buxton, ME 04093

OFFICIAL USE

Certified Mail Fee $4.00
Extra Services & Fees (check box, add fee as appropriate)
- Return Receipt (hardcopy) $0.00
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- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.60
Total Postage and Fees $4.60

0021 16
Postmark Here
DEC 08 2022
12/08/2022
USPS
CUMBERLAND CENTER ME 04021

Sent To: Joseph Harwood
Street and Apt. No.: 21 Libby Dr.
City, State, ZIP+4®: Buxton, ME 04093

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 0410 0000 4835 9331



U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at www.usps.com®.

Portland, ME 04103

OFFICIAL USE

Certified Mail Fee $4.00
Extra Services & Fees (check box, add fee as appropriate)
- Return Receipt (hardcopy) $0.00
- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

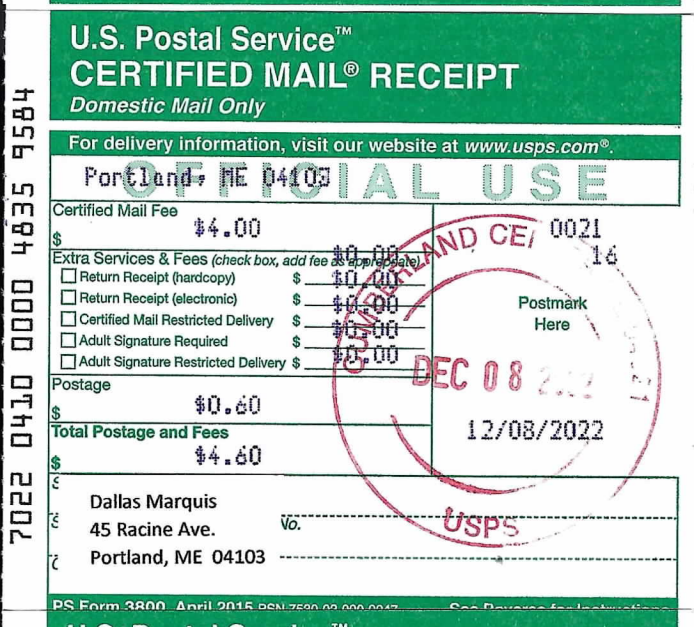
Postage $0.60
Total Postage and Fees $4.60

0021 16
Postmark Here
DEC 08 2022
12/08/2022
USPS
CUMBERLAND CENTER ME 04021

Sent To: Ronald Church
Street and Apt. No.: 325 Ray St.
City, State, ZIP+4®: Portland, ME 04103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 0410 0000 4835 8921



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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.60
Total Postage and Fees $4.60

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Sent To: Dallas Marquis
Street and Apt. No.: 45 Racine Ave.
City, State, ZIP+4®: Portland, ME 04103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 0410 0000 4835 9584



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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $0.00

Postage $0.60
Total Postage and Fees $4.60

0021 16
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DEC 08 2022
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USPS
CUMBERLAND CENTER ME 04021

Sent To: Drew Rodney
Street and Apt. No.: 33 Jersey Ave.
City, State, ZIP+4®: Portland, ME 04103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 0410 0000 4835 9522



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- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.60
Total Postage and Fees $4.60

0021 16
Postmark Here
DEC 08 2022
12/08/2022
USPS
CUMBERLAND CENTER ME 04021

Sent To: Ryan Oakes
Street and Apt. No.: 34 Jersey Ave.
City, State, ZIP+4®: Portland, ME 04103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 0410 0000 4835 9591



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- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.60
Total Postage and Fees $4.60

0021 16
Postmark Here
DEC 08 2022
12/08/2022
USPS
CUMBERLAND CENTER ME 04021

Sent To: Eugene Fitzpatrick
Street and Apt. No.: 38 Jersey Ave.
City, State, ZIP+4®: Portland, ME 04103

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7022 0410 0000 4835 9546

7022 0410 0000 4835 9614

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- Return Receipt (hardcopy) $0.00
- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.60
Total Postage and Fees $4.60

0021 16

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12/08/2022

CUMBERLAND CENTER ME 04021 USPS

Sent To
Darrin Ramsdell
Street and Apt. No.
12 Penn Ave.
City, State, ZIP+4®
Portland, ME 04103

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7022 0410 0000 4835 9645

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- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.60
Total Postage and Fees $4.60

0021 16

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DEC 08 2022

12/08/2022

CUMBERLAND CENTER ME 04021 USPS

Sent To
Lori Hallett
Street and Apt. No.
13 Penn Ave.
City, State, ZIP+4®
Portland, ME 04103

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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $0.00

Postage $0.60
Total Postage and Fees $4.60

0021 16

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CUMBERLAND CENTER ME 04021 USPS

Sent To
Lori & John Besemer
Street and Apt. No.
16 Penn Ave.
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Portland, ME 04103

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7022 0410 0000 4835 9652

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- Return Receipt (hardcopy) $0.00
- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $0.00

Postage $0.60
Total Postage and Fees $4.60

0021 16

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CUMBERLAND CENTER ME 04021 USPS

Sent To
Renee & Ryan Whipkey
Street and Apt. No.
22 Penn Ave.
City, State, ZIP+4®
Portland, ME 04103

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7022 0410 0000 4835 9607

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- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.60
Total Postage and Fees $4.60

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CUMBERLAND CENTER ME 04021 USPS

Sent To
Meghan Moynihan
Street and Apt. No.
28 Penn Ave.
City, State, ZIP+4®
Portland, ME 04103

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7022 0410 0000 4835 9683

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- Adult Signature Required $0.00
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Total Postage and Fees $4.60

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CUMBERLAND CENTER ME 04021 USPS

Sent To
Angela Pelletier
Street and Apt. No.
128 Maine Ave.
City, State, ZIP+4®
Portland, ME 04103

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Postage $0.60
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Sent To
Scott Schaiberger
Street 138 Maine Ave.
City, State Portland, ME 04103

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7022 0410 0000 4835 9638



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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $0.00

Postage $0.60
Total Postage and Fees $4.60

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Sent To
Matthew Pare
Street 142 Maine Ave.
City, State Portland, ME 04103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 0410 0000 4835 9539



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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $0.00

Postage $0.60
Total Postage and Fees $4.60

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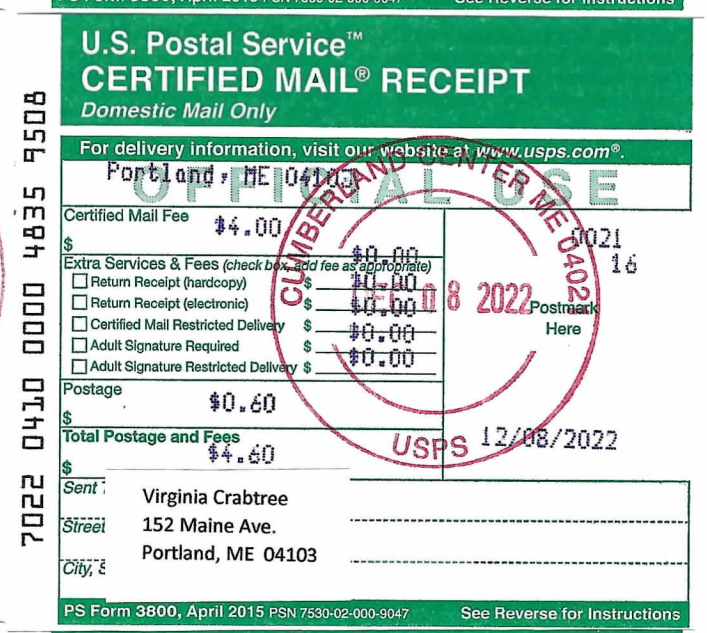
Sent To
Khanhly & Che Nguyen
Street 286 Ray St.
City, State Portland, ME 04103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 0410 0000 4836 0016



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- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $0.00

Postage $0.60
Total Postage and Fees $4.60

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Sent To
Virginia Crabtree
Street 152 Maine Ave.
City, State Portland, ME 04103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 0410 0000 4835 9508



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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $0.00

Postage $0.60
Total Postage and Fees $4.60

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Sent To
Jennell Carter
Alicia Menard
Street 146 Maine Ave.
City, State Portland, ME 04103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 0410 0000 4835 9478



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- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $0.00

Postage $0.60
Total Postage and Fees $4.60

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Sent To
Alexia Christy
Street 156 Maine Ave.
City, State Portland, ME 04103

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7022 0410 0000 4835 9751



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- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $0.00

Postage $0.60
Total Postage and Fees $4.60

Sent To: Rebecca Clarkin
Street: 8 Nevada Ave.
City: Portland, ME 04103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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- Certified Mail Restricted Delivery $0.00
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- Adult Signature Restricted Delivery $0.00

Postage $0.60
Total Postage and Fees $4.60

Sent To: Martha O'Grady
Street: 452 Deering Ave.
City: Portland, ME 04103

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CUMBERLAND CENTER ME 04021
DEC 08 2022
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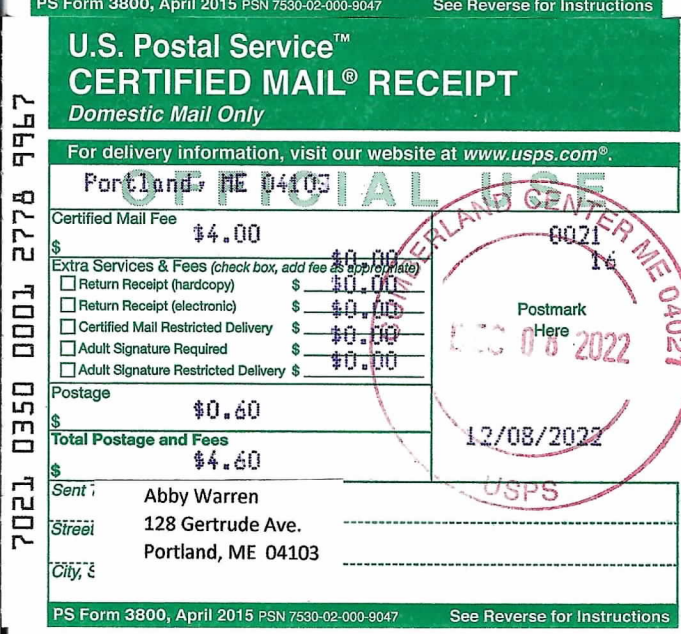
7022 0410 0000 4835 9980



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Postage $0.60
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Sent To: Ellen Anastos
Street: 459 Allen Ave. #25
City: Portland, ME 04103

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7021 0350 0001 2778 9981



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- Adult Signature Restricted Delivery $0.00

Postage $0.60
Total Postage and Fees $4.60

Sent To: Maureen Whalen
Street: 459 Allen Ave. #23
City: Portland, ME 04103

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- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $0.00

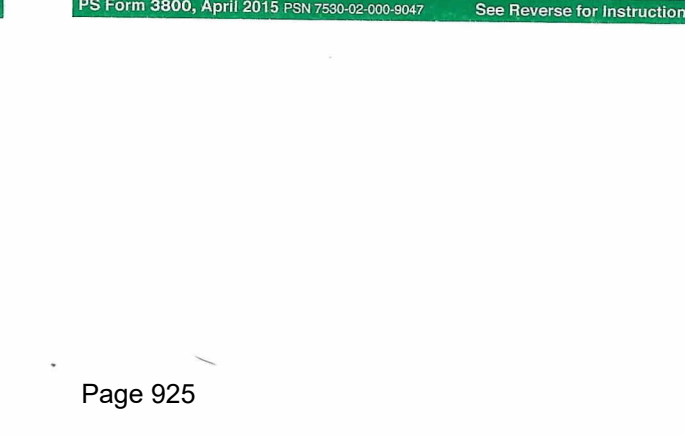
Postage $0.60
Total Postage and Fees $4.60

Sent To: Abby Warren
Street: 128 Gertrude Ave.
City: Portland, ME 04103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

CUMBERLAND CENTER ME 04021
DEC 08 2022
Postmark Here
0021 16
12/08/2022
USPS

7021 0350 0001 2778 9967



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- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $0.00

Postage $0.60
Total Postage and Fees $4.60

Sent To: Mary Parker
Street: 46 Nevada Ave.
City: Portland, ME 04103

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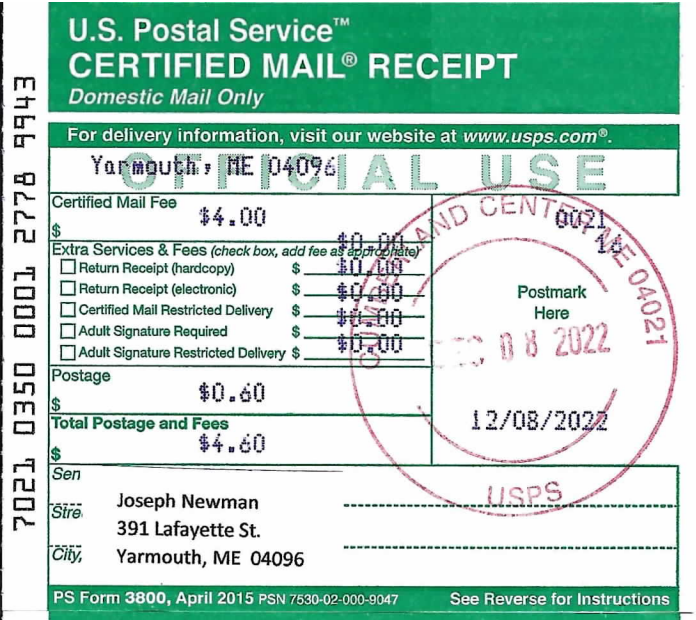
7021 0350 0001 2778 9950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Yarmouth, ME 04096
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Return Receipt (electronic) $0.00
Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $0.00
Postage $0.60
Total Postage and Fees $4.60
Postmark Here
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12/08/2022
0021 16
CUMBERLAND CENTER ME 04021
USPS
Sent To
Joseph Newman
Street and Apt. No.
391 Lafayette St.
City, State, ZIP+4®
Yarmouth, ME 04096
PS Form 3800, April 2015 PSN 7530-02-000-9047
See Reverse for Instructions
7021 0350 0001 2778 9943


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Return Receipt (electronic) $0.00
Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $0.00
Postage $0.60
Total Postage and Fees $4.60
Postmark Here
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12/08/2022
0021 16
CUMBERLAND CENTER ME 04021
USPS
Sent To
Sabrina Christain
Street and Apt. No.
110 Florida Ave.
City, State, ZIP+4®
Portland, ME 04103
PS Form 3800, April 2015 PSN 7530-02-000-9047
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7021 0350 0001 2778 9936


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Return Receipt (electronic) $0.00
Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $0.00
Postage $0.60
Total Postage and Fees $4.60
Postmark Here
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0021 16
CUMBERLAND CENTER ME 04021
USPS
Sent To
John Keeling
Street and Apt. No.
45 Nevada Ave.
City, State, ZIP+4®
Portland, ME 04103
PS Form 3800, April 2015 PSN 7530-02-000-9047
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Return Receipt (electronic) $0.00
Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $0.00
Postage $0.60
Total Postage and Fees $4.60
Postmark Here
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0021 16
CUMBERLAND CENTER ME 04021
USPS
Sent To
Cadence Atchinson
Agnew Curtis
Street and Apt. No.
22 Nevada Ave.
City, State, ZIP+4®
Portland, ME 04103
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Extra Services & Fees (check box, add fee as appropriate)
Return Receipt (hardcopy) $0.00
Return Receipt (electronic) $0.00
Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $0.00
Postage $0.60
Total Postage and Fees $4.60
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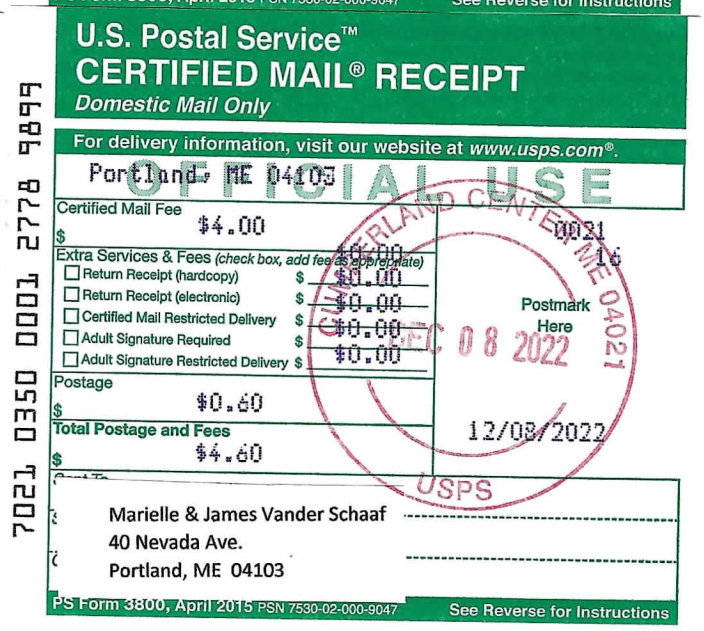
0021 16
CUMBERLAND CENTER ME 04021
USPS
Sent To
Brian & Tara Cohen
Street and Apt. No.
32 Nevada Ave.
City, State, ZIP+4®
Portland, ME 04103
PS Form 3800, April 2015 PSN 7530-02-000-9047
See Reverse for Instructions
7021 0350 0001 2778 9905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Marielle & James Vander Schaaf
40 Nevada Ave.
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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

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Sent To: William Umbel
Street: 122 Gertrude Ave.
City: Portland, ME 04103

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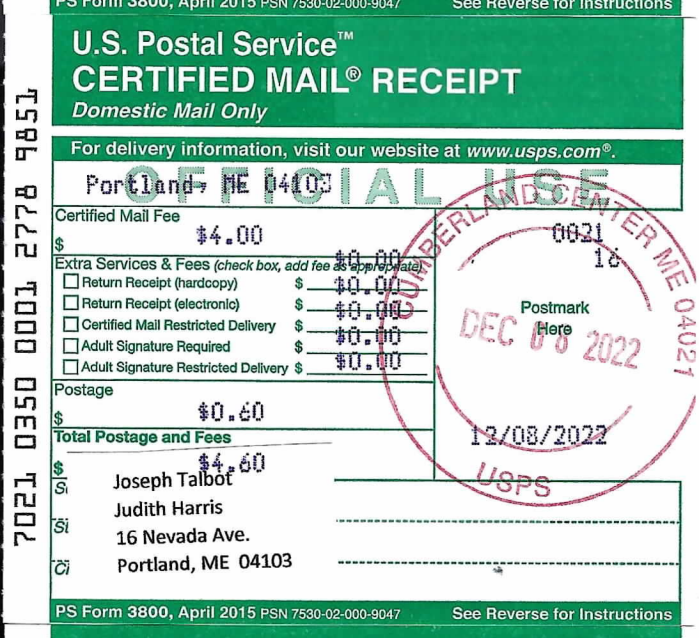
7021 0350 0001 2778 9882



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- Adult Signature Restricted Delivery $

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Sent To: Fallbrook Properties LLC
Street: 418 Ray St.
City: Portland, ME 04103

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7021 0350 0001 2778 9875



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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.60
Total Postage and Fees $4.60

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USPS

Sent To: Joseph Talbot
Judith Harris
Street: 16 Nevada Ave.
City: Portland, ME 04103

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7021 0350 0001 2778 9851



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- Adult Signature Restricted Delivery $

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Sent To: George St. Clair
Street: 36 Nevada Ave.
City: Portland, ME 04103

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7021 0350 0001 2778 9837

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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.60
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Sent To: Laura Lutton
Street: 26 Nevada Ave.
City: Portland, ME 04103

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7021 0350 0001 2778 9844

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USPS

Sent To: Karen Woodberry
Street: 459 Allen Ave. #26
City: Portland, ME 04103

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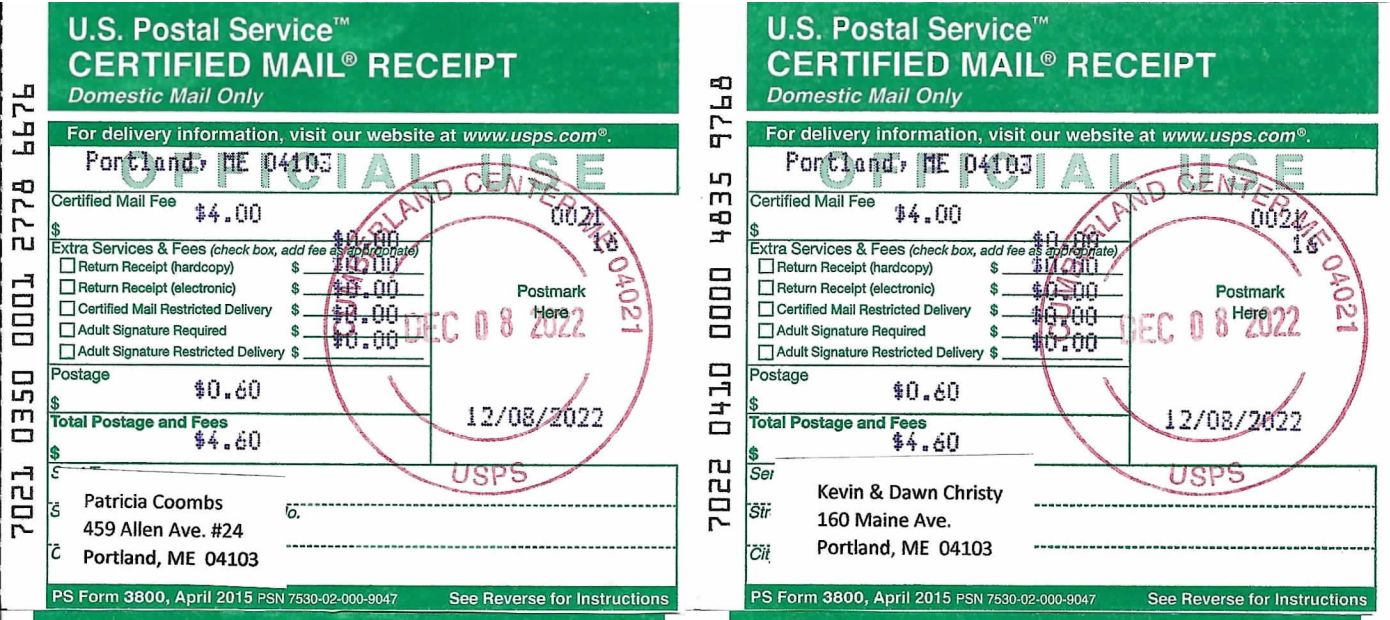
7021 0350 0001 2778 9820



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Patricia Coombs
459 Allen Ave. #24
Portland, ME 04103

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7021 0350 0001 2778 6674

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Kevin & Dawn Christy
160 Maine Ave.
Portland, ME 04103

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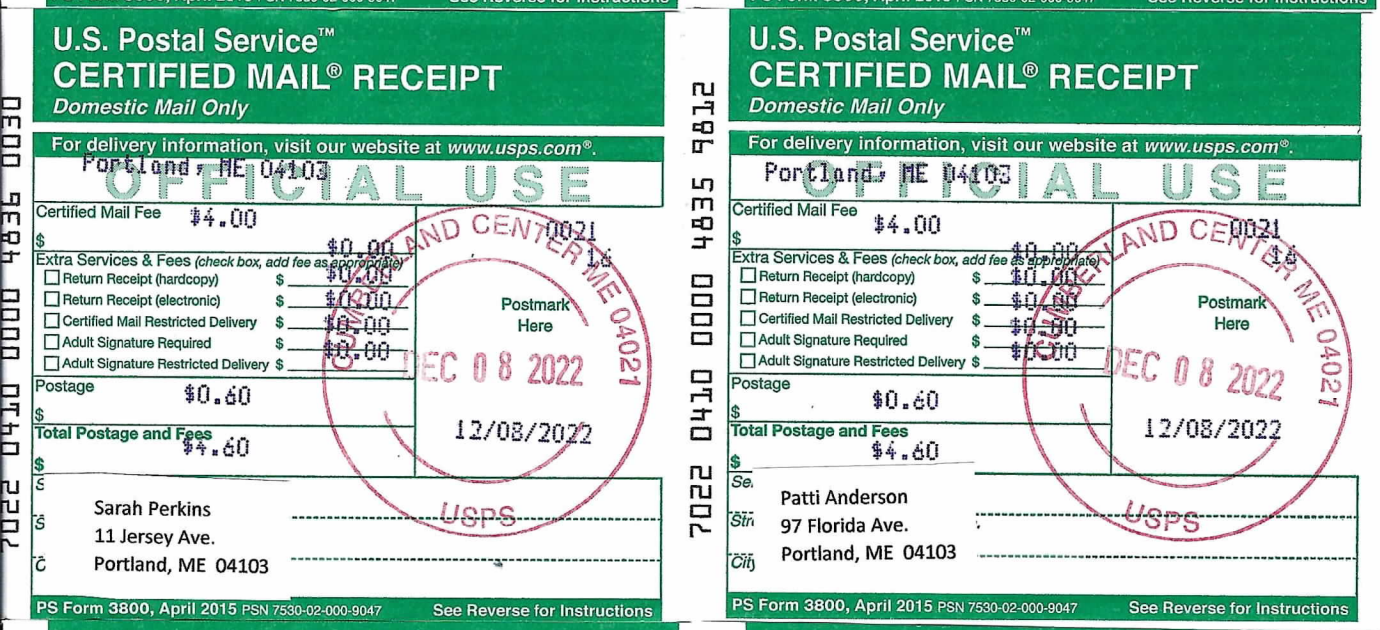
7022 0410 0000 4835 9768



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Sarah Perkins
11 Jersey Ave.
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Patti Anderson
97 Florida Ave.
Portland, ME 04103

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7022 0410 0000 4835 9812



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Hilary Carr
11 Quail Trail
Buxton, ME 04093

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7022 0410 0000 4835 9928

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Christopher McDonald
91 Florida Ave.
Portland, ME 04103

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7022 0410 0000 4835 9850



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- Return Receipt (electronic) $0.00
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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

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Sent To: Matthew Anderson
Street: 76 Florida Ave.
City: Portland, ME 04103

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7022 0410 0000 4835 9904



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Postage $0.60
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Sent To: James Sullivan
Street: 83 Florida Ave.
City: Portland, ME 04103

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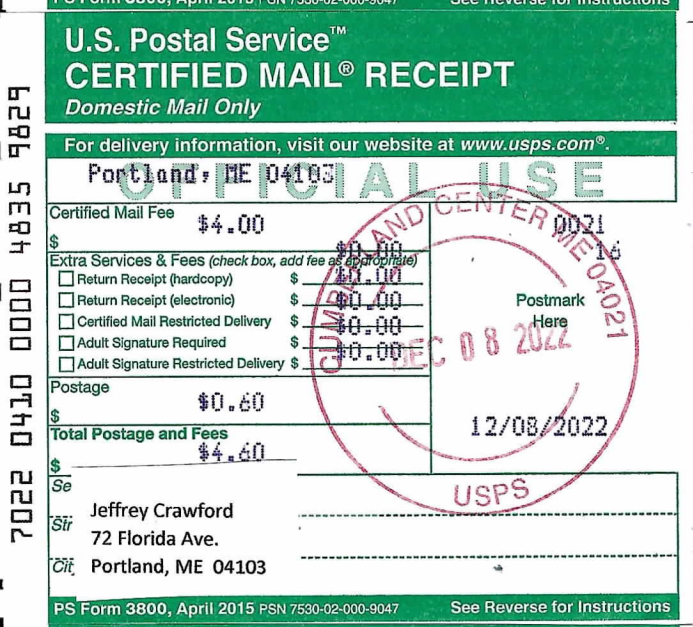
7022 0410 0000 4835 9911



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Sent To: Jeffrey Crawford
Street: 72 Florida Ave.
City: Portland, ME 04103

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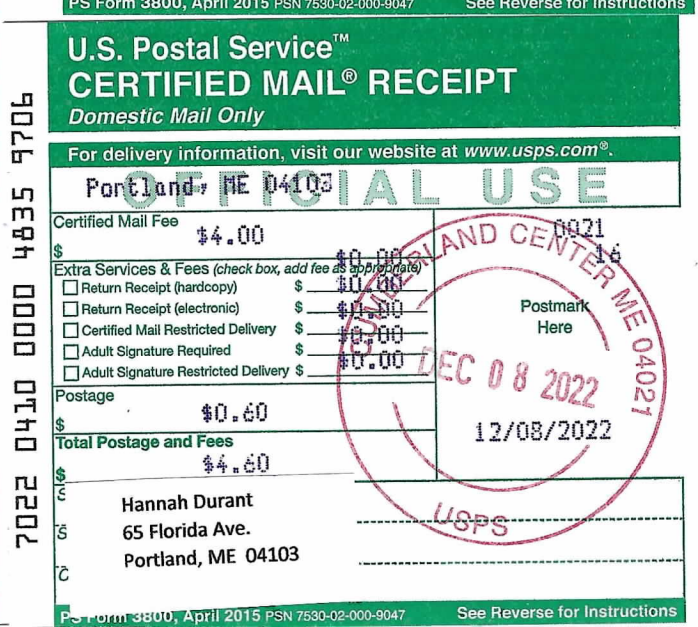
7022 0410 0000 4835 9829



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Sent To: Hannah Durant
Street: 65 Florida Ave.
City: Portland, ME 04103

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Sent To: Lynn Lagerstrom
Street: 57 Florida Ave.
City: Portland, ME 04103

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Sent To: David Murray
Street: 53 Florida Ave.
City: Portland, ME 04103

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- ☐ Adult Signature Required $0.00
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Sent To: Debra Branson
Street: 170 Maine Ave.
City: Portland, ME 04103

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CUMBERLAND CENTER ME 04021
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Sent To: Bryn Arbuckle
Street: 82 Beckett St. #3
City: Portland, ME 04103

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Postage $0.60

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Sent To: Ian Houseal
Street: 86 Florida Ave.
City: Portland, ME 04103

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- ☐ Certified Mail Restricted Delivery $0.00
- ☐ Adult Signature Required $0.00
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Postage $0.60

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Sent To: Kenneth & Elizabeth Huntley
Street: 31 Nevada Ave.
City: Portland, ME 04103

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- ☐ Certified Mail Restricted Delivery $0.00
- ☐ Adult Signature Required $0.00
- ☐ Adult Signature Restricted Delivery $0.00

Postage $0.60

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Sent To: Luis & Monica Garcia
Street: 80 Florida Ave.
City: Portland, ME 04103

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7022 0410 0000 4835 9867

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- ☐ Certified Mail Restricted Delivery $0.00
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- ☐ Adult Signature Restricted Delivery $0.00

Postage $0.60

Total Postage and Fees $4.60

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Sent To: Brannen Gee
Street: 75 Florida Ave.
City: Portland, ME 04103

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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.60
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Sent To: Jennifer & Gerard Allaire
Street: 19 Nevada Ave.
City: Portland, ME 04103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 0410 0000 4835 9782



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- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.60
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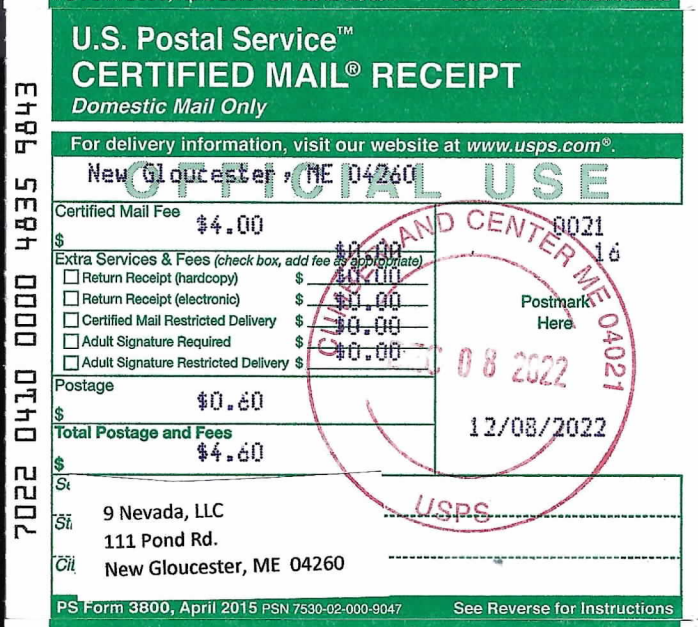
Sent To: Debra Denbow
Street: 69 Florida Ave.
City: Portland, ME 04103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 0410 0000 4835 9942



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Sent To: 9 Nevada, LLC
Street: 111 Pond Rd.
City: New Gloucester, ME 04260

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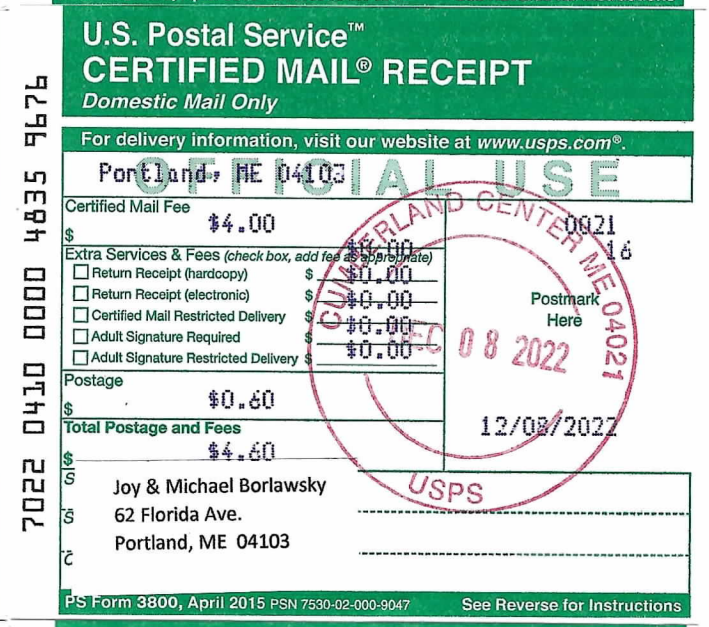
7022 0410 0000 4835 9843



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- Adult Signature Restricted Delivery $

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Street: 62 Florida Ave.
City: Portland, ME 04103

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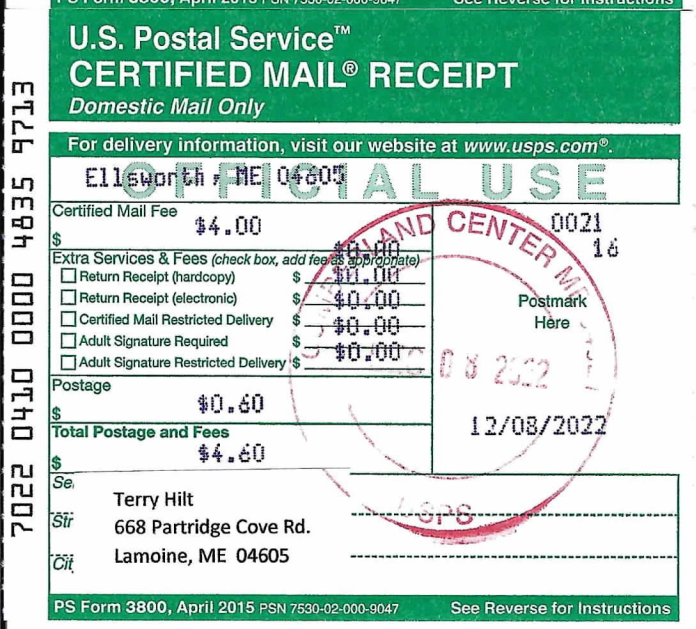
7022 0410 0000 4835 9676



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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

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Sent To: Terry Hilt
Street: 668 Partridge Cove Rd.
City: Lamoine, ME 04605

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7022 0410 0000 4835 9713



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- Adult Signature Required $0.00
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Sent To: Julia Walsh
Street: 126 Baldwin Rd.
City: Warwick, RI 02886

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7022 0410 0000 4835 9799


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Return Receipt (electronic) $0.00
Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $0.00
Postage $0.60
Total Postage and Fees $4.60
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0021
16
USPS
Haylee Hasson
100 Florida Ave.
Portland, ME 04103
PS Form 3800, April 2015 PSN 7530-02-000-9047
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7022 0410 0000 4835 9498


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Return Receipt (electronic) $0.00
Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $0.00
Postage $0.60
Total Postage and Fees $4.60
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16
USPS
Cassandra Gildert
50 Florida Ave.
Portland, ME 04103
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7022 0410 0000 4835 9485


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Return Receipt (electronic) $0.00
Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $0.00
Postage $0.60
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16
USPS
Susan Quinn
35 Nevada Ave.
Portland, ME 04103
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7022 0410 0000 4835 9973


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Return Receipt (electronic) $0.00
Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $0.00
Postage $0.60
Total Postage and Fees $4.60
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16
USPS
Frozen Pipe Property, LLC
2 Washington Ave.
Scarborough, ME 04074
PS Form 3800, April 2015 PSN 7530-02-000-9047
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7022 0410 0000 4836 0009

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Return Receipt (electronic) $0.00
Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $0.00
Postage $0.60
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16
USPS
Michael Kantrovitz
70 Horace Rd.
Belmont, MA 02478
PS Form 3800, April 2015 PSN 7530-02-000-9047
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7022 0410 0000 4835 9553

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Return Receipt (electronic) $0.00
Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $0.00
Postage $0.60
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16
USPS
Teresa Morin
29 Jersey Ave.
Portland, ME 04103
PS Form 3800, April 2015 PSN 7530-02-000-9047
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7022 0410 0000 4835 9577

7022 0410 0000 4835 9874

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12/08/2022

Ser
Stre Rachel Heasly
Mark Abdallah
15 Nevada Ave.
City Portland, ME 04103

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7022 0410 0000 4835 9690

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Total Postage and Fees $4.60

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12/08/2022

Se
Sti Betty Cressey
23 Jersey Ave.
Ci Portland, ME 04103

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7022 0410 0000 4835 9836

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Postage $0.60

Total Postage and Fees $4.60

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12/08/2022

Se
St LPS Properties, LLC
117 Florida Ave.
Ci Portland, ME 04103

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7022 0410 0000 4835 9744

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- Adult Signature Restricted Delivery $0.00

Postage $0.60

Total Postage and Fees $4.60

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12/08/2022

S
Si Ronald Crosby
18 Jersey Ave.
Ci Portland, ME 04103

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- Adult Signature Restricted Delivery $0.00

Postage $0.60

Total Postage and Fees $4.60

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12/08/2022

Sen
Stre Mary Packard
106 Florida Ave.
City, Portland, ME 04103

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7022 0410 0000 4835 9775

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- Adult Signature Restricted Delivery $0.00

Postage $0.60

Total Postage and Fees $4.60

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12/08/2022

Si
S Stephen Shea
101 Florida Ave.
C Portland, ME 04103

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Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $
Postage $0.60
Total Postage and Fees $4.60
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USPS
Sent To
Megan Dall
402 Ray St.
Portland, ME 04103
PS Form 3800, April 2015 PSN 7530-02-000-9047
See Reverse for Instructions
7022 0410 0000 4835 9409


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Return Receipt (electronic) $0.00
Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $
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Total Postage and Fees $4.60
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12/08/2022
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Robyn Donovan
378 Ray St.
Portland, ME 04103
PS Form 3800, April 2015 PSN 7530-02-000-9047
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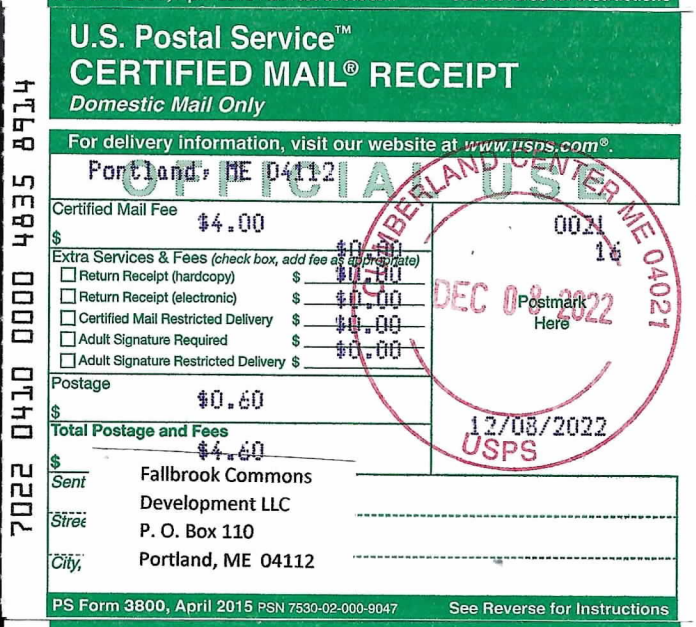
7022 0410 0000 4835 8952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Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $
Postage $0.60
Total Postage and Fees $4.60
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USPS
Fallbrook Commons
Development LLC
P. O. Box 110
Portland, ME 04112
PS Form 3800, April 2015 PSN 7530-02-000-9047
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7022 0410 0000 4835 8914


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Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $
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USPS
Amanda Connelly
356 Ray St.
Portland, ME 04103
PS Form 3800, April 2015 PSN 7530-02-000-9047
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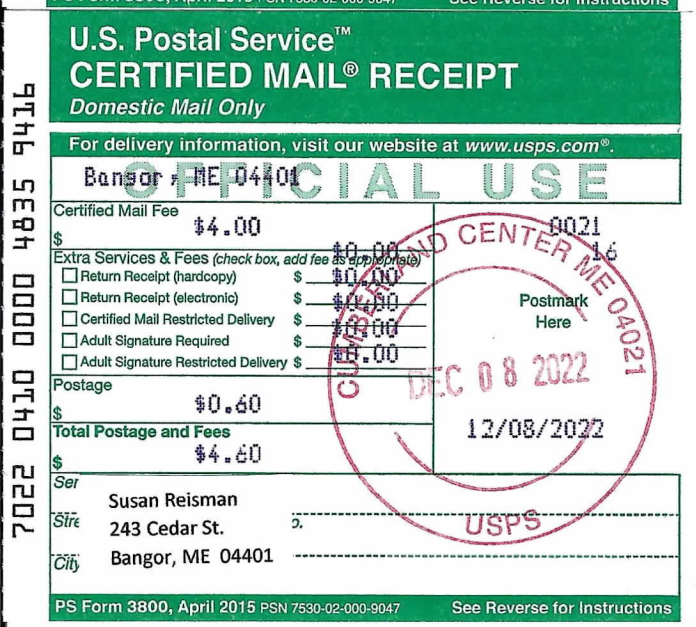
7022 0410 0000 4835 9447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Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $
Postage $0.60
Total Postage and Fees $4.60
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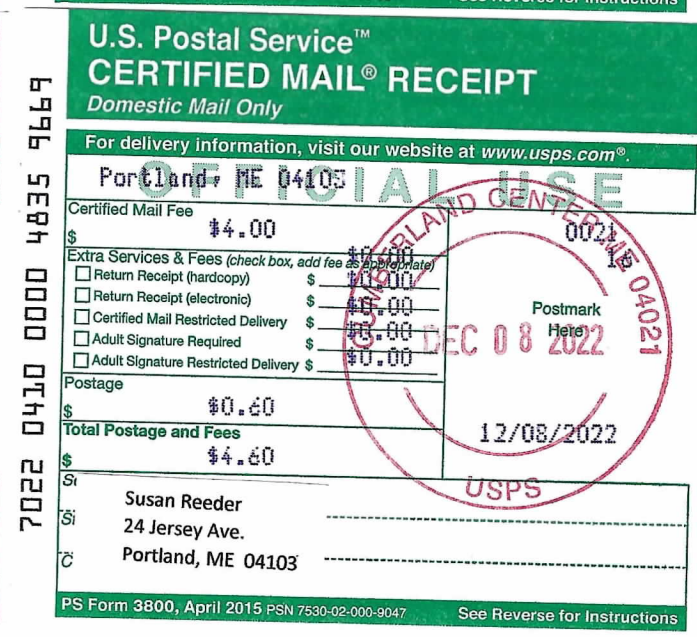
USPS
Susan Reisman
243 Cedar St.
Bangor, ME 04401
PS Form 3800, April 2015 PSN 7530-02-000-9047
See Reverse for Instructions
7022 0410 0000 4835 9416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Return Receipt (hardcopy) $1.00
Return Receipt (electronic) $0.00
Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $
Postage $0.60
Total Postage and Fees $4.60
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USPS
Susan Reeder
24 Jersey Ave.
Portland, ME 04103
PS Form 3800, April 2015 PSN 7530-02-000-9047
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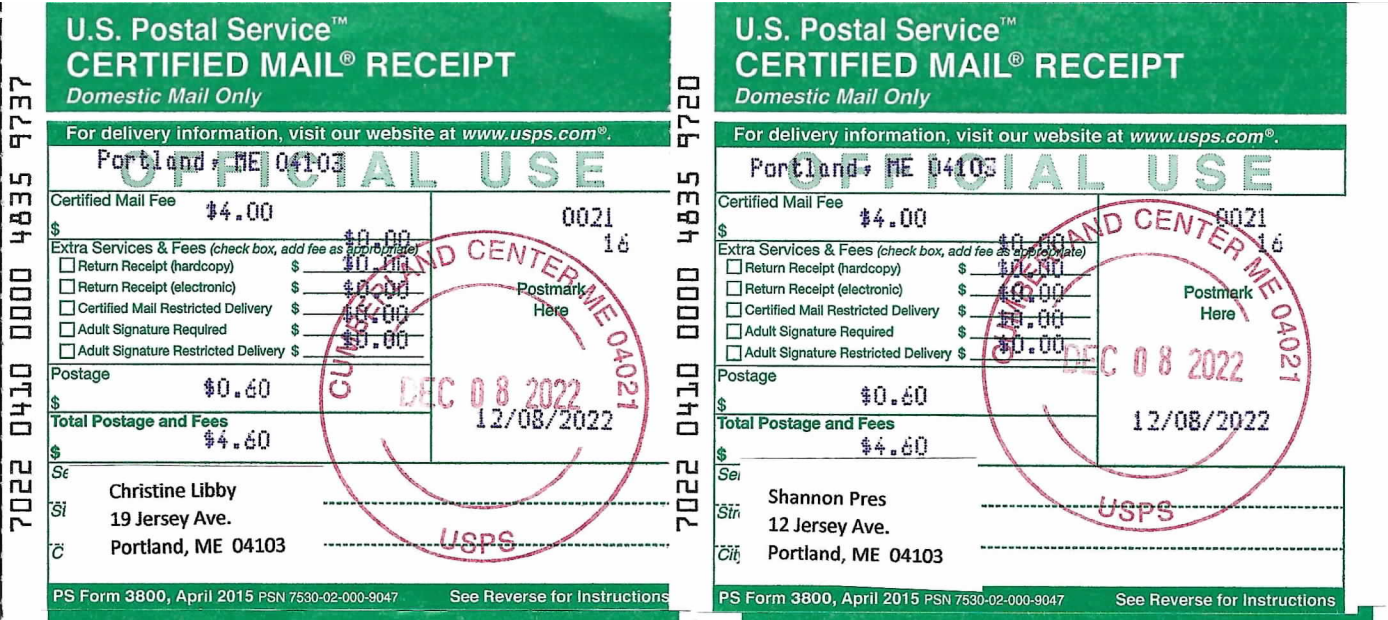
7022 0410 0000 4835 9669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Return Receipt (hardcopy) $0.00
Return Receipt (electronic) $0.00
Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $
Postage $0.60
Total Postage and Fees $4.60
0021 16
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DEC 08 2022
12/08/2022
USPS
Christine Libby
19 Jersey Ave.
Portland, ME 04103
PS Form 3800, April 2015 PSN 7530-02-000-9047
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7022 0410 0000 4835 9737

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Return Receipt (electronic) $0.00
Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $
Postage $0.60
Total Postage and Fees $4.60
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USPS
Shannon Pres
12 Jersey Ave.
Portland, ME 04103
PS Form 3800, April 2015 PSN 7530-02-000-9047
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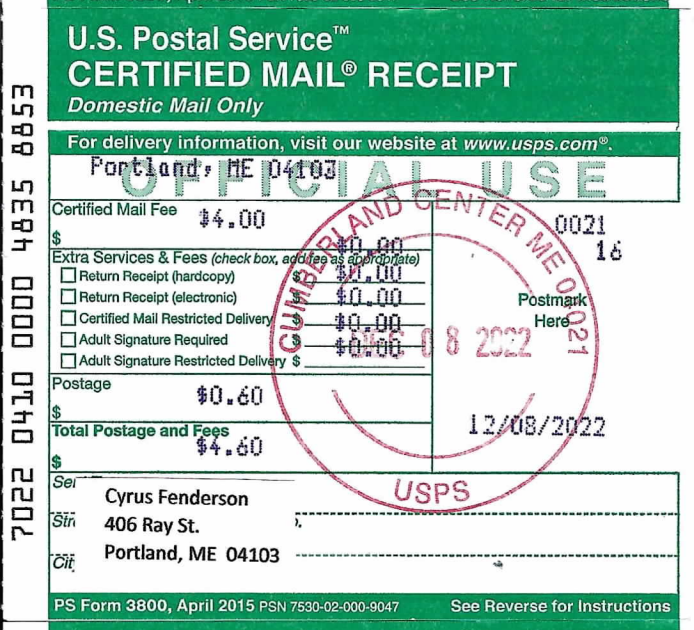
7022 0410 0000 4835 9720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Return Receipt (electronic) $0.00
Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $
Postage $0.60
Total Postage and Fees $4.60
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USPS
Cyrus Fenderson
406 Ray St.
Portland, ME 04103
PS Form 3800, April 2015 PSN 7530-02-000-9047
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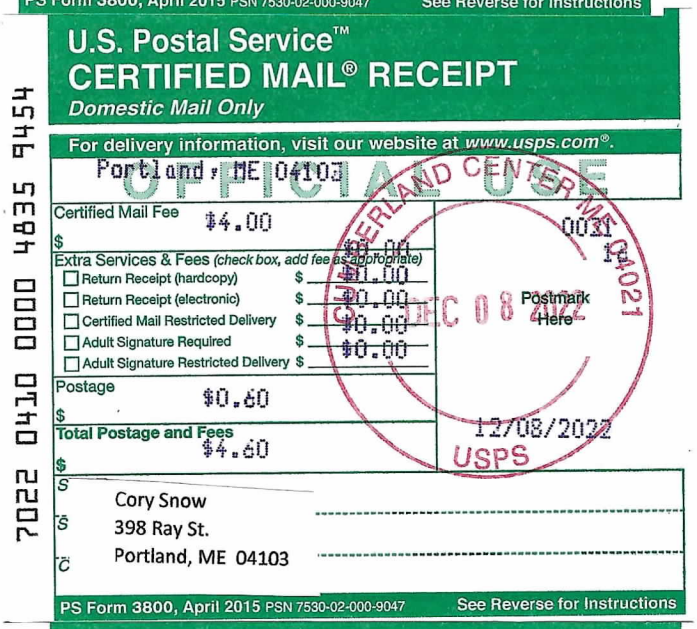
7022 0410 0000 4835 8853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Certified Mail Fee $4.00
Extra Services & Fees (check box, add fee as appropriate)
Return Receipt (hardcopy) $0.00
Return Receipt (electronic) $0.00
Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $
Postage $0.60
Total Postage and Fees $4.60
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12/08/2022
USPS
Cory Snow
398 Ray St.
Portland, ME 04103
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Return Receipt (hardcopy) $0.00
Return Receipt (electronic) $0.00
Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $
Postage $0.60
Total Postage and Fees $4.60
0021 16
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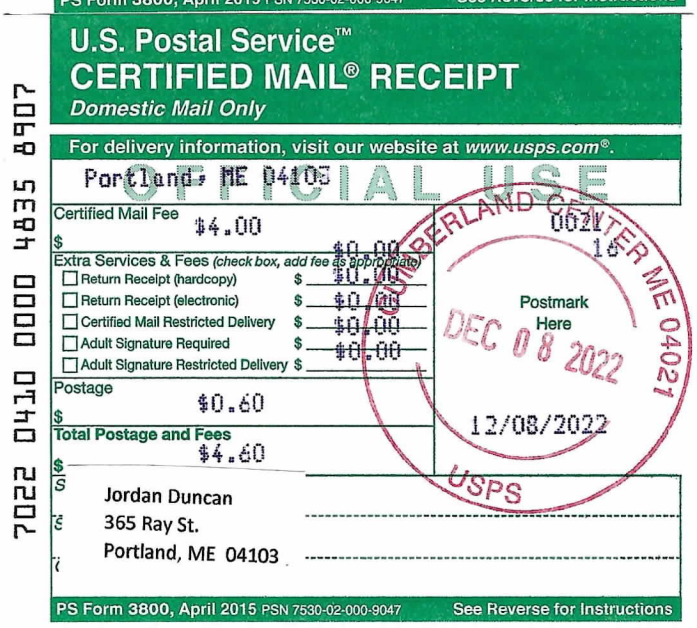
USPS
Stanley Mason
371 Ray St.
Portland, ME 04103
PS Form 3800, April 2015 PSN 7530-02-000-9047
See Reverse for Instructions
7022 0410 0000 4835 9430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Adult Signature Restricted Delivery $
Postage $0.60
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Jordan Duncan
365 Ray St.
Portland, ME 04103
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- Adult Signature Restricted Delivery $0.00

Postage $0.60

Total Postage and Fees $4.60

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12/08/2022

Sent To
William Paradis
Street 355 Ray St.
City Portland, ME 04112

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Postage $0.60

Total Postage and Fees $4.60

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12/08/2022

Sent To
Debora Morgan
Street 352 Ray St.
City, Portland, ME 04103

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Postage $0.60

Total Postage and Fees $4.60

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CUMBERLAND CENTER ME 04021 DEC 08 2022 USPS

12/08/2022

Sent To
Alec Youngblood
Joshua Avery
Street 344 Ray St.
City Portland, ME 04103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 0410 0000 4835 9393



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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $0.00

Postage $0.60

Total Postage and Fees $4.60

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CUMBERLAND CENTER ME 04021 DEC 08 2022 USPS

12/08/2022

Sent To
Marilyn Webb
Street 340 Ray St.
City, Portland, ME 04103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $0.00

Postage $0.60

Total Postage and Fees $4.60

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CUMBERLAND CENTER ME 04021 DEC 08 2022 USPS

12/08/2022

Sent To
John Scholz
Street 334 Ray St.
City Portland, ME 04103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $0.00

Postage $0.60

Total Postage and Fees $4.60

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CUMBERLAND CENTER ME 04021 DEC 08 2022 USPS

12/08/2022

Sent To
Jaime Clark
Street 328 Ray St.
City, Portland, ME 04103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Return Receipt (electronic) $0.00
Certified Mail Restricted Delivery $0.00
Adult Signature Required $0.00
Adult Signature Restricted Delivery $0.00
Postage $0.60
Total Postage and Fees $4.60
Postmark Here
CUMBERLAND CENTER ME 04021
DEC 08 2022
12/08/2022
USPS
Sent To
William Paradis
Street 355 Ray St.
City Portland, ME 04112
PS Form 3800, April 2015 PSN 7530-02-000-9047
See Reverse for Instructions
7022 0410 0000 4835 9461


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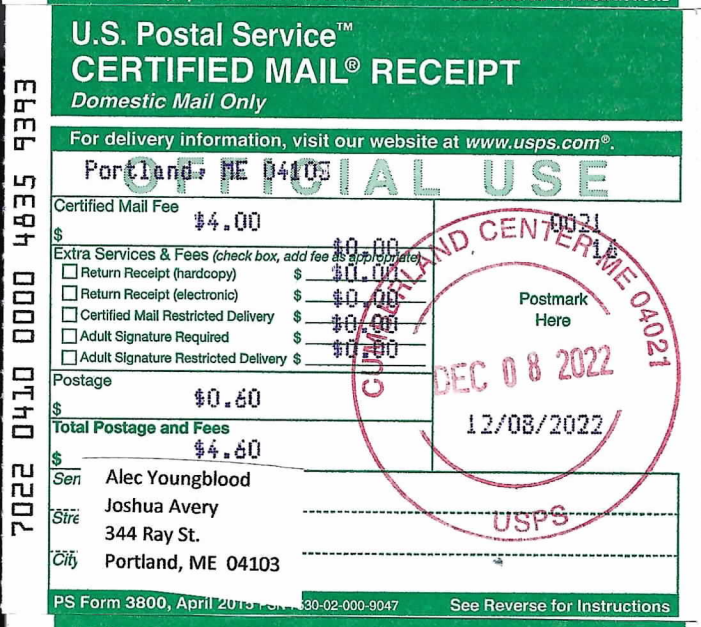
Adult Signature Restricted Delivery $0.00
Postage $0.60
Total Postage and Fees $4.60
Postmark Here
CUMBERLAND CENTER ME 04021
DEC 08 2022
12/08/2022
USPS
Sent To
Debora Morgan
Street 352 Ray St.
City, Portland, ME 04103
PS Form 3800, April 2015 PSN 7530-02-000-9047
See Reverse for Instructions
7022 0410 0000 4835 9379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Adult Signature Restricted Delivery $0.00
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Total Postage and Fees $4.60
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USPS
Sent To
Alec Youngblood
Joshua Avery
Street 344 Ray St.
City Portland, ME 04103
See Reverse for Instructions
7022 0410 0000 4835 9393


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Adult Signature Required $0.00
Adult Signature Restricted Delivery $0.00
Postage $0.60
Total Postage and Fees $4.60
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12/08/2022
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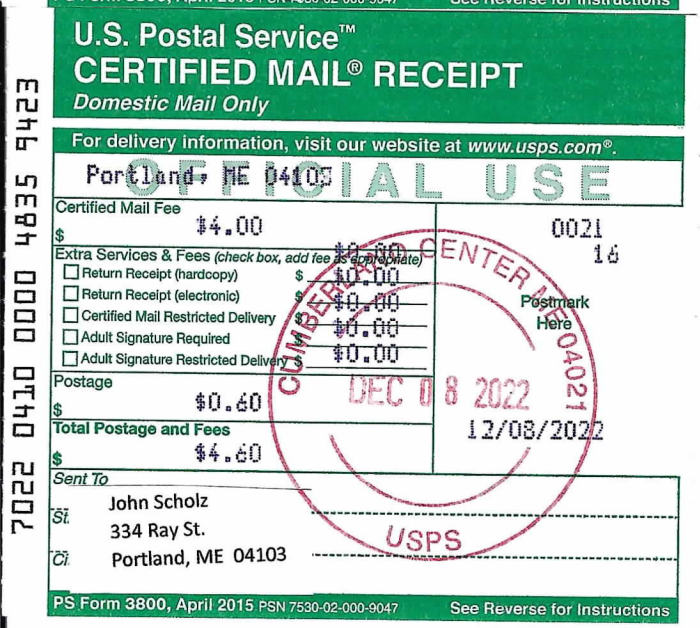
Sent To
Marilyn Webb
Street 340 Ray St.
City, Portland, ME 04103
PS Form 3800, April 2015 PSN 7530-02-000-9047
See Reverse for Instructions
7022 0410 0000 4835 8884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Adult Signature Restricted Delivery $0.00
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Total Postage and Fees $4.60
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CUMBERLAND CENTER ME 04021
DEC 08 2022
12/08/2022
USPS
Sent To
John Scholz
Street 334 Ray St.
City Portland, ME 04103
See Reverse for Instructions
7022 0410 0000 4835 9423


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Adult Signature Restricted Delivery $0.00
Postage $0.60
Total Postage and Fees $4.60
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DEC 08 2022
12/08/2022
USPS
Sent To
Jaime Clark
Street 328 Ray St.
City, Portland, ME 04103
See Reverse for Instructions
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- ☐ Certified Mail Restricted Delivery $0.00
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Postage $0.60

Total Postage and Fees $4.60

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USPS

Brenda Regan
114 Florida Ave.
Portland, ME 04103

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- ☐ Certified Mail Restricted Delivery $0.00
- ☐ Adult Signature Required $0.00
- ☐ Adult Signature Restricted Delivery $0.00

Postage $0.60

Total Postage and Fees $4.60

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CUMBERLAND CENTER ME 04021

USPS

298 Ray, LLC
525 Riverside St.
Portland, ME 04103

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Postage $0.60

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CUMBERLAND CENTER ME 04021

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Lisa Weiss
305 Ray St.
Portland, ME 04103

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- ☐ Certified Mail Restricted Delivery $0.00
- ☐ Adult Signature Required $0.00
- ☐ Adult Signature Restricted Delivery $0.00

Postage $0.60

Total Postage and Fees $4.60

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Spencer Critchfield
316 Ray St.
Portland, ME 04103

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David Dipietro
326 Ray St.
Portland, ME 04103

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- ☐ Adult Signature Restricted Delivery $0.00

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Daniel Sinclair
333 Ray St.
Portland, ME 04103

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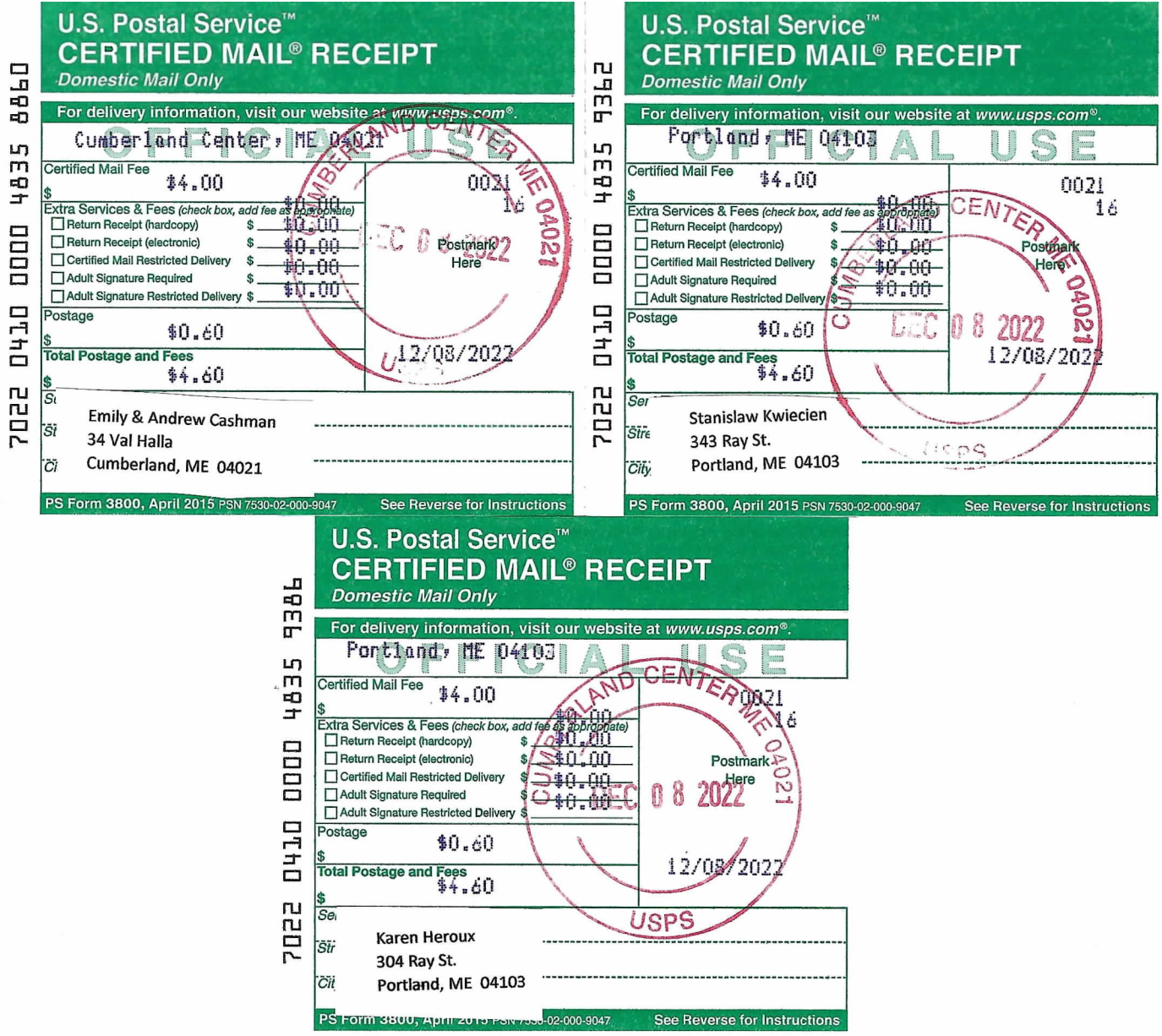

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Postage $0.60
Total Postage and Fees $4.60

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CUMBERLAND CENTER ME 04021
USPS

Sent To: Emily & Andrew Cashman
Street: 34 Val Halla
City: Cumberland, ME 04021

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $0.00

Postage $0.60
Total Postage and Fees $4.60

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DEC 08 2022
12/08/2022

CUMBERLAND CENTER ME 04021
USPS

Sent To: Stanislaw Kwiecien
Street: 343 Ray St.
City: Portland, ME 04103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 0410 0000 4835 9362

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- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $0.00

Postage $0.60
Total Postage and Fees $4.60

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DEC 08 2022
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CUMBERLAND CENTER ME 04021
USPS

Sent To: Karen Heroux
Street: 304 Ray St.
City: Portland, ME 04103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 0410 0000 4835 9386

PCS
PRE CONSTRUCTION SERVICE, LLC

P B S Log 2

12/09/22

Contractor: DBRS
Project: Fallbrook Commons
Town of: Portland, ME

DHrs	Address	Name				
X	333 Ray St.	Daniel Sinclair	Interior	X	12/16	
			Exterior	X	12/19	
X	334 Ray St.	John Scholz	Interior	X	12/15	
			Exterior	X	12/15	
X	336 Ray St.	Emily & Andrew Cashman	Interior	X	12/15	
			Exterior	X	12/15	
X	340 Ray St.	Marilyn Webb	Interior	X	12/13	
			Exterior	X	12/13	
X	343 Ray St.	Stanislaw Kwiecien	Interior	R	12/18	
			Exterior	X	12/19	
X	344 Ray St.	Alec Youngblood & Joshua Avery	Interior	R	12/14	
			Exterior	X	12/15	
X	352 Ray St.	Debora Morgan	Interior	X	12/13	
			Exterior	X	12/13	
X	354 Ray St.	Susan Reisman	Interior	X	12/16	
			Exterior	X	12/16	
X	355 Ray St.	William Paradis	Interior	R	12/13	
			Exterior	X	12/13	

PCS
PRE CONSTRUCTION SERVICE, LLC

P B S Log 3

12/09/22

Contractor: DBRS
Project: Fallbrook Commons
Town of: Portland, ME

DHrs	Address	Name				
X	356 Ray St.	Amanda Connelly	Interior	X	12/19	
			Exterior	X	12/19	
X	365 Ray St.	Jordan Duncan	Interior	R	12/13	
			Exterior	X	12/13	
X	Fallbrook Commons	Fallbrook Commons	Interior	X	12/12	
			Exterior	X	12/12	
		368 Ray St.				
X	371 Ray St.	Stanley Mason	Interior	R	12/13	
			Exterior	X	12/13	
X	378 Ray St.	Robyn Donovan	Interior	X	12/12	
			Exterior	X	12/12	
X	398 Ray St.	Cory Snow	Interior	X	12/12	
			Exterior	X	12/12	
X	402 Ray St.	Megan Dall	Interior	R	12/12	
			Exterior	X	12/12	
X	406 Ray St.	Cyrus Fenderson	Interior	R	12/17	
			Exterior	X	12/19	
X	11 Jersey Ave.	Sarah Perkins	Interior	X	12/16	
			Exterior	X	12/19	

	PCS PRE CONSTRUCTION SERVICE, LLC	P B S Log 4 12/09/22			Contractor: Project: Town of:	DBRS Fallbrook Commons Portland, ME
DHrs	**Address**	**Name**				
X	12 Jersey Ave.	Shannon Pres	Interior	X	12/12	
			Exterior	X	12/12	
X	18 Jersey Ave.	Ronald Crosby	Interior	R	12/13	Refused
			Exterior	R	12/13	
X	19 Jersey Ave.	Christine Libby	Interior	X	12/18	
			Exterior	X	12/19	
X	23 Jersey Ave.	Betty Cressey	Interior	R	12/12	
			Exterior	X	12/12	
X	24 Jersey Ave.	Susan Reeder	Interior	X	12/18	
			Exterior	X	12/19	
X	29 Jersey Ave.	Teresa Morin	Interior	X	12/12	
			Exterior	X	12/12	
X	28 Jersey Ave.	Dallas Marquis	Interior	X	12/14	
			Exterior	X	12/14	
X	33 Jersey Ave.	Drew Rodney	Interior	R	12/19	No Response
			Exterior	R	12/19	
X	34 Jersey Ave.	Ryan Oakes	Interior	X	12/16	
			Exterior	X	12/19	

PCS
PRE CONSTRUCTION SERVICE, LLC

P B S Log 5

12/09/22

Contractor: DBRS
Project: Fallbrook Commons
Town of: Portland, ME

DHrs	Address	Name				
X	38 Jersey Ave.	Eugene Fitzpatrick	Interior	R	12/19	No Response
			Exterior	R	12/19	
X	12 Penn Ave.	Darrin Ramsdell	Interior	R	12/19	Refused
			Exterior	R	12/19	
X	13 Penn Ave.	Lori Hallett	Interior	R	12/12	
			Exterior	X	12/12	
X	16 Penn Ave.	Lori & John Besemer	Interior	R	12/12	Refused
			Exterior	R	12/12	
X	22 Penn Ave.	Renee & Ryan Whipkey	Interior	X	12/16	
			Exterior	X	12/16	
X	28 Penn Ave.	Meghan Moyniham	Interior	R	12/16	
			Exterior	X	12/16	
X	128 Maine Ave.	Angela Pelletier	Interior	X	12/14	
			Exterior	X	12/14	
X	138 Maine Ave.	Scott Schaiberger	Interior	R	12/12	Refused
			Exterior	R	12/12	
X	142 Maine Ave.	Matthew Pare	Interior	R	12/16	No Response
			Exterior	R	12/16	

	PCS PRE CONSTRUCTION SERVICE, LLC	P B S Log 6 12/09/22			Contractor: Project: Town of:	DBRS Fallbrook Commons Portland, ME
DHrs	**Address**	**Name**				
X	**146 Maine Ave.**	**Jennell Carter & Alicia Menard**	Interior	**X**	12/10	
			Exterior	**X**	12/10	
X	**152 Maine Ave.**	**Virginia Crabtree**	Interior	**X**	12/10	
			Exterior	**X**	12/10	
X	**156 Maine Ave.**	**Alexia Christy**	Interior	**R**	12/16	
			Exterior	**X**	12/19	
X	**160 Maine Ave.**	**Kevin & Dawn Christy**	Interior	**R**	12/16	
			Exterior	**X**	12/19	
X	**166 Maine Ave.**	**Michael Kantrovitz**	Interior	**R**	12/14	
			Exterior	**X**	12/14	
X	**170 Maine Ave.**	**Debra Branson**	Interior	**X**	12/12	
			Exterior	**X**	12/10	
X	**50 Florida Ave.**	**Casssandra Gildert**	Interior	**R**	12/9	
			Exterior	**X**	12/9	
X	**53 Florida Ave.**	**David Murray**	Interior	**R**	12/16	Refused
			Exterior	**R**	12/16	
X	**54 Florida Ave.**	**Terry Hilt**	Interior	**X**	12/9	
			Exterior	**X**	12/9	

PCS
PRE CONSTRUCTION SERVICE, LLC

P B S Log 7

12/09/22

Contractor: DBRS
Project: Fallbrook Commons
Town of: Portland, ME

DHrs	Address	Name					Notes/Signatures
X	57 Florida Ave.	Lynn Lagerstrom	Interior	X	12/14		Left DH Not Home 12/9
			Exterior	X	12/14		
X	62 Florida Ave.	Joy & Michael Borlawsky	Interior	X	12/16		Left DH Not Home 12/9
			Exterior	X	12/19		Checked 12/14
X	65 Florida Ave.	Hannah Durant	Interior	X	12/9		
			Exterior	X	12/9		
X	69 Florida Ave.	Debra Denbow	Interior	X	12/16		Left DH Not Home 12/9 #72 gave permission to
			Exterior	X	12/14		do outside HO away will text to see if wants interi
X	72 Florida Ave.	Jeffrey Crawford	Interior	X	12/14		Have COVID wants Interior When Quarrantee is
			Exterior	X	12/9		over
X	75 Florida Ave.	Brannen Gee	Interior	X	12/9		
			Exterior	X	12/9		
X	76 Florida Ave.	Matthew Anderson	Interior	X	12/9		
			Exterior	X	12/9		
X	80 Florida Ave.	Luis & Monica Garcis	Interior	R	12/14		Car In Driveway Would Not Answer 12/9
			Exterior	X	12/14		Outside Only 12/14 will call if want interior
X	83 Florida Ave.	James Sullivan	Interior	X	12/16		Left DH Not Home 12/9
			Exterior	X	12/14		4:15pm Friday 12/16 Asked about radon

PCS
PRE CONSTRUCTION SERVICE, LLC

P B S Log 8

12/09/22

Contractor: DBRS
Project: Fallbrook Commons
Town of: Portland, ME

DHrs	Address	Name				
X	86 Florida Ave.	Ian Houseal	Interior			
			Exterior			
	appointment 12/29					
X	91 Florida Ave.	Christopher McDonald	Interior	R	12/16	
			Exterior	X	12/16	
X	92 Florida Ave.	Bryan Arbuckle	Interior	X	12/17	
			Exterior	X	12/16	
X	96 Florida Ave.	Hilary Carr	Interior	R	12/16	
			Exterior	X	12/19	
X	97 Florida Ave.	Patti Anderson	Interior	R	12/16	
			Exterior	X	12/19	
X	100 Florida Ave.	Haylee Hasson	Interior	X	12/17	
			Exterior	X	12/19	
X	101 Florida Ave.	Stephen Shea	Interior	X	12/15	
			Exterior	X	12/9	
X	105 Florida Ave.	Julia Walsh	Interior	X	12/15	
			Exterior	X	12/15	
X	106 Florida Ave.	Mary Packard	Interior	R	12/9	
			Exterior	R	12/14	

PCS
PRE CONSTRUCTION SERVICE, LLC

P B S Log 9

12/09/22

Contractor: DBRS
Project: Fallbrook Commons
Town of: Portland, ME

DHrs	Address	Name				
X	110 Florida Ave.	Sabrina Christain	Interior	X	12/19	
			Exterior	X	12/19	
X	111 Florida Ave.	Joseph Newman	Interior	R	12/19	
			Exterior	X	12/19	
X	114 Florida Ave.	Brenda Regan	Interior	R	12/14	Refused
			Exterior	R	12/14	
X	117 Florida Ave.	LPS Properties, LLC	Interior	R	12/8	Refused
			Exterior	R	12/8	
X	9 Nevada Ave.	9 Nevada, LLC	Interior	R	12/19	
			Exterior	X	12/19	
X	15 Nevada Ave.	Rachel Heasly & Mark Abdallah	Interior	R	12/19	No Response
			Exterior	R	12/19	
X	19 Nevada Ave.	Jennifer & Gerard Allaire	Interior	R	12/16	
			Exterior	X	12/16	
X	25 Nevada Ave.	Frozen Pipe Property, LLC	Interior	R	12/19	No Response
			Exterior	R	12/19	
X	31 Nevada Ave.	Kenneth & Elizabeth Huntley	Interior	R	12/13	
			Exterior	X	12/13	

	PCS PRE CONSTRUCTION SERVICE, LLC	P B S Log 10 12/09/22			Contractor: Project: Town of:	DBRS Fallbrook Commons Portland, ME
DHrs	**Address**	**Name**				
X	**35 Nevada Ave.**	**Susan Quinn**	Interior	**R**	12/13	No Response
			Exterior	**R**	12/13	
X	**39 Nevada Ave.**	**Martha O'Grady**	Interior	**R**	12/19	No Response
			Exterior	**R**	12/19	
X	**45 Nevada Ave.**	**John Keeling**	Interior	**R**	12/13	Refused
			Exterior	**R**	12/13	
X	**14 Nevada Ave.**	**Joseph Talbot & Judith Harris**	Interior	**R**	12/16	No Response
			Exterior	**R**	12/16	
X	**22 Nevada Ave.**	**Cadence Atchinson & Agnew Curtis**	Interior	**R**	12/16	
			Exterior	**X**	12/19	
X	**26 Nevada Ave.**	**Laura Lutton**	Interior	**X**	12/15	
			Exterior	**X**	12/15	
X	**32 Nevada Ave.**	**Brian & Tara Cohen**	Interior	**R**	12/19	No Response
			Exterior	**R**	12/19	
X	**36 Nevada Ave.**	**George St. Clair**	Interior	**R**	12/13	
			Exterior	**X**	12/13	
X	**40 Nevada Ave.**	**Marielle & James Vander Schaaf**	Interior	**X**	12/13	
			Exterior	**X**	12/13	

	PCS Pre Construction Service, LLC	P B S Log 11 12/09/22			Contractor: Project: Town of:	DBRS Fallbrook Commons Portland, ME
DHrs	**Address**	**Name**				
X	46 Nevada Ave.	Mary Parker	Interior	R	12/19	No Response
			Exterior	R	12/19	
X	122 Gertrude Ave.	William Umbell	Interior	X	12/13	
			Exterior	X	12/12	
X	128 Gertrude Ave.	Abby Warren	Interior	R	12/15	
			Exterior	X	12/15	
X	418 Ray St.	Fallbrook Properties, LLC	Interior	R	12/22	
			Exterior	X	12/22	
X	459 Allen Ave. #23	Maureen Whalen	Interior	X	12/14	
			Exterior	X	12/14	
X	459 Allen Ave. #24	Patricia Coombs	Interior	X	12/14	
			Exterior	X	12/14	
X	459 Allen Ave. #25	Ellen Anastos	Interior	X	12/14	
			Exterior	X	12/14	
X	459 Allen Ave. #26	Karen Woodberry	Interior	X	12/14	
			Exterior	X	12/14	
X	8 Nevada Ave.	Rebecca Clarkin	Interior	R	12/19	No Response
			Exterior	R	12/19	

PCS
PRE CONSTRUCTION SERVICE, LLC

P B S Log 12

12/09/22

Contractor: DBRS
Project: Fallbrook Commons
Town of: Portland, ME

DHrs	Address	Name				
X	1 Merrymeeting Dr.	Lee Ann Whitney	Interior	X	12/13	
			Exterior	X	12/12	
X	2 Merrymeeting Dr.	Carol & David Dearborn	Interior	X	12/15	
			Exterior	X	12/12	
X	3 Merrymeeting Dr.	Vasco Caetano	Interior	-		No Response
			Exterior	X	12/12	
X	4 Merrymeeting Dr.	Martha & Charles Welty	Interior	X	12/12	
			Exterior	X	12/12	
X	5 Merrymeeting Dr.	Richard & Susan Welsh	Interior	R	12/12	
			Exterior	X	12/12	
X	6 Merrymeeting Dr.	Barbara Tufts	Interior	X		
			Exterior	X	12/12	
x	7 Merrymeeting Dr.	Mark & Lori Holmes	Interior	-		No Response
			Exterior	X	12/12	
X	8 Merrymeeting Dr.	Margaret Gilson	Interior	R	12/12	
			Exterior	X	12/12	
X	9 Merrymeeitng Dr.	Jeffrey & Deborah Davis	Interior	R	12/12	
			Exterior	X	12/12	

	PCS PRE CONSTRUCTION SERVICE, LLC	P B S Log 13 12/09/22			Contractor: Project: Town of:	DBRS Fallbrook Commons Portland, ME
DHrs	**Address**	**Name**				
X	**10 Merrymeeting Dr.**	**Susan Howard**	Interior	**R**	12/12	
			Exterior	**X**	12/12	
X	**11 Merrymeeting Dr.**	**Christopher Vernal**	Interior	**-**		No Response
			Exterior	**X**	12/12	
X	**12 Merrymeeting Dr.**	**Roberta Zimmerman**	Interior	**X**	12/14	
			Exterior	**X**	12/12	
X	**13 Merrymeeting Dr.**	**Richard & Marie Welsh**	Interior	**R**	12/12	
			Exterior	**X**	12/12	
X	**14 Merrymeeting Dr.**	**Elizabeth Cote**	Interior	**-**		No Response
			Exterior	**X**	12/12	
X	**15 Merrymeeting Dr.**	**Maureen Griffin**	Interior	**X**	12/13	
			Exterior	**X**	12/12	
X	**16 Merrymeeting Dr.**	**Elizabeth & Ronald Stanton**	Interior	**X**	12/13	
			Exterior	**X**	12/12	
X	**17 Merrymeeting Dr.**	**Robert & Judith Rosen**	Interior	**X**	12/15	
			Exterior	**X**	12/13	
X	**18 Merrymeeting Dr.**	**Andria Moore**	Interior	**R**	12/13	
			Exterior	**X**	12/13	

	PCS Pre Construction Service, LLC	P B S Log 14 12/09/22			Contractor: Project: Town of:	DBRS Fallbrook Commons Portland, ME
DHrs	**Address**	**Name**				
X	**19 Merrymeeting Dr.**	**Geroge & Kenneth Barber**	Interior	**R**	12/13	
			Exterior	**X**	12/13	
X	**20 Merrymeeting Dr.**	**Daniel Hunt**	Interior	**-**		No Response
			Exterior	**X**	12/13	
X	**21 Merrymeeting Dr.**	**Susan Anderson-Christie**	Interior	**R**	12/19	
			Exterior	**X**	12/13	
X	**22 Merrymeeting Dr.**	**Carol Niziolek**	Interior	**R**	12/13	
			Exterior	**X**	12/13	
X	**23 Merrymeeting Dr.**	**David & Betty Chase**	Interior	**X**	12/15	
			Exterior	**X**	12/13	
X	**24 Merrymeeting Dr.**	**Paul & Kymberley Cournoyer**	Interior	**-**		No Response
			Exterior	**X**	12/13	
X	**25 Merrymeeting Dr.**	**Peter Minvielle**	Interior	**X**	12/13	
			Exterior	**X**	12/13	
X	**26 Merrymeeting Dr.**	**Ronald & Linda Johnson**	Interior	**-**		No Response
			Exterior	**X**	12/13	
X	**27 Merrymeeting Dr.**	**Lori Griffiths**	Interior	**-**		No Response
			Exterior	**X**	12/13	

PCS
PRE CONSTRUCTION SERVICE, LLC

P B S Log 15

12/09/22

Contractor: DBRS
Project: Fallbrook Commons
Town of: Portland, ME

DHrs	Address	Name				
X	28 Merrymeeting Dr.	Ann & James Acheson	Interior	X	12/13	
			Exterior	X	12/13	
			Interior			
			Exterior			
			Interior			
			Exterior			
			Interior			
			Exterior			
			Interior			
			Exterior			
			Interior			
			Exterior			
			Interior			
			Exterior			
			Interior			
			Exterior			
			Interior			
			Exterior			

PCS
PRE CONSTRUCTION SERVICE, LLC

P B S Log 15

12/09/22

Contractor: DBRS
Project: Fallbrook Commons
Town of: Portland, ME

DHrs	Address	Name				
X	28 Merrymeeting Dr.	Ann & James Acheson	Interior	X	12/13	
			Exterior	X	12/13	
			Interior			
			Exterior			
			Interior			
			Exterior			
			Interior			
			Exterior			
			Interior			
			Exterior			
			Interior			
			Exterior			
			Interior			
			Exterior			
			Interior			
			Exterior			
			Interior			
			Exterior			

Drilling & Blasting Rock Specialists

Drilling And Blasting Rock Specialists, Inc.
PO Box 65
Gardiner, Maine 04345
1-800-287-1391

BLAST REPORT

Shot No. 1 Thru #
Date 1-4-22
Time See Below

Name of Company Foglio Const
Address Ray St Portland, Me
Operation Building

Hole No.	Depth of Water (Ft.)	Burden (Ft.)	Spacing (Ft.)	Depth of Hole (Ft.)	Tons or Yds. Per Hole	EXPLOSIVES 2" Unwet Size	2 1/2 Riotte Size	2 1/2 Nitro Size	Size	Size	Total per Hole Pounds	Stemming (Ft.)	MS Cap No. or Shot Duration
		Shot #1 →			9:34	(18) 24' ED		(8) 17ms	(1)		GAS mm .003		
18	11	8	8	10 to 17		23.2	33	250			Total		
		Shot #2 →			12:29	(27) 24' ED		(7) 17ms	(1)		GAS .003		
27	11	8	8	11 to 18		46.2	72.6	600			Total		
		Shot #3 →			3:01	(27) 24' ED		(5) 17ms	(1)		GAS .003		
27	11	8	8	6 to 8		23.4	105.6	150			Total		
		TOTALS											

Height of Face 7 to ft. Size of Hole 3 1/2 in. Sub-Drilling 1 ft. Horizontal ☐ Vertical ☑

Cap Mfg. Dins Length of Wire 24' (1) No. of Series Varies Pos. No. Cap Each Series [signature]

Ohms Each Series _____ Det. Cord Kind _____ ft.

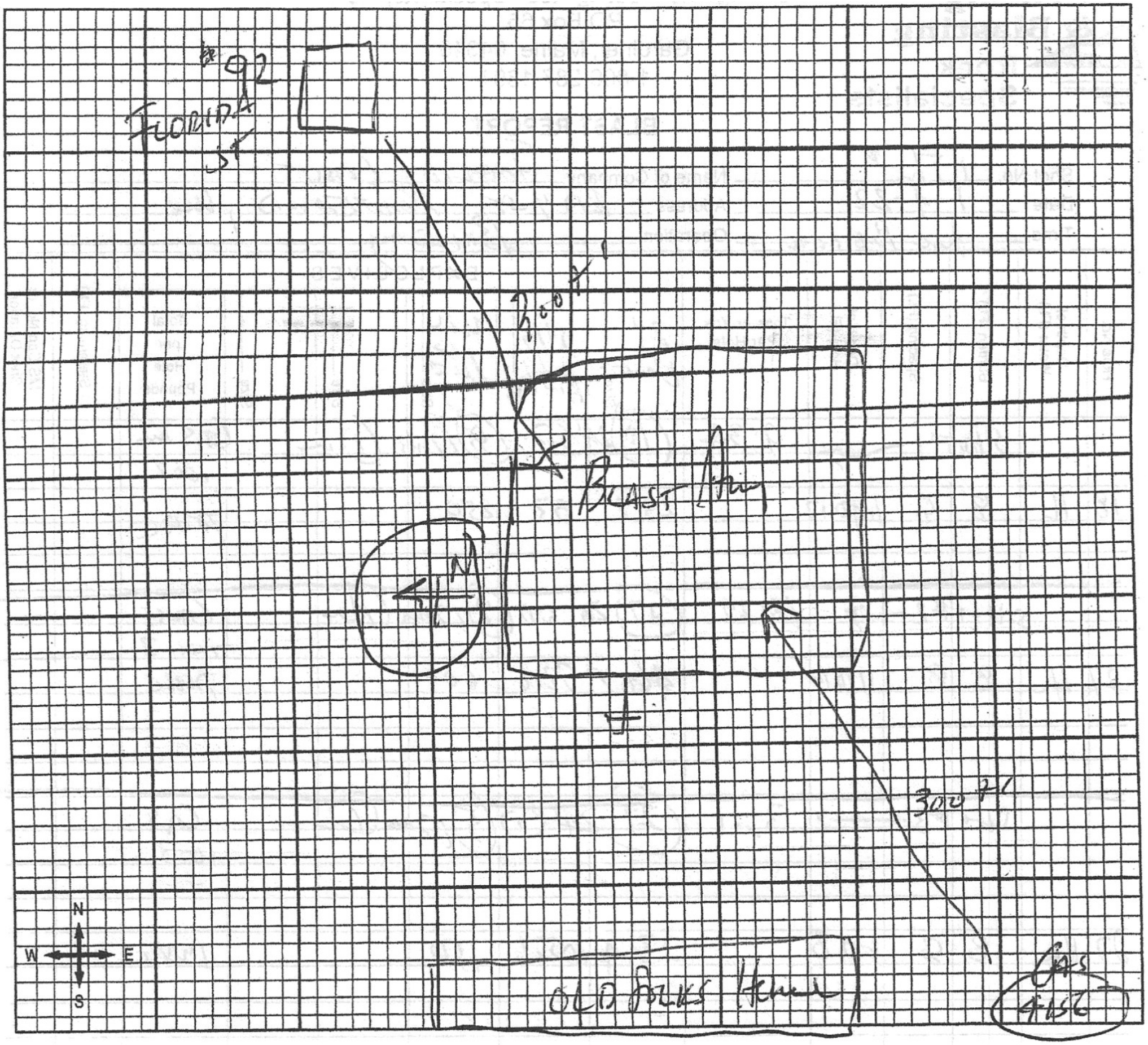
Weather Conditions Cloudy; Temp. 40°; Wind Direction [signature]; Speed _____

Powder Factor: Lbs. of Explosives per Ton Yd. _____ Cost Per Ton Yd.

Customer's Supt. [signature]

Blaster [signature] License Number [signature]

Fill out this report completely. Use back for shot diagram. SIGNATURE [signature]



Direction of Shot

Scale Distance — Weight of Explosives = $\left(\frac{\text{Distance in Ft.}}{50\text{—}60}\right)^2$ = _____

Scale Distance — $\frac{\text{Distance in Ft.}}{\text{Weight Per Delay Period}}$ = _____

Check Your State and Federal Laws for the Proper Scale Distance.

Type of Blasting Machine Used

Sequential ( )
CD 450 ( )
VME 225-450 ( )
Other None ( )

No. Delays Used [illegible]; Max. Lbs. Per Delay 34 [illegible]; Max. No. Holes Per Delay 1 pcs.
Blast Direction & Location North [illegible].
Distance From Nearest Dwellings, Buildings 300+' GAS 300+' Highways or Railroads _____
Other Possible Hazards: Overhead wires _____ Underground pipes _____ Other _____
Types of Terrain: Hilly ✓ Flat _____ Underground _____ Other _____
Was Mat Used? Yes ✓ No _____ Type Mat Rubber Other precautions [illegible]
Exact Location of Seismograph GAS MAIN #92 FLORIDA ST
Seismograph Operator [illegible]
Seismograph # 4156 Distance/direction GAS Location _____
Seismograph # _____ Distance/direction 92 Florida. Location _____
Seismograph # _____ Distance/direction _____ Location _____

Drilling & Blasting Rock Specialists

Drilling And Blasting Rock Specialists, Inc.
PO Box 65
Gardiner, Maine 04345
1-800-287-1391

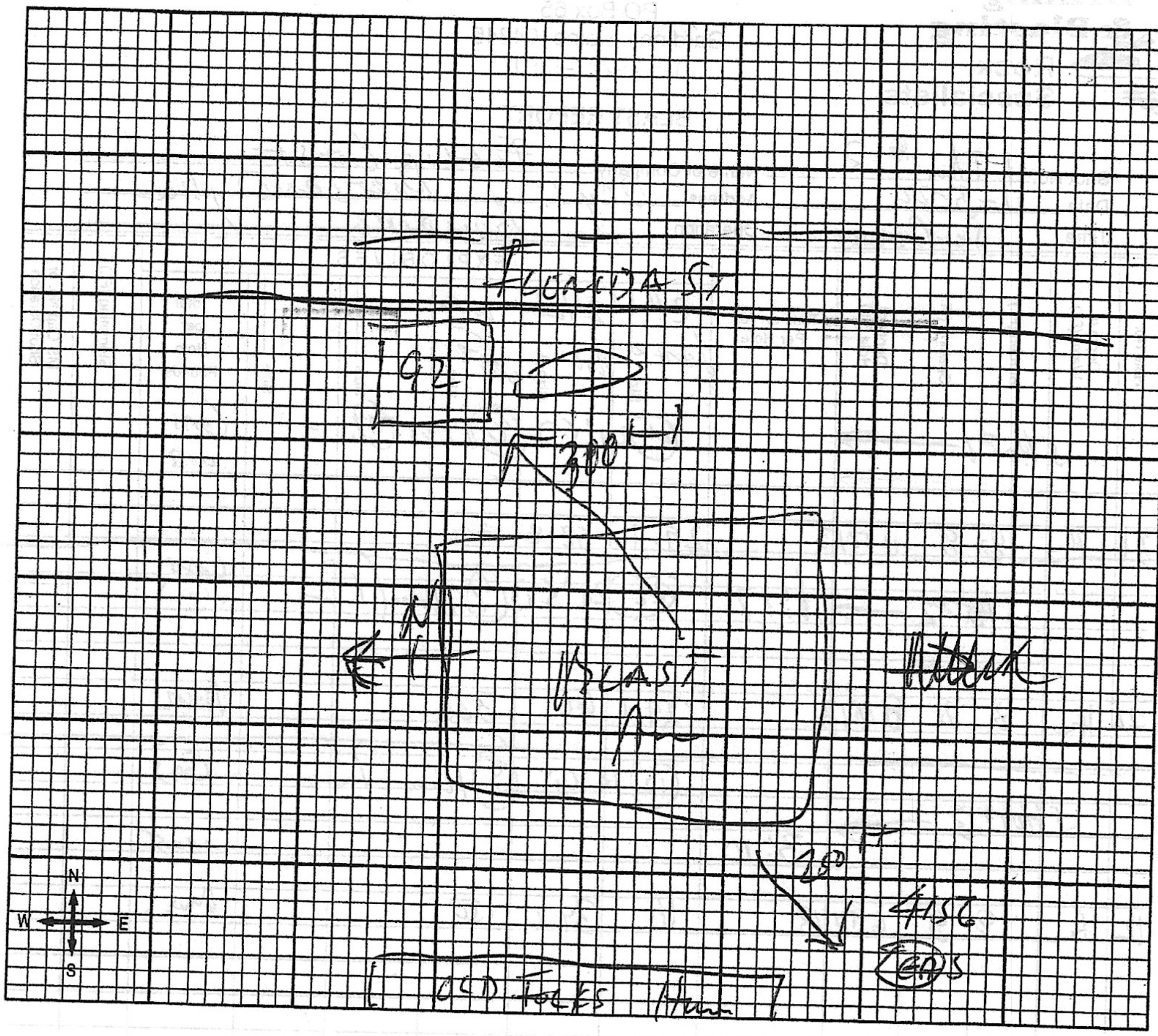
BLAST REPORT

Shot No. 1 Thru #3 Name of Company FOGLIA CONST
Date 1-5-22 Address RAY ST. PORTLAND, Me
Time See Below Operation BUILDING

Hole No.	Depth of Water (Ft.)	Burden (Ft.)	Spacing (Ft.)	Depth of Hole (Ft.)	Tons or Yds. Per Hole	EXPLOSIVES 2" Vomax Size	2 1/2 Rioux Size	WN Wet Size	Size	Size	Total per Hole Pounds	Stemming (Ft.)	MS Cap No. or Shot Duration
		SHOT #1 →				(21) 24' CD		(8) 12 ms	(1)		GAS .003		
21	Hr	8	8	11 TO 13		29.1	52.8	400					
		SHOT #2 →			1:17	(22) 24' CD		(7) 12 ms	(1)		GAS .005		
22	Hr	8	8	8 TO 13		29.1	66	300			Mac		
		SHOT #3 →			3:10	(12) 24' CD		(5) 12 ms	(1)		GAS .005		
12	Hr	8	8	6 TO 13		16	39.6	150			Mac		

TOTALS

Height of Face 8 TO 13 ft. Size of Hole 3 1/2 in. Sub-Drilling 1 ft. Horizontal ☐ Vertical ☑
Cap Mfg. DINO Length of Wire 24' CD No. of Series 1 pos. No. Cap Each Series [signature]
Ohms Each Series _____ Det. Cord Kind _____ ft.
Weather Conditions CLOUDY; Temp. 40°; Wind Direction _____; Speed _____
Powder Factor: Lbs. of Explosives per Ton Yd. _____ Cost Per Ton Yd.
Customer's Supt. [signature]
Blaster _____ License Number [signature]
Fill out this report completely. Use back for shot diagram. SIGNATURE [signature]



Direction of Shot

Scale Distance — Weight of Explosives = $\left(\frac{\text{Distance in Ft.}}{50\text{—}60}\right)^2$ = _____ Type of Blasting Machine Used

Scale Distance — $\frac{\text{Distance in Ft.}}{\text{Weight Per Delay Period}}$ = _____

Sequential ( )
CD 450 ( )
VME 225-450 ( )
Other None ( )

Check Your State and Federal Laws for the Proper Scale Distance.

No. Delays Used Same ; Max. Lbs. Per Delay 27 max per ; Max. No. Holes Per Delay 1 per

Blast Direction & Location Above Same

Distance From Nearest Dwellings, Buildings See Above Highways or Railroads —

Other Possible Hazards: Overhead wires _____ Underground pipes _____ Other _____

Types of Terrain: Hilly _____ Flat _____ Underground _____ Other _____

Was Mat Used? Yes ✓ No ____ Type Mat Rubber Other precautions Witness / Guard

Exact Location of Seismograph Cot See Above

Seismograph Operator _____

Seismograph # 4456 Distance/direction Cds Main Location _____

Seismograph # _____ Distance/direction 92 Tower Location _____

Seismograph # _____ Distance/direction _____ Location _____

Drilling & Blasting Rock Specialists

Drilling And Blasting Rock Specialists, Inc.
PO Box 65
Gardiner, Maine 04345
1-800-287-1391

BLAST REPORT

Shot No. 1 Th #
Date 1-6-23
Time See Below

Name of Company FOGLIO CONST
Address RAY ST PORTLAND Maine
Operation BUILDING

Hole No.	Depth of Water (Ft.)	Burden (Ft.)	Spacing (Ft.)	Depth of Hole (Ft.)	Tons or Yds. Per Hole	EXPLOSIVES 2" Dynamite Size	2 1/2 Riohit Size	WR Size	Size	Size	Total per Hole Pounds	Stemming (Ft.)	MS Cap No. or Shot Duration
		S Ho Th 1 →			10:25	(21) 24' (1)		(8) 17 ms (1)			10003 GAS		
21	Hr	8	9	13 TO 14		29.1	52.8	450			TWAL		
		S Ho Th 2 →			12:29	(21) 24' (1)		(2) 17 ms (1)			10003 GAS		
21	Hr	8	9	12 TO 16		26.6	72.6	550			TWAL		
		TOTALS											

Height of Face 12 TO 16 ft. Size of Hole 3 1/2 in. Sub-Drilling 1 ft. Horizontal ☐ Vertical ☑

Cap Mfg. DINO Length of Wire 24' ED No. of Series 6 pis. No. Cap Each Series [illegible]

Ohms Each Series _____ Det. Cord Kind _____ ft.

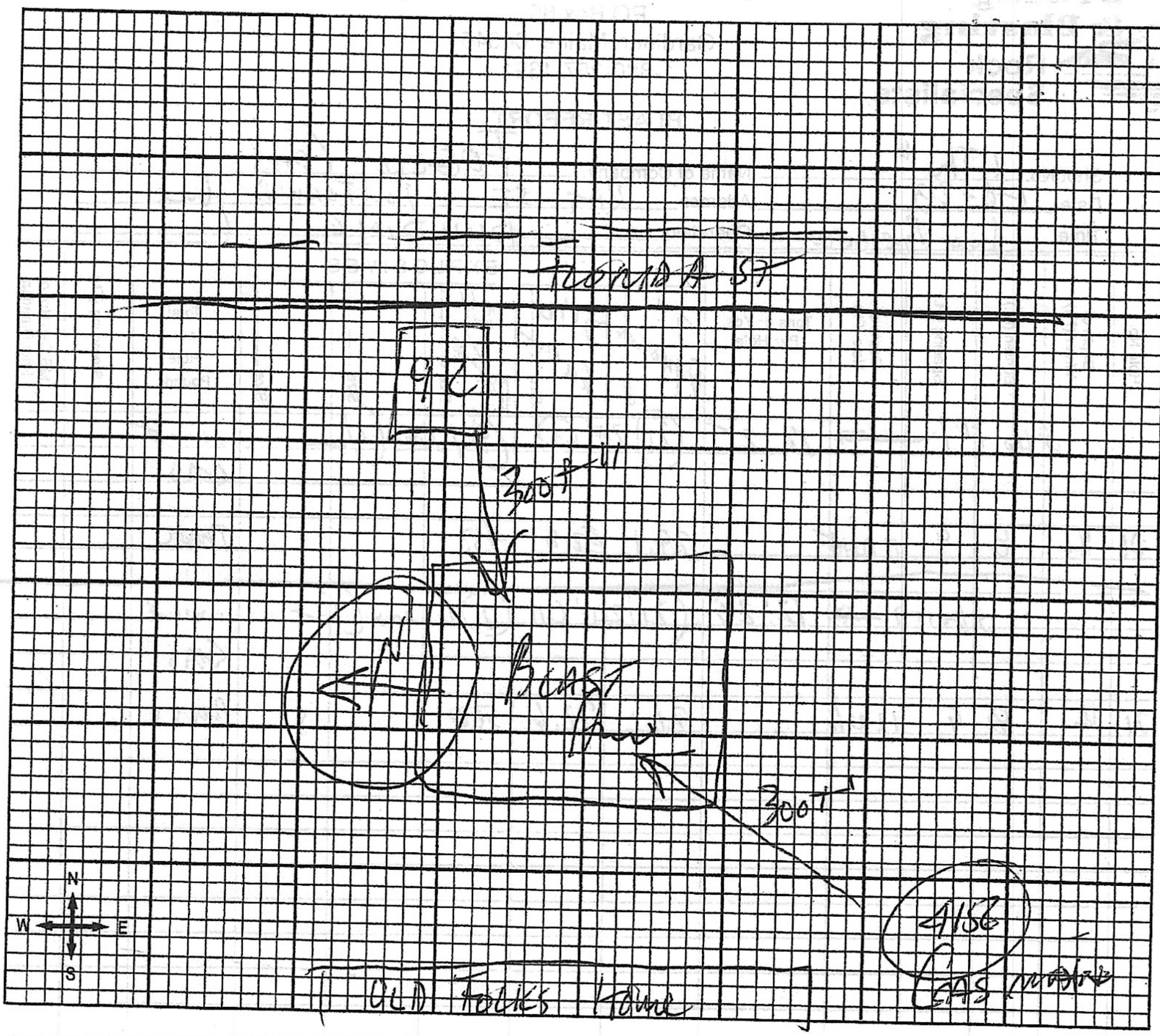
Weather Conditions CLOUDY SNOW; Temp. _____; Wind Direction _____; Speed _____

Powder Factor: Lbs. of Explosives per Ton Yd. _____ Cost Per Ton Yd.

Customer's Supt. _____

Blaster [signature] License Number _____

Fill out this report completely. Use back for shot diagram. SIGNATURE [signature]



Direction of Shot

Scale Distance — Weight of Explosives = $\left(\frac{\text{Distance in Ft.}}{50-60}\right)^2$ = _____

Scale Distance — $\frac{\text{Distance in Ft.}}{\text{Weight Per Delay Period}}$ = _____

Check Your State and Federal Laws for the Proper Scale Distance.

Type of Blasting Machine Used

Sequential ( )
CD 450 ( )
VME 225-450 ( )
Other None ( )

No. Delays Used See Sheet; Max. Lbs. Per Delay 35 max p.s.; Max. No. Holes Per Delay 1 p.s.
Blast Direction & Location North See Dia
Distance From Nearest Dwellings, Buildings 300+' Gas 300+' Highways or Railroads _____
Other Possible Hazards: Overhead wires _____ Underground pipes _____ Other _____
Types of Terrain: Hilly ✓ Flat _____ Underground _____ Other _____
Was Mat Used? Yes ✓ No _____ Type Mat Rubber Other precautions whistles Signs
Exact Location of Seismograph Gas main
Seismograph Operator KL
Seismograph # 4156 Distance/direction _____ Location _____
Seismograph # _____ Distance/direction _____ Location _____
Seismograph # _____ Distance/direction _____ Location _____

Drilling & Blasting Rock Specialists

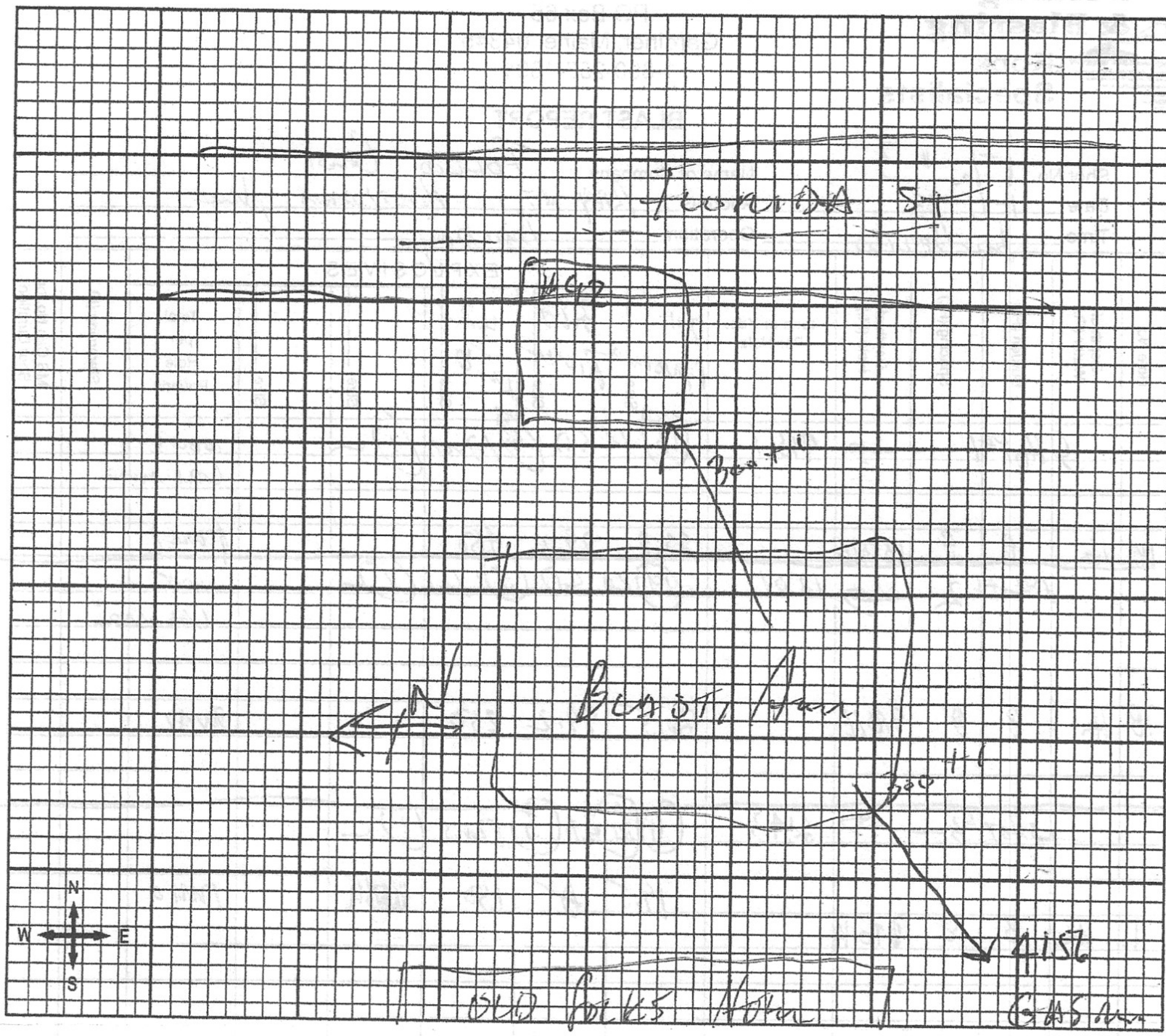
Drilling And Blasting Rock Specialists, Inc.
PO Box 65
Gardiner, Maine 04345
1-800-287-1391

BLAST REPORT

Shot No. 1 Thru # 3 Name of Company Foglio Const
Date 1-11-23 Address Ray St. Portland, Me
Time See Below Operation Building

Hole No.	Depth of Water (Ft.)	Burden (Ft.)	Spacing (Ft.)	Depth of Hole (Ft.)	Tons or Yds. Per Hole	EXPLOSIVES 2" Dynamite Size	3 1/2 Riovet Size	WR No 8 Size	Size	Size	Total per Hole Pounds	Stemming (Ft.)	MS Cap No. or Shot Duration
		Shot #1 →			9:51	(18)	24' ED	(8) 17ms	(1)		10003 Gas main		
19	Hr	8	8	13 to 16		23.8	79.2	450			Final		
		Shot #2 →			12:01	(19)	24' ED	(5) 17ms	(1)		.005 Gas main		
18	Hr	8	8	9 to 16		26.5	79.2	250			Final		
		Shot #3 →			2:43	(11)	24' ED	(5) 17ms	(1)				
						19.5	0	150			Final		
11	Hr	8	8	7 to 14									
		TOTALS											

Height of Face 9 to 16 ft. Size of Hole 3 1/2 in. Sub-Drilling 1 ft. Horizontal ☐ Vertical ☑
Cap Mfg. Dino Length of Wire 24' ED No. of Series Varies ps. No. Cap Each Series [illegible]
Ohms Each Series _____ Det. Cord Kind _____ ft.
Weather Conditions Clear; Temp. 30°; Wind Direction South; Speed _____
Powder Factor: Lbs. of Explosives per Ton Yd. _____ Cost Per Ton Yd.
Customer's Supt. _____
Blaster [signature] License Number [illegible]
Fill out this report completely. Use back for shot diagram. SIGNATURE [signature]



Direction of Shot

Scale Distance — Weight of Explosives = $\left(\frac{\text{Distance in Ft.}}{50\text{—}60}\right)^2$ = _____

Scale Distance — $\frac{\text{Distance in Ft.}}{\text{Weight Per Delay Period}}$ = _____

Check Your State and Federal Laws for the Proper Scale Distance.

Type of Blasting Machine Used

Sequential ( )
CD 450 ( )
VME 225-450 ( )
Other Nuc ( )

No. Delays Used [illegible]; Max. Lbs. Per Delay 25 max p.s.; Max. No. Holes Per Delay 1 p.s.
Blast Direction & Location North [illegible]
Distance From Nearest Dwellings, Buildings 300+' Highways or Railroads Gas 300+'
Other Possible Hazards: Overhead wires _____ Underground pipes _____ Other _____
Types of Terrain: Hilly ✓ Flat _____ Underground _____ Other _____
Was Mat Used? Yes ✓ No _____ Type Mat [illegible] Other precautions [illegible]
Exact Location of Seismograph Gas main 92 Florida
Seismograph Operator KIL
Seismograph # 4156 Distance/direction Gas Location _____
Seismograph # _____ Distance/direction _____ Location _____
Seismograph # _____ Distance/direction _____ Location _____

Drilling & Blasting Rock Specialists

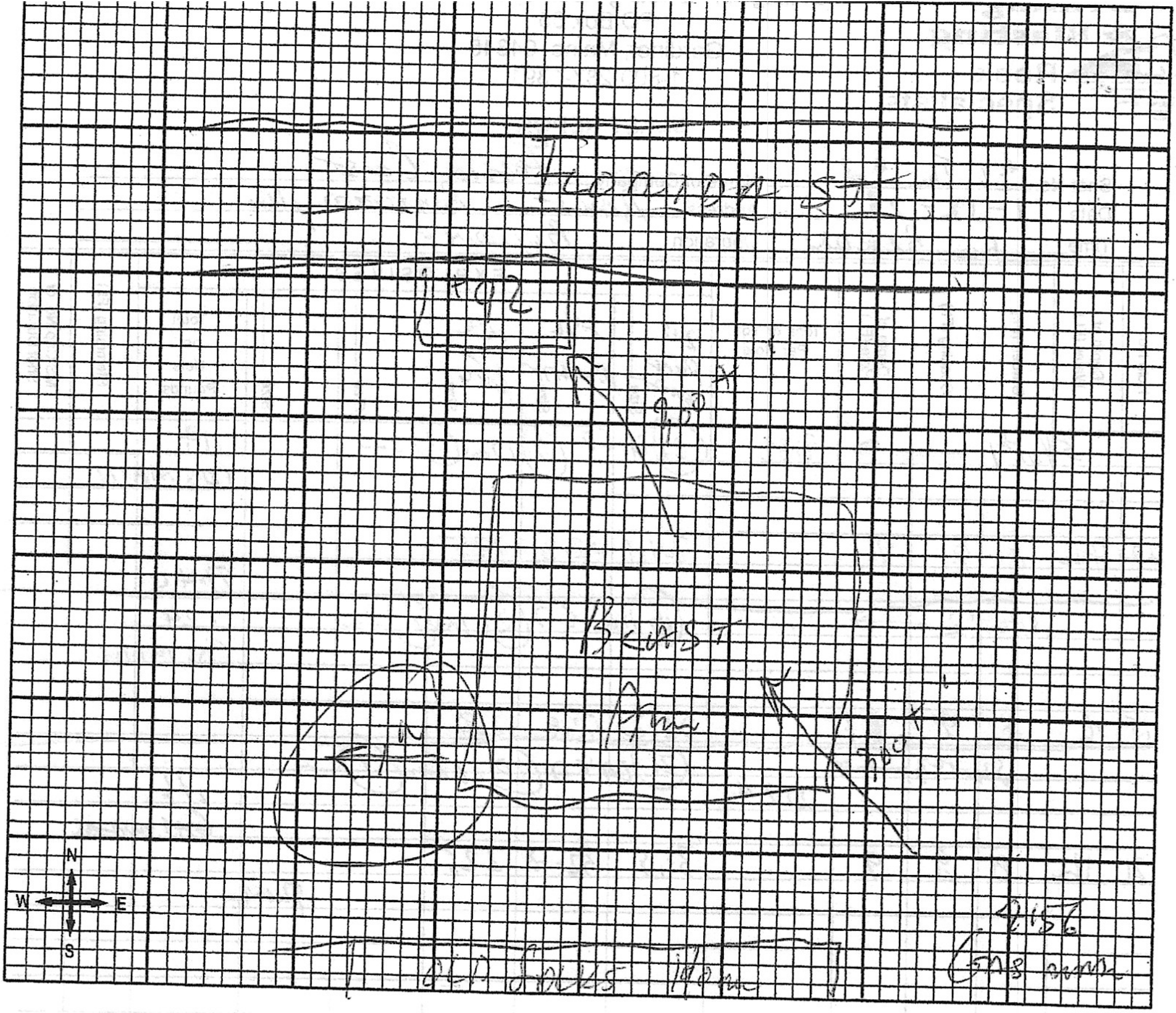
Drilling And Blasting Rock Specialists, Inc.
PO Box 65
Gardiner, Maine 04345
1-800-287-1391

BLAST REPORT

Shot No. #1 Thru #3 Name of Company Foglio Const
Date 1-12-23 Address Bay St. Portland, Me
Time See Below Operation Building

Hole No.	Depth of Water (Ft.)	Burden (Ft.)	Spacing (Ft.)	Depth of Hole (Ft.)	Tons or Yds. Per Hole	EXPLOSIVES: 2" Dyno Mat Size	2" Dyno Mat Size	2" Dyno Mat Size	WR Mtg Size	Size	Size	Total per Hole Pounds	Stemming (Ft.)	MS Cap No. or Shot Duration
	Shot #1 →				9:38	(22) 24' ED		(7) 17ms	(1) —			.14 Gas Main		
22	Hole	8	8	9		29.1	52.8	225				Thru		
	Shot #2 →				11:53	(15) 24' ED		(5) 17ms	(1) —			.24 Gas Main		
15	Hole	8	8	9 1		21.2	52.8	250						
	Shot #3 →				2:24	(21) 24' ED		(10) 17ms	(1) —			.16 Gas main		
21	Hole	8	8	9		31.9	52.8	225				Thru		
	TOTALS													

Height of Face _____ ft. Size of Hole 3 1/2 in. Sub-Drilling _____ ft. Horizontal ☐ Vertical ☐
Cap Mfg. Dino Length of Wire 24' ED No. of Series Various No. Cap Each Series See Above
Ohms Each Series _____ Det. Cord Kind _____ ft.
Weather Conditions Cloudy; Temp. 36°; Wind Direction _____; Speed _____
Powder Factor: Lbs. of Explosives per Ton Yd. _____ Cost Per Ton Yd.
Customer's Supt. _____
Blaster [signature] License Number [signature]
Fill out this report completely. Use back for shot diagram. SIGNATURE [signature]



Direction of Shot

Scale Distance — Weight of Explosives = $\left(\frac{\text{Distance in Ft.}}{50\text{—}60}\right)^2$ = _____

Scale Distance — $\frac{\text{Distance in Ft.}}{\text{Weight Per Delay Period}}$ = _____

Check Your State and Federal Laws for the Proper Scale Distance.

Type of Blasting Machine Used

Sequential ( )
CD 450 ( )
VME 225-450 ( )
Other None ( )

No. Delays Used [illegible]; Max. Lbs. Per Delay _____; Max. No. Holes Per Delay 1 pos.
Blast Direction & Location [illegible]
Distance From Nearest Dwellings, Buildings 300 ft Highways or Railroads [illegible] 300 ft
Other Possible Hazards: Overhead wires _____ Underground pipes _____ Other _____
Types of Terrain: Hilly ✓ Flat _____ Underground _____ Other _____
Was Mat Used? Yes ✓ No _____ Type Mat [illegible] Other precautions [illegible]
Exact Location of Seismograph 92 Florida Gas main
Seismograph Operator _____
Seismograph # 4156 Distance/direction Gas main Location _____
Seismograph # _____ Distance/direction _____ Location _____
Seismograph # _____ Distance/direction _____ Location _____

Drilling & Blasting Rock Specialists

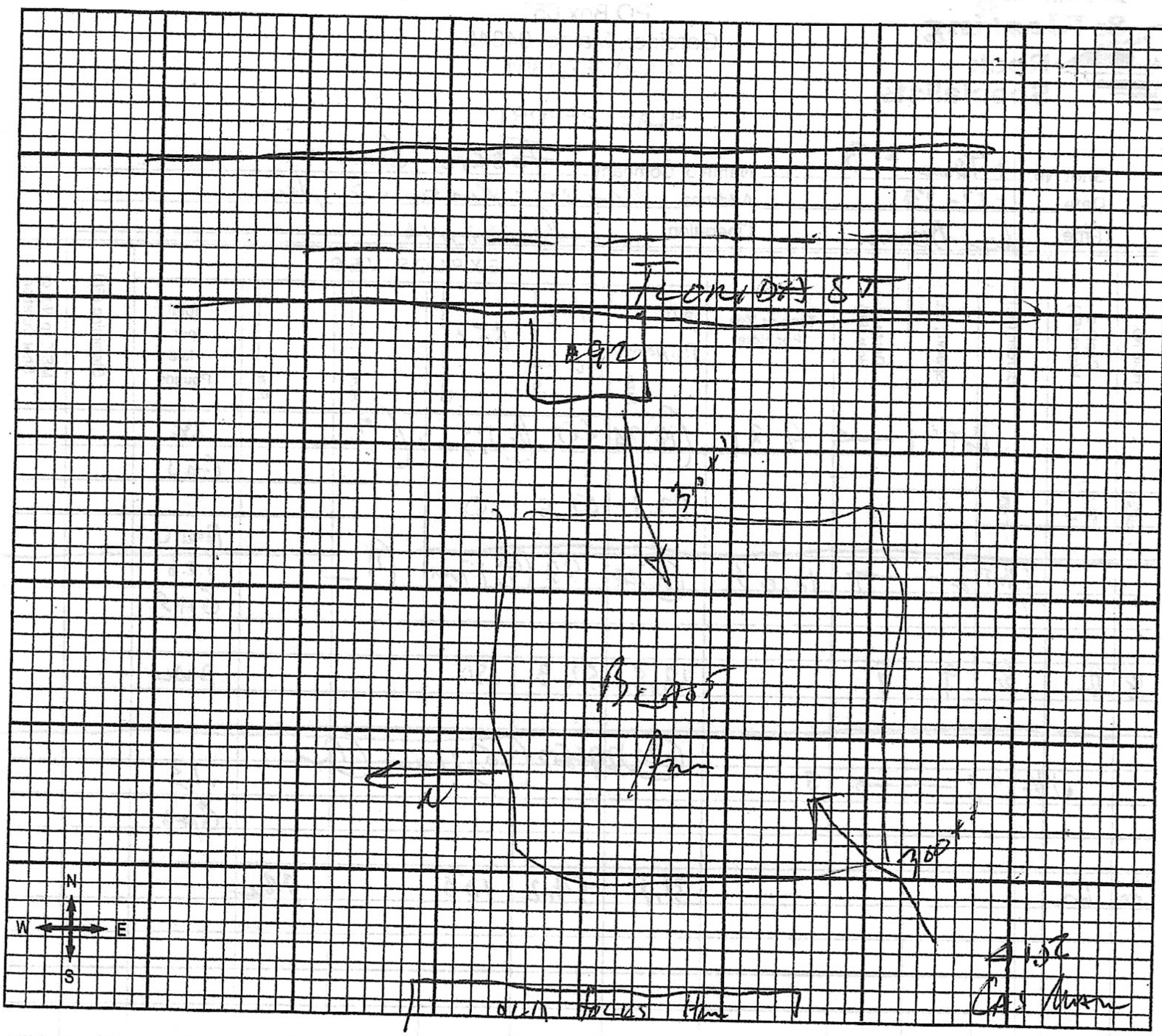
Drilling And Blasting Rock Specialists, Inc.
PO Box 65
Gardiner, Maine 04345
1-800-287-1391

BLAST REPORT

Shot No. 1 Thru # 3 Name of Company Foglio Const
Date 1-17-23 Address Ray St Portland, Me
Time See Below Operation Building

Hole No.	Depth of Water (Ft.)	Burden (Ft.)	Spacing (Ft.)	Depth of Hole (Ft.)	Tons or Yds. Per Hole	EXPLOSIVES 2" Dynamite Size	2"2 Blasting Size	Auto Size	Size	Size	Total per Hole Pounds	Stemming (Ft.)	MS Cap No. or Shot Duration
		Shot # 1 →			9:31	(18) 24"	60	(6) 17 mm	(1)		.28 Gas		
18	Hr	8	9	9		23.8	52.8	150			Mac		
		Shot # 2 →			12:03	(18) 24"	60	(9) 17 mm	(1)		.28 Gas		
18	H	8	9	9		23.8	52.8	150			Mac		
		Shot # 3 →			3:11	(20) 24"	60	(15) 17 mm	(1)		.13 Gas		
20	Hr					31.9	54.2	150		Mac			
		TOTALS											

Height of Face 9 to 12 ft. Size of Hole 3 1/2 in. Sub-Drilling 1 ft. Horizontal ☐ Vertical ☑
Cap Mfg. Dino Length of Wire 24" 60 No. of Series Varies p.s. No. Cap Each Series [illegible]
Ohms Each Series _____ Det. Cord Kind _____ ft.
Weather Conditions Clear; Temp. 35°; Wind Direction [illegible]; Speed _____
Powder Factor: Lbs. of Explosives per Ton Yd. _____ Cost Per Ton Yd.
Customer's Supt. _____
Blaster [signature] License Number [signature]
Fill out this report completely. Use back for shot diagram. SIGNATURE [signature]



Direction of Shot

Scale Distance — Weight of Explosives = $\left(\frac{\text{Distance in Ft.}}{50\text{—}60}\right)^2$ = _____

Scale Distance — $\frac{\text{Distance in Ft.}}{\text{Weight Per Delay Period}}$ = _____

Check Your State and Federal Laws for the Proper Scale Distance.

Type of Blasting Machine Used

Sequential ( )
CD 450 ( )
VME 225-450 ( )
Other None ( )

No. Delays Used [illegible]; Max. Lbs. Per Delay 21 max p.s.; Max. No. Holes Per Delay 1 p.s.

Blast Direction & Location North [illegible]

Distance From Nearest Dwellings, Buildings 300+' Highways or Railroads Gas 300+'

Other Possible Hazards: Overhead wires _____ Underground pipes _____ Other _____

Types of Terrain: Hilly ✓ Flat _____ Underground _____ Other _____

Was Mat Used? Yes ✓ No _____ Type Mat Rubber Other precautions [illegible]

Exact Location of Seismograph 92 FLORIDA CAS MAIN

Seismograph Operator KL

Seismograph # 4156 Distance/direction Gas Main Location _____

Seismograph # _____ Distance/direction _____ Location _____

Seismograph # _____ Distance/direction _____ Location _____

Drilling & Blasting Rock Specialists

Drilling And Blasting Rock Specialists, Inc.
PO Box 65
Gardiner, Maine 04345
1-800-287-1391

BLAST REPORT

Shot No. 1 Trun #
Date 1-18-23
Time See Below

Name of Company FOGLIO CONST
Address RAY ST PORTLAND, ME
Operation BUILDING

Hole No.	Depth of Water (Ft.)	Burden (Ft.)	Spacing (Ft.)	Depth of Hole (Ft.)	Tons or Yds. Per Hole	EXPLOSIVES 2" Dynamite Size	1 1/2 Vanmac Size	2 1/2 Blast Size	Auto Size	Size	Total per Hole Pounds	Stemming (Ft.)	MS Cap No. or Shot Duration
		SHOT #1 →			10:11	46 16' CD		13 24' CD	10 11ms	1	.12		
											CAS		
59	Hole	5	5	3		79.5	64.5	0	0				
		SHOT #2 →			12:00	15 24' CD		10 17ms	1		.10		
											CAS		
											C		
15	Hole	8	9	9		21.2	46.2	100					
		SHOT #3 →			2:25	18 24' CD		9 27ms	1		.78		
											CAS main		
18	Hole	8	9	9	2:25	48.4	73.6	150					
		TOTALS											

Height of Face 3 TO 9 ft. Size of Hole 3" 3 1/2 in. Sub-Drilling 1 ft. Horizontal ☐ Vertical ☑

Cap Mfg. Dinco Length of Wire 76' - 24' No. of Series Varies pcs No. Cap Each Series 1 pcs

Ohms Each Series _____ Det. Cord Kind _____ ft.

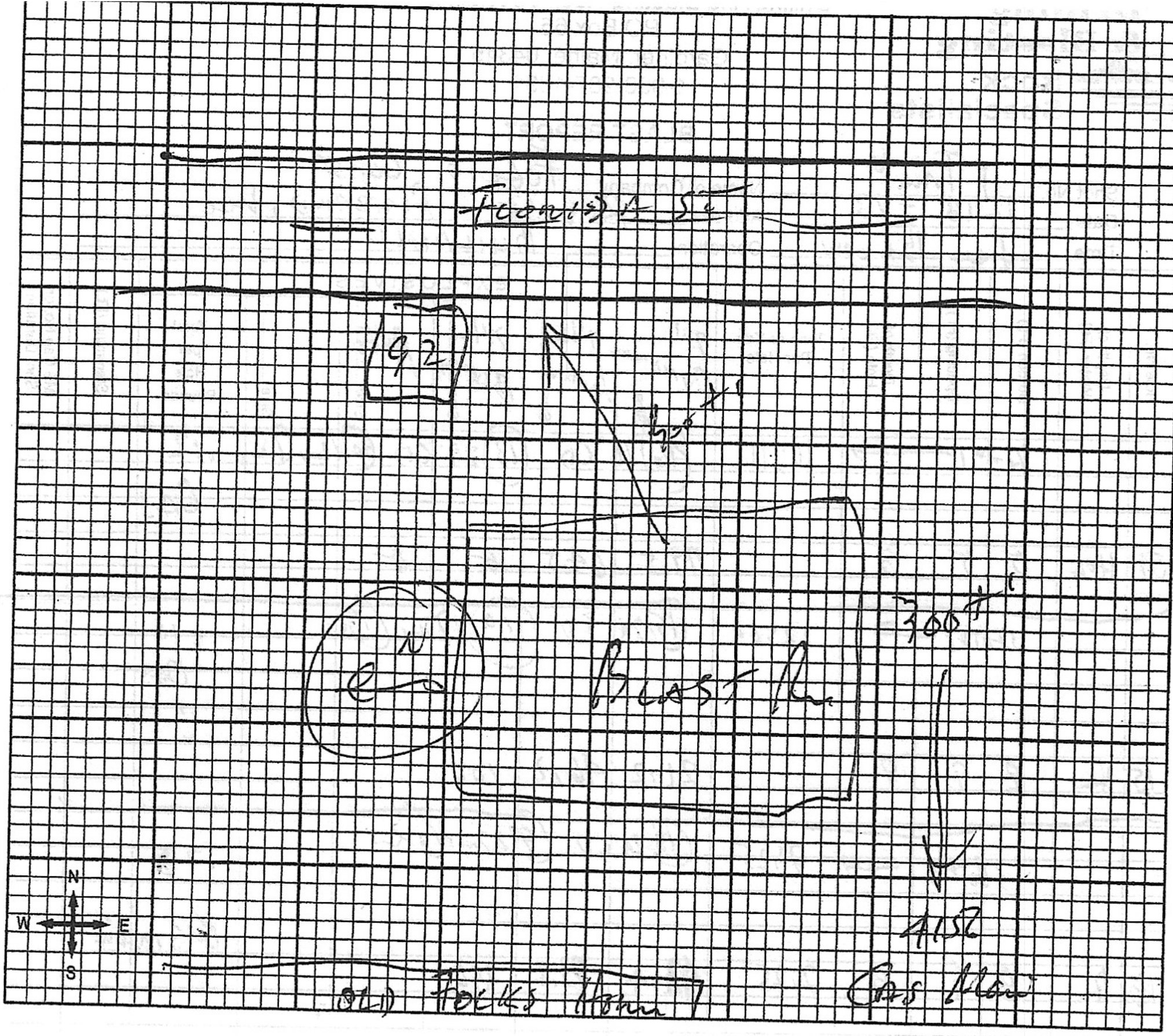
Weather Conditions clear; Temp. 40°; Wind Direction _____; Speed _____

Powder Factor: Lbs. of Explosives per Ton Yd. _____ Cost Per Ton Yd.

Customer's Supt. _____

Blaster _____ License Number _____

Fill out this report completely. Use back for shot diagram. SIGNATURE _____



Direction of Shot

Scale Distance — Weight of Explosives = $\left(\frac{\text{Distance in Ft.}}{50\text{—}60}\right)^2$ = _____ Type of Blasting Machine Used

Scale Distance — $\frac{\text{Distance in Ft.}}{\text{Weight Per Delay Period}}$ = _____

Sequential ( )
CD 450 ( )
VME 225-450 ( )
Other Minimate ( )

Check Your State and Federal Laws for the Proper Scale Distance.

No. Delays Used See Form ; Max. Lbs. Per Delay 12 MAX per del. ; Max. No. Holes Per Delay 1 per

Blast Direction & Location Normal to Dwg

Distance From Nearest Dwellings, Buildings 300 ft Highways or Railroads CASMAIN 300 ft

Other Possible Hazards: Overhead wires _____ Underground pipes _____ Other _____

Types of Terrain: Hilly ✓ Flat _____ Underground _____ Other _____

Was Mat Used? Yes ✓ No _____ Type Mat Rubber Other precautions Water / Eyes

Exact Location of Seismograph 92 FLORIDA Cas main

Seismograph Operator KIL

Seismograph # 4156 Distance/direction A Location _____

Seismograph # _____ Distance/direction _____ Location _____

Seismograph # _____ Distance/direction _____ Location _____

Drilling & Blasting Rock Specialists

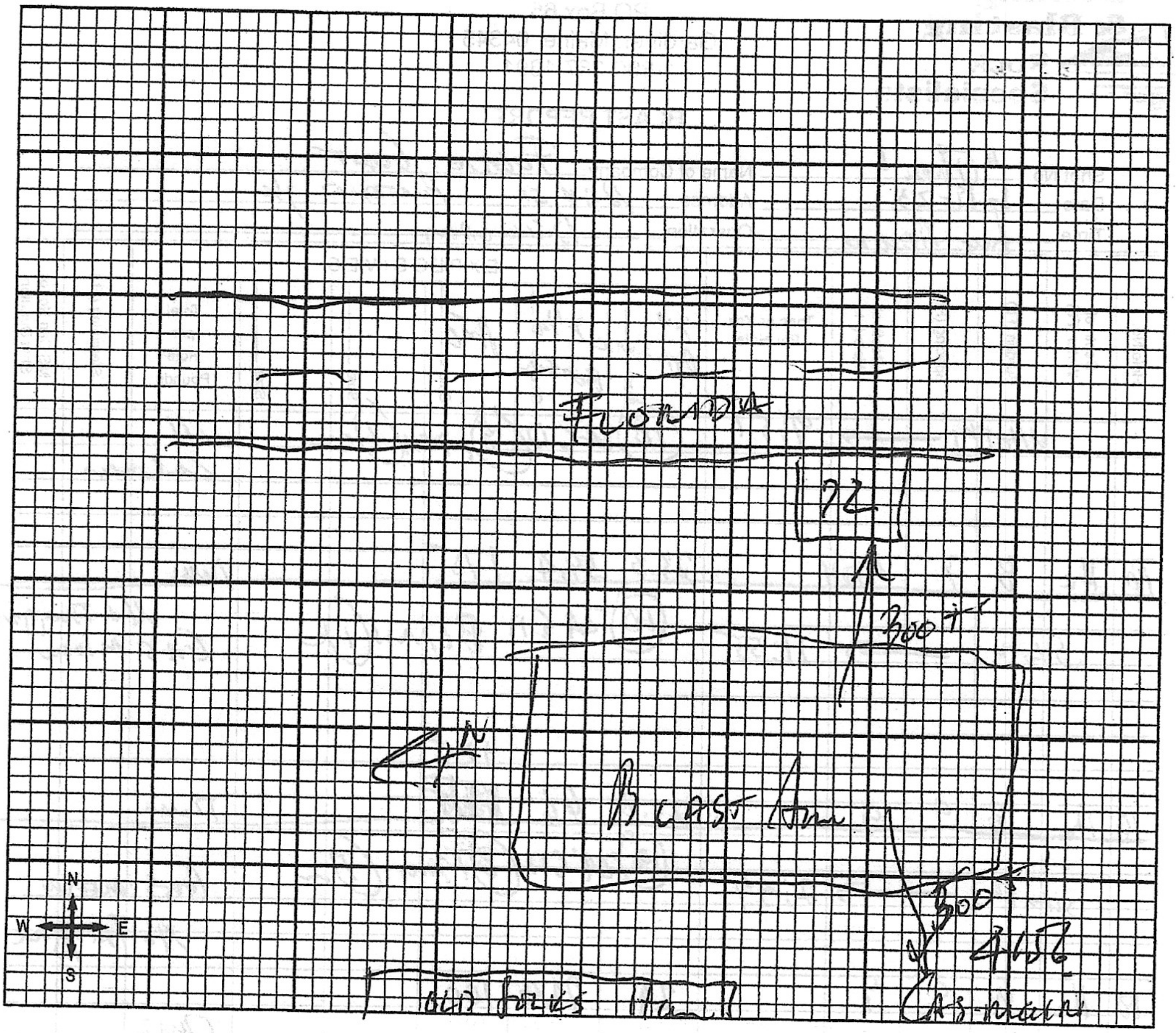
Drilling And Blasting Rock Specialists, Inc.
PO Box 65
Gardiner, Maine 04345
1-800-287-1391

BLAST REPORT

Shot No. #1 Thru 4 Name of Company Foglio Coast
Date 1-19-23 Address Ray St Portland Me
Time See Below Operation Building

Hole No.	Depth of Water (Ft.)	Burden (Ft.)	Spacing (Ft.)	Depth of Hole (Ft.)	Tons or Yds. Per Hole	EXPLOSIVES 2" Dynamite Size	2 1/2 Beaver Size	Pro Size	Size	Size	Total per Hole Pounds	Stemming (Ft.)	MS Cap No. or Shot Duration
		Shot #1 →			9:51	18	24' ED	8	17 ms	1	.11		
											Gas main		
18	Hr	8	9	9 to 11		23.8	59.4	175			Tunnel		
		Shot #2 →			11:55	18	24' ED	8	17 ms	1	No Trigger Gas main		
18	Hr	8	9	9		23.8	66	125			Tunnel		
		Shot #3 →			2:47	18	24' ED	8	17 ms	1	Gas main No Trigger		
18	Hr	8	9	9		24	74.4	100			Tunnel		
		TOTALS											

Height of Face 9 to 11 ft. Size of Hole 3 1/2 in. Sub-Drilling 2 ft. Horizontal ☐ Vertical ☑
Cap Mfg. Dino Length of Wire 24' ED No. of Series Varies, 3 No. Cap Each Series [illegible]
Ohms Each Series _____ Det. Cord Kind _____ ft.
Weather Conditions Clear; Temp. 35°; Wind Direction [illegible]; Speed _____
Powder Factor: Lbs. of Explosives per Ton Yd. _____ Cost Per Ton Yd.
Customer's Supt. _____
Blaster [signature] License Number [signature]
Fill out this report completely. Use back for shot diagram. SIGNATURE [signature]



Direction of Shot

Scale Distance — Weight of Explosives = $\left(\frac{\text{Distance in Ft.}}{50-60}\right)^2$ = _____

Scale Distance — $\frac{\text{Distance in Ft.}}{\text{Weight Per Delay Period}}$ = _____

Check Your State and Federal Laws for the Proper Scale Distance.

Type of Blasting Machine Used

Sequential ( )
CD 450 ( )
VME 225-450 ( )
Other None ( )

No. Delays Used [illegible]; Max. Lbs. Per Delay 18 max p.s.; Max. No. Holes Per Delay [illegible]
Blast Direction & Location North from Dam
Distance From Nearest Dwellings, Buildings 300+' Highways or Railroads GAS 500+'
Other Possible Hazards: Overhead wires ____ Underground pipes ____ Other ____
Types of Terrain: Hilly ✓ Flat ✓ Underground ____ Other ____
Was Mat Used? Yes ✓ No ____ Type Mat Rubber Other precautions [illegible]
Exact Location of Seismograph GAS MAIN 72 FLORIDA
Seismograph Operator K.C
Seismograph # 4156 Distance/direction GAS main Location ____
Seismograph # ____ Distance/direction ____ Location ____
Seismograph # ____ Distance/direction ____ Location ____

Drilling & Blasting Rock Specialists 72

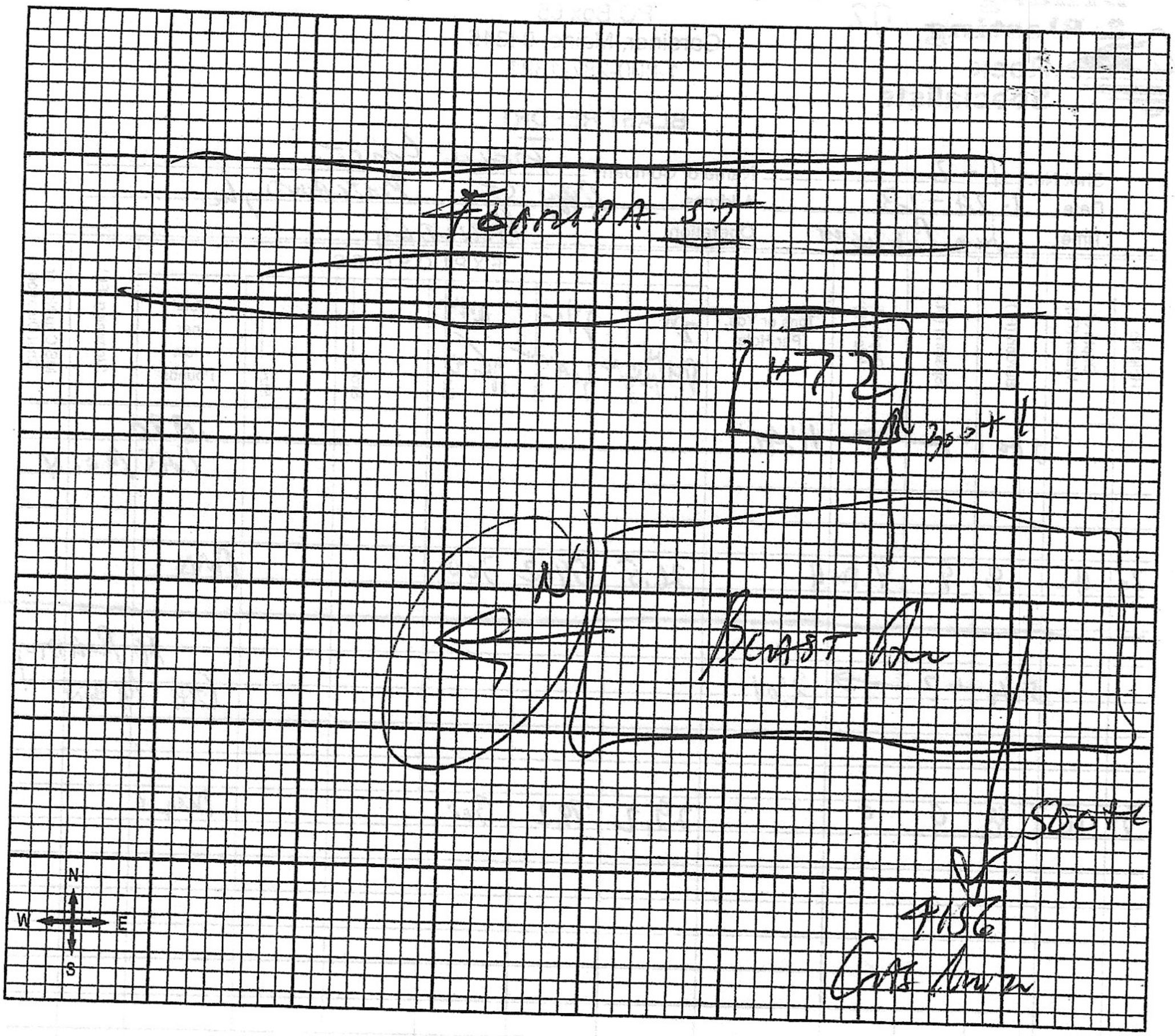
Drilling And Blasting Rock Specialists, Inc.
PO Box 65
Gardiner, Maine 04345
1-800-287-1391

BLAST REPORT

Shot No. 1-2 Name of Company Foglio Const
Date 1-24-23 Address Ray St. Portland, Me
Time See Below Operation Building

Hole No.	Depth of Water (Ft.)	Burden (Ft.)	Spacing (Ft.)	Depth of Hole (Ft.)	Tons or Yds. Per Hole	EXPLOSIVES 2" Dyn. Max Size	2½ Blasting Size	1½ Min Size	Size	Size	Total per Hole Pounds	Stemming (Ft.)	MS Cap No. or Shot Duration
		Shot #1 →			11:40						.090 GAS MAIN		
20	4	8	9	9 to 11		26.5	79.2	300			Max		
		Shot #2 →			3:01						NO READING GAS MAIN		
21	4	8	9	9		29.2	79.2	300			Max		
TOTALS													

Height of Face 9 to 11 ft. Size of Hole 3½ in. Sub-Drilling 2 ft. Horizontal ☐ Vertical ☑
Cap Mfg. Dino Length of Wire 24' CD No. of Series 3 pisi No. Cap Each Series [illegible]
Ohms Each Series _____ Det. Cord Kind _____ ft.
Weather Conditions Clear ; Temp. 40° ; Wind Direction [illegible] ; Speed _____
Powder Factor: Lbs. of Explosives per Ton Yd. _____ Cost Per Ton Yd.
Customer's Supt. _____
Blaster [signature] License Number [illegible]
Fill out this report completely. Use back for shot diagram. SIGNATURE [signature]



Direction of Shot

Scale Distance — Weight of Explosives = $\left(\frac{\text{Distance in Ft.}}{50\text{—}60}\right)^2$ = _____ Type of Blasting Machine Used

Scale Distance — $\frac{\text{Distance in Ft.}}{\text{Weight Per Delay Period}}$ = _____

Sequential ( )
CD 450 ( )
VME 225-450 ( )
Other Blast ( )

Check Your State and Federal Laws for the Proper Scale Distance.

No. Delays Used [illegible]; Max. Lbs. Per Delay [illegible] max psi; Max. No. Holes Per Delay 1 per 6

Blast Direction & Location North [illegible]

Distance From Nearest Dwellings, Buildings [illegible] Highways or Railroads _____

Other Possible Hazards: Overhead wires _____ Underground pipes _____ Other _____

Types of Terrain: Hilly ✓ Flat _____ Underground _____ Other _____

Was Mat Used? Yes ✓ No _____ Type Mat [illegible] Other precautions Watson/Sign

Exact Location of Seismograph Gas Mart 72 Florida

Seismograph Operator K.L

Seismograph # 4156 Distance/direction Gas Mart Location _____

Seismograph # _____ Distance/direction _____ Location _____

Seismograph # _____ Distance/direction _____ Location _____

Drilling & Blasting Rock Specialists

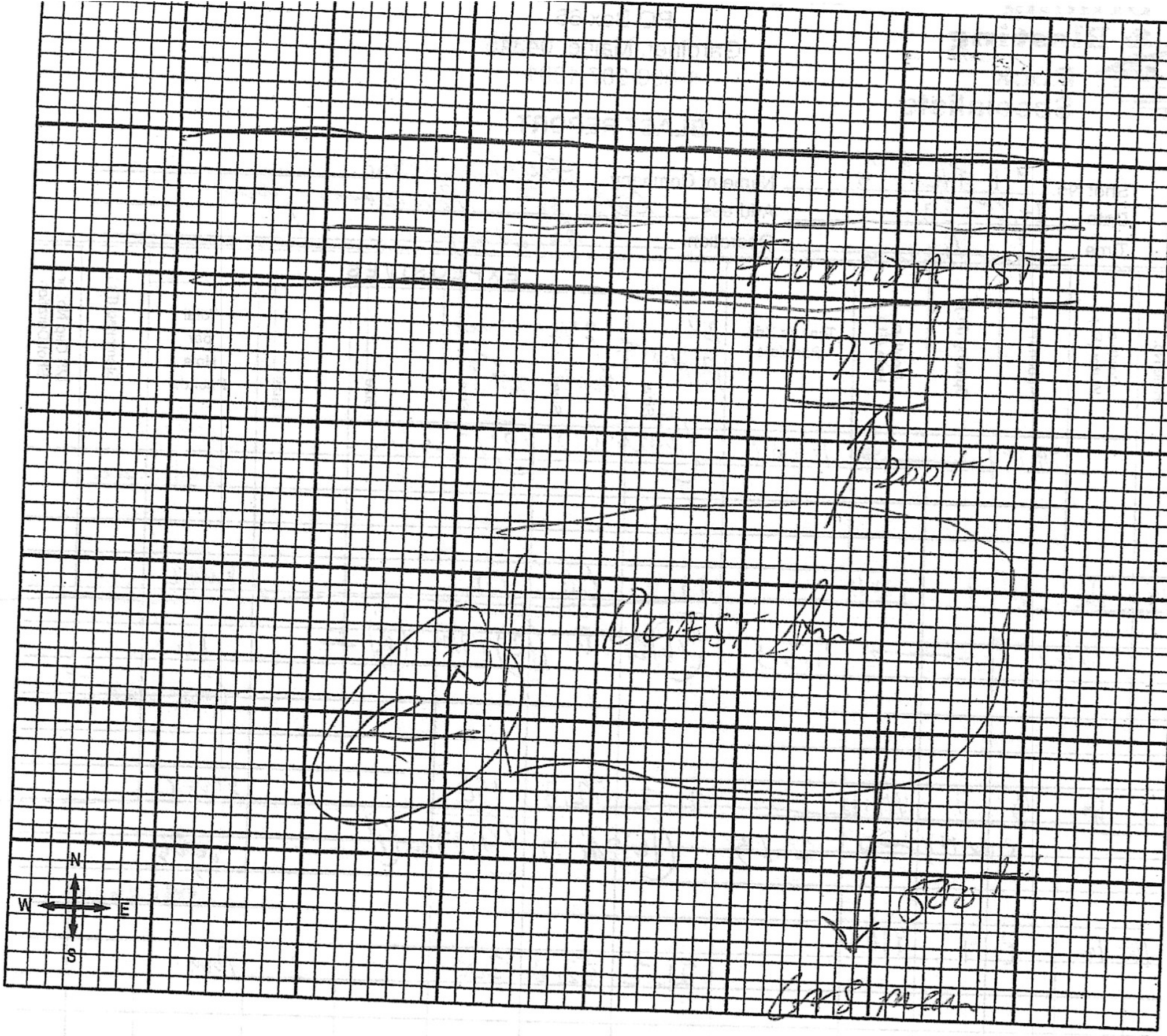
PO Box 65
Gardiner, Maine 04345
1-800-287-1391

BLAST REPORT

Shot No. #1 Th #3 Name of Company Foglio Const
Date 1-25-23 Address Ray St Portland, Me
Time See Below Operation Building

Hole No.	Depth of Water (Ft.)	Burden (Ft.)	Spacing (Ft.)	Depth of Hole (Ft.)	Tons or Yds. Per Hole	EXPLOSIVES 24 Pymorex Size	2½ Blasting Size	wl No 6 Size	Size	Size	Total per Hole Pounds	Stemming (Ft.)	MS Cap No. or Shot Duration
		Shot #1 →			10:07	(18) 24' ED		(9) 17ms (1)			.090 GAS main		
18	Hw	8	9	9 to 11		23.8	66	150			Total		
		Shot #2 →			11:53	(16) 24 ED		(12) 17ms (2)			.10 GAS main		
16	Hw	8	9	9 to 11		21.2	52.8	150			Total		
		Shot #3 →			2:23	(16) 24' ED		(9) 17ms (1)			.086 GAS main		
16	Hw	8	9	9 to 11		21.2	52.8	200		1	Ms		
		TOTALS											

Height of Face 9 to 11 ft. Size of Hole 3½" in. Sub-Drilling 2 ft. Horizontal ☐ Vertical ☑
Cap Mfg. Dino Length of Wire 24' ED No. of Series Varied gas No. Cap Each Series [illegible]
Ohms Each Series _____ Det. Cord Kind _____ ft.
Weather Conditions Clear; Temp. 30°; Wind Direction _____; Speed _____
Powder Factor: Lbs. of Explosives per Ton Yd. _____ Cost Per Ton Yd.
Customer's Supt. _____
Blaster [signature] License Number [illegible]
Fill out this report completely. Use back for shot diagram. SIGNATURE [signature]



Direction of Shot

Scale Distance — Weight of Explosives = $\left(\frac{\text{Distance in Ft.}}{50-60}\right)^2$ = _____

Scale Distance — $\frac{\text{Distance in Ft.}}{\text{Weight Per Delay Period}}$ = _____

Check Your State and Federal Laws for the Proper Scale Distance.

Type of Blasting Machine Used

Sequential ( )
CD 450 ( )
VME 225-450 ( )
Other Nim ( )

No. Delays Used [illegible]; Max. Lbs. Per Delay 10 max psi; Max. No. Holes Per Delay 1 p.s.
Blast Direction & Location North [illegible]
Distance From Nearest Dwellings, Buildings See Above Highways or Railroads _____
Other Possible Hazards: Overhead wires _____ Underground pipes _____ Other _____
Types of Terrain: Hilly ✓ Flat _____ Underground _____ Other _____
Was Mat Used? Yes ✓ No _____ Type Mat [illegible] Other precautions [illegible]
Exact Location of Seismograph GAS MAIN 72 FLORIDA ST
Seismograph Operator K.C
Seismograph # 4156 Distance/direction GAS MAIN Location _____
Seismograph # _____ Distance/direction _____ Location _____
Seismograph # _____ Distance/direction _____ Location _____

Drilling & Blasting Rock Specialists

PO Box 65
Gardiner, Maine 04345
1-800-287-1391

BLAST REPORT

Shot No. #1 Thru #
Date 1-27-23
Time See Below

Name of Company FOGLIO CONST
Address KAY ST. PORTLAND, Me
Operation BUILDING

Hole No.	Depth of Water (Ft.)	Burden (Ft.)	Spacing (Ft.)	Depth of Hole (Ft.)	Tons or Yds. Per Hole	EXPLOSIVES 2" Dynamite Size	2 1/2 Blasting Size	WT Nitro Size	Size	Size	Total per Hole Pounds	Stemming (Ft.)	MS Cap No. or Shot Duration
		SHOT #1 →			10:06	(14) 24' ED		(15) 17ms (2)			No Reading Gas main		
14	Hr	8	9	9		18.5	49.5	100			Dmc		
		SHOT #2 →			11:47	(12) 24' ED		(9) 17ms (1)			.080 GAS MAIN		
12	Hon	8	9	9		15.9	29.7	100			Dmc		
		SHOT #3 →			2:45	(11) 24' ED		(6) 17ms (1)			.21 GAS MAIN		
11		8'	9	15'		34.5	39.6	250			Dmc		
		TOTALS											

Height of Face See Dr ft. Size of Hole 3 1/2 in. Sub-Drilling 3 ft. Horizontal ☐ Vertical ☑

Cap Mfg. Rino Length of Wire 24' C. No. of Series Varies No. Cap Each Series See

Ohms Each Series _____ Det. Cord Kind _____ ft.

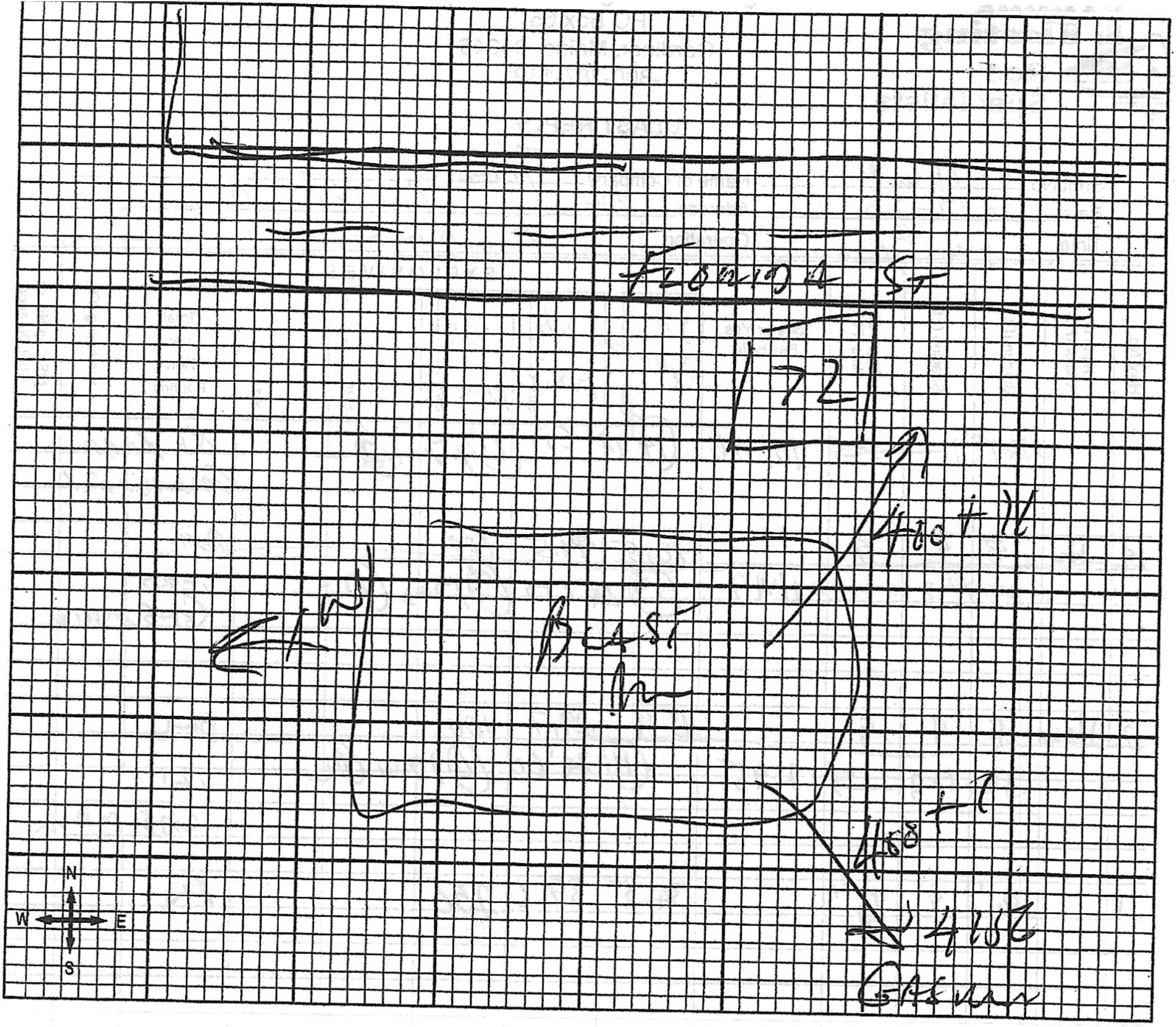
Weather Conditions Clear; Temp. 40°; Wind Direction _____; Speed _____

Powder Factor: Lbs. of Explosives per Ton Yd. _____ Cost Per Ton Yd.

Customer's Supt. _____

Blaster [signature] License Number [signature]

Fill out this report completely. Use back for shot diagram. SIGNATURE [signature]



Direction of Shot

Scale Distance — Weight of Explosives = $\left(\frac{\text{Distance in Ft.}}{50\text{—}60}\right)^2$ = _____

Scale Distance — $\frac{\text{Distance in Ft.}}{\text{Weight Per Delay Period}}$ = _____

Check Your State and Federal Laws for the Proper Scale Distance.

Type of Blasting Machine Used

Sequential ( )
CD 450 ( )
VME 225-450 ( )
Other [illegible] ( )

No. Delays Used [illegible]; Max. Lbs. Per Delay 30 max pos; Max. No. Holes Per Delay [illegible]
Blast Direction & Location [illegible]
Distance From Nearest Dwellings, Buildings [illegible] Highways or Railroads _____
Other Possible Hazards: Overhead wires _____ Underground pipes _____ Other _____
Types of Terrain: Hilly ✓ Flat _____ Underground _____ Other _____
Was Mat Used? Yes ✓ No _____ Type Mat [illegible] Other precautions [illegible]
Exact Location of Seismograph 72 Florida Gas [illegible]
Seismograph Operator _____
Seismograph # 4156 Distance/direction Gas [illegible] Location _____
Seismograph # _____ Distance/direction _____ Location _____
Seismograph # _____ Distance/direction _____ Location _____

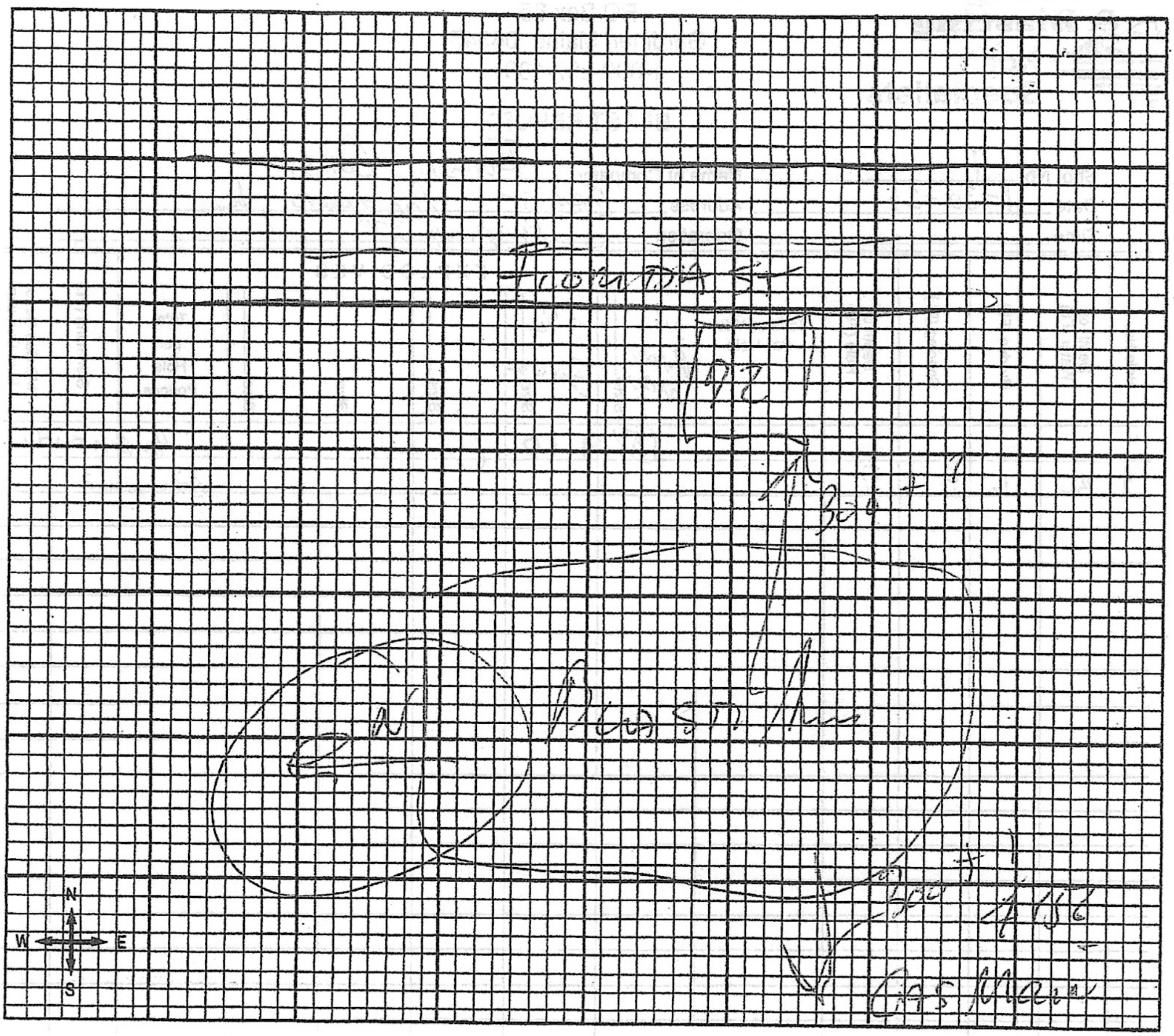
Drilling & Blasting Rock Specialists, Inc.
PO Box 65
Gardiner, Maine 04345
1-800-287-1391

BLAST REPORT

Shot No. 1 Name of Company Foglio Const
Date 1-30-23 Address 184 St Portland, Me
Time _____ Operation Pumping Sta

Hole No.	Depth of Water (Ft.)	Burden (Ft.)	Spacing (Ft.)	Depth of Hole (Ft.)	Tons or Yds. Per Hole	EXPLOSIVES 2" Dyno Nobel Size	2 1/2 Size	Size	Size	Size	Total per Hole Pounds	Stemming (Ft.)	MS Cap No. or Shot Duration
						(5)	24" ED	(1)			No Reading		
4	1ft	6	8	9							Gas main		
TOTALS						10.6	16.5				pvt	27.1	

Height of Face 9 ft. Size of Hole 3 1/2 in. Sub-Drilling 3 ft. Horizontal ☐ Vertical ☑
Cap Mfg. Dyno Length of Wire 24" ED No. of Series 1 No. Cap Each Series 4
Ohms Each Series _____ Det. Cord Kind _____ ft.
Weather Conditions Cloudy; Temp. 30° ; Wind Direction _____; Speed _____
Powder Factor: Lbs. of Explosives per Ton Yd. _____ Cost Per Ton Yd.
Customer's Supt. _____
Blaster _____ License Number _____
Fill out this report completely. Use back for shot diagram. SIGNATURE _____


Property Line
Property Line
Property Line

CITY OF PORTLAND, MAINE

PLANNING BOARD

Brandon Mazer, Chair
Maggie Stanley, Vice-Chair
Marpheen Chann
David Silk
Austin Smith
Bob Dunfey
Sean Dundon

November 19, 2020

Daniel Maguire
Fallbrook Commons Development, LLC
217 Commercial Street
PO Box 110
Portland, Maine 04112

Dan Danvers
Sebago Technics
75 John Roberts Rd #4a
South Portland, ME 04106

Project Name:	60 Merrymeeting Drive Development	**Project ID:**	PL-000925-2019
Address:	60 Merrymeeting Drive	**CBL:**	400 D023
Applicant:	Fallbrook Commons Development, LLC		
Planner:	Andrew Tufts		

Dear Mr. Maguire:

On November 10, 2020, the Planning Board considered the proposed skilled nursing care facility at 60 Merrymeeting Drive. The Planning Board reviewed the proposal for conformance with the site plan and conditional use standards of Portland's Land Use Code, and for meeting Site Location of Development Act standards. The Planning Board voted unanimously (7-0) to approve the application. The approval is based on the submitted plans and findings, as contained in the attached Planning Board report for the public hearing on November 10, 2020 for application PL-000925-2019, subject to the following waivers and conditions:

Waivers

1. Impact to Wetlands
   The Planning Board voted 7-0, based upon submitted materials and the City Engineer's Review, that extraordinary conditions exist or undue hardship may result from strict compliance with the Technical Manual standard section 14-526. B.1 *"The site plan shall preserve and protect significant natural features by incorporating them into the site design (Subsection v includes freshwater wetlands"*. The Planning Board waive the Technical Manual standard Section 14-526.B.1.

2. Compact Parking Spaces
   The Planning Board voted 7-0, based upon submitted materials and the City Engineer's Review, that extraordinary conditions exist or undue hardship may result from strict compliance with the Technical Manual, *Section 1.14, Parking lots with greater than 10 spaces may be comprised of up to 20% compact parking spaces.* The Planning Board waived the Technical Manual standard Section 1.14.

Site Plan Review
The Planning Board voted unanimously (7-0) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. The applicant shall provide confirmation of adequate wastewater capacity from the Department of Public Works for review and approval by the Planning Authority; and

2. The applicant shall guarantee the viability of all plantings to be used for screening around the retaining walls, parking lot, and perimeter of the site for a period of two years.

Conditional Use Review
The Planning Board voted unanimously (7-0) that the plan is in conformance with the conditional use standards for a Long-term Care Facility pursuant to Sections 14-474 and 14-88 of the Land Use Code.

Standard Procedures
Note: The following standard procedures and requirements apply to all approved site plans:

1. Site Plan Expiration The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.

2. Separate Building Permits Are Required This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Permitting and Inspections Department.

3. Performance Guarantee and Inspection Fees A performance guarantee covering the site improvements and an inspection fee payment of 2.0% of the guarantee amount and three (3) final sets of plans must be submitted to and approved by the Planning and Urban Development Department and Public Works Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.

7. Construction Management Plans The applicant, contractor and subcontractors are required to conform to the approved Construction Management Plan, and all conditions contained within the project's approval, for the entire duration of the project. Any amendments to the approved Construction Management Plan shall be reviewed and approved by the Department of Public Works prior to the execution. The Planning Authority and the Department of Public Works have the right to seek revisions to an approved Construction Management Plan. The applicant shall coordinate the project's construction schedule with the timing of nearby construction activities to avoid cumulative impacts on a neighborhood and prevent unsafe vehicle and pedestrian movements. Accordingly, nearby construction activities could involve a delay in the commencement of construction.

8. Preconstruction Meeting Prior to the release of a building permit and scheduling of a preconstruction meeting, a hard copy set of approved plans shall be submitted to the Development Review Coordinator. A pre-construction meeting shall be held at the project site with the contractor, Development Review Coordinator, Public Works representative, and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan and the approved Construction Management Plan. The site/building contractor shall provide one (1) copy of a detailed construction schedule to the attending City representative. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

9. Department of Public Works Permits If work or obstructions will occur within the public right-of-way, such as utilities, curb, sidewalk, driveway construction, site deliveries and equipment siting, a Street Opening and/or Occupancy Permits are required for your site. Please contact the Department of Public Works Permit Clerk at (207) 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

10. Develop Site According to Plan The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Any modifications of an approved site plan or alteration of a parcel, or of any approved exterior elevations, which were the subject of site plan approval after May 20, 1974, shall require the prior approval of an amended site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

11. Stormwater Management The owner/operator of an approved stormwater management system, and all assigns shall comply with the conditions of Chapter 32, Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements.

A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form, shall be submitted for review by Corporation Counsel. Once approved, the document shall be signed and recorded at the Cumberland County Registry of Deeds prior to the issuance of a building permit. Final copies shall be submitted to both the Department of Planning and Urban Development and the Department of Public Works.

12. Defect Guarantee A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

13. As-Built Final Plans Final sets of as-built plans shall be submitted digitally to the Planning and Urban Development Department, on a CD or DVD, in AutoCAD format (.dwg), release AutoCAD 2005 or greater.

14. Mylar Copies Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to Public Works prior to the issuance of a certificate of occupancy.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning and Urban Development Department at (207) 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Andrew Tufts at (207) 874-8724.

Sincerely,

Brandon Mazer

Brandon Mazer, Chair
Portland Planning Board

ATTACHMENTS

1. PLANNING BOARD REPORT

PLANNING BOARD REPORT
PORTLAND, MAINE

60 Merrymeeting Drive Development
Level III Site Plan & Conditional Use Review
Fallbrook Commons Development LLC, Applicant
PL-000925-2019 CBL: 400 D023

Submitted to: Portland Planning Board Public Hearing Date: November 10, 2020	Prepared by: Andrew Tufts, Planner Date: November 6, 2020



Figure 1: Parcel outline - Source: City of Portland Maine Parcel Viewer

I. INTRODUCTION

Fallbrook Commons Development LLC, has submitted a Level III Site Plan and Conditional Use application for the development of a two-story, 58,197 square-foot skilled nursing care facility at 60 Merrymeeting Drive. The subject property is an 8.28 acre parcel along with approximately 55 linear feet of street frontage on Ray Street. The site is zoned R-3, in which institutional developments are allowed as a conditional use.

The Planning & Urban Development Department sent 228 notices advertising this meeting to property owners within 500 feet of the site. A legal advertisement ran in the October 30th & October 31st editions of the Portland Press Herald.

Applicant: Fallbrook Commons Development LLC

Consultants: Dan Danvers, L.A. (Sebago Technics, (Landscape Architect)), Michael Pednault, AIA (Gawron Turgeon Architects) Charles Marchese (Sebago Technics (Surveying))

II. REQUIRED REVIEWS

Review	*Applicable Standards*
Site Plan	*Section 14-526*
Conditional Use in the R-3 zone	*Section 14-88*
General Conditional Uses	Section 14-474

III. PROJECT DATA

Existing Zoning	R-3 Residential
Existing Use	*Senior Care Facility - Wooded Lot*
Proposed Use	*Long Term Care Facility*
Parcel Size	8.28 Acres

	Existing	*Proposed*	*Net Change*
Building Footprint	0	37,455 SF	+ 37,455 SF
Building Floor Area	0	58,197 SF	+ 58,197 SF
Impervious Surface Area	0	117,172 SF	+ 117,172 SF
Parking Spaces	0	83	+ 83
Bicycle Parking Spaces	0	10	+ 10



Figure 2: Existing conditions - Source: Google Earth

IV. EXISTING CONDITIONS

The development site is located on Merrymeeting Drive, which is accessed via Ray Street. The parcel, which is currently undeveloped, is approximately 8.28 acres in size and is one portion of the original 12.78 acre parcel of Fallbrook Woods. The site was originally permitted through the state; first as part of a phased subdivision plan and then as part of Fallbrook Woods senior center development. The site is located in the North Deering neighborhood, and is bordered by Ray Street to the east, Florida Avenue to the south, Gertrude Avenue & a wooded area to the west, and the existing Fallbrook Woods facility to the north along with Merrymeeting Condominiums. The surrounding properties are all residential. No sidewalks currently exist on site.

The development site generally slopes downward from a high knob in the western-central portion of the parcel to the north, south and east, with about 24 feet of surface relief across the site. An existing gravel service road for the adjacent Fallbrook Woods facility is located on the north side of the site. The site is within the watershed of an unnamed stream that is a tributary of the Presumpscot River and wetlands are known to exist on the parcel. The wetlands on this site were delineated by Sebago Technics in September of 2018 and are classified as Palustrine Forested (PFO) wetlands. The vegetation in these PFO wetlands primarily consists of maple, speckled alder, cinnamon fern, sensitive fern, and jewelweed. Upland vegetation primarily consists of white pine and red oak. A vernal pool survey was conducted on May 6th, 2019 and no vernal pools were identified on the property.

The Maine Department of Inland Fisheries and Wildlife (IF&W) reviewed the site and found there to be no essential habitats or fisheries habitats that have been mapped. IF&W noted that there was the possibility that the site falls within the migration path of several species of bat. A project review was completed by the Maine Natural Areas Program (MNAP) which found there to be no documented rare botanical features within the project area.

Sebago Technics, Inc. completed a boundary and topographic survey of the site in May & July of 2019, as well as February of 2020. An easement exists for Merrymeeting Drive.



Figure 3: Contextual Site Plan - Source: Sebago Technics

V. PROPOSED DEVELOPMENT

The proposed development includes a two-story, 58,197 square-foot skilled nursing care facility. The purpose of this project is to replace St. Joseph's Rehabilitation and Residence, a 121-bed licensed nursing care center built in 1974, that no longer meets current standards for nursing care centers. St. Joseph's is currently owned by Maine Medical Center and is located approximately 1.5 miles from the proposed development site. In collaboration with Maine Medical Center, Sandy River Company and North Country Associates would create a new licensed nursing care facility to replace the St. Joseph's facility.

The project includes a new 90-bed licensed nursing care center located next to the Fallbrook Woods assisted living facility. The campus approach would allow visitors to access both facilities, provide a smooth transfer for assisted living residents that might need nursing care services, and allow an opportunity for shared support services and management. The development would include three separate "neighborhoods" within the building with a shared commercial kitchen, community areas, and two parking areas totaling 83 parking spaces. Fallbrook Commons proposes a main entrance off Ray Street, and an emergency connection from Merrymeeting Drive to Ray Street.

This project would happen as one phase, which would involve clearing the incidental vegetation, ledge removal, site preparations for the building, and implementation of stormwater management measures. In addition to the Site Plan & Conditional Use Review, this application requires an amended Site Location of

Development (SLODA) and a Natural Resources Protection Act (NRPA) permit. The stormwater from the site will be collected using best management practices consistent with Maine Department of Environmental Protection (DEP) Chapter 500 standards.

The following easements are included with the proposed development:

- A twenty-foot access easement has been proposed from Ray Street to Merrymeeting Drive, to benefit Fallbrook Woods.
- A fifteen-foot grading easement has been proposed along the proposed lot division line to benefit Fallbrook Commons.
- A proposed utility easement would be located along the south east property line from the paper street Topsham Street to Merrymeeting drive, to benefit Fallbrook Woods. Discussions are on-going with Portland Trails to agree upon an access easement across the properties. A trail head is proposed at the back of the rear parking area, as well as at the Ray Street emergency drive entrance.
- The applicant is working with Portland Water District to provide an additional utility easement for an eight-inch main connecting Ray Street to Merrymeeting Drive. This would be a condition of approval.

These easements will be included on drawings as they are completed.

VI. PUBLIC COMMENT AND NEIGHBORHOOD MEETING

Over 40 public comments have been submitted to date. The comments include but are not limited to the following concerns:

- Project scale/ density
- Light & noise pollution
- Environmental impact
- Wetland impacts
- Flooding
- Inappropriate use
- Increased traffic flow – safety
- Wildlife habitat
- Lower property value
- Privacy reduction
- Lack of public transportation
- Stress
- Construction management
- Impact to abutters

A neighborhood meeting was held on the evening of February 18, 2020 at the Fallbrook Woods lobby at 6:00 p.m. for the proposed project. Approximately 30 members of the public attended. Attending on behalf of the development team were Will Conway, Dan Danvers, and Aaron Hunter of Sebago Technics; Daniel Maguire & Doug Gardener as the applicants; and Michael Pednault representing Gawron Turgeon Architects. The applicant began the presentation by introducing the development team. They then provided some insight into the history of the project, and explained the intent for programming. Will Conway from Sebago Technics explained the site plan, parking, landscaping, stormwater, and utility elements. Following Will's explanation, Michael Pednault from Gawron Turgeon Architects explained the proposed building's exterior, interior, and programming. At the end of Michael's presentation, the applicant opened the meeting to the public for questions.

VII. RIGHT, TITLE, & INTEREST AND FINANCIAL & TECHNICAL CAPACITY

The owner of the property is Fallbrook Properties, LLC. The applicant provided a copy of the warranty deed, recorded at the Cumberland County Registry of Deeds in CCRD Book 31613 page 255, which demonstrates their right, title and interest in the property. The applicant team cited their experience and qualifications to demonstrate capacity to design and construct the project.

VIII. ZONING ANALYSIS

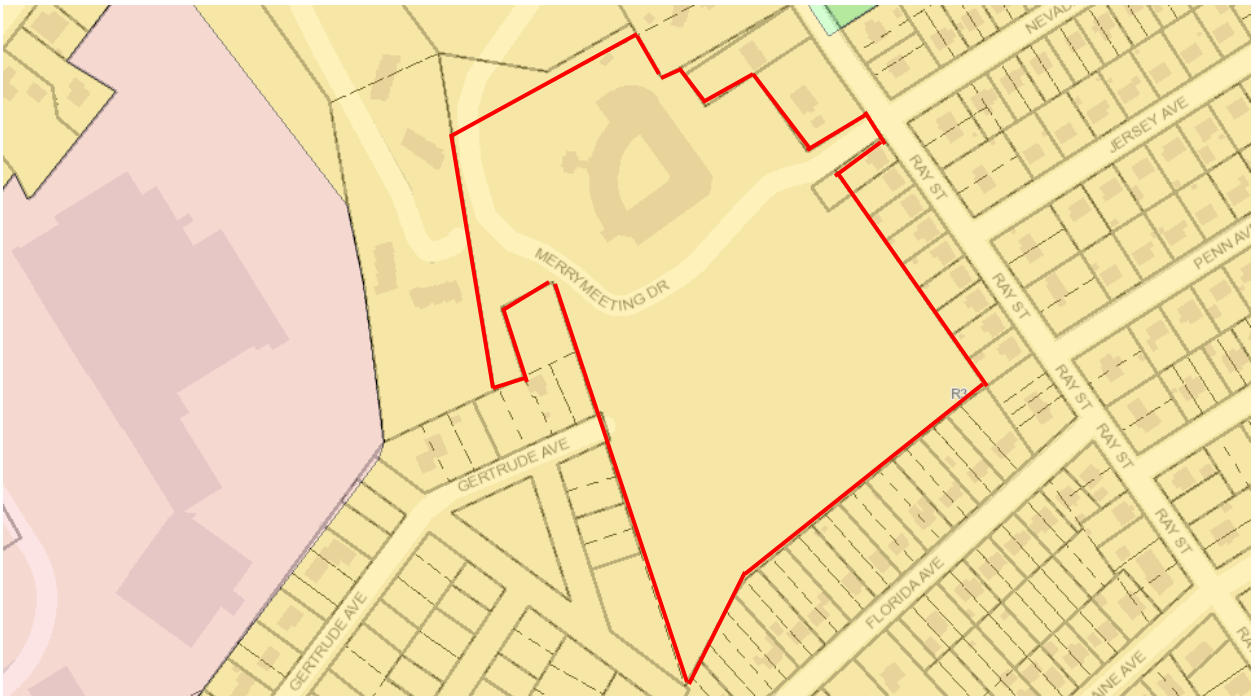


Figure 4: Zoning Map – Source: City of Portland GIS Maps

Dimensional requirements for this project are dictated by the R-3 residential zone. The purpose of the R-3 Residential zone is to provide for medium-density residential development characterized by single-family homes on individual lots and also to provide for planned residential unit developments on substantially sized parcels. Such development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood. Though primarily a residential zone, like other R-zones, it also allows for limited institutional and other non-residential uses, most of which are reviewed as conditional uses.

The proposed project has been assessed by City staff and was determined to meet dimensional requirements for the R-3 zone. These requirements are included as a table on the following page.

Zoning Requirements	R-3	Provided	+/-
Minimum Lot Size	2 AC	8.28 AC	+ 6.28 AC
Minimum Street Frontage	50 ft.	55 ft	+ 5 ft.
Front Yard Minimum	25 ft.	248 ft. scaled	+ 223 ft.
Min. Rear Yard	25 ft.	83 ft. scaled	+ 58 ft.
Min. Yard Right	14 ft. (2 stories)	88 ft. scaled	+ 74 ft.
Min. Yard Left	14 ft. (2 stories)	87 ft. scaled	+ 73 ft.
Maximum Lot Coverage	35%	34%	- 1%
Minimum Lot Width	65 ft.	523 ft.	+ 458 ft.
Maximum Structure Height	35 ft.	34 ft. - 4 in.	- 8 in.
Parking Minimum	73	83	+ 10
Bicycle Parking	10	10	--

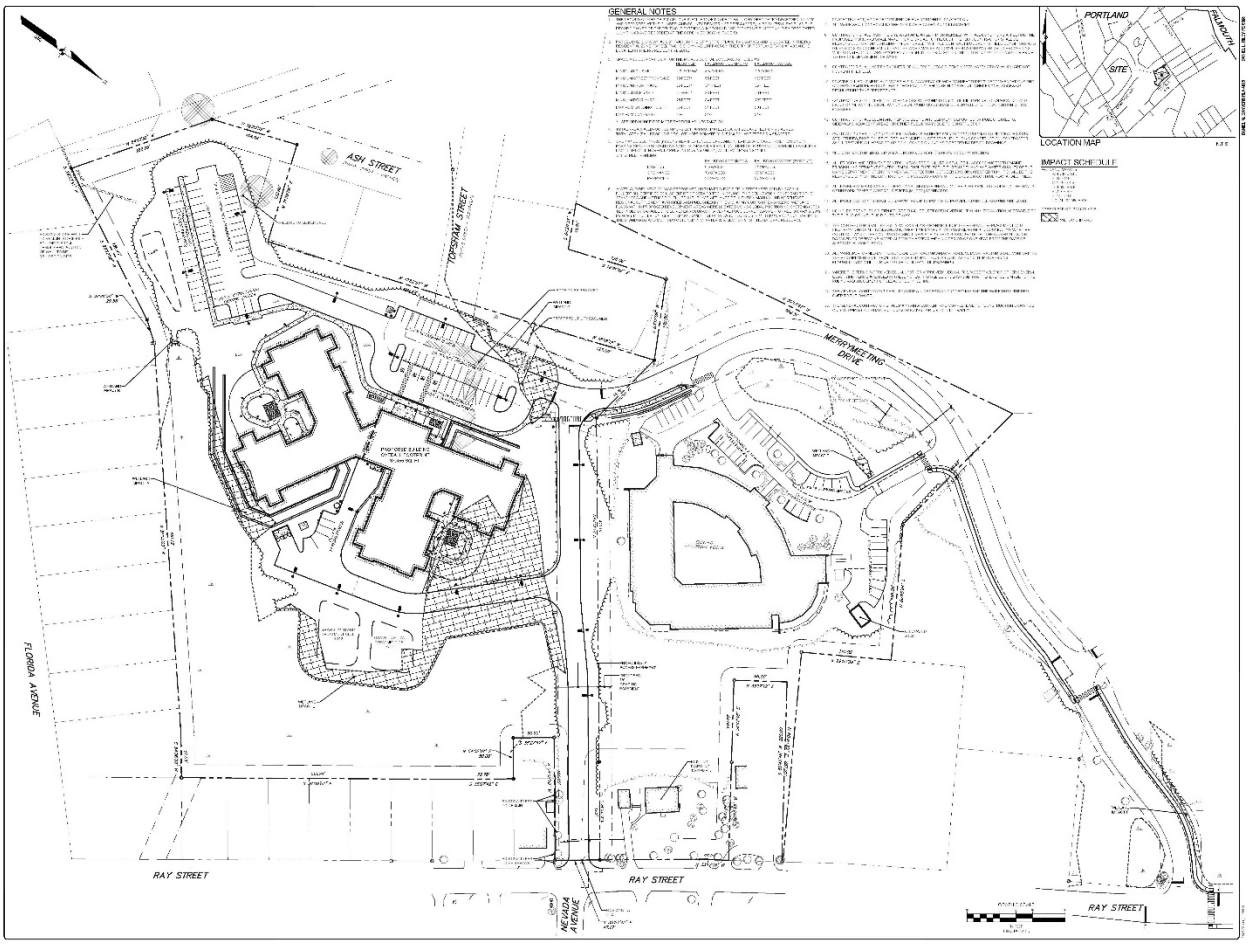


Figure 5: Site Plan - Source: Sebago Technics

IX. DEVELOPMENT REVIEW

Summary of Planning Board Workshop #1 - June 9, 2020

Planning staff introduced the project, followed by the applicant's presentation. Public comment was provided for approximately 60 minutes. The board then answered questions raised by the public and went on to deliberation. Key discussion items included:

- Parking: the proposal called for 93 spaces, exceeding the required amount by 20. The Board stated they would like to see this number revisited and reduced.
- Light trespass: the board encouraged the applicant to enhance the landscape buffer around the parking areas.
- Retaining walls: the board expressed concern around the scale and uninterrupted span of retaining wall facing Ray Street, and encouraged the applicant to address and soften this feature.
- Conditional Use standards: the board asked for a more thorough explanation of how the proposed project meets the conditional use standards for the R-3 zone.

Summary of Planning Board Workshop #2 – September 15, 2020

- Parking: the proposal was revised to reduce the amount of provided parking from 93 to 83 spaces; this still exceeds the required amount by 10 spaces. However, 20 of the proposed spaces have been designed as overflow parking, only to be used for events, and are comprised of structured turf. The Board indicated their appreciation for the reduction in spaces.
- Light trespass: the applicant enhanced the landscape buffer around the parking areas which the Board responded favorably to.
- Retaining walls: the applicant revised the landscape plan by adding a significant number of plantings along each tier of the retaining walls, helping to soften this feature. The Board was satisfied with this approach.
- Conditional Use standards: the applicant provided additional detail regarding how the proposed design meets the standards. The Board requested further information regarding the project's potential impact to onsite wetlands.

A. ZONE-SPECIFIC CONDITIONAL USE STANDARDS – SEC. 14-88

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

Applicant Response: The project incorporates a land division. The lot being created is currently undeveloped, and its proposed principle use will be a Long-Term Care Facility. All improvements affiliated with the proposed development are contained within the site and do not encroach on surrounding neighborhoods.

Staff Analysis: The applicant has demonstrated that the use expansion cannot be contained within the current site as the land division will result in the creation of a new lot under separate ownership. The proposed development is located on an 8.28 acre wooded parcel and meets the required setbacks from neighboring parcels. The applicant has provided landscape screening around all structures and parking areas.

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

Applicant Response: The proposed development satisfies this requirement.

Staff Analysis: The proposed development has a combined lot size of 12.72 acres, satisfying this requirement.

B. GENERAL CONDITIONAL USE STANDARDS – SEC. 14-474

The conditional use standards overlap with many individual site plan standards, and staff will determine overall consistency with conditional use standards via the applicant's responses to staff and Board comments.

a. *The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone.*

Applicant Response: This project will not generate a substantial increase in vehicle traffic to surrounding roadways. The number of parking spaces proposed is right-sized for the operations affiliated with the facility, and are proportionate for the level of care provided. St Joseph's, which is being replaced, operates 24 hours a day and has over 120 parking spaces.

Staff Analysis: The use of the proposed facility is such that the inhabitants will not require vehicles, and only staff and visitors will drive to and from the site. The volume and type of vehicle traffic is not anticipated to be substantially greater than other institutional uses of similar or greater intensity in the R-3 zone. Examples of allowable conditional uses within the R-3 zone that have the potential to generate greater traffic volume than the proposed use include schools, hospitals and places of assembly. Following the first workshop, the applicant submitted revised plans showing a reduction of 9 parking spaces, from 93 to 83. Of those 83, 66 would be paved, while 17 would be structured turf overflow parking for events.

b. *The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.*

Applicant Response: The project will perform in accordance with the performance standards of the ordinance.

Staff Analysis: Following the first workshop, the applicant has relocated the dumpsters further from adjacent properties to reduce the possibility of odor. Additional landscape screening has been added around the parking areas to prevent light trespass. Upon review of the application, staff feel that the project will perform in accordance with the performance standards of the ordinance.

c. *The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.*

Applicant Response: The project will not have a substantial negative impact on surrounding properties, is designed in accordance with Portland's technical manual, and will adhere to the performance standards outlined in the ordinance.

Staff Analysis: At the first workshop, the Planning Board issued concern around the height of the retaining walls facing adjacent properties. The applicant has since enhanced the planting plan along

the walls to include a robust mix of trees, shrubs, and vines. Staff finds this design to adequately soften and disguise the height of the wall.

C. SITE PLAN STANDARDS (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. Staff comments are listed below.

1. *Transportation Standards*

a. Impact on Surrounding Street Systems and Access and Circulation

Access to the site is proposed by way of Merrymeeting Drive, an existing private roadway serving the Merrymeeting Condominiums and the existing Fallbrook Woods Assisted Living Facility. Merrymeeting Drive intersects Ray Street at an existing all-way stop controlled intersection. At this intersection location, Ray Street is classified as an urban local roadway with a posted speed limit of 25 miles per hour. The project proposes to provide improvements to this intersection including new stop signs, stop bars, and a new marked pedestrian crossing across Ray Street. This crossing would connect a proposed sidewalk on Merrymeeting Drive with the existing sidewalk on the eastern side of Ray Street.

It is also proposed to construct an emergency-only access drive connecting the proposed facility directly with Ray Street. This restricted access drive would intersect Ray Street opposite Nevada Avenue. A locked gate, equipped with a Knox Box, would be installed to prevent unauthorized use.

The proposed development has provided traffic analysis that has been reviewed by City Staff and Consultants. Thomas Errico, PE, Consulting Traffic Engineer has provided the following comments in regard to traffic impacts:

- *The applicant's traffic engineer conducted a trip generation estimate for the project according to accepted traffic engineering methods. According to guidance in the Trip Generation Manual, Institute of Transportation Engineers, 10th Edition, the proposed project would be expected to generate 23 vehicles during the weekday AM peak hour (18 entering and 5 exiting) and 27 vehicles during the weekday PM peak hour (11 entering and 16 exiting). During the worst-case peak hour, the project will generate 41 vehicles (18 entering and 23 exiting). As noted by the applicant, this level of trip generation does not warrant a traffic study per the City Technical Manual (there is a High Crash Location on Allen Avenue near Allen's Corner that is close to ½ mile from the project site). I concur that a traffic study is not required. I would further note that that this level of traffic would not be expected to create safety or mobility issues. During the morning and evening commute peak hours (typically 7:30 to 8:30AM and 4:30 to 5:30PM), the project would add one vehicle to Ray Street about every 2 to 3 minutes.*

- *Based on the trip generation estimate provided by the applicant the proposed project does not require a MaineDOT Traffic Movement Permit.*

- *The applicant is required to submit a Construction Management Plan and as such a plan has been provided. A specific construction vehicle routing plan has not been noted and I would suggest that the applicant provide a suggested routing to minimize impact to the neighborhood.*

b. Sidewalks

There are no existing sidewalks on site. The proposed internal sidewalk would lead from the proposed facility (Fallbrook Commons) to the existing facility (Fallbrook Woods). From there, the applicant is proposing a sidewalk along Merrymeeting Drive, that would connect to Ray Street's sidewalk.

c. Public Transit Access

Bus service is available on Ray Street only on days that schools are open. The closest daily, year-round bus service is on Washington Avenue. The facility would have a private shuttle service for residents.

d. Parking

The proposed project is required to provide 73 parking spaces and is proposing to provide 83 parking spaces on site, resulting in 10 additional spaces beyond the requirement. Of the 83 spaces, 66 are proposed to be paved, while 17 are to be structured turf for overflow and event parking. The facility is expected to employ up to 113 full time equivalent employees as submitted in projections to the Maine Department of Health and Human Services. The staffing occurs in shifts, with 55 employees during the day shift, 25 during the evening shift and 10 employees during the night shift. The applicant's experience has been that providing parking for day shift employees with an allowance of approximately one visitor space per 2.5 beds meets the requirements for a typical day use for family visitors, and specialty service vehicle needs at their other facilities.

Of the 83 proposed parking spaces, 4 are universally accessible. All ADA spaces have been located nearest the primary entrance to the building for employees, guests, and visitors. Six spaces are proposed in the service area at the back of the facility, and are for contractors and facilities maintenance vehicles.

Mike Tremblay P.E., Senior Engineer, has provided a number of comments that are found in the response to comments. (SEE ATTACHMENT G)

e. Bicycle Parking

The applicant is proposing up to 10 bicycle spaces. The bike rack is proposed to be located at the buildings entrance.

2. Environmental Quality Standards

a. Preservation of Significant Natural Features

The development has been designed to preserve and protect significant natural features. A Tier 2 Natural Resource Protection Act (NRPA) application has been filed with the Maine Department of Environmental Protection for any proposed wetland impacts. The NRPA Permit was submitted to City Staff on June 5th. Maine Inland Fisheries and Wildlife reviewed the site and found there to be no essential habitats or fisheries habitats that have been mapped. IF&W noted that there was the possibility that the site falls within the migration path of several species of bat. All site clearing should be done outside of the protected bats roosting season. A project review was completed by the Maine Natural Areas Program (MNAP) which found there to be no documented rare botanical features within the project area. Following the first workshop, an appeal has been filed to the DEP challenging the issuance of the NRPA permit. This is ongoing evaluation by the DEP.

The applicant requests a waiver regarding section 14-526. B.1 *"The site plan shall preserve and protect significant natural features by incorporating them into the site design. (Subsection v includes freshwater wetlands."* The applicant has explained that the complete preservation of significant natural features on the site would substantially compromise the development of the proposed conditional use. The applicant has designed the building and parking to be located in the western portion of the site, in an effort to mitigate the disturbance of wetlands, which are to be preserved along the eastern portion of the site. Furthermore, the applicant explored additional wetland mitigation by reducing the building's footprint and going from a one-story building to a two-story concept.

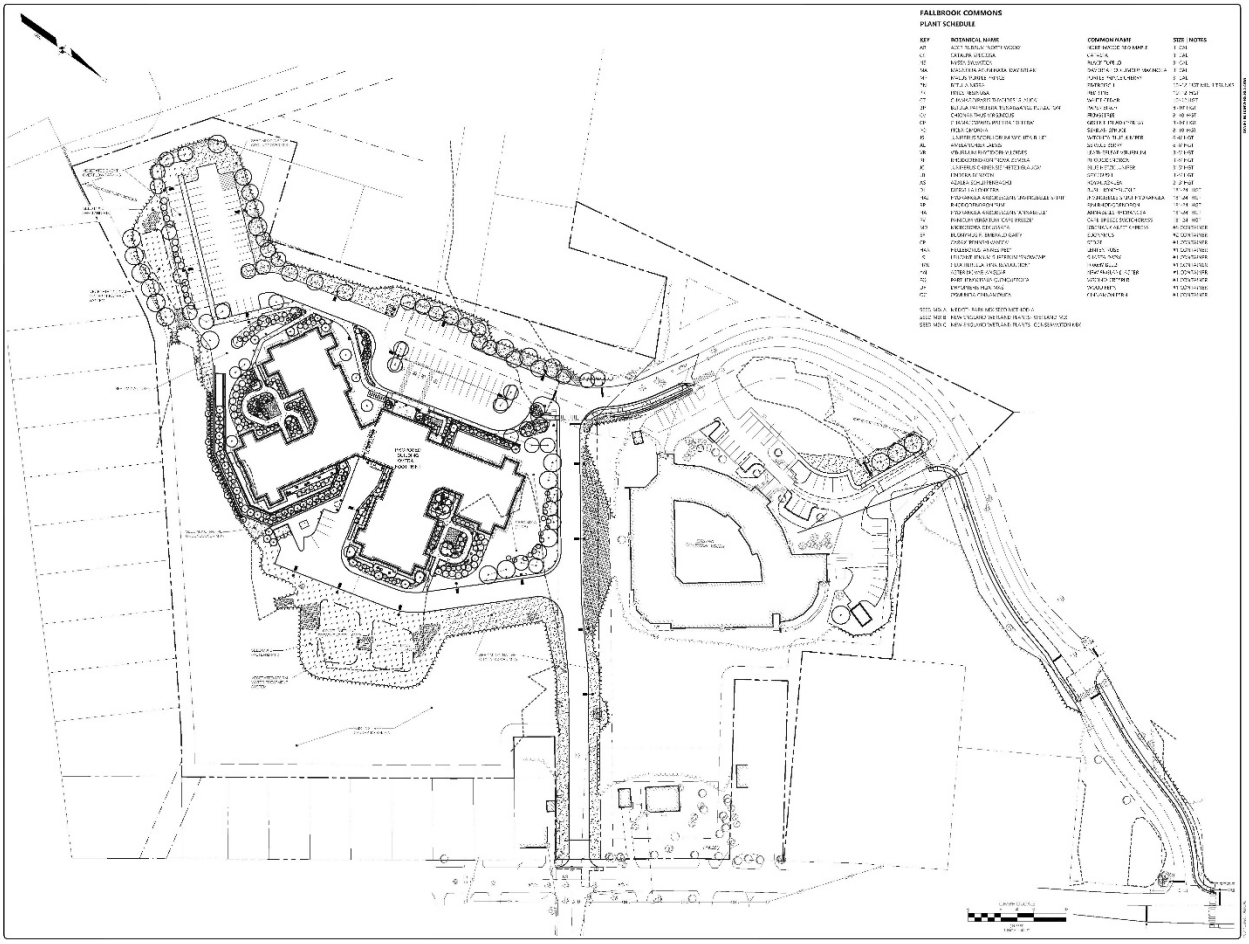


Figure 6: Landscape Plan - Source: Sebago Technics

b. Landscaping and Landscape Preservation

The proposed development involves the partial clearing of site vegetation to allow for site development. Existing tree cover was incorporated into the landscaping plan providing a wooded buffer between the proposed development and existing abutters. No trees with a 10-inch DBH or greater within the setback are to be impacted, as shown on the site plan. Vegetation will be protected during construction in accordance with tree preservation standards listed in Section 4 of the Technical Manual.

A planting schedule is included on the landscape plan that features native trees & shrubs such as Red Maple, Black Tulepo, White Cedar, Service Berry, Viburnum, and Spicebush. Much of the understory groundcover is designed to be seeded using three New England seed mixes, two for wetland areas, and one for parks.

Following the first workshop, the applicant revised the landscape plan to incorporate additional plantings to enhance buffers along the parking areas and retaining walls.



Figure 7: Post-Development SW - Source: Sebago Technics

c. Water Quality, Storm Water Management and Erosion Control

Development of the project site would result in an increase of approximately 118,068 square feet of impervious area. Since the project will disturb more than one (1) acre of land area, Maine DEP Basic Standards apply, requiring that grading or other construction activities on the site do not impede or otherwise alter drainage ways to have an unreasonable adverse impact. The project avoids adverse impacts by implementing an Erosion & Sedimentation Control Plan, and an Inspection, Maintenance and Housekeeping Plan (Appendix 4) during construction and postconstruction stabilization of the site. These construction requirements have been developed following Best Management Practice guidelines.

To mitigate the changes in hydrologic patterns due to the development of this project, an under drained soil filter, a gravel wetland, and a roof drip edge filters have been included in the proposed stormwater management infrastructure. Through the use of the proposed BMP's, 100% of new impervious area and 91.8% of new developed area will be receiving treatment. This exceeds the requirements for the Maine DEP General Standards. The

project exceeds 100% of the new impervious area treated by directing untreated offsite impervious area to the proposed gravel wetland.

Since the planned project will create less than three (3) acres of impervious surface, Maine DEP Chapter 500 Flooding Standards are not required to be met. However, the Flooding Standard has been met as a local requirement. The Flooding Standard requires a project's stormwater management system detain, retain, or result in the infiltration of stormwater from 24-hour storms of the 2, 10, and 25-year frequencies such that the peak flows of stormwater from the project site does not exceed the peak flows of stormwater prior to undertaking the project. The project is also required to meet the standards required for a Site Location of Development (SLOD) permit. A SLOD application has been submitted to DEP, reviewed by Planning staff, and found to be in accordance with site plan standards.

Lauren Swett, P.E., Consulting Civil Engineer, has provided the following comments in regard to stormwater and erosion control:

***Comment**: The Applicant should evaluate the steepness of some of their pipes. In particular pipes SD-21 and RD-4 are steep, due to the proposed change in grade. RD-1 is also relatively steep. Please consider potential velocity issues at the ends of these pipes. "*
***Response:** Given the relatively small tributary areas and corresponding flow rates we do not have a concern regarding the slopes at these locations. To address the concern, we have adjusted the grades of SD-12 at the upstream and downstream structures. We have revised the alignment of the roof drains and added connection/drop structures at the top of the slope to flatten the grade.*

***Comment** "Pipe SD-18 is missing from the Stormdrain Pipe Data tables. "*
***Response:** Pipe SD-18 has been added to the tables.*

***Comment**: "Wall drains are noted to be connected to CB-8. Please clarify the depth of these connections to verify that the pipe can connect to the structure with all of the other proposed stormdrain connections."*
***Response:** Inverts for the wall drain inverts have been added to the labels. The wall drains enter above the site drainage pipes to accommodate the connection.*

***Comment:** "Ability to serve confirmation will be required from utilities, including the Portland Water District for domestic and fire water services and the Department of Public Works for sewer. "*
***Response:** We have reached out to Portland Water District and are working with them on the sizing of the domestic, Fire, and Sewer services.*

4. Site Design Standards

a. Snow and Ice Loading

The buildings have been designed and located such that accumulated snow and ice will not fall onto adjacent properties or public ways. Snow will be removed from the parking lots and stockpiled within the site perimeter or if necessary, removed from the site.

b. View Corridors

The site is not located within any corridors identified in the Downtown Vision View Corridor Protection Plan.

c. Historic Resources

The development is not located within a designated historic district.

d. Exterior Lighting

All new exterior lighting at the site will be full cutoff with no light emitted above the horizontal plane, and in accordance with Section 12 of the Technical Manual. A photometric lighting plan has been prepared by Hubbel Lighting Consultants to demonstrate illumination levels throughout the site would be consistent with City standards.

e. Noise and Vibration

All heating, ventilation, air conditioning equipment including air handlers and generators are designed to meet local, state, and federal emissions and noise requirements. All construction will take place between 7 a.m. and 7 p.m.

f. Signage and Wayfinding

All signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.

g. Zoning Related Design Standards

The R-3 zone does not have any zone-specific design standards and the Site Plan Ordinance does not include design review for this use.

h. Construction Management Plan

The construction management plan and narrative were submitted and reviewed by City staff. A site analysis conducted by S.W. Cole provided the following guidance for the proposed construction:

- *Some areas of shallow bedrock were encountered at the explorations; thus blasting for bedrock removal should be anticipated. The depth of blasting should be controlled to less than 1 foot below footing subgrades and 2 feet below floor slab, pavement and utility subgrades.*

- *Subgrades across the site will consist of sensitive silts and clays. Earthwork and grading activities should occur during drier, non-freezing weather of Spring, Summer and Fall. Rubber tired construction equipment should not operate directly on the native silt and clays when wet. Excavation of soil bearing surfaces should be completed with a smooth-edged bucket to lessen subgrade disturbance.*

- *Construction activity should be limited during wet and freezing weather and the site soils may require drying or thawing before construction activities may continue. The contractor should anticipate the need for water to temper fills in order to facilitate compaction during dry weather. If construction takes place during cold weather, subgrades, foundations and floor slabs must be protected during freezing conditions. Concrete and fill must not be placed on frozen soil; and once placed, the concrete and soil beneath the structure must be protected from freezing.*

X. SITE LOCATION OF DEVELOPMENT REVIEW

The City of Portland has delegated review authority from Maine DEP for large projects that trigger Site Location of Development Act (SLODA) review. The standards for this review generally dovetail with Portland's existing site plan and subdivision standards:

- Financial & Technical Capacity: see section VII, above.
- Traffic Movement: see site plan standards, a, above.
- No Adverse Effect on the Natural Environment: see site plan standards, b, above.
- Soil Types: see site plan standards, b, above.
- Ground Water: see site plan standards, 2, above.
- Infrastructure: see site plan 2, 3, and 4, above.
- Flooding: see site plan, 2, above.
- Storm Water Management & Erosion and Sedimentation Control: see site plan 2, above.

XI. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommend that the Planning Board find the 60 Merrymeeting Drive development project meets the applicable standards of Portland's Land Use Code.

XII. PROPOSED MOTIONS FOR THE BOARD TO CONSIDER

A. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing on November 10, 2020, for application #PL-000925-2019, relevant to the Site Plan Standards of the Land Use Code and Portland's Technical and Design Standards, and other regulations, and the testimony presented at the Planning Board hearing:

1. Impact to Wetlands

The Planning Board **[finds / does not find]** based upon the City Engineer's Review, that extraordinary conditions exist or undue hardship may result from strict compliance with the Technical Manual standard section 14-526. B.1 *"The site plan shall preserve and protect significant natural features by incorporating them into the site design (Subsection v includes freshwater wetlands"*, that substantial justice and the public interest are secured with the proposed variation in this standard, and that variation is consistent with the intent of the ordinance. The Planning **Board [waives/ does not waive]** the Technical Manual standard Section 14-526.B.1.

2. Compact Parking Spaces

The Planning Board **[finds / does not find]** based upon the City Engineer's Review, that extraordinary conditions exist or undue hardship may result from strict compliance with the Technical Manual, *Section 1.14, Parking lots with greater than 10 spaces may be comprised of up to 20% compact parking spaces,* that substantial justice and the public interest are secured with the proposed variation in this standard, and that variation is consistent with the intent of the ordinance. The Planning **Board [waives/ does not waive]** the Technical Manual standard Section 1.14.

B. CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing on November 10, 2020, for application PL-000925-2019, relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board [**finds/does not find**] the proposed conditional use is in conformance with the Land Use Code.

C. SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on November 10, 2020, for application #PL-000925-2019, 60 Merrymeeting Drive relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board [**finds/does not find**] that the plan is in conformance with the site plan standards of the Land Use Code.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. The applicant shall provide confirmation of adequate wastewater capacity from the Department of Public Works for review and approval by the Planning Authority.

XIII. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Public Comments
2. Comment Response Letters
3. Traffic Comments
4. Precedent Photos

APPLICANT'S SUBMITTALS

A - COVER LETTER
B – CHECKLIST
C - RIGHT, TITLE & INTEREST
D - FINANCIAL CAPACITY
E - TECHNICAL CAPACITY
F - ZONING ANALYSIS TABLE - EXISTING LOT
G - ZONING ANALYSIS TABLE - PROPOSED LOT
H - NEIGHBORHOOD MEETING
I - LETTER ON PROJECT NEED
J - JEFF SANDERS_LETTER OF SUPPORT
K - MHPC RESPONSE LETTER
L - SLODA 2020-03-02
M - STORMWATER REPORT
N - TRAFFIC MEMO
O - TRANSPORTATION ANALYSIS
P - SITE PLAN STANDARDS
Q - CONSTRUCTION MANAGEMENT NARRATIVE
R - RESPONSE TO COMMENTS
S - EVIDENCE OF APPROVALS
T - EXTERIOR LIGHTING
U - NARRATIVE OF PLAN CHANGES
V - LETTER TO PLANNING BOARD 6.29.20

PLANS

P1. COVER
P2. EXISTING CONDITIONS
P3. SITE PLANS
P4. GRADING PLANS
P5. UTILITY PLANS
P6. LANDSCAPE PLAN
P7. PHOTOMETRIC PLAN
P8. SIGNAGE & WAYFINDING
P9. SURVEY

P10. STORMWATER PLANS
P11. ARCHITECTURAL DRAWINGS
P12. SITE PLAN RENDERING
P13. CONSTRUCTION MANAGEMENT PLAN

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. AP-20-35

IAN HOUSEAL, JEFFREY CRAWFORD MICHAELA VEILLETTE, MATTHEW ANDERSON, LOUIS GARCIA, MONICA GARCIA, BRYN ARBUCKLE, GAVIN PORTAS, and HAYLEE HASSON,

Petitioners,

v.

DECISION

CITY OF PORTLAND,

Respondent,

and

FALLBROOK COMMONS DEVELOPMENT LLC, FALLBROOK PROPERTIES LLC, and SAINT JOSEPH'S REHABILITATION AND RESIDENCE LLC.

Parties-in-interest.

This matter comes before the court on Petitioners' appeal pursuant to M. R. Civ. P. 80B. For the following reasons, Petitioners' appeal is denied and the Planning Board's decision is upheld.

I. Factual Background

A. Overview

Fallbrook Commons submitted a Level III Site Plan and Conditional Use Application to Portland's Planning Board in November, 2019. The Project sought to develop a 90-bed licensed nursing care center at 60 Merrymeeting Drive in Portland. The purpose of the Project is to replace St. Joseph's rehabilitation and residence nursing care

center operated by Maine Health. St. Joseph's facilities are outdated and no longer meet the standards required of nursing care centers.

The Project sought to build its facility on approximately eight acres of undeveloped land. The Project site is located in Portland's R-3 Zone and is situated adjacent to an assisted living facility currently operated by Fallbrook Commons. By virtue of the Project's proximity and connection to Fallbrook Commons, the Project sought to create an accessible medical campus that provided various levels of support services for residents and visitors.

Several public meetings were held regarding the proposed Project. The first public meeting was held on February 18, 2020. Fallbrook Commons mailed notice of the meeting to all property owners within five-hundred feet of the Project site and approximately twenty-five residents attended the meeting. Portland's Planning Board also held two public workshops to discuss the Project; which took place on June 9, 2020, and September 15, 2020. A Public Hearing and deliberation on the application took place on November 10, 2020. At the public hearing, the Planning Board voted unanimously to approve the Project and grant a conditional use permit. The Planning Board also granted the Project two waivers form the City's Site Plan standards: (1) the Preservation of Significant Natural Features standard in Section 14-526(b)(1) of the Land Use Code; and (2) the Parking Lot and Parking Space Design standard in Section 1.14 of the City's Technical Manual.

The Petitioners are local residents who spoke in opposition to the Project. Petitioners brought this appeal pursuant to Rule 80B of the Maine Rules of Civil Procedure and ask this court to vacate the Board's approval of the Level III Site Plan and Conditional Use Application. The Petitioners argue that the Board erred when it failed

to follow certain procedural requirements required for public meetings on conditional use permits and failed to make the necessary findings of fact.

B. Public Hearings

Due to the COVID-19 pandemic, the public meetings held on June 9, September 15, and November 10, were all held remotely via Zoom. At the June 9 workshop, Petitioner Houseal organized an event in his front yard where concerned residents were able to watch the Zoom meeting and provide public comment from a single Zoom account. The Zoom format allowed the concerned residents to voice their concerns but the platforms video and chat functions were otherwise not available to the public. Houseal and those gathered in his yard were able to comment during the workshop's public comment period. However, the Board informed participants that, at future meetings, public comment would need to come from individual Zoom accounts and that multiple comments from one account would no longer be permitted. Houseal also submitted written public comment which was included in the record the day before the June 9 workshop.

Houseal reviewed the Projects revised Site Plans the day before the September 15 workshop. Houseal felt that the revised Site Plan had not incorporated the concerns voiced by the public. Houseal participated in the September 15 Zoom meeting and provided further public comment. Houseal stated that he believed that the Site Plan and other material presented by the Project were misleading.

Houseal and several other Petitioners participated in the public hearing held via Zoom on November 10. It appears that some concerned residents were confused with the virtual format and were unable to determine what members of the public were participating in the meeting. However, it is not alleged that the Zoom format prevented any participants from providing public comment. Petitioners allege that the Planning

Board's final discussion and approval of the Project was brief and failed to address the concerns expressed by the public.

II. Standard of Review

The scope of judicial review under Rule 80B is deferential and limited. *Beal v. Town of Stockton Springs*, 2017 ME 6, ¶ 13, 153 A.3d 768. The court examines the municipality's decision for errors of law, abuse of discretion, or findings not supported by substantial evidence in the record. *Bryant v. Town of Wiscasset*, 2017 ME 234, ¶ 11, 176 A.3d 176. "Substantial evidence" exists if there is any evidence in the administrative record that a reasonable mind would accept as sufficient to support the municipality's conclusion. *Sproul v. Town of Boothbay Harbor*, 2000 ME 30, ¶ 8, 746 A.2d 368. The party seeking to overturn a municipal decision bears the burden of persuasion and the court will not overturn a board's decision "unless the record compels a contrary finding[.]" *Northeast Empire v. Town of Ashland*, 2003 ME 28, ¶ 9, 818 A.2d 1021.

III. Discussion

The Petitioners make several arguments for reversal: (1) the Planning Board's Zoom hearings were procedurally improper; (2) the Planning board failed to make the requisite findings of fact; (3) the conditional use permit constituted an improper zoning variance; and (4) the Planning Board failed to ensure that the interests of abutting property owners were adequately protected.

A. Planning Board Procedure

At the outset, the Petitioners argue that when the Planning Board considers whether to grant a conditional use permit, the Planning Board must adhere to the same procedural rules that apply to a zoning board of appeals. In particular, the Petitioners argue that public hearings and workshops on conditional use permits are quasi-judicial proceedings and thus the Planning Board was required to provide the Petitioners with

an opportunity to submit rebuttal evidence and cross-examine those who appeared before the Board. *See generally* 30-A M.R.S. § 2691(3)(D).

The Petitioners' argument rests on 30-A M.R.S. § 2691, which states that: "Any municipality which adopts a zoning ordinance shall establish a board of appeals[.]" 30-A M.R.S. § 4353. "In deciding any *appeal,* the board may . . . *approve the issuance* of a . . . conditional use permit in strict compliance with the ordinance except that, if the municipality has authorized the planning board . . . to issue these permits, an appeal form the granting or denial of such a permit may be taken directly to the Superior Court if required by local ordinance[.]" 30-A M.R.S. § 4353(2)(B)(emphasis added).

Here, the Petitioners' reliance on section 4353 is misplaced. This statute applies to an appeal from a Planning Board's grant or denial of a conditional use permit. The rules applicable to a Planning Board's deliberative process are governed by the Portland's Land Use Code. *See MSR Recycling, LLC v. Weeks & Hutchins, LLC.*, 2019 ME 125, ¶¶ 8-14, 214 A.3d 1. The procedures applicable to the Planning Board's decision on a conditional use permit does not entitle all interested parties to cross examine each witness at every planning board meeting. *See generally* Land Use Code §§ 14-25, 14-26, 14-33. Accordingly, the Planning Board procedures challenged by the Petitioners are not subject to the strict requirements of 30-A M.R.S. § 2691.

Because the Petitioners do not challenge whether the Planning Board followed the procedures found in the applicable Land Use Code, the court need not address the issue further. Accordingly, the only procedural issues left for the court to decide are whether the Planning Board meetings complied with Maine's Freedom of Access Act.

a. Public Meetings

Under the Freedom of Access Act, "all public proceedings must be open to the public and any person must be permitted to attend a public proceeding." 1 M.R.S. §

403(1). However, "due to the outbreak of COVID-19, a body subject to [the FAA] may conduct a public proceeding through telephonic, video, electronic or other similar means of remote participation[.]" 1 M.R.S. § 403-A(1). If a public hearing is conducted remotely, the following conditions must be met: (1) notice of the public proceeding and method by which the public may attend must be given according to law; (2) each member of the body who is participating must be able to hear and speak to all other members during the proceeding and members of the public must be able to hear all members participating; (3) the body allows for participation by the public through telephonic, video, electronic or other similar means of remote participation; and (4) all votes taken during the proceedings must be by roll call vote. 1 M.R.S. §§ 403-A(1)(A)-(D). However, procedural errors "are harmless and will not be grounds to vacate a [Board's] decision unless they are inconsistent with substantial justice and result in prejudice." *Walfram v. Town of N. Haven*, 2017 ME 114, ¶ 20, 163 A.3d 835.

Here, the Petitioners have failed to show that the Planning Board meetings violated the FAA's procedural requirements for virtual meetings. Although there is some suggestion that members of the public had difficulty participating in the Planning Board's meetings or were frustrated by the Zoom format, there is no evidence suggesting that any person was actually prohibited from providing public comment. Moreover, there is no suggestion that any of the alleged precrural defects resulted in any prejudice or resulted in the exclusion of evidence. Accordingly, Petitioners have failed to show that the Planning Board's Zoom hearings were conducted in violation of the Freedom of Access Act.

B. Findings of Fact

The Petitioners next argue that the Planning Board failed to make the necessary finding of fact. This argument is based primarily on the Petitioners' incorrect assertion

that the Planning Board must adhere to the same procedures as the Board of Appeals. However, the applicable law requires only that "[e]very agency . . . make a written record of every decision involving the conditional approval or denial of an application . . . ." 1 M.R.S. § 407(1). The record "shall set forth. . . the reason or reasons for its decision and made finding of the fact, in writing, sufficient to appraise the applicant and any interested member of the public of the basis for that decision." *Id.* The Land Use Code articulates specific facts that must be found in order for the Planning Board to Approve a conditional use permit. *See* Land Use Code § 14-474 (requiring that the location will not have a substantially greater negative impact than would normally occur from surrounding uses in the same zoning district); *see also* Land Use Code § 14-88 (requiring that the expansion of existing uses onto land other than the principal site not significantly encroach on residential areas and not displace residential use).

Here, Petitioners argue that the Planning Board made unspecific and conclusory findings. However, the Planning Board issued a nineteen page "Final Approval Letter" and "Planning Board Report" that detailed: the site's existing conditions, the Project's proposed development, relevant public comments and concerns, zoning analysis, and other impacts that the Project could have. The Report also identified specific conditions the Project's Site Plan must satisfy in order to receive a conditional use permit and articulated how the Project met those requisite standards. These findings allow the public or reviewing body to sufficiently ascertain the Planning Board's factual justifications for issuing the conditional use permit. Accordingly, the Petitioners have failed to show that the Planning Board's decision lacked the requisite factual findings to issue a conditional use permit. *See Forester v. City of Westbrook,* 604 A.2d 31, 33 (Me. 1992)("If there is sufficient evidence in the record, the Board's decision will be deemed supported by implicit findings.")

C. Waiver of Technical Requirements

The Petitioners next argue that the Site Plan waivers granted by the Planning Board constitute an improper variance from Portland's zoning ordinance. A Planning Board has the authority to grant waivers from Site Plan and Technical Manual requirements if the Board finds that strict compliance will result in extraordinary and unnecessary hardship or because of other special circumstances of a plan. *York v. Town of Ogunquit*, 2001 ME 53, ¶ 10, 769 A.2d 172. However, a Planning Board's waiver authority cannot, in reality, operate so as to allow for variances to a town's zoning ordinances. *See Perkins v. Town of Ogunquit*, 1998 ME 42, ¶ 9, 709 A.2d 106.

Here, the Planning Board granted two waivers from Site Plan standards: (1) the Preservation of Significant Natural Features standard in section 14-526(b)(1) of the Land Use Code; and (2) the Parking Lot and Parking Space Design standard in Section 1.14 of the City's Technical Manual. The Planning Board did not grant any waiver of the conditional use standards themselves, nor did it alter any of the City's other zoning ordinances. Instead, the "Final Approval Letter" and "Planning Board Report" found that extraordinary circumstances exist that warranted waiver of a Site Plan's usual technical standards. As outlined above, the Planning Board's factual findings are sufficient to inform interested parties of the basis for the Planning Board's decisions. Accordingly, the waivers granted by the zoning board did not constitute an improper variance and the decision is supported by substantial evidence in the record.

D. Impact to Abutting Property

Finally, the Petitioners argue that the Planning Board failed to ensure that the Project's conditional use permit would minimize the adverse effects suffered by abutting property owners. However, Section 14-474(d) cited by the Petitioners states only that the Board "*may* impose such reasonable conditions upon the premises benefited by a

conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood." (emphasis added). Accordingly, the Planning Board was not compelled to impose restrictions on the Project for the sole purpose of reducing the adverse effects that the conditional use may have on neighboring property. The Petitioners have thus failed to show that the Planning Board's failure to impose additional Project conditions was improper.

IV. Conclusion

The Petitioners have failed to show that the Planning Board's approval of the Project's Level III Site Plan and Conditional Use Application was an error of law, abuse of discretion, or not supported by substantial evidence in the record. Accordingly, the court upholds the decision of the Planning Board.

DATE: 6/1/24

John O'Neil
JUSTICE, SUPERIOR COURT

Entered on the Docket: 6/4/2021

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

R-3 Residential Zone
Interpretation Appeal

DECISION

Date of public hearing:	February 2, 2023
Name and address of appellant:	Ian Houseal 86 Florida Avenue Portland, Maine 04103
Location of property under appeal:	60 Merrymeeting Drive CBL 400 D023001

INTRODUCTION

Applicant is appealing two Building Permits issued for 60 Merrymeeting Drive, BLDC2022-02926 issued on November 16, 2022 and BLDC2022-02665, issued on November 14, 2022. Applicant maintains that they have standing to maintain an appeal as an abutter to the project. The Applicant filed their appeal on December 12, 2022.

The Applicant raises three issues on appeal of Building Permits: BLDC2022-02926 and BLDC2022-02665 issued for 60 Merrymeeting Drive:

1. The height maximum of the retaining wall adjacent to his property is 13.5 feet. The Applicant requests the height of the retaining wall be reduced to no more than 6 feet.

2. A vegetated wall was approved by the Planning Board. Applicant maintains the wall will not support vegetation. The Appellant is requesting the use of a natural material for the retaining wall.

3. The Applicant would like the City to require the property owner to mitigate the impact of headlights from the parking lot by installing opaque screening or relocating the parking lot.

BACKGROUND

This appeal comes before this Board pursuant to Section 6-96 of the City Code concerning appeals under Chapter 6, Article II. Section 6-96 provides the following:

> (a) An aggrieved party may appeal from a final decision made pursuant to this Article to the board of appeals within ten (10) days from the action of the building authority.
>
> (b) The board of appeals may permit exceptions to or variances from the specific provisions of this Article where it is established that strict application of the provisions of this code will result in undue hardship, and where the purpose of this Article in promoting the public health, safety and welfare, is not adversely affected.
>
> (c) The order of the building authority shall not be stayed during any such appeal.

FINDINGS

1. The Applicant raised an issue that the meeting held today on February 2, 2023 is not in compliance with Maine law. This meeting was held in compliance with the Zoning Board's remote meeting policy because it is not practicable due to the lack of technological training for City staff and Board members.

2. Board finds that appeals of the relevant building permits were required to be filed 10 days after the issuance of the permit, but the Applicants appeal was filed 28 days after the issuance of the permits.

3. Under Section 6-96, the Board may permit exceptions to the 10-day appeal deadline if the Applicant demonstrates strict application would create an undue hardship. The Board finds that the Applicant has not demonstrated that strict imposition of this deadline would create an undue hardship for the Applicant.

4. The Applicant has failed to demonstrate that any of the three elements of the two challenged building permits are materially inconsistent with the approved site plan for the project.

5. Although the Applicant has asked the Board to modify the height of the proposed retaining wall and the location of the proposed parking lot, the Board lacks the authority to do so as both elements are consistent with the approved site plan.

6. This Board does not have jurisdiction to hear the appeal of the blasting permit as that is a determination made by the Planning Authority and appeals thereof fall

under the jurisdiction of the Planning Board pursuant to City Code Section 14.2.10 (O).

7. This Board finds that it does not have jurisdiction to determine whether the site plan was properly extended and no timely appeal of the extension was filed.

DECISION

The Board finds the Applicant did not file his appeal within the ten-day deadline and has not demonstrated that the failure of the Board to waive this deadline would result in an undue hardship. Notwithstanding the foregoing, the Board finds that the Applicant has not met his burden of demonstrating that either challenged building permit was issued in error due to any inconsistency with the previously approved site plan. For both of these reasons, the Board denies the appeal.

VOTED: 6-0

Dated: February 2, 2023

Jared Falcon

Jared Falcon, Acting Chair

STATE OF MAINE
CUMBERLAND, ss.

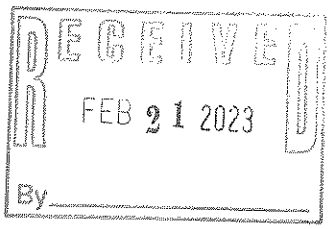
SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV 23 42

Marin Magat,
et. al.

v.

City of Portland

ORDER



Before the Court is Plaintiffs' Motion for Injunctive Relief.

FACTS

A group of neighbors, acting *pro se*,[1] bring this action in opposition to the Fallbrook housing development in their neighborhood. The Superior Court has already affirmed the Planning Board approval of the project. *Houseal v. City of Portland,* Cumb Cty, Docket AP 20-35, June 1, 2021. The Plaintiffs filed a Motion for Injunctive Relief. They did not file a separate Complaint, but the court treats the one document as both a Complaint and a Motion for Injunctive Relief for the purposes of this motion only.

The primary reason behind the Motion is a request that the court issue an injunction preventing the blasting necessary for the project. The Motion cites a wide variety of the types of complaints that are common from those in the vicinity of the

[1] While any Plaintiff may represent themselves, no individual Plaintiff may represent any other Plaintiff which would be the unauthorized practice of law. 4 MRS § 807. If any individual Plaintiff is participating, they must sign a complaint. The pieces of paper that were submitted with parties signatures do not suffice. Although the court does not address it at this stage, the case of any individual Plaintiff is subject to dismissal unless that Plaintiff signs a complaint containing a short and plain statement of that person's claim showing that person is entitled for relief and a demand for judgment that person seeks. M.R.Civ.P. 8(a).

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blasting project. Although the motion makes some conclusory statements regarding the ongoing impact of the construction project, it does not cite any thing about the ongoing construction project that differs from any ordinary construction project. The Motion cites environmental damage concerns, but cites no law or competent factual foundation supporting an argument that they will succeed. None of the factual information was provided by affidavit or verified complaint as required. M.R.Civ.P. 65(a).

ANALYSIS

This court may grant a temporary restraining order if it concludes the following criteria are met: (1) the plaintiff will suffer irreparable injury if the injunction is not granted; (2) such injury outweighs any harm which granting the injunctive relief will inflict on the Defendant; (3) the plaintiff has a likelihood of success on the merits: and (4) the public interest will not be adversely affected by granting the injunction. *Bangor Historic Track, Inc. v. Dep't of Agriculture,* 2003 ME 140, ¶ 9, 837 A.2d 129. "Failure to demonstrate that any one of these criteria are met requires that injunctive relief be denied. . . . Proof of irreparable injury is a prerequisite to the granting of injunctive relief." *Bangor Historic Track, Inc. v. Dep't of Agric., Food & Rural Res.,* 837 A.2d 129, 133; 2003 ME 140, ¶10 (citation omitted). Irreparable injury is an injury for which money damages is not available.

Here, the Plaintiffs have provided no facts in support of any of the four requirements under oath as required by Rule 65. Even if the facts in the motion were properly before the court in affidavits or a verified complaint, the motion would be denied. The primary reason for the requested injunction, the blasting, is over, making

injunctive relief moot. Many of the claims, i.e. property damage from blasting, are not irreparable injuries, and if proven, could result in a claim for money damages. It is not clear, based on a potpourri of feared harms, that the Plaintiffs will prevail on the merits.

The Plaintiffs Motion for a preliminary injunction is DENIED. Scheduling Order to Issue.

This Order is incorporated on the docket by reference pursuant to M.R.Civ.P. 79(a).

DATE: 2/15/23

Thomas R. McKeon
Justice, Maine Superior Court

Entered on the Docket: 02/16/23

Chapter 14 LAND USE*

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*Cross reference(s)--Buildings and building regulations, Ch. 6; parks, recreation and public buildings, Ch. 18; sewers, Ch. 24; streets, sidewalks and other public places, Ch. 25; vegetation, Ch. 29.

State law reference(s)--Planning, zoning and development, 30 M.R.S.A. Sec. 4501 et seq.

Art. I. In General, § 14-1--14-15
Art. II. Planning Board, § 14-16--14-45
Art. III. Zoning, § 14-46--14-490
Div. 1. Generally, § 14-46--14-59
Div. 1.5 Conditional or Contract Zoning, § 14-60--14-65
Div. 2. R-1 Residential Zone, § 14-66--14-75
Div. 3. R-2 Residential Zone, § 14-76--14-85
Div. 4. R-3 Residential Zone, § 14-86--14-93
Div. 4.5. FH Flexible Housing Zone, § 14-94--14-100
Div. 5. R-4 Residential Zone, § 14-101--14-115
Div. 6. R-5 Residential Zone., § 14-116--14-125
Div. 6.5. R-5A Residential Zone, §14-126--14-134
Div. 7. R-6 and R-6A Residential Zone, § 14-135—-14-140.5
Div. 7.01 R-7 Compact Urban Residential Overlay Zone, § 14-141--14-144
Div. 7.1. IR-1 Island Residential Zone, § 14-145.1—-14-145.6
Div. 7.2. IR-2 Island Residential Zone, § 14-145.7—-14-145.12
Div. 7.3. IR-3 Island Residential Zone, § 14-145.13—-14-145.19
Div. 7.5. Island Transfer Station Overlay Zone, § 14-145.20—-14-145.22
Div. 8. R-P Residence-Professional Zone, § 14-146-—14-152
Div. 8.1 USM University of Southern Maine Overlay Zone 14-152--14-152.9
Div. 8.5. R-OS Recreation and Open Space Zone, § 14-153—-14-160
Div. 9. B-1 and B-1b Neighborhood Business Zones, § 14-161—-14-180
Div. 10. B-2 and B-2b Community Business Zone, § 14-181—14-195
Div. 11. A-B Airport Business Zone, § 14-196—-14-215
Div. 12. B-3, B-3b and B-3c Downtown Business Zones, §

14-216—-14-221.1
Div. 12.1. I-B Island Business Zone, § 14-222—14-229.9
Div. 12.5. B-4 Commercial Corridor Zone, § 14-229.10--14-229.30
Div. 12.6. B-5 Urban Commercial Mixed Use Zone, § 14-230—14-230.9
Div. 12.7. O-P Office Park Zone, § 14-230.10-—14-230.16
Div. 13. I-L and I-Lb Industrial Zones, §14-231—-14-245
Div. 14. I-M, I-Ma and I-Mb Industrial Zones, § 14-246-—14-260
Div. 15. I-H and I-Hb Industrial Zones, § 14-261—-14-267
Div. 15.1. B-6 Eastern Waterfront Mixed Zone § 14-268—14-275
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ARTICLE I. IN GENERAL

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Sec. 14-2. Reserved.
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Sec. 14-6. Reserved.
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ARTICLE II. PLANNING BOARD*

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*Cross reference(s)--Administration, Ch. 2; boards generally, § 2-31 et seq.; limitation on term of service on boards, commissions, § 2-32 et seq.

Sec. 14-16. Created.

There is hereby created a planning board.
(Code 1968, § 601.1; Ord. No. 158-68, 5-6-68; Ord. No. 671-75, 12-15-75; Ord. No. 242-76, 5-17-76; Ord. No. 149-79, § 1, 8-6-79)

Sec. 14-17. Composition.

There shall be a planning board of seven (7) members. Members of the planning board shall be residents of the city and shall not be officers or employees of the city or any other agencies or department.
(Code 1968, § 601.1; Ord. No. 158-68, 5-6-68; Ord. No. 671-75, 12-15-75; Ord. No. 242-76, 5-17-76; Ord. No. 149-79, § 1, 8-6-79)

Sec. 14-18. Appointment; terms.

The members of the planning board shall be appointed by the city council for terms of three (3) years. Such members shall serve until their successors are duly elected and qualified. Such terms shall be staggered so that the terms of not more than three (3) members shall expire in any calendar year; providing, however, such service shall not extend to over one hundred twenty (120) days after expiration of their term.
(Code 1968, § 601.1; Ord. No. 158-68, 5-6-68; Ord. No. 671-75, 12-15-75; Ord. No.

242-76, 5-17-76; Ord. No. 149-79, § 1, 8-6-79; Ord. No. 277-83, 11-7-83)

Sec. 14-19. Vacancies.

Permanent vacancies on the planning board shall be filled by the city council, in the same manner as other appointments hereunder, for the unexpired term of the former member.
(Code 1968, § 601.1; Ord. No. 158-68, 5-6-68; Ord. No. 671-75, 12-15-75; Ord. No. 242-76, 5-17-76; Ord. No. 149-79, § 1, 8-6-79)

Sec. 14-20. Removal of members.

Any member of the planning board may be removed for cause by the city council at any time; provided, however, that before any such removal, such member shall be given an opportunity to be heard in his or her own defense at a public hearing.
(Code 1968, § 601.1; Ord. No. 158-68, 5-6-68; Ord. No. 671-75, 12-15-75; Ord. No. 242-76, 5-17-76; Ord. No. 149-79, § 1, 8-6-79)

Sec. 14-21. Compensation.

Members of the planning board shall serve without compensation.
(Code 1968, § 601.1; Ord. No. 158-68, 5-6-68; Ord. No. 671-75, 12-15-75; Ord. No. 242-76, 5-17-76; Ord. No. 149-79, § 1, 8-6-79)

Sec. 14-22. Chair and vice-chair.

(a) The members of the planning board shall annually elect one (1) of their number as chair to preside at all meetings and hearings and to fulfill the customary functions of that office, and another of their number as vice-chair. The chair may administer oaths. The chair shall have the right, upon request, to designate any person or organization as a specially interested party for purposes of offering evidence and conducting cross-examination at hearings.

(b) In the absence of the chair, the vice-chair shall act as chair and shall have all the powers of the chair. The vice-chair shall have such other powers and duties as may from time to time be provided by the rules of the planning board.
(Code 1968, § 601.2; Ord. No. 158-68, 5-6-68; Ord. No. 671-75, 12-15-75)

Sec. 14-23. Staff secretary; minutes, public records.

The planning director shall designate a member of his or her staff who shall serve as staff secretary of the planning board and attend all of its proceedings. The staff secretary

shall provide for the keeping of minutes of the proceedings of the board, showing the vote of each member on every question, or his or her absence or failure to vote, and shall maintain the permanent records and decisions of all board meetings, hearings and proceedings and all correspondence of the board, as required by statute. Such records shall be public records open to inspection during working hours upon reasonable notice.
(Code 1968, § 601.3; Ord. No. 158-68, 5-6-68; Ord. No. 671-75, 12-15-75)

Sec. 14-24. Quorum and necessary vote.

As to any matter requiring a hearing, no business shall be transacted by the planning board without a quorum, consisting of four (4) members, being present. The concurring vote of at least four (4) members shall be necessary to authorize any action by the board. If less than a quorum is present, the hearing may be adjourned from time to time for a period not exceeding three (3) weeks at any one time. The staff secretary shall notify in writing all members of the date of the adjourned hearing and shall notify such other interested parties as may be directed in the vote of adjournment.
(Code 1968, § 601.4; Ord. No. 158-68, 5-6-68; Ord. No. 671-75, 12-15-75; Ord. No. 242-76, 5-17-76)

Sec. 14-25. Meetings, hearings and procedures.

(a) Regular meetings of the planning board shall be held at the call of the chair or as provided by rule of the board. Special meetings may be called by the chair or any four (4) members of the board or at the request of the city council. Except as otherwise provided in section 14-26, all meetings, hearings and deliberations of the planning board and its committees shall be open to the public in accordance with Title 1, M.R.S.A., Section 401 et seq. Testimony at any hearing may be required by the planning board to be given under oath.

(b) The planning board shall adopt its own rules for the conduct of its business not inconsistent with the statutes of the state and this article. Such rules shall be filed with the staff secretary of the board and with the city clerk. Any and all rule changes shall be placed on a city council public agenda as a communication requiring a public hearing. Any rule may be vetoed, in whole or in part, by order of the council within forty-five (45) days of the date of filing with the city clerk. No rules change shall take effect until that time period has elapsed. If a part of a rule is vetoed, the remainder shall continue in effect. Any rule so adopted, which is not required

by the statutes of the state or by this article, may be waived by the chair upon good cause being shown.
(Code 1968, § 601.5; Ord. No. 158-68, 5-6-68; Ord. No. 671-75, 12-15-75, 12-15-75; Ord. No. 242-76, 5-17-76; Ord. No. 78-89, 8-7-89)

Sec. 14-26. Workshop or informational meetings.

Informal meetings or workshops of the planning board or any of its committees may be held at the call of the board or committee chairperson, as the case may be, for the presentation of information by the planning director, his or her staff, the applicant or others. These meetings will be open for public comment according to the Rules of the Portland planning board. Such meetings, unless open to the public as provided in Title 1, M.R.S.A., Section 401 et seq. (Freedom of Access Act), shall be informational only and shall not be deliberative in nature; shall not be used by the board or committee for the weighing of positions or reasons for or against a proposition; and shall not be used by the board or committee for the formulation of tentative or final decisions on any matter.
(Code 1968, § 601.6; Ord. No. 158-68, 5-6-68; Ord. No. 671-75, 12-15-75; Ord. No. 227-01, 4-2-01)

Sec. 14-27. Record and decisions.

(a) The minutes of the staff secretary, and the transcript if one (1) is made, and all exhibits, papers, applications and requests filed in any proceeding before the planning board and the decision of the board shall constitute the record.

(b) Every final decision of the planning board and every recommendation of the planning board to the city council shall include written findings of fact, and shall specify the reason or reasons for such decision or recommendation.

(c) The staff secretary shall mail notice of any decision of the planning board to the applicant and any designated interested parties within five (5) business days of such decision.
(Code 1968, § 601.7; Ord. No. 158-68, 5-6-68; Ord. No. 671-75, 12-15-75)

Sec. 14-28. Conflicts.

No member of the planning board shall participate in the hearing or disposition of any matter in which he or she has an interest. Any question of whether a member has a conflict of interest sufficient to disqualify the member shall be decided by

a majority vote of the members present, except the member whose possible conflict is being examined; where such vote results in a tie, the subject member shall be disqualified.
(Code 1968, § 601.8; Ord. No. 158-68, 5-6-68; Ord. No. 671-75, 12-15-75)

Sec. 14-29. Appeals.

An appeal from any final decision of the planning board as to any matter over which it has final authority may be taken by any party or by any authorized officer or agent of the city to the superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure. No appeal shall lie concerning any matter as to which the power of the board is limited to the making of a recommendation.
(Code 1968, § 601.9; Ord. No. 158-68, 5-6-68; Ord. No. 671-75, 12-15-75)

Sec. 14-30. Jurisdiction and authority.

In addition to the jurisdiction conferred on it by other provisions of state law and the ordinances of the city and in accordance therewith, the planning board shall have the following jurisdiction and authority:

(a) To prepare and recommend a comprehensive plan to the city council, which plan, upon its adoption by the city council, shall be known as the "Land Development Plan of the City of Portland";

(b) To prepare and recommend to the city council changes in and amendments to the land development plan;

(c) To aid and assist the city council and departments and agencies of the city in implementing general plans and in planning, developing and completing specific projects;

(d) To hear, review and approve, conditionally approve or disapprove level III site plans, subdivisions and conditional use applications;

(e) To hear, review and approve or deny applications for subdivision approval;

(f) To hear, review and offer its recommendations to the city council on applications for zoning changes and amendments to, or revisions of, the zoning ordinance, and to initiate recommendations for zoning changes and

amendments to, or revisions of, the zoning ordinance;

(g) To review and offer its recommendations to the city council on public projects;

(h) To review and approve, conditionally approve, or disapprove site plans for regulated projects in shoreland areas;

(i) To prepare and offer its recommendations to the city council with regard to the city's annual capital improvements program;

(j) To review and approve, conditionally approve, or disapprove urban renewal plans;

(k) Upon reasonable request, to make its special knowledge and expertise available to any official, department, board or agency of the city, county, state or federal governments to aid them in the performance of their respective duties relating to the planning and development of the city and its region, including request from the City Council to review proposed developments in which the developer does not have the right, title or interest in all the property necessary for the proposed development because some or all of that property is owned by the City;

(l) To make such investigations, maps and reports, and recommendations in connection therewith, relating to the planning and development of the city as seem desirable;

(m) To employ or contract with such experts and other assistants as may be necessary or convenient to carry out its duties hereunder and to pay for their services and for such other expenses as may be necessary and proper; provided, however, that such expenditures shall not exceed such funds as may be appropriated for such purposes from time to time by the city council;

(n) To hear, review and offer its recommendations to the city council on petitions for street vacations and discontinuances.

(o) To hear, review and decide appeals where it is alleged

there is an error in any decision, requirement, or determination made by the planning authority.

(Code 1968, § 601.10; Ord. No. 158-68, 5-6-68; Ord. No. 671-75, 12-15-75; Ord. No. 86-88, 7-19-88; Ord. No. 137-03/04, 1-21-04; Ord. No. 278-09/10, 7/19/10)

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*Editor's Note--Ord. No. 86-88, adopted July 19, 1988, amended this section by adding subsection (14) to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 86-88.

Sec. 14-31. Committees.

The chair of the planning board shall from time to time assign the members of the board to such regular and special committees as may be established by the board. Such committees shall have no final authority but shall assist the board in the conduct of its business by making recommendations to it concerning such specific items as may be assigned to them for study and report. The board shall adopt such rules as it shall deem appropriate to govern the organization and operation of its committees. Committee meetings deliberative in nature shall be open to the public in accordance with Title 1, M.R.S.A., Section 401 et seq.

(Code 1968, § 601.11; Ord. No. 158-68, 5-6-68; Ord. No. 671-75, 12-15-75)

Sec. 14-32. Notice.

(a) Applications:

1. *Level I, level II and level III site plans.* All public notices will be sent according to the section 14-525 of article V (site plan) of this chapter.

2. Subdivision, Zoning Map Amendments. When an application for subdivision or a request for a zoning map amendment is received or generated by the planning authority, it shall give a dated receipt to the applicant and shall notify, by mail, the following, where applicable.

   a. All property owners within five hundred (500) feet of the proposed subdivision and the clerk and the reviewing authority of municipalities that abut or include any portion of the subdivision. In

addition, the planning authority shall notify a public drinking water supplier if the subdivision is within its source water protection area;

b. All property owners within five hundred (500) feet of the proposed subdivision or proposed zone change site, except that for subdivisions within industrial zones or proposed map amendments for a site within an industrial zone the notice range shall be one thousand (1000) feet;

c. All property owners within the limits of the proposed zoning map amendment and all property owners five hundred (500) feet beyond said area, except that for map amendments to a site located within industrial zone designations the notice range shall be one thousand (1000) feet.

The notice hereunder shall include a brief description of the application, the address or location of the property involved and a telephone number at the City where additional information may be obtained. The cost of said notice shall be charged to the applicant.

(b) Workshops and hearings:

Except for notice of public hearings concerning conditional or contract zoning (which notice is governed by section 14-61), the planning authority shall give notice of public workshops and hearings in the form and manner and to the persons herein specified. The notice shall include the time and place of such workshop or hearing, a brief description of the application and the address or location of the property involved. Where notice by mail is required, such notice shall be mailed at least ten (10) calendar days in advance of the workshop or hearing date by regular United States mail. The cost of said noticing shall be charged to the applicant.

1. Subdivision:

a. To the general public. In the case of workshops and public hearings, notice as described above shall be given to the general public by publication in a newspaper of general circulation in the City of Portland at least two (2) times, the date of the first publication to be at least ten (10) calendar days prior to the hearing.

b. To the applicant and the owners of the subject property, and other property owners; In the case of workshops and public hearings, notice shall be sent by regular United States mail to the applicant, to the owner(s) of the subject property and to all owners of property located within five hundred (500) feet of the subject property, except that for subdivisions within industrial zones the notice range shall be one thousand (1000) feet.

2. Zoning Map Amendment:

a. To the general public: Except for notice of public hearings concerning conditional or contract zoning (which notice is governed by section 14-61), the notice of public hearing for zoning map amendments must be posted in the municipal office at least 13 days before the public hearing on such application. In addition, notice of said public hearing must be published at least two times in a newspaper of general circulation in the City of Portland. The date of the first publication must be at least twelve days prior to any public hearing and the date of the second publication must be at least seven days prior to the public hearing.

b. To property owners within the proposed area proposed for rezoning: Except for notice of public hearings concerning conditional or contract zoning (which notice is governed by section 14-61), in the case of workshops and public hearings on zoning map amendments, notice shall be sent by regular United States mail to all property owners within the aarea proposed for rezoning and all property owners five hundred (500) feet beyond said area, except that rezoning to industrial zone designations the notice range shall be one thousand (1000) feet.

3. Zoning Text Amendment.

a. To the general public: Notice of any zoning text amendment shall be published in a newspaper of general circulation in the City of Portland at

least seven days prior to the public hearing on the proposed amendment.

(c) Required Neighborhood Meeting

An applicant for (a) the subdivision of five or more units or lots or (b) for level III site plan review or (c) a private applicant for rezoning that would permit a Level III development as defined in Section 14-523 (required approvals and applicability), shall conduct a neighborhood meeting according to section 14-524 of article V (site plan) of this chapter.
(Code 1968, § 601.12; Ord. No. 158-68, 5-6-68; Ord. No. 671-75, 12-15-75; Ord. No. 79-89, 8-7-89; Ord. No. 00-51, §1, 8-7-00; Ord. No. 227-01, 4-2-01; Ord. No. 278-09/10, 7-19-10; Ord. No.25 11/12, 8-15-11)

Sec. 14-33. Public hearings.

Public hearings shall be held as required by the various statutes, codes and ordinances pursuant to which matters are brought before the planning board and shall be conducted in accordance with relevant state law, this code and the rules of the board.
Code 1968, § 601.13; Ord. No. 671-75, 12-15-75)

Sec. 14-34. – 14-45. Reserved.

ARTICLE III. ZONING*

***Editor's note--**Ord. No. 109-88, adopted July 19, 1988, provided that Ord. No. 79-88 through Ord. No. 99-88, all adopted July 19, 1988, which amended various sections within this chapter, "shall take effect immediately as an emergency, pursuant to Article II, § 8 of the Portland City Charter, to avoid a gap between the expiration of the moratorium ordinance previously controlling residential development and the implementation of the new development standards and map as adopted" and further provided that "notwithstanding the provisions of 1 M.R.S.A. § 302, this amendment and items 79 through 99 shall be applicable to applications for permits filed on or after July 19, 1988." Ord. No. 99-88 has not been set out herein but is on file in appropriate city offices. The specific amendments effected by Ord. No. 79-88 through Ord. No. 98-88 are too extensive to enumerate herein; for the specific disposition of such ordinances, see the Comparative Table following this Code.

It should be noted that the zoning ordinance, as set out in this article, does not include the text of conditional rezonings enacted as amendments to the zoning map adopted in § 14-49 herein.

Cross reference(s)--Ordinances pertaining to rezoning saved from repeal, § 1-4(13).

State law reference(s)--Zoning ordinances, 30 M.R.S.A. §

4962.

DIVISION 1. GENERALLY

Sec. 14-46. Purpose.

This article, made in accordance with a comprehensive plan, is enacted for the purpose of decreasing congestion in streets; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the over-crowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, sewerage, schools, parks and other community facilities and utilities; thus promoting the health, safety, convenience and general welfare of the citizens of the city. This article is made with reasonable consideration, among other things, to the character of each zone and its peculiar suitability for particular uses and with a view to conserving and stabilizing the value of property and encouraging the most appropriate use of land throughout the community.
(Code 1968, § 602.1.A)

Sec. 14-47. Definitions.

The following words shall be defined as set forth below for use in this article. Definitions set forth in the building code of the city shall apply to words not herein defined:

Accessory uses: Uses which are customarily incidental and subordinate to the location, function and operation of permitted uses.

Adult day care facility: A facility which provides a regular program of care and protection for persons over the age of sixteen (16), for consideration, for any part of the day.

Apartment: See "dwelling unit."

Apartment house: See "multifamily dwelling."

Arcade: A covered passageway, generally occurring at the street level of a building, running parallel and adjacent to the street or as a through-block pedestrian connection, which is intended to provide sheltered access to directly adjoining commercial or other uses. Arcades are provided physical definition by the regular placement of structural elements throughout their length which support enclosed building uses above.

Assembly: A joining together of completely fabricated parts to create a finished product.

Back office use: An office-related use providing support services to a primary or headquarter use, with minimal public visitation and no direct in-person sales or services to the general public. Back office uses may include data processing, or other clerical uses relying heavily on a telecommunications infrastructure and may also include support services to educational institutions or social service agencies as long as no direct in-person services to the general public are provided.

Bed and breakfast: A building in which more than two (2) but not more than nine (9) guest rooms are used to provide or offer overnight accommodations for transient guests. An owner, manager, or operator shall live in the building as a permanent resident. No cooking facilities shall be permitted in any of the guest rooms. The only meal which may be offered is breakfast, which shall be offered only to overnight guests. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the City, unless such a facility is authorized, under the applicable provisions of Portland’s Land Use Code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

Billboard: A structure, either freestanding or attached to a building, the surface of which is available for hire for advertising purposes.

Biotechnology: The use of biological processes, particularly cellular and molecular to solve problems and/or make useful products for applications in medicine, agriculture and environmental management.

Building, height of: The vertical measurement from grade, or the predevelopment grade on the islands, to the highest point of the roof beams in flat roofs; to the highest point of the roof beams or the highest point on the deck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to a level two-thirds of the

distance from the level of the eaves to the highest point of gambrel roofs. For this purpose the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves.

Business service: Establishments primarily engaged in rendering services to other business establishments on a fee or contract basis such as advertising, mailing services, building maintenance services, employment services, management and consulting services, protective services, personnel services and similar businesses.

Chemical-free night club: An alcohol-free commercial establishment that offers live entertainment, amplified music, and/or dancing, where the primary source of income for such alcohol-free commercial establishment is derived from the entertainment and/or any admission or cover charge.

Clinics: Any establishment where patients are admitted for examination and treatment by one (1) or more professionals such as, but not limited to, physicians, dentists, psychologists or social workers.

Coastal wetland: All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and that occurs primarily in a salt water or estuarine habitat; and/or any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

Cold Storage Facility: Refrigerated facility used for the storage of perishable freight awaiting shipment or wholesaling.

Collector or arterial road: A roadway which is classified as a collector or minor, principal or other arterial by the federal functional road classification for Portland, Maine, a map of which is on file with the department of planning and urban development.

Commercial vessel: Any watercraft used principally in a business or trade, including common carriers of passenger or freight, whether for governmental, nonprofit or emergency purposes; but not including pleasure craft used principally for recreational purposes.

Common areas: Portions of a lodging house which are available for use by all residents of the lodging house. Common areas shall include, but are not limited to, one (1) or more of the following: kitchens, living rooms, recreation rooms, improved basements, and finished porches. Bathrooms, stairways, hallways and storage areas shall not be counted as common areas.

Community Hall: A building or portion of an existing building built for institutional or other non-residential uses and used for social, recreational, artistic, civic, or educational community functions. Such a facility would be open to the public for such functions, which, for example, could include but not be limited to performances, dance, exhibitions, cultural exchange, training programs and workshops, neighborhood meetings or gatherings. As part of these functions and activities, it shall be permissible to serve food, subject to other applicable codes and ordinances. In the R-6 residential zone only, the building can also be used for a farmer’s market pursuant to chapter 21 of this code and the requirements set forth therein.

Community living arrangements: A state approved, authorized, certified or licensed group home for eight (8) or fewer mentally handicapped or developmentally disabled persons.

Congregate care facility: A residential development which provides individual living or dwelling units with support services which provide assistance to residents. Services to be provided shall include:

(a) Transportation for essential support activities. This service shall be included in the base rent;

(b) Provision of at least one (1) meal per day;

(c) Programmed social activities which are facilitated by staff. This service shall be included in the base rent;

(d) Provision of personal care services including, but not limited to, housekeeping, laundry, and minimal health monitoring; and

(e) Installation of emergency call buttons or systems in each congregate care living unit.

The population of a congregate care facility shall consist of persons fifty-five (55) years of age or older and their spouses and/or disabled persons and their spouses.

Day care facility: A facility which provides a regular program of care and protection for children under the age of sixteen (16), for consideration, for any part of the day.

Drinking establishment: Means and includes any establishment required to be licensed to sell alcoholic beverages for on-premises consumption, which is not regularly used for the purpose of providing full-course meals, as defined in Title 28-A of the Maine Revised Statutes, on the premises.

Drive-through facility: A commercial facility which provides a service directly to a motor vehicle occupant and where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is served with or without exiting the vehicle. Drive-throughs do not include major or minor auto service stations.

Drive-through features: Features associated with drive-throughs including but not limited to designated travel or stacking lanes, intercom systems, menu boards, service windows, kiosks, mechanical devices, etc.

Dwelling: A building or portion thereof used exclusively for residential occupancy, including single-family, two-family and multifamily dwellings, but not including hotels, lodging houses, sheltered care group homes or tourist homes. Occupancy of dwellings for periods of less than thirty (30) days are subject to the requirements of Portland City Code Chapter 6, Article VI.

Dwelling, one-family: A detached building used exclusively for occupancy by one (1) family.

Dwelling, two-family: A single building containing two dwelling units used exclusively for occupancy by two (2) families living independently of each other.

Dwelling, multifamily: A building or portion thereof containing three (3) or more dwelling units.

Dwelling unit: One (1) or more rooms with private bath and

kitchen facilities comprising an independent self-contained dwelling unit.

Earth moving activity means any removal or placement, excavation, filling, stockpiling or grading of soil, earth, loam, sand, gravel, rock and other mineral deposits.

Emergency operations: Emergency operations shall include operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury.

Emergency shelter: A facility providing temporary overnight shelter to homeless individuals in a dormitory-style or per-bed arrangement.

Essential services: The construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Fabrication: Manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores, lumber or rubber. Fabrication relates to stamping, cutting, or otherwise shaping the processed materials into useful objects.

Family: Not more than sixteen (16) individuals living together in a dwelling unit as a single nonprofit housekeeping unit. A group occupying a hotel, fraternity house or sorority house shall not be considered as a family. The family may include necessary servants.

Family amusement centers: Any structure, open to the public, which may contain coin-operated games and similar entertainment and amusement devices.

Fill. Soil, earth, loam, sand, gravel, rock and other mineral deposits.

Filling. The placement of soil, earth, loam, sand, gravel, rock and other mineral deposits. Filling shall include stockpiling as defined herein.

Floor area: A floor space enclosed by exterior or standard fire walls, exclusive of vent shafts and courts.

Floor area ratio: The proportion of total floor area in a development to the total land area. The ratio is calculated as follows:

8,000 square feet (total floor area)
= .040 floor area ratio

20,000 square feet (total land area)

Foundation: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

Freshwater wetland: Freshwater swamps, marshes, bogs and/or similar areas which are:

(a) Of ten (10) or more contiguous acres or of less than ten (10) contiguous acres and adjacent to a surface water body except for any river, stream or brook such that, in a natural state, the combined surface area is in excess of ten (10) acres or of less than ten (10) acres that is depicted on the Shoreland Zoning Map; and

(b) Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Gross area: Square footage of land area excluding areas of special flood hazard as defined in section 14-450.5 of this chapter.

Handicapped family unit: A dwelling which provides living facilities for handicapped persons. A handicapped family unit may also provide counseling and support services. Staff members may also be included in the population.

Handicapped person: A person with a physical or mental impairment which substantially limits one (1) or more of such person's major life activities, a person with a record of having such an impairment, or a person who is regarded as having such an impairment. This term does not include current, illegal use of or addiction to a controlled substance as defined in 21 U.S.C. ' 802.

Health care practitioner: A professional providing medical, therapeutic or other services relating to the diagnosis, treatment or prevention of physical or psychological disabilities.

High impact industrial uses: Industrial activity involving the manufacturing, packaging, assembly, or distribution of finished products from either raw materials or previously prepared material which are generally incompatible with residential, commercial and lower impact industrial uses and sensitive natural areas due to their high generation of traffic, noise levels, emissions, lighting and odors.

Home occupation: A home occupation is a secondary and incidental use of a dwelling unit, conducted entirely within the dwelling unit by one (1) or more persons residing in the dwelling unit.

Hospital: An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

Hostel: An overnight lodging facility for transient guests that provides sleeping rooms and common areas for cooking. A hostel shall not be used as an emergency shelter. No owner operator, director, employee, shareholder, partner, corporate

officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined by this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer or patron of the business at any off-premises site in the City, unless such a facility is authorized, under the applicable provisions of Portland's Land Use Code, to offer such accommodations as a bed and breakfast, hostel, hostel, inn, lodging house, motel or tourist home.

Hotel: A building used for more or less temporary occupancy of individuals who are lodged with or without meals, having ten (10) or more guest rooms. No owner, operator, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the City, unless such a facility is authorized under the applicable provisions of Portland's Land Use Code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

Impervious surface: Means any surface which does not absorb rain and includes all buildings, roads, sidewalks, parking areas, and any area paved with bricks, concrete or asphalt.

Impervious surface ratio: The proportion of a site covered by impervious surfaces. Landscaping islands of strips of two hundred (200) square feet or less shall be included in the calculations as impervious surfaces. The ratio is calculated as follows:

$$\frac{\text{5,000 square feet (impervious surfaces)}}{\text{10,000 square feet (gross land area)}} = \text{0.50 impervious surface ratio}$$

Indoor amusement and recreation centers: Facilities which limit admission either to members or to persons paying an entrance fee and which offer one (1) or more of the following activities: indoor athletics, including exercise and practice facilities, or games of skill or games of chance licensed either

by the city or by the State of Maine.

Inn: A building used for more or less temporary occupancy of individuals, who are lodged with or without meals, having ten (10) but no more than fifty (50) rooms. Guest rooms shall not contain separate kitchen facilities. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the City, unless such a facility is authorized, under the applicable provisions of Portland's Land Use Code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

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

Kitchen facilities: Facilities used for the preparation of meals, including refrigerators and devices used for the cooking and preparation of food.

Light manufacturing use: The fully enclosed assembly or fabrication of materials but excluding basic processes such as smelting, refining, distilling, forging, brewing, and similar processes involving converting raw materials to a finished or semifinished product.

Living Unit: An independent self-contained dwelling unit that does not include full kitchen facilities.

Lodging house: A house, building or portion thereof containing two (2) or more rooming units and providing such units, with or without meals, to individuals on not less than a weekly or monthly basis for compensation. A lodging house, except for lodging houses located in the IR-2, IR-3 and I-B

zones, shall contain common areas for use by all residents, including a kitchen. A kitchen need not be available as part of the common areas where all meals are provided on a daily basis. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the City, unless such a facility is authorized, under the applicable provisions of Portland's Land Use Code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

Long term or extended care facility: An institution or a distinct part of an institution that is licensed or approved to provide full-time convalescent or chronic care, or health care under medical supervision for twenty-four (24) or more consecutive hours, to nine (9) or more individuals who, by reason of advanced age, illness, or infirmity are unable to care for themselves, and who are not related to the governing authority by marriage, blood, or adoption.

Lot: A parcel or area of land that is designated as an individual unit for use, development or ownership that is either a) a lot of record, recorded in the Cumberland County Registry of Deeds; or b) a contiguous combination of such lots of record under common ownership; or c) a newly established parcel meeting all the dimensional requirements of the zone in which it is located.

Lot area: The area of land enclosed within the boundary lines of a lot.

Lot width: The distance parallel to the front of the building measured between side lot lines through that part of the principal building where the lot is narrowest.

Low impact industrial uses: Industrial activity involving the manufacturing, packaging, assembly, or distribution of finished products from previously prepared material, including but not limited to the following: bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, precision instruments, watchmakers, musical instruments, toys

and sporting goods, pottery and ceramics using only previously pulverized clay, wood products, jewelry, assembly of electrical components, canteen services, tool and die shops, and the packaging of foods. Low impact industrial uses do not include the processing of raw materials or salvaging operations. Low impact industrial uses are compatible, due to their size and nature of impact, with residential, commercial and other low impact industrial uses because of the level of traffic generated, emissions levels, lighting and odors generated.

Major auto service station: A business selling gasoline, diesel or propane fuel, with more than two (2) pump islands or with a capacity to fuel more than eight (8) vehicles simultaneously or providing repair services including, but not limited to, tune-ups, engine repair, brake work, muffler replacement, tire repair or similar activities.

Minor auto service stations: A business selling gasoline, diesel or propane fuel with not more than two (2) pump islands, provided that no more than a total of eight (8) vehicles may be fueled simultaneously. Repair services including but not limited to tune-ups, engine repair, brake work, muffler replacement, tire repair or similar activities shall be permitted provided that there shall be no more than two (2) service bays. Such businesses shall not include car washes or vacuums.

Manufactured housing: A structural unit or units designed for residential occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site. The term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. For purposes of this article, two (2) types of manufactured housing are included. They are:

(a) Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the standards required by the United States Government Department of Housing and Urban Development, as such standards are from time to time revised or amended, meaning structures, transportable in one (1) or more sections, which in the traveling mode are fourteen (14) body feet or more in width and are seven hundred fifty (750) or more square feet, and which are built on a permanent chassis and designed to

be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein. This term also includes any structure which meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401 et seq.; and

(b) Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the state’s Manufactured Housing Act and regulations, meaning structures, transportable in one (1) or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

Any unit which does not fall within the definitions of this section and which is legally sited within the city on December 18, 1989, may be relocated to any location in the city in which manufactured housing is allowed.

Manufactured housing park: A parcel of land under unified ownership approved by the Planning Board under 30-A M.R.S.A. Section 4358 for the placement of single-component manufactured housing.

Manufactured housing park unit space: The area of land on which an individual home is situated within a manufactured housing park and which is reserved for use by the occupants of that home.

Manufactured housing subdivision or development: A parcel of land approved by the Planning Board under 30-A M.R.S.A. Section 4358 for the placement of single-component manufactured housing on individual owned lots.

Marijuana cultivation facility: A cultivation facility required to be licensed pursuant to 22 M.R.S. § 201 or any other facility engaged primarily in the business of planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana, including mature marijuana plants, immature marijuana plants, seedlings and marijuana seeds, for use or sale.

Marijuana manufacturing facility: A manufacturing facility required to be licensed pursuant to 22 M.R.S. § 2423-F or 28-B M.R.S. § 201.

Marijuana product: As defined by 22 M.R.S.A. §2422 or 28-B M.R.S.A., §102.

Marijuana retail store: A retail establishment licensed to sell marijuana, marijuana products, immature marijuana plants and seedlings to adult use or medical marijuana customers. A marijuana retail store is only authorized as a principal use, and is not permitted as an accessory use. A marijuana retail store may not exceed a maximum gross floor area of 2,000 square feet. A marijuana retail store shall not include a registered dispensary.

Marijuana testing facility: A facility licensed to develop, research and test marijuana, marijuana products and other substances as defined by 22 M.R.S.A. §2422 or 28-B M.R.S.A., §102.

Marina: Commercial operation providing floats, slips and piers intended primarily for berthing of noncommercial vessels and the provision of related services such as supplies, fuel, equipment and repairs, which may be provided both to tenants and non-tenants.

Military personnel berthing: A building, or portion thereof, which is primarily used as, and intended for, temporary living quarters for military personnel.

Minor business: A business with not more than two (2) pump islands, provided that no more than a total of eight (8) vehicles may be fueled simultaneously. Such businesses shall not include car washes or vacuums. Repair services shall be permitted, provided that there shall be no more than two (2) service bays.

Motel: A building or group of attached or detached buildings containing guest rooms or dwelling units most of which have separate outside entrances and parking space hereby intended to be used principally by automobile transients for compensation. Motels include tourist courts, motor lodges or cabins. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the City, unless such a facility is authorized, under the applicable provisions of Portland's Land Use Code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

Multiple-component manufactured housing: Manufactured housing which is constructed and transported in two (2) or more sections of substantially similar size that must be mated to form a habitable dwelling. For purposes of planned residential unit development and multiplex development, multiple-component manufactured housing shall be considered a dwelling unit.

Nanotechnology: The creation of functional materials, devices and systems through control of matter on the nanometer scale.

Neighborhood Center: A building or portion of a building used for recreational, artistic, social, educational, health, culture, or similar activities and services, usually owend and operated by a public or nonprofit group or agency. A neighborhood center is 10,000 square feet or less.

Net land area: Net land area, as set forth in sections 14-90, 14-120 and 14-130 of this article, shall be calculated by subtracting from gross area the square footage of the following:

(a) Reserved.

(b) Existing watercourses, as defined in this section, measured by the area between the top of the banks at the normal high water mark, as defined in this section.

(c) Reserved.

(d) Wetlands, as defined in this section;

(e) Reserved.

(f) Slopes of twenty-five (25) percent or greater. Where a slope of twenty-five (25) percent or greater was altered to less than twenty-five (25) percent within the two (2) years immediately preceding the submission of the application for development, such slope shall also be subtracted from the gross area;

Noncommercial vessel berthing: The use of berthing space for berthing of watercraft other than commercial vessels. Berthing space used in the following manner shall not be counted in computing the number of linear feet under this use category:

(a) Space used principally for sale or repair of vessels;

(b) Commercial vessel tenant space used by a noncommercial vessel for a period not exceeding ten (10) consecutive days while the primary commercial vessel tenant is conducting its business or trade.

Normal high water line: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers, the normal high water line is the upland edge of the wetland, and not the edge of the open water.

Office complex: Separate office buildings planned, constructed or managed on an integrated coordinated basis.

On-peninsula: Includes all land located south of I-295.

Off-peninsula: Includes all land located north of I-295.

Personal service: Establishments engaged in providing services involving the care of the person or his apparel, such as laundries, dry cleaning establishments, photographic studios, beauty and barber shops but not including commercial or industrial laundries.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high water line or within a wetland:

(a) Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

(b) Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Place of assembly: A building or portion of a building used as a community hall, neighborhood center, private and fraternal organization or place of religious assembly. This definition shall not include buildings or portions of buildings used as a community hall, neighborhood center, private and fraternal organization or place of religious assembly where fifteen (15) or fewer people, not including the permanent residents of a single family dwelling, assemble.

Place of religious assembly: A building or portion of a building used for religious worship or instruction including, but not limited to, churches, synagogues, masjids, mosques and other places of worship.

Plant canopy: As defined by 28-B M.R.S., §102.

Pre-development grade. Pre-development grade is defined as average grade, existing on October 1, 2000, at the corners of the foundation of the proposed structure.

Principal building: The building occupied by the chief or principal use on the premises. When a garage is attached to the principal building in a substantial manner as by a roof or common wall, it shall be considered as a part of the principal building.

Private club or nonprofit social and recreational facility: A private club, or nonprofit social and recreational facility, is open exclusively to members and to their bona fide guests accompanying them, in order to promote fellowship, social living, proper recreation, civic responsibility, neighborhood responsibility, community welfare or other endeavors. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facility are available

and are provided within all regulations of this article and other applicable codes and ordinances.

Processing: Any operation changing the nature of material or materials such as chemical composition or physical qualities. Does not include operations described as fabrication.

Professional office: The office of a doctor, dentist, optometrist, psychologist, accountant, lawyer, architect, engineer or similar professional.

Recent flood plain soils: Recent flood plain soils include the following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial	Medomak
Charles	Ondawa
Cornish	Podunk
Fryeburg	Rumney
Hadley	Saco
Limerick	Suncook
Lovewell	Winooski

Recreation facilities: Any establishment designed or equipped for the conduct of sports or indoor leisure-time recreational activities.

Registered dispensary: A registered medical marijuana dispensary as defined by 22 M.R.S. §2422.

Registered patient: As defined by 22 M.R.S. §2422.

Restaurant: Any food service establishment, as defined by section 11-16 of this Code, with indoor seating capacity for ten (10) or more patrons.

Retail: Sale to the ultimate consumer for direct consumption and not for resale; however, retail, combined with gasoline, diesel or propane fuel sales shall be considered a single use for zoning purposes and shall constitute a major or minor auto service station.

Retail establishment: Means (1) any food service establishment as defined by section 11-16 of this Code, with indoor seating capacity for nine (9) or fewer patrons; or (2) any shop or store offering goods or merchandise to the general public for direct consumption and not for resale, but does not include temporary freestanding stands in either case; however, retail establishments combined with gasoline, diesel or propane fuel sales shall be considered a single use for zoning purposes and shall constitute a major or minor auto service station.

Rooming unit: A room or suite of rooms in a house, building or portion thereof rented as living and sleeping quarters, but without full kitchens or bathrooms. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one (1) rooming unit for the purpose of this article. Each rooming unit in a lodging house shall have kitchen privileges unless all meals are provided on a daily basis. There shall be no more than two (2) persons residing in each rooming unit.

Self-storage facility: Fully enclosed buildings with individual, secured units (accessed with or without supervision) used for the exclusive purpose of storage of non-hazardous business or personal materials.

Setback: The required distance and the land resulting therefrom between a street line and the closest possible line of conforming structure.

Sheltered care group home: A facility which, in addition to providing food and shelter to a defined population, provides guidance or counseling services. Such services are a primary function of the facility.

Shore frontage: The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland zone: The land area located within two hundred fifty (250) feet, horizontal distance, of the normal high water

line of any river; within two hundred fifty (250) feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream.

Sign: Signs shall be as defined in section 14-367.

Single-component manufactured housing: Manufactured housing which is constructed and transported in one (1) section that is a habitable dwelling unit. For purposes of planned residential unit development and multiplex development, single-component manufactured housing shall not be considered a dwelling unit, except in the FH Flexible Housing Zone.

Small-scale marijuana caregiver: A registered caregiver who sells or dispenses marijuana to no more than five individual registered patients in any one calendar month; does not process or manufacture marijuana using chemicals or solvents; and cultivates no more than 1) 250 square feet of plant canopy where located in a single-family dwelling or commercial space; or 2) 125 square feet of plant canopy where located in a dwelling unit within a two-family or multi-family building.

Special needs independent living unit: A dwelling unit developed and managed by a nonprofit organization for habitation by persons with special social, physical or mental needs beyond strictly economic needs. Such persons shall be provided required levels of supervision, care and/or counseling services appropriate to their special needs, and the services shall be provided by either the sponsoring nonprofit agency or through another entity with which the agency has entered into a contractual arrangement.

Sports complex: One or more facilities located on the same parcel of land where athletic events are held and with a combined seating capacity of at least six thousand (6,000) seats.

Stockpiling. Any placement or creation of piles or loads of soil, loam, sand, gravel, rock or other mineral deposits upon a site for the purpose of storage, warehousing or reserving for future use. Stockpiles shall be considered structures for purposes of dimensional requirements under the Land Use Code.

Stormwater detention area: A storage area for the temporary storage of stormwater runoff which does not contain water during non-storm conditions.

Storm water retention area: A pond or basin used for the permanent storage of stormwater runoff.

Story: That portion of a building included between the surface of any floor and the surface of the floor, or the roof, next above. A half story is a story situated under a sloping roof, the area which at a height four (4) feet above the floor does not exceed two-thirds of the floor area of the story immediately below it and which does not contain an independent apartment or dwelling unit. A story which exceeds eighteen (18) feet in height shall be counted as two (2) stories. A basement shall be counted as a story for the purpose of height measurement where more than one-half of its height is above the average level of the adjoining ground.

Stream: A free-flowing body of water from the outlet of the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5-minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within a shoreland area, or any stream designated within a Stream Protection Zone.

Street: A public way established by or maintained under public authority, or a way dedicated to the use of the public and appearing on the official map of the city.

Street line: The line of demarcation between a street and the abutting land.

Structure: Anything constructed or erected of more than one (1) member which requires a fixed location on the ground or attached to something having a fixed location on the ground.

Studios for artists and craftspeople: A facility for the production of arts and crafts products such as paintings, sculpture or other arts, or the practice of arts such as music or dance, or the production of custom handcrafted, or limited production of products such as furniture, wood, clay and metal products, publications and similar low impact arts and crafts activities.

Temporary wind anemometer tower: A temporary structure which may be installed for no more than two (2) years for data collection purposes and which supports devices for measuring wind speed, direction and other characteristics to assess wind energy potential and design issues for any permanent wind energy installation; often termed “meteorological towers” or “met towers”.

Theaters: Any establishment devoted to showing motion pictures, or for dramatic, musical or live performances.

Tourist home: A building in which more than one (1) but not more than nine (9) guest rooms are used to provide or offer overnight accommodations for transient guests. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the City, unless such a facility is authorized, under the applicable provisions of Portland’s Land Use code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

Transient guest: A person who occupies a facility offering accommodations on an overnight basis for compensation and whose actual occupancy is limited to no more than fifteen (15) days out of any sixty-day period.

Tributary stream: means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

Truck terminal: A facility primarily for handling and storage of goods transported by tractor trailers, including the fueling, servicing, and storage of those vehicles (except body repairs, frame straightening and painting), as well as facilities

for drivers, such as food, restrooms and showers, lodging, and retail related to truck supply. This definition does not apply to truck activity incorporated into or ancillary to an Intermodal Transportation Facility.

Upland edge of a wetland: the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation but such vegetation is dominated by woody stems that are six (6) meters approximately.

Use: The purpose for which land or structures thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased. The use of a property is not altered solely as the result of the property being rented, leased, or let, on a transient or long-term basis, by an idividual or entity other that the owner, for purposes of engaging in the same use.

Utility substation: Any sewage or water pumping station, electric power substation, transformer station, telephone equipment enclosures, or other similar structures owned or operated by a public utility.

Vegetation: All live trees, shrubs, ground cover, and other plants including, without limitation, trees both over and under four (4) inches in diameter, measured at four and one-half (4 1/2) feet above ground level.

Warehousing: The storage of goods, wares and merchandise in a warehouse.

Water body: Any river or stream.

Watercourse: Any natural or artificial stream, river, creek, ditch, channel, swale, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, or which has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Water-dependent uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and which cannot be located away from these waters.

Wetlands associated with shoreland zones: a freshwater or coastal wetland.

Wetlands: Those areas which have two (2) or more of the following:

(a) A water table at or near the surface during the growing season;

(b) Very poorly drained soils, including Sebago mucky peat; or

(c) Obligate wetland vegetation.

For purposes of this definition, "very poorly drained soils" and "obligate wetland vegetation" shall be as defined and illustrated in the United States Department of Interior, Fish and Wildlife Service publication of Wetland Plants of the State of Maine (1986), a copy of which is on file with the planning authority.

Wholesale: Sale for resale, not for direct consumption.

Yard: A space on a lot which is required by this article to be maintained open, unoccupied and unobstructed between lot lines and any structure, except as permitted in this article. In determining the front, rear or side of any accessory building, the orientation of the principal building shall be controlling. In measuring a yard, the building line shall be deemed to mean a line parallel to the lot line drawn through the point of a building or the point of a group of buildings nearest to such lot line. This measurement shall be taken at right angles from the building to the nearest lot line.

Yard, front: A yard adjoining the front lot line, extending between side lot lines, the depth of which shall be the shortest horizontal distance between the front lot line and any structure.

Yard, rear: A yard adjoining the rear lot line, extending between side lot lines, the depth of which shall be the shortest

horizontal distance between the rear lot line and any structure.

Yard, side: A yard adjoining a side lot line extending from the front yard to the rear yard, the width of which shall be the shortest horizontal distance between the side lot line and any structure.

(Code 1968, § 602.27; Ord. No. 625-70, 12-21-70; Ord. No. 499-74, § 11, 8-19-74; Ord. No. 276-77, 5-16-77; Ord. No. 431-82, §§ 3, 4, 2-22-82; Ord. No. 610-82, § 3, 7-7-82; Ord. No. 94-83, 8-3-83; Ord. No. 540-84, 5-7-84; Ord. No. 259-84, § 1, 12-17-84; Ord. No. 548A-85, § 1, 5-6-85; Ord. No. 33-85, §§ 1--3, 7-15-85; Ord. No. 385-87, 4-6-87; Ord. No. 363-88, 5-4-88; Ord. No. 300-88, 5-31-88; Ord. No. 87-88, § 1, 7-19-88; Ord. No. 129-88, 9-7-88; Ord. No. 311-89, 1-30-89; Ord. No. 164-89, 12-11-89; Ord. No. 199-89, 12-18-89; Ord. No. 33-90, § 1, 1-23-91; Ord. No. 33A-91, § 1, 4-17-91; Ord. No. 15-92, § 1, 6-15-92; Ord. No. 168-93, § 1, 1-4-93; Ord. No. 252-94, § 1, 4-4-94; Ord. No. 39-96, § 1, 10-7-96; Ord. No. 164-97, § 1, 1-6-97; Ord. No. 125-97, § 1, 3-3-97; Ord. No. 46-97, § 1, 8-4-97; Ord. No. 164-97, § 1, 12-1-97; Ord. No. 232-99, §1, 3-15-99; Ord. No. 81-99, §2, 10-18-99; Ord No. 94-99, 11-15-99; Ord. No. (Substitute)189-00, §1, 4-24-00; Ord. No. 295-01, § 1, 6-4-01; Ord. No. 187-01/02, § 1, 4-17-02; Ord. No. 77, § 3, 10-21-02; Ord. No. 96-04/05, 11-29-04; Ord. No. 144-05/06, 1-4-06 emerg. Passage; Ord. No. 149-05/06, 1-18-06; Ord. No. 300-05/06, 7-17-06; Ord. No. 296-08/09, 6-15-09; Ord. No. 29-09/10, 8-3-09 emergency passage; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 283, 09/10, 7-19-10 emergency passage; Ord. No. 278-09/10, 7-19-10; Ord. No. 77-10/11, 12-6-10, emergency passage; Ord. No. 149-10/11, 3-7-11; Ord. No. 279-09/10, 6-6-11; Ord. No. 53-14/15, 9-15-2014; Ord. No. 209-14/15, 5/4/2015; Ord. No. 276-14/15, 6-15-2015; Ord. No. 179-16/17, 3-27-2017; Ord. No. 33-17/18, 9-6-2017; 140-18/19, 2-20-2019)

*Editor's note--Ord. No. 87-88, adopted July 19, 1988, amended the definitions for gross area, intermediate care facility and principal building to read as herein set out and added definitions for net land area, stormwater detention area and stormwater retention area. The definition of net land area was subsequently amended by Ord. No. 129-88, adopted Sept. 7, 1988, to read as herein set out. See the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 87-88.

The amendments passed in Order 144-05/06, 1-4-06 applies retroactively to yard measurements made under the Portland Land Use Code at any time after June 5, 1957, and applies notwithstanding any adverse order or decree.

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 14-48. Establishment of zones.

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

(a) R-1 Residential zone

(b) R-2 Residential zone

(c) R-3 Residential zone

(d) FH Flexible housing zone

(e) R-4 Residential zone

(f) R-5 Residential zone

(g) R-5A Residential zone

(h) R-6 Residential zone

(i) R-7 Residential zone

(j) IR-1 Island residential zone

(k) IR-2 Island residential zone

(l) IR-3 Island residential zone

(m) Island transfer station overlay zone

(n) R-P Residence-professional zone

(o) R-OS Recreation and open space zone

(p) B-1 and B-1b Neighborhood business zones

(q) B-2 and B-2b Community business zone

(r) A-B Airport business zone

(s) B-3, B-3b and B-3c downtown business zones

(t) I-B Island business zone

(u) B-4 Commercial corridor zone

(u-1) B-5 Urban commercial mixed use zone

(v) O-P Office park zone

(w) I-L and I-Lb Industrial zones

(x) I-M, I-Ma and I-Mb Industrial zones

(y) I-H and I-Hb Industrial zones

(z) B-6 Eastern Waterfront Mixed Zone

(aa) Reserved

(bb) Waterfront central zone

(cc) Waterfront port development zone

(dd) Reserved

(ee) R-P Resource protection zone

(ff) Helistop overlay zone

(gg) Shoreland zone

(hh) Flood plain

(ii) S-P Stream protection zone.

(jj) IS-FBC India Street Form-based Code zone.

(Code 1968, § 602.1.B; Ord. No. 499-74, § 1, 8-19-74; Ord. No. 536-74, § 1, 8-19-74; Ord. No. 334-76, § 1, 7-7-76; Ord. No. 15-92, § 2, 6-15-92; Ord. No. 101-93, 9-20-93; Ord. No. 164-97, § 2, 1-6-97; Ord. No. 156-01, §1, 1-17-01; Ord. 184-14/15, 6-1-2015; Ord. 83-15/16, 11-2-2015)

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*Editor's note--Although not expressly amended by the ordinances enacted subsequent to 1976 which created the several classes of zones, § 14-48 has been expanded to encompass all zoning classifications in the city at the discretion of the editor in consultation with the corporation counsel.

Sec. 14-49. Zoning maps.

The zones in section 14-48 are shown upon a map entitled “City of Portland, Maine, Zoning, dated December 2000 and produced by the City of Portland’s Department of Planning and Urban Development and the GIS Workgroup” and filed in the office of the Director of Planning and Urban Development, City of Portland, Maine. Such zoning map, with amendments, is hereby

adopted as the official zoning map of the City of Portland and as part of this article and incorporated in and made a part of this article.

(Code 1968, § 602.1.C; Ord. No. 213-84, 10-1-84; Ord. No. 15-92, § 3, 6-15-92; Ord. No. 156-01, §2, 1-17-01)

Sec. 14-50. Zone boundaries when uncertain.

Where uncertainty exists with respect to the boundaries of the various zones, as shown on the zoning maps, the following rules shall apply:

(a) Unless otherwise indicated, zone boundary lines are the center lines of streets, alleys, parkways, waterways or rights-of-way of public utilities and railroads or such lines extended. Unless otherwise shown, lines within blocks less than two hundred (200) feet wide are median lines between their sides, and lines within blocks two hundred (200) feet or more wide are one hundred (100) feet distant from the less restricted side of the block.

(b) The depictions of the shoreland zoning districts and stream protection districts on the Shoreland Zoning Maps are illustrative of the general location of such zones. The actual boundaries of these zones shall be determined by measurement of the distance indicated on the maps from the normal high water line of the water body or the upland edge of wetland vegetation. Where such measurement is not the same as the location of the boundary on the Shoreland Zoning Maps, the measurement shall control, unless the Shoreland Zoning Map indicates that the zone boundary shall follow an existing property line.

(Code 1968, § 602.20.A; Ord. No. 15-92, § 4, 6-15-92)

Sec. 14-51. Extension of zone lines.

Where a zone boundary line divides a lot in single or joint ownership of record at the time such line is established, the provisions of this article for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided that the lot has at least twenty (20) feet of street frontage in the less restricted zone when taken together with adjacent premises which are under the same or equivalent ownership or control. If such boundary line divides a business or industrial zone from a residence zone, no frontage on a street other than the principal business street in

the less restricted zone may be taken into consideration in connection with the right herein granted. This section shall not apply to differing dimensional requirements, including height, within a zoning district.
(Code 1968, § 602.20.B; Ord. No. 35-89, 6-28-89)

Sec. 14-52. Conformity required.

No building or structure shall be erected, altered, enlarged, rebuilt, moved or used, and no premises shall be used unless in conformity with the provisions of this article.
(Code 1968, § 602.1.D)

Sec. 14-53. Minimum requirements established.

In interpreting and applying the provisions of this article, they shall be held to be minimum requirements for the promotion of health, safety, convenience and welfare of the citizens of the city; for reducing the danger from fires; and for improving the city.
(Code 1968, § 602.1.E)

Sec. 14-54. Zone change/zone map fees.

(a) One or more of the following fees will be charged by the city for applications for changes of zone according to the following major zoning classifications and pertinent data relating to the specific zone change:

(1) Zoning Map Amendments: $7,500.00

(2) Zoning Text Amendments: $7,500.00

(3) Combination Zoning Map and Text Amendments: $10,000.00

(4) Conditional Rezoning: $10,000.00

(5) Applicant shall pay a fee to cover the professional and administrative costs for review and analysis associated with the zoning amendment, including but not limited to planning, legal, engineering or other services. The fee shall be based on the hours of review and processing time and prevailing hourly rate for reimbursement of city costs. The city shall periodically invoice the applicant for such costs incurred by the city, which invoice shall be paid promptly by the applicant.

(6) Applicant shall assume payment of cost of all notices, including newspaper publication.

All ordinances that would cost more than the maximum to publish should be printed in separate pamphlet form and advertised only by reference.

(7) Waiver of fees: The fee for zone change applications may be waived or reduced by the Planning Authority in the case of an application submitted by any governmental body or where an applicant can establish financial hardship.

(8) Withdrawal of application: If a zone change application is withdrawn by an applicant prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of one-half of the amount of the application fee will be made to the applicant by the city provided that all costs incurred by the city have been paid in full by the applicant.

(b) The following schedule of fees will be charged by the City for zone maps:

Paper maps:	Large $20.00 per sheet	Small (11X17) $5.00 per sheet
Digital Zone Map	$20.00	

(Code 1968, § 602.1.F; Ord. No. 589-75, § 1, 10-20-75; Ord. No. 590-75, § 1, 11-19-75; Ord. No. 693-81, 5-18-81; Ord. No. 523-87, 5-18-87; Ord. No. 327-98, § 2, 5-18-98; Ord. No. 328-98, § 1, 5-18-98; Ord. No. 227-00, §1, 5-15-00; Ord. No. 119-01/02, § 2, 12-3-01; Ord. No.222-09/10, 5-17-10; Ord. No. 253-15/16, 7/1/2016; Ord. No. 217-17/18, 7-1-2018)

Sec. 14-55. Relation to other ordinances.

This article shall not repeal the provisions of any other ordinance relating to the use of buildings or premises; provided, however, that where this article imposes greater restrictions, it shall control.
(Code 1968, § 602.26.A)

Sec. 14-56. Enforcement.

The building authority is authorized to institute or cause to be instituted by the corporation counsel in the name of the

city any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this article; provided, however, that this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this article.
(Code 1968, § 602.26.C)

Sec. 14-57. Violations.

Any person being the owner or occupant of, having control of or the use of any building or premises or part thereof, who violates any of the provisions of this article, shall be guilty of an offense.
(Code 1968, § 602.26.D; Ord. No. 157-76, 4-21-76)

Sec. 14-58. Reserved.
Sec. 14-59. Reserved.

DIVISION 1.5. CONDITIONAL OR CONTRACT ZONING

Sec. 14-60. Authority and purpose.

Pursuant to 30-A M.R.S.A. Section 4503(9), conditional or contract zoning is hereby authorized for rezoning of property where, for reasons such as the unusual nature or unique location of the development proposed, the city council finds it necessary or appropriate to impose, by agreement with the property owner or otherwise, certain conditions or restrictions in order to ensure that the rezoning is consistent with the city's comprehensive plan. Conditional or contract zoning shall be limited to where a rezoning is requested by the owner of the property to be rezoned. Nothing in this division shall authorize either an agreement to change or retain a zone or a rezoning which is inconsistent with the city's comprehensive plan.
(Ord. No. 31-85, 7-15-85; Ord. No. 88-88, 7-19-88; Ord. No. 62-89, 7-17-89)

Sec. 14-61. Notice and hearing.

The Planning Board shall conduct a public hearing prior to any property being rezoned under this division. Notice of this hearing shall be posted in the city clerk's office at least fourteen (14) days prior to the public hearing and shall be published in a newspaper of general circulation within the city at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice shall also be sent to the owners of all property abutting the property to be rezoned at their last known address. This notice shall

contain a copy of the proposed conditions and restrictions, with a map indicating the property to be rezoned.
(Ord. No. 31-85, 7-15-85)

Sec. 14-62. Conditions and restrictions.

Conditions and restrictions imposed under the authority of this division shall relate only to the physical development and operation of the property and may include, by way of example:

(a) Limitations on the number and types of uses permitted;

(b) Restrictions on the scale and density of development;

(c) Specifications for the design and layout of buildings and other improvements;

(d) Schedules for commencement and completion of construction;

(e) Performance guarantees securing completion and maintenance of improvements, and guarantees against defects;

(f) Preservation of open space and buffers, and protection of natural areas and historic sites;

(g) Contributions toward the provision of municipal services required by the development; and

(h) Provisions for enforcement and remedies for breach of any condition or restriction.
(Ord. No. 31-85, 7-15-85)

Sec. 14-63. Amendments.

Except as expressly modified in any contract or conditional rezoning agreement, the use and occupancy of any property within the City of Portland used or occupied pursuant to a contract or conditional rezoning agreement otherwise shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.
(Ord. No. 96-04/05, 11-29-04)

Sec. 14-64. Reserved.

Sec. 14-65. Enforcement.

Notwithstanding language in any contract or conditional zoning to the contrary, any violation of a conditional or contract zone shall be enforced pursuant to 30-A M.R.S.A. §4452, as may be amended from time to time, or in any other manner available by law. No alleged violation of a contract or conditional rezoning may be prosecuted until the City has delivered written notice of the alleged violation(s) to the owner or operator of the property that is subject to the contract or conditional rezoning and given the owner or operator an opportunity to cure the violation(s) within thirty (30) days of receipt of the notice.

In addition, if such an enforcement action should result in a finding that the terms of the conditional or contract zone have been violated, then the City may act to modify or rescind the conditional or contract zone and to rezone the property.
(Ord. No. 96-04/05, 11-29-04)

DIVISION 2. R-1 RESIDENTIAL ZONE*

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*Editor's note--Ord. No. 532-84, adopted May 7, 1984, repealed Div. 2, s;§ 14-66--14-69, and enacted a new Div. 2, §§ 14-66--14-71. The division was formerly derived from Code 1968, § 602-2.2A--D; Ord. No. 499-74, § 2, adopted Aug. 19, 1974; Ord. No. 610-82, § 1, adopted July 7, 1982; and Ord. No. 88-83, §§ 1, 2, adopted Aug. 3, 1983.

Sec. 14-66. Purpose.

The purpose of the R-1 residential zone is:

> To provide for lower density residential development characterized by single-family homes on individual lots in outlying areas of the city and along traffic corridors with limited additional traffic capacity.

(Ord. No. 532-84, 5-7-84)

Sec. 14-67. Permitted uses.

The following uses are permitted in the R-1 residential zone:

(a) Residential:

1. Single-family detached dwellings.

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

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

4. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership, except in a National Register Historic District and until May 1, 1985, on the islands, provided that each unit meets the performance standards listed below:

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

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

   c. Each unit shall have exterior siding that is residential in appearance, including but not

limited to natural materials such as wood clapboards or shakes, or exterior materials which simulate wood. Clapboards or simulated clapboards shall have less then eight (8) inches of exposure and sheet metal type siding shall not be permitted.

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

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

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

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

(b) Other:

1. Agriculture, including nurseries, greenhouses, and truck gardens, provided that there is no sale of products not produced on the premises; a single stand with no more than two hundred (200) square feet in floor area, for the sale of agricultural products produced on the premises shall be permitted;

2. Parking and storage of agricultural equipment used on the premises, but not within any front yard;

3. Reserved;

4. Parks and other active and passive noncommercial recreation spaces;

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

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

7. Municipal uses, excluding those specifically set forth in section 14-68 of this division.

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

(Ord. No. 532-84, 5-7-84; Ord. No. 260-84, § 1, 12-17-84; Ord. No. 34-85, § 1, 7-15-85; Ord. No. 79-88, § 1, 7-19-88; Ord. No. 86A-89, § 1, 8-21-89; Ord. No. 33-91, § 2, 1-23-91; Ord. No.33-11/12, 1-18-12)

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*Editor's note--Ord. No. 79-88, adopted July 19, 1988, amended this section by adding subsection 14-67(2)g. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 79-88.

Sec. 14-68. Conditional uses.

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

(a) Residential:

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

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

the respective property lines;

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

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

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

2. Alteration or construction of a single-family detached dwelling to accommodate an accessory dwelling unit within the building and clearly subordinate to the principal dwelling for the benefit of homeowners or tenants provided that:

a. The accessory unit shall be no more than thirty (30) percent of the gross floor area of the principal building and shall have a minimum floor area of four hundred (400) square feet; gross floor area shall exclude any floor area that has less than two-thirds of its floor-to-ceiling height above the average adjoining ground level; gross floor area may include attic space if such space shall be included as habitable space within either dwelling unit;

b. Lot area shall be ten thousand (10,000) square feet for single-family dwellings in

existence as of May 1, 1984, and lot area shall be fifteen thousand (15,000) square feet for single-family dwellings constructed after May 1, 1984;

c. There shall be no open, outside stairways or fire escapes above the ground floor;

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

e. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:

i. Any additions or exterior alterations, such as façade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building and preserve the single-family appearance of the building.

ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets.

f. Either the accessory unit or the principal dwelling shall be occupied by the owner of the lot on which the principal building is located, except for bona fide temporary absences; and

g. Parking shall be provided as required division 20 of this article.

(b) Institutional: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the Planning Board shall be

substituted for the board of appeals as the reviewing authority:

1. Elementary, middle, and secondary school;

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

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

3. Places of assembly;

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

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

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

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

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

e. In the case of community halls:

   i. The structure was in existence as of

January 4,2010;

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

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

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

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

(c) Other:

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

2. Cemeteries;

3. Raising of domestic animals, excluding pigs and reptiles, for noncommercial purposes with no animals kept on any lot less than three (3) acres or closer than one hundred (100) feet to any street or lot line, except domesticated chickens as regulated in Chapter 5, and provided that:

a. The housing, feeding, exercise, and waste disposal areas of the animals will not create undue odor, noise, nuisance, health, or safety hazards to neighboring properties.

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

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

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

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

   d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

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

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

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

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

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

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

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

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

viii. Any additions or exterior alterations such as facade materials, building form,

roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the residential appearance of the building.

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

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

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

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

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

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

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

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

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

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

(Ord. No. 534-84, 5-7-84; Ord. No. 260-84, § 2, 12-17-84; Ord. No. 76-85, § 2, 7-1-85; Ord. No. 79-88, § 2, 7-19-88; Ord. No. 235-91, § 1, 2-4-91; Ord. No. 118-93, § 1, 10-18-93; Ord. No. 133-96, § 1, 11-18-96; Ord. No. 154-96, § 1, 12-16-96; Ord. No. 222-99, §1, 3-01-99; Ord. No. 199-04/05, 4-4-05; Ord. 153-08/09, 2-18-09; Ord. No. 29-09/10, 8-3-09 emergency passage; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 240 09/10, 6-21-10; Ord. No. 9 10/11, 8-2-10; Ord. No. 149-10/11, 3-7-11; Ord. No. 33-11/12, 1-18-12)

Sec. 14-69. Prohibited uses.

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

(Ord. No. 532-84, 5-7-84)

Sec. 14-70. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-1 zone shall meet or exceed the following minimum requirements:

(a) Minimum lot size:

1. Residential: Fifteen thousand (15,000) square feet except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article. A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. Section 4807, or the applicable zoning lot size, whichever is larger.

2. Long-term, extended, or intermediate care facility: Three (3) acres.

3. School: Two (2) acres.

4. Places of assembly:

Large	Two (2) acres
Medium	One (1) acre
Small	Half (1/2) acre

5. Municipal use: Fifteen thousand (15,000) square feet.

6. Animal raising: Three (3) acres.

7. All other uses: Fifteen thousand (15,000) square feet.

Provided that for uses specified in section 14-70(a)2 through 6 above, no minimum lot area shall be required in the following cases:

a. Uses existing as of June 1, 1983;

b. Expansion onto land abutting the lot on which the principal use is located;

c. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within

the lot of record of such structure or parking area as of June 1, 1983;

d. Expansion onto land other than the lot on which the principal use is located of no more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.

(b) Minimum lot area per dwelling unit: Fifteen thousand (15,000) square feet.

(c) Minimum street frontage: Seventy-five (75) feet.

(d) Minimum yard dimensions:

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

1. Front yard:

Principal or accessory structures: Twenty-five (25) feet.

2. Rear yard:

a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet: Twenty-five (25) feet.

b. Accessory detached structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

3. Side yard:

a. Principal or accessory structures with ground coverage greater than one hundred (100) feet:

Height of Structure *Required Side Yard*

1 story . . . . . 12 feet

1 1/2 stories . . . . . 12 feet

2 stories . . . . . 14 feet

2 1/2 stories . . . . . 16 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than twelve (12) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than twelve (12) feet.

b. Accessory detached structure with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

4. Side yard on side streets:

a. Principal or accessory structures: Twenty (20) feet.

(e) Maximum lot coverage: Twenty (20) percent of lot area.

(f) Minimum lot width: One hundred (100) feet.

(g) Maximum structure height:

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

2. Accessory detached structure: Eighteen (18) feet.

(h) Maximum floor area for places of assembly on a collector or arterial road:

Large	Not limited

Medium	9,000 sq. ft.
Small	5,000 sq. ft.

(i) Maximum floor area for places of assembly not on a collector or arterial road:

Large	9,000 sq. ft.
Medium	4,500 sq. ft.
Small	2,500 sq. ft.

(Ord. No. 532-84, 5-7-84; Ord. No. 79-88, § 3, 7-19-88; Ord. No. 235-91, § 2, 2-4-91; Ord. No. 118-93, § 2, 10-18-93; Ord. No. 154-96, § 2, 12-16-96; Ord. No.131-08/09, 12-15-08; Ord. No. 127-09/10, 1-4-10 emergency passage)

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*Editor's note--Ord. No. 79-88, § 3, adopted July 19, 1988, amended this section to read as herein set out. See also the editor's note to Art. III
of this chapter for additional provisions relative to Ord. No. 79-88.

Sec. 14-71. Other requirements.

Other requirements are as follows:

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

(b) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(c) Storage of vehicles: Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(Ord. No. 532-84, 5-7-84; Ord. No. 15-92, § 5, 6-15-92)

Sec. 14-72 – 14-75. Reserved.

DIVISION 3. R-2 RESIDENTIAL ZONE*

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*Editor's note--Ord. No. 533-54, adopted May 7, 1984, repealed Div. 3, §§ 14-76--14-79, and enacted a new Div. 3, §§ 14-76--14-81. The division was formerly derived from Code 1968,

§ 602.3.A--D; Ord. No. 499-74, § 2, adopted Aug. 19, 1974; Ord. No. 610-82, § 1, adopted July 7, 1982; and Ord. No. 89-83, §§ 1, 2, adopted Aug. 3, 1983.

Sec. 14-76. Purpose.

The purpose of the R-2 residential zone is:

To provide for low-density residential development characterized by single-family homes on individual lots in outlying areas of the city and along traffic corridors with limited additional traffic capacity.

(Ord. No. 533-84, 5-7-84)

Sec. 14-77. Permitted uses.

The following uses are permitted in the R-2 residential zone:

(a) Residential:

1. Single-family detached dwellings.

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

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

4. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership, except in a National Register Historic District and until May 1, 1985, on the islands, provided that each unit meets the performance standards listed below:

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

   b. Each unit shall be installed on a full foundation or a concrete frost wall in accordance with all

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

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

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

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

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

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

(b) Other:

1. Reserved;

2. Parks and other active and passive noncommercial recreation spaces;

3. Agriculture, including nurseries, greenhouses, and truck gardens, providing that there is no sale of products not produced on the premises; a single stand with no more than two hundred (200) square feet in floor area, for the sale of agricultural products produced on the premises shall be permitted;

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

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

6. Municipal uses, excluding those specifically set forth in section 14-78 of this division.

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

(Ord. No. 533-84, 5-7-84; Ord. No. 261-84, § 1, 12-17-84; Ord. No. 35-85, § 1, 7-15-85; Ord. No. 80-88, § 1, 7-19-88; Ord. No. 86A-89, § 2, 8-21-89; Ord. No. 33-91, § 3, 1-23-91; Ord. No. 33-11/12, 1-18-12)

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*Editor's note--Ord. No. 80-88, § 1, adopted July 19, 1988, amended this section by adding subsection 14-77(b)6. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 80-88.

Sec. 14-78. Conditional use.

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

(a) Residential:

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

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

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

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

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

2. Alteration or construction of a single-family detached dwelling to accommodate an accessory dwelling unit within the building and clearly subordinate to the principal dwelling for the benefit of homeowners or tenants provided that:

   a. The accessory unit shall be no more than thirty (30) percent of the gross floor area of the principal building and shall have a minimum floor area of four hundred (400) square feet; gross

floor area shall exclude any floor area that has less than two-thirds of its floor-to-ceiling height above the average adjoining ground level; gross floor area may include attic space if such space shall be included as habitable space within either dwelling unit;

b. Lot area shall be eight thousand (8,000) square feet for single-family dwellings in existence as of May 1, 1984, and lot area shall be ten thousand (10,000) square feet for single-family dwellings constructed after May 1, 1984;

c. There shall be no open, outside stairways or fire escapes above the ground floor;

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

e. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:

i. Any additions or exterior alterations, such as façade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building and preserve the single-family appearance of the building.

ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets.

f. Either the accessory unit or the principal dwelling shall be occupied by the owner of the lot on which the principal building is located, except for bona fide temporary absences; and

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

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

1. Elementary, middle, and secondary school;

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

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

3. Places of assembly;

4. College, university, trade school;

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

a. Any new institutional use shall demonstrate that it has a lot size of sufficient area to accommodate all proposed and foreseeable future activities and programs, including parking, and to absorb the impacts and growth needs of the institution. Such new use established after April 19, 2012 shall not be eligible for expansion under the provisions of paragraph b below;

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

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

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

e. Article V (site plan) sections 14-522 and 14-523 notwithstanding, in the case of places of assembly (including places of religious assembly, community halls and private club or fraternal organizations) and college, university, trade school, the proposed use shall be subject to the requirements of article V (site plan) of this chapter; and

f. In the case of community halls:

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

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

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

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

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

(c) Other:

1. Utility substations, including sewage and water pumping stations and standpipes, electric power substations, transformer stations, telephone electronic equipment enclosures, and other similar structures, provided that

such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;

2. Cemeteries.

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

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

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

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

   d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

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

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

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

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

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

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

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

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

viii. Any additions or exterior alterations such as facade materials, building form, roof

pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the residential appearance of the building.

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

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

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

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

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

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

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

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

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

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

(Ord. No. 533-84, 5-7-84; Ord. No. 261-84, § 2, 12-17-84; Ord. No. 76-85, § 3, 7-1-85; Ord. No. 80-88, § 2, 7-19-88; Ord. No. 235-91, § 3, 2-4-91; Ord. No. 118-93, § 3, 10-18-93; Ord. No. 133-96, § 2, 11-18-96; Ord. No. 154-96, § 3, 12-16-96; Ord. No. 222-99 §2, 3-01-99; Ord. No. 199-04/05, 4-4-05; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 240-09/10, 6-21-10; Ord. No. 9 10/11, 8-2-10; Ord. No. 149-10/11, 3-7-11; Ord. No. 33-11/12, 1-18-12; Ord. No. 131-11/12, 3-19-12)

Sec. 14-79. Prohibited uses.

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

(Ord. No. 533-84, 5-7-84)

Sec. 14-80. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations) of this article, lots in the R-2 zone shall meet or exceed the following minimum requirements:

(a) Minimum lot size:

1. Residential: Ten thousand (10,000) square feet except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article. A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. Section 4807, or the applicable zoning lot size, whichever is the larger.

2. Long-term, extended, or intermediate care facility: Three (3) acres.

3. School: Two (2) acres.

4. Places of assembly:

Large	Two (2) acres
Medium	One (1) acre
Small	Half (1/2) acre

5. Municipal use: Ten thousand (10,000) square feet.

6. College, university, trade school: Two (2) acres.

7. All other uses: Ten Thousand (10,000) square feet.

Provided that for uses specified in section 14-80(a)2 through 7 above, no minimum lot area shall be required in the following cases:

a. Uses existing as of June 1, 1983;

b. Expansion of uses onto land abutting the lot on which the principal use is located;

c. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;

d. Expansion onto land other than the lot on which the principal use is located of no more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.

(b) Minimum area per dwelling unit: Ten thousand (10,000) square feet.

(c) Minimum street frontage: Fifty (50) feet.

(d) Minimum yard dimensions:

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

1. Front yard:

Principal or accessory structures: Twenty-five (25) feet.

2. Rear yard:

a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet: Twenty-five (25) feet.

b. Accessory detached structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

3. Side yard:

a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet:

Height of Structure	*Required Side Yard*
1 story	12 feet
1 1/2 stories	12 feet
2 stories	14 feet
2 1/2 stories	16 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than twelve (12) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than twelve (12) feet.

b. Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

4. Side yard on side streets:

Principal or accessory structures: Twenty (20) feet.

(e) Maximum lot coverage: Twenty (20) percent of lot area.

(f) Minimum lot width: Eighty (80) feet.

(g) *Maximum structure height:*

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

2. Accessory detached structure: Eighteen (18) feet.

(h) Maximum floor area on a collector or arterial road:

1. Places of public assembly:

Large	Not limited
Medium	9,000 sq. ft.
Small	5,000 sq. ft.

2. College, university, trade school:

Lot area of 6 acres or larger: 24,000 sq. ft.
Lot area of 4 acres to 5.99 acres: 18,000 sq. ft.

Lot area of 2 acres to 3.99 acres: 12,000 sq. ft.

(i) Maximum floor area not on a collector or arterial road:

1. Places of public assembly:

Large	9,000 sq. ft.
Medium	4,500 sq. ft.
Small	2,500 sq. ft.

2. College university, trade school:

Not a permitted use.

(Ord. No. 533-84, 5-7-84; Ord. No. 80-88, § 3, 7-19-88; Ord. No. 235-91, § 4, 2-4-91; Ord. No. 118-93, § 4, 10-18-93; Ord. No. 154-96, § 3, 12-16-96; Ord. No. 131-08/09, 12-15-08; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 131-11/12, 3-19-12)

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*Editor's note--Ord. No. 80-88, § 3, adopted July 19, 1988, amended this section to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 80-88.

Sec. 14-81. Other requirements.

Other requirements are as follows:

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

(b) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(c) Storage of vehicles: Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(Ord. No. 533-84, 5-7-84; Ord. No. 15-92, § 6, 6-15-92)

Sec. 14-82 – 14-85. Reserved.

DIVISION 4. R-3 RESIDENTIAL ZONE*

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*Editor's note--Ord. No. 534-84, adopted May 7, 1984, repealed Div. 4, §§ 14-87--14-90, and enacted a new Div. 4, §§ 14-86--14-91. Formerly, Div. 4 was derived from Code 1968, § 602.4.A--D, and the following ordinances: Ord. No. 49-74, 372-75, 406-75, 34-76, 145-79, 145-81, 303-81, 90-83, and 499-74.

Sec. 14-86. Purpose.

The purpose of the R-3 residential zone is:

> To provide for medium-density residential development characterized by single-family homes on individual lots and also to provide for planned residential unit developments on substantially sized parcels. Such development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.

(Ord. No. 534-84, 5-7-84; Ord. No. 81-88, § 1, 7-19-88)

***Editor's note--**Ord. No. 81-88, § 1, adopted July 19, 1988, amended § 14-86 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 81-88.

Sec. 14-87. Permitted uses.

The following uses are permitted in the R-3 residential zone:

(a) Residential:

1. Single-family detached dwellings.

2. Planned residential unit development (PRUD) consisting of horizontally attached dwelling units or a series of such dwelling units. No dimensional requirements contained in section 14-90 shall apply with respect to such development, except for those requirements specifically denoted for PRUD. There shall be no open outside stairways or fire escapes above the ground floor. All land shall be owned and used in common and shall be governed and maintained as set forth in section 14-498(i)(3) of article IV (subdivisions) of

this chapter. Such development shall be subject to review and approval by the Planning Board with respect to the requirements of article V (site plan) and article IV (subdivisions) of this chapter, whether or not such development is a subdivision within the meaning of article IV of this chapter, as now enacted or as hereafter amended.

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

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

5. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership, except in a National Register Historic District and until May 1, 1985, on the islands, provided that each unit meets the performance standards listed below.

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

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

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

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

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

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

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

(b) Other:

1. Reserved;

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

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

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

5. Municipal uses, excluding those specifically set forth in section 14-88 of this division.

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

(Ord. No. 534-84, 5-7-84; Ord. No. 262-84, § 1, 12-17-84; Ord. No. 36-85, § 1, 7-15-85; Ord. No. 81-88, §§ 2, 3, 7-19-88; Ord. No. 86A-89, § 3, 8-21-89; Ord. No. 33-91, § 4, 1-23-91; Ord. No. 165-97, § 1, 12-1-97; Ord. No. 33-11/12, 1-18-12)

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*Editor's note--Ord. No. 81-88, §§ 2 and 3, adopted July 19, 1988, amended subsections 14-87(a)2 and (b)5 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 81-88.

Sec. 14-88. Conditional uses.

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

(a) Residential:

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

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

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

c. The facility shall make provision for adequate on-site staffing in accordance with applicable state licensing requirements. If a facility is not licensed by the state,

there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof.

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

2. Alteration or construction of a detached single-family dwelling to accommodate one (1) additional dwelling unit for the benefit of homeowners or tenants, provided that:

   a. The accessory unit shall be no more than thirty (30) percent of the gross floor area of principal building and shall have a minimum floor area four hundred (400) square feet; gross floor area shall exclude any floor area that has less than two-thirds of its floor-to-ceiling height above the average adjoining ground level; gross floor area may include attic space if such space shall be included as habitable space within either dwelling unit;

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

   c. Any building additions or exterior alterations such as facade materials, building form, or roof pitch shall be designed to be compatible with the architectural style and to maintain the single-family appearance of the dwelling;

   d. A minimum lot size of six thousand five hundred (6,500) square feet of land area

shall be required;

g. No dwelling unit shall be reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement or attic;

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

i. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:

i. Any additions or exterior alterations such as facade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building;

ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets.

j. Either the accessory unit or principal unit shall be occupied by the lot owner, except for bona fide temporary absences.

3. Alteration of a structure existing and not in residential use as of January 1, 1984, to three (3) or more dwelling units, provided that:

a. No open outside stairways or fire escapes above the ground floor shall be constructed or have been constructed in the immediately preceding five (5) years;

b. A lower level dwelling unit shall have a minimum of one-half of its floor-to-ceiling height above the average adjoining ground level;

c. Three thousand (3,000) square feet of land

area per dwelling unit shall be required;

d. On-site parking shall be required as specified in division 20 (off-street parking) of this article, for the combined uses of the site;

e. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:

i. Any addition or exterior alterations such as façade materials, building form, and roof pitch shall be designed to be compatible with the architectural style of the structure and, subject to the dimensional requirements of this zone, shall be limited to a gross floor area equal to or less than 25% of the total existing floor area as of [insert date of adoption].

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

(b) Commercial:

1. Reserved.

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

1. Elementary, middle, and secondary school;

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

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

3. Places of assembly;

4. Hospital.

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

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

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

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

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

e. In the case of community halls:

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

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

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

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

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

(d) Other:

1. Off-street parking of passenger cars as provided in section 14-344 (board of appeals may authorize parking in certain residence zones) of this article;

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

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

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

preceding the application for a day care use, home babysitting use, nursery school or kindergarten, or in a nonresidential structure accessory to the principal nonresidential use.

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

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

d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

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

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

ii. The play area shall be located in the

side and rear yards only and shall not be located in front yards;

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

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

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

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

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

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

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

a. Towers may be installed for the purpose of wind data collection for no more than two

(2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and

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

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

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

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

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

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

and

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

5. Wind energy systems, as defined and allowed in Article X, Altenrative Energy.

(Ord. No. 534-84, 5-7-84; Ord. No. 262-84, § 2, 12-17-84; Ord. No. 76-85, § 4, 7-1-85; Ord. No. 36-85, § 2, 7-15-85; Ord. No. 67-87, § 1, 11-2-87; Ord. No. 81-88, § 4, 7-19-88; Ord. No. 235-91, § 5, 2-4-91; Ord. No. 118-93, § 5, 10-18-93; Ord. No. 133-96, § 3, 11-18-96; Ord. No. 154-96, § 5, 12-16-96; Ord. No. 222-99, §3, 3-01-99; Ord. No. 199-04/05, 4-4-05; Ord. No. 29-09/10, 8-3-09 emergency passage; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 240-09/10, 6-21-10; Ord. No. 9 10/11, 8-2-10; Ord. No. 149-10/11, 3-7-11; Ord. No. 33-11/12, 1-18-12; Ord. No. 205-17/18, 5-14-2018)

Sec. 14-89. Prohibited uses.

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

(Ord. No. 534-84, 5-7-84)

Sec. 14-90. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-3 zone shall meet the following minimum requirements:

(a) Minimum lot size:

1. Residential: Sixty-five hundred (6,500) square feet except as provided for lots of record is section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article. A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. Section 4807 et seq., or the applicable zoning lot size, whichever is larger.

2. Alteration of a detached single-family dwelling

to a two-family dwelling: Ten thousand (10,000) square feet.

3. Long-term, extended, or intermediate care facilities: Two (2) acres.

4. School: Two (2) acres.

5. Places of assembly:

Large	Two (2) acres
Medium	One (1) acre
Small	Half (1/2) acre

6. Municipal use: Sixty-five hundred (6,500) square feet.

7. Hospital: Ten (10) acres.

8. Planned residential unit development (PRUD): Three (3) acres gross area, as defined in section 14-47 (definitions) of this article, of continuous land.

9. All other uses: Sixty-five hundred (6,500) square feet.

Provided that for uses specified in section 14-90(a)3 through 8 above, no minimum lot area shall be required in the following cases:

a. Uses existing as of June 1, 1983;

b. Expansion onto land abutting the lot on which the principal use is located;

c. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;

d. Expansion onto land other than the lot on which the principal use is located of no more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.

(b) Minimum lot area per dwelling unit:

PRUD: Sixty-five hundred (6,500) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.

Other uses: Sixty-five hundred (6,500) square feet.

(c) Minimum street frontage: Fifty (50) feet, except that lots located in a subdivision approved after the effective date of Ord. No. 165-97 pursuant to section 14-497.5 shall meet the street frontage requirements approved as part of the subdivision plan under the terms of that section.

(d) Minimum yard dimensions:

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

1. Front yard:

Principal or accessory structures: Twenty-five (25) feet.

A front yard need not exceed the average depth of front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20%) percent of the depth of the lot.

2. Rear yard:

a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet: Twenty-five (25) feet.

b. Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

3. Side yard:

a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet:

Height of Structure *Required Side Yard*

1 story . . . . . 8 feet

1 1/2 stories . . . . . 8 feet

2 stories . . . . . 14 feet

2 1/2 stories . . . . . 16 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than eight (8) feet in width. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than eight (8) feet.

b. Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

4. Side yard on side street:

a. Principal or accessory structures: Twenty (20) feet.

(e) Maximum lot coverage: Thirty-five (35) percent of lot area.

(f) Minimum lot width: Sixty-five (65) feet.

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

Accessory detached structure: Eighteen (18) feet.

(h) 1. *Maximum number of units in a building (PRUD of five (5) acres of more):* Six (6) units.

2. Maximum number of units in a building (PRUD of less than five (5) acres): Two (2) units.

(i) Maximum average number of units in a building (PRUD of five (5) acres of more): Five (5) units.

(j) Maximum length of building (PRUD): One hundred (100) feet for buildings without garages; one hundred forty (140) feet for buildings with integral garages.

(k) Minimum building setback from external subdivision property lines (PRUD):

1. Three (3) or fewer dwelling units in building: Twenty-five (25) feet.

2. Four (4) or more dwelling units in building: Thirty-five (35) feet.

(l) Minimum distance between detached PRUD dwelling unit: Sixteen (16) feet.

(m) Reserved.

(n) Minimum recreation open space area (PRUD): Three hundred (300) square feet per dwelling unit of common area designated on the site for recreation purposes. Such recreation areas shall be level graded, dry, accessible and properly drained. At a minimum, a

contiguous area of six thousand (6,000) square feet with a minimum dimension of fifty (50) feet shall be provided and shall include one (1) or more of the uses set forth in section 14-526 (d) 9. and the planned residential unit development standards in the City of Portland Design Manual but shall at least provide usable recreation space. Such recreation areas shall be located at least twenty-five (25) feet from dwelling units.

(o) No habitable space in a PRUD shall be below grade, except basements that are a part of and below ground units.

(p) Maximum floor area for places of assembly on a collector or arterial road:

Large	Not limited
Medium	9,000 sq. ft.
Small	5,000 sq. ft.

(q) Maximum floor area for places of assembly not on a collector or arterial road:

Large	9,000 sq. ft.
Medium	4,500 sq. ft.
Small	2,500 sq. ft.

(Ord. No. 534-84, 5-7-84; Ord. No. 81-88, § 5, 7-19-88; Ord. No. 385-89, §§ 1, 2, 4-3-89; Ord. No. 235-91, § 6, 2-4-91; Ord. No. 118-93, § 6, 10-18-93; Ord. No. 154-96, § 6, 12-16-96; Ord. No. 165-97, § 2, 12-1-97; Ord. No. 95-04/05, 11-15-04; Ord. No. 131-08/09, 12-15-08; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 40-12/13, 9-5-12)

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*Editor's note--Ord. No. 81-88, § 5, adopted July 19, 1988, amended § 14-90 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 81-88.

Sec. 14-91. Other requirement.

Other requirements are as follows:

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

(b) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(c) Storage of vehicles: Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(Ord. No. 534-84, 5-7-84; Ord. No. 15-92, § 7, 6-15-92)

Secs. 14-92. Reserved.
Secs. 14-93. Reserved.

DIVISION 4.5. FH FLEXIBLE HOUSING ZONE

Sec. 14-94. Purpose.

The intention of this division is to establish an overlay zone in which manufactured housing development is permitted in addition to those uses permitted in the underlying residential zone. The purpose of this division is to accommodate additional housing types in appropriate areas of the city, while protecting the value and integrity of established residential neighborhoods and ensuring a balanced and orderly pattern of residential development.

(Ord. No. 610-82, § 2, 7-7-82; Ord. No. 130-82, § 1, 9-20-82; Ord. No. 200-89, § 1, 12-18-89)

Sec. 14-95. Manufactured housing park or subdivision.

Notwithstanding any other provision of this article, no manufactured housing park or subdivision shall be permitted in any zone except as provided in this section.

(a) Manufactured housing park or subdivision, as defined in section 14-47, shall be permitted in the flexible housing zone, the Planning Board shall be the reviewing authority. Such development shall be in accordance with the space and bulk and other requirements applicable to similar uses permitted in the underlying zone, except those standards set forth in section 14-96, and shall also meet the following additional requirement:

1. Reserved.

2. Such development shall be subject to approval by the Planning Board with respect to each and every requirement of article VI of this chapter, including the special requirements of section 14-499.5, whether or not such development is a subdivision within the meaning of article IV of this chapter, as now enacted or as hereafter amended and shall also be subject to article V of this chapter.

3. Whether or not the underlying zone permits planned residential unit development, a manufactured housing park shall be a planned residential unit development, subject to the provisions of this section, section 14-499.5 and section 14-526 9. All land, including but not limited to private streets, private driveways, utility location areas, common parking areas and common recreation open space, shall be owned and used in common. Manufactured housing parks shall not be subject to the net land area calculations set forth in section 14-47.

4. Single-component manufactured housing shall be prohibited from being horizontally or vertically attached to any other unit or structure. (Provided, however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.)

(Ord. No. 610-82, § 2, 7-7-82; Ord. No. 130-82, § 1, 9-20-82; Ord. No. 263-84, § 1, 12-17-84; Ord. No. 200-89, § 2, 12-18-89; Ord. No. 278-09/10, 7-19-10)

Sec. 14-96. Additional dimensional requirements and performance standards for manufactured housing parks.

Notwithstanding the provisions of section 14-95 and the dimensional requirements for underlying zones, the following dimensional requirements shall apply to manufactured housing parks:

(a) Minimum manufactured housing park unit space size: Four thousand five hundred (4,500) square feet. A manufactured housing park unit space in an unsewered residential district shall meet the provisions of 12 M.R.S.A. 4807 et seq., or the applicable zoning lot size, whichever is larger.

(b) Maximum manufactured housing park unit space coverage: Fifty (50) percent.

(c) Minimum street frontage for manufactured housing park: Fifty (50) feet.

(d) Minimum open space requirement: Ten (10) percent of the combined area of the individual unit spaces within the manufactured housing park.

(e) Minimum yard dimensions:

(Yard dimensions include setbacks from unit space boundaries and setbacks of structures from one another. No structure shall occupy the yard of another structure.):

1. Front yard: Principal or accessory structures: Twenty (20) feet.

2. Rear yard:

   a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.
   b. Accessory detached structures with ground coverage of one hundred (100) square feet or less: Five (5) feet.

3. Side yard: Principal or accessory structures: Ten (10) feet.

4. Unit spaces located within a shoreland zone shall meet the lot area and lot width requirements for the underlying zone and shall also meet all applicable shoreland zoning standards.

(f) All manufactured housing park unit spaces within a manufactured housing park shall be shown on a manufactured housing plan showing unit space boundaries, unit space sizes, and unit space dimensions. Such unit spaces shall be under unified ownership with all other unit spaces within the manufactured housing park. The manufactured housing park plan shall also contain a note that city services

shall not be provided on private streets within the manufactured housing park. Individual leases for unit spaces shall disclose that city services shall not be provided on private streets within the manufactured housing park.

(g) All single-family single-component manufactured housing units in a manufactured housing park shall meet the following performance standards:

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

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

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

4. Each unit shall be provided with at least two (2) trees meeting the city's arboricultural specifications and which are clearly visible from

the street line and are located so as to visually widen the narrow dimension or proportion of the unit.

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

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

(Ord. No. 200-89, § 3, 12-18-89)

Sec. 14-97 – 14-100. Reserved.

DIVISION 5. R-4 RESIDENTIAL ZONE*

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*Editor's note--Ord. No. 535-84, adopted May 7, 1984, repealed former Div. 5, §§ 14-101--14-104, and enacted a new Div. 6, §§ 14-101--14-106. The result of this action was that this Art. III contained no division designated 5. The editor has, therefore, in agreement with the city, retained the division designation 5. Formerly §§ 14-101--14-104 were derived from Code 1968, § 602.5.A--D; Ord. No. 499-74, § 2, adopted Aug. 19, 1974; and Ord. No. 91-83, §§ 1, 2, adopted Aug. 3, 1983.

Sec. 14-101. Purpose.

The purpose of the R-4 residential zone is:

(a) To preserve the unique character of the Western Promenade area of the city by controlling residential conversions and by allowing the continued mix of single-family, two-family, and low-rise multifamily dwellings and other compatible development at medium densities.

(Ord. No. 535-84, 5-7-84)

Sec. 14-102. Permitted uses.

The following uses are permitted in the R-4 residential

zone:

(a) Residential:

1. Single-family detached dwellings;

2. New construction of two-family dwellings;

3. Reserved;

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

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

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

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

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

skirting material is installed, the color shall be identical to or compatible with the exterior siding of the unit.

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

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

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

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

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

(b) Other:

1. Cemeteries;

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

3. Accessory uses customarily incidental and subordinate to the location, function, and

operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article;

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

5. Municipal uses, excluding those specifically set forth in section 14-103 of this division.

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

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

(Ord. No. 535-84, 5-7-84; Ord. No. 264-84, § 1, 12-17-84; Ord. No. 67-87, § 2, 11-2-87; Ord. No. 82-88, § 1, 7-19-88; Ord. No. 86A-89, § 4, 8-21-89; Ord. No. 33-91, § 5, 1-23-91; Ord. No. 33A-91, § 2, 4-17-91)

***Editor's note--**Ord. No. 82-88, § 1, adopted July 19, 1988, amended § 14-102 by adding subsection (b)5 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 82-88.

Sec. 14-103. Conditional uses.

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

(a) Residential:

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

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

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

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

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

2. Alteration of an existing structure to accommodate one (1) or more dwelling units provided that:

   a. No additional dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and

storage in basement and attic;

b. No open outside stairways or fire escapes above the ground floor shall be or have been constructed in the immediately preceding five (5) years;

c. The alteration will not result in a total cubic volume increase of more than ten (10) percent within the immediately preceding five (5) years;

d. A lower level dwelling unit shall have a minimum of one-half of its floor-to-ceiling height above the average adjoining ground level;

e. No existing dwelling unit shall be decreased to less than one thousand (1,000) square feet of floor area;

f. Three thousand (3,000) square feet of land area per dwelling unit shall be required;

g. The project shall be subject to article V (site plan) of this chapter for site plan review and approval.

h. Parking shall be provided as required in division 20 of this article.

3. Multiplex development with three (3) or more horizontally or vertically attached, or a series of such attached dwelling units and the construction of at least one (1) building, provided that:

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

b. No habitable space in a dwelling unit shall be below grade, except basements that are a part of and below aboveground units.

c. Three thousand (3,000) square feet of land area per dwelling unit shall be required for

the first three (3) dwelling units with a requirement of six thousand (6,000) square feet of land area per dwelling unit for additional dwelling units;

d. No dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;

The project shall be subject to article V (site plan) of this chapter for Planning Board site plan review and approval.

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

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

2. Places of assembly;

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

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

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

c. In the case of a use or use expansion which

constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative; and

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

e. Community halls:

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

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

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

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

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

(c) Other:

1. Off-street parking of passenger cars as provided in section 14-344 (board of appeals may authorize parking in certain residential zones) of this article;

2. Utility substations, including sewage and water pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar

structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;

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

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

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

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

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

screened on all four (4) sides.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

   e. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting

from construction, operation or dismantling of any part of the temporary wind anemometer tower; and

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

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

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

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

(Ord. No. 535-84, 5-7-84; Ord. No. 264-84, § 2, 12-17-84; Ord. No. 76-85, § 5, 7-1-85; Ord. No. 67-87, § 3, 11-2-87; Ord. No. 82-88, §§ 2, 3, 7-19-88; Ord. No. 235-91, § 7, 2-4-91; Ord. No. 118-93, § 7, 10-18-93; Ord. No. 133-96, § 4, 11-18-96; Ord. No. 154-96, § 7, 12-16-96; Ord. No. 222-99, §4, 3-01-99; Ord. No. 29-09/10, 8-3-09 emergency passage; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 240-09/10, 6-21-10; Ord. No. 9 10/11, 8-2-10; Ord. No. 138-09/10, 1-20-10; Ord. No. 149-10/11, 3-7-11; Ord. No. 33-11/12, 1-18-12)

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*Editor's note--Ord. No. 82-88, §§ 2, 3, adopted July 19, 1988, amended this section by amending subsection 14-103(a) and by deleting subsection (b)3, municipal use. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 82-88.

Sec. 14-104. Prohibited uses.

Uses that are not expressly enumerated herein as either

permitted uses or conditional uses are prohibited.
(Ord. No. 535-84, 5-7-84)

Sec. 14-105. Dimensional requirements.

In addition to the provisions of division 25 of this article (space and bulk regulations and exceptions), lots in the R-4 zone shall meet the following requirements:

(a) Minimum lot size:

1. Residential: Six thousand (6,000) square feet except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.

2. Multiplex: Nine thousand (9,000) square feet.

3. School: Thirty thousand (30,000) square feet.

4. Places of assembly:

Large	30,000 sq. ft.
Medium	15,000 sq. ft.
Small	7,500 sq. ft.

5. Municipal use: Six thousand (6,000) square feet.

6. All other uses: Six thousand (6,000) square feet.

Provided that for uses specified in section 14-105(a)3 through 5 above, no minimum lot area shall be required in the following cases:

a. Uses existing on June 1, 1983;

b. Expansion onto land abutting the lot on which the principal use is located;

c. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or

parking area as of June 1, 1983;

7. Expansion onto land other than the lot on which the principal use is located of no more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.

(b) Minimum lot area per dwelling unit: Three thousand (3,000) square feet, except as provided for a multiplex. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.

(c) Minimum street frontage: Fifty (50) feet.

(d) Minimum yard dimensions:

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

1. Front yard:

Principal or accessory structures: Twenty-five (25) feet.

A front yard need not exceed the average depth of front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

2. Rear yard:

a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet: Twenty-five (25) feet.

b. Accessory detached structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this

article.

3. Side yard:

a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet:

Height of Structure	*Required Side Yard*
1 story	10 feet
1 1/2 stories	10 feet
2 stories	14 feet
2 1/2 stories	16 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet.

b. Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

4. Side yard on side streets:

Principal or accessory structures: Twenty (20) feet.

A side yard on a side street need not exceed the average depth of front setback directly abutting the lot.

(e) Maximum lot coverage: Thirty (30) percent of lot area.

(f) Minimum width of lot: Sixty (60) feet.

(g) Maximum structure height:

1. Principal structure: Thirty-five (35) feet.

2. Accessory detached structure: Eighteen (18) feet.

(h) Maximum floor area for places of assembly on a collector or arterial road:

Large	Not limited
Medium	4,500 sq. ft.
Small	2,250 sq. ft.

(i) Maximum floor area for places of assembly not on a collector or arterial road:

Large	4,500 sq. ft.
Medium	2,250 sq. ft.
Small	1,125 sq. ft.

(Ord. No. 535-84, 5-7-84; Ord. No. 82-88, § 4, 7-19-88; Ord. No. 235-91, § 9, 2-4-91; Ord. No. 33A-91, § 3, 4-17-91; Ord. No. 118-93, § 8, 10-18-93; Ord. No. 154-96, § 8, 12-16-96; Ord. No. 131-08/09, 12-15-08; Ord. No. 127-09/10, 1-4-10 emergency passage)

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*Editor's note--Ord. No. 82-88, § 4, adopted July 19, 1988, amended § 14-105 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 82-88.

Sec. 14-106. Other requirements.

[Other requirements are as follows:]

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

(b) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(c) Storage of vehicles: Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(Ord. No. 535-84, 5-7-84; Ord. No. 15-92, § 8, 6-15-92)

Sec. 14-107 – 14-115. Reserved.

DIVISION 6. R-5 RESIDENTIAL ZONE*

***Editor's note--**Ord. No. 536-84, adopted May 7, 1984, repealed former Div. 6, §§ 14-116--14-119, and enacted in lieu thereof a new Div. 7, §§ 14-116--14-121. However, in order to avoid duplication of subsequent division numbers and in consultation with the city, the provisions have been retained as Div. 6. Sections 14-116--14-119 were formerly derived from Code 1968, § 602.5.A--D, and Ord. Nos. 207-72, 499-74, 193-82, 92-83, 422-83.

Sec. 14-116. Purpose.

The purpose of the R-5 residential zone is:

To provide appropriate areas of the city for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially sized parcels. Such PRUD development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.

(Ord. No. 536-84, 5-7-84; Ord. No. 83-88, § 1, 7-19-88)

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*Editor's note--Ord. No. 83-88, § 1, adopted July 19, 1988, amended § 14-116 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 83-88.

Sec. 14-117. Permitted uses.

The following uses are permitted in the R-5 residential zone:

(a) Residential:

1. Single- and two-family dwellings; except that development of two (2) or more two-family

dwellings on contiguous lots within any two-year period shall be subject to review as specified under the provisions of 14-117(a)2e if such lots were under single ownership at any time within the two-year period immediately prior to development of the first such lot. No building reviewed as a two-family dwelling in accordance with article V (site plan) of this chapter or not reviewed under article V shall be altered or enlarged to include any additional dwelling unit within five (5) years from the date of issuance of the building permit. Any building reviewed as a two-family dwelling in accordance with article V (site plan) which is altered or enlarged to include any additional dwelling unit after this five-year period shall be reviewed as a level I site plan pursuant to article V of this chapter.

2. Multiplex development with three (3) or more horizontally or vertically attached dwelling units or a series of such attached dwelling units and the construction of at least one (1) building on a parcel of less than two (2) acres, provided that:

   a. The land area requirement for a multiplex shall be six thousand (6,000) square feet of land area per dwelling unit; except that a multiplex with two hundred fifty (250) feet or more of street frontage needs only forty-five hundred (4,500) square feet of land area per dwelling unit;

   b. No dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;

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

   d. No habitable space in a dwelling unit shall be below grade, except basements that are a part of and below aboveground units;

   e. Such development shall be subject to article

V (site plan) of this chapter for site plan review approval and shall conform to the R-5 Design Standards.

3. Planned residential unit development (PRUD) consisting of horizontally or vertically attached dwelling units, or a series of such dwelling units. No dimensional requirements contained in section 14-120 shall apply with respect to such development, except for those requirements specifically denoted for PRUD. There shall be no open outside stairways or fire escapes above the ground floor. All land shall be owned and used in common and shall be governed and maintained as set forth in section 14-498(i)(3) of this chapter. Such development shall be subject to review and approval by the Planning Board with respect to the requirements of article V (site plan) and article IV (subdivisions) of this chapter, whether or not such development is a subdivision within the meaning of article IV of this chapter, as now enacted or as hereafter amended.

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

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

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

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

   b. Each unit shall be installed on a full

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

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

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

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

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

g. No unit shall be horizontally or vertically attached to any other unit or other structure, provided however, that this

provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.

(b) Other:

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

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

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

4. Municipal uses, excluding those specifically set forth in section 14-118 of this division.

5. Special needs independent living units on lots of less than two (2) acres, provided that a building housing special needs independent living units shall not house other types of residential or other permitted uses. The owner of a special needs independent living unit building shall file in the Cumberland County Registry of Deeds a statement under oath that the building is a special needs independent living unit building and that any future change of use to a permitted residential use shall require a change in use review by the City of Portland and a decrease in the number of units in the building in accordance with the Portland City Code, chapter 14. The owner shall file proof of such recording with the building inspections division prior to the issuance of any certificates of occupancy for the new uses.

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

(Ord. No. 536-84, 5-7-84; Ord. No. 265-84, § 1, 12-17-84; Ord. No. 98-86, § 1, 10-6-86; Ord. No. 83-88, §§ 2, 3, 7-19-88; Ord. No. 387-89, 4-3-89; Ord. No. 86A-89, § 5, 8-21-89; Ord. No. 95-89, § 1, 9-6-89; Ord. No. 279-90, § 1, 3-10-90; Ord. No. 33-91, § 6, 1-23-91; Ord. No. 33A-91, § 4, 4-17-91; Ord. No. 220-95,

4-3-95; Ord. No. 165-97, § 3, 12-1-97; Ord. No. 56-08/09, 9-3-08; Ord. No. 278-09/10, 7-19-10; Ord. No. 33-11/12, 1-18-12)

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*Editor's note--Ord. No. 83-88, §§ 2, 3, adopted July 19, 1988, amended subsections 14-117(a) and (b)4 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 83-88. Ord. No. 95-89, § 1, adopted Sept. 6, 1989, amended subsection (a)1 of § 14-117 to read as set out and, as amended, further ordained "that the prohibition upon unit additions contained in this ordinance shall not apply where a building permit has been issued. Additions proposed to such buildings shall require major site plan review and all other reviews required by this chapter."

Sec. 14-118. Conditional uses.

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

(a) Residential:

1. Reserved.

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

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

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

   c. The facility shall make provision for adequate on-site staffing and supervision of residents in accordance with applicable state licensing requirements. If a facility

is not licensed by the state, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof.

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

3. Alteration of a structure existing and not in residential use as of January 1, 1984, to three (3) or more dwelling units, provided that:

   a. Reserved.

   b. No open outside stairways or fire escapes above the ground floor shall be constructed or have been constructed in the immediately preceding five (5) years;

   c. A lower level dwelling unit shall have a minimum of one-half of its floor-to-ceiling height above the average adjoining ground level;

   d. Three thousand (3,000) square feet of land area per dwelling unit shall be required;

   e. On-site parking shall be required as specified in division 20 (off-street parking) of this article, for the combined uses of the site;

   f. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:

1. Any addition or exterior alterations such as facade materials, building form, and roof pitch shall be designed to be compatible with the architectural style of the structure;

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

4. Conversions of existing two-family or multiplex structures into lodging houses, provided that a lodging house shall not be located within five hundred (500) feet of another as measured along street lines to the respective property lines.

5. Use of space existing as of September 3, 2008 to accommodate additional dwelling units under the following conditions:

   a. This section shall under no conditions permit more than four dwelling units on a lot and shall not allow more than two additional dwelling units on a lot above what would otherwise be permitted;

   b. Any units created under this section may not be sold as condominium units or otherwise separated from the ownership of at least one of the pre-existing units on the site ;

   c. Any units created under this section must be affordable to households earning up to 80% of AMI and are subject to income verification as further outlined in implementing regulations ;

   d. The additional units shall have a minimum floor area of four hundred (400) square feet and may not involve removing more than ten percent of the gross floor area of an existing dwelling unit into a new dwelling

unit. Gross floor area shall exclude any floor area that has less than two-thirds of its floor-to-ceiling height above the average adjoining ground level and may include the attic if such space is habitable.

e. Modifications to existing structures shall be minimal, and be limited to new doors, windows and other openings;

f. Parking shall be provided as required by Division 20 of this article;

g. There shall be no open, outside stairways or fire escapes above the ground floor; and

h. The project shall be subject to Article V for site plan review and approval and the following additional standards:

i. Any additions or exterior alterations such as façade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the single family appearance of the building; and

ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped properly to screen vehicles from adjacent properties and streets.

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

1. Elementary, middle, and secondary school;

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

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

3. Places of assembly;

4. Reserved;

5. Hospital;

6. College, university, trade school.

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

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

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

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

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

e. In the case of community halls:

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

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

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

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

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

d. A college, university or trade school may build principal structures to a height of fifty-five (55) feet, not including the USM overlay zone, if the following standards can be met:

(i) Lot size: 10 acres which may include adjacent land owned by the institution on both sides of a public street.

(ii) Minimum setback between buildings on-site: 20 feet.

(iii) Minimum setback from external property boundary: 30 feet, except that parking garages over 35 feet in height must be located 50 feet from external property boundaries when adjacent to an adjoining residential use.

(iv) The area between the structure and adjoining residential uses must be adequately screened with appropriate landscaping or other features to buffer

the building and effects thereof (i.e. noise, light, etc) from abutting properties.

(c) Other:

1. Off-street parking of passenger cars as provided in section 14-344 (board of appeals may authorize parking in certain residential zones) of this article;

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

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

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

   b. The maximum capacity shall be twelve (12)children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection v. are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care use,

home babysitting use, nursery school, or kindergarten, or in a nonresidential structure accessory thereto, provided that any such structure that serves more than twelve (12) children shall be subject to review under article V of this chapter.

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

d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

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

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

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

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

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

v. The minimum lot size for a day care facility, home babysitting service, nursery school, or kindergarten located

in a residential or existing accessory structure and serving more than twelve (12) children shall be twenty thousand (20,000) square feet;

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. No. 536-84, 6-7-84; Ord. No. 265-84, § 2, 12-17-84; Ord. No. 76-85, § 6, 7-1-85; Ord. No. 83-88, § 4, 7-19-88; Ord. No. 235-91, § 10, 2-4-91; Ord. No. 118-93, § 9, 10-18-93; Ord. No. 133-96, § 5, 11-18-96; Ord. No. 154-96, § 9, 12-16-96; Ord. No. 222-99, §5, 3-01-99; Ord. No. 94-07/08, 11-5-07; Ord. No.

56/08/09, 9-3-08; Ord. No. 29-09/10, 8-3-09 emergency passage; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 240-09/10, 6-21-10; Ord. No. 9 10/11, 8-2-10; Ord. No. 149-10/11, 3-7-11; Ord. No. 33-11/12, 1-18-12; Ord. 82-15/16, 10-19-2015; Ord. No. 205-17/18, 5-14-2018)

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*Editor's note--Ord. No. 83-88, § 4, adopted July 19, 1988, amended § 14-118 by deleting subsection (b)5. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 83-88.

Sec. 14-119. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.
(Ord. No. 536-84, 5-7-84)

Sec. 14-120. Dimensional requirements.

(a) In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-5 zone shall meet the following minimum requirements:

1. Minimum lot size:

   a. Residential: Six thousand (6,000) square feet except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article. A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. section 4807, or the applicable zoning lot size, whichever is larger.

   b. Reserved.

   c. Long-term, extended, or intermediate care facility: Two (2) acres.

   d. School: Thirty thousand (30,000) square feet.

   e. Places of assembly:

Large	43,560 sq. ft.
Medium	21,780 sq. ft.
Small	10,890 sq. ft.

f. Municipal use: Six thousand (6,000) square feet.

g. Hospital: Five (5) acres.

h. College, university, trade school: Two (2) acres.

i. Multiplex: Nine thousand (9,000) square feet.

j. Planned residential unit development (PRUD): Two (2) acres gross area, as defined in section 14-47 (definitions) of this article, of contiguous land.

k. All other uses: Six thousand (6,000) square feet.

l. Lodging houses: Nine thousand (9,000) square feet.

Provided that for uses specified in section 14-120 (1)(c) through (i) above, no minimum lot area shall be required in the following cases:

i. Uses existing as of June 1, 1983;

ii. Expansion of uses onto land abutting the lot on which the principal use is located;

iii. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;

iv. Expansion onto land other than the lot on which the principal use is located of no more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.

2. Minimum lot area per dwelling unit:

PRUD: Three thousand (3,000) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.

Special needs independent living units: Four thousand eight hundred (4,800) square feet; except that special needs independent living units with two hundred fifty (250) feet or more of frontage shall require three thousand six hundred (3,600) square feet.

Other uses: Three thousand (3,000) square feet, except as provided for a multiplex.

3. Minimum street frontage: Fifty (50) feet.

4. Minimum yard dimension:

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

a. Front yard:

Principal or accessory structures: Twenty (20) feet.

A front yard need not exceed the average depth of front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

b. Rear yard:

i. Principal or attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.

ii. Accessory detached structures with ground coverage of one hundred and forty-four(144) square feet or less: Five (5) feet.

Setbacks from swimming pools shall be as provided in section 14-432 (swimming pools) of this article.

c. Side yard:

i. Principal or accessory structures with ground coverage greater than one hundred (100) square feet:

Height of Structure	*Required Side Yard*
1 story	8 feet
1 1/2 stories	8 feet
2 stories	12 feet
2 1/2 stories	14 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than eight (8) feet in width. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than eight (8) feet.

ii. Accessory detached structures with ground coverage of one hundred and forty-four(144) square feet or less: Five (5) feet.

d. Side yard on side street:

Principal or accessory structures: Fifteen (15) feet.

5. Maximum lot coverage: Forty (40) percent of lot area.

6. Minimum lot width:

Multiplex: Ninety (90) feet.

Other uses: Sixty (60) feet.

7. Maximum structure height:

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

Accessory detached structure: Eighteen (18) feet.

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

8. a. *Maximum number of units in a building (PRUD):* Twelve (12) units

b. Maximum number of units in a multiplex building: Six (6) units.

9. Maximum length of building (PRUD): One hundred forty (140) feet.

10. Maximum length of accessory garage structure (PRUD): Sixty (60) feet.

11. Minimum building setback from external subdivision property lines (PRUD):

a. Building length of one hundred (100) feet or less: Twenty-five (25) feet.

b. Building length greater than one hundred (100) feet: Thirty-five (35) feet.

12. Minimum recreation open space area (PRUD): Three hundred (300) square feet per dwelling unit of common area designated for recreation purposes. Such recreation areas shall be level graded, dry, accessible and properly drained. At a minimum, a contiguous area of six thousand (6,000) square feet, with a minimum dimension of fifty (50) feet, shall be provided and shall include one (1) or more of the uses set forth in section 14-526(d) 9. and the planned residential unit development standards in the City of Portland Design Manual, but shall at least be usable

as a multipurpose game field. Such recreation areas shall be located at least twenty-five (25) feet from dwelling units.

13. No habitable space in a PRUD shall be below grade, except basements that are part of and below aboveground units.

14. a. *Minimum rooming unit area for lodging houses:* Two hundred (200) square feet of combined rooming unit and common area per rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.

    b. Minimum land area per lodging house rooming unit: One thousand (1,000) square feet.

15. Maximum floor area for places of assembly on a collector or arterial road:

Large	Not limited
Medium	4,500 sq. ft.
Small	2,250 sq. ft.

16. Maximum floor area for places of assembly not on a collector or arterial road:

Large	4,500 sq. ft.
Medium	2,250 sq. ft.
Small	1,125 sq. ft.

(b) *Small residential lot development:* Single family homes may be built on small lots located in the R-5 and may use the dimensional requirements below if one of the following conditions is met:

The lot is:

Vacant as of (date of enactment); or used exclusively for parking; or contains structure(s) not used for residential purposes; or created from a single lot division of a developed lot and results in a lot meeting the dimensional requirements of § 14-120(b) with the remaining developed portion meeting the dimensional requirements of §14-120(a)(1)-(14) except as expressly provided in Section 14-120(b).

1. *Minimum lot size*: Five thousand (5,000) square feet.

2. *Maximum lot size:*

   a. Lots that are vacant as of September 3, 2008, used exclusively for parking, or contain structure(s) not used for residential purposes: Six thousand (6,000) square feet.

   b. Original developed lot prior to the single lot division that results in a lot meeting the dimensional requirements of §14-120(b) with the remaining developed portion meeting the dimensional requirements of §14-120(a)(1)-(14): Thirteen thousand (13,000) square feet.

3. Yard dimensions:

   a. *Side yard:*

      i. Principal or attached accessory structures with ground coverage greater than one hundred (100) square feet: Seven (7) feet.

         The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than four (4) feet in width.

      ii. Side yard on side street: Ten (10) feet.

4. *Minimum lot width:* Forty (40).

5. *Minimum street frontage:* Forty (40).

6. *Maximum lot coverage: Fifty (50) percent.*

(Ord. No. 536-84, 5-7-84; Ord. No. 98-86, § 2, 10-6-86; Ord. No. 83-88, § 5, 7-19-88; Ord. No. 386-89, §§ 1, 2, 4-3-89; Ord. No. 235-91, § 11, 2-4-91; Ord. No. 33A-91, § 5, 4-17-91; Ord. No. 118-93, § 10, 10-18-93; Ord. No. 154-96, § 10, 12-16-96; Ord. No. 165-97, § 4, 12-1-97; ORd. No. 56-08/09, 9-3-08; Ord. No. 131-08/09, 12-15-08; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 278-09/10, 7-19-10; Ord. No. 275-10/11, 10-18-10)

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*Editor's note--Ord. No. 83-88, § 5, adopted July 19, 1988, amended § 14-120 to read as herein set out. See also the

editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 83-88.

Sec. 14-121. Other requirements.

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

(b) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(c) Storage of vehicles: Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(d) Small residential lot development shall conform to the site plan standards of § 14-526.

(Ord. No. 536-84, 5-7-84; Ord. No. 15-92, § 9, 6-15-92; Ord. No. 56-08/09, 9-3-08)

Sec. 14-122 – 14-125. Reserved.

DIVISION 6.5. R-5A RESIDENTIAL ZONE*

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*Editor's note--Ord. No. 537-84, adopted May 7, 1984, repealed a nonexistent Div. 6.5 and enacted a new Div. 8. However, in order to avoid duplication of division numbers and in consultation with the city, the provisions have been included as a new Div. 6.5, §§ 14-126--14-131.

Sec. 14-126. Purpose.

The purpose of the R-5A residential zone is:

(a) To provide for moderate-density residential development in off-peninsula sections that can provide a unique residential living experience with a high degree of natural site amenities; and to provide areas of the city in the general proximity of the peninsula that have the capability for adequate municipal

services, including traffic corridors with adequate traffic capacity, that can appropriately accommodate a more intensive use of land than other lower-density zoned land and be compatible with surrounding neighborhoods; and to increase affordable housing opportunities in off-peninsula locations by providing a moderate-density zone.

(Ord. No. 537-84, 5-7-84; Ord. No. 84-88, § 1, 7-19-88)

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*Editor's note--Ord. No. 84-88, § 1, adopted July 19, 1988, amended § 14-126 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 84-88.

Sec. 14-127. Permitted uses.

The following uses are permitted in the R-5A residential zone:

(a) Residential:

1. Single-, two-and three-family dwellings.

2. Planned residential unit development (PRUD) consisting of horizontally or vertically attached dwelling units or a series of such dwelling units. No dimensional requirements contained in section 14-130 shall apply with respect to such developments except for those requirements specifically denoted for PRUD. There shall be no open outside stairways or fire escapes above the ground floor. All land shall be owned and used in common and shall be governed and maintained as set forth in section 14-498(i)(3) of article IV (subdivisions). Such development shall be subject to review and approval by the Planning Board with respect to the requirements of article V (site plan) and article IV (subdivisions) of this chapter, whether or not such development is a subdivision within the meaning of article IV of this chapter, as now enacted or as hereafter amended.

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

handicapped persons plus staff.

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

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

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

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

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

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

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

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

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

6. Multifamily dwellings.

7. Congregate care.

(b) Other:

1. Parks and other active and passive noncommercial recreation spaces;

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

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

4. Municipal use;

5. Intermediate, extended and long-term care

facilities.

6. Wind energy systems, as defined and allowed in Article X, ALtenrative Energy.

(Ord. No. 537-84, 5-7-84; Ord. No 266-84, § 1, 12-17-84; Ord. No. 84-88, §§ 2, 3, 7-19-88; Ord. No. 86A-89, § 6, 8-21-89; Ord. No. 33-91, § 7, 1-23-91; Ord. No. 58-97, § 1, 8-18-97; Ord. No. 33-11/12, 1-18-12)

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*Editor's note--Ord. No. 84-88, §§ 2, 3, adopted July 19, 1988, amended § 14-127 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 84-88.

Sec. 14-128. Conditional use.

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

(a) Residential:

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

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

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

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

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

(b) Other:

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

2. Nursery schools and kindergartens.

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

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

   b. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in

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

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

d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

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

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

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

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

iv. A ten-foot wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards

of the City's Technical Standards and Guidelines;

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

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

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

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

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

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

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

c. Towers shall be set back from habitable

buildings by a distance equal to 1.1 times the tower height; and

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

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

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

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

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

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

(Ord. No. 537-84, 5-7-84; Ord. No. 266-84, § 2, 12-17-84; Ord. No. 76-85, § 7,

7-1-85; Ord. No. 235-91, § 12, 2-4-91; Ord. No. 133-96, § 6, 11-18-96; Ord. No. 29-09/10, 8-3-09 emergency passage; Ord. No. 240-09/10, 6-21-10; Ord. No. 33-11/12, 1-18-12)

Sec. 14-129. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.
(Ord. No. 537-84, 5-7-84)

Sec. 14-130. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-5A zone shall meet or exceed the following requirements:

Minimum Lot Size	Residential(Single-, two-and three-family dwellings): 6,000 SF and a maximum lot size up to 2 acres 1
	Planned residential unit development (PRUD), multifamily development of 4 or more dwelling units, and Congregate Care: 2 acres gross area
	Intermediate, extended or long-term care facilities: 1 1/2 acres.
Min. Lot Area per D.U.	Single-, two-and three-family dwellings: 1,600 SF.
	Planned residential unit development (PRUD), Congregate Care and Multifamily development of 4 or more dwelling units: 1600 SF of net land area.
Min. Lot Area per Resident	*Minimum land area per intermediate care facility resident:* 8,000 SF gross land area for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.
Min. Street Frontage	50 feet.

1 A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. Section 4807-A, or the applicable zoning lot size, whichever is the largest. Except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.

Min. Yard Dimensions for Single-, two-and three-family dwellings2	1.*Front yard:* Principal or accessory structures: 25 feet. 2.*Rear yard:* a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet: 25 feet. b. Accessory detached structures with a ground coverage of one hundred and forty-four (144) square feet or less: 5 feet. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article. (continued) 3. *Side yard:* a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet: *Height of Structure* *Required Side Yard* 1 story . . . . . 10 feet 1 1/2 stories . . . . . 10 feet 2 stories . . . . . 14 feet 2 1/2 stories . . . . . 16 feet The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet. b. Accessory detached structures with ground coverage of one hundred and forty-four(144) square feet or less: 5 feet. 4. *Side setback on side streets:* Principal or accessory structures: 20 feet.

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

Maximum Structure Height	Principal residential (single, two and three-family) or attached accessory structure: 35 feet.
	Accessory detached structure: 18 feet.
	Principal or attached accessory structure for PRUD, Multifamily development of 4 or more dwelling units, Congregate Care and Intermediate, extended or long-term care facilities: 55 feet.
Max. Lot Coverage	30%
Minimum Lot Width	60 feet
Minimum building setback from external subdivision property lines	PRUD, multifamily development of 4 or more dwelling units, Congregate Care, and Intermediate, extended or long-term care: a. Building length of one hundred (100) feet or less: 25 feet. b. Building length of greater than one hundred (100) feet: 35 feet.
Minimum recreation open space area	PRUD, multifamily development of 4 or more dwelling units, and Congregate Care: 200 SF per dwelling unit or living unit of common area designated on the site for recreation purposes.

(Ord. No. 537-84, 5-7-84; Ord. No. 84-88, § 4, 7-19-88; Ord. No. 58-97, § 2, 8-18-97; Ord. No. 165-97, § 5, 12-1-97; Ord. No. 131-08/09, 12-15-08; Ord. No. 278-09/10, 7-19-10; Ord. 276-14/15, 6-15-2015)

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*Editor's note--Ord. No. 84-88, § 4, adopted July 19, 1988, amended § 14-130 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 84-88.

Sec. 14-131. Other requirements.

[Other requirements are as follows:]

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

(b) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(c) Storage of vehicles: Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(Ord. No. 537-84, 5-7-84; Ord. No. 15-92, § 10, 6-15-92)

Sec. 14-132. Reserved.
Sec. 14-133. Reserved.
Sec. 14-134. Reserved.

DIVISION 7. R-6 AND R-6A RESIDENTIAL ZONES*

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

Sec. 14-135. Purpose.

The purpose of the R-6 residential zone is:

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

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

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

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

(Ord. No. 538-84, 5-7-84; Ord. No. 78-03/04, 10-20-03; Ord. No. 73-14/15, 10-20-2014)

Sec. 14-136. Permitted uses.

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

(a) Residential:

1. Single- and two-family dwellings. No building reviewed as a two-family dwelling in accordance with section article V (site plan) of this chapter shall be altered to include any additional dwelling unit within five (5) years from the date of issuance of the building permit. Any building reviewed as a two-family dwelling in accordance with article V (site plan) of this chapter or not reviewed under article V, which is altered or enlarged to include any additional dwelling unit after this five-year period, shall be reviewed as a pursuant to article V of this chapter.

2. Multifamily dwellings.

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

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

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

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

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

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

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

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

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

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

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

   e. Each unit shall be provided with at least two (2) trees meeting the city's

arboricultural specifications and which are clearly visible from the street line and are located so as to visually widen the narrow dimension or proportion of the unit.

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

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

(b) Other:

1. Lodging house;

2. Cemeteries;

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

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

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

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

7. Special needs independent living units, provided that a building housing special needs independent living units shall not house other types of residential or other permitted uses. The owner of a special needs independent living unit building shall file in the Cumberland County Registry of Deeds a statement under oath that the building is

a special needs independent living unit building and that any future change of use to a permitted residential use shall require a change in use review by the City of Portland and a decrease in the number of units in the building in accordance with the Portland City Code, chapter 14. The owner shall file proof of such recording with the building inspections division prior to the issuance of any certificates of occupancy for the new uses.

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

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

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

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

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

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

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

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

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

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

(Ord. No. 538-84, 5-7-84; Ord. No. 267-84, § 1, 12-17-84; Ord. No. 67-87, § 4, 11-2-87; Ord. No. 85-88, §§ 1, 2, 7-19-88; Ord. No. 86A-89, § 7, 8-21-89; Ord. No. 95-89, § 2, 9-6-89; Ord. No. 279-90, § 2, 3-19-90; Ord. No. 33-91, § 8, 1-23-91; Ord. No. 33A-91, § 6, 4-17-91; Ord. No. 125-97, § 2, 3-3-97; Ord. No. 278-09/10, 7-19-10; Ord. No. 279-09/10, 6-6-11; Ord. No. 33-11/12, 1-18-12; Ord. No. 73-14/15, 10-20-2014; Ord. 209-14/15, 5/4/2015)

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

Sec. 14-137. Conditional uses.

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

(a) Residential:

1. Reserved.

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

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

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

   c. The facility shall make provision for

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

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

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

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

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

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

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

3. Intermediate care facility;

4. Places of assembly;

5. Hospital;

6. College, university, trade school.

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

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

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

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

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

e. In the case of community halls:

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

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

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

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

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

(c) Other:

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

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

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

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

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

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

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

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

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

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

3. Chancellery.

4. Nursery school and kindergarten.

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

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

a. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in

part within the five (5) years immediately preceding the application for a day care or home babysitting use or in a nonresidential structure accessory to the principal nonresidential use.

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

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

d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

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

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

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

located in front yards;

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

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

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

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

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

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

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

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

removed from the site within sixty (60) days; and

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

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

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

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

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

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

h. A performance guarantee shall be required for the cost of removal of the tower, guy

wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

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

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

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

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

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

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

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

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

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

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

279-09/10, 6-6-11; Ord. No. 33-11/12, 1-18-12)

Sec. 14-138. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.
(Ord. No. 538-84, 5-7-84)

Sec. 14-139. Dimensional requirements.

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

R-6 Dimensional Requirements	
Minimum Lot Size	Residential Uses: 2,000 sf, except that in R-6A the min. residential lot size is four (4) acres.
	Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.
	Intermediate care facility: One (1) acre.
	School: Thirty thousand (30,000) square feet.
	Places of assembly: Large, 15,000 sf; Medium, 10,000 sf; Small, 5,000 sf.
	Hospital: Two (2) acres
	All other uses: 2,000 sf
Min. Lot Area/Dwelling Unit	725 s.f.
Minimum Lot Area/Lodging House Rooming Unit	250 s.f
Minimum land area per intermediate care facility resident	250 s.f

Minimum land area per permitted hostel guest when maximum permitted guests is greater than 10	250 s.f
Street Frontage	20 feet
Minimum Front Yard Setback for Principal and Accessory Structures	5 ft, or the average depths of adjacent front yards.
Minimum Rear Yard Setback for Principal and Accessory Structures	10 feet, except that accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.
	All setbacks for swimming pools shall be as provided for in section 14-432, Swimming pools, of this article.
Minimum Side Yard Setback for Principal and Accessory Structures	5 ft, except that a side yard in the R-6 zone may be reduced to zero, provided that the cumulative side yard setbacks are not less than 10 ft. A permanent maintenance easement a minimum of 5 ft. in width shall be provided on the parcel adjacent to the lot line with the reduced side setback.
	Side yards in R-6A shall be 10 ft. for principal structures up to 45 ft. in height and 15 ft. for principal structures greater than 45 ft.in height.
Side Yard on Side Street	None
Structure Stepbacks	Portions of a structure above 35 ft shall be no closer than 10 ft from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone. *Does not apply to side yards on side streets.*
Maximum Lot Coverage	60%
Minimum Lot Width	20 feet

Maximum Height	Principal and attached accessory structure: 45 ft except as provided under the Fort Sumner Park Height Overlay (Sec. 14-139 (d)).
	Detached accessory structure: 18 ft
	In R-6A the maximum principal and attached accessory structure height shall be 65 ft.
Landscaped Open Space	20%. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.
Minimum gross floor area for bed and breakfasts	Two thousand (2,000) square feet of gross floor area for the first three (3) guest rooms and five hundred (500) square feet of floor area for each additional guest room.
Maximum floor area for places of Assembly	*On a collector or arterial road:*
	Large: Not limited
	Medium: 4,500 s.f.
	Small: 2,250 s.f.
	Not on a collector or arterial road:
	Large: 4,500 s.f.
	Medium: 2,250 s.f.
	Small: 1,125 s.f.
Maximum Garage Opening	Garage openings on front façades shall not exceed the greater of nine (9) feet or forty (40) percent of the front façade, and in no case shall a garage opening on a front façade exceed 20 feet.

(b) Townhouse Subdivisions.

Subdivisions consisting of horizontally attached dwellings on individual lots are not required to have side yards between such dwellings where a party wall condition will exist. Horizontally attached dwellings located within a single lot shall be required to meet the applicable side yard requirements at the external lot boundaries of the subdivision and internal lot boundaries between such dwellings that are not attached to each other. No minimum lot size width shall be required for

individual lots underlying townhouse (horizontally attached) dwelling types. The applicable minimum lot area per dwelling shall apply to each lot.

(c) Alterations to Single-family, two-family, and multi-family dwellings in existence as of June 15, 2015 shall not result in the creation of any additional dwelling unit of less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic; and Shall not result in any existing dwelling unit being reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement and attic.

(d) Fort Sumner Park Height Overlay: This Overlay is established to protect the public interest by limiting the impact of development on the quintessential views of natural resources and the changing Portland skyline from Fort Sumner Park. There is established a key apex point in Fort Sumner Park at 43° 40′ 2.3359″N. 70° 15′ 4.3687″W. The Fort Sumner Park Height Overlay includes all land within 200 feet, or the R-6 zone boundary, whichever is closer, of this key apex point that is located closer to the middle line of Sheridan Street than said apex point.

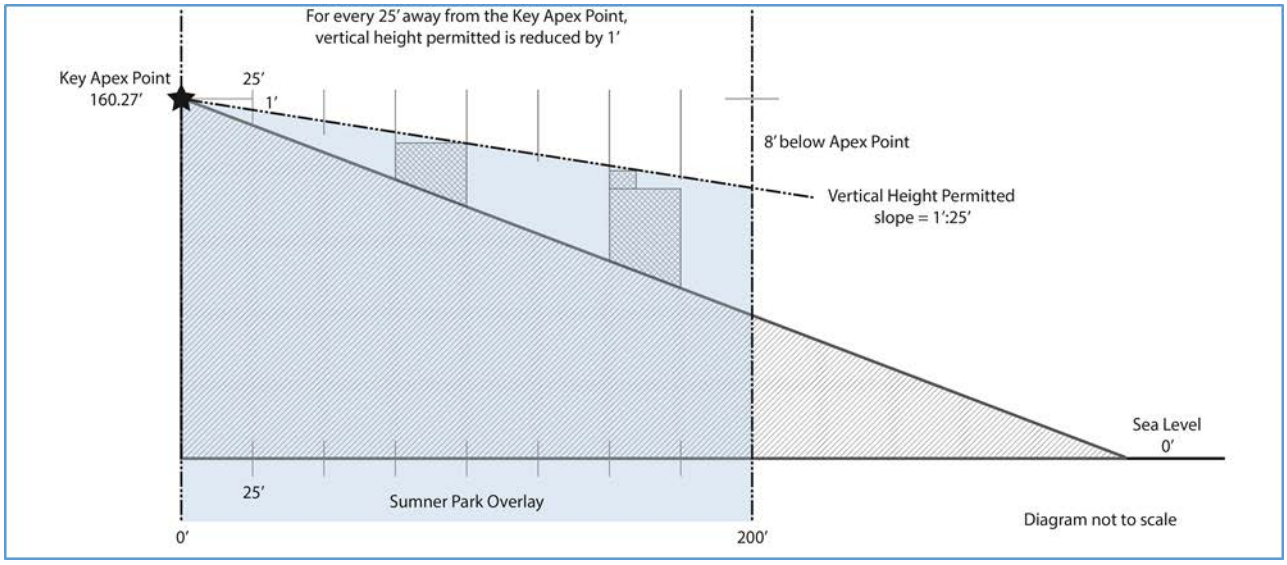
Notwithstanding any other section of this Ordinance, development in the Overlay shall be subject to the following additional provisions:

(1) The top of structures, including rooftop appurtenances, within the Overlay shall not exceed the baseline vertical height of the apex point (160.27′ City of Portland Datum (Mean Tide)). For each 25′ radially away from the apex point, the vertical height permitted in the Overlay is reduced by 1 foot (see Figure below, Ordinance Height graphic); and

(2) The minimum building setback from the park property shall be 15 feet.

Any project within this Overlay shall also go to the Parks Commission for a recommendation to the Planning Board regarding potential impacts on Fort Sumner Park.

Table 14-139 Fort Sumner Park Overlay Permissible Height



e. Notwithstanding the provisions of 1 M.R.S. § 302, Sec. 14-139 (d)).shall apply retroactively and include any and all actions and proceedings pending on February 7, 2017 or thereafter.

(Ord. No. 538-84, 5-7-84; Ord. No. 634-86, § 1, 7-7-86; Ord. No. 264-87, § 1, 3-16-87; Ord. No. 85-88, § 4, 7-19-88; Ord. No. 230-90, § 1, 3-5-90; Ord. No. 33-91, § 9, 1-23-91; Ord. No. 235-91, § 14, 2-4-91; Ord. No. 33A-91, 4-17-91; Ord. No. 118-93, § 12, 10-18-93; Ord. No. 154-96, § 12, 12-16-96; Ord. No. 125-97, § 4, 3-3-97; Ord. No. 245-97, §§ 1, 2, 4-9-97; Ord. No. 232-99; §3, 3-15-99; Ord. No. 78-03/04, 10-20-03; Ord. No. 21-04/05, 8-2-04, Ord. No. 145-04/05, 2-23-05; Ord. No. 254-05/06, 6-5-06; Ord. No. 131-08/09, 12-15-08; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 65-10/11, 10-18-10; Ord. No. 73-14/15, 10-20-2014; Ord. 209-14/15, 5/4/2015; Ord. No. 128-16/17, 2/22/2017)

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*Editor's note--Ord. No. 85-88, § 4, adopted July 19, 1988, amended § 14-139 to read as herein set out, as subsequently amended. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88.

Sec. 14-140. Other requirements.

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

(b) Storage of vehicles: Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(c) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(Ord. No. 538-84, 5-7-84; Ord. No. 85-88, § 5, 7-19-88; Ord. No. 15-92, § 11, 6-15-92; Ord. No. 37-98, § 1, 5-4-98; formerly §14-145--renumbered per Ord. No. 122, 12-20-99; Ord. No. 78-03/04, 10-20-03; Ord. No. 254-05/06, 6-5-06; Ord. No. 240-09/10, 6-21-10; Ord. 209-14/15, 5/4/2015)

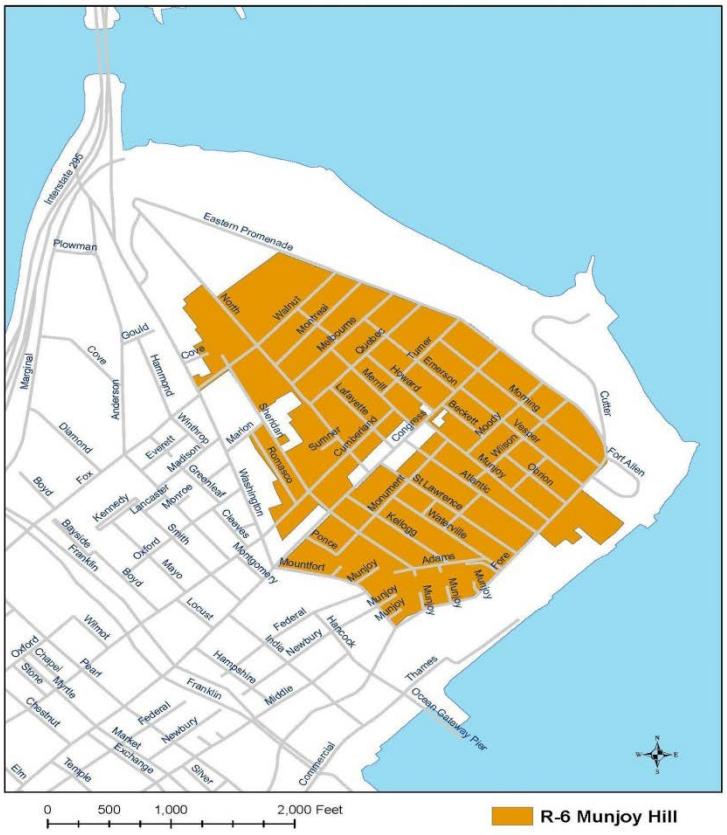
Sec. 14-140.5. Munjoy Hill Neighborhood Conservation Overlay District.

The residential neighborhoods on Munjoy Hill are experiencing specific development pressures related to its location and the nature of the existing building stock, further documented in work by the City’s Planning & Urban Development Department in the winter of 2018. In order to address the negative impacts of these pressures and create a positive framework for investment in the area, there shall be a Munjoy Hill Neighborhood Conservation Overlay District (the “District”).

(a) Area of Effect.

This District will apply in the highlighted area depicted on the map below and includes all properties in the R-6 zoning district in an area east of Washington Avenue and Mountfort Street, north of Fore Street, and west of the Eastern Promenade.

Diagram 14-140.5.a.: Munjoy Hill Neighborhood Conservation District Boundaries



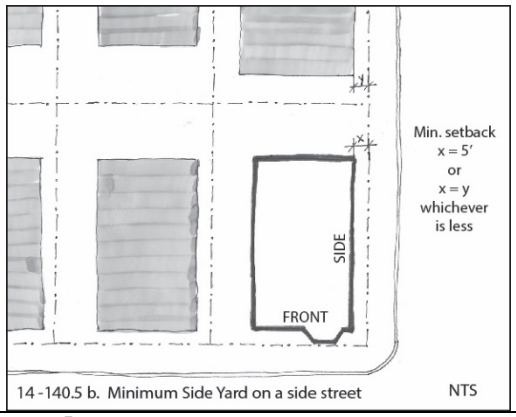
(b) Effect of the District.

In addition to the standards contained in Chapter 14, Division 7 of the Portland City Code that are applicable to properties in the R-6 zone all properties within this District shall meet the standards in this Section 14-140.5. Where this Section imposes a standard that differs from the standards contained in Articles III, IV, and V of Chapter 14, the *City of Portland Design Manual* or *City of Portland Technical Manual,* the standards in this Section shall control.

(c) Dimensional Standards.

Within the District, the following dimensional standards requirements supersede those dimensional standards outlined elsewhere in Chapter 14:

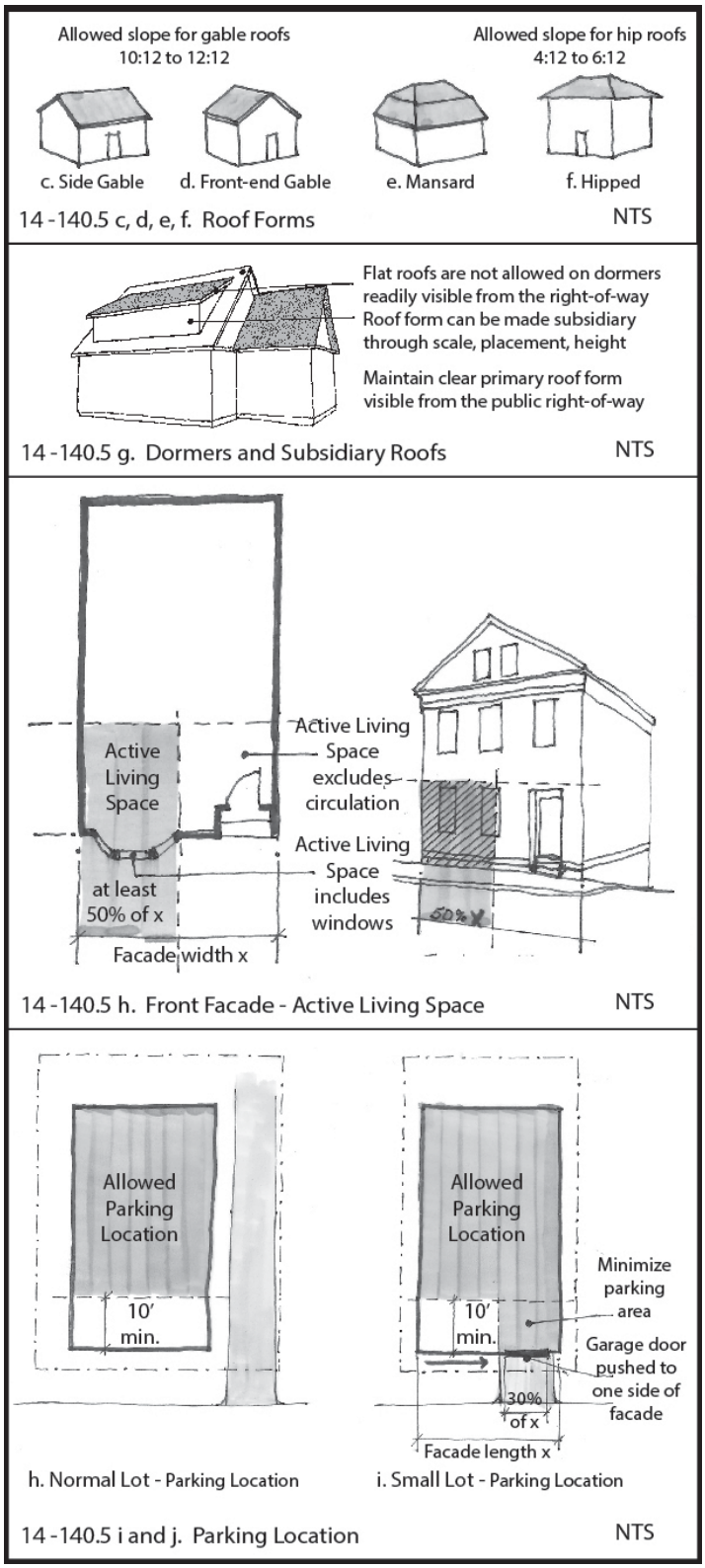
Maximum Height	35’; 45’ for developments of 3 units or more on lots over 2000 sf. that include at least one “workforce housing unit for rent” or “workforce housing unit for sale”, defined elsewhere in this ordinance. Workforce units shall be no smaller than 50% of the average size of the other units in the development, must meet the definition for such units and only be sold or rented to a household at or below the applicable income levels. These requirements shall be deed restricted for affordability for the longest term possible under state and federal law. Rooftop appurtenances other than chimneys shall not exceed permitted heights, except that HVAC equipment is permitted for up to 5’ above these maximum heights if (a) out of view from public rights-of-way, screened adequately, and integrated with the building design and (b) set back at least 5’ from the building edge. In addition, height limits and placement of alternative energy equipment is permitted as specified in 14-430, Height Limits, and as specified in Article X, Alternative Energy.
Minimum Side Yard Setback	Buildings of height up to 35’: As per the underlying zoning Buildings more than 35’: 10’ for all side yards, except that a side yard no less than 5’ is permitted when used to continue a documented built pattern of the surrounding streetscape, in which case a proportional increase in another side yard must be provided.
Stepbacks	None

Minimum Side Yard Setback on a side street	5’; or the minimum depth of the immediately abutting street-facing yard (see Diagram 14-140.5.b.), whichever is less. 0’ when demonstrated that reduced setbacks are necessary to facilitate the provision of underground parking. 
Minimum Rear Yard Setback	Buildings of height up to 35’: 10’ Buildings more than 35’: 15’ As measured from rear decks, porches, or similar unenclosed space: 7.5’ As measured from accessory structures with a ground coverage of 144 square feet or less: 5’

(d) Design Standards.

1. In addition, the following design standards shall apply in the District and shall supersede any conflicting design standards:

a. All buildings shall use simple, traditional roof forms as illustrated in Diagrams 14-140.5.c-f., except that flat roofs are permitted in buildings of 3 or more units. This requirement may also be modified through (d)2 below. Dormers and cross gables are allowed but where readily visible from the public right-of-way shall be clearly subsidiary to the primary roof form (see Diagram 14-140.5.g);



b. The first floor shall contain active living space, such as a living room or bedroom, with

windows for at least 50% of the width of the front façade in total (see Diagram 14-140.5.h). Active living space does not include space intended primarily for circulation or storage;

c. Use of tandem spaces to meet desired parking levels, consistent with the built pattern of the neighborhood, is strongly preferred. Parking shall be located on the side or in the rear of a building, and not within the front 10’ depth of the building. The only exception shall be for lots smaller than 2,000 sf., which shall be permitted one garage door on the front façade no wider than 30% of the building width, but no less than 9’. In that case, the garage door shall (1) be of high quality design, consistent with the character and pattern of the rest of the façade, including windows as appropriate; and (2) be located on one side of the façade (see Diagrams 14-140.5.i-j).

2. Within the District, developments are only eligible for the R-6 “Alternative Design Review” as outlined by the following process, which shall supersede the process in the *City of Portland Design Manual* in cases of conflict:

a. Any use of Alternative Design Review must be approved by a majority of the Historic Preservation Board after a required public hearing;

b. Alternative Design Review does not permit waivers of the additional design requirements in section (d)1 above except as explicitly stated; and

c. Alternative Design Review is a privilege and is granted at the discretion of the Historic Preservation Board. The applicant has the burden of demonstrating that their proposal meets the criteria for Alternative Design Review Design Certificate.

(e) Demolition Review.

1. The purpose of this section is to preserve and protect buildings within the District that contribute significantly to one’s understanding and appreciation of the

architectural, cultural, and/or social history and development pattern of Munjoy Hill and which are outside any designated historic district ("Preferably Preserved Buildings") encouraging owners of such Preferably Preserved Buildings to explore alternatives to demolition. To achieve this purpose, the issuance of demolition permits for Preferably Preserved Buildings is regulated and may be delayed as provided below.

2. Definitions: For the purposes of this section, the following words and phrases shall have the meanings set forth below:

Demolition: Removal of more than 10% of the front façade of any building, removal of the primary roof line, or removal of 50% or more of the building surface, determined cumulatively over a three year period. In kind replacement or similar replacement (such as new windows or siding that may differ from the original) is not considered demolition.

Preferably Preserved Building: Any building which is determined to be in the public interest to be preserved or rehabilitated rather than demolished based on findings that the building meets the following criteria:

a. It was constructed prior to 1930;

b. It is representative of a building type and/or architectural style that contributes to the identifiable historic visual character of Munjoy Hill; and

c. It retains sufficient integrity of design, materials, condition and craftsmanship that adaptive reuse is a viable option.

Voluntarily Demolished: Any act(s) done by design or intention, which is proposed, intended, or not accidental, that result in demolition. Results of weather events or natural hazards are not considered voluntary demolition. For the purposes of this chapter, the destruction of a preferably preserved building for failure to properly secure it or by neglect shall be considered voluntary demolition.

3. Exclusions: This section shall not apply to (a) any building either individually designated as a local landmark or located within the boundaries of any designated historic district; (b) accessory structures with a ground coverage of 144 square feet or less; (c) buildings that the Building Authority has determined are dangerous to life or property due to fire, accidental catastrophic damage, or a natural disaster; and (d) buildings that have received a previous determination that they are not Preferably Preserved.

4. Procedure: When the Building Authority receives a demolition permit application for a building within the District, s/he shall, within three business days, notify the Planning Authority in writing that a demolition permit application has been received.

a. Determination of Preferably Preserved.

i. Initial Determination: The Planning Authority shall make an initial written determination as to whether the building that is the subject of the demolition permit application is a Preferably Preserved Building within thirty days of receiving a copy of the application. In making this determination, the Planning Authority may request additional information from the applicant, including photos of the existing building and the surrounding context or other data that s/he determines may be relevant to making an initial determination. If the Planning Authority determines that the building is not Preferably Preserved, this determination shall be transmitted to the Building Authority and the applicant of record. The applicant will not be required to take any further steps and the permit may be reviewed by the Building Authority under the standards in Chapter 6.

ii. If the Planning Authority makes an initial determination that the building is Preferably Preserved, it shall notify the Building Authority and the applicant.

iii. If the Planning Authority fails to act in accordance with this section or within the prescribed time periods, the Building Authority may grant the demolition permit, provided that the applicant has met all other required by Chapter 6 for a permit, and shall notify the Planning Authority that the permit has been granted.

iv. Right to Appeal Planning Authority Determination: After the Planning Authority's initial determination that a demolition permit application involves a Preferably Preserved Building, the applicant for a demolition permit may appeal the determination to the Historic Preservation Board with any background information regarding the structure and its context that may be deemed relevant to or appropriate for that review. Such material shall include plans for any replacement use of the parcel that may assist in making a determination. Such appeal must be made within thirty days of the initial determination.

v. Public Hearing: The Historic Preservation Board shall conduct a hearing on the appeal and the initial determination within forty-five days of the Planning Authority's initial determination. The Board shall give the public notice of the hearing at least fourteen days prior to the hearing. The Board shall also mail a notice of the public hearing to the applicant, the building owner and all property owners within 100 feet of the subject property at least ten days prior to the hearing.

vi. Final Determination of Preferably Preserved Building: Within twenty-one days following the date of the public hearing, the Historic Preservation Board shall file a final determination with the Building Authority. If the Board determines that the demolition of the building would be detrimental to the architectural, cultural, or social heritage of Munjoy Hill, it must uphold the initial

determination of the Planning Authority of a Preferably Preserved Building. In a case where the initial determination of the Planning Authority is not appealed, that determination shall be considered a final determination upon lapse of the appeal period in 4., above, in which case the Planning Authority shall forward a final determination to the Building Authority.

5. Upon the final determination of Preferably Preserved status, the Building Authority shall not issue a demolition permit for a period of up to 12 months except as specified in b. below. During this period, the applicant and the owner should actively pursue alternatives to demolition of the Preferably Preserved Building. Should the Historic Preservation Board determine that the building is of sufficient historic and/or architectural significance that it should be designated a landmark or otherwise gain historic designation, that process will proceed as it would for any other building.

a. Upon a determination of Preferably Preserved status, the owner shall be responsible for properly securing the building.

b. Notwithstanding the preceding, the Building Authority may issue a demolition permit for all or any portion of subject building at any time upon authorization from the Planning Authority in the event the Historic Preservation Board approves a development for the site as consistent with the Historic Resource Design Standards as applied to a new building prior to the conclusion of the 12-month delay period. Examples of such proposals may include but are not limited to:

- Demolition of a portion of the building while maintaining the principal structure and/or most architecturally significant portion of the building;

- Demolition of the Preferably Preserved Building but with a replacement proposal that is acceptably contextual in the surrounding neighborhood. In

this case, the Board may condition demolition on construction of a project substantively consistent with the approved replacement proposal, and any substantive variation from that plan would be treated as a violation under 7. below; or

- Notwithstanding the initial determination, demonstration by the applicant, substantiated by the written opinion of a licensed engineer with experience in renovation, restoration or rehabilitation and confirmed by the Building Authority, that the structural condition of the building is so severe as to make it infeasible to rehabilitate.

6. Emergency demolition: Nothing in this article shall interfere with the ability of the Building Authority to permit demolition of buildings determined dangerous to life or property due to a condition that pre-dates the effective date of this section or is the result of fire, accidental catastrophic damage, or a natural disaster.

7. Enforcement.

a. The Planning Authority and Building Authority are each specifically authorized to institute any and all actions and proceedings, in law or in equity, as they deem necessary and appropriate to obtain compliance with the requirements of this article, or to prevent a threatened violation thereof.

b. No building permit shall issue for a new building on any premises where a significant building is voluntarily demolished in violation of this ordinance for a period of two years after the date of demolition.

8. A demolition review shall be reported to the City Council annually as a Communication.

(Ord. No. 141-17/18, 2-5-2018, expired on June 5, 2018; Order 221-17/18, 6-4-2018)

DIVISION 7.01. R-7 COMPACT URBAN RESIDENTIAL OVERLAY ZONE

Section 14-141. Purpose.

The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.

Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that the new development is architecturally appropriate and compatible with the surrounding neighborhood.
(Ord. No. 122, 12-20-99)

Sec. 14-142. Permitted Uses.

Permitted uses in the R-7 Compact Urban Residential Overlay Zone, shall be the uses permitted in the R-6 Zone, except that:

(a) Residential uses shall comply with the following dimensional requirements:

1. Minimum Lot Size: None

2. Minimum Frontage: None

3. Minimum Yard Dimensions:

    a. Front yard: None

    b. Rear and side yard: Five (5) feet.

c. Side yard on side street: None

4. Maximum Lot Coverage: 100%

5. Maximum Residential Density: Four hundred thirty five (435) square feet of land area per dwelling unit is required.

6. Maximum Building Height: Fifty (50) Feet

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

(c) Residential development in the R-7 Zone shall be reviewed by the Planning Board for compliance with Article IV, Subdivisions, and Article V, Site Plan;

(d) Any new dwelling unit constructed in the R-7 Zone shall contain a minimum of 400 square feet of habitable floor area;

(e) All other uses in the R-7 Zone shall observe the requirements of the R-6 Zone.

(Ord. No. 122, 12-20-99; Ord. No. 84-08/09, 10-20-08; Ord. No. 240-09/10, 6-21-10)

Sec. 14-143. Design Standards.

Residential development in the R-7 Zone shall be reviewed by the Planning Board under Article V, Site Plan. Such development shall also comply with the following development standards. The general intent of these development standards is to achieve an attractive and comfortable city neighborhood environment. Varied and human-scaled building facades are key to making a place "pedestrian-oriented." Building designs should provide a high level of visual interest, without creating a chaotic image. Residences should include design elements that enhance the streetscape and address the street.

(a) Porches and bays should face the street.

(b) Primary ground floor residential entries to multi-family buildings must orient to street, not to interior blocks or parking lots. Secondary and upper-floor entries from the interior of a block are acceptable. The front door to single-family homes, duplexes, and townhouses must be visible from the street.

(c) The design approach shall provide an architecture that will be a visible and permanent expression of the character of the neighborhood;

(d) The facade shall be varied and articulated to provide visual interest to pedestrians;

(e) Reinforce the public realm of the public open space, sidewalks and streets through appropriately scaled entries, porches, fenestration, landscaping, and architectural details;

(f) Provide visual and acoustical privacy between units;

(g) Maximize natural light and ventilation within units.

(Ord. No. 122, 12-20-99)

Sec. 14-144. Reserved.

Sec. 14-145. Reserved.

(Ord. No. 122, 12-20-99)

DIVISION 7.1. IR-1 ISLAND RESIDENTIAL ZONE

Sec. 14-145.1. Purpose.

The purpose of the IR-1 island residential zone is to provide for low intensity residential, recreational, and rural uses in the less developed areas of the islands in order to preserve the rustic character of the islands, to protect groundwater resources and natural and scenic areas, and to permit only appropriate low intensity development in areas lacking adequate public facilities and services.

(Ord. No. 27-85, § 1, 7-15-85)

Sec. 14-145.2. Permitted uses.

The following uses are permitted in the IR-1 island residential zone:

(a) Single-family detached dwellings.

(b) Planned residential unit development with a minimum gross area, as defined in section 14-47 (definitions) of this article, of at least five, (5) acres of contiguous land, consisting of detached dwellings. Minimum yard dimensions (section 14-145.5(c)), street

frontage (section 14-145.5(b)), and lot width (section 14-145.5(e)) shall be reduced up to fifty (50) percent of what would otherwise be required. Minimum lot area (section 14-145.5(a)) shall be reduced up to fifty (50) percent provided there is an equivalent corresponding increase in common or public open space that is usable for passive or active recreational opportunities or that serves as a buffer between buildings or between the development and the surrounding neighborhood.

All area in such a development which is to be owned or used in common shall be governed and maintained as set forth in section 14-498(i)(3), article IV (subdivisions) of this chapter.

The density for a planned residential unit development shall not exceed one (1) dwelling unit per forty thousand (40,000) square feet of net area. Net area shall be determined by subtracting from the gross area of the site the area of street rights-of-way, slopes of fifteen (15) percent or greater, wetland.

Such development shall be subject to review and approval by the Planning Board with respect to the requirements of article V (site plan) and article IV (subdivisions) of this chapter, whether or not such development is a subdivision within the meaning of article IV of this chapter as now enacted or as hereafter amended.

(c) Agriculture.

(d) Boat houses and store houses for fishing equipment.

(e) Parking and storage of equipment related to agriculture or commercial fishing.

(f) Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article, including but not limited to (a) home occupations, (b) temporary private tenting with one (1) tent accessory to a principal residential use provided that adequate water supplies and sanitation facilities are available in connection with the principal residential use, and (c) road side

stands less than two hundred (200) square feet in floor area for the sale of agricultural products produced on the premises and the sale of fish and shellfish caught by the occupant of the dwelling or principal structure.

(g) Handicapped family unit, as defined in section 14-47, for handicapped persons, plus staff.

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

(Ord. No. 27-85, § 1, 7-15-85; Ord. No. 160-89, § 1, 12-11-89; Ord. No. 33-91, § 10, 1-23-91; Ord. No. 33-11/12, 1-18-12)

Sec. 14-145.3. Conditional uses.

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

(a) *Residential:*

1. Accessory dwelling unit within and clearly subordinate to a principal single-family detached dwelling or legal multi-family dwelling, provided that:

a. The accessory unit shall be no more than thirty-five (35) percent of the gross habitable floor area of the building and shall have a minimum floor area of three hundred (300) square feet;

b. Lot area shall be seventy thousand (70,000) square feet, or on Peaks Island be an existing lawfully non-conforming lot as of May 1, 2015;

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

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

single-family appearance of the building. The exterior design of new construction including facade materials, building form, roof pitch and exterior doors shall have a single-family appearance;

e. A lower level dwelling unit shall have a minimum two-thirds of its floor-to-ceiling height above the average adjoining ground level;

f. Except on Peaks Island, the accessory unit or the principal dwelling shall be occupied by the owner of the lot on which the principal building is located, except for bonafide temporary absences. On Peaks Island, neither the accessory unit or the principal dwelling unit shall be used for short-term rentals as defined under Sec. 6-150.1;

g. All sanitary waste shall be disposed of by a public sewer, subsurface sewerage system or other method in compliance with state and local regulations; and

h. Accessory units created on Peaks Island on existing lawfully non-conforming lots as of May 1, 2015:

i. Shall remain under common ownership with the primary unit on the lot;

ii. Shall not be sold as condominium units or otherwise separated from the ownership of the pre-existing unit on the site;

iii. Shall be rented to households earning up to 100% of AMI and be subject to income verification as further outlined in implementing regulations for Division 30;

iv. Shall be rented on an annual basis and may not be used for seasonal rentals; and

v. Shall be built within the principal building or as an attachment in accordance with subsection (d); and

vi. Shall not be rented for more than the rent permitted at 80% of Area Median Income under the Inclusionary Zoning Implementation Guidelines for Developers of Rental Housing or policy; and

vii. Shall be subject to an Affordable Housing Agreement as set forth in the City's Inclusionary Zoning Implementation Guidelines for Developers of Rental Housing for a term of not less than twenty (20) years; and

viii. The occupant of the affordable unit shall be provided with a written description of the occupancy requirements for the unit.

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

1. Schools and other educational facilities including seasonal camps other than campgrounds;

2. Places of assembly, excluding yacht clubs and marinas;

3. Municipal uses, provided that outside storage and parking areas are suitably screened and landscaped to ensure compatibility with the surrounding neighborhood;

Such uses shall be subject to the following standards if the total land area is two (2) acres or more:

a. In the case of expansion of existing such uses onto land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot

reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential area;

b. The proposed use will not cause significant displacement or conversion of residential uses existing as of July 15, 1985, or thereafter; and

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

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

e. In the case of community halls:

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

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

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

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

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

minimum lot size provisions of this section.

(c) Other:

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

2. Nursery schools and kindergarten;

3. Cemeteries;

4. Raising of domesticated animals, excluding pigs and reptiles, with no animals kept on any lot less than three (3) acres or closer than one hundred (100) feet to any street or lot line, except domesticated chickens as regulated in chapter 5, and provided that such use will not create any odor, noise, health or safety hazards, or other nuisance to neighboring properties;

5. Wharves, piers, docks, or landing ramps;

6. Campgrounds, excluding recreational vehicles, licensed by the State of Maine Department of Human Services provided that:

   a. No tent shall be located within seventy-five (75) feet of the perimeter of site;

   b. The land area of the park shall not be less than the equivalent of five thousand (5,000) square feet of land area per tent site exclusive of the roadway network;

   c. Site plan review and approval by the Planning Board shall be required.

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

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

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

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

d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

g. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction,

frequency) and related meteorological data, but shall not be used for any other purpose; and

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

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

(Ord. No. 27-85, § 1, 7-15-85; Ord. No. 160-89, § 2, 12-11-89; Ord. No. 133-96, § 8, 11-18-96; Ord. No. 153-08/09; Ord. No. 29-09/10, 8-3-09 emergency passage; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. 240-09/10, 6-21-10; Ord. No. 9 10/11, 8-2-10; Ord. No. 33-11/12, 1-18-12; Ord. 82-15/16, 10-19-2015; Ord. 141-18/19, 2-4-2019)

Sec. 14-145.4. Prohibited uses.

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

(Ord. No. 27-85, § 1, 7-15-85)

Sec. 14-145.5. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the IR-1 zone shall meet the following minimum requirements:

(a) *Minimum lot size*

1. Residential: Forty thousand (40,000) square feet for lots with public water; sixty thousand (60,000) square feet for lots without public water; except as provided in section 14-433 (lots of record and accessory structure setbacks for existing buildings) and section 14-145.3(a)1 of this article.

2. Schools and other educational facilities: Forty thousand (40,000) square feet.

3. Places of assembly:

Large	30,000 sq. ft.
Medium	15,000 sq. ft.
Small	7,500 sq. ft.

4. Seasonal camps and campgrounds: Ten (10) acres.

5. Animal raising: Three (3) acres.

6. In issuing any permit for new development, the building or planning authority shall require that any lot located in the IR-1 zone shall be at least forty thousand (40,000) square feet in area when the lot is to be serviced by a subsurface wastewater disposal system, except those lots which are located in a subdivision approved by the Planning Board after June 8, 1968, and excluding Peaks Island.

7. Excluding Peaks Island from this subsection h., any property owner whose lot does not meet the minimum lot size requirements outlined in subsection g. of this section may, for purposes of this section only, merge two (2) or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot or lots which will not contain the principal structure. The conservation easement shall contain both an existing legal description and a city assessor's chart, block and lot description. The Planning Authority shall be authorized to accept such conservation easements on behalf of the city. Said easement shall be recorded by the applicant in the registry of deeds. A copy of the recorded easement and copies of the deeds for both lots shall be submitted to the Planning Authority prior to issuance of a building permit. The property over which the conservation easement has been granted shall be used for passive recreational and conservation purposes only, and shall be subject to the following restrictions:

a. No structure shall be permitted on this property.

b. No parking or storage of vehicles or machinery shall be permitted on this property at any time.

c. No area of this property shall be paved.

d. No exterior storage for commercial use shall be permitted on this property.

e. The easement deed shall reference the lot which is benefited by this conservation easement. No conservation easement shall be used to benefit more than one (1) lot.

Conservation easements shall only be granted over lots which conform either to the provisions of section 14-433 or to the minimum lot sizes set forth in (a)1 of this section. Conservation easements shall not be granted over any lot which is encumbered by any other easement which prohibits all construction on that lot. A conservation easement may also name as a holder or grant a third-party right of enforcement to a nonprofit corporation or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property; assuring the availability of real property for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining or enhancing air or water quality of real property.

Nothing in this section shall be construed to allow an owner of a currently existing and developed lot to convey or permit a portion of that lot to be used to fulfill the requirements of this section if such conveyance would render the existing lot nonconforming under the terms of this chapter. The lot upon which a building is to be constructed shall meet the minimum lot size requirements of section 14-433.

8. Where an existing subsurface wastewater disposal

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

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

(b) Minimum street frontage:

One hundred (100) feet, except that a lot of record as described in section 14-433 (lots of record and accessory structure setbacks for existing buildings) and lots created after July 15, 1985, which are not part of a subdivision need not provide street frontage if access is available by means of a permanent easement or right-of-way which existed as of July 15, 1985. Such easement or right-of-way shall have a minimum width of sixteen (16) feet and a minimum travel width of eight (8) feet except that an easement or right-of-way providing access for three (3) or more lots or providing the only means of access to a parcel or parcels of three (3) acres or more, shall conform to the requirements contained within the City of Portland Technical Manual and meet the construction requirements of article III of chapter 25 (street acceptances) of this Code. Such easement or right-of-way shall be sufficient to permit municipal service delivery.

(c) Minimum yard dimensions:

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

1. Front yard: Principal or accessory structures: Thirty (30) feet.

2. Rear yard: Principal or accessory structures with ground coverage greater than one hundred (100) square feet: Thirty (30) feet.

Accessory detached structures with ground

coverage of one hundred and forty-four (144) square feet or less: Ten (10) feet.

3. Side yard: Principal or accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.

   Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: Fifteen (15) feet, except that the minimum distance from a principal structure may be five (5) feet.

4. Side yard on side streets: Principal or accessory structures: Twenty (20) feet.

(d) Maximum lot coverage: Twenty (20) percent of lot area.

(e) *Minimum lot width:* One hundred (100) feet.

(f) Maximum structure height:

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

2. Accessory detached structure: Eighteen (18) feet.

(g) Maximum floor area for places of assembly on a collector or arterial road:

Large	Not limited
Medium	4,500 sq. ft.
Small	2,250 sq. ft.

(h) Maximum floor area for places of assembly not on a collector or arterial road:

Large	4,500 sq. ft.
Medium	2,250 sq. ft.
Small	1,125 sq. ft.

(Ord. No. 27-85, § 1, 7-15-85; Ord. No. 160-89, § 3, 12-11-89; Ord. No. 218-04/05, 5-2-05; Ord. No. 131-08/09, 12-15-08; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 278-09/10, 7-19-10; Ord. No. 165-15/16, 3-7-2016)

Sec. 14-145.6. Other requirements

Other requirements include the following:

(a) Off-street parking shall be required as provided in division 20 (off-street parking) of this article.

(b) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(c) Storage of vehicles: Only one (1) unregistered motor vehicle may be stored outside on the premises and not for a period exceeding thirty (30) days.

(Ord. No. 27-85, § 1, 7-15-85; Ord. No. 15-92, § 12, 6-15-92)

DIVISION 7.2. IR-2 ISLAND RESIDENTIAL ZONE

Sec. 14-145.7. Purpose.

The purpose of the IR-2 island residential zone is to protect the character of existing developed residential neighborhoods on the islands and to allow infill where there are adequate public services available. Expansion or extension of an existing IR-2 zone should be strictly limited, generally focused toward areas adjacent to existing village IR-2 areas, and restricted by such factors as adequacy of access, whether adequate water will be available for private use and for fire protection, and whether soils in the area are adequate for subsurface water disposal or whether public sewers are available. IR-2 rezoning on substantially sized parcels should not be considered for those sites that should be more appropriately zoned I or IR-3.

(Ord. No. 28-85, § l. 7.15-85)

Sec. 14-145.8. Permitted use.

The following uses are permitted in the IR-2 island residential zone:

(a) Single-family detached dwellings.

(b) Planned residential unit development with a minimum gross area, as defined in section 14-47 (definitions) of this article, of at least five (5) acres of contiguous land, consisting of detached dwellings. Minimum yard dimensions (section 14-145.11(c)), street frontage (section

14-145.11(b)), and lot width (section 14-145.11(e)) shall be reduced up to fifty (50) percent of what would otherwise be required. Minimum lot area (section 14-145.11(a)) shall be reduced up to fifty (50) percent, provided there is an equivalent corresponding increase in common or public open space that is usable for passive or active recreational opportunities or that serves as buffer between the buildings or between the development and the surrounding neighborhood.

All area in such a development which is to be owned or used in common shall be governed and maintained as set forth in section 14-498(i)(3), article IV (subdivisions) of this chapter.

The density for a planned residential unit development shall not exceed one (1) dwelling unit per twenty thousand (20,000) square feet of net area. Net area shall be determined by subtracting from the gross area of the site the area of street rights-of-way, slopes of fifteen (15) percent or greater, wetlands.

Such development shall be subject to review and approval by the Planning Board with respect to requirements of article V (site plan) and article IV (subdivisions) of this chapter, whether or not such development is a subdivision within the meaning of article IV of this chapter as now enacted or as hereafter amended.

(c) Boathouses and storehouses for fishing equipment.

(d) Parking and storage of equipment related to commercial fishing.

(e) Accessory uses customarily incidental and subordinate to the location, function and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article including but not limited to (a) home occupations, (b) private temporary tenting with one (1) tent accessory to a principal residential use, provided that adequate water supplies and sanitation facilities are available in connection with the principal residential use, and (c) roadside stands less than two hundred (200) square feet in floor area for the sale of agricultural products produced on the premises, and the sale of fish and shellfish caught by the occupant of the

dwelling or principal structure.

(f) Handicapped family unit, as defined in section 14-47, for handicapped persons plus staffs.

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

(Ord. No. 28-85, § 1, 7-15-85; Ord. No. 161-89, § 1, 12-11-89; Ord. No. 33-91, § 11, 1-23-91; Ord. No. 33-11/12, 1-18-12)

Sec. 14-145.9. Conditional uses.

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

(a) Residential:

1. Accessory dwelling unit within and clearly subordinate to a principal single-family detached dwelling or legal multi-family dwelling provided that:

a. The accessory unit shall be no more than thirty-five (35) percent of the gross floor area of the principal building and shall have a minimum floor area of three hundred (300) square feet;

b. Lot area shall be thirty thousand (30,000) square feet, or on Peaks Island be an existing lawfully non-conforming lot as of May 1, 2015;

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

d. Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the single-family appearance of the building. The exterior design of new construction including facade materials, building form, roof pitch and exterior doors shall have a

single-family appearance;

e. A lower level dwelling unit shall have a minimum two-thirds of its floor-to-ceiling height above the average adjoining ground level;

f. Except on Peaks Island, the accessory unit or the principal dwelling shall be occupied by the owner of the lot on which the principal building is located, except for bona fide temporary absences On Peaks Island, neither the accessory unit nor the principal unit shall be used for short-term rentals as defined under Sec. 6-150.1;

g. All sanitary waste shall be disposed of by a public sewer, subsurface sewerage system or other method in compliance with state and local regulations; and

h. Accessory units created on Peaks Island on existing lawfully non-conforming lots as of May 1, 2015:

i. Shall remain under common ownership with the primary unit on the lot;

ii. Shall not be sold as condominium units or otherwise separated from the ownership of the pre-existing unit on the site;

iii. Shall be rented to households earning up to 100% of AMI and are subject to income verification as further outlined in implementing regulations for Division 30;

iv. Shall be rented on an annual basis and may not be used for seasonal or weekly rentals; and

v. Shall be built within the principal building or as an attachment in accordance with subsection (d) ; and

vi. Shall not be rented for more than the rent permitted at 80% of Area Median

Income under the Inclusionary Zoning Implementation Guidelines for Developers of Rental Housing or policy; and

vii. Shall be subject to an Affordable Housing Agreement as set forth in the City's Inclusionary Zoning Implementation Guidelines for Developers of Rental Housing for a term of not less than twenty (20) years; and

viii. The occupant of the affordable unit shall be provided with a written description of the occupancy requirements for the unit.

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

1. Schools and other educational facilities;

2. Places of assembly, excluding yacht clubs and marinas;

3. Municipal uses, provided that outside storage and parking areas are suitably screened and landscaped to ensure compatibility with the surrounding neighborhood;

Such uses shall be subject to the following standards if the total land area of the use is two (2) acres or more:

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

b. The proposed use will not cause significant displacement or conversion of residential uses existing as of July 15, 1985, or thereafter; and

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

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

e. In the case of community halls:

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

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

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

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

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

(c) Other:

1. Utility substations including sewage and water pumping stations and standpipes, electric power

substations, transformer stations, telephone electronic equipment enclosures, and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;

2. Nursery schools and kindergartens;

3. Cemeteries;

4. Wharves, piers, docks, or landing ramps;

5. Lodging houses, with more than two (2) but not more than nine (9) lodging rooms.

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

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

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

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

d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

e. The applicant shall provide evidence of

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

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

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

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

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

(Ord. No. 28-85, § 1, 7-15-85; Ord. No. 161-89, § 2, 12-11-89; Ord. No. 235-91, § 15, 2-4-91; Ord. No. 133-96, § 9, 11-18-96; Ord. No. 29-09/10, 8-3-09 emergency passage; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 240-09/10, 6-21-10; Ord. No. 9 10/11, 8-2-10; Ord. No. 149-10/11 3-7-11; Ord. No. 33-11/12, 1-18-12; Ord. 82-15/16, 10-19-2015; Ord. 141-18/19, 2-4-2019)

Sec. 14-145.10. Prohibited uses.

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

(Ord. No. 28-85, § 1, 7-15-85)

Sec. 14-145.11. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in an

IR-2 zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. Residential: Twenty thousand (20,000) square feet, except as provided in section 14-433 (lots of record and accessory structure setbacks for existing buildings) and section 14-145.9(a)1 of this article.

2. Schools and other educational facilities: Twenty thousand (20,000) square feet.

3. Places of assembly:

Large	30,000 sq. ft.
Medium	15,000 sq. ft.
Small	7,500 sq. ft.

4. Lodging houses: Thirty thousand (30,000) square feet for three (3) lodging rooms, plus ten thousand (10,000) square feet for each additional lodging room in excess of three (3).

5. In issuing any permit for new development, the building or planning authority shall require that any lot located in an IR-2 zone shall be at least twenty thousand (20,000) square feet in area when the lot is to be serviced by a subsurface wastewater disposal system, except those lots which are located in a subdivision approved by the Planning Board after June 8, 1968, [and excluding Peaks Island].

6. [Excluding Peaks Island from this subsection 7.,] any property owner whose lot does not meet the minimum lot size requirements outlined in subsection f. of this section may, for purposes of this section only, merge two (2) or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot or lots which will not contain the principal structure. The conservation easement shall contain both an existing legal description

and a city assessor's chart, block and lot description. The Planning Authority shall be authorized to accept such conservation easements on behalf of the city. Said easement shall be recorded by the applicant in the registry of deeds. A copy of the recorded easement and copies of the deeds for both lots shall be submitted to the Planning Authority prior to issuance of a building permit. The property over which the conservation easement has been granted shall be used for passive recreational and conservation purposes only, and shall be subject to the following restrictions:

a. No structure shall be permitted on this property.

b. No parking or storage of vehicles or machinery shall be permitted on this property at any time.

c. No area of this property shall be paved.

d. No exterior storage for commercial use shall be permitted on this property.

e. The easement deed shall reference the lot which is benefited by this conservation easement. No conservation easement shall be used to benefit more than one (1) lot.

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

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

forest, recreational or open space use; protecting natural resources; or maintaining or enhancing air or water quality of real property.

Nothing in this section shall be construed to allow an owner of a currently existing and developed lot to convey or permit a portion of that lot to be used to fulfill the requirements of this section if such conveyance would render the existing lot nonconforming under the terms of this chapter. The lot upon which a building is to be constructed shall meet the minimum lot size requirements of section 14-433.

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

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

(b) *Minimum street frontage:*

Seventy (70) feet, except that a lot of record as described in section 14-433 (lots of record and accessory structure setbacks for existing buildings) and lots created after July 15, 1985, which are not part of a subdivision need not provide street frontage if access is available by means of a permanent easement or right-of-way which existed as of July 15, 1985. Such easement or right-of-way shall have a minimum width of sixteen (16) feet and a minimum travel width of eight (8) feet except that an easement or right-of-way providing access for three (3) or more lots or providing the only means of access to a parcel or parcels of three (3) acres or more, shall be a minimum thirty-two (32) feet wide and meet the construction requirements of article III of chapter 25 (street acceptances) of this Code. Such easement or right-of-way shall permit municipal service delivery.

(c) *Minimum yard dimensions:*

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

1. Front yard: Principal or accessory structures: Twenty-five (25) feet except that a front yard need not exceed the average depth of front yards on either side of the lot.

2. Rear yard: Principal or accessory structures with ground coverage greater than one hundred (100) square feet: Twenty-five (25) feet.

   Accessory detached structures with ground coverage of one hundred and forty-four(144) square feet or less: Ten (10) feet.

3. Side yard: Principal or accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.

   Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: fifteen (15) feet, except that the minimum distance from a principal structure may be five (5) feet.

4. Side yard on side streets: Principal or accessory structures: Twenty (20) feet.

5. Not withstanding the foregoing, the width of one side-yard may be reduced to not less than ten feet in the case of a lot of record, existing as of June 5, 1957, and which contained a structure in use at that time and at all times subsequent thereto as a year-round, single-family residence, and which is served by public sewer and water, at the time of any expansion permitted by this section, where the reduction is necessary either to bring the use into compliance with health and safety codes or to improve a condition which the Board of Appeals determines constitutes a health or safety problem. Any alteration or expansion

authorized by this section may only be situated in the rear yard and shall not encroach into the required setback more than the existing building does prior to the construction of such alteration or expansion. Any such alteration or expansion will be subject to the maximum lot coverage requirements applicable to this zone; and, cumulatively, during the lifetime of the structure, may not exceed forty percent (40%) of the combined floor area of the habitable rooms existing at the time of the first expansion permitted by this section. For the purposes of this section "floor area" and "habitable room" shall have the same meaning ascribed to them in Portland Municipal Code, §6-106, et seq., Housing Code, as it may be amended from time to time.

(d) *Maximum lot coverage:* Twenty (20) percent of lot area.

(e) *Minimum lot width:* Eighty (80) feet.

(f) Maximum structure height:

1. Principal or accessory attached structure: Thirty-five (35) feet. For Little Diamond Island only: Twenty (27) feet.

2. Accessory detached structure: Eighteen (18) feet.

(g) Maximum floor area for places of assembly on a collector or arterial road:

Large	Not limited
Medium	4,500 sq. ft.
Small	2,250 sq. ft.

(h) Maximum floor area for places of assembly not on a collector or arterial road:

Large	4,500 sq. ft.
Medium	2,250 sq. ft.
Small	1,125 sq. ft.

(Ord. No. 28-85, § 1, 7-15-85; Ord. No. 161-89, § 3, 12-11-89; Ord. No. 215-02, 4-17-02; Ord. No. 76-03/04, 10-20-03; Ord. No. 131-08/09, 12-15-08; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 165-15/16, 3-7-2016)

Sec. 14-145.12. Other requirements.

Other requirements include the following:

(a) Off-street parking: Off-street parking shall be required as provided in division 20 (off-street parking) of this article.

(b) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(c) Storage of vehicles: Only one (1) unregistered motor vehicle may be stored outside on the premises and not for a period exceeding thirty (30) days.

(Ord. No. 28-85, § 1, 7-15-85; Ord. No. 15-92, § 13, 6-15-92)

DIVISION 7.3. IR-3 ISLAND RESIDENTIAL ZONE

Sec. 14-145.13. Purpose.

The purpose of the IR-3 island residential zone is to allow for a planned unit development in a manner compatible with both the natural and built environment, which provides for adequate circulation and waterfront access, adequate water supply for private use and fire protection, and safe and clean disposal of solid and septic wastes. The following guidelines shall be considered, among others, in establishing an IR-3 zone:

(a) An IR-3 zone should have a minimum land area of twenty (20) acres;

(b) A site for an IR-3 zone should be able to accommodate a higher density of development by providing buffers from surrounding areas on a substantially sized parcel for which natural amenities are capable of being conserved in a development plan for the site;

(c) IR-3 zones should not be established unless issues of municipal services, including infrastructure, education, and police and fire services and other municipal services can be appropriately and adequately addressed;

(d) The differences in scale and intensity of uses between existing development and the IR-3 zone, and the

cumulative impact on the overall density of the island, should be mitigated by appropriate open space and buffer areas; and

(e) The development plan should have the capability of meeting the development review standards of section 14-145.16.

(Ord. No. 29-85, § 1, 7-15-85)

Sec. 14-145.14. Permitted uses.

The following uses are permitted in the IR-3 island residential zone:

(a) Planned unit development, including:

1. Single-family detached dwellings;

2. Single-family attached dwellings provided that new construction shall be limited to no more than six (6) attached dwellings per building;

3. Lodging houses, with more than two (2) but not more than nine (9) lodging rooms;

4. Inns, provided that the total number of rooms does not exceed fifty (50);

5. Restaurants;

6. Retail businesses or services;

7. Campgrounds, excluding recreation vehicles, licensed by the State of Maine Department of Human Services provided that:

a. No tent shall be located within seventy-five (75) feet of the perimeter of the site;

b. The land area of the site shall not be less than the equivalent of five thousand (5,000) square feet of land area per tent site, exclusive of the roadway network;

8. Recreation facilities excluding amusement park;

9. Wharves, docks, piers, landing ramps, boat

houses, store houses for fishing equipment, marinas, and yacht clubs;

10. Municipal uses, provided that outside storage and parking areas are suitably screened and landscaped so as to ensure compatibility with surrounding neighborhood;

11. Private clubs, fraternal organizations;

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

13. Nursery schools, kindergartens, and day care facilities for seven (7) or more children;

14. Schools;

15. Churches or other places of worship;

16. Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article including but not limited to home occupations; and

17. Handicapped family unit, as defined in section 14-47, for handicapped persons plus staff.

Such development shall have a minimum gross area, as defined in section 14-47 (definitions) of this article, of at least twenty (20) acres of contiguous land. No dimensional requirements shall apply with respect to such development except for the following:

a. Density requirements;

b. Height requirements;

c. Minimum front, rear and side yards adjoining any external property boundary;

d. Minimum street frontage except where the Planning Board finds that the development has an adequate street network sufficient to permit access for pedestrians and emergency and service vehicles.

All area in such a development which is to be owned, used in common, or is proposed for open space shall be governed and maintained as set forth in section 14-498(i)(3), article IV (subdivisions) of this chapter.

The maximum density for a planned unit development shall be based on the applicable minimum lot size for each use as measured in terms of net area. Net area shall be determined by subtracting from gross area the area of street rights-of-way, slopes of fifteen (15) percent or greater, wetland, and otherwise undevelopable area, unless such areas, excluding street rights-of-way, are dedicated to public recreational use or public pedestrian access and are usable as such. For purposes of calculating density, if separately described lots exceed the applicable minimum lot size, the excess area shall not be credited toward the minimum lot size for any other use.

Such development shall be subject to review and approval by the Planning Board with respect to the requirements of article V (site plan) and article IV (subdivisions) of this chapter, whether or not such development is a subdivision within the meaning of article IV of this chapter as now enacted or as hereafter amended. A planned unit development shall be approved by the Planning Board if, in addition to the above standards, it also finds that the development meets the following standards:

(i) *Design relationship to site.* The development demonstrates a reasonably

unified response to the design possibilities of the site, by virtue of such elements as the design and layout of buildings and lots, circulation plan, open space, drainage, and orientation to achieve energy conservation or solar access, to form a functionally integrated whole.

(ii) *Design relationship to surrounding neighborhood.* The design and layout of the development and buildings are reasonably compatible with the surrounding neighborhood by virtue of such features as architectural style, exterior finish, scale, circulation, open space, landscaping and preservation of natural site amenities.

(iii) *Open space.* All open spaces on the site are functionally integrated into the development plan by virtue of such features as accessibility to residents, recreation, conserving existing public rights of access to shoreland areas and scenic natural areas, orientation to achieve energy conservation or solar access, preservation of natural site amenities, and use as a buffer between the development and the surrounding neighborhood.

18. Wind energy ystems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 29-85, § 1, 7-15-85; Ord. No. 33-91, § 12, 1-23-91; Ord. No. 33-11/12)

Sec. 14-145.14.1. Conditional uses.

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

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

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

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

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

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

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

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

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

8. A performance guarantee shall be required for the

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

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

(Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 33-11/12, 1-18-12)

Sec. 14-145.15. Prohibited uses.

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

(Ord. No. 29-85, § 1, 7-15-85)

Sec. 14-145.16. Development review.

In addition to other applicable requirements, no development shall occur nor shall any new use be established unless the Planning Board finds that the final development plan for the site is in compliance with the following development standards:

(a) Transportation: The development shall be designed primarily with a pedestrian orientation to minimize the use of and dependency on private motor vehicles. Appropriate areas on the site shall be designated, as necessary, for parking of common service vehicles, golf carts or bicycles to serve the transportation needs of residents and visitors. The internal circulation plan shall also be coordinated with the existing island street network to ensure adequate access for emergency and service vehicles.

A project construction plan shall be developed indicating the anticipated number and types of vehicles such as construction equipment, supply-delivery and service vehicles needed for undertaking the construction of the project. Documentation shall be provided as to the proposed transportation route such as roads, piers, beaches, sand bars and the impact of construction related activities on the routes.

The development shall not have a substantial adverse

impact on the capacity of existing island docking facilities. The developer shall demonstrate that an adequate water transportation system, including docking facilities, exists or will be provided.

(b) *Solid waste:* Adequate provision for off-island solid waste disposal shall be demonstrated such that the impact on municipal solid waste disposal is minimized. A development shall incorporate methods such as the following to reduce the amount of solid waste generated by the project: compaction and reduction in waste volume, recycling, incineration or baler system, and private collection and transfer to an off-island location. It shall be demonstrated that there will be no significant environmental impacts from the solid waste disposal system.

(c) Sanitary waste: All sanitary waste from the development shall be disposed of by a public sewer, private community sewer system providing at least secondary treatment, or subsurface sewerage system, in compliance with federal, state and local regulations. The developer shall demonstrate that the project will comply with all applicable federal, state and local water quality and groundwater standards.

(d) Water: The proposed development shall have sufficient water for the reasonably foreseeable needs of the development and shall not cause an unreasonable burden on existing water supply nor adversely affect groundwater resources. Unless the development is to be served entirely by public water and secondary treatment sewer systems, the determination of compliance with this provision shall be based upon one (1) or more comprehensive groundwater analyses and reports prepared by qualified professionals and including assessment of current groundwater aquifer conditions, the impact of the proposed development on the groundwater aquifer, and recommendations for mitigation of potential impacts caused by the development.

(e) Shoreland areas: The development shall preserve the natural features of the shoreland area by minimizing the disturbance of existing vegetation and slopes, avoiding development in areas subject to erosion and

sedimentation, and conserving scenic views and vistas to and from the site.

(f) Environmentally sensitive areas: The development plan shall preserve significant resources of the site by integrating open space into the development plan and by conserving such features as scenic vistas, historic man-made or natural features, existing vegetation, wetland areas, shoreland areas, ground water, natural wildlife habitat, and recommended or registered State of Maine Critical Land Areas, as well as other environmentally sensitive areas.

(g) Recreation and open space: All open spaces on the site shall be functionally integrated into the development plan by virtue of such features as passive and active recreational opportunities, accessibility to residents, preservation of natural site amenities and resources, orientation to achieve energy conservation or solar access, use as a buffer between housing clusters and to screen the development from surrounding areas.

(h) Financial and technical capability: The applicant shall demonstrate sufficient financial and technical capability for undertaking the proposed project. Financial capability shall include a cost estimate of the proposed improvements, proposed construction and permanent financing, and terms of sale or lease of dwellings and commercial space. Technical capacity shall include the experience and expertise of the developer in implementing projects of similar scope.

(i) Environmental impact analysis: The applicant shall develop an environmental impact analysis including an inventory of existing environmental conditions at the project site and in the surrounding area with an assessment of the development's probable impact upon the environment. The inventory shall include such resources as air, water quality, water supply, surface water and shoreline, geology, soils, topography, wildlife, botanical and aquatic, including rare and endangered species, historic, archeological and aesthetic. The analysis shall include the direct and cumulative adverse impacts of the project on these resources. The analysis shall also include what steps

the applicant proposes to take to identify and minimize adverse environmental impacts during construction, management and use of the property and whether there are alternatives for the project which would decrease the impact of the development.

(j) Development phasing: If the project is to be completed in phases, the applicant shall indicate the schedule for completing and implementing infrastructure improvements as well as other improvements, agreements or services required for compliance with the development standards of this section, planned unit development standards, and site plan and subdivision review requirements.

(k) Emergency services: The development shall not place an unreasonable burden on the ability of the city to provide police, fire and other emergency services.

(Ord. No. 29-85, § 1, 7-15-85)

Sec. 14-145.17. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the IR-3 zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. Residential: Forty-two thousand five hundred (42,500) square feet per dwelling unit, except that the minimum lot size per dwelling unit shall be reduced by the amounts specified below, to a minimum lot size of thirty-five thousand (35,000) square feet per dwelling unit, provided that the Planning Board finds that the development meets the following criteria:

a. The minimum lot size per dwelling unit shall be reduced by five thousand (5,000) square feet if a public off-island water source provides seventy-five (75) percent of the water needs of the development.

b. The minimum lot size per dwelling unit shall be reduced by two thousand five hundred (2,500) square feet if the development provides appropriate permanent restrictions

or other agreements precluding the use, maintenance and parking of all private motor vehicles exclusive of construction and common service vehicles.

2. Inn: Ten thousand (10,000) square feet for each lodging room.

3. Restaurant: Thirty-five thousand (35,000) square feet.

4. Campground: Five thousand (5,000) square feet per campsite, but not less than ten (10) acres.

5. Private clubs, fraternal organizations, or seasonal camp: Thirty-five thousand (35,000) square feet.

6. Lodging houses: Thirty thousand (30,000) square feet for three (3) lodging rooms, plus ten thousand (10,000) square feet for each additional lodging room in excess of three (3).

7. Other uses: Thirty-five thousand (35,000) square feet.

8. In issuing any permit for new development, the building or planning authority shall require that any lot located in an IR-3 zone shall be at least twenty thousand (20,000) square feet in area when the lot is to be serviced by a subsurface wastewater disposal system, except those lots which are located in a subdivision approved by the Planning Board after June 8, 1968, [and excluding Peaks Island].

9. [Excluding Peaks Island from this subsection i.,] any property owner whose lot does not meet the minimum lot size requirements outlined in subsection h. of this section may, for purposes of this section only, merge two (2) or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot or lots which will not contain the

principal structure. The conservation easement shall contain both an existing legal description and a city assessor's chart, block and lot description. The Planning Authority shall be authorized to accept such conservation easements on behalf of the city. Said easement shall be recorded by the applicant in the registry of deeds. A copy of the recorded easement and copies of the deeds for both lots shall be submitted to the Planning Authority prior to issuance of a building permit. The property over which the conservation easement has been granted shall be used for passive recreational and conservation purposes only, and shall be subject to the following restrictions:

a. No structure shall be permitted on this property.

b. No parking or storage of vehicles or machinery shall be permitted on this property at any time.

c. No area of this property shall be paved.

d. No exterior storage for commercial use shall be permitted on this property.

e. The easement deed shall reference the lot which is benefited by this conservation easement. No conservation easement shall be used to benefit more than one (1) lot.

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

A conservation easement may also name as a holder or grant a third-party right of enforcement to a nonprofit corporation or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic or open space

values of real property; assuring the availability of real property for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining or enhancing air or water quality of real property.

Nothing in this section shall be construed to allow an owner of a currently existing and developed lot to convey or permit a portion of that lot to be used to fulfill the requirements of this section if such conveyance would render the existing lot nonconforming under the terms of this chapter. The lot upon which a building is to be constructed shall meet the minimum lot size requirements of section 14-433.

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

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

    The minimum lot size for buildings containing both residential and nonresidential uses shall be cumulative. Where there are two (2) or more residential uses contained in a building, the minimum lot size shall be the larger of the applicable minimum lot sizes.

(b) *Minimum street frontage:* Seventy (70) feet.

(c) *Minimum yard dimensions:*

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

1. Front yard: Principal or accessory structures: Twenty-five (25) feet.

2. Rear yard: Principal or accessory structures with ground coverage greater than one hundred (100) square feet: Twenty-five (25) feet.

   Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: Ten (10) feet.

3. Sideyard: Principal or accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.

   Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: Fifteen (15) feet.

4. Side yard on side street: Principal or accessory structures: Twenty (20) feet.

(d) *Maximum lot coverage:* Twenty (20) percent of lot area.

(e) *Minimum lot width:* Eighty (80) feet.

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

Accessory detached structure: Eighteen (18) feet.

(Ord. No. 29-85, § 1, 7-15-85; Ord. No. 162-89, 12-11-89; Ord. No. 131-08/09, 12-15-08; Ord. No. 165-15/16, 3-7-2016)

Sec. 14-145.18. Other requirements.

[Other requirements include the following:]

(a) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

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

(Ord. No. 29-85, § 1, 7-15-85; Ord. No. 15-92, § 14, 6-15-92; Ord. No. 240-09/10, 6-21-10)

Sec. 14-145.19. Reserved.

DIVISION 7.5. ISLAND TRANSFER STATION OVERLAY ZONE

Sec. 14-145.20. Purpose.

The purpose of the Island Transfer Station Overlay Zone is to establish an appropriate location for a transfer station for municipal solid waste and municipal public works activities. This zone shall be established through a conditional rezoning process in order to ensure the imposition of appropriate conditions for the protection of neighboring properties.
(Ord. No. 50-98, 7-20-98)

Sec. 14-145.21.1 Permitted uses.

The following uses shall be permitted in the Island Transfer Overlay Zone:

(a) Municipal solid waste facilities, including compactors and storage bins, provided that the compactor shall be located within a fully enclosed structure.

(b) Recycling facilities, provided that all recycling areas shall be buffered and screened from neighboring properties.

(c) Municipal garages, material storage, and parking for vehicles.

(d) Maintenance of municipal vehicles and equipment.

(e) Wind energy systems, as defined and allowed in Article X, Alternative Energy.
(Ord. No. 50-98, 7-20-98; Ord. No. 33-11/12, 1-18-12)

Sec. 14-145.21.2. Conditional uses.

The following use is permitted only upon the issuance of a conditional use permit, subject to the provisions of section n14-474 (conditional uses) of this article and any special provisions, standards or requiremetns specified below:

(a) Temporary wind anemometer towers, as defined in sec. 14-47, are permitted provided the following standards are met in addition to sec. 14-430.

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

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

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

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

5. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to corporation counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and

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

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

8. A performance guarantee shall be required for the cost of removal of the tower, guy wires and

anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, of the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

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

(Ord. No. 33-11/12, 1-18-12)

Sec. 14-145.22. Conditional rezoning.

Requirements for setbacks and any operational limitations shall be established as part of the conditional rezoning process.

(Ord. No. 50-98, 7-20-98)

DIVISION 8. R-P RESIDENCE-PROFESSIONAL ZONE*

***Editor's note--**Ord. No. 291-88, adopted Apr. 4, 1988, with an effective date of July 1, 1988, repealed §§ 14-146--14-151 of Div. 8, R-P Residence-Professional Zone, of this article and enacted similar new provisions in lieu thereof as set out in §§ 14-146--14-151. Formerly, such sections derived from §§ 602.7A, 602.7A.A and 602.7A.B of the city's 1968 Code and from Ord. No. 49-73, adopted Jan. 3, 1973; Ord. No. 499-74, § 3, adopted Aug. 19, 1974; and Ord. No. 312-85, §§ 1--3, adopted Dec. 2, 1985.

Sec. 14-146. Purposes.

The purposes of the R-P residence-professional zone are:

(a) To provide appropriate location for the development and operation of low-intensity business uses, including professional offices on or near major arterials, that are compatible in scale, density and use with surrounding and adjacent residential neighborhoods; or

(b) To serve as a transition or buffer zone between residential and more intensive nonresidential zones.

(Ord. No. 291-88, 4-4-88)

Sec. 14-147. Permitted uses.

The following uses are permitted in the R-P district:

(a) Residential: Any residential use is permitted in the residential zone abutting the lot. If there is no abutting residential zone, the nearest residential zone to the lot. In the case of two (2) or more abutting residential zones, the most restrictive such zone.

(b) *Business:*

1. Professional offices, including the offices and facilities of health care and related laboratory and pharmacy services and health care administration, but excluding personal services, retail establishments and veterinarians.

2. Business services, as defined in section 14-47, except copy services.

3. Adult day care services.

4. Mortuaries or funeral homes.

(c) Other:

1. Utility substations, as defined in section 14-47, subject to the requirements of article V (site plan), sections 14-522 and 14-523 notwithstanding.

2. Accessory uses as provided in section 14-404.

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

(Ord. No. 291-88, 4-4-88: Ord. No. 149-05/06, 2-18-06; Ord. No. 166-08/09, 3-3-09; Ord. No. 10 10/11, 8-2-10; Ord. No. 33-11/12, 1-18-12)

Sec. 14-147.5. Conditional uses.

The following uses are permitted as provided in section 14-474 (conditional uses) if they meet the following requirements:

(a) Such other offices which have characteristics similar to but no more objectionable than those generally associated with professional offices. In determining appropriateness, the zoning board shall consider the quality of building design and materials, signage, and

landscaping, and their general compatibility with the surrounding residential development. Such uses shall also be shown to have vehicular patterns, including parking and storage of motor vehicles, similar to those associated with professional offices. Noise levels and hours of operation shall also be considered. An approval granted under this section shall be issued to a specific user and shall not run with the land to subsequent users. A new conditional use approval shall be required when the user changes. A new conditional use approval may be issued by the zoning authority if it determines that the new user will maintain the same use as the original user and that such use will not have substantially different external effects, including, but not limited to, parking, vehicular traffic on and off the site, noise levels, hours of operation, and visual characteristics such as signage or changes to building design.

(b) With the exception of daycare facilities below, any conditional use that is allowed as a conditional use in any residential zone abutting the lot. If there is no abutting residential zone, any conditional use that is allowed as a conditional use in the nearest residential zone to the lot. Any such conditional use shall be subject to all conditions required in the residential zone.

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

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

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

3. Towers shall be set back from habitable buildings

by a distance equal to 1.1 times the tower height; and

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

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

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

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

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

(d) Daycare facilities or home babysitting services not otherwise permitted as a home occupation under section 14-410, and nursery schools and kindergartens for up to twelve (12) children shall be allowed as a conditional use:

1. Proof of licensing with the Maine Department of

Human Services is submitted to the city prior to issuance of a certificate of occupancy.

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

3. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

(e) Daycare facilities, home babysitting services, nursery schools and kindergartens that serve more than 12 children shall meet the following additional standards:

1. Proof of licensing with the Maine Department of Human Services is submitted to the city prior to issuance of a certificate of occupancy.

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

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

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

5. A ten-foot (10’) wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the city’s Technical Standards and Guidelines.

6. The minimum lot size for a daycare facility, home babysitting service, nursery school or kindergarten serving more than twelve (12) children shall be six thousand (6,000) square feet.

7. Off-street parking: Off-street parking is required as provided in division 20 (off-street

parking) of this article.

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

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

(Ord. No. 201-92, § 1, 1-6-92; Ord. No. 133-96, § 10, 11-18-96; Ord. No. 29-09/10, 8-3-09 emergency passage; Ord. No. 312-08/09, 7-20-09; Ord. No. 33-11/12, 1-18-12)

Sec. 14-148. Prohibited uses.

Uses not enumerated in section 14-147 as permitted uses or in section 14-147.5 as conditional uses are prohibited.

(Ord. No. 291-88, 4-4-88; Ord. No. 201-92, § 2, 1-6-92)

Sec. 14-149. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, the following requirements shall apply. Residential uses permitted under section 14-147(a) shall meet the requirements of such abutting or nearest residential zone. Nonresidential uses in the R-P zone shall meet the following minimum requirements:

(a) *Minimum lot size:* Six thousand (6,000) square feet.

(b) *Minimum street frontage:* Sixty (60) feet.

(c) *Minimum yard dimensions:*

1. *Front yard:*

a. Principal or accessory structures: Twenty (20) feet, except that:

i. The front yard need not exceed the average depth of immediately abutting front yards; and

ii. The front yard of a lot existing as of April 4, 1988, which lot is less than one

hundred (100) feet deep, need not be deeper than ten (10) percent of the depth of the lot.

2. *Rear yard:*

a. Principal structures: Twenty (20) feet.

b. Accessory structures (detached): Seven (7) feet.

3. *Side yard:*

a. Principal structures:

Number of Stories	Required Side Yard
1 story	10 feet
2 stories	12 feet
3 or more stories	14 feet

The width of one (1) side yard may be reduced one (1) foot for each foot that the other side yard is correspondingly increased, provided, however, no side yard shall be reduced to less than seven (7) feet in width.

b. Accessory structures (detached): Seven (7) feet.

c. Side yards on side streets (corner lot): For both principal or accessory structures:

i. One (1) or two (2) stories: Fifteen (15) feet; and

ii. Three (3) or more stories: Eighteen (18) feet.

(d) Minimum lot width: Sixty (60) feet.

(e) Maximum structure height: Forty-five (45) feet. Where the lot abuts an R-6 residential zone, the maximum permitted height shall be the maximum permitted height

of the R-6 zone. If there is a difference in height between abutting R-6 zones, the least restrictive height limitation shall apply.

(f) Maximum impervious surface ratio: The maximum impervious surface ratio is established according to the abutting residential zone. If there is no abutting residential zone to the lot in question, the nearest residential zone to the lot. In the case of two (2) or more abutting residential zones, the least restrictive such zone. The ratios are as follows:

Residential Zone	Maximum Impervious Surface Ratio
R-1/R-2	0.60
R-3	0.70
R-4/R-5/R-5A/R-6	0.80

(g) Floor area ratio (F.A.R.): The maximum floor area ratio is established according to the abutting residential zone. If there is no abutting residential zone to the lot in question, the nearest residential zone to the lot. In the case of two (2) or more abutting residential zones, the least restrictive such zone. The ratios are as follows:

Residential	Floor Area Ratio
R-1/R-2	0.45
R-3	0.55
R-4/R-5/R-5A/R-6	0.65

(Ord. No., 291-88, 4-4-88; Ord. No. 149-05/06, 1-18-06)

Sec. 14-150. Other requirements.

All nonresidential uses in the R-P zone shall meet the requirements of division 25 (space and bulk regulations and exceptions) of this article in addition to the following requirements:

(a) Landscaping and screening: The site shall be suitably

landscaped for parking, surrounding uses and accessory site elements, including storage and solid waste receptacles where required by article IV (subdivisions) and article V (site plan).

(b) Curbs and sidewalks: Curbs and sidewalks as specified in article VI of chapter 25.

(c) Off-street parking and loading: Off-street parking and loading are as required by division 20 and division 21 of this article.

(d) Front yard parking: There shall be no parking in the front yard between the street line and the required minimum setback line. A maximum of ten (10) percent of the total parking provided on the site may be located between the principal structure and the front yard, provided that for a lot of three (3) acres or more this limitation does not apply.

(e) Signs: Signs shall be subject to the provisions of division 22 of this article.

(f) Exterior storage: There shall be no exterior storage with the exception of receptacles for solid waste disposal. Such receptacles shall be shown on the approved site plan.

(g) Storage of vehicles: Storage of vehicles is subject to the provisions of section 14-335.

(h) Shoreland and flood plain management regulations: If the lot is located in a shoreland zone or in a flood hazard zone, the requirements of division 26 and/or division 26.5 apply.

(Ord. No. 291-88, 4-4-88; Ord. No. 149-05/06, 1-18-06)

Sec. 14-151. External effects.

Every use in a R-P zone shall be subject to the following requirements:

(a) Enclosed structure: The use shall be operated within a completely enclosed structure, except for those customarily operated in the open air.

(b) Noise: The volume of sound, measured by a sound level

meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed fifty-five (55) decibels on the A scale, on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.

(c) Vibration and heat: Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.

(d) Glare, radiation or fumes: Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.

(e) Smoke: Smoke shall not be emitted at a density in excess of twenty (20) percent opacity level, as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.

(f) Materials or wastes: No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by natural causes or forces. All material which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in closed containers. Areas attracting large numbers of birds, rodents or insects are prohibited.

(g) The hours of operation of funeral homes (including processions) may be restricted and/or traffic management measures may be required, in order to avoid impacts to the public street system, if so recommended by the city traffic engineer or comparable professional.

(Ord. No. 291-88, 4-4-88; Ord. No. 166-08/09, 3-3-09)

DIVISION 8.1 USM, UNIVERSITY OF SOUTHERN MAINE OVERLAY ZONE

Sec. 14-152. Purpose.

The intention of this division is to establish an overlay zone in which an existing university campus can be continued and reasonably expanded within defined boundaries, in addition to those uses permitted in the underlying zone or zones. The purpose of this division is to recognize the unique qualities of

a university campus while at the same time protecting the value and integrity of established neighborhoods.
(Ord. No. 171-05/06, 3-20-06)

Sec. 14-152.1. Location and applicability of University of Southern Maine overlay zone.

The University of Southern Maine overlay district, as shown on the zoning map is intended to encompass and define the University of Southern Maine campus westerly of Forest Avenue. Properties in the University of Southern Maine overlay zone shall continue to be governed by the regulations applicable to the underlying zoning districts except as specifically modified by this division.
(Ord. No. 171-05/06, 3-20-06)

Sec. 14-152.2. Permitted uses.

In addition to the permitted uses allowed in the underlying zoning districts and notwithstanding anything to the contrary in the use regulations for the underlying zoning districts, the following uses are permitted uses in the University of Southern Maine overlay zone.

University uses including, but not limited to, the following:

1. Classrooms;

2. Laboratory facilities;

3. Research facilities;

4. Student unions;

5. Dining halls;

6. Bookstores;

7. Auditoriums;

8. Concert halls;

9. Lecture halls;

10. Gymnasiums;

11. Libraries;

12. Outdoor use areas, such as “quads”, greens, parks,

gardens, art installations, and other active and passive noncommercial recreation spaces;

13. Faculty housing;

14. Student housing;

15. Parking lots;

16. Parking garages;

17. Community meeting spaces;

18. Administrative offices;

19. Faculty offices;

20. Transportation facilities;

21. Maintenance facilities;

22. Utility buildings;

23. Student health services;

24. Daycare facilities, nursery schools and kindergartens operated in conjunction with university programs or serving students, faculty or employees of the university and their families, with associated outside play areas;

25. Other buildings, structures and uses customarily incidental to a university.

Except that, on lots fronting on Chamberlain Avenue and Exeter Street, university uses shall be limited to faculty housing, graduate student housing, faculty offices and administrative offices, and buildings containing such uses shall be designed and maintained so as to complement the residential character of the street as required in §14-152.7.

No change of use permit under section 14-463 shall be required for any of the above uses in actual existence as of the date of enactment of the University of Southern Maine overlay zone.
(Ord. NO. 171-05/06, 3-20-06)

Sec. 14-152.2.1. Conditional uses.

The following uses are permitted as provided in section 14-474 (conditional uses) if they meet the following requirements:

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

(Ord. No. 33-11/12, 1-18-12)

Sec. 14-152.3 Dimensional requirements.

University buildings and structures shall be subject to the applicable dimensional requirements of the underlying zoning districts, except as follows:

(a) Minimum yard dimensions shall be the same as in the underlying zone, except as shown on the university campus overlay setback map, incorporated herein by reference. Side and rear yards shall not be required between buildings on contiguous lots owned by the university on the condition that such contiguous lots shall be considered merged and shall not be separately conveyed unless required yard dimensions in the underlying zones are provided.

(b) Maximum building height shall be the same as in the underlying zone, except as shown on the university campus overlay height map, incorporated herein by reference, depicting the following height zones:

1. Height zone A, maximum building height 45 feet.

2. Height zone B, maximum building height 75 feet.

3. Height zone C, maximum building height 85 feet.

(c) Minimum building height. All new freestanding buildings in height zone B and height zone C must be built to a height of at least 35 feet or designed and constructed so that they can be expanded to 35 feet or higher. As used in this paragraph, the term “new freestanding building” means any building which is not an addition to or expansion of a building which existed on the date of enactment of the University of Southern Maine overlay zone.

(d) Maximum impervious surface ratio shall be 66% of the total land area within the University o Southern Maine

overlay zone exclusive of public streets.

(e) Maximum coverage by buildings shall be 40% of the total land area within the University of Southern Maine overlay zone exclusive of public streets.

(Ord. No. 171-05/06, 3-20-06)

Sec. 14-152.4. Parking.

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

(Ord. No. 171-05/06, 3-20-06; Ord. No. 240-09/10, 6-21-10)

Sec. 14-152.5. Loading.

The requirements of section 14-351 shall not apply to university buildings. Instead, the amount of loading area required for any university building shall be determined by the planning board during site plan review, based on a campus-wide analysis, treating all contiguous lots owned by the university as one lot. In determining the amount of loading space required for any university building, the planning board may take into account such factors as:

(a) The use of centrally located on-campus loading facilities so situated that vehicles making deliveries can load and unload in the central facilities, provided no single location is overburdened with loading facilities.

(b) Shared use of a single loading facility by two or more buildings.

(c) Impacts of the loading area on adjacent uses outside the University of Southern Maine overlay zone.

(Ord. No. 171-05/06, 3-20-06)

Sec. 14-152.6. Signage.

Signs comply with the requirements of Division 22, except as those regulations are modified or augmented below:

(a) Signs shall be designed in accordance with signage standards promulgated by the university, providing for a unified, apparent and ADA-compliant campus-wide system for identification, orientation and regulatory signage.

(b) Banners are allowed as follows:

1. Generic banners containing the logo and colors of the university, used for decorative purposes.

2. Banners used for advertising university events, which can be displayed for a maximum of four weeks prior to and one week following the event.

(Ord. No. 171-05/06, 3-20-06

Sec. 14-152.7. University overlay zone design principles and standards.

All minor and major development in the University of Southern Maine overlay zone conform to the requirements of chapter 14, article V (site plan review) and the requirements contained within the planning and development design manual, which is incorporated therein by reference.
(Ord. No. 171-05/06, 3-20-06)

Sec. 14-152.8. Campus housing.

For any development requiring level III site plan review, the university shall submit to the planning board a campus housing analysis. The analysis shall include a description of housing demand and supply at the time of the application, a projection of housing demand expected to arise from the proposed development and/or as a result of program changes anticipated to occur concurrently with the proposed development, and a description of how the university intends to meet any increased housing demand through on-campus housing, off-campus housing developed by the university, and/or off-campus housing developed by others.
(Ord. No. 171-05/06, 3-20-06; Ord. No. 278-09/10, 7-19-10)

Sec. 14-152.9. Required review for change of use, additions and renovations.

In the case of properties fronting Chamberlain Avenue, Exeter Street and the northerly side of Bedford Street from Surrender Street to Deering Avenue, level II site plan review shall be required of: (1) all changes of use; and (2) all building additions and renovations affecting an area equivalent to 25% or more of the existing floor area of a structure, unless level III site plan review is otherwise required under chapter 14, article V.
(Ord. NO. 171-05/06, 3-20-06)

DIVISION 8.5. R-OS RECREATION AND OPEN SPACE ZONE

Sec. 14-153. Purpose.

(a) The purpose of this division is:

1. To preserve and protect open space as a limited and valuable resource;

2. 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;

3. To coordinate with and carry out federal, state, regional, and city recreation and open space plans;

4. To provide a suitable location for large-scale regional sports and athletic facilities; and

5. To develop a open space system throughout the downtown, which provides the highest quality parks, plazas, and pedestrian environment.

(b) The recreation open space zone may include parcels of public property, and private property legally restricted from intensive use or development through deed, covenant, or otherwise.

(Ord. No. 232-81, § 602.7B.1, 11-16-81; Ord. No. 187-01/02, § 2, 4-17-02; Ord. No. 221-13/14, 6-2-14)

Sec. 14-154. Permitted uses.

The following uses are permitted uses within the recreation and open space zone, subject to the development standards contained herein:

(a) Municipal parks, public open spaces, picnic areas, playgrounds and play lots;

(b) Cemeteries;

(c) Arboretums;

(d) Golf courses, excluding miniature golf;

(e) Boat landings, beaches, and marinas for public uses;

(f) Outdoor ballfields and public athletic fields;

(g) Swimming pools and tennis courts;

(h) Picnic groves and areas;

(i) Natural parks and scenic overlooks;

(j) Hiking, walking, bicycling or cross-country ski trails;

(k) Community gardens for cultivation by and for city residents;

(l) Sewage pumping stations and sewage treatment facilities;

(m) Sports complexes;

(n) Accessory uses, including structures or buildings of less than two thousand five hundred (2,500) square feet of floor area;

(o) Wind energy systems, as defined and allowed in Article X, Alternative Energy;

(p) Street vendors licensed pursuant to Chapter 19; and

(q) Events, activities, and uses licensed by the city, including but not limited to markets, festivals, café seating, concerts, and other gatherings.

(Ord. No. 232-81, § 602.7B.2, 11-16-81; Ord. No. 60-91, § 1, 8-5-91; Ord. No. 187-01/02, § 3, 4-17-02; Ord. No. 33-11/12, 1-18-12; Ord.No. 10-12/13, 7-16-12; Ord. No. 221-13/14, 6-2-14; Ord. 322-15/16, 7-6-2016)

Sec. 14-155. Conditional uses.

The following uses are conditional uses in the recreation and open space zone, subject to approval by the board of appeals.

(a) Accessory uses with structures or buildings of two thousand five hundred (2,500) square feet or more of floor area;

(b) Other recreational facilities and uses that are open to the public;

(c) Water pumping stations.

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

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

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

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

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

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

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

7. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics

(speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and

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

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

(Ord. No. 232-81, § 602.7B.3, 11-16-81; Ord. No. 67-89, § 1, 8-7-89; Ord. No. 60-91, § 2, 8-5-91; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 33-11/12, 1-18-12)

Sec. 14-156. Standards for conditional uses.

In addition to the criteria listed in section 14-474(c), the board of appeals shall consider the following criteria when reviewing conditional uses specified in section 14-155(a), (b) and (c):

(a) The use shall be in conformity with or satisfy a deficiency identified in a federal, state, regional, or city recreation and open space plan, including but not limited to the state comprehensive outdoor recreation plan, as such plans may from time to time be created or revised.

(b) Buildings and structures shall not obstruct significant scenic views presently enjoyed by nearby residents, passersby, or users of the site.

(c) Indoor recreation or nonrecreational uses shall serve a significant public purpose that cannot reasonably be accommodated outside of the recreation and open space zone.

(Ord. No. 232-81, § 602.7B.4, 11-16-81; Ord. No. 29-09/10, 8-3-09, emergency passage)

Sec. 14-157. Space and bulk requirements.

No building or structure of a permanent nature shall be erected, altered, enlarged, rebuilt, or used unless it meets the

following requirements, except that public open spaces that are less than 2 acres and are on the peninsula are not required to meet the following space and bulk requirements:

(a) *Minimum front yard:*

1. Principal buildings or structures: Twenty-five (25) feet.

2. Accessory buildings or structures: Twenty-five (25) feet.

(b) *Minimum rear yard:*

1. Principal buildings or structures: Twenty-five (25) feet.

2. Accessory buildings or structures: Twenty-five (25) feet.

(c) Minimum side yard:

1. Principal buildings or structures: Twelve (12) feet.

2. Accessory buildings or structures: Twelve (12) feet.

(e) Maximum building height: Thirty-five (35) feet, unless more than one thousand (1,000) feet from a shoreland zone. The maximum building height for buildings located more than one thousand (1,000) feet from a shoreland zone shall be forty-five (45) feet.

(f) Maximum coverage of lot by buildings, structures and other impervious site improvements such as paved sidewalks, drives and parking lots:

1. Sewage treatment facilities: No limit on maximum coverage.

2. Sports complexes: Seventy-five (75) percent of lot area.

3. All other uses: Twenty-five (25) percent of lot area.

(g) Maximum floor area ratio: Five-tenths (0.5).

(Ord. No. 232-81, § 602.7B.5, 11-16-81; Ord. No. 67-89, § 2, 8-7-89; Ord. No. 205-93, 2-2-93; Ord. No. 187-01/02, § 4, 4-17-02; Ord. No. 221-13/14, 6-2-14)

Sec. 14-158. Development standards for recreation and open space zone.

All development in the recreation and open space zone shall comply with the following development standards, and shall be reviewed under the site plan ordinance, as applicable:

(a) All ground areas not used for parking, loading, vehicular or pedestrian areas and not left in their natural state shall be suitably landscaped and designed with quality materials that are consistent with adopted city policy or master plans, and which provide a comfortable, durable, accessible, readily maintainable, and aesthetically pleasing environment.

(b) Natural features, such as mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.

(c) Loading areas shall be screened and parking areas shall be screened and landscaped so as to avoid a large continuous expanse of paved area.

(d) Buildings and structures shall be sited to avoid obstructing significant scenic views presently enjoyed by nearby residents, passersby, and users of the site.

(e) Storage of commodities and equipment shall be completely enclosed within buildings or provided with screening by a fence, wall, or landscaping.

(f) The outer perimeter of playfields, play lots, and other active recreational areas shall be screened, or shall be located a reasonable distance from any residential use.

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

(Ord. No. 232-81, § 602.7B.6, 11-16-81; Ord. No. 240-09/10, 6-21-10; Ord. No. 221-13/14, 6-2-14)

Sec. 14-159. Shoreland and flood plain management regulations.

Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.
(Ord. No. 232-81, § 602.7B.7, 11-16-81; Ord. No. 15-92, § 15, 6-15-92)

Sec. 14-160. Reserved.

DIVISION 9. B-1 AND B-1b NEIGHBORHOOD BUSINESS ZONES*

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*Editor's note--Ord. No. 292-88, adopted Apr. 4, 1988, with an effective date of July 1, 1988, repealed §§ 14-161--14-167 of Div. 9, B-1 Business Zone, of this article and enacted in lieu thereof similar new provisions as set out in §§ 14-161--14-167. Formerly, such sections derived from §§ 602.8.A--602.8.G of the city's 1968 Code and from Ord. No. 74-72, adopted Mar. 6, 1972, and Ord. No. 499-74, § 4, adopted Aug. 19, 1974.

Sec. 14-161. Purpose.

(a) B-1 Neighborhood Business Zone

The purpose of the B-1 neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market. As a result, uses shall be complimentary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment. Uses shall be designed for the pedestrian scale and will provide convenient access for nearby residents and workers to walk in to purchase goods and services. Buildings and uses shall be designed with attractive storefronts or similar features, with windows and doors convenient to a public sidewalk. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3). This zone shall encourage mixed use buildings such as commercial first floor with residential uses above or combined retail/office uses in a multistory structure. The zone also provides the opportunity for mixed use and high residential density in on-peninsula locations.

Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.

(b) B-1b Neighborhood Business Zone

The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of small-scale ground floor commercial uses to serve a local market, while supporting mixed-use buildings with residential uses above ground floor commercial space and on the ground floor where the principal street frontage is maintained for active commercial uses. The zone also provides the opportunity for mixed use and high residential density in on-peninsula locations. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3).

Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses.
(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 1, 11-15-93; Ord. No. 94-99, 11-15-99; Ord. No. 281-10/11, 7-18-11; Ord. 90-14/15, 11/17/2014; Ord. No. 170-17/18, 3-5-2018)

Sec. 14-162. Permitted uses.

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below:

1. *Residential*

    a. Any residential use permitted in the residential zone abutting the lot is permitted. If there is no abutting residential zone, any residential use permitted in the nearest residential zone to the lot is permitted. In the case of two (2) or more abutting residential zones, any residential use permitted in the most restrictive such zone is permitted.

    b. In any structure with commercial use on the first floor, multifamily dwellings are permitted:

        i. Above the first floor; and

        ii. On the first floor where a minimum building depth of 25 feet along the principal street frontage is maintained for commercial uses.

c. Combined living/working spaces including, but not limited to, artist residences with studio space are permitted on the first floor and within the commercial space along the principal street frontage.

2. Business: Business uses listed below are permitted, provided that such use which generates in excess of a ratio of 100 peak hour vehicle trips per 2000 sq.ft. of space, and generates in excess of 100 peak hour vehicle trips is prohibited. As set forth in the City of Portland Technical Manual, section I, the city traffic engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 peak hour vehicle trips.

a. Professional, business, and general offices , but excluding veterinarians.

b. Business services, as defined in section 14-47, but excluding beverage container redemption centers.

c. Personal services, as defined in section 14-47.

d. Offices of building tradesmen, provided there is no exterior storage of building materials.

e. Retail establishments, provided such do not include drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m.

f. Beverage dealers (as defined in 32 M.R.S.A. 1862) provided they meet the following requirements:

i. Maximum total floor area for beverage container redemptions, including the storage of spent beverage containers, shall be no greater than five hundred (500) sq. ft. or ten (10) percent of the total floor area of the facility, whichever is less;

ii. Beverage container redemption is an

accessory use to a principal retail use that includes beverage sales. Local beverage container redemption centers as defined in 32 M.R.S.A. 1867, as may be amended, are not allowed as a principal use.

iii. Storage of all beverage containers shall be contained entirely within the building providing retail sales.

g. Studios for artists, photographers and craftspeople including, but not limited to painters, sculptors, dancers, graphic artists and musicians.

h. Restaurants are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone provided they meet the following additional requirements in addition to the vehicle trips standards of in Sec. 14-162.a.2:

a. As set forth in the City of Portland Technical Manual, section I, the city traffic engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 peak hour vehicle trips.

b. Maximum total floor area for use of the public shall be two thousand (2,000) square feet.

c. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day.

d. Food service and consumption are the primary function of the restaurant.

3. *Institutional*:

a. Places of religious assembly;

b. Municipal offices;

c. Elementary, middle and secondary schools;

d. Nursery schools and kindergarten;

e. Clinics of less than three thousand (3,000) square feet of total floor space.

4. *Other*:

a. Lodging houses;

b. Utility substations, as defined in section 14-47, subject to the standards of article V (site plan), sections 14-522 and 14-523 notwithstanding;

c. Day care facilities or babysitting services;

d. Accessory uses as provided in section 14-404;

e. Bed and breakfast, subject to the standards of article V (site plan), sections 14-522 and 14-523 notwithstanding.

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

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

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

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

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

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

vi. The building shall meet the applicable occupant load requirements as defined by the

International Building Code and the NFPA Life Safety Code, as such codes are amended or adopted by the city.

g. Neighborhood center.

5. Uses permitted above the ground floor level of buildings in the B-1b zone:

a. Any residential use set forth in section 14-162(a)(1);

b. Bed and breakfast, subject to the standards of article V (site plan), sections 14-522 and 14-523 notwithstanding.

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

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

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

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

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

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

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

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

(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 2, 11-15-93; Ord. No. 125-97, §

5, 3-3-97; Ord. No. 94-99, 11-15-99; Ord. No.74-06/07, 12-4-06; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 278-09/10, 7-19-10, Ord. 10 10/11, 8-2-10; Ord. No. 279-09/10, 6-6-11; Ord. No. 33-11/12, 1-18-12; Ord. No. 162-12/13, 4-1-13; Ord. 90-14/15, 11-17-2014; Ord. No. 170-17/18, 3-5-2018)

***Editor's Note-** Pursuant to Ord. No. 74-06/07, enacted on 12-4-06 changes made in (2) *Business* are effective October 16, 2006.

Sec. 14-163. Conditional uses.

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

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

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

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

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

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

    e. The applicant shall provide evidence of commercial general liability insurance, such

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

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

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

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

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

(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 3, 11-15-93; Ord. No. 94-99, 11-15-99; Ord. No. 74-06/07, 12-4-06; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 278-09/10, 7-19-10; Ord. No. 33-11/12, 1-18-12; Ord. 90, 11-17-2014)

***Editor's Note-** Pursuant to Ord. No. 74-06/07, enacted on 12-4-06 changes made in (2) *Business* are effective October 16, 2006.

Sec. 14-164. Prohibited uses.

Uses not enumerated in sections 14-162 and 14-163 as either permitted or conditional uses are prohibited.

(Ord. No. 292-88, 4-4-88)

Sec. 14-165. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, residential uses in off-peninsula locations, permitted under section 14-162(a)(1)(a) shall meet the requirements of such abutting or nearest residential zone. Residential uses in on-peninsula

locations, as defined in Section 14-47, residential uses in mixed-use buildings in off-peninsula locations, as defined in Section 14-47 and nonresidential uses in the B-1 and B1-b zones shall meet the following minimum requirements:

Min. Lot Size	School: 20,000 SF Place of Assembly: 10,000 SF Other Non-Res Uses: None Residential: None
Min. Lot Area per D.U.	On-peninsula: 435 SF Off-peninsula: min. lot area of nearest residential zone, except 1,000 SF in a mixed-use building.
Min. Street Frontage	20 ft.
Min. Lot Width	None
Min. Front Yard	None
Max. Front yard	10 ft., or the maximum front yard setback shall not exceed the average depth of nearest developed lots if that average depth is less than 10 ft.
Min. Rear Yard	Principal: None, except 10 ft. if abutting a residential zone. Accessory: None, except 5 ft. if abutting a residential zone
Min. Side Yard	Principal: None, except 5 ft. if abutting residential zone. Accessory: None, except 5 ft. if abutting a residential zone
Max. Side Yard on Side Street	10 ft., except that this requirement applies to only one side street in cases where a lot has more than one side street
Structure Stepbacks	Portions of a structure above 35 ft shall be no closer than 10 ft from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone.

Max. Structure Height[1]	Off- peninsula: 35 ft., except where abutting R-6, where max. height shall be the max. height of R-6.[2] On-peninsula: 45 ft. except 50 ft. along Congress Street if commercial first floor & residential upper floors.
Max. Floor Area	Total maximum first floor area for non-residential uses per structure: 10,000 SF[3] Total maximum floor area per retail establishment: 5,000 SF
Max. Impervious Surface	90%

1. The commercial first floor uses shall utilize at least 75 percent of the first floor frontage along Congress Street and shall have an average depth of at least 20 feet.
2. Except when B-1 properties abut an R-6A zone, the maximum height shall be 45 feet.
3. Structures which existed prior to date of enactment of the B-1/B-1b zones are exempt.

(Ord. No. 292-88, 4-4-88; Ord. No. 52-96, § 1, 7-15-96; Ord. No. 94-99, 11-15-99; Ord. No. 281-10/11, 7-18-11; Ord. No. 118-13/14, §165 (e), 1-15-14; Ord. 90-14/15, 11-17-2014; Ord. No. 170-17/18, 3-5-2018)

Sec. 14-166. Other requirements.

All nonresidential uses in B-1 and B-1b zones shall meet the requirements of division 25(space and bulk regulations and exceptions) of this article in addition to the following requirements:

(a) Landscaping and screening: The site shall be suitably landscaped for parking, surrounding uses and accessory site elements, including storage and solid waste receptacles where required by article IV (subdivisions) and article V (site plan).

(b) Curbs and sidewalks: Curbs and sidewalks as specified in article VI of chapter 25.

(c) Off-street parking and loading: Off-street parking and loading are required as provided in division 20 and division 21 of this article.

(d) Front yard parking: There shall be no off street parking in the front yard between the street line and

the required maximum setback line. Where an existing building setback exceeds the maximum front yard setback, a maximum of ten (10) percent of the total parking provided on the site may be located between the principal structure and the street.

(e) Signs: Signs shall be subject to the provisions of division 22 of this article.

(f) Exterior storage: There shall be no exterior storage with the exception of fully enclosed containers or receptacles for solid waste disposal. Such containers or receptacles shall be shown on the approved site plan. In no event shall vehicles, or truck trailers with or without wheels, be used for on-site storage. Truck load sales shall not be considered outside storage provided that such activity does not extend beyond three (3) consecutive days nor occur more frequently than three (3) times a calendar year.

(g) Storage of vehicles: Storage of vehicles is subject to the provisions of section 14-335.

(h) Shoreland and flood plain management regulations: If the lot is located in a shoreland zone or in a flood hazard zone, then the requirements of division 26 and/or division 26.5 apply.

(Ord. No. 292.88, 4-4-88; Ord. No. 94-99, 11-15-99)

Sec. 14-167. External effects.

Every use in a B-1 or B-1b zone shall be subject to the following requirements:

(a) Enclosed structure: The use shall be operated within a completely enclosed structure, except for those specific open air activities licensed by the City, including but not limited to outdoor seating, sidewalk sales, etc.

(b) Noise: The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed fifty-five (55) decibels on the A scale, on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.

(c) Vibration and heat: Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.

(d) Glare, radiation or fumes: Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.

(e) Smoke: Smoke shall not be emitted at a density in excess of twenty (20) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.

(f) *Materials or wastes*: No materials or wastes shall be deposited on any lot in such form or manner that they are clearly visible from neighbors' properties or may be transferred beyond the lot boundaries by natural causes or forces. 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 containers or receptacles. Areas attracting large numbers of birds, rodents or insects are prohibited.

(Ord. No. 292-88, 4-4-88; Ord. No. 94-99, 11-15-99)

Sec. 14-168 – Sec. 14-180 Reserved.

DIVISION 10. B-2 AND B-2b COMMUNITY BUSINESS ZONES*

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*Editor's note—Ord. No. 293-88, adopted Apr. 4, 1988, with an effective date of July 1, 1988, repealed §§ 14-181—14-187 of Div. 10, B-2 Business Zone, of this article and enacted in lieu thereof similar new provisions as set out in §§ 14-181—14-187. Formerly, such sections derived from §§ 602.9.A—602.9.G of the city's 1968 Code and from Ord. No. 74-72, adopted Mar. 6, 1972; Ord. No. 499-74, § 4, adopted Aug. 19, 1974; Ord. No. 334-76, § 6, adopted July 7, 1976; and Ord. No. 274-77, adopted May 16, 1977.

Sec. 14-181. Purpose.

(a) B-2 Community Business Zone

The purpose of the B-2 community business zone is:

1. To provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses, housing and services serving the adjoining neighborhoods and the larger community.

2. The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone.

3. The B-2 zone will provide a broad range of goods and services and general businesses with a mixture of large and small buildings such as grocery stores, shops and services located in major shopping centers and along arterial streets. Such establishments should be readily accessible by automobile, by pedestrians and by bicycle. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns.

4. The B-2 and B-2b will provide locations for moderate to high density housing in urban neighborhoods along arterials.

(b) B-2b Community Business Zone

The B-2b zone is intended to provide neighborhood and community retail, business and service establishments that are oriented to and built close to the street. The B-2b zone is appropriate in areas where a more compact urban development pattern exists such as on-peninsula or in areas off-peninsula where a neighborhood compatible commercial district is established which exhibits a pedestrian scale and character. Such locations may include the peninsula and other arterials and intersections with an existing urban or neighborhood oriented building pattern.

(c) B-2c Community Business Zone

To protect and enhance the quiet enjoyment of adjoining residential neighborhoods from the impacts of businesses that serve liquor and from other uses that are incompatible with adjoining neighborhoods due to noise.

(Ord. No. 293-88, 4-4-88; Ord. No. 25, 7-07-99: emergency enactment of 120-day moratorium, effective 7/07/99 thru 11/04/99; Ord. No. 94A, 11-01-99: emergency

enactment of 44-day extension of moratorium enacted on 7-07-99, effective date 11/01/99 thru 12/15/99; Ord. No. 94-99, 11-15-99; Substitute Ord. No. 189-00, §2, 4-24-00; Ord. No. 151-03/04, 02/23/04; Ord. No. 244-09/10, 6-21-10)

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*Editor's Note: Order No. 25, adopted 7-07-99, enacted an emergency 120-day moratorium on drive-through facilities on lots in B-2 Zone adjacent to lots with residential uses effective 7-07-99 through 11-1-99; Ord. No. 94A, adopted 11-01-99 extended the moratorium on said drive-through facilities through December 15, 1999.

Sec. 14-182. Table of uses.

Group[1]	Use	B-2[2]	B-2b	B-2c
R	Single family home	Y	Y	Y
R	Two family home	Y	Y	Y
R	Three family home	Y	Y	Y
R	Multifamily housing	Y	Y	Y
R	Combined live/work spaces provided the living space is at least 33% of the total net floor area	Y	Y	Y
B	General business and professional offices, as defined in section 14-47, and offices of trades	Y	Y	Y
B	Personal services, as defined in section 14-47	Y	Y	Y
B	General retail establishments	Y	Y	Y
B	Pharmacies with retail sales	Y	Y	Y
B	Banking Facilities	Y	Y	Y
B	Restaurants, except that restaurants shall close for all purposes including the service of alcohol no later than 11:00 p.m. unless otherwise authorized by the City Council	Y	Y	Y
B	Drinking establishments, as defined in section 14-47	Y	Y	N
B	Billiard parlors	Y	Y	Y
B	Funeral homes	Y	Y	Y
B	Miscellaneous repair services, excluding motor vehicle repair services	Y	Y	Y
B	Communication studios or broadcast and receiving facilities	Y	Y	Y

Group[1]	Use	B-2[2]	B-2b	B-2c
B	Health clubs and gymnasiums	Y	Y	Y
B	Veterinary hospitals and clinics provided there is no outdoor kennel	Y	Y	Y
B	Theaters and performance halls	Y	Y	Y
B	Hotels, Motels and Inns	Y	Y	Y
B	Bakeries, breweries, distilleries, commercial kitchens and similar uses with a retail component and with a total floor area under 10,000 net sf.	Y	Y	Y
B	Bakeries, breweries, distilleries, commercial kitchens and similar uses with a retail component and with a total floor area of 10,000 net sf. or greater	Y	N	N
B	Expansion of existing dairies	Y	Y	Y
B	Marijuana retail store	Y	C	C
B	Registered dispensary	Y	C	C
B	Small-scale marijuana caregiver	Y	Y	Y
I	Long term, extended and intermediate care facility	Y	Y	Y
I	Clinics, as defined in section 14-47	Y	Y	Y
I	Places of assembly	Y	Y	Y
I	Kindergarten, elementary, middle and secondary schools	Y	Y	Y
I	College, university, trade schools	Y	Y	Y
I	Municipal buildings and uses	Y	Y	Y
O	Lodging houses	Y	Y	Y
O	Day care facilities	Y	Y	Y
O	Accessory uses, as provided in section 14-404[3]	Y	Y	Y
O	Bed and breakfast, subject to the standards of article V (site plan), sections 14-522 and 14-523 notwithstanding. A bed and breakfast may include a meeting facility if for weddings, seminars, receptions, business meetings and the like and if the facility is less than 4,000 net sf.	Y	Y	Y
O	Studios for artists and craftspeople, less than 4,000 net sf.	Y	Y	Y

Group[1]	Use	B-2[2]	B-2b	B-2c
	per space			
W	Wind energy systems, as defined and allowed in Article X, Alternative Energy	Y	Y	Y
U	Utility substations, as defined in section 14-47, subject to the requirements of article V (site plan), sections 14-522 and 14-523 notwithstanding	Y	Y	Y
A	Drive-throughs associated with a pharmacy or banking facility use[4]	C	C	C
A	Auto service stations	C	N	N
A	Expansion of auto service stations in existence as of November 15, 1999	C	C	C
A	Car washes	C	C	C
A	Automobile dealerships	C	C	C
M	Printing and publishing establishments of 10,000 gross sf. or less	C	C	C
M	Expansion of existing printing and publishing establishments of greater than 10,000 gross sf. in existence since April 4, 1988	C	C	C
M	Wholesale distribution establishments of 10,000 gross sf. or less	C	C	C
M	Research and development and related production establishments of 10,000 gross sf. or less	C	C	C

1 Uses within the same group lettering may be substituted without being considered a change of use under zoning, provided all dimensional and other requirements of this section are met. Other reviews may be required under City regulations, including but not limited to building permit, subdivision and site plan reviews. However, no additional parking shall be required for changes within the same use group for a change in total floor area up to 10,000 sf, except for the provision of additional housing units.

Use Groups include the following:
R = Residential
B = Business
I = Institutional
O = Other
U = Utility
A = Auto related
M = Manufacturing/Processing/and other Industrial

2 Y-Permitted N-Not Permitted
C-Conditional use, see section 14-183 for specific standards in addition to the general conditional use standards

3 Expansion of accessory uses into space used by a permitted use shall not be considered a change of use

4 See conditional use standards for drive-throughs. Drive-throughs are not permitted for restaurant, bakery, or other food or beverage service uses

(Ord. No. 293-88, 4-4-88; Ord. No. 39-96, § 2, 10-7-96; Ord. No. 125-97, § 6, 3-3-97; Ord. No. 164-97, § 2, 12-1-97; Ord. No. 25, 7-07-99: emergency enactment of 120-day moratorium, effective 7/07/99 thru 11/04/99; Ord. No. 94A, 11-01-99: emergency enactment of 44-day extension of moratorium enacted on 7-07-99, effective date 11/01/99 thru 12/15/99; Ord. No. 94-99, 11-15-99; Ord. No. 118-00, 11-20-00; Ord. No. 151-03/04, 02/23/04; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 244-09/10, 6-21-10; Ord. No. 283-09/10, 7-19-10 emergency passage; Ord. 10 10/11, 8-2-10; Ord. No. 279-09/10, 6-6-11; Ord. No. 33-11/12, 1-18-12; Ord. No. 113-11/12, 2-22-12; Ord. No. 41-12/13, 9-5-12; Ord. No. 263-13/14, 6-16-14; Ord. 90-14/15, 11-17-2014; Ord. 100-15/16, 11-16-2015; Ord. 159-16/17, 3-20-2017; 140-18/19, 2-20-2019; Ord. No. 162-18/19, 12-16-2019)
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Sec. 14-183. Conditional uses.

The following uses are permitted in the B-2,B-2b and B-2c zone, as provided in section 14-474 (conditional uses), if they meet the following requirements:

(a) “A” group conditional uses. Notwithstanding section 14-474(a)of this article or any other provision of this code, the Planning Board shall be substituted for the Board of Appeals as the reviewing authority and shall apply the following standards in addition to the provisions of section 14-474:

1. Signs: Signs shall not adversely affect visibility at intersections or access drives. Such signs shall be constructed, installed and

maintained so as to ensure the safety of the public. Such signs shall advertise only services or goods available on the premises.

2. Circulation: No ingress and egress driveways shall be located within thirty (30) feet from an intersection. No entrance or exit for vehicles shall be in such proximity to a playground, school, church, other places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.

3. Conditions specific to major or minor auto service stations, car washes and automobile dealerships:

   a. A landscaped buffer, no less than 5 feet wide, shall be located along street frontages (excluding driveways). The buffer shall consist of a variety of plantings in accordance with the City of Portland Technical Manual; and

   b. Car washes shall be designed to avoid the tracking of residual waters into the street.

4. Reserved.

5. Reserved.

6. Drive-throughs: Notwithstanding section 14-474(a)of this article or any other provision of this code, the Planning Board shall be substituted for the Board of Appeals as the reviewing authority and shall apply the following standards in addition to the provisions of section 14-474:

   a. Location of Drive-throughs: Drive-throughs are only permitted in buildings of 3 or more stories where a majority of the upper stories is devoted to 3 or more dwelling units. The drive-through shall be screened as much as practical from the front of the building and shall be no closer than 40 feet from abutting residential zones and 25 feet from the street line. Adequate stacking

capacity much be provided on site without impeding vehicular circulation or creating hazards to pedestrian or vehicle circulation on or off site.

b. Noise: Any speakers, intercom systems, or other audible means of communication shall not play prerecorded messages. Any speakers, intercom systems, audible signals, computer prompts, or other noises generated by the drive-through services or fixtures shall not exceed 55 dB or shall be undetectable above the ambient noise level as measured by a noise meter at the property line, whichever is greater.

c. Lighting: Drive-through facilities shall be designed so that site and vehicular light sources shall not unreasonably spill over or be directed onto adjacent residential properties and shall otherwise conform to the lighting standards set forth in 14-526.

d. Screening and Enclosure: Where automobiles may queue, waiting for drive-through services, their impacts must be substantially mitigated to protect adjacent residential properties from headlight glare, exhaust fumes, noise, etc. As deemed necessary by the reviewing authority, mitigation measures shall consist of installation of solid fencing with landscaping along any residential property line which is exposed to the drive-through or the enclosure of the drive-through fixtures and lanes so as to buffer abutting residential properties and to further contain all associated impacts; and

e. Pedestrian access: Drive-through lanes shall be designed and placed to minimize crossing principal pedestrian access-ways or otherwise impeding pedestrian access.

f. Hours of Operation: The Board, as part of its review, may take into consideration the impact hours of operation may have on

adjoining uses.

(b) "M" group conditional uses: Notwithstanding section 14-474(a)of this article or any other provision of this code, the Planning Board shall be substituted for the Board of Appeals as the reviewing authority and shall apply the following standards in addition to the provisions of section 14-474:

1. Traffic circulation: The site shall have an adequate traffic circulation pattern designed to avoid hazards to vehicular circulation on adjoining streets. All stacking of motor vehicles shall be on site, and loading facilities shall be located to the rear of the building and shall not be visible from the street; and

2. Building and site design: The exterior design of the structures, including architectural style, facade materials, roof pitch, building form, established setbacks and height, shall be of a commercial rather than industrial character. The site shall contain screening and landscaping which shall meet the requirements of section 14-526 for screening between land uses and the City of Portland Technical Manual.

(c) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the same conditional use standards as listed in Section 14-163 for temporary wind anemometer towers are met in addition to Sec 14-430.

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

(Ord. No. 293-88, 4-4-88; Ord. No. 16-92, 6-15-92; Ord. No. 39-96, § 3, 10-7-96; Ord. No. 25, 7-07-99: emergency enactment of 120-day moratorium, effective 7/07/99 thru 11/04/99; Ord. No. 94A, 11-01-99: emergency enactment of 44-day extension of moratorium enacted on 7-07-99, effective date 11/01/99 thru 12/15/99; Ord. No. 94-99, 11-15-99; Ord. No. 151-03/04, 02-23-04; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 276 -09/10, 7-19-10; Ord. No. 278-09/10, 7-19-10; Ord. No. 10 10/11, 8-2-10; Ord. No. 33-11/12, 1-18-12; Ord. 90, 11-17-2014; Ord. 159-16/17, 3-20-2017; Ord. No. 162-18/19, 12-16-2019)

Sec. 14-184. Prohibited and Performance-based uses.

Uses not expressly permitted as provided in section 14-182 and

14-183 are prohibited unless the use may be permitted subject to meeting the following performance-based conditions and standards:

(a) The proposed use is consistent with the purposes of this zone;

(b) The proposed use is similar to a permitted use; and

(c) The proposed development is designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odor, and any other potential negative impacts of the proposal.

The Planning Authority shall determine whether the uses not listed as permitted or conditional uses meet the above conditions and standards. The Planning Authority may impose reasonable conditions of approval on the proposed use to ensure that it is similar in character and impact to a use on the table.

If it is determined that the use does not meet the above criteria, it shall not be permitted. The determination of the Planning Authority may be appealed within 30 days of the written determination by the property owner, lessee of the space, or property owner within 100 feet of the proposed use. That appeal shall be heard by the Planning Board in a public hearing.
(Ord. No. 293-88, 4-4-88; Ord. 159-16/17, 3-20-2017)

Sec. 14-185. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the B-2, B-2b, and B-2c zones shall meet the following dimensional requirements:

Minimum Lot Size	None
Minimum Street Frontage	20 feet
Front Yard Setback Minimum	None
Rear Yard Setback Minimum	10 feet, except as provided for below: a. 5 feet for accessory structures

Side Yard Setback Minimum	None required, except as provided for below: a. 5 feet for accessory structures
Side Yard on Side Street Setback Minimum	None
Front Yard Maximum 1, 2	No more than 10 feet, except that the Planning Board or Planning Authority may approve a different amount for irregularly shaped lots or lots with frontage less than 40 feet provided this standard is met to the maximum extent practicable. 3
Structure Stepbacks	Portions of a structure above 35 feet shall be no closer than 5 feet from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone.
Height maximum	45 feet except as provided for below: a. 50 feet if first floor is partially or wholly occupied by a commercial use. b. 65 feet in B-2 and B-2c zones on lots >5 acres provided that all setbacks, except for front yard setbacks and side yard on side street setbacks, increase by 1 foot for each foot of height over 45 feet. c. 65 feet within 65 feet of Franklin St.
Maximum Impervious Surface Ratio	a. For residential uses: None b. For all other permitted uses: 80% in B-2 and B-2c c. For all other permitted uses: 90% in B-2b
Minimum Lot Area per Dwelling Unit	a. Off-peninsula locations, as defined in section 14-47: 1,500 square feet, except as provided for in (b) below. b. On-peninsula locations (as per 14-47) and projects with active street frontages, as defined in section 14-188, below: 435 square feet.

1. Building additions do not have to meet this section.
2. The Planning Board or Planning Authority may waive the front yard maximum for utility substations and alternative energy installations.
3. If lot has less than 40 feet of frontage and is more than 100 feet deep then no maximum setback is required. If existing structures are within 20 feet of the street or meet the front yard maximum, and remainder of lot has less than 40 feet of frontage, then no maximum setback is required. Where setbacks exceed 10 feet, a continuous, attractive, and pedestrian-scaled edge treatment shall be constructed along the street, consisting of street trees spaced at no more than 15 feet on center, approved by City arborist, and a combinations of landscaping no less than 4 feet deep, ornamental brick or stone walls or ornamental fencing.

(Ord. No. 293-88, 4-4-88; Ord. No. 52-96, § 2, 7-15-96; Ord. No. 94-99, 11-15-99; Ord. No. (Substitute)189-00, §3, 4-24-00; Ord. No. 151-03/04, 02/23/04; Ord. No. 244-09/10, 6-21-10; Ord. No. 41-12/13, 9-5-12; Ord. No. 163-13/14, 6-16-14; Ord. 90-14/15, 11-17-2014; Ord. 159-16/17, 3-20-2017)

Sec. 14-186. Other requirements.

All nonresidential uses in the B-2 and B-2b zone shall meet the requirements of division 25 (space and bulk regulations and exceptions) of this article in addition to the following requirements:

(a) Landscaping and screening: The site shall be suitably landscaped for parking, surrounding uses and accessory site elements, including storage and solid waste receptacles where required by article IV (subdivisions) and article V (site plan).

(b) Curbs and sidewalks: Curbs and sidewalks as specified in article VI of chapter 25.

(c) Off-street parking and loading: Off-street parking and loading are required by division 20 and division 21 of this article;

(d) Front yard parking:

There shall be no off-street parking in the front yard between the street line and the required minimum setback line in the B-2, B-2b and B-2c. Where existing buildings exceed the minimum front yard setback, a maximum of ten (10) percent of the total parking provided on the site

may be located between the principal structure and the street.

(e) Signs: Signs shall be subject to the provisions of division 22 of this article.

(f) Exterior storage: There shall be no exterior storage with the exception of fully enclosed containers or receptacles for solid waste disposal. Such containers or receptacles shall be shown on the approved site plan. Vehicles or truck trailers with or without wheels shall not be used for on-site storage (1) except where such storage is located in a designated loading zone identified on an approved site plan; or (2) such storage is not visible from the street or adjacent residences during winter months and such storage area is identified on an approved site plan. Truck load sales shall not be considered outside storage provided that such activity does not extend beyond three (3) consecutive days nor occurs more frequently than three (3) times a calendar year.

(g) Storage of vehicles: Storage of vehicles is subject to the provisions of section 14-335.

(h) Shoreland and flood plain management regulations: If the lot is located in a shoreland zone or in a flood hazard zone, then the requirements of division 26 and/or division 26.5 apply.

(Ord. No. 293-88, 4-4-88; Ord. No. 51-96, 7-15-96; Ord. No. 94-99, 11-15-99; Substitute Ord. No. 189-00, §4, 4-24-00; Ord. No. 151-03/04, 02/23/04; Ord. No. 263-13/14, 6-16-14)

Sec. 14-187. External effects.

Every use in a B-2, B-2b and B-2c zone shall be subject to the following requirements:

(a) Enclosed structure: The use shall be operated within a completely enclosed structure except for those specific open air activities licensed by the City, including but not limited to outdoor seating, sidewalk sales, etc.

(b) Noise: Except as provided in 14-183(1)(iii)(2) (relating to Drive-throughs), the volume of sound, measured by a sound level meter with frequency

weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty (60) decibels on the A scale between 7:00 a.m. and 9:00 p.m. and fifty-five (55) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.

(c) Vibration and heat: Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.

(d) Glare, radiation or fumes: Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.

(e) Smoke: Smoke shall not be emitted at a density in excess of twenty (20) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.

(f) Materials or wastes: No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by natural causes or forces. All material which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in closed containers. Areas attracting large numbers of birds, rodents or insects are prohibited.

(Ord. No. 293-88, 4-4-88; Ord. No. 94-99, 11-15-99; Ord. No. 03/04, 02/23/04)

Sec. 14-188. Active street frontages

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

(Ord. No. 263-13/14, 6-16-14)

Sec. 14-189.- 14-195. Reserved.

DIVISION 11. A-B AIRPORT BUSINESS ZONE*

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*Editor's note—Ord. No. 295-88, adopted Apr. 4, 1988, repealed §§ 14-196—14-202 of Div. 11, A-B Business Zone, of this article and enacted in lieu thereof similar new provisions as set out in §§ 14-196—14-202. Formerly, such sections derived from §§ 62.9A.A—602.9A.G of the city's 1968 Code and from Ord. No. 348-71, § 2, adopted Aug. 2, 1971; Ord. No. 499-74, § 4, adopted Aug. 19, 1974; Ord. No. 334-76, § 6, adopted July 7, 1976; and Ord. No. 275-77, adopted May 16, 1977.

Sec. 14-196. Purpose.

The purpose of the A-B airport business zone is:

To provide an area for the development of airport-related enterprises. Appropriate uses permitted in this district 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.

(Ord. No. 295-88, 5-23-88)

Sec. 14-197.1. Permitted uses.

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

(a) Administration;

(b) Airline terminal including, but not limited to:

1. Administration;

2. Concessions including, but not limited to, newsstands, florists, pharmacies and sundries, parcel storage, insurance sales, vending machines and video games;

3. Reservations and ticket sales;

4. Air freight operations;

5. Travel agency;

6. Physical plant service, repair and storage;

7. Cocktail lounges; and

8. Public waiting area.

(c) Charter flight service;

(d) Airport carrier operations, including ground support and fueling;

(e) Aircraft and aircraft accessory sales and services;

(f) Flying school;

(g) Ground transportation;

(h) Car rental operations, including vehicle storage;

(i) Hotel or motel;

(j) Restaurant, coffee shop;

(k) Bank;

(l) Parking lots and garages; and

(m) Accessory buildings and uses, including use of temporary structures within the boundaries of the Portland International Jetport for not longer than five (5) years, provided the owner demonstrates to the planning authority the intention and ability to discontinue or replace the temporary use with a permanent structure within five (5) years.

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

(Ord. No. 295-88, 5-23-88; Ord. No. 33-11/12, 1-18-12)

Sec. 14-197.2. Conditional uses.

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

(a) Temporary wind anemometer towers, as defined in section 14-47, are permitted provided the following standards are met in addition to section 14-430:

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

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

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

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

5. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to corporation counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and

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

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

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

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

(Ord. No. 33-11/12, 1-18-12)

Sec. 14-198. Prohibited uses.

Uses not expressly enumerated in section 14-197 as permitted uses are prohibited.

(Ord. No. 295-88, 5-23-88)

Sec. 14-199. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, uses in the A-B zone shall meet the following:

(a) *Minimum lot size:* Twenty thousand (20,000) square feet.

(b) Minimum street frontage: Fifty (50) feet, except as described in section 14-201(b).

(c) *Minimum yard dimensions:*

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

1. Front yard:

Principal or accessory structures: None, except that every property having frontage on Westbrook Street shall have a minimum front yard of twenty (20) feet.

2. Rear yard:

a. Principal or accessory structures: None,

except where a rear yard abuts a residence zone or use, in which case it must be fifty (50) feet. No structure may extend beyond the building line established for any runway or taxiway. If provided, rear yards must not be less than five (5) feet in width.

3. Side yard:

Principal or accessory structures: None, except where a side yard abuts a residential zone or use, in which case it must be twenty-five (25) feet in width. If provided, side yards must not be less than five (5) feet in width.

(d) *Minimum lot width:* Fifty (50) feet.

(e) Maximum structure height: Seventy-five (75) feet, except within one hundred (100) feet of the private property line on Westbrook Street or within one hundred (100) feet of the boundary of the A-B airport business zone in which the height limit shall be forty-five (45) feet. No structure or tree, however, shall be erected, altered, allowed to grow or maintained to a height in excess of that allowed by applicable Federal Aviation Administration (FAA) regulation.

(f) *Maximum impervious surface ratio:* Seventy (70) percent.
(Ord. No. 295-88, 5-23-88)

Sec. 14-200. Other requirements.

In addition to the above, the following requirements are applicable to all uses in the A-B zone:

(a) Landscaping and screening: The site shall be suitably landscaped for parking, surrounding uses and accessory site elements, including storage and solid waste receptacles where required by article IV (subdivisions) and article V (site plan).

(b) Curbs and sidewalks: Curbs and sidewalks as specified in article VI of chapter 25.

(c) Off-street parking and loading: Off-street parking and loading are required as provided in division 20 and

division 21 of this article.

(d) Signs: Signs shall be subject to the provisions of division 22 of this article. Temporary freestanding advertising signs are not permitted.

(e) Exterior storage: There shall be no exterior storage within the district, with the exception of receptacles for solid waste disposal. Such receptacles shall be shown on the approved site plan.

(f) Storage of vehicles: Storage of vehicles is permitted as provided in section 14-335.

(g) Shoreland and flood plain management regulations: If the lot is located in a shoreland zone or a flood plain zone, the requirements of division 26 and/or division 26.5 apply.

(Ord. No. 295-88, 5-23-88)

Sec. 14-201. Special provisions as to restricted access areas.

(a) Runways, taxiways and other areas of the jetport accessible to aircraft, whether access is restricted by the Federal Aviation Administration or not, shall be known as "restricted access areas" and must be subject to the special provisions of this section.

(b) Lots in restricted access areas shall not be subject to the provisions of section 14-199(b) and (f) as to frontage and maximum impervious surface ratio; and shall not be subject to the provision of section 14-200(a) landscaping or the requirements of section 14-202.

(c) Use of lots in restricted access areas shall be limited to uses which do not require or encourage access or visits by the public and which provide technical administrative or other support to airport operations.

(Ord. No. 295-88, 5-23-88)

Sec. 14-202. External effects.

(a) *Reserved.*

(b) Enclosed structure: The use shall be operated within a completely enclosed structure, except for those customarily operated in the open air.

(c) Noise: The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty (60) decibels on the A scale, on impulse (less than one (1) second at lot boundaries), excepting air raid sirens and similar warning devices.

(d) Vibration and heat: Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.

(e) Glare, radiation or fumes: Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.

(f) Smoke: Smoke shall not be emitted at a density in excess of forty (40) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.

(g) Materials or wastes: No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by natural causes or forces. All materials which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in closed containers. Areas attracting large numbers of birds, rodents or insects are prohibited.
(Ord. No. 295-88, 5-23-88)

Sec. 14-203 – Sec. 14-215. Reserved.

DIVISION 12. B-3, B-3b AND B-3c DOWNTOWN BUSINESS ZONES*

***Editor's note**—Ord. No. 241-91, adopted Mar. 11, 1991, repealed former Div. 12 of this article, §§ 14-216—14-221, relative to B-3 and B-3b Business Zones, and enacted new provisions in lieu thereof as Div. 12, §§ 14-216—14-221.1. Formerly, Div. 12 derived from §§ 602.10.A—602.10.F of the city's 1968 Code as amended by the following legislation:

Ord. No.	Section	Date	Ord. No.	Section	Date

452-72	2	7-17-72	364-88		5- 4-88
499-74	5	8-19-74	294-88		5-23-88
344-76	6	7- 7-76	34-89		6-28-89
429-83	1	4-25-83	153-89	2—7	11-20-89
173-87	1	3- 4-87	235-91	16	2- 4-91

Cross reference(s)—Public arts program, § 14-851 et seq.; relocation of displaced tenants, § 14-861 et seq.

Sec. 14-216. Purpose.

(a) The purposes of the B-3 and B-3b downtown business zones are to:

(1) Maintain and enhance the role of the downtown as the business and commercial center of the region;

(2) Enhance and promote the orderly expansion of retail and service businesses downtown, satisfying the related needs of the city’s resident, working and visitor populations;

(3) Encourage increased housing opportunity downtown for a diverse residential population;

(4) Enhance the pedestrian environment through the encouragement of intensive mixed-use activities, through the enhancement and maintenance of public and private open space, and through the enlivenment and increased attractiveness of the street environment;

(5) Encourage excellence in urban design;

(6) Preserve and capitalize on the unique character and historic fabric of the downtown through the encouragement of reuse of significant existing structures;

(7) Provide opportunity for an enhanced presence and integration of the arts and cultural activities downtown;

(8) Reinforce the role of the downtown as a meeting place for community residents and visitors alike from all walks of life and all socio-economic groups;

(9) Provide adequate parking and transportation facilities which promote accessibility, enhance and encourage development opportunity, and enhance and protect the pedestrian environment;

(10) In the pedestrian activities district (PAD) overlay zone, create continuity of pedestrian-oriented uses along streets where such uses predominate and along streets which, over time, will establish and maintain a strong retail and pedestrian-oriented use pattern; and

(11) Provide for the relocation of residents who are displaced by development.

(b) The B-3c downtown business zone recognizes that the business uses appropriate in this zone are constrained by the proximity of multi-unit elderly housing. In addition to the purposes of the B-3 and B-3b zones, the purpose of the B-3c zone is to promote the safety, quiet enjoyment, and general welfare of citizens residing in a dense urban neighborhood by decreasing the conflicts between residential uses and loud, uncontrolled late night activities.
(Ord. No. 241-91, 3-11-91; Ord. No. 46-97, § 2, 8-4-97)

Sec. 14-217. Permitted uses.

(a) The following uses are permitted in the B-3, B-3b and B-3c zones:

1. *Residential*:

a. Attached single-family, two-family and multifamily dwellings;

b. Handicapped family units;

c. Lodging houses;

d. Combined living/working spaces including, but not limited to, artist residences with studio space.

2. *Business*:

a. General and business offices;

b. Professional offices;

c. Personal services;

d. Offices of building tradesmen;

e. Retail establishments, excluding gasoline sales, wholesale and bulk purchase lumber and construction supply sales;

f. Restaurants, excluding drive-through or drive-in restaurants;

g. Drinking establishments, except that drinking establishments and chemical-free night clubs, as defined in section 14-47, shall not be permitted in any location in the B-3c zone, including but not limited to the PAD overlay area;

h. Billiard parlors;

i. Miscellaneous repair services, excluding motor vehicle repair services;

j. Communication studios or broadcast and receiving facilities;

k. Health clubs and gymnasiums;

l. Theaters and performance and exhibition halls;

m. Convention and meeting facilities;

n. Hotels;

o. Business services;

p. Parking garages;

q. Galleries;

r. Registered dispensary;

s. Marijuana retail store;

t. Small-scale marijuana caregiver.

3. *Institutions:*

a. Museums;

b. Public or private schools of any type;

c. Clinics;

d. Places of assembly;

e. College, university, trade school;

f. Nursery schools, kindergartens, and day care facilities or home babysitting services.

g. Governmental offices. As used in this section, governmental office means a place of business of a federal, state, count or municipal governmental entity when professional or clerical duties are performed, including but not limited to back office uses as defined in Section 14-47 and judicial functions.

4. *Other*:

a. County and municipal uses;

b. Studios for artists and craftspeople including, but not limited to, carpenters, cabinetmakers and silk screeners;

c. Printing, publishing and related manufacture of cardboard or paper boxes, provided that these activities are conducted wholly within a building.

d. Bed and breakfast, subject to the standards of article V (site plan), sections 14-522a nd 14-523 not withstanding. A bed and breakfast may include a meeting facility if the facility meets the following standards:

i. The meeting facility shall be limited to the following types of uses:

(a) Private parties.

(b) Business meetings.

(c) Weddings.

(d) Receptions.

(e) Seminars.

(f) Business and educational conferences.

ii. The building in which the bed and breakfast and the meeting facility will be located was in existence on March 3, 1997, and was greater than four thousand (4,000) square feet in floor area on that date.

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

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

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

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

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

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

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

(b) The following additional restrictions shall apply in the PAD overlay zone, which shall be located on the streets

listed below and as further delineated on the PAD overlay zone map, a copy of which is on file in the office of planning and urban development:

Center Street, from Fore Street to Commercial Street.

Commercial Street, north side, from Foundry Lane to Pearl Street.

Commercial Street, south side, from Carroll Block to Thomas Block, inclusive.

Congress Street, from Longfellow Square to Monument Square.

Dana Street.

Exchange Street, from Federal Street to Fore Street.

Fore Street, north side, from one hundred ten (110) feet west of Center Street to two hundred seventy-five (275) feet west of Pearl Street.

Fore Street, south side, from Center Street to Pearl Street.

Free Street, north side, from Congress Square to Temple Street.

Free Street, south side, from Congress Square to four hundred twenty-three (423) feet east of Oak Street and from Center Street to Temple Street.

Middle Street, north side, from Monument Square to sixty (60) feet east of Garden Lane.

Middle Street, south side, from Monument Square to two hundred fifty (250) feet east of Pearl Street.

Milk Street, from Exchange Street to Pearl Street.

Moulton Street.

Pearl Street, from Middle Street to Fore Street.

Wharf Street.

York Street, south side, from Center Street to Dunphy's

Lane.

Frontages of the following areas: Longfellow, Congress, and Monument Squares; Tommy's and Post Office Parks.

1. *Ground floor uses*:

a. Subject to the following limited uses, at least seventy-five (75) percent of the street level frontage of a building on a street located within the PAD overlay zone must be utilized, and, at minimum, the floor area to be occupied shall be seventy-five percent (75%) of the street level frontage multiplied by a twenty (20) foot depth:

i. Retail establishments as permitted in 14-217(a)(2)e;

ii. Personal services;

iii. Hotels;

iv. Copying centers;

v. Restaurants as permitted in 14-217(a)(2)f;

vi. Drinking establishments;

vii. Theaters, provided that only ticket and refreshment sales, lobbies, lounges and entrances shall be located within this area;

viii. Travel agencies;

ix. Real estate sales;

x. Visitor information services;

xi. Museums;

xii. Libraries;

xiii. Banks, financial and other business services, provided that only tellers and spaces primarily used for customer services shall be located in this area;

xiv. Municipal or county uses;

xv. Galleries and studios for artists and craftspeople including, but not limited to, carpenters, cabinetmakers and silk screeners;

xvi. Performing arts studios which attract and allow for public, pedestrian observation from the adjacent sidewalks (including dance studios, music conservatories, and the like);

xvii. Other uses where the applicant can demonstrate to the zoning administrator that the proposed use will not differ substantially from a required ground floor retail use in its effect on the continuity of pedestrian-oriented use and that the proposal establishes a ground floor use that generates pedestrian interest and activity.

For those buildings which have frontage on more than one (1) street located within the PAD overlay zone, the street level area of each such frontage shall meet the above requirements.

b. For those buildings which have forty (40) feet or less of frontage on a street within the PAD overlay zone, the above restrictions shall be reduced to fifty (50) percent of the frontage where required to accommodate a service entrance. For buildings which have frontage on more than one (1) street located within a PAD overlay zone, only one (1) such frontage shall be permitted to reduce the required retail area to fifty (50) percent of the frontage.

c. In no event shall any required retail frontage area be used for any of the following:

i. Storage;

ii. Service entrances, including loading docks, dumpsters and compactors, except as provided in subsection b; or

iii. Food preparation areas, unless such preparation areas are visually oriented toward pedestrians on streets located within a PAD overlay zone.

(Ord. No. 241-91, 3-11-91; Ord. No. 200-95, § 1, 3-20-95; Ord. No. 126-97, § 7, 3-3-97; Ord. No. 46-97, § 3, 8-4-97; Ord. No. 226-98, §§ 1, 2, 3-2-98; Ord. No. 51-00, §2, 8-7-00; Ord. No. 205-06/07, 6-4-07; Ord. No. 226-07/08, 5-19-08; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 283-09/10 emergency passage; Ord. No. 10-10/11, 8-2-10; Ord. No. 279-09/10, 6-6-11; Ord. No. 33-11/12, 1-18-12; Ord. No. 113-11/12, 2-22-12; 140-18/19, 2-20-2019)

***Editor's Note:** Pursuant to Order 164-06/07 passed on April 4, 2007 Section 14-217.5 (*Old Port Overlay Zone)* was repealed in its entirety and Division 19.8 (*Downtown Entertainment Overlay Zone)* was enacted.

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*Editor's Note: Pursuant to Order No. 48-06/07 passed on September 18, 2006 Section 14-217.6 (Moratorium on Formula Restaurants in Old Port Historic District and Arts District) expired on November 19, 2006.

Sec. 14-218. Conditional uses.

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

1. Ground floor uses in the mandated pedestrian-oriented use area of the PAD overlay zone: Any use permitted in the B-3 and B-3b zone, provided that such uses shall meet the following conditions and standards:

   a. The applicant can prove by competent evidence (including but not limited to reliable documentation of advertising, real estate brokerage efforts, and other sales mechanisms)that the space has been actively marketed for permitted uses in the PAD overlay zone for a period of six (6) months and that it has been unable to market the space for a permitted use in accordance with section 14-217(b)(1); and

      i. For existing structures, evidence that the

space has been actively marketed for permitted uses for a period of six (6) months and, in the case of new construction, evidence that the space has been actively marketed and available for use for a period of six (6) months; and

ii. Evidence of market, advertising, or real estate brokerage efforts to attract permitted uses.

b. The approval of any conditional use under this section shall be for the specific tenant proposed for the conditional use approval and shall not run with the space to subsequent tenants. A conditional use approval shall expire at the end of each tenant's use, and a new approval shall be required for new tenants. However, where a conditional use has been approved under this subsection and the term of the effected tenancy is five (5) years or less, the tenant may sublet the area for the approved conditional use which approval may run with said lease but may not be extended without review by the planning authority; and

c. The planning authority may impose reasonable conditions concerning the design, appearance, use and extent of use of the space along the street frontage to ensure maximum pedestrian compatibility and interest; and

d. Notwithstanding the above, the Planning Board zoning board of appeals may authorize a reduction in the percentage of required ground floor pedestrian-oriented uses where the physical limitations of an existing building so require. Any such reduction shall be the least necessary to provide relief and shall include mitigating design factors.

The Planning Board shall adopt rules and regulations governing the planning authority's review of an applicant's marketing efforts under this subsection.

An appeal to the Planning Board shall be had from

the planning authority's written decision under this subsection. Such appeal shall be filed no later than thirty (30) days from the planning authority's decision.

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

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

2. Drive-up banking services, provided that drive-up features, such as automated teller machines and service windows, shall not extend nearer than twenty-five (25) feet to the street line. The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular or pedestrian circulation or creating hazards to vehicular or pedestrian circulation on adjoining streets. Such uses shall also be in compliance with the applicable standards contained in the Downtown Urban Design Guidelines, a copy of which is on file in the department of planning and urban development. No other type of drive-up use shall be permitted.

3. Light industrial uses, subject to the following requirements:

   a. The use shall not include any use prohibited in the I-L zone;

   b. Glare, radiation, fumes or smoke shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries;

   c. The floor area devoted to industrial use shall not exceed ten thousand (10,000) square feet; for a building in existence on March 11, 1991, the floor area shall not exceed ten thousand (10,000)

square feet or fifty (50) percent of the total floor area, whichever is greater;

d. The use shall be operated within a completely enclosed structure;

e. No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by natural causes or forces. All materials which might cause fumes or dust or constitute a fire hazard if stored out-of-doors shall be stored only in closed containers. Areas attracting large numbers of birds, rodents or insects are prohibited;

f. All truck parking and loading shall be accommodated off-street;

g. The associated vehicular loading, unloading, parking, circulation and traffic volumes on the site and on adjacent public streets will not have a more intensive impact than any use on the site within the last five (5) years;

h. Any buildings located in a PAD overlay zone shall be subject to the requirements of that zone in addition to the requirements of this section.

The following additional requirements shall apply to buildings that either were not in existence on March 11, 1991, or were in existence on that date but were either in use for any use set forth in section 14-217(a) subsections (1), (2) or (3) or were designed or constructed for any such use:

i. No tractor-trailer trucks or longer vehicles shall be associated with the proposal;

ii. The proposal shall exclude warehousing and storage as a principal use;

iii. The use shall not generate more than six (6) delivery or service trips per day between 7:00 a.m. and 7:00 p.m.

4. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the

use specific standards of Section 14-474(c)3.

5. Surface parking provided that:

a. In the case of lot undergoing level I or level II site plan review, no new surface parking spaces, parking aisles, or vehicle lanes shall be allowed within thirty-five (35) feet of any street, except for driveway(s) located perpendicular to the street and providing access to the site;

b. In the case of a lot undergoing level III site plan review, no new or existing surface parking spaces, parking aisles, or vehicle lanes shall be allowed within thirty-five (35) feet of any street, except for driveway(s) located perpendicular to the street and providing access to the site; and

c. No surface parking spaces shall be encumbered by lease or other use commitment exceeding twenty-four (24) month term.

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

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

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

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

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

height; and

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

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

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

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

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

(Ord. No. 241-91, 3-11-91; Ord. No. 36-93, 7-7-93; Ord. No. 46-97, § 4, 8-4-97; Ord. No. 51-00, §3, 8-7-00; Ord. No.205-06/07, 6-4-07; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 278-09/10, 7-19-10; Ord. No. 252-16/17, 6-5-2017)

***Editors Note:** Section 14-218(b)(5), subparagraphs a-c shall apply to all applications filed on or after February 13, 2007

Sec. 14-219. Prohibited uses.

Uses not enumerated in sections 14-217 and 14-218 as either

permitted uses or conditional uses are prohibited.
(Ord. No. 241-91, 3-11-91)

Sec. 14-220. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the B-3, B-3b and B-3c zones shall meet the following requirements:

(a) Minimum lot size: None.

(b) Minimum street frontage: Fifteen (15) feet.

(c) Street wall build-to line: All buildings or structures shall be located within five (5) feet of the property line along street frontages, unless the Planning Board requires or approves an additional distance to comply with the requirements of section 14-526 (d)9 and the City of Porltand Design Manual.

(d) Minimum yard dimensions: None required.

(e) Minimum lot width: None required.

(f) Maximum length of undifferentiated blank wall along a public street or publicly accessible pedestrian way:

1. PAD overlay zone: Fifteen (15) feet.

2. All other areas: Thirty (30) feet.

(g) Maximum lot coverage: One hundred (100) percent.

(h) Minimum building height: No new construction of any building shall be less than thirty-five (35) feet in height within fifty (50) feet of any street frontage, except that this provision shall not apply to:

1. Accessory building components and structures such as truck loading docks covered parking, mechanical equipment enclosures and refrigeration units.

2. Information kiosks and ticketing booths.

3. Public transportation facilities of less than 10,000 square feet, or additions of less than

5000 square feet to existing public transportation facilities provided that the cumulative additions as of June 4, 2007 do not exceed 10,000 square feet.

4. Additions to buildings existing as of June 4, 2007 provided that the cumulative additions since June 4, 2007 do not exceed ten percent (10%) of the building footprint on June 4, 2007, except building additions on those portions of the lot located closer to the street line than the building footprint existing as of June 4, 2007 shall not be included in this 10% limitation.

5. Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar structures.

6. Additions to and/or relocation of designated historic structures or structures determined by the historic preservation committee to be eligible for such designation.

7. Parking attendant booths or bank remote teller facilities.

8. Structures accessory to parks and plazas.

9. Buildings or building additions of less than 2,500 square feet footprint, on lots or available building sites of less than 3,000 square feet.

(i) Maximum height of structures:

1. The overall maximum permitted height of structures shall be as depicted on the downtown height overlay map, a copy of which is on file in the department of planning and urban development.

2. Maximum height along street frontages and minimum step-back dimensions shall be as depicted on the downtown maximum street wall height and minimum step-back map, a copy of which is on file in the department of planning and urban development.

3. Where the downtown height overlay map depicts a height plus forty (40) feet, the building form may extend up to forty (40) feet above the designated height limit for the purpose of providing a distinctive graduated design for an architectural building top and to enclose rooftop appurtenances as required by section 14-526(d) 9 of article V (site plan) and the City of Portland Design Manual. No habitable floor area shall be developed within the building envelope permitted by the additional forty (40) feet, unless at least fifty (50) percent of such habitable floor area is devoted exclusively to one (1) or more publicly accessible uses, such as eating or drinking establishments, an observatory, community meeting rooms or halls available to the public or such other uses that make reasonable accommodation for public use at reasonable times, on a nonmembership basis at no cost or at a cost that will not exclude use by the general public, and provided that such floor area is incidental to the primary design intent of the space to achieve the standards of this section. Notice of such public use and how it may be accessed by the general public must be given on the first floor of the building in a manner reasonably located to inform the general public of the availability of the public use.

(j) Maximum building area and floor area for buildings which exceed one hundred twenty-five (125) feet in height:

1. For portions of structures which exceed one hundred twenty-five (125) feet in height, the maximum horizontal building coverage at one hundred twenty-five (125) feet or higher shall not exceed twenty-five (25) percent of the site area, except that no floor area shall be required to be less than ten thousand (10,000) square feet.

2. The maximum gross floor area for each floor located above one hundred twenty-five (125) feet in height shall not exceed fifteen thousand (15,000) square feet.

(k) [Uses in PAD overlay zone:] All uses established in the PAD overlay zone shall meet the requirements of section 14-526(a)(16).

(Ord. No. 241-91, 3-11-91; Ord. No. 46-97, § 5, 8-4-97; Ord. No. 205-06/07, 6-4-07; Ord. No. 278-09/10, 7-19-10)

Sec. 14-221. Other requirements and standards.

(a) Downtown urban design guidelines: All development as defined in article V, all building and site alterations, and all provision of landscaping or other pedestrian amenities shall be consistent with the Downtown Urban Design Guidelines. Amendments to the Downtown Urban Design Guidelines may be made by the Planning Board and shall be filed with the city clerk. Such amendments shall become effective forty-five (45) days after the date of filing with the city clerk, unless vetoed in whole or in part by the city council within that time.

(b) Off-street parking and loading: Off-street parking and loading are required as provided in division 20 and division 21 of this article.

(c) Signs: Signs shall be subject to the provisions of division 22 of this article. In addition, signs within the pedestrian activities district (PAD) overlay zone or in areas designated as PAD encouragement areas, as shown on the pedestrian activities district map, a copy of which is on file in the department of planning and urban development, shall be consistent with the Downtown Urban Design Guidelines.

(d) Exterior storage: There shall be no exterior storage, with the exception of receptacles for solid waste disposal which are not visible from a public street. Such receptacles shall be shown on the approved site plan.

(e) Storage of vehicles: No more than one (1) unregistered vehicle shall be stored outside for a period in excess of thirty (30) days.

(f) Shoreland and flood plain management regulations: If the lot is located in a shoreland zone or in a flood hazard zone, then the requirements of division 26 and/or division 26.5 shall apply.

(g) Downtown arts program: All new development subject to section 14-851 shall make provision for participation in the public arts program.

(h) Relocation of displaced residents: Any development which results in the displacement of residents of dwelling units currently located on the development site shall meet the requirements of sections 14-861 through 14-864.

(i) Historic resources: The exterior design of proposed or renovated structures located within historic districts shall be subject to the provisions of article IX (historic preservation) of this chapter. The exterior design of proposed or renovated structures located adjacent to historic districts or historic resources shall be subject to section 14-526(d) 5, b.
(Ord. No. 241-91, 3-11-91; Ord. No. 240-09/10, 6-21-10; Ord. No. 278-09/10, 7-19-10)

Sec. 14-221.1. External effects.

Every use in the B-3, B-3b and B-3c zones shall be subject to the following requirements:

(a) Enclosed structure: The use shall be operated within a completely enclosed structure, except for those uses customarily operated in the open air.

(b) Noise: The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently within the B-3 and B-3b zones shall not exceed fifty-five (55) decibels on the A scale between the hours of 9:00 p.m. and 7:00 a.m., and sixty (60) decibels on the A scale between 7:00 a.m. and 9:00 p.m. at the boundaries of any lot nor within publicly accessible pedestrian open space, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ1).

(c) Vibration: Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries.

(d) Heat: Heat shall be imperceptible without instruments at lot boundaries. Heating elements which are intended to melt snow and ice shall be placed within sidewalk paving only when approved by the department of parks and public works.

(e) Glare, radiation or fumes: Glare, radiation or fumes shall be imperceptible without instruments at lot boundaries.

(f) Smoke: Smoke shall not be emitted at a density in excess of twenty (20) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.

(g) Materials or wastes: No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by natural causes or forces. All material which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in closed containers and in accordance with section 14-221(d). Areas attracting large numbers of birds, rodents or insects are prohibited.

(Ord. No. 241-91, 3-11-91; Ord. No. 46-97, § 6, 8-4-97)

DIVISION 12.1. I-B ISLAND BUSINESS ZONE

Sec. 14-222. Purpose.

The purpose of the I-B island business zone is to provide limited areas on the islands for retail and service establishments that serve primarily the needs of the local island market area.

(Ord. No. 30-85, § 1, 7-15-85)

Sec. 14-223. Permitted uses.

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

(a) Single-family detached dwellings;

(b) Retail or service establishments, excluding those listed below:

1. Automobile service stations;

2. Inns;

(c) Marinas and yacht clubs;

(d) Lodging houses, with more than two (2) but not more than nine (9) lodging rooms;

(e) Wharves, piers, docks, or landing ramps;

(f) Off-street parking;

(g) Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article including but not limited to home occupations;

(h) Handicapped family unit, as defined in section 14-47, for handicapped persons plus staff.

(i) Peaks Island only: Bed and breakfast, subject to the standards of article V (site plan), sections 14-522 and 14-523 notwithstanding.

(j) Studios for artists and craftspeople, provided that the area of such studios does not exceed one thousand (1,000) square feet for each studio space.

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

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

Sec. 14-224. Conditional uses.

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

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

1. No open outside stairways or fire escapes above ground floor shall be constructed or have been constructed in the immediately preceding five (5) years;

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

3. Density shall be determined by the most restrictive abutting residential zone, except for those lots which are served by public water and sewer, where density shall be determined by the least restrictive abutting residential zone. If no residential zone is abutting, density shall be determined by the nearest residential zone. Residential uses shall meet the requirements of such abutting or nearest residential zone;

4. Any additions or exterior alterations shall be compatible with the original architecture of the building. The exterior design of new construction, including the architectural style, facade materials, roof pitch, building form, and height shall be compatible with neighboring properties;

5. No existing dwelling unit shall be decreased to less than one thousand (1,000) square feet of floor area;

6. No additional dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;

7. All sanitary waste shall be disposed of by a public sewer, subsurface sewerage system or other method in compliance with all applicable federal, state and local regulations;

8. The proposed conversion has sufficient water for the needs of the dwellings and will not cause an unreasonable burden on an existing water supply nor adversely affect groundwater resources;

(b) Automobile service stations;

(c) Inns;

(d) Schools;

(e) Nursery schools, kindergartens and day care centers for seven (7) or more children;

(f) Municipal uses, provided outside storage and parking area uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood.

(g) Places of religious assembly;

(h) Private clubs, fraternal organizations.

(i) Temporary wind anemometer towers, as defined in section 1-47, are permitted provided the following standards are met in addition to section 14-430:

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

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

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

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

5. The applicant shall provide evicence of commercial general liability insurance, such insurance to be satisfactory to corporation counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and

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

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

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

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

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

Sec. 14-225. Prohibited uses.

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

(Ord. No. 30-85, § 1, 7-15-85)

Sec. 14-226. Dimensional requirements.

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

(a) Minimum lot size:

1. Residential: Lot size shall be determined by the most restrictive abutting residential zone, except for those lots which are served by public water and sewer, where lot size shall be determined by the least restrictive abutting residential zone. If no residential zone is abutting, density shall be determined by the nearest residential zone. Residential uses shall meet the requirements of such abutting or nearest residential zone.

2. Retail or service establishments: Twenty thousand (20,000) square feet, except that no minimum lot size shall be required if served by public water and sewer.

3. Restaurants and drinking establishments: Twenty thousand (20,000) square feet, except that ten thousand (10,000) square feet shall be required if served by public water and sewer.

4. Schools and other educational facilities: Twenty thousand (20,000) square feet.

5. Churches and other places of worship: Twenty thousand (20,000) square feet.

6. Private clubs, fraternal organizations: Twenty thousand (20,000) square feet.

7. Lodging houses: Thirty thousand (30,000) square feet for three (3) lodging rooms, plus ten thousand (10,000) square feet for each additional lodging room in excess of three (3), unless served by public water and public sewer. Five thousand (5,000) square feet for three (3) lodging rooms, plus five thousand (5,000) square feet for each additional lodging room in excess of three (3) if served by public water and public sewer.

8. Inns or bed and breakfasts: Ten thousand (10,000) square feet for each guest room, unless served by public water and public sewer. Five thousand (5,000) square feet for three (3) guest rooms, plus five thousand (5,000) square feet for each additional guest room in excess of three (3) if

served by public water and public sewer.

9. Municipal uses: Twenty thousand (20,000) square feet.

10. Automobile service station: Twenty thousand (20,000) square feet.

11. In issuing any permit for new development, the building or planning authority shall require that any lot located in an I-B zone shall be at least twenty thousand (20,000) square feet in area when the lot is to be serviced by a subsurface wastewater disposal system, [excluding Peaks Island].

12. [Excluding Peaks Island from this subsection 12,] any property owner whose lot does not meet the minimum lot size requirements outlined in subsection 11 of this section may, for purposes of this section only, merge two (2) or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot or lots which will not contain the principal structure. The conservation easement shall contain both an existing legal description and a city assessor’s chart, block and lot description. The Planning Authority shall be authorized to accept such conservation easements on behalf of the city. Said easement shall be recorded by the applicant in the registry of deeds. A copy of the recorded easement and copies of the deeds for both lots shall be submitted to the Planning Authority prior to issuance of a building permit. The property over which the conservation easement has been granted shall be used for passive recreational and conservation purposes only, and shall be subject to the following restrictions:

    a. No structure shall be permitted on this property.

    b. No parking or storage of vehicles or machinery shall be permitted on this

property at any time.

c. No area of this property shall be paved.

d. No exterior storage for commercial use shall be permitted on this property.

e. The easement deed shall reference the lot which is benefited by this conservation easement. No conservation easement shall be used to benefit more than one (1) lot.

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

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

Nothing in this section shall be construed to allow an owner of a currently existing and developed lot to convey or permit a portion of that lot to be used to fulfill the requirements of this section if such conveyance would render the existing lot nonconforming under the terms of this chapter. The lot upon which a building is to be constructed shall meet the minimum lot size requirements of section 14-433.

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

system.

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

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

(c) Minimum yard dimensions:

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

1. Front yard:

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

2. Rear yard:

Principal or accessory structures: Ten (10) feet.

3. Side yard:

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

4. Side yard on side streets:

Principal or accessory structures: Ten (10) feet.

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

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

(f) Maximum structure height:

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

Accessory detached structure: Eighteen (18) feet.

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

Sec. 14-227. Other requirements.

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

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

(b) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(c) Storage of vehicles: Only one (1) unregistered motor vehicle may be stored outside on the premises and not for a period exceeding thirty (30) days.

(d) Noise: The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty (60) decibels on the A scale between 7:00 a.m. and 9:00 p.m. and fifty-five (55) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.

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

Sec. 14-228 – Sec. 14-229.9. Reserved.

DIVISION 12.5. B-4 COMMERCIAL CORRIDOR ZONE

Sec. 14-229.10. Purpose.

The purpose of the B-4 commercial corridor zone is:

(a) To provide appropriate locations in the city for the development and operation of businesses catering primarily to highway-oriented trade along major arterials. (Uses which have market areas which are primarily dependent on the regional highway network or

serve a regional or larger market); or

(b) To provide appropriate locations for large-scale commercial uses and commercial uses that require larger land areas to accommodate their operations.

(Ord. No. 296-88, 5-23-88)

Sec. 14-229.11. Permitted uses.

The following uses are permitted in the B-4 zone:

(a) *Business*:

1. General, business and professional offices, as defined in section 14-47;

2. Personal services, as defined in section 14-47;

3. Offices of building tradesmen;

4. Retail establishments;

5. Restaurants;

6. Drinking establishments;

7. Billiard parlors;

8. Major and minor gasoline service stations, as defined in section 14-47;

9. Mortuaries or funeral homes;

10. Miscellaneous repair services;

11. Health clubs and gymnasiums;

12. Hotels and motels;

13. New and used car dealerships;

14. Facilities for the maintenance and repair of automobiles, provided all repairs are performed in a fully enclosed structure;

15. Car washes;

16. Lumber and building materials dealers;

17. Communications studios and broadcast receiving facilities;

18. Veterinary hospitals but excluding outdoor kennels;

19. Auto body repair and paint shops provided all repairs are performed in fully enclosed structures;

20. Boat, trailer or recreational vehicle sales and service;

21. Theaters, entertainment and recreation services;

22. Self-storage facility;

23. Marijuana cultivation facility (maximum 7,000 square feet of plant canopy);

24. Marijuana manufacturing facility;

25. Marijuana testing facility;

26. Marijuana retail store;

27. Registered dispensary;

28. Small-scale marijuana caregiver.

(b) *Institutional*:

1. Governmental buildings and uses.

2. Colleges, universities and trade schools.

3. Places of assembly.

4. Correctional prerelease facilities for up to twelve (12) persons, plus staff, serving a primary clientele of parolees or persons in correctional prerelease programs, provided that:

a. No correctional prerelease facility shall be located within one thousand (1,000) feet of

another, as measured in a radius from the center of the lot;

b. If a facility requires state or federal licensing, staffing of the facility shall be as required by such license. If a facility does not require state or federal licenses, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof; and

c. The facility shall provide twenty-four-hour supervision of program participants.

(c) *Other*:

1. Lodging houses;

2. Wholesale warehousing and distribution establishments;

3. Commercial bakeries and dairies;

4. Light manufacturing uses with not more than twenty-five thousand (25,000) square feet or less of gross floor area. Exterior assembly of materials or products is prohibited. Activity defined as a high hazard by chapter 6 of this Code (building code) is also prohibited;

5. Printing and publishing establishments;

6. Research and development and related production establishments;

7. Utility substations, as defined in section 14-47, subject to the requirements of article V (site plan), sections 14-522 and 14-523 notwithstanding; and

8. Day care facilities;

9. Studios for artists and craftspeople;

10. Accessory uses, as provided in section 14-404; and

11. Storage lots for towed or impounded vehicles, provided that such lots are located at least 300 feet from any residential zone or existing conforming residential use. For the purposes of this section, “existing conforming residential use” does not include a legally nonconforming residential use as described in division 23 of this chapter.

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

(Ord. No. 296-88, 5-23-88; Ord. No. 285-95, 6-7-95; Ord. No. 154-96, § 13, 12-16-96; Ord. No. 164-97, § 3, 1-6-97; Ord. No. 164-97, § 4, 12-1-97; Ord. No. 81-99, § 1, 10-18-99; Ord. No. 97-06/07, 11-20-06; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 283-09/10 7-19-10, emergency passage; Ord. No. 10-10/11, 8-2-10; Ord. No. 90-11/12, 1-4-12; Ord. No. 33-11/12, 1-18-12; 140-18/19, 2-20-2019
)

Sec. 14-229.11.1. Conditional uses.

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

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

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

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

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

4. The applicant shall provide a safety report

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

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

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

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

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

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

(c) Emergency shelters, subject to the provisions of section 14-474 and the use specific standards of section 14-474(c)3.

(Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 33-11/12, 1-18-12; Ord. No. 252-16/17, 6-5-2017)

Sec. 14-229.12. Prohibited uses.

Uses not expressly enumerated in section 14-229.11 as

permitted uses are prohibited.
(Ord. No. 296-88, 5-23-88)

Sec. 14-229.13. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, uses other than utility substations in the B-4 zone shall meet the following minimum requirements:

(a) Minimum lot size: Ten thousand (10,000) square feet.

(b) Minimum street frontage: Sixty (60) feet.

(c) Minimum yard dimensions:

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

Except as provided in subsection (5) below, the following setbacks shall be required:

1. *Front yard:*

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

   b. The front yard of a lot existing as of May 23, 1988, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

2. Rear yard:

   a. Principal structures: Twenty (20) feet.

   b. Accessory structures (detached) with a total floor area of one hundred (100) square feet or less: Seven (7) feet.

3. Side yard:

   a. Principal structures:

Number of Stories *Required Side Yard*

1 or 2 stories . . . . . 10 feet

3 or more stories . . . . 12 feet

b. Accessory structures (detached) with a total floor area of one hundred (100) square feet or less: Five (5) feet.

c. Side yards on side streets (corner lot):

Principal or accessory structures:

i. One (1) or two (2) stories: Ten (10) feet.

ii. Three (3) or more stories: Twelve (12) feet.

(d) Minimum lot width: Sixty (60) feet.

(e) Maximum height: Sixty-five (65) feet; except that on lots in excess of five (5) acres, ninety (90) feet is permitted if each of the setbacks required under subsection (3) above is increased by one (1) foot in distance for each foot of height above sixty-five (65) feet.

(f) Maximum impervious surface ratio: Eighty (80) percent.

(g) Maximum Floor Area Ratio (F.A.R.): The maximum floor area ratio is established according to the abutting residential zone. If there is no abutting residential zone to the lot in question, the F.A.R may be a maximum of 0.65. In the case of two (2) or more abutting residential zones, the F.A.R. shall be the F.A.R. of the least restrictive such zone. The ratios are as follows:

Residential	*Floor Area Ratio*
R-1/R-2	0.45
R-3	0.55

R-4/R-5/R-5A/R-6	0.65

(Ord. No. 296-88, 5-23-88)

Sec. 14-229.14. Other requirements.

In addition to the above, the following requirements are applicable to all uses in the B-4 zone:

(a) Landscaping and screening: The site shall be suitably landscaped for parking, surrounding uses and accessory site elements including storage and solid waste receptacles where required by article IV (subdivisions) and article V (site plan).

(b) Curbs and sidewalks: Curbs and sidewalks as specified in article VI of chapter 25.

(c) Off-street parking and loading: Off-street parking and loading are as required by division 20 and division 21 of this article.

(d) Signs: Signs shall be subject to the provisions of division 22 of this article.

(e) Exterior storage:

1. Any storage of new materials, finished products, or related equipment must be suitably screened from the public way and from abutting properties by a solid fence at least five (5) feet in height, or by a solid evergreen planting strip.

2. All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container.

3. Outdoor storage of refuse, debris, or material awaiting reuse shall be in an appropriate container or located within a designated, screened area.

4. Any permitted outdoor storage of materials shall be done in such a manner as to prevent the breeding and harboring of insects or vermin, to prevent the transfer of such materials from the site by natural causes or forces and to contain fumes, dust, or other materials which constitute

a fire hazard. This storage shall be accomplished within enclosed containers or by one (1) or more of the following methods: raising materials above ground, separating materials, preventing stagnant water, or by some other means. No outdoor storage shall be permitted in the required yard between the front of any building on the site and the street, except for storage for plant and tree nurseries.

(f) Storage of vehicles: Storage of vehicles is subject to the provisions of section 14-335.

(g) Shoreland and flood plain management regulations: If the lot is located in a shoreland zone or in a flood plain zone, the requirements of division 26 and/or division 26.5 apply.

(Ord. No. 296-88, 5-23-88; Ord. No. 164-97, § 4, 1-6-97)

Sec. 14-229.15. External effects.

Every use in a B-4 zone shall be subject to the following requirements:

(a) Enclosed structure: The use shall be operated within a completely enclosed structure, except for those customarily operated in the open air.

(b) Noise: The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty-five (65) decibels on the A scale between 7:00 a.m. and 9:00 p.m. and sixty (60) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), off premises at source of complaint, excepting air raid sirens and similar warning devices.

(c) Vibration and heat: Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.

(d) Glare, radiation or fumes: Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.

(e) Smoke: Smoke shall not be emitted at a density in excess of thirty (30) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.

(Ord. No. 296-88, 5-23-88; Ord. No. 164-97, § 5, 1-6-97)

Sec. 14-229.16. – Sec. 14-229.30. Reserved.

DIVISION 12.6. B-5 URBAN COMMERCIAL MIXED USE ZONE

Sec. 14-230. Purpose.

The purpose of the B-5 and B-5b zones is to provide zones in areas of the peninsula near the central business district where a mixture of uses, including marine, industrial, commercial, and residential, is encouraged. The B-5 and B-5b zones are characterized by larger underdeveloped lots with great potential for denser, clustered, urban mixed use development and more efficient reuse of existing land and buildings.

It is anticipated that such denser, mixed uses would rely on a shared infrastructure system, including service alleys, parking lots, public transportation facilities, stormwater management, and driveways.

(Ord. No. 168-93, § 3, 1-4-93; Substitute Ord. No. 164-97, § 1, 5-19-97)

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*Editor's Note: The text changes adopted in Ord. No. 215-04/05 Section 14-230.1 (a)8 and 13 and (g) 3 shall remain in effect for six (6) months from the effective date (6-2-05) of the changes. By Council Order No. 94-05/06 passed on 11/7/05 the effective date of the amendments were extended through and including March 2, 2006. By Council Order No. 170-05/06 passed as an emergency on 2/22/06 the effective date of the amendments were extended through and including September 30, 2006 and thereafter shall cease to exist unless the Portland City Council takes action to extend the applicability of such changes.

Sec. 14-230.1. Permitted uses.

The following uses are permitted in the B-5 and B-5b urban commercial mixed use zones:

(a) Commercial:

1. Professional, business and general offices;

2. Restaurants and other eating and drinking establishments;

3. Meeting and convention halls;

4. Hotels and motels;

5. Craft and specialty shops, including the on-premises production of handcrafted goods;

6. Retail and service establishments except convenience stores with gas pumps;

7. Theaters and places of public assembly;

8. Banking services, except that any drive-up banking service shall be a conditional use;

9. Laundry and dry cleaning services;

10. Cabinet and carpentry shops;

11. Indoor recreation and family amusement establishments;

12. Intermodal transportation facilities;

13. Off-street parking lots and garages except in the B-5 zoning district between Forest Avenue and Franklin Street surface parking lots shall be considered a conditional use;

14. Cold storage facilities;

15. Lumber and building materials dealers (in existence on date of passage);

16. Major and minor gasoline service stations, as defined in section 14-47. Major and minor gasoline service stations shall be located at least two thousand (2,000) feet from each other;

17. Personal services;

18. Business services;

19. Billiard parlors;

20. Offices of business tradespeople;

21. Miscellaneous repair services;

22. Communication studios, broadcast and receiving facilities;

23. Theaters;

24. Exhibition halls;

25. Indoor amusement and recreation centers.

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

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

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

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

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

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

(b) Industrial:

1. Warehousing and wholesaling;

2. Low impact industrial uses with total floor area of less than ten thousand (10,000) square feet

and which meet the performance standards of the I-L zone;

3. Breweries, including associated bottling activities.

(c) Marine:

1. Marine products wholesaling and retailing;

2. Marine repair services and machine shops;

3. Harbor and marine supplies and services and ship supply;

4. Reserved;

5. Shipbuilding and facilities for construction, maintenance and repair of vessels;

6. Marine museums and aquariums;

7. Reserved;

8. Boat repair yards;

9. Boat storage facilities;

10. Seafood processing for human consumption;

11. Seafood packing and packaging;

12. Seafood distribution;

(d) Residential:

1. Attached single-family, two-family and multifamily dwellings;

2. Handicapped family units;

3. Lodging houses;

4. Combined living/working spaces, including but not limited to artist residences with studio space.

(e) Public:

1. Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar structures;

2. Museums and art galleries;

3. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces.

(f) Institutional:

1. Public or private schools of any type;

2. Clinics;

3. Places of assembly;

4. Colleges, universities or trade schools;

5. Governmental buildings and uses;

6. Nursery schools, kindergartens, and day care facilities or home babysitting services.

(g) Other:

1. Studios for artists and craftspeople including but not limited to, carpenters, cabinetmakers, and silk screeners;

2. Printing and publishing establishments;

3. Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses, excluding in the B-5b all drive-up services for retail, banking, or automotive repair uses. In the B-5 zoning district between Forest Avenue and Franklin Street, all drive-up services for all retail or drive-up automotive repair uses are prohibited. In the B-5 zone between Forest Avenue and Franklin Street, surface parking lots shall be considered a conditional use subject to the conditional use section of the B-5 zone.

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

(Ord. No. 168-93, § 3, 1-4-93; Ord. No. 39-96, § 4, 10-7-96; Substitute Ord. No. 164-97, § 2, 5-19-97; Ord. No. 164-97, § 5, 12-1-97; Ord. No. 80, 12-8-04; Ord. No. 215-04/05, 5-2-05; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 279-09/10, 6-6-11; Ord. No. 33-11/12, 1-18-12; Ord. No. 113-11/12, 2-22-12)

*Editor's Note: The text changes adopted in Ord. No. 215-04/05 Section 14-230.1 (a)8 and 13 and (g) 3 shall remain in effect for six (6) months from the effective date (6-2-05) of the changes. By Council Order No. 94-05/06 passed on 11/7/05 the effective date of the amendments were extended through and including March 2, 2006. By Council Order No. 170-05/06 passed as an emergency on 2/22/06 the effective date of the amendments were extended through and including September 30, 2006 and thereafter shall cease to exist unless the Portland City Council takes action to extend the applicability of such changes.

Sec. 14-230.2. Conditional uses.

(a) The following uses shall be permitted as conditional uses in the B-5 and B-5b urban commercial mixed use zones, provided that, notwithstanding section 14-471(c), section 14-474(a), or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority, and further provided that, in addition to the provisions of section 14-474(c)(2), they shall also meet the requirements set forth below:

1. Commercial:

   a. Self-storage facilities in B-5 zone (on-peninsula locations only) in buildings existing as of December 16, 2015; and

   b. Outdoor storage of rental and moving equipment in B-5 zone (on-peninsula locations only) on sites with buildings existing of [enactment date]; and

      i. Outdoor storage of rental and moving equipment shall be located on the site and not within a public right-of-way or sidewalk. A curb, guard rail or other barrier shall be provided to contain such equipment and storage on the site as well as out of landscape buffer areas; and

ii. A landscape buffer shall be provided in accordance with the landscape and buffer requirements of the City of Portland Technical and Design Manual.

2. Industrial:

a. Low impact industrial uses over ten thousand (10,000) square feet provided that they meet the following requirements:

i. Truck loading and access and vehicle parking shall be located in the rear or side yard of the site where possible.

ii. Street frontage shall be designed for pedestrian scale or interest.

iii. Shared infrastructure to the extent practicable, including, but not limited to, service alleys, parking areas, stormwater treatment, public transportation facilities and driveways, shall be utilized.

3. *Surface Parking:*

a. In the B-5 zoning district located between Forest Avenue and Franklin Street, surface parking lot provided the following requirements are met.

i. No new surface parking lot shall be developed
within thirty-five (35) feet of any street except in the case of a property in which eighty percent (80%) of the property frontage has a building within ten (10) feet of the street.

ii. No surface parking lot shall be encumbered by lease or other use commitment to an off-site use exceeding a twenty-four month term.

iii. For surface parking lots of 20,000 sq. ft or greater in area, lease or other use agreements for surface parking shall not preclude the relocation of such parking for more than a twenty-four (24) month term.

iv. Any such parking shall in its lease stipulate that developer/owner reserves the right to relocate said parking or convert surface parking to structured parking as long as the relocated parking is located within a reasonable distance from the use.

v. Surface parking shall be laid out in a manner conducive to development of future buildings and/or structured parking.

4. *Drive Up Banking Services:*

a. In the B-5 zoning district located between Forest Avenue and Franklin Street, drive up banking services provided the following requirements are met:

i. The drive up banking services are attached to a building which houses banking services other than, or in addition to, automated banking machines; and

ii. The drive up banking services are attached to a building with a minimum floor area of 20,000 square feet; and

iii. Any service window or automated teller machine shall not extend nearer than twenty-five (25) feet to the street; and the site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular or pedestrian circulation or creating hazards to vehicles or pedestrians on adjoining streets; and

iv. There shall be no more than a total of two (2) vehicle lanes for both the service window and automated teller machine.

5. *Emergency shelters*, subject to the provisions of section 14-474 and the use specific standards of section 14-474(c)3.

(b) The following use shall be permitted only upon the

issuance of a conditional use permit by the Board of Appeals, subject to the provisions of section 14-474 (conditional uses), and any special provisions, standards or requirements specified below:

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

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

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

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

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

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

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

    g. Towers shall be used for installing anemometers

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

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

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

(Ord. No. 168-93, § 3, 1-4-93; Ord. No. 39-96, § 5, 10-7-96; Substitute Ord. No. 164-97, § 3, 5-19-97; Ord. No. 215-04/05, 5-2-05; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. 33-11/12, 1-18-12; Ord. 101-15/16, 11/16/2015; Ord. No. 252-16/17, 6-5-2017)

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*Editor's Note: The text changes adopted in Ord. 215-04/05 Section 14-230.2 (c) and (d) shall remain in effect for six (6) months from the effective date (6-2-05) of the changes. By Council Order No. 94-05/06 passed on 11/7/05 the effective date of the amendments were extended through and including March 2, 2006. By Council Order No. 170-05/06 passed as an emergency on 2/22/06 the effective date of the amendments were extended through and including September 30, 2006 and thereafter shall cease to exist unless the Portland City Council takes action to extend the applicability of such changes.

Sec. 14-230.3. Prohibited uses.

Uses which are not enumerated in either section 14-230.1 as permitted uses or in section 14-230.2 as conditional uses are prohibited.

(Ord. No. 168-93, § 3, 1-4-93)

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*Editor's Note: The text changes adopted in Ord. 215-04/05 Section 14-230.2 (c) and (d) shall remain in effect for six (6) months from the effective date (6-2-05) of the changes. By Council Order No. 94-05/06 passed on 11/7/05 the effective date of the amendments were extended through and including March 2,

2006. By Council Order No. 170-05/06 passed as an emergency on 2/22/06 the effective date of the amendments were extended through and including September 30, 2006 and thereafter shall cease to exist unless the Portland City Council takes action to extend the applicability of such changes.

Sec. 14-230.4. Dimensional requirements.

In addition to the provisions of article III, division 25 of this Code, lots in the B-5 and B-5b urban commercial mixed use zones shall meet the following requirements:

(a) Minimum lot size: None.

(b) Minimum frontage: None.

(c) Yard dimensions:

1. Minimum yards in the B-5 and B-5b zones:

   Front setback: None required.

   Side setback: None required.

   Rear setback: None required.

2. Maximum front yard setback in the B-5b zone: Ten (10) feet.

3. Maximum street setback: In the B-5 zoning district located between Forest Avenue and Franklin Street the following street setbacks shall apply:

   a. Ten (10) feet except for parking structures, public transportation facilities and secondary building components such as truck loading docks, mechanical equipment enclosures and refrigeration units. The setback can be increased more than ten (10) feet if all of the conditions are met below:

      i. Seventy-five (75) percent of the total building wall length facing the abutting streets shall be setback no greater than ten (10) feet.

ii. The increased setback area includes a functional public pedestrian entrance into the building that faces the street.

iii. The increased setback is not used for surface parking.

b. For any new construction on a lot abutting three (3)or more streets, the maximum setback shall apply only to two (2) streets.

c. Lots having frontage on streets in which the curve of the street frontage precludes a rectangular shaped building along the street line, for purposes of calculating the setback, the average setback of the building from the street line may be used, but in no event shall the average setback along the length of the building edge exceed an average setback of fifteen (15) feet nor shall the maximum setback exceed twenty (20) feet. The increased setback shall not be used for surface parking, vehicular loading or vehicular circulation.

d. Additions to and relocations of designated historic structures or structures determined to be eligible by the Historic Preservation Committee shall be exempt from this provision.

(c) *Maximum lot coverage:* One hundred (100) percent.

(e) Maximum building height: Sixty-five (65) feet; except as follows:

1. For parcels of land in the B-5b located along West Commercial Street south of Danforth Street, maximum building heights shall be as follows:

West of the projection of the centerline of the Fletcher Street right-of-way, the maximum building height shall be forty-five (45) feet; and, east of the projection of the centerline of the Fletcher Street right-of-way and west of the projection of the centerline of the Emery Street right-of-way, the maximum building height shall

be fifty-five (55) feet.

For purposes of this section, a projection of the centerline of a street is defined by extending the centerline of the referenced street right of way along its most southerly block to the centerline of West Commercial Street.

Furthermore, notwithstanding the exception of roof top structures from building height regulations in Section 14-430(a), no rooftop structure located between the projections of the centerlines of Emery Street and Fletcher Street, as described above, shall exceed a height of sixty-two (62) feet as measured from the average grade of the building at its foundation.

2. For parcels of land located on Thompson’s Point and also subject to an approved Master Plan Development: one hundred twenty (120) feet. Thompson’s Point is defined as the contiguous parcels of upland occupying the peninsula bounded on the east by Route 295, on the north by the

Mountain Division Rail Right of way, and on the south and west by the Fore River and its associated wetlands. Nearby lands that are accessed from Hobart and Osgood Streets are, for the purposes of this provision, not considered part of Thompson’s Point.

(f) Minimum building height:

1. In the B-5 zoning district between Forest Avenue and Franklin Street, within thirty-five (35) feet of any public street, no new construction of any building shall have less than three (3) floors of occupiable or habitable space above the average adjacent grade. This provision shall not apply to:

a. Accessory building components such as truck loading docks, mechanical equipment enclosures, refrigeration units;

b. Information kiosks and ticketing booths;

c. Parking garages;

d. Public transportation facilities;

e. Additions to buildings existing as of March 9, 2005 provided that the cumulative additions since March 9, 2005 does not exceed 25% of the building footprint on March 9, 2005 except that such restriction shall not apply to those portions of the building addition that are constructed closer to the street line than the building footprint existing as of March 9, 2005;

f. Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic enclosures and other similar structures; and

g. Additions to and relocations of designated historic structures or structures determined

by the Historic Preservation Committee to be eligible for such designation.

(Ord. No. 168-93, § 3, 1-4-93; Substitute Ord. No. 164-97, § 4, 5-19-97; Ord. No. 215-04/05, 5-2-05; Ord. No.112-11/12, 2-22-12; Ord. No. 119-13/14, §230.4, 1-15-14)

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*Editor's Note: The text changes adopted in Order 215-04/05 Section 14-230.4 I3 and (g) shall remain in effect for six (6) months from the effective date (6-2-05) of the changes. By Council Order No. 94-05/06 passed on 11/7/05 the effective date of the amendments were extended through and including March 2, 2006. By Council Order No. 170-05/06 passed as an emergency on 2/22/06 the effective date of the amendments were extended through and including September 30, 2006 and thereafter shall cease to exist unless the Portland City Council takes action to extend the applicability of such changes.

Sec. 14-230.5. Performance standards.

All uses shall comply with the following standards:

(a) Storage: Any storage of new materials, finished products, or related equipment must be suitably screened from the public way and from abutting properties by a solid fence at least five (5) feet in height, or by a solid evergreen planting strip. All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container. 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 forty-eight (48) hours of its generation. All enclosed and exterior areas shall be cleaned and sanitized on a regular basis. Outdoor storage of refuse or debris shall be in an appropriate container or located within a designated, screened area.

(b) Noise:

1. Definitions:

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

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

2. Measurement: Sound levels shall be measured with a sound level meter with a frequency weighting network manufactured according to standards prescribed by the American National Standards Institute (ANSI) or its successor body. Measurements shall be made at all major lot lines of the site, at a height of at least four (4) feet above the ground surface. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of

the energy average sound level over a period of sixty (60) seconds (LEQ1).

3. Maximum permissible sound levels: The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows:

   a. Sixty (60) dBA between the hours of 7:00 a.m. and 10:00 p.m.

   b. Fifty (50) dBA between the hours of 10:00 p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.

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

4. Exemptions:

   a. Noises created by construction and maintenance activities between 7:00 a.m. and 10:00 p.m. are exempt from the maximum permissible sound levels set forth in subsection (a)3 of this section. Construction activities on a site abutting any residential use between the hours of 10:00 p.m. of one (1) day and 7:00 a.m. of the following day shall not exceed fifty (50) dBA.

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

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

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

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

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

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

(c) Vibration: Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries.

(d) Federal and state environmental regulations: All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air, except where provisions of this Code are more stringent.

(e) Storage of vehicles: Storage of any unregistered automotive vehicle on the premises for more than sixty (60) days, and outdoor storage of any used automotive tires on the premises shall not be permitted.

(f) Off-street parking and loading: Off-street parking and loading are required as provided in division 20 and division 21 of this article.

(g) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(h) Glare, radiation or fumes: Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.

(i) Enclosure of uses: All uses shall be operated within a fully enclosed structure, except for those customarily operated in open air.

(j) Materials or wastes: Any permitted outdoor storage of materials shall be done in such a manner as to prevent the breeding and harboring of insects or vermin, to prevent the transfer of such materials from the site by natural causes or forces and to contain fumes, dust, or other materials which constitute a fire hazard. This storage shall be accomplished within enclosed containers or by one (1) or more of the following methods: raising materials above ground, separating materials, preventing stagnant water, or by some other means. Any areas used for permitted outdoor storage of materials shall be screened from view of any adjoining properties and public rights-of-way. No outdoor storage shall be permitted in the required yard between the front of any building on the site and the street.

(k) Odor: It shall be a violation of this chapter to create an odor nuisance.

1. Determination of odor nuisance: An odor nuisance shall be considered to exist when ten (10) confirmed complaints occur in an area within two (2) separate twenty-four-hour periods. The ten (10) confirmed complaints must originate from ten (10) different households in an area zoned residential or from ten (10) different individuals in a commercial or industrial facility. The building authority shall only respond to a complainant who confirms that the odor is detectable at the time of the actual complaint. In order to confirm a complaint, the building authority or its designee shall first determine that an odor is detectable in the area of the complaint. The building authority or its designee shall interview the complainant to verify that the detectable odor is in fact the odor that resulted in the complaint. If the complainant verifies the odor as the source of the complaint, then the building authority shall notify the owner or operator of the alleged odor source either in person or by telephone within one (1) working day, with a written confirmation within seven (7) working days of the complaint. In the event that the building authority is unable to contact the owner or operator of the alleged odor source in person or by telephone

within one (1) working day, then the building authority shall send written notice to the operator within seven (7) working days of the complaint.

In the event that ten (10) complaints are confirmed as set forth in subsection 1. in two (2) separate twenty-four-hour periods within a ninety-day period, the building authority shall cause a certified odor inspector to investigate any odor complaints received in the next thirty (30) days following the receipt of the tenth confirmed complaint from the second twenty-four-hour period. If the odors remain under the ambient intensity standard as established in this subsection for the next thirty (30) days, then a new odor nuisance must be established after that time in accordance with the requirements of this section. The certified odor inspector shall do the following in response to a complaint under this section:

a. Verify that an odor is detectable in the area of the complaint and confirm that it is the odor that resulted in the complaint;

b. Quantify the intensity of the odor on the eight-point n-butanol intensity scale as defined in regulations promulgated by the director of the planning authority to establish training and technical standards to support this section; and

c. Track the odor to its source.

When the certified odor inspector determines that a violation has occurred because an odor has exceeded the maximum ambient odor levels set forth in this section, the building authority shall notify the owner or operator either by telephone or in person of the violation within one (1) working day of the violation. The building authority shall confirm this notification in writing within seven (7) working days of this initial notice. In the event that the building authority is unable to contact the owner or operator by telephone or in person

within the required time period, then it will send written notification within seven (7) working days of the violation.

Upon receipt of the written notice of violation, the owner or operator of the odor source shall do the following:

a. Implement odor reduction procedures immediately upon notification by the building authority that the facility has violated this section wherever odor reduction can be achieved by operational or procedural changes at the facility;

b. Submit to the building authority, within thirty (30) days of the written notice of violation, an odor reduction plan which is designed to reduce ambient odors attributable to emissions from that source to the maximum allowable intensity for that zone. The plan shall include a detailed summary of the measures that the owner or operator will take to mitigate the community annoyance and estimated dates for completion of those measures. In the event that it will take longer than thirty (30) days to develop the odor reduction plan, the owner or operator of the facility shall submit within the thirty-day time period a schedule for the development of the odor reduction plan. The building authority shall review this plan to determine whether it will be adequate to resolve the odor nuisance in a reasonable time period; and

c. Implement the plan in accordance with the schedule approved by the building authority.

2. Ambient odor limits: The maximum ambient intensity standard for odors generated by uses located in the I-L zone shall not exceed the following levels when the odor is measured in the zone indicated:

4.0 in any industrial or business zone for odors resulting from any use in the B-5 zone.

3.0 in any residential zone for odors resulting from any use in the B-5 zone.

(l) Smoke: Discharges of smoke shall not exceed opacity percentage of forty (40) percent or number 2 on the Ringelman chart.

(m) Discharge into sewers: No discharge shall be permitted at any point into any private sewage disposal system, or stream, or into the ground, of any materials in such a way or of such nature or temperature as to contaminate any water supply, or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the health authority or by the public works authority.

(n) Lighting: All lighting shall be designed and installed with cut-off fixtures to direct illumination onto the site and to prevent illumination from such fixtures on neighboring properties.

(Ord. No. 168-93, § 3, 1-4-93; Substitute Ord. No. 164-97, § 5, 5-19-97; Ord. No. 240-09/10, 6-21-10)

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*Editor's Note: The text changes adopted in Order 215-04/05 Section 14-230.4 I3 and (g) shall remain in effect for six (6) months from the effective date (6-2-05) of the changes. By Council Order No. 94-05/06 passed on 11/7/05 the effective date of the amendments were extended through and including March 2, 2006. By Council Order No. 170-05/06 passed as an emergency on 2/22/06 the effective date of the amendments were extended through and including September 30, 2006 and thereafter shall cease to exist unless the Portland City Council takes action to extend the applicability of such changes.

Sec. 14-230.6. thru 14-230.9 Reserved.

DIVISION 12.7. O-P OFFICE PARK ZONE

Sec. 14-230.10. Purpose.

The purpose of the O-P zone is to provide substantial areas for integrated development of professional offices in a park- or campus-like setting which are of the highest quality, are well designed and maintained and are compatible with their natural

surroundings.
(Ord. No. 297-88, 5-23-88)

Sec. 14-230.11. Permitted uses.

The following uses are permitted in the O-P zone:

Office park (O-P) with a minimum gross area, as defined in section 14-47 (definitions) of this article, of at least three (3) acres of contiguous land, consisting of either an Office Park Planned Unit Development (OPPUD) on one (1) lot with one (1) or more buildings and with driveways and open areas to be owned and maintained in common, or a subdivision (OPS) on one (1) parcel with two (2) or more lots intended for separate ownership, and including any of the following uses:

(a) Professional offices and office complexes;

(b) Research and development establishments;

(c) Printing and publishing establishments;

(d) Reserved;

(e) Day care facilities;

(f) Uses incidental and subordinate to the office park as a whole, which may include sales and services for employees and visitors; including, but not limited to; parking structures, health clubs, gymnasiums and recreational facilities, day care centers and cafeterias.

An Office Park Planned Unit Development (OPPUD) shall be subject to review and approval by the Planning Board with respect to the requirements of article V (site plan) and article IV (subdivisions) and the development standards of this chapter, article V sections 14-522 and 14-523 notwithstanding, and whether or not such development is a subdivision within the meaning of article IV of this chapter as now enacted or as hereafter amended. An Office Park Subdivision (OPS) shall be subject to review and approval by the Planning Board with respect to the requirements of article IV (subdivision) and article V (site plan), sections 14-522 and 14-523 notwithstanding, as each subdivided lot is developed. All areas in such a development that are to be owned or used in common shall

be governed and maintained as set forth in section 14-498(i)(3) of article VI (subdivisions) of this chapter.

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

(Ord. No. 297-88, 5-23-88; Ord. No. 10-10/11, 8-2-10; Ord. No. 33-11/12, 1-18-12)

Sec. 14-230.11.1. Conditional uses.

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

(a) High technology manufacturing of biotechnology, pharmaceutical, and nanotechnology products provided that:

1. Manufacturing, including the warehousing therewith,
shall occupy a gross floor area no greater than 20,000 square feet.

2. A minimum of one-third of the total square footage devoted to manufacturing is conducted in a laboratory environment, i.e. in a controlled environment with specialized air handling systems that exceed levels for pressurization and filtration found in office environments and traditional manufacturing facilities.

3. Truck traffic serving a single manufacturing business or institution shall not exceed, on a regular basis, more than two (2) tractor-trailer truck deliveries per week and provided that no deliveries are accepted between 7:00 p.m. and 7:00 a.m.

4. Rooftop equipment shall be integrated into the overall building design and shall be screened as necessary.

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

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

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

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

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

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

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

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

8. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by

surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

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

(Ord. No. 300-05/06, 7-17-06; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 33-11/12, 1-18-12)

Sec. 14-230.12. Prohibited uses.

Uses not enumerated in section 14-230.11 as permitted uses are prohibited.

(Ord. No. 297-88, 5-23-88)

Sec. 14-230.13. Development standards.

An office park (O-P) shall be approved by the Planning Board only if, in addition to the dimensional and other requirements of this article and the applicable provisions of article IV (subdivisions) and article V (site plan), the development meets the following development standards:

(a) Master plan: Development proposals shall include a master plan of the office park. The master plan shall include the following:

1. For an OPPUD proposal: The location of the building(s) on the site; infrastructure of the site; identification of common areas; traffic circulation, architectural character and treatment of the building(s); proposed building envelopes; phasing and timing of the development; private development restrictions; and such other information necessary and sufficient to ensure compliance with the standards in this section; and

2. For an OPS proposal: Delineation of the subdivision of land; infrastructure of the site; identification of common areas, if any; traffic circulation; desired architectural character, including private development restrictions to ensure compatibility of architectural character of future buildings with each other; phasing and timing of the development; private development

restrictions; and such other information as necessary and sufficient to ensure compliance with the standards in this section.

(b) Design relationship to site: Development proposals shall demonstrate a reasonably unified design of the site, including the architecture, the layout of the buildings, pedestrian and vehicular circulation plan, open space, drainage, and the topography, soil conditions, vegetation and other natural features of the site. Integration of open spaces and natural features shall be achieved by incorporation of outdoor amenities for the benefit of users of the site, such as jogging and walking trails, gardens and benches.

(c) Landscaping: Development proposals shall include a landscape program. All land areas not covered by structures, parking areas or circulation facilities shall be landscaped and maintained. In order to soften the visual impact of large expanses of pavement in parking lots, vegetation shall be planted or retained in islands or planting strips where required by article IV (subdivisions) and article V (site plan).

(d) Impervious surface ratio: Development proposals may have an impervious surface ratio of up to sixty (60) percent and shall meet the following criteria:

1. No pavement may be located closer than fifteen (15) feet from the property line and from a public street right-of-way, excepting approved entrance drives;

2. Parking may not be located in the required front yard setback. If parking is provided in the area between the building and minimum setback line, the parking area must be adequately screened with landscaping materials and permanently maintained.

(e) Sidewalks: Development proposals shall include internal sidewalks, illustrating the manner in which the developer will provide this amenity to take advantage of the topography and natural features of the site.

(f) Buffers and screens: Development proposals shall include buffering yard areas abutting a residential

zone or residential use and to screen parking lots and driveways from public view, identifying the location, composition and maintenance of the buffer. The buffer and screening shall be of a dense and continuous nature and shall incorporate trees, shrubs, fencing, berms and related elements deemed necessary.

(g) Preservation of natural features: Development proposals shall identify the extent to which the developer shall preserve natural features including, but not limited to, existing vegetation, flood plains, rock outcroppings, surface water bodies, drainage swales and courses, and wetlands; provided any such program shall consider and be sensitive to the need to preserve such natural features.

(h) Traffic: Development proposals shall identify all proposed traffic controls, parking areas, interior traffic circulation, and demonstrate that additional traffic generated by the project itself can be reasonably accommodated on existing public streets.

(i) Architectural design: All buildings shall be designed or approved by a registered architect in the State of Maine and shall be in conformance with the proposed master plan. The scale, texture, color and massing of the buildings shall be coordinated. The full range of high-quality, permanent, and traditional or contemporary building materials and technology may be incorporated in a manner so that the development as a whole embodies distinguishing attributes that achieve the developer’s desired degree of excellence and are in conformance with the architectural guidelines provided in the private development restrictions. Particular emphasis shall be placed on the appearance of building facades from public streets, from driveway and parking areas, and from other nearby buildings. Building elevation drawings shall be submitted which indicate architectural style, exterior finishes and color, building height and scale, and location and scale of window and door openings. Samples of exterior building materials shall also be submitted.

(j) Lighting: Development proposals shall identify the location and style of lighting to be used in the development. All light fixtures shall be hooded or shielded so that the light shines downward.

(k) Signs: Development proposals shall identify all proposed signage. Signs shall be designed in proportion and character with the building facades. All signs shall be constructed of permanent materials and shall be coordinated with the building and landscaping design through the use of appropriate materials and finishes.

(Ord. No. 297-88, 5-23-88)

Sec. 14-230.14. Dimensional requirements.

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

(a) Minimum lot size: One and one-half (1.5) acres.

(b) Minimum street frontage: One hundred (100) feet.

(c) Minimum lot width: One hundred fifty (150) feet.

(d) Minimum yard dimensions:

1. Front yard: Fifty (50) feet.

2. Rear yard: Fifty (50) feet.

3. Side yards: Twenty-five (25) feet, except where a side yard abuts a residential zone or use, in which case it shall be forty (40) feet.

The Planning Board can reduce by up to fifty (50) percent the minimum yard setback if another yard within the lot is correspondingly increased so that the combined minimum setbacks on all four (4) sides equal one hundred fifty (150) feet. If two (2) or more buildings are located on one (1) lot, only the requirements of the front, rear or side yards that adjoin any external property boundary must be met, provided a sufficient fire line is provided.

(e) Maximum structure height: Fifty-five (55) feet, except that on lots or within office-park subdivisions which are composed of over fifty (50) acres in total land area, seventy-five (75) feet is permitted, including roof appurtenances, if each of the required minimum yard dimensions is increased by one (1) foot in

distance for each one (1) foot of height above fifty-five (55) feet.

(Ord. No. 297-88, 5-23-88; Ord. No. 223-92, 1-22-92)

Sec. 14-230.15. Other requirements.

[In addition to the above, the following requirements are applicable to all uses in the O-P zone:]

(a) Off-street parking and loading: Off-street parking and loading are required as provided in division 20 (off-street parking) and division 21 (off-street loading).

(b) Signs: Signs shall be subject to the provisions of division 22 of this article. Temporary freestanding advertising signs are not permitted.

(c) Curbs and sidewalks: Curbs and sidewalks as specified in article VI of chapter 25.

(d) Shoreland and flood plain management regulations: If the lot is located in a shoreland zone or in a flood hazard zone, the requirements of division 26 and/or division 26.5 apply.

(Ord. No. 297-88, 5-23-88)

Sec. 14-230.16. External effects.

Every use in a O-P zone, unless expressly exempted, shall be subject to the following limitations:

(a) Enclosed structure: The use shall be operated within a completely enclosed structure, except for those customarily operated in the open air.

(b) Noise: The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty (60) decibels on the A scale, on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.

(c) Vibration: Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries.

(d) Heat, glare, radiation or fumes: Heat, glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.

(e) Smoke: Smoke shall not be emitted at a density in excess of twenty (20) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.

(f) Materials or wastes: No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by natural causes or forces. All material which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in enclosed containers. Areas attracting large numbers of birds, rodents or insects are prohibited.

(Ord. No. 297-88, 5-23-88)

DIVISION 13. I-L AND I-Lb INDUSTRIAL ZONES*

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*Editor's note—Ord. No. 164-97, § 6, passed Jan. 6, 1997, repealed div. 13, §§ 14-231—14-236 of this article and enacted new provisions as herein set out. Formerly, such division pertained to the I-1 industrial zone and derived from §§ 602.11.A—602.11.F of the 1968 Code as amended by the following legislation:

Ord. No.	Sec.	Date	Ord. No.	Sec.	Date
570-71	--	11-16-71	330-90	1	5-7-90
327-71	--	7- 7-71	17-90	--	6-18-90
499-74	5	8-19-74	112-90	--	10- 1-90
334-76	6	7- 7-76	15-92	17	6-15-92
430-85	--	3- 4-85	193A-93	1	2-17-93
633-86	1	6- 2-86	89A-94	--	9-19-94

578-87	1	6-15-87	154-96	14	12-16-96

Sec. 14-231. Purpose.

The low impact industrial zone is intended 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 the I-M or I-H 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. Performance standards include full enclosure of uses and requirements for buffers and screening from adjacent properties.
(Ord. No. 164-97, § 6, 1-6-97; Ord. No. 149-10/11, 3-7-11)

Sec. 14-232. Permitted uses.

The following uses are permitted whether provided by private or public entities in the low impact industrial zone and the I-Lb zone:

(a) Low impact industrial uses, including, but not limited to, bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, musical instruments, precision instruments, watchmakers, toys and sporting goods, wood products, jewelry, assembly of electrical components, tool and die shops and the packaging of food.

(b) Research and development.

(c) Indoor amusement and recreation centers.

(d) Plant and tree nurseries, including associated recycling activities.

(e) Lumber yards.

(f) Commercial kitchens or other food preparation, provided that the food is not prepared for service on the premises.

(g) Building contractors and outside storage of related construction equipment, provided that there shall be no outside storage of materials and supplies.

(h) Repair services, including all types of automotive repair.

(i) Day care facilities, provided that:

1. Proof of licensing with the Maine Department of Human Services is submitted to the city prior to issuance of a certificate of occupancy;

2. Off-street parking: off-street parking is required as provided in division 20 of this article;

3. Off-street loading shall be located in a safe location;

4. There shall be an on-site outdoor play area with seventy-five (75) feet of land area per child; and

5. The outdoor play area shall be fenced and screened with a landscaped buffer.

(j) Dairies.

(k) Dog training services, including but not limited to obedience, guide, and service training, but not including boarding or kennel services.

(l) Intermodal transportation facilities.

(m) Utility substations.

(n) Marinas.

(o) Distribution centers, warehouses and wholesale businesses under ten thousand (10,000) square feet in

total building area, with no outside storage permitted.

(p) Back office uses.

(q) Accessory uses.

1. Incidental accessory uses.

2. In the Ilb zone, the following additional accessory uses shall also be permitted:

a. Makers' markets, including periodic, seasonal, or temporary sales of handcrafted and limited production products for final consumption, which may include prepared or raw foods, provided that:

i. Such sales are located within a lawfully conforming principal permitted use;

ii. Such sales occupy an area no larger than 45% of the floor area devoted to the principal use;

iii. Such sales by any single vendor or group of vendors shall occur for no more than a total of 28 hours a week collectively;

iv. Such products are produced or permitted to be produced in the IL zone; and

v. Such products are sold by the producer of the product or their designee.

Such sales shall be subject to any other applicable city ordinances. Food trucks are exempt from the limitations contained in this provision, but are subject to Chapter 19 of the City Code and any regulations promulgated pursuant thereto.

b. Temporary events associated with a principal use, such as concerts, lectures, exhibitions of the local production of handcrafted and limited production products, fundraisers, and other similar gatherings, provided that

they occur no more than a total of 16 hours a week, subject to the performance standards of this zone and any other applicable city ordinances.

(r) Marijuana cultivation facility (maximum 2,000 square feet of plant canopy).

(s) Neighborhood centers.

(t) Places of religious assembly, limited to facilities of 10,000 square feet or less.

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

(v) Street vendors licensed pursuant to Chapter 19.

(w) Studios for artists, photographers, and craftspeople, including but not limited to painters, sculptors, dancers, graphic artists, and musicians.

(x) Marijuana manufacturing facility.

(y) Marijuana testing facility.

(Ord. No. 164-97, § 6, 1-6-97; Ord. No. 22-97, § 1, 7-7-97; Ord. No. 137-97, § 1, 11-3-97; Ord. No. 106-04/05,12-8-04 enacted as an emergency; Ord. No. 240-09/10, 6-21-10; Ord. No. 283-09/10, 7-19-10 emergency passage; Ord. No. 149-10/11, 3-7-11; Ord. No. 33-11/12, 1-18-12; Ord. No. 10-12/13, 7-16-12; Ord. No. 265-12/13, 7-15-13; 140-18/19, 2-20-2019)

Sec. 14-232.1. Conditional uses.

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

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

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

(60) days; and

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

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

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

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

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

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

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

(b) Emergency shelters, subject to the provisions of section 14-474 and the use specific standards of section 14-474(c)3.

(Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 252-16/17, 6-5-2017)

Sec. 14-233. Prohibited uses.

Uses that are not expressly enumerated herein as permitted uses are prohibited. Those uses that are prohibited shall include, but are not limited to, the following:

(a) Residential uses.

(b) Retail trade and restaurants that are not accessory to a permitted use.

(c) Junk yards and scrap metal reprocessing and recycling.

(d) Amusement parks.

(e) Crematoriums.

(f) Mining and drilling operations.

(g) Refining of petroleum or its products, including tar distillation.

(h) Commercial petroleum storage yards.

(i) Commercial excavation of building or construction materials other than in the normal course of building or construction or site preparation.

(j) Distillation of bones; fat rendering; glue, soap, or fertilizer manufacture.

(k) Dumping, disposal, incineration, or reduction of garbage, sewage, offal, dead animals, or refuse.

(l) Stockyard or slaughtering of animals.

(m) Smelting of iron, copper, tin, zinc, or any other ore.

(n) Manufacture of primary chemicals.

(o) Manufacture of cement, lime, gypsum, or plaster of

paris.

(p) Manufacture of bleaching powder, matches, paper, or rubber.

(q) Manufacture and storage of explosives or fireworks.

(r) Tanning, curing or storage of raw hides or skins.

(s) Coal distillation or coke ovens.

(t) Foundries.

(u) Creosote treatment.

(v) Drop forging.

(w) Steel mills or furnaces.

(x) Coal- or coke-fired kilns.

(y) Used tire storage.

(z) Outdoor sales or outdoor display.

(aa) Extraction of raw materials.

(bb) Concert halls or dance halls.

(cc) Banquet facilities.

(dd) Office uses other than back offices or offices that are accessory to a permitted use.

(Ord. No. 164-97, § 6, 1-6-97; Ord. No. 137-97, § 2, 11-3-97)

Sec. 14-234. Dimensional requirements.

(a) *Minimum lot size:* None.

(b) Maximum impervious surface ratio: I-L zone: Sixty-five (65) percent. I-Lb zone: One hundred (100) percent.

(c) *Maximum building height:* Forty-five (45) feet.

(d) Minimum side yards: Principal and accessory structures in the I-L zone: Twenty-five (25) feet, except that the minimum side yard shall be forty (40) feet when the side property line

abuts a residential zone. Principal and accessory structures in the I-Lb zone: None, except that the minimum side yard shall be twenty-five (25) feet when the side property line abuts a residential zone.

(e) Minimum rear yards: Principal and accessory structures in the I-L zone: Twenty-five (25) feet, except that the minimum rear yard shall be forty (40) feet when the rear property line abuts a residential zone. Principal and accessory structures in the I-Lb zone: None, except that the minimum rear yard shall be twenty-five (25) feet when the rear property line abuts a residential zone.

(f) Minimum front yard: Principal and accessory structures in the I-L zone: Twenty-five (25) feet. Principal and accessory structures in the I-Lb zone: None.

(g) *Minimum street frontage:* Sixty (60) feet.

(h) Pavement setback from lot boundary: Driveways, parking lots and other paved circulation areas: Fifteen (15) feet.
(Ord. No. 164-97, § 6, 1-6-97)

Sec. 14-235. Other requirements.

(a) Off-street parking shall meet the requirements of division 20 of this article.

(b) Off-street loading shall meet the requirements of division 21 of this article.

(c) Signs shall be subject to the provisions of division 22 of this article.

(d) Shoreland and floodplain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5 of this article.

(e) All uses shall be operated within a fully enclosed structure, except for those customarily operated in open air.

(f) Any storage of new materials, finished products, or related equipment must be suitably screened from the public way and from abutting properties by a solid fence at least five (5) feet in height, or by a solid evergreen planting strip.

(g) All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container.

(h) 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 forty-eight (48) hours of its generation. All enclosed and exterior food processing waste storage areas shall be cleaned and sanitized on a regular basis.

(i) Outdoor storage of refuse, debris, or material awaiting reuse shall be in an appropriate container or located within a designated, screened area.

(j) Any permitted outdoor storage of materials shall be done in such a manner as to prevent the breeding and harboring of insects or vermin, to prevent the transfer of such materials from the site by natural causes or forces and to contain fumes, dust, or other materials which constitute a fire hazard. This storage shall be accomplished within enclosed containers or by one (1) or more of the following methods: raising materials above ground, separating materials, preventing stagnant water, or by some other means. No outdoor storage shall be permitted in the required yard between the front of any building on the site and the street, except for storage for plant and tree nurseries.
(Ord. No. 164-97, § 6, 1-6-97)

Sec. 14-236. Performance standards.

Uses in the I-L and I-Lb zones shall comply with the following standards:

(a) Noise:

1. Definitions:

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

b. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with a duration of less than

one (1) second.

2. Measurement: Sound levels shall be measured with a sound level meter with a frequency weighting network manufactured according to standards prescribed by the American National Standards Institute (ANSI) or its successor body. Measurements shall be made at all major lot lines of the site, at a height of at least four (4) feet above the ground surface. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ1).

3. Maximum permissible sound levels: The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows:

   a. Sixty (60) dBA between the hours of 7:00 a.m. and 10:00 p.m.

   b. Fifty (50) dBA between the hours of 10:00 p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.

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

4. Exemptions:

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

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

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

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

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

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

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

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

(b) Electromagnetic interference: There shall be no electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or that does not conform to the regulations of the Federal Communications Commission.

(c) Vibrations: Vibrations inherently and recurrently generated shall be imperceptible without instruments at lot boundaries.

(d) Glare, heat: Any use shall be in an enclosed structure in such a manner that glare and heat shall be imperceptible from neighboring properties.

(e) Discharge of toxic or noxious matter: All discharges

of toxic or noxious matter shall be made in accordance with all applicable state and federal regulations.

(f) Odor: It shall be a violation of this chapter to create an odor nuisance.

1. Determination of odor nuisance: An odor nuisance shall be considered to exist when ten (10) confirmed complaints occur in an area within two (2) separate twenty-four-hour periods. The ten (10) confirmed complaints must originate from ten (10) different households in an area zoned residential or from ten (10) different individuals in a commercial or industrial facility. The building authority shall only respond to a complainant who confirms that the odor is detectable at the time of the actual complaint. In order to confirm a complaint, the building authority or its designee shall first determine that an odor is detectable in the area of the complaint. The building authority or its designee shall interview the complainant to verify that the detectable odor is in fact the odor that resulted in the complaint. If the complainant verifies the odor as the source of the complaint, then the building authority shall notify the owner or operator of the alleged odor source either in person or by telephone within one (1) working day, with a written confirmation within seven (7) working days of the complaint. In the event that the building authority is unable to contact the owner or operator of the alleged odor source in person or by telephone within one (1) working day, then the building authority shall send written notice to the operator within seven (7) working days of the complaint.

In the event that ten (10) complaints are confirmed as set forth in subsection (1) in two (2) separate twenty-four-hour periods within a ninety-day period, the building authority shall cause a certified odor inspector to investigate any odor complaints received in the next thirty (30) days following the receipt of the tenth confirmed complaint from the second twenty-four-hour period. If the odors remain

under the ambient intensity standard as established in this subsection for the next thirty (30) days, then a new odor nuisance must be established after that time in accordance with the requirements of this section. The certified odor inspector shall do the following in response to a complaint under this section:

a. Verify that an odor is detectable in the area of the complaint and confirm that it is the odor that resulted in the complaint;

b. Quantify the intensity of the odor on the eight-point n-butanol intensity scale as defined in regulations promulgated by the director of the planning authority to establish training and technical standards to support this section; and

c. Track the odor to its source.

When the certified odor inspector determines that a violation has occurred because an odor has exceeded the maximum ambient odor levels set forth in this section, the building authority shall notify the owner or operator either by telephone or in person of the violation within one (1) working day of the violation. The building authority shall confirm this notification in writing within seven (7) working days of this initial notice. In the event that the building authority is unable to contact the owner or operator by telephone or in person within the required time period, then it will send written notification within seven (7) working days of the violation.

Upon receipt of the written notice of violation, the owner or operator of the odor source shall do the following:

a. Implement odor reduction procedures immediately upon notification by the building authority that the facility has violated this section wherever odor reduction can be achieved by operational or procedural changes at the facility;

b. Submit to the building authority, within thirty (30) days of the written notice of violation, an odor reduction plan which is designed to reduce ambient odors attributable to emissions from that source to the maximum allowable intensity for that zone. The plan shall include a detailed summary of the measures that the owner or operator will take to mitigate the community annoyance and estimated dates for completion of those measures. In the event that it will take longer than thirty (30) days to develop the odor reduction plan, the owner or operator of the facility shall submit within the thirty-day time period a schedule for the development of the odor reduction plan. The building authority shall review this plan to determine whether it will be adequate to resolve the odor nuisance in a reasonable time period; and

c. Implement the plan in accordance with the schedule approved by the building authority.

2. Ambient odor limits: The maximum ambient intensity standard for odors generated by uses located in the I-L zone shall not exceed the following levels when the odor is measured in the zone indicated:

4.0 in any industrial or business zone for odors resulting from any industrial use.

3.0 in any residential zone for odors resulting from any industrial use.

(g) Smoke: Discharges of smoke shall not exceed opacity percentage of forty (40) percent or number 2 on the Ringelmann chart.

(h) Emissions: All emissions shall be made in accordance with all applicable state and federal regulations.

(i) Radiation: Radiation at a site shall comply with all applicable state and federal regulations.

(j) Discharge into sewers: No discharge shall be permitted at any point into any private sewage disposal system, or stream, or into the ground of any materials in such a way or of such nature or temperature as to contaminate any water supply, or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the health authority or by the public works authority.

(k) Lighting: All lighting shall be designed and installed with cut-off fixtures to direct illumination onto the site and to prevent illumination from such fixtures on neighboring properties.

(Ord. No. 164-97, § 6, 1-6-97)

Sec. 14-237. thru 14-245. Reserved.

DIVISION 14. I-M, I-Ma AND I-Mb INDUSTRIAL ZONES*

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*Editor's note—Ord. No. 164-97, § 7, passed Jan. 6, 1997, repealed div. 14, §§ 14-246—14-251 of this article and enacted new provisions as herein set out. Formerly, such provisions pertained to the I-2 and I-2b industrial zones and derived from §§ 602.12.A—602.12.F of the 1968 Code as amended by Ord. No. 499-74, § 5, adopted Aug. 19, 1974; Ord. No. 334-76, §§ 2, 3, adopted Jul. 7, 1976; Ord. No. 234-88, adopted Feb. 1, 1988; Ord. No. 330-90, § 2, adopted May 7, 1990; Ord. No. 15-92, § 18, adopted Jun. 15, 1992; Ord. No. 193A-93, § 2, adopted Feb. 17, 1993; and Ord. No. 154-96, § 15, 12-16-96.

Sec. 14-246. Purpose.

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

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

The I-M, I-Ma and I-Mb industrial zones are intended to provide for larger industrial buildings and for the limited or

controlled use of areas outside of structures for storage of materials and machinery. These facilities often require large volumes of imported materials and products which result in large volumes of shipping and receiving. Often uses may be highway-oriented and transportation-related, thus relying on citywide and regional transportation infrastructure.

Industrial uses in the moderate impact industrial zones may require separation from higher impact uses, which should be directed to the high impact industrial zone.
(Ord. No. 164-97, § 7, 1-6-97)

Sec. 14-247. Permitted uses.

The following uses are permitted whether provided by private or public entities in the I-M moderate impact industrial zone, the I-Ma and the I-Mb zone:

(a) Low impact industrial uses, including but not limited to bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, musical instruments, precision instruments, watchmakers, toys and sporting goods, wood products, jewelry, assembly of electrical components, tool and die shops and the packaging of food.

(b) Research and development and back office uses.

(c) Building contractors and construction and engineering services.

(d) Wholesale trade.

(e) Warehousing and distribution facilities, including outdoor storage.

(f) Intermodal transportation facilities and transportation terminals.

(g) Repair services, including all types of automotive repair services.

(h) Indoor amusement or recreational centers.

(i) Plant and tree nurseries, including associated recycling activities.

(j) Lumber yards.

(k) Commercial kitchens or other food preparation, provided that the food is not prepared for service on the premises.

(l) Recycling facilities, provided that all storage and recycling operations occur within a fully enclosed structure.

(m) Food and seafood processing for human consumption.

(n) Municipal or regional solid waste disposal facilities, provided that all disposal activities are carried out within an enclosed structure.

(o) Day care facilities, provided that:

1. Proof of licensing with the Maine Department of Human Services is submitted to the city prior to issuance of a certificate of occupancy;

2. Off-street parking: Off-street parking is requird as provided in division 20 (off-street parking) of this article;

3. Off-street loading shall be located in a safe location;

4. There shall be an on-site outdoor play area with seventy-five (75) feet of land area per child; and

5. The outdoor play area shall be fenced and screened with a landscaped buffer.

(p) Dairies.

(q) Utility substations.

(r) Correctional prerelease facilities for up to twelve (12) persons, plus staff, serving a primary clientele of parolees or persons in correctional prerelease programs, provided that:

1. No correctional prerelease facility shall be

located within one thousand (1,000) feet of another, as measured in a radius from the center of the lot;

2. Such facilities shall not be permitted in the I-Ma or I-Mb zones;

3. If a facility requires state or federal licensing, staffing of the facility shall be as required by such license. If a facility does not require state or federal licenses, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof; and

4. The facility shall provide twenty-four-hour supervision of program participants.

(s) Incidental accessory uses.

(t) General, business and professional offices.

(u) Storage lots for towed or impounded vehicles, provided that such lots are located at least 300 feet from any residential zone or existing conforming residential use. For the purposes of this section, “existing conforming residential use” does not include a legally nonconforming residential use as described in division 23 of this chapter.

(v) Marijuana cultivation facility (maximum 7,000 square feet of plant canopy).

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

(x) Street vendors licensed pursuant to Chapter 19.

(y) Intermediate care facilities on any property with existing structures provided they were not designed constructed or used for any amusement, industrial, warehouse or manufacturing use on September 15, 2014 or thereafter. Properties with such structures may be reused and expanded to establish an intermediate care facility for no more than 30 persons plus staff.

(z) Marijuana manufacturing facility.

(aa) Marijuana testing facility.

(Ord. No. 164-97, § 7, 1-6-97; Ord. No. 137-97, § 3, 11-3-97; Substitute Ord. No. 72-01/02, § 1, 10-1-01; Ord. No. 97-06/07, 11-20-06; Ord. No. 240-09/10, 6-21-10; Ord. No. 283-09/10, 7-19-10 emergency passage; Ord. No. 33-11/12, 1-18-12; Ord. No. 10-12/13, 7-16-12; Ord. 53-14/15, 9-15-2014; 140-18/19, 2-20-2019)

Sec. 14-248. Performance based uses.

Uses not expressly permitted as provided in section 14-247 or expressly prohibited in section 14-249 may be permitted if they meet the following conditions and standards:

(a) The proposed development is consistent with the purposes of this zone.

(b) The proposed development is designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odor, and any other potential negative impacts of the proposal.

(Ord. No. 164-97, § 7, 1-6-97)

Sec. 14-248.1. Conditional uses.

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

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

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

2. Towers shall be constructed according to plans and specifications stamped by a licensed

professional engineer, which shall be provided to the Board of Appeals with the application; and

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

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

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

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

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

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

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

(c) Emergency shelters, subject to the provisions of section 14-474 and the use specific standards of section 14-474(c)3.

(Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 33-11/12, 1-18-12; Ord. No. 252-16/17, 6-5-2017)

Sec. 14-249. Prohibited uses.

Uses that are not expressly enumerated herein as permitted uses are prohibited. Those uses that are prohibited shall include, but are not limited to, the following:

(a) Residential uses.

(b) Retail trade that is not ancillary to a permitted use.

(c) Restaurant uses.

(d) Junk yards.

(e) Amusement parks.

(f) Crematoriums.

(g) Mining and drilling operations.

(h) Refining of petroleum or its products, including tar distillation.

(i) Petroleum tank farms.

(j) Commercial excavation of building or construction materials other than in the normal course of building or construction or site preparation.

(k) Distillation of bones; fat rendering; glue, soap, or fertilizer manufacture.

(l) Dumping, disposal, incineration, or reduction of garbage, sewage, offal, dead animals, or refuse.

(m) Stockyard or slaughtering of animals.

(n) Smelting of iron, copper, tin, zinc, or any other ore.

(o) Manufacture of primary chemicals.

(p) Manufacture of cement, lime, gypsum, or plaster of paris.

(q) Manufacture of bleaching powder, matches, paper, or rubber.

(r) Manufacture of explosives or fireworks. Bulk storage of explosives or fireworks is also prohibited unless such storage is done as an accessory use to a permitted use located on the same site and all required state and local permits have been acquired.

(s) Tanning, curing or storage of raw hides or skins.

(t) Coal distillation or coke ovens.

(u) Creosote treatment.

(v) Drop forging.

(w) Steel mills or furnaces.

(x) Coal- or coke-fired kilns.

(y) Used tire storage.

(z) Extraction of raw materials.

(aa) Concert halls or dance halls.

(bb) Banquet facilities.

(Ord. No. 164-97, § 7, 1-6-97; Ord. No. 137-97, § 4, 11-3-97; Substitute Ord. No. 72-01/02, § 2, 10-1-01)

Sec. 14-250. Dimensional requirements.

(a) *Minimum lot size:*

1. Correctional prerelease facilities: Ten thousand (10,000) square feet.

2. Other uses: None.

(b) Maximum impervious surface ratio: I-M and I-Ma zone: Seventy-five (75) percent. I-Mb zone: One hundred (100) percent.

(c) Maximum building height: I-M and I-Mb zones: Seventy-five (75) feet. I-Ma zone: Forty-five (45) feet.

(d) Minimum side yards: Principal and accessory structures in the I-M and the I-Ma zone: Each structure shall be set back one (1) foot from each side property line for each one (1) foot of building height, up to twenty-five (25) feet, except that the minimum side yard shall be thirty-five (35) feet when the side property line abuts a residential zone.

Principal and accessory structures in the I-Mb zone: None, except that the minimum side yard shall be twenty-five (25) feet when the side property line abuts a residential zone.

(e) Minimum rear yards: Principal and accessory structures in the I-M and I-Ma zone: Each structure shall be set back one (1) foot from the rear property line for each one (1) foot of building height, up to twenty-five (25) feet, except that the minimum rear yard shall be thirty-five (35) feet when the rear property line abuts a residential zone.

Principal and accessory structures in the I-Mb zone: None, except that the minimum rear yard shall be twenty-five (25) feet when the rear property line abuts a residential zone.

(f) Minimum front yard: Principal and accessory structures in the I-M and I-Ma zone: Each structure shall be set back one (1) foot from the front property line for each one (1) foot of building height.

Principal and accessory structures in the I-Mb zone: None.

(g) Minimum street frontage: Sixty (60) feet.

(h) Pavement setback from lot boundaries: Ten (10) feet.
(Ord. No. 164-97, § 7, 1-6-97)

Sec. 14-251. Other requirements.

(a) Off-street parking shall meet the requirements of division 20 of this article.

(b) Off-street loading shall meet the requirements of division 21 of this article.

(c) Signs shall be subject to the provisions of division 22 of this article.

(d) Shoreland and floodplain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5 of this article.

(e) All uses shall be operated within a fully enclosed structure, except for those customarily operated in open air.

(f) Any storage of new materials, finished products, or related equipment must be suitably screened from the public way and from abutting properties by a solid fence at least five (5) feet in height, or by a solid evergreen planting strip.

(g) All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container.

(h) 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 forty-eight (48) hours of its generation. All enclosed and exterior food processing waste storage areas shall be cleaned and sanitized on a regular basis.

(i) Outdoor storage of refuse, debris or previously used materials awaiting reuse shall be either in an appropriate container or located within a designated, screened area.

(j) Any permitted outdoor storage of materials shall be done in such a manner as to prevent the breeding and harboring of insects or vermin, to prevent the transfer of such materials from the site by natural causes or forces and to contain fumes, dust, or other materials which constitute a fire hazard. This storage shall be accomplished within enclosed containers or by one (1) or more of the following methods: raising materials above ground, separating materials, preventing stagnant water, or by some other means. No outdoor storage shall be permitted between the front of any building on the site and the street, except for storage for plant and tree nurseries or lumber yards.
(Ord. No. 164-97, § 7, 1-6-97)

Sec. 14-252. Performance standards.

Uses in the I-M, I-Ma, and I-Mb zones shall meet the following standards:

(a) Noise:

1. Definitions:

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

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

2. Measurement: Sound levels shall be measured with a sound level meter with a frequency weighting network manufactured according to standards prescribed by the American National Standards Institute (ANSI) or its successor body. Measurements shall be made at all major lot lines of the site, at a height of at least four (4) feet above the ground surface. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ1).

3. Maximum permissible sound levels: The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows:

a. Seventy (70) dBA between the hours of 7:00 a.m. and 10:00 p.m.

b. Fifty-five (55) dBA between the hours of 10:00 p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.

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

4. Exemptions:

a. Noises created by construction and maintenance activities between 7:00 a.m. and 10:00 p.m. are exempt from the maximum permissible sound levels set forth in subsection (d)3 of this section. Construction activities on a site abutting any residential use between the hours of 10:00 p.m. of one (1) day and 7:00 a.m. of the following day shall not exceed fifty (50) dBA.

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

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

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

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

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

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

(b) Electromagnetic interference: There shall be no electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or that does not conform to the regulations of the Federal Communications Commission.

(c) Vibrations: Any use creating earthshaking vibrations 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 (1) inch, as measured by a vibrograph or similar instrument at the property boundaries.

(d) Glare, heat: Any use shall be in an enclosed structure in such a manner that glare and heat shall be imperceptible from neighboring properties.

(e) Discharge of toxic or noxious matter: All discharges of toxic or noxious matter shall be made in accordance with all applicable state and federal regulations.

(f) Odor: It shall be a violation of this chapter to create an odor nuisance.

1. Determination of odor nuisance: An odor nuisance shall be considered to exist when ten (10) confirmed complaints occur in an area within two (2) separate twenty-four-hour periods. The ten (10) confirmed complaints must originate from ten (10) different households in an area zoned residential or from ten (10) different individuals in a commercial or industrial facility. The building authority shall only respond to a complainant who confirms that the odor is detectable at the time of the actual complaint. In order to confirm a complaint, the building authority or its designee shall first determine that an odor is detectable in the area of the complaint. The building authority or its designee shall interview the complainant to verify that the detectable odor is in fact the odor that resulted in the complaint. If the complainant verifies the odor as the source of the complaint, then the building authority shall

notify the owner or operator of the alleged odor source either in person or by telephone within one (1) working day, with a written confirmation within seven (7) working days of the complaint. In the event that the building authority is unable to contact the owner or operator of the alleged odor source in person or by telephone within one (1) working day, then the building authority shall send written notice to the operator within seven (7) working days of the complaint.

In the event that ten (10) complaints are confirmed as set forth in subsection (1) in two (2) separate twenty-four-hour periods within a ninety-day period, the building authority shall cause a certified odor inspector to investigate any odor complaints received in the next thirty (30) days following the receipt of the tenth confirmed complaint from the second twenty-four-hour period. If the odors remain under the ambient intensity standard as established in this subsection for the next thirty (30) days, then a new odor nuisance must be established after that time in accordance with the requirements of this section. The certified odor inspector shall do the following in response to a complaint under this section:

a. Verify that an odor is detectable in the area of the complaint and confirm that it is the odor that resulted in the complaint;

b. Quantify the intensity of the odor on the eight-point n-butanol intensity scale as defined in regulations promulgated by the director of the planning authority to establish training and technical standards to support this section; and

c. Track the odor to its source.

When the certified odor inspector determines that a violation has occurred because an odor has exceeded the maximum ambient odor levels set forth in this section, the building authority

shall notify the owner or operator either by telephone or in person of the violation within one (1) working day of the violation. The building authority shall confirm this notification in writing within seven (7) working days of this initial notice. In the event that the building authority is unable to contact the owner or operator by telephone or in person within the required time period, then it will send written notification within seven (7) working days of the violation.

Upon receipt of the written notice of violation, the owner or operator of the odor source shall do the following:

a. Implement odor reduction procedures immediately upon notification by the building authority that the facility has violated this section wherever odor reduction can be achieved by operational or procedural changes at the facility;

b. Submit to the building authority, within thirty (30) days of the written notice of violation, an odor reduction plan which is designed to reduce ambient odors attributable to emissions from that source to the maximum allowable intensity for that zone. The plan shall include a detailed summary of the measures that the owner or operator will take to mitigate the community annoyance and estimated dates for completion of those measures. In the event that it will take longer than thirty (30) days to develop the odor reduction plan, the owner or operator of the facility shall submit within the thirty-day time period a schedule for the development of the odor reduction plan. The building authority shall review this plan to determine whether it will be adequate to resolve the odor nuisance in a reasonable time period; and

c. Implement the plan in accordance with the schedule approved by the building authority.

2. Ambient odor limits: The maximum ambient intensity standard for odors generated by uses located in the I-M zones shall not exceed the following levels when the odor is measured in the zone indicated:

   4.0 in any industrial or business zone for odors resulting from any industrial use.

   3.0 in any residential zone for odors resulting from any industrial use.

(g) Smoke: Discharges of smoke shall not exceed opacity percentage of forty (40) percent or number 2 on the Ringelmann chart.

(h) Emissions: All emissions shall be made in accordance with all applicable state and federal regulations.

(i) Radiation: Radiation at a site shall comply with all applicable state and federal regulations.

(j) Discharge into sewers: No discharge shall be permitted at any point into any private sewage disposal system, or stream, or into the ground of any materials in such a way or of such nature or temperature as to contaminate any water supply, or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the health authority or by the public works authority.

(k) Lighting: All lighting shall be designed and installed with cut-off fixtures to direct illumination onto the site and to prevent illumination from such fixtures on neighboring properties.

(l) Traffic: Development in the I-M, I-Ma and I-Mb zones shall utilize to the greatest extent possible arterial streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development.

(Ord. No. 164-97, § 7, 1-6-97)

Sec. 14-253 – Sec. 14-260. Reserved.

DIVISION 15. I-H AND I-Hb INDUSTRIAL ZONES*

***Editor's note—**Ord. No. 164-97, § 8, passed Jan. 6, 1997, repealed div. 15, §§ 14-261—14-266 of this article and enacted new provisions as herein set out. Formerly, such provisions pertained to the I-3 and I-3b industrial zones and derived from §§ 602.13.A—602.13.F of the 1968 Code as amended by Ord. No. 499-74, § 5, adopted Aug. 19, 1974; Ord. No. 334-76, §§ 4—6, adopted Jul. 7, 1976; Ord. No. 198-88, adopted Nov. 21, 1988; Ord. No. 201-88, adopted Nov. 21, 1988; Ord. No. 330-90, § 3, adopted May 7, 1990; Ord. No. 15-92, § 19, adopted Jun. 15, 1992; and Ord. No. 193A-93, §§ 3, 4, adopted Feb. 17, 1993.

Sec. 14-261. Purpose.

The high impact industrial zones are intended to provide areas suitable for higher impact industrial uses than are permitted in other industrial zones and other uses including hospital campuses 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. Due to the intensity of uses, the performance standards will allow for the higher intensity of use.

(Ord. No. 164-97, § 8, 1-6-97; Ord. No. 106-01/02, § 1, 12-3-01)

Sec. 14-262. Permitted uses.

The following uses are permitted whether provided by private or public entities in the I-H zone and the I-Hb zone:

(a) Low impact industrial uses, including but not limited to bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, musical instruments, precision instruments, watchmakers, toys and sporting goods, wood products, jewelry, assembly of electrical components, tool and die shops and the packaging of food.

(b) Research and development.

(c) Wholesale trade.

(d) Warehousing and distribution facilities.

(e) Intermodal transportation facilities and transportation terminals.

(f) Repair services, including all types of automotive repair services.

(g) High impact industrial uses.

(h) Building contractors and construction services.

(i) Plant and tree nurseries, including associated recycling activities.

(j) Lumber yards.

(k) Fish waste processing facility, provided that it has received all required licenses and is in compliance with all applicable licensing requirements.

(l) Commercial kitchens or other food preparation, provided that the food is not prepared for service on the premises.

(m) Recycling facilities.

(n) Food and seafood processing.

(o) Dairies.

(p) Municipal or regional solid waste disposal facilities, provided that all disposal activities are carried out within an enclosed structure.

(q) Utility substations.

(r) Correctional prerelease facilities for up to twelve (12) persons, plus staff, serving a primary clientele of parolees or persons in correctional prerelease programs, provided that:

1. No correctional prerelease facility shall be located within one thousand (1,000) feet of another, as measured in a radius from the center of the lot;

2. Such facilities shall not be permitted in the I-Hb zone;

3. If a facility requires a state or federal license, staffing of the facility shall be as required by such license. If a facility does not require state or federal licenses, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof; and

4. The facility shall provide twenty-four-hour supervision of program participants.

(s) Storage lots for towed or impounded vehicles.

(t) Registered medical marijuana cultivation facilities.

(u) wind energy systems, as defined and allowed in Article X, Alternative Energy.

(v) Street vendors licensed pursuant to Chapter 19.

(x) Marijuana manufacturing facility.

(y) Marijuana testing facility.

(Ord. No. 164-97, § 8, 1-6-97; Ord. No. 137-97, § 5, 11-3-97; Ord. No. 97-06/07, 11-20-06; Ord. No. 283-09/10, 7-19-10 emergency passage; Ord. No. 33-11/12, 1-18-12; Ord.No. 10-12/13, 7-16-12; 140-18/19, 2-20-2019)

Sec. 14-262.1. Conditional uses.

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

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

1. Towers may be installed for the purpose of wind data collection for no more than two (2) years

after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and

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

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

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

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

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

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

8. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or

by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

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

(c) Emergency shelters, subject to the provisions of section 14-474 and the use specific standards of section 14-474 (c)3.

(Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 252-16/17, 6-5-2017)

Sec. 14-263. Prohibited uses.

Uses that are not expressly enumerated herein as permitted uses are prohibited. Those uses that are prohibited shall include, but are not limited to, the following:

(a) Junk yards.

(b) Amusement parks.

(c) Refining of petroleum or its products, including tar distillation.

(d) Distillation of bones; fat rendering; glue, soap, or fertilizer manufacture, except that fish waste processing may be permitted as set forth in section 14-262.

(e) Dumping, disposal, incineration, or reduction of garbage, sewage, offal, dead animals, or refuse.

(f) Stockyard or slaughtering of animals.

(g) Smelting of iron, copper, tin, zinc, or any other ore.

(h) Manufacture of explosives or fireworks.

(i) Coal distillation or coke ovens.

(j) Creosote treatment.

(k) Drop forging.

(l) Steel mills or furnaces.

(m) Coal- or coke-fired kilns.

(n) Used tire storage.

(o) Extraction of raw materials.

(p) Concert halls or dance halls.

(q) Banquet facilities.

(Ord. No. 164-97, § 8, 1-6-97; Ord. No. 137-97, § 6, 11-3-97; Ord. No. 106-01/02, § 2, 12-3-01)

Sec. 14-264. Contract or conditional zoning.

A conditional or contract rezoning shall only be approved if, after public hearing and opportunity for public comment, the reviewing body finds that the applicant has carried the burden of proof to show that the proposed development meets the following standards:

(a) The proposed development is consistent with the comprehensive plan.

(b) The proposed development is consistent with the purposes of this zone.

(c) The proposed development is designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odors, and any other potential negative impacts of the proposal.

(d) All plans must include complete information of processes, materials or methods of storage to be used by the development and shall specify how hazardous impacts to neighboring properties will be prevented.

(Ord. No. 164-97, § 8, 1-6-97)

Sec. 14-265. Dimensional requirements.

(a) *Minimum lot size:*

1. Correctional prerelease facilities: Ten thousand (10,000) square feet.

2. Other uses: None.

(b) Maximum impervious surface ratio: I-H zone: Eighty-five (85) percent. I-Hb zone: One hundred (100) percent.

(c) Maximum building height: Seventy-five (75) feet.

(d) Minimum side yards: Principal and accessory structures in the I-H zone: Thirty-five (35) feet. Principal and accessory structures in the I-Hb zone: None.

(e) Minimum rear yards: Principal and accessory structures in the I-H zone: Thirty-five (35) feet. Principal and accessory structures in the I-Hb zone: None.

(f) Minimum front yard: Principal and accessory structures in the I-H zone: Twenty-five (25) feet. Principal and accessory structures in the I-Hb zone: None.

(g) *Minimum street frontage:* Sixty (60) feet.

(h) *Pavement setback from lot boundaries:* Ten (10) feet.
(Ord. No. 164-97, § 8, 1-6-97)

Sec. 14-266. Other requirements.

(a) Off-street parking shall meet the requirements of division 20 of this article.

(b) Off-street loading shall meet the requirements of division 21 of this article.

(c) Signs shall be subject to the provisions of division 22 of this article.

(d) Shoreland and floodplain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5 of this article.

(e) All uses shall be operated within a fully enclosed structure, except for those customarily operated in open air.

(f) Any storage of new materials, finished products, or related equipment must be suitably screened from the public way and from abutting nonindustrial use properties by a solid fence at least five (5) feet in height, or by a solid evergreen planting strip.

(g) All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container.

(h) 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 forty-eight (48) hours of its generation. All enclosed and exterior food processing waste storage areas shall be cleaned and sanitized on a regular basis.

(i) Outdoor storage of refuse, debris or material awaiting reuse shall be in an appropriate container or located within a designated, screened area.

(j) Any permitted outdoor storage of materials shall be done in such a manner as to prevent the breeding and harboring of insects or vermin, to prevent the transfer of such materials from the site by natural causes or forces and to contain fumes, dust, or other materials which constitute a fire hazard. This storage shall be accomplished within enclosed containers or by one (1) or more of the following methods: raising materials above ground, separating materials, preventing stagnant water, or by some other means. No outdoor storage shall be permitted between the front of any building on the site and the street, except for storage for plant and tree nurseries or lumber yards.
(Ord. No. 164-97, § 8, 1-6-97)

Sec. 14-267. Performance standards.

Uses in the I-H and I-Hb zones shall meet the following standards:

(a) Required landscaping: Where a front yard abuts an arterial or a major collector street, it shall be landscaped. Rear yards, side yards and the perimeter of any parking area for greater than fifteen (15) vehicles shall be landscaped if visible from a street, public open space or residential zone.

(b) Noise:

1. Definitions:

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

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

2. Measurement: Sound levels shall be measured with a sound level meter with a frequency weighting network manufactured according to standards prescribed by the American National Standards Institute (ANSI) or its successor body. Measurements shall be made at all major lot lines of the site, at a height of at least four (4) feet above the ground surface. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ1).

3. Maximum permissible sound levels: The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows:

   a. Seventy-five (75) dBA between the hours of 7:00 a.m. and 10:00 p.m.

   b. Fifty-five (55) dBA between the hours of 10:00 p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.

   In addition to the sound level standards

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

4. Exemptions:

a. Noises created by construction and maintenance activities between 7:00 a.m. and 10:00 p.m. are exempt from the maximum permissible sound levels set forth in subsection (a)3 of this section. Construction activities on a site abutting any residential use between the hours of 10:00 p.m. of one (1) day and 7:00 a.m. of the following day shall not exceed fifty (50) dBA.

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

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

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

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

iv. Emergency construction or repair work by public utilities, at any hour.

v. Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the city, including but not limited to parades, sporting events, and fireworks displays.

(b) Electromagnetic interference: There shall be no

electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or that does not conform to the regulations of the Federal Communications Commission.

(c) Vibrations: Any use creating earthshaking vibrations 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 (1) inch, as measured by a vibrograph or similar instrument at the property boundaries.

(d) Glare, heat: Any use shall be in an enclosed structure in such a manner that glare and heat shall be imperceptible from neighboring properties.

(e) Discharge of toxic or noxious matter: All discharges of toxic or noxious matter shall be made in accordance with all applicable state and federal regulations.

(f) Odor: It shall be a violation of this chapter to create an odor nuisance.

1. Determination of odor nuisance: An odor nuisance shall be considered to exist when ten (10) confirmed complaints occur in an area within two (2) separate twenty-four-hour periods. The ten (10) confirmed complaints must originate from ten (10) different households in an area zoned residential or from ten (10) different individuals in a commercial or industrial facility. The building authority shall only respond to a complainant who confirms that the odor is detectable at the time of the actual complaint. In order to confirm a complaint, the building authority or its designee shall first determine that an odor is detectable in the area of the complaint. The building authority or its designee shall interview the complainant to verify that the detectable odor is in fact the odor that resulted in the complaint. If the complainant verifies the odor as the source of the complaint, then the building authority shall notify the owner or operator of the alleged odor source either in person or by telephone within

one (1) working day, with a written confirmation within seven (7) working days of the complaint. In the event that the building authority is unable to contact the owner or operator of the alleged odor source in person or by telephone within one (1) working day, then the building authority shall send written notice to the operator within seven (7) working days of the complaint.

In the event that ten (10) complaints are confirmed as set forth in subsection (a) in two (2) separate twenty-four-hour periods within a ninety-day period, the building authority shall cause a certified odor inspector to investigate any odor complaints received in the next thirty (30) days following the receipt of the tenth confirmed complaint from the second twenty-four-hour period. If the odors remain under the ambient intensity standard as established in this subsection for the next thirty (30) days, then a new odor nuisance must be established after that time in accordance with the requirements of this section. The certified odor inspector shall do the following in response to a complaint under this section:

a. Verify that an odor is detectable in the area of the complaint and confirm that it is the odor that resulted in the complaint;

b. Quantify the intensity of the odor on the eight-point n-butanol intensity scale as defined in regulations promulgated by the director of the planning authority to establish training and technical standards to support this section; and

c. Track the odor to its source.

When the certified odor inspector determines that a violation has occurred because an odor has exceeded the maximum ambient odor levels set forth in this section, the building authority shall notify the owner or operator either by telephone or in person of the violation within

one (1) working day of the violation. The building authority shall confirm this notification in writing within seven (7) working days of this initial notice. In the event that the building authority is unable to contact the owner or operator by telephone or in person within the required time period, then it will send written notification within seven (7) working days of the violation.

Upon receipt of the written notice of violation, the owner or operator of the odor source shall do the following:

a. Implement odor reduction procedures immediately upon notification by the building authority that the facility has violated this section wherever odor reduction can be achieved by operational or procedural changes at the facility;

b. Submit to the building authority, within thirty (30) days of the written notice of violation, an odor reduction plan which is designed to reduce ambient odors attributable to emissions from that source to the maximum allowable intensity for that zone. The plan shall include a detailed summary of the measures that the owner or operator will take to mitigate the community annoyance and estimated dates for completion of those measures. In the event that it will take longer than thirty (30) days to develop the odor reduction plan, the owner or operator of the facility shall submit within the thirty-day time period a schedule for the development of the odor reduction plan. The building authority shall review this plan to determine whether it will be adequate to resolve the odor nuisance in a reasonable time period; and

c. Implement the plan in accordance with the schedule approved by the building authority.

2. Ambient odor limits: The maximum ambient

intensity standard for odors generated by uses located in the I-H zones shall not exceed the following levels when the odor is measured in the zone indicated:

4.0 in any industrial or business zone for odors resulting from any industrial use.

3.0 in any residential zone for odors resulting from any industrial use.

(g) Smoke: Discharges of smoke shall not exceed opacity percentage of forty (40) percent or number 2 on the Ringelmann chart.

(h) Emissions: All emissions shall be made in accordance with all applicable state and federal regulations.

(i) Radiation: Radiation at a site shall comply with all applicable state and federal regulations.

(j) Discharge into sewers: No discharge shall be permitted at any point into any private sewage disposal system, or stream, or into the ground of any materials in such a way or of such nature or temperature as to contaminate any water supply, or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the health authority or by the public works authority.

(k) Lighting: All lighting shall be designed and installed with cut-off fixtures to direct illumination onto the site and to prevent illumination from such fixtures on neighboring properties.

(Ord. No. 164-97, § 8, 1-6-97)

DIVISION 15.1. B-6 EASTERN WATERFRONT MIXED ZONE

Sec. 14-268. Purpose.

The purpose of the B-6, eastern waterfront mixed zone is to establish a zoning district for the upland portion of the eastern waterfront area. The B-6 zone encourages this district to acquire a distinctly urban from through development that emphasizes a quality pedestrian experience, promotes public transit, and demonstrates exemplary urban design. The zone

promotes a range of uses to achieve twenty-four urban vitality and shared use of parking infrastructure as recommended in the eastern waterfront master plan for redevelopment.

The zone language established herein provides regulatory framework to promote the mixed-use development pattern envisioned for urban land on Portland's peninsula. Specific development criteria, including building height overlays and design standards, may be established for this district to supplement the provisions of this section. District-specific design standards and overlay maps can be found at the city planning and development office.
(Ord No. 80-04/05, 12-8-04)

Sec. 14-269. Permitted uses.

The following uses are permitted in the B-6 zone:

(a) *Commercial*:

1. Professional, business and general offices;

2. Restaurants and other eating and drinking establishments, except that no drinking establishments as defined in section 14-47 that are located east of Waterville Street shall be permitted within fifty feet (50') of Fore Street, and provided that restaurants that are located east of Waterville Street and within fifty feet (50') of Fore Street must meet the following requirements:

   a. The hours of operation shall be limited to between 5:00 a.m. and 11:00 p.m. each day; and

   b. Food service and consumption are the primary function of the restaurant;

3. Hotels and inns limited to no more than 150 rooms;

4. Craft and specialty shops, including the on-premises production of handcrafted goods;

5. Retail and retail service establishments, excluding those with gas pumps;

6. Theatres;

7. Banking services, excluding vehicular drive-up services;

Editor's Note: Drive-up banking facilities located in the interior of parking structures are allowed as a conditional use subject to the criteria outlined below in the conditional use provisions of this section.

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8. Cabinet and carpentry shops;

9. Personal services;

10. Business services;

11. Offices of business trades people;

12. Miscellaneous repair services, excluding all types of automotive repair except for automobile repair and service establishments;

13. Telecommunication and broadcast and receiving facilities, except as prohibited in section 14-271 (prohibited uses);

    In addition, building mounted telecommunications antennas, discs, transmitting and receiving equipment and the like shall adhere to the following criteria. Such roof-mounted equipment shall be:

    a. No taller than 15 feet above the highest structural steel of the building roof; and

    b. Set back no less than 15 feet from the building perimeter; and

    c. Integrated into the architecture of the building in placement, form, color, and material so as to screen or camouflage such equipment from public view.

14. Brew pubs and microbreweries without associated bottling facilities; and brewpubs and microbreweries with associated bottling

facilities limited to 5,000 bottles per year output, except that no brew pubs or microbreweries that are located east of Waterville Street shall be permitted within fifty feet (50') of Fore Street;

15. Electronic data storage;

16. Marine products wholesaling and retailing;

17. Harbor and marine supplies and services, chandlery and ship supply;

18. Underground marine fuel storage provided that fuel storage structures shall be used solely for the purpose of fueling vessels;

19. Bakeries, coffee roasters, and commercial kitchens with building footprints limited to fifteen thousand (15,000) square feet of contiguous building space.

20. Printing establishments.

(b) *Residential*:

1. Attached dwellings including row houses, two-family and multifamily dwellings;

2. Handicapped family units;

3. Combined living/working spaces, including but not limited to artist residences with studio space;

4. Mixed use residential and commercial structures.

(c) *Public*:

1. Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar structures;

2. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces;

3. Pedestrian and multi-use trails;

(d) *Other*:

1. Studios for artists, photographers and craftspeople including but not limited to, painters, sculptors, dancers, graphic artists and musicians;

2. Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses, except that parking lots shall not be considered a permitted accessory use and such parking is subject to the conditional use section of the B-6 zone.

3. Health clubs, martial arts and meditation facilities.

4. Intermodal transportation facilities.

5. Nursery schools, kindergartens, and daycare facilities or home babysitting services.

6. Private clubs or nonprofit social and recreational facilities, as defined in 14-47.

7. Educational facilities.

8. Temporary events, provided that all such events on a lot do not exceed a combined total of (60) days per year and that the total floor area utilized for such uses does not exceed seventy thousand (70,000) square feet at any one (1) time.

9. Museums and art galleries.

e) Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 33-11/12, 1-18-12; Ord. 184-14/15, 6-1-2015)

Sec. 14-270. Conditional uses.

(a) The following uses shall be permitted as conditional uses in the B-6 zone as provided in 14-474 (conditional uses),

provided that, notwithstanding section 14-474(a) or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority:

(1) *Commercial*:

a. Meeting and exhibition facilities limited to a total of 20,000 gross square feet of interior floor area.

b. Wholesaling, providing the wholesale operation is associated with an onsite retail establishment and that the wholesaling component of the facility occupies a building footprint of less than 15,000 square feet.

c. Drive-up banking facilities located in the interior of parking structures, subject to the following criteria:

i. All drive-up features, such as automated teller machines and service windows, shall not extend nearer than twenty-five (25) feet to the street line;

ii. The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular or pedestrian circulation or creating hazards to vehicular or pedestrian circulation on adjoining streets;

iii. Drive-up vehicle circulation shall not create an impediment for retail or mixed-use development for the first floor of the subject garages along any adjacent public streets.

d. Research and development and related production facilities, including but not limited to biotechnology, subject to the following conditions:

i. Associated manufacturing and warehousing uses combined are not to exceed 15,000 square feet.

ii. Biotechnology facilities must demonstrate approvals by all applicable regulatory authorities prior to commencement of operations.

(2) *Parking*:

a. All surface parking lots shall meet the applicable conditions outlined below.

Editor's note: These conditions promote parking development in a manner that creates an urban street form with streetscapes dominated by buildings, not surface parking. This code recognizes that many parcels will develop incrementally over time and a phased approach may be needed to fully achieve the goals of this provision.

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i. No surface parking lot shall be encumbered by lease or other use commitment exceeding a twenty-four month term.

ii. Any such parking shall in its lease stipulate that developer/owner reserves the right to relocate said parking (to a parking structure) or convert surface parking to structured parking as long as the replacement parking is located a reasonable distance from the associated use.

iii. Surface lots shall be laid out in a manner conducive to development of future buildings, and/or structured parking.

b. All structured parking, including multi-level parking garages shall meet the applicable conditions outlined below.

i. Parking garages shall incorporate first floor retail space or other mixed use (an active use other than parking) along all street frontages unless the applicant requests from the planning board a waiver of this provision subject to the following criteria:

ii. Waivers: the planning board may waive the

requirement for first floor mixed use upon demonstration that the project meets one or more of the criteria listed under provisions a, b, and c below.

Where the board allows a waiver of first floor mixed use, garages shall display architecture that enhances the pedestrian experience and disguises the parking use to the extent possible.

Editor's note: Use of traditional storefront design concepts and traditional building materials is encouraged. Developers should look to the eastern waterfront design guidelines for additional direction in meeting these standards.

Standards for waiving first floor mixed use:

a. That the applicant demonstrates that steepness of grade or the character of the adjacent street will not support retail or first-floor mixed use in the foreseeable future.

b. That the first floor of the garage is set back a minimum of 35 feet from the street right of way and its design does not provide an impediment for development of such space for mixed use in the future. Such space (between the garage and the street) shall, in the interim, not be used for surface parking.

c. Where the applicant can demonstrate to the satisfaction of the Planning Board that a market for first floor mixed uses currently does not exist, the Planning Board may grant a waiver of this condition, provided that the structure of the garage is designed to accommodate retail and or mixed uses in the future.

The Planning Board will need to find that on the street level deck of a proposed parking garage a minimum of

twenty (20) feet horizontal distance of depth from the street and nine (9) feet finished floor to finished ceiling clearance could in future house retail and or mixed use. The applicant will further need to demonstrate that the garage design anticipates the future development of utilities and circulation necessary for non-parking uses.

Where a parking garage fronts on more than one public street and where there is a existing change in grade elevation of over 5% across the footprint of the garage, the nine foot floor to ceiling requirement of this section only applies to the primary (higher traffic volume) street.

(b) The following use shall be permitted only upon the issuance of a conditional use permit subject to the provisions of section 14-474 (conditional uses), and any special provisions, standards or requirements specified below:

(1) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

a. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and

b. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and

c. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and

d. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and

e. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and

f. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and

g. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and

h. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

(Ord. No. 80-04/05, 12-8-04; Ord No.200-04/05, 4-4-05; Ord. No. 29-09/10, 8-3-09, emergency passage)

Sec. 14-271. Prohibited uses.

Uses, which are not enumerated as permitted or conditional uses in the B-6 zone are prohibited. Those uses that are prohibited shall include, without limitation:

(a) Ground-mounted telecommunication towers, antennas, discs, transmitting and receiving equipment and the

like;

(b) Waste, scrap, and/or byproduct storage and processing facilities;

(c) Major or minor auto service stations including all types of automotive repair;

(d) Drive-up facilities, except banking drive-up services in the interior parking structures, as allowed in the conditional use section 14-270.

Sec. 14-272. Dimensional requirements.

In addition to the provisions of article III, division 25 of this Code, lots in the B-6 Eastern Waterfront Business Zone shall meet the following requirements:

(a) Minimum lot size: None.

(b) Minimum frontage: None.

(c) Yard dimensions:

1. Minimum yards in the B-6 zone:

Front setback: None required except as provided in 3. below:

Side setback: None required.

Rear setback: None required.

2. Maximum building setback from street line except for parking garages, public transportation facilities and provided in 3. below: 10 feet.

a. For lots fronting on more than one street, the setback can be increased more than ten (10) feet if all of the following conditions are met:

i. The increased setback occurs at the intersection of the streets;

ii. The increased setback area is the primary

pedestrian entrance to the building;

iii. Seventy-five (75) percent of the total building wall length facing the abutting streets shall be setback no greater than ten (10) feet; and

iv. All building wall segments, which make up the increased setback shall be included in the calculation of the total building wall length noted in subsection iii above.

In addition, for any new construction on a lot abutting three or more streets, the maximum setback shall apply only to the two most major streets. (For purposes of this section, major street shall mean that street with the highest traffic volume or the greatest street width in comparison with the remaining streets).

3. View Corridors and Key Street Wall Development

Notwithstanding sections 1. and 2. above, new structures located in the blocks located south of Fore Street and north of Commercial Street and its extension, shall build to the key building envelopes shown on the B6 Building Height Overlay & Building Envelopes map .Buildings located in the easternmost key building envelope, shall not have a maximum front setback, and shall not be required to build to the key building envelope perimeter. Parking structures and the buildings for public transportation facilities may, however, set back beyond the key building envelopes (toward the interior of blocks), but may not occupy the land between the key building envelope and the street right of way.

(d) Minimum length of building wall required to be located along street frontage of lot (except that buildings located in the easternmost key building envelope, as shown on the B6 Building Height Overlay & Building Envelopes map, shall not be subject to this

requirement).

i. 70% of lot street frontage; or

ii. 25% of building perimeter,

iii. For buildings fronting on two or more streets, the minimum building wall on one street may be decreased so long as the frontage is proportionally increased on other streets in so far that the building wall on the secondary street is not reduced to less than 25 feet.

(e) Maximum lot coverage: One hundred (100) percent.

(f) Maximum building height: 65 feet, or as otherwise governed by a Building Height Overlay map (for example, in the Eastern Waterfront). Building Height Overlay maps are found in the Planning and Development Department Office.

(g) Minimum building height: No new construction of any building shall have less than three (3) floors of habitable space above the average adjacent grade within twenty five (25) feet of any public street (except that buildings located in the easternmost key building envelope, as shown on the B6 Building Height Overlay & Building Envelopes map, shall not be subject to a minimum building height).

This provision shall not apply to:

i. Parking attendant booths,

ii. Information kiosks and ticketing booths,

iii. Parking garages,

iv. Public transportation facilities,

v. Additions to buildings existing as of December 8, 2004 provided that the cumulative additions since December 8, 2004 does not exceed 25% of the building footprint on December 8, 2004 except that such restriction shall not apply to those

portions of the building addition that are constructed closer to the street line than the building footprint existing as of December 8, 2004,

vi. Buildings or building additions of less than 2,000 square feet footprint, on lots or available building sites of less than 2,000 square feet,

vii. Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar structures, and

viii. Additions to and/or relocations of designated historic structures.

Ord. 184-14/15, 6-1-2015

Sec. 14-273. Performance standards.

All new development in the B-6 Eastern Waterfront Business Zone shall comply with the following standards:

(a) Storage: Any storage of new materials, finished products, or related equipment must be suitably screened from the public way and from abutting properties by a solid fence at least five (6) feet in height. All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container. 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 forty-eight (48) hours of its generation. All enclosed and exterior areas shall be cleaned and sanitized on a regular basis. Outdoor storage of refuse or debris shall be in an appropriate container or located within a designated, screened area.

(b) Noise:

1. Definitions:

a. Tonal sounds are defined as sound waves

usually perceived as a hum or whine because their instantaneous sound pressure varies essentially as a simple sinusoidal function of time.

b. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with duration of less than one (1) second.

2. Measurement: Sound levels shall be measured with a sound level meter with a frequency weighting network manufactured according to standards prescribed by the American National Standards Institute (ANSI) or its successor body. Measurements shall be made at all major lot lines of the site, at a height of at least four (4) feet above the ground surface. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ1).

3. Maximum permissible sound levels: The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows:

a. Sixty (60) dBA between the hours of 7:00 a.m. and 10:00 p.m.

b. Fifty (50) dBA between the hours of 10:00 p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.

In addition to the sound level standards established above, all uses located within this zone shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the

impact of such sounds in residential zones.

4. Exemptions:

a. Noises created by construction and maintenance activities between 7:00 a.m. and 10:00 p.m. are exempt from the maximum permissible sound levels set forth in subsection (a)3 of this section. Construction activities on a site abutting any residential use between the hours of 10:00 p.m. of one (1) day and 7:00 a.m. of the following day shall not exceed fifty (50) dBA.

b. The following uses and activities shall also be exempt from the requirements of subsection (a)3 of this section:

i. The noises of safety signals, warning devices, emergency pressure relief valves, and any other emergency devices.

ii. Traffic noise on public roads or noise created by airplanes and railroads.

iii. Noise created by refuse and solid waste collection, provided that the activity is conducted between 6:00 a.m. and 7:00 p.m.

iv. Emergency construction or repair work by public utilities, at any hour.

v. Noise created by any temporary activities which are permitted by law and for which a license or permit has been granted by the city, including but not limited to parades, sporting events, fireworks displays, festivals, events and concerts.

(c) Vibration: Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries.

(d) Federal and state environmental regulations: All uses

shall comply with federal and state environmental statutes and regulations regarding emissions into the air, except where provisions of this Code are more stringent.

(e) Storage of vehicles: Outdoor storage of any unregistered automotive vehicle on the premises for more than ten (10) days, and outdoor storage of any used automotive tires on the premises shall not be permitted.

(f) Off-street parking and loading: Off street parking is required as provided in division 20 (off-street parking) of this article. Division 21 (off-street loading) of this article shall not apply.

(g) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(h) Glare, radiation or fumes: Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.

(i) Enclosure of uses: All uses shall be operated within a fully enclosed structure, except for those customarily operated in open air.

(j) Materials or wastes: Any permitted outdoor storage of materials shall be done in such a manner as to prevent the breeding and harboring of insects or vermin, to prevent the transfer of such materials from the site by natural causes or forces and to contain fumes, dust, or other materials which constitute a fire hazard. This storage shall be accomplished within enclosed containers or by one (1) or more of the following methods: raising materials above ground, separating materials, preventing stagnant water, or by some other means. Any areas used for permitted outdoor storage of materials shall be screened from view of any adjoining properties and public rights-of-way. No outdoor storage shall be permitted between the front of any building on the site and the street.

(k) Odor: Uses in the B-6 zone shall adhere to the odor regulations of the IL zone.

(l) Smoke: Discharges of smoke shall not exceed opacity percentage of forty (40) percent or number 2 on the ringelman chart.

(m) Discharge into sewers: No discharge shall be permitted at any point into any private sewage disposal system, or surface drain, or into the ground, of any materials in such a way or of such nature or temperature as to contaminate any water supply, or the harbor, or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the health authority or by the public works authority.

(n) Lighting: All lighting shall be designed and installed with cut-off fixtures to direct illumination onto the site and to prevent illumination from such fixtures on neighboring properties and as otherwise governed by the site lighting standards of the City of Portland Techncial Manual.

(Ord. No. 80-04/05, 12-8-04; Ord. NO. 240-09/10, 6-21-10; ORd. No. 278-09/10, 7-19-10; Ord. 284-14/15, 6-1-2015)

Sec. 14-274. Affordable Housing

Amendments to Division 30 related to affordable housing that are enacted prior to April 1, 2016 shall apply to any site plan review application on the Portland Company (58 Fore Street) portion of this zone received after April 1, 2015.

(Ord. 284-14/15, 6-1-2015)

DIVISION 15.2. INDIA STREET FORM-BASED CODE ZONE (IS-FBC)

Sec. 14-275.1 Purpose.

The India Street Form-based Code is different than traditional zoning, placing the primary emphasis on a building’s physical form and its relationship to the street, and de-emphasizing land use. The intent of the India Street Form-based Code Zone is to establish a zoning district that encourages a vibrant, walkable, mixed-use urban district, preserves and values the existing historic neighborhood fabric, and fosters and supports local businesses and residential areas. The components of a Form-Based

Code include the Guiding Principles, REGULATING PLAN, Subdistricts, General Development Standards, Dimensional Requirements, BUILDING DESIGN STANDARDS, Diagrams, and Definitions.

The goal of the India Street Form-based Code is the creation and preservation of an active and human-scale public realm and the reinforcement of existing neighborhood character through good street space design.

(a) GENERAL GUIDING PRINCIPLES: The General Guiding Principles set forth here shall be applicable to all subdistricts within the India Street Form-based Code Zone.

1. The street is a coherent space, with consistent building and streetscape character on both sides of the street. This agreement of buildings and streetscape across the street contributes to a clear public space and district identity.

2. The street wall is visually well defined. Land should be clearly public or private. Buildings contribute to the vital and safe public space while providing a clear boundary to the private, protected realm.

3. Street walls are engaged with the street environment. Buildings are inviting places that interact with and contribute to the street vitality. Inactive edges, vehicle storage, garbage, and mechanical equipment should be kept away from the street. Shared infrastructure, to the extent practicable, including, but not limited to, service alleys, parking areas, stormwater treatment, public transportation facilities, and driveways, shall be utilized.

4. Buildings are designed for the urban environment. Buildings must be designed for the urban situation within the subdistrict which often includes mixed-uses. Buildings are positioned near the street and FACADES are oriented to the street.

5. Respect historic character. If a property is within the India Street Historic District, Article IX Historic Preservation is applicable. New

construction, BUILDING ADDITIONS, or alteratons in the India Street Historic District shall reflect and complement the character defining features and elements of the existing historic development to which it is visually related.

(Ord. 83-15/16, 11-2-2015; Ord. No. 49-17/18, 9-18-2017)

Sec. 14-275.2. Applicability.

(a) The requirements set forth in this Division shall apply to all new development, primary and accessory structures, including BUILDING ADDITIONS within the India Street Form-based Code Zone as designated on the India Street REGULATING PLAN.

(b) A partial waiver of the requirements of this Division listed below may be granted if it can be demonstrated to the satisfaction of the Planning Authority that the requirements in subsection (c) below have been met:

1. Building orientation;

2. BLANK FAÇADE length (max);

3. Fenestration, ground floor facade area;

4. Building entry frequency, orientation, or elevation;

5. Garage door setback or width; and/or

6. Additional Building Length – ground floor partition or module requirements.

(c) A partial waiver request must meet the following requirements:

1. The intent of the ISFBC zone as stated in Sec. 14.27.1 Purpose and Sec. 14-275.7 Subdistrict dimensional requirements;

2. Be the least adjustment necessary to satisfy the practical, programmatic, or functional needs of the proposed development; and

3. At least one (1) of the following applies:

i. The proposed zoning alternative better achieves the zone and subdistrict intent;

ii. The zone or subdistrict intent will not be met by applying the requirement in this particular circumstance;

iii. There is a legal or practical necessity or unique conditions; or

iv. Unique site factors make the zoning requirement impractical or cost prohibitive.

(Ord. 83-15/16, 11-2-2015; Ord. No. 49-17/18, 9-18-2017)

Sec. 14-275.3. Establishment of subdistricts.

The India Street Form-based Code Zone as shown on the REGULATING PLAN is divided into three subdistricts:

(a) Urban Neighborhood (UN) Subdistrict;

(b) Urban Transitional (UT) Subdistrict; and

(c) Urban Active (UA) Subdistrict.

(Ord. 83-15/16, 11-2-2015)

Sec. 14-275.4. Definitions.

Terms used throughout this India Street Form-based Code Zone may be defined in Section 14-47 or elsewhere in Article III, Zoning. Terms not so defined shall be accorded their commonly accepted meanings. In the event of any conflict between the definitions in this section and those in Section 14-47, or any other sections of Article III, Zoning, the Subdivision Rules and Regulations, or any other local land use ordinances, rules or regulations, those of this India Street Form-based Code Zone shall take precedence.

BUILDING ADDITION means any increase to footprint or volume of an existing structure. See Table 14.275.4c. Building – Principal & Accessory

BUILDING, ACCESSORY means detached structure that is incidental and subordinate in area and extent, and/or use to the principal building(s) on the property. A lot may have more than one accessory building. See Table 14.275.4c. Building – Principal & Accessory.

BUILDING, PRINCIPAL means the main structure(s) on a lot having the predominant area and extent, and/or use. A lot may have more than one principal building. See Table 14.275.4c. Building – Principal & Accessory.

BUILDINGS, ATTACHED means two or more independent buildings that share at least one common PARTY WALL but have full building separation and independent PRINCIPAL ENTRIES; not free-standing. Attached buildings may or may not have common ownership.

BUILDING DESIGN STANDARD (BDS) means *t*he basic design parameters governing building form, including intent, guidelines, and standards for architectural elements such as proportion, articulation, fenestration, entries, roof lines, and materials.

ELEVATION means an exterior wall of a building not along a frontage line. See FAÇADE and Table 14.275.4e. Frontage & Lot Lines.

ENTRANCE, PRINCIPAL means the main point of access for pedestrians into a building. A building may have more than one principal entrance.

FAÇADE means any exterior wall of a structure exposed to public view from a public right-of-way. See ELEVATION and Table 14.275.4d. Frontage & Lot Lines.

FAÇADE, BLANK means a building façade that contains expanses of wall area with no windows, no entrances, no articulation, and no other elements or features, or is otherwise undifferentiated.

GREEN ROOF means a roof of a building that is partially or completely covered with vegetation and designed to meet the Maine Stormwater Best Management Practices Manual standards and recommendations. A green roof installation must serve the purpose of reducing stormwater runoff through retention or slowing and consist of an assembly that at a minimum includes a root repellent system, a drainage system, a filtering layer, a growing medium and plants, and shall be installed on a waterproof membrane. The vegetated area of a green roof may be considered pervious for zoning impervious calculations.

MID-BLOCK PERMEABILITY means a continuous, open-air corridor at least 20’ in width that connects two streets or public rights-of-way and physically provides a break in the street wall. The

corridor must be unobstructed and open to the sky for the majority of its length.

PARTY WALL means any partition wall common to two adjacent or attached buildings.

REGULATING PLAN means a zoning map that shows the boundary of the area and subdistricts subject to regulation by the India Street Form-based Code.

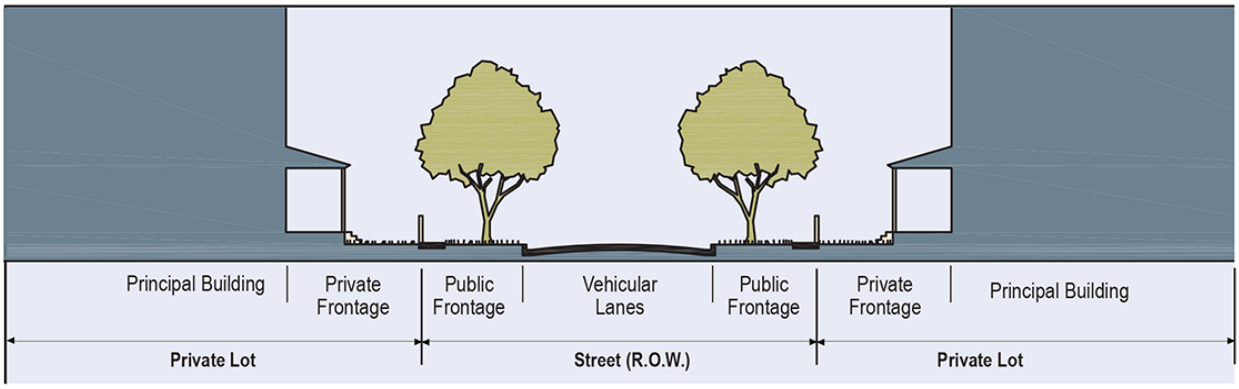
STEPBACK means a building setback of a specified distance measured from the ground floor building face that occurs at a prescribed number of stories or height above the ground and excludes the minimum necessary housing of elevators, stairways, tanks, fans, or other building operating equipment not intended for human occupancy.

YARD, SIDE means a yard adjoining a side lot line extending from the front yard to the rear yard, the width of which shall be the shortest horizontal distance between the side lot line and any structure. On corner lots, non-frontage yards shall be considered side yards. See Table 14.275.4b. Setback Designations.

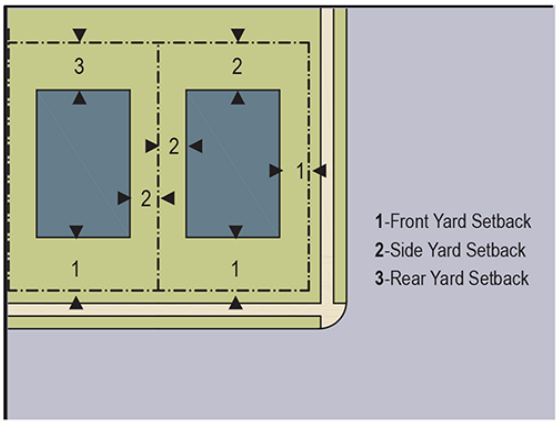
ZERO LOT LINE means the location of a structure on a lot such that one or more of the structure sides rests directly on a lot line. See Table 14.275.4d. Frontage & Lot Lines.

TABLE 14.275.4 DEFINITIONS ILLUSTRATED

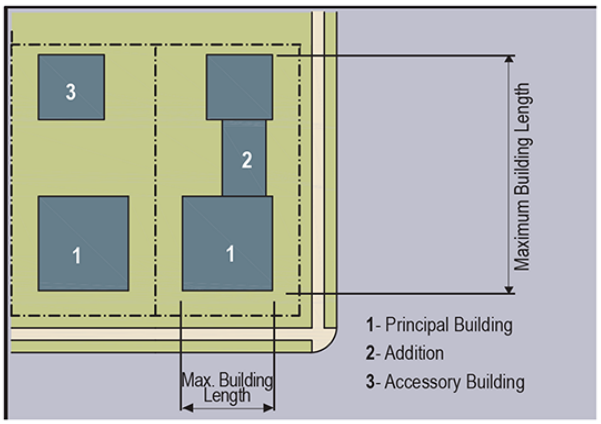
a. STREETS & FRONTAGES



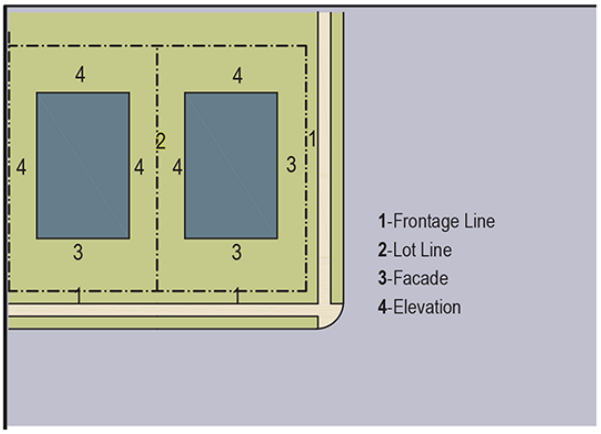
b. SETBACK DESIGNATIONS



c. BUILDING - PRINCIPAL & ACCESSORY



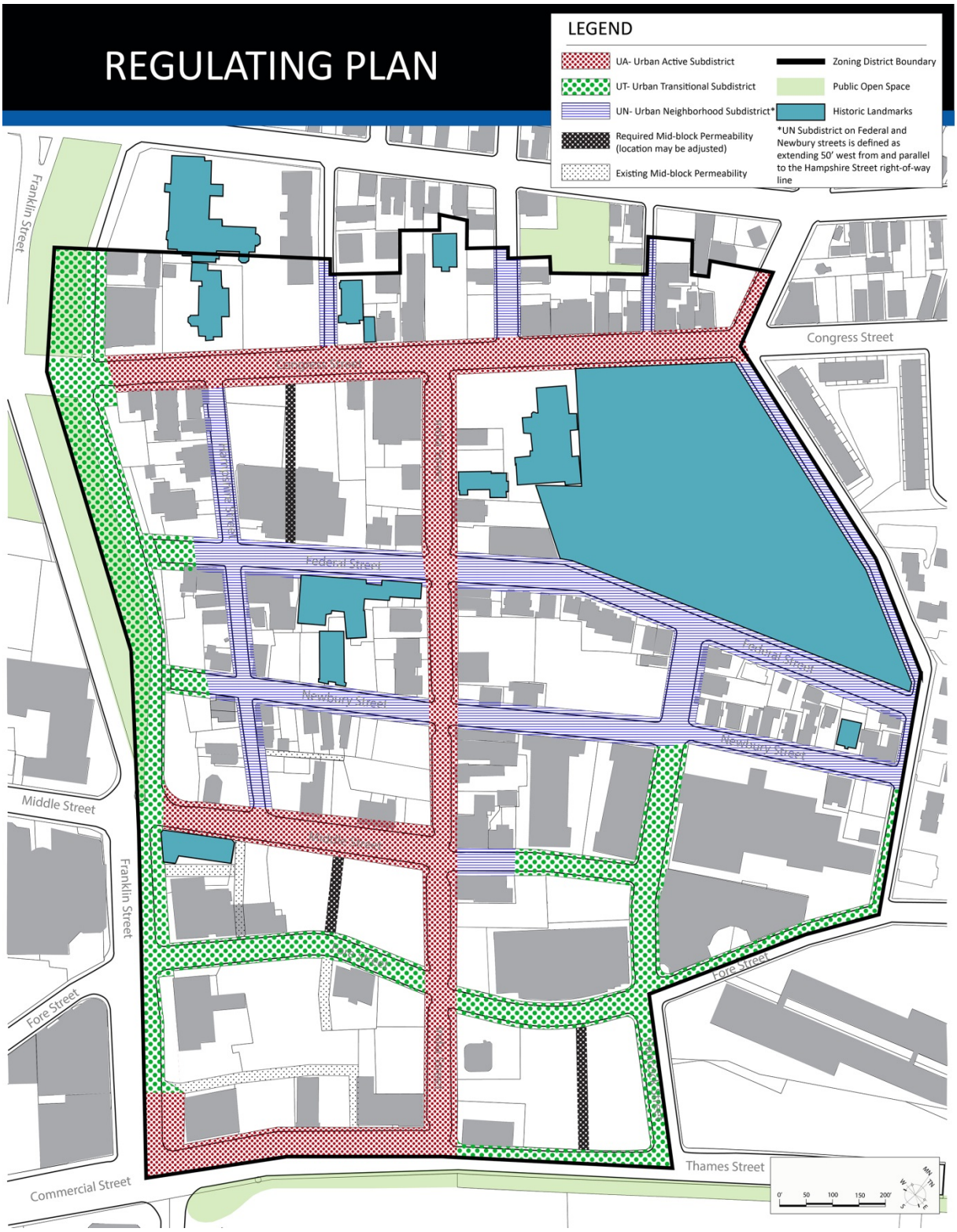
d. FRONTAGE & LOT LINES



(Ord. 83-15/16, 11-2-2015; Ord. No. 49-17/18, 9-18-2017)

Sec. 14-275.5. Regulating Plan.

The REGULATING PLAN shows the location of the zone boundary and subdistricts subject to regulation by the IS-FBC zone.



Sec. 14-275.6. General development standards.

The following standards apply to all subdistricts unless expressly stated otherwise.

(a) *Prohibited uses* – uses not to be established in the India Street Form-based Code Zone include:

1. Correctional facilities;

2. Cremation facilities;

3. Drive-through facilities;

4. High-impact industrial uses, including industrial uses that are prohibited in the IL zone, specifically Section 14-233(c), (e – y), (aa);

5. Major/minor auto-service station;

6. Truck terminals;

7. Waste related services; and

8. Storage and parking facilities for Class 1 flammable and combustible liquids (having an aggregate total of more than 100 gallons) but excluding storage that is part of a motorized vehicle or pleasure craft facility.

(b) *Siting standards*.

1. MID-BLOCK PERMEABILITY.

a. Lots with frontage on two streets roughly parallel to Commercial/Thames Street, for each and every 200 feet in street line length of lot, a full break between structures of at least 20 feet in width shall be provided roughly perpendicular to Commercial/Thames Street and within the middle third of the applicable street frontage. (see Table 14.275.7a. Mid-Block Permeability)

b. Is encouraged in any location that connects existing public or private alleys, passages, or streets.

c. Any development providing MID-BLOCK PERMEABILITY with public access between two streets is eligible for one (1) additional story of up to 12’ in height (see Sec. 14-275.6(c) Height Standards). Public access shall be defined through a legal agreement such as an easement or license.

d. Refer to REGULATING PLAN for identified required MID-BLOCK PERMEABILITY locations.

2. Frontage requirements.

a. Minimum street frontage = 30’

b. Building length measurement shall not include porches, decks, or balconies that are appended to the principal structure.

c. In the case of a corner lot or lot bounded by at least three streets, maximum building lengths may not be exceeded in order to meet front yard setbacks.

d. Additional Building Length is allowed beyond the maximum building length under the following circumstances and according to the table below:

i. ATTACHED BUILDINGS: An unlimited number of ATTACHED BUILDINGS having up to 30’ street-facing building length is allowed. A PARTY WALL condition is required at least every 30’ and for the entire height of each building. (see Table 14.275.7d Additional Building Length – ATTACHED BUILDINGS).

ii. Ground Floor Partitions: Additional building length is permitted with the provision of ground floor partitions where the following conditions are met: (see Table 14.275.7f Additional Building Length – Ground Floor Partitions)

a. Partitions must extend from the FAÇADE at least 2/3rds of the building depth.

b. Partitions must be architecturally expressed on the building exterior.

c. Each module created by partition must have at least one functional, street-facing entry.

d. Modules created by partition shall be sized to have reasonable function and proportion in relation to overall building length.

e. In the UA subdistrict, number of modules are required based on building length:

- Building length >50’ but <100’ = at least 2 modules
- Building length >100’ but ≤150’ = at least 3 modules

f. Massing Variation: Additional building length is permitted where at least 30% and up to 40% of the total FACADE building length is set back at least 20’ (see Table 14.275.7e Additional Building Length – Massing Variation).

g. Structured Parking Exception: Additional building length for one FACADE without partition walls is allowed for the use of ground-level structured parking.

Additional Building Length				
Subdistrict	**ATTACHED BUILDINGS**	**Ground Floor Partitions**	**Massing Variation**	**Structured Parking Exception**
UN	unlimited run	Not allowed	Not allowed	Not allowed
UT	unlimited run	200’ max.	200’ max.	200’ max.

		length; 2 modules	length	length
UA	unlimited run	150’ max. length; 3 modules	Not allowed	150’ max. length

3. Setbacks.

   a. Side Yard Setbacks for Small Lots – Lots with a street frontage of less than 35’ are exempt from providing side yards but only where required yard is perpendicular to the frontage that is less than 35’.

   a. Where new construction or BUILDING ADDITIONS creates a side yard of less than 5’, a maintenance easement is required where a combination of the side yard and easement must be at least 5’. PARTY WALL conditions are exempt from providing a maintenance easement. Corner lots may only apply the side yard reduction to one required side yard.

   b. Building FACADES within 10’ of a corner are exempt from setback requirements in order to allow special corner architectural treatments.

   c. ATTACHED BUILDINGS on Individual Lots - Subdivision developments consisting of horizontally attached buildings on individual lots are not required to have side yards between buildings where a PARTY WALL condition will exist, but shall be required to meet the applicable side yard requirements at the external and internal subdivision lot boundaries between buildings that are not attached to each other.

4. Landscaping and screening.

   a. Surface parking areas shall be screened from view from sidewalks, public-right-of-ways, and public open spaces using landscaping, walls, fencing, or a combination thereof.

   b. Wall/Fence Dimensional Requirements

Wall/Fence Dimensional Requirements		
LOCATION	**Height**	**Visual Permeability**
Within front yard	6′ max.	Required above 2′ from sidewalk grade
Side or rear yard	8′ max.	n/a

5. BUILDING ADDITIONS.

a. BUILDING ADDITIONS which exceed the footprint of the existing building to which it is an addition or which exceeds 50,000 square feet shall be subject to Level III Site Plan review.

b. Exemptions

i. Building Length: A BUILDING ADDITION may not cause the building to exceed the maximum building length requirement except in the case that the BUILDING ADDITION is located between a street frontage and an existing building with a legally non-confoming length. In such an instance, a BUILDING ADDITION length may match but not exceed the legally non-conforming length of the existing building to which it is an addition. (See Table 14.275.7b. Addition)

ii. Building Height in Stories: BUILDING ADDITIONS are exempt from story minimums or maximums in order to match existing building in number of stories. All other Subdistrict Height Standards shall apply including height minimum and maximums in feet.

(c) Height standards.

1. Height bonus.

a. Applicability:

i. If a frontage faces a UT street, UN street, or Congress Street, then the portion of the building facing that street is eligible for a height bonus. For lots with multiple frontages where a frontage faces an ineligible street, bonus story must be stepped back at least 35’ from ineligible street line (see Sec. 14-275.7 (d) Corner conditions diagram *UA intersects UT* for illustration).

ii. Only one height bonus may be applied per structure.

b. One (1) additional story of up to 12 feet in height is allowed if one of the following provisions is met:

1. For residential development with residential density equal to or greater than 150 dwelling units per acre (density may be achieved with the bonus floor);

2. For any development providing a GREEN ROOF, where:

i At least 50% of the cumulative lot area is pervious; and

ii At least 50% of the cumulative roof area is a GREEN ROOF. GREEN ROOF area may be applied towards the 50% lot area requirement.

3. For residential development where 20% of the units meet the definition of either “Workforce Housing Unit for Sale” or “Low-income Housing Unit for Rent” as per Section 14-485.

	Height Bonuses						
Sub-district	**Max. Pre-bonus Height**	**MID-BLOCK PERMEABILITY (publicly accessible)**	**Res. Density**	**GREEN ROOF**	**Afford. Housing**	**Max. Height w/ Bonus**	**Min. Bonus Floor Stepback ***
UN	45′ and 4 stories	n/a	n/a	n/a	1 story Up to 12′	57′ up to 5 stories	15′
UT	65′ and 6 stories	1 story Up to 12′	1 story Up to 12′	1 story Up to 12′	1 story Up to 12′	77′ up to 7 stories	15′
UA (Congress Street only)	50′ and 4 stories	1 story Up to 12′	1 story Up to 12′	1 story Up to 12′	1 story Up to 12′	62′ up to 5 stories	15′

*measured from the ground floor building edge facing any public right-of-way

(d) Parking standards.

1. Parking shall be provided as per Division 20 Off-Street Parking of Chapter 14 Land Use Code.

2. Structured parking must meet the BDS for *Structured Parking* (see *City of Portland Design Manual*).

3. In the case of a BUILDING ADDITION, non-conforming existing surface parking may remain. In the case of new construction, surface parking must be brought into conformance with IS-FBC standards.

(Ord. 83-15/16, 11-2-2015; Ord. No. 49-17/18, 9-18-2017)

Sec. 14-275.7. Subdistrict dimensional requirements.

(a) Urban Neighborhood (UN) subdistrict.

Intent: The intent of this subdistrict is to maintain and promote a small-scale, less active urban fabric. Buildings may be more private in character and have smaller footprints with building types including, but not limited to, single-family, rowhouses, duplexes, triple-deckers, and double-triples. Building frontages may be less transparent and entries may be

raised above sidewalk level with frontage types including raised, recessed doorways, porches, and stoops. The streetscape has variable setbacks and landscaping with many buildings within one block and streets tend to be narrow.

UN

SITING STANDARDS

Orientation - Principal Frontage	determined by applicant
Lot Coverage	90% max

FRONTAGE REQUIREMENTS

Building Length - Principal facade	50' max.
Building Length - Secondary fac.	50' max.
BLANK FACADE length (max)	15'
Additional Building Length	(see also Table 14.275.7)
ATTACHED BUILDINGS	unlimited run
Ground Floor Partitions	not allowed
Massing Variation	not allowed
Structured Parking Exception	not allowed

SETBACKS

Principal Building	
(a) Front Yard	5' max.
Setback Applicability (see Table 14.275.7 c.)	75% of total building length must meet front yard setback
(b) Side Yard*	5' min. - May be reduced provided that the cumulative side yards are not less than 10'
(c) Rear Yard	10' min.
Accessory Building Front Yard	5' min.
Side Yard	5' min.
Rear Yard	5' min.

BUILDING ENTRIES (SEE ALSO BDS)

Frequency at frontage	at least 35'
Principal Entries	
Orientation	any orientation allowed
Elevated Stoop (> 1 step)	allowed

HEIGHT STANDARDS

Principal Building	
Building Height Min.	25', at least 2 stories
Building Height Max.	45', up to 4 stories
Accessory Building	
Building Height Max.	25'

PARKING STANDARDS

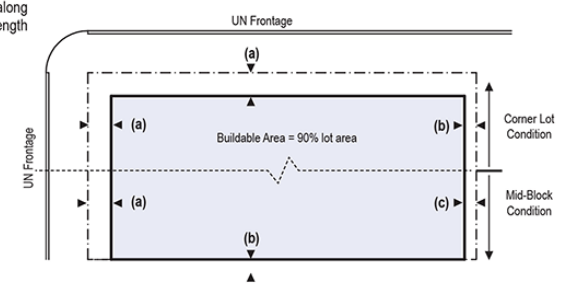
Surface Parking Location	35' min. setback from street
Within Side Yard	20' max in width per lot; may not exceed 50% of frontage length
Garage at frontage (attached or detached)	
Garage Door Setback (min)	5'
Garage Door Opening (max)	9' up to 40% of facade length
	20' max. limit

Notes and Exceptions

* Reduced side yards and zero lot lines are allowed under certain conditions (see Sec. 14.275.6(b) 3. Setbacks)

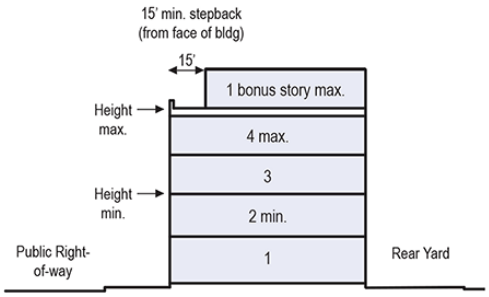
SITING STANDARDS

1. The FACADES and ELEVATIONS of Principal Buildings shall be distanced from the lot lines as shown.
2. FACADES shall be built along the frontage lines to the length specified in the table.



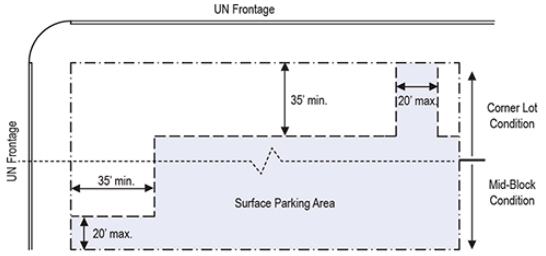
HEIGHT STANDARDS

1. Height shall be measured as specified in Sec. 14-47 Definitions "Building, height of."
2. Number of Stories excludes attics and raised basements.



PARKING STANDARDS

1. Surface parking areas may be provided within the shaded area shown.



(b) Urban Transitional (UT) subdistrict.

Intent: The intent of this subdistrict is to encourage higher density, mixed-use building types that accommodate any use. Building frontages are a mix of activity level, have larger footprints, and the most flexibility of height and scale. Building ground floor spaces tend to accommodate flexible and changing uses with frontage types including doorways, forecourts, arcades, and storefronts. The streetscape may be less active than the UA subdistrict with wide sidewalks, street trees, and setbacks and stepbacks providing relief from large building masses.

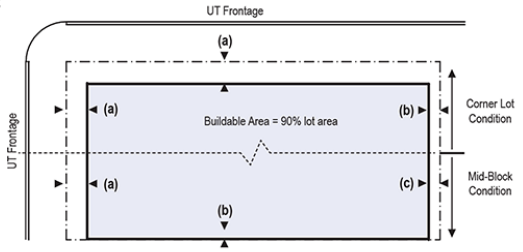
UT

SITING STANDARDS	
Orientation - Principal Frontage	determined by applicant
Lot Coverage	90% max
FRONTAGE REQUIREMENTS	
Building Length	100' max.
BLANK FACADE length (max)	30'
Additional Building Length	(see also Table 14.275.7)
ATTACHED BUILDINGS	unlimited run
Ground Floor Partitions	200' max., 2 modules
Massing Variation	200' max.
Structured Parking Exception	200' max.
SETBACKS	
Principal Building	
(a) Front Yard	10' max.
Setback Applicability (see Table 14.275.7 c.)	75% of total building length must meet front yard setback
(b) Side Yard*	10' min. - May be reduced provided that the cumulative side yards are not less than 20'
(c) Rear Yard	10' min.
(d) STEPBACK (adjacent to UN)	10' min. stepback after 45' height
Accessory Building Front Yard	5' min.
Side Yard	5' min.
Rear Yard	5' min.
BUILDING ENTRIES (SEE ALSO BDS)	
Frequency at frontage	at least 95'
Principal Entries	
Orientation	any allowed
Elevated Stoop (>1 step)	allowed
HEIGHT STANDARDS	
Principal Building	
Building Height Min.	3 stories
Building Height Max.	65', up to 6 stories
Ground Story Height	n/a
Accessory Building	
Building Height Max.	25'
PARKING STANDARDS	
Surface Parking Location	35' min. setback from street
Garage at frontage (attached or detached)	
Garage Door Setback (min)	10'
Garage Door Opening (max)	9' up to 40% of facade length
	20' max. limit
Notes and Exceptions	

* Reduced side yards and zero lot lines are allowed under certain conditions (see Sec. 14.275.6(b) 3. Setbacks)

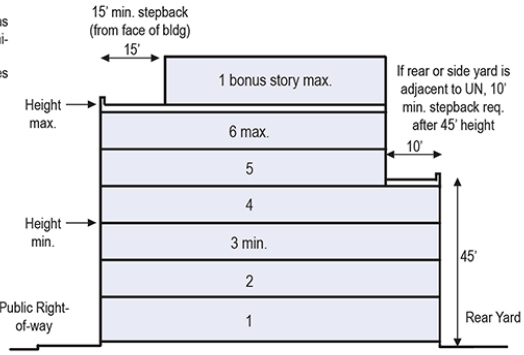
SITING STANDARDS

1. The FACADES and ELEVATIONS of Principal Structures shall be distanced from the lot lines as shown.
2. FACADES shall be built along the frontage lines to the length specified in the table.



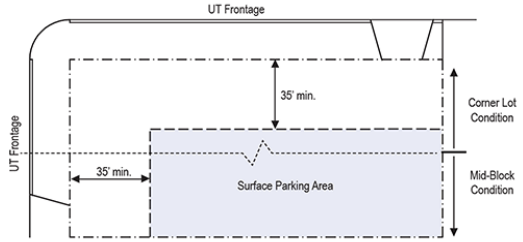
HEIGHT STANDARDS

1. Height shall be measured as specified in Sec. 14-47 Definitions "Building, height of."
2. Number of Stories excludes attics and raised basements.



PARKING STANDARDS

1. Surface parking areas may be provided within the shaded area as shown.



(c) Urban Active (UA) subdistrict.

Intent: The intent of this subdistrict is to maintain and promote a moderate-scale, diverse, mixed-use neighborhood with vibrant streets and active ground floor spaces. Buildings are more active and engage the street at the ground level. Building frontages are transparent and entries are at sidewalk level with frontage types including storefronts and recessed doorways. The streetscape has steady street planting, and buildings set close to the street providing a consistent street wall.

UA

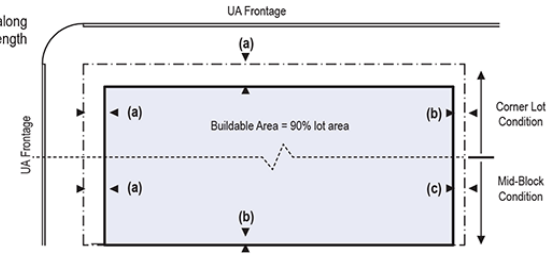
SITING STANDARDS	
Orientation - Principal Frontage	face a UA street
Lot Coverage	90% max
FRONTAGE REQUIREMENTS	
Building Length	50' max.
BLANK FACADE length (max)	15'
Additional Building Length	(see also Table 14.275.7)
ATTACHED BUILDINGS	unlimited run
Ground Floor Partitions	150' max., up to 3 modules
Massing Variation	not allowed
Structured Parking Exception	150' max.
Fenestration, ground floor	60-90% (see BDS) facade area
SETBACKS	
Principal Building	
(a) Front Yard*	5' max.
Setback Applicability (see Table 14.275.7 c.)	75% of total building length must meet front yard setback
(b) Side Yard**	5' min. - May be reduced provided that the cumulative side yards are not less than 10'
(c) Rear Yard	10' min.
Accessory Building Front Yard	5' min.
Side Yard	5' min.
Rear Yard	5' min.
BUILDING ENTRIES (SEE ALSO BDS)	
Frequency at frontage	at least 40'
Principal Entries	
Orientation	at least 1 facing UA street or corner
Elevated Stoop (>1 step)	not allowed
HEIGHT STANDARDS	
Principal Building	
Building Height Min.	3 stories
Building Height Max.	50', up to 4 stories
Accessory Building	
Building Height Max.	25'
PARKING STANDARDS	
Surface Parking Location	35' from street
Garage at frontage (attached or detached)	
Garage Door Setback	20' min. from street
Garage Door Opening (max)	n/a
Notes and Exceptions	

* Up to 10'0" max. front yard setback is allowed if ground plane at frontage is a continuation of the accessible public right-of-way

** Reduced side yards and zero lot lines are allowed under certain conditions (see Sec. 14.275.6(b) 3. Setbacks)

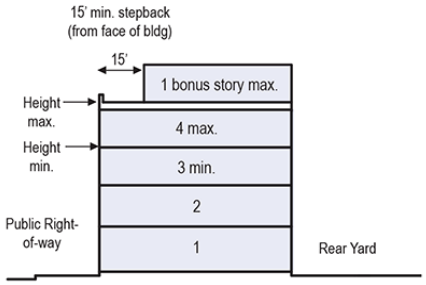
SITING STANDARDS

1. The FACADES and ELEVATIONS of Principal Buildings shall be distanced from the lot lines as shown.
2. FACADES shall be built along the frontage lines to the length specified in the table.



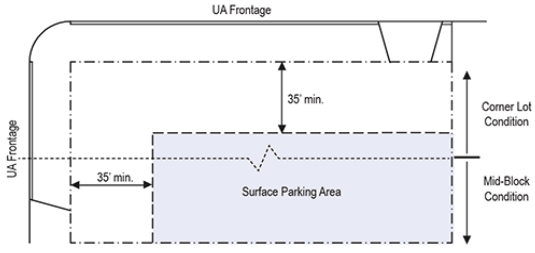
HEIGHT STANDARDS

1. Height shall be measured as specified in Sec. 14-47 Definitions "Building, height of."
2. Number of Stories excludes attics and raised basements.



PARKING STANDARDS

1. Surface parking areas may be provided within the shaded area as shown.



(d) Corner conditions.

For corner lots where two subdistricts intersect at a street corner, the *Dimensional Requirements* and *Building Design Standards* of the "dominant" subdistrict shall apply 35 feet deep into the lot measured from the dominant lot line along its associated street frontage or public ways including required mid-block permeability. Otherwise, *Dimensional Requirements* shall be according to the subdistrict onto which the building FAÇADE faces.

CORNER

ORIENTATION

- Corner lots shall be treated as having street frontage on all streets regardless of building orientation
- Principal Building shall designate a Principal Frontage and Secondary Frontage*
- In the case of a corner lot having UA frontage, the Principal Frontage must face a UA street*

SETBACKS

(a) Front Yard	according to subdistrict
(b) Side Yard	according to subdistrict

Building facades within 10' of a corner are exempt from setback requirements in order to allow special architectural treatments.

UA INTERSECTS UT

Dominant Subdistrict (35' deep)	UA
Orientation - Principal Frontage	UA street
Dominant Building Design Standards (applicable 35' deep)	
Entry, Frequency at frontage	at least 40'
Entry, Orientation	at least 1 facing UA street or corner
Entry, Elevated Stoop (>1 step)	not allowed on principal UA entry
BLANK FACADE, max. length	15'
Fenestration, ground floor	60-90% (see BDS) facade area

(measured as a percentage of the FACADE that is 2' above sidewalk grade)

UA INTERSECTS UN

Dominant Subdistrict (35' deep)	UA
Orientation - Principal Frontage	UA street
Building Length - UN FACADES	100' max.
Dominant Building Design Standards (applicable 35' deep)	
Entry, Frequency at frontage	at least 40'
Entry, Orientation	at least 1 facing UA street or corner
Entry, Elevated Stoop (>1 step)	not allowed on principal UA entry
BLANK FACADE, max. length	15'
Fenestration, ground floor	60-90% (see BDS) facade area

(measured as a percentage of the FACADE that is 2' above sidewalk grade)

UT INTERSECTS UN

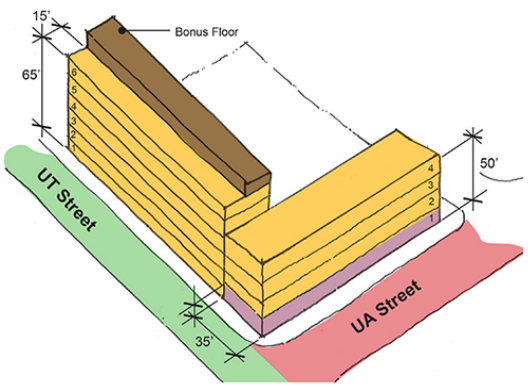
Dominant Subdistrict (35' deep)	UN
Orientation - Principal Frontage	determined by applicant

- Corner lots shall be treated as having street frontage on all streets regardless of building orientation

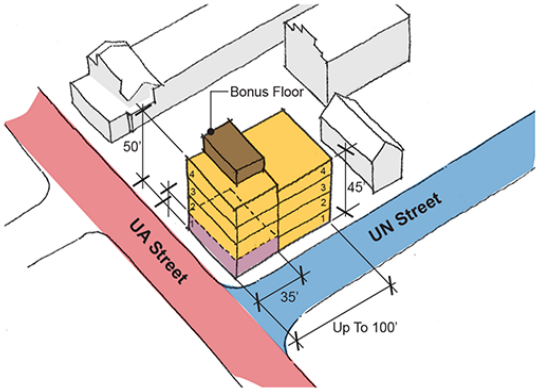
Notes and Exceptions

* Does not have to correspond to legal building address

UA INTERSECTS UT
(example only)



UA INTERSECTS UN
(example only)



UT INTERSECTS UN
(example only)

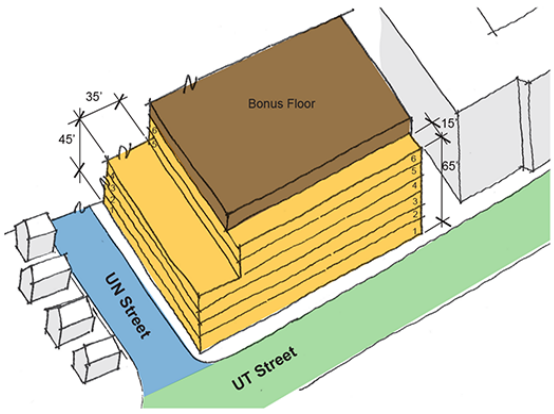
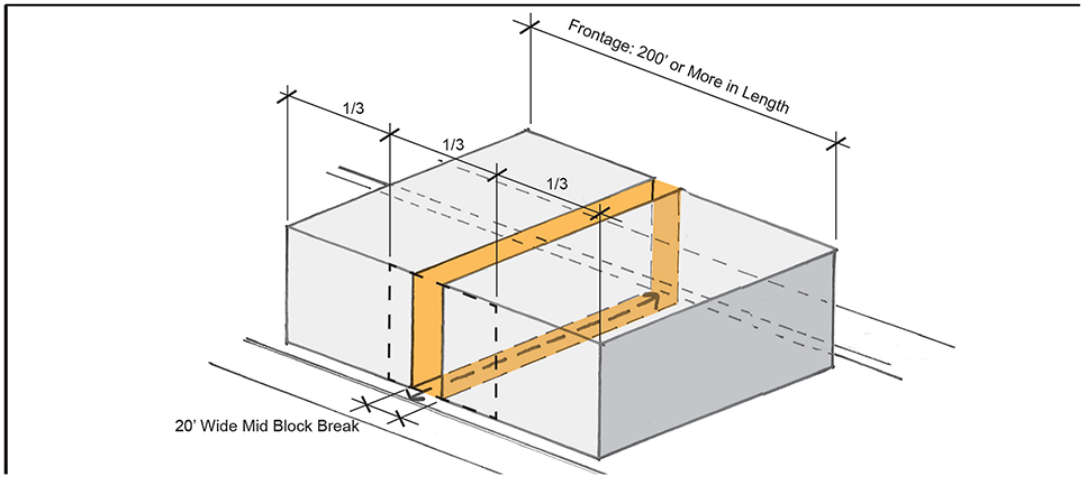
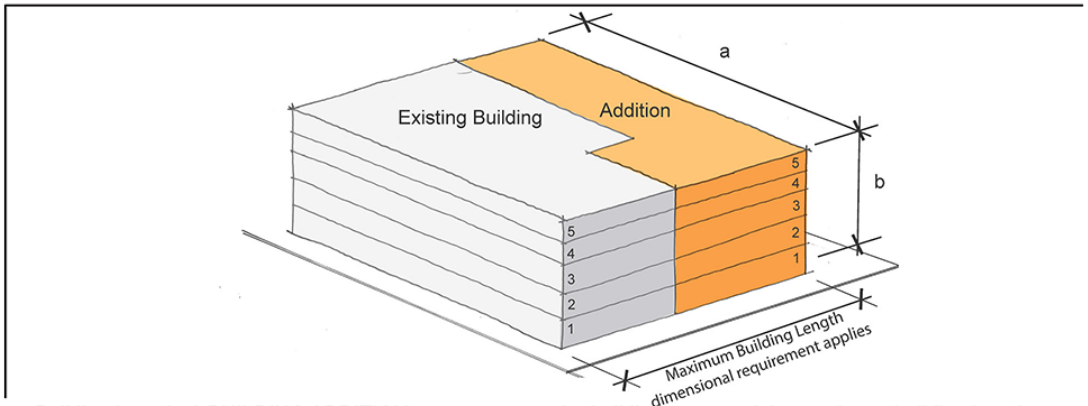


TABLE 14.275.7 DIMENSIONAL REQUIREMENTS ILLUSTRATED

a. MID-BLOCK PERMEABILITY

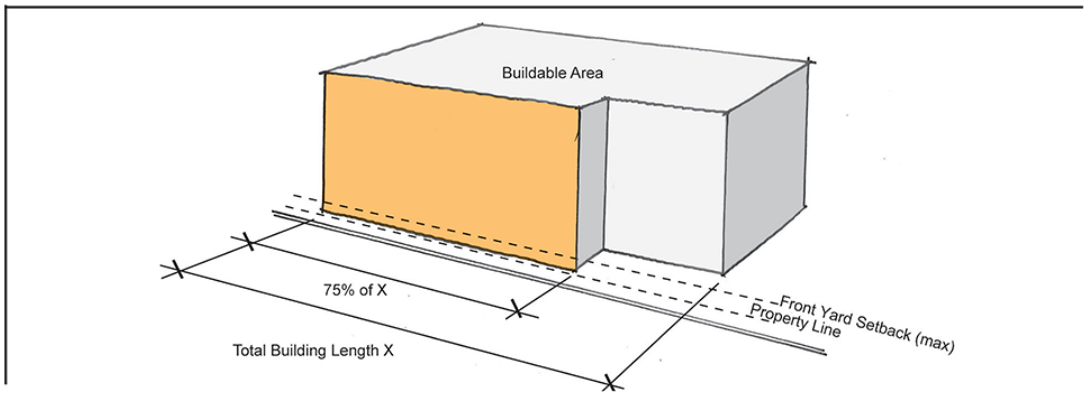


b. BUILDING ADDITION EXEMPTIONS



a - Building Length: A BUILDING ADDITION may not cause the building to exceed the maximum building length requirement except in the case that the BUILDING ADDITION is located between a street frontage and an existing building with a non-conforming length. In such an instance, a BUILDING ADDITION length may match but not exceed the legally non-conforming length of the existing building to which it is an addition.
b - Building Height in Stories: BUILDING ADDITIONS are exempt from story minimums or maximums in order to match existing building in number of stories. All other Subdistrict Height Standards shall apply including height minimum and maximums in feet.

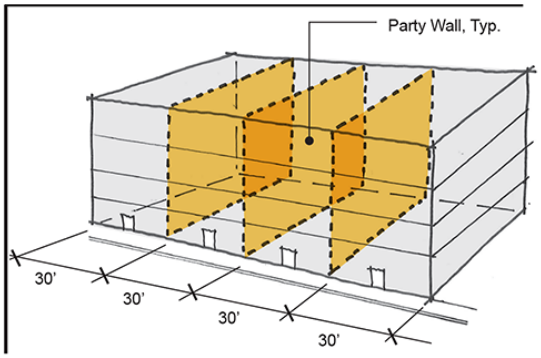
c. BUILDING LENGTH



At least 75% of the total building length must meet the front yard setback dimensional requirements.

TABLE 14.275.7 DIMENSIONAL REQUIREMENTS ILLUSTRATED (CONTINUED)

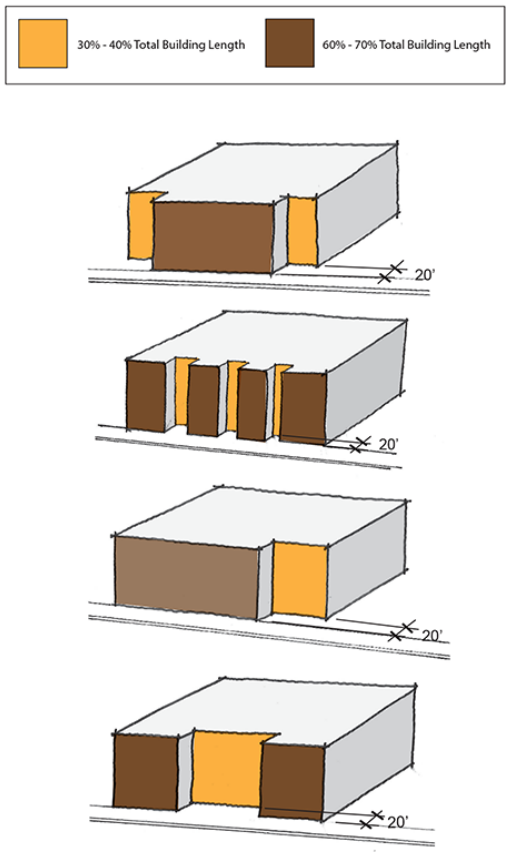
d. ADDITIONAL BUILDING LENGTH - ATTACHED BUILDINGS



An unlimited number of ATTACHED BUILDINGS having up to 30' street-facing building length is allowed.

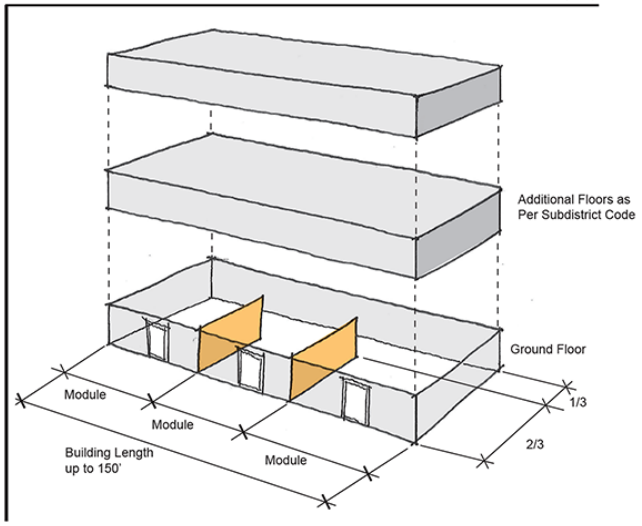
A PARTY WALL condition is required at least every 30' and for the entire height of each building.

e. ADDITIONAL BUILDING LENGTH - MASSING VARIATION (UT)



Additional building length is permitted where at least 30% and up to 40% of the total building length is setback at least 20'.

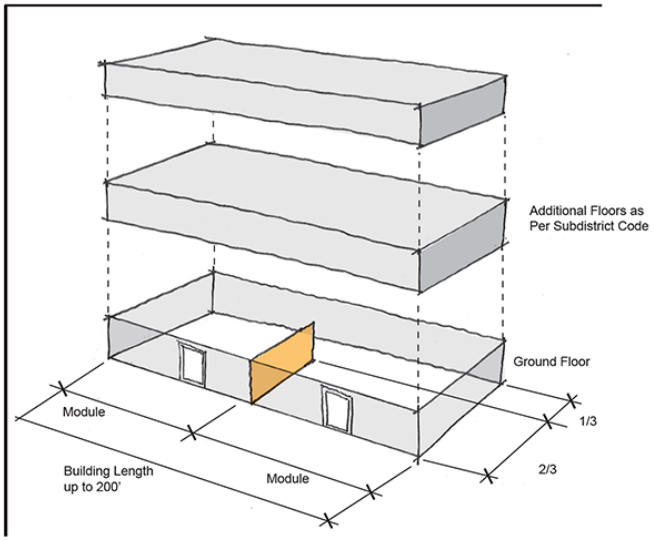
f.1. ADDITIONAL BUILDING LENGTH - GROUND FLOOR PARTITIONS (UA)



Additional Building Length is permitted up to 150' with the provision of a least two Ground Floor Partitions

See General Development Standards and BDS for additional requirements.

f.2. ADDITIONAL BUILDING LENGTH - GROUND FLOOR PARTITIONS (UT)



Additional Building Length is permitted up to 200' with the provision of at least one Ground Floor Partition.

See General Development Standards and the BDS for additional requirements.

(Ord. 83-15/16, 11-2-2015; Ord. No. 49-17/18, 9-18-2017)

DIVISIONS 16. WAYNFLETE SCHOOL OVERLAY ZONE*

Editor's note—Ord. No. 164-97, § 9, passed Jan. 6, 1997, repealed divs. 16 and 17 of this article, which pertained to the I-4 industrial zone and the I-P industrial park zone, respectively. Formerly, such divisions consisted of substantive §§ 14-276—14-282, 14-291—14-297 and derived from 602.13B.A—602.13B.F, 602.13B.H, 602.10A.A—602.10A.E and 602.10A.H of the 1968 Code as amended by Ord. No. 536-74, § 2, adopted Aug. 19, 1974; Ord. No. 334-76, §§ 6, 7, adopted Jul. 7, 1976; Ord. No. 159-87, adopted Nov. 2, 1987; Ord. No. 235-88, adopted Feb. 1, 1988; Ord. No. 330-90, §§ 4, 5, adopted May 7, 1990; Ord. No. 15-92, §§ 20, 21, adopted Jun. 15, 1992; and Ord. No. 193A-93, § 5, adopted Feb. 17, 1993; pursuant to Order 138-09/10 passed on 1/20/10 Division 16 (Waynflete School Overlay Zone) was adopted in its entirety.

Sec. 14-276. Purpose.

The intention of this division is to establish an overlay zone which protects the value and integrity of established residential neighborhoods, establishes clearly defined boundaries beyond which residential conversions cannot occur and results in no net loss of dwelling units, while allowing Waynflete School, an existing private day school, to continue and reasonably augment its existing uses and programs, thereby maintaining compatible development at medium densities appropriate to the existing neighborhood patterns. As used in this division, the term "Waynflete School" includes any successor institution that operates as a private day school.
(Ord. No. 138 – 09/10, 1-20-10)

Sec. 14-276.1. Location and applicability of Waynfete School Overlay Zone.

The Waynflete School Overlay Zone, as shown on the zoning map, is intended to encompass and define Waynflete School's principal campus on the Portland peninsula. Properties in the Waynflete School Overlay Zone shall continue to be governed by the regulations applicable to the underlying zoning districts except as specifically modified by this division.
(Ord. No. 138-09/10, 1-20-10)

Sec. 14-276.2. Overlay Zone sub-districts.

The Waynflete School Overlay Zone consists of two sub-districts, as shown on the Waynflete School Overlay Zone sub-district map, incorporated herein by reference, as follows:

(a) The Campus Core sub-district defines the interior core of the campus and is intended to allow compact development of school uses, with specific space and

bulk regualtions designed to accommodate school uses.

(b) The Campus Edge sub-district is intended to preserve residential character along the streets bordering the campus, by limiting the amount of residential space which can be converted to school uses, by maintaining a nmber of dwelling units within the sub-district which equals the number of dwelling units existing in the sub-district at the time of enactment of this Overlay Zone and by encouraging mixed use building s along the street frontages. The space and bulk regulations of the R-4 district continue to apply within the Campus Edge sub-district.

Except where otherwise specified in this division, all provisions of this Waynflete School Overlay Zone apply in both sub-districts.
(Ord. No. 138-09/10, 1-20-10)

Sec. 14-276.3. Permitted uses.

In addition to the permitted uses allowed in the underlying zoning districts and notwithstanding anything to the contrary I nthe use regulations for the underlying zoning districts, the following uses are permitted uses in the Waynflete School Overlay Zone.

(a) School uses. Elementary, middle and secondary school uses including, but not limited to, the following:

1. Classrooms;

2. Laboratory facilities;

3. Dining halls;

4. Auditoriums;

5. Concert halls;

6. Lecture halls;

7. Gymnasiums;

8. Libraries;

9. Outdoor use areas, such as “quads”, greens,

parks, gardens, art installations, and other active and passive recreation spaces;

10. Parking lots;

11. Parking structures;

12. Community meeting spaces;

13. Administrative offices;

14. Faculty offices;

15. Transporation facilities;

16. Maintenance facilities;

17. Utility buildings;

18. Student health services;

19. Bookstores;

20. Accessory uses which are customarily incidental and subordinate to the location, function and operation of a private day school.

(b) Residential uses.

1. Faculty or staff housing, which shall be considered a residential use, and not a school use, for all purposes under this overlay zone.

(Ord. No. 138-09/10, 1-20-10)

Sec. 14-276.4. Prohibited uses.

(a) Boarding schools;

(b) Dormitories.

(Ord. No. 138-09/10, 1-20-10)

Sec. 14-276.5. Residential conversions prohibited.

(a) Conversions of existing residential buildings within the Waynflete School Overlay zone shall be prohibited.

(b) The existing houses at 11 Fletcher Street, 3 Storer

Street, 305 Danforth Street and 299 Danforth Street shall not be relocated from their locations existing as of January 20, 2010. This provision shall not apply to garages.

(c) At no time shall the number of dwelling units within the Waynflete School Overlay Zone be reduced below the four (the number existing at the time of enactment of this Overlay Zone).
(Ord. No. 138-09/10, 1-20-10)

Sec. 14-276.6. Dimensional requirements.

Buildings and structures in the Waynflete School Overlay zone shall be subject to the applicable dimensional requirements of the underlying zoning districts, except as follows:

(a) *Minimum yard dimensions* shall be the same as in the underlying zone, except that side and rear yards shall not be required between buildings on contiguous lots owned or occupied by Waynflete School on the condition that such contiguous lots shall be considered merged and shall not be separately conveyed unless required yard dimensions in the underlying zones are provided.

(b) *Minimum street frontage* shall be the same as in the underlying zone, except that all the land within the Waynflete School Overlay Zone owned or occupied by Waynflete School shall be considered a single lot for the purpose of complying with minimum street frontage.

(c) *Maximum coverage by buildings* shall be the same as I nteh underlying zone, except that in the Campus Core sub-district the maximum coverage by buildings shall be 40% and al lthe land within the Campus Core sub-district owned or occupied by Waynflete School shall be considered a single lot for the purpose of calculating maximum coverage by buildings.
(Ord. No. 138-09/10, 1-20-10)

Sec. 14-276.7. Parking.

The amount of parking required for any change of use, new building or building addition within the zone shall be determined during site plan reviewe, based on an analysis of school-wide demand and supply, pursuant to a comprehensive school-wide Transportation Demand Management Plan (TDM), and treating all land owned by Waynflete School within the Waynflete School Overlay Zone as one lot. Any existing parking management or TDM plan approved

as part of a previous approval shall remain in effect until revised or updated pursuant to this section. In determining the amount of parking required for any building within the Waynflete School Overlay Zone, the Planning Authority or the Planning Board may take into account such factors as:

(a) The use of centrally located on-campus parking facilities so situated that students, faculty, staff and visitors arriving on campus can reasonably be expected to park in the central facilities and walk to their various on-campus destinations during th course of a school day.

(b) Shared use of a single parking facility by two or more buildings when the peak parking demand periods for such buildings do not overlap.

(c) Development and implementation of a parking management plan which discourages on-stsreet parking.

(d) Development and implementation of a TDM plan subject to the review and approval of the planning authority or the planning board. The TDM plan shall employe elements such as public transit initiatives, parking cash-out, car sharing, car and van pooling incentives, provision of bicycle and pedestrian commuting accommodations, guaranteed ride home programs, employee surveys, newsletters and alternative transportation information sharing and other such strategies that reduce signle occupancy vehicle trips to and from Waynflete school. Waynflete School shall follow the standards and guidelines for developing a TDM plan found in the TDM section of the City of Portland Technical and Design Standards and Guidelines.

(Ord. No. 138-09/10, 1-20-10)

14-276.8. Loading.

The requirements of section 14-351 shall not apply to buildings within the Waynflete School Overlay one. Instead, the amount of locading area required for any building within the zone shall be determined by the planning board during site plan review, based on a campus-wide analysis, treating all land owned by Waynflete School within the Waynflete School Overlay Zone as one lot. In determining the amount of loading space required for any building within the Waynflete School Overlay zone, the planning board may take into account such factors as:

(a) The use of centrally located on-campus loading facilities so situated that vehicles making deliveries can load and unload in central facilities, provided no single location is overburdened with loading facilities.

(b) Shared use of a single loading facility by two or more buildings.

(c) Impacts of the loading area on adjacent uses outside the Waynflete School Overlay Zone.

(Ord. No. 138-09/10, 1-20-10)

Sec. 14-276.9. Signage.

Signs shall comply with the requirements of Division 22.

(Ord. No. 138-09/10, 1-20-10)

Sec. 14-276.10. Restrictions outside the Waynflete School Overlay Zone.

Notwithstanding the provisions of section 14-103(b)(1) or section 14-137(b)(1), Waynflete School cannot locate a school use listed in section 14-276.3(a) on any lot in the R-4 or R-6 Districts outside the boundaries of the Waynflete School Overlay Zone that was occupied by a residential use or structure on or after January 20, 2010. This restriction does not prevent Waynflete School from seeking a conditional use permit for a school use, where otherwise allowed by the zoning district regulations, on lots outside the Waynflete School Overlay Zone that were not occupied by a residential use or structure on or after January 20, 2010.

(Ord. No. 138-09/10, 1-20-10)

DIVISION 16.1. INSTITUTIONAL OVERLAY ZONE (IOZ)

14-277. Purpose of the Institutional Overlay Zone

The Institutional Overlay Zone (IOZ) designation provides a regulatory mechanism available to the city’s four major medical and higher education campuses where an improved regulatory structure is needed to facilitate a consistent, predictable, and clear growth management process. The purposes of the Institutional Overlay Zone are to:

(a) Acknowledge that the city’s major academic and medical institutions play a prominent role in the health and well-being

of the local and regional community, and in order to sustain that role, these institutions need flexibility to change and grow;

(b) Encourage proactive planning for institutional change and growth which identifies and addresses likely long-term institutional needs and cumulative impacts while leveraging potential benefits at the neighborhood, city, and regional level;

(c) Ensure that institutional change and growth both complements and, as appropriate, integrates adjacent or surrounding neighborhoods through carefully planned transitions;

(d) Support the formation and continuation of mutually beneficial public-private cooperation;

(e) Support an ongoing public engagement process that benefits both the institutions and nearby neighborhoods;

(f) Reflect Comprehensive Plan and other policy objectives; and

(g) Provide a consistent regulatory approach to all major institutions which allows unique regulatory requirements that balance the particular needs of institutions with the needs of the surrounding neighborhood and wider community.

(Ord. No. 221-16/17, 5-1-2017)

Sec. 14-278. Location and Applicability

The city’s four primary medical and higher education institutions are eligible to apply for designation as Institutional Overlay Zones. The Eligible Institutions are the two major hospital institutions of Maine Medical Center and Mercy Hospital and the two major academic institutions of University of Southern Maine and University of New England, their successors and assigns. Designation as an IOZ is the preferred mechanism where the Eligible Institution’s proposed development is inconsistent with the existing zoning.

(Ord. No. 221-16/17, 5-1-2017)

14-279. Establishment of an Institutional Overlay Zone

(a) *Application for an Institutional Overlay Zone.* Where the Eligible Institution seeks designation as an IOZ, they shall submit a zone change application consisting of two components:

1. An Institutional Development Plan (IDP) (see Section 14-280).

2. A Regulatory Framework (see Section 14-281) that would, when and if adopted, be the text and map amendment to the City's Land Use Code and Zoning Map.

(b) *Required Public Involvement.* At least two neighborhood meetings shall be required. The first shall be held prior to the formal submission of a zone change application for an Institutional Overlay Zone and the second shall be held during the City's review. Meetings shall identify the concerns, if any, of affected residents and property owners, and inform the development of the Institutional Development Plan (IDP) and Regulatory Framework. Meetings shall be held in a convenient location proximate to the institution. The applicant shall provide written notification to property owners of record within 500 feet of the proposed IOZ boundary at least ten days prior to the meeting dates and maintain written records of the meetings.

(c) *Required Scoping Meeting*. The Eligible Institution shall meet with the Planning Authority after the first required neighborhood meeting and prior to submission of the zone change application to confirm the focus of the Institutional Development Plan (IDP) and Regulatory Framework, including associated study areas that may be outside of the proposed IOZ boundary. The IDP and Regulatory Framework will vary in detail and focus depending on the Eligible Institution and its particular context. The content requirements in Sections 14-280 and 14-281 and the comments from neighborhood meeting(s) shall provide direction for the content of the IDP. The Planning Authority or Planning Board may require additional information or modify content requirements as is relevant to the Eligible Institution (see Section 14-280(c)).

(d) *Reviewing Authority.*

1. The Planning Board shall review the zone change application, including the IDP and Regulatory Framework. At least one public workshop and a public hearing before the Planning Board are required.
2. Upon recommendation of the Planning Board, the City Council shall review and consider adoption of the

Institutional Overlay Zone and the accompanying Regulatory Framework as an amendment to the city's code of ordinances.

(e) *Future Institutional Development*.

1. All new development by the Eligible Institution within the boundary of the IOZ shall be compliant with the IOZ and accompanying Regulatory Framework, consistent with the IDP, consistent with the Comprehensive Plan, and meet applicable site plan standards, unless such standards are superseded by the Regulatory Framework.

2. Any use/development proposed by the Eligible Institution outside the IOZ boundary that complies with the zoning for permitted uses in that location shall be reviewed under the standards of that zone. Any use/development proposed by an Eligible Institution outside of the IOZ boundary that is proposed in a residential zone and is functionally related to the operations within the IOZ shall be addressed by the IDP and require an amendment to the IDP.

(Ord. No. 221-16/17, 5-1-2017)

14-280. Institutional Development Plan *(IDP)*

(a) *Purpose.* Any use conducted by an Eligible Institution and any construction by an Eligible Institution in an Institutional Overlay Zone shall be consistent with an Institutional Development Plan (IDP) approved by the Planning Board in accordance with this ordinance. The purpose of the IDP is to establish baseline data about institutional land uses, facilities, and services and measure, analyze, and address the anticipated or potential impacts of planned institutional growth and change. The IDP shall serve as a background document that supports the proposed Regulatory Framework and frames subsequent site plan review(s).

(b) *Planning Horizon.* An IDP shall provide the city and abutting neighborhoods with a clear outline of the anticipated or potential growth and change of the Eligible Institution for the short- to medium-term (e.g. 1-5 and 5-10 years respectively), as well as a conceptual growth plan for the long-term (e.g. 10 years

or more); however, the specific planning horizons for each institution will be determined as part of the IDP approval process.

(c) *Content.* The IDP submission shall address the following elements unless specifically modified by the Planning Authority or Planning Board, with the scope and level of detail to be clarified at the required Scoping Meeting.

1. Context Information, including:

a. The institution’s adopted mission, vision, or purpose statement;

b. A summary of relevant baseline data on the institution, including:

i. A neighborhood context plan;

ii. An inventory of current programs and services;

iii. A current census of the number of people using the institution (e.g., employees, enrollment, patients), with an indication of maximums and minimums over time;

iv. An inventory and/or plan of all existing property holdings within the main campus and within the City of Portland, including an indication of functional land use links between off-campus properties and the main campus (e.g. remote parking); and

v. An inventory and/or plan of existing facilities, including data on use, floor area, and any existing functional connections between facilities; and

c. A summary of the baseline characteristics of the existing campus and context of the institution, based on identified study areas, including:

i. A summary of existing resources, such as historic, open space, and natural resources;

ii. A summary of the existing transportation system, including vehicular, pedestrian, transit, bicycle, and parking supply, demand, and utilization;

iii. A summary of existing public infrastructure supporting the institution, including demand, utilization and any capacity issues; and

iv. Relevant municipal plans, projects, and studies that may influence the IDP study area and opportunities for integrating institutional growth; and

d. A summary of public involvement in the development of the IDP, including major areas of public concern.

2. Assessment of Future Institutional Growth and Change, including:

a. A description of institutional needs and areas of future institutional growth and change, with;

i. A projected census of users (e.g., enrollment /employment/patient/visitor figures and anticipated variations over time);

ii. Institutional objectives for property both within and outside the IOZ boundary (e.g. acquisition and/or disposition), including an indication of any functional land use connection for sites outside the IOZ boundary to the main campus; and

iii. A Development Plan addressing anticipated or potential institutional needs and physical improvements, including the proposed boundary

of the IOZ and any phasing of the development; and

b. Analysis and associated plans that address the following elements in terms of anticipated growth or potential impacts within the identified study area, and support the development parameters as set out in the Regulatory Framework, including:

i. Transportation and access, with;

a. An analysis of the projected changes in parking demand, supply, and impacts to the off-street and on-street parking capacity, including an explanation of the proposed parking plan;

b. An analysis of the projected changes in vehicular, pedestrian, transit, and bicycle access routes and facilities, their capacity, and safety; and

c. A transportation, access, and circulation plan, representing the synthesis of the analysis, and including a program of potential improvements or set of guidelines to address access deficiencies to and within the IOZ. The plan should outline proposed mechanisms and potential strategies to meet transportation objectives, including transportation demand management, phasing, and when a Traffic Movement Permit (TMP) may be required; and

ii. Environment, with;

a. An analysis of potential cumulative impacts on natural resources and open spaces;

b. An analysis of projected energy consumption, hazardous materials

generation, noise generation, and similar issues as relevant; and

c. An environmental plan, representing the synthesis of the analysis and including a proposed program or set of guidelines for future preservation, enhancement, conservation, and/or mitigation; and

iii. Infrastructure, with;

a. An analysis of projected public utility demand and the capacity of associated infrastructure;

b. An analysis of projected public safety needs and projected impacts to the capacity of these services; and

c. An infrastructure plan, representing the synthesis of the analysis and including a proposed program or set of guidelines to support sustainable growth; and

iv. Design, with;

a. An analysis of projected impacts to neighboring properties and public spaces, including potential shadow, wind, and lighting impacts, impacts of height and massing, and impacts to historic resources;

b. An analysis of transition areas between the institution and adjoining neighborhoods, including identification of key character defining components of the surrounding context;

c. An analysis of existing Crime Prevention Through Environmental Design issues and identification of how these principles would be addressed as part of the

proposed campus development; and

d. A conceptual built environment/public realm plan, representing the synthesis of the analysis and including a set of guidelines for urban design, landscape, open space, and streetscape treatments, with particular attention to the treatment of edges (both within and abutting the IOZ boundary) to achieve compatible transitions; and

v. Neighborhood Engagement, with;

a. A plan for ongoing community engagement that represents best practices, promotes collaborative problem solving around community concerns, fosters transparency, and identifies mechanisms for neighborhood feedback and institutional accountability;

b. A property management framework that identifies the institution’s process for handling operational property issues with neighbors;

c. Strategies for assuring communication pertaining to property acquisition and disposition in surrounding neighborhoods; and

d. A set of construction management principles to apply to all institutional construction, that represent best practice, aim to minimize short- and long-term construction impacts on surrounding residents and businesses, and ensure a clear communication strategy is in place in advance of construction.

(d) *Standards of Review*. The IDP shall:

1. Address all content requirements, unless explicitly modified by the Planning Authority or Planning Board;

2. Reflect the issues/topics identified in the required public process;

3. Demonstrate consistency with the city’s Comprehensive Plan and the purpose of this ordinance;

4. Demonstrate how the property ownership, proposed growth, and requested Regulatory Framework relate to the institution’s mission;

5. Demonstrate that traffic and parking impacts have been anticipated and that the proposed parking provision is justified as based on an assessment of options for reducing traffic and parking demands;

6. Outline an approach to open space, natural, and historic resources that supports preservation and enhancement.

7. Demonstrate that potential cumulative environmental impacts have been anticipated and can be minimized or satisfactorily mitigated;

8. Demonstrate that utility impacts have been anticipated and can be minimized or satisfactorily mitigated;

9. Reflect a comprehensive design approach that ensures appropriate transitions with the existing or future scale and character of the neighboring urban fabric;

10. Promote compatibility with existing or future uses in adjacent neighborhoods, maintain housing, and support local amenities;

11. Anticipate future off-site improvements that would support the integration of the institution into the community and city-wide infrastructure;

12. Conform with Portland's Historic Preservation Ordinance standards for designated landmarks or for properties within designated historic districts or designated historic landscapes, if applicable. When proposed adjacent to or within one hundred (100) feet of designated landmarks, historic districts, or historic landscapes, the IDP shall be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity; and

13. Incorporate strategies to support clear communication and ongoing public engagement between institutions and nearby neighbors.

(e) *Approval.* Upon finding that an Eligible Institution's IDP meets the standards of review, the Planning Board shall approve, approve with conditions, or deny an IDP.

(f) *Monitoring.* The IDP shall establish a schedule for reporting on IDP implementation at regular intervals of not more than ten years from the date of approval of the initial or amended IDP, and identify thresholds for IDP amendments;

(g) *Amendments.* An approved IDP shall guide campus development unless and until amended. If at any time the Eligible Institutions request minor amendments to an approved IDP, the Planning Authority may approve such minor amendments, provided that they do not constitute a substantial alteration of the IDP and do not affect any condition or requirement of the Planning Board. The applicant shall apply with a written statement of the proposed amendment and proposed amended IDP to the Planning Authority, whose decision as to whether the amendment is minor shall be final. Major amendments shall be reviewed by the Planning Board. When the IDP is amended, the baseline data in the IDP shall be updated as appropriate.
(Ord. No. 221-16/17, 5-1-2017)

14-281. Regulatory Framework

(a) *Purpose*. The Regulatory Framework translates the IDP into a set of clear and specific zoning requirements for the IOZ that constitute the text and map amendments to the City's Land Use Code and Zoning Map. The zoning requirements are anticipated

to include parameters that guide the growth and change of the institution as well as broad strategies to address potential impacts, with plans and details to be developed under site plan review.

(b) *Applicability.* The Regulatory Framework shall apply only to properties that are within the IOZ boundary and to which the Eligible Institution holds right, title, or interest. For these properties, the Institutional Overlay Zone shall supersede the underlying zoning, and all new institutional development shall be conducted in compliance with the Regulatory Framework and the approved Institutional Development Plan. Properties located within the Institutional Overlay Zone not subject to right, title, or interest of the Eligible Institution shall continue to be governed by the regulations of the underlying zoning designation.

(c) *Uses.* Institutional uses, including hospitals and higher education facilities, shall be permitted, as shall uses that are functionally integrated with, ancillary to, and/or substantively related to supporting the primary institutional use, consistent with the applicable approved IDP.

(d) *Content*. The Regulatory Framework shall reflect the information and analysis of the IDP. The content shall be tailored to address the particular issues associated with the institution and its neighborhoods. The Regulatory Framework should be succinct and use tables and graphics as possible to address the following, if applicable:

1. *Zoning boundary of the IOZ*: The area to which the regulations apply, as shown on the zoning map, subject to other provisions of this ordinance (i.e. the map amendment to the City’s Zoning Map);

2. *Phasing and schedules:* Requirements that relate to particular proposed phases; a chart showing the schedule or thresholds for submitting an amended IDP (or elements of an IDP, such as a Transportation Demand Management (TDM) Plan);

3. *Uses:* Clarification, as necessary, on permitted uses;

4. *Dimensional Requirements*: Graphics, sketches, or standards, including details for transition zones within the IOZ boundary;

5. *Transportation*: Elements such as Transportation Demand Management Plan (TDM) trip reduction targets or contribution to area-wide TDM measures; broad parameters for ensuring pedestrian, vehicular, bicycle and transit access and safety; parking ratios and management strategies; thresholds for access improvements;

6. *Environment:* The approach to the inclusion of open space and preservation of environmentally-sensitive areas;

7. *Mitigation measures*: The broad approach to identified mitigation measures, which would be addressed in greater detail in the site plan review process; thresholds for addressing deficiencies; goals for preservation/protection;

8. *Design*: Graphics and standards to clarify building placement and envelope (height and massing); guidelines for integration of site features; required treatments for transition zones and treatment for all edges (both within and abutting the IOZ boundary); guidelines for establishing campus identity;

9. *Neighborhood Integration:* Thresholds and strategies for neighborhood engagement; mitigation of impacts on neighboring properties, including construction impacts; buffering requirements; objectives for pedestrian linkages and safety; other requirements that address community concerns; and

10. *Monitoring:* A schedule for regular monitoring reports on IDP implementation in accordance with the IDP.

(e) *Standards of Review:* The Regulatory Framework shall:

1. Be consistent with the Comprehensive Plan and the Institutional Development Plan;

2. Provide a clear zoning framework, using graphics and tables as appropriate, to apply to future site plan reviews;

3. Provide specific regulatory statements as appropriate that respond to concerns raised during the required public involvement; and

4. Outline measurable goals and thresholds for improvements or other actions identified in the IDP to be advanced in subsequent site plan applications.

(f) *Approval/Adoption.* The Planning Board shall review the proposed Regulatory Framework against the standards of review and make a recommendation on the institution's IOZ designation and Regulatory Framework to the City Council for adoption as part of this zoning ordinance.

(g) *Amendments.* A Regulatory Framework and IOZ boundary as adopted by the City Council shall remain in force unless and until amended. Amendments to a Regulatory Framework and/or IOZ boundary may be brought forth by the city or Eligible Institution. Proposed amendments to the IOZ boundary or Regulatory Framework shall be reviewed by the Planning Board and adopted by the City Council subject to the provisions of this ordinance.

(Ord. No. 221-16/17, 5-1-2017)

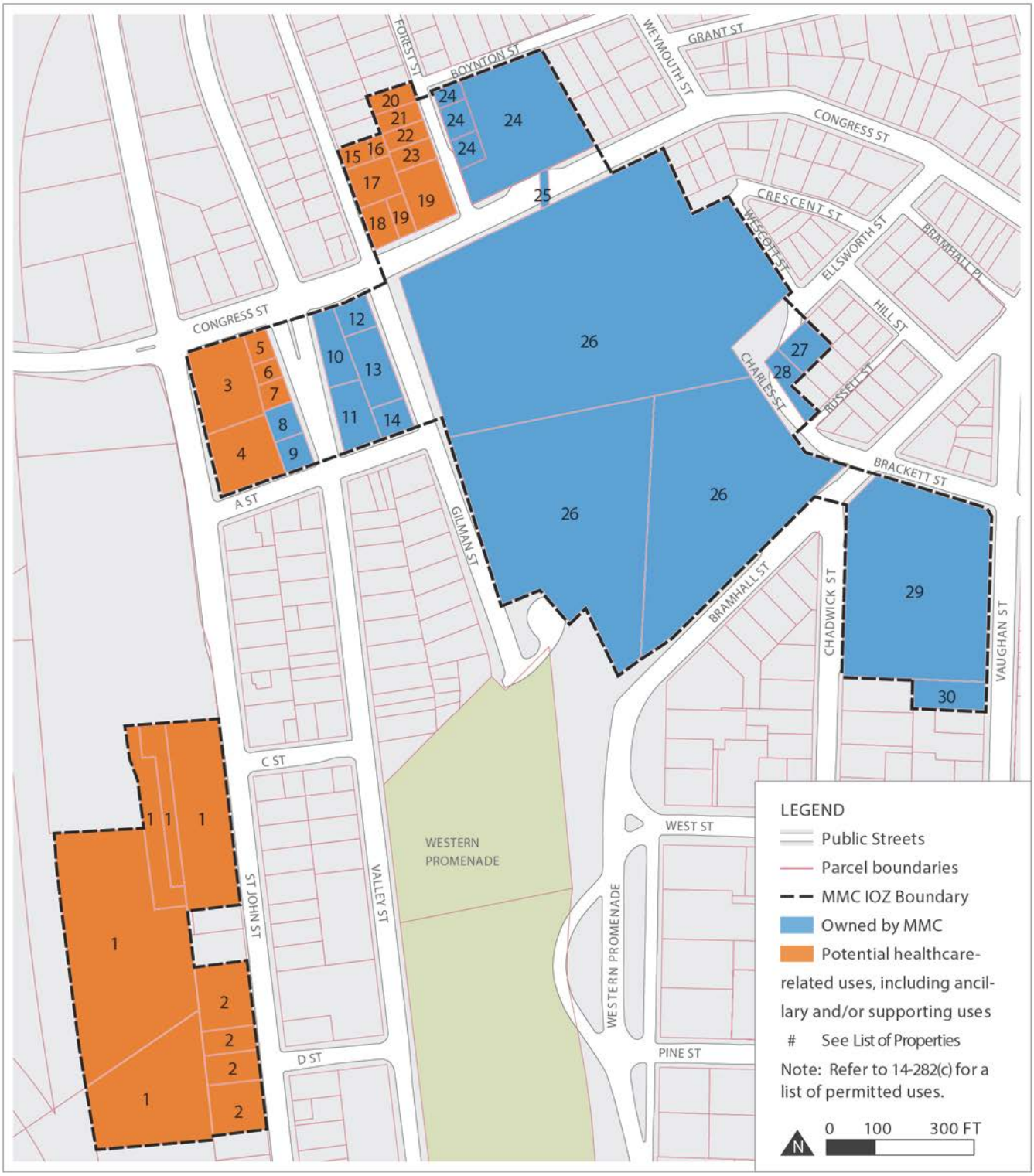
14-282. Maine Medical Center Institutional Overlay Zone Regulatory Framework.

(a) Applicability. All development proposed by Maine Medical Center (MMC) within the boundary of the Institutional Overlay Zone (IOZ) shall be consistent with the approved Institutional Development Plan (IDP), consistent with the Comprehensive Plan, and meet applicable standards of the land use code, unless such standards are superseded by the following Regulatory Framework. This Regulatory Framework shall govern future development by MMC within the IOZ unless amended by the Portland City Council upon formal application of MMC.

1. The MMC Institutional Overlay Zone shall have the boundaries depicted in the map, below, and shall

include the properties listed in the table, below.

MMC IOZ Boundary



List of Properties Included in the MMC IOZ

Map#	Legal Description	Address	Acreage	Ownership
1	64-A-2-8-9-11 74-A-7 / 75-A-6	222 St John St	4.6516	Owned by others
2	68-D-1-3-13-14-16	180 St John St	0.9494	Owned by others
3	65-G-1	950 Congress St	0.4628	Owned by others
4	64-B-1	275 St John St	0.4163	Owned by others
5	65-G-2	942 Congress St	0.0659	Owned by others
6	65-G-3	940 Congress St	0.0482	Owned by others
7	65-G-4	274 Valley St	0.0667	Owned by others
8	65-G-5	268-270 Valley St	0.0978	MMC
9	64-B-2	262-266 Valley St	0.0895	MMC
10	65-H-1	932 Congress St	0.1864	MMC
11	65-H-9	261 Valley St	0.2185	MMC
12	65-H-2	930 Congress St	0.1040	MMC
13	65-H-5	52 Gilman St	0.2384	MMC
14	65-H-8	44 Gilman St	0.1128	MMC
15	65-E-22	85 Gilman St	0.0565	Owned by others
16	65-E-32	85 Gilman St	0.0282	Owned by others
17	65-E-24	81 Gilman St	0.1653	Owned by others
18	65-E-28	919 Congress St	0.1059	Owned by others
19	65-E-29-30	909 Congress St	0.3233	Owned by others
20	65-E-19	22 Forest St	0.0826	Owned by others
21	65-E-21	18 Forest St	0.0831	Owned by others
22	65-E-23	14 Forest St	0.0826	Owned by others
23	65-E-25	12 Forest St	0.0883	Owned by others
24	53-I-1-2-3-12	887 Congress St	1.3400	MMC
25	53-X-1	Congress St Air Rights and Pedestrian Walkway	---	MMC
26	53-D-7 54-H-1 64-C-1	22 Bramhall St	12.563	MMC
27	54-C-6	34 Ellsworth St	0.1341	MMC
28	54-C-10	40 Ellsworth St	0.1155	MMC
29	54-I-1	308 Brackett St	2.5200	MMC
30	63-B-8	214 Vaughan St	0.1983	MMC

Notes:

1. Properties owned by MMC are listed under MMC or MMC Realty Corp.

2. MMC will not extend its functionally-related Bramhall campus hospital operations beyond the boundary of the IOZ within the City of Portland without further amendment to the IDP. This includes any expansion of functionally-related operations that displace residential uses outside of the IOZ boundary. A functional relationship is defined as uses or activities that are traditionally or customarily linked to the day-to-day operations of the MMC Bramhall Campus that would relocate a significant proportion of the total employee population or activities.

(b) Updates and amendments.

1. It is intended that the IDP will be updated on a regular basis to ensure that the data is current and that the document remains accurate. Accordingly, monitoring reports will be filed every three years and shall include a summary of progress on IDP implementation and of acquisitions and divestment since the date of IDP approval. At the time of the submission of the monitoring report, MMC shall identify any updates to the IDP which may result from updated master planning, changes in baseline information, or changes in the adjacent neighborhoods which affect MMC, to allow the IDP to remain current. Updates and minor amendments not described below shall be reviewed administratively by the Planning Authority.

2. Minor amendments that impact phasing of the long-term development blocks or change the approach to parking, transportation, neighborhood engagement or design shall be reviewed by the Planning Board for consistency with the objectives of the IDP. In addition to consistency with the objectives of the IDP, review of phasing and development program amendments shall focus on integration with the campus and impacts on transportation or infrastructure. This review may occur simultaneously with the site plan review of an anticipated project.

3. Major amendments shall be reviewed by the Planning Board and are required under the following circumstances:

   a. A change to the Regulatory Framework is required;

   b. The IDP is no longer representative of the institutional mission or approach to community as a result of redevelopment in the area or City upgrades to neighborhood planning (such as roadway changes, infrastructure upgrades, community design, lighting, etc.); or

   c. Development proposed by MMC is inconsistent with the master facility plan, transportation plan intent, design plan intent, or environment and

infrastructure plan intent identified in the IDP.

4. Annual monitoring reports will be submitted for MMC's Transportation Demand Management (TDM) Plan. TDM monitoring reports shall include a summary of progress toward targets established in the TDM Plan.

(c) Uses. In addition to the uses permitted in the underlying zone, the following uses are permitted as a matter of right.

List of Uses Permitted by Right within the IOZ	
Healthcare facilities including but not limited to the following ancillary and/or supporting uses: • Hospital • Medical Office / Clinic • Laboratory Center / Services • Research and Development (R&D) Laboratory or Facility • Educational Facility / Conference Center • Administrative / Business Office • Accessory Service or Trade Uses • Guest House • Multi-family Housing for Healthcare Staff and Students • Rehab / Skilled Nursing Facility	• Retail Facility • Restaurant / Cafe • Employee Service Amenities • Day Care Center • Fitness Center or Gymnasium • Parking Lot • Parking Garage • Bicycle Storage • Heliport • Antenna Station • Outdoor use areas, such as green areas, parks, gardens, art installations, and other active and passive non-commercial recreation spaces

1. Mixed Uses: In recognition that Maine Medical Center is part of a mixed-use area of the City, with important existing services and businesses that serve the local and wider community, healthcare facility development fronting onto Congress Street and St. John Street shall activate the public realm, to the extent able, with uses such as service and retail/restaurant, landscaping, active building entrances, pocket parks, etc., on the ground or other publicly accessible level, consistent with the design intent contained in

the approved Institutional Development Plan (IDP). In areas identified in the IDP as “Priority zone for commercially oriented/retail uses,” usable ground floor retail, restaurant, or comparable community-oriented use that provides services to local residents and employees both during the day and evening hours is required. In areas labeled “Street activation through location of windows, entrances, etc.,” usable ground floor retail, restaurant, or community oriented use is encouraged to the extent practicable. Such uses, where constructed or facilitated as part of a healthcare related development, are expressly permitted whether ancillary or supporting the healthcare facility or not, and shall be open and welcoming to the general public in addition to employees or visitors of Maine Medical Center.

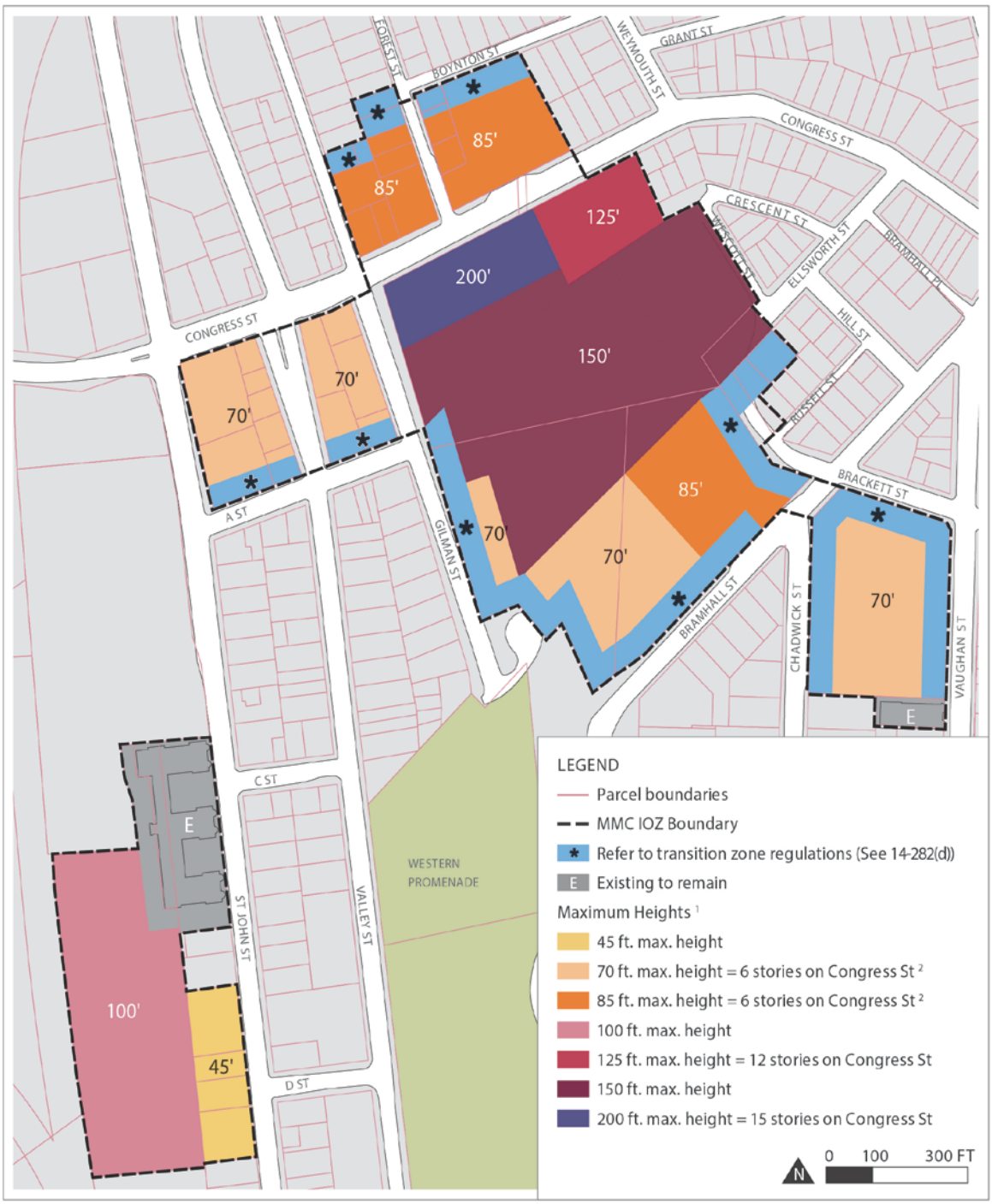
(d) Dimensional requirements. The MMC Institutional Overlay Zone shall have the dimensional requirements listed in the table and depicted in the maps, below.

Dimensional Requirements	
Max. Building Heights	Max. building heights for new buildings within the IOZ shall be governed by the Maximum Building Heights Map, or by the Transition Zones clause of this table (see below) for those buildings located in Transition Zones. Refer to IDP “Chapter 5. Design” for methodology on determining heights.
Minimum Building Heights	Three stories, except in transition zones, where the minimum building height shall be two stories. Minimum building heights shall not apply to building awnings, associated kiosks, pavilions or similar building components.
Maximum Building Length	Length of proposed parking garage at 222 St John St shall not exceed 500 feet as measured roughly parallel to St John St.
Minimum Building Setbacks	Minimum building setbacks shall be governed by the Minimum Setbacks Map. Additional requirements are listed in the Transition Zones and Congress Street Build-to-Zone sections of this table.
Congress Street Build-to-Zone*	A Build-to-Zone is identified for some properties that abut Congress Street. See Minimum Setbacks Map for the location of Build-to-Zone. i. The Congress Street Build-to-Zone extends between 0 to 40 feet from the right-of-way boundary. ii. Buildings located in these parcels must have a minimum of 70% of the façade facing Congress Street located within the

Transition Zones	Transition zones are identified inside the IOZ boundary in areas where the IOZ abuts or is located across a public right-of-way from a residential zone or a historic-designated district. See Maximum Building Heights Map for location of transition zones. i. Transition zones shall extend 50 feet into the parcel from the parcel boundary. ii. Transition zones that abut a Residential zone with or without an intervening public right-of-way shall have a maximum height limit that matches the maximum height permitted within that Residential zone. iii. In areas where the IOZ abuts a Residential zone without an intervening public right of way, minimum side and rear yard requirements of the abutting Residential zone apply within the IOZ boundary, unless noted otherwise in Minimum Setbacks Map.

*A "build-to zone" is the area on the lot where all or a portion of the street-facing building facade must be located, measured as a minimum and max. yard (setback) range from the public right-of-way boundary.

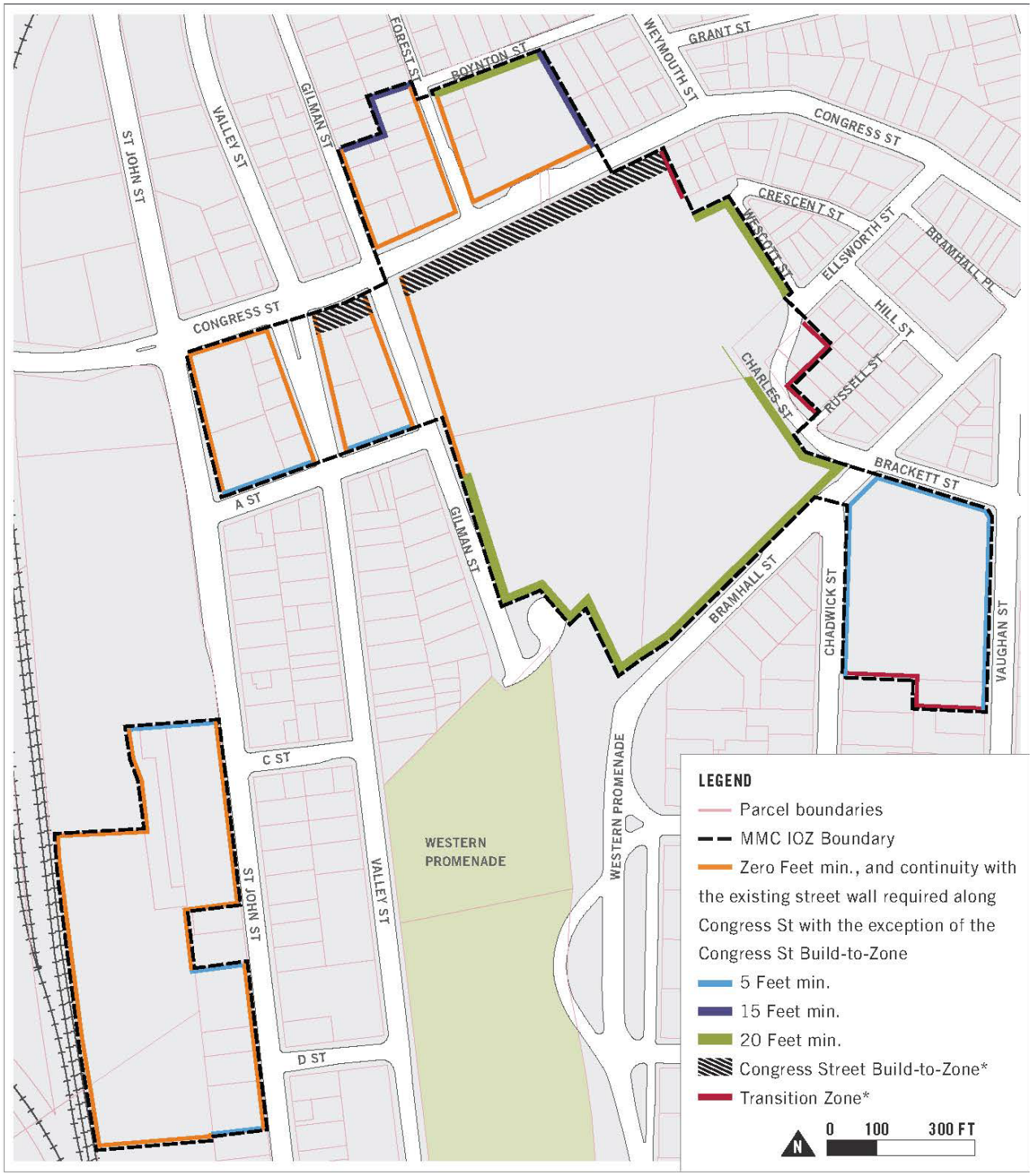
Maximum Building Heights



Notes: 1. Minimum building heights also apply. Refer to 14-282(d).

2. For buildings with residential use above the ground floor, the following height maximums apply: 70 ft. maximum height = 7 stories, and 85 ft. maximum height = 8 stories.

Minimum Setbacks



* **Note:** See Table 4.1 Dimensional Requirements.

(e) Design. New buildings within the IOZ shall adhere to

the Design Guidelines set forth in Chapter 5: Design of the IDP and the site plans standards of the City of Portland.

(f) Signs.

1. At the time of first site plan review following IDP approval, a unified campus-wide Signage Plan shall be submitted for review and approval by the Planning Authority. Any update to such plan due to a change in name or logo shall not require amendment to the IDP.

2. Signs shall be designed in accordance with the campus-wide Signage Plan. All signs shall be designed in proportion and character with building facades and adjacent street typology. All signs shall be coordinated with the building and landscaping design and be constructed of appropriate permanent, high quality materials and finishes.

(g) Transportation.

1. Transportation Demand Management (TDM):

a. At the time of the first site plan review following IDP approval, MMC shall submit a campus- wide TDM Plan substantially in accordance with those TDM objectives and strategies identified in the approved Institutional Development Plan. The TDM Plan may be phased into short-,mid-, and long-term actions to allow for progressive implementation over time.

b. The TDM Plan shall be designed to provide transportation choice with the goal of reducing parking demand and single-occupancy vehicle trips to and from MMC by employees and visitors.

c. The TDM Plan shall establish parking and trip reduction targets associated with the short-term (0-2 years), mid-term (2-5 years), and the long-term (5+ years), as well as a data collection plan.

2. Parking:

a. Parking requirements in the IOZ shall be

established at the time of site plan review based on a parking study that includes a campus-wide analysis of demand and supply. The parking demand study shall determine parking requirements and shall be sufficient to alleviate parking pressure on surrounding neighborhoods.

b. Parking studies developed by MMC shall integrate parking and trip reduction achievements and data contained in the TDM Plan.

(h) Environment. Development proposed by MMC shall be designed to integrate with the surrounding context, including open space and pedestrian networks and infrastructure.

(i) Mitigation measures. MMC shall mitigate site plan impacts to off-premise infrastructure in a manner proportionate to those impacts. Mitigation may include financial or in-kind contributions to existing or planned City projects focused on mitigating the impacts of MMC development. Mitigation contribution shall be determined based on the City’s standard procedure in effect at the time of site plan review.

(j) Neighborhood Integration and neighborhood engagement.

1. For the purpose of keeping surrounding residential areas appraised of its future development plans, and to address any neighborhood issues related to the operations of the MMC Bramhall campus, MMC shall adhere to the ongoing community engagement principles identified in the approved Institutional Development Plan.

2. MMC shall conduct ongoing community engagement, including the formation of a Neighborhood Advisory Committee comprised of representatives of MMC, the Parkside neighborhood, the West End neighborhood, the Western Promenade Neighborhood Association, the St. John Valley neighborhood, the Libbytown neighborhood, and the City.

(k) Construction management.

1. At the time of site plan review, MMC shall submit a Construction Management Plan substantially in accordance with those construction management

principles identified in the approved Institutional Development Plan for review and approval by the Planning Authority.

2. The Construction Management Plan shall include a construction schedule, as well as strategies for managing neighborhood communication and noise, air quality, traffic, and parking impacts associated with the construction as set forth on the Construction Management Template developed by the City and attached and incorporated to the IDP as Appendix A.

(l) Other requirements.

1. Helipad. MMC shall be governed by the provisions of the Helistop Overlay Zone with the following exceptions:

   a. Setback requirements of Section 14-327(3); and

   b. Fencing requirements of Section 14-327(4).

2. Snow Ban Parking. When the City of Portland declares a Snow Parking Ban, MMC shall make parking available to neighbors in a designated parking area on or near its campus upon the following condition:

   a. Hours: Due to the patterns of patient flow in the hospital, the hours of snow ban parking for registered vehicles during an announced City of Portland Snow Parking Bans are 6:00 p.m. until 6:00 p.m. Vehicles that are not moved out of these parking areas by the applicable time each morning are subject to towing at the owner’s expense.

3. Healthy Communities- Recognizing that a stable residential and commercial environment is key to the health of any neighborhood, MMC commits to supporting its existing and future neighbors in the St. John Valley, Parkside, West End, Western Prom and Libbytown neighborhoods. Accordingly, MMC shall implement and participate in the healthy communities programs as described below.

   a. Caring Community Grants- MMC shall develop an

annual grant program with available funds of up to $30,000. Goals, priorities, eligibility requirements, program guidelines and allocation approach will be developed by the MMC Neighborhood Council, as described in Chapter 6 of the IDP approved on September 26, 2017. Neighborhood associations or other entities located or operating in the St. John Valley, Parkside, West End, Western Promenade and Libbytown neighborhoods may apply for grant funding relating to the following initiatives:

i. Neighborhood Investment and Infrastructure- focused on creating strong, safe, accessible and vibrant neighborhoods;

ii. Quality of life- Focused on improving access to recreation, arts or cultural experiences in the neighborhoods;

iii. Diversity and Inclusion- Focused on fostering the building of relationships and understanding among diverse groups, including capacity building and outreach activities;

iv. Public Safety- Focused on supporting public safety programs through training programs, equipment or other means in the neighborhoods; and

v. Environmental sustainability- Focused on preventing waste, increasing recycling or supporting other programs that work to improve the environment.

b. Healthy Neighborhoods Program- MMC shall initiate and adopt a memorandum of understanding (MOU) by and between the MMC, the City of Portland, an identified Community Housing Development Organization and any other community partners that may be identified later establishing a Healthy Neighborhoods program. Such a program shall be designed to fund and execute housing and community improvement and development programs in St. John Valley and the other neighborhoods surrounding MMC’s Bramhall Campus.

(Ord. No. 112-17/18, 11-20-2017)

* Editor's note. Order No. 221-16/17, adopted May 1, 2017, provided that the Regulatory Frameworks, as they are adopted by the City Council for each Eligible Institution, shall be codified within these sections.

Sec. 14-283. Reserved.
Sec. 14-284. Reserved.
Sec. 14-285. Reserved.
Sec. 14-286. Reserved.
Sec. 14-287. Reserved.
Sec. 14-288. Reserved.
Sec. 14-289. Reserved.
Sec. 14-290. Reserved.
Sec. 14-291. Reserved.
Sec. 14-292. Reserved.
Sec. 14-293. Reserved.

DIVISION 17. B-7 MIXED DEVELOPMENT DISTRICT ZONE

Sec. 14-294. Purpose.

The purpose of the B-7, mixed development district zone is to establish a zoning district for urban areas in which the city has adopted master plans for redevelopment. Certain districts, including but not limited to bayside, lie at the perimeter of the established downtown and contain significant redevelopment opportunities. The B-7 zone encourages these districts to acquire a distinctly urban form through dense development featuring a mix of uses such as housing, retail, offices, research and development, and artisan studios and that emphasizes a quality pedestrian experience, promotes public transit, and demonstrates exemplary urban design. Utilization of transportation, other than the automobile is strongly encouraged and is advanced by the installation of bicycle amenities, such as bicycle racks and storage areas. The zone promotes a wide range of uses in high quality structures and public open spaces to achieve twenty-four (24) hour urban vitality and shared parking infrastructure.

The following regulatory framework is intended to promote the mixed-use development pattern envisioned on Portland's peninsula. District-specific design standards and overlay maps can be found at the city planning and development office.
(Ord. No. 201-05/06, 4-19-06)

Sec. 14-295. Permitted uses.

The following uses are permitted in the B-7 zone:

(a) *Commercial*:

1. Professional, business, and general offices;

2. Restaurants and other eating and drinking establishments;

3. Hotels, inns, and bed and breakfasts;

4. Craft and specialty shops, including the on-premises production of handcrafted goods;

5. Retail and retail service establishments, excluding those with fuel pumps;

6. Theaters, concert halls, dance halls,meeting facilities, and exhibition halls;

7. Banking services, excluding vehicular drive-up services (see also conditional use section, [c][3];

8. Cabinetry and carpentry and mill working shops;

9. Indoor amusement and recreation centers;

10. Personal services;

11. Business services;

12. Billiard parlors;

13. Offices of business trades-people;

14. Miscellaneous repair services, excluding all types of automotive repair.

15. Telecommunication and broadcast and receiving facilities, except as prohibited in section 14-297 (prohibited uses);

In addition, building mounted telecommunications antennae, discs, transmitting and receiving equipment and the like shall adhere to the following criteria. Such roof-mounted equipment shall be:

a. No taller than fifteen (15) feet above the highest structural steel of the building

roof; and

b. Set back no less than fifteen (15) feet from the building perimeter; and

c. Integrated into the architecture of the building as described in the City of Portland Design Manual;

16. Brew pubs and microbreweries without associated bottling facilities, and brewpubs and microbreweries with associated bottling facilities limited to five-thousand (5,000) bottles per year output;

17. Studios for performance or training in dance, music, or similar pursuits;

18. Electronic data storage;

19. Research and development including laboratories;

20. Studios for artists, photographers and craftspeople including but not limited to, painters, sculptors, cabinet makers, dancers, graphic artists, and silk screeners and musicians;

21. Health clubs, martial arts personal health and wellness facilities;

22. Registered dispensary;

23. Hostels, provided the applicant submits a site plan and operations plan demonstrating compliance with the following conditions:

a. All applicable provisions of Article V of this chapter shall be met;

b. Parking shall be provided in compliance with Division 20 of this Article;

c. No unaccompanied minors under the age of eighteen (18) shall be permitted in the facility;

d. The length of stay for transient guests shall not exceed fifteen (15) days out of any sixty-day period; and

e. The building shall meet the applicable occupant load requirements as defined by the International Building Code and the NFPA Life Safety Code, as such codes are amended or adopted by the city;

24. Surface parking existing as of March 9, 2005 and in continuous existence thereafter, including the reorganization of parking spaces and maneuvering aisles. This section shall apply to surface parking accessory to a principle use and a parking lot as a principal use. Existing surface parking that does not comply with the standards of Sec. 14-299(f) may continue, provided that any modifications to the site layout, development constituting a site plan, or building renovations exceeding a value of thirty (30) percent of the assessed value of the building on file at the City of Portland Assessor’s Office, shall require the parking to be upgraded to meet the standards of Sec. 14-299(f) to the extent practicable;

25. Surface parking created after March 9, 2005, provided that the spaces (and newly created maneuvering aisles) are thirty-five (35) feet or greater from a street and further that the standards below (a to c) are also met. This section shall apply to surface parking accessory to a principal use or a parking lot as principle use. The thirty-five (35) foot setback need not apply in the case of a property in which eighty percent (80%) of the property frontage has a building within ten (10) feet of the property frontage and or a driveway located perpendicular to the site. The parking area shall meet the standards of Sec. 14-299 (f):

a. No surface parking shall be encumbered by lease or other use commitment to an off-site use exceeding a twenty-four month term;

b. For surface parking areas of twenty-thousand (20,000) square feet or greater in area, lease or other use agreements for surface parking shall not preclude the relocation of such parking for more than twenty-four (24) month terms; and

c. Any such parking shall in its lease stipulate that developer/owner reserves the right to relocate said parking or convert surface parking to structured parking as long as the replacement parking is located a reasonable distance from the associated use;

26. Notwithstanding Sections 14-295(a)(24) and (25) above, surface parking that does not meet the 35-foot parking setback, provided that:

a. All or a portion of the 35-foot setback area had a gravel surface on September 29, 2015;

b. The total gravel surface area on the lot and any contiguous lots did not exceed 15,000 square feet on September 29, 2015;

c. The parking spaces provide parking to a principle building on the same lot and or a principle building on a contiguous lot;

d. One of the buildings described in paragraph c above meets the minimum height requirements of the Bayside Height Overlay Map and/or a building on the site has a floor area of 25,000 square feet or greater;

e. The total number of spaces within 35-foot setback in combination with other spaces on the lot does not exceed the minimum parking spaces required in Sec. 14-526(a)(4)(a)(1);

f. The proposed parking spaces meet the landscape and buffer requirements of 14-299(f); and

g. Parking spaces within the 35-foot setback shall provide stormwater quality treatment if required by the City of Portland Stormwater Management Standards and the Maine DEP Chapter 500 Stormwater Management Standards. If not required, an alternative low impact development treatment system approved by the Planning Board shall be provided;

27. Bakeries, coffee roasters and commercial kitchens provided such uses include retail sales or a tasting room within the principle building;

28. Marijuana retail store;

29. Small-scale marijuana caregiver; and

30. Veterinary hospitals and clinics provided there is no outdoor kennel.

(b) *Residential*:

1. Attached housing including row houses, condominiums, two-family and multifamily dwellings but not planned residential unit developments;

2. Handicapped family units;

3. Lodging houses;

4. Combined living/working spaces, including but not limited to artist residences with studio space;

(c) *Public*:

1. Utility substations, including wastewater collection and pumping stations, transformer stations, telephone electronic equipment enclosures, electric transmission and distribution substations and other similar structures, provided such facilities occupies up to one-hundred (100) square feet (see also conditional use section);

2. Museums, art galleries, and educational

exhibition space;

3. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces;

4. Pedestrian and multi-use trails;

5. Emergency or safety facilities;

6. Municipal offices;

7. Active recreation parks and facilities, including but not limited to ball fields, skateboard parks, and basketball courts.

(d) *Institutional*:

1. Public or private schools;

2. Medical and mental health clinics but not methadone or other controlled substance addiction treatment centers;

3. Places of assembly;

4. Colleges, universities, or trade schools;

5. Governmental buildings and uses;

6. Nursery and pre-schools, kindergartens, and child day care facilities or home babysitting services;

7. Educational, research, and laboratory facilities;

8. Adult day care center.

(e) *Other*:

1. Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses. All drive-up services for all retail or drive-up repair facilities are prohibited except that bank drive-up services, where permitted, area conditional use.

2. Intermodal transportation facilities.

3. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 201-05/06, 4-19-06; Ord. No. 283-09/10, 7-19-10 emergency passage; Ord. No. 278-09/10, 7-19-10; Ord. No. 149-10/11, 3-7-11; Ord. No. 240-10/11, 6-6-11; Ord. No. 279-09/10, 6-6-11; Ord. No. 33-11/12, 1-18-12; Ord. No. 113-11/12, 2-22-12; Ord. 100-15/16, 11-16-2015; 140-18/19, 2-20-2019; Or. No. 44-20/21, 9-9-2020)

Sec. 14-296. Conditional uses.

(a) The following uses shall be permitted as conditional uses in the B-7 zone as provided in section 14-474 (conditional uses), provided that, notwithstanding section 14-474 (a) or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority:

1. Commercial use:

a. Meeting, convention and exhibition halls limited to a total of twenty-five thousand (25,000) gross square feet of interior floor area.

b. Wholesaling, providing that the wholesale operation is associated with an onsite retail establishment and that the wholesaling component of the facility occupies a building gross floor area of less than fifteen thousand (15,000) square feet.

c. Drive-up banking provided that:

i. The drive-up is accessory to a banking service occupying a minimum floor area of four thousand (4,000) square feet; and

ii. The drive-up is attached to or included within a building with a minimum floor area of twenty thousand (20,000) square feet, except that for lots of less than 20,000 square feet and in existence as of March 9, 2005, a drive-up may be included in a building of less than 20,000 sq ft.; and

iii. The drive-up facility is attached or included within a building and/or addition meeting the minimum height of four

stores in the Bayside Height District A and three stories in the Bayside Height Districts B and C. For the purposes of this conditional use, the minimum height exceptions contained in Section 14-298 (h) 5, 7, and 8 shall not apply; and

iv. The first floor of the building shall include banking or other retail storefront uses with storefront windows, entries, and interior public space oriented to and visible from the street, with front entry access facing the street and directly accessible from the public sidewalk; and

v. All drive-up features, such as automated teller machines and service windows, shall not extend nearer than twenty-five (25) feet to the street right-of-way line; and

vi. The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular or pedestrian circulation or creating hazards to vehicular or pedestrian circulation on adjoining streets; and

vii. Drive-up vehicle circulation shall not be located between the building and any adjacent public streets; and

viii. The drive-up shall be limited to two vehicle drive-up lanes; and

ix. The location of any drive-up shall be limited to the geographic area between Somerset/Kennebec Streets/ I-295/Franklin Street/Forest Avenue.

d. The expansion of automotive repair facilities existing as of March 9, 2005, but in no case shall such expansion over the life of the building exceed fifty percent (50%) of the gross floor area existing on March 9, 2005.

2. *Industrial uses*:

a. High technology manufacturing of biotechnology,

pharmaceutical, and nanotechnology products, including accessory warehousing, provided that:

i. A minimum of one-third of the total square footage devoted to manufacturing is conducted in a laboratory environment, in a controlled environment with specialized air handling systems that exceed levels for pressurization and filtration found in office environments and traditional manufacturing facilities; and

ii. Rooftop equipment shall be integrated into the overall building design and shall be screened as necessary; and

iii. Where warehousing cannot be located on the same lot because the land area is too small to accommodate the warehousing on the same lot, one remote warehouse may be located within six-hundred (600) feet of the principle use referenced above.

b. Breweries including associated bottling activities;

c. Reserved.

d. Printing and publishing establishments having no retail sales within the principal structure;

e. Machine and tool and die shops;

All industrial uses listed above must also conform to the following additional requirements. Where redundant or contradictory performance standards exist, the more restrictive standard applies:

a. Glare, radiation, fumes, noise or smoke shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries; and

b. The building footprint devoted to industrial use shall not exceed fifteen thousand (15,000) square feet of contiguous building space except for uses contained in 14-296(2)(a); and

c. The use shall be operated within a completely enclosed structure; and

d. No materials or wastes shall be stored outside; and

e. Truck loading and access shall be located in the rear or side yard where possible; and

f. Industrial uses shall conform to the performance standards of the I-L zone; and

g. Industrial uses shall conform to the B-7 mixed development district design standards.

3. Structured parking provided that:

a. Parking structures located in the B-7 zone shall adhere to the following conditions:

i. The first floor of any parking structure shall contain one or more permitted uses (not conditional uses) found in §14-295 along all primary street frontages (excluding frontage dedicated to entrances, lobbies, and stair towers). Such first floor space shall be provided with a minimum of nine (9) foot floor to ceiling clearance height and a minimum twenty-five (25) foot depth (measured from the exterior building wall); or

ii. The parking structures shall be set back at least thirty-five (35) feet from the primary street right-of-way. The land located between the parking structure and the street right-of-way may not be occupied by surface parking, and shall be designated for future use development. Such land between the garage and the street shall not by lease or other prohibition be encumbered against future development. The land shall be provided with all stubbed utilities and other provisions needed to accommodate further development; or

iii. The parking structures shall be designed with a façade (to a height of the first two floors) that enhances the pedestrian experience as described in the City of Portland B-7 bayside design standards.

4. Utility substations including wastewater collection and pumping stations, water pumping stations, transfer stations, telephone electronic equipment enclosures, electrical transmission and distribution substations and similar structures larger than one-hundred (100) square feet of floor area are permitted provided the following standards are met:

   a. Notwithstanding sec. 14-298 (maximum setback) utility substations shall be setback no less than thirty-five (35) feet from the street right-of-way except in the case of a lot having frontage on Marginal Way and I-295 provided the minimum thirty-five (35) foot setback is met along Marginal Way; and

   b. The applicant demonstrates that the structure is as small in size as practicable; and

   c. The remainder of the lot not consumed by the utility substation and its related access; and shall be designed and designated for future development; and

   d. The substation equipment is fully enclosed within a structure.

5. Buildings in the bayside gateway urban height district A greater than one-hundred twenty-five (125) feet but no more than one-hundred sixty-five (165) feet in height provided that:

   a. Such buildings shall be sited to minimize encroachment into designated view corridors and visual landmarks to and from the downtown or that do not substantially further obstruct such corridors blocked by existing development as referenced in the Bayside Height Study Map and the B-7 design standards; and

b. Portions of such buildings higher than one hundred twenty-five (125) feet shall be stepped back at upper levels to provide light and air to adjacent streets, trails, and open spaces, with a ratio of no less than at least to the extent that the ratio of building height to width of adjacent streets, trails and open spaces is equivalent to 1.5 to 1 except that the Planning Board may modify this requirement as provided for in Section 14-526(d)(9)(viii); and

c. Such buildings provide publicly accessible and usable open space, meeting the B-7 urban design standards, of at least ten (10) percent of the building lot area; and

d. If located on lots including or adjacent to planned or proposed street or pedestrian way connections, land dedication to such street or connection shall be credited toward the ten (10) percent open space requirement. Buildings over one hundred and twenty-five (125) feet in height that are being reviewed as separate phases of a Master Development plan shall be entitled to meet the ten (10%) percent open space requirement of Section 14-296(a)(5)(c) in aggregate for all such buildings over one hundred and twnty-five (125) feet in height, provided that the open space shall not fall below ten (10%) percent at any built phase or combination of built phases; and

e. Such development shall comply with all other zoning requirement and B-7 urban design standards as required by this article.

(b) The following use shall be permitted only upon the issuance of a conditional use permit subject to the provisions of section 14-474 (conditional uses), and any special provisions, standards or requirements specified below:

1. Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

a. Towers may be installed for the purpose of wind

data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and

b. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and

c. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and

d. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and

e. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and

f. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and

g. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and

h. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by

surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

2. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 201-05/06, 4-19-06; Ord. 29-09/10, 8-3-09, emergency passage; Ord. No. 240-10/11, 6-6-11; Ord. No. 33-11/12, 1-18-12; Ord. No. 175-12/13, 4-22-13; Ord. 255-14/15, 6-15-2015; Ord. 100-15/16, 11-16-2015)

Sec. 14-297. Prohibited uses.

Uses which are not enumerated as permitted or conditional uses in the B-7 zone are prohibited. Prohibited uses include, without limitation:

(a) Ground-mounted telecommunication towers, antennas, discs, transmitting and receiving equipment and the like;

(b) Waste, scrap, and/or byproduct storage and processing facilities;

(c) Major or minor auto service stations including all types of automotive repair except that automotive repair facilities existing as of March 9, 2005 are permitted;

(d) Drive-up facilities, except banking drive-up services, as allowed in the conditional use section 14-296.

(e) Major telecommunication substations over five-thousand (5000) square feet.

(Ord. No. 201-05/06, 4-19-06)

Sec. 14-298. Dimensional requirements.

In addition to the provisions of article III, division 25 of this code, lots in the B-7 mixed use urban district zone shall meet the following requirements:

(a) *Minimum lot size*: None.

(b) *Minimum frontage*: None.

(c) *Yard dimensions*:

1. Minimum yards in the B-7 zone:

Front setback: None required except as provided in 2 below.

Side setback: Non required.

Rear setback: None required.

2. Maximum street setback: Parking structures, public transportation facilities, utility substations, secondary building components such as truck loading docks, mechanical equipment enclosures and refrigeration units are not subject to the maximum setbacks contained herein. The following maximum street setbacks shall otherwise apply in the B-7 zone:

a. Ten (10) feet. The setback can be increased more than ten (10) feet if all of the conditions below are met:

i. Seventy-five (75) percent of the total building wall length of an individual building facing the abutting streets is setback no greater than ten (10) feet; and

ii. The increased setback area shall include a functional and accessible public pedestrian entrance into the building that faces the street unless a public pedestrian entrance already exists along the same street; and

iii. The increased setback is not used for surface parking.

b. For a corner lot having frontage on two (2) streets, the maximum setback shall apply to both streets. In the case of a lot having frontage on two or more street corners, newly constructed buildings shall be sited at street corners and meet the maximum setback requirement prior to other free-

standing buildings being constructed on the lot which shall also meet the maximum street setback. In the case of a corner lot having frontage on a third street (but not a corner) the maximum setback need not apply to the third street.

c. In the case of a lot having frontage on two (2) streets but not on a corner, the maximum setback shall apply to all streets but in the case of a lot having frontage on three (3) streets but not on a corner, the maximum setback shall apply to only two streets. For purposes of this subsection, only, the first building on a lot shall meet the maximum setback on at least one street with future buildings required to meet the maximum setback on the remaining street(s).

d. In the case of a lot in which a minimum seventy-five (75) percent of the total lot frontage has a building within ten (10) feet of the street, other buildings may be located on the lot more than ten feet from the street. In the case of a lot having frontage on Marginal Way and I-295, the property edge along I-295 shall not be considered street frontage.

e. The maximum building setback shall not apply to vertical building expansions in the following cases:

i. The upper floors of a building in which the lower floors meet the maximum setback and the minimum height requirement.

ii. The building existed as of March 9, 2005 and meets the minimum height requirement.

iii. A building not meeting the maximum street setback and the minimum height requirement may vertically expand a total of one floor from March 9,

2005.

iv. In the case of a building in which at least fifty (50%) of the building wall(s) abutting street(s) is within 20 feet of the street.

v. Additions to parking garages existing as of March 9, 2005.

f. Additions to buildings existing as of March 9, 2005 that re nonconforming as to the maximum setback need not conform to the maximum street setback provided the cumulative building footprint since March 9, 2005 does not exceed fifty percent (50%) of the existing building footprint. Such restriction shall not apply to those portions of the building addition that are constructed closer to the street line than the building footprint existing as of March 9, 2005 and to vertical expansions as provided for in Sec. 14-298(c)(2)(e).

g. Lots having frontage on streets in which the curve of the street frontage precludes a rectangular shaped building along the street line, for purposes of calculating the setback, the average setback of the building from the street line may be used, but in no event shall the average setback along the length of the building edge exceed an average setback of fifteen (15) feet nor shall the maximum setback exceed twenty (20) feet. The increased setback shall not be used for surface parking, vehicular loading or vehicular circulation.

h. Additions to and relocations of designated historic structures or structures determined to be eligible by the historic preservation committee shall be exempt from the maximum setback requirement.

(d) Minimum length of building wall required to be located long street frontage of lot except that additions to

and relocations of designated historic structures or structures determined to be eligible by the historic preservation committee shall be exempt from this subsection.

1. Minimum seventy-five percent (75%) of lot street frontage within ten (10) feet of the street; or

2. Minimum twenty-five percent (25%) of building perimeter within ten (10) feet of the street.

(e) Maximum building lot coverage: One-hundred percent(100%).

(f) *Maximum residential density*: None

(g) Maximum building height: As detailed on the bayside height overlay map on file in the planning and development department office.

(h) Minimum building height: Newly constructed buildings shall have the required minimum of floors as provided by the bayside height overlay map within fifty (50) feet of any street frontage. Such floors shall be occupiable or habitable and above the average grade of the abutting street.

This minimum floor provision shall not apply to:

1. Accessory building components such as truck loading docks, mechanical equipment enclosures and refrigeration units.

2. Information kiosks and ticketing booths.

3. Parking garages.

4. Public transportation facilities.

5. Additions to buildings existing as of (March 9, 2005) provided that the cumulative additions since (March 9, 2005) does not exceed fifty percent (50%) of the ground floor building footprint on (March 9, 2005) except that such restriction shall not apply to those portions of the building addition(s) that are constructed

closer to the street line than the building footprint existing as of (March 9, 2005).

6. Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar structures.

7. Additions to and/or relocation of designated historic structures or structures determined by the historic preservation committee to be eligible for such designation.

8. Portions of buildings more thanfifty (50) feet from the street line.

(Ord No. 201-05/06, 4-19-06; Ord. No. 240-10/11, 6-6-11)

Sec. 14-299. Performance standards.

All uses in the B-7 mixed development district zone shall comply with the following standards. Standards 14-299(a),(f),(j),(m),(n) and (o) below shall be reviewed by the Planning Authority.

(a) Storage: Any storage of new materials, finished products, or related equipment must be suitably screened from the public way and from abutting properties by a solid fence at least six feet in height. All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container. 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 forty-eight (48) hours of its generation. All enclosed and exterior areas shall be cleaned and sanitized on a regular basis. Outdoor storage of refuse or debris shall be in an appropriate container or located within a designated, screened area. All dumpsters shall be screened on all four (4) sides by a minimum six (6) foot high solid fence or shall otherwise be fully enclosed as approved by the planning board or the planning and urban development department.

(b) Noise:

1. Definitions:

   a. Tonal sounds are defined as sound waves usually perceived as a hum or whine because their instantaneous sound pressure varies essentially as a simple sinusoidal function of time.

   b. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with duration of less than one (1) second.

2. Measurement: Sound levels shall be measured with a sound level meter with a frequency weighting network manufactured according to standards prescribed by the American National Standards Institute (ANSI) or its successor body. Measurements shall be made at all major lot lines of the site, at a height of at least four (4) feet above the ground surface. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ1).

3. Maximum permissible sound levels: The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows:

   a. Sixty (60) dBA between the hours of 7:00 a.m. and 10:00 p.m.

   b. Fifty (50) dBA between the hours of 10:00 p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.

   In addition to the sound level standards established above, all uses located within this

zone shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sound cannot be prevented, to minimize the impact of such sounds in residential zones.

4. *Exemptions*:

a. Noises created by construction and maintenance activities between 7:00 a.m. and 10:00 p.m. are exempt from the maximum permissible sound levels set forth in subsection (a)3 of this section. Construction activities on a site abutting any residential use between the hours of 10:00 p.m. of one (1) day and 7:00 a.m. of the following day shall not exceed fifty (50) dBA.

b. The following uses and activities shall also be exempt from the requirements of subsection (a)3 of this section:

i. The noises of safety signals, warning devices, emergency pressure relief valves, and any other emergency devices.

ii. Traffic noise on public roads or noise created by airplanes and railroads.

iii. Noise created by refuse and solid waste collection, provided that the activity is conducted between 6:00 a.m. and 7:00 p.m.

iv. Emergency construction or repair work by public utilities , at any hour.

v. Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the city, including but not limited to parades, sporting events, and fireworks displays.

(c) Vibration: Vibration inherently and recurrently

generated shall be imperceptible without instruments at lot boundaries.

(d) Federal and state environmental regulations: All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air, except where provisions of this code are more stringent.

(e) Storage of vehicles: Outdoor storage of any unregistered automotive vehicles on the premises for more than ten (10) days, and outdoor storage of any used automotive tires on the premises shall not be permitted.

(f) Off-street parking and loading: Off-street parking is required as provided in division 20 (off-street parking) of this article. Division 21 (off-street loading) of this article shall not apply. Surface parking shall meet the following standards:

1. None of the spaces shall occupy all or a portion of a sidewalk within a street right-of-way.

2. Driveway entrances shall meet the City of Portland Technical Manual standards.

3. The parking area shall meet the landscape and buffer standards of the City of Portland Technical and Design Manuals.

(g) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5

(h) Glare, radiation or fumes: Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.

(i) Enclosure of uses: All uses shall be operated within a fully enclosed structure, except for those customarily operated in open air.

(j) Materials or wastes: Any permitted outdoor storage of

materials shall be done in such a manner as to prevent the breeding and harboring of insects or vermin, to prevent the transfer of such materials from the site by natural causes or forces and to contain fumes, dust, or other materials which constitute a fire hazard. This storage shall be accomplished within enclosed containers or by one (1) or more of the following methods: raising materials above ground, separating materials, preventing stagnant water, or by some other means. Any areas used for permitted outdoor storage of materials shall be screened from view of any adjoining properties and public rights-of-way. NO outdoor storage shall be permitted between the front of any building on the site and the street.

(k) Odor: Uses in the B-7 zone shall adhere to the odor regulations of the IL zone.

(l) Smoke: Discharges of smoke shall not exceed opacity percentage of forty percent (40%) or number two (2) on the ringelman chart.

(m) Discharge into sewers: No discharge shall be permitted at any point into any private sewage disposal system, or surface drain, or into the ground, of any materials in such a way or of such nature or temperature as to contaminate any water supply, or the harbor, or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the health authority or by the public works authority.

(n) Lighting: All lighting shall be designed and installed with cut-off fixtures to direct illumination onto the site and to prevent illumination from such fixtures on neighboring properties and as otherwise governed by the site lighting standards of the City of Portland Technical Manual.

(o) Building entrances: All buildings shall have a minimum of one (1) public pedestrian entrance facing the street frontage of the lot. Such building entrances shall also be reviewed under the B-7 bayside design standards.

(Ord. No. 201-05/06, 4-19-06; Ord. No. 240-09/10, 6-21-10; Ord. No. 278-09/10, 7-19-10; Ord. No. 140-10-11, 6-6-11; Ord. No. 165-15/16, 3-7-2016)

DIVISION 17.5. EASTERN WATERFRONT PORT ZONE*

***Editor's Note-** Order No. 297-05/06 adopted on September 18, 2006, implemented a new Eastern Waterfront Port Zone for the Maine State Pier and Portland Ocean Terminal. The proposed changes for the Portland Ocean Terminal and the Maine State Pier would allow for a wider range of uses for the piers and properties of the Portland Ocean Terminal.

Sec. 14-300. Purpose.

The Eastern Waterfront Port Zone is created to nurture deepwater dependent activity within the context of the established waterfront. The transport of goods and passengers by water is an important component of both the local and regional economies and this transport and other forms of marine industry are dependent upon land and piers with direct access to Portland Harbor. Given the existing pier infrastructure, proximity to deep water, and urban context, Portland's Eastern Waterfront is uniquely situated to support a wide range of water-dependent industry and commerce through a variety of marine activities.

The support and expansion of Portland's marine industry requires piers, uplands, and circulation consistent with the transportation purpose and use of marine facilities. The growth of Portland's marine passenger industry also requires supporting services and activities to provide a safe, convenient, and enjoyable travel experience for users of marine passenger facilities. Non-marine uses that complement the marine passenger industry, are compatible with existing and future water-dependent uses, and provide opportunities for residents and visitors alike to enjoy the Eastern Waterfront throughout the year, are encouraged.

The primary use of the deep-water resources must be for the berthing and support of large vessels. Non-marine uses that complement and support the deepwater infrastructure and do not conflict or compete for limited space with existing or anticipated deepwater-dependent uses are encouraged. Existing and future pier infrastructure and upland support areas should be designed and maintained to support a variety of marine uses and be responsive to future technologies and trends in the marine industry.

Given the need to nurture and support deepwater-dependent uses and the need for non-deepwater dependent uses to complement the marine passenger industry and to support the maintenance and

repair of pier infrastructure, the Eastern Waterfront Port Zone recognizes the following hierarchy of uses:

(a) The first priority of this zone is to protect and nurture existing and potential deepwater dependent uses (those uses requiring a minimum of 15 feet of water depth);

(b) The second priority is to allow shallow water-dependent and other permitted marine uses, so long as they do not interfere with deepwater dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure; and

(c) Other uses specified herein are allowed only if they do not interfere with and are not incompatible with higher priority uses.

(Ord. No. 297-05/06, 9-18-06)

Sec. 14-300.1. No adverse impact on marine uses.

No use shall be permitted, approved or established in this zone if it will have an impermissible adverse impact on future marine development opportunities. A proposed non-water dependent component of a development will have an impermissible adverse impact if it will result in any one (1) or more of the following:

(a) The proposed use will displace an existing water-dependent use;

(b) The proposed use will reduce existing commercial vessel berthing space;

(c) The proposed use, structure or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses; or

(d) The siting of a proposed use will substantially reduce or inhibit existing public access to marine or tidal waters.

(Ord. No. 297-05/06, 9-18-06)

Sec.14-301. Permitted uses.

Subject to a determination that the proposed use meets the standards of section 14-300.1. (no adverse impact on marine uses), the following uses are permitted in the Eastern Waterfront Port Zone:

(a) *Marine passenger:*

1. Intermodal marine passenger facilities;

2. Cruise ship home port and port of call berthing and support;

3. International and domestic ferries.

(b) *Marine commercial:*

1. Transient and long-term commercial berthing;

2. Marine-related warehousing;

3. Marine related construction, manufacturing, fabrication, salvage and repair;

4. Storage and repair of fishing equipment;

5. Ship and other marine vessel construction, building, servicing, and repair;

6. Boat and marine equipment storage;

7. Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels;

8. Public, non-profit, or commercial marine transportation and excursion services, including captained charter services, sport fishing and water taxis;

9. Ship and off-shore support services, including but not limited to tug boats, pilot boats, and chandleries;

10. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices;

11. Marinas located east of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26;

12. Marine office, including but not limited to offices of owners of marinas, wharves or their agents, and naval architects, and seafood brokers.

(c) *Commercial:*

1. Professional, business, government, and general office located in upper floors of structures existing as of September 18, 2006.

***Editor's Note—**On-site parking for non-marine commercial uses are permitted as conditional uses subject to the provisions of section 14-301.1. (conditional uses, parking) below.

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2. Temporary events, except festivals as otherwise governed under section 14-301I3 below.

Buildings, piers and lands within the EWPZ may be used for temporary public and private events including but not limited to exhibitions, conferences, meetings, and trade shows under the following conditions:

a. Temporary events occupying more than 10,000 square feet of building or outdoor space shall not exceed a combined total of sixty (60) days between May 1st to October 31st;

b. No temporary event may continue for more than 14 days of continuous operation;

c. Any temporary event that anticipates more than 5,000 people in attendance on any single day must provide and be subject to a parking management plan. The parking

management plan must be submitted for the review and approval of the public works authority at least 60 days prior to the first day of the event.

3. Festivals subject to City license.

4. Street vendors licensed pursuant to Chapter 19.

(d) *Public:*

1. Fire, police and emergency services;

2. Governmental agency emergency operations/crisis centers; 3. Research, military and visiting attraction vessel berthing;

4. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails.

(e) *Other:*

1. Wind energy systems, as defined and allowed in Article X, Alternative Energy;

2. A facility for non-profit organizations whose facility may include offices, classrooms, equipment, equipment rentals, storage, and bathrooms for the public.

(Ord. No. 297-05/06, 9-18-06; Ord. No. 33-11/12, 1-18-12; Ord. No. 262-13/14, 6-16-14; Ord. 184-14/15, 6-1-2015; Ord. 322-15/16, 7-6-2016)

Sec. 14-301.1. Conditional uses.

(a) The following uses shall be permitted as conditional uses in the Eastern Waterfront Port Zone, provided that, notwithstanding section 14-471(c), section 14-474(a), or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority, and provided further that in addition to the provision of section 14-474(c)(2) such uses will not impede or preclude existing or potential water-dependent development within the zone, will allow for adequate right-of-way access to the water, are compatible with marine uses, and meet all additional standards set forth below:

1. Conditional use standard:

   a. Marine compatibility: The proposed use shall be compatible with existing and potential marine uses in the vicinity, as required by section 14-304(n) and (o) (compatibility of non-marine uses with marine uses and functional utility of piers and access to the water's edge); and

   b. Parking and traffic circulation:

      i. Parking and traffic circulation plan: All applications for conditional use in the EWPZ shall submit a parking and circulation plan for review and approval by the planning board. The parking and circulation plan shall show the location of all existing and proposed structures, travel ways and parking under the common ownership and/or control of the subject pier or property. The plan shall demonstrate that the parking and circulation of the conditional use does not interfere with the functional marine utility of the property and otherwise meets the standards and conditions of the EWPZ.

2. Conditional uses:

   a. *Marine:*

      i. Marine products, wholesaling and retailing;

      ii. Ice-making services;

      iii. Marine freight facilities providing service for, and/or intermodal transfer of, container and breakbulk freight;

      iv. Marine educational facilities;

      v. Seafood retailing, wholesaling, packaging and shipping;

      vi. Seafood processing for human consumption, subject to the performance standards of the IL zone set forth in section 14-236 in addition to the performance standards of

section 14-304;

vii. Commercial marinas serving commercial and recreation boats located west of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26, provided that such facilities are located in areas that do not conflict with the navigation and handling of deepwater dependent vessels accessing existing or potential deepwater berthing;

viii. Fish byproducts processing, provided that:

a. Any fish byproducts processing facility has a valid rendering facility license under chapter 12 of the Portland city code; and

b. Any fish byproducts facility shall employ current and appropriate odor control technology to eliminate or minimize detectable odors from such a process, and in no case shall odors exceed the odor limitation performance standards of the IM zone (section 14-252); and

c. The processing other material wastes or byproducts shall not be deemed a lawful accessory use Permitted herein.

b. *Commercial:*

a. Structured parking available to the general public;

b. Professional, business, government and general offices uses in upper floors of structures constructed after September 18, 2006;

c. Passenger support services supporting a marine passenger use listed under 14-

301(a)(marine passenger). The total ground floor area occupied by any combination of the following uses (regardless of ownership) shall not exceed 35% of the gross floor are of the principle associated marine passenger use and no more than 35,000 square feet cumulative within the EWPZ:

i. Retail;

ii. Restaurants/food service other than street vendors;

iii. Retail service;

iv. Passenger information services.

c. Industrial: The following industrial uses are permitted provided that such uses shall conform to the IM zone performance standards set forth in section 14-252 in addition to the performance standards of 14-304. Where redundant or contradictory performance standards exist, the more restrictive standard applies.

i. Non-marine related warehousing in structures existing as of September 18, 2006;

ii. Facilities for combined marine and general construction;

iii. Low impact industrial uses as permitted in the IL zone in structures existing as of September 18, 2006, excluding all auto repair service facilities.

d. *Public:*

i. Utility substations: Public utility substations, including but not limited to electrical transformers, sewage and stormwater pumps and telecommunication switching stations, are permitted under the following conditions:

a. The facility is located more than 100 feet from the water’s edge;

b. The facility occupies no more than 50 square feet of structure above ground;

c. The facility provides no dedicated on-site parking and all subsurface elements of the facility are installed and operated such that land occupied by the facility is otherwise useable and made available for marine related uses, including but not limited to parking, travel ways, and/or storage; and

d. The facility shall be sized, sited and screened to minimize visual impact and prominence from public ways.

ii. Maritime museums, limited to 5,000 square feet of ground floor footprint.

***Editor's Note—**On-site parking for non-marine commercial and industrial uses are permitted as conditional uses subject to the provisions of section 14-301.1. (conditional uses, parking) below.

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e. Parking for non-marine uses: Notwithstanding sections 14-304(h), 14-331, 14-334 (regarding off-street parking requirements) and article V (site plan) of this chapter, no parking shall be allowed in this zone for non-marine uses unless the applicant can demonstrate that the number of parking spaces on-site exceeds the number of parking spaces needed to accommodate the demand for marine and water-dependent uses that are permitted by section 14-301 (permitted marine uses) and 14-301.1. (conditional marine uses) which are or may be located on the subject property (see editor's note below). The remainder of parking Required, if any, for such non-marine uses shall be provided off-site.

***Editor's Note—**Vacant ground floor space should be considered to have a parking demand similar to other space housing an existing water-dependent use elsewhere on the subject property or on a comparable property.

(b) The following use shall be permitted only upon the issuance of a conditional use permit subject to the provisions

of section 14-474 (conditional uses), and any special provisions, standards or requirements specified below:

1. Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

    a. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and

    b. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and

    c. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and

    d. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and

    e. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and

    f. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and

    g. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics

(speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and

h. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

2. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 297-05/06, 9-18-06; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 33-11/12, 1-18-12; Ord. No. 262-13/14, 6-16-14; Ord. 184-14/15, 6-1-2015)

Sec.14-301.2. Prohibited uses.

Uses, whether floating or fixed to land, which are not enumerated in either section 14-301 or 14-301.1. as permitted or conditional uses are prohibited. Those uses that are specifically prohibited shall include, without limitation:

(a) Residential uses;

(b) Amusement/theme parks;

(c) Bulk freight facilities;

(d) On-site gambling casinos not accessory to and located aboard either a ferry or inter-port cruise ship.

(Ord. No. 297-05/06, 9-18-06)

Sec. 14-302. Contract or conditional rezoning.

In addition to those marine and non-marine uses authorized in section 14-301 (permitted uses) and 14-301.1(conditional uses) an applicant may apply to locate a non-marine use not otherwise permitted, if the reviewing body finds the applicant has met the standards of section 14-300.1 (no adverse impact), the performance standards of 14-304(a-o), and the applicable standards of contract/conditional rezoning contained in sections 14-60 to 14-63 and conforms to the following requirements:

(a) *Standards for contract or conditional rezoning:*

1. All non-marine uses are either permitted or conditionally permitted in the B-5 zone, and are not specifically prohibited in section 14-301.2 (prohibited uses) above. Any hotel, inn, or other similar transient lodging establishment proposed must be located landward of the spring tide line and westerly of the extension of the India Street right-of-way; and

2. The aggregate ground floor area of any development permitted hereunder located within 100 feet of the pier edge or working edge of the hardened shoreline shall be occupied by at least 50% of one or more marine uses set forth in section 14-301 (permitted, marine uses) and 14-301.1 (conditional marine uses). Note: the circulation areas and areas occupied for accessory parking serving marine uses shall not be used as the basis for calculating the 50% provision above; and

3. The development is consistent with the comprehensive plan and without the non-marine use component authorized herein, the site could not otherwise support an economically viable water-dependent use; and

4. The project’s public benefits outweigh its potential negative impacts, provided that such public benefits include one or more of the following: protection of existing water-dependent uses, preservation of future water-dependent use development opportunities, contribution to the development of and/or on-going maintenance of the marine infrastructure for commercial vessels, and visual and physical access to the waterfront for the general public; and

5. The non-marine portion of the development will not significantly restrict air or light for marine uses located in the immediate vicinity; will not create significant adverse local climatic effects on marine uses such as an undue increase of winds or shadowing; and will not adversely affect the efficient operation of marine uses, such as by producing less efficient

traffic, parking or circulation patterns; and

6. The rezoning contains adequate provisions and/or conditions to ensure that on-site water-dependent infrastructure remains occupied by commercial marine use(s) listed in section 14-301 (permitted uses) and 14-301.1 (conditional uses) and that said use is not abandoned after the project is developed; and

7. Notwithstanding section 14-304(h) (performance standard “Parking”) and section 14-526 (a) 4.a.(i), all on-site parking constructed or used for non-marine uses allowed only by contract or conditional rezoning shall be subject to the conditional use provisions section 14-301.1 (e) (parking for non-marine uses).

   Additionally, the total amount of parking shall be established by the city council in the conditional or contract rezoning agreement after consideration of the planning board’s recommendation on the same.

(Ord. No. 297-05/06, 9-18-06; Ord. No. 278-09/10, 7-19-10)

Sec. 14-303. Dimensional requirements.

In addition to the provisions of article III, division 25 of this code, lots in the EWPZ shall be subject to the following requirements:

(a) *Minimum lot size:* None.

(b) *Minimum frontage:* None.

(c) *Minimum yard dimensions:*

1. Front setback: None.

2. Side setback: None.

3. Rear setback: None.

4. Setback from pier line: Notwithstanding the above requirements, a minimum setback of twenty-five(25) feet from the edge of any pier, wharf or working edge of the hardened shoreline shall be required for any structure, provided that marine

offices, as defined in Section 14-301(b)(12), may be located up to five (5) feet from the edge of any pier, wharf or working edge of the hardened shoreline. The setback area may be utilized for water-dependent uses and public uses and activities, subject to the provisions of sections 14-300.1 (no adverse impact) and 14-301.1 (conditional use provisions), and shall not be utilized for restaurant, drinking, or other non water-dependent uses or for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).

(d) Maximum impervious surface: One hundred (100%) percent.

(e) Maximum building height: Forty-five (45) feet, except as follows:

1. For purposes of this section only, moveable elements such as cranes and gantries, connection devices such as conveyors or bridges, and floating vessels shall not be subject to the space and bulk requirements, but shall be subject to a determination by the Federal Aviation Administration that the location of such equipment will not create a hazard to air traffic.

2. Rooftop appurtenances may exceed the maximum height limits of forty-five (45) feet providing that their design and placement is either fully screened or integrated into the architecture of the structure on which they sit.

3. The applicant must provide a determination from the Federal Aviation Administration that structures and equipment in excess of forty-five (45) feet will not exceed the applicable height guidelines for the runway approach and will not create a conclusive evidence that the proposed development will not create a hazard.

(Ord. No. 297-05/06, 9-18-06; Ord. No. 27-11/12, 8-15-11; Ord. 184-14/15, 6-1-2015)

Sec. 14-304. Performance standards.

Development in the Eastern Waterfront Port Zone shall

comply with the following standards:

(a) Outdoor storage of materials: Outdoor storage of commodities and materials accessory to normal conduct of business shall be entirely contained, including runoff contaminants and residual material, within a designated area.

(b) Noise:

1. The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the EWPZ between the hours of 7:00 p.m. and 7:00 a.m. from facilities or operations commenced on or after July 1, 1988, shall not exceed fifty-five (55) decibels on the A scale at or within the boundaries of any residential zone, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices, and maritime navigation signals.

2. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ1).

3. In addition to the sound level standards otherwise established, facilities or operations established or built in the EWPZ on or after July 1, 1988, shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones. Tonal sound is defined as a sound wave usually

perceived as a hum or which because its instantaneous sound pressure varies essentially as a simple sinusoidal function of time. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with a duration of less than one (1) second.

(c) Vibration: Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile-supported pier.

(d) Federal and state environmental regulations: All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air, except where provisions of this code are more stringent.

(e) Discharges into harbor areas: No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the department of public works in accordance with chapter 24, article III of this code. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of chapter 24, article II of this code and federal and state environmental statutes and regulations regarding wastewater discharges.

(f) Storage of vehicles: Storage of any unregistered automotive vehicle on the premises for more than ten (10) days shall not be permitted.

(g) Landfill of docking and berthing areas: Landfill of docking and berthing areas shall be governed by 38 M.R.S.A. § 471-478, and permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the department of public works and shall be accomplished in accordance with the provisions of division 25 of this article and in a manner so as to ensure that a stable and impermeable wall of

acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters.

(h) Off-street parking: Off-street parking is required as provided in division 20 (off-street parking) of this article.

(i) Off-street loading: Off-street loading is required as provided in division 21 of this article.

(j) Shoreland and flood plain management regulations: Any lot or a portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(k) Lighting: All lighting on the site shall be shielded such that direct light sources shall not interfere with vessels transiting the harbor, nor have an unreasonable adverse impact on adjacent residential zones, and shall be complaint with the Site Lighting Standards of the City of Protland Technical Manual.

(l) Signs: Signs shall be permitted as set forth in division 22 of this article.

(m) Storage of pollutants and oily wastes: On-premises storage of pollutants and oily wastes shall not be permitted for more than forty-five (45) days.

(n) Compatibility of non-marine uses with marine uses: Non-marine uses, structures and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither unreasonably interfere with the existence or operation of marine uses nor significantly impede access to vessel berthing or other access to the water by existing or potential marine uses.

(o) Functional utility of piers and access to the water’s edge: All development, whether for marine or non-marine uses, must anticipate current and future needs of water-dependent uses to functionally access the water’s edge for the transfer of goods, materials, and

passengers between berthed vessels and land bound vehicles. Provisions for the storage and movement of goods, materials, and passengers must be designed into all waterside development and internal circulation routes must be maintained or otherwise provided as an element of any development.

(Ord. No. 297-05/06, 9-18-06; Ord. No. 240-09/10, 6-21-10; Ord. No. 278-09/10, 7-19-10)

DIVISION 18. WATERFRONT CENTRAL ZONE*

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*Editor's note— Ord. No. 249-18/19 passed as an emergency on June 17, 2019, made substantial revisions to Division 18. Previously, Ord. No. 168-93, § 2, adopted Jan. 4, 1993, repealed former Divs. 18, 18.5 and 18.7, §§ 14-306—14-320.2, which pertained to waterfront zones, and enacted new provisions as Divs. 18, 18.5 and 18.7 to read as herein set out. Formerly, such provisions derived from Ord. No. 426-83, § 1, adopted Apr. 25, 1983; Ord. No. 427-83, § 1, adopted Apr. 25, 1983; Ord. No. 355-85, § 1, adopted Jan. 7, 1985; Ord. No. 438-86, § 1, adopted Apr. 7, 1986; Ord. No. 189-87, § 3, adopted Feb. 7, 1987; Ord. No. 174-87, 's; 1, 2, adopted Mar. 4, 1987; Ref. of May 5, 1987; Ord. No. 385-87, adopted Apr. 6, 1987; Ord. No. 36-89, §§ 1, 2, adopted June 28, 1989; and Ord. No. 15-92, §§ 22, 23, adopted June 15, 1992.

Order 184-14/15 repealed Division 18.7 on 6-1-2015.

Sec. 14-305. Purpose.

The Waterfront Central Zone was created to protect and nurture water-dependent and marine-related support uses so that they may grow and prosper in the present and into the future in an environment and area dedicated to this purpose. The following priority of uses is recognized:

(a) The first priority of this zone is to protect and nurture existing and potential water-dependent uses in a setting that enforces their continued economic viability;

(b) The second priority is to encourage other marine and marine-related support uses so long as they do not interfere with water-dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure;

(c) Non-marine uses are encouraged provided that they do not

interfere with and are not incompatible with first and second priority uses. Non-marine uses are beneficial to the waterfront economy because they provide the financial return to property owners necessary for the maintenance and improvement of the marine infrastructure.

Water-dependent and marine-related support uses by their nature have activities and operational needs that are unique to this area and are not shared by other commercial and industrial uses in the city. These first and second priority uses and related activities may result in noise, odor, dust, hours of operation, parking and traffic patterns and traffic control needs that are necessary for the convenient and successful conduct of such uses. Other uses may not be compatible with these types of effects. Other specified uses are permitted in the waterfront central zone, provided that they do not significantly interfere with the activities and operation of water-dependent and marine-related support uses. Such uses must be, and are assumed to be, aware of the impacts associated with marine uses and therefore must accept and be tolerant of them. Other specified uses in the zone shall accommodate to those patterns and needs of the higher priority uses so long as those higher priority uses are not detrimental to public health and safety and the higher priority activities are conducted in accordance with sound practices or practices customary in the trade.

Commercial Street is recognized as an important economic center for the city and region. Marine compatible uses are encouraged to locate and grow along Commercial Street while higher priority marine uses are protected on the waterfront.
(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 193-05/06, 4-19-06; Ord.No. 103-10/11, 12-20-10; Ord. No 249-18/19, 6-17-2019)

***Editor's Note—**Pursuant to Council Order 103-10/11 passed on 12/20/10 Section 14-306 *No adverse impact on marine uses* was repealed in its entirety and remaining sections were re-numbered accordingly.

Sec. 14-306. Definitions.

For the purposes of the Waterfront Central Zone only the following terms shall have the following definitions:

Common circulation drives: private driveways, roadways and circulation areas accessible to all on-site tenants and/or occupants of a lot within the waterfront central zone providing access from/to the public street network.

Lot: any abutting property under common ownership.

Commercial Street Overlay Zone (CSOZ): The Commercial Street Overlay Zone (CSOZ) is a portion of the Waterfront Central Zone, as described below, where new and existing development may be occupied with 100% non-marine use tenants listed under 14-307(b), subject to the standards and use limitations provided in section 14-311(b).

The geographic limits of the CSOZ are defined by parcels of land and piers within the Waterfront Central Zone located on the landward side of a line established one hundred twenty-five (125) feet south of the southerly sideline of Commercial Street and modified as follows: the seaward limit of the CSOZ extends to a line three hundred (300) feet south of the southerly sideline of Commercial Street in the area between the easterly and westerly sideline of Long Wharf. Additionally, all areas subject to this provision are set back landward at least twenty-five (25) feet from the average high tide line of Portland Harbor and associated coastal wetlands. Where the one hundred twenty-five (125) foot offset intersects with the footprint of a building existing as of May 2019 and such intersection leaves 75% or more of the building within the CSOZ, the entire building shall be considered included in the CSOZ. All offset distances are measured horizontally.

All applicants for development within the CSOZ are responsible for demonstrating their location within the CSOZ according to the findings of a site-specific land survey conducted by a professional land surveyor licensed by the State of Maine. The limits of the CSOZ shall be shown on all site plans and subdivision plats for proposed development within the CSOZ.

On-Site shall mean that portion of any lot included within or directly impacted by a proposed development.
(Ord. No. 193-05/06, 4-19-06; Ord. No. 103-10/11, 12-20-10; Ord. No 249-18/19, 6-17-2019)

Sec. 14-307. Permitted uses.

Subject to a determination that the proposed use meets the standards of section 14-311, as applicable, the following uses listed under 14-307 (a), (b), (c) and (d) are permitted anywhere in the Waterfront Central Zone. Uses listed under 14-307(e) are only permitted in the CSOZ.

(a) Marine:

1. Marine products wholesaling, distribution and retailing;

2. Marine repair services and machine shops;

3. Tugboat, fireboat, pilot boat and similar services;

4. Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels;

5. Marine industrial welding and fabricating;

6. Shipbuilding and facilities for construction, maintenance and repair of vessels;

7. Commercial marine transport and excursion services, including ferries, captained charter services, sport fishing and water taxis;

8. Cargo handling facilities, including docking, loading and related storage;

9. Boat repair yards;

10. Boat storage facilities, excluding rack storage facilities; (Boat rack storage facilities are included in conditional use, section 14-308(b)(3) below);

11. Seafood processing and retailing;

12. Seafood packing and packaging;

13. Seafood loading and seafood distribution;

14. Fabrication, storage and repair of fishing equipment;

15. Ice-making services;

16. Facilities for marine construction and salvage;

17. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices;

18. Fabrication of marine-related goods;

19. Fishing and commercial vessel berthing;

20. Non-commercial berthing of a maximum of fifty (50) linear feet per pier. A non-commercial berth may not displace a commercial berth.

    Parking for any non-commercial berthing is subject to the provisions of section 14-311(d)8.

21. Marine office, including but not limited to offices of owners of wharves or their agents, and naval architects, and seafood brokers;

22. Public landings;

23. Marine research, education, and laboratory facilities;

24. Bait sales and processing;

25. Harbor security and emergency response services including but not limited to Harbor Master, Marine Patrol and Coast Guard.

26. Commercial parking for water-dependent use business owners and employees.

(b) Non-marine commercial and industrial uses: Non-marine uses permitted by this section are subject to the standards listed in section 14-311.

1. Professional, business, government, and general offices, except for offices for health care practitioners or health clinics which are only permitted in the CSOZ;

2. Cabinet and carpentry shops, studios for artists and crafts people;

3. Intermodal transportation facilities;

4. Cold storage facilities;

5. Commercial kitchens; and

6. Outside accessory activities.

(c) Public:

1. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails;

(d) Other:

1. Accessory uses:

a. Interior accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses. Food service establishments, newsstands and other similar retail and service support uses shall only be permitted as accessory uses if they are part of and located within the lot lines of a use set forth in section 14-307(a)(1), (a)(7), (a)(11), or (a)(22); that such uses do not exceed two-thousand (2,000) square feet in total floor area of the building, or twenty-five percent (25%) of the total floor area of the building, whichever is less, and that each individual accessory use does not exceed one-thousand (1,000) square feet in total floor area of the building; and further provided that such accessory uses provide goods or services that are supportive of the principal use and its clientele. Exterior accessory uses shall be otherwise subject to the provision of 14-311(a); and

b. Interior meeting or classroom space accessory to uses permitted in section 14-307(a)(23) (marine research, education, and laboratory facilities) may be rented out for meeting use by marine-related or non-marine related groups or organizations, or the general public, and such accessory uses shall not be subject to the limitations contained in paragraph b, but shall only be permitted as accessory uses if the total of all support uses, including

interior meeting or classroom space, does not exceed three-thousand (3,000) square feet in total floor area per building, or fifteen percent (15%) of the total floor area per building, whichever is less.

2. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(e) Uses permitted only within the Commercial Street Overlay Zone. Uses permitted by this section are subject to the standards listed in section 14-311(b).

1. Retail and service establishments, including craft and specialty shops;

2. Restaurants provided that full course meal food service and consumption shall be the primary function of the restaurant, and full course meal service shall be continued up until the hours of closing;

3. Banking services without drive-up services;

4. Museums and art galleries;

5. Street vendors licensed pursuant to chapter 19.

6. Offices of health care practitioners or health care clinics.

7. Personal service establishments.

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 131-01/02, § 1, 1-23-02; Ord. No. 309-01/02, § 1, 7-15-02; Ord. No. 38-02/03, § 1, 9-4-02;Ord. No. 193-05/06, 4-19-06; Ord. No. 103-10/11, 12-20-10; Ord. No. 33-11/12, 1-18-12; Ord. No 249-18/19, 6-17-2019)

Sec. 14-308. Conditional use.

The uses listed herein shall be permitted as conditional uses in the waterfront central zone, provided that, notwithstanding section 14-471 and section 14-474(a), or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority, and further provided that in addition to the provisions of section 14-474(c)(2), they shall also meet the applicable Waterfront Central Zone development standards in section 14-311:

(a) Commercial marine conditional uses:

1. Fish by-products processing, provided that:

a. Any fish by-products processing facility has a valid rendering facility license under chapter 12;

a. Any existing fish by-products facility shall employ current and appropriate odor control technology (and any new fish by-product use shall employ current, available odor control technology) to eliminate or minimize detectable odors from such a process, and in no case shall odors exceed the odor limitation performance standards of the I-M zone; and

b. The processing of other material wastes or by-products shall not be deemed a lawful accessory use under any other provision of this article.

2. Boat rack storage facilities, provided that:

a. Parking shall be provided for one-hundred percent (100%) of the demand generated by the use (nothwithstanding 14-311(d)7, performance standard for parking), and such parking shall be provided off-site, in another zone permitting such use.

b. Boat rack structures shall not exceed ten thousand (10,000) square feet of building footprint.

(b) Utility substations: Public utility substations, including but not limited to electrical transformers, sewage and stormwater pumps, and telecommunication switching stations, are permitted under the following conditions:

1. The facility is located more than one-hundred (100) feet from the water’s edge;

2. The facility occupies no more than fifty (50)

square feet of structure above ground;

3. The facility provides no dedicated on-site parking and all subsurface elements of the facility are installed and operated such that land occupied by the facility is otherwise usable and made available for marine uses, including but not limited to parking, travel ways, and/or storage; and

4. The facility shall be sized, sited and screened to minimize visual impact and prominence from public ways.

(c) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

1. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and

2. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and

3. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and

4. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and

5. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction,

operation or dismantling of any part of the temporary wind anemometer tower; and

6. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and

7. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and

8. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

(d) Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 168-93, § 2, 1-4-93; Substitute Ord. No. 00-42, 8-7-00; Ord. No. 73-01/02, § 1, 10-15-01, Ord. No. 131-01/02, § 2, 1-23-02; Ord. No. 193-05/06, 4-19-06; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 240-09/10, 6-21-10; Ord. No. 278-09/10, 7-19-10; Ord. No. 103-10/11, 12-20-10; Ord. No. 33-11/12, 1-18-12; Ord. No 249-18/19, 6-17-2019)

Section 14-309. Prohibited uses.

Uses which are not enumerated in either section 14-307 or 14-308 as permitted or conditional uses are prohibited. Uses enumerated in section 14-307(e) shall be considered prohibited uses outside of the CSOZ. Those uses that are prohibited shall include, without limitation:

(a) Residential Uses;

(b) Hotels, motels, hostels, bed and breakfasts, inns, lodging houses, tourist homes, short-term rentals or boatels;

(c) Auditoriums, civic centers, convention centers, or other meeting facilities not accessory to an otherwise permitted use;

(d) Drinking establishments, private clubs, or non-profit

social and recreational facilities;

(e) Ground mounted telecommunication towers, antennas, and/or disks; and

(f) Drive-up services for any use other than a permitted use listed under 14-307(a) or 14-308(a)(1).

(g) Major and minor auto service stations.

(h) Laundry and dry-cleaning services.

(i) Convenience stores with gas pumps.

(j) Commercial parking for non-marine uses.

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 73-01/02 § 2, 10-15-01; Ord. No. 193-05/06, 4-19-06; Ord. No. 103-10/11, 12-20-10)

Sec. 14-310. Dimensional requirements.

In addition to the provisions of division 25 of this article, lots in the Waterfront Central Zone shall be subject to the following requirements:

(a) Minimum lot size: None.

(b) Minimum frontage along Commercial Street: Seventy-five (75) feet.

(c) Minimum lot width within the CSOZ: Fifty (50) feet measured parallel with Commercial Street and such lot width shall be continuous for the full depth of the lot located within the CSOZ.

(d) Minimum yard dimensions:

1. Front setback: None.

2. Side setback: None

3. Rear setback: None.

4. Setback from pier edge: Notwithstanding the aboverequirements, a minimum first-floor setback of ten (10)feet from the edge of any pier, wharf or bulkhead shall be required for any structure, (exclusive of structurally necessary posts supporting upper floors, and deck mounted equipment for loading and unloading vessels.

The edge of any pier, wharf or bulkhead shall include any attached apron(s). Floats, rafts, and or barges not structurally integral to the pier, wharf or bulkhead may not be used to satisfy this requirement. Parking for non-marine uses shall not occupy the 10-foot setback.

(e) Maximum lot coverage: One-hundred (100) percent.

(f) Maximum building height: Fifty (50) feet. Except as provided in (h) below, a structure in the Waterfront Central Zone shall provide no more than three habitable floors; however, typical rooftop appurtenances and/or enclosed or open mechanical installations shall be allowed over the third floor.

(g) Minimum ground floor clearance: Any new building proposed to be larger than three-hundred (300) square feet, and located more than 35 feet from the southerly sideline of Commercial Street, shall provide no less than fifteen (15) feet of first floor to ceiling vertical clearance to promote marine industrial use potential. New buildings less than three-hundred (300) square feet or additions to existing multistory buildings are exempt from this provision but shall provide the maximum ground floor clearance practicable.

(h) New non-marine use building exception for usable floors and minimum ground floor clearance: Notwithstanding provisions (f) and (g) above, for new non-marine use buildings permitted within the CSOZ, four (4) usable floors are allowed and ground floor clearance minimums do not apply.
(Ord. No. 168-93, §2, 1-4-93; Ord. No. 309-01/02, § 2, 7-15-02; Ord. No. 193-05/06, 4-19-06, Ord. No. 103-10/11, 12-20-10; Ord. No 249-18/19, 6-17-2019)

Sec. 14-311. Development standards.

(a) Standards for non-marine uses located outside of the CSOZ: Non-marine uses listed above in Sec. 14-307(b) and 14-308(b) that are located outside of the CSOZ shall be subject to the performance standards listed in 14-311(d) as well as the following standards:

1. 55% marine use required on ground floors: At least 55% of the leasable ground floor area of all buildings on a lot (defined in 14-306 above), shall be occupied by marine uses, as listed under 14-307(a)or 14-308(a)(1).

2. 55% marine use required for all open areas: After subtracting areas used for common circulation drives

(defined in 14-306 above), at least 55% of un-built area (meaning area not occupied by a building) on the lot, when calculated using the aggregate of all such un-built areas, shall be occupied by marine uses, as listed under 14-307(a) or 14-308 (a)1.

3. Ground floor vacancies and change of occupancy offered to water dependent/marine uses: Ground floor vacant space and areas proposed for a change of occupant outside of the CSOZ shall not be filled with any non-marine use without adequate opportunity for marine uses to occupy the space.

   a. *Ground floor vacancy and change of occupant outside of the CSOZ advertised to marine users:* In any lot or portion of lot outside of the CSOZ, each time a ground floor occupant departs or gives notice to depart from the lot, the space, along with any associated parking spaces to be vacated, must be made available to new marine occupants.

      Prior to renting to a non-marine user the property owner shall advertise for a new marine occupant for not less than a one hundred eighty(180) day period in targeted media and by other means reasonably calculated to reach marine users (e.g. local marine trade publications, marine trade websites, waterfront bulletins .) Should one or more marine users apply, the property owner shall make the space available to a marine occupant, in accordance with terms and rates generally consistent with comparable space in the 55% marine use portion of the zone (outside of the CSOZ). The property owner may stop advertising sooner than the end of the 180-day period if a lease is signed with a marine user. Should no marine user apply by the end of the 180-day period, the owner may fill the space with a non-marine user provided that the new non-marine occupant will not cause the lot to exceed the non-marine use occupancy maximum of 45% of the ground floor area or open area.

   b. Uses inventoried: To demonstrate adherence to the 55% marine use requirement, the applicant shall submit to the planning authority, upon request, an inventory which lists each occupant (tenant or

otherwise), as well as a map which depicts the location of each occupant. The map shall show all ground level space, including buildings, parking, open areas and submerged lands associated with the subject lot. For each occupant, the property owner must indicate the square footage of area occupied and whether the occupant is a marine use as defined herein. For vacant space, the last previous occupant shall be listed, along with the date of departure.

c. Prior to changes of occupancy and/or as part of applications for new development outside of the CSOZ, the property owner or applicant shall provide proof of compliance with the requirements of this section as a condition of approval.

4. Pier or bulkhead edge reserved for marine uses: Notwithstanding any provision of this ordinance to the contrary, excepting only the portion of any pier which might be used for non-commercial berthing pursuant to 14-307(a)(20), all berthing and/or dockage space and associated floats plus the entire linear edge of that portion of every pier or bulkhead which is adjacent to greater than zero feet of water depth at mean low water, to a minimum setback line of at least ten (10) feet from the edge of the pier, bulkhead, or engineered shoreline may only be used or occupied by one or more marine uses as defined in 14-307(a)) or 14-308(a). Said edge shall be the seaward extent of any engineered shoreline or working deck of any pier or wharf.

(b) CSOZ standards: Non-marine uses listed under 14-307(b), 14-307(e) and 14-308 located within the CSOZ , as defined in 14-306, shall be subject to the performance standards listed in 14-311(d) as well as the following standards:

1. Vessel access: Non-marine uses allowed under this provision shall not disrupt or block access to vessel berthing and shall otherwise adhere to the performance standards of this zone described in Sec. 14-311(d).

2. *Maximum setback for new development on lots with seventy-five (75) or more feet of Commercial Street frontage:* Any new non-marine development constructed subject to this provision which is located on a lot with seventy-five (75) or more feet of frontage along the

Commercial Street right of way shall be located with its front façade no further than thirty-five feet (35) from the southerly sideline of the Commercial Street right of way. Furthermore, any such development shall orient its front façade and its primary pedestrian entrance toward Commercial Street and no vehicular circulation or parking may occupy the land or pier area between the front façade of the building and Commercial Street.

Non-marine development subject to this provision on lots with fewer than seventy-five (75) feet of frontage along the Commercial Street right-of-way, changes of use within existing buildings, and/or building additions of less than 5,000 square feet of new development to existing buildings are exempt from the maximum setback provisions established herein.

3. *Investment in marine infrastructure:* All applicants for site plan review or a change of use permit for non-marine development in the CSOZ are required to invest in marine infrastructure as a condition of development, provided that the total project costs exceed $250,000. The value of the investment shall be not less than five percent (5%) of total project costs over $250,000 for constructing non-marine space and associated site improvements in the CSOZ.

   Required investment may occur by one or both the following methods:

   a. *Direct investment in marine infrastructure* located on the same lot: Investment shall be for the benefit of marine uses listed in 14-307(a) within the same lot as the proposed non-marine development. Investment may include dredging, pile replacement, new or replaced structural decking (but not pavement resurfacing), new or replaced fendering systems, new or replaced floats, pier expansions, permanent conversions of recreational berthing to commercial berthing, bulkhead or seawall repair or improvements, or any combination of similar improvements. Plans for the marine infrastructure investment shall be submitted to the planning authority with the application for site plan review or change of use permit and shall include details and a commitment as to how the marine infrastructure will be utilized by marine

users. The marine infrastructure improvements shall be completed prior to the issuance of a certificate of occupancy for the non-marine development project.

b. Financial contribution: If direct investment in marine infrastructure is not made, the developer shall make a financial contribution to the city's waterfront loan and investment fund.

(c) No Contract or Conditional Rezoning Permitted

This section is intended to accomplish goals from Portland's Plan 2030. Specifically, these changes will:

- Prioritize and promote Portland's unique mix of water-dependent, marine-related uses and compatible non-marine uses;

- Recognize and reinforce the respective roles of the Eastern, Central and Western Waterfronts; and

- Celebrate, promote and protect Portland's lobster and fishing industry as a foundation of the region's economy and a feature of civic pride.

1. In light of this purpose and the significance of the central waterfront to the City's future, no contract or conditional rezoning applications may be approved in the Waterfront Central Zone.

(b) Performance standards: All uses in the waterfront central zone shall comply with the following standards. The Operations and Access Management Plan (standard 13) shall be reviewed by the planning authority:

1. Outdoor storage of materials: Outdoor storage of commodities and materials accessory to normal conduct of business, except pilings and/or cranes, shall be permitted to a maximum height of forty-five (45) feet, and such materials shall be entirely contained, including runoff contaminants and residual material, within a designated area within the lot boundaries.

2. Noise: The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American

National Standards Institute, Inc.), inherently and recurrently generated within the waterfront central zone shall not exceed seventy-five (75) decibels on the A scale at the boundaries of any lot, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ1).

3. Vibration: Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile supported pier.

4. Discharges into harbor areas: No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the department of public works in accordance with chapter 24, article III of this code. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of chapter 24, article II of this code and federal and state environmental statutes and regulations regarding wastewater discharges.

5. Storage of vehicles: Storage of any unregistered automotive vehicle on the premises for more than sixty (60) days shall not be permitted.

6. Landfill of docking and berthing areas: Landfill of docking and berthing areas shall be governed by 38 M.R.S.A. sections 480-A through 480-HH, and permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the department of public works and shall be accomplished in accordance with the provisions of division 25 of this article and in a manner so as to

ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters.

7. Off-street parking and loading: Division 20 (off-street parking) and division 21 (off-street loading) of this article shall not apply.

8. Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones. Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones

. Storage of pollutants and oily wastes: On-premises storage of pollutants and oily wastes shall not be permitted for more than forty-five (45) days.

10. Urban design: Construction of new structures located within thirty-five (35) feet of the southerly edge of Commercial Street between Maine Wharf and the easterly property line of the city fish pier shall conform to the guidelines set forth in the downtown urban design guidelines, unless such structures are also located within one-hundred (100) feet of the water. Such structures that are also located within one-hundred (100) feet of the water shall conform to the extent practicable to the downtown urban design guidelines.

11. Pier and wharf expansions: In addition to meeting Harbor Commission and Coast Guard requirements for navigation, any expansion or extension of a pier and or wharf in the waterfront central zone shall demonstrate its compatibility with fixed route ferry service and emergency vessel operations.

12. Public view protection: Any new development in the waterfront central zone shall perform a public view impact analysis for review and approval by the planning board or planning authority as a condition of site plan approval. The analysis shall: (a) demonstrate the

project's adherence to the Portland View Corridor Protection Plan (City of Portland Comprehensive Plan, 2002)to the extent practicable; and (b) promote the public's visual access to the water through sensitive building placement.

The planning board or planning authority shall find at a minimum that the proposed development (a) retains street corridor views as extended across Commercial Street from the Portland peninsula; (b) retains panoramic views of the water from Commercial Street to the extent practicable; and (c) where loss of existing public views to the water is shown to be necessary for the reasonable development of the site, the developer provides alternative public views to the water through newly established view corridors or publicly accessible pedestrian ways. Such pedestrian ways shall not interfere with existing or potential water-dependent uses, nor shall they endanger the public through uncontrolled proximity to industrial activity.

3. Operations and Access Management Plan: Any new development, including changes of use or expansion of uses in the Waterfront Central Zone shall submit a scaled plan and accompanying narrative that demonstrates waterfront access and functional accommodation for water-dependent uses. In accordance with Portland's Plan 2030, the plan shall demonstrate consistency with the hierarchy of waterfront uses, as further detailed in Sec. 14-305 (Purpose), with non-marine and marine-related uses being subordinate in placement and disposition to water-dependent uses, and designed so as not to impede access to the pier edge and vessel berthing nor interfere with marine operations.

   a. Submission Requirements. The plan shall, at a minimum, illustrate the following information:

      i. Location of all existing and proposed structures, rights-of-way, common circulation drives as defined in Sec. 14-306, access-ways, sidewalks, pier edges, floats and docks, showing the entire lot in the context of its respective pier.

ii. Existing and proposed off-street parking, labeled with associated uses.

iii. Facilities for the loading and unloading of goods and materials.

iv. Regularly occurring exterior activities including but not limited to the storage of material, equipment and vehicles, yard area, outdoor seating and on-site waste management.

v. Signage showing parking use, wayfinding, and posted operational restrictions.

vi. Plan narrative detailing how the standards listed below are achieved, tenant/landlord communication protocols, private enforcement actions to be employed to ensure plan compliance, and the responsible parties representing the property owner.

b. Review Standards. In addition to the information above, the plan shall demonstrate compliance with the following standards:

i. Off-street parking is subject to the limitations described in Sec. 14-311(a)(“55% Rule”). Off-street parking spaces intended for use by water-dependent uses shall be sited as close as reasonably possible to associated vessels and/or ground-floor lease area.

ii. Proposals for new non-marine parking, accessory to an otherwise permitted use in the WCZ, shall submit a parking analysis for all uses on the subject lot, justifying the number of non-marine spaces based upon the proposed use and demonstrating sufficient parking supply for marine uses. If sufficient parking is not available to marine uses, off-street parking for non-marine uses shall not be permitted.

iii. Off-street parking, loading facilities and access ways designated for water-dependent uses shall be exclusive to such uses, except that, if not being occupied by water-dependent

tenants, such parking may be made available to non-marine uses between the hours of 5:00 p.m. and 2:00 a.m. Any such shared parking arrangements shall be documented in the Operations and Access Management narrative described above, and clearly signed on-site.

iv. All properties providing commercial berthing shall demonstrate reasonable opportunities to load and unload vessels from the subject lot.

v. Facilities for the loading and unloading of goods shall account for the frequency of use and vehicle type and, to the extent possible, minimize impacts to pedestrian and vehicle circulation patterns.

vi. Provisions for the storage and movement of goods and materials shall be designed into all pier edge development. Circulation routes must be maintained or otherwise provided as an element of all development. The siting, design, and circulation of non-marine uses, particularly those allowed on first floors, shall accommodate reasonable access for pedestrians, vehicles, and freight transfer to and from berthed vessels.

vii. Non-marine uses shall provide a dedicated pedestrian route between the proposed use and Commercial Street, and shall seek to minimize conflict with vehicle traffic.

(Ord. No. 103-10/11, 12-20-10; Ord. 108-15/16, 11-16-2015; Ord. No 249-18/19, 6-17-2019)

Sec. 14-312 thru Sec. 14-317. Reserved.

DIVISION 18.5. WATERFRONT PORT DEVELOPMENT ZONE*

***Editor's Note**—See the editor's note to division 18 of this article.

Sec. 14-318. Purpose.

Transport of goods by water to and from Portland is an

important component of both the local and regional economy. This commerce is dependent upon land with direct access to the dredged deep-water channel of the Fore River and Portland Harbor.

The Port of Portland is integral to the city's economic, cultural and fiscal health. This zone exists to ensure the continued viability of the Port of Portland. Uses in the port development zone, while governed by the similar performance standards as other industrial zones, are primarily limited to those uses which are dependent upon deep water and which contribute to port activity.

Nonmarine activity may be allowed to the extent it will not have any adverse impact on marine uses.
(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 33-17/18, 9-6-2017)

Sec. 14-318.5. No adverse impact on marine uses.

No use shall be permitted, approved or established in this zone if it will have an impermissible adverse impact on future marine development. A proposed development will have an impermissible adverse impact if it will result in any one (1) or more of the following:

(a) The proposed nonwater-dependent use will displace an existing water-dependent use;

(b) The proposed use will reduce existing commercial vessel berthing space;

(b) The proposed nonwater-dependent use, structure or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses; or

(d) The siting of a proposed nonwater-dependent use will substantially reduce or inhibit existing public access to marine or tidal waters.
(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 33-17/18, 9-6-2017)

Sec. 14-319. Permitted uses.

Subject to a determination that the proposed use meets the standards of section 14-318.5 (no adverse impact on marine

uses), the following uses are permitted in the waterfront port development zone:

Group	**Use**	**Use Category**
Marine	Marine repair services and machine shops	P
Marine	Tugboat, fireboat, pilot boat and similar services	P
Marine	Harbor and marine supplies and services and ship supply such as fueling and bunkering of vessels	P
Marine	Shipbuilding and facilities for construction, maintenance and repair of vessels	P/C[1]
Marine	Marine cargo handling facilities, including docking, loading and related storage	P/C[1]
Marine	Boat repair yards	P/C[1]
Marine	Facilities for marine construction and salvage	P/C[1]
Marine	Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices	P
Marine	Marine Retail and Wholesale Sales, including Yacht Brokerage	***C***
Marine	Boat storage facilities	P/C[1]
Marine	Seafood processing	C
Marine	Seafood packing and packaging	C
Marine	Fabrication, storage and repair of fishing equipment	C

Group	Use	Use Category
Marine	Icemaking services	C
Marine	Fabrication of marine- related goods	C
Marine	Fish by-products processing, provided that; i. Any fish by-product processing facility has a valid rendering facility license under chapter 12; and ii. The processing of other material wastes or by-products shall not be deemed a lawful accessory use under any other provision of this article.	C
Marine	Commercial Berthing	P
Industrial	Intermodal transportation facilities principally for vessels with regularly scheduled destination service or for railroad transportation service	P/C[1]
Industrial	Marine cargo container and chassis maintenance and repair	P
Industrial	Facilities for combined marine and general construction	C[1]
Industrial	Cold storage facility, warehousing, and storage of goods which are awaiting shipment via cargo carriers	C[1]

Group	Use	Use Category
Industrial	Low impact industrial uses, including but not limited to bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, manufacture of products, assembly of electrical components, tool and die shops, and the packaging of food, provided that such uses shall be subject to the performance standards set forth in §14-252	C
Public	Public uses including pedestrian and bicycle trails	P
Public	Utility substations, including sewage collection and pumping stations, water pumping stations, transfer stations, telephone electronic equipment enclosures and other similar structures, provided that such structures are located more than one hundred (100) feet from the water.	C
Commercial	Off- street parking lots, excluding parking structures	C

Group	Use	Use Category
Other	Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses. Food service establishments, including food trucks and other similar retail and service support uses shall only be permitted as accessory uses if all such uses do not exceed two thousand (2,000) square feet in total floor area of the building and each individual use does not exceed one thousand (1,000) square feet in total floor area of the building; and further provided that such accessory uses provide goods or services that are supportive of the principal use and its clientele.[m2]	P
Other	Renewable energy systems, as defined and allowed in Article X, Alternative Energy	***C***

1. Uses that may be located in buildings that exceed the maximum permitted height. Uses marked P/C will be considered Permitted Uses when occupying buildings with a maximum height equal to or less than the maximum applicable height allowable under the permitted use dimensional standards, and Conditional Uses when above that height.

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 38-02/03, § 2, 9-4-02; Ord. No. 33-11/12, 1-18-12; Ord. No. 33-17/18, 9-6-2017)

Sec. 14-320. Conditional use standards.

(a) Conditional uses shall be permitted in the Waterfront Port Development Zone, provided that, notwithstanding section 14-471(c), section 14-474(a), or any other provision of this Code, the Planning Board shall be substituted for the Board of Appeals as the reviewing authority.

In addition to the provisions of section 14-474(c)(2) such uses will:

- not impede or preclude existing or potential water-

dependent development on other lots;

- allow for adequate access to the water;
- be compatible with water dependent and marine uses;
- operationally support one or more water dependent use(s), or be located in a building or structure that is physically adaptable or relocatable to make way for future development of water-dependent uses; and
- meet any additional performance and dimensional standards set forth below.

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 149-01/02, 2-4-02; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 33-11/12, 1-18-12; Ord. No. 33-17/18, 9-6-2017)

Sec. 14-320.1. Prohibited uses.

Uses which are not enumerated in either section 14-319 or 14-320 as permitted or conditional uses are prohibited. Those uses that are prohibited shall include, without limitation:

a. Residential uses.

b. Hotels, motels or boatels.

c. Auditoriums, civic centers, convention centers or other meeting facilities.

d. Restaurants and drinking establishments.

e. Marinas, including marina associated boat storage facilities.

f. Truck Terminals.

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 33-17/18, 9-6-2017)

Sec. 14-320.2. Dimensional requirements.

In addition to the provisions of article III, division 25 of this Code, lots in the waterfront port development zone shall be subject to the following requirements:

(a) Dimensional Table

For additional bulk, height and location standards, see Section 14-320.2(b) below.

	Permitted Use Dimensional Standards	Conditional Use Dimensional Standards
Minimum Yard Setbacks	N/A	N/A
Minimum Lot Size	N/A	5 acres, limited to 1 building greater than the maximum applicable height allowed under the permitted use dimensional standards.
Minimum Setback from Pier Line, wharf, or bulkhead, including any attached aprons.(See note 1)	5ft	5ft
Max. Lot Coverage	50% east of a line projected due south from the centerline intersections of West Commercial Street and the easterly most Cassidy Point Drive. 100% west of a line projected due south from the centerline intersections of West Commercial Street and the easterly most Cassidy Point Drive.	50% east of a line projected due south from the centerline intersections of West Commercial Street and the easterly most Cassidy Point Drive. 100% west of a line projected due south from the centerline intersections of West Commercial Street and the easterly most Cassidy Point Drive.
Max. Building Height (Inclusive of Roof Forms and Rooftop Appurtenances)(See Note 2)	55ft east of a line projected due south from the centerline intersections of West Commercial Street and the easterly most Cassidy Point Drive and west of Casco Bay Bridge. 60ft west of a line	60ft west of the Casco Bay Bridge (See Note 7), except as follows: 75ft in the area east of a line projected due south from the centerline intersections of West Commercial Street and the easterly most Cassidy Point Drive and west of Casco Bay

	Permitted Use Dimensional Standards	Conditional Use Dimensional Standards
	projected due south from the centerline intersections of West Commercial Street and the easterly most Cassidy Point Drive. In no case may any permitted heights exceed 50ft within 100ft of West Commercial Street and all area of the WPDZ east of the Casco Bay Bridge.(See Note 5)	Bridge, on lots 5 contiguous acres or larger.(See Note 4) 130ft for bulk storage(See note 3) facilities west of the projection of the westerly most Cassidy Point Drive segment. In no case may any conditionally permitted heights exceed 50ft within 100ft of West Commercial Street and all area of the WPDZ east of the Casco Bay Bridge.(See Note 5)
Maximum Building Length (See Note 6)	450ft 300ft within 100ft of West Commercial Street and all area of the WPDZ east of the Casco Bay Bridge.	450ft 300ft within 100ft of West Commercial Street and all area of the WPDZ east of the Casco Bay Bridge. 300ft for buildings or portions of buildings exceeding the maximum applicable height allowed under the permitted use dimensional standards.

1. The setback area may be utilized for activities related to the principal uses carried on in the structure, but shall not be utilized for off-street parking.
2. Buildings and/or structures shall be limited to an absolute height measured from average grade with no portion of the structural roof system or roof top appurtenances exceeding the limits set forth under Sec. 14-320.2(a)with the exception of moveable elements or connection devices as listed under Section 14-320.2(b)(1)(a).
3. Bulk storage dedicated to materials delivered or awaiting transportation to a site by waterborne transportation.
4. A projection of the street centerline shall consist of an extension

of the centerline to the water side boundary of the waterfront port development zone.

5. Height limitations east of the Casco Bay Bridge are intended to protect vistas of the harbor from public open space.
6. As measured by a line parallel with the southern edge of the West Commercial Street ROW.
7. Only those conditional uses so designated in Note 1 of the Waterfront Port Development Zone Use Table, Sec. 14-319, may be located in buildings taller than 60 feet.

(b) Additional bulk, height and location standards:

1. For structures exceeding the maximum applicable height allowed under the permitted use dimensional standards:

   a. Moveable elements such as cranes and gantries, and connection devices such as conveyors or bridges shall not be subject to the space and bulk requirements, but shall be subject to a determination by the Federal Aviation Administration that the location of such equipment will not create a hazard to navigation.

   b. The applicant must provide a determination from the Federal Aviation Administration that structures and equipment will not exceed the applicable height guidelines for the runway approach and will not create a hazard to navigable airspace. Such a determination shall be accepted as conclusive evidence that the proposed development will not create a hazard.

2. For each lot, at least one view corridor of at least ninety (90) feet in width shall be left unbuilt to preserve a clear line of sight between West Commercial Street and the water.

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 33-17/18, 9-6-2017)

Sec. 14-320.3. Performance standards.

Proposals in the Waterfront Port Development Zone that qualify for Site Plan review shall submit, in addition to the submission requirements of section 14-527, an impact mitigation narrative summarizing how the project intends meets the applicable performance standards.

All uses in the waterfront port development zone shall comply with the following standards:

(a) Outdoor storage of materials: Outdoor storage of commodities and materials accessory to normal conduct of business, except pilings and/or cranes, shall be permitted to a maximum height of forty-five (45) feet, and such materials shall be entirely contained, including runoff contaminants and residual material, within a designated area within the lot boundaries.

(b) Noise:

1. The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the waterfront port development zone between the hours of 7:00 p.m. and 7:00 a.m. from industrial facilities or operation commenced on or after July 1, 1988, shall not exceed fifty-five (55) decibels on the A scale at or within the boundaries of any residential zone, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices.

2. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ1).

3. In addition to the sound level standards otherwise established, facilities or operations established or built in the waterfront port development zone on or after July 1, 1988, shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of

such sounds in residential zones. Tonal sound is defined as a sound wave usually perceived as a hum or which because its instantaneous sound pressure varies essentially as a simple sinusoidal function of time. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with a duration of less than one (1) second.

(c) Vibration: Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile supported pier.

(d) Federal and state environmental regulations: All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air, except where provisions of this Code are more stringent.

(e) Discharges into harbor areas: No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the department of parks and public works in accordance with chapter 24, article III of this Code. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of chapter 24, article II of this Code and federal and state environmental statutes and regulations regarding wastewater discharges.

(f) Storage of vehicles: Storage of any unregistered automotive vehicle on the premises for more than sixty (60) days shall not be permitted.

(g) Landfill of docking and berthing areas: Landfill of docking and berthing areas shall be governed by 38 M.R.S.A. Sections 471 through 478, and permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the department of parks and public works and shall be accomplished in accordance with the provisions of division 25 of this article and in a

manner so as to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters.

(h) Off-street parking: Off-street parking is required as provided in division 20 (off-street parking) of this article.

(i) Off-street loading: Off-street loading is required as provided in division 21 of this article.

(j) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(k) Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones.

(l) Signs: Signs shall be permitted as set forth in division 22 of this article.

(m) Storage of pollutants and oily wastes: On-premises storage of pollutants and oily wastes shall not be permitted for more than forty-five (45) days.

(n) Compatibility of nonmarine uses with marine uses: Nonmarine uses, structures and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither unreasonably interfere with the existence or operation of marine uses nor significantly impede access to vessel berthing or other access to the water by existing or potential marine uses.

(o) Design and Visual Character shall:

1. In building design, including placement and screening of mechanical equipment, take into consideration long views to minimize negative

visual impact and provide visual interest, and architecturally integrate exposed industrial systems and equipment where practical;

2. Organize massing to emphasize certain parts of the building such as entries, corners, or different uses;

3. Treat all facades, including the roof, with equal level of detail, and articulation;

4. Vary and articulate building facades to add scale and avoid large monotonous walls. Treatments such as texture, color, material changes, or shadow lines or murals must be used to add visual interest and avoid dull, flat, repetitive facades; and

5. Use a scaling or articulation element such as stepback, canopy, or fenestration, as required for any street-facing façade within fifty (50) feet of West Commercial Street.

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 240-09/10, 6-21-10; Ord. No. 33-17/18, 9-6-2017)

DIVISION 18.7. Reserved

DIVISION 19. R-P RESOURCE PROTECTION ZONE

Sec. 14-321. Use.

No building shall be erected, altered, enlarged, rebuilt or used, and no premises shall be used, in a R-P resource protection zone except for the following uses:

(a) Nonintensive recreational uses not requiring structures, such as fishing and hiking;

(b) Motorized and nonmotorized vehicular traffic on existing roads, trails and rails, as appropriate;

(b2) Bikeways, pedestrian trails and walkways;

(c) Fire prevention activities;

(d) Wildlife management activities;

(e) Soil and water conservation activities;

(f) Surveying and natural resource analysis;

(g) Emergency operations as defined in section 14-47;

(h) Harvesting of wild crops;

(i) Nonresidential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet;

(j) Public and private parks and recreational areas, including one (1) or more structures containing a total maximum floor area of not more than ten thousand (10,000) square feet;

(k) Permanent and temporary piers, docks, wharves, bridges and uses projecting into water bodies, as allowed in section 14-449(b);

(l) Reserved;

(m) Storehouses for fishermen’s gear;

(n) Reserved;

(o) Essential services as defined in section 14-47 accessory to the uses permitted herein;

(p) Signs, as allowed in division 22 of this article;

(q) Road construction, in accordance with the provisions of section 14-449;

(r) Parking facilities for uses permitted under this section;

(s) Reserved;

(t) Landfill and other earth-moving activity, as allowed in section 14-449(d).

(u) The following uses are permitted in the R-P zone only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below.

1. Temporary wind anemometer towers, as defined in section 14-47, are permitted provided the following standards are met in addition to section 14-430:

   a. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a certificate of occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and

   b. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the board of appeals with the application; and

   c. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and

   d. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the board of appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in temrs of strength, stability, security, grounding, icing impacts and maintenance; and

   e. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to corporation counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and

   f. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and

   g. Towers shall be used for installing

anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meterorological data, but shall not be used for any other purpose; and

h. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, of the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

2. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Code 1968, § 602.13A.A; Ord. No. 499-74, § 6, 8-19-74; Ord. No. 15-92, § 24, 6-15-92; Ord. No. 33-11/12, 1-18-12)

Sec. 14-322. Space and bulk.

No building or structure shall be erected, altered, enlarged, rebuilt, or used in a R-P resource protection zone which does not comply with the following requirements:

(a) Minimum rear yards: Principal building or structure, other than a boathouse or storehouse for fishermen’s gear: Seventy-five (75) feet.

(b) Minimum side yards:

1. Principal building or structure: Fifteen (15) feet.

2. Accessory building or structure: Five (5) feet.

(c) Minimum side yard on side streets:

1. Principal building or structure: Twenty (20) feet.

2. Accessory building or structure: Twenty (20) feet.

(d) Minimum front yards:

1. Principal building or structure: Twenty-five (25) feet.

2. Accessory building or structure: Twenty-five (25) feet.

(e) Maximum height:

1. Principal building or structure: Two (2) stories or twenty-five (25) feet.

2. Accessory building or structure: One (1) story or fifteen (15) feet.

(f) Maximum building area: Principal building or group of buildings: Ten (10) percent of lot area.

(g) Minimum lot area: Twenty thousand (20,000) square feet.

(h) Minimum width of lot: One hundred (100) feet.

(i) Minimum lot frontage on street or shoreline: One hundred (100) feet.

(j) Minimum shoreline setback: All principal structures other than permitted piers, docks, wharves, breakwaters, causeways, bridges, boathouses and storehouses for fishermen’s gear: Seventy-five (75) feet.

(Code 1968, § 602.13A.B; Ord. No. 499-74, § 6, 8-19-74)

Sec. 14-323. Off-street parking.

Any off-street parking in a R-P resource protection zone is required as provided in division 20 of this article.

(Code 1968, § 602.13A.B; Ord. No. 499-74, § 6, 8-19-74)

Sec. 14-324. Shoreland and flood plain management regulations.

Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(Ord. No. 15-92, § 25, 6-15-92)

DIVISION 19.5. HELISTOP OVERLAY ZONE

Sec. 14-325. Purpose.

The intent of this zone is to create an overlay zone in which helicopter landing areas are permitted on individual sites in addition to those uses permitted in the underlying zone. The purpose of this zone is to protect the public health and safety by allowing helicopters serving medical needs to land in certain areas, while protecting surrounding areas from any negative effects associated with such a use.
(Ord. No. 48-93, 7-19-93)

Sec. 14-326. Helistop defined.

A helistop, for purposes of this division, shall be defined as an area used for the landing of helicopters at any location other than an airport. Such area shall include a landing area or pad, and may include parking required for access to the landing area or pad, a loading and unloading area for emergency vehicles, and other related facilities other than maintenance and repair facilities.
(Ord. No. 48-93, 7-19-93)

Sec. 14-327. Regulations for helistops.

(a) Helistops which have more than five landings per month:

(1) All such helistops must comply with all applicable Federal Aviation Association regulations, including those for marking of landing areas.

(2) All take-off, landing and parking areas at such a helistop site shall be surfaced with grass or with a dust-proof material.

(3) Each landing pad shall be set back at least two hundred (200) feet from any residence, school or church. Each landing pad shall be set back at least fifty (50) feet from any commercial or industrial structure. All setbacks shall be measured from the edge of the landing pad.

(4) The area in which a landing pad is located shall be enclosed by a fence or other barrier of not less than three (3) feet in height or shall be secured by a locked gate, as approved by the fire department.

(5) All such helistops shall be subject to review under article V of this chapter.

(b) Helistops which have five or fewer landings per month:

(1) All such helistops must comply with all applicable Federal Aviation Association regulations.

(2) All such helistops shall be subject to approval by the zoning administrator and the fire department.

(3) Such helistops shall not be subject to review under article V of this chapter.

(Ord. No. 48-93, 7-19-93)

Sec. 14-328 – Sec. 14-330. Reserved.

DIVISION 19.7. RESERVED.

Sec. 14-330.1. – Sec. 14-330.5 Reserved.

***Editor's Note-** Pursuant to Order 142-06/07 passed on 2/21/07 repealed Division 19.7.(Formula Businesses) Sections 14-330.1.-14-330.5. in its entirety and established a task force on business diversity to develop a strategy for preserving and enhancing the economic health of Portland's downtown business district related to its unique character, business diversity, economic vitality, and quality of life. As part of its charge, the Task Force shall undertake the following actions:

1. Study and report on the strengths and challenges of various regulatory tools
used in other municipalities to maintain business diversity, including community impact review; formula business restrictions; local purchasing preferences; site plan review standards; Tax Increment Financing; and District Improvement Financing.

2. Consider the legality of the various regulatory tools noted in paragraph 1.

3. Consider the potential economic impact of the various regulatory tools noted in paragraph 1 on the downtown business district, including but not limited to consideration of measured impacts of the Formula Business Ordinance adopted in November of 2006; development patterns in and surrounding the downtown business district; review of lease rates and real estate values within the downtown business zone; and a review of openings and closings of establishments within the zone in the recent past.

4. Upon completion of its review, the Task Force will prepare a report summarizing its research and findings, including any recommendations needed to maintain the economic health of Portland's downtown business district. Such report shall be submitted to the Council and Planning Board for review and consideration.

The Task Force shall consist of 15 individuals appointed by the Mayor representing the following groups:

Portland City Council: Two City Councilors who shall be Co-chairs.
One representative nominated by the Maine Real Estate and Developers Association.
One representative nominated by the Portland Community Chamber of Commerce.
One representative nominated by Portland Buy Local.
One representative nominated by the Bayside Community Development Corporation.
One representative nominated by the Portland Downtown District.
One District One resident.
One District Two resident.
One District Three resident.
One District Four resident.
One District Five resident.
One representative of formula businesses.
One representative of small independent businesses.
One representative of downtown Portland property owners.

DIVISION 19.8. DOWNTOWN ENTERTAINMENT OVERLAY ZONE

Sec. 14-330.11. Purpose.

The purpose and intent of this section is to regulate the location of businesses with entertainment licenses in order to maintain and improve public safety and the quality of life of Portland residents by preventing an over concentration of businesses with entertainment licenses, particularly those which also have liquor licenses, and the public safety problems that have and will be experienced when too many of these businesses are located too close to each other. These problems include large late-night crowds within which fights and assaults, disorderly conduct and other breaches of the peace occur and that are difficult to effectively police and that expose not only innocent bystanders but also police officers to danger and personal injury.
(Ord. No. 164-06/07, 4-4-07)

Sec. 14-330.12. Definitions.

(a) *After-hours entertainment license.* For the purpose of the after-hours entertainment prohibition in section 14-330.15, “after-hours entertainment license” means any of the music, dancing and special entertainment licenses required or authorized by article III, chapter 4 of this Code.

(b) *Downtown entertainment overlay zone.* For the purposes of this section, the “downtown entertainment overlay zone” includes and is defined by the boundaries of the following zones

as shown on the attached downtown entertainment overlay zone map: B-3, B-3(c) and WCZ zones, a copy of which is on file in the department of planning and urban development.

Any property that lies partly within the overlay zone and partly outside it shall be subject to this ordinance.
(Ord. No. 164-06/07, 4-4-07)

Sec. 14-330.13. Dispersal requirement for facilities with entertainment license in downtown entertainment overlay zone.

A business with an entertainment license as required or authorized by section 4-51(a) of this code located within the downtown entertainment overlay zone may not be located within 100 feet of another business with an entertainment license, as measured along or across public ways from the main entrance or entrances of each.
(Ord. No. 164-06/07, 4-4-07)

Sec. 14-330.14. Exemption.

(a) A business with an entertainment license located in the downtown entertainment overlay zone on or before January 3, 2006 shall not have to comply with the requirements of this section and if located within 100 feet of another licensee shall be considered a non-conforming use controlled by chapter 14, division 23 of this code. Such a business is considered an entertainment business for the purpose of calculating dispersion requirements under section 14.330.13 for a new or relocating entertainment business in the downtown entertainment overlay zone.

(b) A business with an entertainment license that does not allow amplified entertainment shall not have to comply with the dispersal requirement of section 14-330.13.
(Ord. No. 164-06/07, 4-4-07; Ord. No. 68-09/10, 10-19-09)

Sec. 14-330.15. Separate business entities.

Where two or more entertainment businesses operate on one site, and where each business entity requires or has a separate business license, or displays in a manner visible from public property separate business trademarks, logos, service marks or other mutually identifying names or symbols, each business entity shall be counted as a separate entertainment business for the purpose of this section.
(Ord. No. 164-06/07, 4-4-07)

Sec. 14-330.16. Conditions on after-hours food service in the downtown entertainment overlay zone.

(a) Following a hearing held pursuant to chapter 15, section 15-10, the clerk may impose conditions to maintain or improve public safety on the food service license of any business in the downtown entertainment overlay zone that operates between 1:00 a.m. and 4:00 a.m., following a written recommendation from the Portland police department that such conditions are necessary.

(b) The clerk's decision may be appealed to the city manager pursuant to section 15-9 of this code.

(c) Nothing in this section shall be construed to limit the clerk's authority in chapter 15 to deny, suspend or revoke any license pursuant to the standards and process in that chapter.
(Ord. No. 164-06/07, 4-4-07)

DIVISION 20. OFF-STREET PARKING

Sec. 14-331. Defined.

Off-street parking, either by means of open-air spaces or by garage spaces which meet the standards set forth in the City of Portland Technical Manual, as hereafter amended, in addition to being a permitted use in certain zones, shall be considered as an accessory use when required or provided to serve conforming uses in any zone.
(Code 1968, § 602.14.A; Ord. No. 272-77, 5-16-77; Ord. No. 389-89, § 1, 4-3-89; Ord. No. 278-09/10, 7-19-10)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Sec. 14-332. Uses requiring off-street parking.

Except as provided in Section 14-332.1, 14-332.2 (exceptions) and 14-345 (fee in-lieu of parking) of this division, for the uses listed below the following minimum off-street parking requirements shall be provided and maintained in the case of new construction, alterations which increase the number of units, and changes of use:

(a) Residential structures:

1. For new construction, two, (2) parking spaces for each dwelling unit.

2. For alterations or changes of use in existing structures, which create new or additional dwelling units in such structures, and for accessory units pursuant to §§14-68,78,88, one (1) additional parking spaces for each such unit. Existing parking spaces shall not be used to meet the parking requirements of this paragraph, unless the existing parking spaces exceed one (1) space for each dwelling unit.

3. For residential development in the B-2, B-2b, B-2c zones:

   a. One (1) parking space per dwelling unit.

(b) Motel: One (1) parking space for each sleeping room.

(c) Hotels: One (1) parking space for each four (4) guest rooms.

(d) Schools providing instruction for students up to and including those fifteen (15) years of age: One (1) parking space for each room used for purposes of instruction.

(e) Schools providing instruction for students sixteen (16) years of age and over: One (1) parking space for each ten (10) seats or major fraction thereof, used for purposes of instruction; if no fixed seats, one (1) parking space for each one hundred (100) square feet or major fraction thereof used for purposes of instruction.

(f) Hospitals: One (1) parking space for each five hundred (500) square feet or major fraction thereof, of floor area, exclusive of cellar.

(g) Auditoriums, theaters, assembly halls, funeral homes: One (1) parking space for each five (5) seats or for each one hundred (100) square feet, or major fraction thereof, of assemblage space if no fixed seats.

(h) Retail stores: One (1) parking space for each two hundred (200) square feet of first floor area in excess of two thousand (2,000) square feet not used for bulk storage and one (1) parking space for each seven hundred (700) square feet, or major fraction

thereof, for each floor above the first floor not used for bulk storage.

(i) Restaurants or establishments constructed and intended for the dispensing of food and drink as the principal activity: One (1) parking space for each one hundred fifty (150) square feet, or major fraction thereof, of floor area not used for bulk storage or food preparation.

(j) Offices; professional and public buildings: One (1) parking space for each four hundred (400) square feet, or major fraction thereof, of floor area exclusive of cellar not used for bulk storage.

(k) Places of assembly (which includes private club and fraternal halls, places of religious assembly, and community halls): One (1) parking space for reach one hundred and twenty five (125) square feet, or major fraction thereof, of floor area used for assembly area not including bathrooms, bulk storage, stairways, closets or other non-assembly areas.

(l) For that part of every business, manufacturing, and industrial building not catering to retail trade and with floor area over three thousand (3,000) square feet: One (1) parking space for each one thousand (1,000) square feet of floor area, or major fraction thereof.

(m) Hostels: One (1) parking space for each eight (8) beds, or major fraction thereof. This requirement may be reduced to one (1) parking space for each twelve (12) beds if the site is within one quarter (1/4) mile of a public transit stop.

(n) Long-term, extended care and intermediate care facilities: One (1) parking space for each five (5) beds, or major fraction thereof, plus one (1) parking space per each employee normally present during one (1) weekday morning shift.

(o) Lodging houses: One (1) parking space for each five (5) rooming units, except in the R-5 zone; in the R-5 zone, one (1) parking space for every two (2) rooming units.

(p) Sheltered care group homes and emergency shelters: One (1) parking space for every two (2) employees.

(q) Congregate care facilities: One (1) parking space for every three (3) living units.

(r) Special needs independent living units: One (1) parking space per every four (4) living units, plus one (1) parking space for each staff member, if any, normally present at any one time.

(s) Bed and breakfast:

1. Except in the I-B zone: One (1) parking space for each two (2) guest rooms or fraction thereof for the first four (4) guest rooms; one (1) parking space for each additional guest room in excess of four (4).

2. In the I-B zone: No off-street parking required.

(t) Day care facilities: Off-street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. In residential zones parking spaces may be stacked or placed side by side in order to less their impact on the residential character of the lots and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site.

(u) Private clubs: One (1) parking space for each one hundred fifty (150) square feet, or major fraction thereof, of floor area.

(v) Neighborhood Centers: One (1) parking space for each 150 square feet, or major fraction thereof, of floor area, except for neighborhood centers which serve primarily clientele from the surrounding neighborhood, the parking requirement shall be one (1) parking space per 1,000 square feet, or major fraction thereof, of floor area.

(Code 1968, § 602.14.B; Ord. No. 268-77, 5-16-77; Ord. No. 431-82, § 2, 2-22-82; Ord. No. 575-86, §§ 1, 2, 5-19-86; Ord. No. 65-87, 11-2-87; Ord. No. 230-90, § 2, 3-5-90; Ord. No. 33-91, § 14, 1-23-91; Ord. No. 243-91, § 1, 3-11-91; Ord. No. 33A-91, § 8, 4-17-91; Ord. No. 125-97, § 10, 3-3-97; Ord. No. 232, §4, 3-15-99; Ord. No. 94-99, 11-15-99; Ord. No. 77-02/03, § 1, 10-21-02; Ord. No. 199-04/05,

4-4-05; Ord. No. 84-08/09, 10-20-08; Ord. No.36-09/10, 8-17-09; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 240-09/10, 6-21-10; Ord. No. 241-09/10, 11-15-10; Ord. No. 149-10/11, 3-7-11; Ord. No. 279-09/10, 6-6-11; Ord. No. 73-14/15, 10-20-2014; Ord. 209-14/15, 5/4/2015)

Sec. 14-332.1. Zone specific off-street parking exceptions and modifications.

The off-street parking requirements established for uses, established above in section 14-332 of this division, are hereby modified for the following zones according to the provisions described below.

(a) IR-3, Island Residential Zone, Off-street parking: Off-street parking shall not be required irrespective of the requirements of division 20 (off-street parking) of this article.

(b) USM Overlay Zone, parking: The parking requirements of section 14-332 (division 2) shall not apply to university buildings. Instead, the amount of parking required for any university building or building addition shall be determined by the planning board during site plan review, based on an analysis of campus-wide parking demand and supply, pursuant to a comprehensive university parking management plan, and treating all contiguous land (including land on opposite sides of the street) owned by the university as one lot. In determining the amount of parking required for any university building, the planning board may take into account such factors as:

1. The availability of off-campus parking and shuttle transportation to and from such off-campus facilities.

2. The ratio of commuter students to resident students.

3. The use of centrally located on-campus parking facilities so situated that students, faculty, staff and visitors arriving on campus can reasonably be expected to park in the central facilities and walk to their various on-campus destinations during the course of a school day.

4. Shared use of a single parking facility by two or

more buildings when the peak parking demand period for such buildings do not overlap.

5. Development and implementation of a parking management plan which discourages on-street parking. On-street parking shall not be used to satisfy the university's parking demand.

6. Development and implementation of programs designed to reduce the number of automobiles parking on campus, such as ride share programs and incentives for use of bicycles and public transportation.

(c) *Recreation open space zone:* Off-street parking adequate to serve projected employee and visitor needs shall be provided. Parking needs projections provided by the applicant or the planning department should be considered in the review.

(d) Change of use in the B-2b or IS-FBC zone:

1. A change of use of 10,000 sq. ft. or less of floor area of a building or a portion of a building need not provide parking for non-residential uses, provided that if the number of existing parking spaces serving the site is less than the requirements of this division, that number of parking spaces may not be reduced lower than the required amount prior to the change of use except:

   a. To the extent necessary to meet the requirements of the Americans with Disability Act; or

   b. To the extent it is a requirement or a condition of site plan review; or

   c. To the extent the change of use requires less parking than the previous use and the total number of parking spaces serving the site exceeds the parking requirements of this division for all uses on the site including the change of use.

2. A newly constructed building, a building addition

or a change of the use of a building exceeding 10,000 sq. ft. of floor area, shall provide the parking required by this division.

(e) B-3 Zone: No off-street parking is required for changes of use.

(f) I-R1, Island Business Zone: Off-street parking shall be required at twenty-five (25%) percent of the required number of parking spaces for specified uses as provided in division 20 (off-street parking) of this article, except that residential uses shall meet the full parking requirement.

(g) B-5 Zone: No off-street parking shall be required.

(h) B-6 Eastern Waterfront Mixed Use Zone: Off-street parking for all projects regardless of size shall be governed by 14-332.2(c) of this article.

(i) B-7, Mixed Development District Zone: Off-street parking for all projects regardless of size, shall be governed by 14-332.2(c) of this article.

(j) Waterfront Zone parking requirements; Eastern Waterfront Port Zone; Waterfront Central Zone; Waterfront Port Development Zone; Waterfront Special Use Zone: Off-street parking is required at fifty (50%) percent of the required number of parking spaces for specifi8ed uses as otherwise provided in division 20 of this article.

(k) Residential development on the peninsula and in the R-6 and R-6A Zones, including new construction, alterations that increase the number of units, and changes of use:

1. Except as provided below, there shall be one (1) space per unit

2. The required parking for multi-unit residential buildings may be partially met through provision of shared-use vehicles, which are vehicles owned and maintained by the owner/manager of the building and available for use on a fee basis to the residents of the building. One shared use vehicle shall be deemed to satisfy eight (8) required car spaces,

but in no case shall more than 50% of the parking requirement be satisfied by shared vehicle use.

3. The planning board may establish a parking requirement that is less than the normally required number of spaces upon a finding of unique conditions that result in a lesser parking demand, such as housing for persons who cannot drive, housing that participates in a travel demand management program, availability of transit, or housing which includes permanent restrictions on automobile usage, and which is permanently restricted from utilizing resident on-street parking stickers.

4. No parking shall be required for the first three units in the R-6 Residential Zone or the IS-FBC Zone.

5. For alterations of buildings containing three or more dwelling units in the R-6 zone no parking shall be required for the creation of one additional dwelling unit above existing conditions as of June 3, 2015. This exemption may be utilized one time.

(Ord. No. 240-09/10, 6-21-10; Ord. 209-14/15, 5/4/2015; (Ord. 83-15/16, 11-2-2015; Ord. No. 192-15/16, 4-4-2016)

Sec. 14-332.2. Categorical exceptions and modifications to off-street parking requirements.

Regardless of which zone a project of use is located, the following exceptions to the off-street parking requirements listed above in section 14-332 are additionally hereby established.

(a) Home occupations, Section 14-410: Any need for parking generated by the conduct of a home occupation allowed under section 14-410 of this article shall be met off the street and other than in a required front yard.

(b) Incentives for affordable housing- parking reductions: For each low-income or workforce housing unit for rent or sale within an eligible project under the Affordable Housing Ordinance established in Division 30 of this article, no more than one (1) parking space

shall be required. The planning board may establish a parking requirement for affordable housing units for rent or sale within an eligible project that is less than one (1) parking space per affordable housing unit, regardless of the size of the structure.

(c) Site plans over 50,000 square feet and projects in the B-6, B-7, and USM Overlay Zones: Where construction is proposed of new structures having a total floor area in excess of fifty thousand (50,000) square feet, the planning board shall establish the parking requirement for such structures. The parking requirement shall be determined based upon a parking analysis submitted by the applicant and upon the recommendation of the city transportation engineer.

(d) Exception for historic structures: No parking in excess of that existing on or servicing the lot as of March 15, 1999 shall be required for any structure under Article IX of this chapter, as a contributing structure in a local or National Register historical district, or as a locally designated or National Register landmark building; however, parking may not be decreased from that existing on or servicing the lot on March 15, 1999 except to the extent necessary to meet the requirements of the Americans with Disabilities Act.

(Ord. No. 240-09/10, 6-21-10; Ord. 82-15/16, 10-19-2015)

Sec. 14-332.3. Uses requiring off-street bicycle parking.

In all zones where off-street motor vehicle parking is required, minimum off-street bicycle parking requirements shall be provided and maintained in the case of new construction, alterations and changes of use as specified in Section 14-526(a)(2) (Site Plan Standards).

(Ord. NO. 134-07/08, 2-4-08)

Sec. 14-333. To be located on lot with principal use in residential zones; exceptions.

Required off-street parking in all residential zones and accessory off-street parking in R-1 through R-5 zones shall be located on the same lot with the principal building or use, except that the Board of Appeals may permit such off-street parking to be located at a distance of not more than three hundred (300) feet from the principal building or use, measured along lines of public access where it cannot reasonably be

provided on the same lot if the premises to be used for parking are held under the same ownership or lease as the building or use served and if said premises are located in the same or a less restricted zone as the building or use served. Evidence of such control, either deed or lease, shall be required. The Planning Board may be substituted for the Board of Appeals only where an applicant is otherwise before the Planning Board for site plan approval.

Whenever any exception to the parking requirements under this section has been finally denied on its merits by either the Zoning Board of Appeals or the Planning Board, a second request for an exception seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought before either body within one (1) year of such denial unless, in the opinion of the board before which it was initially brought, substantial new evidence is available or a mistake of law or fact significantly affected the prior denial.
(Code 1968, § 602.14.C; Ord. No. 94-99, 11-15-99)

Sec. 14-334. To be located on lot with principal use in nonresidential zones; exceptions.

Required off-street parking in all nonresidential zones shall be located on the same lot with the principal building or use, or within one hundred (100) feet measured along lines of public access, except the Board of Appeals, or Planning Board when applicable, may permit off-street parking located further than one hundred (100) feet from the principal building or use upon finding that such off-street parking meets the following standards:

(a) Distance from principal building or use site: Off-street parking shall be located no more than 1500 ft. from the principal building or use site measured along lines of public access.

(b) Control by ownership or lease: The premises to be used for parking shall be held under the same ownership as the principal building or use or by lease with a term of not less than five (5) years with an option to renew. Evidence of such control, shall be required by showing for review and approval by City Corporation Counsel, at a minimum, a signed letter of intent, purchase and sale agreement, or option for sale or lease at the time of approval, and an executed deed or lease prior to issuance of any certificate of occupancy.

The Planning Board may be substituted for the Board of Appeals only where an applicant is otherwise before the Planning Board for site plan approval.

Whenever any exception to the parking requirements under this section has been finally denied on its merits by either the Zoning Board of Appeals or the Planning Board, a second request for an exception seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought before either body within one (1) year of such denial unless, in the opinion of the board before which it was initially brought, substantial new evidence is available or a mistake of law or fact significantly affected the prior denial.
(Code 1968, § 602.14.D; Ord. No. 430-83, § 1, 4-25-83; Ord. No. 94-99, 11-15-99; Ord. No. 241-10/11, 11-15-10)

Sec. 14-335. Off-street parking restricted.

Off-street parking shall not include:

(a) More than one (1) commercial motor vehicle in any residence zone, the R-P zone or any B-1 zone;

(b) More than six (6) commercial motor vehicles in any B-2 zone;

(c) Loading, sales, dead storage, repair, or servicing of any kind, except when customarily incidental or accessory to a conforming principal building or use when located in an I-2, I-2b, I-3 zone and I-3b zone;

(d) Except in the case of a car dealer, more than one (1) unregistered motor vehicle stored outside for a period in excess of thirty (30) days in any residence zone, the R-P zone or any business zone;

(e) Notwithstanding (1) above, any truck body, commercial trailer or similar commercial vehicles in any residence zone or the R-P zone.

(Code 1968, § 602.14.E; Ord. No. 298-88, 5-31-88)

Sec. 14-336. Location in residence zones for six or fewer vehicles.

(a) Where off-street parking for six (6) or fewer vehicles is required or provided in any residence zone, it shall not be located closer than fifty (50) feet to any street line if less than five (5) feet from any lot line and shall not be closer to any street line than the required depth of the front yard for

the same lot, except on a corner lot where the minimum depth from the line of the side street shall be the minimum width of the side yard on the side street. Lots in the R-6 zone shall not be required to provide the five-foot setback required by this section, but parking in the R-6 zone shall meet the front yard setbacks set forth in this section.

(b) Parking shall be prohibited in the front yard of lots containing two (2) or more dwelling units, except within one (1) driveway on the lot. "Driveway," as used in this paragraph, shall not include any turnaround area.
(Code 1968, § 602.14.F; Ord. No. 231-90, § 1, 3-5-90; Ord. No. 310-98, § 2, 5-4-98)

Sec. 14-337. Location in residence zones for more than six vehicles.

Where off-street parking for more than six (6) vehicles is required or provided for nonresidential uses in residence zones, it shall not be located closer than twenty-five (25) feet to any residential structure on an adjoining lot.
(Code 1968, § 602.14.G)

Sec. 14-338. When located within required open yard areas in residence zones.

(a) Where off-street parking for more than six (6) vehicles is required or provided on a lot in a residence zone and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side and rear yards in the zone in which such parking is located, the following requirements shall be met:

(1) A continuous curb guard, rectangular in cross-section, at least six (6) inches in height and permanently anchored, shall be provided and maintained at least five (5) feet from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least twenty (20) inches in height, shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or lot line involved, either above or below the impact surface.

(2) Where such off-street parking shall abut a lot in

residential use or an unoccupied lot which is located in a residence zone, a chain link, picket or sapling fence, not less than forty-eight (48) inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.

(b) Notwithstanding the provisions of subsection (a) of this section, parking shall be prohibited in the front yard of lots containing two (2) or more dwelling units, except within one (1) driveway on the lot. “Driveway,” as used in this paragraph, shall not include any turnaround area.
(Code 1968, § 602.14.H; Ord. No. 231-90, § 2, 3-5-90)

Sec. 14-339. When located adjacent to a street or a residential use.

Where off-street parking for more than six (6) vehicles is required or provided on a lot in any business zone, the following requirements shall be met:

(a) Where vehicles are to be or may be parked within ten (10) feet of any street line, a continuous curb guard, rectangular in cross-section, at least six (6) inches in height and permanently anchored, shall be provided and maintained at least five (5) feet from the street line between such off-street parking and that part of the street line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least twenty (20) inches in height, shall be provided and maintained between such off-street parking and that part of the street line involved so that bumpers of vehicles cannot project beyond its face toward the street line involved either above or below the impact surface.

(b) Where such off-street parking shall abut a lot in a residence zone or a lot in residential use, a chain link, picket or sapling fence, not less than forty-eight (48) inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.
(Code 1968, § 602.14.1)

Sec. 14-340. Construction requirements when more than six vehicles parked.

Where off-street parking for more than six (6) vehicles is

required or provided, the following construction requirements shall apply:

(a) Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided. Location and width of approaches over public sidewalks shall be approved by the traffic engineer.

(b) The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six (6) inches in depth, well compacted, and with a wearing surface equivalent in quantities of compaction and durability to fine gravel.

(c) A system of surface drainage shall be provided in such a way that the waste run-off shall not run over or across any public sidewalk or street.

(d) Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways.

(Code 1968, § 602.14.J; Ord. No. 96-88, § 1, 7-19-88)

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*Editor's note—Ord. No. 96-88, § 1, adopted July 19, 1988, amended subsection (a) of this section to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 96-88.

Sec. 14-341. Aisles required for six or more spaces.

In parking facilities containing six (6) or more parking spaces, there shall be provided vehicular access by one (1) or more aisles. Aisle widths shall be in conformance with the standards set forth in the City of Portland Technical Manual, as hereafter amended.

(Code 1968, § 602.14.A; Ord. No. 272-77, 5-16-77; Ord. No. 389-89, § 2, 4-3-89; Ord. No. 278-09/10, 7-19-10)

Sec. 14-342. Reserved.

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*Editor's note—Section 1 of Ord. No. 354-85, adopted Jan. 7, 1985, repealed § 14-342, relative to a reduction of requirements by the board of appeals, which derived from Code 1965, § 602.14.K.

Sec. 14-343. Either the Board of Appeals or the Planning Board may approve joint use.

(a) Except as provided in subsection (b) below, the Board of Appeals may approve the joint use of a parking facility by two (2) or more principal buildings or uses where it is clearly demonstrated that the parking facility will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees among such establishments. This section shall apply to residential uses in the B-1, B-1b, B-2, B-2c and B-3 zone which propose joint use of a parking facility with another principal use in the B-1, B-1b, B-2 and B-3 zone. The Planning Board may be substituted for the Board of Appeals only where an applicant is otherwise before the Planning Board for site plan approval.

Whenever any exception to the parking requirements under this section has been finally denied on its merits by either the Zoning Board of Appeals or the Planning Board, a second request for an exception seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought before either body within one (1) year of such denial unless, in the opinion of the board before which it was initially brought, substantial new evidence is available or a mistake of law or fact significantly affected the prior denial.

(b) Requests for joint use of parking in the B-2b zone shall be reviewed and approved by the Zoning Administrator only in the following circumstances:

1. Residential uses above the first (1st) floor in buildings in the B-2b zone shall be permitted to share parking spaces with commercial uses located in the same building; and

2. It is clearly demonstrated that the joint parking arrangement will substantially meet the intent of the parking requirements by reason of a variation in the probable time of maximum use by patrons or employees of the commercial establishment and tenants of the residential dwelling units; and

3. Parties involved in the joint use of parking shall provide evidence of a binding agreement for the joint use of parking. Any subsequent modifications to the structure or change in the tenant occupancy of the

commercial use(s) shall require review by the Zoning Administrator for conformance with this section.

Any decision by the Zoning Administrator on shared parking requests may be appealed to the Zoning Board of Appeals as an interpretive appeal pursuant to 14-471(a).

(Code 1968, § 602.14.L; Ord. No. 243-91, § 2, 3-11-91; Ord. No. 94-99, 11-15-99; Ord. No. 36-09/10, 8-17-09)

Sec. 14-344. Either the Board of appeals or the Planning Board may authorize parking in certain residence zones.

In R-3 through R-5 zones, the Board of Appeals may permit off-street parking for passenger cars only accessory to a use located in and conforming with the provisions of a nearby business or industrial zone (except B-1 zones) if the lot on which the use is proposed is located wholly within three hundred (300) feet, measured along lines of public access, of the principal building of the use to which the proposed use would be accessory and provided further that:

(a) The lot where the parking use is proposed shall be under the control of the owner of the use to which the parking use would be accessory. Evidence of such control by deed or lease shall be required before the certificate of occupancy is issued. If such control should be abrogated, the parking use thus allowed shall automatically revert to a nonconforming use in violation of this article and shall be terminated forthwith.

(b) The Board of Appeals may impose such conditions as deemed necessary to insure development compatible with that of the immediate neighborhood notwithstanding the provisions of any other section of this article and may at its discretion limit the period of such use.

(c) The Planning Board may be substituted for the Board of Appeals only where an applicant is otherwise before the Planning Board for site plan approval.

Whenever any exception to the parking requirements under this section has been finally denied on its merits by either the Zoning Board of Appeals or the Planning Board, a second request for an exception seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought before either body within one (1) year of such denial unless, in the opinion of the board before which it was initially brought,

substantial new evidence is available or a mistake of law or fact significantly affected the prior denial.
(Code 1968, § 602.14.M; Ord. No. 541-84, 5-7-84; Ord. No. 94-99, 11-15-99)

Sec. 14-345. Peninsula fee-in-lieu of parking.

Any major or minor development subject to site plan review located in a non-residential zone or the IS-FBC zone on the Portland Peninsula shall either provide the required parking or pay a fee according to the provisions of (a) and (b) below.

(a) Provide the number of off-street parking spaces according to the provisions of section 14-332 (uses requiring off-street parking) and section 14-334 (off-site parking) of this division; or,

(b) Pay a fee-in-lieu of parking of not less than$5,000.00 as adjusted annually per (c) below, per space not provided. Fees shall be deposited into the Sustainable Transportation Fund, as established in section 14-346 of this division.

(c) The value of the fee shall be adjusted annually according to the Engineer’s News Record constructionindex as published on January 1st of the currentcalendar year. The fee adjustment shall be calculated by taking the index amount published on January 1st, of the current year, divided by the index amount published on January 1, 2010 (8660), multiplied by (the fee amount from (b) above). The base fee, the adjustment index, or the calculation method may be otherwise amended by action of the city council from time to time.

(d) The fee shall be paid on or before the date upon which a certificate of occupancy is issued. Payment shall besecured by a bond at the time the amount of the fee is set.
(Ord. No. 241-09/10, 11-15-10; Ord. 83-15/16, 11-2-2015)

Sec. 14-346. Sustainable transportation fund established.

By act of the Portland City Council, the Sustainable Transportation Fund is hereby established.
(Ord. No. 241-09/10, 11-15-10)

Sec. 14-346.1 Sustainable transportation fund purpose.

The purpose of the fund is to implement those provisions of the Peninsula Transit Study Report, and Action Plan, as adopted by the Portland City Council on August 3, 2009 as a component of the city's Comprehensive Plan, which recommended creation of a Sustainable Transportation Fund. The Peninsuala Transit Study Report and Action Plan establish a goal to reduce the number and impact of single occupancy vehicle trips to and from the Portland Peninsula. Achieving this goal requires transportation choice for residents, businesses, and visitors to the Portland Peninsula. This ordinance establishes a funding source for broadening transportation choice and facilitating development with lower traffic impacts and reduced parking requirements.

The mechanism and protocol for collecting fees and spending funds are consistent with state requirements for utilizing transportation related impact fees.
(Ord. No. 241-09/10, 11-15-10)

Sec. 14-346.2. Deposits and expenditures for the Sustainable Transportation Fund.

(a) Deposits

1. The city shall establish a Sustainable Transportation Fund to be set up as a seprate account within the city. Deposits into the fund shall include:

   a. 100% of the revenue generated by the fee in-lieu of parking program, as established in section n14-345 of the city Land Use Code;

   b. Funds appropriated for deposite into the fund by vote of the city council;

   c. Voluntary contributions of money or other liquid assets to the fund; and,

   d. Any federal, state or private grant or loan funds provided to the fund.

2. Accounting of deposits by project and sub-district: Funds from the fee in-lieu of parking program, as established in section 14-345 above, shall be individually collected and accounted for by project and the geographic fee in-lieu of parking sub-district in which it is located, as

shown on the Portland Peninsula fee in-lieu of parking sub-district map on file with the Department of Planning and Urban Development.

3. Funds to be used within 10 years of deposit: Funds collected under the fee in-lieu of parking ordinance shall be spent on eligible infrastructure and/or capital improvements or expenses, as outlined in (b) and (c) below, within 10 years of the date of collection. Any funds which are not so utilized and which exceed the City's actual costs of implementing the infrastructure improvement or improvements for which such fees were collected shall be refunded. Refunds shall be paid to the owner of records of the property for which the funds were collected, determined as of the date the refund is made.

4. Use of funds by sub-district: Funds collected under the fee in-lieu of parking ordinance shallbe spent on permitted expenditures of the fund, as outlined in (b) below, within the same geographic fee in-lieu of parking sub-district as the contributing project as depicted on the Portland Peninsula Fee In-Lieu of Parking Sub-district Map on file with the Department of Planning and Urban Development. However, for projects located within two hundred fifty (250) feet of an abutting sub-district, contributed fees can be used for eligible infrastructure projects in either abutting sub-district.

(b) Permitted expenditures of the fund.

The Sustainable Transportation Fund may only be expended on the activities as described below:

1. Funds collected as fees in-lieu of parking shall be expended toward capital transportation improvements on the Portland Peninsula. Such capital improvements shall include but are not limited to the following:

a. Parking Infrastructure

i. Shared-use, publicly accessible parking facilities;

ii. Publicly accessible bicycle racks and bicycle parking shelters;

b. Transit Capital Improvements and Expenses

i. Bus shelters, bus turnouts, transit signage and other transit amenities;

ii. Buses andtransit vehicles;

iii. Transit and transportation information systems;

iv. Fixed guide way and/or rail transit systems;

c. Pedestrian and Bicycle Infrastructure

i. Multi-use trails, and non-vehicular transportation corridors;

ii. Pedestrian infrastructure and amenities located on publicly accessible rightsof way including, but not limited to cross walks, signalization, landscaping, street furniture, wayfinding signage, traffic calming, and lighting;

iii. New publicsidealksa nd new bicycle lanes along publicly accessible rights of way or corridors where such facilities are not previously provided;

d. Other such improvements intended to enhance transportation choice and promote transit and non-automotive transport on the Portland Peninsula.

2. Funds collected or appropriated by means other than from a fee in-lieu of parking may be used for any of the capital transportation improvements listed above in (b)(1), and for any of the following uses:

a. Transportation Demand Management Program administration;

b. On or off-peninsula transit and/or non-automotive transportation capital or operating expenses;

c. Transit and/or non-automotive transportation promotion and education material; and

d. Other such programs or improvements intended to enhance transportation choice and promote transit and non-automotive transport for the City of Portland.

(c) *Annual Sustainable Transportation Plan and Appropriations Schedule:*

Annually, the city manager shall submit to the city council a recommended sustainable transportation plan and appropriations schedule, utilizing the revenues of the Sustainable Transportation Fund. The Transportation Committee of the city council or such other committee as the council shall designate shall recommend and refer the plan and appropriations schedule to the city council for action.

(Ord. No. 241-09/10, 11-15-10)

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*Editor's Note—The effect of Section 14-346.2(a)(iv) above is to establish the western boundary of the central sub-district as State Street, no High Street.

Sec. 14-347. – Sec. 14-350 Reserved.

DIVISION 21. OFF-STREET LOADING

Sec. 14-351. Minimum loading bays or loading berths.

In those zones where off-street loading is required, the following minimum off-street loading bays or loading berths shall be provided and maintained in the case of new construction, alterations and change of use:

(a) Office buildings and hotels with a gross floor area of more than one hundred thousand (100,000) square feet: One (1) bay.

(b) Retail, wholesale and industrial operations with a gross

floor area of more than five thousand (5,000) square feet:

1. 5,000 to 40,000: 1 bay;

2. 40,001 to 100,000: 2 bays;

3. 100,001 to 160,000: 3 bays;

4. 160,001 to 240,000: 4 bays;

5. 240,001 to 320,000: 5 bays;

6. 320,001 to 400,000: 6 bays;

7. Each 90,000 over 460,000 square feet: 1 additional bay.

(c) Hospitals and nursing and convalescent homes: Two (2) off-street loading areas shall be provided whereby one (1) service area for ambulance and other emergency vehicles shall be separate from one (1) service area accommodating supply vehicles, and whereby both off-street loading areas shall be separate from parking and entrance locations.

(Code 1968, § 602.15.A; Ord. No. 49-74, 1-7-74)

Sec. 14-352. Dimensions.

Each loading bay shall have minimum dimensions of fifty (50) feet by fourteen (14) feet and may be located either within a building or outside and adjoining an opening in the building, except that in the cue of hospitals and nursing homes and convalescent homes, the off-street loading area provided for ambulance and other emergency vehicles shall be exempt from the minimum dimension requirement but shall be of sufficient width and depth to permit expeditious access and egress from the loading area. Every part of such loading bay shall be located completely off the street. In case trucks, trailers, or other motor vehicles larger than the dimensions of the minimum loading bay habitually serve the building in question, additional space shall be provided so that such vehicle shall park or stand completely off the street.

(Code 1968, 602.15.B; Ord. No. 49-74, 1-7-74)

Sec. 14-353. Requirements to be met for additional bays and for alterations or modifications.

Any additional loading bays which are provided in excess of

the requirements of this article or any loading bays otherwise established shall meet the requirements of section 14-352, and no alterations or modifications shall be made in an existing building or structure whereby loading openings or platforms are constructed or established unless the provisions of section 14-352 are met. (Code 1968, § 602.15.C)

Sec. 14-354. Reserved.

***Editor's note—**Section 2 of Ord. No. 354-85, adopted Jan. 7, 1985, repealed § 14-354, relative to variance prohibited, exception, which derived from Code 1968, § 602.15.D.

Sec. 14-355. – Sec. 14-365. Reserved.

DIVISION 22. SIGNS*

***Editor's note—**Ord. No. 252-94, § 2, passed Apr. 4, 1994, repealed Div. 22 of this article, §§ 14-366—14-368, relative to signs and billboards, and added new provisions relative to signs as set forth in §§ 14-366—14-372.5. Formerly, such provisions derived from §§ 602.10A.G, 602.13B and 602.16.A—602.16.C of the 1968 Code as amended by the following legislation:

Ord. No.	Section	Date	Ord. No.	Section	Date
499-74	7	8-19-74	538-81	1	2-18-81
536-74	2	8-19-74	39-85	1	7-15-85
334-76	7	7- 7-76	284-88		12-12-88
269-77		5-16-77	371-91	1	6- 5-91
270-77		5-16-77			

Cross reference(s)—Signs prohibited in cemeteries, § 7-137.

Sec. 14-366. Purpose.

The purpose of this division is to balance the need for adequate identification, communication and advertising for all land

uses with the need to protect the public safety and welfare and to maintain and enhance the aesthetic environment of the City of Portland. The following policies shall apply in regulating signs:

(a) To allow for the orderly advertisement and identification of goods and services by public and private establishments in the city;

(b) To enhance public awareness of and access to goods, services and attractions by promoting visual order and clarity on city streets;

(c) To promote traffic safety by controlling the location, design and placement of signs on city streets; and

(d) To protect property values by ensuring the appropriate location, size, number and use of signs in neighborhoods and business districts.

(Ord. No. 252-94, § 2, 4-4-94)

Sec. 14-366.5. Applicability.

A sign may be erected, placed, established, painted, created or maintained in the city only in conformance with the standards, procedures, exemptions and other requirements of this division.

All signage of a commercial nature, whether or not exempt from the receipt of a permit hereunder, shall be removed within thirty (30) days from the earlier of: vacancy of the advertised space by the applicable owner and/or tenant, or the cessation of the commercial enterprise so advertised. This subsection shall not apply to signs which have acquired historic significance, such as painted wall signs, as so determined by the Historic Preservation Program Manager. The owner of the building and/or any tenant advertising through the use of such signage each shall be responsible for adhering to this requirement.

(Ord. No. 252-94, § 2, 4-4-94; Ord. No. 187-02/03, 4-7-03)

Sec. 14-367. Definitions.

For the purposes of this division, the following definitions shall apply, in addition to the provisions of section 14-47:

Animated sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Awning sign: Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protecting

cover over a door, entrance, window, storefront or outdoor service area or any internally illuminated awning sign. A marquee shall not be considered an awning.

Banner: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one (1) or more edges. National, state and municipal flags or the official flag of any institution or business shall not be considered banners.

Beacon: Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source or any light with one (1) or more beams that rotate or move.

Building marker: Any sign indicating the name of a building, date of construction, or other incidental information about its construction and/or history.

Building sign: Any wall sign, projecting sign, suspended sign, or any sign attached to any exterior part of a building. Interior window signs shall not be considered building signs and shall not be included in the calculation of maximum cumulative sign area or maximum number of permitted signs.

Bus shelter signs: as specified in 23 M.R.S.A. § 1908-A, a bus shelter sign is any outdoor sign visible to the traveling public from a public way that is affixed to a publicly owned bus shelter where a public transport bus stops for the purpose of sallowing passengers to board and/or leave the bus.

Changeable copy sign: A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this division. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a time and temperature portion of a sign and not a changeable copy sign for purposes of this division.

Commercial message: Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Community/cultural banner: Banners located in the public

right-of-way intended to serve a community purpose or convey information of community-wide interest.

Department: The department of planning and urban development.

Directory sign: A sign located at or near the entrance of a multi-tenant building, lot or park, the sole purpose of which is to provide a listing of names of individual tenants located thereon.

Flag: Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

Freestanding sign: Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.

Incidental sign: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. Directional signs indicating the location of a building, tenant or entrance shall also be considered incidental signs. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

Internally illuminated awning sign: An awning that is translucent and lighted from within and which either incorporates any commercial message, trademark or symbol or is readily concurrently visible with another internally illuminated awning sign that incorporates a commercial message, trademark or symbol.

Landmark sign: An existing sign determined by the department to have attained a high degree of community, cultural, aesthetic or historic significance.

Marquee: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee sign: Any sign attached to in any manner, or made part of, a marquee.

Multi-tenant lot: Any lot with more than one (1) business or more than one (1) use with exterior signs.

Nonconforming sign: Any sign that does not comply with the requirements of this division.

Pennant: Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.

Portable sign: Any sign not permanently attached to the ground or some type of permanent structure, or a sign designed to be transported including, but not limited to, signs designed to be transported by means of wheels; signs converted to or located on A- or T-frames; menu and sandwich board signs; inflatable signs or large-scale tethered balloons; and/or signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Principal facade: Any facade or facades that constitute the primary visual and functional orientation of the building or tenant space, characterized by a combination of such features as principal entry, storefront and visibility from streets or parking areas.

Projecting sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of the building or wall. A projecting sign may be either perpendicular or parallel to a wall and may have a message on more than one (1) face.

Readily concurrently visible signs: Any combination of signs that can be clearly and simultaneously viewed by an individual from any publicly accessible vantage point.

Residential sign: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods and services offered on the premises where the sign is located, provided that offering such goods or services conforms with all requirements of this article.

Roof sign: Any sign erected and constructed wholly on and over the roof of a building, including attachment to a rooftop mechanical parapet supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof sign, integral: Any sign incorporated as an integral or essentially integral part of a normal roof structure of any design,

including attachment to a rooftop mechanical parapet, where no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Security sign: Any sign that is placed upon a lot or a building to inform of the location of a security or other alarm system located upon the lot or within the building.

Sign: Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Street frontage: The distance for which a lot line of a lot adjoins a public street, from one (1) lot line intersecting said street to the furthest distant lot line intersecting the same street.

Suspended sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by that surface.

Temporary sign: Any sign, except for a window sign, that is used for a period of not more than thirty (30) days and that is not permanently mounted.

Wall area: The area of a wall within a single plane.

Wall sign: Any sign parallel and attached to a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Window sign: Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the interior face of window panes or glass, and is visible from the exterior of the window.
(Ord. No. 252-94, § 2, 4-4-94; Ord. No. 37 06/07, 9-6-06; Ord. No. 91-11/12, 5-21-12)

Sec. 14-368. Regulations.

(a) *Signs allowed on private property with and without permits.* Signs shall be allowed on private property in the city in accordance with, and only in accordance with, Table 1 of section 14-369.5. If the notation “A” appears for a sign type in a column,

such sign is allowed without prior approval as provided in this division in the zoning district(s) represented by that column. If the notation "B" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning district(s) represented by that column. Special conditions may apply in some cases. If the notation "D" appears for a sign type in a column, such a sign is not allowed in the zoning district(s) represented by that column under any circumstances.

Although permitted under the previous paragraph, a sign designated by an "A" or "B" in Table 1 of section 14-369.5 shall be allowed only if:

1. The sum of the area of all building and freestanding signs on the lot conforms with the maximum permitted sign areas for such as determined by the formula for the zoning district in which the lot is located as specified in Table 2 of section 14-369.5; and

2. The size, location and number of signs on the lot conform with the requirements of Table 2 of section 14-369.5, which establish permitted sign dimensions by sign type, and with any additional limitations listed therein.

(b) *Permits required.* If a sign requiring a permit under the provisions of this division is to be placed, constructed, erected or modified on a lot, the owner of the lot shall secure a sign construction permit prior to the construction, placement, erection or modification of such a sign in accordance with the requirements of section 14-368.5. In addition, the property owner shall maintain in force at all times a sign construction permit for such sign in accordance with section 14-368.5.

No signs shall be erected in the public right-of-way except in accordance with subsection (e) of this section and the permit requirements of section 14-368.5.

No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is in compliance with the requirements of this division, including those protecting existing signs.

(c) *Design, construction and maintenance.* All signs shall be designed, constructed and maintained in accordance with the following standards:

1. All signs shall comply with applicable provisions of the

building code and the electrical code of the city at all times;

2. Except for banners, flags, temporary signs, portable signs and window signs conforming in all respects with the requirements of this division, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure; and

3. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code, at all times;

4. Signs located in or adjacent to residential zones shall not cause light spillover or glare into properties within the residential zone.

(d) *Signage plan.* No permit shall be issued for an individual sign requiring a sign construction permit unless and until a signage plan for the lot on which the sign will be erected has been submitted to the department.

For any lot on which the owner proposes to erect one (1) or more signs requiring a permit, the owner shall submit to the department a signage plan containing the following:

1. A sketch plan of the lot. The sketch plan should indicate the location of buildings and driveways on the lot, as well as any abutting streets. Length of building frontages and street frontage(s) should also be noted;

2. An indication on the sketch plan of the proposed location of each existing and proposed sign of any type, except that incidental, portable, temporary and window signs need not be shown. For building signs, a sketch or a photograph of each building wall shall be provided indicating wall and sign dimensions; and

3. Computations of the following:

   a. A listing of each building sign (existing and proposed), identifying the location of each such sign and its sign area;

   b. A listing of each freestanding sign (existing and

proposed), indicating the area, height and setback of each such sign; and

4. A sketch of proposed signs, indicating dimensions, materials, source of illumination and construction method.

For purposes of this section, a sketch plan shall not require a stamp by a licensed professional such as an engineer or an architect. Measurements may be estimated. For multi-tenant lots or buildings, individual tenants shall be required to submit only those measurements applicable to their individual frontage or as otherwise required to review their application. Once a sketch plan has been filed for a property, the department shall keep a record of such plan so that a new sketch plan shall not be required for later changes to signage on a site for which a sketch plan has been previously submitted.

(e) *Signs in the public right-of-way.* No signs shall be allowed in the public right-of-way, except for the following:

1. Permanent signs, limited to the following: Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic, including parking regulatory signs; bus stop signs erected by a public transit company; informational signs of a public utility regarding its poles, lines, pipes or facilities.

2. Signage meeting the requirements of section 14-370.

3. Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way.

4. Community/cultural banners.

5. Permanent directional signs retail/accessory retail in residential zones. A lawfully existing retail business, existing as of March 1, 2008 and located in a residential zone, qualifies for an off-premise sign if it meets the following requirements: 1) the establishment is not a home occupation; 2) the establishment is not located within 500 feet of a major or minor arterial; 3) the sign would be no larger than 12 inches x 48 inches and would otherwise adhere to the requirements set out by

MDOT/MUTCD in their standard sign manual. Such establishment may qualify for one, two-sided, or two one-sided, off-premise signs to be located on a major or minor arterial in a location determined safe by the city traffic engineer and upon the payment of an initial fee of $300.00, with an annual renewal fee of $30.00. In the event the sign is damaged or destroyed, the replacement of any sign shall be the sole responsibility of the permittee. The permittee shall be required to obtain a permit for said sign from the building inspections department, after securing $400,000 insurance for said sign, naming the City of Portland as an additional insured.

6. Bus shelter signs as provided for in section 14-371 (k).

(f) *Signs in historic districts, in historic landscape districts, or on individual landmark properties.* Signs in historic districts, in historic landscape districts, or on individual landmark properties shall also be subject to the provisions of article IX of this chapter. Where the regulations of article IX are either more or less stringent than those set forth in this division, the more stringent standard shall apply.

(g) *Signs in Pedestrian Activities District (PAD) overlay zone and PAD encouragement areas.* Signs in PAD overlay zone and PAD encouragement areas of the B-3 zone shall also be subject to the standards set forth in the Downtown Urban Design Guidelines. Where those standards are either more or less stringent than the regulations set forth in this division, the more stringent standard shall apply.

(Ord. No. 252-94, § 2, 4-4-94; Ord. No. 143-07/08, 5-19-08; Ord. No. 91-11/12, 5-21-12)

Sec. 14-368.5. Permits.

The procedures set forth below shall govern the application for, and issuance of, all sign permits under this division, unless a sign is also subject to review under any other division or section of this chapter or any other chapter of this Code, including site plan and historic preservation ordinances. Where a sign requires such other review, the time periods set forth in the ordinance for that review process shall control.

(a) *Applications.* All applications for sign permits of any kind shall be submitted to the department on an application form or in accordance with application specifications published by the department.

(b) *Fees.* Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the council order.

(c) *Action on sign permit application.* Within ten (10) working days of receipt of a complete application, the department shall either:

1. Issue the sign permit, if the sign that is the subject of the application conforms in every respect with the requirements of this division; or

2. Deny the sign permit if the sign that is the subject of the application fails in any way to conform with the requirements of this division. In the event of a denial, the department shall set forth in writing the reasons for the denial.

(d) *Permits to construct or modify signs.* Signs identified with the notation “B” on Table 1 shall be erected, installed or created only in accordance with a duly issued and valid sign construction permit issued by the department. Such permits shall be issued only in accordance with the requirements and procedures of subsection (f) of this section.

(e) *Application for new sign or for sign modification.* An application for construction, creation or installation of a new sign or for modification of an existing sign shall be accompanied by drawings to show the dimensions, design, source of illumination, construction method and location of each particular sign. One (1) application and construction permit may include more than one (1) sign on the same lot.

(f) *Assignability of sign permits.* A current and valid sign permit issued under this division shall be freely assignable to a successor as owner of the property or operator of the premises. The assignment shall not require approval by the department. This provision shall also apply to signs lawfully in existence on April 4, 1994, which are further subject to the provisions of section 14-372.

(g) *Issuance pursuant to level II site plan review.* An applicant for a permit or other approval under this

division whose application has been denied for failure to meet the regulations contained in section 14-369.5 may apply to the planning authority for review of the denied signage pursuant to the standards set forth in section 14-526(d)8, provided, however, that no site plan fee shall be required for this review and no site plan submission materials shall be required beyond those necessary to allow review under this section.

(Ord. No. 252-94, § 2, 4-4-94; Ord. No. 278-09/10, 7-19-10)

Sec. 14-369. Computations.

Sign area, sign height and number of signs shall be computed in accordance with the following principals:

(a) *Computation of area of individual signs:* For all signs other than awning signs, the area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle or simple polygon that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display, but not any supporting framework, bracing or decorative fence or wall when such fence is clearly incidental to the display itself.

(b) *Computation of area of multifaced signs:* The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign shall be computed by the measurement of one (1) of the faces.

(c) *Computation of area of awning signs:*

1. For opaque awnings, only those sections which incorporate writing, symbols, emblems or other types of graphics used for the purposes of identification or advertisement shall be included in computing sign area. The methods set forth in subsection (1) of this section shall be utilized in measuring sign area on opaque awnings. Street names and numbers on opaque awnings shall not be considered to be signs for purposes of this section, unless a business located within the

building has the street name and/or the street number as its name.

2. For awnings that are translucent and internally illuminated and that incorporate any commercial message, trademark or symbol, the sign area shall be computed as the two-dimensional projection of the awning onto the face of the building on which the awning is to be installed. Such awnings which wrap around building corner(s) shall be treated as separate awnings on each respective building face and shall be considered as signs if they include any message, trademark or symbol. Internally illuminated bands shall be permitted across the building face without being included in the calculations under this subsection, provided that such bands do not include any message, trademark or symbol and that the bands do not exceed three (3) feet in height.

3. Where only a portion of the awning is translucent and internally illuminated, only the area of the translucent illuminated portion shall be included in computing sign area, unless commercial message content appears on other opaque portion(s) of the awning. Opaque portions of these types of awnings shall be computed in accordance with subsection a. above.

(d) *Computation of height:* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be considered the lower of either existing grade prior to construction or the newly established grade after construction excluding any filling, berming, mounding or excavating accomplished solely for the purpose of locating the sign. In cases where the normal grade cannot reasonably be determined, sign height shall be computed based upon the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

(e) *Computation of number of signs:* For purposes of computing

the number of signs, a single sign shall be considered either enclosed within a single frame or composed of modular parts with identical frame elements designed to be joined together to form a single composite sign.

(Ord. No. 252-94, § 2, 4-4-94)

Sec. 14-369.5. Tables.

(a) *Table 1. Permitted sign types by zone.*
Note: The following legend applies for Table 1 below:

A. Allowed, no permit required;
B. Allowed, permit required;
C. Allowed, subject to licensing and permit required;
D. Prohibited;
E. Not Applicable

Parenthetical letters, i.e. (a), refer to the notes provided at the end of Table 1.

	IS-FBC UN R-1/R-6 IR-1/IR-3 Residential	*Institutional Uses in Residential Zones (a)*	*RP Residence Zones*	*ROS/RPZ Open Space*	*B-1 Neighborhood Business*	*B-2/IS-FBC UA/UT Regional Business*
Freestanding In general(b)	D	B	B	B	B	B
ResidentialI	A	A	A	E	A	A
Residential(d)	D	A	A	A	A	A
Temporary/ Portable (b)	D	D	D	D	D	B
Building Commercial Banner	D	D	D	B	B	B
Building Marker(f)	A	A	A	A	A	A
Awning	D	D	D	B	B	B
Identification(e)	A	A	A	A	A	A
Incidental(d)	A	A	A	A	A	A
Marquee(g)	D	D	D	D	D	B
Projecting	A	D	D	B	B	B
Residential(b)	A	D	A	E	A	A
Roof	D	D	D	D	D	D
Roof Integral	D	D	D	D	D	D
Suspended(g)	A	D	D	B	B	B
Temporary(h)	D	D	D	B	B	B
Wall	A	B	D	B	B	B
Window(I)	D	D	A	A	A	A
Miscellaneous Community, Cultural Banner	D	A	A	A	A	A
Directory(j)	D	A	A	D	A	A

Flag(k)	A	A	A	A	A	A
Pennant	D	D	D	D	D	D
Portable-in City right-of-way (A-frame)	D	D	D	D	C	C

	AB Airport Business	*Mixed-use **Urban B-6/B-7** Downtown Business(B-3) & Urban Commercial(B-5)*	*I-B Island Business*	*B-4 Commercial Corridor*	*O-P Office Park*	*I-L,I-Lb Industrial*
Freestanding	B	B	D	B	B	B
In general(b)						
ResidentialI	A	A	A	A	E	A
Residential(d)	A	A	A	A	A	A
Temporary/ Portable (b)	D	D	D	B	D	D
Building	B	B	B	B	D	B
Commercial Banner						
Building Marker(f)	A	A	A	A	A	A
Awning	B	B	B	B	B	B
Identification(e)	A	A	A	A	A	A
Incidental(d)	A	A	A	A	A	A
Marquee(g)	B	B	D	B	B	B
Projecting	B	B	B	B	B	B
Residential(b)	A	A	A	A	E	A
Roof	D	D	D	D	D	D
Roof Integral	D	D	D	D	D	D
Suspended(g)	B	B	B	B	B	B
Temporary(h)	B	B	B	B	D	B
Wall	B	B	B	B	B	B
Window(I)	A	A	A	A	A	A
Miscellaneous	A	A	A	A	A	A
Community, Cultural Banner						
Directory(j)	A	A	A	A	A	A
Flag(k)	A	A	A	A	A	A
Pennant	D	D	D	D	D	D
Portable-in City right-of-way (A-frame)	C	C	C	C	D	D

	I-M,I-Ma, I-Mb Industrial	*I-H,I-Hb Industrial*	*Eastern Waterfront Port Waterfront Central Waterfront Special Use*	*Waterfront Port Development*
Freestanding	B	B	B	B
In general(b)				
ResidentialI	A	A	A	A
Residential(d)	A	A	A	A

Temporary/ Portable (b)	D/D	B/D	D	D
Building	B	B	B	B
Commercial Banner				
Building Marker(f)	A	A	A	A
Awning	B	B	B	B
Identification(e)	A	A	A	A
Incidental(d)	A	A	A	A
Marquee(g)	B	B	B	B
Projecting	B	B	B	B
Residential(b)	A	A	A	A
Roof	D	D	D	D
Roof Integral	D	D	D	D
Suspended(g)	B	B	B	B
Temporary(h)	B	B	B	B
Wall	B	B	B	B
Window(I)	A	A	A	A
Miscellaneous	A	A	A	A
Community, Cultural Banner				
Directory(j)	A	A	A	A
Flag(k)	A	A	A	A
Pennant	D	D	D	D
Portable-in City right-of-way (A-frame)	D	D	C	D

Notes for Table 1 (Permitted Sign Types by Zone).

(a) This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, schools and hospitals.

(b) The following limiting provision shall apply to freestanding signs in the B-1, B-2, B-3, and IS-FBC zones on the Portland Peninsula (except for the B-2 zone in the vicinity of St. John Street): Such signs shall be allowed only if the front facade of the building (or individual tenant’s/tenants’ frontage in the case of a multi-tenant building) is set back a distance of at least twenty (20) feet from either of the front facades of the abutting buildings (or other tenants’ frontage in the same multi-tenant building). Notwithstanding the limitations of this section, freestanding signs shall be permitted for gas stations provided that all signage for such gas stations conform to the requirements of this division.

(c) No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on premises.

(d) No commercial message of any kind allowed on a sign if such message is legible from any location off the zone lot on which the sign is located.

(e) Only address and name of occupant allowed on sign.

(f) May include only building name, date of construction, or historical data on historical site.

(g) If such a sign is suspended or projects above a public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability insurance for such a sign.

(h) The provisions governing portable/temporary signs shall apply. See section 14-370.

(i) Window signs shall be allowed without a permit and shall not be included when calculating cumulative sign area. However, in no event shall more than fifty (50) percent of window area be obscured.

(j) Directory signs, freestanding or on buildings, shall be allowed without a permit and shall not be included when calculating cumulative sign area, provided the sign area for each tenant does not exceed one and one-half (1.5) square feet.

(k) Flags used as a symbol of a government, political subdivision or other entity. Any flag not meeting this description shall be considered a banner sign or pennant and shall be subject to regulation as such.

(b) *Table 2. Sign regulations by zone.* Table 2 is comprised of fourteen (14) individual charts outlining sign regulations for each zone in the city. Regulations are for permanent freestanding and building signs and shall not apply to portable/temporary signs, special sign types, incidental signs, directory signs or exempt signs. See applicable sections of this division for regulations governing such

signs.

Other applicable regulations:

* Signs in historic districts, in historic landscape districts, or on individual landmark properties shall also be subject to the provisions of article IX of this chapter. Where the regulations of article IX are more stringent than those set forth in this division, the more stringent standard shall apply.

* Signs associated with projects otherwise subject to site plan review shall also be subject to the provisions of article V of this chapter.

* Signs located in the Pedestrian Activities District (PAD) overlay zone and in PAD Encouragement Areas within the B-3 zone shall also be subject to the standards set forth in the Downtown Urban Design Guidelines.

Contents of Table 2:

2.1 Sign Regulations for R-1—R-7, IR-1—IR-3, IS-FBC UN Residential Zones

2.2 Sign Regulations for Institutional Uses in Residential Zones

2.3 Sign Regulations for RP Residence-Professional Zone

2.4 Sign Regulations for ROS/RPZ Open Space Zones & Signs in all Municipal Parks

2.5 Sign Regulations for B-1 Neighborhood Business Zone — Single Tenant Lots

2.6 Sign Regulations for B-2 Regional Business Zone, IS-FBC UT or UA zone — Single Tenant Lots

2.7 Sign Regulations for AB Airport Business Zone — Single Tenant Lots

2.8 Sign Regulations for B-3 Downtown Business, B-5 Urban Commercial, B-6 and B-7 Mixed Use Urban, WC Waterfront

Central, and EWP, Eastern Waterfront Port Zones

2.9 Sign Regulations for IB Island Business Zone – Single Tenant Lots

2.10 Sign Regulations for B-4 Commercial Corridor Zone – Single Tenant Lots

2.11 Sign Regulations for OP Office Park Zones

2.12 Sign Regulations for I-L, I-Lb, I-M, I-Ma, I-Mb, I-H, I-Hb Industrial and WPD Waterfront Port Development Zones

2.13 Sign Regulations for B-1, B-2, AB, IB, and B-4 Business Zones, and IS-FBC zone UT or UA – Multi-Tenant Lots

2.14 Sign Regulations for Gas Stations – All Zones Where Permitted

TABLE 2.1 R1 – R6, IR1 – IR3, IS-FBC UN: RESIDENTIAL AND ISLAND RESIDENTIAL ZONES

Freestanding Signs

	Single-Family Lots	*PRUDs, Single-Family Subdivisions & Multifamily Developments – Development Identification Signs*
Area	2 sq. ft.	15 sq. ft.
Height	5 feet	5 feet

Setback	5 feet	5 feet
Number freestanding signs per lot	1(a)	1 per major entrance

(a) A maximum of one (1) sign is allowed per lot. Such sign may be either a freestanding or a building sign.

Building Signs

	Single-Family Lots	*PRUDs, Single-Family Subdivisions & Multifamily Developments — Development Identification Signs*
Maximum permitted sign area	2 sq. ft.	10 sq. ft.
Number building signs permitted per lot	1(a)	1(b)

(a) A maximum of one (1) sign is allowed per lot. Such sign may be either a freestanding or a building sign.

(b) One (1) allowed per street frontage, provided there are no freestanding signs on the lot or development.

TABLE 2.2 INSTITUTIONAL USES IN RESIDENTIAL ZONES

(Regulations apply to institutions permitted as conditional uses in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, schools, private clubs, fraternal organizations and hospitals.)

Freestanding Signs

	Street Frontage < 100'	*Street Frontage 100' to 250'*	*Street Frontage > 250'*
Area	15 sq. ft.	25 sq. ft.	50 sq. ft.
Height	6 feet	8 feet	8 feet
Setback	5 feet	5 feet	5 feet
Number freestanding signs per lot	1/st. frontage(a)(b)	1/st. frontage(a)(b)	1/st. frontage(a)(b)

(a) Lots fronting on two (2) or more streets are allowed one (1) freestanding sign for each frontage. However, the area of each sign shall correspond to the length of the applicable frontage. Freestanding signs shall be positioned such that they are not readily concurrently visible.

(b) Where one (1) lot contains more than one (1) affiliated use, each use shall be allowed one (1) sign per street frontage.

Note: Pertinent directional information shall, to the extent possible, be included on the principal freestanding sign. Additional directional signs shall be allowed only in the event that necessary information cannot fit reasonably within the permitted sign area. The size of additional signs shall be the minimum necessary to achieve the informational objective.

Building Signs (a)

Maximum permitted sign area	na
Percent of wall area on which sign is to be placed	5%
Number building signs permitted per lot	1/building face(b)

(a) Building signs shall be reviewed for compliance with sign standard(s) included in site plan ordinance and shall under no circumstances be internally illuminated.

(b) One (1) sign is allowed per building face, provided such signs are not readily concurrently visible.

TABLE 2.3 RESIDENCE-PROFESSIONAL (R-P) ZONE

Freestanding Signs

Area	30 sq. ft.
Height	8 feet
Setback	5 feet
Number permitted per lot	1(a)

(a) Lots fronting on two (2) or more streets are allowed one (1) freestanding sign of equivalent size for each street frontage with vehicular entry, provided such signs are not readily concurrently visible.

Building Signs

None allowed, other than incidental and/or directory signs.

TABLE 2.4 ROS & RPZ OPEN SPACE ZONES AND SIGNS IN ALL MUNICIPAL PARKS

These regulations shall not apply to municipal stadiums with a seating capacity of greater than six thousand (6,000) seats.

See also section 14-370.7 (special sign types) for regulation of signs associated with seasonal sales/markets, special events, fairs/festivals, etc. Signs in designated historic landscape districts shall also be subject to the provisions of article IX of this chapter.

Freestanding Signs(a)

	General Park Identification Sign	*Concession/Facility Signs(b)*
Area	20 sq. ft.	16 sq. ft.
Height	5 feet	8 feet
Setback	5 feet	5 feet
Number freestanding signs per lot	1 per major vehicular entry	1 per concession or facilityI

(a) All signs shall be integrated with existing landscape features or shall be visually related to existing architecture in terms of materials, color, scale, etc., as determined by the planning authority.

(b) Product trademarks shall be limited to not more than five (5) percent of the total sign area.

(c) Concession stands or other facilities located within an RPZ or ROS zone shall be allowed one (1) freestanding sign or building sign, not both.

Building Signs(a)

	Concession/Facility Signs
Maximum permitted sign area	20 sq. ft.
Square feet per linear foot of building facade on which sign will be placed	1 sq. ft.
Number building signs permitted per lot	1 per concession or facility(b)

(a) Building signs shall be visually related to the building on which they are located in terms of materials, color, scale, etc., as determined by the planning authority. Product trademarks shall be limited to not more than five (5) percent of the total sign area.

(b) Concession stands or other facilities located within an RPZ or ROS zone shall be allowed one (1) freestanding sign or building sign, not both.

Scoreboards

Scoreboard size shall correspond to the size and type of facility in which it is to be located, as determined by the recreation director. Commercial sign content shall not exceed fifteen (15) percent of surface area of scoreboard.

Ballfield Booster or Sponsor Signs

Such signs shall be exempt from regulation, provided they remain in place only for the applicable season and do not exceed thirty-two (32) square feet in area each.

TABLE 2.5 NEIGHBORHOOD BUSINESS (B-1) ZONE—SINGLE TENANT LOTS

Freestanding Signs

Area	32 sq. ft.
Height	16 feet
Setback	5 feet
Number freestanding signs permitted per lot	1

Building Signs

	As of Right
Maximum cumulative area of all building signs	100 sq. ft.
Square feet per linear foot of building facade on which sign will be placed	1 1/2 feet
Number building signs permitted per lot	1 per building facade facing on abutting st. + 1 additional

TABLE 2.6 REGIONAL BUSINESS (B-2) ZONE, IS-FBC UT or UA ZONE – SINGLE TENANT LOTS

Freestanding Signs

	Facing Street Frontage < 200'	*Facing Street Frontage > 200'*
Area	65 sq. ft.	100 sq. ft.
Height	18 feet	18 feet
Setback	5 feet	5 feet
Number permitted per lot	1(a)	1(a)

(a) If lot fronts on more than one (1) street, one (1) freestanding sign is permitted for each additional frontage, but at one-half the maximum allowable area for the original, except in those instances where the freestanding signs are not concurrently visible. In such an instance, additional freestanding signs shall be permitted the full area allowance.

Building Signs

	Building Face < 150 Linear Feet	*Building Face > 150 Linear Feet*
Maximum cumulative area of all building signs (b)	150 square feet (a)	225 (a)
Square feet per linear foot of building facade on which sign will be placed	2 feet	Same
Number of building signs permitted per lot	1 per building facade facing an abutting street + 1 additional	Same

(a) If any one (1) building face on which a sign is to be placed exceeds one hundred fifty (150) linear feet, then the maximum allowable sign area for the building as a whole is increased to two hundred twenty-five (225) square feet. However, the limit of two (2) square feet per linear foot of building frontage still applies for purposes of calculating maximum sign area for each building face.

(b) Where a building features two (2) principal entry facades facing parallel streets, each such entry facade shall be eligible for the full amount of signage relative to its frontage, notwithstanding the maximum cumulative sign area.

TABLE 2.7 AIRPORT BUSINESS (AB) ZONE

Freestanding Signs

	Facing Street Frontage < 200'	*Facing Street Frontage > 200'*
Area	32	65

Height	16	16
Setback	5	5
Number permitted per lot	1(a)	1(a)

(a) If lot fronts on more than one (1) street, one (1) freestanding sign is permitted for each additional frontage, provided such signs are not readily concurrently visible.

Building Signs

Maximum cumulative area of all building signs	na
Square feet per linear foot of building facade on which sign will be placed — or -	2 sq. ft.; or
Maximum percent of wall area on which sign(s) is(are) to be placed	6%
Number building signs permitted per lot	1 per building facade facing an abutting street + 1 additional

TABLE 2.8 SIGN REGULATIONS BY ZONE

Downtown Business (B-3), Urban Commercial (B-5), and Waterfront Central (WC) Zones

* Signs located on individual landmark properties or within historic districts, PAD overlay districts or PAD encouragement areas shall, in addition to the provisions herein, be subject to article IX of this Code or the Downtown Urban Design Guidelines, as applicable. Where the design guidelines are more restrictive than these regulations, the design guidelines

shall supersede the otherwise applicable dimensional standards.

(o) Freestanding signs shall be allowed only if the front facade of the building (or individual tenant's/tenants' frontage in the case of a multi-tenant building) is set back a distance of at least twenty (20) feet from either of the front facades of the abutting buildings (or other tenants' frontage in the same multi-tenant building).

Freestanding Signs

	Single & Multi-Tenant Buildings
Area	16 sq. ft.
Height	6 ft.
Minimum setback	5 ft.
Number of freestanding signs per lot	1 per abutting street

Building Signs

		Multi-Tenant Buildings	
	Single Tenant Buildings	*Building ID Sign and/or Upper Floor Tenant Signs*	*Ind. Ground Floor Tenant Signs*
Maximum cumulative permitted area of all building signs	Na	*Na*	*na*

Square feet per linear feet of building facade on which sign will be placed	2 sq. ft.	na	2 sq. ft. per ft. of tenant's building frontage
Maximum percent of wall area on which sign(s) is(are) to be placed	Na	5%	na
Number of building signs permitted per lot	1 per facade + 1	1 per facade + 1 per tenant	1 per tenant (a)

(a) If individual tenant fronts on more than one (1) street, one (1) additional building sign is permitted for each additional frontage.

TABLE 2.9 ISLAND BUSINESS (IB) ZONE

Freestanding: None allowed, except for marine-related uses serving vessel traffic. Such signs shall not exceed twenty (20) square feet in area and ten (10) feet in height. One (1) such sign is allowed per use.

Building

Maximum permitted sign area	40 sq. ft.
Square feet per linear feet of building facade on which sign will be placed	1 sq. ft.
Number of building signs permitted per lot	1 per building facade facing an abutting street + 1 additional

TABLE 2.10 COMMERCIAL CORRIDOR (B-4) ZONE – SINGLE TENANT LOTS

Freestanding Signs

	Facing Street Frontage < 200'	*Facing Street Frontage > 200'*
Area	65 sq. ft.	100 sq. ft.
Height	25 ft.	35 ft.
Setback	5 ft.	Same
Number permitted per lot	1 (a)	Same

(a) If lot fronts on more than one (1) street, one (1) freestanding sign is permitted for each additional frontage, provided such signs are not readily concurrently visible.

Building Signs

	Building Face < 150 Linear Feet
Maximum cumulative area of all building signs	na
Square feet per linear feet of building facade on which sign will be placed –or-	2 sq. ft. –or-
Maximum percent of wall area on which sign(s) is(are) to be placed	6%

Number of building signs permitted per lot	1 per bldg. facade facing an abutting street and 1 additional

TABLE 2.11 OFFICE PARK (O-P) ZONE

Freestanding Signs

	Joint Identification Sign (a)	*Individual Tenant Signs (a)*
Maximum permitted area	50 sq. ft.	15 sq. ft.
Height	8 ft.	5 ft.
Setback	5 ft.	5 ft.
Number of freestanding signs per lot	1 per major vehicular entry	1 per tenant

(a) In the case of multi-tenant office parks, individual tenants may be identified on joint identification sign at park entranceway, on directory signs within the office park development, and/or on individual signs located immediately in front of individual business establishment, but shall not be allowed additional freestanding signs at the principal entryway(s) into the development.

Building Signs

	Single Tenant Buildings	*Multi-Tenant Buildings*
Maximum permitted sign area	na	na

Maximum percent of wall area on which sign(s) is(are) to be placed	6%	8%
Number of building signs permitted per lot	1	1 per tenant

TABLE 2.12 INDUSTRIAL I-L, I-Lb, I-M, I-Ma, I-Mb, I-H, I-Hb AND WATERFRONT PORT DEVELOPMENT ZONES

Freestanding Signs

	Single Tenant Buildings	*Multi-Tenant Buildings*
Maximum permitted area	35 sq. ft.	70 sq. ft.
Height	10 ft.	15 ft.
Setback	5 ft.	5 ft.
Number of freestanding signs per lot	1 (a)	1 (a)

(a) If lot fronts on more than one (1) street, one (1) freestanding sign of equivalent permitted sign area is allowed for each additional frontage, provided such signs are not readily concurrently visible.

Building Signs

	Single Tenant Buildings	*Multi-Tenant Buildings*

Maximum permitted sign area	Na	na	
Maximum percent of wall area on which sign(s) is(are) to be placed	6%	Principal facade(s) 8%	All other facade(s) 2%
Number of building signs permitted per lot	2/building face	1/tenant plus 1 additional per building face (a)	

(Editor's note: "TABLE 2.12 (CONTINUED) SPECIAL PROVISION FOR ZONES WITHIN 800 FEET OF I-295" repealed by Ord. No. 15-00, 6-7-00, retroactive to 6/01/00)

TABLE 2.13 MULTI-TENANT LOTS — B-1, B-2, AB, B-4, IB, AND IS-FBC UT or UA ZONES

Freestanding Signs (a)

	B-1, B-2, AB, B-4, IB, IS-FBC UT/UA Zones		
	Land Area		
	< 1 acre	1—2.5 acres	> 2.5 acres
Area	Same as single	100	140
Height	Tenant	Same as for single tenant lots in applicable zones	
Number permitted per lot (b)	lots	1	1

(a) Freestanding signs shall be for purposes of joint identification. Individual tenants shall not be permitted their own freestanding sign. Such sign may identify name

of center and may also include names of individual tenants.

(b) Lots fronting on two (2) or more streets are allowed an additional freestanding sign of one-half the area of the first for each frontage which includes a vehicular entry point, provided signs are not readily concurrently visible. Such signage cannot be accumulated and used on one (1) street in excess of that allowed for lots with only one (1) street frontage.

Building Signs

a. *Joint identification sign* (a):

	B-1, IB	*B-2, AB, B-4, I, IS-FBC UT/UA*
Maximum area	na	250 sq. ft. I
Number permitted per lot (b)	not allowed	1 (b)

(a) Sign identifying name of building or shopping center only. Unused sign area cannot be applied to area allowances for other freestanding or individual tenant signs. Where name of shopping center is the same as or incorporates name of one (1) or more of the businesses located within the center, such business(es) shall elect between a joint identification sign and an individual business sign and shall not be allowed both.

(b) See (a) above.

(c) Allowed only on shopping centers featuring four (4) or more tenants and occupying a land area in excess of two and one-half (2.5) acres.

TABLE 2.13, CONTINUED

b. *Individual business signs*:

Alternative 1

	B-1, B-2, AB, B-4, IB, IS-FBC UT/UA Zones	
	Tenant's Frontage < 150 linear ft.	*Tenant's Frontage 150 linear ft.*
Maximum area	150 sq. ft.	Na
Square feet per linear feet of building front	1.5 sq. ft.	na
Maximum percent of wall area on which sign(s) is(are) to be placed	na	5%
Number permitted per business (a)	1	1

(a) If individual tenant fronts on more than one (1) street, one (1) additional building sign is permitted for each additional frontage, but at one-half the maximum allowable area of the first.

Alternative 2

Note: Alternative 2 is available as an option to proprietors of multi-tenant lots needing greater flexibility in allocating signs to tenants. This option requires the submission of a signage plan as described in section 14-368(d) as evidence that all building signs on the subject lot comply with the provisions of this division, including the size and number limits of this table. All nonconforming building signs must be brought into compliance to be eligible for the Alternative 2 option.

Maximum permitted sign area	na

Maximum percent of wall area on which signs are to be placed	Principal facade(s) 5%	All other facade(s) 2%
Number of building signs permitted per lot	1 per tenant plus 1 additional per building face	

TABLE 2.14 GAS STATIONS — ALL ZONES WHERE PERMITTED

Freestanding Signs

	B-1, IB	*B-4*	*All Other Zones*
Area	32 sq. ft./10 sq. ft./20 sq. ft. (a)	60 sq. ft./20 sq. ft./30 sq. ft. (a)	40 sq. ft./15 sq. ft./24 sq. ft. (a)
Height	16 feet	35 feet	18 feet
Setback	5 feet	5 feet	5 feet
Number permitted per lot	1/major principal and auxiliary use + 1 price sign (a)(b)	Same	Same

(a) Area limits are broken down according to sign types, as follows: Sign area for principal use/sign areas for additional major auxiliary use(s) on site (for example, car wash, repair garage, convenience store)/sign area for gas prices. In the B-1 and IB zones, for example, the maximum permitted sign area for the principal use is twenty-five (25) square feet. The maximum permitted sign area for each auxiliary use is ten (10) square feet and the maximum permitted area for the gas price sign is

twenty (20) square feet.

(b) All signs shall be mounted on the same base.

Building/Canopy Signs

	All Zones
Maximum permitted area	30 sq. ft. for principal building sign/10 sq. ft. for each additional major activity/20 sq. ft. for canopy sign
Square feet per linear foot of building facade on which sign will be placed	Na
Maximum vertical dimension	2 feet
Number permitted per lot	1 building sign for each major activity/2 canopy signs (a)

(a) Maximum two (2) signs allowed on large canopy; one (1) each on opposite facing planes.

Miscellaneous Signs

Signs placed on individual pumps shall be considered incidental signs and shall not be calculated in total allowable sign area. Incidental signs shall not be limited in number. However, no individual sign shall exceed one (1) square foot.
(Ord. No. 252-94, § 2, 4-4-94; Ord. No. 164-97, § 10, 1-6-97; Ord. No. 37-06/07, 9-6-06; Ord. No. 192-15/16, 4-4-2016)

Sec. 14-369.6. Signs prohibited under this division.

All signs not expressly permitted under this division or exempt from regulation hereunder in accordance with section 14-371 are prohibited.
(Ord. No. 252-94, § 2, 4-4-94)

Sec. 14-370. Portable/temporary signs.

(a) *On private property.* Portable and temporary signs shall meet, in addition to the other requirements of this division, the following requirements:

1. *Number of signs.* There shall be no more than one (1) portable or one (1) temporary sign on any lot.

2. *Term.* A portable or temporary sign permit shall allow the use of a portable or temporary sign for a specified thirty-day period.

3. *Number of permits.* No more than two (2) portable or temporary sign permits shall be issued to each business on the same lot in any calendar year. In no event shall any lot have a portable or temporary sign for more than sixty (60) days in one (1) calendar year.

4. *Other conditions.* A portable or a temporary sign shall be allowed only in those districts indicated on Table 1 of section 14-369.5.

5. *Permit sticker.* Each portable sign and each temporary sign shall display a permit sticker issued by the building authority. The sticker shall contain the expiration date of the permit.

(b) *Additional requirements for freestanding portable or temporary signs.* In addition to the requirements of subsection (a) of this section, freestanding portable or temporary signs on private property shall meet the following requirements:

1. No portable or temporary sign shall interfere with the sight distance of traffic passing the site. The determination of sight distance shall be made by the traffic engineer.

2. Portable and temporary signs shall be set back a minimum of five (5) feet from the side line of the city right-of-way and a minimum of five (5) feet from any property line.

3. No portable or temporary sign shall exceed four (4) feet by eight (8) feet in size.

(c) *Portable signs in the city right-of-way.* Portable signs

to be located in the city right-of-way shall receive a license from the building authority and shall be subject to the regulations promulgated by the building authority.

(d) *Calculations.* Portable and temporary signs shall not be included in calculations for other types of signage permitted by this division.

(Ord. No. 252-94, § 2, 4-4-94)

Sec. 14-370.7. Special sign types.

(a) *Window signs.* Window signs shall be permitted without a permit and shall not be included when calculating cumulative sign area. In no event, however, shall window signs cover more than fifty (50) percent of the area of any window.

(b) *Real estate/construction/for sale or lease signs.* Such signs shall be permitted without a permit, provided that in residential zones there shall be no more than one (1) such sign for each residential unit offered for sale or lease and such sign shall not exceed fifteen (15) square feet in area. In commercial and industrial zones, there shall be no more than one (1) such sign per unit offered for sale or lease for each street frontage of the property and the area of such signs shall not exceed sixty-four (64) square feet in the aggregate for each frontage.

(c) *Works of art containing signage.* Decorative murals, outdoor paintings, sculpture or other bona fide works of art that contain any commercial message, trademark or symbol are permitted in all zones except residential zones, provided that such commercial message, trademark or symbol does not comprise more than ten (10) percent of the total area of the artwork. Works of art containing a commercial message, trademark or symbol shall be permitted in residential zones only where such signage is ornamental in nature and does not serve any type of advertising function for the site upon which it is located or for any other site owned or controlled by the residential property owner or tenant.

(d) *Building marker.* Building markers shall be permitted without a permit.

(e) *Seasonal sales/special activities signs.* Signs associated with special events or activities that are licensed or authorized by the city council or its designee, such as seasonal sales or markets, special events, fairs and festivals, shall be permitted subject to applicable conditions or limitations that are imposed as

part of the licensing or authorization process.

(f) *Directory signs.* Except where prohibited by section 14-369.5, directory signs, freestanding or attached to buildings, shall be allowed without a permit and shall not be included when calculating cumulative sign area, provided that the sign area for each tenant does not exceed one and one-half (1.5) square feet.
(Ord. No. 252-94, § 2, 4-4-94)

Sec. 14-371. Exemptions.

The following signs shall be exempt from regulation under this division and shall not be included when calculating cumulative sign area:

(a) Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance;

(b) Any sign inside a building that is not attached to a window or door;

(c) Works of art that do not include a commercial message;

(d) Holiday lights and decorations with no commercial message;

(e) Traffic control signs on private property, such as stop, yield and similar signs, the face of which meets department of transportation standards and which contains no commercial message of any sort;

(f) Public signs erected by or on behalf of a governmental body to post legal notices, convey public information, and direct or regulate pedestrian or vehicular traffic, including parking regulatory signs; bus stop signs erected by a public transit company; informational signs of a public utility regarding its poles, lines, pipes or facilities;

(g) Political signs, subject to the provisions of 23 M.R.S.A. § 1913;

(h) Signs inside office park developments with a single tenant, where such signs are not visible from any public street or public open space;

(i) Landmark signs; and

(j) Security signs, except that no commercial message of any kind shall be allowed on a sign if such message is legible from any location off the lot on which the sign is located.

(k) Bus shelter signs, as defined in section 14-367, subject to the provisions of Section 1 of the Technical Manual concerning the placement and permitted dimensions of bus shelter signs.

(Ord. No. 252-94, § 2, 4-4-94; Ord. No. 91-11/12, 5-21-12)

Sec. 14-372. Nonconforming signs.

(a) All signs lawfully existing on April 4, 1994, that do not conform to the terms of this division may be continued, subject to subsection (b) of this section.

(b) Notwithstanding subsection (a) of this section, lawfully nonconforming signs shall be made to conform or shall be removed if any of the following occurs, unless such improvements are required to achieve compliance with applicable federal, state or local regulations, other than the provisions of this division, and such improvements do not require replacement of the nonconforming sign:

1. Level III site plan review is sought for any new structures or building additions on the site, except as provided in subsection (5).

2. A building permit is sought for a rehabilitation of a building where the value of the rehabilitation exceeds fifty (50) percent of the assessed value of the building, or one hundred thousand dollars ($100,00.00), whichever is less, provided that where rehabilitation is of a multi-tenant building, only the tenant or tenants whose building or area is being rehabilitated shall be required to come into conformance with this division.

3. An application is filed for a new sign permit, except as provided in subsection (5), in accordance with the following:

   a. When an application is filed for a new building sign, all building signs on the lot shall be required to come into compliance with all requirements of this division for building signs.

b. When an application is filed for a new freestanding sign, all freestanding signs on the lot shall be required to come into compliance with all requirements of this division for freestanding signs.

4. A sign is modified in any way, except for routine maintenance or repair of sudden and accidental damage, or for a change in the message panel only, unless otherwise required to conform under this section. Repair of sudden and accidental damage shall not include replacement of the entire sign, which shall be treated as a modification under this subsection. Letters on nonconforming signs designed for changeable messages may be changed without triggering the terms of this subsection as long as no other change is made to the sign. Replacement of an awning covering with substantially the same material and text shall also not be considered a modification.

5. In the case of nonconforming freestanding joint identification signs for multi-tenant properties, signs may be added or modified to reflect a change in individual tenants without triggering the terms of this subsection, provided that the degree of nonconformity is not increased. In the case of building signs on multi-tenant properties, this subsection shall apply only to the individual business tenant that is adding or modifying a sign or seeking level III site plan review and shall not trigger the conformance requirement for other tenants' building signs, unless the building owner(s) elects to proceed under alternative 2 of Table 2.13- of section 14-369.5. In that case, all building signs on the subject lot shall be made to conform to the provisions of this division or shall be removed.

6. In no event shall the degree of nonconformity of any sign or type of signage on any lot be increased.

(Ord. No. 252-94, § 2, 4-4-94; Ord. No. 278-09/10, 7-19-10)

Sec. 14-372.5. Violations and enforcement.

Failure to perform any act required by this division or by any permit issued hereunder or performance of any act prohibited by this division shall constitute a violation and shall be subject to penalties as set forth in 30-A M.R.S.A. § 4452. Each day on which a violation exists shall constitute a separate violation for purposes

of this section. The building authority shall be responsible for enforcement of this division.
(Ord. No. 252-94, § 2, 4-4-94)

DIVISION 22.5. ADULT BUSINESS ESTABLISHMENTS*

***Cross reference(s)**—Amusements, Ch. 4.

Sec. 14-373. Findings and purpose.

The council hereby finds that, because of their unique and potentially offensive nature, adult business establishments can have a blighting influence on the surrounding neighborhood if permitted at all in certain zones, or if allowed to concentrate in certain other zones, within the city. Moreover, such establishments are incompatible with uses characterized by family and youth-related activities. The purpose of this division is, therefore, to prevent such deleterious effects and, thus, protect the public health, safety, and general welfare by regulating the location and certain other aspects of adult business establishments.
(Ord. No. 187-81, § 602.16A(1), 9-21-81; Ord. No. 356-82, 1-18-82)

Sec. 14-374. Definitions.

Except as provided herein or in section 14-47, all words used in this division shall have their common meanings unless the context clearly implies otherwise.

Adult business establishment means and includes any retail business, including but not limited to any bookstore, newsstand, novelty store, nightclub, bar, cabaret, amusement arcade, or theater, which:

(a) Keeps for public patronage or permits or allows the operation of any adult amusement device as defined in section 4-16; or

(b) Customarily exhibits motion pictures or displays any other visual representation described or advertised as being “X-rated” or “for adults only,” or which customarily excludes persons from any portion of the premises by reason of immaturity of age by the use of such, or similar, phrases; or

(c) Is adjudged to be in violation of 17 M.R.S.A. §§ 2911, 2912.

Customarily means more often than an average of one (1) calendar week during any calendar month of operation.

Sexually explicit means the display or depiction of sex organs during actual or simulated sexual intercourse or sexual acts as defined in 17-A M.R.S.A. § 251.
(Ord. No. 187-81, § 602.16A(2), 9-21-81; Ord. No. 356-82, 1-18-82)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Sec. 14-375. Adult business establishments permitted; special requirements.

(a) Notwithstanding any other provision of this article, adult business establishments shall be permitted only in the B-2 and B-3 zones, provided that such establishments, but for this division, would otherwise be permitted therein, and subject to the following special requirements:

1. Such establishment shall be at least one thousand (1,000) feet from any other adult business establishment, and at least five hundred (500) feet from any residential zone, as measured in a straight line, without regard to intervening structures or objects;

2. No sexually explicit materials, entertainment, or activity shall be visible from the exterior of the premises.

(b) Except as expressly provided herein, nothing in this division shall be construed to waive or otherwise affect any other provision of this article.
(Ord. No. 187-81, § 602.16A(3), 9-21-81; Ord. No. 356-82, 1-18-82; Ord. No. 54-85, 6-17-85; Ord. No. 164-97, § 11, 1-6-97)

Sec. 14-376. – Sec. 14-380. Reserved.

DIVISION 23. NONCONFORMING USE AND NONCONFORMING BUILDINGS

Sec. 14-381. Continuation.

Any building, structure, lots, or use, that were legally existing at the time of its creation and made nonconforming by the provisions of this ordinance or any amendment thereto may be continued although such use does not conform with the provisions of this ordinance.
(Code 1968, § 602.17.A; Order No. 222-17/18, 6-4-2018)

Sec. 14-382. Increase in nonconforming use of structure or alterations to nonconforming structures limited.

(a) A lawful nonconforming non-residential structure may be maintained, repaired, or reconstructed in kind within a one (1) year period or within a two (2) year period for a lawful nonconforming residential structure, but no alterations, modifications or additions shall be made to it, except as provided in this division, and as permitted in 14-436, Building extensions.

(b) A building whose use is wholly nonconforming shall not be altered so as to increase the cubical content or the degree of nonconformity.

(c) No alterations, modifications or additions shall be made so as to increase the cubical content or the degree of nonconforming use, nor shall a nonconforming use be extended to any other part of such building, unless such part was clearly arranged and designed for such nonconforming use prior to June 5, 1957, or such extension of a nonconforming use is solely for the purpose of bringing the use into compliance with health or safety codes, or to correct a condition that may not technically be in violation but which is determined by the board of appeals to constitute a health or safety problem. In either case, the expansion shall be limited to the minimum necessary to accomplish that purpose.

(d) Alteration, modification or addition may be made to a building which is lawfully nonconforming as to space and bulk or any dimensional requirement where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building, and would not create any new nonconformity nor increase any existing nonconformity, except as provided in this Division, and as permitted under 14-436, Building extensions. This subsection shall not apply to buildings located within shoreland zones and existing on June 15, 1992, which are nonconforming only as to setbacks from wetlands, tributary streams or other water bodies, which shall be regulated in accordance with subsection (f) of this section.

(e) Except as expressly provided herein, any alteration, modification or addition permitted under this section shall be in compliance with all other applicable sections of this chapter. Nothing within this section shall be construed to permit an increase in the number of nonconforming units in a building which is nonconforming as to the number of dwelling units or will become nonconforming as a result of such alteration, modification or

addition.

(f) *Expansions.* A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with the sections below.

1. After January 1, 1989, if any portion of a structure is less than the required setback from the normal high water line of a water body or tributary stream or the upland edge of a wetland that portion of the structure shall not be expanded, as measured in floor area or volume, by thirty (30%) percent or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of section 14-382, and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by thirty (30%) percent in floor area and volume since that date.

2. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by building authority, basing its decision the criteria specified in subsection (3) below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with section (f) above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

3. A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located, provided that the site of the relocation conforms to all setback requirements to the greatest practical extent as determined by the building authority, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of state law, the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system

can be installed in compliance with state law, such rules, and all applicable sections of this Code. In no event shall a structure be relocated in a manner that causes the structure to be more nonconforming. In determining whether the building relocation meets the setback requirements to the greatest practical extent, the building authority shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of septic system and other on-site soils suitable for septic systems, the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback are in order to relocate a structure, the building authority shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than fifty (50%) percent of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

   Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

4. Buildings in existence on January 1, 1989, and located in shoreland zones may be expanded once during the lifetime of the structure up to twenty-five (25) feet toward a

freshwater wetland or tributary stream, provided that a minimum setback of forty (40) feet is maintained and that the existing floor area or volume is not increased by more than thirty (30%) percent, and shall not create any undue environmental impact or flood prone condition.

(Code 1968, § 602.17.B; Ord. No. 271-89, 2-22-89; Ord. No. 96-89, § 2, 9-18-89; Ord. No. 15-92, § 26, 6-15-92; Ord. No. 284-99, §1, 5-17-99, enacted as an emergency; Ord. No. 296-08/09, 6-15-09; Ord. No. 139-12/13, 2-4-13; Order No. 222-17/18, 6-4-2018)

Sec. 14-383. Extension of nonconforming use of land prohibited.

A lawful nonconforming use existing on premises outside of a building shall not be extended to or allowed to occupy any part or parts of such premises outside of the building.

(Code 1968, § 602.17.C; Ord. No. 354-85, § 3, 1-7-85)

Sec. 14-384. Change of nonconforming use.

A lawful nonconforming use in a structure designed for a use permitted in the zone in which it is located shall not be changed to any use other than a use permitted in the zone in which the structure is located. When a nonconforming use in such a structure has been changed to a permitted use, it shall not thereafter be changed back to any non-permitted use. For purposes of this section, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and a permitted use shall have commenced and continued for a period of seven (7) days. Any change of use in violation of this division shall be deemed to be an abandonment of the lawfully existing nonconforming use. A lawful nonconforming use in a structure not designed for a use permitted in the zone in which it is located shall not be changed to any use other than a use permitted in the zone in which the use is located or to any use other than a nonconforming use of a more restricted zone, as set forth in the following schedule, provided that in no such case shall any structural alterations be made in any building except those required by law, ordinance or other regulations:

(a) In a business zone, from any use permitted in an industrial zone to any use permitted in a business zone.

(b) In a B-1 zone, from any use permitted in a B-3 zone to any use permitted in a B-2 zone.

(c) In a residence zone, from any use permitted in a B-2 zone to any use permitted in a B-1 zone.

(d) In a residence zone, from any use permitted in any other residence zone to any use permitted in a more restricted residence zone. For the purpose of this subsection, an R-6 zone shall be deemed the least restricted and an R-2 zone shall be deemed the most restricted, with the intervening zones restricted in order of zone number.

(Code 1968, § 602.17.D; Ord. No. 499-74, § 8, 8-19-74)

Sec. 14-385. Restoration or reconstruction within an existing footprint of damaged nonconforming structure.

A nonconforming structure damaged by fire, explosion, flood, riot, act of the public enemy, accident of any kind, decay or otherwise may be restored or rebuilt only where:

(a) The restoration or reconstruction is of a building which is nonconforming only as to land area, setbacks or any other dimensional requirements; and

(b) Where the restoration or reconstruction will occur entirely within the existing footprint and previous shell of the building and will not create a new nonconformity; and

(c) Restoration or reconstruction occurs within one (1) year for a nonconforming non-residential structure, or two (2) years for a nonconforming residential structure, of the initial damage where such damage is sudden and accidental. Note that for buildings in SHoreland zones, stte regulations may also govern and provide for a shorter period for restoration or reconstruction of non-conforming structures; and

(d) Restoration or reconstruction necessitated by decay must be completed within one (1) year of the demolition of the building or the commencement of the restoration or reconstruction, whichever occurs first; and

(e) Any reconstruction, under this provision, in the residential R-6 zone on a lot with 10,000 square feet or less, other than the exact restoration of a previously existing building on the site, shall comply with the applicable standards contained within the Planning and Development Design Manual; and

(f) A nonconforming building located in the R-6 which is

destroyed by fire, explosion, flood, riot, act of the enemy, or accident may be rebuilt under the small residential lot development provisions of the R-6 zone as if the lot were vacant as of January 1, 2005 and such reconstruction shall meet the setback requirements contained therein to the extent practicable; otherwise the building shall be reconstructed within the footprint of the previously existing building such that any nonconformity will not be enlarged.

For the purpose of this section, the footprint of a building is the perimeter of the foundation supporting a structure.
(Code 1968, § 602.17.E; Ord. No. 89-88, 7-19-88; Ord. No. 284-99, §2, 5-17-99, enacted as an emergency; Ord. No.254-05/06, 6-5-06; Ord. No. 61-07/08, 10-1-07; Ord. No. 240-09/10, 6-21-10; Ord. No. 139-12/13, 2-4-13)

***Editor's note—**Ord. No. 89-88, adopted July 19, 1988, amended this section to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 89-88.

Sec. 14-386. Discontinuance of use of land for ninety days.

A nonconforming use of land where no buildings or only incidental or accessory buildings are employed together with such use shall not be changed to any other nonconforming use, and if such use is discontinued for a period of ninety (90) days, it shall not be reestablished.
(Code 1968, § 602.17.G)

Sec. 14-387. Discontinuance of use of property.

If a legally nonconforming non-residential use is discontinued for a period of twelve (12) months or if a legally nonconforming residential use is discontinued for a period of twenty-four (24) months, such discontinuance shall constitute an abandonment of the use and the property shall not thereafter be occupied or used except in conformity with the provisions of this article. In cases of foreclosure or similar situations involving a legally nonconforming residential structure, the Planning Authority shall be authorized to extend the aforementioned period up to an additional five (5) years provided that the extension is for good cause and the minimum length considered necessary to resume the legally nonconforming use of the structure. A nonconforming use of land which is incidental or accessory to such nonconforming structure shall be considered as being discontinued at the same time as the nonconforming use of the structure. Note that for buildings in SHoreland zones, state regulations may also govern and

provide for a shorter period of time for nonconforming properties.
(Code 1968, § 602.17.F; Ord. No. 499-74, § 9, 8-19-74; Ord. No. 139-12/13, 2-4-13)

Sec. 14-388. Reserved.

***Editor's Note**—Per Council Order 125-09/10 passed on January 4, 2010 Section 14-388 (Nonconformity as to the area of dwelling) was repealed in its entirety.

Sec. 14-389. Nonconformity as to off-street parking.

A building or structure which is nonconforming as to the requirements for off-street parking shall not be enlarged or altered to create additional dwelling units, or seats as in the case of places of public assembly, or floor area as in the case of industrial, business, manufacturing, institutional or recreational buildings, or accommodations as in the case of hotels, tourist homes and tourist courts, unless required off-street parking is provided for such addition or enlargement.
(Code 1968, § 602.17.I)

Sec. 14-390. Nonconformity as to off-street loading.

A building which is nonconforming as to the requirements for off-street loading shall not be enlarged or added to, unless off-street loading is provided sufficient to satisfy the requirements of this article for both the addition or enlargement and the original building or structure.
(Code 1968, § 602.17.J)

Sec. 14-391. Nonconformity as to number of dwelling units.

(a) Purpose. The purpose of this provision is to establish a process whereby certain dwellings which contain more dwelling units than the number permitted by the applicable provisions of the Land Use Code may be recognized as legal, nonconforming uses. This provision shall not apply to rooming units.

(b) Approval by Zoning Administrator.

1. Application. Application for validation of such non-conforming dwelling units shall be on a form provided by the Division of Housing and Neighborhood Services, Inspection Services Office. The application fee will be $300.00 for each dwelling unit which is the subject of the application, and will be accompanied by: (i) a

plan, drawn to scale, which shows the location of the building(s) on the lot, parking, easements, dumpsters, fencing, public ways and any other significant feature and (ii) a floor plan for each unit in the dwelling, whether or not it is the subject of the application.

(c) Eligibility. In order for a nonconforming dwelling unit to be validated by administrative action of the Zoning Administrator as authorized herein, the Zoning Administrator must find, based on competent evidence, supported by public records, that:

1. The nonconforming dwelling units were either in existence April 1, 1995, or the structure in which they are located was originally designed to accommodate more than the number of such units presently in use.

2. The applicant neither constructed nor established the non-conforming dwelling units.

3. The nonconforming dwelling units comply with or can be made to comply with current standards of the National Fire Protection Association Life Safety Code (§16-1)and the National Fire Protection Association 1: Fire Prevention Code (§10-16), as amended.

4. Each of the nonconforming dwelling units complies with provisions of the City's Housing Code or can be made to conform with, as amended, including, but not limited to, the requirements of §6-110, Minimum Standards for Space and Occupancy and §6-111, Minimum Plumbing Standards, and §6-112 Minimum Ventilation Standards.

5. The structure containing the nonconforming dwelling units is located in the R-3, R-4, R-5, R-6 or R-7 Zones; or the B-1, B-1(b), B-2, B-2(b) or B-3 Zones.

6. In the absence of legally competent evidence, supported by records, (such as, but not limited to, Assessor's records, purchase and sale agreements, affidavits, deeds, mortgages, as well as reliable secondary sources, such as the Portland Director), that the conditions of subsections c(1), C(2), c(3), c(4), or c(5) can be met, the Zoning Administrator may not approve the application, but shall advise the

applicant that the matter may be appealed to the Board of Appeals.

(d) Notice to Abutters. Upon receipt of a completed application, the Zoning Administrator will provide both the owners of abutting properties as well as the owners of property situated within 300 feet of the structure of the essential information contained in the application, along with a notice that they may object to the Zoning Administrator's acting on the application and require the applicant to appeal to the Board of Appeals. The notice shall be in conspicuous type and advise the abutters and owners of property within 300 feet that any objection must be submitted in writing to the Zoning Administrator within ten (10) days of the date of the notice sent to them.

The failure of any property owner to receive the notice described above shall not invalidate any action by the Zoning Administrator. The Zoning Administrator shall promptly notify the applicant of receipt of the objection, that the Zoning Administrator is without authority to proceed and advise the applicant that, within 30 days from receipt of the letter, an application may be filed to have the matter reviewed by the Board of Appeals as a conditional use.

(e) Approval of Application.

1. The Zoning Administrator may approve the application, provided: (i) the evidence presented satisfies all of the requirements of this section; (ii) the Office of Inspection Services and Fire Prevention Bureau have certified that the nonconforming units conform with or can be made to conform with the applicable codes; and (iii) no abutter nor person entitled to notice has requested that the application be referred to the Board of Appeals, instead of the Zoning Administrator.

2. Upon approval of the application and receipt of an additional fee in the amount of $75.00 for each nonconforming dwelling unit which has been recognized as a lawful, nonconforming use, the Zoning Administrator will issue a certificate of occupancy.

(f) Disapproval of Application. In the event the application is not approved by the Zoning Administrator or in the event of a timely objection filed by a person qualified herein to

file such an objection, the applicant, within (30) days from the decision of the Zoning Administrator or objection, may appeal the matter to the Board of Appeals as a conditional use.

(g) Action by Board of Appeals. The Board of Appeals shall treat applications filed under this section as an application for a conditional use (§14-474) applying the standards applicable to conditional uses as well as the requirements of this section.

(h) Dimensional and Parking Requirements. In marking decisions under this section neither the Zoning Administrator nor the Board of Appeals shall apply the dimensional or parking requirements which would otherwise apply in the zones where the nonconforming dwelling units are situated.

(i) Exclusions.

1. The provisions of this section shall not apply to rooming units (§14-47), but shall apply to efficiency apartments (§6-110(b)).

2. The Board of Appeals is without jurisdiction to grant any relief (including, but not limited to, variances) which would recognize the particular dwelling units which are the subject of this section as legal, nonconforming uses, except in strict compliance with each requirement of this section.

(j) Prior Judicial and Administrative Action. Decisions of any court or administrative body, including but not limited to, the Zoning Administrator, the Planning Board or the Board of Appeals made prior to the effective date of this section and which addressed the number of nonconforming dwelling units in a particular structure, will not bar relief under this section.

(Ord. No. 153-03/04, 02/23/04)

***Editor's note—**Section 4 of Ord. No. 354-85, adopted Jan. 7, 1985, repealed the pre-2004 version of § 14-391, relative to the Board of Appeals permitting temporary nonconforming uses, which derived from Code 1968, § 602.17.K.

Sec. 14-392. – Sec. 14-400. Reserved.

DIVISION 24. USE REGULATIONS AND EXCEPTIONS

Sec. 14-401. Generally.

The requirements of this article shall be subject to the use regulations and exceptions of this division.
(Code 1968, § 602.18)

Sec. 14-402. Relationship of buildings to lots.

Every building hereafter erected shall be located on a lot as defined in section 14-47.
(Code 1968, § 602.18.A)

Sec. 14-403. Street access.

(a) *In general.* No building intended for use as a habitation shall be erected on a lot which has its only street frontage on a street less than thirty-five (35) feet wide. No building shall be erected on a lot, except on the islands in Casco Bay, which does not abut a street meeting the minimum requirements for street improvements set forth in this section. For purposes of this section, street shall be as defined in section 14-47, except that a dedicated street which may no longer be accepted due to lapse of time and an accepted street which may have been discontinued by abandonment shall also be deemed to be streets, provided that an applicant for a building permit respecting any lot abutting such street shall, without compensation or claim for damages, and at his own cost and expense, first submit to the building authority (a) a deed from the owner of such lot conveying to the city all his right, title and interest in and to such street or any portion thereof; and (b) an agreement by such owner forever releasing the city from any and all claims for damages for the laying out and taking of such street and indemnifying the city against any and all other such claims, both such instruments to be executed and in recordable form acceptable to the corporation counsel and to encumber and run with the land.

(b) *Minimum requirements for street improvements on unimproved and improved but unpaved streets.* For a lot abutting any portion of a street which is unimproved or improved but not permanently paved, that portion which abuts the lot, and any like portion between such portion and the nearest permanently paved street or portion which is the principal access to such lot, shall be improved, including sewers, storm drains, pavements, curbs and, if located on a designated school walking route, sidewalks, in accordance with the minimum technical standards promulgated by the

public works authority pursuant to section 14-498(a) of article IV of this chapter. Where the nearest permanently paved street does not have granite curbing, the public works authority may waive the requirement of curbing under this section, if it determines that an acceptable alternative drainage plan will be provided. Prior to the issuance of a building permit for erection of a building on a lot abutting any portion of a street which is unimproved or improved but not permanently paved, the following shall occur: (1) A plan of the street improvements required by this section shall be submitted to the public works authority; and (2) upon determination by the public works authority that the plan meets the street improvement requirements established by this subsection, a performance guarantee and inspection fee for said improvements shall be submitted to the city as set forth in section 14-501. Also as set forth in section 14-501, a one-year defect bond shall be tendered to the city prior to release of the performance guarantee required hereby. The provisions of this subsection (b) shall not apply to the erection of any single-family dwelling on any lot where the owner of the lot establishes that he or she was the owner of that same lot on November 19, 1984, and at all times thereafter, and states his or her intention under oath to make the structure his or her personal residence.

I *Exceptions.* The requirements of this section shall not apply to the following city streets upon their construction by the public works authority to such standards as are determined by the authority to be the most feasible:

1. Dingley Court;

2. Morgan Court.

(Code 1968, § 602.18.B; Ord. No. 193-84, § 1, 11-19-84; Ord. No. 178-87, 11-2-87; Ord. No. 372-89, 3-20-89; Ord. No. 273-90, 3-19-90)

Sec. 14-404. Accessory use.

The term “accessory use” shall include only the following:

(a) A subordinate use of land or building which is customarily incidental to the main building or to the principal use of the land and which is located on the same lot with the principal building or use. No “garage sale,” “lawn sale,” “attic sale,” “rummage sale,” or other similar casual sale of tangible personal property which is advertised by any means whatsoever whereby the public at large is or can be made aware of such sale, shall be deemed to be “customarily incidental” if such

sale occurs after sales have been conducted on the same premises for six (6) or more days previously during the calendar year.

Except where the principal use consists of the sale of alcoholic beverages for consumption on premises or where the principal structure is an airline terminal, pinball machines or amusement devices shall not be considered to be accessory uses whenever there are more than a total of two (2) such machines or devices on the premises.

(b) Off-street parking when serving conforming uses located in any zone.

(c) Home occupations as defined in section 14-47 and section 14-410.

(d) Signs as defined in division 22 of this article.

(e) The letting of rooms within an existing dwelling unit in any residential zone, provided that:

1. There shall be no more than two (2) persons occupying such room or rooms;

2. There shall be not more than two (2) rooms per dwelling unit occupied for such use; and

3. There shall be no increase in the bathroom and/or kitchen facilities in the dwelling, and no such facility shall have been constructed in the immediately preceding two (2) years.

(Code 1968, § 602.18.C; Ord. No. 574-81, 4-6-81; Ord. No. 66-87, § 1, 11-2-87; Ord. No. 240-09/10, 6-21-10)

Sec. 14-405. Business entrances.

In any business zone which abuts a residence zone in such a manner that the dividing line between the zones is one hundred (100) feet or less from the main business street of such business zone, no building of nonconforming use in such residence zone shall be built and no such existing building shall be altered so as to have its front or any entrance door or any part thereof used for a nonconforming use in such residence zone facing upon any other street than the main business street unless such entrance is at a distance greater than sixty (60) feet from the nearest residence zone.

(Code 1968, § 602.18.D)

Sec. 14-406. Garages.

No building in any zone shall be erected, altered or used as a garage for the storage of more than three (3) motor vehicles or for the business of repairing motor vehicles, if any part of either old or new building when completed would be closer than five (5) 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 fifteen (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 (3) 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.
(Code 1968, § 602.18.E)

Sec. 14-407. Temporary stands.

(a) No premises shall be used for business purposes consisting of temporary stands, booths, platforms or vehicles intended for the sale of merchandise or other mercantile purposes, if any part of such stand, booth, platform or vehicle is proposed to be located nearer than one hundred twenty-five (125) feet to any residence zone, except that stands for the sale of agricultural products shall be permitted as specified in division 2 of this article.

(b) A single produce stand shall be permitted on the premises of a community garden for the sale of flowers, vegetables, herbs or fruit produced on the premises; provided that the stand is no more than one hundred (100) square feet in floor area or open table area and is located a minimum of five feet from any property line; and that sales are limited to two days per week between the hours of 9:00 a.m. and 6:30 p.m. during the growing season from May 25 through October 31 and that the stand has received all necessary permits. The use of produce stands shall be seasonal and temporary. Any properly permitted structure may remain on the premises year round. If the community garden is owned or operated by a non-profit organization, sales of flowers, vegetables, herbs or fruit produced in other gardens or farms in Maine owned or operated by said organization shall be permitted within the same limitations listed above. For purposes of this section, community garden means a parcel of open land used for the cultivation of flowers, vegetables, herbs, or fruit by a group of city residents either jointly as a single plot or through individual garden plots

or beds.

(c) A single produce stand shall be permitted on the premises of a non-profit organization with the permission of the owner and and on the premise of public schools with the permission of the school department; provided that the stand is for the sale of local fruit, vegetables, flowers, seedlings and plants produced by the seller; that the stand is no more than one hundred (100) square feet in floor area or open table area and is located a minimum of five feet from any property line; that sales on the premises are limited to two days per week between the hours of 9:00 a.m. and 6:30 p.m. during the growing season from May 25 through October 31; and that the stand has received all necessary permits. The use of produce stands shall be seasonal and temporary. Any properly permitted structure may remain on the premises year round.

(d) For purposes of this Section, non-profit organization shall mean a non-profit organization incorporated pursuant to the laws of the State of Maine.

(Code 1968, § 602.18.F; Ord. No. 75-10/11, 11-15-10;Ord. No. 59-12/13, 9-19-12)

Sec. 14-408. Exceptions to performance standards.

The operation on public streets, airports and railroad rights-of-way of motor vehicles and other vehicles for the transportation of goods or persons shall be excepted from the limitations of the sections entitled “external effects.”

(Code 1968, § 602.18.G)

Sec. 14-409. Heliports.

Heliports shall meet the following minimum specifications, subject to regulations of the Civil Aeronautics Administration when such regulations are greater:

(a) *Roof heliport:*

1. Take-off area: Two hundred (200) feet by two hundred fifty (250) feet minimum.

2. Parking area: Thirty (30) feet by ninety (90) feet minimum.

(b) *Ground heliport:*

1. Take-off area: Three hundred (300) feet by seven hundred (700) feet minimum.

2. Parking area and station building shall be located out of flight area.

(c) *Maximum elevation of operational area above street:* One hundred (100) feet.

(d) *Minimum clearance from lateral obstruction*: One hundred (100) feet.

(e) *Minimum width of approach and departure path*: Five hundred (500) feet at landing area, tapering outward fifteen (15) degrees on each side to a width of one thousand (1,000) feet.

(f) *Slope:* With emergency landing areas: One (1) to eight (8): Without emergency landing areas: One (1) to twenty (20).

(g) *Curved approach:* Minimum radius to turn, six hundred fifty (650) feet.

(h) *Approach zone transition area:* Slope, one (1) in two (2).
(Code 1968, § 602.18.H)

Sec. 14-410. Home occupation.

Purpose. The purpose of home occupations is to allow the secondary and incidental use of a residence for the conduct of appropriate occupations whose external activity levels and impacts are so limited as to be compatible with the residential character of the neighborhood.

(a) In connection with the operation of a home occupation, within a dwelling unit, the following requirements shall be met:

1. A home occupation shall not occupy more than five hundred (500) square feet of floor area or more than twenty-five (25) percent of the total floor area of such a dwelling unit, whichever is less, or in the case of licensed family day care homes, or home babysitting services, to accommodate not more than six (6) children plus two (2) children after school and having no nonresidential employees;

2. There shall be no outside storage of goods and materials nor shall there be exterior displays, or

display of goods visible from the outside;

3. Storage of materials related to the home occupation shall count as a part of the occupancy limitations in subsection (a)1 above, but shall not constitute a dominant part of such occupancy provided, however, storage of such materials or products in garages or other accessory structures is prohibited;

4. Exterior signs shall be limited to one (1) nonilluminated sign not exceeding a total area of two (2) square feet, affixed to the building and not projecting more than one (1) foot beyond the building;

5. Any exterior alterations to the residence shall be compatible with the architecture of the building and maintain the residential appearance by virtue of exterior materials, lighting, and signs;

6. *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article;

7. The home occupation shall not produce offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects;

8. There shall be no more than one (1) nonresident employed in the home occupation, provided, however, family day care or home babysitting services shall have no nonresident employees;

9. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood;

10. No motor vehicle exceeding a gross vehicle weight of six thousand (6,000) pounds shall be stored on the property in connection with the home occupation.

(b) No residence shall be occupied, altered or used for any home occupation except the following:

1. Accountants and auditors;

2. Answering services (telephone);

3. Architects;

4. Artists and sculptors;

5. Authors and composers;

6. Computer programming;

7. Custodial services;

8. Custom furniture repair and upholstering;

9. Dentists, doctors, therapists, and health care practitioners;

10. Direct mail services;

11. Dressmakers, seamstresses and tailors;

12. Engineers;

13. Family planning services;

14. Hairdressers (limited to no more than two (2) hair dryers);

15. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, weaving, ceramics;

16. Interior decorators;

17. Lawyers, justices of the peace and notary publics;

18. Licensed family day care home or babysitting services;

19. Musicians or music teachers, including group instruction not to exceed six (6) students at any time but not including performances or band rehearsals, which shall meet the following requirements in addition to those set forth in subsection (a) of this section:

a. Electronic amplification is prohibited;

b. The applicant shall demonstrate that noise attenuation is provided which minimizes perception of sound at property lines at all times during the use. Noise attenuation measures may include, but are not limited to, insulation, double-pane windows, air conditioners or any combination of these or similar noise attenuation measures;

c. Hours of operation shall be limited to 8:30 a.m. to 9:30 p.m.

20. Office facility of a minister, rabbi, or priest;

21. Photographic studios;

22. Professional counseling and consulting services;

23. Professional research services;

24. Sales persons provided that no retail or wholesale transactions are made on the premises;

25. Small appliance repair;

26. Snow plowing provided that only one (1) snow plow vehicle is stored on or generated from the site;

27. Special tutoring or instruction (not to exceed three (3) pupils at any given time);

28. Stenographic and other clerical services.

29. Small-scale marijuana caregiver, except that no more than one small-scale caregiver may operate out of any one dwelling unit.

(c) A home occupation that is not listed in paragraph (b) of this section but is similar to and no more objectionable than those home occupations listed in that paragraph, shall be permitted as a conditional use subject to the requirements of paragraph (a) of this section and section 14-474 (conditional use) of this article. This provision shall not include veterinarians, kennels, animal raising, funeral homes, retail uses including antique shops,

restaurants, dancing studios, towing services, repair and painting of automobiles as home occupations.

(Code 1968, § 602.18.I; Ord. No. 277-77, 11-7-77; Ord. No. 548-85, § 1, 5-6-85; Ord. No. 76-85, § 1, 7-1-85; Ord. No. 66-87, § 2, 11-2-87; Ord. No. 329-90, 5-7-90; Ord. No. 240-09/10, 6-21-10; 140-18/19, 2-20-2019)

Sec. 14-411. Marijuana Use Regulations.

The following standards apply to the following marijuana-related uses: Marijuana cultivation facilities, Marijuana manufacturing facilities, Marijuana product, Marijuana retail store, Marijuana testing facility, Small-scale marijuana caregiver and Registered dispensaries. Marijuana-related uses shall comply with all other applicable local and state requirements in addition to the standards below.

(a) Location Criteria

1. No marijuana cultivation facility, marijuana manufacturing facility, marijuana testing facility, small-scale marijuana caregiver, marijuana store or registered dispensary may be located within 500 feet of a preexisting public school, private school, or a public preschool program, as defined by 20-A M.R.S.A. §1. Distance shall be measured from nearest property line of the respective marijuana-related use and the property line of the lot containing the public school, private school, or public preschool program.

2. No marijuana cultivation facility, marijuana manufacturing facility, or marijuana testing facility may be located within 300 feet of the following residential zones: R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-6A, or R-7. Distance shall be measured from the nearest outer wall of the building housing the marijuana cultivation, manufacturing, or testing facility to the nearest applicable residential zone boundary. If the marijuana related facility leases a room or suite of rooms within a building, including, without limitation, individual units within a shopping plaza or shopping mall, the nearest outer wall of the room or suite of rooms within which the facility is located shall constitute the nearest outer wall of the building housing that facility.

(b) Supplemental Standards

1. Marijuana-related uses may only be permitted within a fully enclosed building.

2. No outside storage of marijuana, marijuana products, or related supplies is permitted.

3. No drive-through service is permitted for marijuana-related uses.

4. No marijuana or marijuana product shall be smoked, eaten or otherwise consumed or ingested on the premises where sold.

5. An operating plan for marijuana cultivation facilities and marijuana manufacturing facilities shall be provided that at a minimum addresses the following:

   a. wastewater;

   b. disposal of waste; and

   c. security at the premises.

6. A ventilation plan shall be included for marijuana cultivation facilities, marijuana manufacturing facilities, and small-scale marijuana caregivers that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation or processing of marijuana or marijuana related products from being dispersed or released outside the premises. The plan shall further provide for resulting smoke, vapor, fumes, gases and particulate matter from marijuana or its processing or cultivation to be effectively confined to the premises.

7. Marijuana-related uses shall provide odor control measures so that odor generated on site is mitigated at the property line of the lot containing the marijuana-related use. Applications must demonstrate appropriate measures, such as carbon filtration, ventilation and exhaust systems, facility plans or other additional practices adequate to mitigate odors for the scale of operations for the uses proposed.

(Ord. No. 140-18/19, 2-20-2019)

Sec. 14-412. Approvals and required permits.

For purposes of Chapter 14, any approval issued for a marijuana cultivation facility, marijuana manufacturing facility, or marijuana testing facility operated pursuant to 22 M.R.S. § 2421 et seq. shall be deemed to constitute approval for the same corresponding marijuana cultivating, manufacturing or testing facility use operating under 28 M.R.S. § 101 et seq. Notwithstanding the above, no marijuana cultivation facility, marijuana manufacturing facility, or marijuana testing facility may operate without the applicable state and city license.
(Ord. No. 140-18/19, 2-20-2019)

Sec. 14-413.—Sec. 14-420. Reserved.

DIVISION 25. SPACE AND BULK REGULATIONS AND EXCEPTIONS

Sec. 14-421. Generally.

The requirements of this article shall be subject to the space and bulk regulations and exceptions of this division.
(Code 1968, § 602.19.A)

Sec. 14-422. Reduction of lot area prohibited.

No lot shall be so reduced that yards, lot width, lot frontage, lot area, area per dwelling unit, and space for off-street parking and/or off-street loading shall be less than the minimum required under this article.
(Code 1968, § 602.19.A)

Sec. 14-423.Reserved.

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*__Editor's Note:__ Pursuant to Council Order No. 240-09/10, passed on June 21, 2010, Section 14-423 (Joint occupancy) was repealed in its entirety.

Sec. 14-424. Required open space.

No part of a yard or other open space required about any building under this article shall be included as a part of a yard or other open space required for another building.
(Code 1968, § 602.19.C)

Sec. 14-425. Projections in required yard areas.

Any yard may be occupied by a one-story entrance porch not enclosed, with or without a roof, if the area of the porch does not

exceed fifty (50) square feet nor the projection from the building exceed six (6) feet. A basement bulkhead of similar size, but not more than twenty four (24) inches in height, is also permitted. A cornice eave, sill, canopy, chimney, or other similar architectural feature, but not including a bay window, may project into any required yard a distance of not more than two (2) feet.
(Code 1968, § 602.19.D; Ord. No. 78-03/04, 10-20-03)

Sec. 14-426. Fences.

In residence zones no wall or fence along a street line or within twenty-five (25) feet of a street line shall be more than four (4) feet in height unless said fence is located in the side or rear yard and is reviewed by the public works authority and found not to be a traffic or public safety hazard, subject to the provisions of section 14-434.
(Code 1968, § 602.19.E; Ord. No. 247-97, 4-9-97)

Sec. 14-427. Enclosure of porches.

Any open porch existing with a roof over the same on June 5, 1957, and encroaching upon any yard required by this article may be enclosed if the major portion of the enclosure is of glass.
(Code 1968, § 602.19.F)

Sec. 14-428. Corner lots.

In case a dwelling house has its front yard upon the long side of a corner lot, the rear yard may be reduced to a depth not less than the width required for a side yard on the lot, provided the aggregate of the widths of both sides and depths of front and rear yards is not less than the similar aggregate of required dimensions of all yards required if the front yard were faced on the short side of the lot.
(Code 1968, § 602.19.G)

Sec. 14-429. Lot surrounded by streets or alleys.

Where a lot containing ten thousand (10,000) square feet or less is completely surrounded by streets or alleys, the building area may be increased twenty (20) percent.
(Code 1968, § 602.19.H)

Sec. 14-430. Height limits.

(a) *Roof structure.* Roof structures for the housing of elevators, stairways, tanks, fans, or other building operating equipment not intended for human occupancy, skylights, steeples,

roof signs, flag poles, chimneys, smokestacks, radio or television masts, water tanks, or silos may be erected above the height limitation herein prescribed for buildings. Roof-mounted wind and solar energy systems shall not be considered to be roof structures for the purposes of Article X, Alternative Energy.

(b) *Public art.* Except in residential zones, public art that has been individually accepted by the city council for inclusion within the public art collection, pursuant to Article XI, Public Art Program of the Land Use Code, (Section 14-852(c)), shall not be subject to the height limitations for buildings within the underlying zone.

(c) *Temporary wind anemometer towers.* Temporary wind anemometer towers may be erected above the height limitation for buildings within the underlying zone, subject to receiving Board of Appeals approval and FAA approval, if necessary.

(d) *Wind energy systems.* Wind energy systems may be erected above the height limitation for principal buildings within the underlying zone, pursuant to Article X, Alternative Energy.

(e) Roof mounted solar energy systems: Photovoltaic panels and thermal water heating panels may be erected above the height limitation for principal or accessory buildings, subject to historic preservation approval, as follows:

1. For all residential zones: A solar energy system, whether parallel or angled to a pitched or gable roof, may be up to 3 feet above the maximum height allowed in the underlying zone on principal and accessory structures. In the case of flat roofs, the solar energy system may be up to 5 feet above the maximum height allowed in the underlying zone. All roof-mounted solar energy systems shall be set back from the edge of the roof by 1 foot for every 1 foot of solar energy system height.

2. For B4 and Industrial zones: A solar energy system, whether parallel or angled to a pitched or gable roof, may be up to 4 feet above the maximum height allowed in the underlying zone. In the case of flat roofs, there are no height limits.

3. For all other zones: A solar energy system, whether parallel or angled to a pitched or gable roof, may be up to 3 feet above the maximum height allowed in the underlying zone on principal and accessory structures. In the case of flat roofs, the solar energy system may be up to 8 feet above the maximum height allowed in the underlying zone. All roof-mounted solar energy systems shall be set back from the edge of the roof by 1 foot for every 1 foot of solar energy system height.

(Code 1968, § 602.19.I; Ord. No. 428-83, § 1, 4-25-83; Ord. No. 36-89, § 3, 6-28-89; Ord. No. 96-08/09, 11-17-08; Ord. No. 29-09/10, 8-3-09 emergency passage; Ord. No. 33-11/12, 1-18-12; Ord. No. 75-16/17, 11-7-2016)

Sec. 14-431. Yards.

The height in stories or feet of that part of the principal building adjoining a yard shall be used in determining the required width or depth of that yard.

(Code 1968, § 602.19.J; Order No. 222-17/18, 6-4-2018)

Sec. 14-432. Swimming pools.

Outdoor swimming pools accessory to dwellings, apartment houses, hotels or motels shall be permitted on lots, provided the following conditions are met:

(a) No swimming pool shall be sited in the front yard.

(b) No part of any swimming pool shall be located closer than ten (10) feet from the principal structure, nor closer than ten (10) feet from the side or rear lot lines.

(Code 1968, § 602.19.K; Ord. No. 271-77, 5-16-77; Ord. No. 90-88, 7-19-88)

***Editor's note—**Ord. No. 90-88, adopted July 19, 1988, amended § 14-432 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 90-88.

Sec. 14-433. Lots of record and accessory structure setbacks for existing buildings.

(a) Lots of Record.

Lots of record that meet the minimum standards provided below shall be considered buildable lots.

1. Lots of record as of June 5, 1957, may be considered a buildable lot in any residential zone provided the applicable yard dimensions can be met; provided that a minimum street frontage of forty (40) feet can be met, or to which a means of access has been previously approved by the city council as provided elsewhere in this article; and provided such lots have a minimum lot size of five thousand (5,000) square feet, or the applicable minimum lot size and frontage in that zone, whichever is less .

2. A lot in the R-1, R-2, R-3, R-4, R-5, R-5A or R-6 zones that was described in a subdivision plat approved by the Planning Board after June 5, 1981, or a lot of record that conformed to the applicable lot size requirement, lot width and street frontage as of June 5, 1984, shall be considered a buildable lot, provided that the applicable yard dimensions can be met.

3. Any lot of record as of July 15, 1985, and held under separate and distinct ownership from adjacent lots and meeting the applicable street frontage requirements of that time may be considered a buildable lot in the IR-1 and IR-2 zones, provided that the applicable yard dimensions can be met and provided further that a lot in the IR-1 zone shall have a minimum area of ten thousand (10,000) square feet and a lot of the IR-2 zone shall have a minimum area of six thousand five hundred (6,500) square feet unless it is served by both public sewer and public water, in which case it shall have a minimum area of five thousand (5,000) square feet.4. A lot in the IR-1, IR-2 and I-B zones that was described in a subdivision plat approved by the Planning Board after July 15, 1982, shall be considered a buildable lot, provided that the applicable yard dimensions can be met.

5. Contiguous lots of record under common ownership shall be deemed to be separate lots, provided that they either meet the minimum lot area and minimum frontage of the zone in which they are located, or the minimum applicable standards of 14-433 (a-d).

(b) Accessory Structures and Building Additions.

Where such a lot has a principal structure which existed as of July 19, 1988, an accessory structure or building

addition may be located within the following side and rear yards, provided that the normal applicable yard requirements cannot be met:

1. *R-1, R-2*:

Rear yard: Ten (10) feet.

Side yard: Five (5) feet.

2. *R-3, R-4, R-5, R-5A, R-6*:

Rear yard: Five (5) feet.

Side yard: Five (5) feet.

(c) Conversion of Accessory Structures to Dwelling Units:

Any detached or accessory structure in the R-3, R-4, R-5 or R-6 zones, with a ground coverage exceeding two hundred fifty (250) square feet and which was in existence on January 1, 1940, may be converted to dwelling units without meeting front, side or rear yard setbacks, provided there is no enlargement of any nonconforming portion of the existing building footprint and provided the conversion will conform to the minimum land area per dwelling unit.

Any such conversion in the R-3 zone or on a nonconforming lot in the R-5 zone shall be a conditional use subject to the requirements of section 14-88(a)2 for lots in the R-3 zone, or to the requirements of section 14-118(a)5 for nonconforming lots in the R-5 zone, and shall be in lieu of any additional dwelling units authorized under sections 14-88 or 14-118.

(Code 1968, § 602.19.L; Ord. No. 539-84, 5-7-84; Ord. No. 32-85, § 1, 7-15-85; Ord. No. 91-88, 7-19-88; Ord. No. 310-89, 1-30-89; Ord. No. 166-89, 12-11-89; Ord. No. 78-03/04, 10-20-2003; Ord. No. 202-13/14, 4/28/2014; Ord. 209-14/15, 5/4/2015)

***Editor's note—**Ord. No. 91-88, adopted July 19, 1988, amended § 14-433 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 91-88. Subsequently, § 14-433 was amended by Ord. No. 310-89, adopted Jan. 30, 1989, to read as set out, which ordinance further provided that it be applicable to all pending proceedings and be enacted as an emergency.

Sec. 14-434. Corner clearance.

No obstruction higher than three and one-half (3 1/2) feet above the lowest elevation at the curbline shall be permitted on a corner lot within the area of a triangle formed by a line intersecting the street lines of the intersecting streets at points twenty-five (25) feet from the corner, unless said obstruction is located in the side or rear yard and is reviewed by the public works authority and found not to be a traffic or public safety hazard. For the purpose of this section, the word "obstruction" shall mean any shrub, wall, fence, temporary building, sign, a pile of material, but shall not include permanent buildings or structures where permitted elsewhere in this article.
(Code 1968, § 602.19.M; Ord. No. 247-97, 4-9-97; Ord. No. 56-08/09)

Sec. 14-435. Unsewered residential district.

Where a lot in a residence zone is not served by public sewers and septic tank disposal systems are required, the minimum lot area required shall be determined from the following table, except that on the islands in Casco Bay, such variation as shall be approved by the health officer may be permitted in the minimum required lot areas:

Standard Percolation Test Rate of Percolation (minutes)	*Lot Area Required (square feet)*
2	7,800
3	8,400
4	8,800
5	9,100
10	10,500
15....	11,800
30	13,800

45	15,500

(Code 1968, § 602.19.N)

Sec. 14-436. Building extensions.

(a) Existing principal buildings which are lawfully nonconforming as to dimensional requirements may be enlarged subject to the following provisions:

1. No modification to an existing nonconforming building shall increase any existing nonconformity of a lot, use or structure.

2. No modification to an existing nonconforming building shall create new noncompliance with any provision of this Code.

3. Existing structures that are lawfully nonconforming as to required minimum yard setbacks may be vertically or horizontally expanded provided the area of expansion meets all current dimensional requirements, except as provided in 4. below.

4. A vertical expansion above a portion of a structure that is lawfully nonconforming as to minimum yard setbacks may be permitted a one-time increase of one additional story provided:

    a. No portion of the expansion horizontally extends beyond the non-conforming portion of the first story of the structure.

    b. Any portion of a vertical expansion above the permitted one additional story shall meet the required minimum yard setback.

(Ord. No. 61-97, 8-18-97; Ord. No. 284-99, §3, 5-17-99, enacted as an emergency to take effect immediately pursuant to Article II, Sec. 8 of the Portland City Charter; Ord. No. 222-17/18, 6-4-2018)

***Editor's note**—Ord. No. 61-97, adopted Aug. 18, 1997, repealed former § 14-436 and enacted similar new provisions as herein set out. Formerly, such section derived from § 602.19.O of the 1968 Code as amended by Ord. No. 92-88, adopted July 19, 1988. Ord. No. 222-17/18, approved June 4, 2018, repealed almost all of the previous Section 14-436, and enacted new language i its place.

Sec. 14-437. Setback reductions.

(a) *Authority.* The zoning administrator may grant setback reductions to the extent provided by this section.

(b) *Procedure.* Application for a setback reduction shall be submitted to the building inspections division. A payment of a nonrefundable application fee, as established from time to time by order of the city council to cover administrative costs, shall accompany each application. The application shall be in such form as prescribed by the zoning administrator and shall contain at least the following information and documentation:

1. The name and address of the applicant and his or her interest in the subject property;

2. The name and address of the owner, if different from the applicant;

3. The address or location and the city assessor’s chart, block and lot number of the subject property;

4. The present use and zoning classification of the subject property;

5. Plot plan showing sufficient information to indicate the location of all structures existing and proposed in relation to the lot lines. Such a plan must be prepared by a state registered land surveyor. If, in the opinion of the surveyor, sufficient monumentation is not available, then a standard boundary survey will be necessary to meet the requirements of this section.

(c) *Purpose.* The purpose of setback reductions is to validate the sites of mislocated single-family, owner-occupied residential structures and those structures accessory thereto, which are not otherwise legally sited and which were in existence on November 15, 1993.

(d) Conditions for setback reductions. Setback reductions which may be granted by the zoning administrator are subject to the following conditions:

1. The sole use of the property is (and, if the application should be granted, will remain) as a single-family detached dwelling.

2. The property is located in R-1, R-2, R-3, R-4, R-5, R-6, IR-1, IR-2, IR-3 or RP zones.

3. The reduction sought cannot be reduced by more than the following:

IR-1, IR-2, IR-3, R-3, RP, R-1, R-2, R-4 and R-5 zones:

Front yard: Ten (10) feet

Rear yard: Ten (10) feet

Side yard: Five (5) feet

R-6 zone:

Front yard: Five (5) feet

Rear yard: Ten (10) feet

Side yard: Five (5) feet

4. No relief may be granted under this section in cases where the building authority determines that the setback violation was the result of a willful act by either the applicant or a prior owner.

5. This section shall only apply to the inadvertent misplacement of a structure.

6. Recording of setback reduction: The zoning administrator shall provide a signed instrument in recordable form, indicating any setback reduction granted under the terms of this section. The applicant for such reduction shall be responsible for recording this instrument in the Cumberland County Registry of Deeds.

(Ord. No. 138-93, 11-15-93)

Sec. 14-438. Setback reductions for porches and other similar uses.

(a) Porches, decks and sheds which are accessory to single-family dwellings built five (5) years prior to the date of application will be eligible for setback reductions as provided in this section. Such structures are not subject to the limitations in

section 14-437, must be set back two (2) feet from the rear and side property lines, and must comply with the front yard setback required for the applicable zone. A reduced setback may be permitted only when the applicant can show that there will be no development within the setback required by the zoning ordinance on adjacent property which abuts the area for which a reduced setback is sought. The applicant will demonstrate compliance with the above requirement by providing an affidavit from the abutting property owner stating that the area in question will never be developed. Reduced setbacks will not be permitted when the area proposed for such setbacks abuts either city or state owned property. No setback reduction may be granted which would permit any structure on the lot which is the subject of the application to be within fifteen (15) feet of any existing residential structure on an adjacent lot.

(b) Recording of setback reduction. The zoning administrator shall provide a signed instrument in recordable form, indicating any setback reduction granted under the terms of this section. The applicant for such reduction shall be responsible for recording this instrument in the Cumberland County Registry of Deeds. The abutter’s affidavit will also be recorded.
(Ord. No. 139-93, 11-15-93)

Sec. 14-439. Setback reductions in the industrial zones.

Where a setback is required in an industrial zone the Planning Board may grant a reduction of such setback upon the submission of a site plan meeting the requirements of article V of this chapter and as set forth below if at least one (1) of the following conditions exists:

(a) The property is encumbered by an easement or right-of-way that substantially impedes or prohibits development;

(b) The yard for which the setback reduction is sought abuts an easement or right-of-way area that prohibits buildings within the area of such easement or right-of-way; or

(c) The yard for which the setback reduction is sought abuts an area whose natural features, such as slopes or drainage areas, prohibit development in such area.

The Planning Board may reduce the required setback to the extent necessary for development, but in no event shall any side or rear setback be reduced to less than ten (10) feet or any front setback be reduced to less than five (5) feet. The Planning Board may require increased buffering to mitigate the impacts of a

setback reduction under this section. This section shall not apply to reductions of setbacks required by division 26 of this chapter.

The planning authority shall be responsible for providing to the applicant for setback reduction an instrument signed by the chair or vice-chair of the Planning Board, indicating any setback reduction granted under the terms of this section. The applicant for such setback reduction shall be responsible for recording this instrument in the Cumberland County Registry of Deeds within sixty (60) days of the Planning Board's grant of the reduction. Failure to record such instrument within the required time period shall render the reduction null and void.
(Ord. No. 227-97, 3-17-97)

Sec. 14-440. Exterior egress.

Notwithstanding any other provision of this Code, the building authority may permit the installation of an exterior egress stair or an upgrade of an existing exterior fire escape for a conforming or lawfully nonconforming dwelling unit existing as of January 5, 1998, if such egress is required to meet current fire or other life safety codes, provided that the owner demonstrates to the building authority that:

(a) There is no practical and economically reasonable way to provide such egress within the interior of the building, as demonstrated by the submission of detailed floor plans showing the projected cost of and the impact on the existing dwelling from an interior stair;

(b) The stairway and associated landings and other building fixtures are designed and will be constructed to have a minimal visual impact upon the building, especially as viewed from any public way or public open space, as demonstrated by photographs of the front and any other affected facades of the building and plans or drawings of the proposed egress stairs;

(c) Reductions to setbacks granted under this section shall be the least amount required to meet life safety code requirements; and

(d) Exterior stairways on buildings subject to regulation under article IX of this chapter shall require review and approval under the provisions of that article.

(Ord. No. 181-98, 1-5-98)

Sec. 14-441. – Sec. 445. Reserved.

DIVISION 26. SHORELAND REGULATIONS

Sec. 14-446. Purposes.

The purposes of this division are to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect fish spawning grounds, aquatic life, bird and other wildlife habitat; protect buildings and lands from flooding and accelerated erosion; protect archaeological and historic resources; protect commercial fishing and maritime industries; protect freshwater and coastal wetlands; control building sites, placement of structures and land uses; conserve shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty, as appropriate in an urbanized environment; and to anticipate and respond to the impact of development in shoreland areas.

(Code 1968, § 602.19A.A; Ord. No. 499-74, § 10, 8-19-74; Ord. No. 15-92, § 27, 6-15-92)

Sec. 14-447. Applicability.

This division applies to all land areas, uses, structures and land use activities within two hundred fifty (250) feet, horizontal distance, of the normal high water line of any river; within two hundred fifty (250) feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal actions within two hundred fifty (250) feet, horizontal distances, of the upland edge of a freshwater wetland; and within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream. This division also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high water line of a water body or within a wetland.

(Code 1968, § 602.19A.B; Ord. No. 499-74, § 10, 8-19-74; Ord. No. 15-92, § 28, 6-15-92; Ord. No. 296-08/09, 6-15-09)

Sec. 14-448. Zoning districts and shoreland regulations.

The regulations and controls of this division apply to all land areas, uses, structures and land use activities cited in section 14-447, in all zones of the city.

(Code 1968, § 602.19A.C; Ord. No. 499-74, § 10, 8-19-74)

Sec. 14-449. Land use standards.

All land uses and land use activities subject to this division shall conform to the following standards and regulations, as applicable:

(a) *Principal and accessory structures:*

1. All principal and accessory structures shall be set back at least seventy-five (75) feet horizontal distance, from the normal high water line of water bodies, the upland edge of a wetland or associated tributary streams within a shoreland zone, except that in the following zones the setback shall be as indicated below:

   a. B-3, B-5, B-5b, I-L (south and east of I-295), and I-M (south and east of I-295): Twenty-five (25) feet.

   b. W-C, W-PD, I-B, EWP: No setback required. Pier edge setbacks apply in EWP (Sec. 14-303(c)(4), W-C (Sec. 14-310(d)(4), and W-PD (Sec. 320.2(c)).

   For the principle structures, setback measurements shall be taken from the top of a costal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant “Classification of Coastal Bluffs”, and published in the most recent Coastal Bluff Map as further referenced on the Zoning Map.

   Notwithstanding this requirement, when a lot is a lot of record as defined in section 14-433 or cannot otherwise meet the setback requirement of this section due to physical limitations of the site, the Planning Board may approve a reduction of the setback requirement for a principal structure to the least amount necessary to achieve a building dimension of twenty-eight (28) feet, provided that the setback is not reduced to less than forty (40) feet. Structures in existence on June 15, 1992, may be expanded once during the lifetime of the structure up to twenty-five (25) feet toward a freshwater wetland, stream or tributary stream, provided that the setback is not reduced to less than forty (40) feet and the floor area or volume is not increased by more than thirty (30) percent. In no event shall the setback from a coastal wetland be reduced to less than seventy-five (75)

feet, except in the B-3, B-5, B-5b, EWP, W-C, W-PD, W-SU,I-B, I-L and I-M zones, where setbacks shall be as set forth above in this subsection.

In all cases, accessory detached structures of less than one hundred (100) square feet of floor area shall be permitted with no setback, provided that such structures shall be used only for the storage of fish, bait, and related equipment. No setback shall be required for piers, docks, retaining walls, or any other structures which require direct access to the water as an operational necessity.

2. Development activities within the shoreland zone are reviewed by the Zoning Administrator for compliance with required setbacks of this Division. Submission of plans for such development activity shall be prepared by competent professionals, based upon a boundary survey.

3. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one (1) foot above the elevation of the one hundred (100) year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.

4. Notwithstanding the requirements of this section, stairways or similar structures may be allowed with a permit from the building authority to provide shoreline access in areas of steep slopes or unstable soils, provided that:

   a. The structure is limited to a maximum of four (4) feet in width;

   b. The structure does not extend below or over the normal high water line of a water body or upland edge of a wetland, unless permitted by the department of environmental protection pursuant to 38 M.R.S.A. Section 480-C; and

   c. The applicant demonstrates that no reasonable access alternative exists on the property.

(b) *Piers, docks, wharves, bridges and other structures and*

uses extending over or below the normal high water line of a water body or within a wetland:

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion;

2. The location shall not interfere with existing developed or natural beach areas;

3. The facility shall be located so as to minimize adverse effects on fisheries;

4. The facility shall be no larger in dimension than necessary to carry on the activity and shall be consistent with surrounding character and uses;

5. New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the national Resources Protection Act, 38 M.R.S.A. § 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

6. Except in the W-C, EWP, W-PD, and I-B zones, no new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity;

7. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high water line of a water body or within a wetland shall be converted to residential dwelling units in any zone.

(c) *Clearing or removal of vegetation:*

1. In all shoreland areas in resource protection zones, the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that zone.

2. The clearing or removal of vegetation standards of

this section shall not apply to the following zones: EWP, WCZ, WPD, B-3, B-5, B-5b, B-6, B-7, I-L (south and east of I-295) and I-M zones (south and east of I-295).

3. Other than cutting or removal of vegetation as provided for in this section, timber harvesting shall not be permitted. For purposes of this section, timber harvesting is defined as the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than (2) acres within the shoreland zone shall not be considered timber harvesting. Cutting or removal of such trees shall be regulated pursuant to this section.

4. For purposes of this section, vegetation is defined as all live trees, shrubs and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 ½ feet above ground level.

   a. In all areas other than resource protection zones, a buffer strip of vegetation shall be preserved, except where clearance is required for development of permitted uses, within a strip of land extending seventy-five (75) feet, horizontal distance, from the normal high-water or upland edge of a coastal wetland, river, stream or tributary stream within a shoreland zone, in accordance with the following:

      i. There shall be no cleared opening greater than two hundred fifty (250) square feet in the forest canopy or other existing vegetation if a forested canopy is not presented as measured from the outer limits of the tree or shrub crown. Notwithstanding this limitation, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

ii. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other vegetation is maintained. For the purposes of this section, a "well-distributed stand of trees" adjacent to a water body, tributary stream or wetland shall be defined as maintaining a minimum rating score of sixteen (16) or more in any twenty-five-foot by fifty-foot rectangle area as determined by the following rating system:

Diameter of tree at four and one-half (4 ½) feet above ground level

(Inches)

Points

2 ≤ 4 1

4 ≤ 8 2

8 – 12 4

12 in. or greater 8

The following shall govern in applying this point system:

a. The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

b. Each successive plot must be adjacent to, but not overlap a previous plot;

c. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this ordinance;

d. Any plot containing the required points may have vegetation removed

down to the minimum points required or as otherwise allowed by this ordinance;

e. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of this section, “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one-half (4 ½)feet above ground level for each 25-foot by 50-foot rectangular area. If five samplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 samplings have been recruited into the plot.

Notwithstanding the above provisions, no more than forty (40%) percent of the total volume of trees four (4) inches or more in diameter, measured at four and one-half (4 ½) feet above ground level may be removed in any ten-year period.

iii. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other groundcover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide a footpath or other permitted uses as described in this section.

iv. Pruning of tree branches on the bottom one-third of the tree is allowed.

v. In order to maintain a buffer strip of vegetation when the removal of storm-damaged, diseased, unsafe or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless

existing new tree growth is present.

The provisions contained in subsection b. of this section shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas in these locations shall be limited to the minimum amount necessary.

2. Selective cutting of not more than forty (40%) percent of the volume of trees four (4) inches or more in diameter, measured four and one-half (4 1/2) feet above ground level, shall be allowed within any ten-year period at distances greater than seventy-five (75) feet, horizontal distance, from the normal high water line of any other water body, tributary stream, or the upland edge of a wetland, except to allow for the development of permitted uses. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area. In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate twenty-five (25%) percent of the lot area within the shoreland zone, including land previously cleared.

3. Legally existing nonconforming cleared openings may be maintained but shall not be enlarged, except as allowed by this division.

4. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

(d) *Erosion and sedimentation control:*

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan in accordance with Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, published

by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection and the City of Portland Technical Manual. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

a. Mulching and revegetation of disturbed soil.

b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

c. Permanent stabilization structures such as retaining walls or riprap.

2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed ground area at every phase of construction shall be minimized to reduce the potential for erosion.

4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases, permanent stabilization shall occur within nine (9) months of initial exposure. The following standards shall also be met:

a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in accordance with the City of Portland Technical Manual.

(e) *Soils:* All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, either during or after construction. Proposed uses requiring subsurface wastewater disposal and commercial or industrial development or other similar intensive land uses shall require a soils report based on an on-site investigation and prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

(f) *Water quality:* No activity shall deposit on or into the ground or discharge to the waters of the state any pollutant that by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body, tributary stream or wetland.

(g) *Archaeological sites:* Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the department of planning and urban development, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and

comment at least twenty (20) days prior to action being taken by the Planning Authority. The Planning Authority shall consider comments received from the commission prior to rendering a decision on the application. Such sites shall also comply with all applicable provisions of article IX of this chapter.

(h) *Installation of public utility service:* No public utility of any kind shall install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this Code has been issued by the appropriate municipal authorities. Following installation of service, the public utility shall forward the written authorization to the appropriate municipal authorities, indicating that installation has been completed.

(i) *Essential services:*

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

2. The installation of essential services, other than road-side distribution lines and within existing service corridors, is not allowed in a Resource Protection or Stream Protection District, except where the applicant demonstrates that no reasonable alternative exists.

3. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

(j) *Roads and driveways:*

1. Roads and driveways shall be setback a minimum of seventy-five (75) feet from the normal high-water or upland edge of a coastal wetland, freshwater wetland, river or tributary stream within a shoreland zone, except:

   a. In the EWP, WC, WPD, B-3, B-5, B-5b, I-L (south and east of I-295) and I-M (south and east of I-295) roads and driveways shall be

setback as established for structures in those zones; as specified in Sec. 14-449(a)1.

b. Where the planning board determines that no other reasonable alternative exists. If no other reasonable alternative exists, the planning board may reduce the road and/or driveway setback requirement to no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or effective use of additional ditch relief culverts and turnouts place so as to avoid sedimentation of the water body, tributary stream or wetland.

2. Existing public roads may be expanded within the legal road right of way regardless of their setback from a waterbody, tributary stream or wetland.

3. New roads and driveways are prohibited in a Resource Protection Zone except that the planning board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the planning board in a Resource Protection Zone, upon a finding that no reasonable alternative route or location is available outside the district. When a roadway or driveway is permitted in a Resource Protection District the road and/or driveway shall be setback as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of wetland.

4. Road and driveways banks shall be no steeper than slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in sec. 14-449(d).

5. Road and driveway grades shall be no grater than ten (10%) percent except segments of less than two

hundred (200) feet.

6. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culver and the normal high-water line of a water body, tributary stream or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

7. Ditch relief (cross drainage) culverts, drainage dips and water turnout shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

   a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

Grade (percent)	Spacing (feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

   b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10%) percent or less.

   c. On sections having slopes greater than ten (10%) percent, ditch relief culverts shall be placed at approximately a thirty (30)

degree angle downslope from a line perpendicular to the centerline of the road or driveway.

d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

(k) *Parking areas:* Parking areas shall be set back a minimum of seventy-five (75) feet from the normal high-water or upland edge of a coastal wetland, freshwater wetland, river or tributary stream within a shoreland zone except:

1. In the EWP, WC, WPD, B-3, B-5, B-5b, I-L and I-M zones, parking setbacks shall be as established for structures in those zones; as specified in Sec. 14-449(a)1.

2. Parking setbacks in the S-P (stream protection) zones are as established in Division 26.7.

3. Where the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream, the board may reduce the parking setback requirement to no less than fifty (50) feet in the R-OS, and I-B zones to the least amount necessary for construction, provided that the applicant proves by a preponderance of the evidence that appropriate techniques will be used to prevent sedimentation of the water body.

(l) *Septic waste disposal:*

All subsurface sewage disposal system shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules and the following:

a. Clearing or removal of woody vegetation necessary to site a new system and any associated fill

extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland;

b. A holding tank is not allowed for a first-time residential use in the shoreland zone.

(m) *Stormwater runoff:*

1. All new construction and development shall be designed to be in compliance with the City of Portland Technical Manual to minimize stormwater runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwater.

2. Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.

(n) *Agriculture:*

1. All spreading or disposal of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. §§ 4201-4209).

2. Manure shall not be stored or stockpiled within seventy-five (75) feet, horizontal distance, of water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated stormwater.

3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area within the shoreland zone shall require a conservation plan to be filed with the Planning Authority.

4. There shall be no new tilling of soil within seventy-five (75) feet, horizontal distance, from water bodies and coastal wetlands or within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands when such new tilling, by itself or combined with all other contiguous tillage, shall exceed forty thousand (40,000) square feet in surface area. Operations in existence on the effective date of this section and not in conformance with these provisions may be maintained but shall not be expanded. When the new tilling, by itself or combined with all other contiguous tillage, shall total forty thousand (40,000) square feet or less, the tillage shall be set back a minimum of twenty-five (25) feet from all water bodies, tributary streams or wetlands.

5. Newly established livestock grazing areas shall not be permitted within seventy-five (75) feet, horizontal distance, of water bodies and coastal wetlands or within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities and which are not in conformance with the above setback provisions may continue, provided such grazing is conducted in accordance with a soil and water conservation plan filed with the Planning Authority.

(o) *General site plan features:* The Planning Board or planning authority shall approve a site plan located within a shoreland zone if it finds that the following standards, in addition to the standards set forth in section 14-526, are met:

1. The proposal will maintain safe and healthful conditions;

2. The proposal will not result in water pollution, erosion, or sedimentation to surface waters;

3. The proposal will adequately provide for the disposal of all wastewater;

4. The proposal will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

5. The proposal will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

6. The proposal will protect archaeological and historic resources;

7. The proposal will not adversely affect existing commercial fishing or maritime activities;

8. The proposal will avoid problems associated with flood plain development and use; and

9. The proposal is in conformance with the standards set forth in this section.

(Code 1968, § 602.19A.D; Ord. No. 499-74, § 10, 8-19-74; Ord. No. 38-85, § 1, 7-15-85; Ord. No. 15-92, § 29, 6-15-92; Ord. No. 164-97, § 12, 1-6-97; Ord. No. 296-08/09, 6-15-09; Ord. No. 278-09/10, 7-19-10; Ord. No. 27-11/12, 8-15-11; Ord. 184-14/15, 6-1-2015; Ord. No. 165-15/16, 3-7-2016)

Sec. 14-450. Reserved.

DIVISION 26.5. FLOOD PLAIN MANAGEMENT REGULATIONS*

***Editor's note**—Ord. No. 660-86, adopted July 7, 1986, amended Ch. 14, Art. III, by the addition of Div. 26A, §§ 14-450.1—14-450.8, which provisions have been included herein as Div. 26.5 at the discretion of the editor in order to conform with the existing numbering of divisions contained in this article.

Sec. 14-450.1. Establishment.

The City of Portland, Maine, elects to comply with the 42 USC Section 4001 et seq. requirements of the National Flood Insurance Act of 1968, as amended from time to time. The National Flood Insurance Program, established in the aforesaid act, provides that areas of the city having a special flood hazard be identified by the Federal Emergency Management Agency and that flood plain management measures be applied in such flood hazard areas. This division establishes a flood hazard development permit system and review procedure for development activities in the designated flood hazard areas of the city.

(Ord. No. 660-86, 7-7-86; Ord. No. 579-87, 6-15-87; Ord. No. 156-98, 11-16-98)

Sec. 14-450.2. Purposes.

The purposes of this division are to reduce future flood risks

and losses, protect against financial and human loss resulting from flood disasters, and to control the placement of structures, construction materials, and methods used to minimize potential property damage due to flooding.
(Ord. No. 660-86, 7-7-86; Ord. No. 579-87, 6-15-87; Ord. No. 156-98, 11-16-98)

Sec. 14-450.3. Applicability.

This division applies to all land areas, uses, structures, and land use activities lying in the special flood hazard areas as identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study — City of Portland, Maine, County of Cumberland," with accompanying "flood insurance rate map" and "flood boundary and floodway map," dated July 17, 1986. This Flood Insurance Study with accompanying maps, and any subsequent amendments thereto, is hereby adopted by reference and declared to be a part of this Code.
(Ord. No. 660-86, 7-7-86; Ord. No. 579-87, 6-15-87; Ord. No. 135-97, 11-3-97; Ord. No. 156-98, 11-16-98)

Sec. 14-450.4. Zoning districts and flood plain management regulations.

The regulations and controls of this division apply to all land areas, uses, structures, and land use activities cited in section 14-450.3, in all zones of the city.
(Ord. No. 660-86, 7-7-86; Ord. No. 579-87, 6-15-87; Ord. No. 156-98, 11-16-98)

Sec. 14-450.5. Definitions.

For the purpose of this division, the following terms and words shall have the meanings given herein:

Area of special flood hazard: The land in the flood plain having a one (1) percent or greater chance of flooding in any given year as specifically identified in the Flood Insurance Study cited in section 14-450.3.

Base flood: The flood having a one (1) percent chance of being hereof or exceeded in any given year (i.e., a one-hundred-year storm).

Building Authority: The Department of Permitting and Inspections.

Coastal high hazard area: The area subject to high velocity waters, including but not limited to, hurricane wave wash or tsunamis. The area is designated on the flood insurance rate map as zone V1-30.

Development: Any man-made change to improved or unimproved real estate, including but not limited to, the construction of, alteration or addition to, any buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials.

Floodproofing: Any combination of structural or nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real estate, to water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated on the flood boundary and floodway map. When not designated on the flood boundary and floodway map, it is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of one-half (1/2) the width of the flood plain, as measured from the normal high water mark to the upland limit of the flood plain.

Flood boundary and floodway map: The official map issued by the Federal Emergency Management Agency (FEMA) on which the boundaries of the flood have been designated. (This may alternatively be referred to as a flood hazard boundary map.)
Flood insurance rate map: The official map (FIRM) on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the city.

Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this division.

Manufactured home or housing: As defined in section 14-47 (definitions) of this Code.

Mean high tide: The mean height of tidal high waters at a particular point or station over a period of time to such length that increasing its length does not appreciably change this mean. For tidal waters, the cycle of change covers a period of nineteen (19) years, and mean high tide is defined as the average of the high waters over a nineteen-year period.

Mean sea level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the city's FIRM are referenced.

Structure: A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, or manufactured housing. "Principally above ground," as used above, means either that at least two-thirds (2/3) of its floor-to-ceiling height is above the average adjoining ground level, or at least fifty-one (51) percent of the actual cash value of the structure, less land value, is above ground.

Substantial improvement: Any repair, reconstruction, addition to or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or for any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(Ord. No. 660-86, 7-7-86; Ord. No. 579-87, 6-15-87; Ord. No. 156-98, 11-16-98; Ord. No. 165-15/16, 3-7-2016)

Sec. 14-450.6. Application for permit—Filing.

(a) *Permit required.* Before any development begins within any areas of special flood hazard, a flood hazard area development permit shall be obtained from the building authority. This permit shall be required prior to issuance of a building permit, if one is required, and shall be in addition to any other permits, and site plan and subdivision review, which may be required pursuant to the

Codes and ordinances of the city.

(b) *Submission.* The application for a flood hazard area development permit shall be submitted in writing to the building authority and shall include the following:

1. A final site plan, where applicable, showing information as required in section 14-527 (final site plan) for either a level I, II or III site plan as defined in section 14-523 (required approvals and applicability);

2. A final subdivision plat, where applicable, providing information as required in section 14-496 (plat requirements);

3. For any development which does not meet the minimum threshold as a development requiring site plan review as authorized by section 14-523 (required approvals and applicability), the following information shall be provided:

    a. The name, address and phone number of the applicant, owner and contractor;

    b. A map with address indicating the location of the development site;

    c. A site plan showing the location of existing and proposed development, including but not limited to, specific dimensions of existing and proposed structure(s), wastewater disposal facilities, water supply facilities, areas to be developed and the dimensions of the lot;

    d. A statement of the intended use of any structure and/or other development;

    e. A statement of the cost of the development including all materials and labor; and

    f. A statement of the type of wastewater disposal system proposed.

4. In addition to the foregoing, all applications for a permit shall include the following information:

a. The elevation in relation to the National Geodetic Vertical Datum (NGVD), (or to a locally established datum for Zone A only) of the:

   i. Base flood at the proposed site of all new or substantially improved structures, which is determined:

      a. In Zones A1-30, AE, AO, AH, V1-30, and VE from data contained in the "Flood Insurance Study – City of Portland, Maine," as described in section 14-450.3; or

      b. In Zone A, to be the elevation of the ground at the intersection of the flood plain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building;

   ii. Highest and lowest grades at the site adjacent to the walls of the proposed building;

   iii. Lowest floor, including basement; and whether or not such structures contain a basement; and

   iv. Level, in the case of nonresidential structures only, to which the structure will be floodproofed;

b. A description of an elevation reference point established on the site of all new or substantially improved structures;

c. Either an elevation certificate (FEMA Form 81-31, 03/97, as amended) completed by a professional land surveyor, registered professional engineer or architect; or, for nonresidential structures to be floodproofed, a floodproofing certificate (FEMA Form 81-65, 05/93, as amended) completed by a registered professional engineer or architect. These certificates verify that the elevations shown on the application are accurate;

d. Certifications by a registered professional engineer or architect that:

i. Nonresidential structures will meet the floodproofing criteria of section 14-450.6(a)4a.; section 14-450.8(g); and other applicable standards in section 14-450.8;

ii. Construction in coastal high hazard areas, Zones V1-30 and VE, will meet the criteria of section 14-450.8(p); and other applicable standards in section 14-450.8;

iii. Engineered hydraulic openings in foundation walls will meet the standards of section 14-450.8(l)2;

iv. Bridges will meet the standards of section 14-450.8(m);

v. Containment walls will meet the standards of section 14-450.8(n);

e. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; and

f. A statement of construction plans describing in detail how each applicable development standard in section 14-450.8 will be met.

g. Cross section(s) of the site acceptable to the public works authority.

(Ord.No. 660-86, 7-7-86; Ord. No. 579-87, 6-15-87; Ord. No. 156-98, 11-16-98; Ord. No. 278-09/10, 7-19-10)

Sec. 14-450.7. Same—Review.

(a) Upon determination by the building authority that an application is complete, the building authority shall transmit the application to the planning authority for review for compliance with this division. The planning authority shall coordinate review of the application by the city. No permit shall be issued by the building authority until the planning authority, or the Planning Board in the case of an application requiring subdivision or site plan review by said board, finds that the development proposal is in compliance with the standards of this division. Compliance with the provisions of this division shall be required prior to beginning any development as defined herein.

(b) The planning authority, and Planning Board when applicable, shall, when reviewing subdivisions and other proposed developments that require review under federal law, state law or local ordinances or regulations and all projects on five (5) or more acres, or in the case of manufactured home parks divided into two (2) or more lots, assure that:

1. All such proposals are consistent with the need to minimize flood damage.

2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

3. Adequate drainage is provided so as to reduce exposure to flood hazards.

4. All proposals include base flood elevations, flood boundaries and, in a ravine flood plain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

5. Any proposed development plan must include a condition of plan approval requiring that structures on lots in the development be constructed in accordance with section 14-450.8 of this division. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or planning authority as part of the approval process.

(c) In the review of all flood hazard development permit applications for compliance with the standards herein:

1. The planning authority, or Planning Board as appropriate, shall utilize the base flood data contained in the Flood Insurance Study, Portland, Maine, Cumberland County, as described in section 14-450.3. In special flood hazard areas where base flood elevation data are not provided in the above-cited study, the planning authority, or Planning Board as appropriate, shall obtain, review and reasonably utilize any base flood elevation data available from federal, state or other reasonably

reliable sources in order to administer this section;

2. The public works authority shall make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in section 14-450.3 herein;

3. Prior to approval of issuance of the flood hazard area development permit, the planning authority, or Planning Board as appropriate, shall determine that all necessary permits have been obtained from those federal, state and local authorities, from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1334 as may be amended from time to time); provided, however, that conditional approval may be granted pending proof of receipt of any required permits, but no flood hazard area development permit shall be finally issued until proof of issuance of all such other permits is received by the building authority; and

4. The building authority shall notify adjacent municipalities, the Maine Department of Environmental Protection and the Maine Flood Plain Management Program in the State Planning Office, prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency.

5. The building authority shall maintain, as a permanent record, copies of all flood hazard development permit applications, corresponding permits issued, and data relevant thereto, including reports of the board of appeals on variances granted under the provisions of section 14-450.12 of this division, and copies of elevation certificates, floodproofing certificates, certificates of compliance and certifications of design standards required under the provisions of sections 14-450.6, 14-450.8, and 14-450.10.

(Ord.No. 660-86, 7-7-86; Ord. No. 579-87, 6-15-87; Ord. No. 156-98, 11-16-98; ORd. No. 278-09/10, 7-19-10)

Sec. 14-450.8. Standards.

When reviewing flood hazard area development permit applications hereunder, the planning authority or Planning Board, where applicable, shall approve the plans under this division only if the following standards are met:

(a) *All development:* All development shall:

1. Be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. Use construction materials that are resistant to flood damage;

3. Use construction methods and practices that will minimize flood damage; and

4. Use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

(b) *Water supply:* All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

(c) *Sanitary sewage systems:* All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

(d) *On-site waste disposal systems:* On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

(e) *Watercourse carrying capacity:* All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

(f) *Residential:* New construction or substantial improvement of any residential structure located within:

1. Zones A1-30, AE, and AH shall have the lowest floor (including basement) elevated to at least two (2)

feet above the base flood elevation.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide flood water away from the proposed structures.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

   a. At least two (2) feet higher than the depth specified in feet on the community's Flood Insurance Rate Map; or

   b. At least three (3) feet if no depth number is specified.

4. Zone A shall have the lowest floor (including basement) elevated to at least two (2) feet above the base flood elevation utilizing information obtained pursuant to section 14-450.6(b)4.a.ii.; section 14-450.7(b)4; or section 14-450.7(c)1.

5. Zones V1-30 and VE shall meet the requirements of section 14-450.8(p).

(f) *Nonresidential:* New construction or substantial improvement of any nonresidential structure located within:

1. Zones A1-30, AE, and AH shall have the lowest floor (including basement) elevated to at least two (2) feet above the base flood elevation, or together with attendant utility and sanitary facilities shall:

   a. Be floodproofed to at least two (2) feet above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;

   b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard development permit, as required by section 14-450.6(b)4d and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide flood water away from the proposed structures.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

a. At least two (2) feet higher than the depth specified in feet on the community's Flood Insurance Rate Map; or

b. At least three (3) feet if no depth number is specified; or

c. Together with attendant utility and sanitary facilities be floodproofed to meet the elevation requirements of this section and floodproofing standards of section 14-450.8(g).

4. Zone A shall have the lowest floor (including basement) elevated to at least two (2) feet above the base flood elevation utilizing information obtained pursuant to section 14-450.6(b)4.a.ii.; section 14-450.7(b)4; section 14-450.7(c)1; or

5. Zones V1-30 and VE shall meet the requirements of section 14-450.8(p).

(h) *Manufactured homes:* New or substantially improved manufactured homes located within:

1. Zones A1-30, AE, and AH shall:

a. Be elevated on a permanent foundation such that the lowest floor is at least two (2) feet above the base flood elevation; and

b. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

i. Over-the-top ties anchored to the ground at the four (4) corners of the manufactured home, plus two (2) additional ties per side at intermediate points (manufactured homes less than fifty (50) feet long require one (1) additional tie per side); or by

ii. Frame ties at each corner of the home, plus five (5) additional ties along each side at intermediate points (manufactured homes less than fifty (50) feet long require four (4) additional ties per side).

iii. All components of the anchoring system described in section 14-450.8(h)1.b.i. and ii. Shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide flood water away from the proposed structures.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

a. At least two (2) feet higher than the depth specified in feet on the community’s Flood Insurance Rate Map; or

b. At least three (3) feet if no depth number is specified; and

c. Meet the requirements of section

14-450.8(h)1.b.

4. Zone A shall:

   a. Be elevated on a permanent foundation such that the lowest floor is at least two (2) feet above the base flood elevation utilizing information obtained pursuant to section 14-450.6(b)4.a.ii; section 14-450.7(b)4; section 14-450.7(c)1; and

   b. Meet the requirements of section 14-450.7(2)b.

5. Zones V1-30 and VE shall meet the requirements of article VI.P.

(i) *Recreational vehicles:* Recreational vehicles located within:

1. Zones A1-30, AH and AE shall either:

   a. Be on the site for fewer than one hundred eighty (180) consecutive days;

   b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only be quick disconnect type utilities and security devices, and has no permanently attached additions; or

   c. Be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” in section 14-450.8(h)1a and b.

2. Zones V1-30 and VE shall meet the requirements of either section 14-450.8(i)1.a. or b. or section 14-450.8(p).

(j) *Accessory structures:* Accessory structures located within Zones A1-30, AE, AO, AH and A, shall be exempt from the elevation criteria required in section 14-450.8(f) and (g) above, if all other requirements of section 14-450.8 and all the following requirements are met. Accessory structures shall:

1. Be five hundred (500) square feet or less and have a value less than three thousand dollars ($3,000.00);

2. Have unfinished interiors and not be used for human habitation;

3. Have hydraulic openings, as specified in section 14-450.8(l), in at least two (2) different walls of the accessory structure;

4. Be located outside the floodway;

5. When possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters and be placed further from the source of flooding than is the primary structure; and

6. Have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the special flood hazard area.

(k) *Floodways:*

1. In Zones A1-30 and AE, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in ravine areas, for which a regulatory floodway is designated on the community’s Flood Insurance Rate Map or Flood Boundary and Floodway Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. In Zones A1-30 and AE riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in section 14-450.8(11)3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect

of the proposed development, when combined with all other existing development and anticipated development:

a. Will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community; and

b. Is consistent with the technical criteria contained in chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study – Guidelines and Specifications for Study Contractors, (FEMA 37/January 1995, as amended)*.

3. In Zones A1-30, AE, and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other watercourse and the adjacent land areas to a distance of one-half (1/2) the width of the flood plain as measured from the normal high water mark to the upland limit of the flood plain. Encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided meeting the requirements of section 14-450.8(k)2.a. and b.

(l) *Enclosed areas below the lowest floor:* New construction or substantial improvement of any structure in Zones A1-30, AE, AO, AH and A that meets the development standards of article VI, including the elevation requirements of section 14-450.8, paragraphs (f), (g) or (h) and is elevated on posts, columns, piers, piles, "stilts," or crawl spaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not basements;

2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:

a. Be engineered and certified by a registered

professional engineer or architect; or

b. Meet or exceed the following minimum criteria:

(a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of the enclosed area;

(b) The bottom of all openings shall be no higher than one (1) foot above the lowest grade; and

I Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

3. The enclosed area shall not be used for human habitation; and

4. The enclosed areas are usable solely for building access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

(m) *Bridges:* New construction or substantial improvement of any bridge in Zones A1-30, AE, AO, AH, A, V1-30 and VE shall be designed such that:

1. When possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least two (2) feet above the base flood elevation; and

2. A registered professional engineer shall certify that:

a. The structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of section 14-450.8(k); and

b. The foundation and superstructure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

(n) *Containment walls:* New construction or substantial improvement of any containment wall located within:

1. Zones A1-30, AE, AH, V1-30 and VE shall:

a. Have the containment wall elevated to at least two (2) feet above the base flood elevation;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard development permit, as required by section 14-450.6(b)d.4.

2. Zones AO and AH shall have adequate drainage paths around containment walls on slopes, to guide flood water away from the proposed walls.

3. Zone AO shall have the top of the containment wall elevated above the highest adjacent grade:

a. At least two (2) feet higher than the depth specified in feet on the community’s Flood Insurance Rate Map; or

b. At least three (3) feet if no depth number is specified.

4. Zone A shall have the containment wall elevated to at least two (2) feet above the base flood

elevation utilizing information obtained pursuant to section 14-450.6(b)4.a.ii.; section 14-450.7(a)4; or section 14-450.7(c)1.

(o) *Wharves, piers and docks:* New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A, A1-30, AE, AO, AH, V1-30, and VE, in and over water and seaward of the mean high tide if the following requirements are met:

1. Wharves, piers, and docks shall comply with all applicable local, state and federal regulations; and

2. Commercial wharves, piers, and docks involving fill shall adhere to the design and construction standards contained in the U.S. Army Corps of Engineers' *Shore Protection Manual.*

(p) *Coastal flood plains:*

1. All new construction located within Zones A1-30, AE, A, V1-30 and VE shall comply with all applicable local, state and federal regulations.

2. New construction or substantial improvement of any structure located within Zones V1-30 or VE shall:

a. Be elevated on posts or columns such that:

i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to two (2) feet above the base flood elevation;

ii. The pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and

iii. Water loading values used shall be those associated with the base flood. Wind

loading values used shall be those required by applicable state and local building standards.

b. Have the space below the lowest floor:

i. Free of obstructions; or

ii. Constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or

iii. Constructed with nonsupporting breakaway walls which have a design safe loading resistance of not less than ten (10) or more than twenty (20) pounds per square foot.

3. A registered professional engineer or architect shall:

a. Develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the *Coastal Construction Manual, (FEMA-55/February, 1986)*; and

b. Certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of section 14-450.8(p)2.

4. The use of fill for structural support in Zones V1-30 and VE is prohibited.

5. Human alteration of sand dunes within Zones V1-30 and VE is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.

6. The enclosed areas may be used solely for parking

vehicles, building access, and storage.

7. Lobster sheds and fishing sheds located seaward of mean high tide shall be exempt from the elevation requirement in section 14-450.8(g) only upon review and approval by the planning authority or Planning Board and if all the following requirements of section 14-450.8(a), (k) and (l) are met:

   a. The conditional use shall be limited to low value structures such as metal or wood sheds two hundred (200) square feet or less and shall not exceed more than one (1) story.

   b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.

   c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.

   d. The structure shall have unfinished interiors and shall not be used for human habitation.

   e. Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or floodproofed to two (2) feet above the base flood elevation.

      All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible outside the special flood hazard area.

      <u>If a flood hazard permit application is granted, the applicant shall be notified in writing that flood insurance is not available for structures located entirely over water or seaward of mean high tide.</u>

(Ord. No. 660-86, 7-7-86; Ord. No. 579-87, 6-15-87; Ord. No. 156-98, 11-16-98; Ord. No. 199-03/04, 4-21-04)

Sec. 14-450.9. Permit.

Upon determination that the development or substantial improvement plan is in compliance with this division, the building authority shall issue one (1) of the following Flood Hazard Area Development Permits based on the type of development:

(a) Issue a two-part flood hazard development permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the code enforcement officer with a second elevation certificate completed by a professional land surveyor, registered professional engineer or architect based on the Part I permit construction, “as built,” for verifying compliance with the elevation requirements of section 14-450.8(f), (g), (h) or (p). Following review of the elevation certificate data, which shall take place within seventy-two (72) hours of receipt of the application, or as soon as practicable thereafter, the code enforcement officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or

(b) Issue a Flood Hazard Development Permit for Floodproofing of Nonresidential Structures that are new construction or substantially improved nonresidential structures that are not being elevated but that meet the floodproofing standards of section 14-450.8(g)1.a.—c. The application for this permit shall include a floodproofing certificate signed by a registered professional engineer or architect; or

(c) Issue a Flood Hazard Development Permit for all level I and level II site plans that are not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than fifty (50) percent of the market value of the structure. Level I and level II site plans also include, but are not limited to: accessory structures as provided for in section 14-450.8(j), mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and nonstructural projects such as bridges, dams, towers,

fencing, pipelines, wharves, and piers.

(Ord. No. 660-86, 7-7-86; Ord. No. 579-87, 6-15-87; Ord. No. 156-98, 11-16-98; Ord. No. 278-09/10, 7-19-10)

Sec. 14-450.10. Certificate of compliance.

No land in an area of special flood hazard shall be occupied or used in violation of this division, and no structure in such an area which is developed or substantially improved shall be occupied until a Certificate of Compliance is issued by the building authority. Said Certificate of Compliance shall be issued only after an applicant files the following certifications of the "as-built" development with the building authority:

(a) For new construction or substantial improvement of any structure the applicant shall submit to the building authority:

1. An elevation certificate completed by a professional land surveyor, registered professional engineer, or architect, for compliance with applicable provisions of section 14-450.8; and

2. For structures in Zones V1-30 and VE, certification by a registered professional engineer or architect that the design and methods of construction to be used are in compliance with applicable provisions of section 14-450.8(p)3.

(b) The applicant shall submit written notification to the building authority that the development is complete and complies with the provisions of this division.

(c) Within thirty (30) working days, the building authority shall:

1. Review the elevation certificate and the applicant's written notification; and

2. Upon determination that the development conforms with the provisions of this division, shall issue a certificate of compliance.

(Ord. No. 660-86, 7-7-86; Ord. No. 579-87, 6-15-87; Ord. No. 156-98, 11-16-98)

Sec. 14-450.11. Fee.

A nonrefundable flood hazard area development permit fee of

fifty dollars ($50.00) shall be paid to the building authority, and a copy of a receipt for the same shall accompany the application. (Ord. No. 660-86, 7-7-86; Ord. No. 579-87, 6-15-87; Ord. No. 156-98, 11-16-98)

Sec. 14-450.12. Appeals and variance processes.

(a) The board of appeals shall hear and decide appeals from and review orders, decisions, determinations or interpretations or the failure to act of the building authority as authorized in section 14-472 (appeals).

(b) The board of appeals may authorize variances from the provisions of this division as authorized in section 14-473 (variances), except:

1. As otherwise expressly provided in section 14-473I(3); or

2. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(c) Section 14-473 notwithstanding, variances from the requirements of this division shall be granted only upon:

1. A showing of good and sufficient cause; and

2. A determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and

3. A showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and

4. A determination that failure to grant the variance would result in “undue hardship,” which in this subsection means:

   a. That the land in question cannot yield a reasonable return unless a variance is granted; and

   b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and

c. That the granting of a variance will not alter the essential character of the locality; and

d. That the hardship is not the result of action taken by the applicant or a prior owner.

(d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(e) Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of historic structures upon the determination that:

1. The development meets the criteria of section 14-450.12(a) through (d); and

2. The proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(f) Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:

1. The criteria of this section and section 14-450.8 are met; and

2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(g) Any applicant who meets the criteria of this section shall be notified by the board of appeals in writing over the signature of the chairman of the board of appeals that:

1. The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) per one hundred dollars ($100.00) of insurance coverage;

2. Such construction below the base flood level increases

risks to life and property; and

3. The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a flood plain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a flood plain.

(h) The above paragraph(s) shall be included with or on all applications for a variance hereunder, as well as the following statements:

1. The applicant understands and is fully aware of all of the risks inherent in the use of land subject to flooding and understands and agrees that he/she is fully assuming any potential or actual liability resulting therefrom. Applicant agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use the land located in a flood plain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a flood plain. Applicant further understands and agrees that the city has no responsibility 685therefore, and in the event a variance is granted to applicant, applicant agrees to inform any purchaser, assignee or other transferee of applicant of the existence of said variance and of this agreement.

2. Applicant shall signify in writing that he/she has read, understands and agrees to all of the stipulations in this subsection and subsection (7) immediately above.

(i) The board of appeals shall submit to the building authority a report of all variance actions, including justification for the granting of the variance and an authorization for the building authority to issue a flood hazard development permit, which includes any conditions to be attached to said permit.
(Ord. No. 660-86, 7-7-86; Ord. No. 579-87, 6-15-87; Ord. No. 156-98, 11-16-98)

Sec. 14-450.13. Records; reports.

(a) The director of planning and urban development shall maintain, as a permanent record, copies of all flood hazard area development permits issued, certificates of compliance and data relevant thereto, including reports of the board of appeals on variances granted hereunder.

(b) The director of planning and urban development shall be responsible for filing such annual reports regarding participation in the National Flood Insurance Program as may be required by FEMA. Said annual reports shall include, but not be limited to, a report on implementation of this division and on any variances granted hereunder. A copy of such annual reports shall also be sent to the state planning office.

(Ord. No. 660-86, 7-7-86; Ord. No. 579-87, 6-15-87; Ord. No. 156-98, 11-16-98)

Sec. 14-450.14. Enforcement and penalties.

It shall be the duty of the building authority to enforce the provisions of this ordinance pursuant to Title 30-A M.R.S.A. § 4452. The penalties contained in Title 30-A M.R.S.A. § 4452 shall apply to any violation of this ordinance.

In addition to any other actions, the building authority, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:

(a) The name of the property owner and address or legal description of the property sufficient to confirm its identity and location;

(b) A declaration that the property is in violation of a cited state or local law, regulation, or ordinance;

(c) A clear statement that the public body making the declaration has authority to do so and a citation to that authority;

(d) Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and

(e) A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

(Ord. No. 156-98, 11-16-98)

Sec. 14-450.15. Conflict with other ordinances.

This division shall not repeal, annul or in any way impair or remove the necessity of compliance with any other rules, regulations, permits or provisions of law. Where one (1) section of this Code imposes a greater restriction upon the use of land, buildings or structures than another section, the provisions of the stricter section shall control.
(Ord. No. 660-86, 7-7-86; Ord. No. 579-87, 6-15-87; Ord. No. 156-98, 11-16-98)

Sec. 14-450.16. Validity and severability.

If any section or provision of this division is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this division.
(Ord. No. 156-98, 11-16-98)

Sec. 14-450.17.- 14-450.30. Reserved.

DIVISION 26.7. S-P STREAM PROTECTION ZONE

Sec. 14-451. Purposes.

The purposes of the S-P stream protection zone are to preserve and protect significant streams as defined in 38 M.R.S.A. Section 438-A(1) by providing a buffer from land development activities in order to conserve stream channel capacity and to minimize siltation and stream bank erosion.
(Ord. No. 15-92, § 30, 6-15-92)

Sec. 14-452. Applicability.

The S-P stream protection zone includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream as shown on the City of Portland Zoning Map. The regulations set forth in this division shall not apply to a stream and its associated shoreland area when they are also located in an area designated as a shoreland zone. Streams located within shoreland zones shall be subject to the provisions of division 26.
(Ord. No. 15-92, § 30, 6-15-92)

Sec. 14-453. Development standards.

(a) *Minimum building setback from normal high water line of stream:* Seventy-five (75) feet. Notwithstanding this requirement, when a lot is a lot of record as defined in section 14-433 or

cannot otherwise meet the setback requirement of this section due to physical limitations of the site, the Planning Board may approve a reduction of the setback requirement for a principal structure to the least amount necessary to achieve a building dimension of twenty-eight (28) feet, provided that the setback is not reduced to less than forty (40) feet. Structures in existence on June 15, 1992, may be expanded once during the lifetime of the structure up to twenty-five (25) feet toward a stream or tributary stream, provided that the setback is not reduced to less than forty (40) feet and the floor area or volume is not increased by more than thirty (30) percent.

(b) *Filling of material within a stream protection zone:* Filling of material within a stream protection zone shall require site plan review in accordance with article V of this chapter.

(c) *Minimum parking setback from normal high water line of stream:* Seventy-five (75) feet. Notwithstanding this requirement, the Planning Board may reduce the parking setback where the required setback cannot be met to the least extent necessary, provided that such setback shall not be less than the setback of the principal structure from the stream.
(Ord. No. 15-92, § 30, 6-15-92; Ord. No. 278-09/10, 7-19-10)

Sec. 14-454. – Sec. 14-460. Reserved.

DIVISION 27. ADMINISTRATION AND ENFORCEMENT*

***Cross reference(s)—**Administration, Ch.2.

Sec. 14-461. Building authority to enforce article.

It shall be the duty of the building authority to enforce the provisions of this article. No permit or certificate of occupancy shall be issued for the construction, alteration, enlargement, moving, use or change of use of any building, structure, or part thereof, or for the use or change of use of any premises, unless the plans and intended use indicate that the building, structure or premises is to conform in all respects with the provisions of this article.
(Code 1968, § 602.22.A)

Sec. 14-462. Change to nonconforming use.

The use of any part of any building or structure for a

one-family dwelling house, two-family dwelling house, lodging house, hotel, tenement or apartment house, dormitory, educational use, club, church, farm use, hospital, sanitarium, institution, aviation facility, office or bank, place of amusement or assembly, retail business or service other than a filling station or garage, wholesale business, manufacturing or storage facility, warehouse, filling station, stable, minor garage for not more than one (1) commercial motor vehicle, minor garage for more than one (1) commercial motor vehicle, public garage, any use prohibited in an industrial zone, or for any other distinctive use shall not be changed to any other use in this list of uses or to any other distinctive use, whether alterations in the building or structure are involved or not, until a permit and certificate authorizing such change of use has first been secured from the building authority, unless the proposed use conforms with the requirements of this article for the zone in which the building or structure or part thereof is located. Failure to secure such a permit before such a change is made shall be a violation of this article.
(Code 1968, § 602.22.B)

Sec. 14-463. Certificate of occupancy required.

No building or part thereof shall be constructed, altered, enlarged or moved unless a permit for such action has been issued by the building authority. Applications for building permits and certificates of occupancy required by the building code shall also serve as applications for permits required by this article. After the building, structure or part thereof has been completed, altered, enlarged or moved, a certificate of occupancy shall be obtained for the proposed use before the same may be occupied or used. A certificate of occupancy shall be required for any of the following:

(a) Any increase in the number of dwelling units in a building;

(b) Establishment of any home occupation;

(c) Change in the use of a nonconforming use, whether of land or buildings;

(d) Occupancy and use, or change of use, of vacant land, except for the raising of crops;

(e) Change in the use of an existing building, whether or not alterations are involved, from any use in the following list to any of the other uses on the list:

1. Manufacturing or processing;

2. Residential;

3. Retail;

4. Storage or warehouse;

5. Transportation;

6. Other industrial;

7. Institutional;

8. office;

9. Other commercial;

10. Water-dependent use;

11. Marine use.

(Code 1968, § 602.22.C; Ord. No. 293-84, § 1, 11-19-84; Ord. No. 168-93, § 4, 1-4-93)

Sec. 14-464. Plans to be submitted.

A site plan showing the dimensions of the lot and of all buildings, yards and parking spaces, existing or proposed, shall accompany each application to the building authority for a building permit or certificate of occupancy. Site plans of all off-street loading and off-street parking, whether or not such parking is located on the same lot with the building for which it is required or which it is to serve, shall be provided.
(Code 1968, § 602.22.D)

Sec. 14-465. Reserved.
(Ord. No. 224-00, 5-15-00; Ord. No. 119-01/02, § 3, 12-3-01; Ord. No. 253-15/16, 7/1/2016; Repealed by Order 158-16/17, 3-6-2017)

Sec. 14-466. – Sec. 14-470. Reserved.

DIVISION 28. JURISDICTION OF BOARD OF APPEALS*

***Cross reference(s)—**Administration, Ch. 2; boards generally, § 2-31 et seq.; board of appeals, § 14-541 et seq.

Sec. 14-471. Jurisdiction and authority.

The board of appeals shall have the following jurisdiction and authority:

(a) Subject to the provisions of section 14-472, to hear and decide appeals from, and review orders, decisions, determinations or interpretations made by the building authority;

(b) Subject to the provisions of section 14-473, to hear and grant or deny applications for variances from the terms of this article;

(c) Subject to the provisions of section 14-474, to hear and grant or deny applications for conditional uses, as specified in this article;

(d) To initiate changes and amendments to this article.

(Code 1968, § 602.24.A; Ord. No. 437-74, 7-1-74; Ord. No. 354-85, § 5, 1-7-85)

Sec. 14-472. Appeals.

(a) *Authority.* The board of appeals shall hear and decide appeals from and review orders, decisions, determinations or interpretations or the failure to act of the building authority.

(b) *Procedure:*

1. *Notice of appeal.* An appeal may be taken to the board of appeals by any person affected by a decision of the building authority. Such appeal shall be taken within thirty (30) days of the action complained of by filing with the building authority a notice of appeal specifying the grounds thereof. A payment of a nonrefundable filing fee, as established from time to time by the city council to cover administrative costs and costs of hearing, shall accompany notice of appeal. The building authority shall forthwith transmit to the board of appeals all of the papers constituting the record upon which the action appealed from was taken.

2. *Public hearing.* A public hearing shall be set, advertised and conducted by the board of appeals in accordance with article VI of this chapter.

3. *Action by the board of appeals.* Within thirty (30) days

following the close of the public hearing, the board of appeals shall render a decision on the appeal in the manner and form specified in article VI of this chapter. The failure of the board to act within thirty (30) days shall be deemed an approval of the appeal unless mutually extended in writing by the appellant and the board. Within five (5) days of such decision or failure to act notice thereof shall be mailed by the secretary to each party.

4. *Right to grant variance in deciding appeals.* In any case where the notice is accompanied by an application for variance in accordance with section 14-473(b)(1), the board of appeals shall have the authority to grant, as part of the relief, a variance, but only in strict compliance with each provision of section 14-473 hereof.

5. *Conditions and limitations on rights granted by appeal.* Any right granted by the board of appeals on appeal shall be subject to the same conditions and limitations as if secured without the necessity of an appeal.

(Code 1968, § 602.24.B; Ord. No. 437-74, 7-1-74)

Sec. 14-473. Variances.

(a) *Authority.* Except as otherwise expressly provided in subsection (c)(3) and (c)(4), the board of appeals may authorize variances from the provisions of this article as meet the requirements of this division including but not limited to use variance, dwelling unit conversion, space and bulk such as lot size, density and side yard, parking, loading and signs.

(b) *Procedure:*

1. *Application.* Application for a variance shall be submitted to the building authority. A payment of a nonrefundable application fee, as established from time to time by the city council to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in such form as prescribed by the building authority and contain at least the following information and documentation:

   a. The name and address of the applicant and his or her interest in the subject property;

   b. The name and address of the owner, if different

from the applicant;

c. The address or location of the subject property;

d. The present use and zoning classification of the subject property;

e. Where the site plan approval is required by article V of this chapter, a preliminary or final site plan as defined by article V of this chapter;

f. The relief sought from the board of appeals.

2. *Public hearing.* A public hearing shall be set, advertised and conducted by the board of appeals in accordance with article VI of this chapter.

A copy of each variance request pertaining to division 26 (shoreland regulations) including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commission of the Department of Environmental Protection at least twenty (20) days prior to action by the board. Any comments received from the Commissioner prior to action by the board shall be made part of the record and shall be taken into consideration by the board.

3. *Action by board of appeals.* Within thirty (30) days following the close of the public hearing, the board of appeals shall render its decision granting or denying the variance, in the manner and form specified by article VI of this chapter. The failure of the board to act within thirty (30) days shall be deemed an approval of the variance unless mutually extended in writing by the applicant and the board. Within seven (7) days of such decision or the expiration of such period, the secretary shall mail notice of such decision or failure to act to the applicant.

(c) *Conditions for variances:*

1. *Undue hardship required; defined.* Except as provided in subsection (2) below, a variance may be granted by the board only where strict application of the ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. The words “undue hardship” as

used in this subsection mean:

a. That the land in question cannot yield a reasonable return unless a variance is granted;

b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

c. That the granting of a variance will not alter the essential character of the locality; and

d. That the hardship is not the result of action taken by the applicant or a prior owner.

2. *Disability variance:* Notwithstanding the provisions of subsection (c)(1) of this section, the board may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term “structures necessary for access to or egress from the dwelling” shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure. For the purpose of this subsection, a disability has the same meaning as a physical or mental handicap under 5 M.R.S.A. Section 4553.

3. *Practical difficulty variance:*

a. Notwithstanding the provisions of subsections 14-473(c)(1) and (2) of this section, the board of appeals may grant a variance from the dimensional standards of this article when strict application of the provisions of the ordinance would create a practical difficulty, as defined herein, and when all the following conditions are found to exist:

1. The need for a variance is due to the unique circumstances of the property, and not to the

general conditions in the neighborhood;

2. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on either the use or fair market value of abutting properties;

3. The practical difficulty is not the result of action taken by the applicant or a prior owner;

4. No other feasible alternative is available to the applicant, except a variance;

5. The granting of a variance will not have an unreasonably adverse effect on the natural environment; and

6. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. § 435, nor within a shoreland zone or flood hazard zone, as defined in this article.

b. The following words have the meanings set forth below:

1. *Dimensional standards:* Those provisions of this article which relate to lot area, lot coverage, frontage, and setback requirements.

2. *Practical difficulty:* A case where strict application of the dimensional standards of the ordinance to the property for which a variance is sought would both preclude a use of the property which is permitted in the zone in which it is located and also would result in significant economic injury to the applicant.

3. *Significant economic injury:* The value of the property if the variance were denied would be substantially lower than its value if the variance were granted. To satisfy this standard, the applicant need not prove that

denial of the variance would mean the practical loss of all beneficial use of the land.

c. Except as modified above, the other provisions of section 14-473 will apply to practical difficulty variances, including, but not limited to, the provisions of section 14-473(b)(2) (public hearing), and section 14-473(d) (specified variances prohibited).

d. A practical difficulty variance may not be used to grant relief from the provisions of section 14-449 (land use standards), to increase either volume or floor area, nor to permit the location of a structure, including, but not limited to, single-component manufactured homes, to be situated on a lot in a way which is contrary to the provisions of this article.

4. *Specified variances prohibited:*

a. No use permitted in medium- and high-density residential districts shall be permitted in low-density residential districts. No use permitted in business districts shall be permitted in any residential district. No use permitted in industrial districts shall be permitted in any business or residential district. No use permitted in residential districts shall be permitted in any industrial district. The general use categories are listed below:

1. Low-density residential: IR-1, IR-2, IR-3, R-1, R-2, R-3.

2. Medium- and high-density residential: R-4, R-5, R-6.

3. Business: R-P, B-1, B-2, B-3, A-B, B-4, B-5, I-B.

4. Industrial: I-L, I-Lb, I-M, I-Ma, I-Mb, I-H, I-Hb.

b. No variance shall be granted which would permit the creation of a lot or parcel that cannot be

developed in compliance with the zoning, subdivision and other regulations applicable thereto.

c. No variance shall be granted which would result in a use or development of the lot or parcel in question which would not be in harmony with the general purpose and intent of this article or the land development plan of the city; which would be materially detrimental to the public welfare or materially injurious to the enjoyment, use or development of property or improvement permitted in the vicinity; or which would materially impair an adequate supply of light and air to properties and improvements in the vicinity, substantially increase congestion in the public streets, increase the danger of flood or fire, or endanger the public safety.

d. No variance shall be granted which would be greater than the minimum variance necessary to relieve the undue hardship or the hardship of the applicant.

e. Except for appeals concerning nonconforming dwelling units in existence and use prior to April 18, 1984, no variance shall be granted which would permit the alteration of a structure to accommodate any additional dwelling unit as a conditional use without meeting the requirements which would otherwise be a condition precedent to such conditional use treatment.

f. No variance shall be granted which would permit the alteration of an existing residential structure in an R-4 or an R-5 zone to accommodate more than three (3) dwelling units. No such variance shall be granted unless:

1. No additional unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;

2. No open outside stairways or fire escapes above the ground floor shall be or have been constructed in the immediately preceding five (5) years;

3. A lower level dwelling unit shall have a minimum of one-half of its floor-to-ceiling height above the average adjoining ground level;

4. No existing dwelling unit shall be decreased to less than one thousand (1,000) square feet of floor area;

5. The building shall have been in existence prior to January 1, 1984;

6. A minimum of nine thousand (9,000) square feet of land area shall be required;

7. A minimum of four (4) on-site parking spaces shall be required;

8. A minimum of seventy-five (75) feet of street frontage shall be required; provided, further, before a building permit may be issued, site plan approval under article V of this chapter shall be required with the following additional review standards:

   (i) Any addition or exterior alterations such as facade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the structure;

   (ii) The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets;

provided, further, that no variance shall be granted with respect to any of the preceding additional requirements.

g. No variance shall be granted from the minimum lot sizes set forth in section 14-433 for lots in the IR-1, IR-2 and I-B zones.

h. No variance shall be granted from the requirements in Section 14-403.

(d) *Conditions on variances; variances less than requested.* Reasonable conditions and safeguards relating to construction, character, location, landscaping, screening and other matters may be imposed upon the premises benefited by a variance as considered necessary to prevent injurious effects upon other property and improvements in the vicinity or upon public facilities and services. Such conditions shall be expressly set forth in the resolution granting the variance and in the notice informing the applicant thereof. Violation of such conditions and safeguards shall be a violation of this article. A variance less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.

(e) *Limitations on variances.* No variance permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, or such other time as may be fixed at the time granted not to exceed two (2) years, unless a building permit for such erection or alteration is issued and construction is actually begun within that period and is thereafter diligently pursued to completion. One (1) or more extensions of said expiration dates may be granted if the facts constituting the basis of the decision have not materially changed and the two-year period is not exceeded thereby. No variance relating to the establishment or maintenance of a use not involving a building or structure shall be valid for a period longer than six (6) months, or such other time as may be fixed at the time granted not to exceed two (2) years, unless an occupancy permit is issued and a use commenced within such period; provided, however, that one (1) or more extensions of said time may be granted if the facts constituting the basis of the decision have not materially changed, and the two-year period is not exceeded thereby.

(f) *Recording of variances.* No variance shall be valid unless, within thirty (30) days of final approval of the variance, a certificate describing the variance has been recorded by the applicant for the variance in the registry of deeds as required by 30 M.R.S.A. Section 4963.

(Code 1968, § 602.24.C; Ord. No. 437-74, 7-1-74; Ord. No. 467-83, § 1, 4-20-83; Ord. No. 563-84, 5-7-84; Ord. No. 357-84, § 1, 12-17-84; Ord. No. 354-85, § 6, 1-7-85; Ord. No. 40-85, § 1, 7-15-85; Ord. No. 67-87, § 5, 11-2-87; Ord. No. 93-88, 7-19-88; Ord. No. 167-89, 12-11-89; Ord. No. 324-92, 4-22-92; Ord. No. 164-97, § 13, 1-6-97; Ord. No. 208-98, §§ 1, 2, 2-2-98; Ord. No. 253-05/06, 7-17-06; Ord. No. 296-08/09, 6-15-09; Ord. No. 60-12/13, 11-19-12)

***Editor's note—**Ord. No. 93-88, adopted July 19, 1988, amended § 14-473 by adding subsection (f) to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 93-88.

Sec. 14-474. Conditional uses.

(a) *Authority.* The board of appeals may, subject to the procedures, standards and limitations set out in this section, approve the issuance of a conditional use permit authorizing development of conditional uses listed in this article.

(b) *Procedure:*

1. *Application.* Applications for conditional use permits shall be submitted to the building authority. A nonrefundable application fee, as established from time to time by the city council to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the building authority but shall in all instances contain at least the following information and documentation:

    a. The applicant's name and address and his or her interest in the subject property;

    b. The owner's name and address if different than the applicant;

    c. The address, or chart, block and lot number as shown in the records of the office of the assessor of the subject property;

    d. The zoning classification and present use of the subject property;

    e. The particular provision of this article authorizing the proposed conditional use;

    f. A general description of the proposed conditional use;

    g. Where site plan approval is required by article V of this chapter, a preliminary or final site plan

as defined by article V of this chapter.

2. *Public hearing.* A public hearing shall be set, advertised and conducted by the board of appeals in accordance with article VI of this chapter.

3. *Action by the board of appeals.* Within thirty (30) days following the close of the public hearing, the board of appeals shall render its decision, in a manner and form specified by article VI of this chapter, granting the application for a conditional use permit, granting it subject to conditions as specified in subsection (d), or denying it. The failure of the board to act within thirty (30) days shall be deemed an approval of the conditional use permit, unless such time period is mutually extended in writing by the applicant and the board. Within five (5) days of such decision or the expiration of such period, the secretary shall mail notice of such decision or failure to act to the applicant and, if a permit is authorized, shall issue such permit, listing therein any and all conditions imposed by the board of appeals.

(c) *Conditions for conditional uses:*

1. *Authorized uses.* A conditional use permit may be issued for any use denominated as a conditional use in the regulations applicable to the zone in which it is proposed to be located.

2. *Standards.* The Board shall, after review of required materials, authorize issuance of a conditional use permit, upon a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. The Board shall find that this standard is satisfied if it finds that:

   a. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and

   b. The proposed use will not create unsanitary or

harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and

c. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

3. *Use Specific Standards*. The following additional standards of review apply to the specific uses.

a. Emergency shelters are subject to the following conditions, in addition to the provisions of section 14-474 (c) 2. Notwithstanding section 14-474(a) or any other provision of this Code, the Planning Board shall be substituted for the Board of Appeals as the reviewing authority for any shelter also subject to Level III site plan review:

i. The facility shall provide adequate space for conducting security searches and other assessments;

ii. The facility shall be designed with a centralized shelter operations office on each level providing sight lines to sleeping areas;

iii. A Management Plan adequately outlining the following areas shall be provided: Management responsibilities; Process for resolving neighborhood concerns; Staffing; Access restrictions; On-site surveillance; Safety measures; Controls for resident behavior and noise levels; and Monitoring Reports.

iv. Adequate access to and from METRO service shall be provided. The facility shall be within a ¼ mile of a METRO line, or shall be within ½ mile of a METRO line and provide adequate indoor space to permit all shelter guests day shelter, as well as implement

strategies to help residents utilize transit;

v. The facility shall provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, housing assistance, or other programs;

vi. Suitable laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers shall be provided on-site; and

vii. An outdoor area for guest use shall be provided on-site with adequate screening to protect privacy of guests.

(d) *Conditions on conditional use permits.* The board of appeals may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use permit and in the permit. Violation of such conditions shall be a violation of this article.

(e) *Effect of issuance of a conditional use permit.* The issuance of a conditional use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the city, including but not limited to a building permit, a certificate of occupancy, subdivision approval and site plan approval.

(f) *Limitations on conditional use permits.* No conditional use permit shall be valid for a period longer than six (6) months from the date of issue, or such other time as may be fixed at the time granted not to exceed two (2) years, unless the conditional use has been commenced or is issued and construction is actually begun within that period and is thereafter diligently pursued to completion; provided, however, that one (1) or more extensions of said time may be granted if the facts constituting the basis of the decision have not materially changed, and the two-year period is not exceeded thereby. A conditional use permit shall be deemed to

authorize only the particular use for which it was issued and such permit shall automatically expire and cease to be of any force or effect if such use shall for any reason be discontinued for a period of twelve (12) consecutive months or more.

(g) *Appeals from board decisions.* Appeals from any decision of the board of appeals or, where applicable, the Planning Board respecting a conditional use permit shall be to superior court.
(Code 1968, § 602.24.D; Ord. No. 437-74, 7-1-74; Ord. No. 407-83, 2-2-83; Ord. No. 467-83, § 2, 4-20-83; Ord. No. 237-83, 10-17-83; Ord. No. 222-13/14, 5-5-2014; Ord. No. 252-16/17, 6-5-2017)

Sec. 14-475. Reserved.

***Editor's note—**Section 7 of Ord. No. 354-85, adopted Jan. 7, 1985, repealed § 14-475, relative to nonconforming uses, which derived from Code 1968, § 602.24.E, and Ord. No. 437-74, adopted July 1, 1974.

Sec. 14-476. Successive applications.

Whenever any application, appeal or other request filed pursuant to this article has been finally denied on its merits, a second application, appeal or other request seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought within one (1) year of such denial unless, in the opinion of the officer or board before which it is brought, substantial new evidence is available or a mistake of law or fact significantly affected the prior denial.
(Code 1968, § 602.24.F; Ord. No. 437-74, 7-1-74)

Sec. 14-477. Violations.

In addition to any other remedies available, the board of appeals after notice and hearing may revoke any variance or other relief granted under this article when the provisions of this article or the conditions under which the relief was granted have not been complied with.
(Code 1968, § 602.24.G; Ord. No. 437-74, 7-1-74)

Sec. 14-478. – 14-482. Reserved.

***Editor's Note—**Pursuant to Council Order 280-09/10 passed on 7/19/10 Division 29 (Preservation and Replacement of Housing Units) was repealed in its entirety and replaced with a new Division 29 (Housing Preservation and Replacement).

DIVISION 29. HOUSING PRESERVATION AND REPLACEMENT

Sec. 14-483. Housing preservation and replacement.

(a) *Purpose*. The purpose of these regulations is:

1. To promote and facilitate an adequate supply of housing, particularly affordable housing for all economic groups;

2. To limit the net loss of housing units in the city;

3. To preserve housing in zones where housing is permitted for in the city for all residents in order to promote the health, safety and welfare of its citizens.

(b) *Definitions*.

Dwelling unit. A dwelling unit is one (1) or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit. For purposes of this section only it also includes single family, two-family and multi-family dwellings and any dwelling units in those dwellings, or dwelling units, or rooms that people rent or sleep in within lodging houses, dormitories, shelters and sheltered care group homes.

Loss of dwelling unit for purposes of this section means the elimination or conversion to nonresidential use of a dwelling unit and dwelling units that remain vacant for three years or more or are lost due to demolition unless the vacancy or demolition results from accidents outside of the owner’s control, fire, natural disasters, or acts of war.

Original site means the location where the demolition or conversion to non-residential use of dwelling units will take place.

(c) *Applicability*. Except as otherwise provided in this section, this section shall apply to the loss of three or more dwelling units in a five year period, provided that such dwelling units were a legally registered residential use as of July 1, 2002.

Except as otherwise provided in this section, this section shall also apply to proposals that (a) result in the loss of fewer than three (3) dwelling units which were legally registered

residential use as of July 1, 2002, and (b) creates surface parking.

Determination of number of the dwelling units within a structure or structures and the number of units lost will be based on records in the Department of Planning and Urban Development indicating the legal, registered use of the property since July 1, 2002 through the time of application. The actual use of the property for purposes of applicability of this section may be rebutted by the owner by proof of documentary evidence including but not limited to photographs, letters, and sworn affidavits. The Planning Authority may conduct its own investigation of the actual use and shall determine the applicability of this section based on the totality of the evidence.

(d) *Exemptions.*

This section does not apply to:

1. Consolidation, elimination or reconfiguration of one (1) or more dwelling units within an existing structure, as long as all the resulting units remain as dwelling units after such consolidation, elimination or reconfiguration, except as provided by subsection 5 below. Conversion of a dwelling unit to a hotel or motel room shall not qualify for the exemption provided by the paragraph.

   The amendments to paragraph (d)(1) approved by the City Council on June 6, 2011 shall have an effective date of April 25, 2011 but not apply to any final determination regarding the applicability of this section made by the Planning Authority prior to April 25, 2011.

2. Proposals that result in a number of units equal to or greater than the number of units lost as determined by the Planning Authority; or

3. Grandfathered dwelling units existing in zones which no longer permit residential uses.

4. Property which has been ordered demolished by the City, pursuant to 17 M.R.S.A. §2851, et seq., as amended, except where it is determined by the Building Authority that the deterioration was caused by neglect or lack of maintenance.

5. Subparagraph 1, above notwithstanding, the conversion to a non-residential use of any dwelling units located on the ground floor of a building within a business zone.

(e) *Site plan administrative authorization or approval required.* Notwithstanding any other provision of this section, a person who proposes to demolish or to convert to a nonresidential use three or more dwelling units in the City, in a zone where such use is otherwise permitted, must first obtain administrative authorization or site plan approval from the City's Planning Authority or Planning Board pursuant to Sec. 14-521, et. seq.

In addition the requirements of 14-521, et. seq., where this section is applicable, the applicant must also submit a statement certifying the number of dwelling units to be demolished or converted to nonresidential use, as well as a description of the characteristics of each of those units.

(f) *Tenant Notification Requirements*. Prior to elimination as a result of demolition or conversion to non-residential use, the owner shall:

1. Provide the Planning Authority a list containing the name of each tenant currently residing in the dwelling units to be demolished or converted to non-residential use, as well as verification of compliance with tenant notice requirements of this section.

2. Deliver to each tenant who occupies such a dwelling unit a written notice to vacate the unit. The notice shall either be sent by certified mail, return receipt requested, or served in-hand. The notice will grant the tenant not less than ninety (90) days from the date of receipt of the notice to vacate the unit; and

3. File proof of service of the notice with the Planning Authority.

(g) *Housing Replacement Requirements.* In addition to the requirements of 14-521, et. seq, the Planning Authority shall require, as a condition of approval, that an owner shall replace any dwelling units that are demolished or converted to non residential use.

This section may be satisfied in any one of the following ways:

1. Construction of Units. The construction of housing units within a new structure or a new addition either on site or off-site;

2. Residential Conversion. The conversion of a nonresidential building to residential use; or

The applicant may use either of the two methods or a combination of the two to fulfill their replacement requirement.

(h) *Replacement Unit Requirement*. In addition to the foregoing, all replacement units built pursuant to sub-section (g)(1) or (2) above shall:

1. Be located within the same United States Census Block Group as the parcel from which the dwelling units are being removed or within 1,500 feet of the dwelling units being removed;

2. Not previously have been on the market as of the date of application;

3. Be situated within a development which has not been a candidate for site plan approval as of the date of the application; and

4. Be comparable in size to the units replaced; for the purpose of this section, “comparable in size” means that the aggregate size of the replacement units will be no less than 80% of the size of the aggregate of the original units.

(i) *Contribution to the Housing Trust Fund*.

1. The applicant may meet the requirements of this section by depositing $50,000 for each dwelling unit into the City’s Housing Trust Fund in section 14-489.

2. Beginning on January 1, 2004 and annually thereafter, the amount of the contribution shall be adjusted by multiplying this amount originally deposited for each unit by a fraction, the denominator of which shall be the “Consumer Price Index for Urban Wage Earners and Clerical Workers (“CPI-W”),” U.S. City Average, “All Items Index,” as published by the United States Bureau of Labor Statistics (“the Index”) for

January 1, 2003 Year, and the numerator of which shall be the Index for the same month in each subsequent year. In the event that the Index is not then in existence, the parties shall use such equivalent price index as is published by any successor governmental agency then in existence; or, if none, then by such nongovernmental agency as may then be publishing an equivalent price index, in lieu of and adjusted to the Index. If the Index shall cease to use 1982-84 equals 100 as the basis of calculation, or if a substantial change is made in the terms or number of items contained in the Index, the Base Index shall be adjusted to conform to such change, using such computation thereof, if available, as shall be employed by the United States Department of Labor in computing same. Notwithstanding anything herein to the contrary, contributions made after January 1, 2004 shall not be less than the amount originally required to be deposited pursuant to sub-section (i)(1) for each rooming or dwelling unit.

(j) *Performance Guaranty/Letter of Credit.* Owners or affiliates must post a performance guaranty in the form of a letter of credit, or other security acceptable to the city attorney, in the amount equivalent to the amount the applicant would have been required to contribute to the City's Housing Trust Fund if the applicant had chosen that option pursuant to sub-section g. Such a performance guaranty shall be valid for no more than three years, after which the full amount due shall be provided to the City's Housing Trust Fund if replacement units satisfying the conditions of this Division 29 do not have Certificates of Occupancy.

(k) *Partial waiver of replacement requirements*. Any owner who has applied for site plan review for elimination or conversion to non-residential use of dwelling units may apply to the Zoning Board of Appeals for a partial waiver from the housing replacement requirements of this section. Such waiver may be a downward adjustment of up to fifty percent (50%) of the owner's housing replacement obligation if the owner establishes to the board's satisfaction that:

1. The proposed development is consistent with the comprehensive plan;

2. The proposed development provides significant value and benefit to the immediate and surrounding neighborhood, including, but not limited to, community enhancement,

social benefits or job creation;

3. The applicant demonstrates with objective evidence that the imposition of the requirements of this section would impose such an economic burden upon the project relative to its scope that it renders the project impossible to develop; and

4. The requested relief does not constitute a grant of a special privilege inconsistent with the limitations upon similar properties.

The Zoning Board of Appeals must make positive findings on each of the four (4) criteria above in order for any such adjustment to be valid. An applicant aggrieved of a decision of the Zoning Board of Appeals may appeal a decision under this sub-section pursuant to Sec. 14-553 of the City Code.

(l) *Effect of Other City Ordinances*.

1. *Historic Preservation*. Nothing in this division shall permit the demolition or conversion to non-residential use, of dwelling units in residential property protected by the Historic Preservation Ordinance (Sections 14-601, et seq.), except as permitted by that ordinance.

2. *Conditional Zone*. A conditional zone may not be used to circumvent the application of this section. The terms of this section shall apply to any conditional zone which involves dwelling units affected by this section. Notwithstanding the foregoing, nothing herein shall be deemed to prevent the City and the applicant from agreeing to terms which exceed those imposed by this section by means of a conditional zone.

(m) *Appeals*. Any applicant aggrieved by a decision of the Planning Authority under this section may appeal to the Zoning Board of Appeals within 30 days of that decision.
(Ord. No. 27-02/03, 10-7-02; Ord. No. 280-09/10, 7-19-10; Ord. No. 241-10/11, 6-6-11; Order 133-15/16, 1-4-2016)

DIVISION 30. AFFORDABLE HOUSING

Sec.14-484. Purpose.

It is in the public interest to promote an adequate supply of affordable housing for the city’s residents. The purpose of this division therefore is to offer incentives to developers to

include units of affordable housing within development projects, thereby mitigating the impact of market rate housing construction, or the demonstrated increase in affordable housing needs resulting from the creation of new lower-income jobs, on the limited supply of available land for suitable housing, and helping to meet the housing needs of all economic groups within the city. The city believes that this division will assist in meeting the city's comprehensive goals for affordable housing, in the prevention of overcrowding and deterioration of the limited supply of affordable housing, and by doing so promote the health, safety and welfare of its citizens.
(Ord. No. 98-06/07, 12-4-06; Ord. 82-15/16, 10-19-2015; Ord. No. 134-18/19, 1-23-2019)

Sec. 14-485. Definitions.

Affordable means that the percentage of income a household is charged in rent and other housing expenses or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount.

Low-income housing unit for rent means a dwelling unit for which:

(a) The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD);

(b) The unit is rented to a household earning 80% or less of AMI; and

(c) The requirements of (a) and (b) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance..

Low-income housing unit for sale means a dwelling unit for which:

(a) The sale price is affordable to a household earning 100% or less of AMI;

(b) The unit is sold to a household earning 100% or less of AMI; and

(c) The requirements of (a) and (b) above are limited by deed restriction or other legally binding agreement for future sales for the applicable length of time in this ordinance.

Development fees means:

(a) The following fees, as described in this chapter: site plan review and inspection fees; subdivision review and inspection fees; impact fees; and administrative fees; and

(b) Construction and permit fees as described in Chapter 6. “Development fees” does not include any fees charged for reviews conducted by a party other than the city.

Dwelling unit has the same meaning as that term is defined in section 14-47.

Eligible project means a development project:

(a) That is permissible under the provisions of this chapter in the zone in which it is proposed;

(b) That will be a single-family or multi-family dwelling, or subdivision consisting of a group of dwellings, and will not be located in an R-1 or R-2 zone;

(c) That creates new dwelling units, among which is at least one low-income or workforce housing unit for rent or sale, through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project; and

(d) Projects shall not be considered “eligible projects” solely because they are subject to Section 14-487 (“Ensuring Workforce Housing”).

Hotel Project means any hotel, inn or motel, as defined in Section 14-47 of Chapter 14 of the Portland City Code, consisting of 10 or more guest rooms for rent. Any such development that

exists prior to the effective date of this Section but expands by 10 or more rooms within any 5 year period will also be considered a hotel project.

Workforce housing unit for rent means a dwelling unit for which:

(a) The rent is affordable to a household earning 100% or less than of AMI

(b) The unit is rented to a household earning 100% or less of AMI; and

(c) The requirements of (a) and (b) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

Workforce housing unit for sale means a dwelling unit for which:

(a) The purchase price is affordable to a household earning 120% or less of AMI;

(b) The unit is sold to a household earning 120% or less of AMI; and

(c) The requirements of (a) and (b) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

(Ord. No. 98-06/07, 12-4-06; Ord. No. 84-08/09, 10-20-08; Ord. 82-15/16, 10-19-2015; Ord. No. 196-15/16, 3-21-2016; Ord. No. 247-17/18, 6-18-2018; Ord. No. 98-18/19, 11-19-2018; Ord. No. 134-18/19, 1-23-2019

Sec. 14-486. Reduction of fees.

Notwithstanding any other provision of this chapter or chapter 6 to the contrary, development fees shall be reduced by the city for an eligible project in the manner described in the following table:

Percentage of new units that are low-income or workforce units	**Percentage discount of development fees**	**Cost of Work (Building Permit) Fees in lieu of Section 617 (a) 1 & 3**
5% up to but not including 10%	5% reduction	$10.50 per $1,000

10% up to but not including 15%	10% reduction	$9.90 per $1,000
15% up to but not including 20%	15% reduction	$9.35 per $1,000
20% up to but not including 25%	20% reduction	$8.80 per $1,000
25% or more	25% reduction	$8.25 per $1,000

The planning and urban development department shall perform its review of an eligible project in as expedited a manner as is practical, without impairing the scope or thoroughness of the review. The planning and urban development department may adopt administrative procedures to prioritize review of eligible projects and facilitate this expedited review.

The planning board shall make its best efforts to give priority in scheduling workshops and public hearings related to any plans or applications required for an eligible project that are within the planning board's jurisdiction, without impairing the scope or thoroughness of its review. At the conclusion of these public meetings, the planning board shall promptly issue a decision on all such plans and applications before it for consideration.

(Ord. No. 98-06/07, 12-4-06; Ord. 82-15/16, 10-19-2015; Ord. No. 165-15/16, 3-7-2016; Ord. No. 196-15/16, 3-21-2016)

Sec. 14-487. Ensuring Workforce Housing.

(a) *Purpose.* Based on the city's Comprehensive Plan and the housing study completed in 2015, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of Portland citizens.

(b) *Applicability*. This division shall apply to development projects that create ten or more new dwelling units for rent or for sale through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements.

(c) *All Developments of Ten Units or More Conditional Uses*. Notwithstanding any language to the contrary in Chapter 14, all developments of ten units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this section, 14-487 unless they are within the India Street Form Based Code district, in which case the review will be conducted administratively or by the Planning Board in accordance with the thresholds of site plan review for the district.

(d) *Workforce Housing Minimum.* At least ten percent (10%) of the units in the project shall meet the definition of workforce housing unit for sale or for rent. The project shall have the option of paying a partial fee-in-lieu as per (e)4 below for any fractional value or providing an additional unit on site.

(e) *Standards.*

1. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.

2. Workforce units are encouraged to be integrated with the rest of the development, should use a common entrance and should provide no indications from common areas that these units are workforce housing units.

3. Workforce units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be no less than 10 percent of the total number of bedrooms in the development. For the purposes of calculating the number of bedrooms in a development, every 400 square feet in each market rate unit will count as a bedroom if the Planning Authority determines this method is appropriate in lieu of counting actual bedrooms.

4. As an alternative to providing workforce housing units, projects may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into

the Housing Trust Fund as defined in Sec. 14-489. The fee for affordable units not provided shall be $100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement.

5. Workforce housing units for sale, if converted to workforce housing units for rent, shall become subject to the income limits and other requirements of such units.

6. If at least 33 percent of the units in a development are workforce units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.

7. The term of affordability for the required 10 percent workforce units provided shall be defined as follows:

Percentage of Workforce Units Provided	Minimum Term of Affordability for Required Workforce Units
10%	Longest term permitted under federal, state and local laws and ordinances
25%	30 years
50%	20 years
100%	10 years

(f) *Implementing Regulations*. Regulations to further specify the details of this section shall be developed, including, but not limited to:

1. Specific methodology for income verification;

2. Situations where less than permanent affordability might be considered; and

3. Guidelines for meeting the requirement that off-site units be “in the same neighborhood”.

(g) *Reporting to City Council.* In conjunction with the annual report on the Housing Trust, city planning staff shall annually report on developments subject to this section, the number of units produced, the amount of fee-in-lieu collected, and the overall effectiveness of this section in achieving its

stated purpose.
(Ord. No. 98-06/07, 12-4-06; Ord. 82-15/16, 10-19-2015; Ord. No. 247-17/18, 6-18-2018)

Sec. 14-488. Density, parking and dimensional bonuses and reductions.

Notwithstanding any other provision of this chapter to the contrary, in order to encourage low income and workforce units in designated growth areas, eligible projects may avail themselves of the following options.

(a) *Density bonuses.* The maximum number of units that would otherwise be allowed under this chapter shall be increased for an eligible project in the manner described in the following table.

Eligible projects in all B-1, B-1b, B-2, B-2b, B-2c, B-3, B-3b, B-3c, B-5, R-7, and R-P Zones

Percentage Low Income Units for Sale/Rent	Percentage Workforce Units for Sale/Rent	Density Permitted*	Additional Height Permitted***	Setback Reductions**
10%	20%	1.1 x base	N/A	N/A
20%	40%	1.2 x base	10 feet	N/A
30%	60%	1.3 x base	10 feet	5′
50%	100%	2.0 x base	15 feet	5′
75%	N/A	2.5 x base	25 feet	10′

**: "Base" is the number of units allowed under the zoning without this bonus but with any other bonuses applied. In R-P zones, multifamily is permitted with a "base" no less than 1 unit per 1,500 sf. of land area.* If an eligible project is providing both workforce and affordable housing units, the applicant shall have the option of utilizing applicable incentives, but not cumulatively.

***: Setback reductions are absolute reductions in front, side and/or rear yard setback requirements. The maximum setback reductions in the B-1, B-1b and R-P zones shall be 5 feet.*

**** The maximum additional height permitted in the B-1 zones and the R-P zone shall be 15 feet. In addition, the maximum structure height is 50 feet within 750 feet of the Portland Observatory.*

(b) *Off-street parking.* Off-street parking is required as

provided in Division 20 (off-street parking) of this article.

(c) *Reserved.*

(d) *Planned Residential Unit Developments (PRUDs)*. In order to promote orderly development of low- and moderate-income development as PRUDs, any project in which more than 50% of the units are low-income or workforce units for rent or for sale may utilize the following dimensional bonuses and changes:

1. Minimum lot area per dwelling unit is reduced by 50%;

2. Maximum number of units and maximum length of buildings do not apply but may be set through site plan review;

3. Minimum building setbacks may be reduced to 10 feet;

4. The PRUD may cross public rights of way provided that the right of way does not count towards minimum lot size nor towards any open space requirements;

5. Minimum Recreation Open Space Area is reduced to 200 sf per dwelling unit of common area designated for recreational purposes by the residents. Minimum contiguous size and setbacks do not apply and shall be set through site plan review

6. The Planning Board’s Design Manual, design standards and guidelines with respect to PRUDs shall apply in full to PRUDs utilizing this section.

(e) *Unit Size and Term of Affordability.* In order to be eligible for this section, the low income and workforce housing units must:

1. Meet Section 14-487 Ensuring Workforce Housing, subsection (e) *Standards* 1,2 and 3; and

2. Be affordable for the longest term permitted under federal, state and local laws.

(f) *Required Public Process.* The developer of the project must also commit to a good faith effort to communicate

openly with affected properties as their process moves forward. At a minimum, no less than 30 days prior to application for site plan review, any project that wishes to take advantage of this section must (1) hold a public meeting noticed to all properties within 500 feet of their site and (2) post a sign on the property in question describing the proposed project; intent to submit an application to the city in 30 days (cite anticipated submission date); and contact information for the developer and the Planning Authority (Department of Planning and Urban Development website link). The Planning Board may adopt regulations regarding the content and processes for noticing as part of the Technical Manual.

(g) *Projects under 14-487.* Projects that are subject to 14-487 that choose to provide the required workforce housing units on site are eligible for a 25% increase in total permitted units. If an eligible project is also subject to 14-487, the applicant shall have the option of utilizing either this bonus or any bonuses they are eligible for under 14-488.1 but not both.

(Ord. No. 98-06/07, 12-4-06; Ord No. 240-09/10, 6-21-10; Ord. 82-15/16, 10-19-2015; Ord. No. 31-17/18, 9/6/2017)

14-488.1 Inclusionary Zoning for Hotel Projects.

(a) *Purpose.* This section is based on City analysis, most specifically the analysis documented in the Greater Portland Council of Government study “Proposed Hotel Linkage Fee: Supportable Range” dated August 29, 2018, that finds that new hospitality developments create a need for new affordable housing. This need is the result of the fact that hospitality developments necessarily create a number of jobs that do not pay employees at a rate sufficient to allow those employees to afford market-rate housing in the City of Portland.

(b) *Hotel Projects Conditional Uses.* Notwithstanding anything to the contrary in Chapter 14, all hotel projects are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this Section 14-488.1.

(c) *Low Income Housing Minimum*. All hotel projects shall provide one unit of Low Income Housing for rent in the City of Portland for every 28 rooms in the hotel project which shall meet the standards outlined in Section 14-487 and in the implementing regulations governing Low Income Units. This amount shall be

rounded up to the nearest increment of 28 rooms. These units shall be deed restricted for the longest period permitted by law; shall not be used for Short Term Rentals of less than 30 days; and must be provided with distinct entrances from the street to delineate them from the hotel itself.

(d) *Fee-in-Lieu Alternative*. As an alternative to providing Low Income Housing units under subsection (c) above, a Hotel Project may pay a fee-in-lieu of $3,806 per hotel guest room. This amount shall be paid into the City's Housing Trust and used for the purposes set forth in the ordinance and regulations applicable to that trust.

(e) *Annual Adjustments*. The amounts in (d) above shall be adjusted annually in the same way as the fee under Division 29 for Housing Replacement.

(f) *Regulations.* The Planning Board may promulgate implementing regulations based on this ordinance.

(g) *Applicability.* Notwithstanding the provisions of 1 M.R.S. § 302, Sec. 14-488.1 shall apply retroactively and include any and all actions and proceedings pending on September 26, 2018 or thereafter.
(Ord. No. 134-18/19, 1-23-2019)

DIVISION 31. HOUSING TRUST FUND

Sec. 14-489. Housing trust fund.

(a) *Purpose.* The purpose of enacting this section is:

1. To establish a City of Portland housing trust fund for the promotion, retention and cration of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the City.

2. To serve as a vehicle for addressing very low, low, and median income housing needs through a combination of funds as set out in section 14-483 of this chapter.

(b) Definitions.

Very low income household. A household having an income

not exceeding fifty (50%) percent of median income for area of residence as set forth in regulations promulgaged from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. section 1437 et seq.

Low income household. A household having an income not exceeding eighty (80%) percent of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

Moderate income household. A household having an income not exceeding one hundred twenty (120%) percent of median income for area of residence as set forth in regulations promulgated from time to time by the United Sates Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

(c) *Establishment of the housing trust fund.* The city council shall establish a special revenue account under the name "City of Portland Housing Trust Fund." Deposits into the fund shall include:

1. Contributions from the city's housing replacement ordinance under 14-483(i);

2. Funds appropriated to be deposited into the fund by vote of the city council;

3. Voluntary contributions of money or other liquid assets to the fund;

4. Any federal, state or private grant or loan funds provided to the fund:

5. Interest from fund deposits and investments; and

6. Repayments of loans made from the fund.

(d) *Management of the trust fund.* The city manager, or his or her designee, shall serve as the manager of the housing trust fund. The responsibilities of the manager, subject to the orders of the city council, shall include:

1. Maintaining the financial and other records of the housing trust fund;

2. Disbursing and collecting housing trust fund monies in

accordance with the housing trust fund annual plan; and

3. Monitoring the use of monies distributed to successful applicants for housing trust fund support to assure on-going compliance with the purposes of the fund and the conditions under which these monies were granted or loaned.

(e) *Housing trust fund annual plan.* Each fiscal year, the city council shall adopt a housing trust fund annual plan. The city manager shall submit to the city council a recommended housing trust fund annual plan, utilizing the revenues of the housing trust fund as well as any other funds the manager may propose as appropriate. The housing committee of the city council or such other committee as the council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action.

The housing trust fund annual plan shall include:

1. A description of all programs to be funded in part or in full by the housing trust fund;

2. A description of how funds from the housing trust fund will be distributed among very-low-income, low-income and moderate income households; and

3. The amount of funds budgeted for programs funded in part or in full from the housing trust fund.

Priority for the expenditure of funds collected pursuant to the housing replacement ordinance (see Sec. 14-483) shall be given to the creation of new housing stock, through either new construction or conversion of non-residential buildings to residential use.

(f) *Distribution and use of the housing trust fund's assets.*

1. All distribution of principal, interest or other assets of the housing trust fund shall be made in furtherance of the public purposes set out in section 14-483.

2. During each year, the housing trust fund shall disburse as grants or loans so much of the housing

trust fund's assets as the city council in its discretion has approved in the housing trust fund annual plan.

3. Funds shall not be used for city administrative expenses.

4. Funds shall not be used for property operating expenses or supporting services.

5. No grants or loans shall be awarded by the housing trust fund to corporations, partnerships or individuals who are delinquent, at the time of application in the payment of property taxes or other fees to the city of Portland, who Have been convicted of arson, who have been convicted of discrimination in the sale or lease of housing under the fair housing laws of the State of Maine, or who have pending violations of current city electrical, plumbing building or housing codes or zoning ordinances.

(g) *Term of affordability.*

1. Whenever funds from the housing trust fund are used for the acquisition, construction or substantial rehabilitation of an affordable rental or cooperative unit, the City of Portland shall impose enforceable requirements on the owner of the housing unit that the unit remain affordable for the remaining life of the housing unit, assuming good faith efforts by the owner to maintain the housing unit and rehabilitate it as necessary. The remaining life of the housing unit shall be presumed to be a minimum of thirty (30) years.

2. Whenever funs from the housing trust fund are used for the acquisition, construction or substantial rehabilitation of ownership housing, the city of Portland shall impose enforceable resale restrictions on the owner to keep the housing unit affordable for the longest feasible time, while maintaining and equitable balance between the interests of the owner and the interests of the city of Portland.

3. The affordability restriction requirements described in this section shall run with the land and the city of Portland shall develop appropriate procedures and documentation to enforce these requirements and shall record such documentation

in the Cumberland County Registry of Deeds.
(Ord. No. 281-09/10, 7-19-10)

Sec. 14-490. Reserved.

ARTICLE IV. SUBDIVISIONS*

***Cross reference(s)--**Ordinances dedicating or accepting any plat or subdivision in the city saved from repeal, § 1-4(h).

State law reference(s)--Land subdivisions, 30-A M.R.S.A. § 4403.

Sec. 14-491. Authority and purpose.

This article is adopted pursuant to the terms and provisions of 30-A M.R.S.A. Sections 3001 and 4403, as amended. The purpose of this article is to provide for the harmonious and economic development of the city; for the orderly subdivision of land and its development; for the orderly development of the general area surrounding such subdivision; for the coordination of streets within the general area; for adequate provisions for drainage, flood control, light, air and other public purposes; for the adequate and proper installation of streets, drainage, sanitary sewers, water and other utilities and facilities; for the dedication to the city of land for streets, alleys or other public purposes or the transfer to the city of easements or other rights or privileges; for the reservation for the city of land to be acquired for public facilities; and to protect public safety.
(Code 1968, § 603.1; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 155-89, § 1, 11-20-89)

Sec. 14-492. Jurisdiction.

This article shall govern each and every subdivision of land within the limits of the city unless specifically exempted in section 14-508. When application is made for the resubdividing of a previously recorded subdivision under the provisions of these regulations, it shall be treated as a new subdivision provided the applicant is the owner of rights in the recorded subdivision.
(Code 1968, § 603.3; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79)

Sec. 14-493. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

Alley shall mean any way designed primarily for vehicular or utility access to the back or side of premises otherwise abutting on a street, except driveways unless officially designated otherwise.

Easement shall mean a right, privilege or liberty which one has in land owned by another for some special and definite purpose.

Engineer shall mean a registered professional engineer in good standing with the state board of registration for engineers.

Esplanade shall mean that portion of a street right-of-way which is located between the curbline and the edge of the sidewalk closest to the street.

Freshwater wetland shall mean freshwater swamps, marshes, bogs and similar areas which are:

(a) Inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and

(b) Not considered part of a great pond, coastal wetland, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria of this subsection.

Land development plan shall mean any part or element of the land development plan for the city as adopted by city council resolution No. 540 of 1974, as amended.

Lot shall mean a parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision of record or survey map or by metes and bounds, for the purpose of sale or lease to another.

Nonresidential subdivision shall mean a subdivision which is not intended for human habitation, such as a commercial or industrial subdivision.

Performance guarantee shall mean a letter of credit or escrow account in an amount and form meeting the requirements of section 14-501.

Planned unit development shall mean a residential subdivision consisting of attached dwellings or a series of attached dwellings intended for separate ownership, with open spaces, recreational areas, access ways and buildings which are designed, built and controlled in accordance with a unified development plan.

Recording plat shall mean the completed subdivision plat in form for approval and recording.

Roadway shall mean that portion of a street between the regularly established curblines, or that part of a street or alley devoted to vehicular traffic.

Sidewalk shall mean that portion of a street not included in the roadway, and devoted in whole or part to pedestrian traffic.

Sketch plan shall mean a very simple layout to show the location of the subdivision to gain informal comments of city staff.

Street shall mean a public way for vehicular and pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated, excepting, however, an alley.

(a) *Arterial street* shall mean a heavily traveled street of considerable continuity used primarily as a traffic artery among large areas.

(b) *Collector street* shall mean a nonarterial street which carries traffic from a minor street to arterial streets, including the principal entrance to streets of a residential development and streets for circulation within such a development.

(c) *Marginal access street* shall mean a minor street which is adjacent to and substantially parallel with an arterial street and which provides access to abutting properties and protection from through traffic.

(d) *Minor street* shall mean a street which services one (1) or more minor streets used primarily for access to abutting properties.

(e) *Cul-de-sac or dead-end street* shall mean with only one (1) outlet.

Subdivider or applicant shall mean any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

Subdivision shall mean the division of a lot, tract or parcel of land into three (3) or more lots, including lots of forty (40) acres or more, within any five-year period whether accomplished by sale, lease, development, buildings or otherwise and as further defined in 30-A M.R.S.A. Section 4401. The term subdivision shall also include the division of a new structure or structures on a tract or parcel of land into three (3) or more dwelling units within a five-year period and the division of an existing structure or structures previously used for commercial or industrial use into three (3) or more dwelling units within a five-year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this paragraph. A dwelling unit shall include any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing condominiums, time-share units and apartments.

Subdivision plat shall mean a plan of the proposed subdivision for presentation to the Planning Board and the public.

Surveyor shall mean a qualified registered surveyor of good standing with the state board of registration.

Tract (or parcel) of land shall mean all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

Vicinity sketch shall mean a sketch of the proposed subdivision location, not necessarily drawn to scale, showing the proximity of the subdivision to surrounding streets and highways. (Code 1968, § 603.5; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 127-87, § 1, 2-18-87; Ord. No. 247-88, 11-28-88; Ord. No. 155-89, § 2, 11-20-89; Ord. No. 25-11/12, 8-15-11)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 14-494. Guidance to subdivider.

The purpose of the preapplication procedure is to afford the

subdivider an opportunity to avail himself of the advice and assistance of the Planning Board, and to consult early and informally with the board staff before preparation of the subdivision plat and before formal application for its approval, to insure the development of a subdivision plan with mutual benefits for the subdivider and the city.

(Code 1968, § 603.2; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79)

Sec. 14-495. Procedure for approval of a subdivision.

(a) *Application for approval:*

1. To obtain approval of a proposed subdivision the subdivider or applicant shall prepare for the Planning Board a subdivision plat, a vicinity sketch, and a recording plat in accordance with the requirements and standards established by this article.

2. The sketch plan may be prepared for staff and Planning Board review if desired by the applicant prior to formal submission of the subdivision plat.

3. The subdivider shall supply and submit five (5) copies of the complete subdivision plat and the vicinity sketch to the office of the planning authority at least fifteen (15) days prior to a regularly scheduled meeting of the Planning Board, to be in order for consideration by the board at the meeting.

4. The planning authority shall forward a copy of the subdivision plat and vicinity sketch to the public works authority, parks authority, fire department and building authority, all of which shall submit recommendations to the planning authority by the time of the initial hearing on the subdivision plat.

5. Prior to the date upon which the planning authority meets to consider the subdivision plat the applicant shall pay all costs incurred in providing public notice. The planning authority shall determine the amount of this fee based on the actual costs incurred in newspaper advertising and postage, and shall also be responsible for collecting and accounting for such fee. Public notice in the form of newspaper advertisement shall be provided as required under 14-32.

6. Notice shall be provided in accordance with section

14-32. Notice shall also be sent to the clerk and the reviewing authority of municipalities that abut or include any portion of a proposed subdivision.

7. The city council may from time to time establish by order reasonable application fees to defray the costs of reviewing subdivisions.

(b) *Timing of subdivision review:* A public hearing shall be commenced within thirty (30) days following the receipt of a complete subdivision application. The staff shall notify the applicant in writing either that the application is complete or, if it is determined to be incomplete, the specific additional materials needed to make it a complete application. The Planning Board shall render its decision on any application submitted to it within sixty (60) days following receipt of a complete application, or such other time as may be mutually agreed to by the Planning Board and the applicant.

(c) *Engineering requirements:*

1. The applicant shall furnish the public works authority with all engineering data and plans necessary for the completion of the required improvements, as enumerated in section 14-496(b). Such plans may be furnished apart from but at the same time as the subdivision plat and vicinity sketch and shall be certified by a registered professional engineer.

2. The public works authority shall review the plans submitted as required in subsection (c)(1) above and shall approve, approve conditionally, or disapprove same within ten (10) days of submission as to whether such plans are in conformance with the standards set forth in this article.

(d) *Subdivision plat approval:* The Planning Board shall approve, approve conditionally or disapprove such subdivision plat at a public meeting. If approved conditionally, the conditions and reasons shall be stated and given in writing to the subdivider and, if necessary, the Planning Board may require the subdivider to submit a revised subdivision plat. If the Planning Board should disapprove the subdivision plat, the reasons for such action shall be stated and given in writing to the subdivider, and the board may state the conditions under which the proposed subdivision would be approved. One (1) copy of the subdivision plat as acted upon by the Planning Board shall be retained in its office, one (1) copy

forwarded to the public works authority and one (1) copy returned to the subdivider.

(e) *Effect of subdivision plat approval:* Receipt of the approved copy of the subdivision plat of the subdivider is not authorization that he may proceed with the construction of any improvements. No construction will proceed until the recording plat has been approved by the Planning Board and has been properly recorded as required hereinafter in subsection (g).

(f) *Recording plat approval:*

1. The applicant shall submit the recording plat and five (5) copies thereof to the planning authority at least fifteen (15) days prior to the date of the meeting of the Planning Board at which it is intended to be considered, which copies shall be distributed as hereinafter provided.

2. Consideration of the recording plat, however, shall not take place until approvals required in subsections (c) and (d) are obtained.

(g) *Recording:*

1. When the recording plat is approved, the subdivider shall pay the actual cost of recording and reproducing five (5) copies of the plat, one (1) of which shall be on mylar for the public works authority records.

2. The recording plat shall be recorded in the office of the county registry of deeds by the subdivider.

3. The registry book and page numbers will then be recorded on the five (5) copies of the plan, of which one (1) shall be kept at the office of the Planning Board, one (1) sent to the building authority, one (1) copy on mylar sent to the public works authority, one (1) to the assessor's office and one (1) to the subdivider.

4. Unless the subdivider shall record his or her approved recording plat within three (3) years after the Planning Board has approved the subdivision plat, the recording plat approval shall become null and void. The preceding sentence notwithstanding, if the Planning Board's initial approval of a subdivision is based in part upon the granting of a variance from any of the applicable

subdivision approval standards, no such variance shall be valid unless that fact shall be expressly noted on the face of the recording plat and shall be noted in a certificate, each of which shall conform to 30-A M.R.S.A. Section 4406, and such recording plat or such certificate or both of them are recorded in the Cumberland County Registry of Deeds within ninety (90) days of final subdivision approval.

(h) *Sectional recordings:* Following subdivision plat approval, the Planning Board may permit the subdivision to be divided into two (2) or more sections for recording purposes subject to any conditions that the board deems necessary in order to insure the orderly development of the plan. The applicant may seek approval of and record a sectional recording plat with the county registry of deeds only if the section constitutes at least twenty (20) percent of the total number of lots contained in the approval plat and, in addition, shows the entire tract or parcel. In these circumstances, if the first section of the plat has been recorded within three (3) years after Planning Board approval, subdivision plat approval of the remaining sections of the plat shall remain in effect for five (5) years after Planning Board approval.

(Code 1968, § 603.6; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 692-81, 5-18-81; Ord. No. 123-85, 10-7-85; Ord. No. 127-87, §§ 2--4, 2-18-87; Ord. No. 94-88, 7-19-88; Ord. No. 155-89, §§ 3, 4, 11-20-89; Ord. No. 227-01, 4-2-01)

***Editor's note--**Ord. No. 94-88, adopted July 19, 1988, amended § 14-495(g)(4) to read as herein set out. See also the editors note to Art. III of this chapter for additional provisions relative to Ord. No. 94-88.

Sec. 14-496. Plat requirements.

Each and every modification of the information required to be shown on the plat in this section shall be applied for in writing by the subdivider. The decision of the Planning Board on such request shall be final.

(a) *Information on subdivision plat.* The following information shall be shown on one (1) subdivision plat unless otherwise indicated:

1. Date, north point, title and graphic scale. Scale shall not be more than sixty (60) feet to the inch unless lots are more than an acre, but in no event more than one hundred (100) feet to the inch;

2. Based on a recent survey by the subdivider, existing contours at two (2) feet intervals or as otherwise required by the public works authority. Existing structures which are to remain will be delineated;

3. Names of proposed streets, width of rights-of-way, and typical cross section reservation, and depth of construction materials;

4. Locations, widths and purposes of other rights-of-way or easements to be recorded;

5. All appropriate street curve information, including point of curvature, point of tangency, tangent distance, radii and interior angle, in standard engineering format;

6. Location of those utilities existing on or adjacent to the tract to be subdivided, including size and elevation of buried or underground utilities (may be shown on separate plan);

7. Tract boundary lines and property lines of lots, with accurate dimensions and either bearings or deflection angles. All lots shall be numbered;

8. Names of adjacent property owners with parcels over twenty-five thousand (25,000) square feet or names of adjacent subdivision;

9. Designation of flood hazard areas, as defined by the National Flood Insurance Program and shown on the city flood hazard boundary map, as well as any other areas in the subdivision subject to inundation by storm water or storm sewer overflow;

10. Existing historic sites and structures which either appear on the National Register or are nominated to the National Register by the state historic preservation officer;

11. Proposed private and public utility system including water, gas, telephone, fire hydrants, and any other services which shall supply the area (may be shown on separate plan);

12. Sanitary sewer and storm drain plans and profiles showing size, kind and slope of pipe, proposed manhole rim and invert elevations and catch basin locations and drains (may be shown on separate plan);

13. Lighting plan showing the location, design, height and spacing from each other of the support poles, in accordance with standards and specifications established by the public works authority (may be shown on separate plan);

14. Tree plan showing groups of existing, sizeable trees which the subdivider intends to preserve (may be shown on separate plan);

15. A detailed plan of the entire subdivision and the immediate vicinity showing all existing and proposed drainage both on and off-site including drainage swales, ditches, etc., with directional flow arrows and approximate slope grades, and showing proposed finished "spot elevations" around the perimeter of the subdivision. Proposed drainage shall be shown as it may affect or restrict development on individual lots and with reference to improvements for which a performance guarantee is required under this article. Where deemed feasible by the public works authority, proposed finished contours at intervals of two (2) feet shall be provided on the drainage plan upon request (may be shown on separate plat):

16. Location and designation of any zoning district boundaries affecting the subdivision:;

17. All future phases and sections of the subdivision proposed by the subdivider (may be shown on separate plat);

18. Proposed parks and school sites, or other public open space that the developer proposes to convey to the city;

19. Names and addresses of registered professional engineer, subdivider and owner:

20. At the option of the subdivider, any other information that may be necessary for the full and proper consideration of the subdivision shall be submitted in writing;

21. Streets and right-of-way monuments and property line markers;

22. Vicinity sketch, as defined in section 14-493 (may be shown on separate plan);

23. Total site data, including total area of the subdivision, total area in streets, total area in recreation or open space and number of house lots;

24. Additional submission items if required by the Planning Board and insofar as feasible (may be shown on separate sheets or by other appropriate method):

    a. When private sewage systems are used, the results and supporting data of a soil test of each lot in the subdivision conducted by a soil evaluator licensed in the state;

    b. When the adequacy of the subdivision's load bearing capacity is in question, the results and supporting data of test borings conducted by a professional engineer registered in the state;

    c. When conditions warrant, a program which shall be implemented by the subdivider to control dust, erosion and sedimentation and/or vehicular traffic during construction;

    d. Evidence of the applicant's financial capability to carry out all phases of the proposed development;

    e. Evidence of state and federal approvals, licenses or permits required by law, or the status of applications therefor;

    f. Price range of houses that will be built in the subdivision;

g. Traffic impact analysis;

h. High intensity soil survey, if required by the planning authority;

i. Evidence of technical capacity to undertake the development;

j. Types and estimated quantities of solid waste to be generated by the development;

k. Construction plan outlining the anticipated sequence of construction of the major features of the project including without limitation roads, retention basins, sewer lines, seeding and other erosion and sedimentation control measures, and pollution abatement measures and also setting forth the approximate dates for commencement and completion of the project;

l. A narrative and a plan showing all proposed buffer strips, their dimensions, and maintenance plans and responsibilities; and

m. A description of any wetlands, wildlife and fisheries habitats, archaeological sites or unusual natural areas located on or near the project site and a description of the methods that will be used to protect such areas.

n. Where submission drawings are available in electronic form, the applicant shall submit any available electronic CADD.DXF files with final plans.

(b) *Recording plat.* The recording plat shall be an original ink drawing on linen or mylar, or as necessary to be acceptable to the registry of deeds, and shall be tied to an accepted street or to a proposed street under construction and bonded to insure construction. This plat also shall show the following:

1. Title, date, graphic scale, north arrow, name, signature and registration number or seal of a registered land surveyor licensed in the state, name and address of developer and owner;

2. Tract boundary lines and property lines of lots, with accurate dimensions and either bearings or deflection angles. All lots shall be numbered;

3. All appropriate street curve information, including point of tangency, tangent distance, radii and interior angles, in standard engineering form;

4. Street names, width of street rights-of-way and typical cross section showing only surface dimensions of roadway pavement, esplanade and sidewalk reservation;

5. Street and right-of way monuments and property markers. Iron pipes shall be designated by a small circle at the point of installation;

6. Locations, dimensions and purposes of any easement or right-of-way;

7. Purpose for which sites, other than residential lots, are dedicated or reserved; it being understood that any reservations of areas shall be subject to the proper zoning thereof;

8. Reference to recorded subdivision plats of adjoining platted land by book and page number;

9. Space for the signatures of the Planning Board and date of approval;

10. Where required by 30-A M.R.S.A. Section 4406, the fact that initial approval or subsequent amendment of a subdivision is based in part upon the granting of a variance from any of the applicable subdivision approval standards.

(c) *Alterations to an approved plat.* The planning authority may approve alterations to an approved recording plat when all of the following conditions are met; otherwise, a new subdivision plat must be submitted to the Planning Board:

1. The rearrangement of lot lines does not increase the number of lots within a block or other subdivision unit or area;

2. The alteration will not affect any street, alley, utility easement or drainage easement;

3. The alteration meets all of the minimum requirements of this article, article III of this chapter on zoning and other applicable state and local codes:

4. The alteration is approved by the public works authority and the fire department.

Such approved alterations shall be properly recorded in the registry within thirty (30) days thereof or they shall be null and void. Recording of approved alterations also shall be in accordance with the requirements of 30-A M.R.S.A. Section 4406.

(d) *Vacation of plats.* Any such plat recorded, or any portion thereof, may be vacated with the consent of the city council as follows:

1. At any time before the sale of any lot therein, by written instrument, signed by the city and the owners of such subdivision, declaring the same to be vacated and describing therein the part or portion to be so vacated.

2. At any time after the sale of any lot therein and by written instrument, signed by the city and all owners of record of lots shown on the plat, declaring the same to be vacated and describing therein the part or portion to be so vacated.

Any instrument so executed vacating all or a portion of any plat shall be duly filed and recorded in the county registry of deeds. The execution and recording of the instrument described in subsection (d)2 above shall vest fee simple title to the centerline of the street, alley or easement for public passage so vacated in the owners of abutting properties. Title to property located within the vacated streets, alleys or easements for public passage shall pass to abutting property owners free and clear of any rights of the public or other owners of lots shown in the plan, but subject to the rights of the owners of any public utility installations which have been previously erected therein.

(Code 1968, § 603.7; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 127-87, §§ 5, [12], 2-18-87; Ord. No. 95-88, §§ 1, 2, 7-19-88; Ord. No.

155-89, § 5, 11-20-89; Ord. No. 177-93, §§ 1, 2, 1-4-93; Ord. No. 165-97, 1-6-97)

***Editor's note--**Ord. No. 95-88, adopted July 19, 1988, amended subsections (b) and (c) of this section to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 95-88.

Sec. 14-497. General requirements.

(a) *Review criteria.* When reviewing any subdivision for approval, the Planning Board shall consider, among others, the following review criteria and before granting approval shall determine that the proposed subdivision:

1. Will not result in undue water or air pollution. In making this determination it shall at least consider the elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; the conformity to the applicable state and local health and water resources regulations;

2. Has sufficient water available for the reasonably foreseeable needs of the subdivision;

3. Will not cause unreasonable burden on an existing water supply;

4. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

5. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed;

6. Will provide for adequate sanitary waste and storm water disposal and will not cause an unreasonable burden on municipal services if they are utilized;

7. Will not cause an unreasonable burden on the ability of the city to dispose of solid waste and sewage if municipal services are to be utilized;

8. Will not have an undue adverse effect on the scenic or

natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or by the city, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. For subdivisions within historic districts designated pursuant to article IX of this chapter, the Planning Board shall apply the standards of section 14-651(c) of article IX. The Planning Board may request that the historic preservation committee prepare an evaluation of the proposed subdivision based upon the standards of section 14-651(c);

9. Is in conformance with the land development plan or its successor;

10. The subdivider has adequate financial and technical capacity to meet the standards of this section;

11. Whenever situated, in whole or in part, within the watershed of any pond or lake or within two hundred fifty (250) feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water;

12. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;

13. Is or is not in a flood-prone area, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one (1) foot above the 100-year flood elevation;

14. All potential wetlands within the proposed subdivision shall be identified on any maps submitted as part of the application, regardless of the size of those wetlands. Any mapping of wetlands may be done with the help of the

local soil and water conservation district; and

15. Any river, stream or brook within or abutting the proposed subdivision shall be identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38 M.R.S.A. Section 480-B, subsection 9.

(b) *Burden of proof.* In all instances the burden of proof shall rest upon the person proposing the subdivision.

(c) *Conformity with Code.* Any proposed subdivision shall be in conformity with all relevant provisions of this Code.

(d) *Reserved.*

(e) *Construction records and inspection.*

1. The project engineer and city engineer shall have the right to enter and inspect the construction site during all phases of the project to ensure compliance with this article.

2. After approval of the subdivision plat and prior to the construction of any of the subdivision's public improvements, the subdivider shall supply the city engineer with a complete set of engineering drawings on mylar or linen showing all streets, sanitary sewers and surface water drains and all appurtenant work within the subdivision.

3. The subdivider shall provide the project engineer with a complete and accurate list of any changes from the engineering drawings as approved by the Planning Board prior to the release of the performance bond.

(Code 1968, § 603.8; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 127-87, §§ 6, [13], 2-18-87; Ord. No. 155-89, § 6, 11-20-89; Ord. No. 15-92, § 31, 6-15-92; Ord. No. 221-93, 5-17-93)

Sec. 14-497.5. Adjustment of dimensional requirements for subdivisions in the R-3 zone.

Notwithstanding section 14-90 and any other section of this chapter, up to twenty-five (25) percent of the lots in a subdivision located in the R-3 zone may have reduced street frontage and/or lot widths, provided that the Planning Board finds as part of subdivision approval that the following standards are

met:

(a) The subdivision is approved for the first time on or after December 1, 1997;

(b) The subdivision has a minimum land area of three (3) acres;

(c) The fire department determines that the reduced street frontage is adequate to provide access required to provide emergency services to each lot; and

(d) A lot with reduced lot width shall meet all required setbacks.

(Ord. No. 165-97, § 6, 12-1-97)

Sec. 14-498. Technical and design standards.

(a) *Adoption and amendment of standards:* The public works authority and the planning authority may promulgate technical and design standards for subdivisions and site plans. Such technical and design standards or any amendments thereto shall become effective only upon approval of the Planning Board following a public hearing before the Planning Board. In approving the technical and design standards, the Planning Board may direct staff to make changes with respect to format and text but, to the extent that standards are based upon sound engineering practice, shall not direct changes in the standards themselves. Such standards shall be additional to and consistent with the provisions of this article and shall be necessary and reasonable and shall be in accord with sound engineering practice. The public works authority and planning authority shall maintain for public inspection current copies of the effective standards.

(b) *Street plan:*

1. All streets shall be platted along contour elevations which result in minimum grades and greatest visibility whenever practicable, with consideration given for anticipated use of the land.

2. The proposed street layout shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation or appropriate projection of streets in surrounding areas and provide means of ingress and egress for surrounding acreage tracts.

When connecting streets within residential neighborhoods, new streets shall contribute to a neighborhood street system characterized by a network of interconnected streets, which minimizes through-traffic in residential neighborhoods. The layout of subdivision lots, streets, and pedestrian ways shall promote multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.

The interconnection of new and existing streets is further subject to the following provisions to minimize and mitigate through-traffic in residential neighborhoods:

a. Where a determination is made that a proposed street connection will result in substantial increases in traffic volume and speed on the effected public streets, the planning board may require appropriate traffic calming solutions as set forth in the traffic calming ordinance. (Section 28-250) The department of public works (DPW) may by regulation and amendment to the *Technical Manual* establish standards for determining what is a “substantial increase in traffic volume and speed”; and

b. In any circumstances where a street connection is allowed, the planning board may condition subdivision approval to require the developer to monitor future traffic patterns to determine whether, using existing traffic calming standards, new or additional traffic calming measures should be employed. The extent and design of traffic calming shall be determined by the DPW to mitigate the post development impact of connecting new and existing streets.

   In cases where post development monitoring shows that increased traffic volume and speed is such that further traffic calming would be insufficient to mitigate traffic negative impacts of through-traffic, the DPW may require that the connection be modified to exclude regular vehicular traffic, while retaining bicycle, pedestrian, and where needed, emergency vehicle connections. The DPW shall develop typical standards and specifications for bicycle, pedestrian, and emergency vehicle

connections and/or turnarounds.

c. Where a determination is made by the DPW that a proposed street connection will result in substantial increases in traffic volume and speed on the affected public streets, the planning board may disallow a proposed street connection for vehicular purposes in favor of a connection for non-vehicular purposes in situations where a proposed residential street connection meets all of the following criteria:

i. the new street would result in the connection of two arterials; and

ii. the street would be located in a neighborhood where there is no existing public through-street network connecting the same arterials; and

iii. there is no likelihood that other public street connections will be developed in the future that would connect the arterials, whether because of topography limitations, existing development patterns, or other similar reason.

In circumstances where vehicular connections are disallowed per section (c) above, the planning board shall require that adequate right-of-way is reserved to permit the extension of the street for pedestrian, bicycle, emergency use, and potential vehicle connections as may develop in the future.

3. Reserve strips or spite strips for unspecified or unacceptable purposes are prohibited.

4. Street right-of-way widths shall not be less than:

a. Fifty (50) feet for marginal access street;

b. Fifty (50) feet for minor street;

c. Sixty (60) feet for collector street.

Proposed subdivisions along existing, or dedicated, or platted streets where rights-of-way are inadequate shall provide

additional land to meet the minimum standards.

5. Streets shall not occupy more land than needed to provide access nor create unnecessary fragmentation of the subdivision into small blocks. Streets will be designed to discourage outside traffic from traversing the development.

6. All dead-end streets shall provide for a cul-de-sac or, in the case of a dead-end street which will be extended, a temporary turn-around at the end of the street, subject to the approval of the public works authority.

7. The minimum roadway width including esplanades and sidewalks shall be:

   a. Fifty (50) foot right-of-way, street pavement width, curbing, sidewalk width and esplanade width to conform to the requirements contained within the City of Portland Technical Manual.

   b. Sixty (60) foot right-of-way, street pavement width, curbing, sidewalk width and esplanade width to conform to the requirements contained within the City of Portland technical and design standards and guidelines manual.

   c. Street right-of-way on the islands in Casco Bay shall comply with article III of chapter 25.

8. Sidewalks and curbs:

   a. Sidewalks shall be constructed on each side of each street in accordance with article III of chapter 25. Sidewalks to be used by pedestrians are to be so located as to minimize contacts with normal automotive traffic, with preference given to interior walks away from streets in common open space in block interiors.

   b. Curbs shall be constructed on each side of each street. The curbing shall be constructed as provided in article VI of chapter 25.

(c) *Street design:*

1. Profiles of each street or way in the subdivision shall

be shown on the subdivision plat. They shall be drawn to a longitudinal scale of forty (40) feet to one (1) foot and a vertical scale of four (4) feet to one (1) inch. Such profiles shall include separate profiles of each side line and center line of the street or way. Any buildings abutting on the street shall be shown in standard engineering format as requested by the public works authority.

2. Street grades in all proposed subdivisions shall be subject to the approval of the public works authority.

3. The public works authority shall establish the sequence in which work is to be accomplished. Where it is determined by the public works authority that work has been completed prior to the receipt of all approvals required by this article or which is out of sequence or is not in compliance with the standards of this section and of chapter 25, the director of parks and public works or an inspector from the public works authority may issue a stop work order. Work shall recommence only after the stop work order has been lifted by the director of parks and public works or an inspector from the public works authority. Violation of the stop work order shall be considered an offense.

(d) *Street and subdivision names:*

1. Street names for all subdivisions shall appear on the subdivision plat and be subject to approval by the Planning Board.

2. Subdivision names for plats shall be subject to approval by the Planning Board and not duplicate the name of any plat already recorded.

(e) *Exception for private streets within PRUD's and manufactured housing parks.* Private streets within PRUD's and manufactured housing parks shall be exempt from the street right-of-way and roadway width requirements set forth above, provided that no such street shall be accepted by the city unless it is first improved to the standards set forth above at the expense of those persons requesting the street acceptance. Private streets within a PRUD or a manufactured housing park shall meet specifications established by the public works department. All private streets shall be designed by a professional engineer and shall be built according to accepted engineering standards.

(f) *Sewers and storm drains:*

1. The design of all sewers and storm drains shall be subject to approval by the public works authority.

2. All subdivisions shall be provided with adequate storm drain systems within the subdivision separate from any sanitary sewer system required in article III of chapter 25.

3. Any natural or manmade areas, systems or facilities designated for stormwater control purposes and intended for city maintenance shall, except for detention or retention ponds or basins and regularly free-flowing watercourses, be structurally enclosed in accordance with the standards of the public works authority, and shall be dedicated with sufficient land for maintenance purposes. Warranty deeds to such areas shall be submitted for acceptance by the city council at the same time as the acceptance of streets. All such areas as are not intended for city maintenance shall be permanently protected and maintained by private agreement, deed covenant or restriction, as appropriate, in form approved by the corporation counsel.

4. The approval of the plumbing inspector is required for all subdivisions involving the use of septic tanks and drainage fields for sewage disposal.

5. The subdivider shall be responsible for the construction of all sewers and storm drains including manholes, catch basins and any other appurtenances as may be deemed necessary by the public works authority. All work shall be in accordance with public works specifications.

6. The public works authority shall establish the sequence in which work is to be accomplished. Where it is determined by the public works authority that work has been completed prior to the receipt of all approvals required by this article or which is out of sequence or is not in compliance with the standards of this section and of chapter 24, the director of parks and public works or an inspector from the public works authority may issue a stop work order. Work shall recommence only after the stop work order has been lifted by the director of parks and public works or an inspector from the public works

authority. Violation of the stop work order shall be considered an offense.

(g) *Blocks:*

1. A maximum block length of eight hundred (800) feet, measured from the nearest street lines of intersecting streets, shall be observed except where, in the opinion of the Planning Board, conditions justify a departure from this standard. In general, block size should be the maximum consistent with the use and shape of the site and the convenience and safety of the occupants.

2. In blocks exceeding eight hundred (800) feet in length, measured from the nearest street lines of intersecting streets, the Planning Board may require where feasible the reservation of a twenty (20) foot wide easement to the city through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four (4) foot wide paved foot path be included.

3. The length, width and shape of blocks shall be determined on the basis of:

   a. Provision of adequate building sites suitable to the special needs of the type of use contemplated;

   b. Zoning requirements as to lot sizes, setbacks and dimensions;

   c. Needs for convenient access, circulation, control and safety of street traffic;

   d. Limitations and opportunities of topography.

4. Blocks with lots having double frontage on streets shall be avoided.

5. The foregoing dimensions may be adjusted by the Planning Board where type of use or topography requires such modification.

(h) *Lots:*

1. Lot sizes shall conform to the zoning ordinance in article III of this chapter and the city health code.

2. Where easements for public utilities, storm or sanitary sewers are contemplated, the lot lines shall be located in such a manner as to facilitate construction of such facilities and the maintenance thereof.

3. Lots which are reserved or laid out for business, commercial or industrial purposes shall have sufficient width and depth to accommodate the off-street parking and loading facilities required for the type of use and development contemplated, as established in article III of this chapter.

4. Where feasible, side lot lines shall be at right angles to street lines (or radial to curving street lines).

(i) *Public open space:*

1. In all subdivisions open space may be provided for parks, recreational and other public areas. Where no public open space or recreational areas exist in close proximity to the subdivision, or where a lack of such areas in the subdivision would require its disapproval under section 14-497(a), general requirements, the Planning Board may require provision of land for park or recreational purposes. Such lands may be designated for public or private ownership in accordance with the conditions stated in this section, subject to the approval of the Planning Board.

2. If a tract or parcel is intended for public ownership and is so designated on the subdivision plat, the acceptance of such land shall be first recommended by the various departments and the Planning Board and sent to the city council for final determination.

3. If a tract or parcel is designed or intended to be owned and used in common for recreational or other public or semipublic purposes and such intent is so designated on the subdivision plat, appropriate documents in form approved by the corporation counsel shall be submitted to the Planning Board. Such documents shall clearly:

   a. Set forth the nature of the permanent organization under which common ownership is to be established, including its purpose; how it shall be governed and administered; the provisions made for permanent

care and maintenance of the common property for its share of the cost of administering and maintaining such common property;

b. Set forth the extent of common interest held by the owner of each individual parcel in the tract held in common with others.

(j) *Access to shoreline:*

1. In all subdivisions having shore frontage on the island of Casco Bay, existing legal rights of public access to the shoreline shall be preserved. The proposed street layout and circulation plan shall be suitably integrated with such existing public access in a manner that reasonably promotes the public use of such access. The proposed street layout and circulation plan shall also be designed to preserve any legal rights to any significant water views and scenic vistas from such rights-of-way.

2. In all subdivisions having any lots within the shoreland zone, legal rights of private access to waters shall, to the extent reasonably feasible, be established for the benefit of all lots within the subdivision not otherwise having such access.

(Code 1968, 603.9; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79: Ord. No. 41-84, § 1, 6-18-84; Ord. No. 98-85, § 1, 7-15-85; Ord. No. 127-87, §§ 7, 8, 2-18-87; Ord. No. 104-87, 10-19-87; Ord. No. 66-88, 7-18-88; Ord. No. 201-89, § 1, 12-18-89; Ord. No. 218-04/05, 5-2-05; Ord. No. 86-05/06, 10-17-05; Ord. No. 278-09/10, 7-19-10; Ord. 208-15/16, 11-16-2015)

***Editor's note--**Ord. No. 66-88, adopted July 18, 1988, amended § 14-498 by adding subsections (c)(3) and (f)(6). The ordinance further provided as follows:

Be it further ordained and determined by the city council that the above amendments are necessary in order to prevent further work being done which is not in accordance with City technical standards. Therefore, this enactment shall take effect immediately as an emergency pursuant to Article II, Section 8 of the Charter and shall further apply to all pending proceedings, applications, petitions and to all projects which have work that remains to be completed at the date of enactment of these amendments.

Sec. 14-499. Required improvements.

Prior to the release of the approved recording plat the subdivider shall file a guarantee as hereinafter provided, and prior to release of such guarantee the subdivider shall have completed all improvements as follows:

(a) All streets shall be graded in conformity with the requirements set out in section 14-498 and in accordance with article III of chapter 25.

(b) On all streets, side streets, and alleys, a suitable hard surfaced permanent pavement shall be installed meeting the requirements set forth in article III of chapter 25.

(c) Water, gas and sanitary sewer mains and storm drains shall be constructed prior to the installation of paving with all mains being extended from all lots having sufficient stub outs to avoid subsequent breaking of pavement.

(d) Sidewalks and curbs shall be constructed as required in section 14-498.

(e) Adequate storm drains shall be constructed subject to the provisions of section 14-496 and in accordance with the department of public works specifications.

(f) A total of two (2) trees per lot, which shall be street trees, shall be planted near the street line in full public view on private property, as directed by the city arborist pursuant to "Standards for Landscaping and Landscape Preservation" contained in the City of Portland Technical Manual. Existing healthy trees may be credited toward this requirement, subject to the approval of the city arborist.

(g) Permanent markers will be set as prescribed by the public works authority.

(h) All utility lines shall be placed underground unless otherwise approved by the Planning Board.

(i) Street lighting shall be installed in accordance with the standards of the public works authority.

(j) A public water supply shall be installed subject to the approval of the Portland Water District.

(k) Erosion control measures shall be taken both during and after construction in accordance with the standards of the public works authority.

(Code 1968, § 603.10; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 127-87, § 9, 2-18-87; Ord. No. 105-87, § 1, 10-19-87; Ord. No. 278-

Sec. 14-499.5. Additional requirements for manufactured housing parks.

All manufactured housing parks and subdivisions as defined in section 14-47 shall meet the requirements for residential subdivisions established by this article, the site plan and the zoning ordinance, in addition to the following requirements for manufactured housing parks:

(a) The entire development shall be properly screened from abutting neighborhoods and uses. Such screen shall consist of plantings, or a combination of earth berm and plantings, not less than three (3) feet in width and six (6) feet in height at the time of initial occupancy of such development, and shall be set back on corner lots so as to comply with section 14-434. Individual shrubs or trees, as approved by the city arborist, shall be planted so as to establish a dense visual screen year round. At least fifty (50) percent of the plantings shall consist of evergreens. Such screen shall thereafter be permanently maintained in a condition meeting the specifications and intent of this subsection. In cases where such screen areas are to be separately owned, the deed of conveyance shall contain a requirement that the grantee shall likewise maintain the screen area. Such requirement shall be in a form acceptable to the corporation counsel. Any area intended to be owned and used in common shall thereafter be maintained by a permanent organization as set forth in section 14-498(i)(3). Existing vegetation may substitute for new plantings if it forms an acceptable dense visual screen consistent with the intent of this subsection.

(b) All manufactured housing units and any accessory structure within such development shall be located at least fifty (50) feet from any external property boundary of the development where the proposed park density is two (2) or more times greater than the density of residential development on adjacent parcels or the maximum permitted density of adjacent vacant parcels.

(c) All units within such development shall be set back from any existing collector or arterial street, as defined in section 14-493, in accordance with the setback provisions for the underlying zone.

(d) All fuel oil supply systems shall be constructed and installed within the foundation wall or underground in accordance with all applicable codes and regulations.

(e) All trash containers, bottled gas tanks, storage sheds, utility meters, or other similar items or accessory structures except parking garages, shall be located and suitably screened by plantings or fencing so as not to be clearly visible from the street or abutting properties.

(f) All manufactured housing units shall be placed either on a foundation which forms a complete enclosure under exterior walls, or on suitable blocks on a foundation pad, in which case the unit shall be boxed or skirted with suitable material designed for such use.

(g) All manufactured housing units shall be properly installed, blocked and leveled or affixed to a foundation wall, so as to rest on the wheels used to transport the unit. Any hitch or tow bar shall be removed from the unit after it is placed on its foundation.

(h) Notwithstanding the provisions of sections 14-498 and 14-499, private roads within a manufactured housing park shall be a minimum of twenty-three (23) feet wide, with a minimum pavement width of twenty (20) feet.

(Ord. No. 611-82, § 1, 7-7-82; Ord. No. 358-84, § 1, 12-17-84; Ord. No. 201-89, § 2, 12-18-89)

Sec. 14-500. Additional requirements for nonresidential subdivisions.

All nonresidential subdivisions must meet the requirements for residential subdivisions established by this article, the site plan in article V of this chapter and the zoning ordinance in article III of this chapter, in addition to the following considerations, except as waived by the Planning Board due to the commercial or industrial nature of the development:

(a) Proposed industrial parcels shall be suitable in area and dimensions to the commercial or industrial development anticipated.

(b) Street rights-of-way and pavement shall be adequate to accommodate the type, weight and volume of traffic anticipated to be generated.

(c) The design and installation of public utilities including water, sewers and storm water drainage, shall be adequate to accommodate the anticipated usage.;

(d) Streets carrying truck traffic shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

(Code 1968, § 603.11; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79)

Sec. 14-501. Performance and defect guarantees; engineering review, inspection fees and administrative fees.

(a) The performance guarantee shall be a letter of credit or escrow account with a responsible financial institution or the deposit, with the finance department of the city, of a sum required for the guarantee. (The city shall hold such funds in a noninterest bearing account until the completion of all of the improvements.) The performance guarantee shall be in the name of the city and shall be approved by the finance director as to financial sufficiency and the corporation counsel as to proper form and legal sufficiency.

(b) Performance guarantees shall be required to ensure the fulfillment of all improvements as required by section 14-499, as well as the requirement in article III of chapter 25 that the subdivider shall give to the city, prior to the release of the performance guarantee a warranty deed (with metes and bounds description) to the property within each street within the subdivision, as well as delivery to the city of the warranty deeds to all other improvements intended for city maintenance. Such guarantee shall specify the completion date of the improvements required in the subdivision and the delivery date to the city of such deed or deeds prior to the expiration of the performance guarantee. The performance guarantee shall be for a term not less than one (1) year. Furthermore, the performance guarantee shall be released only upon the completion, to the satisfaction of the city, of the public improvements and the tendering of a defect guarantee as required in subsections (e) and (f).

(c) The guarantee shall be equal in value to one hundred (100) percent of the estimated cost of the improvements as determined by the public works authority and the planning authority. The guarantor shall not be released from the guarantee except by a release in writing from the public works authority and the planning authority.

(d) Performance guarantees may be reduced periodically by the

public works authority and the planning authority in the manner provided herein. Upon request, but in no event more than three (3) times in any calendar year, the developer shall be eligible to receive reductions in the performance guarantee equal to the estimated cost of the completed improvements. In no case, however, shall any performance guarantee be reduced (1) by less than one hundred thousand dollars ($100,000.00) or fifty (50) percent of the initial amount of the performance guarantee, whichever is less, at any one (1) time; or (2) in any line item where improvements remain to be completed: or (3) to a value which is less than the estimated cost of completing all remaining prescribed improvements for which a performance guarantee is required by section 14-530 as determined by the public works authority. Notwithstanding any other provision of this section, no performance guarantee shall be reduced to less than the amount of the defect guarantee to be posted upon completion of the improvements.

(e) Upon the satisfactory completion of the subdivision's prescribed improvements, excepting tree planting and other landscaping if in the opinion of the city arborist the installation of such plantings is not feasible due to weather conditions, and following the city's receipt of the warranty deeds referred to in (b) above, the subdivider shall file a defect guarantee with the city. The defect guarantee shall ensure the workmanship and the durability of all materials used in the construction of the roadways, curbing, esplanades, sidewalks, sanitary sewerage systems (including manholes and house drain laterals), storm drainage systems (including manholes, catch basins and catch basin drains), street lighting, tree planting, other appropriate landscaping and all other public improvements which may become defective within one (1) year period, all as determined by the public works authority. The defect guarantee shall also ensure the proper installation of any required tree plantings or landscaping which were not installed prior to the filing of the defect guarantee during the next appropriate planting season, as determined by the city arborist. The defect guarantee shall be filed prior to the release of the performance guarantee and it shall not expire between October 30 and April 15 of the following year.

(f) The defect guarantee shall be a letter of credit or escrow account with a responsible financial institution or the deposit, with the finance department of the city, of a sum required for the guarantee (the city shall hold such funds in a noninterest bearing account until the completion of all of the improvements), equal in value to ten (10) percent of the estimated cost of public improvements. It shall be in the name of the city and shall be approved by the finance director as to financial sufficiency and

the corporation counsel as to proper form and legal sufficiency. A guarantee which contains appropriate terms and conditions to cover both the performance and defect guarantee provisions as specified in subsections (a)--(e) above is an acceptable form of guarantee.

(g) A performance guarantee and defect guarantee shall also be required to ensure the completion of all improvements as required by section 14-499.5, as well as all improvements for the circulation, recreation, landscaping, light, air, drainage and service needs of a planned unit development which are not subject to section 14-501(b). For purposes of this subsection, sections 14-501(c) and (d) shall also apply. The planning authority may waive all or any portion of this requirement if it determines that the developer has a proven record of satisfactory performance and sufficient financial capability.

(h) At the same time that the developer posts a performance guarantee, the developer shall also pay to the city the subdivision inspection fee equal to two (2) percent of the estimated costs of improvements required by this article, with actual inspection costs in excess of two (2) percent invoiced by the city at the completion of the project or as deemed necessary by the city. If a performance guarantee is extended beyond its original expiration date, then an additional inspection fee in an amount to be determined by the city shall be required.

(i) The developer shall also pay a fee to cover the engineering review costs and administrative costs to be incurred by the city. The fee shall be based upon the actual hours of review time and prevailing hourly rate for reimbursement of city costs, and shall be invoiced periodically by the city.

No land use permits or applications of any kind shall be processed, reviewed or issued, no signed subdivision plats shall released or recorded, and no building permits of any kind shall be issued, for any project whose permit fee is governed by this ordinance unless all charges due under this ordinance have been paid and the developer is otherwise in compliance with the city code. No performance guarantee shall be released until all fees generated by the project are paid to the city, including but not limited to engineering, inspection and administrative fees as provided in section 14-530.

(Code 1968, § 603.12;.Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 611-82, §§ 2, 3, 7-7-82; Ord. No. 127-87, § 10, 2-18-87; Ord. No. 524-87, §§ 1, 2, 5-18-87; Ord. No. 122-91, § 1, 9-16-91; Ord. No. 262-96, §§ 1, 2, 5-20-96; Ord. No. 227-00, §2, 5-15-00; Ord. No. 278-09/10, 7-19-10; Ord. 108-15/16, 11-16-2015)

Sec. 14-502. Extension of the guarantee period.

When the subdivider constructs improvements for which a performance guarantee is required and the public works authority has reasonable doubt concerning the stability or proper construction of such improvements, the subdivider shall be required to do such further work on the improvements as the public works authority shall order before the improvements will be accepted by the city. If the subdivider's current performance guarantee shall expire before the extent or necessity for such further work can be determined, the subdivider shall be required to extend his or her guarantee covering such improvements, or secure a new guarantee, for such further period and in such amount as the public works authority shall deem necessary.
(Code 1968, § 603.13; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 127-87, § 11, 2-18-87)

Sec. 14-503. Sale of partially completed subdivisions.

The purchasing party or other succeeding owner of a subdivision for which a recording plat has received prior approval shall assume full responsibility for completion of the subdivision's improvements until acceptance of such improvements by the city. The purchaser or other succeeding owner of an unaccepted subdivision shall be required to comply with all the provisions of this article as if he were the original subdivider, and shall become responsible for completing such improvements in the same manner as the original subdivider.
(Code 1968, § 603.14; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79)

Sec. 14-504. Enforcement, conveyance, markers and recording.

(a) No person may sell, lease, develop or build upon or convey for consideration, offer or agree to sell, lease, develop or build upon or convey for consideration any land in a subdivision unless the subdivision has been approved by the Planning Board, and unless a recording plat showing permanent marker locations at all lot corners has been recorded in the county registry of deeds.

(b) The term permanent marker is limited to the following: A granite monument for street monumentation and an iron pin or drill hole in ledge for property delineation, or as otherwise approved by the public works authority. No subdivision plan shall be recorded by the registry of deeds which has not been approved as required by this article. Approval for the purpose of recording shall appear in writing on the recording plat. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision which has not received

Planning Board approval.

(c) Any person who sells, leases, develops or builds upon or conveys for consideration any land in a subdivision which has not been approved as required by this article shall be punished by a fine of not more than five hundred dollars ($500.00) for each such occurrence. The city may institute proceedings to enjoin any violation of this section.

(d) Notwithstanding the foregoing, alterations may be made to a site with a pending subdivision application if:

(1) At minimum, a performance guarantee for the proposed site alterations has been posted and final site plans have been submitted to the planning authority; and

(2) Written permission has been received from the director of planning and urban development or his designee that such site alterations may proceed pending subdivision approval. Such permission is solely within the discretion of the director of planning and urban development and shall be granted only after submission of a written request setting forth the work proposed to be done on the site. All such work shall be done in compliance with information provided with the subdivision application. An erosion control plan shall also be submitted when deemed necessary by the planning authority. Such written permission shall not be required when the only work proposed is the digging of test pits.

(Code 1968, § 603.15; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 95-01/02, 11-5-01)

Sec. 14-505. Appeals.

An appeal from any final decision of the Planning Board regarding subdivision approval may be taken by the applicant or his authorized agent to superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

(Code 1968, § 603.16; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79)

Sec. 14-506. Modifications.

(a) Except for the requirements set forth in sections 14-498 and 14-499 pertaining to the provision and construction of curbs and sidewalks, the Planning Board if it finds that extraordinary conditions exist or that undue hardship may result from strict compliance with these regulations may vary the regulations so that substantial justice may be done and the public interest secured;

provided that such variation will not have the effect of nullifying the intent and purpose of the land development plan and the regulations of this article.

(b) Where the Planning Board or planning authority finds that, for each of the requirements listed below, two or more of the conditions exist with respect to compliance with the requirements set forth in sections 14-498 and 14-499 pertaining to the provision and construction of curbs and/or sidewalks, it may waive, in whole or in part, the regulations so that substantial justice may be done and the public interest secured:

Sidewalks-

1. There is no reasonable expectation for pedestrian usage coming from, going to and traversing the site.

2. There is no sidewalk in existence or expected within 1000 feet and the construction of sidewalks does not contribute to the development of a pedestrian oriented infrastructure.

3. A safe alternative-walking route is reasonably and safely available, for example, by way of a sidewalk on the other side of the street that is lightly traveled.

4. The reconstruction of the street is specifically identified and approved in the first or second year of the current Capital Improvement Program or has been funded through an earlier CIP or through other sources.

5. The street has been constructed or reconstructed without sidewalks within the last 24 months.

6. Strict adherence to the sidewalk requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value.

Curbing-

1. The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost.

2. The reconstruction of the street is specifically identified and approved in the first or second year of

the current Capital Improvement Program or has been funded through an earlier CIP or through other sources.

3. The street has been rehabilitated without curbing in the last 60 months.

4. Strict adherence to the curb requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value.

5. Runoff from the development site or within the street does not require curbing for stormwater management.

In no event shall the waiver have the effect of creating potentially hazardous vehicle and pedestrian conflict or nullifying the intent and purpose and policies of the land development plan relating to transportation and pedestrian infrastructure and the regulations of this article.

At its discretion, the planning authority may refer any petition for a waiver from the curb and sidewalk requirement to the Planning Board for decision.

(c) The standards and requirements of this article may be modified by the Planning Board in the case of a plan and program for a planned unit development which in the judgment of the Planning Board provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the land development plan.

(d) If at any time before or during the construction of the required improvements the subdivider demonstrates to the satisfaction of the project engineer and the public works authority that unforeseen conditions make it necessary or preferable to modify the design of the required improvements, the public works authority may authorize modifications provided that the modifications do not amount to a waiver or substantial alteration of the function of any improvements required by the Planning Board. (Code 1968, § 603.17; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 41-84, §§ 2, 3, 6-18-84; Ord. No. 204-02/03, 5-29-03)

Sec. 14-507. Conditions.

In granting variances and modifications, the Planning Board and city council may require such conditions as will, in their

judgment, secure substantially the objectives of the standards or requirement so varied or modified.
(Code 1968, § 603.18; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79)

Sec. 14-508. Exemptions.

(a) This article does not apply to subdivisions approved prior to June 6, 1979, nor to subdivisions in existence prior to June 6, 1979, nor to subdivisions which have been legally recorded in the registry of deeds prior to June 6, 1979.

(b) A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption, unless the intent of such gift is to avoid the objectives of this article, or by transfer of any interest in land to the owner abutting thereon shall not be considered to create a lot or lots for purposes of this article.
(Code 1968, § 603.19; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79)

Sec. 14-509. – Sec. 14-520. Reserved.

ARTICLE V. SITE PLAN*

***Editor's note--**Ord. No. 355-89, adopted July 17, 1989, amended Art. V, site plan, in its entirety, in effect repealing former §§ 14-521--14-530 and enacting similar new provisions in lieu thereof as §§ 14-521--14-528. The ordinance was enacted as an emergency in order for the Planning Board to have the necessary tools to protect the health, safety and welfare of the citizens and further provided that such amendments would be applicable to any alterations, modifications, revisions, amendments or filed changes to any previously approved site plan as provided in the article but would not be construed to invalidate any prior approval. Formerly, Art. V derived from §§ 604.1--604.6, 604.7.B, 604.8 and 604.9 of the city's 1968 Code, as amended by the following:

Ord. No.	Section	Date	Ord. No.	Section	Date
348-74		5-20-74	316-87	1	3- 4-87
442-78		8- 7-78	524-87	3—5	5-18-87
691-81		5-19-81	365-88		5- 4-88
88-84	2--6	7-16-84	301-88		5-31-88
292-84	1	11-19-84	67-88		7-18-88

294-84	1	11-19-84	96-88	2	7-19-88
359-84	1	12-17-84	97-88		7-19-88
370-85	1--3	1-21-85	98-88		7-19-88
128-87	1	2-18-87			

***Editor's Note**—Pursuant to Council Order 277-09/10, passed on 7-19-10 Article V, Site Plan was repealed in its entirety and replaced with a new Article V, Site Plan.

Sec. 14-521. Purposes.

Pursuant to Portland's Comprehensive Plan, the Site Plan Ordinance advances the vision for a sustainable City with shared goals for the environment, community and economy. The Site Plan Ordinance complements the regulations of the Zoning Ordinance in Article III of this chapter and the Subdivision Ordinance in Article IV of this chapter.

(Ord. No. 277-09/10, 7-19-10)

Sec. 14-522. Definitions.

For the purposes of this article all terms and words shall have their ordinary meanings, except as defined herein.

Approval by any board or department under this article shall include any approval with conditions.

Building addition: Any attached structure which increases the total floor area of the structure.

Building Authority: The Director of the Department of Permitting and Inspections or his or her designee.

Change of use: Any change in use of an existing building, whether or not alterations are involved, from any use in the following list to any other uses on the list:

1. Manufacturing or processing, storage and warehouse, and other industrial;

2. Residential

3. Transportation

4. Institutional

5. Retail and Commercial

6. Water-dependent use and marine use

7. Office

Development: Any construction, site alteration or change of use which is identified in Section 14-523, Required Approvals and Applicability.

Dwelling, two-family: A single building containing two dwelling units used exclusively for occupancy by two (2) families living independently of each other.

Final Plan: A site plan meeting the requirements of Section 14-527.

Master development plan: A Master Development Plan is a regulatory option for sites with one acre or more in cumulative lot area that's designed as a cohesive and integral development program consisting of multiple buildings and associated site improvements built in phases over an extended timeframe. This option shall not apply in residential zones, except for institutional uses, multifamily, congregate care, intermediate, extended and long-term care facilities in the R5A and R6A zones.

Multiple-family development; The construction or creation of three (3) or more dwelling units on any parcel of land or the addition of two (2) or more dwelling units cumulatively within a three-year period.

Owner: Any person that has any interest, legal or beneficial, in any parcel proposed for development.

Planning Authority: The Director of the Department of Planning and Urban Development or his/her designee.

Preliminary Plan: A site plan that provides an existing site inventory and analysis along with the potential design layout for a proposed development that meets the criteria of Section 15-527.

Public Works Authority: The Director of the Department of Public Works or his or her designee.

*Site: A*ll contiguous land under the same ownership or control, whether proposed for development or not, except where development is limited to a lot or lots within a subdivision.

Temporary parking: The parking of vehicles permitted by a temporary certificate of occupancy for a limited period of time not to exceed one (1) year in anticipation of future development.
(Ord. No. 277-09/10, 7-19-10; Ord. No. 176-12/13, 4-22-13; Ord. 108-15/16, 11-16-2015; Ord. No. 165-15/16, 3-7-2016; Ord. 276-14/15, 6-15-2015)

Sec. 14-523. Required Approvals and Applicability.

(a) *Required Approval*. An application for site plan approval shall be reviewed by the Planning Board or Planning Authority as specified below. The Planning Board or Planning Authority shall approve, approve with conditions or deny an application pursuant to the standards, procedures, technical criteria and design criteria contained in this article, as demonstrated by the applicant.

1. The Planning Authority shall administratively authorize developments that meet all of the requirements of Section 14 – 523 (c).

2. Level I Site Plan Review shall require the approval of the Planning Authority.

3. Level II Site Plan Review shall require the approval of the Planning Authority only, except as otherwise expressly provided by this article.

4. Level III Site Plan Review shall require the approval of the Planning Board, except as otherwise expressly provided by this article.

5. Master Development Plan Review shall require the Master Development Plan approval of the Planning Board as provided in Section 14-524(d)(9).

(b) *Applicability*. No person shall undertake development identified in Section 14-523 without obtaining a site plan improvement permit under this article.

(c) *Administrative Authorization.* Administrative Authorization means the Planning Authority may grant

administrative authorization to exempt a development proposal from complete or partial site plan review that meet the standards below, as demonstrated by the applicant.

1. The proposed development will be located within existing structures, and there will be no new buildings, external demolitions, or building additions other than those permitted by subsection 2 of this subsection;

2. Any building addition shall have a new building footprint expansion of less than five hundred (500) square feet;

3. The proposed site plan does not add any new curb cuts, driveways, or parking areas; the existing site has no more than one (1) curb cut and will not disrupt the circulation flows and parking on-site; and there will be no drive-through services provided;

4. The curbs and sidewalks adjacent to the lot are complete and in sound condition, as determined by the Public Works Authority, with granite curb with at least four-inch reveal, and sidewalks are in good repair with uniform material and level surface and meet accessibility requirements of the Americans with Disabilities Act;

5. The use does not require additional or reduce existing parking, either on or off the site, and the project does not significantly increase traffic generation;

6. There are no known stormwater impacts from the proposed use or any existing deficient conditions of stormwater management on the site;

7. There are no evident deficiencies in existing screening from adjoining properties;

8. Existing utility connections are adequate to serve the proposed development and there will be no disturbance to or improvements within the proposed right-of-way;

9. There are no current zoning violations;

10. Any emergency generators are to be located to minimize noise impacts to adjoining properties and

documentation that routine testing of the generators occur on weekdays between the hours of 9 a.m. to 5 p.m. Documentation pertaining to the noise impacts of the emergency generator shall be submitted; and

11. There are no anticipated noise, vibration, glare, fumes or other foreseeable impacts associated with the project.

(d) *Level I Site Plan Review*. Minor residential development and site alterations meeting the criteria below will undergo Level 1 Site Plan Review as follows.

1. Level I: Minor Residential Development:

   a. With respect to development of a single-family or a two-family building, excluding building additions, decks, or accessory structures, such development shall be deemed minor residential development for purposes of this article regardless of its size.

   b. The addition of one or two dwelling units to a two-family dwelling or multifamily structure shall be deemed a Level I minor residential development for purposes of this article, if the additional dwelling unit or units does not require subdivision review under Maine State Statutes and Portland’s Subdivision Ordinance.

2. Level I: Site Alteration:

   a. Alteration of a watercourse or wetland as defined in Section 14-47 of the City Code.

   b. Alteration of a site. The disturbance of land areas of less than one (1) acre that are stripped, graded, grubbed, filled or excavated. The Planning Authority shall exempt from review the loam and seeding of lawns and the cumulative placement of less than fifteen (15) cubic yards of fill on any lot provided such loaming or placement does not alter a drainage course, swale, wetland or redirect water onto adjoining property and does not violate any other provision of the Portland City Code or state or federal law. “Disturbed area” does not include routine

maintenance, but does include re-development and new impervious areas.

c. The construction of any temporary or permanent parking area, paving of existing unpaved surface parking areas between 1,000 and 7,500 square feet, or creation of other impervious surface areas between 1,000 and 7,500 square feet.

d. The rehabilitation or reconstruction, but not new construction, of piers, docks, wharves, bridges, retaining walls, and other structures located within the shoreland zone.

e. A site alteration in which vehicle access is proposed from more than one (1) street;

(e) *Level II Site Plan Review.* Development meeting the criteria listed below will undergo Level II Site Plan Review as follows:

1. The construction of any new structures having a total floor area of less than ten thousand (10,000) square feet in all zones except in the Industrial zones and the IS-FBC zone. In any Industrial zone, the construction of new structures having a total floor area of less than twenty thousand (20,000) square feet. In the IS-FBC zone, the construction of new structures having a total floor area of less than fifty thousand (50,000) square feet;

2. The construction of any new temporary or permanent parking area, paving of existing unpaved surface parking areas in excess of 7,500 square feet and serving less than 75 vehicles, or creation of other impervious surface area greater than 7,500 square feet;

3. The construction of any building addition(s) having a total floor area of less than ten thousand (10,000) square feet cumulatively within a three-year period in all zones except in the Industrial zones and the IS-FBC zone. In any Industrial Zone, the construction of building addition(s) having a total floor area of less than twenty thousand (20,000) square feet. In the IS-FBC zone, the construction of building

addition(s) having a total floor area of less than fifty thousand (50,000) square feet.

4. Park improvements consisting of new structures or buildings of less than 10,000 square feet and/or facilities encompassing an area of greater than 7,500 square feet and less than 20,000 square, excluding the rehabilitation or replacement in kind of existing facilities.

5. The new construction of piers, docks, wharves, bridges, retaining walls, and other structures located within the shoreland zone.

6. The disturbance of land areas of between one and three acres that are stripped, graded, grubbed, filled or excavated.

7. A change in the use of a total floor area of between ten thousand (10,000) and twenty thousand (20,000) square feet in any existing building cumulatively within any three-year period in all zones.

8. Lodging houses and bed and breakfast facilities;

9. Emergency shelters

10. Special needs independent living units;

11. Construction or installation of any signage for which approval is sought pursuant to section 14-526(d)8.a.(iv).

12. The construction of any new major or minor auto service station with a structure of less than ten thousand (10,000) square feet of building area in any permitted zone other than the B-2, or B-5 zones;

13. The creation of day care facilities or home babysitting services in a residential zone not permitted as a home occupation under section 14-410 in any principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home

babysitting use, where such facilities serve more than twelve (12) children;

14. Any drive-through facility that is not otherwise reviewed as a conditional use under Article III.

(f) *Level III Site Plan Review.* Development meeting the criteria listed below will undergo Level III Site Plan Review as follows:

1. The construction of any new structures having a total floor area of ten thousand (10,000) square feet or more in all zones except the Industrial zones and IS-FBC zone. In any Industrial zone, the construction of new structures having a total floor area of twenty thousand (20,000) square feet or more. In the IS-FBC zone, the construction of new structures having a total floor area of fifty thousand (50,000) square feet or more;

2. The construction of any new temporary or permanent surface parking area(s) or paving of existing unpaved surface areas for more than seventy-five (75) vehicles except in the case of temporary parking;
3. The construction of any building addition(s), cumulatively having a total floor area of ten thousand (10,000) square feet or more within any three-year period in all zones except in the Industrial zones and IS-FBC zone. In Industrial zones, for the construction of building addition(s) having a total floor area of twenty thousand (20,000) square feet or more. In the IS-FBC zone, for the construction of building addition(s) either having a total floor area of fifty thousand (50,000) square feet or more or having a total floor area exceeding that of the existing building to which it is an addition.
4. A change in the use of a total floor area of twenty thousand (20,000) square feet or more in any existing building cumulatively within any three-year period in all zones,
5. Multiple-family development except for in the IS-FBC zone;
6. The addition of one or two dwelling units to a building, if the additional dwelling unit or units requires subdivision review under Maine

State Statutes and Portland's Subdivision Ordinance;

7. The construction of any new major or minor auto business in the B-2 or B-5 zone, or the construction of any new major or minor auto business with a structure greater than ten thousand (10,000) square feet of building area in any other permitted zone; or
8. Correctional prerelease facilities.
9. Park improvements consisting of new structures greater than 10,000 square feet and/or facilities encompassing an area of 20,000 square feet or greater, excluding the rehabilitation or replacement of existing facilities. Any park improvements including the provision of new nighttime outdoor lighting or sports, athletic or recreation facilities not previously illuminated.
10. The disturbance of land areas of three (3) acres or more that are stripped, graded, grubbed, filled or excavated.

(g) *Master development plan:* A Master Development Plan meeting the criteria listed below will undergo a master development plan review as follows:

1. A Master Development Plan for a site with one acre or larger in a cumulative lot area that is designed as a cohesive and integral development program consisting of multiple buildings and associated site improvements proposed to be built in phases.

2. The Master Development Plan option shall not apply in residential zones, except for institutional uses, multifamily, congregate care, intermediate , extended and long term care facilities in the R5A and R6A zones.

(Ord. No. 277-09/10, 7-19-10; Ord. No. 25-11/12, 8-15-11; Ord. No. 176-12/13, 4-22-13; Ord. 276-14/15, 6-15-2015; Ord. 108-15/16, 11-16-2015; Ord. 83-15/16, 11-2-2015)

Sec. 14-524. Site plan review processes.

(a) The site plan review process for reach applicable development review type is listed below.

1. Administrative Authorization:
   a. Filing the Application. An applicant seeking an administrative authorization under this subsection shall submit an administrative

authorization application for review, detailing the site plan with dimensions of proposed improvements and distances from all property lines, and stating that the proposal meets all of the provisions in standards a-k of Section 14-423 (b)1.

b. *Review*. Upon receipt of such a complete application, the Planning Authority will process it and render a written decision of approval, approval with conditions or denial, with all associated findings.

c. *Decision.* If a full administrative authorization is granted, the application shall be approved without further review under this article, and no performance guarantee shall be required. In the event that the Planning Authority determines that standards 1 and 2 of section 14-523 (c) and at least four (4) of the remaining standards have been met, the Planning Authority shall review the site plan according to all applicable review standards of Section 14-526 that are affected by the standards in this subsection that have not been met. If an exemption or partial exemption from site plan review is not granted, the applicant must submit a site plan application that will undergo a full review by the Planning Board or Planning Authority according to the standards of section 14-526.

2. *Level I site plan review:*

a. *Filing the application.*

(i) Every application submitted to the building authority or planning authority for a level I minor residential development or site alteration shall include a digital set of the plans and documents that shall be uploaded to the City’s designated web site for an electronic review of the material.

b. *Public notices.*

(i) When an application for a level I: minor residential development is submitted, all

public notices will be sent according to the section 14-525.b of the site plan ordinance.

(ii) When an application for a level I: site alteration is submitted, all public notices will be sent according to the section 14-525.b of the site plan ordinance.

c. *Review.*

(i) The planning authority shall approve, approve with conditions or deny the level I: minor residential development plan and shall advise the building authority in writing of its action. Such decision shall be made part of the building authority's review.

(ii) The planning authority shall approve, approve with conditions or deny the level I: site alteration plan with all associated findings and shall advise the applicant in writing of its action.

d. *Standards of review.*

(i) Level I: Minor residential site plans shall only be subject to the following site plan standards, as applicable, as contained in Section 14-526:

(a) Transportation Standards
- 2.a. Site Access and Circulation: (i) and (ii)
- 2.c. Sidewalks: if site plan is a two-family or multi-family building only.
- 4.a. Location and rquried number of vehicle parking spaces:(i)and (iv)

(b) Environmental Quality Standards
- 1. Preservation of significant natural features.
- 2.a. Landscaping and landscape preservation.
- 2.b. Site landscaping: (iii)

Street trees.

- 3. Water quality, stormwater management and erosion control: a.,d. e. and f.

(c) Public Infrastructure and Community Safety Standards

- 1. Consistency with city master plans.
- 2. Public safety and fire prevention.
- 3. Availability and adequate capacity of public utilities: a.,c.,d., and e.

(d) Site Design Standards

- 5. Historic resources and 9. Zoning related design standards.

Except as provided in article III, or to conditions imposed under section 14-526(e) only, or to those submission requirements set forth in section 14-527 as relate solely thereto.

(ii) Level I: Site alteration plans shall only be subject to the following site plan standards, as applicable, as contained in section 14-526:

(a) Transportation standards

1. Impact on surrounding street systems, 2. Access and circulation, and 4 Parking.

(b) Environmental quality standards

- 1. Preservation of significant natural features, 2. Landscaping and landscape preservation, and 3. Water quality, stormwater management and erosion control.

(c) Public infrastructure and community safety standards.

- 1. Consistency with city master plans.

(d) Site design standards

- 5. Historic resources, 6. Exterior lightning, 8. Signage and wayfinding and 9. Zoning related design standards.

Except as provided in article III, or to conditions imposed under section 14-526(e) only, or to those submission requirements set forth in section 14-527 as relate solely thereto.

e. *Decisions.*

(i) The planning authority shall approve, approve with conditions or deny a level I site plan application based upon the applicable review standards. All improvements are subject to the applicable standards of the Technical Manual and the Design Manual, incorporated herein by reference. In apply said standards, the planning authority, as applicable, may vary or modify them as provided in section 14-506.

f. Performance Guarantees.

(i) Performance Guarantees for Level I: Site Alteration plans work shall be required subject to the provisions of Section 14-530 (b)4.d.

(ii) Level 1: Minor residential development shall be subject to an inspection fee, but shall be exempt from the performance guarantee provisions set forth in section 14-525, except as provided by section 14-403 and 14-530 (c)4 as provided herein, such development shall otherwise be fully subject to the provisions of this article.

3. *Level II and level III site plan review:*

a. Pre-application Conference.

(i) Applicants for site plan review for a Level II, Level III, or Master Development Plan applications are encouraged to schedule a pre-application conference with the Planning Authority or designated staff to introduce the development concept. The purpose of this meeting is to familiarize the applicant with the review procedures, application submission requirements and applicable review standards. A pre-application conference shall not cause the plan to be a pending application or proceeding under Title 1 MRSA 302. No decisions relative to the plan shall be made. Nor shall any advice or information provided by the city be construed as a decision.

b. Preliminary Plan.

(i) Application Process: Applicants for Level II or Level III site plan reviews may submit an application for preliminary plan review prior to the submission of a final site plan. A preliminary plan must contain a preliminary site assessment for potential development.

(ii) Filing the Application: Every application submitted to the Planning Authority for preliminary site plan review shall include a digital set of the plans and documents that shall be uploaded to the City’s designated web site for an electronic review of the material. Any proposed revisions to that site plan and any amended statement(s) shall be filed in the same way as the original submission.

(iii) Public Notices: All public notices will be sent according to the Section 14-525 of the Site Plan Ordinance.

(iv) Complete Application: The Planning Authority shall determine whether the application contains all of the items required in (Sec

14-527) and the Zoning Administrator will conduct a preliminary zoning review for compliance with article III of this chapter. If the application is deemed incomplete or not in compliance with Chapter III, the applicant will be contacted in writing of the finding and the additional material required to complete the submission. A review of the application will not be conducted until the application is complete. These steps shall be repeated until the application is found to be complete.

(v) Staff Review: When the application meets the submittal requirements, the preliminary plan will be distributed to the City departments for review and comments.

(vi) Written review: Written comments from the reviewers shall be provided to the applicant, which will include a planning staff recommendation to submit a revised preliminary plan or to submit an application for a final site plan.

c. *Master Development Plan Review.*

(i) *Application process:* Applicants for Level III site plan reviews may submit a Master Development Plan for a large, multi-phase development program consisting of multiple buildings and associated site improvements on a site of one (1) acre or more of total land area, which is designed as a cohesive and integral development program. The purpose of a Master Development Plan is to provide for a mix of land development responsive to the assets of a site. A Master Development Plan is a well-integrated development in terms of land uses, functional activities, and major design elements such as buildings, roads, utilities, drainage systems and open space. The Master Development Plan is deemed appropriate to large scale mixed use projects that are intended to be developed in phases. The Master Development Plan shall be reviewed by the Planning Board and may be reviewed

independently or concurrently with review as a site plan for a phased development. A Master Development Plan must address the submission requirements of Section 14-527.

(ii) The site plan review process for a Master Development Plan shall proceed in the same manner as a Preliminary Site Plan, as detailed in Sec. 14-524 (3)(b) (ii)-(vi).

(iii) *Standards of Review.* A Master Development Plan shall adhere to the following general requirements and features, and shall meet the Master Development Plan Site Plan Standards of 14-526 (d) (9):

a. A designated tract of land consisting of a parcel or parcels of contiguous land or land on both sides of a public street, totaling one (1) acre or more;

b. Developed in a comprehensive, design-integrated manner, according to an overall master development plan;

c. Consistent with the objectives of this ordinance;

d. Consistent with the City's Comprehensive Plan and consistent with City Council approved master plans and facility plans for off-premise infrastructure, including but not limited to, trails, pedestrian and bicycle network, view corridors, environmental management, sewer and stormwater, streets, or other facilities (see Section 15 of the Technical Manual);

e. Developed so as to locate buildings and improvements in a manner that provides usable open space, preserves significant natural features, as defined by the site plan ordinance standards, and preserves existing trees to the maximum extent possible;

f. Developed so as to be in conformance with

Portland's Historic Preservation Ordinance standards for designated landmarks or for properties within designated historic districts or designated historic landscapes,if applicable. When proposed adjacent to or within one hundred (100) feet of designated landmarks, historic districts or historic landscapes, the Master Plan shall be developed so as to be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity of the proposed development;

g. An efficient use of land which properly considers topography and protects significant natural features including, but not limited to, waterways, wetlands, floodplains and wildlife;

h. An efficient use of land demonstrating full coordination of its own site development and surrounding context including, but not limited to, the land uses and functions contemplated, architecture, open space and pedestrian networks, vehicular access and circulation, and all other infrastructure;

i. Linked and coordinated with surrounding land uses, infrastructure and off-site public facilities, including but not limited to the public school system, where appropriate, in a manner that is safe, efficient, non-injurious to the public, and an improvement or benefit to the public where possible;

j. Designed with sizing of street and other infrastructure systems to accommodate the overall service demand of the Master Plan;

k. Designed to create a street grid pattern that reflects average city block sizes of

the neighborhood for street connectivity;

l. Designed as to create a cohesive identity through building scale, massing, and articulation; use of quality exterior materials, architectural detailing at pedestrian scale; consistency of design and materials for streetscape and pedestrian amenities; framing of outdoor open space and linkages; a clear conveyance of the function and significance of various buildings, entrances, and features; and to generally comply with design and development standards of the zone in which it is located;

m. Inclusive of provisions for the ownership and maintenance of usable open space as appropriate; and

n. For areas proposed as future development phase(s), the proposed interim conditions shall be managed and maintained to ensure stable, safe and attractive site conditions.

(iv) *Phasing.* One or more phases of the Master Development Plan may be reviewed as a final level III site plan concurrently with the review and approval of the Master Development Plan.

d. Neighborhood Meetings for Level III Site Plans and Master Development Plan Applications.

(i) Neighborhood Meeting for Level III Site Plans:
Timing and location of meeting. An applicant for a subdivision of five or more units or lots and all other Level III site plan review categories shall conduct at least one neighborhood meeting within thirty (30) calendar days of filing a preliminary site plan, if applicable, or within twenty-one calendar days of filing a final site plan and the neighborhood meeting will be

held on a date no less than seven (7) calendar days before a public hearing, if no preliminary plan is submitted. The meeting shall be held at a convenient location within the City of Portland neighborhood surrounding the proposed site. All costs associated with the neighborhood meeting shall be borne by the applicant.

(ii) *Neighborhood Meeting Required for Master Development Plan:* An applicant for a Master Development Plan shall conduct at least one (1) neighborhood meeting within thirty (30) calendar days of filing a Master Development Plan application. The meeting(s) will be held on a date no less than seven (7) calendar days from a public workshop or public hearing. The neighborhood meeting for a Master Development Plan shall not be combined with any required neighborhood meeting for the Level III applications associated with the overall phased development. The meeting shall be held at a convenient location within the City of Portland neighborhood surrounding the proposed site. All costs associated with the neighborhood meeting shall be borne by the applicant. The workshop shall meet all other provisions of section 14-524 (d)(i).

(iii) *Procedures for the meeting*. The following procedures shall be followed in noticing and conducting the neighborhood meeting. At least ten (10) calendar days prior to the neighborhood meeting, the applicant shall do the following:

a. *Mail notice*. Mailed notice of said meeting to all property owners within five hundred (500) feet of the subject property lines, except that the notice range for subdivisions within industrial zones shall be one thousand (1000) feet, and to all others, including neighborhood organizations, as may be required by the Planning Authority.

b. *Digital Copy*. Provide the Planning

Authority with a digital copy of the neighborhood notice, which the City shall forward by e-mail to the City's list of interested citizens.

c. *Notice Description*. Such notice shall contain a brief description of the application and the date, time and place of the neighborhood meeting.

d. *Attendance Sheet*. At the neighborhood meeting the applicant shall circulate a sign-in sheet for those in attendance who choose to sign. Such sheet shall be submitted to the Planning Authority and shall become part of the Planning Authority report submitted to the Planning Board.

e. *Minutes*. The applicant shall keep minutes of the meeting to be submitted to the Planning Authority and shall become part of the Planning Authority report submitted to the Planning Board. Any other individual or entity also may submit comments on the neighborhood meeting to the Planning Authority and said comments shall become part of the Planning Authority report submitted to the Planning Board.

f. *Presentation*. At the neighborhood meeting the applicant shall explain the pending proposal and provide an opportunity for public questions and comment.

e. Planning Board Workshops.

(i) Request a Workshop: The applicant may request a workshop(s) with the Planning Board for a Level III site plan. The workshop will be scheduled on a date that follows the scheduled date of the neighborhood meeting, if applicable. The proposal will be scheduled for the next available Planning Board meeting that meets all public noticing requirements contained

in Section 14-525.

(ii) *Required Workshop for Master Development Plan:* A workshop with the Planning Board is required for a Master Development Plan application. The workshop will be scheduled on a date that follows the scheduled date of the required neighborhood meeting. The proposal will be scheduled for the next available Planning Board meeting that meets all public noticing requirements contained in section 14-524.

(iii) Workshop Procedures: The Planning Board workshop shall be informational and shall not result in any formal approval or disapproval of the project. The Board shall review the submission to determine if the information provides a clear understanding of the site and identifies opportunities and constraints of the site and proposed development, air public comments questions and issues, and provide direction to the applicant regarding issues to be addressed during the final review process.

f. *Planning Board Master Development Plan Decisions.*

(i) *Review and approval:* An applicant proposing a Master Development Plan is seeking approval for an overall concept of development that may be brought for Final Plan approval in two or more phases and in a phase sequence that extends beyond the timeframes allowed above for Final Plan expiration of approvals. Master Development Plan approval may be sought separately or currently with the Phase I Final Level III site plan approval, and shall have an initial approval period of six (6) years, with potential extension periods as provided for in section 14-532(d).

(ii) *Review process.* The site plan review process for a Master Development Plan shall proceed in the same manner as a Preliminary Site Plan as detailed above, Sec. 14-524 (3)(b)(i)-(vi) and as a Master Development Plan as detailed

above, Sec. 14-524 (3)(c)(i)-(iii).

(iii) *Public hearing.* The Planning Board shall consider a Master Development Plan at a public hearing that meets all public noticing requirements contained in Section 14-32 and the Site Plan ordinance.

(iv) *Decisions.* The Planning Board shall approve, approve with conditions, or deny a Master Development Plan application based upon the applicable review standards. The Planning Board may waive site plan or technical standards related to the Master Development Plan application based upon the applicable review standards. An approval, including an approval of waivers, establishes the general parameters to be adhered to for the development, including the supporting documentation for floor area ratio and/or residential density, general types of uses, building coverage, generalized open space plans and infrastructure systems.

A Master Development Plan approval shall not be construed as final authorization of the development. Approval shall confer pending proceeding status upon the development with the effect of maintaining the applicability of regulations in effect at the time of approval for as long as the master Development Plan approval remains valid, including permissible extensions if granted.

All Level III site plans for each phase shall be in general conformance with the Master Development Plan.

g. Final Plan.

(i) Application Process: All applications for Level II or Level III site plans shall submit a final plan for review by the Planning Authority or the Planning Board.

(ii) Filing Application: Every application submitted to the Planning Authority for site

plan approval shall be submitted as required under Section 14-527. Any proposed revisions to that site plan and any amended statement(s) shall be filed in the same way as any original submission.

(iii) Phased Development: A phased development plan may be proposed for a Level III site plan. The Planning Board may permit the Level III site plan to be divided into up to three (3) sections for phased development purposes and subject to any conditions that the board deems necessary in order to insure the orderly development of the plan. The applicant may seek approval of a phased development only if the section constitutes at least twenty (20) percent of the total development and in addition, shows the entire tract or parcel. Each phase of such project shall conform to all standards of this article in the event that subsequent phases do not go forward. The Planning Board may extend the site plan approval for all phases up to three years from the date of approval.

(iv) Public Notices: All public notices will be sent according to the Section 14-525 of the Site Plan Ordinance.

(v) Development Review Process for Final Plan:

(a) Complete Application. The Planning Authority shall determine whether the application contains all of the items required in (Sec 527) and the Zoning Administrator will conduct a zoning review for compliance with article III of this chapter. If the application is deemed incomplete or not in compliance with Chapter III, the applicant will be contacted in writing of the finding and the additional material required to complete the submission. A review of the application will not be conducted until the application is complete. These steps shall be repeated until the

application is found to be complete.

(b) Plan Distribution. When the application is complete, the final plan will be distributed to the departments for review and comments.

(c) Review. Written comments from the reviewers shall be provided to the applicant, which will include a planning staff recommendation to submit a revised final plan or to proceed to a public hearing with the Planning Board if it is a Level III site plan. The applicant may request that the Level III final site plan be submitted for a public hearing rather than submit a revised set of plans.

(d) One Revised Plan Set. Only one set of revised plans may be submitted for review at the final plan stage. The revised plans undergo the same review steps as the original submittal.

(e) Staff Recommendation. At the completion of the staff review of the final plans, the planning staff will make a recommendation to the Planning Authority or the Planning Board to approve, approve with conditions or deny the final site plan.

(f) Referral of plans to Planning Board. If at any time before approval or disapproval of a site plan for Level II development by the Planning Authority, the applicant may request a referral to the Planning Board review and a decision. The application will be scheduled for the next available planning board meeting where all public noticing requirements contained in Section 14-32 and the site plan ordinance can be met.

(g) Public Hearing. When a final site plan

for a Level III development is ready to proceed to a Planning Board public hearing, it will be scheduled for the next available Planning Board meeting that meets all public noticing requirements contained in Section 14-32 and site plan ordinance.

(h) Decisions. The Planning Authority or the Planning Board shall approve, approve with conditions or deny a final site plan application based upon the applicable review standards. All improvements are subject to applicable standards of the Technical Manual and Design Manual, incorporated herein by reference. In applying said standards, the Planning Board or authority, as applicable, may vary or modify them as provided in section 14-506.

1. Level II Site Plan. The Planning Authority shall not approve a Level II Site Plan until at least ten (10) days after the required public notice has been mailed. The Planning Authority shall render a written decision to approve, approve with conditions, or deny, with all associated findings, after receipt and review of a complete final site plan and accompanying statements for Level II development.

2. Level III Site Plan: When a site plan requires approval by the Planning Board, a public hearing shall be scheduled. The Planning Board shall notify the applicant in writing of its approval or disapproval of the project with all associated findings after the board's final vote to approve or disapprove the project.

4. Expiration of Application:

A site plan application must be diligently pursued from the date of submission. Notwithstanding the submission of a complete application, any applicant shall delineate on the plan or supply such other information, studies or reports from qualified professionals when determined by the Planning Board or the Planning Authority to be reasonably necessary to make any of the determinations required by this article. Failure to submit required information within one hundred twenty (120) days of the date upon which the written request was made shall cause the application to expire and be deemed null and void.

(Ord. No. 277-09/10, 7-19-10; Ord. No. 25-11/12, 8-15-11; Ord. No. 176-12/13, 4-22-13)

Sec. 14-525. Public notices.

(a) *Administrative authorization.* Administrative authorization applications are exempt from noticing requirements for section 14-525.

(b) *Level I site plan: minor residential development:*

1. *Receipt of Application*. When an application for Level I: Minor Residential Site Plan is submitted for review, the Planning Authority shall notify by mail the owners of all property abutting the proposed site and any property owners directly across the street from the site.

2. *Site Plans:* Level I Site Alteration, Level II, Level III and Master Development Plan.

   a. *Receipt of Application*. When an application for Level I Site Alteration Level II or Level III development is submitted for site plan review, the Planning Authority shall notify, by mail the following, where applicable:

      (i) Notice for Level I: Site Alteration and Level II Site Plans shall be sent to all property owners within five hundred (500)feet of the subject property lines and to all others, including neighborhood organizations, as may be required by the Planning Authority.

      (ii) Notice for Level III Site Plans and Master

Development Plan applications shall be sent to all property owners within five hundred (500) feet of the subject property lines or within one thousand (1,000) feet if it is a subdivision within an industrial zone, unless the Planning Authority, in its discretion, chooses to notice a larger area and incur the additional expense for the expanded notification and notices shall be sent to all others, including neighborhood organizations, as may be required by the Planning Authority.

b. Planning Board Workshop or Public Hearing.

(i) In the case of workshops and public hearings, notice as described above shall be given to the general public by publication in a newspaper of general circulation in the City of Portland at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing. The legal notice shall appear on the City’s web site.

(ii) In the case of workshops and public hearings, notice shall be sent by regular United States mail to the applicant, to the owner(s) of the subject property and to all owners of property located within five hundred (500) feet of the subject property lines or within one thousand (1,000) feet if it is a subdivision within an industrial zone unless the Planning Authority, in its discretion, chooses to notice a larger area and incur the additional expense for the expanded notification and notices shall be sent to all others, including neighborhood organizations, as may be required by the Planning Authority.

c. Content of the Public Notice

(i) The public notice shall contain a brief description of the proposed development the address or location of the property involved, and contact information for the

City where additional information may be obtained. The cost of said notice shall be charged to the applicant.

(Ord. No. 277-09/10, 7-19-10; Ord. No. 25, 11-12, 8-15-11; Ord. No. 176-12/13, 4-22-13)

Sec. 14-526. Site plan standards.

Requirements for approval. The Planning Board or Planning Authority shall not approve a site plan application unless the development proposal meets the following criteria:

(a) *Transportation Standards*

1. Impact on Surrounding Street Systems:

The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways; and the incremental volume of traffic will not create or aggravate any significant hazard to safety at or to and including intersections in any direction where traffic could be expected to be impacted; and will not cause traffic congestion on any street which reduces the level of service below Level "D" as described in the 1985 Highway Capacity Manual published by the Transportation Research Board of the National Research Council, a copy of which manual is on file with the public works authority, or substantially increase congestion on any street which is already at a level of service below Level "D";

2. Access and Circulation:

a. Site Access and Circulation.

(i) The development shall provide safe and reasonable access and internal circulation for the entire site for all users of the site and shall comply with the standards set forth in Sections 1 of the Technical Manual.

(ii) Points of access and egress shall be located to avoid conflicts with

existing turning movements and traffic flows.

(iii) Where drive up features such as gasoline pumps, vacuum cleaners and menu/order boards are permitted, they shall not extend nearer than twenty five (25) feet to the street line. The site must have stacking capacity for vehicles waiting to use these service features without impeding on-site vehicular circulation or creating hazards to vehicular circulation on adjoining streets.

b. Loading and Servicing.

(i) All developments served by delivery or other service vehicles shall provide a clear route and travel way geometric design that permits safe turning and backing for the maximum vehicle length that would service the development and does not impede site access, vehicle circulation, pedestrian movements or parking.

c. Sidewalks.

(i) All proposed developments shall provide sidewalks along all frontages in accordance with Sections 14-498 and 14-499 of the City Code, installed to City specifications as described in Section 1 of the Technical Manual. An applicant may request a waiver from curb and sidewalk installation requirements if they meet applicable waiver criteria listed in Section 14-506 (b) of the City Code.

(ii) Where sidewalks already exist but are in substandard condition, they shall be repaired or replaced in conformance with Chapter 25 of the City Code and Section 1 of the Technical Manual.

(iii) Continuous internal walkways shall be provided between existing or planned public sidewalks adjacent to the site, transit stops and street crossings and primary building entrances on the site.

3. *Public Transit Access*:

a. For any residential development consisting of twenty (20) or more dwelling units or commercial or institutional development of at least 20,000 square feet gross floor area, a transit facility shall be constructed where the following criteria are met:

(i) The development is proposed along an existing public transit route on a local principal or minor arterial roadway, as shown in the Federal Street Classification Map provided in Section 1 of the Technical Manual.

(ii) The nearest existing transit shelter and/or bus pullout on the route is ¼ mile(1,320 feet) or more away from the closest primary building on the site, 1measured along rights-of-way.

b. Transit facilities shall consist of a transit shelter and a transit pullout bay.

c. Transit facilities shall be connected to the public sidewalk system.

d. Waiver: All or some of this standard may be waived if the Reviewing Authority determines one or more of the following:

(i) That some or all of the required improvements cannot reasonably be made due to site constraints and/or insufficient right of way width; or

(ii) That the development is not anticipated to generate public transit usage due to particular characteristics or proposed

use of the development.

4. Parking:

a. Location and Required Number of Vehicle Parking Spaces:

(i) Off-street parking shall meet the applicable zoning requirements, except the Planning Board shall determine the parking requirement, based upon the applicant's parking study and a recommendation from the City Transportation Engineer, for new structures, building additions and changes of use with a total floor area of 50,000 sf or more and for projects, regardless of size, in the B-6, B-7 and USM Overlay zone.

(ii) Where a parking study is required, the City encourages Transportation Demand Management (TDM) strategies to be employed.

(iii) Developments proposing to exceed minimum parking requirements by 10% or more must demonstrate through a parking analysis that the amount of parking is appropriate for the proposed use of the site.

(iv) Parking spaces and aisles shall meet applicable dimensional standards as detailed in Section 1 of the Technical Manual.

(v) Parking lots, except for temporary lots to be used for less than one year, shall be constructed of a permanent and durable hard surface that is not subject to ponding or erosion.

b. Location and Required Number of Bicycle Parking Spaces:

(i) The site plan shall provide secure

bicycle parking in conformance with Section 1 of the Technical Manual and shall meet the following requirements:

(a) Residential structures. Two (2) bicycle parking spaces for every five (5) dwelling units shall be required.

(b) Non-residential structures. Two (2) bicycle parking spaces for every ten (10) vehicle parking spaces for the first one hundred (100) required vehicle parking spaces, plus one (1) bicycle parking space for every twenty (20) required motor vehicle parking space over one hundred (100) required vehicle parking spaces.

(c) Development with zero (0) to ten (10) required vehicle parking spaces shall provide at least two (2) bicycle parking spaces.

(ii) *Waiver:* The reviewing authority may reduce the required number of bicycle parking spaces if it is determined, based on evidence submitted by the applicant, that the proposed development is expected to generate reduced demand for bicycle parking due to characteristics or uses such as elderly or disabled persons housing or industrial uses located in outlying areas.

c. *Motorcycle and Scooter Parking*.

(i) The site plan shall accommodate access and parking for two-wheeled motorized vehicles such as motorcycles and scooters.

d. Snow Storage.

(i) The site plan shall include areas for

snow storage or shall include an acceptable snow removal plan.

(ii) Snow storage areas may not encroach on areas designated to meet minimum parking requirements or on pedestrian walkways and shall not be located where they would adversely impact the functionality of bioretention or other stormwater management systems. Landscaping in designated snow storage areas shall be such that it can withstand the snow pile.

5. *Transportation Demand Management (TDM*):

a. The following types of development shall design and implement a Transportation Demand Management (TDM) plan:

(i) All Level III development in the B7 zone;

(ii) All commercial or institutional uses of 50,000 sf or more total floor area;

(iii) All commercial or institutional uses designed to accommodate 100 or more employees and, for educational institutions, 100 or more students.

b. The TDM Plan shall establish trip reduction targets and shall employ a combination of the following elements to achieve these targets:

(i) Public transit incentives;

(ii) Parking cash-out;

(iii)Car sharing;

(iv) Car and van pooling incentives;

(v) Guaranteed ride home programs;

(vi) Other such strategies that reduce single occupancy vehicle trips to and from the development.

c. The development shall comply with the City of Portland TDM standards as described in Section 1 of the Technical Manual.

(b) *Environmental Quality Standards*

1. *Preservation of Significant Natural Features*:

a. The site plan shall preserve and protect significant natural features by incorporating them into site design. Significant natural features shall be defined as:

(i) Populations of trees and plants listed on the Official List of Endangered and Threatened Plants in Maine, published by the Maine Natural Areas Program.

(ii) Habitat for species appearing on the official state of federal list of endangered or threatened animal species;

(iii) High and moderate value waterfowl and wading bird habitat including nesting and feeding areas, as defined by the Department of Inland Fisheries and Wildlife;

(iv) Aquifers on islands in Casco Bay, as identified in the City of Portland Island Groundwater Management Study and/or by the Maine Geological Survey;

(v) Waterbodies including wetlands, watercourses, significant vernal pools and floodplains. These features may also be regulated by Division 26, Shoreland Regulations, Division 26.5, Flood Plain Management Regulations and Division 26.7, Stream Protection Ordinance of the City Code, along with Sections 5 and 8 of the Technical Manual or other State regulations.

b. Where areas set aside for preservation are part of a larger existing habitat block extending beyond the boundaries of the site, the contiguity of these features shall be preserved, where

possible.

c. Waiver: Where complete preservation of significant natural features substantially compromises development of the site otherwise permitted by zoning, the Reviewing Authority may reduce the requirement to accommodate development provided that the applicant demonstrates compliance with applicable state and federal regulations and implements preservation measures to the extent practicable.

2. Landscaping and Landscape Preservation:

a. Landscape Preservation.

(i) Site development shall be designed to incorporate, and limit disturbance to or removal of existing trees, as specified below. Preserved trees may be counted towards site landscaping requirements.

(ii) All development subject to zoning setbacks shall preserve a minimum of 30% of existing trees ten (10) inches DBH or greater within the required setback area unless trees are non-native invasive species, as identified in Section 4 of the Technical Manual, or are deemed unsalvageable by the Portland City Arborist or their designee.

(iii) Protection during Construction: The site plan shall include adequate measures to protect vegetation to be preserved from construction impacts, in accordance with the tree preservation standards listed in Section 4 of the Technical Manual.

(iv) Waiver: Where the applicant can demonstrate that preservation of existing vegetation would compromise development of the site, the Reviewing Authority may permit the substitution of replacement landscaping in other areas of the site, and/or a financial contribution to the City of Portland Tree Fund for an amount proportionate to the cost of trees removed, as described below:

(a) For each tree required to be preserved that is removed and is greater than 16″ in caliper DBH, two (2) replacement trees of a species identified on the City of Portland Recommended Tree List shall be planted on the site as detailed in Section 4 of the Technical Manual).

(b) For each tree required to be preserved that is removed and is between ten (10) and sixteen (16) inch DBH, one (1) replacement tree of a species identified on the City of Portland Recommended Tree List shall be planted on the site as detailed in Section 4 of the Technical Manual).

(c) Where the planting of replacement trees on the site is not feasible, the applicant shall contribute an amount proportionate to the cost of required replacement trees to the City of Portland Tree Fund, as detailed in Section 4 of the Technical Manual.

(v) In addition to the provisions of this section, all development within the Shoreland Zone shall meet the requirements of Division 26, Shoreland Regulations.

b. *Site Landscaping*.

(i) Landscaped Buffers:

(a) Screening. Loading and servicing areas, dumpsters, storage areas and utility structures, except for renewable energy systems, shall be screened from view from public sidewalks, streets and adjacent properties by dense evergreen landscaping, fencing, masonry wall building walls, or a combination thereof.

(b) Understory Plantings. All development

subject to required zoning setbacks shall include a minimum of six (6) shrubs per forty five (45) linear feet of all frontages as measured along the property line. A shrub shall be defined as one shrub, one ornamental grass, and/or 3 perennials. Required shrubs may be installed anywhere on the site, including a green roof, if proposed, and may be planted in any arrangement. Existing vegetation to be preserved on the site may be counted towards this requirement as detailed in Section 4 of the Technical Manual.

(c) Industrial and Commercial Zones. For non-residential development proposed in an industrial or commercial zone subject to required zoning setbacks and abutting a residential zone, an evergreen, densely landscaped buffer of not less than ten (10) ft wide and six (6) ft tall is required along the side abutting the residential zone. Where site constraints prevent such a buffer from being established, the width of the landscaped buffer may be reduced but shall include architectural quality fencing of not less than six (6) ft tall and a mix of evergreen and deciduous trees spaced no further than twenty (20) ft apart along the abutting the residential zone.

(d) Buffer from Surrounding Development. All residential development shall provide and/or preserve evergreen vegetated buffers where necessary to buffer the development from detrimental impacts of existing surrounding development.

(ii) Parking Lot Landscaping:

(a) Developments with five (5) or more parking spaces shall include at least two (2) trees (or one (1) tree and

three (3) shrubs) per five (5) parking spaces planted in landscaped islands to screen shade and break up parking. Trees and shrubs in parking lots may be in informal groups, straight rows, or concentrated in clusters as detailed in Section 4 of the Technical Manual.

(b) Landscaped islands shall be distributed so that uninterrupted pavement does not exceed forty (40) parking spaces.

(c) Landscaped islands shall be curbed and a minimum of eight (8) feet in width, not including curbing. The incorporation of bioretention into landscaped islands is strongly encouraged.

(d) Vehicle display lots shall be subject to the parking lot landscaping standards of this section.

(e) Waiver: Where site constraints prevent implementation of all or a portion of required parking lot landscaping, as determined by the Reviewing Authority, the requirements may be all or partially waived and the applicant shall contribute an amount proportionate to the cost of required parking lot trees to the City of Portland Tree Fund.

(iii)Street Trees:

(a) All development shall include street trees in numbers and locations as specified in Section 4 of the Technical Manual. Street trees are intended to benefit public spaces by providing green and natural elements that contribute to the streetscape and the urban forest ecosystem, provide health benefits, and increase the tree canopy to maximize shade and reduce energy use. Street trees shall be planted in

the right-of-way, as specified in Section 4 of the Technical Manual, except where section (b) below applies. Street trees shall be of a species identified on the City of Portland Recommended Tree List, unless otherwise approved by the City Arborist or his/her designee.

(b) Where the applicant can demonstrate that site constraints prevent the planting of required street trees in the City right-of-way, the Reviewing Authority may permit the following to be counted towards the street tree requirement, subject to the detailed standards set out in the Technical Manual:

i. The planting of new street trees on public land or public facilities in the neighborhood where a reasonable chance of good health and longevity is documented;

ii. The provision of measures to enhance tree survival (such as raised planters, irrigation and structural soils, as recommended by the City Arborist) in association with a street tree will be counted towards the total street tree requirement, based on the cost of the measure divided by the current street tree contribution for a new tree;

iii. The preservation of existing healthy trees that are six (6) inches or more in caliper, visible from the right-of-way and on the site within twenty feet of the property line;

iv. The planting of street trees where visible from the right-of-way on

the site and within twenty feet of the property line;

v. The installation of other planted features in the right-of-way or within 10 feet of the right-of-way and visible from the right-of-way, which are documented to the satisfaction of the City Arborist and Planning Authority to meet the objectives of street trees and to be feasible, viable and long-term street features;

vi. A contribution for each required street tree made to the City of Portland's Tree Fund as outlined in the Technical Manual where the other alternatives are not feasible. The contribution would primarily be for new trees in the neighborhood of the development, but would include an element of maintenance; and/or

vii. Where the proposed development includes the removal of an existing street tree determined by the City Arborist to be a Heritage or feature tree, the applicant shall be required to contribute to the Tree Fund at the designated rate in the Technical Manual so that the total replacement cost is significantly higher than planting a new street tree/contributing for a new street tree.

3. *Water Quality, Stormwater Management and Erosion Control*:

a. All development must demonstrate that the proposed site improvements are designed to minimize the amount of stormwater leaving the site. This must include consideration of the design and location of improvements to minimize the total area of impervious surface on the site

and stormwater management techniques to minimize both the volume and rate of runoff from the lot. The stormwater management plan must demonstrate the following:

(i) Any stormwater draining onto or across the lot in its pre-improvement state will not be impeded or re-directed so as to create ponding on, or flooding of, adjacent lots;

(ii) Any increase in volume or rate of stormwater draining from the lot onto an adjacent lot following the improvement can be handled on the adjacent lot without creating ponding, flooding or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the adjacent lot;

(iii) Any increase in volume or rate of stormwater draining from the lot onto City property following the improvement can be handled without creating ponding, flooding or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the City’s property; and

(iv) Any increase in volume or rate of stormwater draining from the lot into the City’s separate storm sewer system can be accommodated in the system without creating downstream problems or exceeding the capacity of the storm sewer system.

b. All development, except Level I minor residential development, shall comply with the standards of Section 5 of the Technical Manual including basic, general and flooding standards, as applicable, to prevent and control the release of pollutants to waterbodies, watercourses, wetlands and groundwater, and reduce adverse impacts associated with increases or changes in flow, soil erosion and sedimentation.

c. All development, except Level I minor residential development, that are located within the

watershed of an Urban Impaired Stream shall comply with the Urban Impaired Stream standards pursuant to Maine DEP Chapter 500 Stormwater Management Rules, as described in Section 5 of the Technical Manual.

d. Level I: minor residential development shall comply with basic erosion control standards, as described in Section 6 of the City of Portland Technical Manual.

e. Development shall not pose a risk of groundwater contamination either during or post-construction, as described in Sections 5 and 9 of the Technical Manual.

f. Development shall provide for adequate and sanitary disposal of sewage as described in Section 2 of the Technical Manual.

(c) *Public Infrastructure and Community Safety Standards*.

1. *Consistency with City Master Plans*:

a. All developments shall be designed so as to be consistent with City Council approved master plans and facilities plans and with off-premises infrastructure, including but not limited to sewer and stormwater, streets, trails, pedestrian and bicycle network, environmental management or other public facilities (see Section 15 of the Technical Manual).

b. The site plan shall include suitable easements, rights and improvements to connect or continue off-premises public infrastructure as may be required by the reviewing authority.

2. *Public Safety and Fire Prevention*:

a. The development shall incorporate the following public safety principles for Crime Prevention through Environmental Design (CPTED) into site design to enhance the security of public and private spaces and to reduce the potential for crime:

(i) Natural surveillance that promotes visibility of public spaces and areas.

(ii) Access control that promotes authorized and/or appropriate access to the site.

(iii) Territorial reinforcement that promotes a sense of ownership and responsibility through environmental design.

b. Provide adequate emergency vehicle access to the site in accordance with City standards for street widths and turning radii, as described in Section 1 of the Technical Manual.

c. Be consistent with City public safety standards, Section 3 of the City of Portland Technical Manual, including but not limited to availability and adequacy of water supply and proximity of fire hydrants to structures.

3. *Availability and Adequate Capacity of Public Utilities*:

a. The development shall not overburden sanitary sewers and storm drains, water lines, or other public infrastructure and utilities. Development shall provide adequate utility capacity and distribution network on-site and in connection to surrounding locations and facilities.

b. Electrical service shall be underground unless otherwise specified for industrial uses, or if it is determined to be unfeasible due to extreme cost, the need to retrofit properties not owned by the applicant or complexity of revising existing overhead facilities.

c. Installation of new or upgrades to existing sanitary sewers, storm drains, water lines or other utilities shall meet the provisions outlined in Section 2 and Section 9 of the Technical Manual.

d. All development within 200 feet of a public sanitary collection and treatment system shall connect sanitary sewer lines into the nearest

available public sewer. If a public sanitary collection and treatment system is not available, a private wastewater system may be used according to the requirements of Chapter 24 of the City Code and Section 2 of the Technical Manual.

e. All sanitary sewer and stormwater utilities proposed as part of the development shall be designed to City standards as specified in Section 2 and Section 4, Chapter 500 Stormwater Management Standards, of the Technical Manual.

f. All residential development of 20 units or more, commercial development and industrial development shall provide for the temporary storage and timely removal of all trash and recyclable materials including, at a minimum, paper, corrugated cardboard, plastics and metals. Storage containers for recyclable materials shall be separated from trash containers. All exterior storage of trash and recyclables shall be screened from view from public sidewalks, streets and adjacent properties.

4. Reserved.

(d) *Site Design Standards*

1. *Massing, Ventilation and Wind Impact*:

a. The bulk, location or height of proposed buildings and structures shall not result in health or safety problems from a reduction in ventilation to abutting structures or changes to the existing wind climate that would result in unsafe wind conditions for users of the site and/or adjacent public spaces.

b. The bulk, location or height of proposed buildings and structure shall minimize, to the extent feasible, any substantial diminution in the value or utility to neighboring structures under different ownership and not subject to a legal servitude in favor of the site being developed.

c. Development shall locate all HVAC venting

mechanisms to direct exhaust away from public spaces and residential properties directly adjacent to the site.

2. *Shadows*:

   a. All development outside the B3, B5, B6 and B7 zones shall be designed to avoid and/or mitigate the adverse impacts of shadows cast by new structures or building additions from falling on publicly accessible open space where such shadowing would adversely affects the viability of its use and/or the viability of existing vegetation. Examples of publicly accessible open spaces that may require direct sunlight for a portion of the day to maintain the viability of existing vegetation and/or use(s) include but shall not be limited to sitting or sunning areas, community gardens, grass sports fields, landscaped areas, children’s play areas). For submittal requirements and additional information, please refer to Section 11 of the Technical Manual.

3. *Snow and Ice Loading*:

   a. The development shall be designed to prevent significant amounts of accumulated snow and ice from loading or falling onto adjacent properties or public ways.

4. *View corridors*:

   a. The massing, location and height of development shall not substantially obstruct public views corridors identified in the Downtown Vision View Corridor Protection Plan, as provided in the City of Portland Design Manual, Appendix 1.

5. *Historic Resources*:

   a. Developments affecting designated landmarks or within designated historic districts or historic landscape districts: Any proposed development required to obtain a certificate of appropriateness under article IX (historic preservation) of the land use code shall be

exempt from the following design standards, as described in the Design Manual:

(i) Section (b) of the Design Manual (development in B-3 zone), except for (b)(1) e.2. (increasing setback beyond street build-to line), (b) (1)f. (shadow impact on open space), (b)(1)h. (wind impacts), and (b)(1)g. (setbacks from existing structures);

(ii) Section (c) of the Design Manual (development in B-5 and B-5b zones), except for (c)a. (shared infrastructure) and (c)d. (parking lot location);

(iii) Section (k) of the Design Manual (small residential lot development in R-6 zone);

(iv) Section (e) of the Design Manual (University of Southern Maine);

(v) Section (f) of the Design Manual (development in B-7 zone), except for (f)(1)a. (transportation demand management);

(vi) Section (g) of the Design Manual (development in Eastern Waterfront zone); and

(vii) Section (l) of the Design Manual (IS-FBC Building Design Standards)

b. Development adjacent to designated landmarks, historic districts or historic landscape districts: when any part of a proposed development is within one hundred (100) feet of any designated landmark, historic district, except the India Street historic district, or historic landscape district, such development shall be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity of the proposed development. Character-defining elements of landmarks and historic districts are identified in the historic resources inventory and respective historic district designation

reports For the purposes of this provision, “compatible” design shall be defined as design which respects the established building patterns and visual characteristics that exist in a given setting and, at the same time, is a distinct product of its own time. To aid the planning board in its deliberations, historic preservation staff shall provide a written analysis of the proposed development’s immediate context, identifying the major character-defining elements and any established building patterns that characterize the context.

c. Preservation and/or Documentation of Archaeological Resources. Where a state or local archaeological resource is known to exist or is discovered on the site, the developer shall inform the City and State and shall protect and/or document such resources.

(i) Protection shall include leaving archaeological resources untouched beneath a new development through adaptation of foundation design or architectural layout.

(ii) Where the applicant can demonstrate that complete protection is not feasible, the applicant shall excavate and document archeological resources. Such measures shall be conducted in consultation with the City Historic Preservation Program and Maine Historic Preservation Commission. For resources of state significance, excavation and documentation shall be conducted by a qualified professional, in coordination with Maine Historic Preservation Commission. Local archeological resources may or may not be recognized by the Maine Historic Preservation Commission as significant and shall include the following:

(a) Original seawall structure located landward of Commercial Street.

(b) Inactive historic family cemetery plots.

(c) Historic railroad beds including but not limited to the Portland-Lewiston interurban railroad.

(d) Original structure and/or landforms associated with the Cumberland and Oxford Canal.

(e) Buried portions of colonial and post-colonial period structures or built features located on the Portland Peninsula predating the Great Fire of 1866.

(f) Pre-colonial occupation sites identified by shell middens or other evidence.

(g) Sites listed or eligible for listing on the National Register of Historic Places.

(iii) Waiver Criteria: In order to preserve archeological resources, the Planning Authority may wave standards listed in the City of Portland Technical Manual where necessary if it is determined that such a waiver would not jeopardize the health, safety or welfare of the development's occupants, the public, or the natural environment.

6. *Exterior Lighting*:

a. *Site Lighting.*

(i) All exterior site lighting, including lighting of building entrances, shall be full cutoff with no light emitted above the horizontal plane or spilled onto adjacent properties and streets. Illumination levels shall be adequate but not excessive for the safety, comfort and convenience of occupants and users of the site, and shall confirm to applicable standards of Section 12 of the Technical Manual.

(ii) For major or minor site plans within or abutting a residential use or zone where light from the proposed development may

adversely impact adjacent residential properties, exterior lighting shall employ house-side shielding.

b. Architectural and Specialty Lighting.

(i) Architectural and specialty lighting, but not up-lighting, of such features as architectural details, monuments, public art or other site features shall be designed to illuminate specific details or attributes only and shall meet the standards of Section 12 of the Technical Manual.

(ii) Up-lighting by any method is prohibited except for public buildings and parklands, clock towers and steeples, landscape features, designated historic landmarks, flags of state, federal or national jurisdictions, and public art. Such light fixtures, brackets, conduits and all other components shall be designed by a lighting professional and shall be scaled and placed to minimize their visibility and installed in accordance with the standards contained in Section 12 of the Technical Manual.

c. *Street Lighting*.

(i) Municipal street lighting shall be adequate for the safety and comfort of pedestrians and motorists and, where applicable, shall conform to specific lighting district requirements, as specified in Section 10 of the Technical Manual.

7. *Noise and Vibration*:

Projected noise levels for all developments shall meet applicable zoning requirements.

a. *HVAC and Mechanical Equipment*.

(i) All heating, ventilation and air conditioning equipment (HVAC), air handling units (AHU), emergency generators, and similar equipment shall meet applicable

state and federal emissions requirements and shall comply with the following:

(a) Be located to the interior of the site, away from abutting residential properties;

(b) Be screened from view from any public street and from adjacent sites by structure walls, evergreen landscaping, fencing, masonry wall or a combination thereof.

(ii) In addition to the requirements listed above, emergency generators shall not be activated for more than one hour per week for routine maintenance and testing. Noise levels shall not exceed City standards except in designated emergencies or for emergency generator testing. Emergency generator testing is permitted only between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.

8. Signage and Wayfinding:

a. All signage shall meet applicable requirements of Division 22 of the City Code, in addition to provisions listed below:

(i) Historic Preservation: Any new sign or change in appearance of an existing sign located on a designated Historic Landmark or in a Historic District or Historic Landscape District shall be subject to the standards of Article IX and shall require a Certificate of Appropriateness. If there is a conflict between the standards of Article IX and of Division 22 or other provisions of the City Code, the stricter standards shall apply.

(ii) Commercial Signage and Directional Traffic Signage: The size, scale, proportions, design, materials, placement and source and intensity of illumination of all permanent or freestanding building signs shall be

designed to complement the subject building and its immediate context, as follows:

(a) Signage shall not conceal architectural features such as window sills, lintels or cornices from view.

(b) Signs shall be designed and sized to fit the scale and proportions of the building and the feature or area of the building to which it is affixed.

(c) Freestanding signs shall not adversely affect visibility at intersections or access drives.

(d) Sign lighting shall be downwardly directed, internally illuminated and/or shielded to avoid glare and light spillover towards the sky.

(e) Signs shall not be affixed to rooftop mechanicals, mechanical penthouses or other rooftop appurtenances unless those appurtenances have been screened and integrated into the architecture of the development.

(iii) On-site directional traffic signage may be provided to enable users to safely and easily navigate into, around and out of the site. Directional signage shall not adversely affect visibility at intersections on or off the site.

(iv) Waiver Criteria: An applicant for site plan review that was either denied for failure to comply with the requirements of or is seeking a waiver as part of their site plan application from Section 14-369.5 shall meet the following standards for approval:

(a) Signs shall meet the requirements of Section 14-526 (e) 2. - Signage and Wayfinding;

(b) The size, scale, proportions, design,

materials, placement, quantity and source and intensity of illumination of any approved signage shall be designed to complement and enhance the architectural attributes of the building(s) to which they are attached or to which they are visually related. In addition, such signs shall be appropriate to the scale and character of the neighborhood in which it is located and shall be designed to suit the conditions from which it will be viewed, especially in relation to the distance, travel speed, and mode of travel of the viewing public;

(c) The signage shall either be of special design merit or shall respond to unique circumstances or characteristics associated with the subject property;

(d) The provisions of this subsection shall be limited to commercial uses in business or industrial zones, industrial uses or institutional uses.

9. Zoning Related Design Standards:

a. Development of certain types and/or proposed in certain zones, as specified below, are subject to design standards in addition to the provisions of Section 14-526 (a) in order to ensure designs that contribute to and enhance the goals and policies for specific districts of the City. The City of Portland Design Standards is listed in the City of Portland Design Manual, which is included by reference. If the development is located in a historic district or associated with a historic landmark, City of Portland Historic Preservation standards shall supersede:

(i) B3, B5, B5-b, B7 Zones, and B6 and EWPZ Waterfront Zones: Development in the B3, B5, B5-b, B7 business zones and in the B6 and EWPZ waterfront zones shall be designed to support the development of dense, mixed-use neighborhoods with attractive, safe and

convenient street level pedestrian environments as demonstrated by compliance with all applicable design standards listed in the Design Manual. New development along the Eastern Waterfront should avoid large monolithic massing along all street frontages and should promote permeability through and within the development at a scale compatible with the existing street networks of the Eastern Waterfront. Where new structures are larger than buildings characteristically found in Portland's waterfront, horizontal and vertical variation should be used to break large expanses of building into components that are in scale with the context to which they most closely relate.

(ii) RP Zone: Development in the RP Residential Professional zone where there is a discernable architectural style or character to existing structures in the immediate vicinity in which the development is proposed shall not be incongruous to that established style or character as demonstrated by compliance with all applicable design standards listed in the Design Manual.

(iii) B1, B1-b, B2, B2-b Zones: Development in the B1, B1-b, B2 and B2-b business zones shall provide an established street wall with entrances and public portions of the building oriented to and directly accessible from the public sidewalk and shall be designed and scaled to be compatible with surrounding residential and commercial development as demonstrated by compliance with all applicable design standards listed in the Design Manual.

(iv) USM Overlay Zone: Development in the University of Southern Maine (USM) Overlay Zone shall be designed to support a cohesive campus environment while integrating with and respecting the residential character of surrounding neighborhoods as demonstrated by

compliance with all applicable design standards listed in the Design Manual.

(v) Residential Developments: Residential developments, as listed below, shall integrate with and respect the character of surrounding residential development in terms of architectural form, landscaping and open space, façade materials, roof pitch, massing and height as demonstrated by compliance with all applicable design standards as listed in the Design Manual.

(vi) Residential Development in the following districts:

(a) Planned Residential Unit Developments (PRUDS) in the R3, R5 and R5a residential zones;

(b) Multiple family and multiplex developments in the R5 zone;

(c) Small residential lot development of single family homes in the R5 zone;

(d) All residential development in the R6 zone.

(vii) Residential Development of the following types:

(a) Manufactured housing parks;

(b) Two-family and multiple family housing not already specified in (a) above;

(c) Special needs independent living units;

(d) Lodging houses;

(e) Bed and breakfasts;

(f) Emergency shelters.

(viii) B-7 Design Standards for Additional Height in District A: In the B-7 zone, the Planning

Board, when conducting review of a Master Development Plan or a Level III Site Plan, as applicable, may modify the stepback provisions of Section 14-296(a)(5)(b), relating to buildings allowed as a conditional use to exceed one hundred and twenty-five (125) feet up to one hundred and sixty-five (165) feet in height, provided the following conditions are met:

(a) Each building exceeding one-hundred and twenty-five (125) feet shall contain at least 20 dwelling units per building.

(b) Building wall stepback requirements along public street frontage:

i. Building with frontage on one street: minimum ten (10) foot stepback between third and fifth stories and a minimum ten (10) foot stepback between the one hundred twenty-five (125) and one hundred forty-five (145) foot level.

ii. Building with frontage on multiple streets: Above paragraph (i) requirement along longest building façade street wall, and of the remaining street walls the same requirement as paragraph (i) or a 15 foot wide streetscape improvements area containing a public sidewalk, landscaping and other streetscape improvements within the abutting street right-of-way and/or private property along the remaining street frontage. A building with frontage on four streets shall meet the above requirement except that two of the streets shall have the stepback requirement.

iii. The Planning Board shall have the authority to waive one or more of the required stepbacks provided the following is met:

1. The depth of the building lot

precludes a building having an average minimum lot depth dimension of one hundred seventy (170) feet; or

2. The proposed building has an architecturally significant design that is articulated to avoid a monolithic appearance and emphasizes slender, vertically-oriented proportions while employing a variety of scales, materials, fenestration, and massing to assure a rich visually interesting experience as viewed within the context of the downtown skyline and provide visual interest and human scale at the pedestrian level;

3. In the event such a waiver is granted the Planning Board may require the applicant to mitigate the impacts of the waiver by requiring the following:

   a. Along all public street frontages and public open spaces, all buildings (regardless of height) shall meet the B-7 Design Standard E-4 Articulation to maintain a pedestrian scale through the use of building elements at the street level as listed in this standard along no less than 60% of the building’s horizontal length.

   b. Along all public street frontages and public open space for the building(s) over one hundred twenty-five (125) feet, a canopy, awning or similar permanent architectural feature to provide pedestrian protection

and wind mitigation shall be provided within the first thirty-five (35) feet of height.

c. In order to preserve view corridors and to maintain a varied skyline, all buildings above one hundred twenty-five (125) feet within a single development site should be separated to avoid the appearance of a tall, solid block massing. In accordance with this policy, development sites of 500 feet or greater as measured parallel to Marginal Way, the aggregate building façade widths above 85 feet shall not exceed fifty percent (50% of the total development site distance parallel to Marginal Way. Buildings over one hundred twenty-five (125) feet in height that are being reviewed as separate phases of a Master Development Plan shall be entitled to meet the fifty percent (50%) building requirement in aggregate for all such buildings over one hundred twenty-five (125) feet in height in the Master Development Plan, provided that view corridors are retained as each phase is built.

d. The applicant shall demonstrate building design elements and location will reasonably mitigate downdraft effects of the proposed building or buildings.

b. *Master Development Plan Design Standards*: A Master

Plan shall comply with the design and development standards of the zone in which it is located, and shall achieve a cohesive land development consistent with the assets of the site, land uses, functional activities, and major design elements, such as buildings, roads, utilities, drainage systems and open space as well as with the Master Development Plan Standards of Review contained in Section 14-524.

10. Reserved.

(e) *Conditions*

1. Notwithstanding the provisions of subsections (a)through (d) of this section, the Planning Authority or Planning Board may impose any condition upon its approval of any site plan: (1) to minimize or abate any adverse impact of the proposed development on the value or utility of other private property, or on public property or facilities, to the extent feasible; or (2) to bring the development into compliance with the requirements of subsections (a) through (d); or (3) to minimize any other adverse environmental effects of the proposed development. Such conditions may include, but are not limited to, enclosing of equipment or operations, imposing limitations upon the hours of operation, or requiring the employment of specific design technologies, modes of operation, or traffic patterns, and may also include the construction of, or financial contribution to the construction of, on- or off-premises public facilities including, without limitation, streets and sewers impacted by the development. All such conditions shall be consistent with the purposes set forth in section 14-521.

(f) *General Waiver*

1. Except for the requirements set forth in Section 14-526 (a)-(d) for which individual waiver criteria are provided, the Reviewing Authority if it finds that extraordinary conditions exist or that undue hardship may result from strict compliance with these regulations may vary the regulations so that substainal justice may be done and the public interest secured; provided

that such variation will not have the effect of nullifying the intent and purpose of the land development plan and the regulations of this article.

(Ord. No. 277-09/10, 7-19-10; Ord. No. 175-12/13, 4-22-13; Ord. No. 176-12/13, 4-22-13; Ord. 209-14/15, 5/4/2015; Ord. 184-14/15, 6-1-2015; Ord. 83-15/16, 11-2-2015; Ord. No. 74-16/17, 11-7-2016)

Sec. 14-527. Content of site plan applications.

(a) *Level I General Submissions.* The applicant shall submit for review a packet of materials and submissions in a form and content as specified by the Department of Planning and Urban Development. Such submissions shall contain, at a minimum, the following elements:

1. Application Form;

2. Applicable Fees;

3. Project Description;

4. Evidence of Right, Title and Interest;

5. Evidence of State and/or Federal Approvals, if applicable;

6. Written assessment of project compliance with applicable zoning requirements;

7. Summary of existing and/or proposed easements, covenants, public or private rights-of-way, or other burdens on the site;

8. Written requests for waivers from the City’s Site Plan or Technical Standards, if applicable;

9. Boundary survey stamped by a professional surveyor licensed to practice in the State of Maine, drawn to scale and tied into the State Plane Coordinates, NAD 1983, Maine West Zone, as specified in Section 13 of the Technical Manual.

(b) *Level I Site Plan Submissions.* Site plans submitted as part of a Level I site plan application for a minor residential or site alteration proposal shall include a site plan based upon the boundary survey showing the following information:

1. Existing and proposed structures, as applicable, and distance from property lines;

2. Existing and proposed paved areas, if applicable;

3. For minor residential only, proposed ground floor area and finish floor or sill elevation;

4. For minor residential only, exterior building elevation drawings (all sides);

5. Location of proposed utilities;

6. Identification and proposed protection measures for any significant natural features, as defined in Section 14-526 (b);

7. Identification and proposed protection for alterations of watercourses, if applicable;

8. Identification and, if applicable, proposed impacts and protection measures for wetlands;

9. For Level I minor residential projects only, soil type;

10. Existing and proposed grades and contours;

11. Location, dimensions and ownership of easements, public or private rights of way, both existing and proposed;

12. Proposed stormwater management control;

13. Soil erosion control plan;

14. Existing vegetation to be preserved, proposed site landscaping, screening and proposed street trees, if applicable;

15. Existing and proposed curb and sidewalk;

16. Location, area, and limits of the proposed site disturbance or alteration;

17. Proposed Pier, Dock, Wharf, Pier, or Slope Stabilization reconstruction in the Shoreland Zone, if

applicable.

(c) Level II, III, and Master Development Plan General Submissions. The applicant shall submit for review a packet of materials and submissions in a form and content as specified by the department of planning and urban development. Such submissions shall contain, at a minimum, the following elements.

1. Application form;

2. Applicable fees;

3. Project description;

4. Evidence of right, title and interest;

5. Evidence of state and/or federal approvals, if applicable;

6. Written assessment of project compliance with applicable zoning requirements;

7. Summary of existing and/or proposed easements, covenants, public or private rights-of-way, or other burdens on the site;

8. Written requests for waivers from the city's site plan or technical standards, if applicable;

9. Evidence of financial and technical capacity;

10. Boundary survey stamped by a professional surveyor licensed to practice in the State of Maine, drawn to scale and tied into the State Plane Coordinates, NAD 1983, Maine West Zone, as specified in section 13 of the Technical Manual. A boundary survey of the site, may be waived by the Planning Authority for a review of Master Development Plan, where an existing conditions plan is available. The Boundary Survey requirement shall be met for each phase of development.

(d) *Level II and Level III Preliminary Site Plan Submissions.* A preliminary site plan is an optional submittal as part of the Level II and III site plan application review process. If the applicant elects to submit a preliminary site plan for review, it shall include the following information:

1. Proposed grading and contours;

2. Existing structures with distances from property lines;

3. Proposed site layout and dimensions for all proposed structures, paved areas, and pedestrian and vehicle access ways;

4. Preliminary design of proposed stormwater management system in accordance with Section 5 of the Technical Manual;

5. Preliminary infrastructure improvements;

6. Preliminary Landscape Plan in accordance with Section 4 of the Technical Manual;

7. Location of significant natural features located on the site as defined in Section 14-526 (b)(1);

8. Proposed buffers and preservation measures for significant natural features, as defined in Section 14-526(b)(1);

9. Location, dimensions and ownership of easements, public or private rights of way, both existing and proposed.

10. Exterior building elevations.

(e) Master Development Plan. A Master Development Plan is an optional submittal as part of the Level III site plan application review process. If the applicant elects to submit a Master Development Plan for review, it shall include the following information in addition to the general submission requirements of Sec. 14-527 (c)(d):

1. A neighborhood context map, at a scale not less than one (1) inch equals one hundred (100) feet, providing a graphic description of the neighborhood in which the tract lies, including roads, utilities and other public facilities, major existing buildings and structures. There shall also be a statement and/or plan as to the general impact of the proposed Master Development Plan upon the area, indicating how the

Master Development Plan relates to surrounding properties and what measures will be taken to create appropriate transitions and access from the subject property to abutting public properties (i.e. parks, waterfront, etc.) or other neighboring tracts (if applicable).

2. A conceptual site plan drawn to a scale of not less than one (1) inch equaling fifty (50) feet, or series of drawings at the same scale, and any necessary supporting information, showing:

(i) The approximate boundary lines of existing and proposed lots within and immediately adjacent to the Master Development Plan, with approximate areas and dimensions. With respect to residential areas, the proposed density, lot configuration, circulation and a typical plot plan shall be included in the application.

(ii) An analysis of the natural features of the site, including existing and/or adjacent natural waterways, wetlands, floodplains, topography, soil conditions and other natural features requested or required by the Planning Authority.

(iii) An analysis of the designated view corridors, historic resources, and archeological resource associated with the site.

(iv) Existing/proposed buildings and other significant structures, building groupings, exterior building elevations and entrances, parking areas, and other significant physical features of the site.

(v) Context drawings, perspective renderings, photographic montages, or computer generated graphics depicting the proposed development within the surrounding building and environmental context. Building elevation drawings shall include the following:

a. Illustrations of all sides of the structures;

b. Views of major entries or prominent building features;

c. Illustration of building articulation and elements;

d. Building finish composition; and

e. Pedestrian and streetscape elements of the Master Development Plan.

The submission shall include a digital three-dimensional model tied to a specific location that is submitted as a KML, KMZ, DXF, or DWG file on a CD or DVD or such format as approved by the Planning Authority. It is the applicant's responsibility that the model is complete and represents the proposed development accurately using best practice modeling techniques and layering standards.

(vi) Major circulation patterns surrounding and serving the site, the existing and proposed lines of streets (including the street width), ways, easements and any public areas within or next to the site.

(vii) Major landscaping elements, features, open space, and plans for preservation of natural features.

(viii) An analysis of the public safety services needed to support the master plan.

(ix) An analysis of the anticipated impacts on the public school system to support the Master Development Plan.

(x) A generalized drainage plan for the site, indicating drainage ways, flow, points of outfall, and indicating impacts of development on affected drainage basins. The plan shall include contour information at not less than two-foot (2') contour intervals and document anticipated quantities of run-off characteristics. General statements concerning storm water management techniques shall also be submitted with the application.

(xi) The plan shall clearly show Master Development

Plan boundaries, north arrow, date, scale, legend, the title “Master Development Plan Concept Site Plan” followed by the formal project name, and the name(s) of applicant(s), engineer(s), designer(s) and/or agent(s).

(xii) A traffic analysis and recommendations prepared by a registered professional engineer qualified to conduct such studies, including current traffic counts for streets surrounding the project, analysis of the existing capacity of those streets, projections of the amount of traffic that will be generated by the proposed development, and the ability of the street system to absorb the increased traffic without decreasing the level of service below an acceptable level – said level to be determined by the Planning Authority in concert with the Department of Public Works. In cases where the Master Development Plan is subject to a Traffic Movement Permit (TMP) for all phases, the TMP submissions and review shall supersede these requirements.

(xiii) A utilities analysis and recommendations prepared by a registred professional engineer qualified to conduct such studies. Said analysis shall contain an inventory of existing utilities including, but not limited to, storm sewers and drains, sanitary sewers, electrical lines, fire alarm boxes and lines, gas lines/mains, water mains, lighting, curb and gutter, etc. Said inventory shall illustrate utility locations, sizes, diameters, carrying capacity and present load on the system. The engineer’s report shall state if the current system is capable of adequately serving the proposed development. If the current utility system is found to be inadequate for the proposed development, the report shall confirm the deficiencies and make recommendation(s) as to the infrastructure improvements necessary to properly service the proposed development and maintain the existing service. The report shall also present a formal plan for infrastructure improvements, documenting timing, funding mechanisms and coordination with the City; and

(xiv) Any other supportive information the applicant feels may be beneficial in the evaluation of the request.

(xv) The Planning Authority or Planning Board may reduce the level of information required at the Master Development Plan review stage, provided more detailed supportive documentation is provided at final Level III Site Plan Review of the Master Development Plan or phases thereof.

(f) *Level II and III Final Site Plans.* A final site plan for a Level II or III site plan application shall be based upon a standard stamped boundary survey meeting City of Portland standards, be stamped by a professional engineer licensed to practice in the State of Maine, shall be submitted with all required written submittals and shall include the following information:

1. Existing and proposed structures, as applicable, and distance from property lines;

2. Approximate location of structures on parcels abutting the site;

3. All streets and intersections adjacent to the site and any proposed geometric modifications to those streets or intersections;

4. Location, dimensions and materials of all existing and proposed driveways, vehicle and pedestrian access ways, and bicycle access ways, with corresponding curb lines;

5. Engineered construction specifications and cross-sectional drawings for all proposed driveways, paved areas, sidewalks;

6. Location and dimensions of all proposed loading areas including turning templates for applicable design delivery vehicles;

7. Existing and proposed public transit infrastructure with applicable dimensions and engineering specifications;

8. Location of existing and proposed vehicle and bicycle parking spaces with applicable dimensional and engineering information;

9. Location of all snow storage areas and/or a snow removal plan;

10. A traffic control plan as detailed in Section 1 of the Technical Manual;

11. Proposed buffers and preservation measures for significant natural features, where applicable, as defined in Section 14-526(b)(1);

12. Location and proposed alteration to any watercourse;

13. A delineation of wetlands boundaries prepared by a qualified professional as detailed in Section 8 of the Technical Manual;

14. Proposed buffers and preservation measures for wetlands;

15. Existing soil conditions and location of test pits and test borings;

16. Existing vegetation to be preserved, proposed site landscaping, screening and proposed street trees, as applicable;

17. A stormwater management and drainage plan, in accordance with Section 5 of the Technical Manual;

18. Grading plan;

19. Ground water protection measures;

20. Existing and proposed sewer mains and connections;

21. Location of all existing and proposed fire hydrants and a life safety plan in accordance with Section 3 of the Technical Manual;

22. Location, sizing, and directional flows of all existing and proposed utilities within the project site and on all abutting streets;

23. Location and dimensions of off-premises public or publicly accessible infrastructure immediately adjacent to the site;

24. Location and size of all on-site solid waste receptacles, including on-site storage containers for recyclable materials for any commercial or industrial property;

25. Plans showing the location, ground floor area, floor plans and grade elevations for all buildings;

26. A shadow analysis as described in Section 11 of the Technical Manual, if applicable;

27. A note on the plan identifying the Historic Preservation designation and a copy of the Application for Certificate of Appropriateness, if applicable, as specified in Section Article IX, the Historic Preservation Ordinance;

28. Location and dimensions of all existing and proposed HVAC and mechanical equipment and all proposed screening, where applicable;

29. An exterior lighting plan in accordance with Section 12 of the Technical Manual;

30. Signage: A signage plan showing the location, dimensions, height and setback of all existing and proposed signs;

31. Location, dimensions and ownership of easements, public or private rights of way, both existing and proposed.

(g) Level II and III Final Written Materials

1. Construction Management Plan;

2. A traffic study and other applicable transportation plans in accordance with Section 1 of the Technical Manual, where applicable;

3. A narrative describing any significant natural features, wildlife and fisheries habitats or archaeological sites subject to the provisions of

Section 14-526(a) that are located on or near the project site and a description of the methods that will be used to protect such areas or sites during and post construction;

4. A narrative describing site layout, on and off-site watershed hydrology, new and existing buildings and facilities, total impervious area, disturbed area and developed area created by the project;

5. Stormwater runoff calculations as described in Section 5 of the Technical Manual;

6. A narrative describing the development's consistency with applicable City Master Plans;

7. Evidence of Utility Capacity to Serve;

8. Estimated types and quantities of solid waste to be generated by the development. For new commercial and industrial development, a description of the estimated amount and type of recyclable material to be generated;

9. A code summary referencing NFPA 1 and all Fire Department technical standards;

10. Where applicable, an assessment of the development's consistency with any applicable design standards contained in Section 14-526(a) and/or in the City of Portland Design Manual;

11. Manufacturer's verification that all proposed HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

(Ord. No. 277-09/10, 7-19-10; Ord. No. 25-11/12, 8-15-11; Ord. No. 176-12/13, 4-22-13; Ord. 108-15/16, 11-16-2015)

Sec. 14-528. Reserved.

Sec. 14-529. Appeals.

(a) When the planning authority has approved, approved with conditions, or denied a site plan, or has approved a request to extend the expiration date of a Master Development Plan, any person aggrieved may appeal the decision to the planning board within thirty (30) calendar days of the date of the written decision of the planning authority. Upon the taking

of such an appeal, the application or request for an extension shall be reviewed as a new application or request.

(b) When the planning board has finally approved, approved with conditions, or disapproved a site plan, any person aggrieved or the City may appeal the decision to the superior court, pursuant to Rule 80B of the Maine Rules of Civil Procedure within thirty (30) days of the vote on the original decision by the planning board.
(Ord. No. 277-09/10, 7-19-10; Ord. No. 25-11/12, 8-15-11; Ord. No. 176-12/13, 4-22-13)

Sec. 14-530. Development review fees and post approval requirements.

(a) *Development Review Fees*.

1. Payment of fees and costs: Prior to the issuance of permits of any kind or the release of a signed subdivision plat for recording for any project whose permit fee is governed by this ordinance, all current charges due under this ordinance shall be paid and the developer must otherwise be in compliance with the provisions of the City Code.

2. Development Review and administrative fees:

   a. Review Fees. The developer shall pay the development review fees to cover the third-party review costs for engineers or other professional reviews and administrative costs for all Levels of review unless otherwise noted below, including but not limited to staff review, legal ads, plan duplication, and mailed public notices, incurred by the City. The fee shall be based upon the hours of review time and prevailing hourly rate for reimbursement of City costs. The City shall periodically invoice the developer for the development review and administrative costs incurred by the City, which invoice shall be paid promptly by the developer. Prior to the issuance of permits of any kind or the release of a signed subdivision plat for recording for any project whose permit fee is governed by this ordinance, all current charges due under this ordinance shall be paid The balance of any remaining engineering and administrative costs invoiced or incurred after a permit has been issued shall be

paid promptly in full by the developer prior to the issuance of any temporary or permanent certificate of occupancy.

3. The City Council, shall, from time to time, establish by order, reasonable application and administrative fees to defray the costs of administering this article.

4. Site Plan Review Expenses.

a. Level I: Minor Residential $300(flat fee)

b. Level I: Site Alteration $600

c. Level II: Site Plan $800

d. Level III: Site Plan

i. Under 50,000 sf $2,750

ii. 50,000-100,000 sf $3,000

iii. 100,000-200,000 sf $4,000

iv. 200,000-300,000 sf $5,000

v. Over 300,000 sf $7,000

vi. Parking lots over 100 spaces $1,600

e. Master Development Plan $1,000

f. After the Fact Review $2,000 plus application fee

g. Amendment to Site Plans

i. Planning Board Review $1,500

ii. Administrative Review $250

h. Other Site Plan Reviews

i. Administrative Authorization $50

ii. Special Exception Sign Review $75

iii. Section 14-403 Street Extensions $400 plus $25 per lot

i. Fee for Development Review Services

i. Planning fee per hour $54

ii. Legal fee per hour $75

iii. Third-party Review Fees assessed by the Third Party Professional

j. State Delegated Review Fees

i. Site Location of Development $3,500, except for residential projects which will be $200 per lot.

ii. Traffic Movement Permit $1,500

iii. Stormwater Quality Permit $250

k. Performance Guarantee

1. As required in Section 14-530 (b)(4).

l. Inspection Fees, as required in Section 14-530 (b) (5)

i. Level I: Site Alteration, Level II and Level III: 2% of the performance guarantee or as assessed by Planning or Public Works Engineer at $54 an hour with minimum inspection fee of $300 Level I: Minor Residential Inspection Fee $100 (flat fee).

m. Street vacation $2,000

(b) *Post-approval submissions.*

1. Final Plans. Following final site plan approval and prior to issuance of any building permit, the developer shall submit final plans meeting all the conditions of the site plan approval, including without limitation all streets, sewers, drainage

structures and landscaping. Thereafter, limited and minor departures from the approved site plan shall be approved by the Public Works Authority as field changes pursuant to Section 14-532 below. Amendments or revisions to the approved site plan shall be reviewed by the Planning Authority pursuant to 14-532.

2. As-built plans. Upon completion of a Level II or Level III development, the applicant shall submit the as-built plans as specified in the Technical Manual.

3. Performance Guarantee and Defect Guarantee:

   a. Performance Guarantee Required. Following approval of Level I, II and III site plan applications and prior to the issuance of a building permit, the developer shall post with the City a performance guarantee in the form and amount specified in section 14-501 specifying the completion of the required site plan improvements within two (2) years from the origination date of such guarantee. In no case shall the term of such guarantee be for a period of less than one (1) year, nor shall any performance guarantee expire between October 30 and April 15 of the following year.

   b. Required site improvements. Development improvements include, but are not limited to, sanitary sewers, storm drains, drainage systems, erosion control, catch basins, manholes, other improvements constructed chiefly below grade, slope stabilization, curbing, paving, sidewalks, lighting, landscaping and buffers.

   c. Phased Project. A project may be reviewed and approved for up to three (3) phases. A performance guarantee shall be posted for each phase. Each phase of such project shall be independent of subsequent phases and shall conform to all standards of this article in the event that subsequent phases do not go forward.

   d. Exemptions.

      i. Level I minor residential development is

exempt from performance guarantee requirements except for those projects that complete construction in the winter and the site work is incomplete due to weather conditions. A performance guarantee will be required that is sufficient to complete the remaining site work as approved on the site plan. The performance guarantee must be reviewed and approved by the Planning Authority prior to the release of a temporary certificate.

e. Abandoned site. In the event that a development is abandoned or the site improvements do not meet City standards as approved in the site plan, the performance guarantee may be utilized to stabilize, secure, complete and/or restore the site as may be necessary, including, but not limited to, revegetation of areas, grading and fencing.

f. Performance Guarantee Reductions. The developer shall be eligible to receive up to three reductions in the performance guarantee in a calendar year equal to the estimated cost of the completed improvements. The developer shall submit a written request for a reduction that reports what work has been done and what is left to complete along with the associated costs to complete that work. In no case, however, shall any performance guarantee be reduced:

i. In any line item where improvements remain to be completed; or

ii. To a value which is less than the estimated cost of completing all remaining prescribed improvements for which a performance guarantee is required by section 14-530(b)4.b.

g. Notwithstanding any other provision of this section, no performance guarantee shall be reduced to less than the amount of the defect

guarantee to be posted upon completion of the improvements.

h. Required One Year Defect Guarantee. Prior to the release of the performance guarantee, the developer shall provide an one-year defect guarantee, which shall not expire between October 30 and the following April 15. The amount of the defect guarantee shall be ten (10) percent of the initial amount of the performance guarantee.

4. Inspection fee:

a. Inspection fees and costs. At the same time that the developer posts a performance guarantee, the developer shall also initially pay to the City a site plan improvement inspection fee equal to two (2) percent of the estimated costs of required site improvements for which a performance guarantee is to be posted. At the conclusion of the project, and before a temporary or permanent certificate of occupancy is issued, the developer shall pay to the City the balance of any inspection fees actually incurred by the City in its review of the project.

b. The required inspection fee for all Level I Minor Residential Development plans minimum shall be one hundred dollars ($100.00) and for all other development the minimum inspection fee shall be three hundred dollars ($300.00).

5. Certificates of Occupancy:

a. Temporary Certificates of Occupancy.

i. Notwithstanding sections 14-463, 14-524(b) or any other provision of this Code, a certificate of occupancy may be issued for a development or portion of a development which has otherwise been completed in accordance with final site plan approval and all applicable provisions of this Code where the applicant submits a written request therefore to the Planning Authority stating those improvements which remain to be completed, the reasons why such improvements

have not been completed, and the cost and time to complete the remaining work. In no event shall any temporary or permanent certificate of occupancy be issued where:

(a) Conditions exist which would justify denial of a certificate of occupancy under chapter 6; or

(b) Required improvements to the City right-of-way remain to be completed by the developer; or

(c) All access roads and any other roads and driveways required for the building or building(s) for which the certificate(s) are requested have not been improved to a passable condition; or

(d) A remaining balance for fees incurred by the City exists; or

(e) The developer otherwise is in violation of the City Code.

ii. Where a temporary certificate of occupancy is sought for a portion of any development prior to the completion of the entire development, the following standards shall be met, in addition to all applicable requirements set forth above, prior to the issuance of any certificate of occupancy:

(a) Those parking areas required for the portion of the development for which a certificate of occupancy is sought shall be available for use. Alternative arrangements must be made on-site for parking for any periods during which such parking areas will not be available for use.

(b) All foundation plantings and other landscaping required for the portion of a development for which a certificate of occupancy is sought shall be installed prior to the issuance of a certificate of

occupancy. This requirement may only be waived where, in the opinion of the public works authority, landscaping improvements cannot practically be completed due to seasonal weather conditions.

(c) A performance guarantee shall be in place and in an amount sufficient to cover all remaining required improvements and not less than 10% of the initial performance guarantee amount.

iii. No temporary or permanent certificate of occupancy shall be issued to any portion of development where, in the opinion of the reviewing authority, the site conditions or work required to complete the development will endanger the health or safety of persons visiting or inhabiting the completed portion.

b. Final Certificate of Occupancy.

i. Final Certificate.

(a) All improvements which are not completed prior to the issuance of any temporary certificate of occupancy must be completed prior to the completion date specified in the performance guarantee required by section 14-525(j) or by the temporary certificate of occupancy, whichever occurs first, in order for a final certificate of occupancy to be issued by the City.

c. Non-compliance.

i. Non-compliance with temporary certificate of occupancy. Where any person accepts a temporary certificate of occupancy and does not complete the improvements as specified in the certificate, the City is authorized to enter upon such property itself or through its agents or contractors to complete such improvements with no liability

therefore and may recover the costs thereof through the mechanic's lien procedure for the improvement of real property to the extent that the performance guarantee may be inadequate.

(Ord. No. 277-09/10, 7-19-10; Ord. No. 25-11/12, 8-15-11; Ord. No. 176-12/13, 4-22-13; Ord. 108-15/16, 11-16-2015; Ord. No. 253-15/16, 7-1-2016; Ord. 245-16/17, 7-1-2017; Ord. No. 217-17/18, 7-1-2018)

Sec. 14-531. Reserved.

Sec. 14-532. General requirements and enforcement.

(a) *Approved site plans and required permits.*

1. An approved site plan is a prerequisite to issuance of building, street opening or certificate of occupancy permits for development subject to the provisions of this ordinance, except the Planning Authority may grant written authorization for the release of a demolition or interior building permit upon written request of the applicant describing the extent of proposed work. Any exterior demolition requires a performance guarantee for site stabilization.

2. Neither the acceptance of any application nor any determination or approval hereunder shall authorize the issuance of a permit under Chapter 6 (Building Code) for any use which would violate the provisions of Article III of this chapter.

3. No building permit, certificate of occupancy or street opening permit shall be issued until a final site plan, or applicable components thereof, has been approved under this article and such permit is determined to be consistent with the plan and any conditions of approval. In the event of any inconsistency between the approved site plan and any permit issued, the approved site plan shall control; provided, however, site plan approval shall not excuse failure to meet any independent requirement of any other law or ordinance.

4. The site shall be developed and maintained as depicted in the site plan and the written

submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan.

(b) *Revisions and amendments to Master Plans and approved site plans.*

1. Amendments to a Master Development Plan.

a. *Minor amendments.* A minor amendment to a Master Development Plan shall be defined as a change which is generally consistent with the approved Master Developmetn Plan layout of buildings, circulation infrastructure, and open spaces, and:

(i) Does not propose any new general type of use beyond those approved initially;

(ii) Does not increase the building ground coverage, floor area ratio or residential density of the Master Development Plan;

(iii) Does not decrease any specified area regulations or enumerated parking ratios; and

(iv) Does not substantially change access, circulation, or infrastructure on or adjacent to the site.

The Planning Authority shall be authorized to approve such minor amendments to a Master Development Plan upon written application and explanation of the change(s) by the owner (or its agent) of the property. No further public

hearings shall be required.

2. *Approved site plan:* If at any time before or during development the applicant requests minor amendments to an approved plan for Level III development, the Planning Authority may approve such minor amendments under the procedures for minor development, provided that they do not amount to a waiver or substantial alteration of the site plan, and do not affect any condition or requirement of the Planning Board. The applicant shall supply an application and written statement of the proposed amendment(s) and proposed amended plans to the Planning Authority, whose decision as to whether the amendment is minor shall be final. The Planning Authority shall determine if a notice of amendment shall be required and the extent of such notice based on the extent and nature of the proposed amendment to plan and the demonstrated public interest related thereto.

3. *Limited In-Field Changes*: approved by the Public Works Authority must be in writing and submitted to the Planning Authority and are specifically limited to minor variation necessary to deal with unforeseen difficulties that arise during the course of construction involving such technical detail as utility location and substitution of equivalent plantings and shall not include any substantial alteration of the approved plan or change any condition imposed by the Planning Board or Planning Authority.

(c) *Expiration of site plan approval.*

1. A site plan approved under this article shall expire twelve (12) months from the date of approval unless:

   a. Development has been undertaken in accordance with the approved plan and site work or building construction is ongoing. Any lapse in construction for a period in excess of twelve (12) months shall result in an expiration of the site plan; or

   b. Prior to the expiration of the site plan, such other time period is agreed upon, in writing, by

the Planning Authority and the applicant, not to exceed three (3) years from the date of approval;

Provided that such extensions may not be granted if changes to the City's zoning ordinance would render the development nonconforming in any respect or if changes in the subdivision or site plan ordinance or in the Public Works Technical Standards Manual or Planning and Development Design Standards would otherwise significantly impact the approved site plan as determined by the Director of Planning and Urban Development.

2. Where the approval or any related land use approval granted to the same applicant by any agency of the City with respect to the same development is appealed to any court by an opponent of the development, the applicant shall be granted further extensions, beyond the expiration of said period, where the applicant has exercised due diligence with respect to defending such appeal, which extensions shall not last beyond one (1) year from entry of final judgment.

(d) *Expiration of Master Development Plan:*

1. A Master Development Plan approved under this article shall expire six (6) years from the date of approval unless:

a. Prior to the expiration nof the Master Development Plan, an applicant may submit a written request to the Planning Authority for an extension of a Master Development Plan approval and associated waivers. Only two (2) such extensions may be granted by the Planning Authority, and each such extension shall be limited to two (2) years from the date of expiration of the Master Development Plan. Provided there have not been substantial changes to the underlying zoning or site plan standards since the date of the Master Development Plan approval that would have a substantial impact on the Master Development approval, the Planning Authority may grant an extension. The Planning Authority may condition the extension on an amendment of the Master Development Plan to comply with such applicable ordinance or site plan standard changes provided that the Planning Authority may not

require changes in the uses approved on the Master Development Plan or changes that would reduce the gross floor area of the buildings described or shown on the approved Master Development Plan. For the purposes of this provision, gross floor area includes the sum of the gross horizontal areas of each floor of each building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor to ceiling height is less than six (6) feet. Any decision by the Planning Authority regarding the granting of an extension may be appealed to the Planning Board as provided for in Section 14-529;

b. Approved major or minor amendments to a Master Development Plan do not alter the expiration date for the Master Plan that is based upon the original date of approval.

(e) *Enforcement.*

1. All construction or alterations to the site performed under authorization of building permits or certificates of occupancy issued for development within the scope of the article shall be in conformance with the approved final site plan or an amendment thereto under section 14-532. The Department of Planning and Urban Development shall institute or cause to be instituted any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this article. Where work is required pursuant to the terms of chapters 24 or 25 as part of an approval granted under this article, such work shall be accomplished in the sequence established by the Public Works Authority. Where the Public Works Authority determines that work has been completed prior to the receipt of all approvals required by this article or which is out of sequence or is not in compliance with the standards of chapters 24 and 25, the Public Works Authority or an inspector from the Department of Planning and Urban Development may issue a stop work order. Work shall recommence only after such order has been lifted by the Department of Public Works or the Building Authority on the basis of an approved mitigation plan

or action by the developer.

2. No alterations shall be made to a site with a pending or approved site plan application until:

   a. The performance guarantee has been posted and final site plans have been submitted to the Planning Authority.

   b. Written permission has been received from the Director of Planning and Urban Development or his/her designee. Such permission shall be granted only after submission of a written request describing the proposed scope of work to be conducted on the site and the planning authority concludes that the request is reasonable, time is imperative and the work will not compromise any aspect of the ensuing review process. All such work shall be done in compliance with information provided with the site plan application including, but not limited to, an erosion control plan. Such written permission shall not be required if the only work proposed is the digging of test pits.

3. Where construction, alteration or modification to a site is performed without a valid site plan improvement permit, an after-the-fact permit shall be obtained from the Planning Board or Planning Authority, as applicable. The cost of an after-the-fact permit shall be as provided in section 6-18 of this code, plus the cost of engineering and administrative costs associated with the review and processing of the after-the-fact permit.

(Ord. No. 277-09/10, 7-19-10; Ord. No. 176-12/13, 4-22-13; Ord. 108-15/16, 11-16-2015)

Sec. 14-533. Reserved.
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Sec. 14-539. Reserved.

Sec. 14-540. Evaluation of article V.

Within five years from adoption of the site plan ordinance, the planning board will evaluate the effectiveness of the ordinance in advancing Portland's vision for a sustainable City and report their findings to the City Council along with any recommendations for site plan ordinance amendments.
(Ord. No. 277-09/10, 7-19-10)

ARTICLE VI. BOARD OF APPEALS*

***Cross reference(s)--**Administration, Ch. 2; boards generally, § 2-31 et seq.; jurisdiction of board of appeals for zoning, § 14-471 et seq.

Sec. 14-541. Creation; composition.

There shall be a board of appeals of seven (7) members. Members of the board shall be residents of the city and shall not be officers or employees of the city or any of its agencies or departments.
(Code 1968, § 605.1; Ord. No. 438-74, 7-1-74; Ord. No. 107-76, § 1, 3-1-76; Ord. No. 545-76, § 1, 10-6-76; Ord. No. 147-79, § 1, 8-6-79)

Sec. 14-542. Appointment; terms.

The members of the board of appeals shall be appointed by the city council for terms of three (3) years. Terms shall be staggered so that the terms of no more than three (3) members shall expire in any calendar year. Such members shall serve until their successors are duly elected and qualified provided, however, that such service shall not extend to over one hundred twenty (120) days after expiration of their term.
(Code 1968, § 605.1; Ord. No. 438-74, 7-1-74; Ord. No. 107-76, § 1, 3-1-76; Ord. No. 545-76, § 1, 10-6-76; Ord. No. 148-79, § 1, , 8-6-79; Ord. No. 278-83, 11-7-83; Ord. No. 122-85, 8-19-85)

Sec. 14-543. Compensation.

Members of the board of appeals shall serve without compensation.
(Code 1968, § 605.1; Ord. No. 438-74, 7-1-74; Ord. No. 107-76, § 1, 3-1-76; Ord. No. 545-76, § 1, 10-6-76; Ord. No. 148-79, § 1, 8-6-79)

Sec. 14-544. Vacancies.

Permanent vacancies on the board of appeals shall be filled by the city council, in the same manner as other appointments under this article, for the unexpired term of a former member whose place has become vacant.

(Code 1968, § 605.1; Ord. No. 438-74, 7-1-74; Ord. No. 107-76, § 1, 3-1-76; Ord. No. 545-76, § 1, 10-6-76; Ord. No. 148-79, § 1, 8-6-79)

Sec. 14-545. Removal of members.

Any member of the board of appeals may be removed for cause by the city council at any time; provided, however, that before any such removal, such member shall be given an opportunity to be heard in his own defense at a public hearing.

(Code 1968, § 605.1; Ord. No. 438-74, 7-1-74; Ord. No. 107-76, § 1, 3-1-76; Ord. No. 545-76, § 1, 10-6-76; Ord. No. 148-79, § 1, 8-6-79)

Sec. 14-546. Chair.

The members of the board of appeals shall annually elect one (1) of their number as chair to preside at all meetings and hearings and to fulfill the customary functions of that office. In the absence of the chair, the secretary shall act as chair and shall have all the powers of the chair. In the absence of both the chair and the secretary, the board shall elect a chair pro tempore from among its number and the chair pro tempore shall have all the powers of the chair during the chair’s and the secretary’s absence.

(Code 1968, § 605.2; Ord. 47-15/16, 8/3/2015)

Sec. 14-547. Secretary.

The members of the board of appeals shall annually elect one (1) of their number as secretary. The secretary shall act as chair in the absence of the chair and shall fulfill the duties provided by statute and this article and have such other duties as may from time to time be provided by the rules of the board. In the absence of the secretary, or when the secretary is serving as chair, the board shall elect a secretary pro tempore from among its number and the secretary pro tempore shall have all the powers of the secretary during the secretary’s absence or service as chair

(Code 1968, § 605.3; Ord. 47-15/16, 8/3/2015)

Sec. 14-548. Quorum and necessary vote.

No business shall be transacted by the board of appeals without a quorum, consisting of four (4) members, being present. The concurring vote of at least four (4) members of the board shall be necessary to grant any request or application or to sustain any appeal. Any matter that receives fewer than four (4) votes shall be deemed to have been denied.

(Code 1968, § 605.4; Ord. No. 545-76, § 2, 10-6-76; Ord. No. 106-07/08, 12-17-07)

Sec. 14-549. Meetings, hearing, and procedures.

(a) Regular meetings of the board of appeals shall be held at the call of the chair or as provided by the rules of the board. Special meetings shall be called by the chair at the request of any two (2) members of the board or at the request of the city council. All meetings and hearings of the board shall be open to the public.

(b) The board of appeals shall adopt its own rules of procedure for the conduct of its business not inconsistent with the statutes of the state and this article. Such rules shall be filed with the secretary and with the city clerk. Any rule so adopted which relates solely to the conduct of hearings, and which is not required by the statutes of the state or by this article, may be waived by the board upon good cause being shown.
(Code 1968, § 605.5)

Sec. 14-550. Public hearings.

(a) *Setting hearing.* For all matters properly brought before the board of appeals, the board shall select a reasonable time and place for a public hearing following the submission of the subject application.

(b) *Notice.* The secretary shall give notice of such public hearings in the form and manner and to the persons herein specified. The notice shall include the time and place of such hearing, a description of the contents of the matter to be heard and the address or location of the property involved. Where notice by mail is required, it shall be mailed at least seven (7) days in advance of the hearing date by regular United States mail. Notices shall be given to each of the following as specified:

1. In all cases, to all residents of the city by publication in a newspaper of general circulation in the city at least once, not more than thirty (30) nor less than five (5) days before the date of the hearing, and by mail to each of the following persons, each of whom shall be made a party of record in each case: The applicant, the city council and the Planning Board;

2. In the case of hearings related to a use variance, nonconforming use, or a conditional use involving a particular parcel or tract of land, by mail to the owners of all the property within five hundred (500) feet of such parcel or tract;

3. In the case of hearings related to variances or appeals

other than use variances, by mail to the owners of property directly abutting, and directly across a street or alley from the subject property;

4. For purpose of this section, the owners of property shall be considered to be the parties listed by the assessor's department as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing and shall not invalidate any action of the board.

(c) *Conduct of hearings:*

1. *Rights of all persons.* Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney, and may submit documentary evidence, provided, however, that the board shall exclude irrelevant, immaterial and unduly repetitious evidence.

2. *Rights of parties.* The applicant and any interested party shall in addition have the following rights:

a. To present witnesses on their own behalf and offer rebuttal evidence;

b. To cross-examine all witnesses testifying in opposition to their position through the chair; and

c. To examine and introduce any documents produced at the hearing.

3. *Board rules to govern.* All other matters pertaining to the conduct of hearings shall be governed by the provisions of the relevant state statutes, this article, and the rules promulgated by the board of appeals.

(Code 1968, § 605.6; Ord. No. 349-78, 6-26-78)

Sec. 14-551. Records and decisions.

(a) The transcript of testimony, if any, together with the minutes of the secretary and all exhibits, papers, applications and requests filed in any proceeding before the board of appeals and the decision of the board shall constitute the record.

(b) Every decision of the board of appeals shall include findings of the fact, shall refer to the evidence in the record and the exhibits, plans or specifications upon which such decision is

based, shall specify the reason or reasons for such decision, and shall contain a conclusion or statement separate from the findings of fact setting forth the specific relief granted or denying relief.

(c) The secretary shall cause notice of any decision of the board to be delivered or mailed to the applicant, city council and Planning Board within five (5) days of such decision.
(Code 1968, § 605.7)

Sec. 14-552. Conflicts.

No member of the board of appeals shall participate in the hearing or disposition of any matter in which he has an interest. Any question of whether a member has a conflict of interest sufficient to disqualify him shall be decided by a majority vote of the members, except the member who is being challenged; where such a vote results in a tie, the challenged member shall be deemed disqualified.
(Code 1968, § 605.8)

Sec. 14-553. Appeals.

An appeal from any final decision of the board of appeals may be taken by any aggrieved party to the superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure.
(Code 1968, § 605.9)

Sec. 14-554. Reserved.
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ARTICLE VII. CONDOMINIUM CONVERSION

Sec. 14-565. Purpose.

The purpose of this article is to regulate the conversion of rental housing to condominiums; to minimize the potential adverse impacts of such conversion on tenants; to ensure that converted such housing is safe and decent; and to maintain a reasonable

balance of housing alternatives within the city for persons of all incomes. To these ends, this article shall be liberally construed.
(Ord. No. 213-81, § 608.1, 11-16-81)

Sec. 14-566. Applicability.

This article shall apply to the conversion of any rental unit to a condominium unit.
(Ord. No. 213-81, § 608.2, 11-16-81)

Sec. 14-567. Definitions.

For the purpose of this article, the following terms shall be defined as follows, unless otherwise clearly implied:

Condominium means any interest in real estate created pursuant to the Unit Ownership Act, 33 M.R.S.A. § 560 et seq., or its equivalent, as it may from time to time be amended.

Developer means and includes any person or other legal entity, but not including an established lending institution unless it is an active participant in a common promotional scheme, who, whether acting as principal or agent, records a declaration of condominium that includes real estate, any portion of which was previously a rental unit.

Tenant means and includes any occupant in lawful possession of a rental unit, whether by lease, sublease, or otherwise.

Unit means any building, or portion thereof, used or intended to be used primarily as a separate dwelling.
(Ord. No. 213-81, § 608.3, 11-16-81)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 14-568. Protection of tenants.

(a) *Notice of intent to convert.* A developer shall give to each tenant written notice of intent to convert at least one hundred twenty (120) days before the tenant is required by the developer to vacate. If a tenant has been in possession of any unit within the same building for more than four (4) consecutive years, the notice period shall be increased by thirty (30) additional days for each additional year, or fraction thereof, to a maximum of two hundred forty (240) additional days. The notice shall set forth specifically the rights of tenants under subsections (a) and (b) of this section and section 14-569, and shall contain the following statement:

If you do not buy your apartment, the developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for relocation payments. If you have questions about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Building Inspection Division, Department of Planning and Urban Development, City of Portland, 389 Congress Street, Portland, Maine 04101 (telephone: 874-8703).

If the notice specifies a date by which the tenant is required to vacate, the notice may also serve as a notice of termination under the applicable law of forcible entry and detainer, if it meets the requirements thereof. The notice shall be hand-delivered to the tenant or mailed, by certified mail, return receipt requested, postage prepaid, to the tenant at the address of the unit or such other address as the tenant may provide. The notice shall be effective when actually received. No tenant may be required by a developer to vacate without having been given notice as required herein, except for the reasons specified in the applicable law of forcible entry and detainer, and in accordance with the procedures thereof. The terms of a tenancy, including rent, may not be altered during the notice period, except as expressly provided in a preexisting written lease. If, within one hundred twenty (120) days after a tenant is required by a developer to vacate, the developer records a declaration of condominium without having given notice as required herein, the developer shall be presumed to have converted in violation of this article.

(b) *Option to purchase.* For a sixty-day period following the giving of notice as required in subsection (a), the developer shall grant to the tenant an exclusive and irrevocable option to purchase the unit of which the tenant is then possessed, which option may not be assigned. If the tenant does not purchase or contract to purchase the unit during the sixty-day period, the developer may not convey or offer to convey the unit to any other person during the following one hundred eighty (180) days at a price or on terms more favorable than the price or terms previously offered to the tenant, unless the more favorable price or terms are first offered exclusively and irrevocably to the tenant for an additional sixty-day period. This subsection shall not apply to any rental unit that, when converted, will be restricted exclusively to nonresidential use. If, within two (2) years after a developer records a declaration of condominium, the use of any such unit is changed such that but for the preceding sentence, this subsection would have applied, the developer shall be presumed to have converted in violation of this article.

(Ord. No. 213-81, § 608.4, 11-16-81)

Sec. 14-569. Relocation payments.

If the tenant does not purchase the unit, the developer shall, before the tenant is required by the developer to vacate, make a cash payment to the tenant in an amount equal to the amount of rent paid by the tenant for the immediately preceding two (2) months; provided that this requirement shall not apply to any tenant whose gross income exceeds eighty (80) percent of the median income of the Portland SMSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development at the time notice is given as required in section 14-568(a). Additionally, the developer shall, upon demand, provide assistance to the tenant in the form of referrals to other reasonable accommodations and in determining the tenant's eligibility for relocation payments as provided herein.
(Ord. No. 213-81, § 608.5, 11-16-81)

Sec. 14-570. Conversion permit.

Before conveying or offering to convey a converted unit, the developer shall obtain a conversion permit from the building inspection division of the department of planning and urban development. The permit shall issue only upon receipt of a completed application therefor in a form to be devised for that purpose, payment of a fee of one hundred and fifty dollars ($150.00) per unit, and a finding, upon inspection, that each unit, together with any common areas and facilities appurtenant thereto, is in full compliance with all applicable provisions of article II of chapter 6 (building code), article III of chapter 6 (electrical installations), article V of chapter 6 (minimum standards for dwellings) and article II of chapter 10 (fire prevention code) of this Code, and the Life Safety Code as adopted by the state. The developer shall post a copy of the permit in a conspicuous place in each unit, and shall make copies available to prospective purchasers upon request.
(Ord. No. 213-81, § 608.6, 11-16-81)

Sec. 14-571. Variation by agreement.

No provision of, or right conferred by, this article may be waived by a tenant, by agreement or otherwise, and any such waiver shall be void. Any attempt to require, encourage, or induce a tenant to waive any provision hereof, or right conferred hereby, shall be a violation of this article. Nothing herein shall be construed to void any term of a lease which offers greater rights than those conferred hereby.

(Ord. No. 213-81, § 608.7, 11-16-81)

Sec. 14-572. – 14-582. Reserved.

ARTICLE VIII. REGULATION OF EXPLOSIVES*

***Editor's note--**Ord. No. 125-98, adopted Oct. 19, 1998, repealed Art. VIII, §§ 14-583--14-585, relative to moratorium on residential developments. Formerly, such provisions derived from Ord. No. 152-81, §§ 607.1--607.3, adopted Aug. 17, 1981, and Ord. No. 180-87, adopted Nov. 2, 1987. The new Article VIII, regarding regulation of explosives, was passed on March 17, 2003.

Sec. 14-583. Purpose.

The purpose of this ordinance is to protect the public's health, safety and general welfare by regulating and controlling blasting operations within the City.

(Ord. No. 177-02/03, 3-17-03)

Sec. 14-584. Applicability.

This ordinance shall apply to all blasting operations related to construction and development of real estate within the City. The City of Portland Technical Manual is incorporated into this section by reference. Standards listed in the Technical Manual shall be additional to the provisions of this article.

(Ord. No. 177-02/03, 3-17-03; Ord. No. 74-10/11, 11-15-10)

Sec. 14-585. Definitions.

For the purposes of this Article, the following words and phrases shall have the respective meanings ascribed to them:

Blasting plan means the detailed plan for conduct of any blasting operations, and any amendments thereto where over three hundred (300) cubic yards of material shall be removed, which plan has been reviewed by the Planning and Urban Development Department in accordance with the provisions of this ordinance.

Blasting operations means the use of explosives for purposes of breaking up and removing soil, rock and ledge, related to construction and development of real estate within the City.

Blasting permit means a permit issued by the City Fire Department in accordance with the provisions of this ordinance to allow blasting operations within the City.

Blasting submittal means the plan for conduct of any blasting operation where between fifty (50) and three hundred (300) cubic yards of material shall be removed, which plan has been submitted to the Planningand Urban Development Department in accordance with the provisions of this ordinance.

Explosives means any material or container containing a chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustible materials or other ingredients in such proportions, quantities, or packaging that an ignition by fire, by friction, by compound or mixture may cause such a sudden generation of highly heated gasses that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, but shall not mean the components for handloading rifle, pistol and shotgun ammunition, or fireworks.
(Ord. No. 177-02/03, 3-17-03; Ord. No. 74-10/11, 11-15-10)

Sec. 14-586. Administration.

(a) This ordinance shall be administered by thePlanning and Urban Development Department and the Fire Department, which departments shall have the ability to promulgate amendments to the standards listed in the City of Portalnd Technical Manual that implement this ordinance.

(b) City Council shall enact the initial Rules required for implementing this Article.

(c) The procedure for amendment of rules shall be as follows:

1. Department staff shall draft proposed rule amendments to the technical standards for presentation to the Planning Board.

2. The Planning Board shall hold a public hearing on the proposed rule amendments and provide interested parties an opportunity for comment, both written and oral, on the proposed rule amendments.

3. The department shall review comments made by the

Planning Board and interested parties and make changes to the proposed rule amendments at its discretion. The amendments to the rules shall go into effect within thirty (30) days of the public hearing held by the Planning Board.

(Ord. No. 177-02/03, 3-17-03; Ord. No. 74-10/11, 11-15-10)

Sec. 14-587. Permit Required.

No person may conduct blasting operations within the City without first obtaining a permit from the Fire Department, as required by the National Fire Protection Association 1 Fire Prevention Code, as adopted and amended in section 10-16 et seq. Of this Code. Fees for this permit shall be as established by Order of the City Council.

(Ord. No. 177-02/03, 3-17-03)

Sec. 14-588. Application Requirements.

Prior to the issuance of a permit pursuant to section 14-587 the following information shall be submitted to the City:

(a) A blasting plan shall be submitted by the applicant to the Planning and Urban Development Department for all projects where more than three hundred (300) cubic yards of material shall be removed. The blasting plan shall conform to the provisions of this section and of Section 3 of the City of Portland Technical Manual.

(b) A blasting submittal shall be submitted to the Planning and Urban Development Department where between fifty (50) and three hundred (300) cubic yards of material shall be removed. The blasting submittal shall conform to the provisions of this section and of Section 3 of the City of Portland Technical Mannual.

(c) A blasting application shall be submitted to the Planning and Urban Development Department where less than fifty (50) cubic yards of material shall be removed, or where utility trench work in the accepted public right of way, including City or Portland Water District infrastructure is proposed. Small blasts where less than fifty (50) cubic yards of material shall be removed, are not required to submit either a blasting plan or blasting submittal. Such projects must conform to the National Fire Protection Association Fire Prevention Code and applicants shall submit a monitoring report upon request. Information provided in the blasting application shall confirm that the proposed small blast conforms to all applicable provisions of

this ordinance and of Section 3 of the City of Portland Technical Manual.

(d) A blasting plan or blasting submittal may be required for any blasting operation at the discretion of the Planning and Urban Development Department when it determines that conditions at or near the site of the blasting operations warrant the provision of a plan.
(Ord. No. 177-02/03, 3-17-03; Ord. No. 74-10/11, 11-15-10)

Sec. 14-589. Storage and handling.

All explosives shall be stored and handled in accordance with the provisions of this code, the laws of the State of Maine and the National Fire Protection Association 1 Fire Prevention Code.
(Ord. No. 177-02/03, 3-17-03)

Sec. 14-590. Enforcement.

(a) This ordinance shall be enforced by the Planning and Urban Development Department and the Fire Department. Either department shall have the authority to issue a written stop work order in the event of a violation of this ordinance or a failure to follow the approved blasting plan.

(b) The issuance of a stop work order may be appealed to the Director of Planning and Urban Development within two (2) business days of its issuance. The decision of the Director of Planning and Urban Development on the appeal shall be final.
(Ord. No. 177-02/03, 3-17-03; Ord. No. 74-10/11, 11-15-10)

Sec. 14-591. Penalties.

(a) In addition to the stop work order which may be issued pursuant to section 14-590, the Permittee shall be subject to the following penalties:

1st offence	$500.00
2nd offence	$1,000.00
Subsequent offences	$1,000.00.

(b) In the event that there are more than three documented violations of the blasting plan, blasting submittal, or blasting permit, the Planning and Urban Development Department and/or Fire Department shall have the right to issue a stop work order on all construction or development related to the permitted operation. The Permittee shall then be required to submit a

revised blasting plan to the Planning and Urban Development Department for review and approval. Work shall not be allowed to continue until the revised blasting plan is approved.
(Ord. No. 177-02/03, 3-17-03; Ord. No. 74-10/11, 11-15-10)

Sec. 14-592. Notice requirements.

(a) At least ten (10) days prior to the start of any blasting operation, notice shall be published in a newspaper of local publication and shall be mailed by first class mail to all property owners within the distance specified below of the perimeter of the blasting site:

Small blast (trench blast or under fifty (50) cubic yards of rock removed): All property owners within two hundred and fifty (250) feet of the perimeter of the blasting site.

Medium blast (removal of 50-300 cubic yards of rock material): All property owners within five hundred (500) feet of the perimeter of the blasting site.

Large blast (removal of over 300 cubic yards of rock material): All property owners within six hundred (600) feet of the perimeter of the blasting site.

(b) Notice shall conform to the model notice contained in Section 3 of the City of Portalnd Technical Manual and shall include a description of the proposed blasting operations, estimated schedule and duration of blasting operations, description of the blasting signals to be used during operations, the complaint protocol and the complete address, telephone numbers and email contact for the blasting contractor, Planning andUrban Development Departmetn and Fire Departmetn where neighbors and property owners may request further information and notification.

(c) For medium blasts where 50-300 cubic yards of rock material is to be removed, and large blasts where over 300 cubic yards of rock material is to be removed, additional notification requirements shall apply during construction, as detailed in Section 3 of the City of Portland Technical Manual.

(d) If blasting operations are to occur within two hundred and fifty (250) feet of any structure, additional notification requriemetns shall apply, as detailed in Section 3 of the City

of Portland Technical Manual, in order to prevent adverse public health and safety impacts due to blasting-related carbon monoxide migration.
(Ord. No. 74-10/11, 11-15-10)

Sec. 14-593. Hours of blasting.

Blasting shall occur Monday through Friday, between the hours of 9 a.m. and 4 p.m., unless otherwise approved by the Planning and Urban Development Department. Requests for extension of hoursof blasting must be submitted by the applicant in writing.
(Ord. No. 74-10/11, 11-15-10)

Sec. 14-594. Waiver provision.

Upon written request by the applicant, the Planning and Urban Development Department, based on a positive recommendation by the Fire Department, may waive all or a portion of the blasting provisions of Section 3 of the City of Portland Technical Manual, provided thall all waivers are consistent with the purposes set forth in Section 14-583.
(Ord. No. 74-10/11, 11-15-10)

Sec. 14-595. Suspension of blasting operations.

If it is determined that blasting operations pose any risk to public health, safety or general welfare, the Director of Planning and Urban Development or the Fire Chief or their designee shall have the authority to suspend the blasting permit at any time until theydeem it safe for blasting operations to continue.
(Ord. No. 74-10/11, 11-15-10)

Sec. 14-596. – Sec. 14-600. Reserved.

ARTICLE IX. HISTORIC PRESERVATION

DIVISION 1. GENERALLY

Sec. 14-601. Purpose.

The purpose of this article is to promote the educational, cultural, economic and general welfare of the City of Portland by:

(a) Creating a mechanism to identify, preserve and enhance distinctive areas, sites, structures and objects that

have historic, cultural, architectural and archeological significance;

(b) Providing a resource of information and expertise to help those interested in rehabilitation or new construction in a district or restoring a landmark;

(c) Applying design standards in a reasonable and flexible manner to prevent the unnecessary loss of the community's historical features and to ensure compatible new construction and rehabilitation in historic districts while not stifling change and development or forcing modern recreations of historic styles;

(d) Fostering civic pride in the city's history and development patterns as represented in such distinctive areas, sites, structures and objects;

(e) Protecting and enhancing neighborhood character;

(f) Stabilizing and improving the values of designated properties and areas;

(g) Protecting and enhancing the attractiveness of the city to its home buyers, home owners, residents, tourists, visitors, businesses and shoppers;

(h) Fostering and encouraging preservation, restoration and rehabilitation that respects the historic, cultural, architectural and archeological significance of distinctive areas, sites, structures and objects.

(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-602. Definitions.

Alteration: Any act or process requiring a building permit and any other act or process not requiring a building permit but specifically listed in this article as a reviewable action, including without limitation the repair, reconstruction, demolition or relocation of any structure or object, or any part of a structure or object.

Applicant: A person who submits an application for issuance of a certificate of appropriateness.

Application: A form submitted for approval of alteration, construction, demolition or removal that requires issuance of a

certificate of appropriateness.

Business day: A day on which the department is open for business.

Certificate of appropriateness: A certificate issued by the department evidencing approval of specific plans for alteration of a structure or new construction on a site in accordance with this article.

Certificate of economic hardship: A certificate issued by the department evidencing a hardship variance approved by the board of appeals in accordance with division 8 of this article.

Certificate of non-applicability: A certificate issued by the department evidencing a determination that specific plans for alteration of a structure or new construction on a site do not require approval under this article.

Contributing: A classification applied to a site, structure or object within a historic district signifying that it contributes generally to the qualities that give the historic district cultural, historic, architectural or archeological significance as embodied in the criteria for designating an historic district, but without being itself a landmark.

Council: The city council.

Demolition: Any act or process that partially or totally destroys a structure or object.

Department: The department of planning and urban development.

Design guideline: Any design standard specified for alteration or new construction which is unique to a particular landmark, historic district or historic landscape district.

Design manual: The historic resources design manual described in section 14-675.

District: An historic district or historic landscape district.

Historic district: An area designated as an "historic district" by the council.

Historic landscape district: An area designated as an "historic landscape district" by the council.

Landmark: A property, site, structure or object designated as a "landmark" by the council as having a high degree of historical, cultural and/or architectural significance.

Level I site plan: As defined in article V of this chapter.

Level II site plan: As defined in article V of this chapter.

Level III site plan: As defined in article V of this chapter.

New construction: The adding to a structure by an addition; the erection or placement of any new structure on a lot or property; or the comprehensive redesign/renovation of an existing structure.

Noncontributing: A classification applied to a site, structure, object, or portion thereof, within a historic district signifying that 1) it does not contribute generally to the qualities that give the historic district cultural, historic, architectural or archaeological significance as embodied in the criteria for designating a historic district; 2) was built within 50 years of the date of district designation unless otherwise designated in the historic resources inventory; or 3) where the location, design, setting, materials, workmanship and association have been so altered or have so deteriorated that the overall integrity of the site, structure or object has been irretrievably lost. A portion of an otherwise contributing or landmark structure may be determined by the historic preservation board to be non-contributing if it meets one or more of the above conditions.

Object: Anything constructed, fabricated or created, the use of which does not require permanent or semi-permanent location on or in the ground.

Open space: Any park and any other area outside of a building open to the public.

Ordinary maintenance: Acts of maintenance or repair which do not include a change in the design, material or outer appearance of a structure, including without limitation repainting, replacement of materials or windows of the same scale, texture and color, and

landscaping other than within an historic landscape district.

Owner: The person or persons holding record title to the building, site or property; provided, however, the last previous tax roll in the records of the city assessor's office may be relied upon as showing record ownership in the absence of substantial evidence to the contrary.

Property: Land and improvements identified as a separate lot for purposes of subdivision, site plan, or zoning regulation.

Relocation: Any removal or relocation of a structure on its site or to another site.

Restoration: Any act which returns a structure or a feature of a structure to a prior state of historic significance.

Sign: As defined in section 14-47.

Site: The location of an event, activity, structure or object.

Street: The entire width between boundary lines of every way publicly owned and maintained or which way is open to the use of the public for purposes of vehicular or pedestrian traffic.

Structure: Anything constructed or erected, having a permanent or semi-permanent location on another structure or in the ground, including without limitation buildings, garages, fences, gazebos, advertising signs, billboards, antennas, satellite sending or receiving dishes, and swimming pools.
(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 1, 5-17-93; Ord. No. 165-08/09, 3-16-09; Ord. No. 278-09/10, 7-19-10)

DIVISION 2. HISTORIC PRESERVATION BOARD

Sec. 14-603. Composition.

The historic preservation board shall consist of seven (7) voting members who shall serve without compensation. Members shall have demonstrated interest, knowledge, ability, experience or expertise in restoration, rehabilitation, or neighborhood conservation or revitalization and shall be residents of the city.
(Ord. No. 235-90, 2-26-90)

Sec. 14-604. Appointment and terms.

(a) Members shall be appointed by the council for terms of three (3) years. Appointments shall be staggered so that the terms of not more than three (3) members expire in any calendar year.

(b) Vacancies on the historic preservation board shall be filled within sixty(60) days. However, every member shall continue in office after expiration of the term until a successor has been appointed. Vacancies on the historic preservation board shall be filled for the unexpired term of the former member.
(Ord. No. 235-90, 2-26-90; Ord. No. 197-03/04, 9-8-04)

Sec. 14-605. Removal of historic preservation board member.

Members may be removed for cause by the council. Cause shall include, but is not limited to, the failure to attend meetings without good cause. Any member proposed to be removed shall be given written notice and an opportunity to be heard prior to final action.
(Ord. No. 235-90, 2-26-90)

Sec. 14-606. Officers.

(a) Officers of the historic preservation board shall consist of a chair and vice-chair.

(b) Officers shall be elected by the historic preservation board and shall serve a term of one (1) year and shall be eligible for re-election. No person shall serve as chair for more than two (2) consecutive years.

(c) The chair shall preside at all meetings and hearings and fulfill the customary functions of that office.

(d) In the absence of the chair, the vice-chair shall act as chair and shall have all the powers of the chair. The vice-chair shall have such other powers and duties as may from time to time be provided by the rules of the historic preservation board.

(e) The director of the department or his or her designated representative shall serve as staff secretary to the historic preservation board and shall attend all its meetings. The secretary shall provide for the keeping of tape recordings or minutes of the proceedings of the historic preservation board, showing the vote of each member on every question or his or her absence or failure to vote, and shall maintain the records and decisions of all meetings, hearings and proceedings and all correspondence of the historic preservation board. Copies of permanent records shall be filed with the city clerk. The secretary shall publish and distribute copies

of the minutes, reports and decisions of the historic preservation board to historic preservation board members and to others upon approval of the historic preservation board. The department shall assign necessary staff to assist the historic preservation board and the planning board in carrying out their responsibilities under this article.
(Ord. No. 235-90, 2-26-90)

Sec. 14-607. Meetings, hearing, procedures and decisions.

(a) Regular meetings of the historic preservation board shall be held no less frequently than monthly. Special meetings may be called by the chair or any four (4) members or at the request of the chair of the planning board.

(b) The historic preservation board may adopt procedural rules for the conduct of its business not inconsistent with this article, including the creation of a subcommittee structure to enhance efficiency in consideration of historic preservation board business. Such rules shall be filed with the secretary and with the city clerk. All such rules shall be subject to veto, in whole or in part, by the council within forty-five (45) days of such filing. The initial rules shall take effect when filed, subject to veto as provided above. Amendments to the rules shall take effect upon expiration of said veto period. Any rule may be waived by the chair upon good cause being shown.

(c) No final action shall be taken by the historic preservation board which could in any manner deprive or restrict the owner of a property in its use, alteration, maintenance, disposition or demolition, until such owner either has knowledge of the proceeding or is sent notice offering opportunity to be heard. This paragraph shall not affect the interim protection provisions of division 5.

(d) Every recommendation or recommended decision shall include written findings of fact and shall specify the reason or reasons for such action.

(e) The secretary shall mail notice of any final action of the historic preservation board to the applicant and any designated interested parties and send a copy thereof to the planning board within five (5) business days following such action.
(Ord. No. 235-90, 2-26-90)

Sec. 14-608. Conflicts of interest.

No member of the historic preservation board shall participate

in the hearing or disposition of any matter in which he or she has a pecuniary interest.
(Ord. No. 235-90, 2-26-90)

Sec. 14-609. Responsibilities.

The historic preservation board shall have the following responsibilities:

(a) To conduct or administer an ongoing survey to identify historically, culturally, architecturally and archaeologically significant areas, sites, structures and objects.

(b) To review all areas, sites, structures and objects listed in the National Register of Historic Places, including the boundaries of areas so listed, and make recommendations to the planning board and council for the adoption of ordinances designating those areas, sites, structures and objects as landmarks or districts.

(c) To investigate and recommend to the planning board the adoption of ordinances designating areas, sites, structures and objects not listed in the National Register of Historic Places as landmarks and districts and to make recommendations to the planning board concerning sites, structures and objects that have contributing significance or are intrusions within nominated or designated districts.

(d) To keep a register of all areas, sites, structures and objects that have been designated as landmarks or districts, including all information required as part of each designation.

(e) To create an appropriate system of plaques for identification of individual landmarks and make recommendations for the design and implementation of specific marking of streets and routes leading from one (1) landmark or district to another.

(f) Upon request, to advise and assist owners of landmarks and property, sites, structures or objects within districts on physical and financial aspects of preservation, renovation, rehabilitation and reuse and for procedures for inclusion on other registers of significant areas, sites, structures and objects,

including the National Register of Historic Places.

(g) To recommend to the planning board the nomination of areas, sites, structures and objects to the National Register of Historic Places or to any State of Maine Register of Historic Places that may be established.

(h) At the direction of the council, to prepare application for, and participate in, the "certified local government" program of the National Historic Preservation Act Amendments of 1980 and the Main Historic Preservation Commission; and carry out any responsibilities delegated to it under that program, including review and comment on any National Register nominations submitted to the historic preservation board; upon request of the council, participate in any review of federal actions or undertakings pursuant to Section 106 of the National Historic Preservation Act; attend informational and educational programs sponsored by the Maine Historic Preservation Commission; and prepare an annual report of the activities of the historic preservation board.

(i) To inform and educate the citizens of Portland concerning the cultural, historic, architectural and archeological heritage of the city by publishing appropriate maps, newsletters, brochures and pamphlets and by sponsoring programs and seminars.

(j) To hold meetings and public hearings to review applications for certificates of appropriateness affecting proposed or designated landmarks and districts; to recommend approval or disapproval of certificates of appropriateness.

(k) To provide testimony to the board of appeals in connection with any application for a certificate of economic hardship.

(l) To develop design guidelines affecting landmarks or districts for review and approval by the planning board.

(m) To advise the planning board as to recommendations on any preservation or conservation easements that the City of Portland may have or be offered as a gift or otherwise.

(n) To advise the planning board as to the administration of such gifts, grants and money as may be appropriated for

the purposes of this article upon authorization and approval by the council.

(o) To provide comment, as appropriate, to the planning board and/or city council on matters pertaining to historic preservation in Portland.

(p) To confer recognition upon the owners of landmarks or properties, sites, structures or objects within districts by means of certificates, plaques or markers.

(q) To assist the planning board in the development of a preservation component in the comprehensive plan of the City of Portland.

(r) To periodically review this Code and to make recommendations to the planning board concerning any amendments appropriate for the protection and continued use of landmarks or properties, sites, structures or objects within districts.

(s) To annually report to the council with respect to the following matters:

1. Survey work in progress or completed;

2. The number of projects reviewed (by type);

3. How many certificates of each type were issued.

(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

DIVISION 3. CATEGORIES AND CRITERIA FOR DESIGNATION

Sec. 14-610. Minimum criteria for designation.

(a) The historic preservation board shall limit its consideration to the following criteria in making a determination on a proposed nomination of an area, site, structure or object for designation by ordinance as a landmark or district:

1. Its value as a significant example of the cultural, historic, architectural, archeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States;

2. Its location as a site of a significant historic or

prehistoric event or activity which may have taken place within or which involved the use of any existing structure on the property;

3. Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archeological or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States;

4. Its exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship;

5. Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the City of Portland, the State of Maine, the New England region, or the United States; or

6. Its representation of a significant cultural, historic, architectural, archeological or related theme expressed through distinctive areas, sites, structures or objects that may or may not be contiguous.

(b) In the case of a nominated historic district, the historic preservation board shall also determine whether a substantial number of the properties, sites, structures or objects have a high degree of cultural, historic, architectural or archeological significance and integrity, many of which may qualify as landmarks, and which may also have within its boundaries other properties, sites, structures or objects which, while not of such cultural, historic, architectural or archeological significance to qualify as landmarks, nevertheless contribute to the overall visual characteristics of the significant properties, sites, structures or objects located within it.

(c) In the case of a nominated historic landscape district, the historic preservation board shall also consider its significance as a geologic, natural or man-made landscape feature associated with the development, heritage or culture of the City of Portland, State of Maine, New England region, or the United States.

(d) The planning board and council shall apply the criteria of subsections (a), (b) and (c) but shall also consider the effect of such designation on other aspects of the comprehensive plan of

the city.
(Ord. No. 235-90, 2-26-90)

Sec. 14-611. Integrity of landmarks and historic districts.

Any area, structure or object that meets the criteria in section 14-610 must also have sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration.
(Ord. No. 235-90, 2-26-90)

Sec. 14-612. Designation of historic landscape districts.

An historic landscape district may be nominated and considered for designation only if the entire area of the district is owned by a unit of federal, state or local government, or any combination of such ownership.
(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 2, 5-17-93)

Sec. 14-613. Reserved.

DIVISION 4. NOMINATION, CONSIDERATION AND DESIGNATION

Sec. 14-614. Procedure.

The provisions of this division shall govern the nomination, consideration and designation of landmarks and districts.
(Ord. No. 235-90, 2-26-90)

Sec. 14-615. Initiation of nomination.

(a) Nomination of an area, site, structure or object for consideration of designation as a landmark, historic district or historic landscape district shall be submitted to the department, on a form provided by the department, by the following:

1. Any two (2) members of the historic preservation board on their own initiative, by written notice to the department; or

2. By written petition of any owner, in the case of a landmark; or

3. By written petition of one (1) or more owners of affected property in the case of a district; provided two (2) members of the historic preservation board must sponsor the petition.

(b) A nomination shall be completed and filed with the department with all required signatures and any fees specified therefor for the nomination to be pending.

(c) Upon nomination, the department shall notify the owner or owners of the nomination and shall transmit the nomination to the historic preservation board for its consideration at its next scheduled meeting, which in no event shall be held later than thirty (30) days following nomination.

(d) At any time after a complete nomination is filed for an historic district, the owner of a structure who seeks a permit for demolition may apply to the historic preservation board for a determination that the structure to be demolished is noncontributing and eligible for a demolition permit. The determination of the historic preservation board that the structure is eligible for a permit shall be conclusive.
(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-616. Notification of nomination and public hearing.

(a) A public hearing on the nomination shall be held by the historic preservation board within thirty (30) days following the first scheduled meeting referred to in section 14-615(c), but in no event later than sixty (60) days following receipt of the completed nomination form by the department. Notice of the nomination and of the public hearing shall be in accordance with the procedures for public hearings before the planning board for site plan approval.

(b) The hearing shall be conducted in accordance with procedures adopted by the historic preservation board. The historic preservation board shall consider all testimony or evidence relating to the designation criteria in division 3 from any person who makes written submissions or appears at the public hearing. Historic preservation board members may also present testimony or make submissions. The owner of a nominated landmark or of property within a nominated district shall be allowed reasonable opportunity to present testimony or evidence concerning the applicability of the designation criteria in division 3.
(Ord. No. 235-90, 2-26-90)

Sec. 14-617. Recommendation by historic preservation board.

Within thirty (30) days following the close of the public hearing, the historic preservation board shall make recommendation to the council in the case of a landmark, or to the planning board in the case of a district, upon the evidence as to whether the

nominated landmark or district meets the criteria for designation in division 3. Such recommendation shall be approved by at least four (4) members of the historic preservation board and shall be accompanied by a report to the council or planning board containing the following information:

(a) Explanation of the significance or lack of significance of the nominated landmark or district as it relates to the criteria for designation.

(b) Explanation of the integrity or lack of integrity of a nominated landmark or historic district.

(c) Proposed design guidelines for review of alteration or construction. The specific design guidelines may provide explanation by text and/or schematic examples of visual compatibility for purposes of division 7.

(d) Relationship of the nominated landmark or district to the ongoing effort by the committee to identify and nominate all potential areas, sites, structures and objects that meet the criteria for designation.

(e) A map showing the location of the nominated landmark and the boundaries of the nominated district.

(f) A list, including the address, of every site, structure and object in each nominated historic district indicating their degree of cultural, historic, architectural or archeological significance by classification as of a landmark or contributing significance.

Where a motion either in favor of a recommendation or in opposition to a recommendation results in a vote of fewer than four (4) members, the item shall automatically be tabled to the next regularly scheduled meeting.
(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 3, 5-17-93)

Sec. 14-618. Reserved.

Sec. 14-619. Notification of historic preservation board recommendation.

(a) The recommendation of the historic preservation board, including a copy of the report, shall be transmitted to the city council in the case of a landmark and to the planning board in the case of a district. Notice of the recommendation shall be sent by

mail to the owner of a nominated landmark and to all owners within a nominated district within ten (10) business days following adoption of the recommendation and report.

(b) If the recommendation of the historic preservation board is that the property or district not be designated, the nomination process shall terminate and no new nomination shall be submitted for the identical property or area for a period of one (1) year from the date of termination, except upon a showing of substantial and material newly discovered information.
(Ord. No. 235-90, 2-26-90)

Sec. 14-620. Determination by planning board.

(a) The planning board, upon receipt of a recommendation and a report from the historic preservation board concerning nomination of a district, may hold a workshop meeting pursuant to the provisions of section 14-26. After review of the historic preservation board recommendation and report, the planning board shall hold a public hearing.

(b) All meetings, hearings and deliberations of the planning board to consider the recommendation and report of the historic preservation board shall be held in conformity with sections 14-24 through 14-28.

(c) The planning board may request the chair of the historic preservation board, or a member designated by the chair, to appear at any meeting, hearing or deliberation to explain any recommendation or report.

(d) The planning board shall make its final determination including written findings as to whether the nominated district meets the criteria for designation in division 3 within forty-five (45) days following receipt of the recommendation and report from the historic preservation board. A copy of the determination of the planning board shall be sent by regular mail to all owners within a nominated district within ten (10) business days following the determination.
(Ord. No. 235-90, 2-26-90)

Sec. 14-621. Planning board recommendation to city council.

The recommendation of the planning board regarding a nominated district shall be filed with the city clerk within ten (10) business days. It shall be accompanied by a copy of the report and recommendation of the historic preservation board and, in the case of a recommendation that the council designate a draft of a

proposed designation ordinance, including any proposed design guidelines for review of alteration, construction, removal or demolition. The recommendation of the planning board may include proposed changes in other city ordinances, policies, infrastructure, or recommendations with respect to the comprehensive plan of the city relating to the proposed designation.
(Ord. No. 235-90, 2-26-90)

Sec. 14-622. Action by city council.

(a) Within sixty (60) days after the filing of a recommendation on the nomination with the city clerk pursuant to section 14-620, the council shall designate the landmark or district or reject designation. Any designation ordinance may include design guidelines for the designated landmark or district.

(b) Designation of a district shall be accompanied by a list, including the address, of every site, structure and object in the district which is determined to be a landmark or considered to be contributing or noncontributing, indicating their degree of cultural, historic, architectural or archeological significance. This list may be amended thereafter by the council upon recommendation from the planning board under the same procedures as set forth above. Where there are no express findings by the council in the designation ordinance, there shall be a presumption that the council found that all requirements of sections 14-610 and 14-611 were met.

(c) Notice of the proposed action of the council shall be provided by mail to the nominator and the owner of the nominated landmark and/or of all properties adjacent thereto prior to council action. The notice shall include a copy of the resolution or designation ordinance and design guidelines.

(d) Notice of council action to the same persons shall be sent within ten business days following the council action. A copy of each designation ordinance and design guidelines shall be sent to the planning board, the historic preservation board and the department. A complete schedule of all landmarks and districts, including design guidelines and a listing of landmark and contributing structures, shall be maintained by the department as part of the design manual and shall be available for public inspection and copying during ordinary business hours.
(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-623. Amendment and rescission of designation.

Amendment and rescission of any designation shall be upon the request of a person or persons authorized to nominate the property or properties affected, or upon request of the council, and shall follow the procedure set forth in division 4 for designation. The council may rescind or amend a designation only after all of these procedures have been followed. The standards for rescission or amendment applied by the committee, planning board and council shall be limited to those provided in section 14-610(a) and section 14-611. Amendments may include refinement or correction of design guidelines, maps, and other parts of any designation ordinance.
(Ord. No. 235-90, 2-26-90)

Sec. 14-624.- Sec. 14-627. Reserved.

Editor's note – Order No. 197-03/04 adopted 9/8/04, repealed §14-625 Projects of Special Merit in its entirety.

Sec. 14-628. Time limits.

(a) Any time limit specified for any step in the process for nomination or designation of a landmark may be extended with the consent of the property owner.

(b) Any time limit specified for any step in the process for nomination or designation of a district may be extended where at least ten (10) percent of the owners of property within the boundaries of the proposed district have given written consent to the extension.

(c) Failure to comply with any time limit in the nomination and designation process as provided in divisions 3 or 4 shall not affect the validity of any designation nor the interim protection provided by division 5.
(Ord. No. 235-90, 2-26-90)

Sec. 14-629. Reserved.

DIVISION 5. INTERIM PROTECTION FOR NOMINATIONS

Sec. 14-630. Nominated landmarks and districts.

(a) From the time of nomination until the historic preservation board acts upon such nomination, a site, structure, object or area nominated but not yet designated as a landmark or

district shall be subject to all of the provisions of divisions 8 and 10 governing demolition and minimum maintenance, to the same extent as if designated. Upon final action of the historic preservation board recommending designation, the site, structure, object or area nominated shall be subject to all of the protection of this article until a final decision on designation by the council becomes effective. If the council rejects designation or fails to designate a property, that property shall no longer be subject to the provisions of divisions 8 and 10 of this article.

(b) Alteration or new construction commenced pursuant to a building permit issued prior to nomination shall not require a certificate of appropriateness, unless such permit has expired, been canceled or revoked. No project for which any application is pending, and which has received substantive review by the planning board prior to nomination, shall be affected by nomination. Substantive review, as used in this paragraph, shall include workshop review of any completed application under articles IV or V of this chapter.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 4, 5-17-93; Ord. No. 165-08/09, 3-16-09)

Sec. 14-631. National Register of Historic Places.

(a) Every property, landmark or district listed in the National Register of Historic Places prior to adoption of this article, as shown in the design manual, is hereby designated as a landmark or district and shall be subject to all of the protection of this article, until such time as such designation is amended or rescinded as provided by section 14-623. Listed properties which would qualify for designation as historic landscape districts shall be subject to the applicable provisions of this article. If there is any inconsistency between the boundaries of any landmark or district as shown in the designation ordinance, if any, the design manual and/or the National Register, such inconsistency shall be resolved in favor of such ordinance and the design manual in that order. A certificate of appropriateness shall be obtained for every alteration or new construction affecting said listed properties and districts.

(b) Upon notice to the city that a property or area has been listed in the National Register after the adoption of this article, a nomination shall be deemed submitted to the historic preservation board for designation of such property or area as a landmark, historic district or historic landscape district under this article, and the procedures of this division shall be applicable thereto.

(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-632. Properties eligible for listing on National Register or for local designation.

A certificate of economic hardship shall be obtained prior to demolition of any structure which has not been designated in accordance with this article but which is eligible for listing on the National Register of Historic Places under the criteria established by 16 U.S.C. Section 470(a) or its successor statute and/or regulations made thereunder or which is eligible for local listing under the criteria for designation of this article. The determination of eligibility for listing shall be made by the department, which may refer such a determination to the historic preservation board, and by the board of appeals if an appeal is taken. Upon determination of eligibility, the structure so determined shall also be subject to the provisions of division 10 until a final decision by the council on designation becomes effective. If the council rejects designation or fails to designate a structure which has been determined to be eligible under the terms of this section, that structure shall no longer be subject to the provisions of divisions 8 and 10 of this article.
(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 5, 5-17-93)

Sec. 14-633. Reserved.

DIVISION 6. CERTIFICATES OF APPROPRIATENESS AND NONAPPLICABILITY

Sec. 14-634. Certificate of appropriateness required.

(a) Except as provided in sections 14-635 and 14-636, a certificate of appropriateness shall be required before the following actions affecting any landmark, contributing or noncontributing structures, objects, sites or property in a district may be undertaken and shall be a condition precedent to the issuance of any permit authorizing such work:

1. Any exterior alteration or new construction requiring a building permit from the City of Portland, including, but not limited to the following:

    a. Removal and replacement of architectural detailing including, but not limited to, porch spindles and columns, railings, window moldings and cornices;

    b. Moving of structures or objects on the same site or to another site;

c. Construction of rooftop additions or decks;

d. Alteration of accessory structures such as garages;

e. Porch replacement or new construction of porches;

f. Installation of exterior access stairs;

g. Window or door replacement requiring enlargement of openings;

h. Installation of antennas and satellite receiving dishes;

i. Installation of solar collectors.

2. Any exterior alteration that does not require a building permit but which involves any one (1) of the following activities:

a. Installation or replacement of either roofing or gutters where the roofing or gutters are a significant and integral feature of the structure including, but not limited to, mansard roofs, cupola roofs, ornamental slate roof features, and built-in gutter systems and the installation or replacement of siding;

b. Window and door replacement whether or not it requires enlargement of openings;

c. Masonry work including, without limitation, tuckpointing, sandblasting, chemical cleaning;

d. Site features other than vegetation including, without limitation, fencing, walls, paving and grading. However, required review for alterations to cemeteries designated under this article shall not include review of alterations to headstones made for the purpose of recognition of additional decedents or installation of grave markers and/or tombs;

e. Landscaping within an historic landscape district;

f. Exterior lighting where proposed in conjunction

with commercial and institutional signage or awnings, where placed on street-fronting facades of designated structures;

g. Exterior utilities including mechanical, plumbing and electrical, where placed on street-fronting facades.

3. Installation or alteration of any exterior sign.

4. Any relocation of a landmark or contributing structure within a district.

(b) There shall be a rebuttable presumption that no structure within a district shall be noncontributing unless the design manual expressly identifies it as such. Where the department or the owner believes that the identification is erroneous, the historic preservation board shall determine whether the structure is noncontributing.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 6, 5-17-93; Ord. No. 62-93, 8-2-93; Ord. No. 165-08/09, 3-16-09)

Sec. 14-635. Exceptions to requirement of certificate of appropriateness.

A certificate of appropriateness is not required:

(a) Where a certificate of non-applicability has been issued within the previous twelve (12) months;

(b) Where the work consists solely of ordinary maintenance and/or restoration, provided that there is no substitution of materials or alteration of architectural details;

(c) Where the work consists solely of emergency repair of a temporary nature;

(d) Where a certificate of economic hardship has been issued and remains valid;

(e) In the case of either alteration of a structure (other than a landmark) or of new construction within a district, a certificate of appropriateness shall not be required where the department determines that the proposed exterior changes to a structure are not readily visible at pedestrian heights, when viewed at any height between four (4) and six (6) feet from any open space or

street. Where a certificate of appropriateness is required for such changes, it shall be limited to those portions of the structure or structures so visible.

(Ord. No. 235-90, 2-26-90; Ord. No. 197-03/04, 9-8-04; Ord. No. 165-08/09, 3-16-09)

Sec. 14-636. Exterior work within historic landscape districts.

A certificate of appropriateness shall be obtained before any alteration or new construction within an historic landscape district may be undertaken, except where a certificate of non-applicability has been issued or where construction or alteration is pursuant to a master plan approved by a prior certificate of appropriateness within five (5) years of commencement.

(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-637. Applications for certificate of appropriateness.

(a) Application for a certificate of appropriateness shall be made on a form prepared by the city and shall be submitted to the department along with the applicable fee. Upon receipt of a complete application, the item shall be scheduled for the next available historic preservation board meeting, provided that the notice requirements of this article can be met prior to that meeting. The department shall transmit a copy of the complete application to the Planning Board and the historic preservation board, as applicable, at least four (4) days prior to their next scheduled meeting. The department shall not issue or act upon the application until the historic preservation board and the planning board, as applicable, have completed their review and approval process.

(b) An application for a certificate of appropriateness shall be treated as an application for a certificate of economic hardship under division 8, whenever the historic preservation board or the Planning Board, as applicable, determines that the proposed alteration includes any demolition which would:

1. Have the effect of causing the structure to no longer meet the criteria for designation of division 3; or

2. Materially impair the significance and integrity of the structure.

(c) Where a determination under paragraph (b) is made by the historic preservation board, the planning board shall review that decision as a preliminary matter, whether the historic preservation board has taken final action with respect to the application or

not. Upon any final determination that an application for a certificate of appropriateness is required to be treated as an application for a certificate of economic hardship, no further action shall be taken with respect to the application until that certificate is applied for and is granted.

(d) Where the applicant has done work or caused work to be done on a structure or a property for which a certificate of appropriateness is sought and such work is either not done in compliance with an approval received under this article or was performed without the approvals required under this article, no application for such structure or property shall be considered by the department or by the historic preservation board until such work is brought into compliance with the requirements of this article. The historic preservation board may waive this requirement if the historic preservation board determines that the work does not alter the essential character of the structure or district and one (1) or more of the following standards are also met:

1. The work was needed to bring a building into conformance with any building or safety code;

2. The applicant can demonstrate a good faith belief that necessary approvals had been received for the work at issue prior to the commencement of the work; or

3. The applicant can demonstrate a good faith belief that the work done was not subject to review under this article.

Review of any application by the department or by the historic preservation board shall not constitute waiver of any future claims by the city concerning violations and shall not stop the city from prosecuting any violation.

(e) Once a completed application has been submitted, it shall be diligently pursued. Failure of an applicant to attend two (2) or more historic preservation board meetings at which an application is scheduled for review shall cause the application to expire and to be deemed null and void, unless the department determines that good cause is shown for the failure to attend. Where good cause is shown for a failure to attend, the historic preservation board shall table an application to a date mutually agreed upon in writing.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 7, 5-17-93)

Sec. 14-638. Review process for certificate of appropriateness,

except as provided elsewhere in this division.

(a) The process for review of an application for a certificate of appropriateness shall be as follows, except to the extent specifically provided elsewhere in this division:

1. The department shall review the application and make a recommendation to the historic preservation board based upon the standards in division 7, except as provided in subsection (b) for historic plaques or markers. The recommendation of the department shall be made within (30) days of receipt of a complete application.

2. Whenever the recommendation of the department is that the application shall be approved, the application shall be placed upon the next consent agenda of the historic preservation board, except as provided in subsection (b). Any member of the historic preservation board may remove an application from the consent agenda for the purpose of giving it a public hearing.

3. Whenever the recommendation of the department is that the application not be approved or there is no timely recommendation, the application shall be scheduled for a public hearing at the next meeting of the historic preservation board which allows for adequate notice.

4. The historic preservation board shall either conduct a public hearing or make a decision on the application within thirty (30) days following receipt of the application from the department. The historic preservation board shall review the application and any negative recommendation of the department. If an item is scheduled for historic preservation board review, the historic preservation board shall cause notice of the application to be given to all property owners within one hundred (100) feet of the property at least seven (7) days prior to the date of the hearing.

5. The historic preservation board shall enter findings of fact concerning the relationship between the application and the applicable standards of division 7 immediately following a denial or conditional approval of any certificate of appropriateness.

6. Written notice of the determination of the historic preservation board on the application, including a copy

of the findings of fact, shall be sent by regular mail to the applicant and to the planning board within ten (10) business days following its determination.

7. The applicant and any owner of abutting property or of property located within the same district aggrieved by the decision may object to the proposed decision by filing a notice of objection with the department within thirty (30) days following the mailing of the notice of determination of the historic preservation board; provided, however, only the applicant may object where no building permit or site plan review is required for the work which requires the issuance of the certificate of appropriateness, and a proposed decision approving any such application shall be deemed final upon being reduced to writing and provided to the applicant. In the absence of filing of such objection, upon expiration of said thirty (30) days the proposed decision shall become final. If a timely objection is received, the application shall be placed on the planning board agenda and shall be disposed of in accordance with section 14-639. The planning board shall deny the appeal unless it finds that the action of the historic preservation board was arbitrary or capricious or was not based on substantial evidence. Review by the planning board under this section is intended to be appellate in nature. Except where the planning board determines that injustice would result, the planning board shall determine the appeal without considering any facts or arguments which were not presented to the historic preservation board. Where the planning board finds it necessary to consider such new evidence in order to do substantial justice, it shall remand the matter to the historic preservation board for further consideration, unless it determines that the resulting delay is likely to result in undue hardship to the applicant.

(Ord. No. 235-90, 2-26-90; Ord. No. 371-91, § 2, 6-5-91; Ord. No. 220-93, § 8, 5-17-93; Ord. No. 197-03/04, 9-8-04)

Sec. 14-639. Review process involving level III site plans.

The process for review of an application for alteration or new construction that is also a level III site plan as defined in Article V of this chapter shall be as follows:

(a) Site plan review by the planning board and historic preservation review by the historic preservation board shall, to the extent feasible, proceed concurrently. Any

proposed level III site plan required to obtain a certificate of appropriateness under this article shall be exempt from the design standards included in article V as provided for in Sec. 14-526 (d)5a. of the site plan ordinance.

(b) Upon receipt of the application for a certificate of appropriateness, the department shall review the application and schedule a workshop for preliminary review by the historic preservation board. The historic preservation board shall conduct a workshop on the application within thirty (30) days following receipt of the application from the department. The department shall prepare an analysis of the application based upon the standards in division 7 for consideration at the workshop. The historic preservation board shall cause notice of the workshop to be given to all property owners within five hundred (500) feet of the property at least seven (7) days prior to the date of the meeting.

Additional workshops may be scheduled by the historic preservation board with the consent of the applicant.

(c) Following preliminary workshop(s) and upon determination by the historic preservation board that the application is complete, the historic preservation board shall conduct a public hearing and make a final decision on the application. The historic preservation board shall cause notice of the public hearing to be given consistent with the procedures outlined in (b) above.

(d) If the historic preservation board finds that the application meets the applicable standards of division 7, it shall issue a certificate of appropriateness, with or without conditions. If the action by the historic preservation board is a denial or conditional approval, the historic preservation board shall make findings of fact concerning the relationship between the application and the applicable standards of division 7.

(e) Written notice of the determination of the historic preservation board on the application, including a copy of the findings of fact, if any, shall be sent by regular mail to the applicant within ten (10) business days following its determination.

(f) The applicant and any owner of abutting property or of

property located within the same district aggrieved by the decision may object to the proposed decision as provided in Section 14-638(7).

(Ord. No. 235-90, 2-26-90: Ord. No. 63-97, 8-18-97; Ord. No. 197-03/04, 9-8-04; Ord. No. 165-08/09, 3-16-09; Ord. No. 278-09/10, 7-19-10)

Sec. 14-640. Review process involving installation or alteration of any exterior sign; minor alterations; and temporary alterations, construction or improvements.

(a) An application for a certificate of appropriateness for installation or alteration of any exterior sign; minor alterations; and temporary alterations, construction or improvements shall be reviewed by the department for compliance with the standards of division 7 and the design manual. Where the department determines that such an application meets these requirements, the certificate of appropriateness shall be issued by the department without presentation to the historic preservation board for approval. The department shall provide the historic preservation board with written notice of such action at the next historic preservation board meeting.

(b) If the department approves an application with conditions, the applicant may request review by the historic preservation board. The application shall then be subject to review by the historic preservation board pursuant to section 14-638.

(c) If the department determines that the application does not meet the requirements of division 7 and the design manual, the application shall be scheduled for review by the historic preservation board pursuant to section 14-638, unless the applicant withdraws the application.

(d) For purposes of this section only, temporary is defined as either a one-time occurrence that does not exceed fourteen (14) days or as an annual occurrence that does not exceed one (1) fourteen-day period each year. Minor alterations are defined as incidental changes or additions to a building, site features or exterior utilities which require building permits but will neither result in substantial changes to any significant historic features nor obscure such features. In no event shall any change be deemed minor when, in the opinion of the department, such change shall alter the historic character of the building or site.

(Ord. No. 220-93, § 9, 5-17-93)

Sec. 14-641. Action by planning board.

Upon any appeal from the historic preservation board

determination pursuant to section 14-638, the planning board shall review the appeal and the decision of the historic preservation board and shall take final action appeal within sixty (60) days following receipt of appeal; provided, however, whenever the planning board also is considering a site plan for development of the site, it shall proceed in accordance with the time frames applicable to site plan review. The planning board shall notify the applicant by regular mail within ten (10) business days following its decision on appeal.
(Ord. No. 235-90, 2-26-90; Ord. No. 197-03/04, 9-8-04)

Sec. 14-642. Issuance of certificate of appropriateness.

(a) The department shall issue the certificate of appropriateness within ten (10) business days following a proposed affirmative decision by the historic preservation board becoming final.

(b) Unless work authorized by a certificate of appropriateness shall be commenced within six (6) months of the date of issuance of the certificate of appropriateness, the certificate of appropriateness shall expire and shall become null and void. The department may approve additional extensions of this six-month period, not to exceed a total of two (2) years, provided that a written request for extension is received prior to the expiration date of the certificate of appropriateness. In the event of litigation arising out of the granting of a certificate of appropriateness, the certificate shall remain valid until one (1) year after the entry of final judgment in the litigation or until the end of the two-year period, whichever is later.
(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 10, 5-17-93;Ord. No. 197-03/04, 9-8-04)

Sec. 14-643. Certificate of non-applicability.

(a) The department shall issue a certificate of non-applicability as to property subject to this article when requested to do so when:

1. The department determines that none of the proposed work requires a certificate of appropriateness;

2. The department determines that all of the proposed work is ordinary maintenance, restoration, or a combination thereof;

3. In the case of the alteration of a structure other than a landmark or of new construction within a district, where

the department determines that the proposed exterior changes to a structure are not readily visible at pedestrian heights from any open space or street when viewed from any height between four (4) and six (6) feet above such space or street. Where a certificate of appropriateness is required for such changes, a certificate of non-applicability shall be issued upon request for those portions of the structure or structures not visible at such heights; provided, however, this paragraph shall not apply to alteration of a landmark or to any demolition; or

4. After any appeal where the historic preservation board, planning board or any court determines that paragraphs (1), (2) or (3) of this subsection are applicable.

(b) The department shall act upon any application for a certificate of non-applicability within five (5) business days of receiving a complete written description of all work to be undertaken.
(Ord. No. 235-90, 2-26-90)

Sec. 14-644. Amendments to approved certificates of appropriateness.

If at any time before or during work approved under the procedures set forth in this division the applicant requests minor amendments to approved work, the department may approve such minor amendments under the procedures set forth in section 14-638(b), provided that such amendments will not result in a waiver or substantial alteration of the approval or any condition attached to the approval. The applicant shall supply a written statement of the proposed amendment and amended plans or drawings to the department. The decision of the department as to whether an amendment may be reviewed under this section shall be final.
(Ord. No. 220-93, § 11, 5-17-93)

Sec. 14-645. Review process for demolition of landmarks or structures within a district.

(a) Any applicant seeking demolition of a landmark or contributing structure must apply for a certificate of economic hardship to the board of appeals in accordance with division 8 of this article. Said application must be approved by the board of appeals before a demolition permit can be issued.

(b) Any applicant seeking demolition of a noncontributing building as defined in this article may apply directly for a

demolition permit without receiving approval from the historic preservation board or a certificate of economic hardship from the board of appeals.

(c) Any applicant seeking demolition of a portion of a contributing or landmark structure may request that the historic preservation board make a determination as to whether such portion of the structure is non-contributing based on the definition of that classification contained in Sec. 14-602 of the ordinance. IF the board determines the portion to be noncontributing, the applicant may apply directly for a demolition permit.
(Ord. No. 165-08/09, 3-16-09)
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Sec. 14-646. – Sec. 14-649. Reserved.

DIVISION 7. STANDARDS FOR REVIEW OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

Sec. 14-650. Standards for review of alteration.

In considering an application for a certificate of appropriateness involving alteration, the historic preservation board and the Planning Board shall apply the following general standards, as further described in the design manual and any design guidelines in the ordinance designating the landmark or district:

(a) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose.

(b) The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(c) All sites, structures and objects shall be recognized as products of their own time, place and use. Alterations that have no historical basis or create a false sense of historical development, such as adding conjectural features or elements from other properties, shall be discouraged.

(d) Changes which may have taken place in the course of time are evidence of the history and development of a structure, object or site and its environment. Changes that have acquired significance in their own right shall not be destroyed.

(e) Distinctive features, finishes and construction techniques or examples of skilled craftsmanship which characterize a structure, object or site shall be treated with sensitivity.

(f) Deteriorated historic features shall be repaired rather than replaced wherever feasible. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the feature being replaced in composition, design, texture and other visual qualities and, where possible, materials. Repair or replacement of missing historic features should be based on accurate duplications of features, substantiated by documentary, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects.

(g) The surface cleaning of structures and objects, if appropriate, shall be undertaken with the gentlest means possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be undertaken.

(h) Every reasonable effort shall be made to protect and preserve significant archeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.

(i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, color, material and character of the property, neighborhood or environment.

(j) Wherever possible, new additions or alterations to structures and objects shall be undertaken in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity

of the historic property would be unimpaired.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 12, 5-17-93)

Sec. 14-651. Standards for review of new construction.

In considering an application for a certificate of appropriateness involving new construction, the historic preservation board and the planning board shall apply the following general standards as may be applicable to the context of the proposed construction. The intent and application of the following standards are further described in the historic resources design manual and shall guide the board in its review.

(a) Scale and form:

1. Height. In addition to the applicable requirements of articles III, IV and V of this chapter, the proposed height shall be visibly compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.

2. Width. The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.

3. Proportion of principal facades. The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways and open spaces to which it is visually related.

4. Roof shapes. The roof shape of a structure shall be visually compatible with the structures to which it is visually related.

5. Scale of a structure. The size and mass of structures in relation to open spaces, windows, door openings, porches and balconies shall be visually compatible with the structures, public ways and places to which they are visually related.

6. Applicability to Congress Street historic district. In the Congress Street historic district, for new construction within the B3 zone, the historic preservation board shall not impose conditions more restrictive than the dimensional requirements (Sec 14-220) of the B3 zone.

7. Applicability to India Street historic district. For new construction within the India Street Historic District, the historic preservation board shall not impose conditions more restrictive than the dimensional requirements of the IS-FBC zone, except for in the case of a building addition which proposes to change the height of a contributing historic structure.

(b) Composition of principal facades:

1. Proportion of openings. The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways and places to which the building is visually related.

2. Rhythm of solids to voids in facades. The relationship of solids to voids in the facade of a structure shall be visually compatible with structures, public ways and places to which it is visually related.

3. Rhythm of entrance porch and other projections. The relationship of entrances and other projections to sidewalks shall be visually compatible with the structures, public ways and places to which they are visually related.

4. Relationship of materials. The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which they are visually related.

5. Signs. Any new sign, and any change in the appearance of an existing sign located on a landmark within an historic district or within an historic landscape district, which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the design manual.

(c) Relationship to street:

1. Walls of continuity. Facades and site structures, such as masonry walls, fences and landscape masses, shall,

when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related.

2. Rhythm of spacing and structures on streets. The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related.

3. Directional expression of principal elevation. A structure shall be visually compatible with the structures, public ways and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.

4. Streetscape, pedestrian improvements. Streetscape and pedestrian improvements and any change in the appearance thereof located adjacent to, or on a landmark, within an historic district or within an historic landscape district which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the design manual.

(d) Other standards:

1. Compatible uses. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose.

2. Distinguishing original character. The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The alteration of any historic material or distinctive architectural features should be avoided when possible.

3. Archeological resources. Every reasonable effort shall be made to protect and preserve significant

archeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.

4. Contemporary design. Contemporary design for additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, material and character of the property, neighborhood and environment.

5. Additions. Wherever possible, new additions to structures and objects shall be undertaken in such a manner that, if such additions were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 13, 5-17-93; Ord. No. 165-08/09, 3-16-09; Ord. 83-15/16, 11-2-2015)

Sec. 14-651.5. Standards for review of alternations to or redesign of noncontributing structures.

(a) In considering an application for a certificate of appropriateness involving alteration(s) to a noncontributing structure the standards for review of alterations set forth in section 14-650 shall apply as applicable. The intent of the review shall be to ensure no further erosion of any existing architectural character of the subject structure determined to be significant by the historic preservation board and, where practicable, to guide projects toward a more compatible relationship with the surrounding context.

(b) In considering an application for a certificate of appropriateness involving comprehensive redesign of a noncontributing structure, the standards for review of construction set forth in section 14-651 shall apply.

(Ord. No. 165-08/09, 3-16-09)

Sec. 14-652. Standards for review of relocation.

In acting upon an application for a certificate of appropriateness involving relocation, the historic preservation board and the planning board shall apply the following general standards and any design guidelines in the ordinance designating the landmark or district:

(a) Whether the historic or urban design character and aesthetic interest of the structure or object contribute to its present setting.

(b) If located within a district, whether there are definite plans for the area to be vacated and what the effect of those plans is on the character of the surrounding area. In such cases, consideration of additional design guidelines for construction to be imposed as a condition of approval is appropriate.

(c) Whether the relocation of the structure or object can be accomplished without significant damage to its physical integrity.

(d) Whether the proposed relocation area is compatible with the cultural, historical or architectural character of the structure or object.

(Ord. No. 235-90, 2-26-90)

Sec. 14-652.5. Standards for review of signage.

In considering an application for a certificate of appropriateness involving the installation or modification of sign(s), including awning(s) which incorporate signage, the following standard shall apply:

(a) Signs shall be compatible with the subject building and its surrounding context as detailed in the signage design guidelines included in the historic resources design manual. If there is a conflict between this standard and the requirements of Article III, Division 22. Signs, the stricter standard shall apply.

(Ord. No. 165-08/09, 3-16-09)

Sec. 14-653. Qualification of applicant.

Prior to issuance of any certificate of appropriateness, any applicant shall demonstrate sufficient right, title or interest in the property, technical capacity and financial capacity to complete any change proposed to be undertaken under the certificate of appropriateness, upon reasonable request of the department. If the department determines that the applicant has failed or refused to demonstrate an ability to complete the proposed activity, it shall refer the issuance to the Planning Board, which shall make a final determination as to whether the applicant has demonstrated a

sufficient capability to complete the proposed activity. Notwithstanding any other provision of this article, the historic preservation board or Planning Board may include reasonable conditions, including the provision of adequate financial security, to ensure that actions taken under a certificate of appropriateness will be successfully prosecuted to completion, as approved, in a timely and workmanlike manner.
(Ord. No. 235-90, 2-26-90)

Sec. 14-654. – Sec. 14-659. Reserved.

DIVISION 8. CERTIFICATE OF ECONOMIC HARDSHIP

Sec. 14-660. Applicability.

(a) Any applicant denied a certificate of appropriateness by the planning board within thirty (30) days thereafter and any applicant seeking demolition of a landmark or a contributing structure within a district may make application for a certificate of economic hardship from the board of appeals. The application shall be submitted to the department, together with the applicable fee.

(b) The department shall transmit a copy of the application to the board of appeals, with copies to the Planning Board and the historic preservation board, within ten (10) business days following receipt of a properly completed application.
(Ord. No. 235-90, 2-26-90)

Sec. 14-661. Standard to be applied.

(a) The board of appeals shall approve an application for a certificate of economic hardship only upon a determination that the denial of approval of the proposed activity or of the proposed demolition will result in the loss of all reasonable use of the structure as required by sections 14-664 and 14-666.

(b) In applying this standard, the board of appeals shall consider among other things any evidence presented concerning the following:

1. Any opinions from a licensed engineer or architect with experience in renovation, restoration or rehabilitation as to the structural soundness of the structure and its suitability for continued use, renovation, restoration or rehabilitation.

2. Any estimates of the cost of the proposed alteration, construction, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the planning board for changes necessary for it to be approved.

3. Any estimates of the market value of the property in its current condition; after completion of the proposed alteration, construction, demolition or removal; after any expenditures necessary to comply with the recommendations of the planning board for changes necessary for it to approve a certificate of appropriateness; and in the case of a proposed demolition, after renovation of the existing structure for continued use.

4. In the case of a proposed demolition, any estimates from architects, developers, real estate consultants, appraisers or other real estate professionals experienced in rehabilitation as to the economic feasibility of restoration, renovation or rehabilitation of any existing structures or objects.

(Ord. No. 235-90, 2-26-90)

Sec. 14-662. Information to be supplied by applicant.

(a) The applicant shall submit by affidavit the following information for an application to be considered to be complete:

1. The assessed value of the property and/or the structure in the case of a demolition for the two (2) most recent assessments.

2. Real property taxes paid for the previous two (2) years.

3. The amount paid for the property by the owner, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased.

4. The current balance of any mortgages or any other financing secured by the property and the annual debt service, if any, for the previous two (2) years.

5. All appraisals obtained within the previous two (2) years

by the owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, or state that none were obtained.

6. All listings of the property for sale or rent, price asked and offers received, if any, within the previous four (4) years, or state that none were obtained.

7. All studies commissioned by the owner as to profitable renovation, rehabilitation or utilization of any structures or objects on the property for alternative use, or a statement that none were obtained.

8. For income-producing property, itemized income and expense statements from the property for the previous two (2) years.

9. Estimate of the cost of the proposed alteration, construction, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the planning board for changes necessary for it to approve a certificate of appropriateness.

10. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other.

(b) In the event that the information required to be submitted by the applicant is not reasonably available, the applicant shall file with the affidavit a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.

(c) Notwithstanding the submission of the above information, the board of appeals may require additional evidence as provided in section 14-680.
(Ord. No. 235-90, 2-26-90)

Sec. 14-663. Public hearing.

(a) The board of appeals shall hold a public hearing on the application within thirty (30) days following receipt of the completed application form. Where the application requests the demolition of a landmark or a contributing structure within a district, the public hearing shall not be held less than ninety (90) days following receipt of the completed application, unless

the applicant makes a clear showing that the delay will result in undue hardship of a unique or exceptional character which could not reasonably be or have been avoided. Upon such a showing, the department may waive all or any part of the ninety-day period and schedule the hearing before the board. Undue hardship shall not include mere inconvenience or incidental financial loss. No such waiver shall be granted without the department giving best practical notice to all persons entitled to notice of the hearing.

(b) Notice of the application and of the public hearing, and conduct of the hearing, shall be in accordance with the provisions of section 14-550. Where the application requests the demolition of a landmark or a contributing structure within a district, the department shall promptly notify any persons interested in historic preservation, who have registered in writing with him or her, give notice by mail to all owners of property within five hundred (500) feet of the structure, and shall require that the applicant immediately place a notice, to be supplied by the building official, in a prominent place on the structure and to maintain it there at all times during the pendency of the demolition application. The notice shall be substantially in the following form:

"This structure has been proposed to be demolished by its owner. For further information, contact Inspection Services of the City of Portland. 874-8300"

(c) The failure to give any notice required hereunder shall not affect the validity of any action taken by the department or the board of appeals.

(d) The Planning Board may provide a report or any other information, documentation or evidence or request the historic preservation board to assist the board of appeals in considering the extent of variance necessary, an appropriate incentive plan, or reasonable condition to be imposed.

(e) The board of appeals may continue a proceeding for such additional time as it reasonably takes an applicant, any other interested person, the historic preservation board or the planning board to comply with a request for additional information or evidence. The applicant shall be afforded the right to present rebuttal evidence.
(Ord. No. 235-90, 2-26-90)

Sec. 14-664. Determination by the board of appeals.

(a) The determination by the board of appeals shall be made within forty-five (45) days following close of the public hearing and submission of all information, documentation or evidence requested by the board. The determination shall be accompanied by findings of fact.

(b) The board of appeals shall not grant approval of an application involving demolition, unless the board determines, upon clear and convincing evidence, that one (1) or more of the following circumstances apply:

1. The structure is not subject to this article; or

2. Denial of a demolition permit would result in a hardship to the property owner so great that it would effectively deprive the owner of all reasonable use of the structure. The extent of any demolition permitted shall be limited to the amount necessary to allow reasonable use of the structure. Where the condition of the structure is claimed to prevent any reasonable use, the applicant shall establish that such condition is not the result of the acts or neglect of the owner or his predecessors in title occurring in whole or in part after August 1, 1988.

(Ord. No. 235-90, 2-26-90)

Sec. 14-665. Disapproval by board of appeals.

If the determination of the board of appeals is to disapprove the application for a certificate of economic hardship, the applicant shall be notified within five (5) business days. The notice shall include a copy of the findings of fact and report.
(Ord. No. 235-90, 2-26-90)

Sec. 14-666. Determination of no reasonable use.

(a) If the determination of the board of appeals is that the denial of the certificate of appropriateness has resulted in the denial of all reasonable use of the structure, or the entire property in the case of new construction, then the certificate of economic hardship shall be issued by the department ninety (90) days following the determination unless during that time the council approves an incentive plan pursuant to section 14-667.

(b) A copy of the determination of the board of appeals, together with the findings of fact, shall be mailed to the applicant and filed with the city clerk, the planning board and the historic preservation board within five (5) business days following the determination of economic hardship.

(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-667. Incentive plan.

The purpose of an incentive plan is to provide a mechanism to allow a reasonable use without the demolition of the complete structure or important architectural elements. The Planning Board, in cooperation with the historic preservation board and the owner, may prepare a report and recommend to the board of appeals an incentive plan to assure reasonable use of the structure. This incentive plan may include, but is not limited to, loans or grants from the City of Portland or other public or private sources, acquisition by purchase or eminent domain, building and safety code modifications to reduce cost of maintenance, restoration, rehabilitation or renovation, changes in applicable zoning regulations, including a transfer of development rights, or relaxation of the provisions of this article sufficient to allow reasonable use of the structure.
(Ord. No. 235-90, 2-26-90)

Sec. 14-668. City council consideration of incentive plan.

(a) Upon receipt of a report from the board of appeals recommending an incentive plan to assure reasonable use of the property, the council shall give prompt consideration to the determination of economic hardship and the report of the board, including the recommended incentive plan. The council shall approve or disapprove the incentive plan determined by the board of appeals to allow reasonable use of the structure within ninety (90) days following the determination by the board of appeals.

(b) A copy of the ordinance enacted by the council, together with the incentive plan, if any, shall be mailed to the applicant and transmitted to the board of appeals, the planning board and the historic preservation board within five (5) business days following the enactment of the ordinance.
(Ord. No. 235-90, 2-26-90)

Sec. 14-669. Issuance of certificate of economic hardship.

(a) Upon receipt by the board of appeals of a copy of council action disapproving an incentive plan, or upon failure of the council to act to either approve or disapprove an incentive plan within the time specified, the board of appeals shall approve a certificate of economic hardship to the applicant within thirty (30) days. The certificate may be subject to conditions including design guidelines for subsequent new construction not inconsistent with the standards set forth in this article and the design manual.

The certificate of economic hardship shall be valid for a period of one hundred twenty (120) days from approval by the board of appeals, except as provided in section 14-666 where an incentive plan has been proposed. Certificates of economic hardship shall not be transferable from the applicant to another subsequent owner of the same property.

(b) Upon presentation by the applicant of a valid certificate of economic hardship to the department, the certificate of appropriateness shall be issued to the applicant within five (5) business days.
(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-670. – Sec. 14-674 Reserved.

DIVISION 9. ADMINISTRATION

Sec. 14-675. Historic resources design manual.

(a) The historic preservation board may provide further guidance on how to meet the standards of this article in the historic resources design manual, which shall supplement this article, which may include but need not be limited to maps and descriptions of landmarks and districts, a listing of properties which have been determined to be eligible for listing on the National Register or for local designation, a glossary of terms and architectural styles, descriptions, and illustrations of how the standards of this article will be interpreted, and all designation ordinances, reports and design guidelines. All provisions of the design manual shall be consistent with the standards of this article and any designation ordinance adopted hereunder.

(b) Amendments to the design manual shall be forwarded to the council as a communication and shall become effective forty-five (45) days from the date on which said amendments are sent to the council, unless the council takes official action disapproving the amendments, in whole or in part, prior to the expiration of the 45-day period.

(c) The design manual shall be maintained by the department and available for inspection and copying during regular business hours.
(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 14, 5-17-93; Ord. No. 165-08/09, 3-16-09)

Sec. 14-676. Reserved.

Sec. 14-677. Costs.

Any project may be subject to one or more of the following fees:

(a) Project Review.

1. Administrative review, $65.00.

2. Historic Preservation board review: $125.00.

3. Historic preservation board review for projects involving new construction or building additions exceeding 1000 square feet or comprehensive rehabilitation or redesign of existing structures: $750.00

4. After-the-fact review $1,000.00 plus applicable application fee.

5. Historic preservation sign review $75.00

6. Applicant shall also pay a fee to cover the professional and administrative costs for review and analysis associated with project review, including but not limited to planning, legal, or other services. The fee shall be based on the hours of review and processing time and prevailing hourly rate for reimbursement of city costs. The city shall periodically invoice the applicant for such costs incrred by the city, which invoice shall be paid promptly by the applicant. No certificate of appropriateness, building, demolition, or other permit shall issue until all current charges due under this ordinance have been paid. The balance of any remaining review and administrative costs invoiced or incurred after a permit has been issued shall be paid in full by the developer prior the issuance of any temporary or permanent certificate of occupancy.

(b) Advertising expenses.

Every applicant shall bear the entire expense of giving notice by mail and publication in accordance with this article.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 15, 5-17-93; Ord. No. 119-01/02, § 5, 12-3-01; Ord. No. 165-08/09, 3-16-09; Ord. No. 223-09/10, 5-17-10; Ord. No. 253-15/16, 7/1/2016)

Sec. 14-678. Notices and public comment.

(a) Except as provided in sections 14-638 and 14-639, notice of proceedings upon any application for a certificate of appropriateness shall be given only when the proposed activity otherwise constitutes level III site plan. Notice of such proceedings also shall be furnished to any persons interested in historic preservation who have registered with the department, and to the historic preservation board and/or the planning board when the proceeding is pending before a different body. The failure to give any notice required by this article shall not affect the validity of any action taken.

(b) The historic preservation board, the planning board, the board of appeals and the council shall each invite public comment at a public meeting in accordance with their respective rules, prior to any final action being taken under this article.

(c) The department shall advise the historic preservation board and the planning board of any demolition permit application received by the department as to structures or objects that are noncontributing within nominated or designated districts, but there shall be no historic preservation board review of such permit applications.
(Ord. No. 235-90, 2-26-90; Ord. No. 278-09/10, 7-19-10)

Sec. 14-679. Expiration of approval.

An approval shall expire and become null and void upon the expiration of the authorization for the work, or for the development, under the applicable provisions of chapter 6 or of articles IV or V of this chapter.
(Ord. No. 235-90, 2-26-90)

Sec. 14-680. Applicant to supply necessary evidence.

In determining the existence of the circumstances specified in this article, the historic preservation board, planning board or board of appeals may require such additional documentation or evidence as they may respectively determine to be necessary, including plans, drawings and elevations, and notwithstanding any time limit for action or decision specified in this article, it may continue a proceeding for such additional time as it reasonably takes an applicant or any other party to comply with the request for additional relevant documentation or evidence and may draw a negative inference with regard to the content of any material evidence not produced upon reasonable request.
(Ord. No. 235-90, 2-26-90)

Sec. 14-681. Appeals.

(a) The applicant, or any person who has participated in opposition to the application and demonstrates a particularized harm caused by the approval of the application, may appeal to superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure from:

1. Any final action of the planning board, provided, however, only the applicant may appeal where no building permit or site plan review is required for the work which requires the issuance of the certificate of appropriateness; or

2. Any final decision of the board of appeals. If the decision of the board of appeals is subject to an incentive plan, the decision shall not be considered final until final action on the incentive plan by the council becomes final.

(Ord. No. 235-90, 2-26-90; Ord. No. 197-03/04, 9-8-04)

Sec. 14-682. Reserved.
Sec. 14-683. Reserved.
Sec. 14-684. Reserved.
Sec. 14-685. Reserved.
Sec. 14-686. Reserved.
Sec. 14-687. Reserved.
Sec. 14-688. Reserved.
Sec. 14-689. Reserved.

DIVISION 10. MAINTENANCE

Sec. 14-690. Preservation of protected structures.

(a) Minimum maintenance requirement. All landmarks, and all contributing structures located in an historic district, shall be preserved against decay and deterioration by being kept free from the following structural defects by the owner and any other person or persons who may have legal custody and control thereof:

1. Deteriorated or inadequate foundation which jeopardizes its structural integrity;

2. Defective or deteriorated floor supports or any structural members of insufficient size to carry imposed loads with safety which jeopardize its structural integrity;

3. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration which jeopardize its structural integrity;

4. Structural members of ceilings and roofs, or other horizontal structural members, which sag, split or buckle due to defective materials or deterioration or are of insufficient size to carry imposed loads with safety which jeopardize its structural integrity;

5. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety which jeopardize its structural integrity;

6. Lack of weather protection which jeopardizes the structural integrity of the walls, roofs or foundation.

(b) The owner or such other person shall repair such building, object or structure within a specified period of receipt of a written order to correct defects or repairs to any structure as provided by subsection (a) above, so that such structure shall be preserved and protected in accordance with the purposes of this article.

(c) Any such order shall be in writing, shall state the actions to be taken with reasonable particularity and shall specify dates for compliance, which may be extended by the department for reasonable periods to allow the owner to secure financing, labor or materials. Any such order may be appealed to the board of appeals within thirty (30) days. The board shall reverse such an order only if it finds that the department had no substantial justification for requiring action to be taken, that the measures required or time periods specified were not reasonable under all of the circumstances. The taking of an appeal to the board or to court shall not operate to stay any order requiring structures to be secured or requiring temporary support, unless the board or court expressly stays such order. The court of competent jurisdiction to enforce any order.
(Ord. No. 235-90, 2-26-90)

Sec. 14-691. Reserved.
Sec. 14-692. Reserved.
Sec. 14-693. Reserved.
Sec. 14-694. Reserved.

DIVISION 11. PENALTIES, ETC.

Sec. 14-695. Fines for violation.

Failure to perform any act required by this article or performance of any act prohibited by this article or of any conditions or any certificate issued hereunder shall constitute a violation and be subject to a fine as provided in 30-A M.R.S.A. Section 4452. Each day on which there is failure to perform a required act or on which a violation exists shall constitute a separate violation for purposes of this section.
(Ord. No. 235-90, 2-26-90)

Sec. 14-696. Additional penalties for willful violation or gross negligence.

(a) In addition to the penalties authorized by section 14-695, a violation which is intentional, or occurs through gross negligence, shall be subject to the following provisions:

1. No permit shall be issued under chapter 6 of this Code for any alteration or new construction affecting such property for a period of five (5) years following the last date of the violation, other than permits necessary to correct the violation. However, upon presentation of evidence satisfactory to the planning board that the violation has been corrected, any remaining portion of the five-year prohibition on issuance of a permit may be waived.

2. For a period of twenty-five (25) years, any alteration or new construction on the property shall be subject to this article, whether or not any remaining structure or object on the property continues to have the cultural, historical, architectural or archeological character and integrity that caused it to be nominated or designated as a landmark or part of a district.

3. As a condition for any new land use approval, the owner may be required to rebuild, reconstruct, restore or replicate the structure or object on the property.

(b) Paragraphs (1) and (2) of subsection (a) shall not apply to violations which are limited to noncontributing structures.
(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-697. Other remedies.

Notwithstanding the provisions of sections 14-695 and 14-696, the city may institute appropriate proceedings in law and equity to prevent or remedy any violation of this article.
(Ord. No. 235-90, 2-26-90)

Sec. 14-698. Liberal construction of article.

This article shall be liberally applied and construed to effectuate the purpose of preservation set forth in section 14-601.
(Ord. No. 235-90, 2-26-90)

Sec. 14-699. Exception for dangerous buildings.

This article shall not apply to any structure which has been ordered demolished by the municipal officers or a court, in accordance with 17 M.R.S.A. Section 2851 et seq., its equivalent, as it may be amended from time to time, or to any structure which has been partially destroyed and is determined by the department to represent an immediate hazard to the public health or safety, which hazard cannot be abated by reasonable measures specified by the department, including without limitation securing apertures and/or erecting fencing.
(Ord. No. 235-90, 2-26-90)

Sec. 14-700. Severability; effective date.

The provisions of section 1-14 shall apply to this chapter.

The provisions of this article shall be effective August 1, 1990.
(Ord. No. 235-90, 2-26-90)

DIVISION 12. LANDMARKS

Sec. 14-701. Structures designated as landmarks.

In addition to those structures designated as landmarks pursuant to section 14-631, the structures which are depicted as landmark buildings on the Map of Historic Districts with landmarks and historic landscape districts as adopted by the council and as amended from time to time shall be so designated.
(Ord. No. 42-91, 9-4-91; Ord. No. 165-08/09, 3-16-09)

Sec. 14-702. Historic landscape districts.

In addition to those areas designated as historic landscape districts pursuant to section 14-631, the areas which are depicted as historic landscape districts on the Map of Historic Districts with landmarks and historic landscape districts as adopted by the council and as amended from time to time shall be so designated. (Ord. No. 61-93, 8-2-93; Ord. No. 165-08/09, 3-16-09)

Sec. 14-703. Historic districts.

In addition to those areas designated as historic districts pursuant to section 14-631, the following areas are depicted as historic districts on the Map of Historic Districts with landmarks and historic landscape districts as adopted by the council and as amended from time to time shall be so designated. (Ord. No. 59-93, 8-2-93; Ord. No. 165-08/09, 3-16-09)

Sec. 14-704. Historic landmark sites.

In addition to those areas designated as historic landmark sites pursuant to section 14-631, the areas which are depicted as historic landmark sites on the Map of Historic Districts with landmarks and historic landscape districts as adopted by the council and as amended from time to time shall be so designated. (Ord. No. 60-93, 8-2-93; Ord. No. 165-08/09, 3-16-09)

Sec. 14-705. Reserved.
Sec. 14-706. Reserved.
Sec. 14-707. Reserved.
Sec. 14-708. Reserved.
Sec. 14-709. Reserved.
Sec. 14-710. Reserved.
Sec. 14-711. Reserved.
Sec. 14-712. Reserved.
Sec. 14-713. Reserved.
Sec. 14-714. Reserved.
Sec. 14-715. Reserved.
Sec. 14-716. Reserved.
Sec. 14-717. Reserved.
Sec. 14-718. Reserved.
Sec. 14-719. Reserved.
Sec. 14-720. Reserved.
Sec. 14-721. Reserved.
Sec. 14-722. Reserved.
Sec. 14-723. Reserved.
Sec. 14-724. Reserved.
Sec. 14-725. Reserved.
Sec. 14-726. Reserved.
Sec. 14-727. Reserved.

Sec. 14-728. Reserved.
Sec. 14-729. Reserved.
Sec. 14-730. Reserved.
Sec. 14-731. Reserved.
Sec. 14-732. Reserved.
Sec. 14-733. Reserved.
Sec. 14-734. Reserved.
Sec. 14-735. Reserved.
Sec. 14-736. Reserved.
Sec. 14-737. Reserved.
Sec. 14-738. Reserved.
Sec. 14-739. Reserved.
Sec. 14-740. Reserved.
Sec. 14-741. Reserved.
Sec. 14-742. Reserved.
Sec. 14-743. Reserved.
Sec. 14-744. Reserved.
Sec. 14-745. Reserved.
Sec. 14-746. Reserved.
Sec. 14-747. Reserved.
Sec. 14-748. Reserved.
Sec. 14-749. Reserved.
Sec. 14-750. Reserved.

ARTICLE X. ALTERNATIVE ENERGY.

Sec. 14-751. Purpose.

The intent of this article is to allow the reasonable use of locally generated alternative sources of energy supply that help reduce greenhouse gas emissions consistent with the Sustainable Portland Report which was adopted on June 7, 2010. Alternative energy systems include but are not limited to wind, solar and geothermal energy generation.
(Ord. No. 33-11/12, 1-18-12)

Sec. 14-752. Reserved.

DIVISION 1. WIND ENERGY GENERATION.

Sec. 14-753. Purpose.

The purpose of this division is to allow for the construction and operation of public or private wind energy generation systems to produce energy for use on site or off site, by establishing appropriate locations and standards to ensure safe, effective and efficient use of wind energy systems compatible with surrounding

uses.
(Ord. No. 33-11/12, 1-18-12)

Sec. 14-754. Applicability.

(a) No wind energy system, expansion of any existing wind energy system, or installation of any associated facilities, shall be installed unless it has been approved under this ordinance and has obtained a building permit and any other necessary state or local approvals prior to its installation. Wind energy generation systems determined to be permitted uses shall be reviewed and approved by the Zoning Administrator; wind energy systems determined to be conditional uses shall be reviewed and approved by the Zoning Board of Appeals (ZBA).

(b) Any physical modification to an existing and permitted wind energy system which alters the total rated capacity, the size or type of the system or its associated equipment shall require approval under this ordinance. Like-kind replacements or non-structural maintenance and repair shall not require approval under this ordinance but shall require a building permit.
(Ord. No. 33-11/12, 1-18-12)

Sec. 14-755. Definitions.

For the purposes of this division, the following words and phrases shall have the following meanings:

Abandonment: The date at which a wind energy system has been out of service for a continuous period of 6 months.

DEP certification: Certification issued by the Maine Department of Environmental Protection (Maine DEP) pursuant to Title 35-A M.R.S.A. § 3456 for a wind energy development.

Horizontal wind energy system: A wind energy system that utilizes a generator shaft that is parallel to the ground and usually mounted on a tower.

Lattice tower: A tower constructed of vertical metal struts and cross braces forming a square or triangular structure in horizontal cross-section, which may or may not be supported by external guy wires and anchors.

Monitoring and maintenance plan: For permitted systems this would constitute the owner’s manual requirements. For systems that may be allowed as a conditional use, this would constitute a more detailed and customized document.

Monopole tower: A tower constructed of a single, self-supporting metal tube, anchored to the foundation without guy wires.

Public industrial or utility facility: A facility operated by the City of Portland or Portland Water District that contains a major industrial or utility operation, such as a treatment plant, solid waste facility, materials storage yard or similar operation.

Residential building: A residence, nursing home/assisted living facility, or other building that is in use as an overnight residence but excluding hotels.

Total height of wind energy system: The vertical distance as measured from the average elevation of the finished grade adjacent to the fixed base of the support structure, to the tip of the wind generator blade or any other part of the system at its highest point. Where located on roof tops, the height shall be the total of the building and the wind energy system taken together.

Total rated capacity: The maximum rated output of electric power generation by the system in kilowatts (kW) ad identified by the manufacturer.

Useful life of the wind energy system: The period for which the system has been designed by the manufacturer to operate in a safe manner, including the period during which new parts and refurbishment allow it to continue operating safely.

Vertical wind energy system: A wind energy system that utilizes a generator shaft that is positioned perpendicular to the ground.

Wind energy system: A wind energy generator and all associated facilities.

Wind energy system associated facilities: All elements of a wind energy system, other than its generating facilities, that are necessary for the proper operation and maintenance of the system, including but not limited to guy wires, remote electronic enclosures and fixtures, transformers, inverter, batteries, substations and similar equipment.

Wind energy generator: The device that converts kinetic wind energy into rotational energy that generates electricity, which may include components such as a base, blade, nacelle, rotor, tower, turbine, or vane.
(Ord. No. 33-11/12, 1-18-12)

Sec. 14-756. Reserved.

Sec. 14-757. Permitted uses.

(a) Freestanding wind energy systems that are accessory to the lawful principal use of the lot, primarily for the generation of energy for on-site consumption, and at or below 25 feet in total height, may be allowed as permitted uses in all residential, B1, I-B and residence-professional zones subject to the standards listed below in Section 14-761 (General Standards), 14-763 (Maintenance and Removal), and 14-765 (Submittal Requirements).

(b) Freestanding wind energy systems that are accessory to the lawful principal use of the lot, primarily for the generation of energy for on-site consumption, and meet the applicable height standards of the zone in which they are located and are no higher than 45 feet, may be allowed as permitted uses in all business zones except B1 and I-B, and in the office park, industrial zones, airport business zone, subject to the standards listed below in section 14-761 (General Standards), 14-763 (Maintenance and Removal), and 14-765 (Submittal Requirements).

(c) Roof mounted wind energy systems that are accessory to the lawful principal use of the lot, primarily for the generation of energy for on-site consumption, meet the applicable height standards of the zone in which they are located and are less than 10 feet above the highest part of the roof, may be allowed as permitted uses in all zones except stream protection zone and recreation open space zone, subject to the standards listed below in section 14-761 (General Standards), 14-763 (Maintenance and Removal), and 14-765 (Submittal Requirements).
(Ord. No.33-11/12, 1-18-12)

Sec. 14-758. Conditional uses.

(a) Wind energy systems that do not meet the requirements for a permitted system may be allowed as conditional uses in all zones (including overlay zones but excluding stream protection and resource protection zones), subject to the provisions of section 14-430 (height and bulk exceptions/use exceptions); section 14-474 (conditional uses); and to the requirements and performance standards listed below in section 14-761(general standards), 14-763 (maintenance and removal), and 14-765 (submittal requirements). For the purposes of this provision, wind energy may be an accessory use in all zones or a principal use in all zones except residential zones, B1 zone, I-B zone, residence-professional zone and resource protection zone.

(b) Wind energy systems within recreation open space zones (including the island transfer station overlay zone) are allowed as

a conditional use where they are co-located with public industrial or utility facilities as defined in section 14-755.
(Ord. No. 33-11/12, 1-18-12)

Sec. 14-759. Prohibited uses.

(a) Wind energy systems of any kind are prohibited in the stream protection and historic landscape districts [excepting the sewage treatment plan corner of Eastern Prom] and historic cemeteries.

(b) Wind energy systems are prohibited where they exceed the height limitations set out in Table 1 (below) and described in provision 14-761(c)(3).

Table 1: Summary Table of Permitting

Type and scale of wind energy system	***Stream Protection, Historic Landscape Districts & Historic Cemeteries***	***Resource Protection Zone***	***All Residential Zones, and Residential Professional Zone; B1 Zone; I-B Zone***	***Historic Districts*, and within 1000 ft of specified landmarks (see**)***	***Water-front Zones and B6***	***Business Zones B2 & B5 Indus-trial Zones I-L, I-Lb and I-Ma***	***Business Zones B3 and B7***	***B4 Zone, Office -Park Zone***	***Recreation Open Space (ROS) Zone where Co-located with public industrial or utility facilities as per 14-758(b)***	***Industrial Zones I-M, I-Mb, I-H; Airport Bus. (w/FAA approval)***
Roof mounted, accessory, <10 ft above roof) & below permitted height of zone	X	P	P	P	P	P	P	P	C	P
Freestanding; accessory; up to 25 ft	X	X	P	P	P	P	P	P	C	P
Freestanding or roof mounted: accessory; at or below permitted height of zone AND no higher than 45 ft	X	X	X if<.5 acre except C if .5 acre or larger	P	P	P	P	P	C	P
Freestanding or roof mounted; at or above permitted height of zone AND no higher than 45 ft	X	X	X Except C only where accessory & on institutional sites over 5 acres	C	C	C	C	C	C	C
Roof mounted or free-standing; at or below permitted height for that zone AND no higher than 65 ft	X	X	X Except C only in USM Overlay Area & for college, university or trade schools in the R5 zone	X Except C in B3 part Congress St. Historic District	C	C	C	C	C	C
Roof mounted or free-standing; above permitted height for that zone AND no higher than 65 ft	X	X	X	X Except C in B3 part Congress St. Historic District	C	C	C	C	C	C
Roof mounted; at or below permitted height for that zone AND no higher than 85 ft	X	X	X	X Except C in B3 part Congress St. Historic District	X	X	C	C	C	C
Freestanding;at or below permitted height for that zone AND no higher than 85ft	X	X	X	X Except C in B3 part Congress St. Historic District	X	X	X	C	C	C
Freestanding; above permitted height for that zone AND no higher than 85 ft	X	X	X	X	X	X	X	X	C	C
Roof mounted or freestanding; above 85 ft and no higher than 160 ft	X	X	X	X	X	X	X	X	C with increased setbacks (see 14-761(d)(6))	C with increased setbacks (see 14-761(d)(6))+

P= Permitted Use; needs Zoning Administrator approval plus building permit; if within 100 feet of a designated landmark, historic district or historic landscape district, also needs planning authority (HP) approval;
C=Conditional Use; needs ZBA approval plus building permit; if within 100 feet of a designated landmark, historic district or historic landscape district, also needs planning authority (HP) approval;
X=Prohibited

*Historic districts only (wind systems are prohibited in historic landscape districts and historic cemeteries); in historic districts if the maximum allowed height in this section is different from the allowable height associated with the underlying zone, the lower of the two height limits would apply regarding wind energy systems. Within the B3 part of the Congress Street Historic District, the height limits in this ordinance for the B3 zone shall apply.
**Specified landmarks are: Portland Observatory; Cathedral of Immaculate Conception; St Dominic's Cathedral; St Luke's Cathedral; State Street Church; and City Hall

Sec. 14-760. Reserved.

Sec. 14-761. General standards.

(a) General

1. Application requirements: All applications for approval under this ordinance shall address the submittal requirements set out in section 14-765 submittal requirements.

2. Approvals: All applicable state and local approvals shall be obtained prior to installation of any wind energy system, including FAA approval and MDEP certification for all systems 100kW and above in total rated capacity.

3. Conditions: The zoning administrator or zoning board of appeals (ZBA) may impose conditions to ensure compliance with the standards and purposes set out in this ordinance, including but not limited to post-construction certification of compliance by a licensed professional engineer or authorized factory representative.

(b) Historic Resource

1. Where any part of the proposed wind energy system (including associated facilities) is within an historic district, such development shall be reviewed and approved by the planning authority (historic preservation) in accordance with article IX historic preservation prior to a review under this ordinance by the zoning board of appeals.

2. Where any part of the proposed wind energy system (including tower base and associated facilities) is within one hundred (100) feet of any designated landmark, historic district or historic landscape district, such development shall be determined by the planning authority (historic preservation)to be generally compatible

with the major character-defining elements of the landmark or portion of the district in the immediate vicinity of the proposed system; such determination shall be made prior to a review under this ordinance by the zoning board of appeals. Character-defining elements of landmarks and historic districts are identified in the historic resources inventory and respective historic district designation reports. An appeal of the planning authority (historic preservation) determination may be made in accordance with section 14-767 (appeals).

(c) Siting

1. Location on site: In residential zones, B1 zone, I-b zone and residence-professional zone where the lot is less than .5 acre, any vertical element of the wind energy system (tower/pole) shall be located in the rear yard or on the rear half of the existing building. Wind energy systems and associated facilities shall be sited to maximize existing vegetative or other screening from nearby residential buildings and public ways. The location shall minimize changes to existing topography and existing natural vegetation which would result from construction or maintenance of the system.

2. Number per lot: In residential zones, I-B zone and residence-professional zone and all business zones excluding B3, B4 and B7, a maximum of one (1) wind energy system shall be permitted per lot.

3. Overall height: The total height (including the supporting structure or building and the rotors or blades of the generator) of the wind energy system when operating shall be at or below the following maximum height limits.

These limits do not apply within historic districts (except the Congress Street historic district)or within 1000 feet of Portland Observatory; Cathedral of the Immaculate Conception; St Dominic’s Cathedral; St Luke’s Cathedral; State Street Church; and City Hall

where the overall height of wind energy systems may be no higher than 45 feet. Within the Congress Street historic district, the overall height of wind energy systems may be no higher than 45 feet in those areas outside of the B3 zone and within the B3 zone the height limits below shall apply.

In addition, the actual height of any roof mounted wind energy system, as measured above the roof from the point of attachment, where allowed as a conditional use shall not exceed 35% of the height of the building on which it is mounted.

a. Maximum of 45 feet:

i. Roof mounted in R-6 zone if 10 feet or less above highest part of the roof and permitted by that zone.

ii. Residential zones, B1 zone, I-B zone and residence-professional zone if lot is .5 acre or larger and height permitted by that zone.

iii. Institutional uses in residential zones, B1 zone, I-B zone and residence-professional zone where lot is over 5 acres.

iv. Resource protection zone (roof mounted and up to height permitted by zone).

b. *Maximum of 55 feet*: College, university or trade school in R5 zone where conditional use requirements of the zone are met (14-118(b)(6)(g)).

c. *Maximum of 65 feet*:

i. Waterfront zones.

ii. Business zones B2, B5 and B6.

iii. Industrial zones I-L, IL-b and I-Ma

iv. Freestanding in business zones B3 and

B7.

v. USM overlay zone if allowed by overlay heights.

d. *Maximum of 85 feet*:

i. Roof mounted in B3 and B7 if height permitted by overlay heights.

ii. Business zone B4 if height permitted by that zone.

iii. Office-park zone up to 75 feet where requirements of the zone are met (14-230.14(e)).

e. *Maximum of 160 feet* (Increased setbacks if over 85 feet):

i. *Industrial zones I-M and IMb and I-H*.

ii. *Airport business zone*.

iii. *Recreation open space zones* where allowed by 14-758(b).

(d) Safety

1. Generation equipment: All wind energy generation equipment shall be approved under a certification program certified by the US Department of Energy such as the Underwriters Laboratories, Germanishcer Lloyd Wind Energies, or other similar certifying organizations. Experimental, homebuilt, and prototype models shall not be permitted.

2. Design safety: Wind energy systems and associated facilities, including foundations and support structures, electrical connections and control equipment, associated site improvements and construction techniques, shall be designed, engineered and installed to comply with all applicable local, state and federal construction and electrical codes/regulations and Federal Aviation Administration regulations and

requirements.

3. Setbacks: Wind energy systems and associated facilities shall meet all setbacks for principal structures for the zone in which the wind energy system is located; where setbacks vary the largest setback shall apply. All parts of the wind energy system, including associated facilities and guy wires, shall be at least 10 feet from the property line (except where connecting to the grid), any utility line (in any direction) or other easement/ROW. The setback from utility lines, easements and ROW lines may be reduced where the owner/benefitted party provides written permission.

4. Safety setbacks (roof mounted systems): All roof mounted wind energy systems shall be set back from property boundaries and street right of way lines by a distance equal to or greater than 4 times the height of the system as measured from the roof surface at the point of attachment (including attachment structure to roof). For systems in and adjacent to waterfront zones, business zones (except B-1 and I-B), office park zone, industrial zones, island transfer station zone, and ROS zone, the setback from property boundaries and street right of way lines may be reduced to a minimum distance of 1.0 times the height of the system as measured from the roof surface at the point of attachment (including attachment structure to roof) where the system is incorporated into the architecture of the building and a certified engineer confirms that it would not present any public safety risk. The setback distance shall be measured to the center of the wind generator base.

5. Safety setbacks (freestanding systems no higher than 85 feet high): All freestanding wind energy systems with a total height of 85 feet or less shall be set back from property boundaries and street right of way lines by a distance equal to or greater than 1.1 times the total height of the system, and from residential buildings and hospitals on other properties by a distance equal to or greater than 2 times the total height of

the system. The setback distance shall be measured to the center of the wind generator base.

6. Safety setbacks (freestanding systems above 85 feet high): All freestanding wind energy systems with a total height above 85 feet shall be set back from property boundaries and street right of way lines by a distance equal to or greater than 2 times the total height of the system, and from residential buildings and hospitals on other properties by a distance equal to or greater than 4 times the total height of the system. For systems in and adjacent to waterfront zones, business zones (except B-1 and I-B), office park zone, industrial zones, island transfer station zone, and ROS zone, the setback from property boundaries and street right of way lines may be reduced to a minimum distance of 1.0 times the total height of the system where the Board determines it will be contrary to the public interest. The setback distance shall be measured to the center of the wind generator base.

7. Control of systems: Wind energy generators shall have automatic braking, governing or feathering systems to ensure rotational speeds remain within the design parameters of the proposed generator and its support structure and components and do not create intermittent high noise levels.

8. Security: The support structure (e.g. tower, pole) for freestanding wind generating systems shall not be climbable (no step bolts, ladder, or unshielded lattice structure readily accessible to the public) for a minimum height of twelve (12) feet above the surrounding ground level or accessible surface. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

9. Clearances: All moving components of a wind energy system shall be a minimum of twelve (12) feet from ground level or accessible surface.

10. Wiring: All on-site electrical wiring associated with the proposed wind energy system shall be

located within the tower/pole/supporting structure and underground; above ground on-site connections near substations or to the electric grid shall be allowed.

11. Guy wires: The use of guy wires is discouraged; if required they shall be located away from pedestrian routes/access points and marked with visible, reflective, colored objects, such as flags, reflectors, or tape which shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.

(e) *Impacts*

1. Sound impacts: The audible sound levels generated by the wind energy system* shall comply with the requirements of the underlying zone, except that the method of measurement shall be in accordance with this provision and with technical standards set out in the City of Portland Technical Manual. In addition:

   a. Where the underlying zone is residential and does not specify sound requirements, or where the system will be within 100 feet of a residential building, the audible sound levels generated by the wind energy system* shall not exceed forty-five (45) decibels on the A scale between the hours of 9:00 p.m. and 7:00 a.m., and fifty (50) decibels on the A scale between 7:00 a.m. and 9:00 p.m., as measured at the nearest property line in accordance with this provision and technical standards set out in the City of Portland Technical Manual.

   b. For any system over 45 feet in total height not in the recreation open space, resource protection or island transfer station zones, the maximum sound levels allowed by this ordinance shall not be exceeded at the nearest property boundary and at the nearest point vertically above the property line that coincides with the maximum building height allowed in the abutting zone.

c. Any system located within the recreation open space, resource protection or island transfer station zones and more than 100 feet from a residential building shall not exceed fifty-five 955) decibels on the A scale as measured 50 feet from the base of the tower.

*The audible sound levels of the wind energy system shall include sounds generated in all conditions including low and high winds (furling, yawing, and flutter) and power outages (free wheeling).

If after installation the system is determined to be operating at levels above these limits (as measured at the property lines in accordance with this provision and technical standards set out in the City of Portland Technical Manual) the owner shall take (at the owners cost) remedial action to ensure compliance with these limits. Required action may include relocation nor removal of the system.

2. Significant wildlife: The proposed wind energy system shall not be located within 250 feet of any significant wildlife habitat, as defined by MDEP/MDIFW under provisions of the Natural Resources Protection Act (Title 38, M.R.S.A. § 480, et seq.) including wildlife habitat for species appearing on the official state and federal list of endangered or threatened animal species.

3. MDIFW comments: For all wind energy systems over 45 feet in height above the ground (however supported) or over 100kW the applicant shall provide evidence that the environmental coordinator of the Maine Department of Inland Fisheries and Wildlife, and the Maine Natural Area Program, have been notified of the location, height and design of the proposed wind energy system at least 3 weeks prior to any final determination under this provision. Any comments received therefrom shall be addressed to the satisfaction of these state authorities prior to

any final determination under this provision.

4. Signal interference: Wind energy systems shall be designed to avoid electromagnetic interference with the transmission or reception of radio, telephone, television, microwave, navigational or similar signals to neighboring areas.

5. Appearance: The wind energy system and associated facilities shall use non-reflective materials and neutral colors and textures that blend in with the surrounding environment. Ground-mounted systems and associated facilities shall be landscaped to integrate the proposed wind energy system into the existing landscape/streetscape. In the case of conditional uses the system shall be screened with a vegetated buffer from public areas and residential buildings.

6. Lighting: No part of the system may be illuminated, except as required (in writing) by the Federal Aviation Administration (FAA) or other authorities for safety and security purposes. Where lighting is required, it shall be at the lowest intensity allowable with fixtures shielded and directed to minimize glare and visibility from the ground.

7. Signs and advertising: There shall be no signs, advertisements, flags or decorative items on a wind energy system or any associated facilities, except for the manufacturer’s/installer’s/owner’s identification (not exceeding 1 sq foot in size), appropriate warning signs, or lights if required by the FAA.

8. Impact of construction: The applicant shall avoid adverse impacts resulting from construction and maintenance of the wind energy system and obtain site plan approval (Article V, Site Plan) where applicable.

(Ord. No. 33-11/12, 1-18-12)

Sec. 14-762. Reserved.

Sec. 14-763. Maintenance and removal.

(a) A satisfactory monitoring and maintenance plan shall be required to ensure that all aspects of operation remain safe and in accordance with the approved design, engineering and installation details. All buildings, structures, fences, and property used in connection with a wind energy system shall be regularly inspected and maintained, through the life of the system, so that they remain: in good condition; in compliance with the standards set out in this ordinance (e.g., meeting sound limits); in safe working order; and so that paint and other external materials remain as approved and free from corrosion.

(b) The owner and operator shall, at their expense, complete the removal of the wind energy system within 6 months of the end of the useful life of the wind energy system or within 6 months of the date of abandonment.

(c) The City shall revoke any approvals and/or pursue removal of the wind energy system at the owner and operator's expense in the following circumstances:

1. The wind energy system is not installed and functioning within 12-months from the date of the approval under this ordinance; or

2. The wind energy system is at any time left in an unsafe condition in respect to federal, state and local safety standards (as determined by the City); or

3. The wind energy system has not been brought back to a safe condition/operation or removed from the site within required timeframe; or

4. The wind energy system is defective or abandoned and not been removed from the site within required timeframe.

(Ord. No. 33-11/12, 1-18-12)

Sec. 14-764. Reserved.

Sec. 14-765. Submittal requirements.

(a) The following information shall be submitted with an application for a review of a wind energy system and associated facilities under this ordinance.

1. A narrative describing the proposed wind energy system, including an overview of the project; the project location; the generating capacity of the wind energy system; dimensions and respective manufacturers, the sound levels generated by the wind energy system; and a description of associated facilities and how the system and associated facilities comply with the standards of this ordinance (including a plan or other graphics that demonstrate compliance with the required setbacks). Calculations of sound attenuation and anticipated sound levels shall be in accordance with technical standards set out in the City of Portland Technical Manual.

2. An accurate scaled site plan of the subject property showing the planned location of the proposed wind energy system and all associated facilities; property lines, adjoining streets and access; topographic contour lines; existing and proposed buildings, fencing, structures, substations, vegetation, driveways, parking, and curb cuts on the subject property; and specifications for all proposed electrical cabling/transmission lines, accessory equipment, and landscaping. The site plan shall show any proposed off-site modifications to access the installation and/or to maintain the proposed wind energy system. [Note: separate site plan applications may be required for some or all of the associated modifications; see Article V Site Plan]

3. A boundary survey where the location and dimensions of the wind energy system are determined to be uncertain by the Zoning Administrator.

4. Names and addresses of the owners of abutting properties and the location, dimensions, and types of all existing structures and uses within 100 feet of the property line.

5. A scaled elevation drawing showing the proposed wind energy system and all proposed structures, foundations, supports, fencing, vegetation and landscaping, indicating the height, color and materials of the system.

6. The wind energy system specifications, including manufacturer, model, dimensions of all components,

height, tower/support type, total rated capacity and information on any connections to the grid including a copy of the application for interconnection with the electric utility provider where to be connected to the grid.

7. Documentation that the wind generation equipment has been approved under a recognized certification program as set out in paragraph 14-761(d)1 of this ordinance and that the system complies with all applicable local, state and federal codes/regulations and with the standards regarding signal interference. Electrical component and connection information shall be in sufficient detail to allow for a determination that it meets Maine electrical codes.

8. Engineered drawings of the structure, its foundations and associated facilities (stamped by a PE). In the case of conditional uses, the applicant shall provide a Safety Report prepared and stamped by a licensed professional engineer with their application that certifies that the proposed wind energy system design is safe and appropriate in terms of strength, stability, security, grounding, icing impacts, and maintenance, given local soil and climate conditions.

9. Evidence of compliance or non-applicability with FAA requirements, MDEP Certification pursuant to 35-A M.R.S.A. § 3456 for wind energy development (applies to systems over 100kW) and other federal and state regulations regarding potential impacts on wetlands, wildlife and other resources.

10. For any wind energy system that will exceed the height limit for buildings on the subject property, the following shall be submitted:

    a. A scaled vicinity map showing the subject property and the proposed wind energy system and fencing in the context of all property located within a distance from the wind energy system equal to three (3) times the height of the wind energy system (in the case of a system 85 feet or higher, ten (10) times the height), showing within this area: all streets and existing buildings; significant structures: uses of any buildings; and topographic contours at five foot

intervals.

b. Color photographs showing the current view of the wind energy system site from any adjoining public street or any other street within 200 feet of the proposed wind energy system and from the closest groupings of residential buildings located within an area from the proposed wind energy system equal to three (3) times the height of the proposed structure (ten (10) times the height for systems 85 feet), plus a second set of color photographs showing the same views with the proposed wind energy system superimposed onto the photographs.

11. Where lighting of the wind energy system is proposed (due to FAA requirements), a lighting plan for the proposed win energy system, indicating the location, color and intensity of the lighting, both as it will appear in daylight and at night, and indicating any mechanisms to prevent glare on adjacent properties and streets and to shield the lighting from residences.

12. Where the wind energy system manufacturer’s sound level analysis does not clearly meet the sound standard of this ordinance, a statement by a professional engineer licensed in the State of Maine certifying that the proposed wind energy system will meet the sound standard of this ordinance. The technical standards set out in the City of Portland Technical Manual outline further information which may apply in this case.

13. A monitoring and maintenance plan in accordance with section 14-763(a).

14. The following information shall be submitted with an application for a wind energy system proposed to be attached to the roof of a building or onto another structure:

a. Elevation drawings and details of the building or structure to which the proposed wind energy system will be attached, showing the placement of the wind system and its supports, indicating the location of any enclosures in relation to the surface to which it will be attached, and showing

projection of the wind generator from the structure, marked with all necessary dimensions.

b. Design and engineering information for roof-mounted systems shall demonstrate that the structure on which it will be mounted has the structural integrity to carry the weight and wind loads of the system with minimal vibration impacts on the structure.

(Ord. No. 33-11/12, 1-18-12)

Sec. 14-766. Reserved.

Sec. 14-767. Appeals.

(a) Any aggrieved party may appeal a decision by the zoning administrator under the provisions of this ordinance by requesting in writing that it be referred to the zoning board of appeals within thirty (30) days of the decision being rendered. The date of the decision shall be the date of the letter from the zoning administrator documenting the decision.

(b) Any aggrieved party may appeal a decision of the planning authority determination under provision 14-761(b)(2) of this ordinance (compatibility if within 100 feet of a designated landmark, historic district or historic landscape district)by requesting in writing that it be referred to the historic preservation board within thirty (30) days of the determination. The date of the determination shall be the date of the letter from the planning authority documenting the decision. Appeals shall be considered by the historic preservation board as a de-novo review of the determination of compatibility.

(c) Any aggrieved party may appeal the final decision of the zoning board of appeals or the historic preservation board to the superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure. The date of the final decision shall be the date of the board hearing or other board meeting at which a final decision was taken.

(Ord. No. 33-11/12, 1-18-12)

Sec. 14-768. Reserved.
Sec. 14-769. Reserved.
Sec. 14-770. Reserved.
Sec. 14-771. Reserved.
Sec. 14-772. Reserved.
Sec. 14-773. Reserved.
Sec. 14-774. Reserved.

Division 2. Solar Energy Generation

Sec. 14-775. Purpose.

The purpose of this division is to allow for the construction and operation of public or private solar energy generation systems to produce energy for use on site or off site, by establishing appropriate standards to ensure safe, effective and efficient use of solar energy systems compatible with surrounding uses.

Sec. 14-776. Applicability.

All applicants for the installation or replacement of all solar energy systems or devices, expansion of any existing solar energy system, or installation of associated facilities must obtain a building permit and, as determined by the Planning Authority, site plan approval as outlined in section 14-779.

Sec. 14-777. Definitions

For the purposes of this division, the following words and phrases shall have the following meanings:

Abandonment means the date at which a solar energy system has been out of service for a continuous period of 12 months.

Building integrated solar energy system means a solar energy system that is an integral part of a principal or accessory building and include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights and awnings.

Dual-Use Systems means solar energy systems where photo-voltaic panels are introduced in conjunction with a primary use eg photo-voltaic panels on structures cantilevered over parked cars in a parking lot. These tend to include emerging technologies and multiple systems with potential impacts, and would require site plan review.

Expansion of a Solar Energy System means any physical modification to an existing solar energy system which alters the total rated capacity, the size, type or location of the system or its associated equipment.

Ground mounted solar energy system (also known as free-standing solar energy systems) means a solar energy system that is structurally mounted to the ground. The panels may be

stationary or revolving and of any size.

Operations and Maintenance Plan means a plan outlining the operation and maintenance of a solar energy system, to include safety measures and procedures for maintenance.

Physical size of solar energy system means, for the purposes of this division, the size of the system will be based on the physical size of the panels based on total airspace occupied over the ground, or the grid area for ground mounted arrays. It should be noted that the physical size as defined here is different from the area that would be the basis for calculating the impervious surface associated with the system.

Public industrial, utility or highway facility means a facility operated by a public entity that contains industrial or utility operations or is an unused part of such a facility.

Roof-mounted solar system means a solar energy system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

Small, Medium and Large solar energy systems means for the purposes of this division physical size as defined herein. Based on current technology the small systems are about 20 kW or less; medium systems are between about 20kW and 250kW; and large systems are over 250kW.

Solar Access means space open to the sun and clear of overhangs or shade, including orientation of buildings and lots to the sun, so as to permit the use of active and/or passive solar energy systems on individual properties.

Solar Energy System means a complete assembly consisting of one or more solar collectors and associated mounting hardware or equipment, intended to provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation, or solar/thermal hot water systems.

Total height of solar energy system means the total vertical distance as measured from the average elevation of the finished grade adjacent to the fixed base of the support structure, to the highest part of the system.

Total rated capacity means the maximum rated output of

electrical power production of the photovoltaic system in watts of Direct Current (DC)
(Ord. No. 75-16/17, 11-7-2016)

Sec. 14-778. Reserved.

Sec. 14-779. Permitting.

(a) Solar systems are allowed in most zones subject to permits/approvals as set out in the table below and subject to compliance with the associated standards in Section 14-780. The level of review relates to the scale of the proposed system, whether they comply with zoning, and the zoning context.

P = *allowed as a **permitted** use if the system complies with zone requirements and section 14-780 of this Division, and are located to rear and side of the site wherever possible; would require a building permit (and historic preservation review if a landmark or in an historic district*).*

S = *allowed subject to **site plan** review as indicated, to meeting performance standards in section 14-780, and to meeting the submittal requirements in 14-782 and the technical standards outlined in the Technical Manual; a building permit* would also be required *(and historic preservation review if a landmark or in an historic district*).*

C= *allowed as a **conditional** use reviewed by the Planning Board and subject to meeting performance standards in section 14-780, the submittal requirements in 14-782, and the technical standards outlined in the Technical Manual; a building permit* would also be required *(and historic preservation review if a landmark or in an historic district*).*

Zone	Roof Mounted and Building Integrated	Small Scale Ground Mounted	"Dual Use" systems	Medium Scale Ground Mounted	Large Scale Ground Mounted
Physical Size (see Definitions)	N/A	< 1000 sq ft	Any size	1001 to 9,999 sq ft	10,000 sq ft or greater

Residential; RP; Business zones except B4; waterfront zones; mixed use zones	**P**	**P**	**S** (Level II)	**S** (Level II)	Not allowed
Industrial zones and B4 zone	**P**	**P**	**S** (Level II)	**S** (Level II)	**C** (Planning Board)
ROS, Shoreland; I-TS	**P**	**S** (Level II)	**S** (Level II)	**C** (Planning Board)	**C** (Planning Board)
Historic Landscapes	**P**	**S** (Level II) & HP	**S** (Level II) & HP	**S** (Level II) & HP	Not allowed
Cemeteries	**P**	Not allowed	Not allowed	Not allowed	Not allowed
Stream Protection zones	Not allowed (Unless on legally non-conforming structure)	Not allowed	Not allowed	Not allowed	Not allowed

**Historic Resource:* Where any part of the proposed solar energy system (including associated facilities) is within an historic district, such development shall be reviewed and approved by the planning authority (historic preservation) in accordance with Article IX Historic Preservation prior to a review under this ordinance. Where any part of the proposed solar energy system (including support structures and associated facilities) is within one hundred (100) feet of any designated landmark, historic district or historic landscape district, such development shall meet the site plan Sections 14-526(d)5 regarding compatibility with the landmark or historic district

Sec. 14-780. Performance Standards.

All solar energy systems shall meet the following performance standards as indicated (section numbers are included to allow for reference).

(a) Standards applicable to all solar energy systems, whether permitted, site plan or conditional use:

Roof Mounted and Building Integrated	Small Scale Ground Mounted	"Dual Use" systems	Medium Scale Ground Mounted	Large Scale Ground Mounted
N/A	< 1000 sq ft	N/A	1001 to 9,999 sq ft	10,000 sq ft or greater

i. *Application requirements for permitted solar energy systems:* All applications for permitted solar energy systems shall meet the submittal requirements as specified by the Permitting and inspections Department. Where systems are proposed in the front part of the site, the application shall include technical documentation as to why it is not possible to locate the system to the rear or side of the site.

ii. *Application requirements for site plan and conditional use review of solar energy systems:* submissions for approval under this ordinance shall address the submittal requirements set out in section 14-782 *Submittal Requirements.*

iii. *Height*: The maximum height for all solar energy systems shall be as specified in that zone's dimensional requirements. Where the total height of the support structure/building plus the solar energy system is equal to or below the zone-based height maximum (including any allowance under 14-430), the absolute height of the solar energy system shall be:

a. Ground mounted: 20 feet above the ground as measured from the base of the support.

b. Roof mounted (on any type of roof, and applies to systems that are parallel or angled to the roof):

- For all residential and RP zones: 5 feet above the roof and set back from the edge of the roof by 1 foot for every 1 foot of solar energy system height.
- For B4 and Industrial zones: no limit.
- For all other zones: 8 feet above the roof and set back from the edge of the roof by 1 foot for every 1 foot of solar energy system height.

For height limitations for roof-mounted solar energy systems that exceed the zone dimensional requirements for height, see 14-430(e).

iv. *Technical and Safety:* All solar energy systems shall meet the technical, safety and maintenance standards as set out in the City of Portland Technical Manual. These standards may include the prohibition of panels containing cadmium to minimize the potential for hazardous waste.

v. *Impact of construction and connection to the grid:* The applicant shall minimize impacts resulting from construction and maintenance of the solar energy system, including lighting, security measures, traffic, and grid connections.

vi. *Conditions:* The reviewing authority may impose conditions to ensure compliance with the standards and purposes set out in this ordinance, including but not limited to post-construction certification of compliance by a licensed professional engineer or authorized factory representative.

vii. *Glare:* Solar panels are designed to absorb (not reflect) sunlight and are generally less reflective than other varnished or glass exterior materials. However, solar panel placement should minimize or negate any solar glare impacting nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar energy system.

viii. *Solar Access:* All applicants are encouraged to ensure the maximum solar energy generation from their system by obtaining solar access easements. Solar access easements may be filed consistent with Maine State law. Any property owner may purchase an easement across nearby properties to protect access to sunlight. The easement would be purchased or granted by owners of nearby properties and can apply to buildings, trees, or other structures that would diminish solar access.

(b) Additional performance standards for particular systems subject to site plan or conditional Use (PB) review

Roof Mounted and Building Integrated	**Small Scale Ground Mounted**	**"Dual Use" systems**	**Medium Scale Ground Mounted**	**Large Scale Ground Mounted**
N/A	< 1000 sq ft	N/A	1001 to 9,999 sq ft	10,000 sq ft or greater

Roof Mounted and Building Integrated	Small Scale Ground Mounted	"Dual Use" systems	Medium Scale Ground Mounted	Large Scale Ground Mounted
N/A	a) Meet 14-780 (a) above	a) Meet 14-780 (a) above b) Demonstrate that the energy generation is not the principal use of the site; c) Demonstrate that scale of the installation does not create adverse impacts.	a) Meet 14-780 (a) above b) Designed to avoid safety impacts; c) Located in side or rear yards, wherever possible; d) Set back 50 feet from residential, RP, B1 and B2 zones e) Located away and screened from public ways and nearby residential /institutional uses to extent possible; f) Co-locate with other land uses on lots in residential, B1, B2, B3, B7 & waterfront zones	a) Meet 14-780 (a) above b) Designed to avoid safety impacts; c) Located in side or rear yards, wherever possible; d) Set back 75 feet from residential, RP, B1 and B2 zones; e) Located away and screened from public ways and nearby residential /institutional uses to extent possible.

(c) Additional performance standards for solar energy systems located in *ROS & Shore-land* Zones.

Roof Mounted and Building	Small Scale Ground	"Dual Use" systems	Medium Scale Ground	Large Scale Ground Mounted

Integrated	Mounted		Mounted	
N/A	< 1000 sq ft	N/A	1001 to 9,999 sq ft	10,000 sq ft or greater
			a) Meet 14-780 (a) and (b) above b) If over 10,000 sq ft, locate on landfills or co-terminus with public industrial, utility or highway facilities c) Be supported by Land Bank Commission and Parks Commission where applicable d) Layout and fencing to be integrated with the landscape to the extent possible e) Screen from abutters and minimize impact on significant scenic views to the extent possible f) Not required to meet the conditional use requirements of the zone; for ROS see 14-156 g) Prohibited within the 75 ft setback from High Water mark in Shoreland Zones and meeting other Shoreland Zone requirements	

(d) Additional performance standards for solar energy systems in Business and Industrial Zones.

Roof Mounted and Building Integrated	Small Scale Ground Mounted	"Dual Use" systems	Medium Scale Ground Mounted	Large Scale Ground Mounted

Roof Mounted and Building Integrated	Small Scale Ground Mounted	"Dual Use" systems	Medium Scale Ground Mounted	Large Scale Ground Mounted
N/A	< 1000 sq ft	N/A	1001 to 9,999 sq ft	10,000 sq ft or greater
				a) Meet 14-780 (a) and (b) above b) Be located on areas already paved or built upon, or where other development is documented to be unlikely due to local conditions.

(Ord. No. 75-16/17, 11-7-2016)

Sec. 14-781. Reserved.

Sec. 14-782. Submittal requirements for site plan and conditional use review of solar energy systems.

(a) The following information shall be submitted with a site plan application for a review of a solar energy system and associated facilities under this ordinance (S or C in 14-779) in addition to the submittal requirements set out in section 14-527 (a), (c), (d) and (e) of the Site Plan ordinance:

1. A narrative describing the proposed solar energy system, including an overview of the project; the project location; the generating capacity of the solar energy system; dimensions of all components and respective manufacturers; and a description of associated facilities and how the system and associated facilities comply with the standards of this ordinance (including a plan or other graphics that demonstrate compliance). Where systems are proposed in the front part of the site, the application shall include technical documentation as to why it is not possible to locate the system to the side or rear of the site.

2. An accurate scaled site plan of the subject property showing the planned location of the proposed solar

energy system and all associated facilities; property lines, adjoining streets and access; topographic contour lines; existing and proposed buildings; fencing; structures; potential shade from nearby trees and structures; vegetation; driveways, parking, and curb cuts on the subject property; and specifications for all proposed electrical cabling/transmission lines, accessory equipment, and landscaping.

3. A scaled elevation drawing showing the proposed solar energy system and all proposed structures, foundations, supports, fencing, vegetation and landscaping, indicating the size, color and materials of the system. Drawings of structures and foundations shall be stamped by a licensed Professional Engineer.

4. Information on any proposed connections to the grid including any proposed off-site modifications to provide grid connections, access the installation, or to maintain the proposed solar energy system and grid connections.

5. In the case of medium and large ground mounted solar energy systems, the applicant shall provide an Operations and Maintenance Plan prepared and stamped by a licensed Professional Engineer or other licensed professional as appropriate.

(Ord. No. 75-16/17, 11-7-2016)

Sec. 14-783. Abandonment and Removal of Medium and Large Scale Ground Mounted Solar Energy Systems.

(a) In the case of medium and large ground mounted solar energy systems, the submitted Operations and Maintenance Plan shall include an estimate of the life of the project and outline the anticipated options/action when it has reached the end of its estimated useful life.

(b) The Owner and Operator shall, at their expense, complete the removal of the solar energy system within 6 months of the end of the useful life of the solar energy system or within 6 months of the date of abandonment. “Removal” includes restoration of the site to its approximate original condition, unless a valid approved site plan is intended to be pursued in which case a performance guarantee for the restoration would be

required until the approved redevelopment has received a certificate of occupancy.

(c) The City shall revoke any approvals and/or pursue removal of the solar energy system at the Owner and Operator's expense in the following circumstances:

1. The solar energy system is not complete and operating within 24 months from the date of approval under this ordinance; or

2. The solar energy system is determined by the City to be in an unsafe condition in respect to federal, state and local safety standards and timeframes; or

3. The solar energy system has not been brought back to a safe condition/operation or removed from the site within the required timeframe; or

4. The solar energy system is defective or abandoned and has not been removed from the site within the required timeframe.

(Ord. No. 75-16/17, 11-7-2016)

14-784. Appeals.

For all appeals, the date of the decision shall be the date of the hearing, if an oral decision was made, or the date of the written decision.

(a) Any aggrieved party may appeal a decision by the Permitting and Inspections Department under the provisions of this ordinance by requesting in writing that it be referred to the Zoning Board of Appeals within 30 days of the decision being rendered.

(b) Any aggrieved party may appeal a decision by the Planning Authority under the provisions of this ordinance by requesting in writing that it be referred to the Planning Board within 30 days of the decision being rendered.

(c) Any aggrieved party may appeal a decision of the Planning Authority determination under provision 14-761(b)(2) of this ordinance (compatibility if within 100 feet of a designated landmark, Historic District or Historic Landscape District) by requesting in writing that it be referred to the Historic Preservation Board within 30 days of the determination. This appeal is de-novo.

(d) Any aggrieved party may appeal the final decision of the Planning Board or the Historic Preservation Board under provision 14-761 (b) 2 of this ordinance to the superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

(Ord. No. 75-16/17, 11-7-2016)

Sec. 14-785. Reserved.
Sec. 14-786. Reserved.
Sec. 14-787. Reserved.
Sec. 14-788. Reserved.
Sec. 14-789. Reserved.
Sec. 14-790. Reserved.
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Sec. 14-845. Reserved.
Sec. 14-846. Reserved.
Sec. 14-847. Reserved.
Sec. 14-848. Reserved.
Sec. 14-849. Reserved.

ARTICLE XI. PUBLIC ART PROGRAM

------ *__Editor's note__—Ord. No. 174-00, passed 4-24-00, repealed §§14-851-14-860 of this article and enacted new provisions as herein set out.

Sec. 14-850. Preamble.

It shall henceforth be the policy of the City to provide on an annual basis regular funding for the preservation, restoration and enhancement of its public art collection. This ordinance and the funding contemplated are in recognition of the fact that only by instituting a steady stream of funding for this effort and standing by that commitment, will the City over time be able to fulfill its role as steward of its public art collection and help nurture and enrich thereby the quality of life in this City.
(Ord. No. 174-00, 4-24-00)

Sec. 14-851. Purpose.

The purpose of the public art ordinance is to promote the educational, cultural, economic and general welfare of the City of

Portland by providing the means to fund the acquisition and care of art works by the City of Portland, which shall be the city's public art collection. The public art program seeks to:

(a) Care for and maintain the public art collection of the City of Portland by documenting, preserving and restoring and repairing the collection;

(b) Commission or acquire works of public art, and to seek donations of art work for the city’s public art collection;

(c) Provide curatorial expertise and project management for the care of Portland's public art collection;

(d) Enhance and enrich the lives of the city's residents, visitors and employees by incorporating the visual arts into public spaces;

(e) Contribute to the city's civic pride and sense of identity;

(f) Increase access to works of art for residents and visitors to the area;

(g) Enhance Portland's growing reputation as a city which celebrates the arts;

(h) Celebrate the multi-cultural and diverse character of Portland's communities with place specific art; and

(i) Encourage collaboration between artists, landscape architects, urban planners, architects, engineers and other designers.

(Ord. No. 246-91, 3-11-91; Ord. No. 174-00, 4-24-00; Ord. No. 140-08/09, 1-21-09)

Sec. 14-852. Definitions.

(a) For the purposes of this section, *art work* shall include:

1. Sculpture, statues or monuments in any material or combination of materials;

2. Painting;

3. Graphic arts, printmaking and drawing;

4. Photography;

5. Crafts in clay, fiber and textiles, wood, metal, plastics, glass and other materials; and

6. Mixed media, any combination of forms or media, including collage.

(7) Functional art such as street furniture, as defined on page two of the Portland public art committee guidelines.

(8) Environmental art consisting of landforms and artistic landscape composition.

(b) For the purposes of this ordinance *public art* shall not include:

1. Reproductions by mechanical or other means of original works of art, except for limited editions, controlled by the artist, of original prints, cast sculptures, photographs or other works of art.

2. Decorative, ornamental, or functional elements which are designed by the building architect or consultants engaged by the architect which are a traditional and typical element of architectural design.

3. Those elements generally considered to be conventional components of a landscape architectural design including, but not limited to, plant materials, pools, paths, benches, receptacles, fixtures and planters except as allowed in subsection (a), paragraphs 7 and 8 above.

4. "Art objects" which are mass produced or of a standard design, such as playground sculpture or fountains, except pieces of historical significance to the city.

5. Directional or other functional elements, such as supergraphics, signage, color coding and maps, except where sculptural pieces are used to define gateways in the city.

6. Electrical, water or mechanical service for activation of the work.

7. Exhibitions and educational programs related to the work.

8. Performing Arts.

9. Art that displays slogans, logos, mascots or commercial advertising.

(c) *Public art collection*: Art objects that are owned by the City of Portland which are permanently installed in public, accessible locations. Permanent public art must be located in a public place with public visibility and impact, and shall have a permanence at least comparable to associated capital projects.

(d) *Public art guidelines*: The regulations adopted by the committee and approved by the city council which establish procedures to carry out the purpose of this ordinance. The guidelines shall include but not be limited to criteria for selection of artists and art works, maintenance of a file of interested artists, procedures for artistic competitions, and requirements for the maintenance of works of art.
(Ord. No. 246-91, 3-11-91; Ord. No. 174-00, 4-24-00; Ord. No. 140-08/09, 1-21-09)

Sec. 14-853. Funding.

(a) Establishment of Public Art Fund

1. The city shall establish a special revenue fund designated as the "public art fund" in the city treasury from which expenditures may be made in accordance with this ordinance. The public art fund shall contain a capital account to fund permanent public improvements in the form of the purchase, acquisition or commission of new public art, or major restorations, and an operations and maintenance account. Authorized expenditures include, but are not limited to, associated site installation costs such as lighting and landscaping, and costs associated with the commission engineering, contract administration, unveiling and dedication activities. Also authorized are expenditures associated with preservation, conservation and repair of existing public art. Capital funds may come from any source, including the sale of general obligation bonds. The city’s capital improvement program shall contain an annual appropriation for the public art fund calculated in accordance with paragraph (b) below. Funds for the operation and maintenance account may come from any source except bonds.

(b) City Funded Projects.

1. A percentage of the city's capital improvement program (CIP) shall be calculated and appropriated annually to the Portland public art fund. The annual appropriation shall be .5% of the total annual CIP.

2. Nothing contained herein shall preclude funding the acquisition of art for municipal property in other ways.

(Ord. No. 246-91, 3-11-91; Ord. No. 174-00, 4-24-00; Ord. No. 140-08/09, 1-21-09)

Sec. 14-854. Administration.

(a) The city public art program shall be administered by the public art committee whose members shall be appointed by the city council, and shall have the following responsibilities:

1. Develop an annual art plan for Portland which shall be presented to the city council for approval.

2. Establish such guidelines as are necessary to carry out the purpose of the ordinance. The guidelines shall include but not be limited to criteria for selection of artists and art work, maintenance of a file of interested artists, review criteria for proposed gifts of art work to the city, procedures for artistic competitions, and requirements for the maintenance of art work. Any and all guidelines or changes to guidelines shall be placed on a city council agenda as a communication. The guideline shall take effect forty-five (45) days after the date of placement on the council agenda, unless the city council takes official action disapproving the guidelines, in whole or in part, prior to the expiration of the 45-day period. If a part of a guideline is vetoed, the remainder shall continue in effect. Any guideline adopted, which is not required by the statutes of the state or by this article, may be waived by the chair upon good cause being shown.

3. Recommend to the city council the expenditure of funds for the acquisition or commissioning of public art, for maintenance of public art and for administration of this program.

4. Seek private donations of funds and/or works of art for the purposes of expanding the public art collection, or

the maintenance of the collection.

5. Oversee the maintenance, care and repair of the public art collection.

6. Review the appropriateness of proposed public art which is intended to fulfill all or part of the contribution required by this article.

7. Review potential gifts of art to the city on city property, and assist in the development process of such gifts, in accordance with the *Guidelines for the City of Portland Public Art Committee*.

8. Recommend appropriate locations and accessibility to the public for permanent art, with suggestion as to the type of art which is appropriate.

9. Solicit advice from arts professionals, the business community, and from local residents on the appropriateness of proposed art.

10. Recommend revisions to policies and guidelines for the improved implementation of this program.

11. Develop an annual art plan for Portland.

12. Ensure that the use of funds collected under this program will increase the amount of art in the city that is available to the public.

(b) Public art committee - structure.

1. The public art committee shall be composed of eleven voting members who are appointed by the city council. The city council shall appoint one of its members, the city manager shall recommend a member, and the Portland arts and cultural alliance shall recommend one of its members to serve on the public art committee. The city council shall appoint the remaining six members who shall be volunteers and have interest and/or expertise in public art. Such experience may include, but shall not be limited to, education and experience as an architect, a landscape architect, a professional curator, a professional artist and/or an art educator. Persons appointed to the public art committee must live or work

in Portland and shall be appointed through the city's annual appointment process.

2. Each public art committee member shall serve for a period of three years. The appointments shall be staggered so that three appointments terminate each year.

3. Whenever a vacancy shall occur, the vacancy shall be filled by the city council.

4. The public art committee shall adopt its own rules for the conduct of its business not inconsistent with the statutes of the state and this article. Any and all rules or changes to rules shall be placed on a city council agenda as a communication. The rule or rules shall take effect forty-five (45) days after the date of placement on the council agenda, unless the city council takes official action disapproving the rules, in whole or in part, prior to the expiration of the 45-day period

5. The members of the public art committee shall annually elect one (1) of their members as a chair to preside at all meetings and hearings and to fulfill the customary functions of that office, and another of their members as vice-chair.

(Ord. No. 246-91, 3-11-91; Ord. No. 174-00, 4-24-00; Ord. No. 14-08/09, 1-21-09)

Sec. 14-855. Reserved.
Sec. 14-856. Reserved.
Sec. 14-857. Reserved.
Sec. 14-858. Reserved.
Sec. 14-859. Reserved.
Sec. 14-860. Reserved.

ARTICLE XII. RELOCATION OF DISPLACED TENANTS

Sec. 14-861. Purpose.

The purpose of this article is to encourage the retention of a diverse housing supply throughout the downtown and in areas readily accessible to the downtown; to ensure that persons displaced as the result of redevelopment of residential units to nonresidential uses within the B-3 downtown business zone are treated fairly and consistently; and to ensure that persons so displaced will be relocated at the reasonable expense of the developer to comparable

housing at a location providing comparable access to services and amenities.
(Ord. No. 246-91, 3-11-91)

Sec. 14-862. Notice and eligibility for relocation assistance.

When a proposed development will result in the displacement of residents of an existing structure, the developer of the property shall give all tenants written notice as set forth below and shall provide relocation assistance as set forth below for any tenant whose gross income is eighty (80) percent or less of the median income of the Portland SMSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development at the time the developer gives the tenant written notice of intent to cause removal of the residential unit. Such written notice shall be given to the tenant at least one hundred twenty (120) days before the tenant shall be required to vacate the premises and shall contain the following statement:

> The developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for relocation payments. If you have questions about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Department of Planning and Urban Development, City of Portland, 389 Congress Street, Portland, Maine 04101 (telephone 874-8300).

(Ord. No. 246-91, 3-11-91)

Sec. 14-863. Relocation assistance for all tenants.

The developer shall provide, upon demand, assistance to all tenants who will be displaced by the development in the form of referrals to other reasonable accommodations and in determining the tenants' eligibility for relocation payments as provided herein.
(Ord. No. 246-91, 3-11-91)

Sec. 14-864. Relocation payments for eligible tenants.

The developer shall make relocation payments to eligible tenants in accordance with the schedule adopted by the city council.
(Ord. No. 246-91, 3-11-91)

***Editor's Note:** By separate order (Order 126-04/05, 6-6-05)the City Council passed the adoption of relocation payments for qualifying displaced tenants in the B-3 zone as follows:

WHEREAS, the Portland City Code §14-864 (adopted in 1991) requires a developer to provide financial and other assistance to relocate qualifying residential tenants in the B-3 zone, where such tenants are displaced due to the conversion of residential property to nonresidential property; and

WHEREAS, the Portland City Council was charged with adopting a schedule of relocation payments to be utilized in such circumstances; and

WHEREAS, the schedule, if any, adopted at that time cannot be located;

WHEREAS, the Housing Committee recommends the adoption of a payment schedule equal to two months rent paid by a qualifying tenant.

NOW THEREFORE, it is hereby ordered that the City Council hereby adopts the following schedule pursuant to §14-864 of the Portland City Code:

SCHEDULE OF RELOCATION PAYMENTS FOR ELIGIBLE TENANTS

The developer shall, before the tenant is required by the developer to vacate, make a cash payment to the tenant in an amount equal to the amount of rent paid by the tenant for the immediately preceding two (2) months.

Sec. 14-865. Reserved.
Sec. 14-866. Reserved.
Sec. 14-867. Reserved.
Sec. 14-868. Reserved.
Sec. 14-869. Reserved.
Sec. 14-870. Reserved.
Sec. 14-871. Reserved.
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Sec. 14-897. Reserved.
Sec. 14-898. Reserved.
Sec. 14-899. Reserved.

ARTICLE XIII. RESERVED*

***Editor's note--**Ord. No. 127-98, adopted Oct. 19, 1998, repealed Art. XIII, §§ 14-900, 14-901, relative to moratorium on correctional prerelease facilities, which derived from Ord. No. 26-96, adopted June 17, 1996.

Sec. 14-900. Reserved.
Sec. 14-901. Reserved.

ARTICLE XIV. MORATORIUM ON DEMOLITION OF HOUSING UNITS

***Editor's Note**: Order No. 221-99 adopted February 1, 1999 enacted a moratorium on the demolition of buildings in the area of Bayside. The moratorium was in effect January 1, 1999 through May 1, 1999.

Sec. 14-902. Findings and declaration of emergency.

The city council hereby finds and declares:

(a) The strong economy has increased the demand for housing beyond the supply available in the city and the surrounding area;

(b) The rental vacancy rate in the city has been extremely tight (0 to 2%) for the last 3 years, well below the vacancy rate which is considered healthy for a community, allowing choice and maintaining moderate prices;

(c) The lack of supply has pushed rent levels beyond the level which low and moderate income families and individuals can afford;

(d) Due to high cost of construction and the lack of land, very few new affordable multifamily units are being built in the city;

(e) The lack of supply of affordable housing and high rents hurt the vulnerable populations the most, e.g. those with disabilities, the working poor and the elderly;

(f) Several pending developments in the City contemplate the demolition of residential property or its conversion to nonresidential use;

(g) Housing, because of its scarcity and high costs, is an extremely valuable resource in the City of Portland. Once lost, it is very difficult to replace; and

(h) The City currently has under consideration methods to preserve and expand existing housing as well as proposals to require the replacement of housing which is either demolished or converted to nonresidential use:

Now, therefore, in order to permit the development and implementation of methods which will preserve Portland's existing housing stock as well as to require replacement of dwelling units which are demolished or converted to nonresidential use, it is found and declared that a temporary moratorium is necessary to allow the City to accomplish those goals.
(Ord. No. 26-02/03, 8-5-02)

Sec. 14-903. Moratorium on demolition of housing units.

Notwithstanding any other provisions of this Code, including, but not limited to, the provisions of Chapters 6 and 14, no permit shall be issued or granted and no new applications shall be accepted by the Building Authority or the Planning Authority from and after August 5, 2002 up to and including Monday, October 7, 2002, for the demolition of any dwelling or dwelling units, including single-family, two-family, and multi-family dwellings, lodging houses, sheltered care group homes, and rooming units anywhere within the City of Portland.

It is further found and determined that it is necessary that this article take effect immediately as an emergency, pursuant to article II, section 8 of the City Charter.
(Ord. No. 26-02/03, 8-5-02)

Sec. 14-904. Exceptions.

(a) The moratorium hereunder shall not apply to any building found to be a dangerous building pursuant to 17 M.R.S.A. Secs. 2851 et seq.

(b) The moratorium hereunder shall not apply to property which, although designed and intended for residential use, is, at the time of adoption of this section, a legally grandfathered non-residential use.

(c) Any demolition or conversion approved by the Portland Planning Board under the Site Plan Review and Conditional Use Standards of Chapter 14 of the Portland Code prior to July 1, 2002, so long as such approval is valid and in effect on the date of this ordinance.
(Ord. No. 26-02/03, 8-5-02)

***Editor's Note:** Article XV., Sections 14-905 to 14-908 were repealed per council order 80-18/19 passed on 10/15/2018 in order to be updated and moved out of Chapter 14. An amended ordinance called the Waterfront Development Growth Area was enacted as Portland City Code Chapter 8.

***Editor's Note:** Sec. 14-909 *Waterfront economic development advisory committee* was repealed in its entirety per council order no. 116-08/09 and passed on 12/1/08.

Sec. 14-905. Reserved.
Sec. 14-906. Reserved.
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Sec. 14-998. Reserved.
Sec. 14-999. Reserved.

ARTICLE XVI. CITIZEN ADVISORY COMMITTEE

Sec. 14-1000. Purpose.

Pressures of growth in the community strain the relationship between neighborhoods and business and therefore a challenge exists to improve communication with, and timely participation by, Portland residents in the planning and development review process. There exists within Portland strong common ground and a desire to address the planning development challenges by constructively working and communicating with the public. The City desires a committee to meet on a quarterly basis that will 1) comment upon the integration and consistency of neighborhood plans with the Comprehensive Plan, 2) facilitate the exchange of information between existing and future planning

task forces, 3) collate proposed, revised or amended components of the Comprehensive Plan to ensure internal consistency, 4) submit comments upon updates of and additions to the Comprehensive Plan to the Planning Board for further review, and 5) respond to other undertakings as directed by the City Council.
(Sub. Ord. 222-01, 4-2-01; Ord. No. 93-03/04, 11-03)

Sec. 14-1001. Created.

There is hereby created a citizen advisory committee.
(Sub. Ord. 222-01, 4-2-01)

Sec. 14-1002. Composition.

The Citizen Advisory Committee shall be comprised of one (1) representative appointed by each City Councilor, as well as an individual representative of the Islands who shall be appointed by the Mayor.

Fourteen (14) additional members of the Citizen Advisory Committee, appointed by the mayor subject to Council approval, shall represent each of the following areas:

- Housing
- Social Services
- Parks and Recreation
- Transportation
- Public Safety
- Development
- Open Space, Water Quality, and Trails
- Business and Industry
- Youth
- Historic Preservation
- Education
- Arts
- Waterfront
- Residential Renter

All members of the Citizen Advisory Committee shall be Portland residents and all appointments shall be approved by the Council with the staggered terms of membership set by Council order.
(Sub. Ord. 222-01, 4-2-01; Ord. No. 93-03/04, 11-03-03)

Sec. 14-1003. Chair

The committee shall be chaired by a City Councilor and one (1) member of the Planning Board.
(Sub. Ord. 222-01, 4-2-01)

ARTICLE XVII. Impact Fees.

14-1004. Authority.

This article is enacted pursuant to the authority of 30-A M.R.S. § 4354 and 30-A M.R.S. § 3001.
(Ord. No. 98-18/19, 11-19-2018

14-1005. Purpose.

The purpose of these impact fee provisions is to ensure that new development in the City of Portland bears a proportional or reasonably-related share of the cost of new, expanded, or replacement infrastructure necessary to service that development through:

(a) The payment of impact fees dedicated to funding improvements made necessary by development; or

(b) The construction of improvements as provided for herein.
(Ord. No. 98-18/19, 11-19-2018)

14-1006. Applicability.

The following shall be subject to impact fees, with the exception of municipal buildings, which shall be considered exempt:

(a) Any new building or addition to existing buildings which results in net new residential dwelling units, non-residential building square footage, or water/wastewater meters; and

(b) Any change of use which results in a net increase in impact fee per *Section 14-1007(f).*
(Ord. No. 98-18/19, 11-19-2018)

14-1007. Calculation of Impact Fee.

(a) *In General.* Impact fees shall be calculated based on the impact fee schedule in effect at the time of submittal of a complete application for a building permit.

(b) *Determination of Use.* The determination of the applicable land use category in the impact fee schedule shall be made by the Department of Permitting and Inspections with reference to the City of Portland's most recent *Impact Fee Study*. If the proposed development is of a type not listed in the impact fee schedule, then the impact fees applicable to the most nearly comparable type of land use listed in the impact fee schedule shall be used.

(c) *Mixed Use Development.* In the event that there is more than one use within a building, impact fees shall be calculated separately for each use.

(d) *Redevelopment.* In calculating the impact fee for a new building that involves the full or partial demolition of a building housing an existing, legally established use or uses, such new building shall be credited with an amount equal to the fee that would have been charged to the use or uses which occupied the structure at the time of demolition permit. If the impact fee calculation for the post-development condition is greater than the credit, the applicant shall pay the difference. If the impact fee calculation for the post-development condition is less than the credit, then the applicant shall not be required to pay an impact fee. The City shall not grant credits for demolitions for which a permit was issued more than 12 months prior to the complete application for a building permit.
(Ord. No. 98-18/19, 11-19-2018)

TABLE 14-1007(e)1: Parks & Recreation and transportation impact fee schedule[1]

Land Use Type	Unit of Measure	Parks/Recreation Impact Fee	Transportation Impact Fee
Single-family/Two-family	per unit	$1,126	$2,159
Multi-family (3+ units)	per unit	$752	$1,023
Retail/Service	per 1,000 SF GFA	$534	$8,248
Office	per 1,000 SF GFA	$677	$2,800
Industrial	per 1,000 SF GFA	$363	$1,130
Institutional	per 1,000 SF GFA	$645	$3,082
Hotel/Motel	per room	$875	$2,404

Land use types included in the impact fee schedule correspond to those in the City's most recent *Impact Fee Study*.

(e) *Building Additions.*

In calculating the impact fee for building additions, each developed property shall be credited with an amount equal to the fee that would have been charged to the existing use at the time of the addition of floor area. If the impact fee calculation for the post-development condition is greater than the credit, the applicant shall pay the difference. If the impact fee calculation for the post-development condition is less than the credit, then the applicant shall not be required to pay an impact fee.

TABLE 14-1007(e)2: WASTEWATER IMPACT FEE SCHEDULE

Meter Size	Capacity Ratio	Impact Fee
5/8 inch	1.00	$1,886
¾ inch	1.50	$2,829
1 inch	2.50	$4,715
1 ½ inches	5.00	$9,430
2 inches	8.00	$15,088
3 inches	16.00	$30,176
6 inches	50.00	$94,300
8 inches	80.00	$150,880

(f) *Changes of Use.* In calculating the impact fee for changes of use, each developed property shall be credited with an amount equal to the fee that would have been charged to the existing use at the time of application for building permit. If the impact fee calculation for the proposed use is greater than the credit, the applicant shall pay the difference. If the impact fee calculation for the proposed use is less than the credit, then the applicant shall not be required to pay an impact fee. The City shall not grant credits for uses which have been discontinued for a period of 12 months or more prior to the complete application for a building permit.
(Ord. No. 98-18/19, 11-19-2018)

14-1008. Annual Adjustment of Impact Fee.

To account for inflation, there shall be an automatic annual increase in the impact fee schedule reflected in this article every January 1 based on the change in the construction cost index as published by *Engineering News Record*. The fee adjustment shall be calculated by dividing the index amount published on January 1 of the current year by the index amount published on January 1, 2018 and multiplying the resulting ratio by each fee amount. Annual adjustments shall be made available for public reference.
(Ord. No. 98-18/19, 11-19-2018)

14-1009. Modification of Impact Fees.

(a) A required impact fee may be modified, in whole or in part, by formal vote of the Planning Board in cases when an applicant is otherwise before the Planning Board, or by the Planning Authority in all other cases, if the reviewing authority finds that:

1. The developer or property owner who would otherwise be responsible for the payment of the impact fee voluntarily agrees to make infrastructure improvements for which the impact fee would be collected or an equivalent improvement approved by the reviewing authority; or

2. The developer or property owner is required, as part of a development approval by the City or a state or federal agency, to make or to pay for infrastructure improvements for which the impact fee would be collected or an equivalent improvement.

Credit amounts shall be determined based on plans, details, and cost estimates for the proposed infrastructure improvements for which the credit is requested. Such plans, details, and cost estimates shall be prepared by a licensed professional engineer and submitted at the time of site plan, subdivision, or building permit application. The applicant shall pay for any third-party review of plans, details, or cost estimates. On-site or immediately adjacent improvements providing direct service to a site as required under subdivision or site plan regulations shall not be considered eligible under this section.

(b) The Planning Board may by formal vote modify the payment of a required impact fee, in whole or in part, if it finds that documentation is provided to demonstrate that a proposed use will impose no or substantially-reduced demands on capital facilities for which impact fees have been adopted. Such documentation shall be prepared by a licensed professional engineer and include a written analysis of the demand for capital facilities generated by the proposed use based on industry standards and the most recent *Impact Fee Study*. Documentation shall be submitted at the time of site plan, subdivision, or building permit application. The applicant shall pay for any third-party review of plans, details, or cost estimates.
(Ord. No. 98-18/19, 11-19-2018)

14-1010. Reduction in Fees For Affordable Housing.

Any residential development including low-income or workforce housing units and qualifying as an eligible project under Division

30 shall receive a reduction of fees in accordance with Section 14-486.
(Ord. No. 98-18/19, 11-19-2018)

14-1011. Collection of Impact Fee.

The City of Portland shall not issue any certificate of occupancy required under the Land Use Code until the applicant has paid any impact fees required by this article.
(Ord. No. 98-18/19, 11-19-2018)

14-1012. Segregation of Impact Fees from General Revenues.

Impact fees collected pursuant to this article shall be maintained in separate, non-lapsing impact fee accounts for each of the facilities for which impact fees are assessed, and shall be segregated from the City's general revenues. These accounts shall be dedicated for funding of the improvements for which the fee is collected, as determined through the City's most recent *Impact Fee Study*. Funds from these accounts shall be distributed to City departments solely for the purpose of capital projects identified in the City of Portland's most recent *Impact Fee Study*.
(Ord. No. 98-18/19, 11-19-2018)

14-1013. Use of Impact Fees.

Impact fees collected by the City pursuant to this article may be used only for financing facility improvements which the City Council, through the City of Portland's most recent *Impact Fee Study*, has determined are made necessary by new development. The City Council has determined that fees imposed by schedules in this article are reasonably related to the demands created by new development. Impact fees collected pursuant to this article shall be used exclusively for capital improvements, and the City of Portland shall expend funds collected from impact fees solely for the purposes for which they were collected.
(Ord. No. 98-18/19, 11-19-2018)

14-1014. Refund of Unused Impact Fees.

Impact fees collected pursuant to this article shall be used by the City according to the schedules for the completion of specific capital improvements as specified in the City of Portland's most recent *Impact Fee Study*, but in no event later than ten years after the date upon which the impact fee was collected. Any impact fees which are not so used and any impact fees collected which exceed the City's actual costs of implementing the infrastructure improvements for which such fees were collected shall be refunded.

Refunds shall be paid to the owner of record of the property for which the impact fee was collected, determined as of the date the refund is made.
(Ord. No. 98-18/19, 11-19-2018)

14-1015. Review and Revision.

The impact fees established in this article are based upon the best estimates of the costs of the construction of the facilities for which the fees are collected as determined through the City's most recent *Impact Fee Study*. The Council may, by amendments to this article, change the amounts of the impact fees from time to time as warranted by new information or changed circumstances.
(Ord. No. 98-18/19, 11-19-2018)

14-1016. Administrative Rules and Regulations.

The Planning Board is hereby authorized to develop rules and regulations governing the administration of impact fees collected pursuant to this article.
(Ord. No. 98-18/19, 11-19-2018)

14-1017. Effective Date.

The provisions of this article shall apply to all building permit applications submitted following the effective date of this article, with the exception that any development for whom site plan approval has been granted at the time of the effective date of this article shall be considered exempt. Master Development Plan approval prior to the effective date shall not confer exempt status.
(Ord. No. 98-18/19, 11-19-2018)

Fwd: Administrative appeal to the blasting permit FIRE2022-01299

1 message

Jonathan Sullivan <jsullivan@portlandmaine.gov> Mon, Jan 30, 2023 at 1:32 PM
To: Christine Grimando <cdg@portlandmaine.gov>

---------- Forwarded message ---------
From: bryn arbuckle <brynarbuckle@gmail.com>
Date: Sunday, January 29, 2023 at 12:12:48 PM UTC-5
Subject: Administrative appeal to the blasting permit FIRE2022-01299
To: zoning@portlandmaine.gov <zoning@portlandmaine.gov>
Cc: Andrew Zarro <azarro@portlandmaine.gov>

Bryn Arbuckle

92 Florida Ave

Portland, ME 04103

207-400-1003

January 29, 2023

City of Portland, Permitting and Inspection Department

389 Congress Street

Portland, Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street, Portland, ME 04103 on 12/30/2022.

· I have standing.

· This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.

· This project is causing irreparable harm.

I am homeowner abutting the Fallbrook Commons project in North Deering. Typically I do not work from home and am away during blasting times, but every month my job as a RN requires I work on the weekend and I have therefore experienced the blasting on my days off. The first time I was home during the blasting was on 1/11/23. Despite being forwarded a schedule of the blasting times by a gracious neighbor, I was completely caught off guard by the blasts as they did not follow the schedule and I could not hear the horns (whistles). Everything in the house shook. While I rationally know I don't live in a war zone, that is what living near blasting brings to mind. While I have the 'luxury' of not working from home, I have heard from neighbors with small children and pets that the blasting has been extremely distruptive and traumatizing to their daily lives. 2 weeks later the blasting is still going on on an almost daily basis.

I am hereby requesting a hearing on the appeal.

Thank you for your consideration,

Bryn Arbuckle

Christine Grimando <cdg@portlandmaine.gov>

Fwd: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103

1 message

Jonathan Sullivan <jsullivan@portlandmaine.gov> Mon, Jan 30, 2023 at 1:50 PM
To: Christine Grimando <cdg@portlandmaine.gov>

---------- Forwarded message ---------
From: Jennell Carter <jennell.carter@gmail.com>
Date: Sunday, January 29, 2023 at 11:56:17 AM UTC-5
Subject: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103
To: azarro@portlandmaine.gov <azarro@portlandmaine.gov>, zoning@portlandmaine.gov <zoning@portlandmaine.gov>

Jennell Carter

146 Maine Ave.

Portland Maine 04103

207-252-5910

January 29, 2023

City of Portland, Permitting and Inspection Department

389 Congress Street

Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

· I have standing.

· This appeal is timely, legal, and a reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.

· This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

My spouse and I live within the 600 foot radius of the blasting at 368 Ray Street with our two dogs. We received notification from Pre Construction Services of a pre-blasting survey to be conducted, which arrived a day before a PCS representative came around and took video of our property ahead of the blasting permit being issued. The notice from PCS vaguely described that blasting would begin "on or after December 19th."

HOWEVER, we received absolutely no communication from Drilling and Blasting about the blasting itself -- including schedule, duration, impact, etc. I had to ask to be added to the notification email list for a daily blasting schedule. However, the schedule has been consistently inaccurate. It changes all the time with no updated communication to the email list. On several occasions, my spouse and I have called to find out whether or not there is blasting on a particular day, and multiple times, blasting was canceled without notifying the community (i.e. for inclement weather). Two recent examples are January 23rd and 26th. The blasting was cancelled, and no email notification was sent. Had we known sooner, we could have made other arrangements for our home and family.

Additionally, the emails sent by the blasting company to the select abutters who receive them are not accurate with respect to the timing of the blasts each day. For example, on January 19th, the email notified the community the first blast would be at 9am, but it did not happen until approximately 9:40am, and it occurred without my spouse being able to hear ANY warning sirens. This further traumatizes the community, as people who have no choice but to be home during the blasting can't even appropriately plan accordingly to minimize the disruptions and harmful impacts.

The blasting has been traumatizing for our two rescue dogs, particularly one who has seizures. The noise undoubtedly had a lasting negative effect on the dogs, as they have been even more fearful and skittish since the occurrence. My spouse and I have been distressed trying to make other arrangements for work and pet care during the blasting, without the courtesy of timely and accurate information about the blasting schedule or impacts. We cannot even hear the warning sirens from anywhere in our house. This experience is extremely stressful and harmful for our family, and it flies in the face of our decision to buy a house in this neighborhood 15 years ago.

Zoning:

"The use of all private and public land that lies within a city’s boundaries is determined by its zoning laws. These laws extend from a city’s obligation to “promote the health, safety, morals, convenience, order, prosperity and general welfare of the community.”

Zoning is also instrumental in protecting property values, ensuring cohesive and orderly communities, promoting quality of live, and affording privacy and safety for residents. (source: https://www.tml1.org/sites/default/files/tml/pdf/What_is_Zoning.pdf).

The development of Fallbrook Woods is in direct conflict for the city of Portland's Planning permitted use within an R3 zone which was defined by the city. The residents that decide to live and purchase homes in varies zones are protected by zoning laws and permitted usage to protect the citizens of that community from various conflicts that impact the quality of life, natural and built environment and exposure to such things as increased noise and chemical pollution, traffic flow, ease to travel as a pedestrian etc. Additionally, one of the many responsibilities of city planning and zoning is to protect the value of the homes/buildings that exist in that particular zone. Therefore, people who purchase homes in an R3 zone should have the same rights that fall under proper zoning - to protect the value and quality of life within the community and zone in which they reside. By allowing the development of Fallbrook Woods in our neighborhood, in an R3 residential zone, the city has directly contradicted the exact reason why zoning exists in the first place. The members of our community chose to live in an area where facilities such as the expansion of Fallbrook Woods is not permitted.

The construction of this project, as evidenced by the impact of the blasting, is causing stress, trauma, and irreparable harm to my family and to our community in this R3 residential zone. It is an experience we should not be having in the

first place, given where we chose to live, and the laws of that zone by which we should be protected.

It is for these reasons that I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

I have standing. This appeal is timely, legal, and a reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal. This project is causing irreparable harm.

Sincerely,

Jennell Carter

146 Maine Ave.

Portland, ME 04103

207-252-5910

Christine Grimando <cdg@portlandmaine.gov>

Fwd: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray St. Portland, ME 04103 on 12/30/2022

1 message

Jonathan Sullivan <jsullivan@portlandmaine.gov> Mon, Jan 30, 2023 at 1:39 PM
To: Christine Grimando <cdg@portlandmaine.gov>

---------- Forwarded message ---------
From: Jenirose Friedkin <jenirosa@gmail.com>
Date: Sunday, January 29, 2023 at 9:49:55 PM UTC-5
Subject: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray St. Portland, ME 04103 on 12/30/2022
To: zoning@portlandmaine.gov <zoning@portlandmaine.gov>
Cc: Andrew Zarro <azarro@portlandmaine.gov>

Jenirose Friedkin

54 Florida Ave.

Portland Maine 04103

207-370-4628

Christopher Havey

54 Florida Ave.

Portland, ME 04103

207-252-7186

January 29, 2023

City of Portland, Permitting and Inspection Department

389 Congress Street

Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray St. Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray St. Portland, ME 04103 on 12/30/2022.

· I have standing.

· This appeal is timely, legal, and within a reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.

· This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

When the first blast went off on 1/4/23, we didn't hear the sirens despite being direct abutters. I thought a shelf had come crashing down. I jumped and my heart felt like it leapt into my throat. The dog came running to me. He was shaking. He is a rescue dog with significant symptoms of having prior trauma that we have spent much time and money training to help him feel safe in his new environment. This is a major setback for him.

We finally realized that the blasting had begun. We received no warning of when the blasting would begin except that it could begin on or after 12/19/22. We never received notice of how long it will last. I've often been unable to hear warning sirens when inside my house. I've heard this from neighbors too. I lived in a place where explosions meant bombs had gone off, and experienced being shot at as a teen. These blasts definitely set off my startle mechanism every time and keep my adrenaline up. Along with the constant noise of large machinery, it leads to a quite stressful home/work environment. It makes it very difficult to concentrate to get work done here and disrupts professional phone calls. I can only imagine what some of our veteran neighbors are experiencing, as well as the various forest fauna that managed to survive the brutal destruction of their ecosystem.

The stress from the blasting, construction, and project in general has worsened my chronic migraine disorder. It has also exacerbated my own and others mental health diagnoses. Increased anxiety, depression, PTS symptoms, etc. abound as a result of the stress of anticipation and experience of blasting and changes to and loss of control over our environment, including increased noise from large machinery and loss of forest and privacy.

We are certainly concerned about radon. I didn't realize how extensive the blasting would be and am dismayed that the provision of radon testing prior to the blasting wasn't a citywide requirement. I wish I'd had it done myself, but was already scheduled to leave town for the holidays and organizing for independent testing proved to be something that was beyond my capacity at the time. I was also concerned about the cost. I have heard other neighbors say they were also concerned about the cost and how to go about getting it. We shouldn't have to worry about this. Many of us wouldn't have even realized it is a concern if we weren't educated by fellow community members. This could effect our health, property values, and cost us to remediate if the levels increase due to this extensive blasting. Fallbrook Commons should have been required to include this test along with the other inspections so that we have recourse if levels increase. It should be a requirement whenever blasting is occurring.

I also worry about our foundation. We are on a slab so there is no way to know how this is affecting it. Even with the required inspection, I don't see how this could have been documented. The blasts definitely shake and reverberate throughout the entire house.

I also think it should be a requirement that copies of the documentation videos taken before blasting be sent to homeowners automatically. We shouldn't have to go out of our way to request them. I was told I would need to use the FOIA to access documentation of my own house. I'm not even sure who to request them from. This shows that the videos were made for liability purposes in protection of the developer. They are not actually to protect the neighborhood residents whose homes are being affected by this blasting.

Usually with a project as big as this, there is a liaison hired whose only job is to communicate with the neighborhood. There is nobody in that position at Fallbrook Woods LLC. Our neighborhood is completely in the dark, and has nobody to direct our concerns toward. We have no indication as to how long this construction is planned to take, for instance. Many of us have been organizing around this build for years and the feelings of being powerless and ignored and dismissed take a toll. Also watching an active forest where kids played come down so rapidly, again without any warning, seeing giant trees downed in seconds, one after another, and not knowing where the wildlife will go if they survive was extremely disturbing and weighs heavily.

I have heard many neighbors speak about their experience of the blasting. Many people and their pets are being startled and are experiencing stress from the blasting and constant grinding and moving of large machinery. Many neighbors & myself are concerned about increased water in our crawl spaces and basements. A neighbor has said they already have more water under their house than ever before. I am experiencing new issues with drainage in our bathroom, and wonder if it's connected. Wetlands are being displaced and we wonder where that water will go.

Blasts also don't always seem to be done correctly. A neighbor who worked in construction said they could hear splattering, the sound of debris falling, after blasts and wondered if they are using blasting mats. They are, but apparently they haven't always been enough. Another neighbor saw a blasting mat fly into the air higher than a house. Another neighbor who is a couple blocks away thought their furnace might have exploded when they felt a blast, and was confounded until they learned about the blasting from another neighbor as they had not been informed of the blasting because they weren't within 600 feet. People far beyond 600 feet are being affected and received no warning.

We are concerned about rodents displaced from the blasting, and noise and odor and rodents etc. from the dumpsters that are planned to be placed right at property lines. We are concerned about an insufficient wall that won't support vegetation or block the headlights and lot lighting of a 24 hour facility where staff, emergency vehicles, and support vehicles will be coming and going. This kind of light pollution can negatively affect my migraine disorder. This also raises concerns around privacy and security. This has completely changed our neighborhood and many individual properties and negatively impacts our property values.

The neighborhood was notified by the blasting contractor, Drilling & Blasting Specialists, via email that blasts would be at 9 AM, 12 PM, and 2:30 PM on 1/25/23. The first blast actually occurred at 10:06 AM. It seriously shook the whole house and sent my poor dog running for cover. I know many neighbors are also adjusting their whole schedules to get themselves and their animals out of the house and/ or paying for dog daycare because this is so traumatizing to the animals. It is also very tough on the humans. I don't always hear the warning sirens and I'm right next to the blasting as shown in the attached videos taken from my living room. Others in the neighborhood have said they also cannot hear the siren and so want to be able rely on the blasting schedule sent out to some neighbors and forwarded to more neighbors.

The neighborhood was informed by blasting company via email that there would be blasting on Thursday 12/26/23. No blasting occurred. This is also an inconvenience as people have been arranging their entire days, work schedules, work breaks, daycare, dog daycare, etc. around these blasts.

Another example of the blasting schedule being wrong happened on the morning of Friday 1/27/23. The first blast occurred at about 10:05 AM instead of the scheduled 9:30 AM. I got my dog in the car beforehand and drove him around the block in anticipation as he is super nervous at home now. This in itself is a disruption. I returned and asked my partner if the blast had gone off. He told me it had. I brought the dog inside, he was reluctant as he associates the house with blasts now, and another blast went off at around 10:15AM. My dog went running to hide and it sure surprised us. We were not expecting a second blast. At 11:48 AM, another blast went off. This is more than 10 minutes before schedule. I was in my bathroom washing up before this blast and did not hear the warning signals despite being located directly abutting the blast area. I had planned to be out of the house with my dog by the scheduled 12PM blast but found myself and my dog once again in the home for a blast. Below is the blasting schedule that was sent out on Thursday 1/26/23 for reference.

Good Morning,

Our blasting schedule for 368 Ray street, Portland ME on Friday, January 27, 2023 will be:

First Blast: 9:30 AM

Second Blast: Noon

Third Blast: 2:30 PM

Please let me know if you have any questions.

Thank you,

Andrew Weymouth, Controller

Drilling and Blasting Rock Specialists, Inc.

PO Box 65

Gardiner, ME 04345

Phone 207 582-1391

Fax 207 582-8603

It seems like the blasting schedule being sent out is just another item on a to do list for the sender, as it is far from accurate and does little to address the actual needs, concerns, and safety of the project's neighbors. This lack of regard is just one example of how unneighborly the developers have been, and the city has for the most part completely catered to them while ignoring the valid concerns of the neighborhood.

The timing of this appeal is due to a number of factors. We bought our home at the end of March in 2020 and were not aware of the Fallbrook Commons project when we made the purchase, despite the plan already being in motion. We did not understand how close the parking lot, blasting, and construction would be to our property line and the extent of the blasting, construction, and general invasiveness of the project.

The plans are very hard to find and view online. They more recently seem to have been intentionally hidden, making them very difficult to access. Current permit's BLDC2022-02665 online location was changed from being its own item to being located as a sub record under voided permit BLDC2021-02097. This makes it exceedingly difficult to locate online in order to view plans and current progress of permitting, inspections, and general process. I also was unable to figure out how to open the PDFs for a long time, and I consider myself to be computer savvy for my age. I know my partner and other neighbors would never have been able open and view, let alone find the plans online. They are also difficult to view, read, and understand as a layperson. I certainly did not understand the scope and invasive nature of this project until the trees started coming down and the blasting kept on going day after day.

We were also extremely demoralized by the rapid clear cut of the forest. We couldn't have conceived of how quickly ,thoroughly, loudly, and violently the trees were to be removed. See attached video below for a small example. Furthermore, it was right before the end of year holidays that I received the door hanging informing of blasting and was pressed for time to respond, have the inspection done, figure out how to check our own radon levels etc. before a planned trip out of state. Moreover, we have not been receiving mail pertaining to the project at our abutting home address. Correspondence was instead sent to our Co- owners' address in LaMoine. The co-owners assumed we were also getting copies of the mail they received, as we are residing more consistently at the affected address and so did not inform us. This lapse in communication has caused us to be uninformed.

We chose this property because of the quiet, peaceful, wooded, close to nature, residential neighborhood feel it had, as we knew that these qualities were essential to our mental and physical health. We wouldn't have bought this house if we'd known of the stress that would ensue and that its value would immediately depreciate as a direct consequence of this project. This natural paradise is being paved, and they are putting up a parking lot.

Sincerely,

Jenirose Friedkin & Christopher Havey

jenirosa@gmail.com

christopherhavey@gmail.com

54 Florida Ave.

Portland, ME 04103

Jenirose: 207-370-4628

Christopher: 207-252-7186

---

4 attachments

- **Video_3.MOV**
  6367K
- **Video.MOV**
  724K
- **Video_1.MOV**
  730K
- **Video_2.MOV**
  1423K

Fwd: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103

Jonathan Sullivan <jsullivan@portlandmaine.gov> Mon, Jan 30, 2023 at 12:46 PM
To: Christine Grimando <cdg@portlandmaine.gov>

---------- Forwarded message ---------
From: Alicia Menard <alicia.menard@gmail.com>
Date: Sunday, January 29, 2023 at 11:41:15 AM UTC-5
Subject: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103
To: Andrew Zarro <azarro@portlandmaine.gov>, zoning@portlandmaine.gov <zoning@portlandmaine.gov>

Alicia Menard

146 Maine Ave.

Portland Maine 04103

207-712-9148

January 29, 2023

City of Portland, Permitting and Inspection Department

389 Congress Street

Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and a reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

My spouse and I live within the 600 foot radius of the blasting at 368 Ray Street with our two dogs. We received notification from Pre Construction Services of a pre-blasting survey to be conducted, which arrived a day before a PCS representative came around and took video of our property ahead of the blasting permit being issued. The notice from PCS vaguely described that blasting would begin "on or after December 19th."

HOWEVER, we received absolutely no communication from Drilling and Blasting about the blasting itself -- including schedule, duration, impact, etc.

On the first day of blasting, January 4th, 2023, I was working from home with our two rescue dogs. One of the dogs is special needs and has seizures. BOTH of them are highly skittish and sensitive to loud noises, having come from traumatic backgrounds. I was standing in my kitchen when the first blast went off. I did not hear ANY warning signals, nor had I received any notification that the blasting would be commencing that day. Honestly, I thought a tree had landed on our house. I jumped in fright, as did both dogs, who came running downstairs, scared and confused, and they started pacing frantically around the house. My first instinct was to look outside to see what fell on the house and assess the damage. Having found no tree that landed on the house, I realized then that it must have been a blast. Afraid for my dogs and for my safety in the house, I immediately gathered them up, took what I could to try to work from a different location, and left the house.

The noise undoubtedly had a lasting negative effect on the dogs, as they have been even more fearful and skittish since the occurrence. Since that day, I have been afraid to leave my dogs at home, for fear of the blasting triggering seizures or extreme fear regression in both dogs. This has caused a significant level of stress and additional hassle, not to mention monetary expense of making alternative arrangements for my dogs who cannot stay home, and for me to manage work and pet care remotely.

I have purposely braved the blasting and come back to our house on other occasions during the blasting without the dogs, so that I could further assess the impact of the blasting. In doing so, I have not heard ONE signal warning siren prior to any blast. However, the house has shaken and felt a thunderous boom every time.

I am extremely frustrated and traumatized at the level of impact this is having on my house, my family, and my dogs. The longer this goes on, the more disruptive it continues to be. The blasting company does not properly notify -- or warn -- the abutting community of the blasting schedule, and they change it all the time with no communication. On several occasions, I have called to find out whether or not there is blasting on a particular day, and multiple times, blasting was canceled without notifying the community (i.e. for inclement weather). Two recent examples are January 23rd and 26th. These are days I could have worked from home and/or left my dogs home, but not having known, I didn't dare, and instead had to make other arrangements.

Additionally, the emails sent by the blasting company to the select abutters who receive them are not accurate with respect to the timing of the blasts. For example, on January 19th, which is one of the days I waited at home to experience a blast without the dogs, the email notified the community the first blast would be at 9am, but it did not happen until approximately 9:40am, and it occurred without me being able to hear ANY warning sirens. This further traumatizes the community, as people who have no choice but to be home during the blasting can't even appropriately plan accordingly to minimize the disruptions and harmful impacts.

It is for these reasons that I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

I have standing. This appeal is timely, legal, and a reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal. This project is causing irreparable harm.

Sincerely,

Alicia Menard
146 Maine Ave.
Portland, ME 04103
207-712-9148

Fwd: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

1 message

Jonathan Sullivan <jsullivan@portlandmaine.gov> Mon, Jan 30, 2023 at 1:40 PM
To: Christine Grimando <cdg@portlandmaine.gov>

---------- Forwarded message ---------
From: Kaitlin O'Connor Gee <kaitlinmgee@gmail.com>
Date: Monday, January 30, 2023 at 7:29:11 AM UTC-5
Subject: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022
To: azarro@portlandmaine.gov <azarro@portlandmaine.gov>, zoning@portlandmaine.gov <zoning@portlandmaine.gov>

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

· I have standing.

· This appeal is timely, legal, and a reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.

· This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

My husband and I work from home full time and the non-consistent horns for blasting feels unacceptable. It is very distracting and causes interruption to calls/meetings.

We have a new 4 month old puppy and it causes anxiety and distress to him.

We have very young children and are fearful of the blasts when they are home and again cause disruption in our home.

Dishes have fallen off the drying rack from blasts constantly.

Additional:

As an avid runner/walker I have almost been hit on Ray street as a pedestrian but also driving on Ray to get to my home on Florida Ave; trucks or equipment are not easy to see, and could cause an accident either with pedestrians or other vehicles.

It feels worrisome to see Unitil constantly driving up and down the street, and fear the issues this could be causing to natural gas lines and to our home.

Communication and details around this entire project have been lacking, hence why the timing of now responding. I could not even find plans on the website and having to navigate where to find information about this project and site plan was a challenge as a regular citizen.

Sincerely,

Kaitlin Gee

Fwd: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

1 message

Jonathan Sullivan <jsullivan@portlandmaine.gov>
To: Christine Grimando <cdg@portlandmaine.gov>

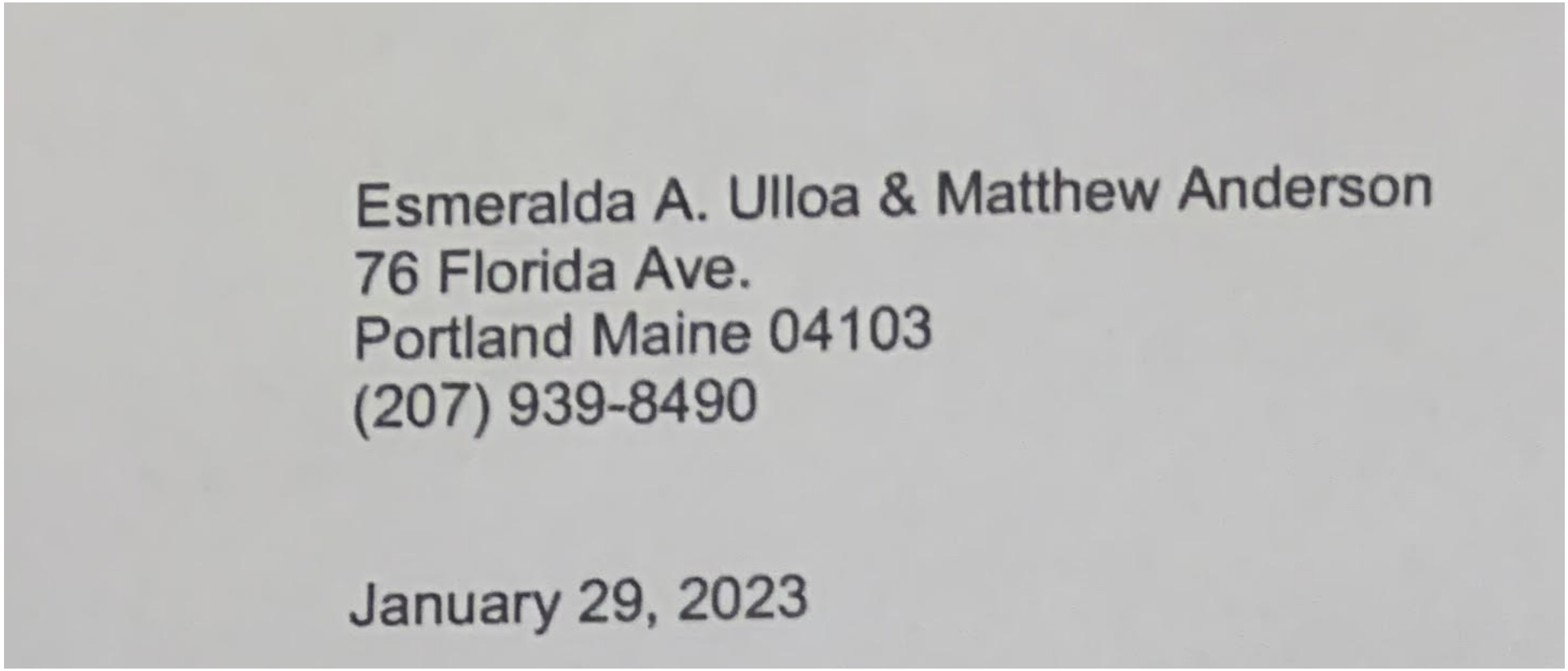
---------- Forwarded message ---------
From: Esmeralda Ulloa <ulloa.esmeralda@gmail.com>
Date: Sunday, January 29, 2023 at 8:53:33 PM UTC-5
Subject: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022
To: zoning@portlandmaine.gov <zoning@portlandmaine.gov>
Cc: azarro@portlandmaine.gov <azarro@portlandmaine.gov>

See attached for signed letter from residents of 76 Florida Ave, Portland, 04103.

Thank you for your attention in this matter,

Esmeralda A. Ulloa and Matthew Anderson

****



City of Portland, Permitting and Inspection De
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting perm
to 368 Ray Street Portland, ME 04103 on12/3

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City
permit FIRE2022-01299, issued by the Fire Pr
04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and

Portland, homeowner and abutter to fi

- This project is causing irreparab

I am hereby requesting a hearing on the appe

The blasting has been immensely disruptive t

Our house is less than a hundred yards from t
house shake, and the sound is INTENSE. Wh
blast sounds are unpredictable and extremely
shaking are EXTREMELY distressing to our p
cannot comprehend what is happening. A few
corner ceiling of our master bedroom. We are
impacting our foundation because there is so
blasting.

It causes my family distress to feel so helpless

through our very windows. Our son Adán (age
I felt hollow, like a piece of my childhood had
running away from the place they once called
As parents, it causes us distress (guilt, shame
our son make sense of the destruction he has

This construction has been so much more dis
We did not express our concerns sooner beca
(we were not informed of the blasting beforeh

Sincerely,

Esmeralda A. Ulloa & Matthew Anderson



Esmeralda A. Ulloa & Matthew Anderson

76 Florida Ave.

Portland Maine 04103

(207) 939-8490

January 29, 2023

City of Portland, Permitting and Inspection Department

389 Congress Street

Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

The blasting has been immensely disruptive to our lives in the following ways:

Our house is less than a hundred yards from the blasting. The blasting makes our WHOLE house shake, and the sound is INTENSE. When I hold work meetings from home on zoom, the blast sounds are unpredictable and extremely disruptive to my wo
stressed out about how the blasting is impacting our foundation because there is so much bedrock between our home and the blasting.

It causes my family distress to feel so helpless at seeing so many animals' habitat destroyed through our very windows. Our son Adán (age 13) says, "I cried the day the trees got torn down. I felt hollow, like a piece of my childhood had been cut away. I
witness every day.

This construction has been so much more distressing and disruptive than we initially imagined. We did not express our concerns sooner because it has taken time to overcome the initial shock (we were not informed of the blasting beforehand), and it has

Sincerely,

Esmeralda A. Ulloa & Matthew Anderson

Fwd: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

1 message

Jonathan Sullivan <jsullivan@portlandmaine.gov> Mon, Jan 30, 2023 at 1:53 PM
To: Christine Grimando <cdg@portlandmaine.gov>

---------- Forwarded message ---------
From: Beth <beth@portlandlegal.net>
Date: Monday, January 30, 2023 at 11:23:28 AM UTC-5
Subject: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022
To: zoning@portlandmaine.gov <zoning@portlandmaine.gov>, azarro@portlandmaine.gov <azarro@portlandmaine.gov>

FYI

Beth A. Webster

47 Florida Avenue

Portland, ME 04103

January 30.pdf
34K

Fwd: Appeal Letter: blasting permit FIRE2022-01299

1 message

Dena Libner <dlibner@portlandmaine.gov> Thu, Jan 26, 2023 at 8:53 AM
To: Christine Grimando <cdg@portlandmaine.gov>

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
(207) 756-8288
dlibner@portlandmaine.gov
Pronouns: she/her

city manager's office

---------- Forwarded message ---------
From: **Andrew Zarro** <azarro@portlandmaine.gov>
Date: Wed, Jan 25, 2023 at 1:34 PM
Subject: Re: Appeal Letter: blasting permit FIRE2022-01299
To: Michaela Veillette <michveillette@gmail.com>, Dena Libner <dlibner@portlandmaine.gov>
Cc: <zoning@portlandmaine.gov>

Hi Michaela,

Thanks for your email. I have cc'd the City Manager's office on your behalf.

Best,

Andrew

Andrew J. Zarro, MPA *(he/him/his)*
City Councilor, District 4
City of Portland
389 Congress Street
Portland, ME 04101
(207) 200-3467 - (**this number does not receive text messages)**
azarro@portlandmaine.gov
@andrewzarro

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 email could be released to the public and/or the media if requested.

On Wed, Jan 25, 2023 at 11:57 AM Michaela Veillette <michveillette@gmail.com> wrote:

> Michaela Crawford
> 72 Florida Ave

Portland Maine 04103
(207) 405-8650

January 24, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

It's hard to put into words the effect the blasting has had on our family, but I will do my best:

For two years, leading up to the beginning of this construction, we did our best to imagine what this scenario would be like and can honestly say we had underplayed it tremendously in our minds.

First off, I can honestly say that the only day in which I heard the warning sirens was last Thursday, January 19th. This day, the workers were blasting directly behind our property (where the parking lot is proposed). It wasn't until after this date that I was even made aware of who to address my concerns to.

I am not home most mornings, and up until last Thursday, I had not experienced anything quite like this. It felt as if a meteor had hit our house; not that a meteor had hit our yard, or street, or neighbors house, but that it had directly stuck us.

I have an almost 3 year old australian shepherd, and up until these blastings, I've never seen her scared of anything; not thunder, fireworks, large trucks, or loud sirens. It is her reaction that is prompting this letter - After the blast went off, my dog shrieked in fear and darted for shelter, that's when I noticed she was convulsively shaking. At first I thought she was having a seizure. What makes me most upset is that I do not know how many times this happened when I was not there to console her. These blasts completely vibrate every part of my body, I cannot even imagine what it feels like for a 45 lb dog.

Since this instance, I have spoken with many neighbors who never even received notice of these blasts and who are experiencing the same hardships. At least I had some sense of comfort knowing where these quakes were coming from - why were they not notified? Living in a residential zone, these are not the kinds of things we should have to worry about.

Sincerely,

Michaela

Fwd: Blasting - Fall Brook Project

Dena Libner <dlibner@portlandmaine.gov> Thu, Jan 26, 2023 at 8:53 AM
To: Christine Grimando <cdg@portlandmaine.gov>

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
(207) 756-8288
dlibner@portlandmaine.gov
Pronouns: she/her

city manager's office

---------- Forwarded message ---------
From: **Andrew Zarro** <azarro@portlandmaine.gov>
Date: Wed, Jan 25, 2023 at 10:59 AM
Subject: Re: Blasting - Fall Brook Project
To: Emily Cashman <egcashman1@gmail.com>, Dena Libner <dlibner@portlandmaine.gov>
Cc: <zoning@portlandmaine.gov>

Hi Emily,

Thank you for your email. I am cc'ing the City Manager's office on your behalf.

Best,

Andrew

Andrew J. Zarro, MPA *(he/him/his)*
City Councilor, District 4
City of Portland
389 Congress Street
Portland, ME 04101
(207) 200-3467 - (**this number does not receive text messages)**
azarro@portlandmaine.gov
@andrewzarro

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On Wed, Jan 25, 2023 at 10:57 AM Emily Cashman <egcashman1@gmail.com> wrote:

> Dear Chair and Zoning Board of Appeals,
> I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on

12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

The blasting has been immensely disruptive to our lives in the following ways

- I work remotely 2 days a week. My job requires me to hold calls with clients on a regular basis. The blasting has been disruptive and distracting during these meetings
- Children's sleep schedules. I have two young boys (1 year, and 2.5 years). The blasting has caused panic and disrupted napping patterns on multiple occasions. This in turn leads to disrupted sleep at night for the entire family.
- Our family dog (a lab mix) is traumatized. She shakes with stress and hides in a corner of the basement following blasts for hours. She has not been eating regularly and has thrown up because of the stress numerous times. I went to my office and forgot to open the basement door one morning, I returned to find her cowering under pillows in our bed (which she is NOT allowed in) in her own vomit. She is a rescue dog, and has clearly been triggered by the blasting.
- The blasting causes the entire house to shake, including windows. We have had pictures fall off of the walls and shatter. A figurine given to me by my Mother-in-Law celebrating the birth of our first child fell and broke.
- We are unable to go outside and play because the blasting scares my children. A child should not be afraid to play in their own backyard.
- The blasting does NOT follow the outlined schedule - it is unacceptable.

We purchased our home in March of 2020 and were unaware of the project when we moved in. Upon moving in, we learned that there was a plan already in motion. In my review of the materials, I did not understand the INVASIVE nature of this project. Specifically, the fear and stress that it would cause my family.

In addition, the woods have been cleared and the wetland is being displaced. Where will that water go? We demand a solution to be paid for by Fallbrook to remove this water from our property.

We absolutely would not have purchased this home had we known the immense stress, property damage, and decreased home value that was to follow as a DIRECT result of this project. We thought we had found our forever home with a beautiful, private backyard in a wonderful, family-oriented neighborhood. The reality is, our children are afraid, our dog is traumatized, and we will have a building and parking lot in our backyard.

Sincerely,
Emily Cashman

egcashman1@gmail.com
336 Ray St Portland, ME 04103
207-939-7153

Courtney Holub
38 Florida Avenue
Portland Maine 04103
603-732-7721

January 27, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner, and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting on this project began without notice to myself and other abutters along Florida Avenue. This is disruptive to our days, extremely loud, and shakes our entire home. On days my infant is home from daycare the blasts upset him. My understanding was they should be using warning whistles. However, no such whistle was ever heard until last week; coincidently when neighbors became more vocal about the nuisance.

As previously stated, this project is destroying the habitat of local wildlife and encroaching on important wetlands. In an email on April 4, 2022 I expressed my concerns over the Fallbrook Development to Councilor Andrew Zarro. From that email: "I'm reaching out tonight as it came to my attention that there is another opportunity to pause the proposed Fallbrook Development. We have such a beautiful wildlife presence in the woods and wetland in the neighborhood I hate the thought of them being displaced. From what I understand this is being proposed to replace St Joseph's. I wish we could put these resources to renovating the existing structure instead of getting rid of some of Portland's green spaces. I know other neighbors share these thoughts and I hope you're able to share our concerns and wishes with Christine Grimaldi and the Portland Planning

Department." I was issued no response, no doubt other efforts of expressed concerns of neighbors went unanswered.

At the time there was an opportunity to pause the project. I was in favor of doing so as the site plan was unclear and I had fear about how the project would impact our green spaces and the animals that live there. Finding the plans online has and continues to be extremely challenging. Now our forest has been cut down and this development continues without communication to those most affected.

Sincerely,

Courtney Holub

Fwd: Blasting Appeal

1 message

Jonathan Sullivan <jsullivan@portlandmaine.gov> Mon, Jan 30, 2023 at 1:33 PM
To: Christine Grimando <cdg@portlandmaine.gov>

---------- Forwarded message ---------
From: Zoning <zoning@portlandmaine.gov>
Date: Monday, January 30, 2023 at 1:33:13 PM UTC-5
Subject: Re: Blasting Appeal
To: Zoning <zoning@portlandmaine.gov>
Cc: D Shea <drgfly88@gmail.com>, Andrew Zarro <azarro@portlandmaine.gov>

Hi Diane,

Thank you for reaching out to the Zoning Team. Appeals of the blasting permit, FIRE2022-01299, are being handled by the Planning Department. I've forwarded your message to the Director of Planning, Christine Grimando.

Thanks,
Jonathan

On Sunday, January 29, 2023 at 4:57:26 PM UTC-5 D Shea wrote:
Please let me know if you have any questions.

Diane Shea

Fwd: Blasting permit appeal - Florida Ave, Portland

1 message

Jonathan Sullivan <jsullivan@portlandmaine.gov> Mon, Jan 30, 2023 at 2:02 PM
To: Christine Grimando <cdg@portlandmaine.gov>

---------- Forwarded message ---------
From: Sabrina Christian <schristian026@gmail.com>
Date: Monday, January 30, 2023 at 12:10:24 PM UTC-5
Subject: Blasting permit appeal - Florida Ave, Portland
To: azarro@portlandmaine.gov <azarro@portlandmaine.gov>, zoning@portlandmaine.gov <zoning@portlandmaine.gov>

January 30, 2023

City of Portland, Permitting and Inspection Department

389 Congress Street

Portland, Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 110 Florida Ave, Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 110 Florida Ave, Portland, ME 04103 on 12/30/2022.

· I have standing.

· This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.

· This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

When the blasting notices were received at the end of 2022, I was incredibly dismayed and apprehensive about this process. I quickly made an appointment to have my interior and exterior inspected so that if any harm came to my house, everything would be documented as needed. Now that the blasting has begun and continued for the past few weeks, I would like to include my comments and experience here (it has been as bad, if not worse, than I expected initially). The blasting (as well as other constant loud general construction noises) have become a significant disruption, inconvenience, and ongoing cause of stress for members of my household. Myself and my significant other both work from home every day and the relentless, continuous noise from construction vehicles as well as the repeated warning horns and blasting noise and house shaking are incredibly distracting and negatively impact our ability to work and hold uninterrupted

meetings throughout the day. From where my home office is set up, I can hear the constant noise right in my backyard and the random blasting and house shaking at various points every day make this issue even worse. Furthermore, our two pets (cat and dog) become incredibly agitated and anxious every time they hear the blasting horns and actual blasting, therefore additional time is spent multiple times a day trying to keep them calm and happy, upsetting all involved. This is causing stress for all members of the household. Furthermore, I did not receive any communication from the blasting company as to how long this would go on for: days, weeks, months? Having no known/planned end in sight or even knowledge of the day to day schedule is also very concerning, stressful, and upsetting. All of these above-stated negative impacts these past few weeks from blasting and all other construction have contributed to my desire to submit a letter at this time as I did not realize this would be such an ongoing and disruptive process. All in all, the communication surrounding this construction project as far as timing, impacts, what to expect, etc has been very confusing and difficult to plan for and understand fully as a normal citizen. I am concerned for my own household as well as my neighbors who have had no choice but to deal with these incredibly negative impacts on our houses, neighborhood, and quality of life in general. Thank you for reading.

Sincerely,

Sabrina Christian

Fwd: FallBrook Woods Development

1 message

Dena Libner <dlibner@portlandmaine.gov> Thu, Jan 26, 2023 at 8:52 AM
To: Christine Grimando <cdg@portlandmaine.gov>

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
(207) 756-8288
dlibner@portlandmaine.gov
Pronouns: she/her

city manager's office

---------- Forwarded message ---------
From: **Andrew Zarro** <azarro@portlandmaine.gov>
Date: Wed, Jan 25, 2023 at 11:00 AM
Subject: Re: FallBrook Woods Development
To: Sarah Paradis <sarah@strategicmediainc.com>, Dena Libner <dlibner@portlandmaine.gov>
Cc: zoning@portlandmaine.gov <zoning@portlandmaine.gov>, wparadis1@maine.rr.com <wparadis1@maine.rr.com>

Hi Sarah,

Thank you for your email. I am cc'ing the City Manager's office on your behalf.

Best,

Andrew

Andrew J. Zarro, MPA *(he/him/his)*
City Councilor, District 4
City of Portland
389 Congress Street
Portland, ME 04101
(207) 200-3467 - (**this number does not receive text messages)**
azarro@portlandmaine.gov
@andrewzarro

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On Wed, Jan 25, 2023 at 10:28 AM Sarah Paradis <sarah@strategicmediainc.com> wrote:

> Sarah & Bill Paradis

355 Ray Street

Portland Maine 04103

207-650-8548

January 25, 2023

City of Portland, Permitting and Inspection Department

389 Congress Street

Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

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I am hereby requesting a hearing on the appeal.

Blasting:

Our experience has been stressful and invasive. Our dogs are experiencing lack of bowel movements, constant shaking, barking and pacing when construction is going on (let alone when the blasting happens). Our privacy has been disturbed since the workers often arrive before 7 AM and park on Nevada, directly above our patio that the kitchen/backdoor look out onto. They smoke in their cars and speak to each other in loud voices like no one else is around. My husband works from home and is distracted constantly by the work being done, the trucks coming and going, the dogs barking…it has been a huge inconvenience and change in his daily routine.

This is reasonable for a common citizen since we did not realize that our privacy, our daily routines, our dogs and the overall atmosphere of our neighborhood would change as much as it has. And we are devastated that this is only the beginning. Even after the blasting and initial construction is done. Our home will never be the same. Directly across the street will now become an entry way for service vehicles as well as the public who will be accessing the new building. Our teenage son is always on the front lawn playing different sports and will now be discouraged due to the (what we expect to be) a high traffic area. We have not received or been able to research the info/plans for this. Seeing the mass amounts of trees being cut down and land demolished is very sad to watch. There aren't many of these

areas left in Portland (which is the appeal of our neighborhood). We are not happy with how this has continued to worsen our living situation in a place we were so happy to be.

Sincerely,

Sarah C. Paradis

Media Researcher

Strategic Media, Inc. | **Direct & Brand Response Radio Experts**

Direct: (207) 553-1468



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Fwd: Fallbrook Woods Development

1 message

Dena Libner <dlibner@portlandmaine.gov> Fri, Jan 27, 2023 at 10:27 AM
To: Christine Grimando <cdg@portlandmaine.gov>

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
(207) 756-8288
dlibner@portlandmaine.gov
Pronouns: she/her

city manager's office

---------- Forwarded message ---------
From: **Courtney Holub** <ms.cmckenna@gmail.com>
Date: Fri, Jan 27, 2023 at 9:28 AM
Subject: Re: Fallbrook Woods Development
To: Dena Libner <dlibner@portlandmaine.gov>
Cc: <azarro@portlandmaine.gov>, <citymanager@portlandmaine.gov>, <zoning@portlandmaine.gov>

Thank you Dena for your response.

I'd like to see the map of the mandatory notification radius the City is using and clarification on the radius- is it 250ft or 600ft? I had seen 250ft in the blasting permit, but there seems to be thought this is actually 600ft. Please advise.

Additionally, I've included a letter here for the Chair and Zoning Board of Appeals. The text is below and a pdf is attached.

Thank you,
Courtney

Courtney Holub
38 Florida Avenue
Portland Maine 04103
603-732-7721

January 27, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner, and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting on this project began without notice to myself and other abutters along Florida Avenue. This is disruptive to our days, extremely loud, and shakes our entire home. On days my infant is home from daycare the blasts upset him. My understanding was they should be using warning whistles. However, no such whistle was ever heard until last week; coincidently when neighbors became more vocal about the nuisance.

As previously stated, this project is destroying the habitat of local wildlife and encroaching on important wetlands. In an email on April 4, 2022 I expressed my concerns over the Fallbrook Development to Councilor Andrew Zarro. From that email: "I'm reaching out tonight as it came to my attention that there is another opportunity to pause the proposed Fallbrook Development. We have such a beautiful wildlife presence in the woods and wetland in the neighborhood I hate the thought of them being displaced. From what I understand this is being proposed to replace St Joseph's. I wish we could put these resources to renovating the existing structure instead of getting rid of some of Portland's green spaces. I know other neighbors share these thoughts and I hope you're able to share our concerns and wishes with Christine Grimaldi and the Portland Planning Department." I was issued no response, and no doubt other efforts of expressed concerns of neighbors went unanswered and perhaps unrecorded. This is unfortunate, and I believe we are warranted a clear response and opportunity to be heard.

At the time there was an opportunity to pause the project. I was in favor of doing so as the site plan was unclear and I had fear about how the project would impact our green spaces and the animals that live there. Finding the plans online has been, and continues to be, extremely challenging. Now our forest has been cut down and this development continues without communication to those most affected.

Sincerely,

Courtney Holub

On Tue, Jan 24, 2023 at 12:41 PM Dena Libner <dlibner@portlandmaine.gov> wrote:

> Thanks very much.
>
> I'm sorry to tell you that your home is just outside the mandatory notification radius, as determined by City ordinance.
>
> Before the latest snow storms, our understanding was that the contractor was planning for operations to wrap up early next week. The storms might have changed their timeline a bit, but I hope that information helps to give a sense of timing.
>
> Please let me know if there's any additional information I can provide.
>
> Best,
> Dena
>
> Dena Libner, MPA
> Chief of Staff
> City of Portland
> 389 Congress Street
> Portland, Maine 04101

dlibner@portlandmaine.gov
Pronouns: she/her



On Tue, Jan 24, 2023 at 10:40 AM Courtney Holub <ms.cmckenna@gmail.com> wrote:

> Hi Dena,
>
> My address is 38 Florida Ave, Portland, ME 04103. We did not receive a letter by certified mail.
>
> Thank you,
> Courtney
>
> On Tue, Jan 24, 2023 at 10:09 AM Dena Libner <dlibner@portlandmaine.gov> wrote:
>
> > Hi Courtney,
> >
> > Thank you for your email. Could you please provide your address so we can confirm whether you are an abutter (as defined in City Code), and whether a letter was sent to your address by certified mail?
> >
> > Thank you,
> > Dena
> >
> > Dena Libner, MPA
> > Chief of Staff
> > City of Portland
> > 389 Congress Street
> > Portland, Maine 04101
> > dlibner@portlandmaine.gov
> > Pronouns: she/her
> >
> > 
> >
> >
> > On Tue, Jan 24, 2023 at 10:00 AM Courtney Holub <ms.cmckenna@gmail.com> wrote:
> >
> > > Good morning,
> > >
> > > My name is Courtney Holub. My address is 38 Florida Avenue; I am in the blasting area of the Fallbrook Woods Development. I am writing to provide testimony:
> > >
> > > I was supposed to be permitted a notice and survey regarding the blasting as part of this development. We received neither a notice nor a survey about this, and given our location within the 600-foot radius of blasting; we should have. I'd like to file a formal complaint about this.
> > >
> > > Blasting on this project began without any notice to myself or other abutters along Florida Avenue. This was disruptive to our days, loud, and shaking our entire home. My understanding has been they should be using warning whistles. However, no such whistle was ever heard until last week; coincidently when neighbors became more vocal about the nuisance.
> > >
> > > As previously stated, this project is destroying the habitat of local wildlife and approaching important wetlands.
> > >
> > > Thank you,
> > > Courtney
> > >
> > > --
> > > Courtney Holub

she / her
603.732.7721

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.

--
Courtney Holub
she / her
603.732.7721

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.

--
Courtney Holub
she / her
603.732.7721


CH_Appeal Letter.pdf
84K

Fwd: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

1 message

Jonathan Sullivan <jsullivan@portlandmaine.gov> Tue, Jan 31, 2023 at 9:50 AM
To: Christine Grimando <cdg@portlandmaine.gov>

---------- Forwarded message ---------
From: Chester Hojnicki <12hojnickic@gmail.com>
Date: Monday, January 30, 2023 at 2:07:51 PM UTC-5
Subject: RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022
To: azarro@portlandmaine.gov <azarro@portlandmaine.gov>, zoning@portlandmaine.gov <zoning@portlandmaine.gov>

Chester Hojnicki

65 Florida Ave

Portland, ME 04103.

1/30/2023

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

· I have standing.

· This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.

· This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

The blasting has now gone on for well over a month. Not only has the blasting been immensely distracting for my job (I work from home 3 days a week), but it has also had a significant impact on our dog's health. We start to shake violently, and will start to cry as soon as he hears the sirens from the blasting zone (across the street from our house). He also also wet himself on at least one occasion after a large blast.

There was no communication on how long the blasting would be going on for, and we feel that was likely done on purpose. I am now responding because it is clear that the builders are not being forthcoming with plans, and I fear that if I do not speak up , the plans and promises that were made for the remainder of the project will not be kept. We hope that you will consider the remainder of the project, and the impact that it has on our community.

Sincerely,

Chester Hojnicki

Courtney Holub
38 Florida Avenue
Portland Maine 04103
603-732-7721

January 27, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner, and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting on this project began without notice to myself and other abutters along Florida Avenue. This is disruptive to our days, extremely loud, and shakes our entire home. On days my infant is home from daycare the blasts upset him. My understanding was they should be using warning whistles. However, no such whistle was ever heard until last week; coincidently when neighbors became more vocal about the nuisance.

As previously stated, this project is destroying the habitat of local wildlife and encroaching on important wetlands. In an email on April 4, 2022 I expressed my concerns over the Fallbrook Development to Councilor Andrew Zarro. From that email: "I'm reaching out tonight as it came to my attention that there is another opportunity to pause the proposed Fallbrook Development. We have such a beautiful wildlife presence in the woods and wetland in the neighborhood I hate the thought of them being displaced. From what I understand this is being proposed to replace St Joseph's. I wish we could put these resources to renovating the existing structure instead of getting rid of some of Portland's green spaces. I know other neighbors share these thoughts and I hope you're able to share our concerns and wishes with Christine Grimaldi and the Portland Planning

Department." I was issued no response, no doubt other efforts of expressed concerns of neighbors went unanswered.

At the time there was an opportunity to pause the project. I was in favor of doing so as the site plan was unclear and I had fear about how the project would impact our green spaces and the animals that live there. Finding the plans online has and continues to be extremely challenging. Now our forest has been cut down and this development continues without communication to those most affected.

Sincerely,

Courtney Holub

January 30, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland, Maine 04101

RE: Administrative appeal to the blasting permit **FIRE2022-01299** issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME04103 on 12/30/2022.

- I have standing.

- This appeal is timely, legal, and a reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.

- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

I am in the blast area, therefore an abutter. However, I have received NONE of the other notices regarding blasting. I didn't get the door hanger or the mailing that went out and no one came to my house to do any sort of inspection. I contacted the fire department and received a phone call in return telling me that my home is more than 600 feet away from the blasting; however, the house next door had the inspection, got the Notices, etc. I later found out that I am in the blasting area and that, according to the City website, a Notice was mailed to my old address (my post office box that was closed approximately a year ago). In addition, other houses further away from the blasting site received Notice.

I have been at work during most the blasting, although I have had to change up a lot of things because of it. I now leaving soothing music for my pets to help try to cover up the sound of the blasting – or at least to calm them after it's over. I now go home at lunch to check on them – including my chickens and quail in the backyard. I have heard the blasting twice while home at lunch. The drilling itself is so loud at my house that when I went out to start my car one morning I thought, for a second, it was already running but it was really the drilling / machinery in the backyards of the houses across

the street. This whole thing is so tragic for our nice little neighborhood. The wildlife, including the family of hawks, the deer and other animals that have likely been killed or at least displaced is extremely upsetting. I realize that we live in the “City,” but I picked this neighborhood because it wasn’t very city-like. I now spend my days at work being distracted with worry about my pets at home during this blasting and my home being potentially damaged.



Beth A. Webster
47 Florida Avenue
Portland, ME 04103
Beth@PortlandLegal.net

Fwd: Blasting Complaint about Fallbrook Commonson 1/25/23

1 message

Dena Libner <dlibner@portlandmaine.gov> Thu, Jan 26, 2023 at 8:55 AM
To: Christine Grimando <cdg@portlandmaine.gov>

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
(207) 756-8288
dlibner@portlandmaine.gov
Pronouns: she/her

city manager's office

---------- Forwarded message ---------
From: **Jenirose Friedkin** <jenirosa@gmail.com>
Date: Wed, Jan 25, 2023 at 11:23 AM
Subject: Blasting Complaint about Fallbrook Commonson 1/25/23
To: <zoning@portlandmaine.gov>, Andrew Zarro <azarro@portlandmaine.gov>, <citymanager@portlandmaine.gov>, <rrodriguez@portlandmaine.gov>, <afournier@portlandmaine.gov>, <ksnyder@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>

Hello,
The neighborhood was notified by the blasting contractor, Drilling & Blasting Specialists, via email that blasts would be at 9 AM, 12 PM, and 2:30 PM on 1/25/23. The first blast actually occurred at 10:06 AM. It seriously shook the whole house and sent my poor dog running for cover. I know many neighbors are adjusting their whole schedules to get themselves and their animals out of the house and/ or paying for dog daycare because this is so traumatizing to the animals. It is also very tough on the humans. I don't always hear the warning sirens and I'm right next to the blasting as shown in the video taken from my living room. Others in the neighborhood have said they also cannot hear the siren and so want to be able rely on the blasting schedule sent out to some neighbors and forwarded to more neighbors.
Thank you,
Jenirose Friedkin

Sent from my iPad

Video.mov
735K

Fwd: Fallbrook woods blasting

2 messages

Dena Libner <dlibner@portlandmaine.gov> Thu, Jan 26, 2023 at 4:27 PM
To: Christine Grimando <cdg@portlandmaine.gov>

---------- Forwarded message ---------
From: **Suzie Tierney** <stierney59@gmail.com>
Date: Thu, Jan 26, 2023 at 4:20 PM
Subject: Fallbrook woods blasting
To: azarro@portlandmaine.gov <azarro@portlandmaine.gov>, <citymanager@portlandmaine.gov>, <zoning@portlandmaine.gov>

My name is Suzanne Tierney. My husband and I reside at 12 Fobes street. I am in the blast area, therefore an abutter. I provide this testimony for how it has affected us. We have heard the blasts since they began. The first time I actually thought it was an earthquake because the house and windows shook. The blasts have continued and each time the house shakes. A neighbor informed us of the blasting. I had a hard time believing that blasting would go on without a notification to residents or even a schedule for the blasting so that local residents would be aware
Please advise about this matter.
Suzie Tierney

--

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
(207) 756-8288
dlibner@portlandmaine.gov
Pronouns: she/her

city manager's office

Matthew Coldwell <mcoldwell@portlandmaine.gov> Fri, Jan 27, 2023 at 8:24 AM
To: Christine Grimando <cdg@portlandmaine.gov>

Good Morning,

From a conversation Ann had with Dena, I believe we are supposed to be forwarding blasting emails regarding this development to you. Please let me know if I should be handling these emails differently.

Thank you,

Mac
[Quoted text hidden]

Fwd: Fallbrook Woods Development Blasting

2 messages

Matthew Coldwell <mcoldwell@portlandmaine.gov> Fri, Jan 27, 2023 at 8:24 AM
To: Christine Grimando <cdg@portlandmaine.gov>

Good Morning,

From a conversation Ann had with Dena, I believe we are supposed to be forwarding blasting emails regarding this development to you. Please let me know if I should be handling these emails differently.

Thank you,

Mac

---------- Forwarded message ---------
From: Kaitlin Bennett <kaitlin_bennett@icloud.com>
Date: Thursday, January 26, 2023 at 5:04:15 PM UTC-5
Subject: Re: Fallbrook Woods Development Blasting
To: Dena Libner <dlibner@portlandmaine.gov>
Cc: azarro@portlandmaine.gov <azarro@portlandmaine.gov>, citymanager@portlandmaine.gov <citymanager@portlandmaine.gov>, zoning@portlandmaine.gov <zoning@portlandmaine.gov>, admin@dandbrock.com <admin@dandbrock.com>

Thank you for your quick response. I don't believe we're located within the 600-foot blasting area as we did not receive notification from the contractor prior to the activity starting, which is why I reached out. I'm afraid that homes outside of the 600-foot radius are being affected.

I have copied the contractor you listed below on this email.

Thank you,

Kaitlin Bennett

Sent from my iPhone

On Jan 26, 2023, at 12:47 PM, Dena Libner <dlibner@portlandmaine.gov> wrote:

Ms. Bennett,

Thank you for your email. If your property is located in the 600-foot blasting area (as defined in City Code), you should have received a notification letter from the contractor prior to the commencement of blasting activity, which offered you the option of participating in a pre-blast survey. This would have helped to create a record of the current conditions of your home, and facilitated an investigation into whether the activity caused any damage.

It is not uncommon for blasting activity to be felt by individuals in the area. If you require additional information, please contact the contractor at either admin@dandbrock.com or (207) 582-1391.

Best,
Dena

Dena Libner, MPA

Chief of Staff

City of Portland

389 Congress Street

Portland, Maine 04101

dlibner@portlandmaine.gov Pronouns: she/her

city manager's office

On Thu, Jan 26, 2023 at 12:11 PM 'Kaitlin Bennett' via City Manager <citymanager@portlandmaine.gov> wrote:
Hello,

My name is Kaitlin Bennett. My address is 8 White Birch Ln, Portland, Me. I am in the blast area, therefore an abutter. Yesterday afternoon around 2:00pm, I felt my home shake, which I have come to find was a result of blasting from the Fallbrook Woods development project. I'm not sure of how far these tremors are being felt, but am extremely worried that any shakes being felt will damage the foundation of my home. If this project is being felt by homeowners, our homes need to be inspected for damage and the cost needs to be covered by the city.

Thank you,

Kaitlin Bennett

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Christine Grimando <cdg@portlandmaine.gov> Fri, Jan 27, 2023 at 8:46 AM
To: Matthew Coldwell <mcoldwell@portlandmaine.gov>

Hi Matthew, yes, please forward them to me. Thank you.

Christine Grimando, AICP
Director
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
cdg@portlandmaine.gov
www.portlandmaine.gov
https://www.recodeportland.me

planning & urban development

[Quoted text hidden]

Fwd: Fallbrook Woods Development Blasting

1 message

Matthew Coldwell <mcoldwell@portlandmaine.gov> Fri, Jan 27, 2023 at 8:23 AM
To: Christine Grimando <cdg@portlandmaine.gov>

Good Morning,

From a conversation Ann had with Dena, I believe we are supposed to be forwarding blasting emails regarding this development to you. Please let me know if I should be handling these emails differently.

Thank you,

Mac

---------- Forwarded message ---------
From: Kaitlin Bennett <kaitlin_bennett@icloud.com>
Date: Thursday, January 26, 2023 at 12:11:03 PM UTC-5
Subject: Fallbrook Woods Development Blasting
To: azarro@portlandmaine.gov <azarro@portlandmaine.gov>, citymanager@portlandmaine.gov <citymanager@portlandmaine.gov>, zoning@portlandmaine.gov <zoning@portlandmaine.gov>

Hello,

My name is Kaitlin Bennett. My address is 8 White Birch Ln, Portland, Me. I am in the blast area, therefore an abutter. Yesterday afternoon around 2:00pm, I felt my home shake, which I have come to find was a result of blasting from the Fallbrook Woods development project. I'm not sure of how far these tremors are being felt, but am extremely worried that any shakes being felt will damage the foundation of my home. If this project is being felt by homeowners, our homes need to be inspected for damage and the cost needs to be covered by the city.

Thank you,

Kaitlin Bennett

Fwd: Fallbrook Woods Development

1 message

Dena Libner <dlibner@portlandmaine.gov> Thu, Jan 26, 2023 at 8:56 AM
To: Christine Grimando <cdg@portlandmaine.gov>

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
(207) 756-8288
dlibner@portlandmaine.gov
Pronouns: she/her

city manager's office

---------- Forwarded message ---------
From: **Caroline W** <cawhit13@gmail.com>
Date: Wed, Jan 25, 2023 at 10:13 AM
Subject: Fallbrook Woods Development
To: azarro@portlandmaine.gov <azarro@portlandmaine.gov>, <citymanager@portlandmaine.gov>, <zoning@portlandmaine.gov>

My name is Caroline Whitman, my address is 25 Florida Ave, Portland, ME. I am in the blast area, therefore an abutter. I demand to provide a testimony: For the last month the blasting has caused my house to shake and scared not only myself but my partner and my animals. It feels like there are mini earthquakes happening and there is no warning on when it'll happen, how frequently they'll happen or how intense it'll be. It is very frightening to be sitting in your living room or working in your office and have your whole house shake like your furnace just blew up. I would minimally like to know the blasting schedule and when they plan on being done.

Best Regards,
Caroline

Fwd: Feedback Fallbrook Woods Development

1 message

Dena Libner <dlibner@portlandmaine.gov> Thu, Jan 26, 2023 at 9:42 AM
To: Christine Grimando <cdg@portlandmaine.gov>

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
(207) 756-8288
dlibner@portlandmaine.gov
Pronouns: she/her

city manager's office

---------- Forwarded message ---------
From: **Jonathan Sullivan** <jsullivan@portlandmaine.gov>
Date: Wed, Jan 25, 2023 at 3:37 PM
Subject: Fwd: Feedback Fallbrook Woods Development
To: Dena Libner <dlibner@portlandmaine.gov>, Amy McNally <amcnally@portlandmaine.gov>, Ann Machado <amachado@portlandmaine.gov>

Based on Amy's email that any issues with the blasting permit are under the jurisdiction of the Planning Authority, this email should be part of the record for the future appeal. How would you like us to handle these messages when we receive them?
Thanks,
Jonathan

---------- Forwarded message ---------
From: Claire Taylor <clairebtaylor@hotmail.com>
Date: Wednesday, January 25, 2023 at 12:16:48 PM UTC-5
Subject: Feedback Fallbrook Woods Development
To: azarro@portlandmaine.gov <azarro@portlandmaine.gov>, citymanager@portlandmaine.gov <citymanager@portlandmaine.gov>, zoning@portlandmaine.gov <zoning@portlandmaine.gov>

Hello,

My name is Claire Taylor, I live at 271 Ray Street in Portland. Just down the road from the Fallbrook Woods Development (less than half a mile). I received notification regarding the blasts that would be taking place, nor have I heard any warning horns that are required to sound before the blast. The noise has been very disruptive and shakes my house to the point where I keep looking for damages.
Please note I plan to meet with a lawyer about how this has been handled.

Thanks,
Claire

Sent from my iPhone

Fwd: Fallbrook Nursing Home - Blasting permit FIRE2022-01299

1 message

Dena Libner <dlibner@portlandmaine.gov> Thu, Jan 26, 2023 at 8:54 AM
To: Christine Grimando <cdg@portlandmaine.gov>

Dena Libner, MPA
Chief of Staff
City of Portland
389 Congress Street
Portland, Maine 04101
(207) 756-8288
dlibner@portlandmaine.gov
Pronouns: she/her

city manager's office

---------- Forwarded message ---------
From: **Andrew Zarro** <azarro@portlandmaine.gov>
Date: Wed, Jan 25, 2023 at 11:13 AM
Subject: Re: Fallbrook Nursing Home - Blasting permit FIRE2022-01299
To: Beth <beth@portlandlegal.net>, Dena Libner <dlibner@portlandmaine.gov>
Cc: fireprevention@portlandmaine.gov <fireprevention@portlandmaine.gov>, zoning@portlandmaine.gov <zoning@portlandmaine.gov>

Hi Beth,

Thanks for your email. I have cc'd the City Manager's office to assist you with this.

Best,

Andrew

Andrew J. Zarro, MPA *(he/him/his)*
City Councilor, District 4
City of Portland
389 Congress Street
Portland, ME 04101
(207) 200-3467 - (**this number does not receive text messages)**
azarro@portlandmaine.gov
@andrewzarro

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On Wed, Jan 25, 2023 at 11:07 AM Beth <beth@portlandlegal.net> wrote:

In response to my email below, I received a call telling me that my house is outside the 600' requirement for notice of blasting.

Could you please explain **(in writing, not in a phone call)** how that can be possible.

I just compared the online form (Attachment - 60 Merrymeeting Dr. (PL-925-2019 Abutter Addresses Excel).xlsx Uploaded: 09/03/2020) to the addresses in my neighborhood.

FLORIDA AVENUE:

Comparing the City of Portland real property search to that same list, it looks as though #18, #21, #30, #47 (my house), #54, #58, #72, #96 are not on the list of people who received Notices.

I did not go through the list and match names to the City property list, but I did notice that the name and address for #50 (directly across the street from me) is Sue Harkins – Sue sold her house in November of 2020, so it's very likely the new owners did not get notice.

TEXAS STREET:

There are four houses on Texas Street - #5, #9, #12 and #15.

#5, #9, & #12 were on the abutter list, but #15 was not. #15 is directly beside my house.

#5 Texas Street is on the corner of Texas Street and Main Avenue – there is no way that house is closer to Fallbrook than my house or #15 Texas Street.

In addition, we were notified that the first blast today would be at 9 am; however, the warning notice wasn't heard until after 10 am.



Beth A. Webster

47 Florida Avenue

Portland, ME 04103

From: Beth
Sent: Tuesday, January 3, 2023 1:02 PM
To: fireprevention@portlandmaine.gov
Subject: Fallbrook Nursing Home - Blasting

Hi:

I own and live at 47 Florida Avenue, Portland. All my neighbors have been having pre-blasting inspections and getting notices regarding the building, etc. but I have not. My understanding is that I am not on the list (one of my neighbors asked because I had told her that I didn't get the door hanging notice). Can you please confirm for me that I am far enough away from the blasting so that I don't need that.

Thank you.



Beth A. Webster

47 Florida Avenue

Portland, ME 04103

Fwd: Fallbrook Woods Development

1 message

Jonathan Sullivan <jsullivan@portlandmaine.gov> Mon, Jan 30, 2023 at 1:41 PM
To: Christine Grimando <cdg@portlandmaine.gov>

---------- Forwarded message ---------
From: Mark Abdallah <markabda@gmail.com>
Date: Monday, January 30, 2023 at 8:08:06 AM UTC-5
Subject: Fallbrook Woods Development
To: zoning@portlandmaine.gov <zoning@portlandmaine.gov>

Hello,

My name is Mark Abdallah. My address is 15 Nevada Ave. I am in the project blast area and I would like to provide testimony: I can only imagine what the families directly abutting the construction zone are going through but the blasting has been disruptive to my household. The blasting has disturbed and tormented my once stable pets. My dog is now terrified to be home alone and can't easily settle when we are all home. She is now startled by everyday house sounds (washer and dryer, plumbing, closing doors etc). Anytime a blast occurs it shakes our entire home and our dog panics, shaking uncontrollably and frantically pacing around the house. This is all new and unusual behavior for our dog. Our two elderly cats seem less disturbed by the blasting but it still causes them stress. We were given an estimated start date for the blasting and we aren't sure when the first time occurred but we came home from work one day and our dog had panicked, she was at the door heavily panting, shaking and had torn up some things in the house. Again this is all very unusual behavior for her. We have since made arrangements to not leave her home alone on weekdays anymore. When we are home there is there is no way to know if or when a blast will happen. The warning signals are inadequate and can't be heard with windows closed, not sure if we'd be able to hear the signals in warmer months with windows open. Another of the more frustrating parts of this project is that we've never received a notice or message about how frequently and how many more days, weeks or more the blasting will continue. I've seen how much this project has effected my household and I'm not directly on a boundary with the property so I truly empathize with my neighbors who are closer to everything and have had their days, homes and families effected in many ways.

Thank you for your time,

Mark Abdallah

Fwd: Fallbrook Woods Development

1 message

Jonathan Sullivan <jsullivan@portlandmaine.gov> Mon, Jan 30, 2023 at 12:04 PM
To: Christine Grimando <cdg@portlandmaine.gov>

Hi Christine,

Zoning received the following comment regarding the blasting at 60 Merrymeeting Dr.

Thanks,
Jon

---------- Forwarded message ---------
From: Margaret Gilson <mandmgilson@gmail.com>
Date: Saturday, January 28, 2023 at 11:40:16 AM UTC-5
Subject: Fallbrook Woods Development
To: azarro@portlandmaine.gov <azarro@portlandmaine.gov>, citymanager@portlandmaine.gov <citymanager@portlandmaine.gov>, zoning@portlandmaine.gov <zoning@portlandmaine.gov>

My name is Margaret Gilson. My address is 8 Merrymeeting Drive, Portland, ME 04103. I am in the blast area, therefore an abutter.
Just wanted to say that the blasts, 2-3 per day, have not been annoying. It should be over shortly.
They have been hauling a lot of material away and I am pleased that they keep Ray street very clean.
I also commend them on the fact that they came to my condo several days in advance to personally warn us as to what was going on. They also mailed info to us in regards to the blasting.
Have no complaints.
Margaret Gilson

Joel McILwain
100 Florida Ave
Portland Maine 04103
207-415-3697

Date January 29, 2023

City of Portland, Permitting and Inspection Department
389 Congress Street
Portland Maine 04101

RE: Administrative appeal to the blasting permit FIRE2022-01299 issued to 368 Ray Street Portland, ME 04103 on 12/30/2022

Dear Chair and Zoning Board of Appeals,

I request an administrative appeal by the City of Portland Board of Appeals to the blasting permit FIRE2022-01299, issued by the Fire Prevention Bureau to 368 Ray Street Portland, ME 04103 on 12/30/2022.

- I have standing.
- This appeal is timely, legal, and reasonable amount of time for a citizen of Portland, homeowner and abutter to file an appeal.
- This project is causing irreparable harm.

I am hereby requesting a hearing on the appeal.

Blasting:

There was not a lot of information on the blasting. It all happened pretty quickly and the inspection service provided did not do a very thorough job of checking my property. Someone walked through quickly with a camera and most of are walls are covered with pictures, furniture, etc. Someone was supposed to check the foundation on the outside and I never saw or heard of anyone showing up to do that. When I told them we had a crawl space they said they would not be checking it, we have a four foot cement frost wall and I am not sure what the process will be if it gets damaged. The blasting shakes our entire house violently and the warning sirens are hard to hear if you are not listening attentively. The initial blasts have caused panic in the house with our small children. We have a 2 year old, 4 year old and are now fostering another 4 year old. I'm not sure why there was not more information about how something this disruptive would effect everyone in the surrounding area. I am extremely dissatisfied with the amount of time and services provided for doing a thorough inspection of my property before this started. I feel if there is damage to my house or if they cause water to be displaced onto my property there will be no recourse. Given the fact that this has the potential to severely devalue neighboring properties, the addition of possible damages to properties should be taken more seriously. If the process for this development is following the guidelines of city code there

should be revisions made to the code so this doesn't happen to other residents in the future. I was also disappointed with the wildlife habit findings. Living here I have seen an abundance of wildlife including deer, foxes, coyotes, owls and very large amount of other bird species. The report I read said findings only included the potential for bats in those woods, which not only came across as negligent, but as a precursor to how let down the people in this community would be by the handling of this project.

Sincerely,

Joel McILwain