

PLANNING BOARD

Tuesday, September 10, 2024 at 4:30 PM
Room 24 (Basement Level of City Hall)
and Zoom



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Justin Barker, Vice Chair
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AGENDA:

PUBLIC HEARING - 4:30 PM

1. **ROLL CALL AND DECLARATION OF QUORUM**
2. **COMMUNICATION AND REPORTS**
3. **REPORT OF ATTENDANCE AT THE MEETING HELD ON AUGUST 13, 2024**
4. **REPORTS OF DECISIONS AT THE MEETING HELD ON AUGUST 13, 2024**
5. **NEW BUSINESS**
 - i. Impact Fee Modification; 75 Northport Drive; Northport Investments, LLC, Applicant. The Planning Board will hold a hybrid public hearing to consider a request by Northport Investments, LLC to modify the applied transportation impact fee assessed for NXGen Fitness Center, a new 28,000 square foot gym, formerly in use as office space, that is in the process of being permitted at 75 Northport Drive. This modification is being requested under the substantially reduced demand criteria listed within the City of Portland Impact Fee Ordinance (Ch. 14, Article 16). Information regarding this request will be made available on the [City of Portland Agenda Center](#).
 - ii. Major Site Plan and Conditional Use; 482 Congress Street; Center Congress, LLC, Applicant. The Planning Board will hold a hybrid public hearing to consider a proposal for a change of use at 482 Congress Street, from commercial/office use to 39 residential units, including 10 workforce units. The subject property totals 24,156 square feet, is zoned B-3 Downtown Business, and is located within the Congress Street Historic District. A project and plan summary are available for viewing on the city's CSS Portal (<https://css.portlandmaine.gov/>) by referencing Plan Number PL-002949-2024.
 - iii. Major Site Plan; 985 Forest Avenue; AMK Investments, LLC, Applicant. The Planning Board will hold a hybrid public hearing to consider a proposal to legalize 18 existing residential units, located within an existing series of connected buildings located at 985 Forest Avenue. The subject property totals 1.38 acres, and is zoned B-2 Community Business. A project and plan summary are available for viewing on the city's CSS Portal (<https://css.portlandmaine.gov/>) by referencing Plan Number PL-002918-2024.
 - iv. Conditional Use; 245 Commercial Street; 245 Commercial, LLC, Applicant. The Planning Board will hold a hybrid public hearing to consider a conditional use application for hotel inclusionary zoning, submitted to facilitate a change of use at the property at 245 Commercial Street, from office use to a 50-room hotel. The subject is located within the B-3 Downtown Business zone, and is located within the Old Port Historic District. A project and plan summary are available for viewing on the city's CSS Portal (<https://css.portlandmaine.gov/>) by referencing Plan Number CU-002976-2024.

75 Northport Drive
Modification of Impact Fees Request
Chamberlain Homes, Applicant

Submitted to:	Portland Planning Board	Prepared By:	Natasha Kypfer
Public Hearing Date:	September 10, 2024	Date:	September 6, 2024



Figure 1: An aerial image of the existing conditions at the project site, from EagleView Connect.

I. INTRODUCTION

At the public hearing on September 10, 2024, the Planning Board will review a Modification of Impact Fees request presented by Sebago Technics, on behalf of current owners, Northport Investments, LLC, and future owners, Chamberlain Homes. This request proposes the reduction of applied transportation impact fees, assessed in accordance with the City's Impact Fee Ordinance (Chapter 14, Article 16), from \$188,468.50 to \$68,096.00. The project site, while presently vacant, was previously utilized as an L.L. Bean call center, and a change of use is proposed which would convert the former call center into a new 28,000 square foot commercial gym, NXGen Fitness Center.

On behalf of the Planning and Urban Development Department, a legal advertisement ran in the September 3, 2024 and the September 4, 2024 editions of the *Portland Press Herald*.

Owner: Northport Investments, LLC
Applicant: Chamberlain Homes - Elliot Chamberlain
Applicant's Representative: Sebago Technics - Kylie Mason and Jordan Gagnon, Esq.

II. REQUIRED REVIEWS

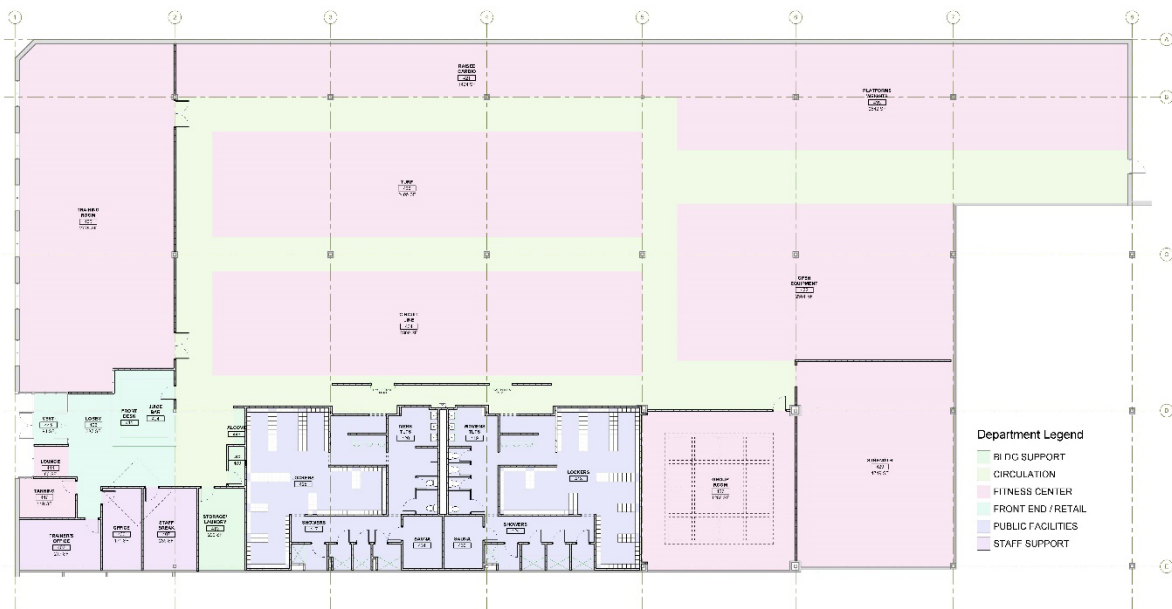
Review	Applicable Standards
Impact Fees	Section 16

III. PROJECT DATA

Existing Zoning	B-2, Community Business
Property Size	~27 Acres (Lot: 401 A005) Suite 75: ~73,000 square feet Proposed Gym: ~28,000 square feet
Existing Use	Vacant Office Building
Proposed Use	New Commercial Gym

IV. EXISTING CONDITIONS AND SURROUNDING AREA

The subject property is located within the Northport Business Park along Northport Drive, which stems off of Washington Avenue, a principal arterial roadway running through the North Deering neighborhood and features a mixture of residential and commercial uses. The Northport Business Park was built in 1972, according to City Assessing records. The site is proximate to Fall Brook and surrounded by a mixture of residential streets and other commercial businesses, including: Cumberland County Federal Credit Union, Maine Orthodontics, Dollar Tree, and Amato's Sandwich.



Harriman

NXGen - Northport, Portland
Demising Concepts

TENANT FIT-UP

11/07/23

Figure 2: The proposed layout of the commercial gym, provided by the applicant (Attachment E).

V. PROPOSED DEVELOPMENT

The change of use involves the redevelopment of a portion of condominium Unit 75 into a commercial gym, which would encompass a total of 28,000 square feet within the existing single-story condominium unit, which totals approximately 73,000 square feet space. The NXGen Fitness Center, whose original location is in Scarborough, Maine, anticipates opening the Portland branch in the autumn, pending building permit review and approval. The anticipated gym's layout is depicted in the attached floor plan (Attachment E) and includes areas for training, cardio, strength, and group fitness classes, as well as bathroom and shower facilities, staff offices, and a juice bar. The scope of the redevelopment is solely an interior fit-out, and no change to the exterior of the building or site is proposed.

VI. IMPACT FEE INVOICED TO PROJECT AND APPLICABLE ORDINANCE OVERVIEW

While the proposed development detailed herein does not trigger site plan review, it does require the submission and approval of a building permit through the City's Department of Permitting and Inspections. After the building permit was filed for this project, on February 15, 2024 (see BLDC2024-03689), the City subsequently issued the applicant an invoice which included a transportation impact fee in the amount of \$188,468.50. The assessed fee was calculated based on the City of Portland's 2024 Impact Fee Schedule (Attachment 1), and the item before you this evening is a result of the request by the applicant for a modification of the assessed transportation impact fee. The applicant states in their cover letter (Attachment A):

"Pursuant to Section 16 of the Land Use Code, the applicant requests the Planning Board review and modify the applied transportation impact fee. The applicant requests a modification on the grounds that the traffic impact fee for redevelopment of the existing 73,000 square foot building is a crippling impediment to development consistent with the nature and intention of the B-2 zone, and the trip generation for the proposed development does not equate to a typical retail/service land use."

The Impact Fee Ordinance, found in Chapter 14, Article 16 of the Land Use Code, specifically details modification of impact fees, which requires a formal vote by the Planning Board, within Section 16.5.2:

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 or other qualified professional 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.

VII. PROJECT SPECIFIC IMPACT FEE METHODOLOGY OVERVIEW

The Planning and Urban Development's third-party peer reviewer, Tom Errico, PE, the NE Traffic Engineering Director with TY Lin, has prepared a detailed memorandum (Attachment 2) outlining the recommendation and methodology utilized for calculating the modified transportation impact fee for the change of use from office to commercial gym. Errico utilizes industry standards and the most recent *Impact Fee Study* to determine the revised figure. Specifically, the 2018 *Impact Fee Study* prepared by TischlerBise for the City (Attachment 3) was used as a guide in review of the calculated traffic generation of daily person trips. On page 49 it states: "... the multimodal approach will calculate the daily person

trips generated by the varying development types in the study. To encompass the varying modes of travel used in Portland, the methodology includes persons per vehicle trip, transit trip, and non-motorized trips.”

The documentation provided by the applicant (Attachment C), prepared by Sebago Technics’ engineers Griffin Steinman, EI and Bradley Lyon, P.E., results in a daily trip generation calculation, wherein the proposed gym is estimated to generate 879 daily trips, while a similarly-sized retail space would be estimated to generate 1,525 daily trips. This analysis demonstrates that the proposed gym is likely to generate approximately 57.69% of the weekday traffic that a similarly sized retail space would likely generate. This analysis and methodology were found to be acceptable to the City’s third-party peer reviewer, Tom Errico, and is therefore the basis for Planning staff’s recommendation that the Planning Board consider and ultimately approve the modification request of the transportation impact fee for 75 Northport Drive from \$188,468.50 to \$68,096.00.

VIII. RIGHT, TITLE, AND INTEREST

The owners of the property, Northport Investments, LLC, have provided in conjunction with their building permit (BLDC2024-03689), a copy of the Quitclaim Deed with Covenant recorded with the Cumberland County Registry of Deeds (Document 43588 Book 40504 Page 65) on November 30, 2023, as evidence of right, title, and interest in the property which can be accessed through the City’s Citizen Self-Service Portal (CSS) at: https://selfservice.portlandmaine.gov/EnerGov_Prod/SelfService#/permit/9d14a2c7-58bc-4d16-ao46-04fc5ff26824 Further, as documented in their cover letter (Attachment A): “The applicant, Chamberlain Homes, has entered into a purchase and sales agreement to acquire Unit 75, a unit in the middle section of an existing building in the Northport Business Park for the development of a commercial gym and a use to be later determined.”

IX. PUBLIC COMMENT

At the time of the writing of this report, the Planning Department has received no public comment.

X. STAFF RECOMMENDATION

Subject to the proposed motions listed below, Planning Department staff finds that the application, a Modification of Impact Fees Request at 75 Northport Drive, seeking to request a reduction of the applied transportation impact fees meets the applicable standards of the City of Portland’s Impact Fee Ordinance (Chapter 14, Article 16), granting the reduction of \$188,468.50 to \$68,096.00.

XI. PROPOSED MOTIONS

A. IMPACT FEE MODIFICATION

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 September 10, 2024 for the Modification of Impact Fees Request for 75 Northport Drive relevant to the Impact Fee Ordinance (Chapter 14, Article 16) and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board [**finds/does not find**] the proposed impact fee modification request meets the standards of Chapter 14, Article 16, and grants the reduction of the applied transportation impact fees assessed from \$188,468.50 to \$68,096.00.

B. PLANNING BOARD DECISION

On the basis of the findings, conclusions, and recommendations contained in the Planning Board report for the public hearing on September 10, 2024 related to the Modification of Impact Fees Request for 75

Northport Drive, which is attached to the draft approval letter and incorporated therein, the Planning Board **[adopts/does not adopt]** the approval letter as drafted as the Planning Board's decision, and authorizes the Planning Board Chair to sign the approval letter as drafted.

XII. ATTACHMENTS

Staff Attachments

1. 2024 City of Portland Impact Fees Schedule
2. Traffic Impact Fee Methodology Memo from Tom Errico, PE – 9/5/2024
3. 2018 Impact Fee Study prepared by TischlerBise for Portland, Maine

Applicant Attachments

- A. Cover Letter
- B. Location Map
- C. Traffic Memorandum
- D. "Bill to" Information
- E. Proposed Layout

2024 CITY OF PORTLAND IMPACT FEES

	Unit of Measure	2024 Adjusted Impact Fee
PARKS & RECREATION		
Single-family/Two-family	per unit	\$ 1,399
Multi-family	per unit	\$ 934
Retail/Service	per 1,000 SF GFA	\$ 663
Office	per 1,000 SF GFA	\$ 841
Industrial	per 1,000 SF GFA	\$ 451
Institutional	per 1,000 SF GFA	\$ 801
Hotel	per room	\$ 1,087
TRANSPORTATION		
Single-family/Two-family	per unit	\$ 2,682
Multi-family	per unit	\$ 1,271
Retail/Service	per 1,000 SF GFA	\$ 10,247
Office	per 1,000 SF GFA	\$ 3,479
Industrial	per 1,000 SF GFA	\$ 1,404
Institutional	per 1,000 SF GFA	\$ 3,829
Hotel	per room	\$ 2,987
WASTEWATER (by meter size)		
5/8 in.		\$ 2,343
3/4 in.		\$ 3,515
1 in.		\$ 5,858
1 1/2 in.		\$ 11,716
2 in.		\$ 18,746
3 in.		\$ 37,491
6 in.		\$ 117,160
8 in.		\$ 187,456

Under the City of Portland Land Use Code, Section 16.4, "there shall be an automatic annual increase in the impact fee schedule reflected in [the land use code] 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."



September 5, 2024

Natasha Kypfer
Senior Planner
City of Portland

Subject: 75 Northport Drive – Traffic Impact Fee Methodology

Dear Natasha:

Per your request the following summarizes the suggested recommendation for estimating the impact fee for the 75 Northport Drive project.

28,000 SF Gym

ITE LUC 492 Health Fitness Club

Definition: A health/fitness club is a privately-owned facility that primarily focuses on individual fitness or training. It typically provides exercise classes, fitness equipment, a weight room, spa, lockers rooms, and a small restaurant or snack bar. This land use may also include ancillary facilities, such as a swimming pool, whirlpool, sauna, limited retail, and tennis, pickle ball, racquetball, or handball courts. These facilities are membership clubs that may allow access to the general public for a fee. Racquet/tennis club (Land Use 491), athletic club (Land Use 493), and recreational community center (Land Use 495) are related uses.

- AM Peak Hour of Generator – 1.40 trips/1K SF – 4 studies
- AM Peak Hour of Adjacent Street Traffic – 1.31 trips/1K SF - 6 studies
- PM Peak Hour of Generator – 3.92 trips/1K SF – 3 studies
- PM Peak Hour of Adjacent Street Traffic – 3.45 trips/1K SF – 8 studies
- Daily Trip Rate – Not Provided

ITE LUC 495 Recreation Community Center

Definition: A recreational community center is a stand-alone public facility similar to and including YMCAs. These facilities often include classes and clubs for adults and children, a day care or nursery school, meeting rooms and other social facilities, swimming pools and whirlpools, saunas, tennis, racquetball, handball, pickle ball, basketball and volleyball courts; outdoor athletic fields/courts, exercise classes, weightlifting and gymnastics equipment, locker rooms, and a restaurant or snack bar. Public access is typically allowed and a membership fee may be charged. Racquet/tennis club (Land Use 491), health/fitness club (Land Use 492), and athletic club (Land Use 493) are related land uses.

- AM Peak Hour of Generator – 1.85 trips/1K SF – 11 studies
- AM Peak Hour of Adjacent Street Traffic – 1.91 trips/1K SF – 12 studies

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75 Northport Drive

- PM Peak Hour of Generator – 2.53 trips/1K SF – 11 studies
- PM Peak Hour of Adjacent Street Traffic – 2.50 trips/1K SF – 15 studies
- Daily Trip Rate – 28.82 trips/1K SF – 4 studies

ITE LUC 493 Athletic Club

Limited studies and a Daily Rate is not provided.

ITE LUC 491 Racquet/Tennis Club

Limited studies.

Daily Volume Estimate

Method #1

LUC 492/LUC 495

- AM Peak Hour of Generator – $1.40/1.85 = 0.76$
- AM Peak Hour of Adjacent Street Traffic – $1.31/1.91 = 0.69$
- PM Peak Hour of Generator – $3.92/2.53 = 1.54$
- PM Peak Hour of Adjacent Street Traffic – $3.45/2.5 = 1.38$
- Average = 1.09
- Daily = $28.82 \text{ trips/1K SF} \times 1.09 = 31.41 \text{ trips/1K SF}$
- Daily Trips = $28,000/1,000 \times 31.41 = 879 \text{ trips}$

Method #2 (Proposed by applicant)

LUC 495

- 1 Data Site
- PM Peak hour % of Daily volume = 12.3% (5-6PM)
- $3.92/.123 = 31.87 \text{ trips/1K SF}$
- Daily Trips = $28,000/1000 \times 31.87 = 892 \text{ trips}$
- Comment: The peak hour in Portland typically occurs between 4:30 to 5:30. From 4-5PM the % of Daily volume is 7.2%
- $3.92/.072 = 54.44 \text{ trips/1K SF}$
- It is likely between these two. The average = $(54.44 + 31.87)/2 = 43.16 \text{ trips/ 1K SF}$
- Daily Trips = $28,000/1000 \times 43.16 = 1,208 \text{ trips}$

Recommendation:

Use Method #1

Suggested Daily Trips = 879 Trips

28,000 SF Office

LUC 710 General Office

- Weekday
- 59 studies
- Average Rate 10.84 trips / 1K SF
- Daily Trips = $28,000/1,000 \times 10.84 = 304$ trips
- Equation $\ln(T) = 0.87 \ln(X) + 3.05$
- Daily Trips = $0.87 \ln(28) + 3.05 = 384$ trips
- **Suggested Daily Trips = 384 trips.**

Impact Fee Estimate

Daily Trip Rates

Retail and Service

- LUC 820 Shopping Center (>150K) – Daily Rate = 37.01 trips
- LUC 821 Shopping Plaza 40-150k – Daily Rate = 94.49
- LUC 822 Strip Retail Plaza <40k – Daily Rate = 54.45 trips

Office

- LUC 710 General Office (per 2018 Study) – Daily Rate = 10.84 trips

Industrial

- LUC 140 Manufacturing (Per 2018 Study) – Daily Rate 4.75 trips

Hotel

- Independent Variable Room and therefore not included

Institutional

- LUC 610 Hospital (per 2018 Study) – Daily Rate = 10.77 trips

Impact Fees

- Retail = \$10,247
- Office = \$3,479
- Industrial = \$1,404
- Institutional = \$3,829

Gym Daily Rate = 31.41

Retail Average = 54.45

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Office = 10.84
Industrial = 4.75
Institutional = 10.77

Fee Estimate for Gym

- Retail = $31.41/54.45 \times \$10,247 = \$5,911$
- Office = $31.41/10.84 \times \$3,479 = \$10,081$
- Industrial = $31.41/4.75 \times \$1,404 = \$9,284$
- Institutional = $31.41/10.77 \times \$3,829 = \$11,167$
- Average = $\$9,111$

Options

Use either the retail based (\$5,911) or the average (\$9,111)

Suggested Impact Fee

Option #1

Gym = $28,000 / 1K \times \$5,911 = \$165,508$
Office Credit = $28,000/1K \times \$3,479 = \$97,412$
Impact Fee = $\$68,096$

Option #2

Gym = $28,000 / 1K \times \$9,111 = \$255,108$
Office Credit = $28,000/1K \times \$3,479 = \$97,412$
Impact Fee = $\$157,696$

Recommendation

Option #1

Gym = $28,000 / 1K \times \$5,911 = \$165,508$
Office Credit = $28,000/1K \times \$3,479 = \$97,412$
Impact Fee = $\$68,096$

Or as an Alternative, conduct traffic counts at an existing gym facility to determine actual rates with the methodology to be approved by the City.

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75 Northport Drive

Please contact me if you have any questions.

Best regards,

T.Y. LIN INTERNATIONAL

A handwritten signature in black ink that reads "Thomas A. Errico". The signature is written in a cursive style with a large, stylized "T" and "A".

Thomas A. Errico, PE
Senior Associate / NE Traffic Engineering Director



2018 Impact Fee Study

Prepared for:

City of Portland, Maine

October 19, 2018

Prepared by:

TischlerBise

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October, 2018

IMPACT FEE STUDY

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EXECUTIVE SUMMARY

Impact fees are one-time payments for new development's proportionate share of the capital cost of infrastructure. The following study addresses the City of Portland's Parks & Recreation, Transportation, and Wastewater facilities. Impact fees do have limitations and should not be regarded as the total solution for infrastructure funding. Rather, they are one component of a comprehensive funding strategy to ensure provision of adequate public facilities. Impact fees may only be used for capital improvements or debt service for growth-related infrastructure. They may not be used for operations, maintenance, replacement of infrastructure, or correcting existing deficiencies.

State of Maine Impact Fee Enabling Legislation

In 1987, impact fee enabling legislation was approved into Maine law when the Legislature enacted the Comprehensive Planning and Land Use Regulations Act of 1987. The statutory requirements for impact fees can be found in Title 30-A MRSA, Section 4354.

Additional Legal Guidelines

Both state and federal courts have recognized the imposition of impact fees on development as a legitimate form of land use regulation, provided the fees meet standards intended to protect against regulatory takings. Land use regulations, development exactions, and impact fees are subject to the Fifth Amendment prohibition on taking of private property for public use without just compensation. To comply with the Fifth Amendment, development regulations must be shown to substantially advance a legitimate governmental interest. In the case of impact fees, that interest is the protection of public health, safety, and welfare by ensuring development is not detrimental to the quality of essential public services. The means to this end are also important, requiring both procedural and substantive due process. The process followed to receive community input (i.e. stakeholder meetings, work sessions, and public hearings) provides opportunities for comments and refinements to the impact fees.

There is little federal case law specifically dealing with impact fees, although other rulings on other types of exactions (e.g., land dedication requirements) are relevant. In one of the most important exaction cases, the U. S. Supreme Court found that a government agency imposing exactions on development must demonstrate an "essential nexus" between the exaction and the interest being protected (see *Nollan v. California Coastal Commission*, 1987). In a more recent case (*Dolan v. City of Tigard*, OR, 1994), the Court ruled that an exaction also must be "roughly proportional" to the burden created by development.

There are three reasonable relationship requirements for impact fees that are closely related to "rational nexus" or "reasonable relationship" requirements enunciated by a number of state courts. Although the term "dual rational nexus" is often used to characterize the standard by which courts evaluate the validity of impact fees under the U.S. Constitution, TischlerBise prefers a more rigorous formulation that recognizes three elements: "need," "benefit," and "proportionality." The dual rational nexus test explicitly addresses only the first two, although proportionality is reasonably implied, and was specifically mentioned by the

U.S. Supreme Court in the Dolan case. Individual elements of the nexus standard are discussed further in the following paragraphs.

All new development in a community creates additional demands on some, or all, public facilities provided by local government. If the capacity of facilities is not increased to satisfy that additional demand, the quality or availability of public services for the entire community will deteriorate. Impact fees may be used to cover the cost of development-related facilities, but only to the extent that the need for facilities is a consequence of development that is subject to the fees. The Nollan decision reinforced the principle that development exactions may be used only to mitigate conditions created by the developments upon which they are imposed. That principle likely applies to impact fees. In this study, the impact of development on infrastructure needs is analyzed in terms of quantifiable relationships between various types of development and the demand for specific facilities, based on applicable level-of-service standards.

The requirement that exactions be proportional to the impacts of development was clearly stated by the U.S. Supreme Court in the Dolan case and is logically necessary to establish a proper nexus. Proportionality is established through the procedures used to identify development-related facility costs, and in the methods used to calculate impact fees for various types of facilities and categories of development. The demand for facilities is measured in terms of relevant and measurable attributes of development (e.g. persons per household).

A sufficient benefit relationship requires that impact fee revenues be segregated from other funds and expended only on the facilities for which the fees were charged. The calculation of impact fees should also assume that they will be expended in a timely manner and the facilities funded by the fees must serve the development paying the fees. However, nothing in the U.S. Constitution or the state enabling legislation requires that facilities funded with fee revenues be available exclusively to development paying the fees. In other words, benefit may extend to a general area including multiple real estate developments. Procedures for the earmarking and expenditure of fee revenues are discussed near the end of this study. All of these procedural as well as substantive issues are intended to ensure that new development benefits from the impact fees they are required to pay. The authority and procedures to implement impact fees is separate from and complementary to the authority to require improvements.

Proposed Maximum Defensible Impact Fee Methodologies

The impact fees are based on the actual level of service for Parks & Recreation, Transportation, and Wastewater facilities. The Parks & Recreation components includes parks, trails, and recreational facilities. The Parks Impact Fee is calculated for residential, nonresidential, and hotel development. It has been determined that along with residents, workers and visitors to Portland increase the demand on park & recreational facilities, thus the impact from nonresidential land uses and hotels needs to be offset. The Transportation and Wastewater fees are allocated to all residential and nonresidential development. A summary of methodologies used in the analysis is provided in Figure 1.

Figure 1. Summary of Impact Fee Methodologies

Fee Category	Service Area	Incremental Expasion	Plan-Based	Cost Recovery	Cost Allocation
Parks and Recreation	Citywide	Parks, Trails, Recreation Facilities	N/A	N/A	Population
Transportation	Citywide	N/A	Multimodal Facilities and Signals	N/A	Person Trips
Wastewater	Citywide	N/A	Wastewater Distribution and Treatment Facilities	N/A	Meter Size

Maximum Defensible Impact Fees

Figure 2 provides a schedule of the maximum defensible impact fee for Parks & Recreation, Transportation, and Wastewater. The fees represent the highest defensible amount for each type of residential and nonresidential unit, which represents new growth's fair share of the cost for capital facilities. To differentiate between housing units, two housing types are included: Single Family/Two-family and Multifamily. Housing types have varying household sizes and, consequently, a varying demand on City infrastructure and services. Thus, it is important to differentiate between housing types and size. A streamlined approach is used for nonresidential developments. This approach has no size thresholds. As a result, developments of the same type are evaluated the same.

The City may adopt fees that are less than the amounts shown. However, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

Figure 2. Maximum Defensible Impact Fee

Development Type	Parks & Rec	Transportation	Wastewater
Residential (per housing unit/per water meter)			
Single Family/Two-Family	\$1,126	\$2,159	\$1,886
Multifamily	\$752	\$1,023	\$1,886
Nonresidential (per 1,000 square feet/per water meter)			
Retail & Services	\$534	\$8,248	\$4,715
Office	\$677	\$2,800	\$4,715
Industrial	\$363	\$1,130	\$4,715
Institutional	\$645	\$3,082	\$4,715
Accommodation (per hotel room/per water meter)			
Hotel	\$875	\$2,404	\$4,715

Note: a 5/8 inch meter is shown for residential development and a 1 inch meter is shown for nonresidential development, however, the wastewater fee will be assessed based on the development's meter size.

GENERAL METHODS FOR IMPACT FEES

There are three general methods for calculating impact fees. The choice of a particular method depends primarily on the timing of infrastructure construction (past, concurrent, or future) and service characteristics of the facility type being addressed. Each method has advantages and disadvantages in a particular situation and can be used simultaneously for different cost components.

Reduced to its simplest terms, the process of calculating impact fees involves two main steps: (1) determining the cost of development-related capital improvements and (2) allocating those costs equitably to various types of development. In practice, though, the calculation of impact fees can become quite complicated because of the many variables involved in defining the relationship between development and the need for facilities within the designated service area. The following paragraphs discuss three basic methods for calculating impact fees and how those methods can be applied to City of Portland.

Cost Recovery Method (past improvements)

Although not used in City of Portland, the rationale for recoupment, or cost recovery, is that new development is paying for its share of the useful life and remaining capacity of facilities already built, or land already purchased, from which new growth will benefit. This methodology is often used for utility systems that must provide adequate capacity before new development can take place.

Incremental Expansion Method (concurrent improvements)

The City of Portland Park and Recreation Impact Fee uses the incremental expansion method to document current level-of-service (LOS) standards for the infrastructure types included in the study, using both quantitative and qualitative measures. This approach assumes there are no existing deficiencies or surplus in infrastructure capacity. New development is only paying its proportionate share for growth-related infrastructure. Revenue will be used to expand or provide additional facilities, as needed, to accommodate new development. An incremental expansion cost method is best suited for public facilities that will be expanded in regular increments to keep pace with development.

Plan-Based Method (future improvements)

The Transportation and Wastewater Impact Fees use the plan-based method to allocate costs for a specified set of improvements to a specified amount of development. Improvements are typically identified in a long-range facility plan and development potential is identified by a land use plan. There are two basic options for determining the cost per demand unit: 1) total cost of a public facility can be divided by total service units (average cost), or 2) the growth-share of the public facility cost can be divided by the net increase in service units over the planning timeframe (marginal cost).

Evaluation of Possible Credits

Regardless of the methodology, a consideration of “credits” is integral to the development of a legally defensible impact fee methodology. There are two types of “credits” with specific characteristics, both of which should be addressed in impact fee studies and ordinances. The first is a credit due to possible double payment situations, which could occur when other revenues may contribute to the capital costs of

infrastructure covered by the impact fee. This type of credit is integrated into the impact fee calculation, thus reducing the fee amount. The second is a site-specific credit or developer reimbursement for construction of system improvements. This type of credit is addressed in the administration and implementation of the impact fee program.

Please note, calculations throughout this report are based on an analysis conducted using MS Excel software. Results are discussed in the memo using one- and two-digit places (in most cases). Figures are typically either truncated or rounded. In some instances, the analysis itself uses figures carried to their ultimate decimal places; therefore, the sums and products generated in the analysis may not equal the sum or product if the reader replicates the calculation with the factors shown in the report (due to the rounding of figures shown, not in the analysis).

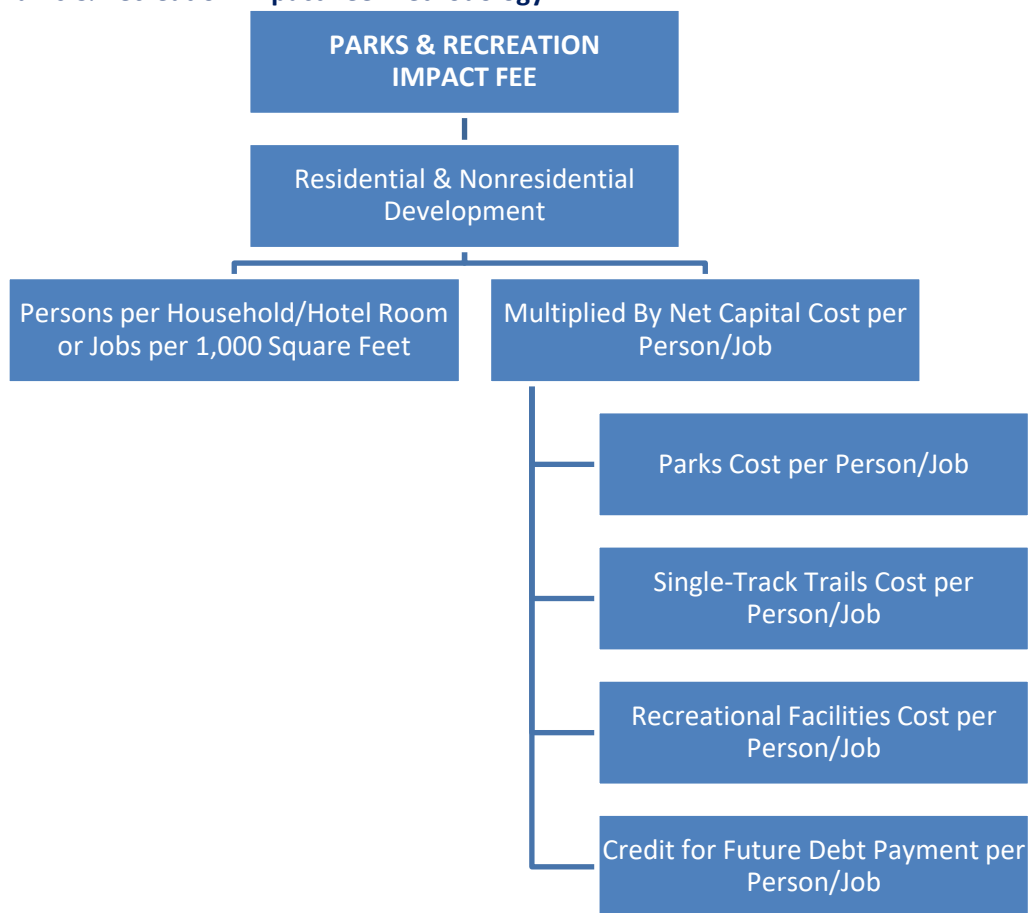
PARKS & RECREATION FACILITIES IMPACT FEE

The Parks & Recreation Impact Fee is based on the incremental expansion methodology. The impact fee methodology assumes the City will construct additional recreation improvements to serve future growth to maintain current levels of service incrementally over time. Parks and recreation capital improvements are allocated to residential, nonresidential, and hotel development. Furthermore, a credit is necessary to avoid double payments towards current debt obligations for park improvements. There are four components to the Parks & Recreation Impact Fee:

- Parks
- Single-Track Trails
- Recreational Facilities
- Credit for Future Debt Payments

Figure 3 diagrams the general methodology used to calculate the Parks & Recreation Impact Fee. It is intended to read like an outline, with lower levels providing a more detailed breakdown of the impact fee components. The Parks & Recreation Impact Fee for residential development is derived from the product of persons per housing unit (by type of unit) multiplied by the net capital cost per person. The fee for nonresidential development is derived from the product of jobs per 1,000 square feet multiplied by the net capital cost per job. The fee for hotel development is derived from the product of persons per hotel room multiplied by the net capital cost per person. The boxes in the next level down indicate detail on the components included in the fee.

Figure 3. Parks & Recreation Impact Fee Methodology



Parks & Recreation Level of Service and Cost Factors

The Parks & Recreation Impact Fee is based on an inventory of existing citywide parks and current values of recreation improvements and land in the City's park system. The use of existing standards means there are no existing infrastructure deficiencies. New development is only paying its proportionate share for growth-related infrastructure. Facilities and costs have been provided by the City of Portland staff.

An important aspect when determining the demand on City facilities is the additional demand from seasonal and visitor populations. From the Maine Office of Tourism, the Greater Portland and Casco Bay region saw 5.4 million visitors in 2016. As a result, it is not just permanent residents that are having an impact on facilities. In response, City infrastructure and operating service levels are sized to accommodate not just permanent residents, but seasonal residents and visitors as well. **In this analysis, peak population includes permanent residents, seasonal residents, and visitors (day and overnight visitors).** Further explain and calculations can be found in Appendix A.

To determine the demand on facilities from residential and nonresidential development, a days-of-impact proportionate share calculation is conducted. The proportionate share is based on cumulative impact days per year, with the peak population (residents and visitors) potentially impacting parks and recreation facilities 365 days per year and inflow commuters potentially impacting parks and recreation facilities 250 days per year (5 days per week multiplied by 50 weeks a year). Workers that live within the City are included in the peak population total.

Shown in Figure 4, residential and hotel development in the City accounts for 72 percent of the impact on park and recreational facilities. As a result of workers using park facilities, such as during break and lunch, nonresidential development accounts for 28 percent of the impact on facilities.

Figure 4. Impact Days Proportionate Share

Peak Population ¹	Inflow Commuters	Cumulative Impact Days per Year			Cost Allocation for Parks	
		Residential/Hotel ²	Nonresidential ³	Total	Residential/Hotel	Nonresidential
82,049	47,245	29,948,016	11,811,250	41,759,266	72%	28%

1. Includes permanent residents, seasonal residents, and visitors

2. Days per Year = 365

3. Days per Year = 250 (5 Days per Week x 50 Weeks per Year)

Source: U.S. Census Bureau, OnTheMap 6.1.1 Application and LEHD Origin-Destination Employment Statistics.

Current Inventory of Parkland and Improvements

Figure 5 lists the current inventory of parkland and park improvements in the City of Portland. There are 44.8 acres of neighborhood parks and 271.5 acres of destination parks. Every park is open to all the residents, workers, and seasonal and visitor populations. Included in the figure are average replacement costs for parkland and park improvements. This allows for a total replacement cost to be calculated.

Figure 5. Current Inventory of Parkland and Improvements

Park	Acres	Athletic Field	Baseball Field	Basketball Courts	Community Gardens	Dog Park Area	Multi-Purpose Field	Pickleball Courts	Picnic Tables	Playgrounds	Pools	Skate Park	Softball Fields	Splashpads	Tennis Courts	Volleyball
Neighborhood Parks																
Marada Adams Park	0.5									1.0						
Barrows Park/Sundial Park	0.5															
Bedford Park	0.5															
Belmeade Park	0.3								1.0							
Boyd Street Community Garden	1.8				1.0											
Clark Street Park	0.3									1.0						
Clark Street Community Garden	0.1				1.0											
City Acres Ballfield, Peaks Island	3.0		1.0													
Fessenden Park	0.5															
Fort Allen Park	5.0															
Fort Gorges	2.0															
Fort Sumner Park	1.3								3.0							
Fox Field	4.6	1.0		2.0					1.0	1.0						
Great Diamond Island Park	0.6									1.0						
Harbor View Memorial Park	4.8								1.0							
Heseltine Park	1.0								1.0	1.0						
Lincoln Park	2.0															
Longfellow Park	0.4															
Munjoy South	0.7			1.0						1.0						
Nason's Corner Park	2.6		1.0				1.0			1.0						
Oakleigh Park	1.3		1.0													
Peppermint Park	0.4									1.0				1.0		
Pleasant Street Park	0.7			1.0						1.0						
Post Office Park	0.2															
Quaker Park	0.8															
Stone Street Playground	0.2									1.0				1.0		
Stroudwater Park 1	0.8															
Stroudwater Park 2	1.0															
Stroudwater Playground	0.1									1.0						
Taylor Street Park	0.6			1.0						1.0						
Tommy's Park	0.2															
Trinity Park	0.1															
Trott Little John Park	4.5				1.0	1.0										
Tyng Tate Park	0.3			1.0						1.0						
Winslow Park	1.6															
Destination Parks																
Back Cove Park	34.0	1.0								1.0						
Deering Oaks Park	55.0		1.0	2.0			1.0	4.0	6.0	1.0				1.0	8.0	2.0
Dougherty Field	18.5	2.0	3.0		1.0					1.0	1.0	1.0		1.0		
Eastern Promenade Park	78.0		1.0	1.0	2.0				4.0	1.0			1.0		3.0	
Payson Park	48.0	1.0	2.0	1.0	1.0				3.0	1.0			2.0	1.0	4.0	
Riverton Trolley Park	19.0		1.0													
Western Promenade	19.0				1.0	1.0			2.0							
TOTAL	316.3	5.0	11.0	10.0	8.0	2.0	2.0	4.0	22.0	18.0	1.0	1.0	4.0	5.0	15.0	2.0
Average Replacement Cost	\$59,172	\$350,000	\$175,000	\$45,000	\$30,000	\$50,000	\$175,000	\$45,000	\$750	\$175,000	\$2,000,000	\$350,000	\$175,000	\$30,000	\$45,000	\$45,000
Total Replacement Cost	\$18,716,104	\$1,750,000	\$1,925,000	\$450,000	\$240,000	\$100,000	\$350,000	\$180,000	\$16,500	\$3,150,000	\$2,000,000	\$350,000	\$700,000	\$150,000	\$675,000	\$90,000

Source: City of Portland Parks and Recreation

Park Level of Service & Cost Analysis

To calculate the current level of service, the existing parkland acreage (316.3) is allocated to residential and nonresidential demand based on the percentage split of impact days. The residential park acres are divided by the current peak population of Portland (83,250) to calculate the level of service per person. The nonresidential park acres are divided by the current jobs in the City (67,270) to calculate the level of service per job. As a result, there are 2.74 parkland acres per 1,000 persons and 1.32 acres per 1,000 jobs.

Shown in Figure 6, the total value of park land is \$18,716,104 and park improvements are valued at \$12,126,500. The replacement costs are summed and divided by the acreage to find the cost per acre (\$97,511). The cost per person and cost per job factors are calculated by applying the level of service factors to the total replacement cost per acre (i.e. 2.74 acres per 1,000 persons x \$97,511 per acre = \$267 per person, rounded).

Figure 6. Parks Level of Service & Cost Analysis

Land Replacement Cost	\$18,716,104	Total Park Acres	316.3
Improvement Replacement Cost	\$12,126,500	Total Replacement Cost	\$30,842,604
Total Replacement Cost	\$30,842,604	Replacement Cost per Park Acre	\$97,511

Source: City of Portland Parks and Recreation; Assessor's Office

Residential Level-of-Service (LOS) Standard

Share of Impact Days	72%
Share of Park Acres	227.7
2018 Peak Population	83,250
LOS: Acre per 1,000 Persons	2.74

Nonresidential Level-of-Service (LOS) Standard

Share of Impact Days	28%
Share of Park Acres	88.6
2018 Jobs	67,270
LOS: Acre per 1,000 Jobs	1.32

Cost Analysis

Replacement Cost per Acre	\$97,511
LOS: Acre per 1,000 Persons	2.74
Replacement Cost Per Capita	\$267

Cost Analysis

Replacement Cost per Acre	\$97,511
LOS: Acre per 1,000 Jobs	1.32
Replacement Cost Per Job	\$129

Park Growth-Related Needs

To estimate the 10-year growth needs for parks, the current level of service (2.74 acres per 1,000 persons and 1.32 acres per 1,000 jobs) is applied to the population and job growth projected for the City of Portland. The City's peak population is projected to increase by 4,279 and the City's employment is projected to increase by 6,890 jobs over the next ten years (see Appendix A). Listed in Figure 7, there will need to be a total of 337.7 acres of parkland in the City to accommodate the growth, which results in a need of 20.8 new acres. By applying the average cost of improvements to parkland (\$97,511 per acre), the total expenditure for the growth is calculated (20.8 acres x \$97,511 = \$2,028,299).

Figure 7. 10-Year Parkland Needs to Accommodate Growth

Type of Infrastructure		Level of Service		Acres	Demand Unit		Unit Cost / Acre
Parks	Residential	2.74			per 1,000 persons		
	Nonresidential	1.32			per 1,000 jobs		\$97,511

Growth-Related Need for Park Improvements						
Year		Population	Jobs	Residential Acres	Nonresidential Acres	Total Acres
Base	2018	83,250	67,270	228.1	88.8	316.9
Year 1	2019	83,678	67,959	229.2	89.7	318.9
Year 2	2020	84,106	68,648	230.4	90.6	321.0
Year 3	2021	84,534	69,337	231.6	91.5	323.1
Year 4	2022	84,962	70,026	232.7	92.4	325.1
Year 5	2023	85,390	70,715	233.9	93.3	327.2
Year 6	2024	85,818	71,404	235.1	94.3	329.4
Year 7	2025	86,246	72,093	236.3	95.2	331.5
Year 8	2026	86,673	72,782	237.4	96.1	333.5
Year 9	2027	87,101	73,471	238.6	97.0	335.6
Year 10	2028	87,529	74,160	239.8	97.9	337.7
Ten-Year Increase		4,279	6,890	11.7	9.1	20.8
Projected Expenditure				\$1,140,879	\$887,350	\$2,028,229

Growth-Related Expenditure on Park Improvements						\$2,028,229
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Trail Inventory and Level of Service

There are two distinct trails in Portland: Multiuse and Single-track. Multiuse trails are wide, paved trails that allow for a variety of activities to occur simultaneously (i.e. walking, biking, skateboarding). Single-track trails are unpaved trails that are only used for walking. After consultation with City staff, multiuse trails are considered a multimodal transportation facility, so they are included in the Transportation Impact Fee and not the Parks and Recreation Fee.

To calculate the current level of service for single-track trails, the existing trail length (36.2 miles) is allocated to residential and nonresidential demand based on the percentage split of impact days. The residential trail miles are divided by the current peak population of Portland (83,250) to calculate the level of service per person. The nonresidential trail miles are divided by the current jobs in the City (67,270) to calculate the level of service per job. As a result, there are 0.31 trail miles per 1,000 persons and 0.15 miles per 1,000 jobs.

The average cost per mile (\$15,000) has been provided by the City of Portland Parks and Recreation staff. The replacement cost per person and replacement cost per job factors are calculated by applying the level of service factors to the average replacement cost per mile. For example, the cost per person is \$5 (0.31 miles per 1,000 persons x \$15,000 per mile = \$5 per person, rounded).

Figure 8. Trails Level of Service & Cost Analysis

Trail	Single-Track Trail (miles)
Citywide Passive Trails	36.2
Total	36.2

Source: City of Portland Parks and Recreation

Residential Level-of-Service (LOS) Standard

Share of Impact Days	72%
Share of Trail Miles	26.1
2018 Peak Population	83,250
LOS: Miles per 1,000 Persons	0.31

Nonresidential Level-of-Service (LOS) Standard

Share of Impact Days	28%
Share of Trail Miles	10.1
2018 Jobs	67,270
LOS: Miles per 1,000 Jobs	0.15

Cost Analysis

Costs per mile	\$15,000
LOS: Miles per 1,000 Persons	0.31
Replacement Cost per Person	\$5

Cost Analysis

Costs per mile	\$15,000
LOS: Miles per 1,000 Jobs	0.15
Replacement Cost per Job	\$2

Trail Growth-Related Needs

To estimate the 10-year growth needs for single-track trails, the current level of service (0.31 miles per 1,000 persons and 0.15 miles per 1,000 jobs) is applied to the population and employment growth projected for the City of Portland. The City's peak population is projected to increase by 4,279 and the City's employment is projected to increase by 6,890 jobs over the next ten years (see Appendix A). As shown Figure 9, an additional need of 2.3 miles of new single-track trails will be demanded by new development. By applying the average cost of trail improvements (\$15,000 per mile) the total expenditure for the growth is calculated (2.3 miles x \$15,000 per mile = \$34,500).

Figure 9. 10-Year Single-track Trail Needs to Accommodate Growth

Type of Infrastructure	Level of Service		Demand Unit	Unit Cost / Mile
Trails	Residential	0.31	per 1,000 persons	\$15,000
	Nonresidential	0.15	per 1,000 jobs	

Growth-Related Need for Trail Improvements						
Year		Population	Jobs	Residential Miles	Nonresidential Miles	Total Miles
Base	2018	83,250	67,270	25.8	10.1	35.9
Year 1	2019	83,678	67,959	25.9	10.2	36.1
Year 2	2020	84,106	68,648	26.0	10.3	36.3
Year 3	2021	84,534	69,337	26.2	10.4	36.6
Year 4	2022	84,962	70,026	26.3	10.5	36.8
Year 5	2023	85,390	70,715	26.4	10.6	37.0
Year 6	2024	85,818	71,404	26.6	10.7	37.3
Year 7	2025	86,246	72,093	26.7	10.8	37.5
Year 8	2026	86,673	72,782	26.8	10.9	37.7
Year 9	2027	87,101	73,471	27.0	11.0	38.0
Year 10	2028	87,529	74,160	27.1	11.1	38.2
Ten-Year Increase		4,279	6,890	1.3	1.0	2.3
Projected Expenditure				\$19,500	\$15,000	\$34,500
Growth-Related Expenditure on Trail Improvements						\$34,500

Recreational Facilities Inventory and Level of Service

There are five recreational facilities in the City of Portland's Park and Recreation system included in the impact fee analysis. The facilities total 111,273 square feet.

To calculate the current level of service for recreational facilities, the existing floor area is allocated to residential and nonresidential demand based on the percentage split of impact days. The residential floor area is divided by the current peak population of Portland (83,250) to calculate the level of service per person. The nonresidential floor area is divided by the current jobs in the City (67,270) to calculate the level of service per job. As a result, there are 0.96 square feet per person and 0.46 square feet per jobs.

The average cost per square foot (\$272) is calculated by dividing the total replacement cost of improvements by the total square feet of recreational facilities. The replacement cost per person and replacement cost per job factors are calculated by applying the level of service factor to the average replacement cost of per square foot (i.e. 0.96 square feet per person x \$291 per square foot = \$261 per person, rounded).

Figure 10. Recreational Facilities Level of Service & Cost Analysis

Recreational Facilities	Square Feet	Replacement Cost
East End Community Center	23,500	\$5,875,000
Peaks Island Community Center	2,000	\$550,000
Portland Ice Arena	29,273	\$3,125,896
Reiche Community Center	25,000	\$8,750,000
Riverton Community Center	31,500	\$11,970,000
Total	111,273	\$30,270,896

Source: City of Portland Parks and Recreation

Residential Level-of-Service (LOS) Standard

Share of Impact Days	72%
Share of Rec. Square Feet	80,117
2018 Peak Population	83,250
LOS: Square Feet per Person	0.96

Nonresidential Level-of-Service (LOS) Standard

Share of Impact Days	28%
Share of Rec. Square Feet	31,156
2018 Jobs	67,270
LOS: Miles per 1,000 Jobs	0.46

Cost Analysis

Costs per Square Foot	\$272
LOS: Square Feet per Person	0.96
Replacement Cost per Person	\$261

Cost Analysis

Costs per Square Foot	\$272
LOS: Miles per 1,000 Jobs	0.46
Replacement Cost per Job	\$125

Recreational Facility Growth-Related Needs

To estimate the 10-year growth needs for recreational facilities, the current level of service (0.96 square feet per person and 0.46 square feet per job) is applied to the population and employment growth projected for the City of Portland. The City's peak population is projected to increase by 4,279 and the City's employment is projected to increase by 6,890 jobs over the next ten years (see Appendix A). Listed in Figure 11, there will need to be a total of 118,141 square feet of recreational facilities in the City to accommodate the growth, which results in a need of 7,277 new square feet. By applying the average replacement cost for recreation facilities (\$272 per square foot), the total expenditure for the growth is calculated (7,277 square feet x \$272 = \$1,979,344).

Figure 11. 10-Year Recreational Facilities Needs to Accommodate Growth

Type of Infrastructure		Level of Service		Demand Unit	Unit Cost / Sq. Ft.
Recreational Facilities	Residential	0.96	Square Feet	per person	\$272
	Nonresidential	0.46		per jobs	

Growth-Related Need for Recreational Facility Improvements						
Year		Population	Jobs	Residential Square Feet	Nonresidential Square Feet	Total Square Feet
Base	2018	83,250	67,270	79,920	30,944	110,864
Year 1	2019	83,678	67,959	80,331	31,261	111,592
Year 2	2020	84,106	68,648	80,741	31,578	112,319
Year 3	2021	84,534	69,337	81,152	31,895	113,047
Year 4	2022	84,962	70,026	81,563	32,212	113,775
Year 5	2023	85,390	70,715	81,974	32,529	114,503
Year 6	2024	85,818	71,404	82,384	32,846	115,230
Year 7	2025	86,246	72,093	82,795	33,163	115,958
Year 8	2026	86,673	72,782	83,206	33,480	116,686
Year 9	2027	87,101	73,471	83,617	33,797	117,414
Year 10	2028	87,529	74,160	84,027	34,114	118,141
Ten-Year Increase		4,279	6,890	4,107	3,170	7,277
Projected Expenditure				\$1,117,104	\$862,240	\$1,979,344

Growth-Related Expenditure on Recreational Facility Improvements					\$1,979,344
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Parks & Recreation Credit

Currently, the City of Portland has existing debt obligations from past Parks and Recreation projects. The City of Portland's Finance Department delineated the purposes for each of the City's General Obligation Bonds and summed the future principal and interest payments for Parks and Recreation projects. In Figure 12, the Parks and Recreation annual share of payments to all the existing bonds is listed through 2028.

The total annual payment schedule allocated to residential and nonresidential growth based on the impact days proportional share split. The payments are divided by the City's peak population and total employment to find the debt cost per person and job. To account for the time value of money, annual payments per capita are discounted using a net present value formula based on the applicable discount (interest) rate. This results in a credit of \$60 per person and \$28 per job, rounded.

Figure 12. Park and Recreation Debt per Person & per Job

Residential Credit

Fiscal Year	Payment	Projected Population	Payment/Person
Base Year	\$617,060	83,250	\$7.41
2019	\$715,720	83,678	\$8.55
2020	\$676,719	84,106	\$8.05
2021	\$628,339	84,534	\$7.43
2022	\$606,452	84,962	\$7.14
2023	\$554,947	85,390	\$6.50
2024	\$478,117	85,818	\$5.57
2025	\$461,771	86,246	\$5.35
2026	\$434,672	86,673	\$5.02
2027	\$386,672	87,101	\$4.44
2028	\$364,280	87,529	\$4.16
Total	\$5,924,749		\$69.62
		Discount Rate	3.00%
		Credit per Person	\$60

Source: City of Portland Finance Department

Nonresidential Credit

Fiscal Year	Payment	Projected Jobs	Payment/Job
Base Year	\$239,968	67,270	\$3.57
2019	\$278,336	67,959	\$4.10
2020	\$263,169	68,648	\$3.83
2021	\$244,354	69,337	\$3.52
2022	\$235,842	70,026	\$3.37
2023	\$215,813	70,715	\$3.05
2024	\$185,935	71,404	\$2.60
2025	\$179,578	72,093	\$2.49
2026	\$169,039	72,782	\$2.32
2027	\$150,372	73,471	\$2.05
2028	\$141,665	74,160	\$1.91
Total	\$2,304,071		\$32.81
		Discount Rate	3.00%
		Credit per Job	\$28

Source: City of Portland Finance Department

Parks & Recreation Impact Fee

Figure 13 shows the cost factors for each component of the City of Portland's Parks and Recreation Impact Fee. Impact fees for parks and recreation are based on household size for residential development (i.e., persons per housing unit), jobs per 1,000 square feet for nonresidential development, and persons per room for hotel development. The fee components are calculated per person and per job, so by multiplying the total cost per person by the household size, for example, calculates the maximum defensible fee for residential development.

The fees represent the highest amount defensible for residential and nonresidential development, which represents new growth's fair share of the cost for capital facilities. The City may adopt fees that are less than the amounts shown. However, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

Figure 13. Maximum Defensible Park & Recreation Impact Fee

Fee Component	Cost per Person	Cost per Job
Parks	\$267	\$129
Single-Track Trails	\$5	\$2
Rec. Facilities	\$261	\$125
Debt Service Credit	(\$60)	(\$28)
TOTAL	\$473	\$228

Residential (per housing unit)

Type of Unit	Persons per Household	Maximum Defensible Fee
Single Family/Two-Family	2.38	\$1,126
Multifamily	1.59	\$752

Nonresidential (per 1,000 square feet)

Type of Unit	Jobs per 1,000 Square Feet	Maximum Defensible Fee
Retail & Service	2.34	\$534
Office	2.97	\$677
Industrial	1.59	\$363
Institutional	2.83	\$645

Nonresidential (per room)

Type of Unit	Persons per Room	Maximum Defensible Fee
Hotel	1.85	\$875

Revenue from Parks & Recreation Impact Fee

Revenue from the City's Parks & Recreation Impact Fee is estimated in Figure 14. There is projected to be an increase of 4,279 in peak population and 6,890 jobs in Portland by 2028. By multiplying the growth by the capital cost per person and per job, the projected revenue is calculated. In total, the impact fee will generate \$3.6 million in revenue. The revenue covers 89 percent of the capital costs generated by projected growth in the City of Portland. Revenue from the fee is expected to not cover all growth-related costs since the credit lessens the fee by about 11 percent.

Figure 14. Estimated Revenue from Parks & Recreation Impact Fee

	Total Cost to Maintain LOS	Cost Attributable to Growth
Parks	\$2,028,229	\$2,028,229
Single-Track Trails	\$34,500	\$34,500
Rec Facilities	\$1,979,344	\$1,979,344
Total Expenditures	\$4,042,073	\$4,042,073

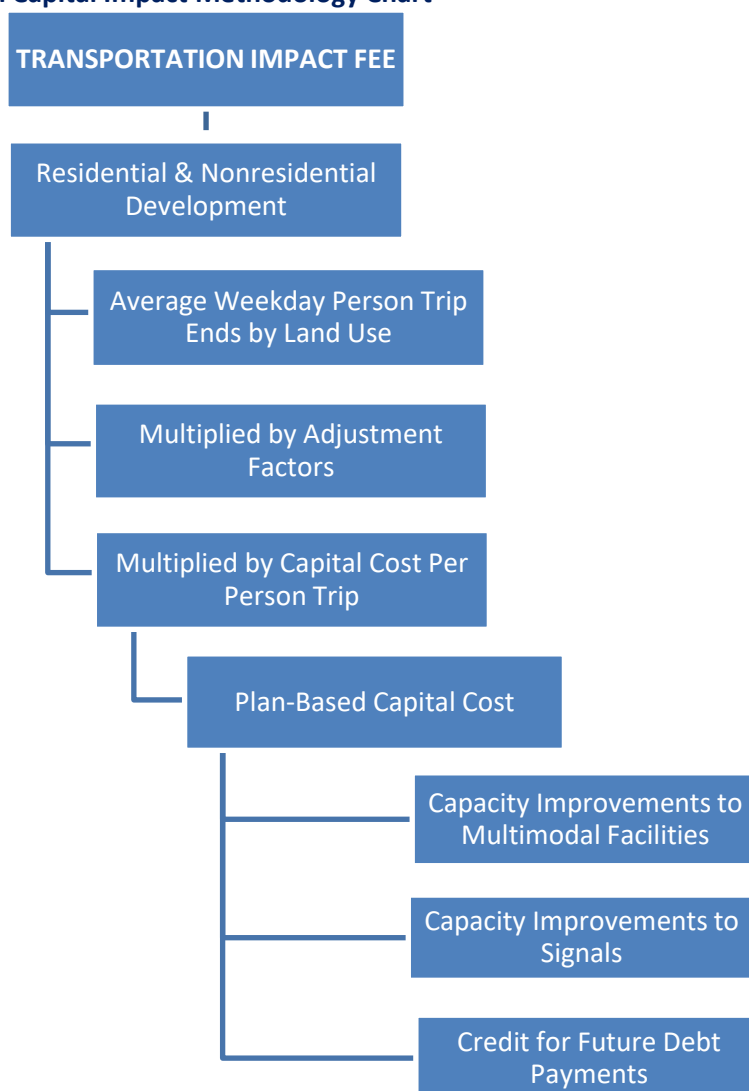
Projected Development Impact Fee Revenue

		Capital Cost per Person \$473	Capital Cost per Job \$228
Year		Population	Jobs
Base	2018	83,250	67,270
Year 1	2019	83,678	67,959
Year 2	2020	84,106	68,648
Year 3	2021	84,534	69,337
Year 4	2022	84,962	70,026
Year 5	2023	85,390	70,715
Year 6	2024	85,818	71,404
Year 7	2025	86,246	72,093
Year 8	2026	86,673	72,782
Year 9	2027	87,101	73,471
Year 10	2028	87,529	74,160
Ten-Year Increase		4,279	6,890
Projected Revenue =>		\$2,023,810	\$1,570,948
Projected Revenue =>		\$3,594,757	
Total Expenditures =>		\$4,042,073	
General Fund's Share =>		\$447,316	

TRANSPORTATION FACILITIES IMPACT FEE

To calculate the City of Portland's Transportation Impact Fee, a **plan-based methodology** is used. The methodology for is shown in Figure 15. To calculate the impact amounts for residential and nonresidential development, trip generation rates by type of development are multiplied by the capital cost per person trip. The methodology includes trip adjustment factors for pass-by trips. The diagram reads like an outline, with lower levels providing a more detailed breakdown of the capital impact components. The capital cost of road improvements is based on three components: capacity improvements to multimodal facilities, improvements to signals, and a credit for future debt payments. Growth's share of future transportation projects needed within the next 10 years are allocated to the increase in person trips at the end of the 10-year planning horizon.

Figure 15. Transportation Capital Impact Methodology Chart



Person Trips

Portland is a relatively dense, urban community with residents and workers using varying modes to travel. In general, an impact fee study calculates future developments' impact on the City's transportation infrastructure. In suburban, greenfield communities that concentrate on roadway expansion to accommodate new vehicles, a development's impact is best estimated by calculating the new vehicle trips or vehicle miles traveled (VMT) generated by the development. However, based on the urban environment and residents' travel behaviors, a multimodal approach is necessary for the City of Portland. This is also consistent with the capital improvements identified in the City's Capital Improvement Plan. As such, the multimodal approach will calculate the daily person trips generated by the varying development types in the study. To encompass the varying modes of travel used in Portland, the methodology includes persons per vehicle trip, transit trip, and non-motorized trips.

In the base year, residential land uses generate 223,734 person trips (30 percent) and nonresidential land uses generate 511,437 person trips (70 percent) in the City of Portland. Through 2028, there will be an increase of 47,721 daily person trips in Portland. The increase in daily person trips will be applied to growth's share of the capital cost for transportation facilities to calculate the capital cost per person trip factor. Further explanation and calculations can be found in Appendix A.

Transportation Level of Service and Cost Factors

Below, the City of Portland's capital cost per person trip for multimodal facilities and signals are calculated. Additionally, a credit for debt payments on past transportation projects is necessary.

Need for Multimodal Improvements and Facilities

The City of Portland has determined that additional growth-related improvements are necessary to accommodate future transportation demand. Listed in Figure 16, there are ten multimodal projects in the City's Capital Improvement Plan that have some element of growth-related costs. In the last two columns of the figure, future growth's percentage share and dollar amount of each project is shown. In total, new growth's share of multimodal capital improvements equals \$7,265,000.

Found at the bottom of Figure 16, growth's cost is divided by the 10-year increase in person trips. This results in a capital cost per person trip of \$152, rounded.

Figure 16. Growth-Related Multimodal Projects

Project	Readiness	Length of Project (linear feet)	Total City Cost	Growth's Share	Growth's Cost
W. Commercial Street Path	High	5,000	\$750,000	50%	\$375,000
Thames Street	High	1,200	\$1,450,000	25%	\$362,500
Franklin Street: I-295 to Somerset	High	700	\$4,050,000	75%	\$3,037,500
Congress Square Intersection Construction	High	650	\$1,300,000	25%	\$325,000
Marginal Way: Hanover to Plowman	High	5,600	\$1,000,000	25%	\$250,000
Kennebec Street Realignment at Forest Avenue	High	450	\$500,000	50%	\$250,000
Somerset Street	High	1,800	\$1,500,000	50%	\$750,000
Forest Avenue (Morrill's Corner Intersections)	High	1,600	\$2,280,000	50%	\$1,140,000
Brighton Avenue	High	13,000	\$1,100,000	25%	\$275,000
Washington Avenue Rehabilitation	High	1,500	\$2,000,000	25%	\$500,000
TOTAL		31,500	\$15,930,000		\$7,265,000

Growth's Cost of Transportation Projects	\$7,265,000
10-Year Increase in Average Daily Person Trips	47,721
Capital Cost per Trip	\$152

Need for Signal Improvements and Facilities

Listed in Figure 17, there are two signal projects in the City's Capital Improvement Plan that have some element of growth-related costs. In the last two columns of the figure, future growth's percentage share and dollar amount of each project is shown. In total, new growth's share of signal capital improvements equals \$8,031,250.

Found at the bottom of Figure 17, growth's cost is divided by the 10-year increase in person trips. This results in a capital cost per person trip of \$168, rounded.

Figure 17. Growth-Related Signal Projects

Project	Readiness	Total Cost	Growth's Share	Growth's Cost
Modernize Signal Systems	High	\$9,375,000	75%	\$7,031,250
Arterial Street Crossings	High	\$2,000,000	50%	\$1,000,000
TOTAL		\$11,375,000		\$8,031,250

Growth's Cost of Transportation Projects	\$8,031,250
10-Year Increase in Average Daily Person Trips	47,721
Capital Cost per Trip	\$168

Transportation Credit

Currently, the City of Portland has existing debt obligations from past transportation projects. In Figure 18, the City of Portland's Finance Department delineated the purposes for each of the City's General Obligation Bonds and summed the future principal and interest payments for transportation projects.

The total annual payment schedule is divided by the City's projected person trips to find the debt per person trip factor. To account for the time value of money, annual payments per trip are discounted using a net present value formula based on the applicable discount (interest) rate. This results in a credit of \$41.00 per person trip, rounded.

Figure 18. Transportation Debt per Person Trip

Fiscal Year	Payment	Projected Ave. Daily Person Trips	Payment/Person Trip
Base Year	\$3,751,763	735,171	\$5.10
2019	\$4,314,139	739,943	\$5.83
2020	\$4,060,134	744,715	\$5.45
2021	\$3,772,123	749,487	\$5.03
2022	\$3,633,359	754,260	\$4.82
2023	\$3,323,658	759,032	\$4.38
2024	\$2,916,044	763,804	\$3.82
2025	\$2,815,726	768,576	\$3.66
2026	\$2,591,944	773,348	\$3.35
2027	\$2,374,976	778,120	\$3.05
2028	\$2,147,023	782,892	\$2.74
Total	\$35,700,889		\$47.24
		Discount Rate	3.00%
	Total Credit per Person Trip		\$41.00

Transportation Impact Fee

Figure 19 shows the cost factors for each component of the City of Portland's Transportation Impact Fee. Impact fees for transportation projects are based on person trips per unit for residential development, person trips per 1,000 square feet for nonresidential development, and person trips per room for hotel development. The fee components are calculated per person trip, so by multiplying the total cost per person by the trip generation factor calculates the maximum defensible fee.

The fees represent the highest amount defensible for residential and nonresidential development, which represents new growth's fair share of the cost for capital facilities. The City may adopt fees that are less than the amounts shown. However, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

Figure 19. Maximum Defensible Transportation Impact Fee

Input Variables	Cost per Trip for Multimodal Projects =>		\$152
	Cost per Trip for Signals =>		\$168
	Debt Service Credit per Trip =>		(\$41)
	Capital Cost per Person Trip		\$279
Development Type	Avg Wkdy Person Trip Ends	Trip Rate Adjustment	Maximum Defensible Fee
Residential (per housing unit)			
Single Family/Two-Family	13.34	58%	\$2,159
Multifamily	6.32	58%	\$1,023
Nonresidential (per 1,000 square feet of floor area)			
Retail & Service	77.80	38%	\$8,248
Office	20.07	50%	\$2,800
Industrial	8.10	50%	\$1,130
Institutional	22.09	50%	\$3,082
Nonresidential (per room)			
Hotel/Motel	17.23	50%	\$2,404

Revenue from Transportation Impact Fee

Revenue from the City's Transportation Impact Fee is estimated in Figure 20. There is projected to be 2,870 new housing units and 2,773,000 square feet of nonresidential development in Portland by 2028. To find the revenue generated by residential and nonresidential development, the growth is multiplied by the corresponding impact fee. For example, future single family/two-family residential development is projected to generate \$716,788 in revenue from the transportation impact fees (332 new housing units x \$2,159 = \$716,788). The revenue covers 87 percent of the capital costs generated by projected growth in the City of Portland. The revenue is expected to not cover all of growth's costs since the credit for future debt payments lessens the net capital cost per person trip by about 13 percent.

Note: revenue from hotel development is not estimated because of the difficulty of projecting new hotel rooms.

Figure 20. Estimated Revenue from Transportation Impact Fee

	Total Cost	Cost Attributable to Growth
Multimodal Projects	\$15,930,000	\$7,265,000
Signals	\$11,375,000	\$8,031,250
Total Expenditures	\$27,305,000	\$15,296,250

Projected Transportation Impact Fee Revenue

		Single Family/ Two-Family	Multifamily	Retail & Service	Office	Industrial	Institutional
Year		Housing Units	Housing Units	1,000 Sq. Ft.	1,000 Sq. Ft.	1,000 Sq. Ft.	1,000 Sq. Ft.
Base	2018	21,047	16,575	9,817	9,318	7,225	8,909
Year 1	2019	21,080	16,829	9,874	9,403	7,289	8,980
Year 2	2020	21,113	17,083	9,931	9,489	7,353	9,050
Year 3	2021	21,147	17,336	9,988	9,574	7,418	9,121
Year 4	2022	21,180	17,590	10,045	9,660	7,482	9,191
Year 5	2023	21,213	17,844	10,102	9,745	7,546	9,262
Year 6	2024	21,246	18,098	10,159	9,830	7,611	9,332
Year 7	2025	21,279	18,352	10,216	9,916	7,675	9,402
Year 8	2026	21,313	18,605	10,273	10,001	7,739	9,473
Year 9	2027	21,346	18,859	10,330	10,087	7,804	9,543
Year 10	2028	21,379	19,113	10,387	10,172	7,868	9,614
Ten-Year Increase		332	2,538	571	854	643	704
Transportation Impact Fee		\$2,159	\$1,023	\$8,248	\$2,800	\$1,130	\$3,082
Revenue Subtotal		\$716,788	\$2,596,374	\$4,709,608	\$2,391,200	\$726,590	\$2,169,728

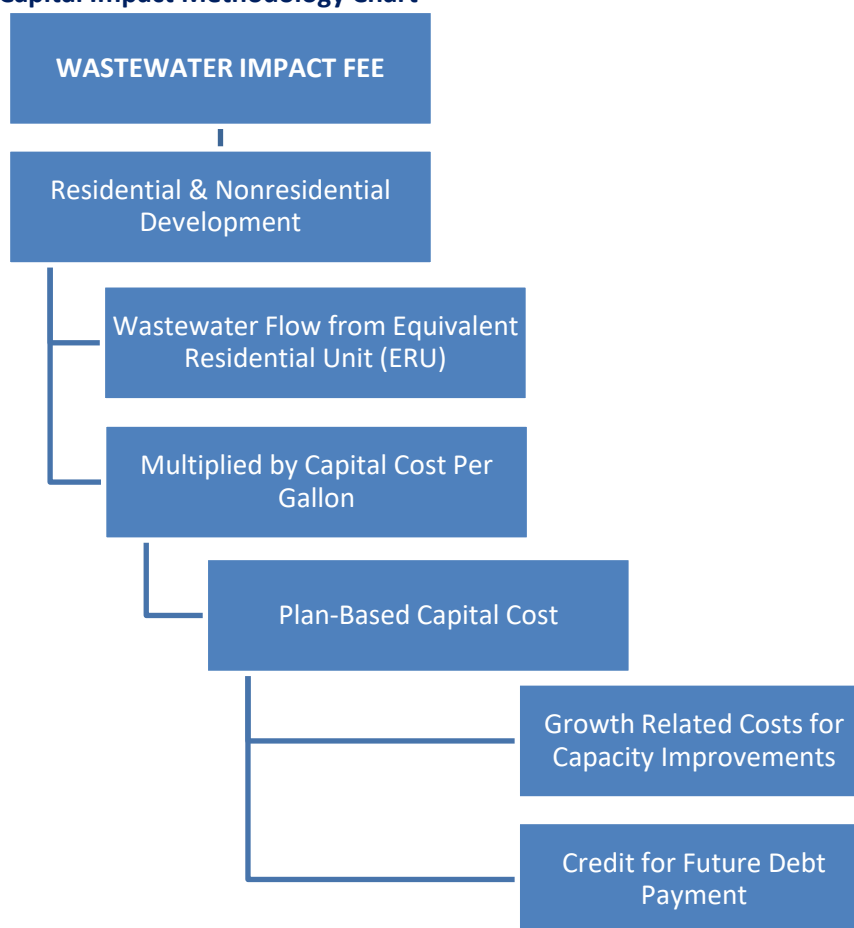
Source: TischlerBise analysis

Projected Revenue => \$13,310,288
 Total Expenditures => \$15,296,250
 General Fund's Share => \$1,985,962

WASTEWATER FACILITIES IMPACT FEE

To calculate the City of Portland's Wastewater Impact Fee, a **plan-based methodology** is used. The methodology for the fee is shown in Figure 21. To calculate the impact amounts for residential and nonresidential development, the wastewater flow for an Equivalent Residential Unit (ERU) is calculated. The ERU is set to the average flow of a wastewater account with a water meter of 5/8 inches. The diagram reads like an outline, with lower levels providing a more detailed breakdown of the fee impact components. The capital cost of wastewater improvements is based future growth's share of capital projects in the City of Portland's Capital Improvement Plan (CIP). Growth's share of future wastewater projects needed within the next 10 years are allocated to the increase in wastewater flow at the end of the 10-year planning horizon.

Figure 21. Wastewater Capital Impact Methodology Chart



Wastewater Level of Service and Cost Factors

Water and sewer account data has been provided by the Portland Water District and the City's Public Works Department. With the database, residential, commercial, industrial, and institutional wastewater usage is calculated. Additionally, with account data, the wastewater usage of an Equivalent Residential Unit (ERU) is calculated as well. The ERU is the estimate of the daily average wastewater usage from a household with a water meter that is 5/8 inches. In the impact fee calculation, a capacity ratio factor is applied when calculating the wastewater usage and resulting impact fee for developments with larger meters.

Current Wastewater Usage

Shown in Figure 22, on average there is a total of 5.7 million gallons per day of wastewater flowing through the City's sewer system from these four development types. The majority of the wastewater flows from residential development, but commercial development creates a significant demand as well.

Figure 22. City of Portland's Daily Wastewater Usage

Development Type	Base Year (gals/day)	%
Residential	2,933,364	52%
Commercial	1,998,656	35%
Industrial	542,244	10%
Institutional	187,205	3%
Total	5,661,470	100%

Source: City of Portland Public Works
Department

Equivalent Residential Unit (ERU)

The wastewater component of the impact fee study will use the average daily wastewater flow for residential units that have a 5/8-inch water meter to represent the Equivalent Residential Unit (ERU). To calculate the ERU, the wastewater account database is filtered by active residential accounts that use the City's sewer system. Additionally, the database is further limited by only year-round accounts. These accounts are occupied households that reside in Portland permanently. Year-round accounts are approximated by accounts that have activity every month. Illustrated in Figure 23, there is an average of 61 hundred cubic feet (HCF) of wastewater per year from a year-round, active residential account flowing into the City's sewer system. That equates to an average of 126 gallons per day, rounded.

Figure 23. Equivalent Residential Unit

Meter Size (inches)	Total Water (HCF)	Active Accounts	Annual Average per Account (HCF)	Annual Average (gallons)	Daily Average (gallons)
5/8	866,230	14,134	61	45,846	126

Source: City of Portland Public Works Department; TischlerBise analysis

Note: Provided data measured wastewater totals in hundred cubic feet (HCF), equal to 748.05 gallons

Need for Wastewater Improvements and Facilities

The City of Portland has determined that additional growth-related improvements are necessary to accommodate future wastewater flow. Listed in Figure 24, there are eight wastewater projects in the City's Capital Improvement Plan that have some element of growth-related costs. In the last two columns of the figure future growth's percentage share and dollar amount of each project is shown. In total, new growth's share of wastewater capital improvements and facilities equals \$8,944,750.

Found at the bottom of Figure 24, growth's cost is divided by the 10-year increase in wastewater flow. This results in a capital cost per gallon of \$22.19, rounded. Further explanation and calculations of the projected increase in wastewater flow can be found in Appendix A.

Figure 24. Growth-Related Wastewater Projects

Project Title	Total	Growth's Share	Growth's Cost
CSO - Close CSO #42	\$2,000,000	10%	\$200,000
CSO - Mackworth Street and Ocean Avenue Sewer Separation Project	\$6,850,000	10%	\$685,000
CSO - Dartmouth Street Sewer Separation Project	\$2,520,000	10%	\$252,000
CMOM - Inflow and Infiltration Program	\$4,050,000	50%	\$2,025,000
CMOM - Pump Station Rehabilitation	\$3,350,000	25%	\$837,500
Eastern Waterfront Sewer / Stormwater Extension & Outfall (Thames St)	\$1,025,000	85%	\$871,250
Franklin Street Storm Drain	\$5,300,000	75%	\$3,975,000
Warren Ave Storm Drain - 517 Warren Ave to 659 Warren Ave	\$990,000	10%	\$99,000
TOTAL	\$26,085,000		\$8,944,750

Growth's Cost of Wastewater Projects	\$8,944,750
10-Year Increase in Wastewater Flow (gallons)	403,049
Capital Cost per Gallon	\$22.19

Wastewater Credit

Currently, the City of Portland has existing debt obligations from past wastewater projects. In Figure 25, the City of Portland's Finance Department delineated the purposes for each of the City's General Obligation Bonds and summed the future principal and interest payments for wastewater projects.

The total annual payment schedule is divided by the City's projected wastewater flow to find the debt payment per gallon. To account for the time value of money, annual payments per gallon are discounted using a net present value formula based on the applicable discount (interest) rate. This results in a credit of \$7.22 per gallon, rounded.

Figure 25. Wastewater Debt Payment per Gallon

Fiscal Year	Payment	Projected Wastewater Flow (gals)	Payment/Gallon
Base Year	\$4,984,702	5,661,470	\$0.88
2019	\$5,301,355	5,701,775	\$0.93
2020	\$5,185,898	5,742,080	\$0.90
2021	\$5,039,052	5,782,385	\$0.87
2022	\$4,943,283	5,822,690	\$0.85
2023	\$4,435,393	5,862,995	\$0.76
2024	\$4,084,329	5,903,299	\$0.69
2025	\$4,023,542	5,943,604	\$0.68
2026	\$3,924,669	5,983,909	\$0.66
2027	\$3,833,159	6,024,214	\$0.64
2028	\$3,671,719	6,064,519	\$0.61
Total	\$49,427,101		\$8.47
		Discount Rate	3.00%
		Total Credit per Gallon	\$7.22

Wastewater Impact Fee

Figure 26 shows the cost factors for each component of the Wastewater Impact Fee. The impact fee for wastewater is based on the total capital cost per gallon and the Equivalent Residential Unit (ERU). For meters that are larger than 5/8 inches, a capacity ratio is applied. The water capacity for each meter size is provided by the American Water Works Association, see Appendix C. The maximum defensible fee for a 5/8-inch meter is \$1,886 (\$14.97 per gallon x 126 gallons per day = \$1,886, rounded).

The fees represent the highest amount defensible for each meter size, which represents new growth's fair share of the cost for capital facilities. The City may adopt fees that are less than the amounts shown. However, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

Figure 26. Maximum Defensible Wastewater Impact Fee

Growth Capital Cost per Gallon =>		\$22.19
Debt Service Credit per Gallon =>		(\$7.22)
Capital Cost per Gallon of Capacity =>		\$14.97
Max Daily Gallons per ERU =>		126
Meter Size (inches)	Capacity Ratio	Maximum Defensible Fee
All Development (per meter)		
5/8	1.00	\$1,886
3/4	1.50	\$2,829
1	2.50	\$4,715
1.5	5.00	\$9,430
2	8.00	\$15,088
3	16.00	\$30,176
6	50.00	\$94,300
8	80.00	\$150,880

Source: American Water Works Association, Principles of Water Rates, Fees, and Charges, M1, 7th ed., 2017; TischlerBise analysis

Revenue from Wastewater Impact Fee

Revenue from the City's Wastewater Impact Fee is estimated in Figure 27. There is projected to be 4,279 new residents and 6,890 new jobs in Portland by 2028. To find the revenue generated by residential and nonresidential development, the growth is multiplied by the average daily wastewater flow per person or job and the capital cost per gallon. For example, future residential development is projected to generate \$2,254,793 in wastewater impact fees (4,279 new residents x 35.2 wastewater gallons x \$14.97 = \$2,254,793). The revenue covers 72 percent of the capital costs generated by projected growth in the City of Portland. The revenue is not expected to cover all growth-related costs since the credit for future debt payments lessens the net capital cost per gallon by about 30 percent.

Figure 27. Estimated Revenue from Wastewater Impact Fee

		Total Cost	Cost Attributable to Growth
Wastewater Facilities		\$26,085,000	\$8,944,750
Total Expenditures		\$26,085,000	\$8,944,750

Projected Wastewater Impact Fee Revenue			
		Residential	Nonresidential
Year		Population	Jobs
Base	2018	83,250	67,270
Year 1	2019	83,678	67,959
Year 2	2020	84,106	68,648
Year 3	2021	84,534	69,337
Year 4	2022	84,962	70,026
Year 5	2023	85,390	70,715
Year 6	2024	85,818	71,404
Year 7	2025	86,246	72,093
Year 8	2026	86,673	72,782
Year 9	2027	87,101	73,471
Year 10	2028	87,529	74,160
Ten-Year Increase		4,279	6,890
Water Demand, per Pop./Job		35.2	40.6
Cost per Gallon		\$14.97	\$14.97
Revenue Subtotal		\$2,254,793	\$4,187,618

Source: TischlerBise analysis

Projected Revenue =>	\$6,442,411
Total Expenditures =>	\$8,944,750
General Fund's Share =>	\$2,502,339

IMPLEMENTATION AND ADMINISTRATION

Impact fees should be periodically evaluated and updated to reflect recent data. City of Portland will continue to adjust for inflation. If cost estimates or demand indicators change significantly, the City should redo the fee calculations.

Credits and Reimbursements

A general requirement that is common to impact fee methodologies is the evaluation of credits. A credit has been included in this fee study to avoid potential double payment situations arising from one-time impact fees plus on-going payment of other revenues that may also fund growth-related capital improvements.

Policies and procedures related to site-specific credits should be addressed in the resolution or ordinance that establishes the impact fees. The impact fee calculations are based on the systemwide impact of growth. As such, project-level improvements, required as part of the development approval process, are not eligible for credits against impact fees. However, if a developer constructs a systemwide improvement that is included in the fee calculations, it will be necessary to either reimburse the developer or provide a credit against the fees due from that particular development.

Service Area

An impact fee service area is a region in which a defined set of improvements provide benefit to an identifiable amount of new development. Within a service area, all new development of a type (single family, commercial, etc.) is assessed at the same impact fee rate. Land use assumptions and impact fees are each defined in terms of this geography, so that capital facility demand, projects needed to meet that demand, and capital facility cost are all quantified in the same terms. Impact fee revenue collected within a service area is required to be spent within that service area.

Implementation of a large number of small service areas is problematic. Administration is complicated and, because funds collected within the service area must be spent within that area multiple service areas, may make it impossible to accumulate sufficient revenue to fund any projects within the time allowed.

As part of our analysis of the City of Portland and the type of facilities and improvements included in the impact fee calculation, TischlerBise has determined that a citywide service area is appropriate.

APPENDIX A: LAND USE ASSUMPTIONS

Population and Housing Characteristics

Impact fees often use per capita standards and persons per housing unit or persons per household to derive proportionate share fee amounts. Housing types have varying household sizes and, consequently, a varying demand on City infrastructure and services. Thus, it is important to differentiate between housing types and size.

When persons per housing unit (PPHU) is used in the fee calculations, infrastructure standards are derived using year-round population. In contrast, when persons per household (PPHH) is used in the fee calculations, the fee methodology assumes all housing units will be occupied, thus requiring seasonal or peak population to be used when deriving infrastructure standards. From the Maine Office of Tourism, the Greater Portland and Casco Bay region saw 5.4 million visitors in 2016. As a result, it is not just permanent residents occupying housing units in Portland. In response, City infrastructure and operating service levels are sized to accommodate not just permanent residents, but seasonal residents, seasonal workers, and visitors as well. Thus, TischlerBise recommends that fees for residential development in the City of Portland be imposed according to the persons per household (PPHH).

Persons per household (PPHH) will be held constant over the projection period since the study represents a “snapshot approach” of current levels of service and costs. Based on household characteristics, TischlerBise recommends using two housing unit categories for the impact fee study: (1) Single Family and (2) Multifamily. “Single family/Two-family” units include single family detached, single family attached, two-family, and mobile homes, as defined in the City’s land use code. Multifamily units include structures with more than 2 units. Figure 28 shows the US Census, American Community Survey 2016 5-Year Estimates data for the City of Portland. Single family/two-family units have a household size of 2.38 persons per unit and multifamily units have a household size of 1.59 persons per unit.

Additionally, single family/two-family units have a vacancy rate of 9.8 percent and are 70 percent of the housing stock in Portland. Multifamily units have a vacancy rate of 9.4 percent and are 30 percent of the housing stock in Portland.

Figure 28. Persons per Household

Type of Structure	Persons	House-holds	Persons per Household	Housing Units	Persons per Housing Unit	Housing Mix	Vacancy Rate
Single Family/Two-Family Unit ¹	50,010	21,052	2.38	23,338	2.14	69.8%	9.8%
Multifamily Unit ²	14,542	9,149	1.59	10,098	1.44	30.2%	9.4%
Total	64,552	30,201	2.14	33,436	1.93		9.7%

Source: TischlerBise analysis; U.S. Census Bureau, 2012-2016 American Community Survey, 5-Year Estimates

[1] Includes detached, attached, two-family, and mobile home units.

[2] Includes structures with more than 2 units.

Base Year Population and Housing Units

Permanent Residents

Along with the population estimate for residents in single family/two-family and multifamily units, the American Community Survey provides population estimates for those residing in group quarters (i.e. student housing and military residents). Found in Figure 29, the household population and group quarters are considered the City's permanent population. In 2016 it is estimated that the permanent population was 66,627.

Figure 29. Permanent Population, 2016

Type of Structure	Persons	%
Single Family/Two-Family Unit	50,010	75.1%
Multifamily Unit	14,542	21.8%
Group Quarters	2,075	3.1%
Total	66,627	100.0%

Source: U.S. Census Bureau, 2012-2016 American Community Survey, 5-Year Estimates

In the recently published *Portland's Plan 2030*, several population growth scenarios, modeled by the Greater Portland Council of Governments (GPCOG), are played out. The comprehensive plan shows that a medium-level growth scenario would result in a 2030 population of 71,374. Using this projection for the impact fee study, by 2030 the City of Portland is forecasted to have a permanent population of 71,374. To estimate the City's population in the interim years, a straight-line approach is used. Figure 30 illustrates the growth in permanent population. In the base year, 2018, there is estimated to be 67,305 permanent residents in Portland.

Figure 30. Base Year Permanent Population

	2016	2017	Base Year 2018	2019	2020	2025	2030	Total Increase
Permanent Population	66,627	66,966	67,305	67,644	67,983	69,679	71,374	4,747
Percent Increase		0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	7.1%

Source: U.S. Census Bureau, 2012-2016 American Community Survey, 5-Year Estimates; City of Portland Planning Department; TischlerBise analysis

Seasonal Residents

As mentioned, the impact fee study will be using a peak population of Portland because of the large tourism industry. It is assumed that City infrastructure and services are sized to serve a peak population not just the permanent population. In this case, two additional populations need to be calculated: seasonal and visitor. The seasonal population includes residents who have second homes in Portland and

the seasonal labor influx during peak tourism months. The visitor population includes overnight and day visitors.

To calculate the seasonal population, the study assumes full occupancy of the housing units in the city. From the US Census data, in 2016, there were 2,286 vacant single family/two-family homes and 949 vacant multifamily homes. The seasonal population is calculated by multiplying the units by the corresponding the persons per household factor (PPHH). In 2016, there was a seasonal population of 6,950.

Figure 31. Seasonal Population, 2016

Type of Structure	Vacant Units	Persons per Household	Seasonal Population
Single Family/Two-Family Unit ¹	2,286	2.38	5,441
Multifamily Unit ²	949	1.59	1,509
Total	3,235	2.15	6,950

Source: TischlerBise analysis; U.S. Census Bureau, 2012-2016 American Community Survey, 5-Year Estimates

[1] Includes detached, attached, two-family, and mobile home units.

[2] Includes structures with more than 2 units.

Seasonal Visitors

The visitor population for Portland is found by first analyzing the state and regional totals. In 2016, there were 41.2 million visitors to Maine. The majority of the visitors came in the summer, resulting in the average daily number of visitors in the summer being 185 percent of the annual average.

Figure 32. State of Maine Visitor Totals, 2016

Season	Total Visitors	Average Daily Visitors	Percent of Annual Ave.
Winter	5,615,670	46,156	41%
Summer	25,328,066	208,176	185%
Fall	10,230,660	84,088	75%
Total	41,174,396	112,807	100%

Source: Maine Office of Tourism, 2016 Calendar Year Annual Report

According to the Maine Office of Tourism (MOT), there were 5,360,000 visitors (overnight and day visitors) to the Greater Portland and Casco Bay Region in 2016. Results of the MOT's visitor survey indicate that the Portland's Waterfront was the top attraction for 33 percent of overnight visitors and for 30 percent of day visitors. The study will use a conservative method and use these percentages to allocate the regional visitor total to the City of Portland.

In Figure 33 the City of Portland's daily peak visitor population is calculated. The estimated total of overnight visitors to Portland is 745,800. The estimated total of day visitors to Portland is 930,000. As a result, the total annual visitors to the City of Portland is 1,675,800, or an average of 4,591 per day. Found above, during the summer statewide, the visitor population spikes to 185 percent of the annual average. This factor is applied to the City's average to calculate the daily peak season visitor total. As a result, in 2016, it is estimated that the City of Portland's daily peak season visitor population was 8,473.

Figure 33. City of Portland Peak Season Visitor Population, 2016

Overnight Visitors to Region	2,260,000
City's Proportion of Region	33%
Overnight Visitors to Portland	745,800
Day Visitors to Region	3,100,000
City's Proportion of Region	30%
Day Visitors to Portland	930,000
Total Annual Visitors to Portland	1,675,800
Average Daily Visitors	4,591
Peak Season Multiplier	185%
Daily Peak Season Visitor Total	8,473

Source: Maine Office of Tourism, 2016;
TischlerBise Analysis

The study assumes that the visitor population will have a positive relationship and follow the permanent population's growth. From 2016 to 2018 there is a 1.02 percent increase in permanent population in Portland; this is applied to the visitor population to calculate the base year total. It is assumed that during the peak seasonal period the City's seasonal population (seasonal residents and workers) occupies the vacant housing units. As a result, the seasonal population is calculated based on housing growth, described in the next section of the report. In 2018, it is estimated that the peak population for the City of Portland is 83,250.

Figure 34. Base Year Peak Population

	2016	2017	Base Year 2018
Peak Population			
Permanent	66,627	66,966	67,305
Seasonal	6,950	7,168	7,386
Visitor	8,473	8,516	8,559
Total	82,049	82,650	83,250

Source: TischlerBise analysis

Base Year Housing Stock

To understand the housing growth in the City of Portland, the building permit data from the last five years is collected in Figure 35. Over the past 5 years there has been an increase of 1,435 housing units in Portland and, on average, there have been 33 single family/two-family and 254 multifamily housing units constructed annually. It is assumed this trend will continue and the averages are used to project housing development in the City of Portland.

Figure 35. Permitted Housing Units

Housing Type	2013	2014	2015	2016	2017	Total	Average
Single Family/Two-Family	26	53	23	38	26	166	33
Multifamily	168	97	187	611	206	1,269	254
Total	194	150	210	649	232	1,435	287

Source: City of Portland Planning Department

By examining parcel data provided by the City with a GIS (Geographic Information System) software, the base year housing stock is estimated in Figure 36. In total, 56 percent of the housing in the City of Portland is single family/two-family and 44 percent multifamily. Consistent with the City's land use code, single family units include single family detached, single family attached, two-families, and mobile homes. Multifamily units include structures with 3 or more units.

Figure 36. Base Year Housing Stock (Housing Units)

Housing Type	Base Year 2018	%
Single Family/Two-Family	21,047	56%
Multifamily	16,575	44%
Total	37,622	100%

Source: City of Portland GIS Data

Population and Housing Unit Projections

Illustrated in Figure 37, by using the projections from *Portland's Plan 2030* for permanent population, a growth of 3,391 residents is projected by 2028. The seasonal population is assumed to grow with housing development. The vacancy rates found in Figure 28 are assumed to hold through the projection period and the seasonal population is found by combining the estimated vacant units with the corresponding PPHH factor. Lastly, to project the daily peak visitor population growth, the annual percent increase in permanent population is applied. Overall, there is a peak population increase of 4,279. Of the total population in 2028, 81 percent is permanent, 9 percent is seasonal, and 10 percent is visitor population.

To project the housing unit growth in Portland, the five-year annual average of building permits is used (see Figure 35). Over the ten-year projection period, the housing stock in the city is estimated to increase by 2,870 units (88 percent multifamily units).

Figure 37. City of Portland Annual Residential Development Projections

	Base Year 2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	Total Increase
Peak Population														
Permanent	67,305	67,644	67,983	68,322	68,661	69,001	69,340	69,679	70,018	70,357	70,696	71,035	71,374	3,391
Seasonal	7,386	7,432	7,478	7,523	7,569	7,615	7,660	7,706	7,752	7,797	7,843	7,889	7,934	457
Visitor	8,559	8,602	8,645	8,688	8,731	8,775	8,818	8,861	8,904	8,947	8,990	9,033	9,076	431
Total	83,250	83,678	84,106	84,534	84,962	85,390	85,818	86,246	86,673	87,101	87,529	87,957	88,385	4,279
Housing Unit														
Single Family/Two-Family	21,047	21,080	21,113	21,147	21,180	21,213	21,246	21,279	21,313	21,346	21,379	21,412	21,445	332
Multifamily	16,575	16,829	17,083	17,336	17,590	17,844	18,098	18,352	18,605	18,859	19,113	19,367	19,621	2,538
Total	37,622	37,909	38,196	38,483	38,770	39,057	39,344	39,631	39,918	40,205	40,492	40,779	41,066	2,870

Source: Portland's Plan 2030; TischlerBise analysis

Current Employment and Nonresidential Floor Area

The impact fee study will include nonresidential development as well. According to the U.S. Census Bureau's web application, OnTheMap, there were 65,203 jobs in Portland in 2015. The education, health care, and social assistance services accounted for the largest percentage of the total (26.2 percent).

Figure 38. Employment by Industry Sector, 2015

Industry Sector	Employment	%
Agriculture, forestry, fishing and hunting, and mining	18	0.0%
Utilities	395	0.6%
Construction	2,015	3.1%
Manufacturing	2,714	4.2%
Wholesale trade	2,478	3.8%
Retail trade	5,302	8.1%
Transportation and warehousing, and utilities	2,065	3.2%
Information	1,529	2.3%
Finance and insurance, and real estate and rental and leasing	8,114	12.4%
Professional, scientific, mgmt. , admin., and waste mgmt. services	11,893	18.2%
Educational services, and health care and social assistance	17,057	26.2%
Arts, entertainment, recreation, accommodation, and food services	7,354	11.3%
Other services, except public administration	2,475	3.8%
Public administration	1,794	2.8%
Total	65,203	100.0%

Source: U.S. Census Bureau, OnTheMap 2015

The fourteen industry sectors in Figure 38 have been compiled into four industries: retail, office, industrial, and institutional. The City of Portland's employment is pretty well dispersed between the industries, with the institutional and office industries accounting for the highest percentages of employment, Figure 39.

Figure 39. Employment by Industry, 2015

Industry	Jobs	%
Retail	12,656	19%
Office	24,011	37%
Industrial	9,685	15%
Institutional	18,851	29%
Total	65,203	100%

Source: U.S. Census Bureau, OnTheMap 2015

Since the breakdown is for 2015, a projection is necessary to estimate the job totals for the base year. To estimate the current employment in the City of Portland, employment projections from Portland Area Comprehensive Transportation System (PACTS) are used. Based on employment projections at the Traffic Analysis Zone (TAZ) level, PACTS forecast an employment increase of 27.5 percent from 2014 to 2040. The annual percent increase of the PACTS projection is used to calculate the employment growth in Figure 40.

The breakdown by industry in Figure 39 is then applied to total increase to calculate the growth in each industry. In the base year, it is estimated that there are 67,270 jobs in Portland.

Figure 40. Base Year Employment

	2015	2016	2017	Base Year 2018
Employment				
Retail	12,656	12,790	12,923	13,057
Office	24,011	24,265	24,518	24,772
Industrial	9,685	9,787	9,890	9,992
Institutional	18,851	19,050	19,249	19,449
Total	65,203	65,892	66,581	67,270

Source: Portland Area Comprehensive Transportation System (PACTS); TischlerBise analysis

Base year nonresidential floor area for the retail, office, industrial, and institutional industry sectors are calculated with GIS parcel data provided by City staff. In Figure 41, there is a total of 35.3 million square feet of nonresidential floor area in Portland in 2018, with all sectors accounting for at least 20 percent. Additionally, the figure lists the City's land use categories used to determine the floor area of each industry.

Figure 41. Base Year Nonresidential Floor Area

Industry	Nonresidential Sq. Ft.	%	Land Use Categories
Retail	9,816,540	28%	Multiuse Commercial, Retail & Personal Services
Office	9,317,766	26%	Office & Business Services, Communications, Commercial Condos
Industrial	7,224,665	20%	Manufacturing & Constr., Multiuse Ind., Transport., Warehouse, Wholesale
Institutional	8,909,498	25%	Charitable, Government, Scientific Inst., Religious, Other Exempt by Law
Total	35,268,468	100%	

Source: Portland Area Comprehensive Transportation System (PACTS); City of Portland GIS data

Employment and Nonresidential Floor Area Projections

To project nonresidential floor area, square feet per employee factors from the Institute for Transportation Engineer's Trip Generation (2017) are used. To estimate the factor for retail, the shopping center factor is used, for office the general office factor is used, for industrial the manufacturing factor is used, and for institutional the hospital factor is used (Figure 42).

Figure 42. Institute of Transportation Engineers Nonresidential Land Use Factors

ITE Code	Land Use	Demand Unit	Emp Per Dmd Unit	Sq Ft Per Emp
110	Light Industrial	1,000 Sq Ft	1.63	615
130	Industrial Park	1,000 Sq Ft	1.16	864
140	Manufacturing	1,000 Sq Ft	1.59	628
150	Warehousing	1,000 Sq Ft	0.34	2,902
254	Assisted Living	bed	0.61	na
320	Motel	room	0.13	na
520	Elementary School	1,000 Sq Ft	0.93	1,076
530	High School	1,000 Sq Ft	0.63	1,581
540	Community College	student	0.08	na
550	University/College	student	0.18	na
565	Day Care	student	0.19	na
610	Hospital	1,000 Sq Ft	2.83	354
620	Nursing Home	1,000 Sq Ft	2.28	438
710	General Office (avg size)	1,000 Sq Ft	2.97	337
760	Research & Dev Center	1,000 Sq Ft	3.42	292
770	Business Park	1,000 Sq Ft	3.08	325
820	Shopping Center (avg size)	1,000 Sq Ft	2.34	427

Source: Trip Generation, Institute of Transportation Engineers, 10th Edition (2017)

Found in Figure 43, job growth over the next ten years is projected to follow PACTS' annual percentage increase forecast. In total, 6,890 new jobs are projected by 2028. Each industry sector is projected to have an increase over 1,000 jobs, with office topping the four with an increase of 2,537 jobs.

To project floor area, the square foot per job factors are applied to the corresponding job totals. Over the next ten years, it is projected that there will be a growth of 2.8 million nonresidential square feet in the City of Portland. The office and institutional industries are projected to have the largest increases in floor area, both over 700,000 square feet.

Figure 43. Employment and Nonresidential Floor Area Projections

Industry	Base Year 2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Total Increase
Employment												
Retail	13,057	13,191	13,325	13,458	13,592	13,726	13,860	13,993	14,127	14,261	14,395	1,337
Office	24,772	25,026	25,280	25,533	25,787	26,041	26,295	26,548	26,802	27,056	27,309	2,537
Industrial	9,992	10,094	10,197	10,299	10,401	10,504	10,606	10,708	10,811	10,913	11,015	1,023
Institutional	19,449	19,648	19,847	20,046	20,245	20,445	20,644	20,843	21,042	21,241	21,441	1,992
Total	67,270	67,959	68,648	69,337	70,026	70,715	71,404	72,093	72,782	73,471	74,160	6,890
Nonresidential Floor Area (1,000 sq. ft.)												
Retail	9,817	9,874	9,931	9,988	10,045	10,102	10,159	10,216	10,273	10,330	10,387	571
Office	9,318	9,403	9,489	9,574	9,660	9,745	9,830	9,916	10,001	10,087	10,172	854
Industrial	7,225	7,289	7,353	7,418	7,482	7,546	7,611	7,675	7,739	7,804	7,868	643
Institutional	8,909	8,980	9,050	9,121	9,191	9,262	9,332	9,402	9,473	9,543	9,614	704
Total	35,268	35,546	35,823	36,100	36,378	36,655	36,932	37,209	37,487	37,764	38,041	2,773

Source: Portland Area Comprehensive Transportation System (PACTS); City of Portland; TischlerBise analysis

Person Trip Generation

Portland is a unique community with residents and workers using varying modes to travel. In general, an impact fee study calculates future developments' impact on the City's transportation infrastructure. In suburban, greenfield communities that concentrate on roadway expansion to accommodate new vehicles, a development's impact is best estimated by calculating the new vehicle trips or vehicle miles traveled (VMT) generated by the development. However, based on the urban environment and residents' travel behaviors, a multimodal approach is necessary for the City of Portland. This is also consistent with the capital improvements identified in the City's Capital Improvement Plan. As such, the multimodal approach will calculate the daily person trips generated by the varying development types in the study. To encompass the varying modes of travel used in Portland, the methodology includes persons per vehicle trip, transit trip, and non-motorized trips.

Person Trip Methodology

According to the Institute of Transportation Engineers (ITE), there are several elements necessary to calculate person trips. The following equation is provided in the ITE's Trip Generation Handbook (2017):

$$\text{Person trips} = [(\text{vehicle occupancy}) \times (\text{vehicle trips})] + \text{transit trips} + \text{walk trips} + \text{bike trips}$$

To create a more streamlined approach, this study uses "non-motorized trips" as the sum of walk trip and bike trips. The Trip Generation Handbook outlines the general approach to calculating person trips (further detail of methodology used is described in following sections):

1. **Estimate vehicle trips generated by development type.**
 - a. This study uses the vehicle trip rates found in ITE's Trip Generation Manual (2017).
2. **Determine mode share and vehicle occupancy.**
 - a. Trip survey data from the National Household Transportation Survey (2017) is used to calculate needed factors.
3. **Convert vehicle trips to person trips.**
 - a. This conversion calculates the total person trips by combining the vehicle trip mode share and vehicle occupancy.
4. **Calculate the estimated person trips by mode.**
 - a. The mode share split is applied to the total person trip rate to calculate the specific person trip rate for vehicle, transit, and non-motorized trips per land use.

Residential Vehicle Trips

A customized vehicle trip rate is calculated for the single family and multifamily units in the City of Portland. In Figure 44, the most recent data from the American Community Survey is inputted into equations provided by the ITE to calculate the vehicle trip ends per housing unit factor. A single family/two-family unit is estimated to generate 7.6 trip ends on an average weekday and a multifamily unit is estimated to generate 3.6 trip ends on an average weekday.

Figure 44. Customized Residential Vehicle Trip End Rates

	Vehicles Available (1)	Households (2)			Vehicles per Household by Tenure
		Single Family/Two-Family	Multifamily Units	Total HHs	
Owner-occupied	23,000	12,312	680	12,992	1.77
Renter-occupied	17,976	8,740	8,469	17,209	1.04
TOTAL	40,976	21,052	9,149	30,201	1.36
Housing Units (6) =>		23,338	10,098	33,436	
Persons per Housing Unit =>		2.14	1.44	1.93	

	Persons (3)	Trip Ends (4)	Vehicles by Type of Housing	Trip Ends (5)	Average Trip Ends	Trip Ends per Housing Unit
Single Family/Two-Family	50,010	154,055	30,926	202,330	178,192	7.60
Multifamily	14,542	33,220	10,050	39,892	36,556	3.60
TOTAL	64,552	187,275	40,976	242,222	214,748	6.40

(1) Vehicles available by tenure from Table B25046, 2012-2016 American Community Survey 5-Year Estimates.

(2) Households by tenure and units in structure from Table B25032, American Community Survey, 2012-2016.

(3) Persons by units in structure from Table B25033, American Community Survey, 2012-2016.

(4) Vehicle trips ends based on persons using formulas from [Trip Generation](#) (ITE 2017). For single family housing (ITE 210), the fitted curve equation is $EXP(0.89 \cdot \ln(\text{persons}) + 1.72)$. To approximate the average population of the ITE studies, persons were divided by 286 and the equation result multiplied by 286. For multifamily housing (ITE 221), the fitted curve equation is $(2.29 \cdot \text{persons}) - 81.02$.

(5) Vehicle trip ends based on vehicles available using formulas from [Trip Generation](#) (ITE 2017). For single family housing (ITE 210), the fitted curve equation is $EXP(0.99 \cdot \ln(\text{vehicles}) + 1.93)$. To approximate the average number of vehicles in the ITE studies, vehicles available were divided by 485 and the equation result multiplied by 485. For multifamily housing (ITE 220), the fitted curve equation is $(3.94 \cdot \text{vehicles}) + 293.58$ (ITE 2012).

(6) Housing units from Table B25024, American Community Survey, 2012-2016.

Nonresidential Vehicle Trips

Vehicle trip generation for nonresidential land uses are calculated by using ITE's average daily trip end rates found in their recently published 10th edition of Trip Generation. To estimate the trip generation in Portland, the weekday trip end per 1,000 square feet factors highlighted in Figure 45 are used. To estimate the trip generation for retail the shopping center factor is used, for office the general office factor is used, for industrial the manufacturing factor is used, and for institutional the hospital factor is used.

Figure 45. Institute of Transportation Engineers Nonresidential Land Use Factors

ITE Code	Land Use	Demand Unit	Wkdy Trip Ends Per Dmd Unit	Wkdy Trip Ends Per Employee
110	Light Industrial	1,000 Sq Ft	4.96	3.05
130	Industrial Park	1,000 Sq Ft	3.37	2.91
140	Manufacturing	1,000 Sq Ft	3.93	2.47
150	Warehousing	1,000 Sq Ft	1.74	5.05
254	Assisted Living	bed	2.60	4.24
320	Motel	room	3.35	25.17
520	Elementary School	1,000 Sq Ft	19.52	21.00
530	High School	1,000 Sq Ft	14.07	22.25
540	Community College	student	1.15	14.61
550	University/College	student	1.56	8.89
565	Day Care	student	4.09	21.38
610	Hospital	1,000 Sq Ft	10.72	3.79
620	Nursing Home	1,000 Sq Ft	6.64	2.91
710	General Office (avg size)	1,000 Sq Ft	9.74	3.28
760	Research & Dev Center	1,000 Sq Ft	11.26	3.29
770	Business Park	1,000 Sq Ft	12.44	4.04
820	Shopping Center (avg size)	1,000 Sq Ft	37.75	16.11

Source: [Trip Generation](#), Institute of Transportation Engineers, 10th Edition (2017)

Mode Share and Vehicle Occupancy

Data from the National Household Travel Survey (NHTS) is used to approximate the percentage split of total person trips by transportation modes in the City of Portland. NHTS has been conducting stratified, random surveys for nearly 50 years with the aim to understand the modes and purposes of travel in the US. For this study, the most recent survey, 2017, is refined to create a database of survey responses that is both from similar cities to Portland and statistically significant. Initially, the national database of responses is refined by location and population, the results are limited to New England metropolitan statistical areas (ME, NH, VT, CT, MA, RI) with less than 1 million residents. The City of Portland is within the Portland-South Portland-Biddeford, Maine metropolitan statistical area that had a population of 523,874 in 2016 (US Census American Community Survey, 2016). The database is further filtered to only include responses from urban areas and urban clusters. Lastly, only responses for trips on weekdays are included. As a result, there are 2,656 NHTS responses in the database that are used to approximate the mode splits and vehicle occupancy.

Data from NHTS indicates the purpose of a trip which allows for the mode share and vehicle occupancy to be calculated for residential and nonresidential land uses separately. It is assumed that trips for residential and nonresidential purposes have different characteristics, so by calculating separately the analysis results in more accurate trip factors. There are 1,447 survey responses that are attributed to

residential and 1,209 responses attributed to nonresidential land uses. Both databases are well within a 95 percent confidence level with a confidence interval (margin of error) of less than 3.¹

The transportation mode split for residential purpose trips is listed in Figure 46. Of the 1,447 total trips, 86 percent are by vehicle, 1 percent transit, and 13 percent non-motorized. Additionally, during the vehicle trips there were 1,877 passengers, resulting in an average vehicle occupancy of 1.51 passengers per vehicle trip.

Figure 46. Residential Purpose Person Trips by Mode

Mode	Trips	%
Vehicle	1,246	86%
Transit	18	1%
Non-Motorized	183	13%
Total	1,447	100%

Source: National Household Travel
Survey, 2017; TischlerBise analysis

The transportation mode split for nonresidential purpose trips is listed in Figure 47. Of the 1,209 total trips, 82 percent are by vehicle, 2 percent transit, and 16 percent non-motorized. Additionally, during the vehicle trips there were 1,669 passengers, resulting in an average vehicle occupancy of 1.69 passengers per vehicle trip.

Figure 47. Nonresidential Purpose Person Trips by Mode

Mode	Trips	%
Vehicle	989	82%
Transit	22	2%
Non-Motorized	198	16%
Total	1,209	100%

Source: National Household Travel
Survey, 2017; TischlerBise analysis

¹ A confidence level expresses the certainty that the true mean of the population falls within the confidence interval, the margin of error of the results.

Vehicle Trip Ends to Find Total Person Trip Ends

The total person trip end rate for each land use can be calculated using the vehicle trip end rate, vehicle occupancy rate, and vehicle mode share. The following formula to calculate vehicle trip ends is provided in the ITE's Trip Generation Handbook (2017):

$$\text{Vehicle trip ends} = [(\text{person trip ends} \times (\text{vehicle mode share})) / (\text{vehicle occupancy})]$$

This is rearranged to calculate total person trips:

$$\text{Person trip ends} = [(\text{vehicle trip ends}) \times (\text{vehicle occupancy})] / (\text{vehicle mode share})$$

By inputting the vehicle trip rate, vehicle occupancy, and vehicle mode share factors found in earlier sections, the daily person trip rate for each land use is found. For example, the daily vehicle trip rate for a single family/two-family housing unit is 7.60 (Figure 44), the vehicle occupancy is 1.51, and the vehicle mode share is 86 percent (Figure 46). By inputting these factors into the formula, a daily person trip end rate of 13.34 is calculated $[(7.60 \text{ vehicle trips} \times 1.51 \text{ occupancy rate}) / [86\% \text{ vehicle mode share}] = 13.34$. Figure 48 lists the calculated daily person trip end rate for each land use.

Figure 48. Daily Person Trip End Rate by Land Use

Development Type	Daily Vehicle Trip Ends	Vehicle Occupancy Rate	Vehicle Mode Share	Daily Person Trip Ends
Single Family/Two-Family	7.60	1.51	86%	13.34
Multifamily	3.60	1.51	86%	6.32
Retail	37.75	1.69	82%	77.80
Office	9.74	1.69	82%	20.07
Industrial	3.93	1.69	82%	8.10
Institutional	10.72	1.69	82%	22.09

Source: Trip Generation, Institute of Transportation Engineers, 10th Edition (2017); National Household Travel Survey data, 2017; TischlerBise analysis

Residential Trips Adjustment Factors

A person trip end is the out-bound or in-bound leg of a trip. As a result, so to not double count trips, a standard 50 percent adjustment is applied to trip ends to calculate a person trip. For example, the out-bound trip from a person's home to work is attributed to the housing unit and the trip from work back home is attributed to the employer.

However, an additional adjustment is necessary to capture residents' work bound trips that are outside of the City. The trip adjustment factor includes two components. According to the NHTS (2009), home-based work trips are typically 31 percent of out-bound trips (which are 50 percent of all trip ends). Also, utilizing the most recent data from the Census Bureau's web application "OnTheMap", 49 percent of the City of Portland's workers travel outside the city for work. In combination, these factors account for 8 percent of additional production trips ($0.50 \times .31 \times 0.49 = 0.08$). Shown in Figure 49, the total adjustment factor for residential housing units includes attraction trips (50 percent of trip ends) plus the journey-to-work commuting adjustment (8 percent of production trips) for a total of 58 percent.

Figure 49. Trip Adjustment Factor for Commuters out of the City

Employed Portland Residents (2015)	35,405
Portland Residents Working in the City (2015)	17,958
Portland Residents Commuting Outside of the City for Work	17,447
Percent Commuting out of the City	49%
Additional Production Trips	8%
Standard Trip Adjustment Factor	50%
Residential Trip Adjustment Factor	58%

Source: U.S. Census, OnTheMap Application, 2015

To calculate nonresidential trips, the standard 50 percent adjustment is applied to office, industrial, and institutional. A lower trip adjustment factor is used for retail uses because this type of development attracts person trips while they pass-by. Pass-by trips do not generate further traffic as it is only a stop on a trip for ultimately a different purpose. For example, when someone stops at a convenience store on their way home from work, the convenience store is not their primary destination.

Person Trips by Mode

In Figure 50, the trip adjustment factor and mode share are applied to the person trip end rate of each land use to calculate the person trips. For example, for single family/two-family housing units the trip adjustment factor is 58 percent and the vehicle mode share is 86 percent, resulting in a daily person trip rate of 6.66 for the vehicle mode ($13.34 \text{ person trip ends} \times 0.58 \text{ trip adjustment factor} \times 0.86 \text{ vehicle mode share} = 6.66 \text{ person trips}$).

Figure 50. Person Trips by Mode

Development Type	Person Trip Ends	Trip Adjustment Factor	Person Trips/Unit			
			Total	Vehicle	Transit	Non-motorized
Single Family/Two-Family	13.34	58%	7.74	6.66	0.08	1.01
Multifamily	6.32	58%	3.67	3.16	0.04	0.48
Retail	77.80	38%	29.56	24.24	0.59	4.73
Office	20.07	50%	10.04	8.23	0.20	1.61
Industrial	8.10	50%	4.05	3.32	0.08	0.65
Institutional	22.09	50%	11.05	9.06	0.23	1.76

Source: Trip Generation, Institute of Transportation Engineers, 10th Edition (2017); National Household Travel Survey data, 2017; TischlerBise analysis

Note: Trip rates are shown per housing unit for residential land uses and per 1,000 square feet of floor area for nonresidential land uses, except Hotel is shown per hotel room.

Person Trip Projections

The base year person trip totals and trip projections are calculated by combining the person trip factors and the residential and nonresidential assumptions for housing stock and floor area. Found in Figure 51, in the base year, residential land uses generate 223,734 person trips (30 percent) and nonresidential land uses generate 511,437 person trips (70 percent) in the City of Portland. Through 2028, there will be an increase of 47,721 daily person trips in Portland with retail, multifamily, and office development being the three largest contributors to the increase.

In the base year, 83 percent of the person trips are by vehicle, 2 percent is by transit, and 15 percent is by non-motorized modes. The majority of the person trip increase over the 10-year projection period is from vehicles as well.

Figure 51. Total Daily Person Trip Projections

	Base Year 2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Total Increase
Residential Person Trips												
Single Family/Two-Family	162,904	163,161	163,418	163,675	163,932	164,189	164,446	164,703	164,960	165,216	165,473	2,570
Multifamily	60,830	61,762	62,693	63,625	64,556	65,487	66,419	67,350	68,282	69,213	70,145	9,314
Subtotal	223,734	224,922	226,111	227,299	228,488	229,676	230,865	232,053	233,241	234,430	235,618	11,884
Nonresidential Person Trips												
Retail	290,177	291,864	293,551	295,238	296,925	298,612	300,299	301,987	303,674	305,361	307,048	16,871
Office	93,550	94,408	95,266	96,124	96,982	97,840	98,698	99,555	100,413	101,271	102,129	8,579
Industrial	29,260	29,520	29,781	30,041	30,302	30,562	30,823	31,083	31,344	31,604	31,865	2,605
Institutional	98,450	99,228	100,006	100,785	101,563	102,341	103,119	103,897	104,676	105,454	106,232	7,782
Subtotal	511,437	515,021	518,604	522,188	525,772	529,356	532,939	536,523	540,107	543,690	547,274	35,837
Grand Total Person Trips	735,171	739,943	744,715	749,487	754,260	759,032	763,804	768,576	773,348	778,120	782,892	47,721
Person Trips by Transportation Mode												
Total Vehicle Person Trips	611,790	615,750	619,711	623,672	627,632	631,593	635,554	639,514	643,475	647,436	651,396	39,607
Total Transit Person Trips	12,466	12,550	12,633	12,717	12,800	12,884	12,967	13,051	13,135	13,218	13,302	836
Total Non-Motorized Trips	110,915	111,643	112,371	113,099	113,827	114,555	115,283	116,011	116,738	117,466	118,194	7,279
Grand Total Person Trips	735,171	739,943	744,715	749,487	754,260	759,032	763,804	768,576	773,348	778,120	782,892	47,721

Source: Trip Generation, Institute of Transportation Engineers, 10th Edition (2017); National Household Travel Survey data, 2017; TischlerBise analysis

Base Year Wastewater Usage

Water and sewer account data has been provided by the Portland Water District (PWD) and the City's Department of Public Works. Within the database, residential, commercial, industrial, and institutional wastewater usage is calculated. Additionally, with account data, the wastewater usage of an Equivalent Residential Unit (ERU) is calculated as well. The ERU is the estimate of the daily average wastewater usage from a household with a water meter that is 5/8 inches. In the impact fee calculation, a capacity ratio factor is applied when calculating the wastewater usage and resulting impact fee for developments with larger meters.

Base Year Estimates

Shown in Figure 52, on average there is a total of 5.7 million gallons per day of wastewater flowing through the City's sewer system from these four development types. The majority of the wastewater flows from residential development, but commercial development creates a significant demand as well.

Figure 52. City of Portland Daily Wastewater Usage, 2018

Development Type	Base Year (gals/day)	%
Residential	2,933,364	52%
Commercial	1,998,656	35%
Industrial	542,244	10%
Institutional	187,205	3%
Total	5,661,470	100%

Source: City of Portland Public Works
Department

Equivalent Residential Unit

The wastewater component of the impact fee study will use the wastewater flow calculated for residential units that have a water meter of 5/8 inches to represent the Equivalent Residential Unit (ERU). To calculate the ERU, the wastewater account database is filtered by active residential accounts that use the City's sewer system. Additionally, the database is further limited by only year-round accounts. These accounts are occupied households that reside in Portland permanently. Year-round accounts are approximated by accounts that have activity every month. Illustrated in Figure 53, there is an average of 61 hundred cubic feet (HCF) of wastewater per year from a year-round active residential account flowing into the City's sewer system. That equates to an average of 126 gallons per day, rounded.

Figure 53. Equivalent Residential Unit

Meter Size (inches)	Total Water (HCF)	Active Accounts	Annual Average per Account (HCF)	Annual Average (gallons)	Daily Average (gallons)
5/8	866,230	14,134	61	45,846	126

Source: City of Portland Public Works Department; TischlerBise analysis

Note: Provided data measured wastewater totals in hundred cubic feet (HCF), equal to 748.05 gallons

Wastewater Projections

To project wastewater flows, it is assumed that the average consumptions will stay constant. As a result, the wastewater from residential accounts will increase at the same rate as the projected housing units and wastewater from nonresidential accounts will increase at the same rate as the projected growth in floor area for the respective industry. Over the next ten years, a total increase of 400,000 gallons per day is projected. Residential and commercial land uses account for the majority of the projected increase.

Figure 54. Wastewater Projections, Million Gallons Per Day (MGD)

Development Type	Base Year 2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Total Increase
Residential	2.93	2.96	2.98	3.00	3.02	3.05	3.07	3.09	3.11	3.13	3.16	0.22
Commercial	2.00	2.01	2.02	2.03	2.05	2.06	2.07	2.08	2.09	2.10	2.11	0.12
Industrial	0.54	0.55	0.55	0.56	0.56	0.57	0.57	0.58	0.58	0.59	0.59	0.05
Institutional	0.19	0.19	0.19	0.19	0.19	0.19	0.20	0.20	0.20	0.20	0.20	0.01
Total	5.66	5.70	5.74	5.78	5.82	5.86	5.90	5.94	5.98	6.02	6.06	0.40

Source: City of Portland Public Works Department; TischlerBise analysis

APPENDIX B: AFFORDABLE HOUSING ANALYSIS

This chapter estimates the effects of imposing the proposed impact fees on the affordability of housing in the City of Portland. The analysis will examine the current household income and housing expenses that burden an average household in the City. Next, the maximum defensible impact fees will be included in the cost burden analysis to identify the effect the fees will have on affordable housing in the City.

For this analysis, affordable housing is defined in as housing to families whose incomes do not exceed 80 percent of the median income of the City. The analysis uses the US Housing and Urban Development's (HUD) criteria that housing should be 30 percent or less of a household's income. The cost of housing is "moderately burdensome" if its cost burden is over 30 percent and "severely burdensome" if the ratio is over 50 percent.

Proposed Impact Fees

The impact fees found in Figure 55 are new development's fair share of the cost to provide additional parks & recreation, transportation, and wastewater facilities. The City may adopt fees that are less than the amounts shown. However, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service. The housing affordability analysis will assume a conservative condition for assessing the effect of the impact fee on affordable housing in the City of Portland (i.e. the maximum defensible impact fee amount). If the City were to choose a lower impact fee amount, the results presented in this report would improve.

Figure 55. Maximum Defensible Impact Fees

Development Type	Parks & Rec	Transportation	Wastewater	Total
Residential (per housing unit/per water meter)				
Single Family/Two-Family	\$1,126	\$2,159	\$1,886	\$5,171
Multifamily	\$752	\$1,023	\$1,886	\$3,661

Note: a 5/8 inch meter is shown for residential development, however, the wastewater fee will be assessed based on the development's meter size.

Housing Stock

Listed in Figure 56, there are a total of 33,436 housing units in the City of Portland. Of the total, 90 percent are occupied. Additionally, the majority (70 percent) of the housing in the City is single family/two-family units.

Figure 56. Housing Stock Characteristics

Type of Structure	Persons	House-holds	Persons per Household	Housing Units	Persons per Housing Unit	Housing Mix	Vacancy Rate
Single Family/Two-Family Unit ¹	50,010	21,052	2.38	23,338	2.14	69.8%	9.8%
Multifamily Unit ²	14,542	9,149	1.59	10,098	1.44	30.2%	9.4%
Total	64,552	30,201	2.14	33,436	1.93		9.7%

Source: TischlerBise analysis; U.S. Census Bureau, 2012-2016 American Community Survey, 5-Year Estimates

[1] Includes detached, attached, two-family, and mobile home units.

[2] Includes structures with more than 2 units.

Household Income

The purchasing power of Portland residents to secure housing is represented by personal income. Personal income includes all wages, tips, and bonuses from employment, as well as retirement income earned from a pension plan or retirement account. In the analysis, household income represents all residents living in the housing unit, no matter relationship. From the US Census Bureau American Community Survey, in 2016 the median annual household income for the City was \$65,571. By using the US Bureau of Labor Statistics' CPI Calculator, the current household income is estimated at \$68,560. The annual income for a household making 80 percent of the City's median is \$54,848, or \$4,571 per month.

Figure 57. Median Household Income

Median Annual Household Income (2016)	Median Annual Household Income (2018)	Household Income Factor	80% of Median Annual Income	Monthly Income
\$65,571	\$68,560	80%	\$54,848	\$4,571

Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates; U.S. Bureau of Labor Statistics CPI Calculator

Cost of Homeownership

The analysis uses ten categories to calculate the baseline cost of homeownership in the City: purchase price; mortgage payment; property tax; stormwater management fee; water; sewer; gas; electricity; telephone, cable and internet; and homeowners insurance. The following section details the costs included.

Purchase Price

The median home value is used to estimate the purchase price of a home. The American Community Survey estimates that the median value of a home in the City in 2016 was \$248,000 (US Census Bureau, 2012-2016 American Community Survey 5-Year Estimates). With the US Bureau of Labor Statistics' CPI Calculator, the current home value is estimated to be \$259,306.

Mortgage Payment

A conventional, fixed-rate 30-year mortgage is assumed to estimate monthly costs of principle and interest on a home loan. The down payment for a loan is assumed to be 20 percent of the purchase price ($\$259,306 \times 20\% = \$51,861$). The loan amount for the mortgage is determined by subtracting the down payment from the purchase price ($\$251,617 - \$51,861 = \$207,445$). An interest rate of 4.35 percent is assumed for the home purchase based on a survey of competitive interest rates in Portland (www.bankrate.com). The monthly mortgage payment is \$1,033.

Property Tax

To calculate annual property tax, homes in the City that are assessed a property tax millage rate of 0.0225. The assessed value of a home in Portland is found by reducing the market rate (purchase price) by the Local Declared Ratio (89%) and the Maine Homestead Exemption Program (\$17,800). Thus, in this analysis the assessed value of an average home in Portland is \$212,982 ($\$259,306 \times 89\% - \$17,800 = \$212,982$). As a result, the annual property tax for the average valued home is \$4,788 ($\$212,982 \times 0.0225 = \$4,788$).

Stormwater Service Charge

In the City of Portland, the stormwater service charge to operate and maintain the stormwater management system is \$12.60 per month for a housing unit. It is assumed that the average single family unit has between 1,800 and 2,880 square feet of impervious area.

Water Utility

By using data provided by the City of Portland and the Portland Water District, the average household uses 126 gallons of water per day or 512 cubic feet per month. Based on the water rates for a residential unit, the average water usage results in a monthly charge of \$19.09.

Wastewater Utility

By using data provided by the City of Portland and the Portland Water District, the average household generates 126 gallons of wastewater per day or 512 cubic feet per month. Based on the wastewater rates for a residential unit, the average wastewater generation results in a monthly charge of \$21.98.

Electricity Utility

By using data from the Central Maine Power company, the average household generates 552 kilowatts of electricity per month. Based on the electricity rates for a residential unit, the average electricity usage results in a monthly charge of \$45.30.

Gas Utility

By using data from the Governor's Energy Office and Unutil company, the average household uses 62.5 therms of gas per month (annualized average). Based on the gas rates for a residential unit, the average usage results in a monthly charge of \$54.43.

Telephone, Cable, and Internet Utilities

Comcast Xfinity is a provider of telephone, cable, and internet in the City of Portland. From their website, the three services costs \$80.00 per month (www.xfinity.com).

Homeowner's Insurance

Homeowner's insurance provides protection for the home and is generally required when a home has a mortgage. The average cost for homeowner's insurance in the City is estimated to be \$820 per year (www.insurance.com).

Monthly Payment

By compiling the month obligations, it is estimated that the monthly cost for homeownership is \$1,733. At the end of this chapter the monthly costs are listed in Figure A6.

Cost of Renting

The cost of renting a home in the City of Portland is estimated with data provided by the US Census Bureau. In 2016, the median gross rent (including all utilities and rental insurance) in the City was estimated to be \$969. With the US Bureau of Labor Statistics' CPI Calculator, the current cost of renting is estimated to be \$1,013.

Cost Burden Analysis

The cost burden for affordable housing is measured as the ratio between monthly payments for housing (including property tax, fee, utilities, and insurance) and monthly gross household income. An analysis was conducted for residents that purchase a home and residents that rent a home. A cost burden ratio of 30 percent is used as the threshold to determine housing affordability in the City of Portland.

Scenario 1: Baseline Conditions

Figure 58 summarizes the cost burden analysis for residents purchasing or renting a median valued home without the maximum defensible impact fees included. Based on the results, the cost burden for owner-occupied housing is above the threshold to be considered affordable for households whose income is 80 percent of the City's median income. The renter-occupied housing cost burden is below the limit of affordability for households whose income is 80 percent of the median income.

Figure 58. Scenario 1: Cost Burden Analysis without Proposed Impact Fee

Condition	Monthly Income	Monthly Cost	Cost Burden
Owner-Occupied	\$4,571	\$1,733	37.9%
Renter-Occupied	\$4,571	\$1,013	22.2%

Scenario 2: Baseline Condition + Proposed Impact Fee

In the second scenario, the maximum defensible impact fees are included into the cost burden analysis to identify the effects the fee has on housing affordability. Since the impact fees are based on housing type, the owner-occupied housing unit will be assessed the fee for single family/two-family units (\$5,171) and the renter-occupied housing unit will be assessed the fee for multifamily units (\$3,661).

The analysis takes a conservative approach and assumes the purchase price of the median home is raised by the increase in the impact fee. This ultimately increases the household's mortgage payment and property tax, see Figure 60. For renter-occupied housing units, the analysis assumes that the impact fee increase will be recouped by the landlord through an increase in monthly rent. The fee will be recouped over 30 years, thus increasing the monthly rent by \$10.

Figure 59 lists the monthly costs with the impact fees for owners and renters. The cost burden ratio for owner-occupied homes increases by 0.7 percentage points and for renter-occupied homes the cost burden ratio increases by 0.2 percentage points. Even with the increase, the cost burden for renter-occupied homes is still considered affordable for households who earn 80 percent of the median income.

Figure 59. Scenario 2: Cost Burden Analysis with Proposed Impact Fee

Condition	Monthly Income	Monthly Cost	Cost Burden
Owner-Occupied	\$4,571	\$1,763	38.6%
Renter-Occupied	\$4,571	\$1,023	22.4%

Impact Fee Effect on Affordable Housing

Condition	Change
Owner-Occupied	0.7%
Renter-Occupied	0.2%

Conclusion

This chapter estimates the effect on affordability of housing from imposing the maximum defensible impact fees. To calculate the effect, a household that earns 80 percent of the median income should have a cost burden ratio of 30 percent or less for housing. Currently, the cost burden of an owner-occupied home (single family/two-family) is above the threshold, thus considered moderately burdensome. The cost burden of a renter-occupied home (multifamily) is below the threshold, thus considered affordable. **This analysis has concluded that the maximum defensible impact fees would only have a marginal effect on housing affordability in Portland. Additionally, with the impact fees, renter-occupied units are still well below the 30 percent threshold.**

As noted, this analysis takes a conservative approach by assuming that the impact fees are absorbed entirely by the home occupants. However, in some cases, impact fees result in land values to decrease placing the burden on land owners and not on the future home owners or renters.

Figure 60. Cost of Homeownership

Cost of Living Components	Monthly Payment Calculation	
	Scenario 1	Scenario 2
	Baseline Condition	Baseline Condition + Impact Fee
Purchase Price	\$259,306	\$264,477
Down Payment	\$51,861	\$52,895
Loan Amount	\$207,445	\$211,582
Loan Length (Years)	30	30
Loan Length (Months)	360	360
Yearly Interest Rate	4.35%	4.35%
Monthly Interest Rate	0.36%	0.36%
Monthly Payment	\$1,033	\$1,053
Property Tax - City (per month)	\$399	\$408
Stormwater Fee	\$13	\$13
Water, Sewer, Gas & Electric Utilities	\$141	\$141
Telephone, Cable & Internet Utilities	\$80	\$80
Homeowners Insurance	\$68	\$68
Monthly Cost	\$1,733	\$1,763

APPENDIX C: LAND USE ASSUMPTIONS

In determining the Wastewater Impact Fee for meters that are larger than the standard meter size for a single family home, 5/8 inches, a capacity ratio is calculated and then applied to the impact fee of a single family home. For example, the water flow capacity for the standard meter size serving a single family home is 20 gallons per minute (gpm). The water flow capacity for a 1.5-inch meter is 100 gpm. The capacity ratio is calculated by dividing the larger meter's capacity by the standard meter's capacity ($100/20 = 5.00$). To calculate the corresponding fee, the ratio is applied to the proposed impact fee for the 5/8 meter. The meter capacities shown in Figure 61 are from the American Water Works Association.

Figure 61. Water Meter Capacity Ratios

Meter Size (inches)	Meter Capacity	Capacity Ratio
5/8	20	1.00
3/4	30	1.50
1	50	2.50
1 1/2	100	5.00
2	160	8.00
3	320	16.00
6	1,000	50.00
8	1,600	80.00

Capacity ratios are based on meter capacity standards published by American Water Works Association, *Principles of Water Rates, Fees, and Charges, M1*, 7th ed., 2017



August 28, 2024
05258

Mr. Matt Grooms
City of Portland
Office of Planning and Urban Development
Congress Street
Portland, ME 04101

Impact Fee Modification Request – 75 Northport Drive

Dear Matt:

On behalf of Northport Investments, LLC, we are pleased to submit the enclosed request for Planning Board review for a modification of the applied transportation impact fees for a proposed interior redevelopment. The project is part of the Northport Business Park identified as Lot 5 on the City of Portland Tax Map 401 and located on Northport Drive in the B-2 Mixed Use Zone. A Master Plan and Condominium Plat was approved by the Planning Board in January 2007 for the overall site. This application involves the redevelopment of a portion of condominium Unit 75.

The applicant, Chamberlain Homes, has entered into a purchase and sales agreement to acquire Unit 75, a unit in the middle section of an existing building in the Northport Business Park for the development of a commercial gym and a use to be later determined.

The subject site comprises a single unit that was established through the Condominium process from the larger approximately 27-acre parcel. The site is currently fully developed with a building previously housing L.L.Bean, Inc.'s call center which ceased operations at this location. The site is currently vacant. The proposed gym development will encompass approximately 28,000 square feet on the northern portion of the approximately 73,000 square foot, single story unit. The remaining portion of Unit 75 is not to be developed as part of this proposed project.

Through guidance from the City's Code Enforcement Staff, it was determined that the proposed development did not require site plan review by City staff or the Planning Board. In accordance, a building permit for the proposed development was filed with the City in or around February 2024. In response the City issued the applicant an invoice including a transportation impact fee of \$188,468.50. The applicant was provided an additional explanation by City staff that the fee was calculated in accordance with Section 16 of the City of Portland Land Use Code as the difference between the impact fee for Retail/Service and Office use.

Pursuant to Section 16 of the Land Use Code, the applicant requests the Planning Board review and modify the applied transportation impact fee. The applicant requests a modification on the grounds that the traffic impact fee for redevelopment of the existing 73,000 square foot building is a crippling

impediment to development consistent with the nature and intention of the B-2 zone, and the trip generation for the proposed development does not equate to a typical retail/service land use.

Under the Land Use Code, the B-2 zone is designed “[t]o provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses, housing, and services serving the adjoining neighborhoods and the larger community.” The proposed redevelopment of a call center as a gym facility that would serve the surrounding neighborhood and community is consistent with the purpose of the zone. In addition, the calculated traffic generation for the proposed development does not equate to typical retail/service land use. The proposed 28,000 SF gym is estimated to generate approximately 57.69% of the daily trips of a typical retail use of the same size development (please see the attached Memorandum).

In accordance, the applicant is requesting the Planning Board find that due to the nature of the redevelopment and lack of an appropriate transportation impact fee land use for the proposed development, that a modified transportation impact fee of \$68,096 be assessed in place per the attached analysis.

Included for your review, please find attached:

- Location Map
- Traffic Memorandum
- “Bill to” Information
- Proposed Layout

Thank you for your time and attention to this project through redevelopment review. We look forward to continuing the discussion of the proposed redevelopment project with City Staff and the Planning Board.

Sincerely,

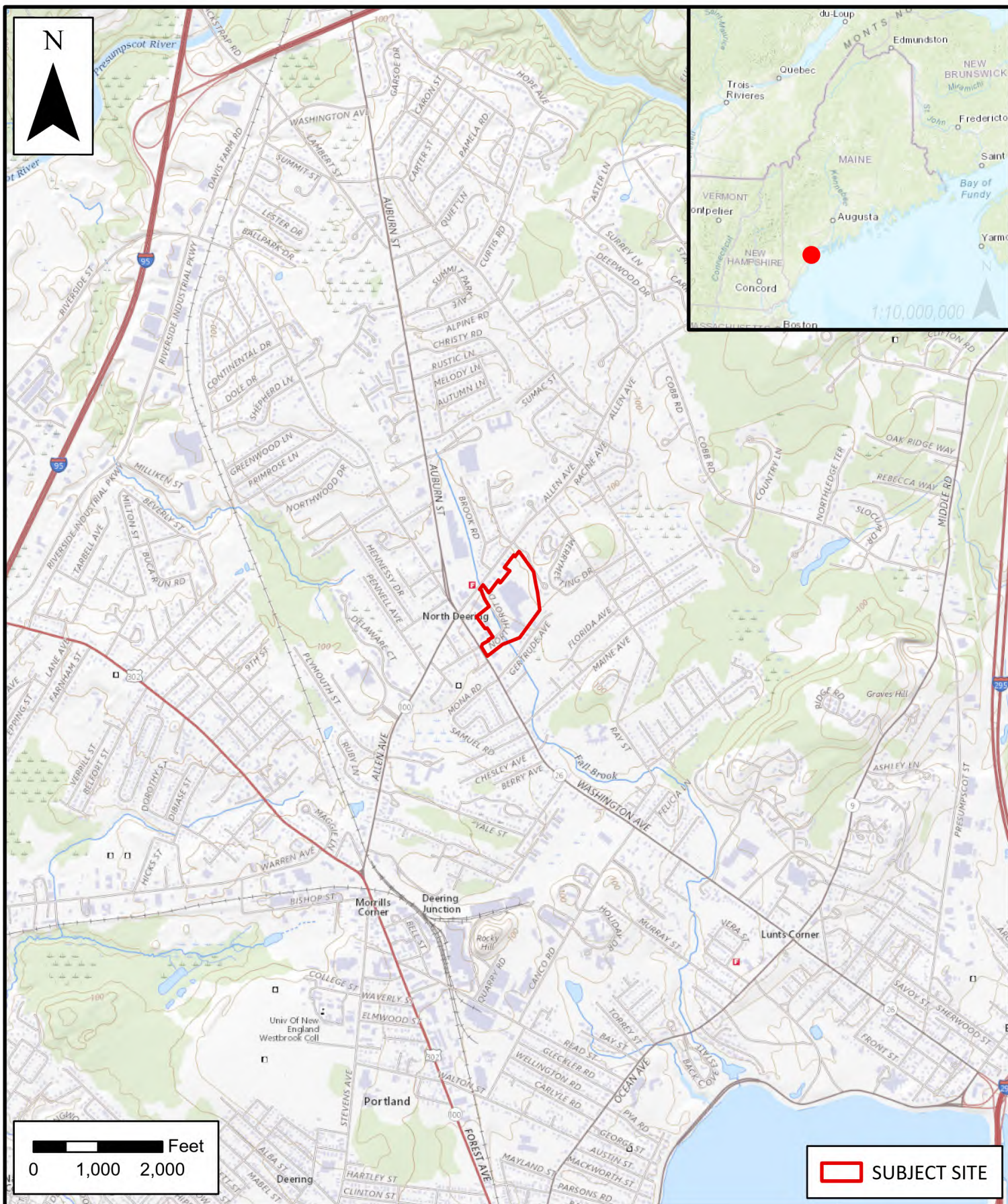
SEBAGO TECHNICS, INC.



Kylie S. Mason, R.L.A., LEED-AP
Chief Operations Officer
Maine Licensed Landscape Architect

KSM/JTG

Enc.



SEBAGO
TECHNICS

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

LOCATION MAP NORTHPORT BUSINESS PARK

LOCATION:
75 NORTHPORT DRIVE
PORTLAND, ME

INFORMATION:

MAINE GEOLIBRARY
USGS QUADRANGLE

SCALE: 1:24,000

DATE: 12/5/2023

05258

To: Jordan Gagnon, Esq., Sebago Technics

From: Griffin Steinman, EI, Sebago Technics

Bradley Lyon, P.E., PTOE, Sebago Technics

Date: August 16, 2024

Subject: Traffic Impact Fee Methodology, 75 Northport Drive, Portland

Introduction

The purpose of this memorandum is to provide an alternative traffic impact fee calculation for a proposed internal change of use from a 28,000 square foot (SF) portion of a 73,000 SF call center to a 28,000 SF gym at 75 Northport Drive in Portland, Maine. The impact fee comparison is based on a 28,000 SF gym and a 28,000 SF office based on direction received from the City of Portland.

Impact Fee Comparison

It is our understanding that the City of Portland has assessed a preliminary transportation impact fee based on the fee increase for converting 28,000 SF of office space to 28,000 SF of retail/service space for the development. The 2024 Transportation Impact Fees outlined by the City of Portland are summarized in Table 1.

Table 1 – Transportation Impact Fee Comparison

<i>Land Use</i>	<i>City of Portland 2024 Impact Fee</i>
Single-family/Two-family	\$2,682 per unit
Multi-family	\$1,271 per unit
Retail/Service	\$10,247 per 1,000 SF GFA
Office	\$3,479 per 1,000 SF GFA
Industrial	\$1,404 per 1,000 SF GFA
Institutional	\$3,829 per 1,000 SF GFA
Hotel/motel	\$2,987 per room

Vehicular trip generation is calculated based on the 11th Edition of the Institute of Transportation Engineers (ITE), *Trip Generation Manual*. ITE provides similar land uses as listed in Table 1, but also includes a category for Recreational uses, including land use code (LUC) 492 – Health/Fitness Club which is defined as a “privately-owned facility that primarily focuses on individual fitness or training.” The recreational land use is notably absent from the transportation impact fee land uses shown in Table 1.

For comparison typical daily trip generation rates between a recreation and retail space are shown in Table 2. LUC 822 – Strip Retail Plaza (<40k) is defined by ITE as “an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit.” LUC 495 – Recreational Community Center is defined as “a stand-alone public facility similar to and including YMCAs” and often includes “exercise classes, weightlifting and gymnastics equipment, locker rooms.”

Table 2 – Daily Trip Generation Rate Comparison

<i>ITE Category</i>	<i>ITE Land Use</i>	<i>Average Rate per 1,000 SF</i>
Retail	822 – Strip Retail Plaza (<40k)	54.45
Recreational	495 – Recreational Community Center	28.82

As seen in Table 2, the average daily trip generation for a recreational space utilizing LUC 495 is approximately 52.9% of the daily trip generation of a retail space utilizing LUC 822, suggesting a recreational land use generates noticeably less daily traffic than a retail/service land use. Daily trip generation is not provided by ITE for LUC 492 – Health/Fitness Club, which is most applicable to the proposed land use. To calculate daily trip generation for LUC 492, trip generation is compared with LUC 495 as shown in Table 3.

**Table 3 – ITE Trip Generation
LUC 492 – Health/Fitness Club versus LUC 495 – Recreation Community Center**

<i>Time Period</i>	<i>LUC 492 Average Rate per 1,000 SF</i>	<i>LUC 495 Average Rate per 1,000 SF</i>	<i>LUC 492 Comparison</i>
Weekday	-	28.82	-
AM Peak Hour – Adjacent Street	1.31	1.91	0.69
AM Peak Hour – Generator	1.40	1.85	0.76
PM Peak Hour – Adjacent Street	3.45	2.50	1.38
PM Peak Hour – Generator	3.92	2.53	1.55

As demonstrated in Table 3, the proposed gym, on average, generates 1.09 times more traffic than LUC 492 in the respective peak hour periods. Applying this rate to LUC 495’s daily trip generation rate results in a weekday trip generation of 31.41 trips per 1,000 SF for LUC 492.

Based on the daily trip generation calculation, the proposed gym is estimated to generate 879 daily trips, while a similar size retail space would be estimated to generate 1,525 daily trips. Therefore, a proposed gym would be estimated to generate 57.69% of the weekday traffic compared to a similar size

retail space. This methodology is supported by the City of Portland's third-party traffic review, as attached to this memorandum.

Applying the 57.69% percentage to the 2024 retail/service land use impact fee of \$10,247 per 1,000 SF GFA, results in a proposed revised impact fee of \$5,911 per 1,000 SF for a recreational land use space. It's worth noting this proposed fee is higher than the alternative land uses provided by the City as opposed to the Retail/Service land use.

Utilizing this proposed fee of \$5,911 per 1,000 SF of recreational space results in a fee of \$165,508 for the 28,000 SF proposed gym. For the existing 28,000 SF office, a credit of \$97,412 is available based on the 2024 impact fees. Subtracting the impact fee credit from the proposed development's fee results in a recommended accessed impact fee of **\$68,096** for a change in use of 28,000 SF of office space, to a 28,000 SF gym. It is important to note that the attached City's third-party traffic review methodology utilized City of Portland impact fee rates from a previous year in their analysis.

Attachments

City Third Party Traffic Review Methodology



August 8, 2024

Natasha Kypfer
Senior Planner
City of Portland

Subject: 75 Northport Drive – Traffic Impact Fee Methodology

Dear Natasha:

Per your request the following summarizes the suggested recommendation for estimating the impact fee for the 75 Northport Drive project.

28,000 SF Gym

ITE LUC 492 Health Fitness Club

Definition: A health/fitness club is a privately-owned facility that primarily focuses on individual fitness or training. It typically provides exercise classes, fitness equipment, a weight room, spa, lockers rooms, and a small restaurant or snack bar. This land use may also include ancillary facilities, such as a swimming pool, whirlpool, sauna, limited retail, and tennis, pickle ball, racquetball, or handball courts. These facilities are membership clubs that may allow access to the general public for a fee. Racquet/tennis club (Land Use 491), athletic club (Land Use 493), and recreational community center (Land Use 495) are related uses.

- AM Peak Hour of Generator – 1.40 trips/1K SF – 4 studies
- AM Peak Hour of Adjacent Street Traffic – 1.31 trips/1K SF - 6 studies
- PM Peak Hour of Generator – 3.92 trips/1K SF – 3 studies
- PM Peak Hour of Adjacent Street Traffic – 3.45 trips/1K SF – 8 studies
- Daily Trip Rate – Not Provided

ITE LUC 495 Recreation Community Center

Definition: A recreational community center is a stand-alone public facility similar to and including YMCAs. These facilities often include classes and clubs for adults and children, a day care or nursery school, meeting rooms and other social facilities, swimming pools and whirlpools, saunas, tennis, racquetball, handball, pickle ball, basketball and volleyball courts; outdoor athletic fields/courts, exercise classes, weightlifting and gymnastics equipment, locker rooms, and a restaurant or snack bar. Public access is typically allowed and a membership fee may be charged. Racquet/tennis club (Land Use 491), health/fitness club (Land Use 492), and athletic club (Land Use 493) are related land uses.

- AM Peak Hour of Generator – 1.85 trips/1K SF – 11 studies
- AM Peak Hour of Adjacent Street Traffic – 1.91 trips/1K SF – 12 studies

pg. 2
75 Northport Drive

- PM Peak Hour of Generator – 2.53 trips/1K SF – 11 studies
- PM Peak Hour of Adjacent Street Traffic – 2.50 trips/1K SF – 15 studies
- Daily Trip Rate – 28.82 trips/1K SF – 4 studies

ITE LUC 493 Athletic Club

Limited studies and a Daily Rate is not provided.

ITE LUC 491 Racquet/Tennis Club

Limited studies.

Daily Volume Estimate

Method #1

LUC 492/LUC 495

- AM Peak Hour of Generator – $1.40/1.85 = 0.76$
- AM Peak Hour of Adjacent Street Traffic – $1.31/1.91 = 0.69$
- PM Peak Hour of Generator – $3.92/2.53 = 1.54$
- PM Peak Hour of Adjacent Street Traffic – $3.45/2.5 = 1.38$
- Average = 1.09
- Daily = $28.82 \text{ trips/1K SF} \times 1.09 = 31.41 \text{ trips/1K SF}$
- Daily Trips = $28,000/1,000 \times 31.41 = 879 \text{ trips}$

Method #2 (Proposed by applicant)

LUC 495

- 1 Data Site
- PM Peak hour % of Daily volume = 12.3% (5-6PM)
- $3.92/.123 = 31.87 \text{ trips/1K SF}$
- Daily Trips = $28,000/1000 \times 31.87 = 892 \text{ trips}$
- Comment: The peak hour in Portland typically occurs between 4:30 to 5:30. From 4-5PM the % of Daily volume is 7.2%
- $3.92/.072 = 54.44 \text{ trips/1K SF}$
- It is likely between these two. The average = $(54.44 + 31.87)/2 = 43.16 \text{ trips/ 1K SF}$
- Daily Trips = $28,000/1000 \times 43.16 = 1,208 \text{ trips}$

Recommendation:

Use Method #1

Suggested Daily Trips = 879 Trips

28,000 SF Office

LUC 710 General Office

- Weekday
- 59 studies
- Average Rate 10.84 trips / 1K SF
- Daily Trips = $28,000/1,000 \times 10.84 = 304$ trips
- Equation $\ln(T) = 0.87 \ln(X) + 3.05$
- Daily Trips = $0.87 \ln(28) + 3.05 = 384$ trips
- **Suggested Daily Trips = 384 trips.**

Impact Fee Estimate

Daily Trip Rates

Retail and Service

- LUC 820 Shopping Center (>150K) – Daily Rate = 37.01 trips
- LUC 821 Shopping Plaza 40-150k – Daily Rate = 94.49
- LUC 822 Strip Retail Plaza <40k – Daily Rate = 54.45 trips

Office

- LUC 710 General Office (per 2018 Study) – Daily Rate = 10.84 trips

Industrial

- LUC 140 Manufacturing (Per 2018 Study) – Daily Rate 4.75 trips

Hotel

- Independent Variable Room and therefore not included

Institutional

- LUC 610 Hospital (per 2018 Study) – Daily Rate = 10.77 trips

Impact Fees

- Retail = \$8,248
- Office = \$2,800
- Industrial = \$1,130
- Institutional = \$3,082

Gym Daily Rate = 31.41

Retail Average = 54.45

pg. 4
75 Northport Drive

Office = 10.84
Industrial = 4.75
Institutional = 10.77

Fee Estimate for Gym

- Retail = $31.41/54.45 \times \$8,248 = \$4,758$
- Office = $31.41/10.84 \times \$2,800 = \$8,113$
- Industrial = $31.41/4.75 \times \$1,130 = \$7,472$
- Institutional = $31.41/10.77 \times \$3,082 = \$8,989$
- Average = $\$7,333$

Options

Use either the retail based (\$4,758) or the average (\$7,333)

Suggested Impact Fee

Option #1

Gym = $28,000 / 1K \times \$4,758 = \$133,224$
Office Credit = $28,000/1K \times \$2800 = \$78,400$
Impact Fee = $\$54,824$

Option #2

Gym = $28,000 / 1K \times \$7,333 = \$205,324$
Office Credit = $28,000/1K \times \$2800 = \$78,400$
Impact Fee = $\$126,924$

Recommendation

Option #1

Gym = $28,000 / 1K \times \$4,758 = \$133,224$
Office Credit = $28,000/1K \times \$2800 = \$78,400$
Impact Fee = $\$54,824$

Or as an Alternative, conduct traffic counts at an existing gym facility to determine actual rates with the methodology to be approved by the City.

pg. 5
75 Northport Drive

Please contact me if you have any questions.

Best regards,

T.Y. LIN INTERNATIONAL

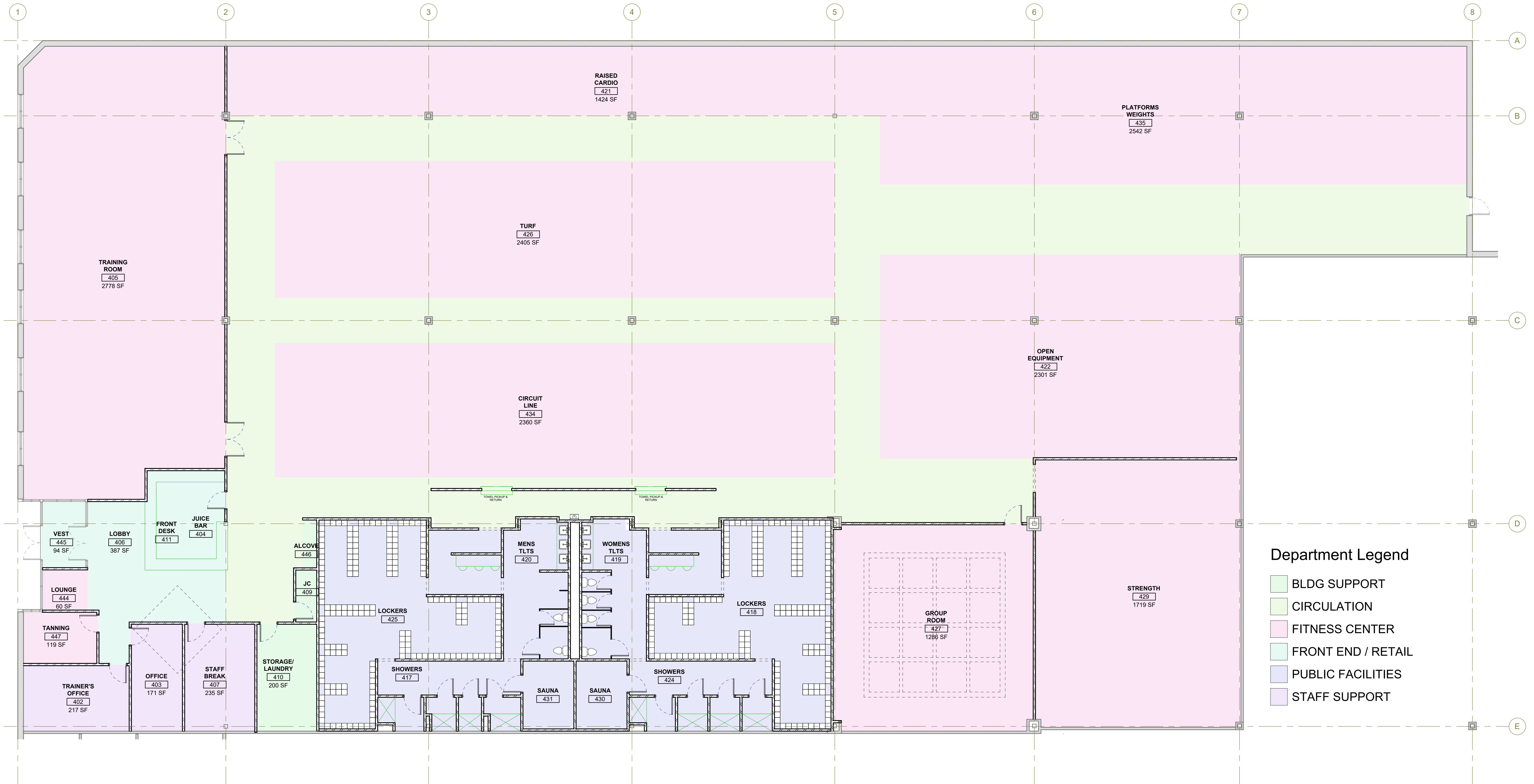
A handwritten signature in black ink that reads "Thomas A. Errico". The signature is written in a cursive, flowing style.

Thomas A. Errico, PE
Senior Associate / NE Traffic Engineering Director

75 Northport Drive – Impact Fee Modification

Bill to:

Northport Investments, LLC
c/o Elliott Chamberlain
1022 Portland Road
Saco, ME 04072
207-282-7377
elliott@chamberlainhomes.com



PLANNING BOARD

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

September 11, 2024

Elliott Chamberlain
Chamberlain Homes
1022 Portland Road
Saco, ME 04072

Kylie Mason
Sebago Technics
75 John Roberts Road, Suite 4A
South Portland, ME 04106

Project Name: Modification of Impact Fees
Address: 75 Northport Drive
CBL: 401 A005
Applicant: Chamberlain Homes
Planner: Natasha Kypfer

Dear Elliott Chamberlain and Kylie Mason:

On September 10, 2024, the Planning Board approved a Modification of Impact Fees at 75 Northport Drive for change of use from a vacant office building to a new commercial gym. The property is located within the B-2, Community Business zone. Based on the information provided to the Board in the application, plans, reports, through testimony and other information submitted by the applicant, the Planning Board **[adopts/does not adopt]** the findings, conclusions and recommendations contained in the Planning Board Report for the public hearing on September 10, 2024, which is attached hereto and incorporated herein by reference. Based upon those findings, conclusions and recommendations, the Planning Board found that the application met all relevant standards and voted **[vote]** to approve the application with the following conditions as presented below.

A. IMPACT FEE MODIFICATION

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 September 10, 2024 for the Modification of Impact Fees Request for 75 Northport Drive relevant to the Impact Fee Ordinance (Chapter 14, Article 16) and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board **[finds/does not find]** the proposed impact fee modification request meets the standards of Chapter 14, Article 16, and grants the reduction of the applied transportation impact fees assessed from \$188,468.50 to \$68,096.00.

If there are any questions, please contact Natasha Kypfer at (207) 874-8725 or via email at nkypfer@portlandmaine.gov.

Sincerely,

Brandon Mazer, Planning Board Chair

Attachments:

1. Planning Board Report

482 Congress Street
Major Site Plan Application
PL-002949-2024
CU-002951-2024
Gorrill Palmer, Applicant

Submitted to:	Portland Planning Board	Prepared By:	Eric Freeman
Public Hearing Date:	September 10, 2024	Date:	September 6, 2024

I. INTRODUCTION

Gorrill Palmer Engineering and Center Congress LLC have submitted a Major Site Plan application for a change of use at 482 Congress Street from Class-B office to 39 residential units. 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.

The Planning and Urban Development Department mailed 126 notices advertising this meeting to property owners within 500 feet of the site. A legal advertisement ran in the September 3, 2024 edition of the Portland Press Herald.

Applicant: Center Congress LLC

Applicant Representatives: Gorrill Palmer Engineering Ryan Senatore Architects



Figure 1: 482 Congress Street

II. REQUIRED REVIEWS

Review	Applicable Standards
Site Plan	Section 14.6
Inclusionary Zoning	Section 18.2

III. PROJECT DATA

Existing Zoning	B3 Downtown Business
Property Size	24,146 SF
Existing Use	Retail, Class-B office
Proposed Development Program	Conversion of floors 2-5 from from Class-B office to 39 residential units.

IV. EXISTING CONDITIONS AND SURROUNDING AREA

The existing site is located on Congress Street in close proximity to Monument Square. The site is bounded by Congress Street, Center Street and Free Street. The five-story building was constructed in the late 19th century and has been used as retail and office space for the majority of its existence. There is a surface parking lot at the rear of the property bounded by Center Street and Free Street. The lot is currently managed by Unified Parking Partners.

The primary entrance to the building fronts Congress Street directly in front of the existing METRO bus shelter. There is a secondary entrance accessed via Center street. There are two retail spaces on the ground level of the building fronting Congress Street which will remain unchanged as part of this application. The building received new windows and exterior renovations in 2022 (HPBR-001226-2020)



Figure 2: The Congress Street frontage of the building

V. PROPOSED DEVELOPMENT

The proposed development involves interior renovations of floors two through five from Class-B office space to 39 residential units. The proposed development includes 29 market-rate units and 10 inclusionary zoning units. There are currently four existing residential units on the third and fourth floors of this building which will be renovated as part of this application, and which are included as part of the total unit count listed throughout this report. The proposed internal configuration will include 14 one-bedroom units and 25 two-bedroom units. A total of 10 units will be designated as workforce housing. This application will also involve the reconstruction of approximately 140 feet of brick sidewalk on Center Street and the closing of two existing but unused curb cuts.

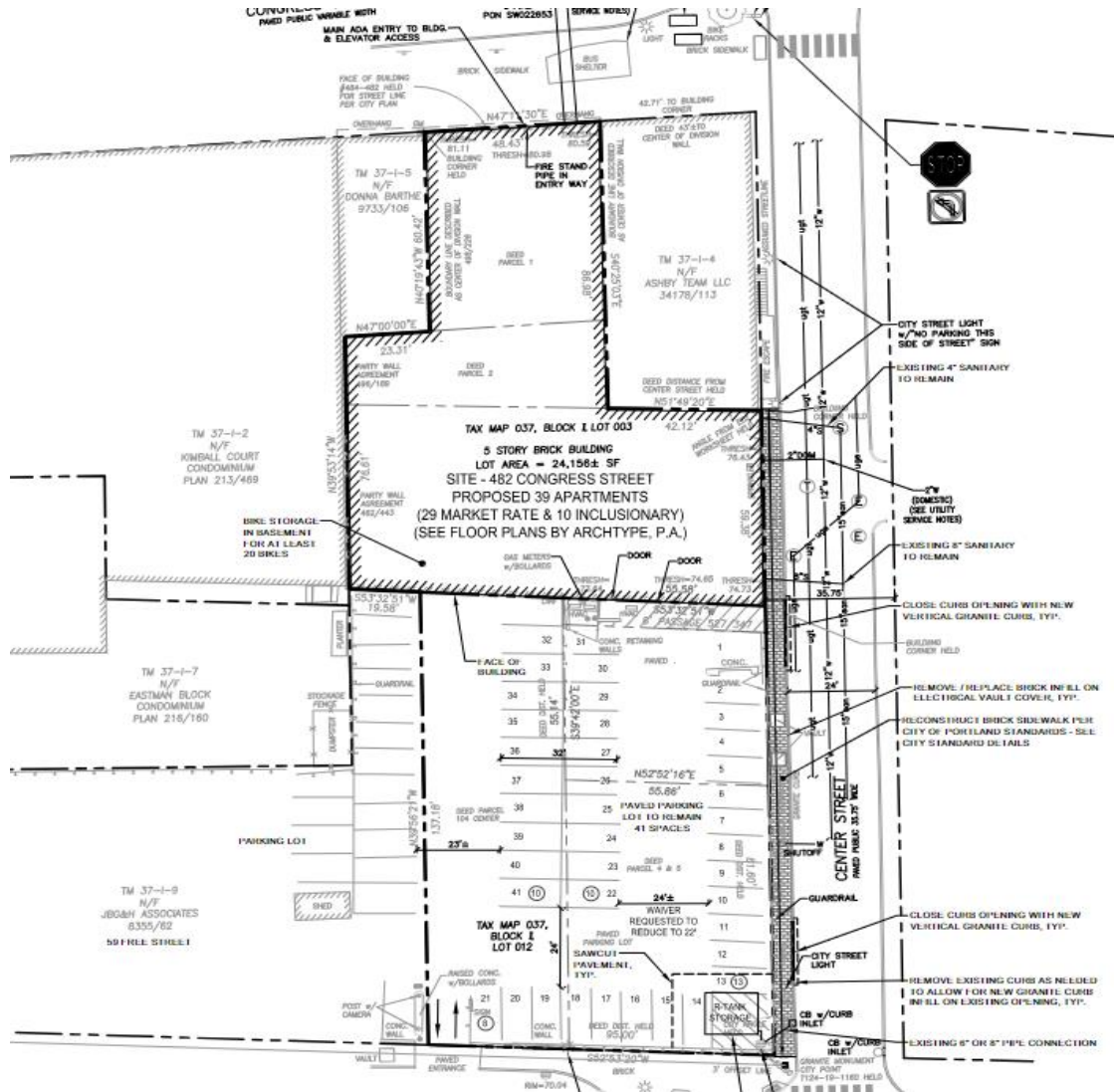


Figure 3: Site Plan

VI. RIGHT, TITLE, & INTEREST

The site is owned by Center Congress LLC per Deed recorded in the Cumberland County Registry of Deeds Book 40735, page 139, A confirmatory release deed as recorded in Book 40735 page 139. Full Right, Title and

Interest documentation is included as Attachments F and G

VII. FINANCIAL & TECHNICAL CAPACITY

The applicant has retained Archetype Architects, and Gorrill Palmer Consulting Engineers to assist with the design and construction of the proposed project. These firms have extensive experience with adaptive reuse projects of similar scale.

VIII. ZONING ANALYSIS

The subject properties lie within the B-3 Downtown Business Zone. The proposed use is a use that is permitted by right within the B-3 zone.

	Required	Proposed
Lot Size	N/A	24,156 SF
Minimum Street Frontage (%)	15 ft.	48.5 ft.
Maximum Height	90 ft.	75 ft.
Maximum Impervious Area	100%	100%
Off-street parking spaces	None	39

Inclusionary zoning (Section 18.2)

The proposed development has been reviewed by Staff for conformance with the relevant review standards of Section 18.2.5 of the Land Use Code related to the City's Inclusionary Zoning requirements for residential projects:

This adaptive reuse project will include 10 Inclusionary zoning units, which would meet the requirement that 25% of proposed units be affordable to households earning 80% of the area median income (AMI) or less. Staff consider this standard to be met, subject to the draft conditions of approval, which require that the applicant place a deed restriction on the property maintaining the affordability requirements for a period of 30 years, and enter into an affordable housing agreement (AHA) with the City.

IX. CONDITIONAL USE STANDARDS (Section 6.4)

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.

Staff would note that residential uses are permitted by right within the B-3 Downtown Business zone, and therefore the anticipated impacts of this change of use are consistent with those of other uses permitted within the zone. There are no anticipated traffic impacts anticipated with this application. The applicant will rebuild approximately 140 feet of sidewalk along Center Street and will provide parking to residents on an as-needed basis within the on-site parking lot managed by Unified Parking Partners.

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.

This application involves the reuse of an existing building. There is an anticipated increase in waste water generation which will be managed through on-site detention, prior to being released into the City's combined sewer. Additionally, the applicant is coordinating with the Department of Public Works, and is awaiting a Wastewater Capacity Authorization. Aspects of this development, including lighting, noise and emissions, are not anticipated to have an impact beyond other permitted uses within the B-3 zone.

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.

The existing building is located within the urban core of Portland and is an allowable use within the B-3 zone. This change of use is not anticipated to have an impact greater than other surrounding uses.

D. The proposed use will meet any additional zone or use-specific standards identified in Tables 6- A to 6-F and Subsections 6.5.6 and 6.5.7.

Not applicable to this application.

X. SITE PLAN 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.

1. Transportation Standards (Section 14.6.1)

A. Impact on surrounding street systems

The proposed use is not expected to create traffic or safety concerns on surrounding streets. Overall traffic volumes are anticipated to be lower with the residential land use compared to the original commercial office use, and residents will either have the option to park on the property within the existing parking lot, or secure off-site parking elsewhere.

Staff finding: Met

B. Access and circulation

This application proposes to reconstruct the sidewalk along a portion of Center Street and close two existing unused curb-cuts. Residential access to the building would be provided through existing doors on Congress Street and Center Street. The existing Center Street entrance is not an accessible entrance with respect to Americans with Disabilities Act (ADA) requirements, as there is an exterior stair that is proposed to remain. The primary residential entrance will be from Congress Street, which provides direct access to both a stairwell and elevator that provide access throughout all floors of the building.

Staff finding: Met

C. Public transit access

Along the property's frontage on Congress Street, there is an existing transit shelter, where riders can access five METRO transit routes and the METRO Pulse Transportation Center.

D. Parking

Change-of-use applications within the B-3 zone are exempt from off-street parking requirements. Residential parking will be provided within the existing parking lot bounded by Center Street and Free Streets. The existing parking lot is managed by Unified Parking Partners and will continue operation as normal. The applicant also proposes to install 10 wall-mounted bike racks in the basement level of the building which will be capable of holding up to 20 bicycles. This exceeds the requirement of 2 bike spaces per five units.

Staff finding: Met

E. Transportation demand management (TDM)

By virtue of its downtown location, the site is highly walkable with easy access to public transit. The applicant has provided a Transportation narrative which details the sites proximity to fixed route transit, bike/ped facilities, and neighborhood amenities.

A full transportation narrative is included as Attachment E, and given the scale of the development and proposed use, a full TDM plan is not required.

2. Environmental Quality Standards (Section 14.6.2)

A. Preservation of significant natural features

The existing site is fully developed. There are no significant natural features on this site.

B. Landscape preservation

Given the site's location within the downtown core of Portland, there are no significant landscape features on this site.

C. Site landscaping and buffers

Section 4.6.1 of the Technical Manual requires one street tree per unit or 39 street trees in total. The applicant is proposing a fee-in-lieu contribution at a rate of \$400 per tree, for all of the 39 required street trees, which equates to \$15,600.00.

D. Water quality/storm water management/erosion control

The project is an adaptive reuse project and will not create more than 1,000 square feet of additional impervious surface, therefore DEP Ch. 500 General Standards do not apply.

Per Section 5 of the City of Portland Technical Manual, Major Site plan applications are required to include Stormwater Management Plans. The applicant has provided a 4,000 gallon R-tank storage chamber, which will be provided at the low end of the parking lot along Free Street. An existing catch basin will be removed and replaced with a new catch basin structure that will contain a 2-foot sump pump for flow control.

The details of the proposed R-Tank system will require review and acceptance by the Department of Public Works prior to the issuance of a building permit.

Staff finding: Met

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

A. Consistency with City Master Plans

There are no long-range plans that apply to this project.

B. Public safety and fire prevention

A life safety plan and fire suppression plan was included as part of this application. Emergency Vehicle access to the site will remain unchanged. The building has a full sprinkler system and Fire Department Connection. A fire hydrant is located approximately 30 feet south of the site on Congress Street

Staff finding: Met.

C. Availability and capacity of public utilities

The existing building is sprinkled and contains multiple domestic water services and a 6" Fire service off the water main in Congress Street. The Fire Dept connection is located at the main entrance off of Congress Street. . This application involves upgrades to the water services for backflow prevention to comply with current PWD standards. There is an existing 8-inch sewer connection to the sanitary sewer on Center Street which will remain unchanged.

The building will be served by existing underground gas and electrical connections.

Staff finding: Met

4. Site Design Standards (Section 14.6.4)

A. Massing, ventilation, and wind impact

The existing building is 78 feet height which is below the maximum allowable height of 90 ft. Given the building's size and location there are no anticipated impacts with respect to building massing, ventilation, or wind.

Staff finding: Met.

B. Shadows

The existing building is below the allowable height within this area of the B-3 zone. There are no exterior changes to massing or height and therefore no change to existing shadow impacts.

Staff finding: Met

C. Snow and ice loading

The Department of Public Works has not identified the existing building as causing excessive snow or ice impacts to the adjacent public sidewalk. There are no changes to the exterior of the building that would impact snow or ice loading.

Staff finding: Met

D. View corridors

This application is not within an established view corridor. This standard is not applicable to this application.

E. Historic resources

This application is designated as a contributing structure within the Congress Street Historic District. This application is not proposing any alterations to the exterior of the building and therefore does not require review by the Historic Preservation Board.

Staff finding: Met.

F. Exterior lighting

There is no new exterior lighting proposed as part of this application.

Staff finding: Met

G. Noise and vibration

The existing building currently features roof-mounted HVAC systems. New HVAC systems will also be roof mounted.

Staff finding: Met

H. Signage and wayfinding

No new external signage is proposed as part of this application.

Staff finding: Met

I. Zoning-related design standards

This change of use will maintain the existing building's mixed-use nature by retaining the two retail spaces along Congress Street. The existing building is within the Pedestrian Activities District (PAD). The building's location promotes pedestrian-oriented activities by virtue of its location.

Proposed sidewalk improvements on Center Street will improve pedestrian connectivity on a key downtown street.

XI. NEIGHBORHOOD MEETING & PUBLIC COMMENT

A neighborhood meeting was held for this application on August 6, 2024 at 482 Congress Street. There were no attendees. The full neighborhood meeting notice is included as attachment K.

XII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning & Urban Development Department staff recommends that the Planning Board find that the proposed change-of-use

and conditional use at 482 Congress Street (PL-002949-2024 and CU-002951-2024) meets the applicable standards of Portland's Land Use Code.

XIII. PROPOSED MOTIONS

A. CONDITIONAL USE

On the basis of the application, documents and other information submitted by the Applicant, findings and reconditions contained in the Planning Board Report for the Public Hearing on September 10, 2024 for application CU-002951-2024 relevant to the City of Portland's Inclusionary Zoning Conditional Use Standards and other regulations, and testimony presented at the Planning Board Public Hearing, the Planning Board [**finds/does not find**] that the proposed Conditional Use meets the standards of the Land Use Code Article 18.2.5. with the following conditions

PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. The Applicant and the City shall enter into an Affordable Housing Agreement (AHA) for all on-site workforce housing units, or shall notify the Planning Authority and Department of Housing and Economic Development, that the applicant intends to provide a fee in-lieu for all or a portion of the required workforce housing units.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

2. The Affordable Housing Agreement (AHA) be filed as covenant to the 482 Congress Street property's deed with the Cumberland County Registry of Deeds.
3. In the event that the applicant elects to provide a fee in-lieu of providing a portion or all of the required workforce units on-site, the applicant shall pay into the City's Jill C. Duson Housing Trust Fund in accordance with Ch. 14, Sec. 18.2.3C.6.

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 September 10, 2024 for application # PL-002949-2024 at 482 Congress 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 full design specifications for the R-Tank on-site stormwater detention system, which shall be reviewed and approved by the Department of Public Works.
2. The applicant shall confirm with the Department of Public Works that the City has adequate wastewater capacity to serve the redevelopment.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

The applicant shall contribute \$15,600 to the City's Tree Fund, in lieu of planting 39 of required street trees.

C. PLANNING BOARD DECISION

On the basis of the findings, conclusions and recommendations contained in the Planning Board report for the public hearing on September 10, 2024 related to application PL-002949-2024 and application CU-002951-2024 for 482 Congress Street, which is attached to the draft approval letter and incorporated therein, the Planning Board **[adopts/does not adopt]** the approval letter as drafted as the Planning Board's decision for application PL-002949-2024 and application CU-002951-2024, and authorizes the Planning Board Chair to sign the approval letter as drafted.

XIV. ATTACHMENTS

Public Comment

Staff Materials

- S1. Staff Comments and Applicant Response
- S2. Approval Letter

Applicants Submittal

- A. Cover Letter
- B. Major Site Plan Checklist
- C. Zoning Analysis
- D. Construction Management Plan
- E. Transportation Demand Management
- F. Deed
- G. Release Deed
- H. Public Infrastructure
- I. Site Design
- J. Transportation
- K. Neighborhood Meeting

Drawings

- 1. Cover
- 2. General Notes
- 3. Site Plan
- 4. Boundary Survey
- 5. First Floor Plan
- 6. Second Floor Plan
- 7. Third Floor Plan
- 8. Fourth Floor Plan
- 9. Fifth Floor Plan



300 Southborough Drive, Suite 200, South Portland, ME 04106
(207) 772-2515 | GorrillPalmer.com

August 7, 2024

Mr. Eric Freeman,
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101

Subject: Project ID – PL-002939-2024
482 Congress Street
Change of use
Center Congress LLC, Applicant
Letter of Response (LOR#1)

Dear Eric:

On behalf of **Center Congress LLC (Applicant)**, our office is pleased to provide the following responses to the outstanding staff comments contained in your Site plan Worksheet dated 07/26/2024, sent via email transmission on July 31, 2024. For ease of review we present the comments in *italic* followed by our response in **Bold**.

Transportation Standards (sec 14.6.1)

- *The unused curb openings on Center Street shall be closed.*

Response: The site plan has been updated to include new vertical granite curb to close the curb openings.

- *The sidewalk along the property frontage of Center Street shall be replaced as per the City of Portland Land use Code Article 14.6.1.B.3.b*

Response: The site plan includes removal and reconstruction of the existing brick sidewalk along Center Street

- *According to the site plan the rear parking lot requires dimensional waivers for stall length (16 feet for middle bank) and aisle width (23 feet). The applicant should provide documentation in support of waivers.*

Response: The striping markings in the parking lot reflect the existing conditions which to the best of our knowledge have functioned adequately. As this parking lot will be used by the residential tenants, we believe it will be a low turnover condition that will allow for the smaller space size. This is also based on the existing aisle width of 24' on the east side. The 23' aisle width on the west side is also existing. It is not uncommon for a smaller aisle width down to 22' or less for residential applications, thus a waiver of the 24' aisle width requirement is requested based on the low volume residential land use. The parking spaces can be lengthened if the aisle width is allowed to be 22'.



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TRANSPORTATION



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SURVEY



WATER
RESOURCES



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& INNOVATION

- *It is unclear how the parking spaces will be managed for the residential tenants. Will spaces be allocated to the project? A parking management summary should be provided.*

Response: The parking has historically been for the building's office tenants and/or available thru a pay-for parking to others, with an onsite ticketing. The spaces will be allocated as one space per tenant which based on the land use and on peninsula location is considered adequate for the expected tenant occupancy. Signage designating use by tenants only will be provided and the parking lot already has security coverage etc. to manage prohibited parking use by others. Residents will likely be provided a parking sticker for their vehicles.

- *The applicant will need to complete a transportation demand management plan in order to take advantage of the transit proximate exemption for off street parking.*

Response: A transportation demand management plan has been prepared and accompanies this response letter.

Environmental Quality Standards

- *It appears likely that this project will result in an increase of sanitary flow being directed to the combined sewer based on the proposed change of use. Storm drainage and sanitary sewer flows in this project area drain to the City's combined sewer system. Lack of wet weather capacity results in frequent system wide combined sewer overflows. City wide mitigation of combined sewer overflows is required as part of the City's CSO consent decree administered by the EPA and Maine DEP. To offset this project's sanitary impact on the combined sewer system, DPW is requiring that the applicant provide an on-site stormwater detention volume equal to the projected average daily sanitary flow being added to the combined sewer system by the project.*

Response: The daily flow projection is 3,810 gpd, therefore a 4,000 gal storage system consisting of R-Tank™ chambers will be provided at the low end of the parking lot. An existing catch basin will be removed and replaced with a new catch basin structure that will contain a 2' sump and Hydrobrake™ for flow control. The existing 4' deep catch basin currently ties into an adjacent catch basin on Center Street. The Hydrobrake™ will control the volume of runoff entering the catch basin and being stored in the R-Tank chambers. We ask that final design details for this system be made a condition of approval, to be finalized and reviewed by DPW prior to the issuance of a building permit.

Public Infrastructure and Community Safety Standards

- *The applicant will be required to submit a wastewater capacity application to the DPW water resources engineering section for review and approval.*
- *The applicant notes that the property's existing sewer laterals will be inspected prior to re-use in accordance with City code 24-42. If the laterals are found to be*

defective they shall be replaced or rehabilitated prior to reuse.

- *The need to retrofit the existing sewer laterals with backflow prevention devices shall be determined based on the requirements listed in Section 2.6.10 of the City's Technical Manual.*

Response: A wastewater capacity application has been submitted to Brad Roland at DPW and we await his reply. The applicant will alert DPW to the findings of a sewer inspection and whether any replacement work is needed. Similarly, backflow prevention can be provided on the outletting sewer pipe as necessary.

Site Design Standards

- *All bedrooms shall include at least one closet including at least one closet per studio.*
- *Why do workforce housing units not include in-unit washer/dryers while all market rate units do?*

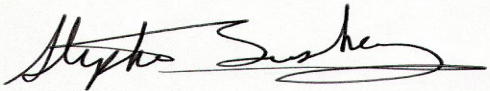
Response: The architectural plans have been updated to add in the closets to the studios. The market rate units will have washers/dryers while the workforce units will share washer/dryer equipment in the basement.

A neighborhood meeting was held on August 6, 2024, and there were no public attendees outside of the team representatives. The certification is attached to this response letter.

We trust that this information will satisfy your informational needs to allow a finding of completeness and a path forward to a public hearing. We look forward to working with City staff and presenting to the Planning Board at the next available public hearing.

Sincerely,

GORRILL-PALMER



Stephen Bushey, PE

Senior Associate

Phone: 207-772-2515 x286

sbushey@gorrillpalmer.com

Attachments:

c: Aaron Brokaw
Chris Leahy
Tim Leahy
Kevin Morrisette

482 Congress Street

Transportation Demand Management Plan

In accordance with Section 17.3 of the Technical Manual the following information is provided,

Project Description: The development at 482 Congress Street involves a five-story mixed use development. The ground floor will contain two small commercial suites and five living units and floors 2-5 will each contain 8 or 9 apartment units for a total of thirty-nine (39) residential units. Of the thirty-nine units there will be ten units categorized as affordable workforce housing and 29 units will be market rate. The property historically contains an office building, however recent conversion of some space on the second and third floor has created four live/work, market rate residential units. The site is within the B-3 zoning district and parking is not specifically required although there are forty-one (41) existing parking spaces on the property. These spaces will be available for tenant use. This TDM has been prepared to qualify for the transit-proximate categorical exemption specified in Table 19-8 of the Land Use Code.

Part 17.3.1 Transportation Narrative

The proposed development benefits from proximity to nearby transit services including the Portland METRO Route 1 Congress Street and Route 8 Peninsula Loop that traverses along Congress with a major stop and shelter immediately in front of the building on Congress Street. The site is also immediately adjacent Monument Square and the METRO transfer center hub at that location. The site development includes thirty-nine residential units, and each unit occupant will be offered one parking space and/or need to secure parking as needed in nearby parking facilities. Nearby parking garages include the One City Center Parking Garage (adjacent), Spring Street Garage, and Brown Street garages. The Commercial Suite tenant and visitors will have use of on street parking on the adjacent streets and within multiple “pay for” parking lots within surrounding streets.

Residents will have access to various pedestrian and bicycle routes in the project vicinity including the Bayside trail that extends to the Portland Transportation Center as well as the East End Trail that connects to Back Cove and points beyond. METRO Transit service also links to the METRO Breez service at Congress Street and that offers service to Yarmouth, Freeport, and Brunswick.



METRO Route 8



METRO Route 1

The development will include signage in the common ground level residential corridor identifying nearby public transit locations as well as mapping for pedestrian/bicycle routes on the peninsula. The mapping will also identify nearby parking structures within $\frac{1}{2}$ mile of the development site. It is assumed that residents will quickly familiarize themselves with nearby parking and access routes for their use and enjoyment. There will be a bike room in the building for storage of up to twenty bikes.



Congress Street Bus Shelter and Bike Share at front of building

17.3.2 Identify a TDM Coordinator

Given the small size of the development a designated TDM coordinator is not proposed. The applicant and their property management team will be responsible for building maintenance as well as ensuring that site features including bike storage are maintained and available. The applicant owns multiple properties on the Peninsula and the Portland area in general and is therefore very familiar with the requirements for maintenance, working with City officials and related issues.

Parts 17.3.3 thru 17.3.6

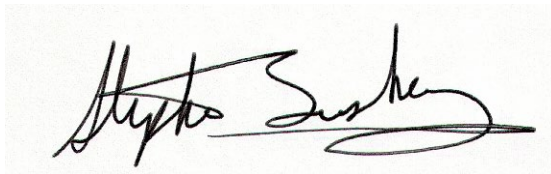
The project's future trip generation is expected to be less than 20 vehicles per peak hour for the residential and less than 10 trips for the small commercial suite occupants of the ground level retail space. The ground level space will not be occupied by a sit-down restaurant or similar tenant. The commercial tenant will be much like other retailers in the Old Port that rely on existing foot traffic and visitors including tourists and residents alike. Due to the small impact of traffic associated with the development, targets for TDM traffic reductions and related TDM objectives are quite minor. It's simply expected that this infill development will blend harmoniously within the surrounding Congress Street/downtown activities and land use and may benefit from the general proximity of transit, parking, and multi-modal transportation options available on the Portland Peninsula. The change of use to residential in the building at 482 Congress Street is perfectly suited to tenants who forego the need for vehicle ownership, due to the best available proximities to area transit services, retail shopping, and employers.

I, Stephen Bushey, of Gorrill Palmer, hereby certify that a Neighborhood Meeting was held on Tuesday, August 6, 2024, at 5:30 P.M. at 482 Congress Street for the proposed 39-unit residential change of use in Portland, ME. There were no public attendees other than project representatives.

I also certify that on July 22, 2024 (which is at least ten (10) days prior to the Neighborhood Meeting) invitations were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development or within 1,000 feet of a proposed industrial subdivision or industrial zone change.
2. Residents on the "interested parties" list.

Signed,



Stephen Bushey, Sr. Associate

August 7, 2024
Date

Attached to this certification are:

1. Copy of the Invitation Sent
2. Meeting Minutes – NA as there were no attendees

July 22, 2024

Dear Neighbor:

Please join us for a Neighborhood Meeting to discuss the proposed Major Site Plan application for a 39-unit change of use housing project at 482 Congress Street in Portland, ME. The project will create 29 Market-rate apartments and 10 affordable (workforce) apartments to replace former office space.

Meeting Location: 482 Congress Street – first floor – look for signs- enter off Congress St.
Portland, ME 04103

Meeting Date: Tuesday August 6, 2024

Meeting Time: 5:30 PM – 6:30 PM

The City Code requires that property owners within 500 feet (except notices must be sent to property owners within 1,000 feet for industrial zoning map amendments and industrial subdivisions) of the proposed development and residents on an “interested parties list”, be invited to participate in a neighborhood meeting. We will take attendance and submit a sign-in sheet to the Planning Board. The meeting will last no more than 60 minutes. If you have any questions, please feel free to contact Stephen Bushey 207.772.2515 x286.

Sincerely,

GORRILL PALMER

Stephen Bushey, PE
Senior Associate
sbushey@gorrillpalmer.com/Sbushey@ljbinc.com
207-772-2515 ext. 286

Note: Under Section 14-32(Q) and 14-525 of the City Code of Ordinances, an applicant for a Major Site plan development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting within three weeks of submitting a preliminary application or two weeks of submitting a final site plan application, if a preliminary plan was not submitted. The neighborhood meeting must be held at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 874-8721 or send written correspondence to the Planning and Urban Development Department, Planning Division 4th Floor, 389 Congress Street, Portland, ME 04101.

U:\4265_482 Congress Street Residential - Portland\GAbutters\neighborhood meeting notice 2024.07.22.docx



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CITY OF PORTLAND, MAINE

PLANNING BOARD

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

September 10, 2024

Steven Bushey
300 Southborough Dr.
Suite 200
South Portland, ME 04106

Project Name:	Major Site Plan	Project ID:	PL-002949-2024 CU-002951-2024
Address:	482 Congress Street	CBL:	037 1003
Applicant:	Gorrill Palmer Engineering Center Congress LLC		
Planner:	Eric Freeman		

Dear Steve,

On September 10 2024, the Planning Board approved a Major Site Plan application and Conditional Use application for a change-of-use from office to 39 residential units at 482 Congress Street in the B-3 Downtown Business zone. The decision is based upon the application, documents and plans as submitted. The Planning Board reviewed the proposal for conformance with the standards of the Site Plan Ordinance, Ch. 14, Article 14, Section 14.6. based on the information provided to the Board in the application, plans, and reports through testimony and other information submitted by the applicant, the Planning Board adopted the findings, conclusions and recommendations contained in the Planning Board Report for the public hearing on September 10, 2024, which is attached hereto and incorporated herein by reference. Based upon those findings, conclusions and recommendations, the Planning Board found that the application met all relevant standards and voted (X-X) to approve the Major Site Plan and Conditional use application with the following conditions as presented below.

A. CONDITIONAL USE

On the basis of the application, documents and other information submitted by the Applicant, findings and reconditions contained in the Planning Board Report for the Public Hearing on September 10, 2024 for application CU-002951-2024 relevant to the City of Portland’s Inclusionary Zoning Conditional Use Standards and other

regulations, and testimony presented at the Planning Board Public Hearing, the Planning Board [finds/does not find] that the proposed Conditional Use meets the standards of the Land Use Code Article 18.2.5. with the following conditions

PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. The Applicant and the City shall enter into an Affordable Housing Agreement (AHA) for all on-site workforce housing units, or shall notify the Planning Authority and Department of Housing and Economic Development, that the applicant intends to provide a fee in-lieu for all or a portion of the required workforce housing units.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

2. The Affordable Housing Agreement (AHA) be filed as covenant to the 482 Congress Street property's deed with the Cumberland County Registry of Deeds.
3. In the event that the applicant elects to provide a fee in-lieu of providing a portion or all of the required workforce units on-site, the applicant shall pay into the City's Jill C. Duson Housing Trust Fund in accordance with Ch. 14, Sec. 18.2.3.C.6.

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 September 10, 2024 for application # PL-002949-2024 relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board voted (X-X) to 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 full design specifications for the R-Tank on-site stormwater detention system, which shall be reviewed and approved by the Department of Public Works.
2. The applicant shall confirm with the Department of Public Works that the City has adequate wastewater capacity to serve the redevelopment.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

The applicant shall contribute \$15,600 to the City's Tree Fund, in lieu of planting 39 of required street trees.

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.
4. 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.
5. 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.
6. 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.)
7. 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.
8. 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.

9. Defect Guarantee A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
10. 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. Please provide one hard copy of the mylar.
11. 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.
12. Impact Fees New development or changes of use that result in net new residential dwelling units, non- residential building square footage, or water meters, are subject to the City of Portland's impact fee ordinance (Chapter 14, Article XVII). Impact fees are calculated at the time of building permit and must be paid prior to the certificate of occupancy. For more information, visit <https://www.portlandmaine.gov/2409/Impact-Fees>

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 drc@portlandmaine.gov or (207)874-8984. 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 Eric Freeman at (207)874-8724 or via email at efreeman@portlandmaine.gov

Sincerely,

Brandon Mazer, Planning Board Chair

Attachments:

1. Planning Board Report
2. Portland City Code: Chapter 32
3. Sample Stormwater Maintenance Agreement
4. Performance Guarantee Packet



300 Southborough Drive, Suite 200
 South Portland, Maine 04106
 207.772.2515

May 17, 2024

Mr. Kevin Kraft -Interim Director

City of Portland Planning & Urban Development
 389 Congress Street, 4th Floor
 Portland, ME 04101

Subject: 482 Congress Street - Major Site Plan Application
Change of Use development – Office space to Residential
Applicant – Center Congress LLC

Dear Kevin:

On behalf of **Center Congress LLC**, Gorrill Palmer is submitting application materials for a Major Site Plan Application, for building renovations and change of use at 482 Congress Street. The proposal is to complete interior renovations to create up to 39 apartments, a mix of 29 market rate and 10 affordable (workforce) in compliance with City Inclusionary Zoning requirements. The building has been historically commercial office space, however four work/live units have been previously constructed on the second and third floors. The original building was constructed in 1900 and contains approximately 54,180 SF (including the basement) per City GIS records. The existing commercial uses on the ground floor will remain, although some spaces may have new tenants. According to the boundary survey by Owen Haskell the 482 Congress site is 24,156 SF (0.55 acres) in size. The development includes greater than three dwelling units therefore the proposal qualifies for a Major Site Plan approval from the Planning Board in accordance with Table 14-A of the ReCode.

Existing Conditions

The existing site is located at 482 Congress Street and contains an existing 5-story structure and shared vehicular access route off Free Street. The driveway off Free Street includes shared access to the abutting property. There are thirty-eight (39) surface parking spaces behind the Building. Center Street contains some parallel parking capacity. The site is located in the B-3 zone as identified in Figure 1.

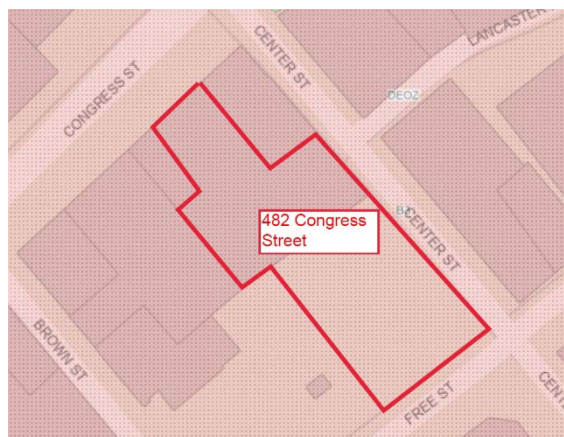


Figure 1 - Zoning Map Excerpt

According to City records, underground utilities in the abutting streets already serve the building, and include water, gas, and sewer. Underground power and communications lines are located Congress and Center Streets. The proposed change of use involves only



interior refit up of the spaces to convert into the residential units. It is anticipated that the conversions will be phased to occur as the commercial tenant leases expire. Bike storage and laundry will be provided in the basement.

Traffic/parking

The site was previously developed for commercial land use with onsite parking at the rear of the building and nearby parking garages. There are 39 spaces in the rear parking lot which will be available for the 39 apartment units. Visitors will use nearby on-street 2-hour parking as is typical for the area. The project is not expected to generate new traffic above the former use traffic generated by the former building occupants. Trip generation calculations yield a net decrease of trips of -49 and -42 in the AM and PM peak hours respectively¹.



Utilities

The building project contains the following existing utilities:

Water Supply

The property is served with two domestic services, one from Congress Street and one from Center Street, and a single fire service from Congress Street, described as follows:

¹ Comparing current LUC 710 Office Space versus proposed LUC 220 Apartments



- The domestic water service from Congress Street is a 1" service with a ¾" meter. This domestic service supports some mechanical functions and the commercial spaces fronting Congress Street as well as possibly a few more minor uses.
- The domestic water service from Center Street is a 2" service that splits into an A service and a B service inside the building. The A service has an old 1" meter, the B service has a new 1" meter. The A service supports some bathrooms in the building and the B service supports some apartments in the building.
- There is a 6" fire service that enters the building from Congress Street. The fire service will be unchanged as the change of use does not contain significant changes to the sprinkler system. A fire standpipe is located in the front entry vestibule off Congress Street and a FDC is located on the Center Street side of the building.

There are currently 4 active services/account at this location; one fire service and three domestic services as described above.

PWD has recommended that as part of Phase 1 (second floor apt) of the project, the existing 2" service from Center Street be reconfigured within the building to include a new 1.5" meter and new testable double check backflow preventer. The currently non-conforming A and B services on private will be eliminated to bring the service to fully compliant with PWD current standards. A 2" service with a 1.5" meter can provide up to 120 gpm of flow at the pressures indicated here (~80psi).

Subsequent phases of development will be supported by the 2" service line and supplemented by the existing 1" service line from Congress Street. As subsequent phases of development occur the owner will talk to the District regarding capacity to serve your project.

Sanitary

- A 4" sanitary main exits the building to 15" brick sewer in Center Street
- A 8" sanitary main exits the building to 15" brick sewer in Center Street.

Power

- An electrical service off Congress street enters into a 400 amp disconnect switch.
- An electrical service off Center Street.

Natural Gas

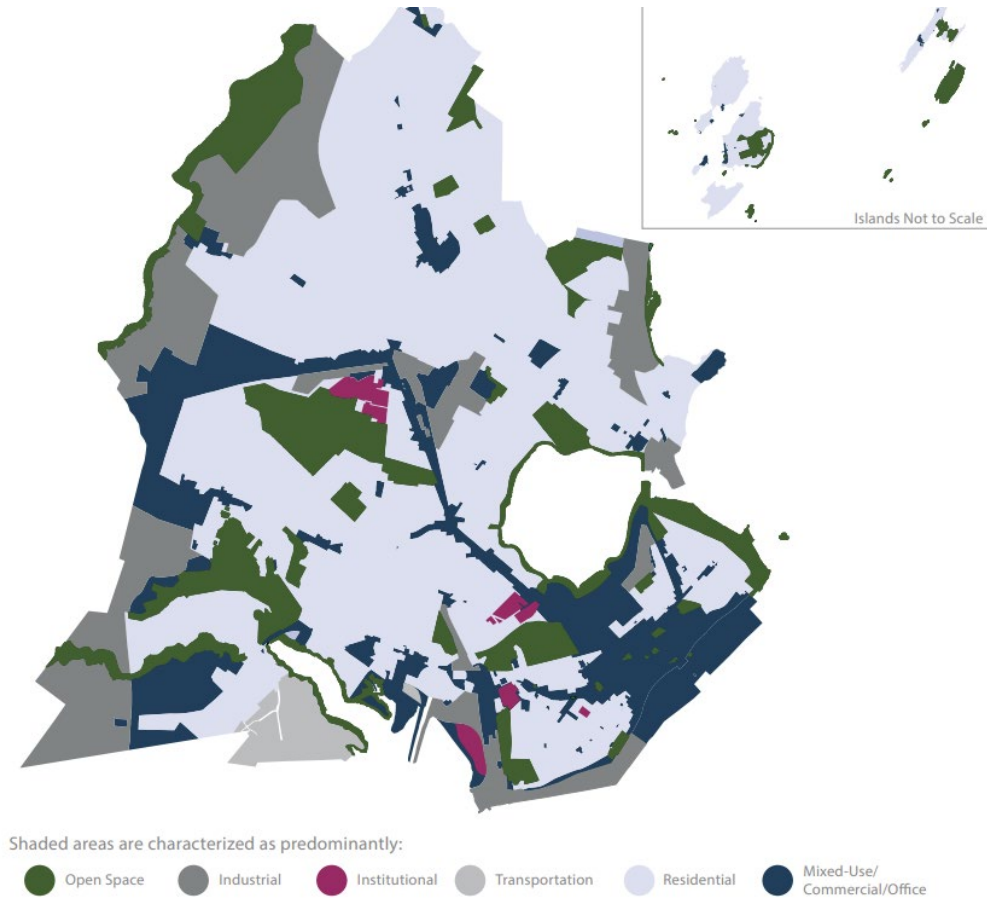
- A gas service enters off Center Street to the rear of the building where exterior meters are located.

Consistency with Master Plan

On Portland's Future Land Use Plan, 482 Congress Street remains located in a Mixed Use/Commercial/Office zone and is located near an enhanced Priority Corridor (Congress Street). Priority Corridors are "*major arterials that often see heavy vehicular traffic, but also have the capacity to improve mobility by capitalizing on their potential for increased walking, bicycling, and transit use. Priority corridors can also serve as areas of additional mixed-use, higher density growth to take advantage of the transit benefits and services that well-designed, diverse corridors can offer.*" Located on Congress Street the site is within the Downtown area



and the peninsula's higher intensity of land use. The site location allows a robust level of activity and development benefiting prospective tenants with direct access to the City's transit network. This site is an ideal location for the change of use with ground level Commercial/retail and residential above. We believe the proposed uses go hand in hand as complimentary uses to the surrounding businesses and land use an envisioned in the Comprehensive plan and current zoning. Proximity to transit, Back Cove, retail, bike routes, etc. contribute to the site's ideal mixed-use setting.



In accordance with the Major Site plan General Document Checklist, we offer the following abbreviated information along with the relevant sections uploaded to EPlan:

General Documents

1. **Project Description** – New mixed use building construction with greater than three dwelling units, located in the B-3 zoning District. See description above.
2. **Completed Checklist** – See upload to Eplan
3. **Evidence of Right, Title, and Interest.** The site is owned by Center Congress LLC per Deed recorded at the CCRD Book 40735, page 139, a copy of which accompanies this submission document. A confirmatory release deed as recorded in Book 40735 page 139 also accompanies this submission.



4. **Zoning Assessment** – see attached. The site is located in the B-3 zone which provides for locations for moderate to high density housing in urban neighborhoods along arterials. The Downtown Entertainment Overlay Zone also applies.
5. **Site plan Standards Assessment** – see the accompanying narratives and information below.
6. **Summary of Existing and/or proposed easements or covenants** – See the Boundary survey completed by Owen Haskell Inc made for Center Congress, LLC.
7. **Waiver Request** – none requested.
8. **Evidence of financial and Technical Capacity** – The applicant has retained Archetype Architects, and Gorrill Palmer Consulting Engineers to assist with the design and construction of the proposed project. MRM Equity LLC is the property manager.

Transportation

9. **Impact on Surrounding Street system** – no impact. Redevelopment of an existing building with onsite parking provided. The site use is not expected to create or aggravate any existing conditions or safety concerns on Congress Street, Center Street or Free Street. The site access conditions are consistent with the neighboring sites on both sides of the street.
10. **Access and Circulation** – The site and building are accessible from at least two sides with ample access for emergency vehicles and site tenants. The elevator is adequately sized to allow for a stretcher and emergency personnel, which will be confirmed by the Portland Fire Marshall. The building entrances off the Congress Street sidewalk are flush to existing grade. ADA access will be provided through an elevator from the basement to the top floor.
11. **Public transit** – the location benefits from nearby proximity to the METRO Congress Street service route as well as the METRO transfer opportunities at Monument Square.
12. **Off-Street Parking** –Vehicular parking for residential tenants will be provided onsite within the existing parking lot. Bike storage will also be provided on the site. The site is fully paved or otherwise is building.
13. **Transportation Demand Management** – Not applicable

Environmental

14. **Preservation of Significant Natural Features** – Not applicable
15. **Landscape Preservation** – there are no substantive landscape measures within the property. Section 4.6.1 of the Technical Manual requires one street tree per unit or 39 trees. A contribution of \$400.00/tree or \$15,600.00 is proposed.



Figure 2 Aerial view of 482 Congress

16. **Site landscaping and Buffers** – Not applicable
17. **Water Quality, Stormwater Management and Erosion control** – The site is nearly fully developed with building and pavement/concrete in the current condition. There is no expected change in overall site drainage. It is believed the existing roof contains one or more roof drains that tie into the City's drain or sewer lines. A discussion with City DPW staff is underway to review these conditions and any actions needed to deal with the City's CSO abatement goals. An assessment of the building's plumbing for sanitary and roof drainage will verify where the lines discharge and whether further separation/redirection of the discharges is necessary. The assessment may consist of a combination of smoke and dye testing. Typical erosion control measures including sediment sacks at nearby catch basins will be employed during the construction to minimize sediment transport into the drainage systems.

Public Infrastructure and Safety

18. **Consistency with City Master Plans** – See Above
19. **Public Safety and Fire Prevention** – The building has a full sprinkler system for fire protection. Security cameras and Coded security doors will be provided for residential safety.
20. **Availability and Adequacy of Public Utilities** – see above. We believe the building's existing utility services are adequate for the proposed change of use.

Site Design

21. **Massing, Ventilations and Wind Impact** – not applicable – See Archetype floor plans for further information on the building.
22. **Shadows** – Not applicable



23. **Snow and Ice Loading** – the building is primarily a flat roof. Snow and Ice will not fall onto adjacent properties.
24. **View Corridors** – Not applicable
25. **Historic Resources** – The site will undergo HP review and approval.
26. **Exterior Lighting** – The surrounding streets currently contain overhead street lighting. Onsite, the building has limited lighting over the entrances. No site lighting changes are proposed other than security lighting at the exit doors.
27. **Noise and Vibration** – Not applicable- roof top equipment will be screened and dampened as necessary to satisfy City noise and vibration standards.
28. **Signage and Wayfinding** – All tenant signage to be permitted separately by the ground floor tenant(s).
29. **Zone Related Design Standards** – The development satisfies ReCode 14.6.4.I.1.a, for the B-3 where the design shall support development of dense, mixed-use neighborhoods with attractive, safe, and convenient street-level pedestrian environments.

We trust the supporting application materials are acceptable and we look forward to the Planning Authority's prompt review and scheduling of a workshop with the Planning Board.

Sincerely,

GORRILL-PALMER

Stephen Bushey, PE

Senior Associate

Phone: 207-772-2515 x286

sbushey@gorrillpalmer.com

Attachments

c: Chris Leahy, Center Congress LLC
Kevin Morrisette, Archetype PA

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CITY OF PORTLAND
Planning & Urban Development Department

Att. B

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		
☒	NA	Project Description Cover letter with detailed project description
☒	NA	Completed Checklist (this document)
☒	NA	Evidence of Right, Title, and Interest Deeds, leases, or purchase and sales agreements
☐	☒	Evidence of State or Federal Approvals Permits or letters of non-jurisdiction, if applicable
☒	NA	Zoning Assessment (see Zoning Assessment Table) Summary of compliance with use and dimensional standards of the land use code
☒	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
☒	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
☐	☒	Waiver Requests (see Waiver Table) Written request for waiver describing request and compliance with applicable waiver standards
☐	☒	Financial Capability Letter or evidence from a financial institution or third party verifying financial capacity to undertake project
☒	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



ZONING ANALYSIS Relevant Zone(s) B-3

All Projects:

	Required	Proposed
Lot Size	-	24,156 SF
Area Per Dwelling Unit		
Minimum Street Frontage	15 ft	48.43 ft
Front Yard Minimum		
Front Yard Maximum	5 ft.	0
Rear Yard		
Yard Right		
Yard Left		
Side Street Setback		
Step Back		
Maximum Lot Coverage	100%	95%<100%
Minimum Lot Coverage		
Maximum Height	90 ft/150 ft	<80 ft
Open Space		
Maximum Impervious Area	100%	100%
Pavement Setback		
Floor Area Ratio		
Off Street Parking Spaces		39
Loading Bays		
Other 1		
Other 2		
Other 3		

Planned Residential Unit Developments (PRUD) Requirements

	Required	Proposed
Minimum Lot Size		
Minimum Lot Area per Dwelling		
Maximum # Units per Building		
Maximum Building Length		
Maximum Accessory Building Length		
Minimum Setbacks		
Minimum Building Separation		
Minimum Open Space		

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):			

MRM Equity ME

482 Congress Street

Suite 404

Portland, ME, 04101

482 Congress Renovation

Construction Management Plan

February 21st, 2024

OVERVIEW

This construction management plan will show the planning, coordination, and control of the construction site. It will provide the City of Portland with information on how effects to the general public and existing tenants will be mitigated and minimized. The renovation will take place on the 1st and 2nd Floors of 482 Congress street in unoccupied spaces. Vacant commercial space will be transformed into rental apartments.

PROJECT OUTLINE

Existing vacant commercial space will be renovated to create 11 new rental apartments while maintaining usability for the existing tenants.

CONSTRUCTION ADMINISTRATION

MRM Equity ME

482 Congress Street

Suite 404

Portland, ME, 04101

Contact: Aaron Brokaw (207-274-4617)

Neighborhood Effect:

Jobsite Hours

-Jobsite hours are 7am to 7pm Monday through Friday in accordance with City Ordinances.

-Saturday 8am to 5pm.

-Off hours by work permit only

-Sunday and Holiday work is not permitted.

Street Use and Parking

-All project personnel will use the parking lot owned and controlled by the owners of 482 Congress street and located on the property.

-All deliveries, hoists, and debris containers will use the same parking lot with ample coordination with existing users to minimize impact.

-Deliveries will be before 8am or after 10am whenever possible to avoid adding to street congestion.

Construction Activities:

Demolition

-Demolition consists of removing interior walls and finishes and mechanical systems no longer in use. No removal or alteration of the structure of the building or exterior work is planned.

-Existing fire protection will be preserved and maintained until it is reworked into the new apartments.

-Existing tenants' utility services will be maintained, any temporary interruption will be scheduled in advance.

-Construction debris will be loaded into roll off dumpsters located in the parking lot and carted away when full. Debris chutes will be used as needed.

-All hazardous materials, if encountered, will be abated and removed per applicable Maine State EPA standards.

- No blasting, jack hammering, or pile driving is anticipated.

-Dust will be controlled by use of HEPA filters, sweeping compound, and the separation of the workspace from other building spaces.

Sitework

-No exterior utility connections are required for the project that will cause disruption to existing city service.

-No excavation or shoring is planned.

-There will be no impact on wastewater systems through the duration of the project.

Site Access and Ancillary Services

-All project personnel will use the basement or Center street building entrances and the southern elevator. The Congress street entrance and other elevator will be for the sole use of existing tenants and their guests.

-Existing and temporary walls with locked doors will restrict access to the work areas to authorized persons.

-A bathroom for project personnel will be maintained using existing restrooms.

Construction Schedule

-Construction will commence when permits are received and will take one year to complete.

This plan shows a clear path to a safe and non disruptive work environment for the City and the tenants of 482 Congress Street.

Sincerely,

Aaron Brokaw

482 Congress Street Transportation Demand Management Plan

In accordance with Section 17.3 of the Technical Manual the following information is provided,

Project Description: The development at 482 Congress Street involves a five-story mixed use development. The ground floor will contain two small commercial suites and five living units and floors 2-5 will each contain 8 or 9 apartment units for a total of thirty-nine (39) residential units. Of the thirty-nine units there will be ten units categorized as affordable workforce housing and 29 units will be market rate. The property historically contains an office building, however recent conversion of some space on the second and third floor has created four live/work, market rate residential units. The site is within the B-3 zoning district and parking is not specifically required although there are forty-one (41) existing parking spaces on the property. These spaces will be available for tenant use. This TDM has been prepared to qualify for the transit-proximate categorical exemption specified in Table 19-8 of the Land Use Code.

Part 17.3.1 Transportation Narrative

The proposed development benefits from proximity to nearby transit services including the Portland METRO Route 1 Congress Street and Route 8 Peninsula Loop that traverses along Congress with a major stop and shelter immediately in front of the building on Congress Street. The site is also immediately adjacent Monument Square and the METRO transfer center hub at that location. The site development includes thirty-nine residential units, and each unit occupant will be offered one parking space and/or need to secure parking as needed in nearby parking facilities. Nearby parking garages include the One City Center Parking Garage (adjacent), Spring Street Garage, and Brown Street garages. The Commercial Suite tenant and visitors will have use of on street parking on the adjacent streets and within multiple “pay for” parking lots within surrounding streets.

Residents will have access to various pedestrian and bicycle routes in the project vicinity including the Bayside trail that extends to the Portland Transportation Center as well as the East End Trail that connects to Back Cove and points beyond. METRO Transit service also links to the METRO Breez service at Congress Street and that offers service to Yarmouth, Freeport, and Brunswick.



METRO Route 8



METRO Route 1

The development will include signage in the common ground level residential corridor identifying nearby public transit locations as well as mapping for pedestrian/bicycle routes on the peninsula. The mapping will also identify nearby parking structures within $\frac{1}{2}$ mile of the development site. It is assumed that residents will quickly familiarize themselves with nearby parking and access routes for their use and enjoyment. There will be a bike room in the building for storage of up to twenty bikes.



Congress Street Bus Shelter and Bike Share at front of building

17.3.2 Identify a TDM Coordinator

Given the small size of the development a designated TDM coordinator is not proposed. The applicant and their property management team will be responsible for building maintenance as well as ensuring that site features including bike storage are maintained and available. The applicant owns multiple properties on the Peninsula and the Portland area in general and is therefore very familiar with the requirements for maintenance, working with City officials and related issues.

Parts 17.3.3 thru 17.3.6

The project's future trip generation is expected to be less than 20 vehicles per peak hour for the residential and less than 10 trips for the small commercial suite occupants of the ground level retail space. The ground level space will not be occupied by a sit-down restaurant or similar tenant. The commercial tenant will be much like other retailers in the Old Port that rely on existing foot traffic and visitors including tourists and residents alike. Due to the small impact of traffic associated with the development, targets for TDM traffic reductions and related TDM objectives are quite minor. It's simply expected that this infill development will blend harmoniously within the surrounding Congress Street/downtown activities and land use and may benefit from the general proximity of transit, parking, and multi-modal transportation options available on the Portland Peninsula. The change of use to residential in the building at 482 Congress Street is perfectly suited to tenants who forego the need for vehicle ownership, due to the best available proximities to area transit services, retail shopping, and employers.

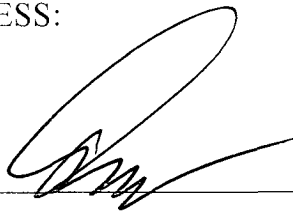
QUITCLAIM DEED WITH COVENANT
(Statutory Short Form)

KNOW ALL BY THESE PRESENTS, that **482 CONGRESS L.P.**, a Vermont limited partnership, with a principal place of business in the City of Lebanon, Grafton County, New Hampshire, for full value and consideration paid, hereby grants to **CENTER CONGRESS LLC**, a Maine limited liability company, with a place of business at 10 Somerville Road, Hewitt, New Jersey 07421 with **QUITCLAIM COVENANTS**, the land with the buildings and improvements situated thereon located in the City of Portland, County of Cumberland and State of Maine, and more particularly described on Exhibit A attached hereto and made a part hereof.

BEING ALL OF THE PREMISES CONVEYED TO THE GRANTOR IN THE CERTAIN DEEDS AS FOLLOWS: (A) Deed from B.G. Carleton 2/14/91 LLC dated November 6, 2015 and recorded in Book 32765, Page 109 (13.3% interest in 482 Congress Street and 104 Center Street); and (B) Deed from J.B. Brown & Sons, a/k/a J.B. Brown & Sons dated May 28, 2008 and recorded in Book 26085, Page 131 (86.7% interest in 482 Congress Street) and Book 26085, Page 134 (86.7% interest in 104 Center Street).

IN WITNESS WHEREOF, the said 482 CONGRESS L.P. has caused this instrument to be signed and sealed this 21st day of November, 2016.

WITNESS:



482 CONGRESS L.P.

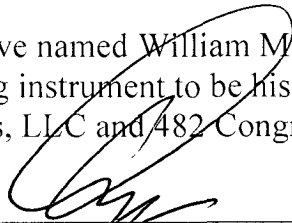
By: BBBC 482 Congress, LLC
Sole General Partner

By William M. Braucher
William M. Braucher, Managing Member

STATE OF MAINE
COUNTY OF CUMBERLAND

November 21, 2016

Then personally appeared the above named William M. Braucher, in his said capacity and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of BBBC 482 Congress, LLC and 482 Congress L.P., before me.



Notary Public/Attorney at Law
Drew A. Anderson
Printed Name

MAINE REAL ESTATE TAX PAID

**EXHIBIT A
TO
QUITCLAIM DEED
WITH COVENANT**

482 Congress Street:

Parcel One:

A certain lot or parcel of land, together with any improvements thereon, lying on the southerly side of Congress Street, formerly called Maine Street, in the City of Portland, County of Cumberland and State of Maine, viz: Beginning at the corner of land now or formerly of Isaac Sturdevant; thence running westerly on said Congress Street to land now or formerly of Phineas Varnum fifty feet; thence preserving the same width southeasterly sixty feet to land now or formerly of David Robinson, reserving the passage way of five feet, in the rear of land now or formerly of said Varnum to Noyes' land. Being the same premises conveyed to St. John Smith and John B. Brown by deed of George W. Bourne, et al., dated March 15, 1844 and recorded in the Cumberland County Registry of Deeds in Book 185, Page 254 and John B. Brown by deed of St. John Smith, dated August 10, 1864 and recorded in said Registry of Deeds in Book 329, Page 48, except for the five (5') foot passage way confirmed in the deed from Joseph W. Symonds, John Marshall Brown and Philip G. Brown, Trustees under the Last Will and Testament of John B. Brown to Ivory Lord, dated May 25, 1895 and recorded in said Registry of Deeds in Book 620, Page 161.

Parcel Two:

A certain lot or parcel of land, together with any improvements thereon, bounded and described as follows: commencing at a parcel on the most southerly line of a lot in the westerly side of Center Street, distant forty and twelve one hundredths (42.12) feet, more or less, westerly from the westerly side line of said street; thence southwesterly by land now or formerly of George Burnham and others, formerly of Phineas Varnum, seventy-one and eighty-four one hundredths (71.84) feet, more or less, to land now or formerly of James M. Kimball; thence northwesterly by land now or formerly of said Kimball twenty and sixty-eight one hundredths (20.68) feet, more or less, to land now or formerly of the heirs of John B. Brown; thence by land now or formerly of said Brown seventy-one and seventy-two one hundredths (71.72) feet, more or less, to a point opposite the center of the partition wall dividing the stores numbered 480 and 482 on Congress Street according to the City Valuation Plans, which point is distant forty-two and thirty-nine one hundredths (42.39) feet from the westerly side line of Center Street in a direct course; thence southeasterly twenty-six and seventy-three one hundredths (26.73) feet, more or less, to the point of beginning.

The property is conveyed together with the benefit of the terms and conditions of the Party Wall Agreement from Mary A.N. Robinson to James M. Kimball, dated May 8, 1880 and recorded in said Registry of Deeds in Book 496, Page 189.

Being the same premises conveyed to George E.B. Jackson, Philip Henry Brown, John Marshall Brown, Trustees under the Will of John B. Brown by deed of Mary A.N. Robinson, dated May 1, 1885 and recorded in said Registry of Deeds in Book 517, Page 407.

Parcel Three:

A certain lot or parcel of land, together with any improvements thereon, situated on the west side of Center Street, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows, viz: beginning on the line of Center Street ninety (90) feet from the south side line of Congress Street; thence southerly by Center Street fifty-eight (58) feet, to land now or formerly of Henry Goddard; thence westerly parallel with Free Street one hundred and fifteen (115) feet to land now or formerly of James M. Kimball; thence northerly by land now or formerly of said Kimball fifty-eight (58) feet to land now or formerly of David Robinson; thence easterly by land now or formerly of said Robinson one hundred and fifteen (115) feet to the place of beginning, together with all the rights, easements and interests acquired under a contract between George Burnham, Jr. and James M. Kimball, dated October 11, 1879 and subject to the rights, easements and interests conferred upon said Kimball, his heirs and assigns by said contract, to which reference is hereby made, said contract relating only to drainage and division wall, and is recorded in said Registry of Deeds in Book 462, Page 443.

Parcels Four and Five:

A certain lot or parcel of land, together with any improvements thereon, situated upon the westerly corner of Free and Center Streets, in the City of Portland, County of Cumberland and State of Maine, extending about one hundred and thirty-eight feet on the southwesterly side of Center Street and about fifty-six feet on the northwesterly side of Free Street and numbered fifty-seven (57) on said Free Street, being the same premises devised to Charles W. Goddard by Henry Goddard.

Being the same premises conveyed to Anson P. Morrill by warranty deed of Charles W. Goddard, dated September 2, 1885 and recorded in said Registry of Deeds in Book 520, Page 412.

Meaning and intending to convey and hereby conveying the same premises conveyed to J.B. Brown & Sons by Joseph W. Symonds, Philip G. Brown and John Marshall Brown, Trustees under the Last Will and Testament of John B. Brown, dated May 16, 1904 and

recorded in said Registry of Deeds in Book 749, Page 43 and warranty deed from George E. Tabor to J.B. Brown and Sons, dated March 30, 1950 and recorded in said Registry of Deeds in Book 1990, Page 382. Reference is also made to the Corrective Warranty Deed from Mary S. Sullivan, et al. to George T. Tabor, dated March 28, 1950 and recorded in said Registry of Deeds in Book 1988, Page 327.

Excepting from Parcels Four and Five the property now known as a portion of 104 Center Street and described in the deed from George E. Tabor to J.B. Brown and Sons, dated March 30, 1950 and recorded in said Registry of Deeds in Book 1990, Page 382.

This conveyance is made subject to all utility easements which serve the premises, zoning and building restrictions, other easements, obligations, conditions and restrictions described above and of record to which the Grantee, by acceptance of this deed, hereby agrees to.

104 CENTER STREET:

A certain lot or parcel of land, together with any improvements thereon, situated at Center Street and Free Street, in the City of Portland, County of Cumberland and State of Maine, and being more particularly bounded and described as follows:

Beginning at a set drill mark in the edge of the brick sidewalk, which drill mark is situated at the southeasterly corner of property now or formerly of J.B. Brown and Sons as described in a deed dated March 30, 1950 and recorded in said Registry of Deeds in Book 1990, Page 382; thence from the point of beginning by the westerly sideline of said Center Street on a course of S 21°45' E a distance of 81.60 feet to a set 5/8 inch steel rebar with cap marking the intersection of said Center Street and the northerly sideline of Free Street; thence by said Free Street on a course S 71°10' W a distance of 95 feet to a set 5/8 inch steel rebar with cap; thence on a course of N 21°45' W through the land now or formerly of Robert D. Raphel, Trustee of Great Cumberland Parking Realty Trust a distance of 136.74 feet, more or less, to the most northerly boundary line of the land now or formerly of said Trust and the southerly boundary line of the land now or formerly of said J.B. Brown and Sons; thence on a course of N 71°47'10" E a distance of 39.27 feet, more or less, to a set 5/8 inch steel rebar and land now or formerly of said J.B. Brown and Sons as described in said deed recorded in said Registry of Deeds in Book 1990, Page 382; thence by said land now or formerly of said J.B. Brown and Sons on a course of S 21°33'40" E a distance of 55.14 feet to a steel rebar set at the southwesterly corner of land now or formerly of said J.B. Brown and Sons; thence on a course of N 71°11'10" E by the southerly sideline of land now or formerly of said J.B. Brown and Sons a distance 55.73 feet to the point of beginning.

The property is conveyed together with the benefit of the Reciprocal Easement and Operation Agreement by and between J.B. Brown & Sons and JBG&H Associates, dated

June 29, 1988 and recorded in said Registry of Deeds in Book 8355, Page 64, as affected by a Release Deed from JBG&H Associates to J.B. Brown and Sons, dated July 5, 1988 and recorded in said Registry of Deeds in Book 8649, Page 178.

The property is also conveyed subject to a Memorandum of Agreement by and among J.B. Brown and Sons, JBG&H Associates and Parking Lot Associates, dated July 5, 1988 and recorded in said Registry of Deeds in Book 8649, Page 179; and such state of facts as shown on the unrecorded plan entitled "Standard Boundary Survey for Brown, Free and Center Streets, Portland, Maine, Existing Conditions Survey for Great Cumberland Parking Realty Trust", last revised June 28, 1988 prepared by Land Use Consultants:

This conveyance is made subject to all utility easements which serve the premises, zoning and building restrictions, other easements, obligations, conditions and restrictions described above and of record to which the Grantee, by acceptance of this deed, hereby agrees to.

Meaning and intending to convey and hereby conveying the same premises conveyed to B. G. Carleton 2/14/91 LLC and 482 Congress L.P. by Quitclaim Deeds With Covenant from J.B. Brown & Sons, a/k/a J.B. Brown and Sons, dated May 28, 2008 and recorded in said Registry of Deeds in Book 26085, Page 131 and Page 134. Reference is also made to Quitclaim Deed from B.G. Carleton 2/14/91 LLC to 482 Congress L.P., dated November 6, 2015 and recorded in said Registry of Deeds in Book 32765, Page 109.

T:\B\BRAW-046\Deed.3.docx

Received
Recorded Register of Deeds
Nov 22, 2016 03:23:22P
Cumberland County
Nancy A. Lane

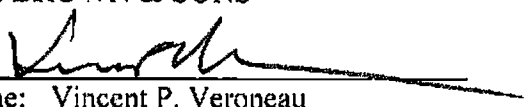
CONFIRMATORY RELEASE DEED

KNOW ALL BY THESE PRESENTS, THAT, J. B. BROWN & SONS, a Maine corporation with a mailing address of 10 Free Street, Suite 100, Maine 04101 (the "**Grantor**"), for consideration paid, hereby **RELEASES** to **CENTER CONGRESS LLC**, a Maine limited liability company, with a mailing address of 4 Brickyard Way, Newington, NH 03801 (the "**Grantee**"), all right, title and interest, if any, in and to a certain lot or parcel of land, together with any improvements thereon, in the City of Portland, County of Cumberland, State of Maine, more fully set forth on **Exhibit A** attached hereto and made a part hereof.

The purpose of this deed is to correct any ambiguity in the legal description regarding an excepted parcel from Parcels Four and Five as was originally set forth in a Quitclaim Deed with Covenant from J.B. Brown & Sons to B. G. Carleton 2/14/91 LLC and 482 Congress L.P. dated May 28, 2008 and recorded in the Cumberland County Registry of Deeds in **Book 26085, Page 131**, and as appeared in the subsequent Quitclaim Deed with Covenant from 482 Congress L.P. to Grantee as recorded in said Registry of Deeds in **Book 33633, Page 169**. The Grantor hereby releases to Grantee any interest it may have in and to the premises described in the attached corrected **Exhibit A**.

IN WITNESS WHEREOF, J. B. Brown & Sons has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Vincent P. Veroneau, its President, thereunto duly authorized, this 26th day of April, 2024.

Witness.


J. B. BROWN & SONSBy: 

Name: Vincent P. Veroneau

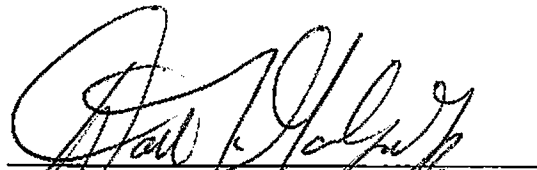
Its: President

State of Maine
County of Cumberland

April 26 2024

Then personally appeared the above-named Vincent P. Veroneau, President of J. B. Brown & Sons and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of J. B. Brown & Sons.

Before me,



Attorney-at-Law/Notary Public

Print Name: DAVID L. GALLEGO JR.My Commission Expires: 2024 00 36 43

BAR# 003643

EXHIBIT A**482 Congress Street:****Parcel One:**

A certain lot or parcel of land, together with any improvements thereon, lying on the southerly side of Congress Street, formerly called Maine Street, in the City of Portland, County of Cumberland and State of Maine, viz: Beginning at the corner of land now or formerly of Isaac Sturdevant; thence running westerly on said Congress Street to land now or formerly of Phineas Varnum fifty feet; thence preserving the same width southeasterly sixty feet to land now or formerly of David Robinson, reserving the passage way of five feet, in the rear of land now or formerly of said Varnum to Noyes' land.

Being the same premises conveyed to St. John Smith and John B. Brown by deed of George W. Bourne, et al., dated March 15, 1844 and recorded in the Cumberland County Registry of Deeds in Book 185, Page 254 and John B. Brown by deed of St. John Smith, dated August 10, 1864 and recorded in said Registry of Deeds in Book 329, Page 48, except for the five (5') foot passage way confirmed in the deed from Joseph W. Symonds, John Marshall Brown and Philip G. Brown, Trustees under the Last Will and Testament of John B. Brown to Ivory Lord, dated May 25, 1895 and recorded in said Registry of Deeds in Book 620, Page 161.

Parcel Two:

A certain lot or parcel of land, together with any improvements thereon, bounded and described as follows: commencing at a parcel on the most southerly line of a lot in the westerly side of Center Street, distant forty and twelve one hundredths (42.12) feet, more or less, westerly from the westerly side line of said street; thence southwesterly by land now or formerly of George Burnham and others, formerly of Phineas Varnum, seventy-one and eight-four one hundredths (71.84) feet, more or less, to land now or formerly of James M. Kimball; thence northwesterly by land now or formerly of said Kimball twenty and sixty-eight one hundredths (20.68) feet, more or less, to land now or formerly of the heirs of John B. Brown; thence by land now or formerly of said Brown seventy-one and seventy-two one hundredths (71.72) feet, more or less, to a point opposite the center of the partition wall dividing the stores numbered 480 and 482 on Congress Street according to the City Valuation Plans, which point is distant forty-two and thirty-nine one hundredths (42.39) feet from the westerly side line of Center Street in a direct course; thence southeasterly twenty-six and seventy-three one hundredths (26.73) feet, more or less, to the point of beginning.

The property is released together with the benefit of the terms and conditions of the Party Wall Agreement from Mary A.N. Robinson to James M. Kimball, dated May 8, 1880 and recorded in Book 496, Page 189.

Being the same premises conveyed to George E.B. Jackson, Philip Henry Brown, John Marshall Brown, Trustees under the Will of John B. Brown by deed of Mary A.N. Robinson, dated May 1, 1885 and recorded in said Registry of Deeds in Book 517, Page 407.

Parcel Three:

A certain lot or parcel of land, together with any improvements thereon, situated on the west side of

Center Street, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows, viz: beginning on the line of Center Street ninety (90) feet from the south side line of Congress Street; thence southerly by Center Street fifty-eight (58) feet, to land now or formerly of Henry Goddard; thence westerly parallel with Free Street one hundred and fifteen (115) feet to land now or formerly of James M. Kimball; thence northerly by land now or formerly of said Kimball fifty-eight (58) feet to land now or formerly of David Robinson; thence easterly by land now or formerly of said Robinson one hundred and fifteen (115) feet to the place of beginning, together with all the rights, easements and interests acquired under a contract between George Burnham, Jr. and James M. Kimball, dated October 11, 1879 and subject to the rights, easements and interests conferred upon said Kimball, his heirs and assigns by said contract, to which reference is hereby made, said contract relating only to drainage and division wall, and is recorded in said Registry of Deeds in Book 462, Page 443.

Parcels Four and Five:

A certain lot or parcel of land, together with any improvements thereon, situated upon the westerly corner of Free and Center Streets, in the City of Portland, County of Cumberland and State of Maine, extending about one hundred and thirty-eight feet on the southwesterly side of Center Street and about fifty-six feet on the northwesterly side of Free Street and numbered fifty-seven (57) on said Free Street, being the same premises devised to Charges W. Goddard by Henry Goddard.

Being the same premises conveyed to Anson P. Morrill by warranty deed of Charles W. Goddard, dated September 2, 1885 and recorded in the Cumberland County Registry of Deeds in Book 520, Page 412.

Meaning and intending to release and hereby releasing the same premises conveyed to J.B. Brown & Sons by Joseph W. Symonds, Philip G. Brown and John Marshall Brown, Trustees under the Last Will and Testament of John B. Brown, dated May 16, 1904 and recorded in said Registry of Deeds in Book 749, Page 43, and warranty deed from George E. Tabor to J.B. Brown and Sons dated March 30, 1950 and recorded in said Registry of Deeds in Book 1990, Page 382.

Reference is also made to the Corrective Warranty Deeds from Mary S. Sullivan, et al. to George E. Tabor dated March 28, 1950 and recorded in said Registry of Deeds in Book 1988, Page 237.

Excepting from Parcels Four and Five the property now known as a portion of 104 Center Street, located on the corner of Center Street and Free Street, said excepted parcel being all of the above-described property EXCEPT for that portion as described in Book 1990, Page 382.

This release is made subject to all utility easements which serve the premises, zoning and building restrictions, other easements, obligations, conditions and restrictions described above and of record to which the Grantee, by acceptance of this deed, hereby agrees to do so.

104 CENTER STREET:

A certain lot or parcel of land, together with any improvements thereon, situated at Center Street and Free Street, in the City of Portland, County of Cumberland and State of Maine, and being more particularly bounded and described as follows:

Beginning at a set drill mark in the edge of the brick sidewalk, which drill mark is situated at the

southeasterly corner of property now or formerly of J.B. Brown and Sons as described in a deed dated March 30, 1950 and recorded in said Registry of Deeds in Book 1990, Page 382; thence from the point of beginning by the westerly sideline of said Center Street on a course of S 21°45' E a distance of 81.60 feet to a set 5/8 inch steel rebar with cap marking the intersection of said Center Street and the northerly sideline of Free Street; thence by said Free Street on a course S 71°10' W a distance of 95 feet to a set 5/8 inch steel rebar with cap; thence on a course of N 21°45' W through the land now or formerly of Robert D. Raphael, Trustee of Great Cumberland Parking Realty Trust a distance of 136.74 feet, more or less, to the most northerly boundary line of the land now or formerly of said Trust and the southerly boundary line of the land now or formerly of said J.B. Brown and Sons; thence on a course of N 71°47'10" E a distance of 39.27 feet, more or less, to a set 5/8 inch steel rebar and land now or formerly of said J.B. Brown and Sons as described in said deed recorded in said Registry of Deeds in Book 1990, Page 382; thence by said land now or formerly of said J.B. Brown and Sons on a course of S 21°33'40" E a distance of 55.14 feet to a steel rebar set at the southwesterly corner of land now or formerly of said J.B. Brown and Sons; thence on a course of N 71°11'10" E by the southerly sideline of land now or formerly of said J.B. Brown and Sons a distance 55.73 feet to the point of beginning.

The property is released together with the benefit of the Reciprocal Easement and Operation Agreement by and between J.B. Brown & Sons and JBG&H Associates, dated June 29, 1988 and recorded in Book 8355, Page 64, as affected by a Release Deed from JBG&H Associates to J.B. Brown and Sons, dated July 5, 1988 and recorded in Book 8649, Page 178.

The property is also released subject to a Memorandum of Agreement by and among J.B. Brown and Sons, JBG&H Associates and Parking Lot Associates, dated July 5, 1988 and recorded in said Registry of Deeds in Book 8649, Page 179; and such state of facts as shown on the unrecorded plan entitled "Standard Boundary Survey for Brown, Free and Center Streets, Portland, Maine, Existing Conditions Survey for Great Cumberland Parking Realty Trust", last revised June 28, 1988 prepared by Land Use Consultants.

This release is made subject to all utility easements which serve the premises, zoning and building restrictions, other easements, obligations, conditions and restrictions described above and of record to which the Grantee, by acceptance of this deed, hereby agrees to.

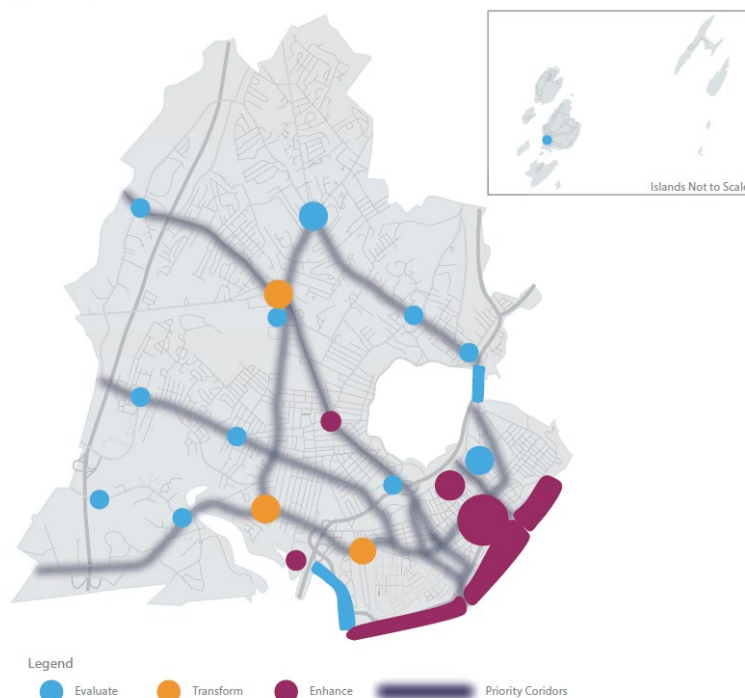
Meaning and intending to release and hereby releasing the same premises conveyed to B.G. Carleton 2/14/91 LLC and 482 Congress L.P. by Quitclaim Deeds With Covenant from J.B. Brown & Sons, a/k/a J.B. Brown and Sons, dated May 28, 2008 and recorded in said Registry of Deeds in Book 26085, Page 131 and Page 134, but correcting the description of the excepted parcel in parcels four and five. Reference is also made to Quitclaim Deed from B.G. Carleton 2/14/91 LLC to 482 Congress L. P., dated November 6, 2015 and recorded in said Registry of Deeds in Book 32765, Page 109.

PUBLIC INFRASTRUCTURE AND COMMUNITY SAFETY

14.6.3.A Consistency with City Master Plans

On Portland's Future Land Use Plan, 482 Congress Street is located in the Mixed Use/Commercial/Office zone and is located near an enhanced Priority Corridor (Congress Street). Priority Corridors are "*major arterials that often see heavy vehicular traffic, but also have the capacity to improve mobility by capitalizing on their potential for increased walking, bicycling, and transit use. Priority corridors can also serve as areas of additional mixed-use, higher density growth to take advantage of the transit benefits and services that well-designed, diverse corridors can offer.*" Located on Congress Street the site is within a major travel corridor benefiting from transit availability as well as proximity to, nearby services, and within the Peninsula. The Congress Street corridor maintains a robust level of activity and development. This site is an ideal location for the change of use with ground level commercial/retail and residential above. We believe the proposed uses go hand in hand as complimentary uses to the surrounding businesses and land use an envisioned in the Comprehensive plan and current zoning.

Priority Nodes & Corridors



14.6.3 (B) Public Safety and Fire Prevention – The building has a full sprinkler system and Fire Department Connection. Access to the building is readily available from the front and side. Street and security lighting is in place around the building, thus providing public safety. We are not aware of any policing issues in the vicinity of the building. There are street lights on Free Street and Center Street that provide lighting coverage within the parking lot. No new lighting is proposed.

14.6.3 (C) Availability and Adequacy of Public Utilities – The building project contains the following existing utilities:

- The building is sprinkled and contains a multiple domestic water services and a 6" Fire service off the water main in Congress Street. The Fire Dept connection is located at main entry. A fire hydrant is located just south of the site on Congress Street. Upgrades to the water services for backflow prevention to comply with current PWD standards will be made part of the work.
- The building's 8" sewer exits into 15" sanitary sewer in Center Street. A video examination of the existing sewer lateral will be performed to verify its condition for continued use.
- The building will be served by Natural gas coming from Center Street as evidenced by the gas meter visible from the Street.
- There are underground power and communications in Center Street serving the site. This includes an underground transformer vault in the Center Street sidewalk.





SITE DESIGN

14.6.4 (A) Massing, Ventilations and Wind Impact – not applicable – See Archetype PA plans for further information on the building.

14.6.4 (B) Shadows – Not applicable – no exterior changes to an existing building

14.6.4 (C) Snow and Ice Loading – the building is primarily a flat roof. Snow and Ice will not fall onto adjacent properties.

14.6.4 (D) View Corridors – Not applicable

14.6.4 (E) Historic Resources – The site does not need to undergo HP review and approval as it is not located in an Historic District according to the project architect.

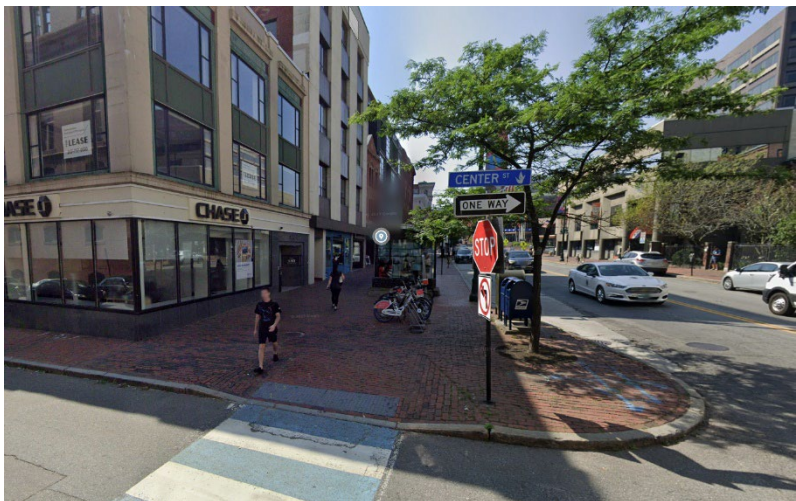
14.6.4 (F) Exterior Lighting – There is existing street lighting on Free Street and Center Street and some pedestrian scale wall pack lights on the rear of the building. There is also a security camera overlooking the parking lot.

14.6.4 (G) Noise and Vibration – Not applicable- any existing roof top equipment is screened and dampened as necessary to satisfy City noise and vibration standards. There are several existing ground mounted HVAC units at the rear of the building. We are not aware of any issues with these units which are expected to remain.



14.6.4 (H) Signage and Wayfinding – All tenant signage to be permitted separately by the tenants.

14.6.4 (I) Zone Related Design Standards – The development satisfies ReCode 14.6.4.I.1.a, for the B-3 where the development shall be designed to support the development of dense, mixed-use neighborhoods with attractive, safe, and



convenient street-level pedestrian environments. The 482 Congress Street façade has a main entry that accesses the elevator and stairwell as well as a lobby to the street level commercial space.



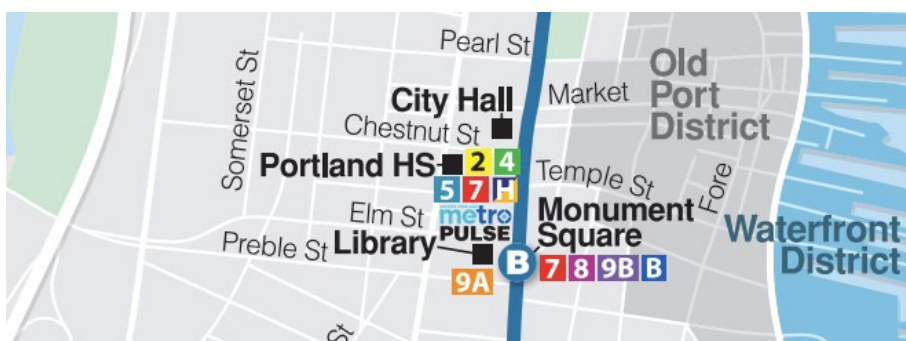
TRANSPORTATION

14.6.1(A) Impact on Surrounding Street system – no impact. Redevelopment of an existing building with no new onsite parking provided. The site use is not expected to create or aggravate any existing conditions or result in safety concerns on the surrounding streets. The existing parking lot is accessed via an entrance from Free Street. Overall traffic volumes will be lower with the residential land use compared to the original commercial office use. Comparing the Institute for Transportation Engineers Land Use Code 710 (Office) versus LUC 220 (Apartments) yields a net reduction in the AM and PM peak hour trip generation. The site access conditions are satisfactory.

14.6.1(B) Access and Circulation – The building is accessible from entrances on two sides (Congress and Center) with ample access for emergency vehicles and site tenants. The elevator is sized to allow for a stretcher and emergency personnel and will be reviewed by the Portland Fire Marshall. The building entrance off the Congress Street sidewalk is flush to existing grade. It is expected that ambulance access will be from Congress Street. The existing Center Street entrance has a step that will remain in place. The primary residential entrance will be from the stair/elevator originating in the basement and connecting to all floors. The elevator is accessible from the ground level entry off Congress Street.

14.6.1(C) Public transit – the location benefits from nearby proximity to the METRO Route 1 Congress Street service route as well as the METRO transfer opportunities at Monument Square.

14.6.1(D) Off-Street Parking – At least 41 spaces will be provided onsite in the rear parking area. At least 10 or more wall mounted bike racks will be provided in the basement for residents. The site is fully paved or otherwise is building.



Route 1 METRO Route – Congress/Monument Sq

14.6.1 (E) Traffic Demand Management - Not applicable



300 Southborough Drive, Suite 200, South Portland, ME 04106
(207) 772-2515 | GorrillPalmer.com

July 22, 2024

Dear Neighbor:

Please join us for a Neighborhood Meeting to discuss the proposed Major Site Plan application for a 39-unit change of use housing project at 482 Congress Street in Portland, ME. The project will create 29 Market-rate apartments and 10 affordable (workforce) apartments to replace former office space.

Meeting Location: 482 Congress Street – first floor – look for signs- enter off Congress St.
Portland, ME 04103

Meeting Date: Tuesday August 6, 2024

Meeting Time: 5:30 PM – 6:30 PM

The City Code requires that property owners within 500 feet (except notices must be sent to property owners within 1,000 feet for industrial zoning map amendments and industrial subdivisions) of the proposed development and residents on an “interested parties list”, be invited to participate in a neighborhood meeting. We will take attendance and submit a sign-in sheet to the Planning Board. The meeting will last no more than 60 minutes. If you have any questions, please feel free to contact Stephen Bushey 207.772.2515 x286.

Sincerely,

GORRILL PALMER

Stephen Bushey, PE

Senior Associate

sbushey@gorrillpalmer.com/Sbushey@ljbinc.com

207-772-2515 ext. 286

Note: Under Section 14-32(Q) and 14-525 of the City Code of Ordinances, an applicant for a Major Site plan development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting within three weeks of submitting a preliminary application or two weeks of submitting a final site plan application, if a preliminary plan was not submitted. The neighborhood meeting must be held at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 874-8721 or send written correspondence to the Planning and Urban Development Department, Planning Division 4th Floor, 389 Congress Street, Portland, ME 04101.

U:\4265_482 Congress Street Residential - Portland\GAbutters\neighborhood meeting notice 2024.07.22.docx



STRUCTURAL



FALL PROTECTION
SAFETY



TRANSPORTATION



SITE DESIGN
Page 152



SURVEY



WATER
RESOURCES



TECHNOLOGY
& INNOVATION

U:\4265_482 Congress Street Residential - Portland\Z - CAD\DWG\4265-COVER.dwg 4/12/2024 11:22 AM

PROJECT PARCEL SITE		
ZONING:		
PORTLAND TAX ASSESSOR'S MAP AND LOT NUMBERS		
MAP	BLOCK	LOT
37	I	3 & 12

APPLICANT/OWNER:
Center Congress LLC
482 CONGRESS ST
PORTLAND, ME 04101
P.O. BOX 7486

C.C.R.D. BOOK 33633, PAGE 16

REFERENCE PLAN:
1. "BOUNDARY SURVEY 482 CONGRESS STREET, PORTLAND, MAINE," BY OWEN HASKELL INC., DATE JANUARY 22, 2024.

INDEX

C-1.0	COVER SHEET
C-1.1	GENERAL NOTES & LEGEND
C-1.2	BOUNDARY SURVEY (BY OWEN HASKELL)
C-2.0	EXISTING CONDITIONS PLAN
A1.01	1ST FLOOR NEW WORK
A1.02	2ND FLOOR NEW WORK
A1.03	3RD FLOOR NEW WORK
A1.04	4TH FLOOR NEW WORK
A1.05	5TH FLOOR NEW WORK



I HEREBY ACKNOWLEDGE THAT THESE PLANS AND SPECIFICATIONS WERE PREPARED UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MAINE AND THAT I AM COMPETENT TO PREPARE THIS DOCUMENT.

UTILITIES

WATER:
PORTLAND WATER DISTRICT
225 DOUGLASS STREET
P.O. BOX 3553
PORTLAND, MAINE 04104
207.761.8310
CONTACT: ROBERT BARTELS
rbartels@pwd.org

SEWER:
CITY OF PORTLAND
PUBLIC SERVICES DIVISION
212 CANCO ROAD
PORTLAND, MAINE 04103
207.874.8840
CONTACT: KEITH GRAY / BRAD ROLAND

ELECTRIC:
CENTRAL MAINE POWER
162 CANCO ROAD
PORTLAND, MAINE 04103
207.842.2367
CONTACT: JAMIE COUGH / PAUL DUPEPPE

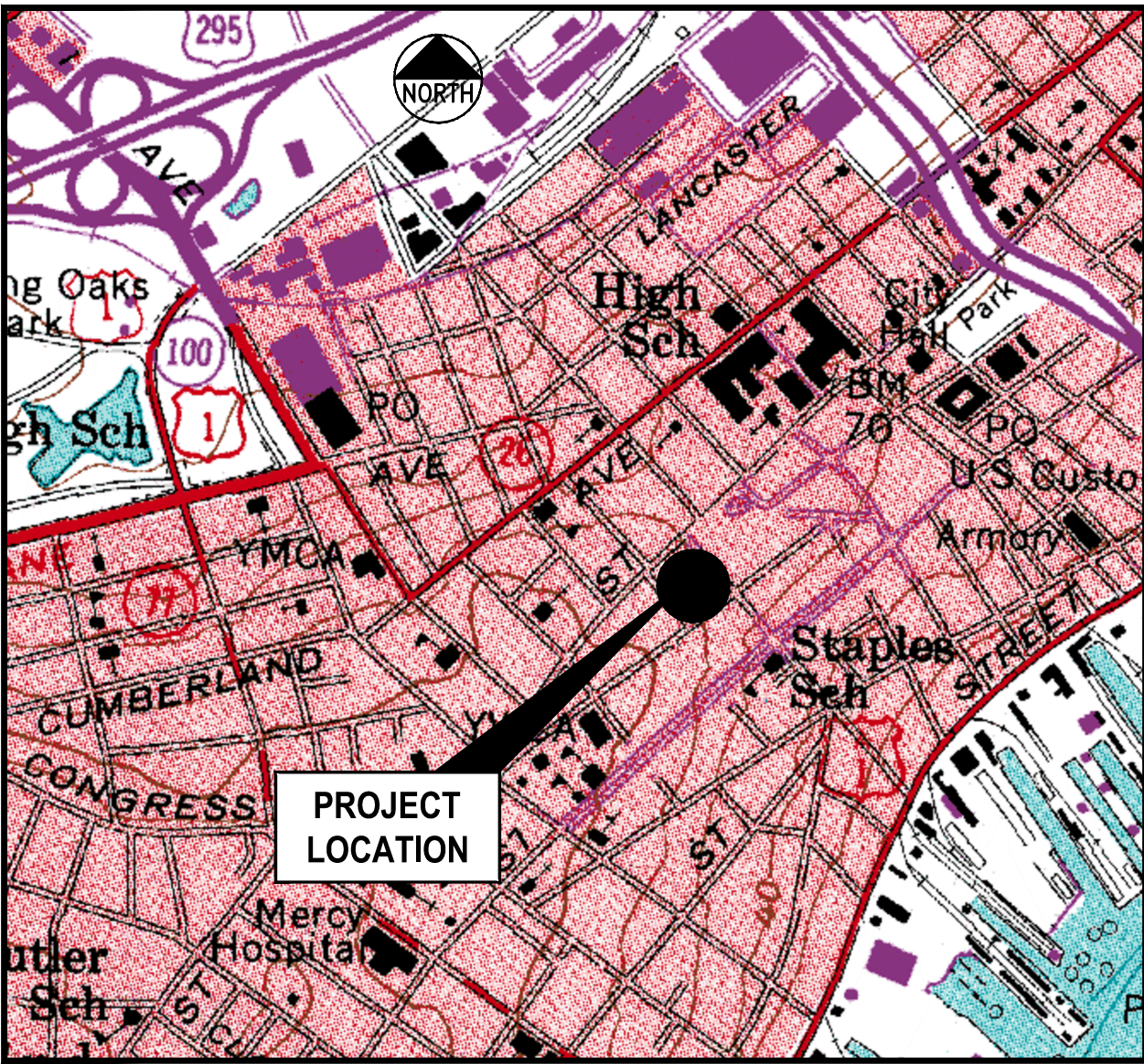
TELEPHONE:
CONSOLIDATED COMMUNICATIONS
5 DAVIS HILL FARM ROAD
PORTLAND, MAINE 04103
207.797.1866
CONTACT: PATRICK MORRISON

NATURAL GAS:
NORTHERN UTILITIES / UNITIL
376 RIVERSIDE INDUSTRIAL PARKWAY
PORTLAND, MAINE 04103
207.541.2536
CONTACT: BRIDGET HARMON
harmon@unitil.com

CABLE TV:
TIME WARNER CABLE / SPECTRUM
115 JOHNSON ROAD
PORTLAND, MAINE 04102
207.253.2324
CONTACT: MARK PELLETIER

DIG SAFE:
CALL BEFORE YOU DIG
DIAL 811 (AT LEAST 72 HRS IN ADVANCE)

SITE DEVELOPMENT PLANS
FOR A
CHANGE OF USE
TO INCLUDE 39 APARTMENT UNITS & GROUND LEVEL COMMERCIAL
482 CONGRESS STREET
PORTLAND, MAINE
MAJOR SITE PLAN SUBMISSION
APRIL 2024



LOCATION MAP
N.T.S.

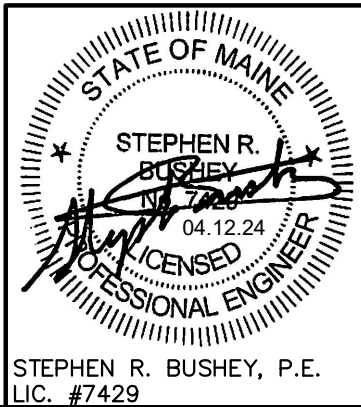
CONSULTANT LIST

CIVIL ENGINEER:
Gorrill Palmer Consulting Engineers, Inc.
300 SOUTHBOROUGH DRIVE, SUITE 200
SOUTH PORTLAND, MAINE 04106
207.772.2515
ATTN: STEVE BUSHEY
sbushey@gorrillpalmer.com

SURVEYOR:
Owen Haskell Inc.
390 US ROUTE 1 UNIT 10
FALMOUTH, ME 04105
207-774-0424
ATTN: ELLEN BREWER
ebrewer@owenhaskell.com

BUILDING ARCHITECT:
Archetype P.A.
48 UNION WHARF
PORTLAND, ME 04101
207.772.6022
ATTN: KEVIN MORRISSETTE
Kevin@archetypepa.com

ALL PERMITS ARE ANTICIPATED TO HAVE CONDITIONS ATTENDANT WITH THEIR APPROVAL. THE CONTRACTOR SHALL REVIEW ALL PERMITS AND THE CONDITIONS ATTENDANT WITH APPROVALS PRIOR TO THE START OF THE WORK. UNLESS OTHERWISE STIPULATED BY THE CONTRACT DOCUMENTS, THE CONTRACTOR IS REQUIRED TO COMPLY AND FULFILL ALL CONDITIONS OF APPROVAL.



NOTE: THIS PLAN SET IS ISSUED FOR PERMITTING PURPOSES & SHALL NOT BE USED FOR CONSTRUCTION.

Rev.	Date	Revision

Rev.	Date	Revision
1	2024.04.12	MAJOR SITE PLAN SUBMISSION

Design: SRB	Draft: CDD	Date: MARCH 2024
Checked: SRB	Scale: AS NOTED	Job No.: 4265
File Name: 4265-COVER.dwg		
This plan shall not be modified without written permission from Gorrill Palmer. Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to Gorrill Palmer.		



GORRILL PALMER

300 Southborough Drive, Suite 200
South Portland, Me 04106
207.772.2515 / www.gorrillpalmer.com
Relationships. Responsiveness. Results.

Drawing Name:	COVER SHEET
Project:	PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT 482 CONGRESS STREET, PORTLAND, MAINE
Client:	CENTER CONGRESS LLC 482 CONGRESS STREET, PORTLAND, MAINE 04101

Drawing No.
C-1.0

U:\4265-482 Congress Street Residential - Portland\Z - CAD\DWG\4265-GEN NOTES.dwg 4/12/2024 12:28 PM

GENERAL NOTES

- IN ADDITION TO THESE PLANS AND NOTES, THE CONTRACTOR SHALL REFER TO THE PROJECT MANUAL OR MOST CURRENT MAINE DEPARTMENT OF TRANSPORTATION (MAINE DOT) SPECIFICATIONS FOR CONSTRUCTION SPECIFICATIONS AND BIDDING PROCEDURES.
- THIS PROJECT WILL BE SUBJECT TO THE TERMS AND CONDITIONS OF ALL PERMITS ISSUED BY LOCAL UTILITY COMPANIES AND THE CITY OF PORTLAND.
- THE CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF THE ENTRANCE, PAVING, PRECISE BUILDING DIMENSIONS, AND EXACT BUILDING UTILITY ENTRANCE POINTS. ENTRANCES IN MOST LOCATIONS REQUIRE STRUCTURAL SLABS. REFER TO THE ARCHITECTURAL AND STRUCTURAL DRAWINGS FOR INFORMATION ON THE STRUCTURAL SLAB ENTRANCES.
- ALL REQUIRED AND NECESSARY INSPECTIONS AND OR CERTIFICATIONS REQUIRED BY CODES AND/OR UTILITY SERVICE COMPANIES SHALL BE PERFORMED PRIOR TO ANNOUNCED BUILDING POSSESSIONS AND THE FINAL SERVICE CONNECTIONS.
- THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR THE ELEVATION OF THE EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AND DIG SAFE AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS, AT ITS SOLE COST.
- MAINTENANCE OF EROSION CONTROL MEASURES IS OF PARAMOUNT IMPORTANCE TO THE APPLICANT AND THE CONTRACTOR IS RESPONSIBLE FOR COMPLYING WITH ALL EROSION CONTROL MEASURES SHOWN ON THE PLANS. ADDITIONAL EROSION CONTROL MEASURES SHALL BE INSTALLED IF DEEMED NECESSARY BY ONSITE INSPECTIONS OF THE OWNER, THEIR REPRESENTATIVES, OR THE CITY, AT NO ADDITIONAL COST TO THE OWNER.
- ALL MATERIAL SCHEDULES SHOWN ON THE PLANS ARE FOR GENERAL INFORMATION ONLY. THE CONTRACTOR SHALL PREPARE HIS OWN MATERIAL SCHEDULES BASED UPON HIS PLAN REVIEW. ALL SCHEDULES SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO ORDERING MATERIALS OR PERFORMING WORK.
- ALL MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO THE PROJECT SPECIFICATIONS, THE CITY OF PORTLAND AND SERVICING UTILITY REQUIREMENTS, IN CASES WHERE THESE CONFLICT THE MOST STRINGENT SHALL APPLY AT NO EXTRA COST TO THE OWNER.
- THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING RECORD DRAWINGS THROUGHOUT THE PROJECT AND PROVIDING THE OWNER WITH A SET OF ELECTRONIC FINAL RECORD DRAWINGS WHEN THE PROJECT IS COMPLETE.
- THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING ACCESS TO THE SITE AND ALL ADJACENT PROPERTIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TEMPORARY MARKINGS, SIGNAGE AND INCIDENTALS TO MAINTAIN SAFE VEHICLE AND PEDESTRIAN ACCESS THROUGH OUT THE LIFE OF THE PROJECT. THE CONTRACTOR SHALL NOTIFY THE PORTLAND PUBLIC SAFETY DIVISION ROUTINELY REGARDING TEMPORARY IMPACT OR CHANGES TO SITE ACCESS CONDITIONS, SIDEWALK AND / OR STREET CLOSINGS.

PERMITTING NOTES

- THIS PROJECT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE SITE PLAN REVIEW PERMIT FROM THE CITY OF PORTLAND WHICH WILL BE MADE A PART OF THE CONTRACT BID DOCUMENTS. THE CONSTRUCTION WILL BE GOVERNED BY THE ZONING ORDINANCES WHICH ARE AVAILABLE FOR VIEWING AT THE OFFICE OF THE ENGINEER OR THE MUNICIPAL OFFICE.
- THE CONTRACTOR SHALL REVIEW THE ABOVE-REFERENCED PERMITS PRIOR TO SUBMITTING A BID FOR THIS PROJECT, AND INCLUDE COSTS AS NECESSARY TO COMPLY WITH THE CONDITIONS OF THESE PERMITS.

SITE LAYOUT NOTES

- GRANITE CURB SHALL MEET THE REQUIREMENTS OF MDOT 702.001, 703.07 AND 609.04.
- ALL DIMENSIONING, UNLESS NOTED OTHERWISE, IS TO THE FACE OF CURB OR THE FACE OF THE BUILDING.
- EXCEPT WHERE INDICATED OTHERWISE, THE PAVEMENT IS TO BE STANDARD DUTY PAVEMENT OR MATCH CITY OF PORTLAND REQUIREMENT FOR ANY RESTORATION IN THE PUBLIC RIGHT OF WAY.
- ALL TRAFFIC CONTROL SIGNS INDICATED ON THE SITE LAYOUT PLAN ARE TO MEET ALL REQUIREMENTS & STANDARDS OF THE MAINE DEPARTMENT OF TRANSPORTATION, AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITIONS AND THE AMERICANS WITH DISABILITIES ACT REQUIREMENTS.

LOCAL APPROVALS, WAIVERS AND VARIANCES

THE CONSTRUCTION PLANS ARE TO BE SUBMITTED TO THE CITY OF PORTLAND FOR THEIR REVIEW, APPROVAL AND RECORDS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

PENDING SITE PLAN CONDITIONS OF APPROVAL - TO BE ADDED UPON RECEIPT OF APPROVALS

STANDARD CONDITIONS OF APPROVAL

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.)
- 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.
- Third Party Inspections** For all sites with one acre or greater of disturbance, the applicant shall retain the services of a third-party inspector for the duration of construction until final site stabilization is in place. The inspection is required in order to ensure that all construction and stabilization activities comply with the approved drawings and specifications; that field decisions regarding erosion control implementation, stormwater system installation, and natural resource protection are based on sound engineering and environmental considerations; and that any changes to the development's erosion control plan, stormwater management plan, or final stabilization plan is communicated to the City of Portland for additional review and approval.
- The inspector will submit weekly written reports to the Stormwater Coordinator(s) in the Water Resources Division of Public Works. Reports must include: project ID, project address, the date(s) and time(s) of inspection(s), site photographs of areas under construction, and the date(s) and approximate duration(s) of any rainfall events. The report will identify and describe any erosion problems or discharge of pollutants and what actions will be taken to address these issues and repair any damage to other properties or natural resources, actions to eliminate the erosion source, and actions to prevent future sediment discharges from the area.

UTILITY NOTES

- ALL REQUIRED UTILITIES SERVING THE PROJECT SHALL BE COORDINATED AND CONSTRUCTED BY THE SITE CONTRACTOR TO WITHIN 5 FEET OF THE BUILDINGS, AT A LOCATION COORDINATED WITH THE MEP CONTRACTOR(S) AND THE BUILDING PLANS. SITE WORK WITHIN 5 FEET OF UNDERSLAB UTILITIES SHALL CONSIST OF TRENCHING AND BACKFILLING. ACTUAL UTILITY INSTALLATION SHALL BE BY THE MEP CONTRACTOR. ALL REQUIRED CONNECTION FEES SHALL BE PAID BY THE GENERAL CONTRACTOR.
- THE CONTRACTOR SHALL COORDINATE THE INSTALLATION OF AND/OR RELOCATION OF OVERHEAD AND UNDERGROUND TELEPHONE WITH FAIRPOINT COMMUNICATIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR CONDUITS, PULL WIRES, TRENCHING AND BACKFILLING NECESSARY TO COMPLETE THE WORK.
- ALL SANITARY SEWER WORK SHALL MEET THE STANDARDS OF THE MAINE STATE PLUMBING CODE AND CITY OF PORTLAND PUBLIC SERVICES DIVISION. CONNECTIONS TO EXISTING SEWER SHALL BE PERFORMED IN ACCORDANCE WITH CITY OF PORTLAND PUBLIC SERVICES DIVISION RECOMMENDATIONS AND REGULATIONS.
- THE CONTRACTOR SHALL COORDINATE THE INSTALLATION OF ELECTRIC SERVICE WITH CENTRAL MAINE POWER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TRENCHING, CONDUIT AND BACKFILLING ASSOCIATED WITH UNDERGROUND POWER, COMMUNICATIONS AND CABLE.
- COORDINATE ALL OTHER UTILITY WORK WITH THE APPROPRIATE UTILITY COMPANY. ALL UTILITY WORK SHALL CONFORM TO THE STANDARDS OF THE UTILITY COMPANY AND PROJECT SPECIFICATIONS, WHICHEVER IS MORE STRINGENT, AT NO EXTRA EXPENSE TO THE OWNER.
- THE LOCATIONS OF THE NEW UTILITY SERVICES AND CONNECTIONS SHALL BE COORDINATED WITH THE SERVING UTILITY COMPANY, PROJECT ARCHITECTS AND MEP DESIGNERS.
- UNDERGROUND ELECTRICAL, CONDUIT MATERIAL AND INSTALLATION SHALL CONFORM TO CENTRAL MAINE POWER STANDARDS AND PROJECT SPECIFICATIONS, WHICH EVER IS MORE STRINGENT. WORK ADJACENT TO THE UNE SHALL BE MONITORED BY CENTRAL MAINE POWER.
- ADJUST ALL MANHOLES, CATCH BASINS, CURB BOXES, ETC. WITHIN LIMITS OR WORK TO FINISH GRADE.
- ALL UNDERGROUND CONDUITS SHALL HAVE NYLON PULL ROPES TO FACILITATE PULLING CABLES.
- THE CONTRACTOR SHALL OBTAIN, PAY FOR, AND COMPLY WITH ALL REQUIRED PERMITS, ARRANGE FOR ALL INSPECTIONS, AND SUBMIT COPIES OF ACCEPTANCE CERTIFICATES TO THE OWNER PRIOR TO COMPLETION OF THE PROJECT.
- THE CONTRACTOR SHALL PROVIDE AND INSTALL ALL BOXES, FITTINGS, CONNECTORS, COVER PLATES AND OTHER MISCELLANEOUS ITEMS NOT NECESSARILY DETAILED ON THE DRAWINGS TO RENDER INSTALLATION OF UTILITIES COMPLETE AND OPERATIONAL, AT NO EXTRA EXPENSE TO THE OWNER.
- A 10 FOOT MINIMUM EDGE TO EDGE HORIZONTAL SEPARATION SHALL BE PROVIDED BETWEEN ALL WATER AND SANITARY SEWER LINES. AN 18 INCH OUTSIDE TO OUTSIDE VERTICAL SEPARATION SHALL BE PROVIDED AT ALL WATER AND SANITARY SEWER CROSSINGS.

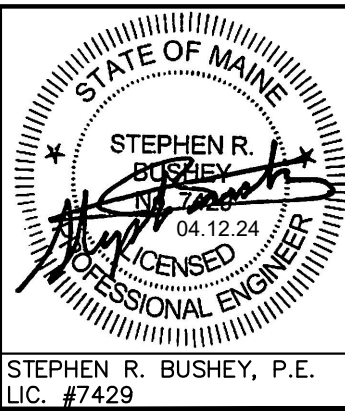
EROSION CONTROL NOTES:

- PRIOR TO BEGINNING ANY LAND DISTURBING ACTIVITIES, GRADING LIMITS SHALL BE STAKED BY THE CONTRACTOR BASED ON THE LIMITS OF GRADING SHOWN ON THE DRAWINGS AND ACCEPTED BY THE OWNER'S REPRESENTATIVE IN THE FIELD. AFTER THE GRADING LIMITS HAVE BEEN ACCEPTED, THE CONTRACTOR SHALL INSTALL THE PERIMETER SILT FENCE, SEDIMENT BARRIERS AND THE CONSTRUCTION ENTRANCE ASSOCIATED WITH THE PROJECT.
- ALL GROUND AREAS GRADED FOR CONSTRUCTION SHALL BE GRADED, LOAMED, SEEDED AND MULCHED AS SOON AS POSSIBLE. TEMPORARY/PERMANENT SEED MIXTURES SHALL CONFORM TO THE SEEDING PLAN CONTAINED IN THE EROSION CONTROL PROJECT PREPARED FOR THIS PROJECT.
- PRIOR TO PAVING OR GRAVEL PLACEMENT, THE CONTRACTOR SHALL REMOVE SILT FROM ALL STORM LINES AND APPURTANCES.
- SILT BARRIERS SHALL BE INSPECTED, REPAIRED AND CLEANED AS NOTED IN THE EROSION CONTROL NOTES SHOWN ON THE EROSION CONTROL DETAIL SHEET.
- THE CONTRACTOR SHALL REPAIR AND ADD STONE TO THE CONSTRUCTION ENTRANCES AS IT BECOMES SATURATED WITH MUD TO ENSURE THAT IT FUNCTIONS TO CAPTURE MUD FROM THE TIRES OF CONSTRUCTION VEHICLES DURING CONSTRUCTION. THE PURPOSE OF THE CONSTRUCTION ENTRANCE IS TO KEEP ADJACENT STREETS CLEAR OF DIRT AND MUD. SWEEPING OF THE ROADWAYS SHALL BE PERFORMED BY THE CONTRACTOR ON AN AS NEEDED BASIS, BUT AT A MINIMUM ONCE A WEEK.
- SILT REMOVED FROM AROUND INLETS AND BEHIND THE SILT FENCES SHALL BE PLACED ON A TOPSOIL STOCKPILE AND MIXED INTO TOPSOIL FOR USE IN LANDSCAPING OPERATIONS.
- LAND DISTURBING ACTIVITIES SHALL BE ACCOMPLISHED IN A MANNER AND SEQUENCE WHICH CAUSE THE LEAST PRACTICAL UNPROTECTED DENUDED AREAS ON THE SITE DURING CONSTRUCTION.
- THE CONTRACTOR IS CAUTIONED THAT FAILURE TO COMPLY WITH THE SEQUENCE OF CONSTRUCTION, EROSION/SEDIMENT CONTROL PLAN, AND OTHER PERMIT REQUIREMENTS MAY RESULT IN MONETARY PENALTIES AS ENFORCED BY THE MEDEP OR LOCAL AGENCIES. THE CONTRACTOR SHALL BE ASSESSED ALL SUCH PENALTIES AT NO COST TO THE OWNER OR PERMITTEE.
- A FULL EROSION/SEDIMENTATION CONTROL PLAN ACCOMPANIES THIS DRAWING SET AND IS ALSO CONTAINED IN THE DIV 312513 SPECIFICATIONS.
- PROVIDE INLET PROTECTION BARRIERS AROUND ALL EXISTING AND PROPOSED STORM DRAINAGE INLETS AS SHOWN AND MAINTAIN FOR THE DURATION OF THE PROJECT UNTIL PAVEMENT HAS BEEN INSTALLED.
- INSPECT EROSION AND SEDIMENT CONTROL DEVICES AFTER EACH RAIN STORM OF 0.25 INCHES OR GREATER. REPAIR/MODIFY PROTECTION AS NECESSARY TO MAXIMIZE FILTER EFFICIENCY. REPLACE ALL FILTERS WHEN SEDIMENT IS 1/3 OF THE STRUCTURE HEIGHT.
- THE CONTRACTOR SHALL INSTALL ALL EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES, CUMBERLAND COUNTY SOIL AND WATER CONSERVATION DISTRICT AND MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, 2014".

LEGEND - EXISTING

- IRON PIPE OR ROD FND
- MONUMENT FOUND
- GAS METER
- WATER VALVE
- LIGHT POLE
- DRAINAGE MANHOLE
- ELECTRIC MANHOLE
- SEWER MANHOLE
- CATCH BASIN
- SIGN
- EDGE OF PAVEMENT
- CURB
- FENCE
- GUARDRAIL
- UNDERGROUND ELECTRIC
- TELEPHONE
- 12"W WATER LINE
- GAS LINE
- 15"san SANITARY SEWER
- SD STORM DRAIN
- 1' CONTOUR
- SPOT ELEVATION
- TREE
- BUILDING
- RETAINING WALL
- PROPERTY LINE
- EASEMENT LINE
- TEST BORING

NOTE: THIS PLAN SET IS ISSUED FOR PERMITTING PURPOSES & SHALL NOT BE USED FOR CONSTRUCTION.



Design: SRB	Draft: CDD	Date: MARCH 2024
Checked: SRB	Scale: AS NOTED	Job No.: 4265
File Name: 4265-GEN NOTES.dwg		
This plan shall not be modified without written permission from Gorrill Palmer. Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to Gorrill Palmer.		



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South Portland, Me 04106
207.772.2515 / www.gorrillpalmer.com
Relationships. Responsiveness. Results.

Drawing Name:	GENERAL NOTES & LEGEND
Project:	PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT 482 CONGRESS STREET, PORTLAND, MAINE
Client:	CENTER CONGRESS LLC 482 CONGRESS STREET, PORTLAND, MAINE 04101

Drawing No.

C-1.1



SPACE AND BULK REGULATIONS		
SPACE AND BULK REGULATION	REQUIRED - B3 ZONE	PROVIDED
MINIMUM LOT SIZE	NONE	24,156 SF
MIN. STREET FRONTAGE	15 FT	48.43 Ft
MAX. FRONT YARD SETBACK	5 FT	0
SIDE / REAR SETBACK	N / A	-
MAX. BUILDING HEIGHT	*	60 Ft
LENGTH OF UNDIFFERENTIATED BLANK WALL ALONG PUBLICLY ACCESSIBLE WAY	30 FT (MAX.)	

* MAXIMUM BUILDING HEIGHT ACCORDING TO THE DOWNTOWN HEIGHT OVERLAY DISTRICT

482 CONGRESS STREET CHANGE OF USE		
FLOOR	DESCRIPTION	COMMENTS
BASEMENT	MEP AND STORAGE SPACE INCLUDING BIKE STORAGE	
GROUND (1st)	EXISTING COMMERCIAL SPACE TO REMAIN & FIVE RESIDENTIAL UNITS PROPOSED	INCLUDES TWO WORKFORCE HOUSING UNITS - 1 BED/1 BATH THREE - 2 BED/2 BATH
2nd	TWO EXISTING WORK / LIVE APARTMENTS TO REMAIN - SIX RESIDENTIAL UNITS PROPOSED	FOUR - 2 BED/2 BATH TWO WORKFORCE - 1 BED/1 BATH
3rd	TWO EXISTING WORK / LIVE APARTMENTS TO REMAIN - SIX RESIDENTIAL UNITS PROPOSED	FOUR - 2 BED/2 BATH TWO WORKFORCE - 1 BED/1 BATH
4th	NINE RESIDENTIAL APARTMENTS	SEVEN - 2 BED/2 BATH TWO WORKFORCE - 1 BED/1 BATH
5th	NINE RESIDENTIAL APARTMENTS	SEVEN - 2 BED/2 BATH TWO WORKFORCE - 1 BED/1 BATH
TOTAL	39 UNITS	10 WORKFORCE (INCLUSIONARY)

UTILITY SERVICE NOTES:

Water Supply

The property is served with two domestic services, one from Congress Street and one from Center Street, and a single fire service from Congress Street, described as follows:

- The domestic water service from Congress Street is a 1" service with a ¾" meter. This domestic service supports some mechanical functions and the commercial spaces fronting Congress Street as well as possibly a few more minor uses.
- The domestic water service from Center Street is a 2" service that splits into an A service and a B service inside the building. The A service has an old 1" meter, the B service has a new 1" meter. The A service supports some bathrooms in the building and the B service supports some apartments in the building.
- There is a 6" fire service that enters the building from Congress Street. The fire service will be unchanged as the change of use does not contain significant changes to the sprinkler system. A fire standpipe is located in the front entry vestibule off Congress Street and a FDC is located on the Center Street side of the building.

There are currently 4 active services/account at this location; one fire service and three domestic services as described above.

PWD has recommended that as part of Phase 1 (second floor apt) of the project, the existing 2" service from Center Street be reconfigured within the building to include a new 1.5" meter and new testable double check backflow preventer. The currently non-conforming A and B services on private will be eliminated to bring the service to fully compliant with PWD current standards. A 2" service with a 1.5" meter can provide up to 120 gpm of flow at the pressures indicated here (~80psi).

Subsequent phases of development will be supported by the 2" service line and supplemented by the existing 1" service line from Congress Street. As subsequent phases of development occur th owner will talk to the District regarding capacity to serve your project.

Sanitary

- A 4" sanitary main exits building to 15" brick sewer in Center Street
- A 8" sanitary main exits building to 15" brick sewer in Center Street.

Power

- An electrical service off Congress street enters into a 400 amp disconnect switch
- An electrical service off Center Street.

Natural Gas

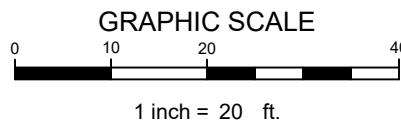
- A gas service enters off Center Street to the rear of the building where exterior meters are located.

OWNER OF RECORD:

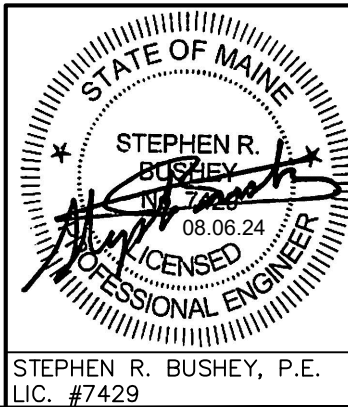
Center Congress LLC
482 CONGRESS ST
PORTLAND, ME 04101

MAILING ADDRESS: 10 SOMERVILLE ROAD
HEWITT, NJ 07421

C.C.R.D. BOOK 40735, PAGE 139



NOTE: THIS PLAN SET IS ISSUED FOR PERMITTING PURPOSES & SHALL NOT BE USED FOR CONSTRUCTION.



U:\4265-482 Congress Street Residential - Portland\4265-482-SITE & UTILITY.dwg 8/6/2024 11:01 AM

Rev.	Date	Revision

Rev.	Date	Revision
3	2024.08.06	REVISED PER STAFF COMMENTS - ADDED DRAINAGE
2	2024.06.27	MAJOR SITE PLAN SUBMISSION - ADDED SITE PLAN
1	2024.04.12	MAJOR SITE PLAN SUBMISSION

Design: SRB	Draft: CDD	Date: MARCH 2024
Checked: SRB	Scale: AS NOTED	Job No.: 4265
File Name: 4265-SITE & UTILITY.dwg		
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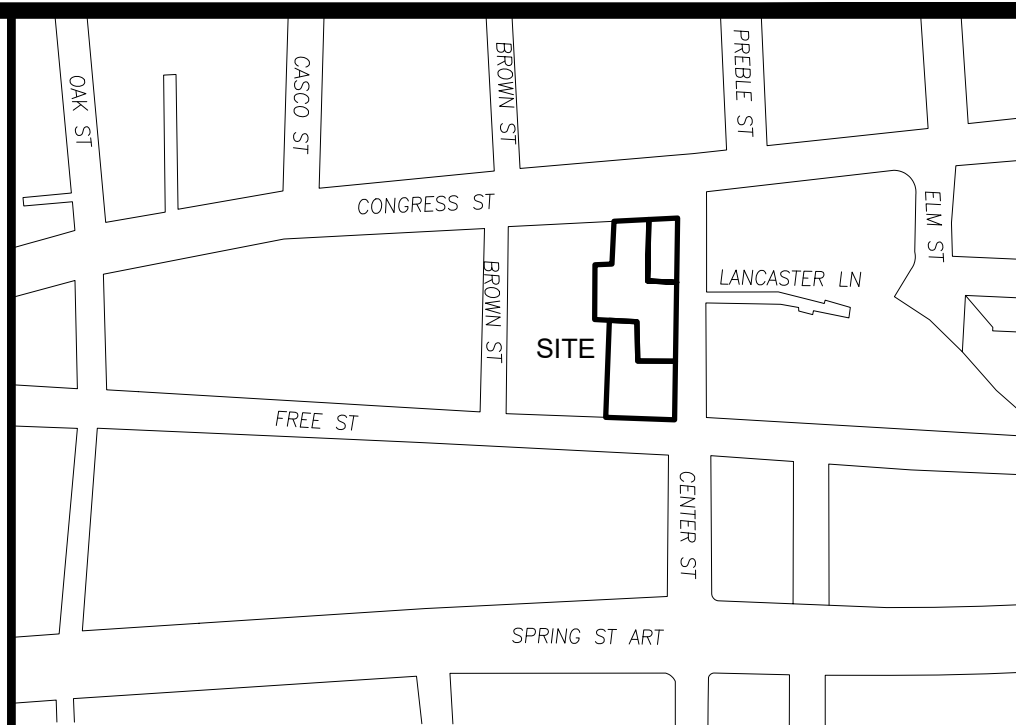
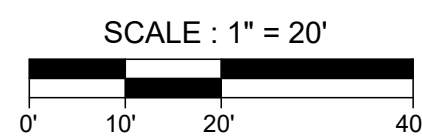


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Drawing Name:	SITE PLAN
Project:	PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT 482 CONGRESS STREET, PORTLAND, MAINE
Client:	CENTER CONGRESS LLC 482 CONGRESS STREET, PORTLAND, MAINE 04101

Drawing No.
C-3.0



N.T.S.

●	IRON PIPE OR ROD FOUND	—X—X—	FENCE
■	MONUMENT FOUND	=====	CURB
○	CAPPED IRON ROD SET	=====	GUARDRAIL
⊗	UTILITY POLE	—OHW—	OVERHEAD WIRES
⊗ GM	GAS METER	IFF/IRF	IRON PIPE OR ROD FOUND
T	SIGN	N/F	NOW OR FORMERLY
▨	CATCH BASIN	000/000	DEED BOOK / PAGE
⊗	WATER VALVE OR SHUTOFF		

1. "CONDOMINIUM PLAT "EASTMAN BLOCK CONDOMINIUM" 11 BROWN STREET, PORTLAND, CUMBERLAND COUNTY, MAINE MADE FOR RECORD OWNER OOBLECK LLC" APRIL 22, 2016 REVISED MAY 18, 2016 BY OWEN HASKELL, INC. RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 216, PAGE 160.
2. "AMENDED CONDOMINIUM PLAT, KIMBALL COURT CONDOMINIUMS, 490-492 CONGRESS STREET, PORTLAND MAINE MADE FOR RECORD OWNER THE KIMBALL BUILDING, LLC" JULY 12, 2006 REVISED 11-14-13 BY OWEN HASKELL, INC. RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 213, PAGE 469.
3. "BOUNDARY & TOPOGRAPHIC SURVEY, THE ASYLUM, 121 CENTER STREET, PORTLAND, MAINE MADE FOR VALERIE J. LEVY" WBRC MAP 18, 2016 BY OWEN HASKELL, INC.
4. "STANDARD BOUNDARY SURVEY BROWN, FREE AND CENTER STREETS PORTLAND, MAINE EXISTING CONDITIONS SURVEY GREAT CUMBERLAND PARKS REITY TRUST" DATED MARCH 30, 1988 REVISED THRU JULY 9, 1988 BY LAND USE CONSULTANTS.
5. CITY OF PORTLAND STREET PLANS FOR CONGRESS, CENTER, BROWN AND FREE STREET.
6. E.C. JORDAN WORK SHEETS FOR THE BLOCK OF CONGRESS, CENTER, BROWN AND FREE STREETS.

1. OWNER OF RECORD: CENTER CONGRESS LLC
TAX MAP 37 BLOCK 1 LOTS 3 & 12
C.C.R.D. BOOK 40735 PAGES 139
2. BEARINGS ARE BASED ON MAIN STATE PLANE COORDINATES CITY POINTS 1124-19-1160 AND 1124-19-1162 HELD.
3. STREET LINES ESTABLISHED USING MONUMENTATION FOUND AND INFORMATION FROM CITY PLANS.
4. THE PROPERTY IS LOCATED IN THE CITY OF PORTLAND DOWNTOWN BUSINESS ZONE B3 AND THE DOWNTOWN ENTERTAINMENT OVERLAY ZONE.
5. A PORTION OF THE PROPERTY IS SUBJECT TO AND BENEFITED BY A RECIPROCAL EASEMENT AND OPERATION AGREEMENT RECORDED IN DEED BOOK 8355, PAGE 64.
6. PROPERTY LINES SHOWN ARE BASED ON THE DEEDS OF RECORD AND REFERENCED SURVEYS. THESE LINES MAY NOT REFLECT THE "PARTY WALLS" OR COMMON WALLS BETWEEN THE EXISTING BUILDINGS. MEASUREMENTS WERE TAKEN AT THE EXTERIOR OF THE BUILDINGS ONLY.

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

4/15/24
DATE



REV. 1 4/15/24 UPDATE DEED REFERENCE, BOUNDARY, LOT AREA

Boundary Survey
At
482 Congress Street, Portland, Maine
Made for Record Owner
Center Congress LLC
482 Congress Street, Portland, Maine

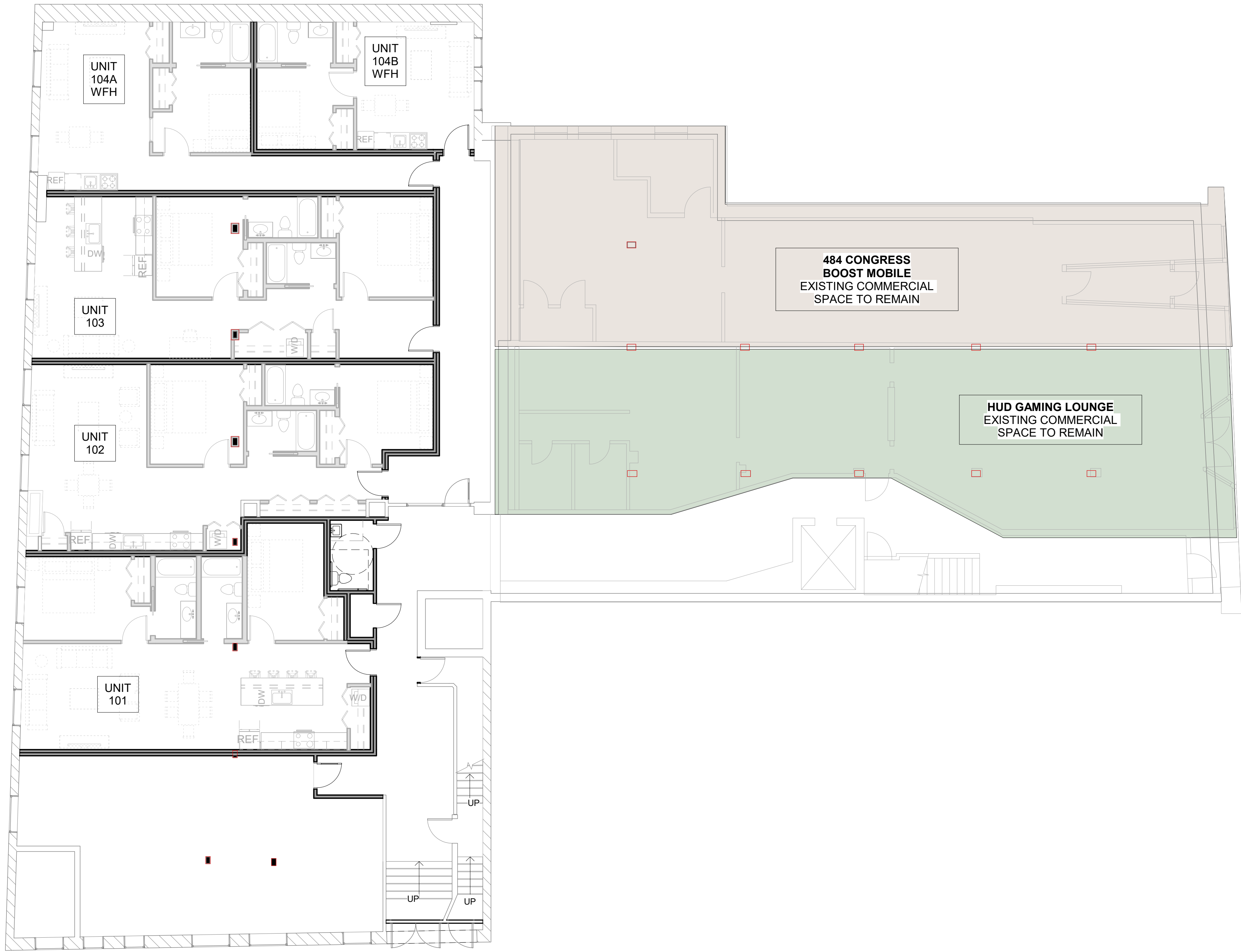


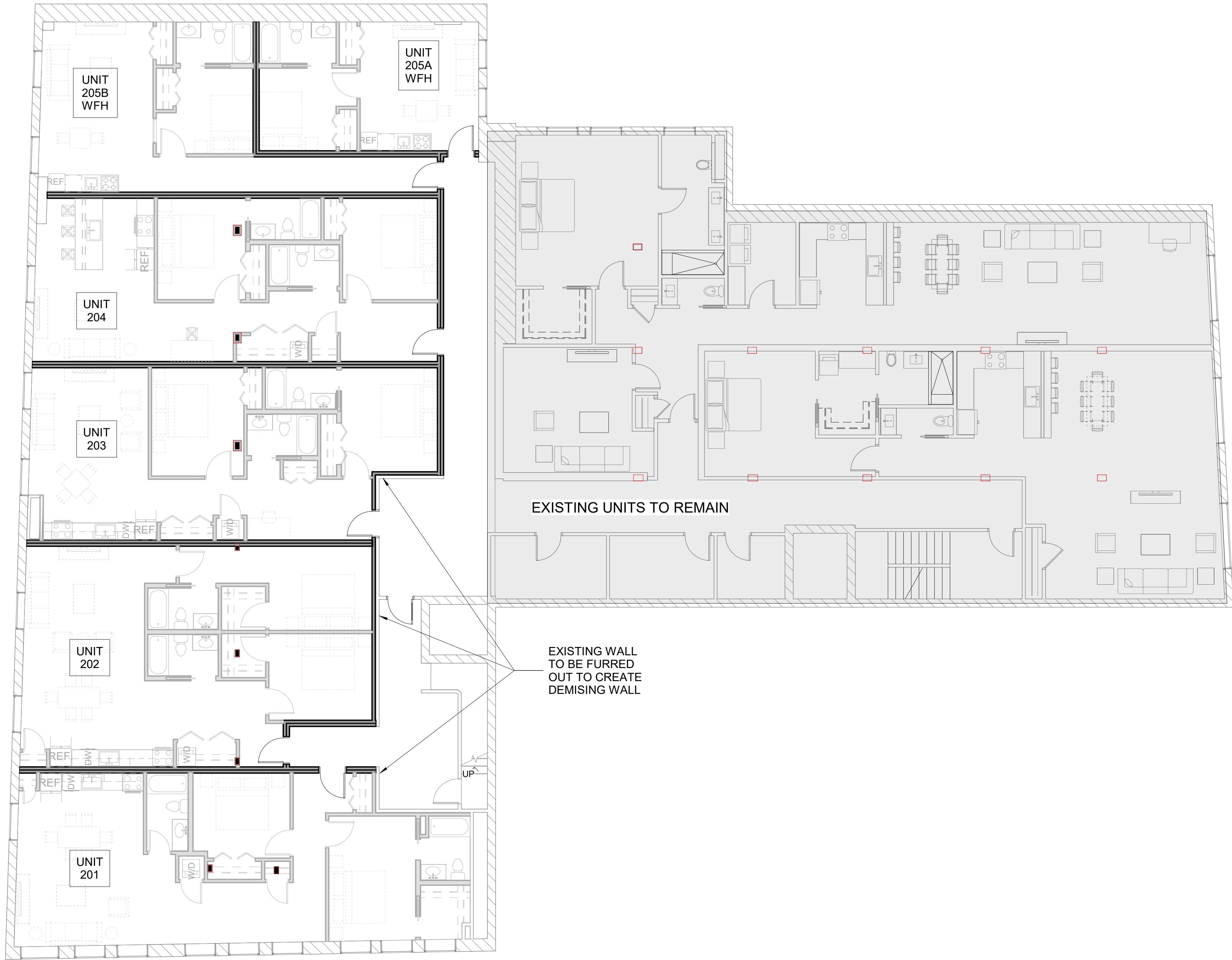
OWEN HASKELL, INC.

PROFESSIONAL LAND SURVEYORS

390 US ROUTE 1, UNIT 10, FALMOUTH, ME 04105 TEL. 207-774-0424		
DRAWN BY: RS / JLW	DATE: JAN. 22, 2024	JOB NO. 2023-323 P
CHECKED BY: ECB	SCALE: 1" = 20'	DRWG. NO. 1

1 | 1ST FLOOR - NEW
1/8" = 1'-0"

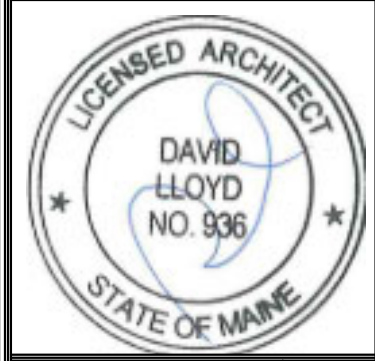
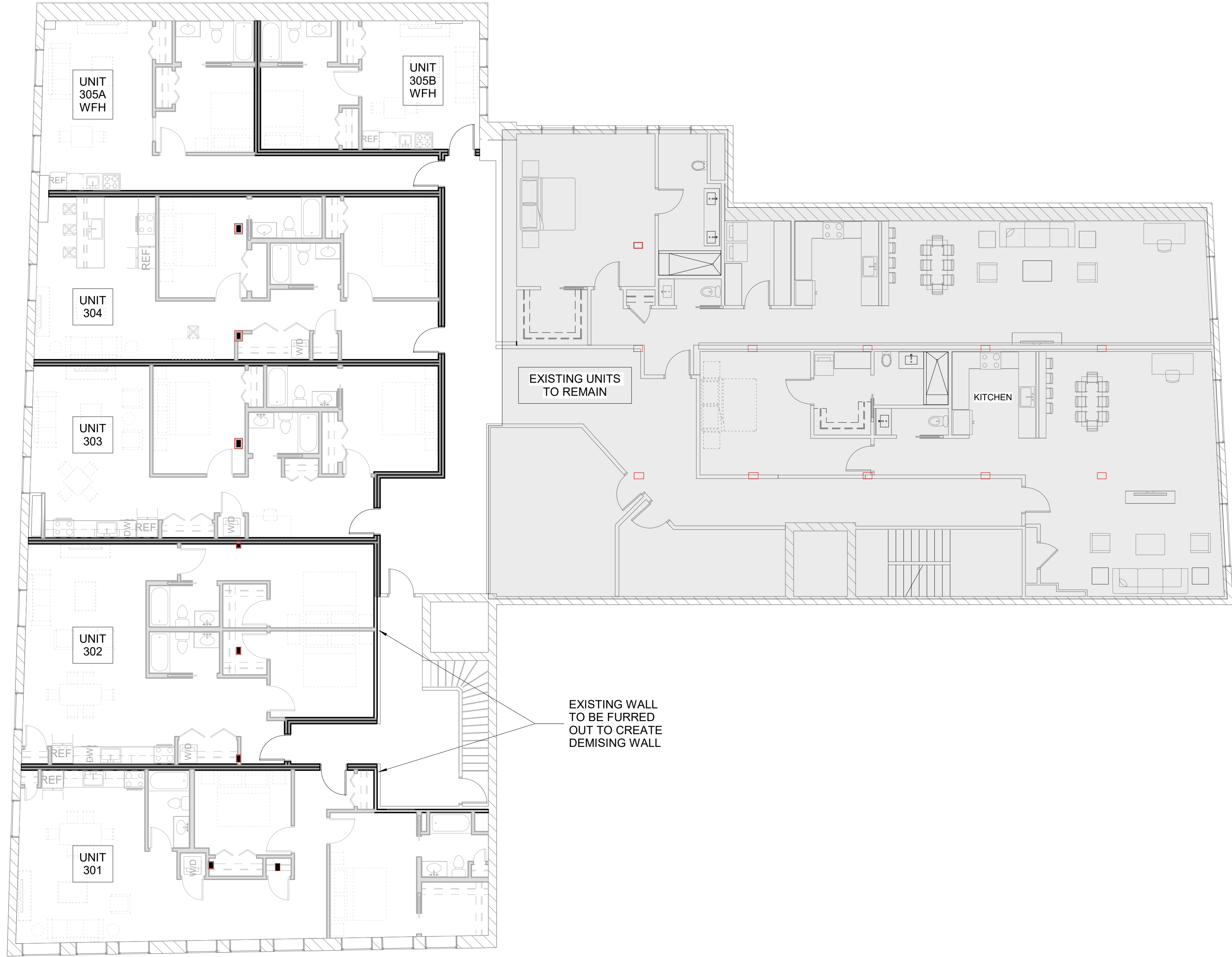




1 | 2ND FLOOR - NEW
1/8" = 1'-0"

A1.02	Date: 12 MAY 2022	Scale: 1/8" = 1'-0"	Revisions:		Project: 1st & 2nd Floor Apartments Phase III 482 Congress St Portland, ME 04101	Architect: ARCHETYPE ARCHITECTS 48 Union Wharf Portland, Maine 04101 207.772.6022 archetype@archetypepepa.com	Consultant:	Prepared For:	Timothy & Chris Leahy Address City, State	
	2ND FLOOR NEW WORK									

1 | 3RD FLOOR - NEW
1/8" = 1'-0"



Prepared For:
Timothy & Chris Leahy
Address
City, State

Consultant:

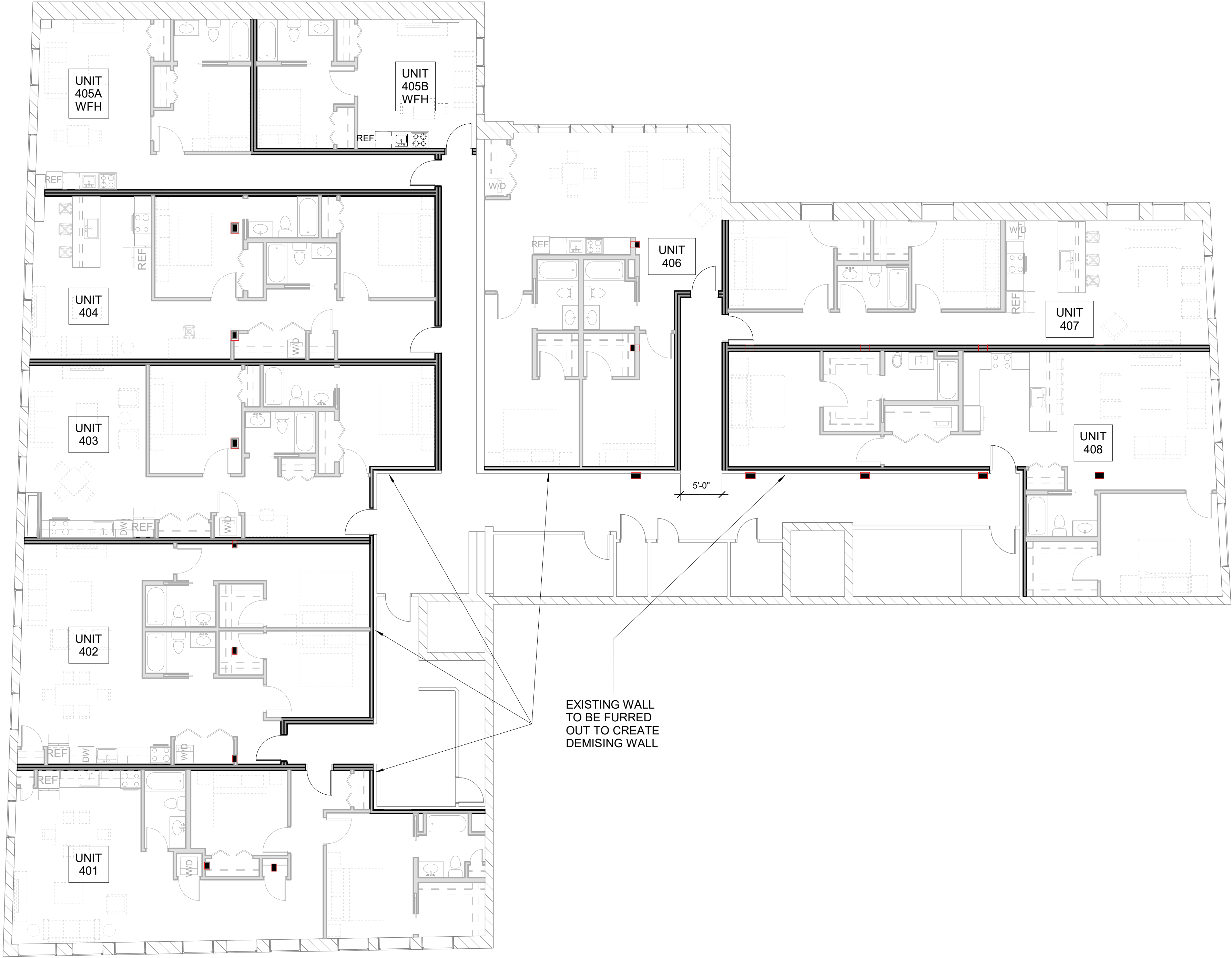
Architect:
ARCHETYPE architects
48 Union Wharf Portland, Maine 04101
(207) 772-6022 ARCHETYPE@ARCHETYPEPA.COM

Project:
1st & 2nd Floor Apartments Phase III
482 Congress St
Portland, ME 04101

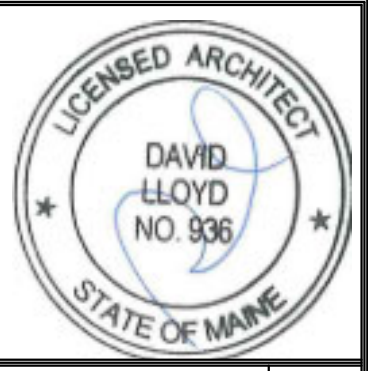
Revisions:

Date: 12 MAY 2022
Scale: 1/8" = 1'-0"
3RD FLOOR NEW WORK

A1.03



1 | 4TH FLOOR - NEW
1/8" = 1'-0"



Prepared For:
Timothy & Chris Leahy
Address
City, State

Consultant:

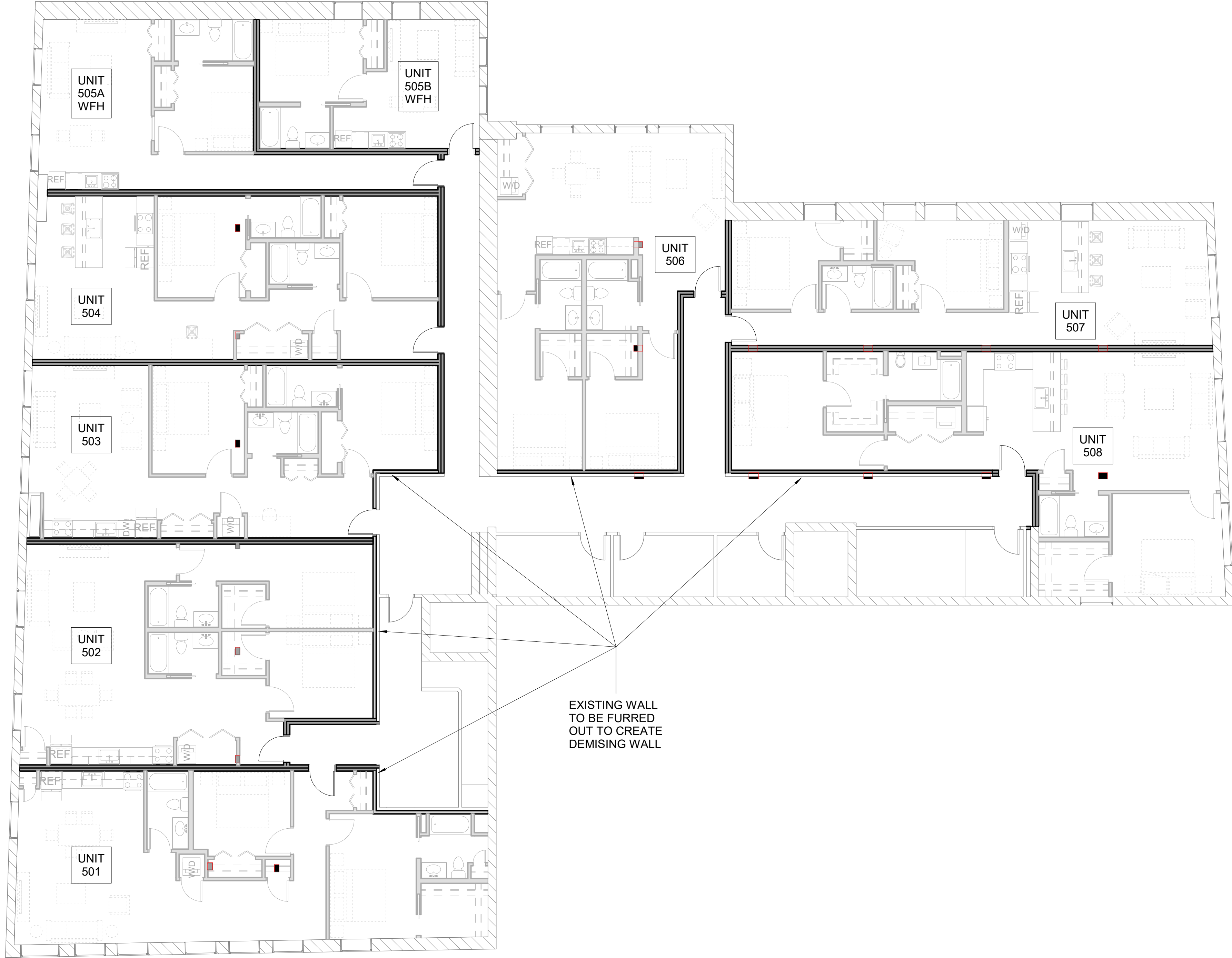
Architect:
ARCHETYPE
a r c h i t e c t s
48 Union Wharf Portland, Maine 04101
(207) 772-6022 ARCHETYPE@ARCHETYPEPA.COM

Project:
**1st & 2nd Floor
Apartments Phase III**
482 Congress St
Portland, ME 04101

Revisions:

Date:
12 MAY 2022
Scale:
1/8" = 1'-0"
4TH FLOOR NEW WORK

A1.04



1 | 5TH FLOOR - NEW
1/8" = 1'-0"



Prepared For:
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Revisions:

Date:
12 MAY 2022
Scale:
1/8" = 1'-0"
5TH FLOOR NEW WORK

A1.05

Planning Board Report

Planning & Urban Development Department



985 Forest Avenue
Major Site Plan Application
PL-002918-2024 and CU-003077-2024
AMK Investments, LLC & Gorrill Palmer

Submitted To: Portland Planning Board	Prepared By: Ameriz Gamez
Public Hearing Date: September 10, 2024	Date: September 6, 2024

I. INTRODUCTION

Gorrill Palmer has submitted a Major Site Plan and Conditional Use Application on behalf of AMK Investments, LLC. This application is in response to a notice of violation (NOV) issued by the City to the property owner, and a consent agreement, between the City and the property owner, to legalize 18 existing residential units, located within five condominiums on a property at 985 Forest Avenue, and to bring the site into compliance with current building and life safety code requirements, and land-use regulations. The subject property totals 1.38 acres and is zoned B-2 Community Business. This application is being referred to the Planning Board for compliance with the City of Portland's Land Use Code Site Plan Standards, Article 14.

The Planning and Urban Development Department mailed 98 notices advertising this meeting to property owners within 500 feet of the site. A legal advertisement ran in the September 3, 2024 and September 4, 2024 editions of the *Portland Press Herald*.

Applicant: AMK Investments, LLC & Gorrill Palmer

Applicant Representatives: Matthew Rabasco, Gorrill Palmer

II. REQUIRED REVIEWS

Review	Applicable Standards
Site Plan	Section 14.6

<i>Waiver Requests</i>	<i>Applicable Standards</i>
The applicant is requesting a reduction of the minimum two-way drive aisle width from 24 feet to 12 feet, due to the fact that the parking area is existing, and there is no additional room for expansion.	Technical Manual, Section 1.10.3 requires a minimum two-way drive aisle width is 24 feet for standard. <i>Staff are supportive</i>

III. PROJECT DATA

Existing Zoning	B-2 Business Community
Property Size	60, 169 Square Feet (1.38 ac)

Existing Use	Commercial and Office Space
Proposed Use	Residential

V. BACKGROUND & EXISTING CONDITIONS

The site went through a Zoning Board of Appeals Variance process in 1971 which resulted in the approval of three dwelling units for this parcel as part of a mixed-use development. The decision was required at the time due to the previous zone not allowing for residential uses. In January 2024 the applicant purchased the property and was served with two separate Notices of Violation. The violations were for the failure to properly obtain permits for the additional dwelling units and for failure to provide two means of egress in the sleeping room and 1-hour fire rated doors. In order to achieve compliance, the City entered into a consent agreement with the applicant, which enables the applicant to avoid financial penalties if the applicant complies with the stipulations of the agreement. One such stipulation is that the applicant submit a site plan application and receive site plan approval.



Figure 1 985 Forest Ave site from Google Maps

This project site is located within the B-2 Community Business zone and is approximately 1.38 acres. The site has an existing building that is divided into five condominium units, which contain a mixture of commercial, office and residential uses. There is a total of 48 off-street parking spaces in the front of the building off of Forest Avenue, which are separated into two lots, and 17 additional spaces which are located behind the building and accessible via a driveway aisle that passes under a canopy that connects the building. The surrounding area contains a mixture of Business Community (B-2), Residential Professional (RP), and Industrial- Low Impact (IL) zone and additional commercial/ office space on the site that is to remain in use.

VI. PROPOSED DEVELOPMENT

The applicant is proposing to renovate the existing residential units within the building in order to address all outstanding life safety violations and other building code requirements, and legalize all of the existing residential units. The existing commercial and office spaces are to remain. There are to be no changes to the building footprint or the exterior of the building.

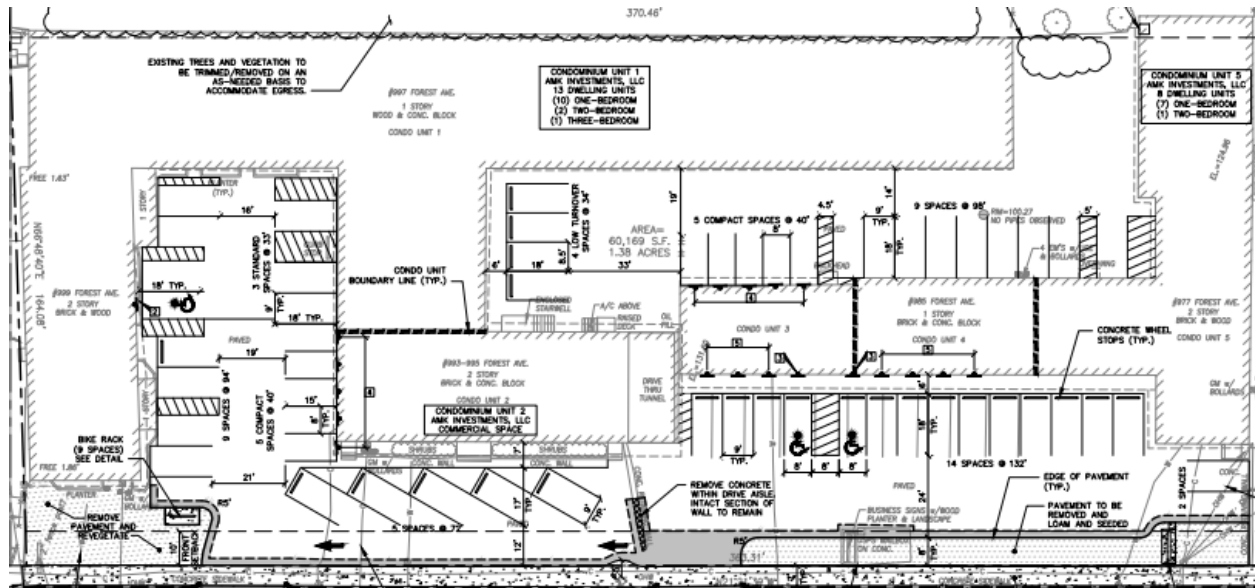


Figure 2 Site Plan for 985 Forest Avenue

VII. RIGHT, TITLE, & INTEREST

The applicant has submitted the deed showing ownership of the property by AMK Investments, LLC demonstrating right, title, and interest.

VIII. FINANCIAL & TECHNICAL CAPACITY

A letter of support has been submitted confirming that AMK Investments, LLC has the required financial support from Bangor Savings Bank. Gorrill Palmer, an engineering firm with significant experience is permitting and site development, is the applicant's representative, and has prepared the application, plans and other associated materials.

IX. ZONING ANALYSIS

A. USE AND DIMENSIONAL REQUIREMENTS

The site is located in the B-2 Business Community Zone. The project is an existing building that predates current zoning dimensional requirements and is not proposing any expansion to the existing establishment. The analysis of the dimensional standards is provided in the table below:

Standard	Requirement	Proposed	Finding
<i>Street Frontage</i>	<i>20 feet</i>	<i>363 feet</i>	<i>Standard Met</i>
<i>Area Per Dwelling Unit</i>	<i>1,000 SF</i>	<i>2,865 SF</i>	<i>Standard Met</i>
<i>Maximum Impervious Area</i>	<i>100%</i>	<i>90.2%</i>	<i>Standard Met</i>
<i>Maximum Height</i>	<i>45 feet</i>	<i>45 feet</i>	<i>Standard Met</i>

B. CONDITIONAL USE - INCLUSIONARY ZONING (Sec. 18.2)

Section 18.2.3 in the City of Portland Land Use requires that all residential development of ten or more residential units, not subject to additional affordability requirements through State or Federal subsidy programs, comply with the City of Portland's Inclusionary Zoning requirements. These state that 25% of all proposed units shall be workforce housing units, and shall be affordable to households earning 80% of the area median income (AMI). As an alternative, applicants are able to pay a fee in-lieu of providing all or a portion of the required workforce housing units. As part of the applicant's submission, they note that they intend to provide the workforce units on-site, and plan to set aside five of the units as workforce units in accordance with the City's inclusionary zoning requirements.

Section 18.2.3 further establishes that applications subject to inclusionary zoning shall be reviewed as a conditional use by the Planning Board. Noting this, the City has prepared the following findings demonstrating the project's compliance with the general conditional use standards, listed within Sec. 6.5.2.

General Conditional Use Standards (Sec. 6.5.2)

1. 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.

Staff Discussion: Staff would note that residential uses are permitted by right within the B-2 Community Business zone, and generally considered to have a lesser impact with respect to above-listed potential development impacts. While the property features a significant expanse of pavement, and abundant off-street parking, staff would note that the property does contain multiple uses, and further, that the applicant has worked closely with staff to reduce impervious area, improve internal site circulation, and increase the amount of green space and vegetation.

Staff consider this standard to be met.

2. 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.

Staff Discussion: Staff would note that residential uses are permitted by right within the B-2 Community Business zone, and that the applicant is working closely with various City Departments, to bring the site into compliance with building and life/safety code requirements, as well as land use regulations. The development is not anticipated to result in unsanitary or harmful conditions as described above, and the applicant will be required to obtain utility capacity verification from the various utility providers, is adjusting site lighting to comply with City site lighting requirements, and in their application, notes how waste is managed.

Staff consider this standard to be met.

3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

Staff Discussion: Staff would note that residential uses are permitted by right within the B-2 Community Business zone, and that the applicant has worked closely with staff to provide additional site landscaping and screening of vehicular parking areas, to improve site access and circulation to better conform with City technical requirements, and to detail how waste is managed on-site. The City does not anticipate that this development will result in substantially greater impact on surrounding properties than would other uses allowed within the B-2 zone.

Staff consider this standard to be met.

X. 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.

1. Transportation Standards (Section 14.6.1)

A. Impact on surrounding street systems

The project site consists of a single building, which is divided into five condominium units. There are parking spaces along the Forest Avenue side of the existing building, which are separated into two off-street parking areas, and additional parking that is located towards the rear of the property, behind unit two and in front of unit five. There is no on-street parking, and the property currently includes five separate driveways off of Forest Avenue. There is no anticipation that this will generate additional traffic, given that the project is not expanding the existing uses. Access to the site and its interface with Forest Avenue is expected to improve due to the reduction of the number of driveways, which ultimately will result in the reduction of any vehicle/pedestrian conflict.

In staff's initial review of the application, staff raised concerns regarding the timeline for the closure of the driveways being eliminated, and reconstruction of the sidewalk. As part of this application, there is also a reduction to the number of driveways provided on site, with three of the driveways being closed, bring the total number of driveways to two. The reconfiguration of the driveways will enable the site to comply with City requirements around driveway widths and spacing.

As a response, the applicant has confirmed that the consent agreement requires that they complete site work no later than December 31, 2024, with the option to extend this deadline in the event that the applicant is working diligently to complete the project. The applicant has submitted a Construction Management Plan and has confirmed that once all permits are acquired, a construction schedule and traffic control plan will be provided by the contractor to the Department of Public Works for review and approval, as a component of the construction management plan.

Staff considers this standard to be met.

B. Access and circulation

The project site has vehicle access off of Forest Avenue, and under this application, three of the five existing driveways would be closed in order to comply with the current standard in the City's Technical Manual Section 1.5, which states that development of this type and scale are permitted to have up to two driveways. The project will also involve the reconstruction of the sidewalk along the property's Forest Avenue frontage in accordance with the City's technical requirements.

Staff considers this standard to be met.

C. Public transit access

The site is within close proximity of the METRO Route 2 Forest Avenue service. The site has less than 20 dwelling units, and therefore the requirement for a transit shelter is not applicable.

Staff considers this standard to be met.

D. Parking

Per Table 19-A, the parking requirements for a multi-family use is one off-street parking space per dwelling unit and one space per 400 square feet for general office spaces. The site currently has a total of 65 parking spaces. The applicant is proposing a total of three ADA parking spaces throughout the site, which meets the requirements for ADA parking, based upon the total number of parking spaces.

The applicant intends to maintain the majority of the existing surface parking throughout the property, and to modify the paved areas adjacent to the public sidewalk, which involves reconfiguration of the current striping within the parking area, and the creation of a new landscaped buffer along the backside of the sidewalk along Forest Avenue. The applicant is also required to assure that all handicap parking spaces meet the ADA requirements, and screen off-street parking from public vantage points. The City's third party traffic engineer, in evaluating the site, noted that the handicap spaces did not comply with minimum specifications for ADA spaces, and has requested that the applicant confirm compliance of the propose ADA spaces with ADA requirements as a condition of approval.

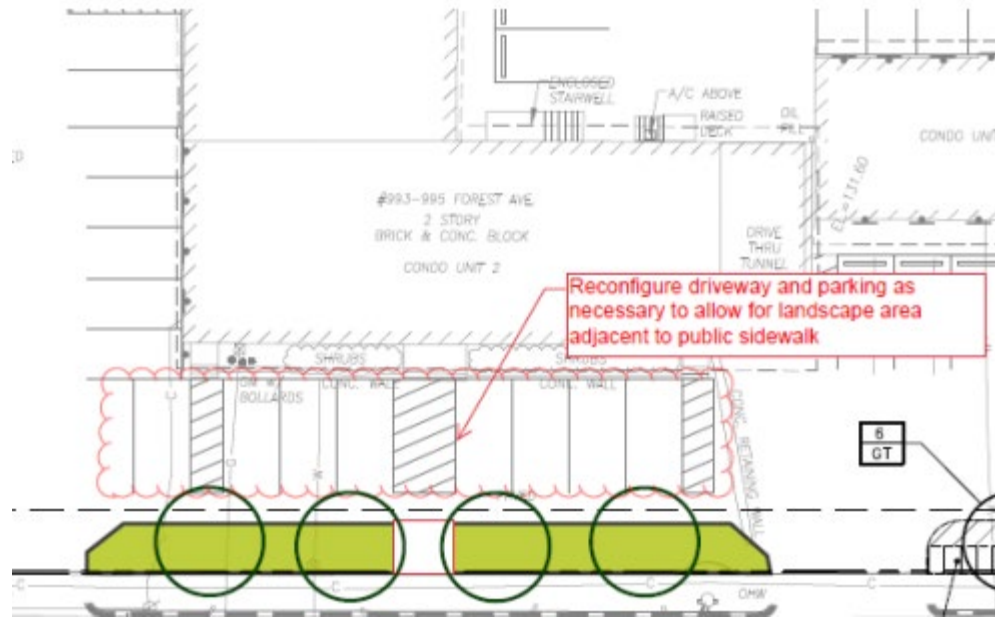


Figure 3: Image above was provided to the applicant as part of the design review of the project, and reflects an earlier iteration of the site plan.

In response to the comments made by staff the applicant has agreed to revise the parking in front of Condominium Unit 2 in order to provide efficient buffering and sidewalk connection.

WAIVER REQUESTS

The applicant is seeking one waiver.

- I. Driveway Aisle Width: The Technical Manual standard 1.10.3 states that the minimum two-way drive aisle width is 24 feet for standard. The applicant is requesting a reduction to the minimum two-way drive aisle width from 24 feet to 12 feet due to the existing site parking operations.

Following a site evaluation, the City's traffic engineer support the waiver from the Technical Manual, given how the site functions and that the area is self-contained and will not impact the safety of Forest Avenue.

Staff considers this standard to be met with the condition that documentation is to be provided to staff showing that the handicap parking space and accessibility requirements meet ADA requirements.

E. Transportation demand management (TDM)

Given the proposed use and scale of the development, the applicant is not required to provide a Transportation Demand Management plan.

Staff considers this standard to be not applicable.

2. Environmental Quality Standards (Section 14.6.2)

A. Preservation of significant natural features

This redevelopment project has no existing significant natural features.

Staff considers this standard to be met.

B. Landscape preservation

The project has existing trees along the back portion of the property along condo unit 1, between the face of the building and the property boundary. The Fire Marshall has indicated that these trees should be trimmed/removed as needed to allow for egress from the residential units. The landscape plan shows that the trees are to remain on the site and will be protected during the construction phase; but are to be properly maintained per the request of the Fire Marshall.

Staff considers this standard to be met.

C. Site landscaping and buffers

The City's Technical Manual Section 4.5. states that site landscaping should establish attractive, low-maintenance outdoor space and that buffer areas are required and should comprise existing trees, vegetation, and new landscaping. However, there is a substantial amount of existing impervious coverage on the site. The applicant has proposed opportunities for pavement removal and revegetation in order to meet the landscaping requirements to the extent that the site allows. The land use code requires a minimum of one street tree per dwelling unit, however due to existing site constraints, staff is supportive of the applicant's proposal to pay a fee in-lieu for some of the required street trees. The exact number of street trees to be provided will likely be determined once an updated site plan is received, showing the expanded landscaped area along the property's Forest Avenue frontage. At that time, the Planning Authority will determine with the applicant the exact street tree fee in-lieu amount to be paid into the City's Tree Fund. This has been drafted as a condition of approval for the Board's consideration.

Staff has decided that open space shall be integrated into the development for multiple families. The applicant has agreed that as a result of the difficulties regarding landscaping to the existing site, they are to expand the landscaping proposed off of Forest Avenue and make that an open space for the residents. Given the site constraints, staff is supportive of the improvements to be made, the fee-in-lieu for street trees, and the following waiver requests.

Lastly, the applicant has requested a waiver of Sec. 4.5.2 in the City of Portland Technical Manual, which requires that a buffer be utilized between different land uses. In this instance, the property to the rear of the building at 985 Forest Avenue is zoned I-L, and features a low-impact industrial use. Given the fact that the building at 985 Forest Avenue is existing, that it is in very close proximity to the abutting industrial building, and that there are currently multiple trees located between the two buildings, staff is supportive of granting the buffer requirement waiver.

WAIVER REQUESTS

The applicant is seeking two waivers.

- I. Buffer Area: The Technical Manual standard 4.5.2 requires that buffer areas shall be comprised of existing trees and vegetation, new landscaping or a combination thereof to create a dense, mixed buffer. The applicant is requesting a waiver based on the site not having existing landscaped buffers on site, due to the existing building coverage there is not sufficient space for a buffer along the perimeter of the site.

Due to the fact that the site is already built-out, and that the applicant has agreed to substantially redevelop the property's frontage in order to accommodate additional landscaping and site buffering, staff are in support of the waiver. The City is also requesting that the applicant eliminate some of the parking spaces in front of Condominium Unit 2, in order to reconfigure the driveway and allow for additional landscaping adjacent to the public sidewalk. The City has drafted a condition of approval for the Board's consideration, which would require that an updated site plan, which shows this modification, be submitted for review and approval by the Planning Authority.

Subject to the granting of the requested waivers, and the draft condition of approval, staff considers this standard to be met.

D. Water quality/storm water management/erosion control

The project is not proposing major site work and they have provided adequate documentation stating that stormwater treatment and detention is not required due to the site being below the threshold that would require stormwater treatment. The project as proposed will result in a net decrease in impervious surface as compared to the existing condition.

Staff considers this standard to be met.

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

A. Consistency with City Master Plans

The project is consistent with zoning and is therefore, consistent with the City's Master Plan.

B. Public safety and fire prevention

The design team has been working with the Fire Department and at their request, is planning to add numerous egress windows on the back side of Unit D. These modifications to the building would now bring the property into compliance with current life/safety codes. Staff has also confirmed that the proposed parking arrangement does not impede access for emergency vehicles.

Staff considers this standard to be met.

C. Availability and capacity of public utilities

This site has existing utility services to the property that include domestic water, sewer, natural gas, and both overhead and underground electricity. The applicant is not proposing any new utility service connections or modifications to existing services as part of this application.

Staff considers this standard to be met with the condition that the applicant provide a utility capacity letter from Central Maine Power and the Department of Public Works.

4. Site Design Standards (Section 14.6.4)

A. Massing, ventilation, and wind impact

The existing structure is less than the maximum height of 45 feet and there are no proposed renovations to the existing building that would result in ventilation or wind impacts.

Staff considers this standard to be met.

B. Shadows

There are currently no proposed exterior renovations that would result in shadow impacts onto neighboring properties or adjacent public open spaces.

Staff considers this standard to be met.

C. Snow and ice loading

The site plan identifies snow storage locations at the rear of the property, between unit one and five. Upon staff's initial review of the application, staff raised concerns about the preservation of the two existing trees that are located within the snow storage area. Additional concerns included the access to the residential unit that is at the rear of unit five.

In response to staff's concerns, the applicant provided revised plans which shift the snow storage area away from the entryway of residents, and provided a note on the plan confirming that this entryway is to be kept clear.

Staff considers this standard to be met.

D. View corridors

The site is not located within a view corridor.

Staff considers this standard to be not applicable.

E. Historic resources

This project site is not within a historical district, therefore Section 14.6.4 is not applicable.

Staff considers this standard to be met.

F. Exterior lighting

The proposed lighting will bring site lighting for the property into compliance with the City's site lighting requirements. There will be a total of 17 LED light fixtures that are to be placed in various locations around the building, which as demonstrated in the photometric plan included as part of this application, will not result in light trespass onto adjacent properties.

Staff considers this standard to be met.

G. Noise and vibration

The site has existing HVAC units that are to remain on the building's rooftop, and there is no additional mechanical equipment being proposed under this application.

Staff considers this standard to be met.

H. Signage and wayfinding

The application proposes new wayfinding and regulatory signage such as stop signs, handicap, and compact parking signs. Details regarding the location and design of such signage is included as part of this application.

Staff considers this standard to be met.

I. Zoning-related design standards

This application does not propose any exterior alterations to the existing building. The proposed multi-family development is subject to review under Land Use Code Section 14.6.4.I Design standards. The property is located within the B-2 Community Business zone, and is subject to the design standards of the City of Portland Design Manual, section (d) B-2 Commercial Business Zone, Appendix 2 and section (i) Two-family, special needs independent living units, multiple-family, lodging houses, bed and breakfasts and emergency shelters.

The project underwent a design review relative to these standards, which was led by the City's Urban Designer, Sean King. The design review included review comments related to the scale and expense of surface parking, the configuration of driveways, driveway aisles and off-street parking, the lack of a buffer to adequately screen parking areas from the public right of way, and the lack of public open space on the property for residents. The applicant has since updated their application to satisfactorily address each of these design comments

Staff considers this standard to be met.

XI. NEIGHBORHOOD MEETING & PUBLIC COMMENT

The applicant held a neighborhood meeting on July 2, 2024 as part of this project. No public comments have been submitted to the City for this project as of September 6, 2024.

XII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, The Planning & Urban Development Department staff recommends that the Planning Board find that the proposed redevelopment (PL-002918-2024) 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 held on September 10, 2024 for application PL-002918-2024 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. **Parking Lot Drive Aisle Width**

The Planning Board [**finds/does not find**] based upon the Consulting Traffic Engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with Technical Manual Section 1.10.3, which requires parking lot layouts provide a minimum drive aisle width of 24 feet, that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board [**waives/does not waive**] Technical Manual Section 1.10.3 to allow a reduced drive aisle width of 18 feet.

2. **Landscape Buffer**

The Planning Board [**finds/does not find**] based upon the Planning Authority's review, that extraordinary conditions exist or undue hardship may result from strict compliance with Technical Manual Section 4.5.2, which requires a dense vegetative buffer or acceptable alternative where different land-uses and or zones abut one another, that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board [**waives/does not waive**] Technical Manual Section 4.5.2 to not require a vegetative buffer due to existing site constraints.

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 September 10, 2024 for application # CU-003077-2024 relevant to Portland's Inclusionary Zoning Conditional Use Standards and other regulations, and the testimony presented at the Planning Board public hearing, the Planning Board, [**finds/does not find**] the proposed conditional use for workforce housing meets the standards of Land Use Code Article 18.2.3 with the following conditions:

PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. The applicant shall enter into an Affordable Housing Agreement with the City for the workforce units, prior to issuance of the building permit; or shall elect to provide a fee in-lieu for a portion or all of the required workforce housing units in accordance with Sec. 18.2.3.C.6.

PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY

2. The applicant shall file a deed restriction with the Cumberland County Registry of Deeds to maintain the required affordability level for a period of 30 years; or shall pay a fee in-lieu for a portion or all of the required workforce housing units into the City's Jill C. Duson Housing Trust Fund.

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 September 10, 2024 for application # PL-002918-2024 at 985 Forest Avenue 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 utility capacity verification letters from Central Maine Power and the Department of Public Works.
2. The applicant shall update the site plan to reconfigure the driveway aisle and off-street parking that is in front of condominium unit 2 to either eliminate the existing parking, or convert this parking into parallel parking, and shall extend the landscaped area being proposed along the back of the public sidewalk along the property's Forest Avenue frontage. The updated site plan shall be reviewed and approved by the Planning Authority.
3. The applicant shall update their site plan to show revised ADA parking stalls that comply with current ADA requirements. This plan shall be reviewed and approved by the Planning Authority.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

4. The applicant shall provide a fee in-lieu for all required street trees, at a rate of \$400 per street tree, which shall be paid into the City's Tree Fund. The total required contribution amount will be calculated by the Planning Authority, following acceptance of the revised site plan as required under site plan condition #2.

B. PLANNING BOARD DECISION

On the basis of the findings, conclusions and recommendations contained in the Planning Board report for the public hearing on September 10, 2024 related to application PL-002918-2024 for 985 Forest Avenue which is attached to the draft approval letter and incorporated therein, the Planning Board **[adopts/does not adopt]** the approval letter as drafted as the Planning Board's decision for application PL-002918-2024, and authorizes the Planning Board Chair to sign the approval letter as drafted.

XIV. ATTACHMENTS

APPLICANT SUBMITTAL

- A. TRI and Attachment
- B. Zoning Analysis
- C. Waivers
- D. Financial Capacity
- E. Technical Capacity
- F. Transportation and Attachment
- G. Environmental
- H. Stormwater Management
- I. Public Infrastructure
- J. Site Design and Attachment

- K. Construction Management Plan
- L. 985 Forest Avenue Response to Comments
- M. PWD Approval
- N. Major Site Plan Checklist
- O. Neighborhood Meeting Minutes
- P. Site Plan Narrative and Agent Authorization

PLANS

- 1. Cover Sheet
- 2. Site and Utility Plan
- 3. Grading, Drainage, and Erosion Control Plan
- 4. Details
- 5. Existing Conditions Building Plans
- 6. Existing Conditions Plan
- 7. Landscape Plan and Details
- 8. Lighting Plan

CONSENT AGREEMENT

The parties, the City of Portland (the “City”), and Jeremy Berry (hereinafter “Mr. Berry”), hereby enter into this Consent Agreement as follows:

WHEREAS, Mr. Berry, through AMK Investments, LLC, purchased property located at 977-999¹ Forest Avenue in Portland, Maine, from Joseph Wojcik by Deed dated December __, 2023 and recorded in the Cumberland County Registry of Deed on even or near date. The property is further described in: a Warranty Deed recorded in the Cumberland County Registry of Deeds at Book 17701, Page 280, and is also shown on the City of Portland Tax Maps at CBL 142 B015001; Quitclaim Deed recorded in the Cumberland County Registry of Deeds at Book 18492, Page 57, and is also shown of the City of Portland Tax Maps CBL 142 B015002; Quitclaim Deed with Covenants recorded in the Cumberland County Registry of Deeds at Book 20774, Page 145, and is also shown of the City of Portland Tax Maps CBL 142 B015005 (collectively, the “Property”).

WHEREAS, the Property is in the City’s B-2 Zone which permits mixed use condominiums. Mr. Berry owns three of the condominiums in the Property, specifically, Units 1, 2 and 5.

WHEREAS, City records show that only three (3) dwelling units were approved on the Property pursuant to a Portland Zoning Board of Appeal decision dated December 30, 1971. The decision approved the building of a two-story, 28’ x 72’6” concrete addition for offices on the first floor, and three apartments on the second floor at the Property. The variance was necessary at that time because the Property was located in the I-2 Industrial zone which did not allow dwelling units. Once the variance was granted, an amendment to building permit 71/1492 was issued on January 13, 1972 to construct a 2-story concrete block addition 28” x 72.6”. Building permit

¹ Records in this matter reflect property addresses as 977-999 Forest Avenue. The three properties are consistently noted as Tax Map numbers: CBL 142 B015001; CBL 142 B015002; and CBL 142 B015005.

71/1492 was issued on November 30, 1971 to construct a 1-story concrete block building 35' x 28' with brick front. The property was zoned I-2 from 1957 until around 1989 when it was changed to the B-2 zone which permits dwelling units.

WHEREAS, City records reveal no subsequent change of use or building permits for any additional residential units have been filed relating to the Property after 1971.

WHEREAS, the prior Owner of the Property, Mr. Joseph Wojcik, was served a Notice of Violation and Order to Correct on March 22, 2019 ("NOV-1") notifying him of the following violations:

- a. Adding three dwelling units without a permit and/or certificate of occupancy in violation of City Code Section 14-463²;
- b. Failing to provide at least two means of escape in each sleeping room in violation of National Fire Protection Association ("NFPA") Life Safety Code Sections 101-24.2.2 and 101-31.2.1.2³; and
- c. Failure to install 1-hour fire rated doors in the dwelling units in violation of NFPA Life Safety Code Sections 101-31.2.2.1.

WHEREAS, the prior Owner of the Property was served a second Notice of Violation and Order to Correct ("NOV-2") on January 24, 2022, notifying him of the following violations:

- a. Seventeen (17) dwelling units were constructed without the required permits, in violation of Chapter 14, Section 6.3 of the City Code; and

² Chapter 14 of the Portland City Code was amended after the issuance of NOV-1. The relevant revised City Code Section is § 14-6.3.

³ Section 10-1 of the City Code adopts and incorporates the National Fire Protection Association 101: Life Safety Code and Section 10-16 of the City Code adopts and incorporates the National Fire Protection Association 1: Fire Code. Section 10-25 of the City Code provides that violations under this chapter "shall severally for each and every violation and noncompliance respectively pay a penalty as provided in Section 1-15 of the city code and/or as provided under state law."

- b. Seventeen (17) dwelling units were constructed and electrical and plumbing fixtures were installed in each without the required permits under Sections 6-92 and 6-99 of the City Code.

WHEREAS, Mr. Berry acknowledges that some of the above-referenced violations exist at the Property and understands he is purchasing the Property subject to the existing violations;

WHEREAS, the City seeks to work with Mr. Berry to effect compliance and not cause sudden financial hardship to Mr. Berry;

WHEREAS, Mr. Berry wishes to bring the Property into compliance with City Code of Ordinances pursuant to the terms herein; and

WHEREAS, the parties wish to settle this matter between them and provide a date by which Mr. Berry will have fully remedied the violation.

NOW, THEREFORE, the parties agree to the following:

1. The City is willing to work with Mr. Berry to remedy the existing violations and not inflict substantial financial hardship on him.
2. The City is willing to waive any fees or penalties on the existing violations commencing on the date this Agreement is signed, if Mr. Berry meets all other requirements of this Agreement.
3. Mr. Berry agrees to take the following actions with regard to the Property:
 - a. Mr. Berry shall submit a complete and approvable Site Plan Application to the City's Planning Department not more than one hundred twenty (120) days from the date of this Agreement.

- b. Mr. Berry shall submit a complete and approvable application for a change of use permit to the City's Permitting and Inspections Department not more than sixty (60) days after the approval of the Site Plan Application.
- c. Simultaneously with the change of use permit, Mr. Berry shall submit complete and approvable permits for construction and improvements to the Property to City's Permitting and Inspections Department not more than sixty (60) days after the Site Plan
- d. Mr. Berry shall complete all necessary work required to bring the Property into compliance with the City of Portland Code of Ordinance to the satisfaction of the relevant City official on or before December 31, 2024. The City agrees to provide a reasonable extension of the completion date so long as Mr. Berry is actively working toward compliance in good faith and Mr. Berry is unable to meet the deadline because of delays caused solely by the Planning Department, Planning Board or City's Permitting and Inspections Department which make the deadlines unreasonable to meet.
- e. Mr. Berry shall submit updates to the City's Corporation Counsel's Office no less than every sixty (60) days following the execution of this agreement and provide a substantive update on the progress of any applications or construction work.
- f. Mr. Berry shall not undertake any work on the Property without first obtaining the required permits from the City's Planning or Permitting and Inspections Department.

4. If Mr. Berry complies with the provisions of this Agreement, and continues to diligently pursue compliance, the City will stay any enforcement action related to the above-referenced existing violations at the Property, including any fines, penalties or attorney's fees.
5. If Mr. Berry fails to comply with any provision of this Agreement or fails to meet the timeframes provided, the City will begin formal enforcement proceedings against Mr. Berry, at which time the penalties in the amount of \$100 per day, per violation will begin to accrue.
6. This Agreement only pertains to existing violations to date at the Property detailed herein and shall not remedy or excuse undiscovered or future violations of the City Code. The City reserves the right to enforce yet undiscovered or subsequent violations consistent with its authority promulgated in the City Code.
7. The City acknowledges that Mr. Berry may cease residential use of the nonconforming units and submit a change of use permit for commercial use in the event converting to residential use becomes too expensive or burdensome. Mr. Berry acknowledges that units that are converted to commercial use must also meet the applicable International Building Code, Life Safety Code and Fire Code. If Mr. Berry achieves change of use approval and compliance for commercial use on or before December 31, 2024, the City agrees Mr. Berry will have met his obligations under this Agreement.

[signatures on the following page]

SEEN AND AGREED,

CITY OF PORTLAND

Date:

By: Jessica Hanscombe
Its: Director of Permitting and Inspections

AMK Investments, LLC

Date: 1/12/2024

By: Jeremy Berry
Its: Sole Member

Dear Applicant,

We have completed our review of your application (PL-002918-2024) proposing the renovation of multi family dwellings at 985 Forest Avenue. All renovations that are to be done are internal to the dwelling units in order to address the Life Safety violation that has been noted in the Consent Agreement and to assure that this meets all building code requirements. At this time there are no proposed exterior alterations. The site does have existing commercial and office spaces that are to remain in operation. This development triggers Major Site Plan review and is subject to the following regulations:

- Site Plan – Article 14.6

An overview of the City's review can be viewed in the attached project review worksheets and peer review comments.

Next Steps

Please review all feedback and reach out to the project review manager if you have any questions or would like to discuss this feedback in more detail. In order to proceed, the applicant shall prepare a written response to all feedback, and shall update plans, documents and other materials as necessary to address the above listed comments. The applicant shall notify the project review manager when a resubmission is uploaded to ProjectDox. Once received, the project review manager will notify the applicant of their scheduled review timeline for this resubmission.

Sincerely,

Ameriz Gamez
Planner

Site Plan Review Standards (Sec. 14.6)		
Transportation Standards (Sec. 14.6.1)		
Standard	Discussion	Finding
Impact on Surrounding Street Systems	Overview: The site is currently one single building which is divided into five condominium units. There are parking spaces on the Forest Avenue side that is separated into two lots and additional parking towards the back of the property. This site has zero off-street parking and currently has vehicle access to the site through five separate driveway curb opening off of Forest Avenue. The proposed site plan shows that there is to be a reduction from four curb openings to two, Since the current uses of the property are to remain the same the project is not expected to generate new trips or bring any additional traffic to the site. There will be construction taking place on the public right-of-way that will have minor impacts to the vehicular and pedestrian traffic along Forest Avenue, the sidewalk reconstruction will require a traffic control plan for vehicles and pedestrians while the sidewalk is closed.	More information is required
	Updates Requested - There issues regarding the available parking and possible minimization of spots will be confirmation that this will not impact the surrounding area. - The closure of the existing driveway cuts will take place along Forest Ave along with the reconstruction of the sidewalk, please provide a timeline for the work that is to be done and traffic control plan. - The tentative deadline for this site is December 31, 2024. The contractors for this site have not submitted any plan. There will be a requirement for the contractor to submit a schedule and traffic control plan.	
Access and Circulation	Overview: The site currently has vehicle access through a total of four curb openings. The site can be accessed off of Forest Avenue, the proposed changes for this site include closing three of the five driveways along Forrest Avenue in order to comply with the current standards of having a max of two in accordance with Sec. 1.5 of the Technical Manual. The site has an existing sidewalk along Forest Avenue which is going to be reconstructed in order to make it compliant with ADA standards.	Not Met Additional Information Required
	Updates Requested (see attached) - The curb line must align with the existing, the jog will not be permitted. Please see the attached documents from DPW Transportation (C102). - It is the intent to reconstruct the granite curb, a note has been added to the site plan.	



	- Additional spot grades are needing to be provided at the limits of reconstruction paving. In addition to this, please call out all sidewalk cross slopes. (C102) - The existing retaining wall appears to be partially taken out, please confirm if this is to be completely removed or if there are plans to reconstruct the wall, in addition please clearly call out the limits of what is existing, what is being proposed, and what is to be removed for this site. (C101)	
Public Transit Access	Overview: The current site is within the proximity of the METRO Route 2 Forest Avenue service route. The site has less than 20 dwelling units therefore the requirement for transit shelter is not required. Updates Requested None	Met
Parking	Overview: The existing site currently has a total of 65 parking spaces. There are 48 spaces on the Forest Avenue side of the existing building, and 17 parking spaces that are located behind the building. The applicant is proposing a total of three ADA parking spaces throughout the site, meeting the requirements. These parking spaces are currently accessed by two existing curb cuts. The applicant has submitted a waiver for the requirement of providing the minimum of two-way drive aisle width of 24Ft. (Sec. 1.10.3) Applicant is requesting the reduction of the minimum two-way drive width to go from 24Ft. to 12Ft in order to maintain the existing parking. Updates Requested: - There is the request to revise the parking in front of condominium unit 2, there is the request to either make this angled parking and to make the drive aisle one way only, or make these spaces parallel parking. (C101) DPW will not support a waiver for two way traffic through this area. Applicant shall be aware that staff is recommending an alternative to the diagonal parking. Staff is suggesting the reconfiguration of the diagonal spaces in order to provide additional screening and sidewalk entrance - The applicant provided the updated site plan showing that a total of five angled parking spaces have been added in front of unit 2. - The City will not support a waiver from the technical standard for a parking aisle width of 14 feet located in the internal parking area. The applicant should investigate alternative parking layout configurations or provide documentation that access into and out of the spaces can be performed. - The applicant should note the acceptability of providing handicap parking spaces that do not meet dimensional standards. The applicant will need to make configurations to the parking to assure that all handicap parking spaces meet the standards.	Not Met



	- A waiver from the city's technical standard for a parking aisle width of 12 feet will not be supported. It is suggested that the 8 perpendicular parking spaces be eliminated and be replaced with parallel parking spaces along the building and landscaping along the property frontage. DPW has also suggested a possible alternative with angled parking, and that configuration will need supporting documentation that can reasonably provide vehicle maneuver space. - The plans have been revised to depict angle parking. - Staff is currently reviewing the layout of the property to determine if there are any alternatives for parking spaces.	
Transportation Demand Management	Overview: A TDM is not required for this site. Updates Requested None	Met
Environmental Quality Standards (Sec. 14.6.2)		
Standard	Discussion	Finding
Preservation of Significant Natural Features	Overview: There are no existing significant natural features on this site. Updates Requested none	Met
Landscape Preservation	Overview: The site currently has two existing trees on the site that are located at the rear of building one and five. The applicant provided information stating that the Fire Chief indicated that the trees should be trimmed/removed as needed to allow for egress from the residential units. At this time the landscape plan shows that the trees are to remain on the site and will be protected during the construction phase. Updates Requested - Provide confirmation on whether or not the trees on site are to remain or be removed. - The applicant is not proposing to remove any of the trees onsite.	Met
Site Landscaping and Buffers	Overview: There is a substantial amount of impervious coverage to the developed site. The applicant has proposed opportunities for pavement removal and revegetation in order to meet the landscaping requirements to the extent that the site allows. Code states that a minimum of 1 tree is required per dwelling unit, however due to existing site constraints there may be difficulty meeting this standard. At this time staff is reviewing the design of the existing building to determine if any additional landscaping can be incorporated to the site. The applicant is requesting a waiver from Sec. 4.5.2 of the technical manual for screening and buffering requirements claiming that there is not sufficient space to provide a landscaped buffer along the perimeter	Not Met



	of the site. The applicant has also requested a waiver for Sec. 4.5.5 of the Technical Manual which state that landscaping is to be incorporated in the the development of surface parking, stating that since the site is predominantly impervious coverage adding additional landscaped islands would only reduce the current scarce available parking. Updates Requested - Landscaping is only proposed along Forest Ave. - Staff finds that the public sidewalk and street along Forest Avenue is not properly screened from surface area of parking, driveways and paved areas within the private property. Staff recommends the existing pavement be removed and vegetated adjacent to the public sidewalk in order to meet this design standard. Staff observes that a reconfiguration of the parking is required to add a landscape area to properly screen vehicles. (See attached design review) - Staff recommends that the Applicant explore the rear of property to remove existing paved area for a shared open space for the existing residential units. (see attached design review)	
Water Quality, Stormwater Management and Erosion Control	Overview: The project is not proposing major site work and they have provided adequate documentation stating that stormwater treatment and detention is not required due to the site being below the threshold that would require stormwater treatment. Updates Requested None.	Met
Public Infrastructure and Community Safety Standards (Sec. 14.6.3)		
Standard	Discussion	Finding
Consistency with City Master Plans	Overview: Forest Avenue is a major travel corridor which has high levels of activity and development. The improvement of this establishment will be consistent with the City Master Plan as the surrounding area consists of maining commercial retail and residential developments. Updates Requested None	Met
Public Safety and Fire Prevention	Overview: The design team has been working with the Fire Department and at their request has added numerous egress windows on the back side of Building D, with the addition of these the building now meets code requirements. Updates Requested None	Met
Public Utilities	Overview: This site has existing utility services to the property that include domestic water, sewer, natural gas, and both overhead and underground electricity. The applicant is not proposing any new services nor are there any proposed modifications to the utilities already provided. Updates Requested	Met

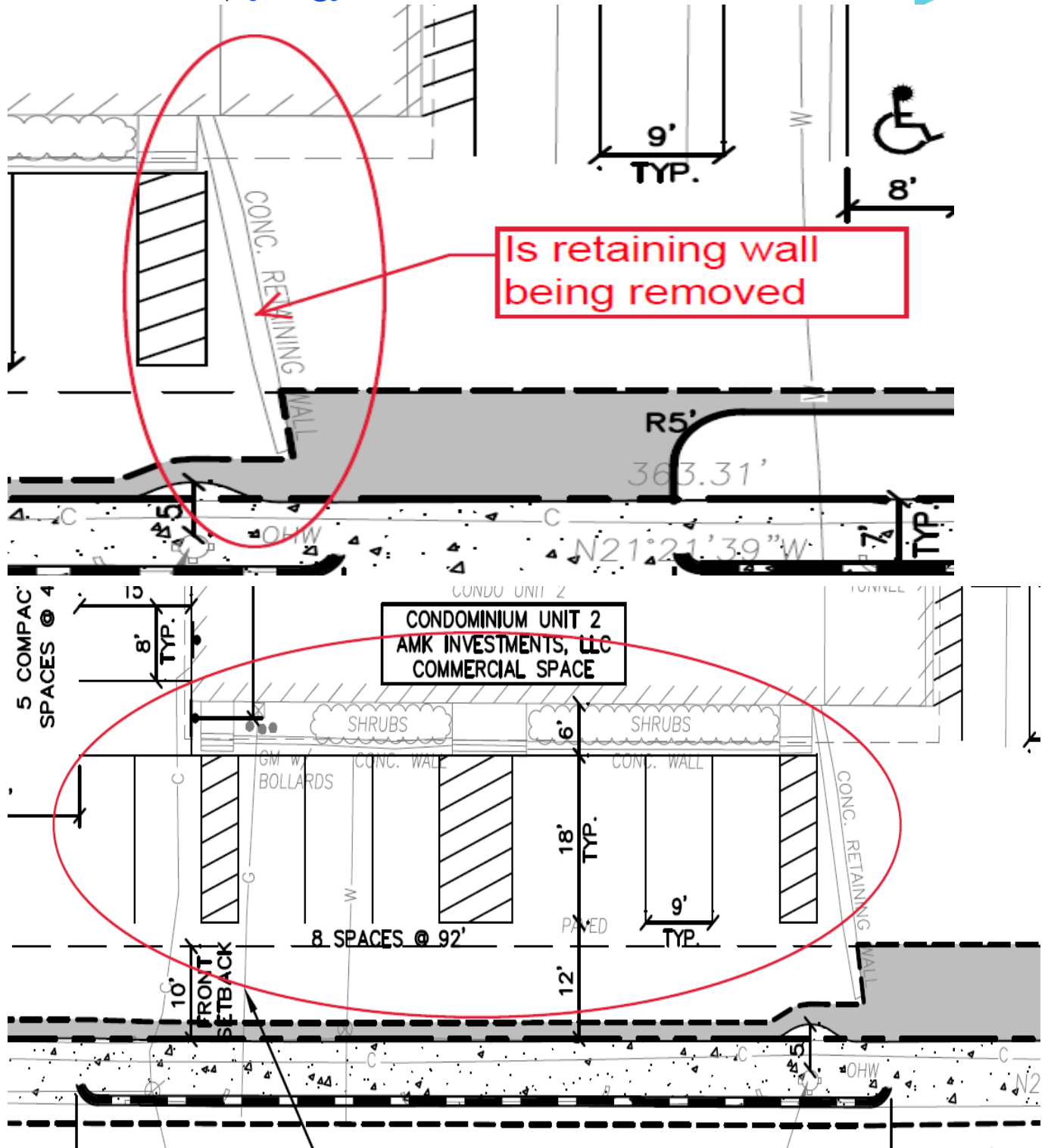


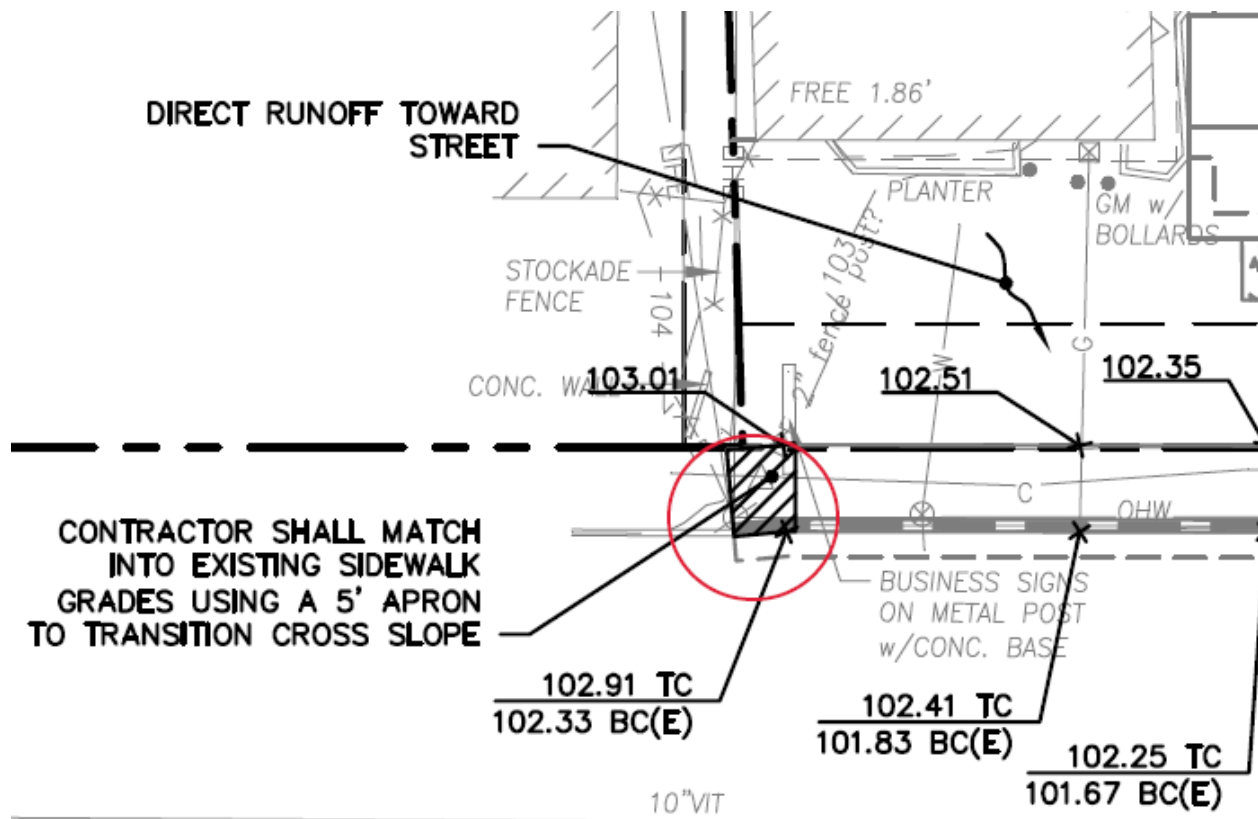
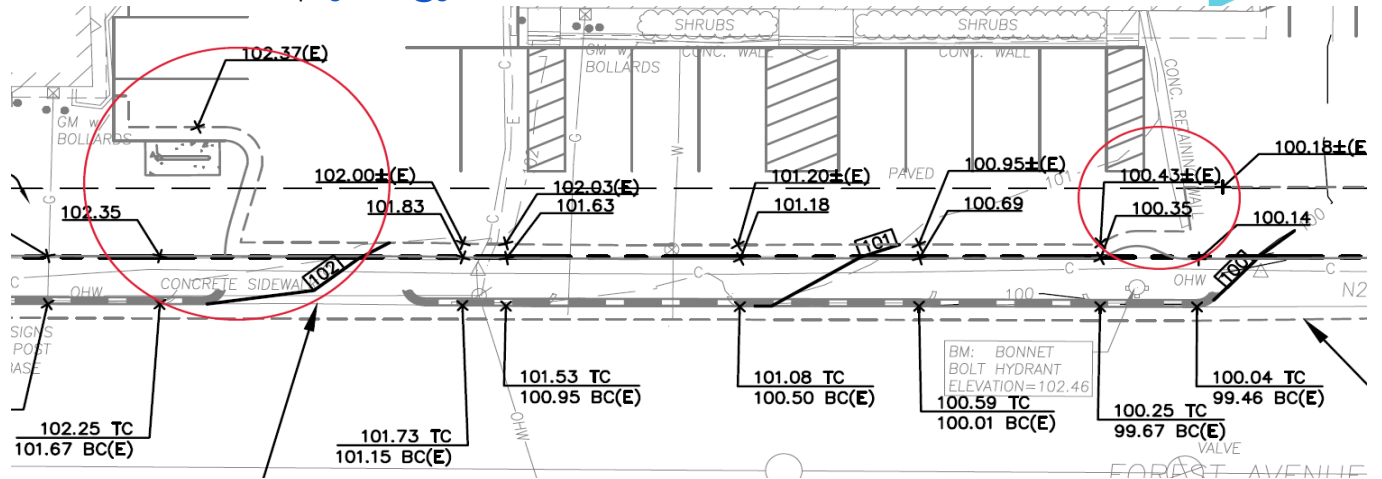
	- Provide the Ability to Serve letter. - The applicant has provided the ability to serve letter from PWD	
Site Design Standards (Sec. 14.6.4)		
Standard	Discussion	Finding
Massing, Ventilation and Wind Impact	Overview: The existing structure is less than the maximum height of 45Ft. and there are no proposed renovations for the existing building that will result in ventilation or wind impacts. Updates Requested None	Met
Shadow	Overview: There are currently no proposed exterior renovations that would create significant shadows onto neighboring properties or adjacent public open spaces. Updates Requested None	Met
Snow and Ice Loading	Overview: The site plans show the snow storage to be at the rear of the property between buildings one and five. Staff does have concerns about the preservation of the two existing trees that are within the snow storage area. Additional concerns include the access to the unit that is at the rear of unit five. Updates Requested - Reviewing the building plans for building 5 First Floor it appears that the entry door for the unit at the rear of the building will be directly in front of the snow storage. Please provide confirmation that this unit will still be safely accessible or provide other alternatives for the snow storage. - The applicant submitted revised plans showing that the snow storage area has been adjusted, adding the note on the plans stating that the entry shall remain clear.	Met
View Corridors	Overview: This site is located outside of the downtown corridors. Updates Requested None	Met
Historic Resources	Overview: This project site is not within a historical district, therefore Section 14.6.4 is not applicable. Updates Requested None	Met
Exterior Lighting	Overview: The proposed lighting will improve the photometrics of the site. There will be a total of 17 LED light fixtures that are to be placed in various places around the building and will not be invading the surrounding properties Updates Requested List action items for an applicant to respond to	Met
Noise and Vibration	Overview: The site has existing HVAC unit that are to remain on the rooftop and there are no proposed mechanical equipment, Updates Requested None	Met



<i>Signage and Wayfinding</i>	Overview: The project does proposed wayfinding and regulatory signs such as stop signs, handicap, and compact parking signs. The applicant has provided the site plan showing the location and size of each sign that is to be placed on the property. Updates Requested • The location of the wayfinding signs may change due to a possible reconfiguration of the parking areas. More information is to come with a design review and after a site visit from the City's Traffic Engineer. • Please provide the number than exact location of the proposed signage on the property.	More Information required.
<i>Design Standards</i>	Overview: There is currently no proposal to alternate the exterior of the building, however, there is a review being done by the City's Urban Design reviewer to determine if any alterations to the site are acceptable in order to provide additional and safer parking spaces as well as community space and landscaping. Please see the attached design review for all comments. Updates Requested • Open space for multiple-family development shall be integrated into the development site • Staff recommends that the applicant explore the rear of the property to remove existing paved area for a shared open space for the existing residential units. (See attached design review)	Not met







TITLE, RIGHT, AND INTEREST

QUITCLAIM DEED WITH COVENANT

DLN: 1002440261940

THAT **Joseph B. Wojcik, Jr.**, of Falmouth, County of Cumberland, and State of Maine, whose mailing address is 211 Falmouth Road, Falmouth, ME 04105,

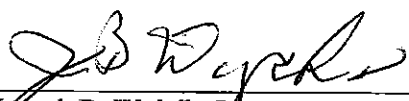
For Consideration Paid, GRANT with QUITCLAIM COVENANT to:

AMK Investments, LLC, a Maine Limited Liability Company, with a principal place of business in the Town of Windham, County of Cumberland and State of Maine, with a mailing address of P.O. Box 704, Windham, ME 04062,

Certain condominium units situated in the City of **Portland**, County of **Cumberland** and State of Maine, being more particularly described in Exhibit A annexed hereto and made a part hereof.

For grantor's source of title, reference is made to the following deeds recorded in the Cumberland County Registry of Deeds: Book 17701, Page 280; Book 18492, Page 57; and Book 20774, Page 145.

WITNESS my hand this 12th day of January, 2024.

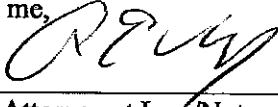

Joseph B. Wojcik, Jr.

STATE OF MAINE
Cumberland SS.

Date: January 12, 2024

Then personally appeared the above-named Joseph B. Wojcik, Jr., as aforesaid and acknowledged the foregoing instrument to be his/her/their free act and deed.

Before me,


Maine Attorney at Law/Notary Public
My Commission Expires: 7/3/25
Alan E. Wolf

Alan E. Wolf
Bar #3453

EXHIBIT A

Units Numbered 1, 2 (including Unit #2-A), and 5 in Forest Avenue Condominium, located in the City of Portland, County of Cumberland and State of Maine, as set forth on Plan entitled "Forest Avenue Condominiums, Portland, Maine", prepared by Survey, Inc., and recorded at the Cumberland County Registry of Deeds in Plan Book 159, Page 33, and as further set forth in the Declaration of Forest Avenue Condominiums dated December 26, 1985, and recorded in the Cumberland County Registry of Deeds in Book 7019, Page 316, as amended by instrument dated November 1, 1986, and recorded in said Registry of Deeds in Book 7515, Page 93, which Declaration was made pursuant to the Maine Condominium Act of the State of Maine, Chapter 31 of Title 33 of the Maine Revised Statutes of 1964, as amended, together with the allocated interests and the use of certain limited common elements respectively annexed thereto and the plat and floor plans to which reference is hereby made.

Subject to and with the benefit of the terms, provisions, rights, and easements set forth and referred to in the Maine Condominium Act and Declaration, as amended, including, without limitation, the plat, floor plans and the bylaws of the Forest Avenue Condominium Association. Also subject to the easements, exceptions and other encumbrances affecting the title set forth or referred to in said Declaration, as amended, the plat and floor plans and to the zoning and land use laws, ordinances and regulations of the City of Portland and State of Maine.

Together with and subject to the rights, rights-of-way, easements, interests, privileges and appurtenances as may appear of record.



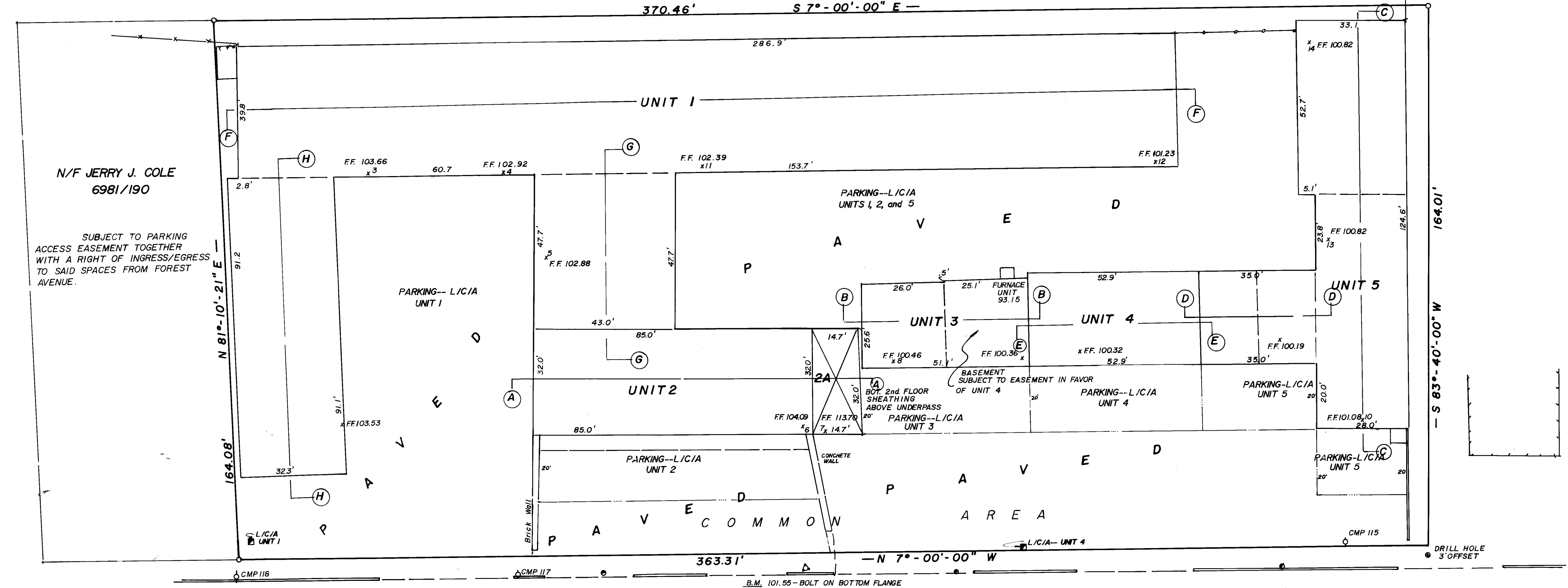
N/F MERRILL INDUSTRIES, INC.

N/F JERRY J. COLE
6725/275

N/F JERRY J. COLE
6981/190

SUBJECT TO PARKING
ACCESS EASEMENT TOGETHER
WITH A RIGHT OF INGRESS/EGRESS
TO SAID SPACES FROM FOREST
AVENUE.

N/F CITY OF PORTLAND



F O R E S T A V E N U E

TREMAINE ST.

LEGEND—

- IRON PIPE FOUND
- ◇ UTILITY POLE
- WATER VALVE
- SIGN/ SIGN POST (LIMITED COMMON AREA)
- FENCE
- CURBING
- FINISH FLOOR ELEVATION
- L/C/A LIMITED COMMON AREA

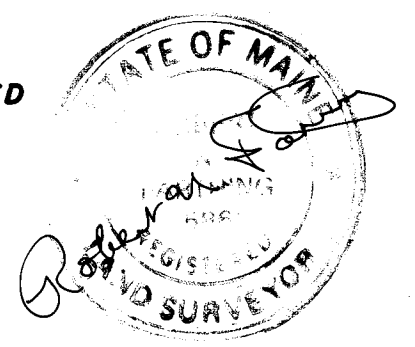
AREA— 60,169 S.F.

U.S.G.S. ELEV. - 119.85, 3'0" S COPPER BOLT
IN CENTER OF MONUMENT N.E. CORNER
OF REED ST. AND FOREST AVE.

- SEE CONDOMINIUM DECLARATION FOR FOREST AVENUE
CONDOMINIUMS BOOK 7019, PAGE 316 - CUMBERLAND COUNTY
REGISTRY OF DEEDS
- SEE PRIOR PLAN, PLAN BOOK 152, PAGE 47
CUMBERLAND COUNTY REGISTRY OF DEEDS

I CERTIFY THAT THIS SURVEY CONFORMS
TO THE MAINE BOARD OF REGISTRATION FOR
LAND SURVEYORS STANDARDS FOR STANDARD
BOUNDARY SURVEY - CATEGORY I, CONDITION 2
- EXCEPT AS NOTED:

- 1) NO WRITTEN REPORT
- 2) NO DESCRIPTION PREPARED



State of Maine, Cumberland ss.
Registry of Deeds
Received December 4, 1986
at 1:52 PM, and recorded in
Plan Book 152, Page 47
Attest: [Signature]

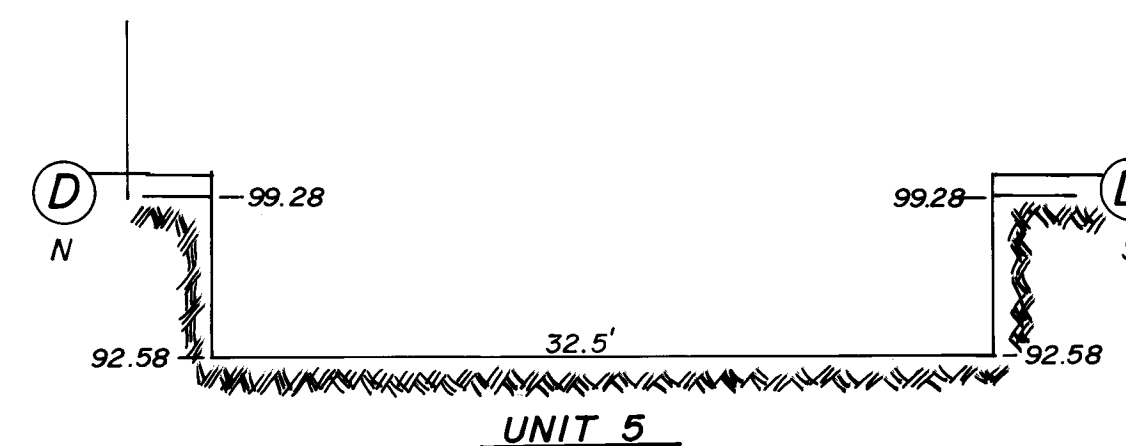
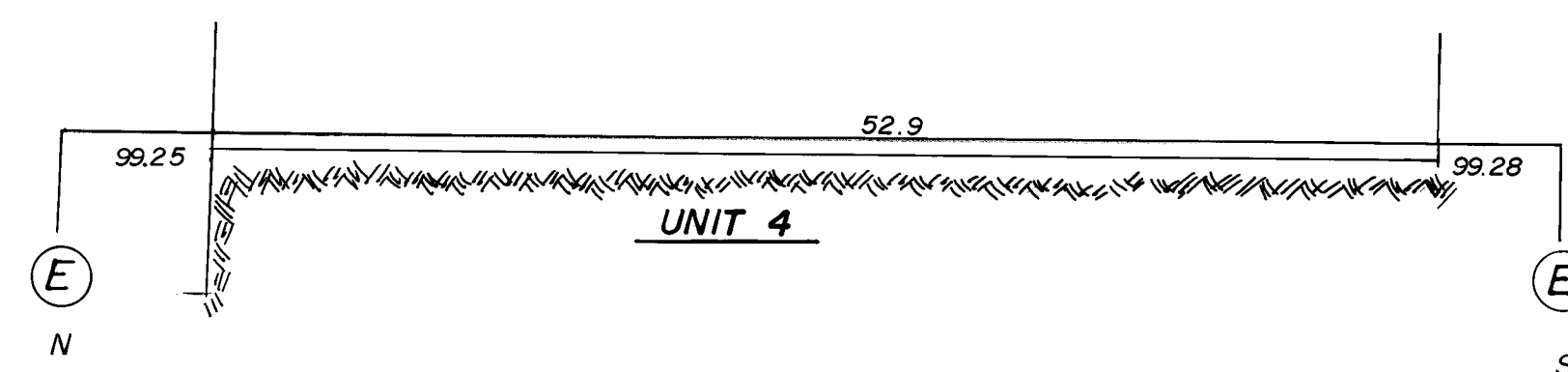
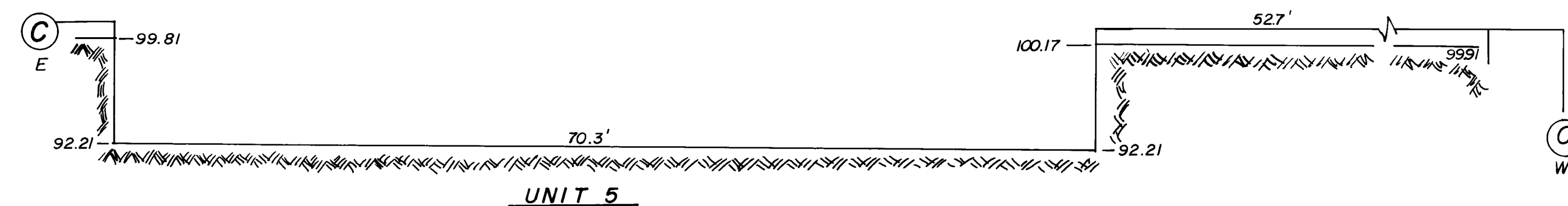
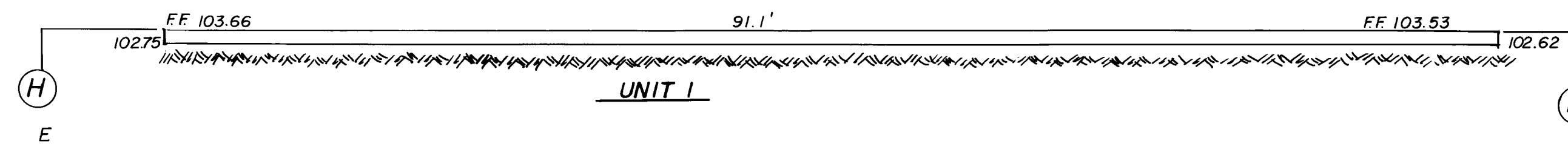
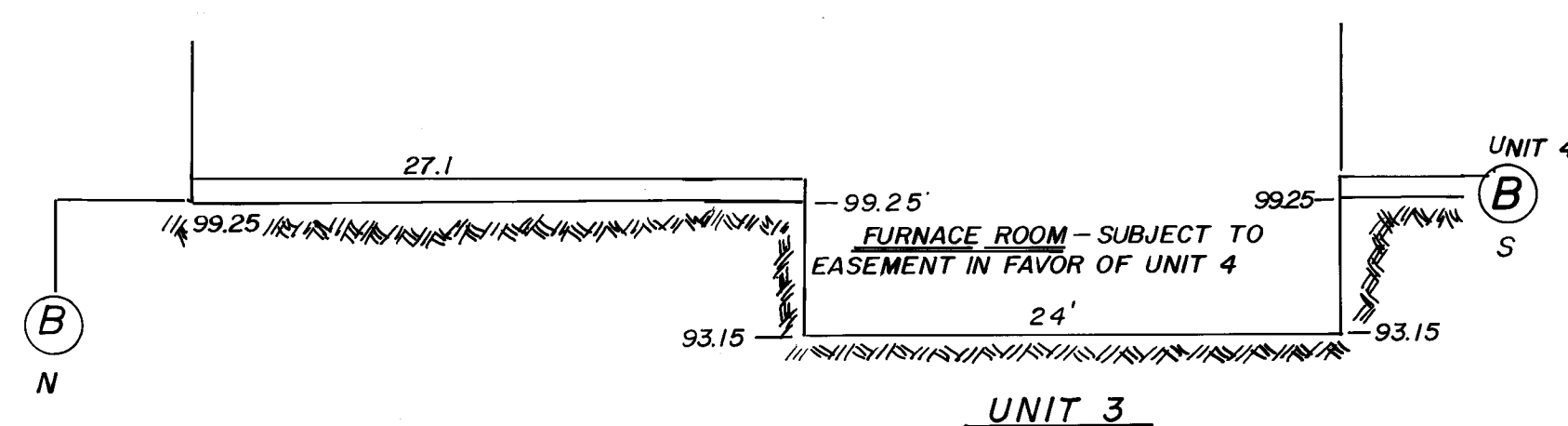
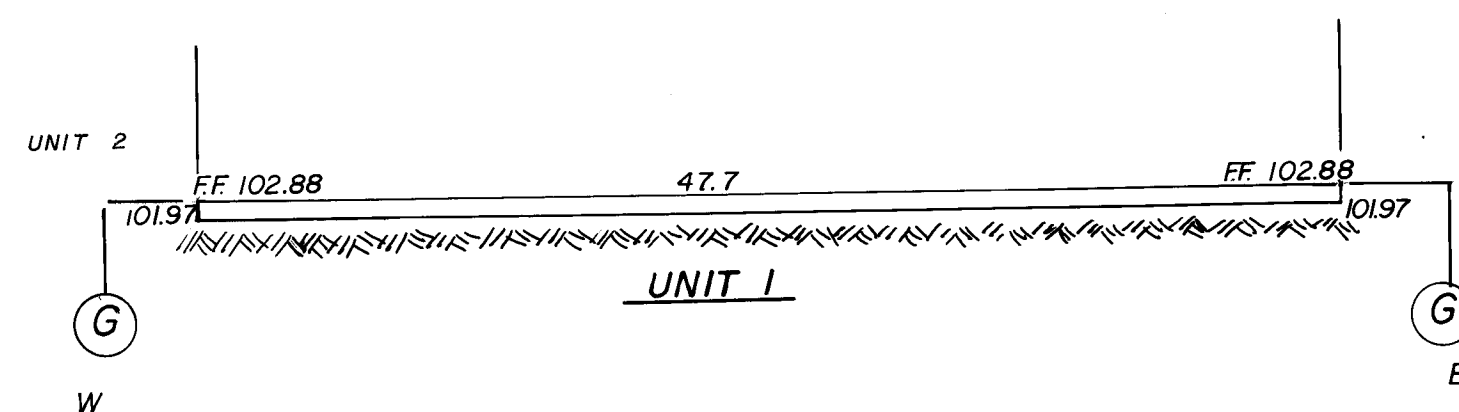
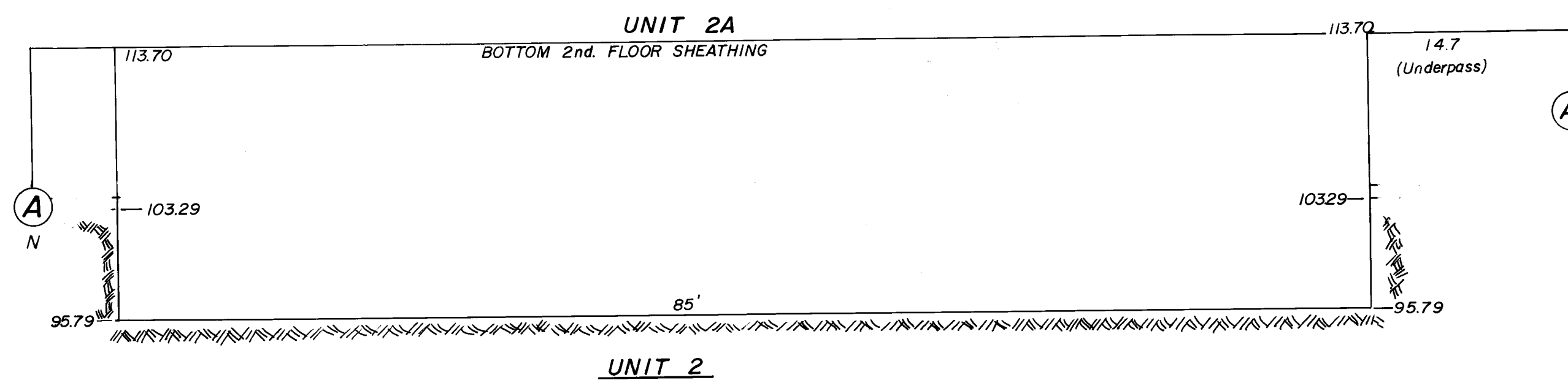
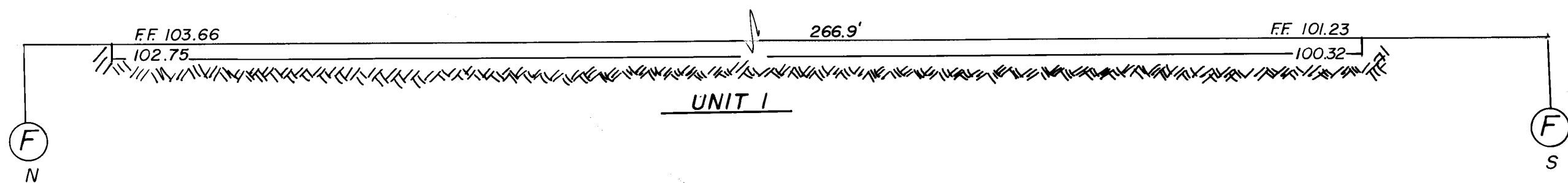
FOREST AVENUE CONDOMINIUMS
in
PORTLAND, MAINE
for
DELTA REALTY

PLAN OF SECTIONS—

SURVEY, INC.
SURVEY BY: NO. WINDHAM, ME.

SCALE: 1" = 20'

AUGUST, 1986



NOTES:

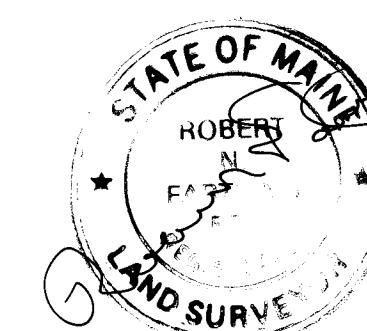
- 1.) UPPER ELEVATIONS AT TOP OF MASONRY FLOOR SLAB
LOWER ELEVATIONS AT TOP OF CELLAR MASONRY FLOOR
- 2.) BENCHMARK - U.S.G.S. ELEV. 119.85, 3' OFFSET COPPER BOLT IN CENTER OF MONUMENT N.E. CORNER OF REED ST. AND FOREST AVE.
- 3.) FINISH FLOOR ELEVATIONS SHOWN ON PLAT REFLECT FLOOR JOISTS, SUBFLOOR, AND FINISH FLOORING LAID ON TOP OF MASONRY FLOOR SLAB.
- 4.) NO UPPER HORIZONTAL BOUNDARIES EXIST FOR ANY UNIT.

**FOREST AVENUE CONDOMINIUMS
PORTLAND, MAINE**

SECTIONS - LOWER BOUNDARY LIMITS

SURVEY BY: **SURVEY, INC.**
NO. WINDHAM, ME.

SCALE: 1/8" = 1' **AUGUST, 1986**



State of Maine, Cumberland ss.
Registry of Deeds
Received December 4, 1986
at 1:56pm and recorded in
Plan Book 159 Page 33
Attest Janet J. Walsh
Register

2 of 2

CONSENT AGREEMENT

The parties, the City of Portland (the “City”), and Jeremy Berry (hereinafter “Mr. Berry”), hereby enter into this Consent Agreement as follows:

WHEREAS, Mr. Berry, through AMK Investments, LLC, purchased property located at 977-999¹ Forest Avenue in Portland, Maine, from Joseph Wojcik by Deed dated January 12, 2024 and recorded in the Cumberland County Registry of Deed on even or near date. The property is further described in: a Warranty Deed recorded in the Cumberland County Registry of Deeds at Book 17701, Page 280, and is also shown on the City of Portland Tax Maps at CBL 142 B015001; Quitclaim Deed recorded in the Cumberland County Registry of Deeds at Book 18492, Page 57, and is also shown of the City of Portland Tax Maps CBL 142 B015002; Quitclaim Deed with Covenants recorded in the Cumberland County Registry of Deeds at Book 20774, Page 145, and is also shown of the City of Portland Tax Maps CBL 142 B015005 (collectively, the “Property”).

WHEREAS, the Property is in the City’s B-2 Zone which permits mixed use condominiums. Mr. Berry owns three of the condominiums in the Property, specifically, Units 1, 2 and 5.

WHEREAS, City records show that only three (3) dwelling units were approved on the Property pursuant to a Portland Zoning Board of Appeal decision dated December 30, 1971. The decision approved the building of a two-story, 28’ x 72’6” concrete addition for offices on the first floor, and three apartments on the second floor at the Property. The variance was necessary at that time because the Property was located in the I-2 Industrial zone which did not allow dwelling units. Once the variance was granted, an amendment to building permit 71/1492 was issued on January 13, 1972 to construct a 2-story concrete block addition 28” x 72.6”. Building permit

¹ Records in this matter reflect property addresses as 977-999 Forest Avenue. The three properties are consistently noted as Tax Map numbers: CBL 142 B015001; CBL 142 B015002; and CBL 142 B015005.

71/1492 was issued on November 30, 1971 to construct a 1-story concrete block building 35' x 28' with brick front. The property was zoned I-2 from 1957 until around 1989 when it was changed to the B-2 zone which permits dwelling units.

WHEREAS, City records reveal no subsequent change of use or building permits for any additional residential units have been filed relating to the Property after 1971.

WHEREAS, the prior Owner of the Property, Mr. Joseph Wojcik, was served a Notice of Violation and Order to Correct on March 22, 2019 ("NOV-1") notifying him of the following violations:

- a. Adding three dwelling units without a permit and/or certificate of occupancy in violation of City Code Section 14-463²;
- b. Failing to provide at least two means of escape in each sleeping room in violation of National Fire Protection Association ("NFPA") Life Safety Code Sections 101-24.2.2 and 101-31.2.1.2³; and
- c. Failure to install 1-hour fire rated doors in the dwelling units in violation of NFPA Life Safety Code Sections 101-31.2.2.1.

WHEREAS, the prior Owner of the Property was served a second Notice of Violation and Order to Correct ("NOV-2") on January 24, 2022, notifying him of the following violations:

- a. Seventeen (17) dwelling units were constructed without the required permits, in violation of Chapter 14, Section 6.3 of the City Code; and

² Chapter 14 of the Portland City Code was amended after the issuance of NOV-1. The relevant revised City Code Section is § 14-6.3.

³ Section 10-1 of the City Code adopts and incorporates the National Fire Protection Association 101: Life Safety Code and Section 10-16 of the City Code adopts and incorporates the National Fire Protection Association 1: Fire Code. Section 10-25 of the City Code provides that violations under this chapter "shall severally for each and every violation and noncompliance respectively pay a penalty as provided in Section 1-15 of the city code and/or as provided under state law."

- b. Seventeen (17) dwelling units were constructed and electrical and plumbing fixtures were installed in each without the required permits under Sections 6-92 and 6-99 of the City Code.

WHEREAS, Mr. Berry acknowledges that some of the above-referenced violations exist at the Property and understands he is purchasing the Property subject to the existing violations;

WHEREAS, the City seeks to work with Mr. Berry to effect compliance and not cause sudden financial hardship to Mr. Berry;

WHEREAS, Mr. Berry wishes to bring the Property into compliance with City Code of Ordinances pursuant to the terms herein; and

WHEREAS, the parties wish to settle this matter between them and provide a date by which Mr. Berry will have fully remedied the violation.

NOW, THEREFORE, the parties agree to the following:

1. The City is willing to work with Mr. Berry to remedy the existing violations and not inflict substantial financial hardship on him.
2. The City is willing to waive any fees or penalties on the existing violations commencing on the date this Agreement is signed, if Mr. Berry meets all other requirements of this Agreement.
3. Mr. Berry agrees to take the following actions with regard to the Property:
 - a. Mr. Berry shall submit a complete and approvable Site Plan Application to the City's Planning Department not more than one hundred twenty (120) days from the date of this Agreement.

- b. Mr. Berry shall submit a complete and approvable application for a change of use permit to the City's Permitting and Inspections Department not more than sixty (60) days after the approval of the Site Plan Application.
- c. Simultaneously with the change of use permit, Mr. Berry shall submit complete and approvable permits for construction and improvements to the Property to City's Permitting and Inspections Department not more than sixty (60) days after the Site Plan
- d. Mr. Berry shall complete all necessary work required to bring the Property into compliance with the City of Portland Code of Ordinance to the satisfaction of the relevant City official on or before December 31, 2024. The City agrees to provide a reasonable extension of the completion date so long as Mr. Berry is actively working toward compliance in good faith and Mr. Berry is unable to meet the deadline because of delays caused solely by the Planning Department, Planning Board or City's Permitting and Inspections Department which make the deadlines unreasonable to meet.
- e. Mr. Berry shall submit updates to the City's Corporation Counsel's Office no less than every sixty (60) days following the execution of this agreement and provide a substantive update on the progress of any applications or construction work.
- f. Mr. Berry shall not undertake any work on the Property without first obtaining the required permits from the City's Planning or Permitting and Inspections Department.

4. If Mr. Berry complies with the provisions of this Agreement, and continues to diligently pursue compliance, the City will stay any enforcement action related to the above-referenced existing violations at the Property, including any fines, penalties or attorney's fees.
5. If Mr. Berry fails to comply with any provision of this Agreement or fails to meet the timeframes provided, the City will begin formal enforcement proceedings against Mr. Berry, at which time the penalties in the amount of \$100 per day, per violation will begin to accrue.
6. This Agreement only pertains to existing violations to date at the Property detailed herein and shall not remedy or excuse undiscovered or future violations of the City Code. The City reserves the right to enforce yet undiscovered or subsequent violations consistent with its authority promulgated in the City Code.
7. The City acknowledges that Mr. Berry may cease residential use of the nonconforming units and submit a change of use permit for commercial use in the event converting to residential use becomes too expensive or burdensome. Mr. Berry acknowledges that units that are converted to commercial use must also meet the applicable International Building Code, Life Safety Code and Fire Code. If Mr. Berry achieves change of use approval and compliance for commercial use on or before December 31, 2024, the City agrees Mr. Berry will have met his obligations under this Agreement.

[signatures on the following page]

SEEN AND AGREED,

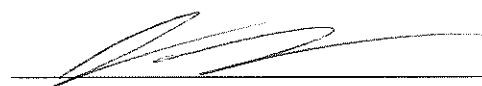
Date: 1/19/2024

CITY OF PORTLAND


By: Jessica Hanscombe
Its: Director of Permitting and Inspections

AMK Investments, LLC

Date: 1/12/2024


By: Jeremy Berry
Its: Sole Member

ZONING ANALYSIS

See attached Zoning Analysis Table and project site plans for additional information.



ZONING ANALYSIS Relevant Zone(s) B-2

All Projects:

	Required	Proposed
Lot Size	-	60,169 SF
Area Per Dwelling Unit	435 SF	2,865 SF
Minimum Street Frontage	20 FT	363 FT
Front Yard Minimum		
Front Yard Maximum	10 ft	25 FT.
Rear Yard	10 ft	<4 FT
Yard Right	0	6.7 FT
Yard Left	0	<2 FT
Side Street Setback		
Step Back	5/15 ft	
Maximum Lot Coverage	100%	45.3%
Minimum Lot Coverage		
Maximum Height	45 ft	<45'
Open Space		
Maximum Impervious Area	100%	90.2%
Pavement Setback		
Floor Area Ratio		
Off Street Parking Spaces	0	59
Loading Bays		
Other 1		
Other 2		
Other 3		

WAIVERS

See attached Waiver Request Table for additional information.

Standard to be Waived: Cite Ordinance or Technical Manual Standard	Cite Standard Language: Cite specific language of applicable Ordinance or Technical Manual Standard	Waiver Being Sought: Describe waiver being sought. Ex. – We are requesting a two-way parking lot drive aisle width of 20' feet.	Justification for Waiver: Address specific waiver criteria, if applicable, and document reasons for the waiver request.
Technical Manual Section 1.10.3.	The minimum two-way drive aisle width is 24 feet for standard, right-angle parking, and is otherwise dependent on parking space orientation, as illustrated in Figure I16A. Accessible parking spaces shall be served by at least one aisle of standard width or greater.	We are requesting a reduction of the minimum two-way drive aisle width from 24 FT to 12 FT.	The existing site parking currently operates with such dimensions. To maintain the existing parking areas, a waiver is necessary as there is no room for expansion of the parking aisles due to the site building coverage.
Technical Manual Section 4.5.2.	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	We are requesting a waiver of the screening and buffer requirements.	There is no existing landscaped buffer on site and due to the existing building coverage, there is not sufficient space to provide a landscaped buffer along the perimeter of the site.
Technical Manual Section 4.5.5.	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	We are requesting a waiver of the landscaped parking area requirement.	The project site is predominantly existing impervious area. The addition of landscaped islands would further reduce the available parking which is already below the minimum requirement per Table 19. A. Landscaping has

FINANCIAL CAPACITY



May 6, 2024

RE: AMK Investments LLC

To Whom It May Concern:

On behalf of Bangor Savings Bank, I am happy to provide a letter of support for AMK Investments LLC and Jeremie Berry. Mr. Berry has handled all accounts with Bangor Savings Bank as agreed.

Please feel free to call me with any questions.

Sincerely,

Renee' L. Fahie

Renee' L. Fahie
Vice President
Main Street Banking Team Lead
745 Roosevelt Trail
Windham, ME 04062
207-541-2772

TECHNICAL CAPABILITY

The applicant has retained a highly qualified team of professionals to undertake planning, permitting and design tasks on this project. Services will be provided by the following companies and their respective team leaders:

Civil Engineer	Matt Rabasco, P.E. Gorrill Palmer Consulting Engineers 300 Southborough Drive, Suite 200 South Portland, Maine 04106 (207) 772-2515 mrabasco@gorrillpalmer.com
Surveyor	Owen Haskell, Inc. Randy Loubier 390 US Route One Suite 10 Falmouth, ME 04105 rloubier@owenhaskell.com
Landscape Architect	Chris Di Matteo Long Meadow Planning & Landscape Architecture (207) 604-4245 cdimatteo@longmeadowpla.com
Lighting Designer	Scott Drouin Visible Light 24 Stickney Terrace, Suite 6 Hampton, NH 03842 (603) 926-6049 sdrouin@visible-light.net

The team of consultants retained by the developer have expertise and experience in the design of similar projects. Resumes of key personnel for the development team can be provided upon request.

TRANSPORTATION

The following statements are provided in accordance with the Section 14.6 Site Plan Review Standards of the ordinance.

14.6.1 Transportation Standards

Impact on Surrounding Street Systems 14.6.1(A)

- *Describe incremental volume of traffic impacts and mitigation measures, if needed*

This project can be considered an after-the-fact redevelopment as the applicant is seeking Site Plan approval of 18 additional dwelling units that are already in use at the site. The proposed change of use seeks to formally convert the existing commercial space to residential, however, it does not propose any additional traffic generation beyond what already exists. Therefore, no traffic impacts are anticipated for this project.

This project is not expected to generate new trips or bring any more traffic to the site than is currently generated by the building occupants.

Access and Circulation 14.6.1(B)

- *Site access and internal circulation, including ADA access*

Primary access to the site is provided by multiple driveways along the frontage of Forest Avenue. A shared center turn lane facilitates southbound vehicles turning left into the site. A sidewalk along the entire frontage provides pedestrian access.

The site has an unorthodox layout as it relates to internal circulation. There is existing parking in the front and rear of the building. Vehicles maneuvering to and from the rear parking area must travel through a corridor that cuts through the building. This corridor is approximately 12' wide and can only accommodate one way traffic.

The proposed changes include closing three of the five driveways along Forest Avenue to meet the maximum number of two driveways, per Section 1.5 - Driveway Design of the City's Technical Manual. Two driveways will remain, allowing circulation and access to the site.

The applicant is proposing a total of 3 ADA parking spaces throughout the site. This meets the 3-space requirement for parking lots with 51 to 75 spaces by the Americans with Disabilities Act.

- *Drive-up features, if applicable*

There are no drive-up features proposed on site.

- *Loading and servicing needs, routes, and geometry, providing turning templates for delivery vehicles, if applicable*

This application does not propose any alterations or impacts to any loading or servicing needs of the non-residential uses on site.

- *Sidewalks and condition along street frontages and internal walkways*

A public sidewalk exists on Forest Avenue along the frontage of the site. As part of the redevelopment, the applicant is proposing a reconstruction of the sidewalk to make it compliant with ADA standards.

- *Engineered details for ADA ramps and public sidewalks, meeting sidewalk material policy and construction requirements (Technical Manual, Section 1)*

Details for the proposed reconstruction of the existing sidewalk along the site frontage are provided in the plan set included with this application. The detail is consistent with City Standard Detail 1-11B for reinforced concrete sidewalks.

Public Transit Access 14.6.1(C), if applicable

- *Existing available transit service and proposed transit improvements, including design details, such as easement, pad base, and shelter*

The location benefits from nearby proximity to the METRO Route 2 Forest Avenue service route. There are no other public transportation accommodations proposed at the site.

Parking 14.6.1(D)

- *Proposed vehicular and bicycle parking supply (including ADA-compliant parking) in relation to applicable parking requirements in Article 19 of the land use code*

There are 59 proposed parking spaces on the Site Plan. *Table 19-A: Off-Street Parking Minimums* from the City of Portland Land Use Code states that the requirement for multi-family units is 1 space/dwelling unit. The number of spaces required by this standard are outlined in the table on the following page. The table shows that this mixed-use development requires 72 spaces. As this site does not have enough space to provide 72 spaces, we are utilizing the Major Site Plan exception from *Table 19-B: Categorical Exceptions to Off-Street Parking Minimums*. This standard defers the off-street parking requirements to be established by the Planning Board based on a parking study. A parking study has been conducted for the site, with the results attached to this section. During the study, the peak demand for the site was observed to be 46 vehicles during normal operating hours (weekdays from 11AM – 3PM) and 23 vehicles during peak residential demand (Sunday at 11PM). Therefore, the 59 spaces proposed on site reflect both the existing supply and meets the peak demand.

Vehicular parking for residential tenants will be provided onsite within the existing parking lots. Additionally, the Site Plan depicts 9 bike rack spaces to satisfy the 8 spaces needed to meet the 2

spaces / 5 units requirement for multifamily residential use. Please see the Site Plan for further information on the outside bike parking location.

Condominium	Dwelling Units	Office (SF)	Support Area* (SF)	Warehouse** (SF)
Unit 1	13	8,264	0	1,720
Unit 2	0	5,920	2,720	0
Unit 3	0	1,351	0	0
Unit 4	0	1,484	0	0
Unit 5	8	2,335	2,996	0
TOTAL	21	19,354	5,716	1,720
Parking Ratio	1 / UNIT	1 / 400 SF	N/A	1 / 1000 SF
PARKING TOT.	21	49	0	2

*Table 19-A has no requirement for "Support Area". It is assumed this area is subordinate to the primary use and that there is no additional parking demand.

**Industrial has been substituted for "warehouse" as there is no such use listed in Table 19-A.

- *Curb cut separation and parking layout (Technical Manual, Section 1)*

New curb will be installed to close or reduce the width of entrances that do not meet City entrance requirements. The total number of driveway openings has been reduced from five (5) to two (2). The proposed driveway dimensions, spacing, and grades meet the standards listed in Section 1.5.1. as well as Standard Detail 1-9B. The existing parking layout has been reconfigured to meet the standards for stall and drive aisle dimensions in accordance with Section 1.10 to the greatest extent practicable. A waiver request has been submitted for deviations from the standards due to site constraints.

- *Construction details for bicycle racks*

Bicycle rack details are provided in the attached plan set.

- *Management plan for snow storage and removal*

Snow storage management will employ two strategies:

1. On-site snow storage around the perimeter of the site as shown on the site plans; and
2. Snow removal and off-site storage.

Transportation Demand Management (TDM) 14.6.1(E), if applicable

- *Provide TDM plan drafted in accordance with Technical Manual Section 1 requirements*

Per Section 14.6.1(E) of the Land Use Code, a TDM plan is required for (1) all major site plans triggering development in the B-7 zone, (2) all commercial, institutional, or mixed-use developments of 50,000 square feet or more total floor area, and (3) all commercial or institutional uses designed to accommodate 100 or more employees or, for educational institutions, 100 or more students. As this project does not meet the specified thresholds, a TDM plan is not required.

985 Forest Avenue Parking Study				
	Date & Time of Study			
	2/21/2024 7 PM	2/22/2024 11 AM	2/22/2024 3 PM	2/25/2024 11 PM
Compact Sedans	2	5	8	2
Sedans	8	9	10	5
Midsize SUV	8	10	16	10
Minivan	4	6	6	3
Pickup Truck	1	1	4	1
Van	0	1	1	1
Large Flatbed Truck	1	0	1	1
Total Vehicles	24	32	46	23

ENVIRONMENTAL

The following statements are provided in accordance with Section 14 of the Ordinance.

14.6.2 Environmental Quality Standards

Preservation of Significant Natural Features 14-14.6.2(A), if applicable

As this is a redevelopment project, and the predominant lot coverage is impervious surface, there are no existing Significant Natural Features.

➤ *High and moderate value waterfowl and wading habitat*

The site is not designated as high or moderate value to waterfowl or wading bird habitat, per the Maine IF&W habitat data.

➤ *Aquifers (for Casco Bay Islands)*

This is not applicable to the site as it is not located on a Casco Bay island.

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

There are no wetland areas on site. There are no other significant natural features such as vernal pools or other protected resources. The subject property and surrounding lots are densely developed.

➤ *Proposed preservation areas and protection measures*

As the site is predominantly impervious, there are no notable areas proposed for preservation.

➤ *Documentation from environmental compliance consultants and determinations from applicable state and federal agencies*

This proposed development does not require any environmental permitting from State or Federal agencies.

Landscape Preservation 14-14.6.2(B)

➤ *Measures to preserve trees, including within required zoning setbacks (Technical Manual, Section 4)*

The only trees present on site are located along the rear of Condo Unit 1, between the face of the building and the property boundary. At the pre-application meeting, the Fire Chief indicated that these trees should be trimmed/removed as needed to allow for egress from the residential units in the rear of Condo Unit 1. Any trees that do not impede egress from the dwelling units shall remain. A note on the Site Plan indicates that the trees shall be removed as necessary for residential egress.

➤ *Measures to protect existing vegetation during construction*

Trees that are to be trimmed/removed will be determined by the access out of the dwelling unit windows. All other trees that are not an impediment shall remain. The existing trees are not expected to be disturbed by the site work on this project due to their location behind Condo Unit 1.

Site Landscaping and Buffers 14-14.6.2(C)

➤ *Overall landscape approach and consistency with standards*

Due to the highly developed condition of the site, there is substantial impervious coverage and very little existing vegetated areas such as esplanades or islands. Further, the building coverage exceeds 45%, and the remaining area is designated for parking and vehicular circulation. The space reserved for landscaping is therefore very limited. There are, however, some opportunities for pavement removal and revegetation. It is the intent of this application to meet the landscaping requirements to the greatest extent that the site allows for.

➤ *The use of screening and buffering of service areas and between non-residential and residential uses*

The site is surrounded on three sides by non-residential uses. On the northern and southern boundaries, there is very little setback from the property lines. In the rear, however, there is a vegetated buffer strip approximately 8 feet wide. This buffer is proposed to remain, with trees being removed as needed for residential egress from the building.

➤ *Existing heritage or Feature Trees on site and measures to preserve*

There are no existing heritage or feature trees on site.

➤ *Compliance with Street Tree requirements*

Per Section 4.6.1., a minimum of 1 tree per dwelling unit (18 trees total) is required for multi-family developments. As this is a redevelopment project, the existing site constraints do not allow for full compliance with the Street Tree requirements. Eight (8) street trees are proposed along the site's frontage within newly proposed esplanade areas, while maintaining sight distances at the driveway location. To compensate for the ten (10) additional trees, the applicant is opting to contribute \$4,000 (\$400 x 10) to the City of Portland's Tree Fund. Please see the Landscape Plan for more information.

Water Quality, Stormwater Management and Erosion Control 14-14.6.2(D)

➤ *Provide stormwater management plan in compliance with Section 5 of the Technical Manual and DEP Chapter 500 stormwater for basic, general, and flooding standards, as applicable*

The proposed redevelopment project includes approximately 2,500 SF of impervious surface to be removed and revegetated into landscaped areas. According to Section 5-II-D of the City's Technical Manual, projects that include redevelopment of greater than 5,000 square feet are required to provide stormwater quality treatment for no less than 50% of the redeveloped impervious area. As this project

is proposing less than 5,000 square feet of impervious redevelopment, it is exempt from the stormwater quality requirement.

A Stormwater Memo has been included in Section 9 of this application.

➤ *Provide erosion control plan and measures*

Erosion and sedimentation control measures and notes are included in the plan set. Methods such as silt fence, and dust control will be utilized during construction.

➤ *Provide evidence of compliance with Urban Impaired Stream Standards*

The site is not located within the watershed of an Urban Impaired Stream.

➤ *Describe subsurface sanitary sewage disposal and groundwater protection.*

There is no anticipated impact to wastewater nor groundwater quality as a result of this development.

STORMWATER AND EROSION CONTROL MEMORANDUM

AMK Investments, LLC proposes a redevelopment and change of use project at 985 Forest Avenue in Portland, ME. The proposed work is primarily centered on interior building renovations and will result in a reduction of impervious area on site. The site work would remove and revegetate approximately 2,500 SF of existing onsite impervious area and reconstruct approximately 2,500 SF of existing public sidewalk.

STORMWATER AND EROSION CONTROL REQUIREMENTS

The following regulatory standards were reviewed for applicability to the development proposal:

- MaineDEP Stormwater Permit By Rule – The project creates less than 1 acre of new impervious area, therefore a MaineDEP Stormwater PBR is not required.
- Construction General Permit - The project disturbs less than 1 acre, therefore the Construction General Permit requirements do not apply.
- City of Portland Technical Manual, Section 5 – This section requires developments of a smaller scale than the thresholds required by the State to comply with the Chapter 500 Stormwater Rules. Under Section 5.II.B., all developments except for single and two-family homes are subject to the Basic Erosion and Sedimentation Control Standards pursuant to Chapter 500. Further, Section 5.II.D. requires that projects which redevelop more than 5,000 SF of non-roof impervious area shall meet the General Standard (water quality) for 50% of the redeveloped area. This development proposes to convert approximately 2,500 SF of non-roof impervious area to vegetated area. Additionally, approximately 2,500 SF of existing sidewalk within the public right-of-way will be reconstructed as part of a maintenance effort. Under the Chapter 500 definition of maintenance work, the sidewalk is not considered new impervious area subject to stormwater quality treatment. Therefore, the only area contributing to the redevelopment threshold is the area proposed for revegetation. As the proposed redevelopment is below the specified threshold, water quality treatment is not required.

STORMWATER AND EROSION CONTROL PROVIDED

- Typical Erosion and Sedimentation Control measures including silt sacks at nearby catch basins will be employed during construction to minimize sediment transport into the Forest Avenue drainage system. The measures have been depicted on the Grading, Drainage, and Erosion Control Plan, with details and notes provided in the plan set as well.
- As the proposed impervious area is below the specified threshold for treatment, there is no proposed treatment onsite.

PUBLIC INFRASTRUCTURE AND COMMUNITY SAFETY

The following statements are provided in accordance with Section 14.6.3 of the ordinance.

Public Infrastructure and Community Safety Standards

Consistency with City Master Plans 14.6.3.A

On Portland's Future Land Use Plan, 985 Forest Avenue is located in the Mixed Use/Commercial/Office zone and is located near an enhanced Priority Corridor (Forest Avenue). Priority Corridors are “*major arterials that often see heavy vehicular traffic, but also have the capacity to improve mobility by capitalizing on their potential for increased walking, bicycling, and transit use. Priority corridors can also serve as areas of additional mixed-use, higher density growth to take advantage of the transit benefits and services that well-designed, diverse corridors can offer.*” Located on Forest Avenue, the site is within a major travel corridor benefiting from transit availability as well as proximity to Back Cove, nearby services, and a short distance to the Peninsula. The Forest Avenue corridor is maintaining a robust level of activity and development. With mixed use commercial/retail and residential spaces, this site is consistent with the surrounding businesses and land use as envisioned in the Comprehensive plan and current zoning.

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

There are no known easements within the site.

Public Safety and Fire Prevention 14-14.6.3(B)

- *Compliance with Crime Prevention through Environmental Design (CPTED) requirements (Technical Manual, Section 3)*

As this site is previously developed, it does not offer the same opportunities for environmental design. However, an effort has been made to meet CPTED guidelines to the greatest extent practicable. The site lighting has been designed to the City's standards as outlined in Section 12 of the Technical Manual to enable full observation of the site during both day and night. Further, the existing layout allows for highly visible pedestrian pathways along Forest Avenue. The new parking layout will more clearly guide the movement of vehicles and pedestrians along predictable paths.

- *Emergency vehicle access*

The primary site access will be from Forest Avenue. The site driveways have been redesigned with 24 ft wide drive aisles that provide emergency vehicles access to the front and sides of the building. The existing building footprint creates challenges, but emergency vehicles will have a means of access to each of the five condominium units.

- *Consistency with public safety standards (Technical Manual, Section 3)*

There is an existing fire hydrant located along the site frontage in front of Condo Unit 2. The hydrant is equidistant from the northern and southern ends of the site.

During discussions with the City, it has been determined that a sprinkler system will not be installed as part of this project. Instead, Life and Safety improvements will be made as part of the interior renovations. Access to the building is readily available from the Forest Avenue side. Street and security lighting is inadequate around the building, thus additional lighting will be added as part of the redevelopment to increase public safety. We are not aware of any policing issues in the vicinity of the building.

Availability and Adequacy of Public Utilities 14.6.3(C) (Technical Manual, Sections 2 & 9)

➤ *Electrical services, including providing underground services*

Electrical service is provided to the site by three utility poles along the property frontage. Overhead wires are present along the western side of Forest Avenue, which cross over and connect to the three auxiliary poles. Condo Units 1 and 2 are served by underground electric, while Condo Unit 5 has an overhead connection as shown on the existing conditions plan. Power to Units 3 and 4 is presumably supplied internally from the service connection at Unit 5. There are no ground mounted transformers on site.

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

The project site contains the following existing utilities:

- There are four domestic water services connecting to Units 1, 2, 3 and 5 from the main in Forest Avenue
- The building is not sprinklered. A fire hydrant is located on the site within the sidewalk adjacent to Forest Ave.
- A sanitary service in the basement of Condo Unit 2 discharges to an existing 10" vitrified clay sewer main Forest Ave. The City Public Works Department has verified the capacity for the service and main.
- There are three natural gas services coming from Forest Avenue connecting to Units 1, 2 and 5.

There are no proposed changes to public utilities within this project.

April 2, 2024

Mike Murray

City of Portland – Public Works Department
212 Canco Rd
Portland, ME 04103

**Subject: Proposed Multifamily Redevelopment
985 Forest Avenue, Portland, ME
Ability to Serve Request**

Dear Mr. Murray,

On behalf of **AMK Investments, LLC (Applicant)**, we would like to verify the City of Portland's ability to provide wastewater service for eighteen (18) residential units located at 985 Forest Avenue, Portland, ME.

The project site is addressed as 985 Forest Avenue, located across from Tremaine Street on the northeast side of Forest Avenue. The parcel is identified as Chart 142 Block B Lot 015 and is comprised of five condominium units (Units 001-005) within a single continuous structure. The site currently consists of 1,720 SF of warehouse, 8,264 SF of offices, and 9,504 SF of multi-family residential. The project site is zoned for 3 residential units, however there are currently 21 total dwelling units located within Condo Units 1 and 5, resulting in 18 of the 21 units being noncompliant relative to City Zoning and Building Code standards. The applicant is proposing interior renovations to address the building code violations and is currently undergoing an after-the-fact Major Site Plan Review for approval of the 18 residential dwelling units. As part of the Site Plan Review process, we are seeking confirmation of Public Work's ability to serve this project.

ANTICIPATED FLOWS

As three (3) of the 21 dwelling units have been previously approved, the applicant is seeking an Ability to Serve for the 18 remaining dwelling units. It is emphasized, however, that these 18 additional units have been in existence for a number of years, and there is no proposed change in actual wastewater generation from the site. Since it is unknown which three dwellings have been previously approved, we have assumed that they are comprised of one-bedroom units, while assuming that all multi-bedroom units have not been approved. Therefore, the anticipated wastewater generation from the 18 units is 2,490 GPD, which is based on the 2023 Maine Subsurface Wastewater Disposal Rules. Table 5A of MSWDR specifies 120 GPD per dwelling unit for 1-bedroom units and 90 GPD per bedroom for multiple bedrooms units. Based on the publication, *Water Supply and Pollution Control, Third Edition*, by Clark, Viessman and Hammer, Chapter 4, Section 5; the peak daily use can be considered to be about 180% of the average daily use. Based on this information, the estimated project wastewater usage is displayed in the table below:



Flow Type	Design Flow (GPD)	Peak Daily Design Flow (GPD)
1-Bedroom Unit (14 units @ 120 gpd)	1,680	3,024
2-Bedroom Unit (3 units @ 180 gpd)	540	972
3-Bedroom Unit (1 unit @ 270 gpd)	270	486
TOTAL	2,490	4,482

EXISTING AND PROPOSED SERVICE

A request was put into the City Archives for information regarding sanitary sewer in Forest Avenue in the vicinity of the site. Various plans were provided that indicated a 10" vitrified clay pipe conveys public wastewater flow within Forest Avenue. A number of historic sewer service connection permits were also provided, however they all are dated prior to 1960. Based on the information provided we are unable to verify if these services are still in use. An interior existing conditions inventory prepared by JMack Drafting & Design of Alfred, ME located a sanitary service outlet within the basement of Condo Unit 2 (#993-995 Forest Avenue), which is the only known service lateral at this time. The plans have been included as an attachment to this letter. There are no proposed modifications to the sewer services as part of this proposed development.

CLOSURE

As required by the Major Site Plan process, we are writing to request a letter indicating the City of Portland's ability to continue serving this project.

Specifically, our office is interested in a letter from you indicating the following:

- Confirmation of the City of Portland's facilities to continue serving this project.
- Any other factors which may affect the sewer service to this site.
- Any associated impact fees.



We are in the process of submitting a Major Site Plan Application to the City of Portland. If you have any questions on the information submitted, please contact our office.

Regards,

GORRILL PALMER

Matt Rabasco, PE

Project Manager

Phone: (207) 772-2515x296

mrabasco@gorrillpalmer.com

Attachments:

Site and Utility Plan
Building Floor Plans

U:\4180_Alan Wolf_985 Forest Ave\H Utilities\labs_sewer 985 Forest Avenue_3.28.24.docx

Department of Public Works

Mike Murray

Director



Date: April 5, 2024

Re: Wastewater Capacity Authorization

Address: 985 Forest Avenue

Applicant: AMK Investments LLC

Planner: Matt Grooms

The Applicant is in the process of an after the fact authorization for conversion of commercial space to an additional 18 residential units.

Estimate of Anticipated Wastewater Flows				
Development	Unit Size	Number of Units	Gallons per Day per Unit	Total Gallons per Day
Proposed Additional Flow to Existing Which Will Remain				
Multiple Family Dwelling Units	1-Bedroom	14	120	1680
Multiple Family Dwelling Units	2-Bedroom	3	180	540
Multiple Family Dwelling Units	3-Bedroom	1	270	270
Net Change				+ 2,490
*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.

If the City can be of further assistance, please contact me at 207-874-8840 or brad@portlandmaine.gov

Sincerely,

A handwritten signature in dark ink that reads "Bradley A. Roland". The signature is written in a cursive, flowing style.

Bradley A. Roland, P.E.,
Senior Project Engineer

April 2, 2024

Robert Bartels

Portland Water District
225 Douglass Street
Portland, ME 04104

**Subject: Proposed Multifamily Redevelopment
985 Forest Avenue, Portland, ME
Ability to Serve Request**

Dear Mr. Bartels,

On behalf of **AMK Investments, LLC (Applicant)**, we would like to verify the Portland Water District's ability to provide water service for eighteen (18) residential units located at 985 Forest Avenue, Portland, ME.

The project site is addressed as 985 Forest Avenue, located across from Tremaine Street on the northeast side of Forest Avenue. The parcel is identified as Chart 142 Block B Lot 015 and is comprised of five condominium units (Units 001-005) within a single continuous structure. The site currently consists of 1,720 SF of warehouse, 8,264 SF of offices, and 9,504 SF of multi-family residential. The project site is zoned for 3 residential units, however there are currently 21 total dwelling units located within Condo Units 1 and 5, resulting in 18 of the 21 units being noncompliant relative to City Zoning and Building Code standards. The applicant is proposing interior renovations to address the building code violations and is currently undergoing an after-the-fact Major Site Plan Review for approval of the 18 residential dwelling units. As part of the Site Plan Review process, we are seeking confirmation of PWD's ability to serve this project.

ANTICIPATED FLOWS

As three (3) of the 21 dwelling units have been previously approved, the applicant is seeking an Ability to Serve for the 18 remaining dwelling units. It is emphasized, however, that these 18 additional units have been in existence for a number of years, and there is no proposed change in actual water generation from the site. Instead, this request is to formalize the District's service to this project site and to provide an accurate fixture count. Since it is unknown which three dwellings have been previously approved, we have assumed that they are comprised of one-bedroom units, while assuming that all multi-bedroom units have not been approved. Therefore, the anticipated water generation from the 18 units is 2,490 GPD, which is based on the 2023 Maine Subsurface Wastewater Disposal Rules. Table 5A of MSWDR specifies 120 GPD per dwelling unit for 1-bedroom units and 90 GPD per bedroom for multiple bedrooms units. Based on the publication, *Water Supply and Pollution Control, Third Edition*, by Clark, Viessman and Hammer, Chapter 4, Section 5; the peak daily use can be considered to be about 180% of the average daily use. Based on this information, the estimated project water usage is displayed in the table below:



Flow Type	Design Flow (GPD)	Peak Daily Design Flow (GPD)
1-Bedroom Unit (14 units @ 120 gpd)	1,680	3,024
2-Bedroom Unit (3 units @ 180 gpd)	540	972
3-Bedroom Unit (1 unit @ 270 gpd)	270	486
TOTAL	2,490	4,482

EXISTING AND PROPOSED SERVICE

There are four (4) existing services to the property from the main in Forest Avenue: one service to #977 (Condo Unit 5), one service to #985 Forest Ave (Condo Unit 3), one service to #993-995 Forest Ave (Condo Unit 2), and one service to #999 Forest Ave (Condo Unit 1). It is reiterated that the 18 dwelling units are located solely within Condo Units 1 and 5, therefore we have assumed that the services to #977 and #999 provide the domestic water supply to the dwellings. There are no proposed changes to the other non-residential uses on the property.

We are also seeking confirmation from the District that the existing services are adequate based on the provided fixture count. There is no existing or proposed sprinkler system. Please see the attached Site and Utility Plan for more information. A fixture worksheet and building floor plans are also provided as attachments to this letter.

CLOSURE

As required by the City of Portland, we are writing to request a letter indicating Portland Water District's ability to serve this project.

Specifically, our office is interested in a letter from you indicating the following:

- Confirmation of PWD's facilities to continue serving this project.
- Confirmation that the existing services are adequate relative to the fixture count.
- Any other factors that may affect the water service to this site.
- Any associated impact fees.



We are in the process of submitting a Major Site Plan Application to the City of Portland and would appreciate your response in a timely manner. If you have any questions on the information submitted, please contact our office.

Regards,

GORRILL PALMER

Matt Rabasco, PE

Project Manager

Phone: (207) 772-2515x296

mrabasco@gorrillpalmer.com

Attachments:

Site and Utility Plan

Fixture Count Worksheet

Floor Plans

U:\4180_Alan Wolf_985 Forest Ave\H Utilities\abs_water 985 Forest Avenue_4.1.24.docx

SITE DESIGN

The following statements are provided in accordance with the submission and Section 14 of the ordinance.

Site Design Standards 14.6.4

A. Massing, Ventilations and Wind Impact 14.14.6.4(A)

- *Wind and ventilation impacts on adjoining structures and/or adjacent public spaces. Wind study, if applicable.*
- *Bulk, location or height impacts on adjoining structures*

There are no proposed renovations to the existing building that will result in wind, ventilation, bulk, location or height impacts to any adjoining structures.

B. Shadows 14-14.6.4(B), if applicable

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

There are no proposed exterior renovations to the existing buildings that will create significant shadows onto neighboring properties, or block access to direct sunlight for adjoining properties. There are no nearby public open space areas adjacent to the site.

C. Snow and Ice Loading 14-14.6.4.(C)

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

There are no proposed renovations to the building's roof, therefore there is no increase in prevalence of snow or ice falling onto the adjacent properties.

D. View Corridors 14-14.6.4(D), if applicable

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

The project site is located outside the Downtown Vision Corridor Protection Plan.

E. Historic Resources 14-14.6.4(E), if applicable

- *Identify developments within Historic Districts or affecting Designated Landmarks*
- *Certificate of Appropriateness or other evidence*
- *Identify Developments within 100 feet of Historic Districts or affecting Designated Landmarks. Advisory HP review may be required*
- *Address preservation and documentation of Archaeological Resources*

The development site is not within any Historic District nor contains any historic or significant related resources.

F. 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*

The proposed site lighting will vastly improve the existing photometrics of the site, while limiting light trespass to zero on the abutting property lines, consistent with City standards. There is existing street lighting on Forest Avenue that supplements the site lighting. See the Lighting Plan for additional lighting information.

G. 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*

The existing rooftop HVAC units are expected to remain. We are not aware of any issues with these units. Any new proposed mechanical equipment necessary to satisfy the Building Code requirements will meet the City standards for noise and vibrations.

H. 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*

The Site Plan identifies the locations of proposed wayfinding and regulatory signs and includes a legend depicting the dimensions of each sign type proposed on site.

- *Proposed drawings of all commercial and directional signage on site*

There is an existing commercial sign located in the front parking lot that is proposed to be relocated to another location on site.

I. Design Standards 14-14.6.4(I)

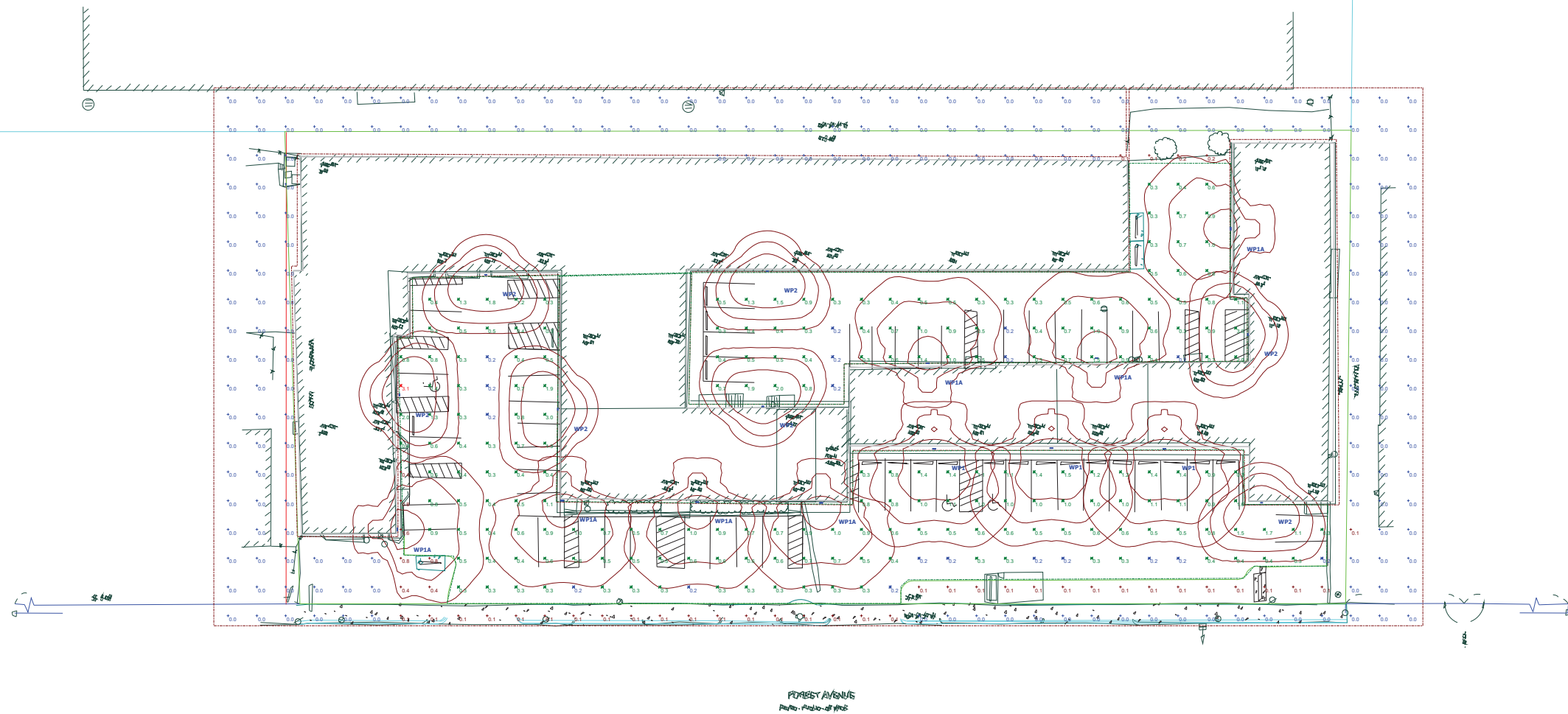
- *Address any applicable design review standards by zone, including compliance with Design Manual*

There are not expected to be any exterior alterations to the buildings as part of this project.



985 Forest Avenue
Portland, ME

Designer
Scott E Drouin
Date
04/12/2024
Scale
Not to Scale
Drawing No.
Summary



Plan View
Scale - 1" = 20ft

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Parking Lots	✕	0.7 fc	3.1 fc	0.2 fc	15.5:1	3.5:1
Calc Zone #1	+	0.3 fc	3.1 fc	0.0 fc	N/A	N/A

Symbol	Label	Image	QTY	Manufacturer	Catalog	Description	Number Lamps	Lamp Output	LLF	Input Power	Polar Plot
WP1			3	Lithonia Lighting	DSKW1 LED 10C 530 30K 1FTM MVOLT	DSKW1 LED WITH (1) 10 LED LIGHT ENGINES, TYPE 1FTM OPTIC, 3000K, @ 530mA	1	2047	0.9	19.1	
WP1 A			7	Lithonia Lighting	DSKW1 LED 10C 350 30K 1FTM MVOLT	DSKW1 LED WITH (1) 10 LED LIGHT ENGINES, TYPE 1FTM OPTIC, 3000K, @ 350mA	1	1411	0.9	13.3	
WP2			7	Lithonia Lighting	WPK1 LED P1 30K Mvolt	WPK1 LED wallpack 1500lm 3000K color temperature 120-277 Volts	1	1537	0.9	11.49	



D-Series Size 1 LED Wall Luminaire



Buy American

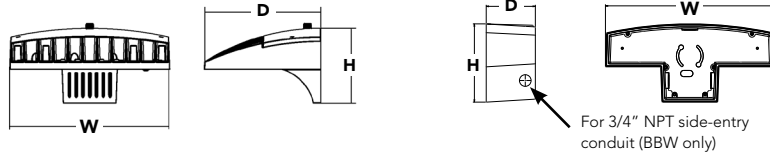
d^{series}

Specifications Luminaire

Width:	13-3/4" (34.9 cm)	Weight:	12 lbs (5.4 kg)
Depth:	10" (25.4 cm)		
Height:	6-3/8" (16.2 cm)		

Back Box (BBW, E20WC)

Width:	13-3/4" (34.9 cm)	BBW Weight:	5 lbs (2.3 kg)
Depth:	4" (10.2 cm)	E20WC Weight:	10 lbs (4.5 kg)
Height:	6-3/8" (16.2 cm)		



Catalog
Number

Notes

Type

Hit the Tab key or mouse over the page to see all interactive elements.

Introduction

The D-Series Wall luminaire is a stylish, fully integrated LED solution for building-mount applications. It features a sleek, modern design and is carefully engineered to provide long-lasting, energy-efficient lighting with a variety of optical and control options for customized performance.

With an expected service life of over 20 years of nighttime use and up to 74% in energy savings over comparable 250W metal halide luminaires, the D-Series Wall is a reliable, low-maintenance lighting solution that produces sites that are exceptionally illuminated.

Ordering Information

EXAMPLE: DSXW1 LED 20C 1000 40K T3M MVOLT DDBTXD

DSXW1 LED							
Series	LEDs	Drive Current	Color temperature	Distribution	Voltage	Mounting	Control Options
DSXW1 LED	10C 10 LEDs (one engine) 20C 20 LEDs (two engines) ¹	350 350 mA 530 530 mA 700 700 mA 1000 1000 mA (1 A) ¹	30K 3000 K 40K 4000 K 50K 5000 K AMBPC Amber phosphor converted	T2S Type II Short T2M Type II Medium T3S Type III Short T3M Type III Medium T4M Type IV Medium TFTM Forward Throw Medium	MVOLT ² 120 ³ 208 ³ 240 ³ 277 ³ 347 ^{3,4} 480 ^{3,4}	Shipped included (blank) Surface mounting bracket BBW Surface-mounted back box (for conduit entry) ⁵	Shipped installed PE Photoelectric cell, button type ⁶ DMG 0-10v dimming wires pulled outside fixture (for use with an external control, ordered separately) PIR 180° motion/ambient light sensor, <15' mtg ht ^{1,7} PIRH 180° motion/ambient light sensor, 15-30' mtg ht ^{1,7} PIR1FC3V Motion/ambient sensor, 8-15' mounting height, ambient sensor enabled at 1fc ^{1,7} PIRH1FC3V Motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 1fc ^{1,7} E20WC Emergency battery backup (includes external component enclosure), CA Title 20 compliant ^{8,9}

Other Options	Finish (required)
Shipped installed SF Single fuse (120, 277 or 347V) ^{3,10} DF Double fuse (208, 240 or 480V) ^{3,10} HS House-side shield ¹¹ SPD Separate surge protection ¹²	Shipped separately ¹¹ BSW Bird-deterrent spikes VG Vandal guard DDL Diffused drop lens DDBXD Dark bronze DBLXD Black DNAXD Natural aluminum DWHXD White DSSXD Sandstone DBBTXD Textured dark bronze DBLBXD Textured black DNATXD Textured natural aluminum DWHGXD Textured white DSSTXD Textured sandstone

Accessories

Ordered and shipped separately.

DSXWHS U	House-side shield (one per light engine)
DSXWBSW U	Bird-deterrent spikes
DSXW1VG U	Vandal guard accessory

NOTES

- 20C 1000 is not available with PIR, PIRH, PIR1FC3V or PIRH1FC3V.
- MVOLT driver operates on any line voltage from 120-277V (50/60 Hz).
- Single fuse (SF) requires 120, 277 or 347 voltage option. Double fuse (DF) requires 208, 240 or 480 voltage option.
- Only available with 20C, 700mA or 1000mA. Not available with PIR or PIRH.
- Back box ships installed on fixture. Cannot be field installed. Cannot be ordered as an accessory.
- Photocontrol (PE) requires 120, 208, 240, 277 or 347 voltage option. Not available with motion/ambient light sensors (PIR or PIRH).
- Reference Motion Sensor table on page 3.
- Same as old ELCW. Cold weather (-20C) rated. Not compatible with conduit entry applications. Not available with BBW mounting option. Not available with fusing. Not available with 347 or 480 voltage options. Emergency components located in back box housing. Emergency mode IES files located on product page at www.lithonia.com
- Not available with SPD.
- Not available with E20WC.
- Also available as a separate accessory; see Accessories information.
- Not available with E20WC.



One Lithonia Way • Conyers, Georgia 30012 • Phone: 1-800-705-SERV (7378) • www.lithonia.com
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DSXW1-LED
Rev. 6/02/21

Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Contact factory for performance data on any configurations not shown here.

LEDs	Drive Current (mA)	System Watts	Dist. Type	30K (3000 K, 70CRI)					40K (4000 K, 70CRI)					50K (5000 K, 70CRI)					AMBPC (Amber Phosphor Converted)				
				Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW
10C (10 LEDs)	350mA	13W	T2S	1,415	0	0	1	109	1,520	0	0	1	117	1,530	0	0	1	118	894	0	0	1	69
			T2M	1,349	0	0	1	104	1,448	0	0	1	111	1,458	0	0	1	112	852	0	0	1	66
			T3S	1,399	0	0	1	108	1,503	0	0	1	116	1,512	0	0	1	116	884	0	0	1	68
			T3M	1,385	0	0	1	107	1,488	0	0	1	114	1,497	0	0	1	115	876	0	0	1	67
			T4M	1,357	0	0	1	104	1,458	0	0	1	112	1,467	0	0	1	113	858	0	0	1	66
	530 mA	19W	TFTM	1,411	0	0	1	109	1,515	0	0	1	117	1,525	0	0	1	117	892	0	0	1	69
			T2S	2,053	1	0	1	108	2,205	1	0	1	116	2,220	1	0	1	117	1,264	0	0	1	67
			T2M	1,957	1	0	1	103	2,102	1	0	1	111	2,115	1	0	1	111	1,205	0	0	1	63
			T3S	2,031	1	0	1	107	2,181	1	0	1	115	2,194	1	0	1	115	1,250	0	0	1	66
			T3M	2,010	1	0	1	106	2,159	1	0	1	114	2,172	1	0	1	114	1,237	0	0	1	65
	700 mA	26W	T4M	1,970	1	0	1	104	2,115	1	0	1	111	2,129	1	0	1	112	1,212	0	0	1	64
			TFTM	2,047	0	0	1	108	2,198	1	0	1	116	2,212	1	0	1	116	1,260	0	0	1	66
			T2S	2,623	1	0	1	101	2,816	1	0	1	108	2,834	1	0	1	109	1,544	0	0	1	59
			T2M	2,499	1	0	1	96	2,684	1	0	1	103	2,701	1	0	1	104	1,472	0	0	1	57
			T3S	2,593	1	0	1	100	2,785	1	0	1	107	2,802	1	0	1	108	1,527	0	0	1	59
20C (20 LEDs)	350mA	23W	T3M	2,567	1	0	1	99	2,757	1	0	1	106	2,774	1	0	1	107	1,512	0	0	1	58
			T4M	2,515	1	0	1	97	2,701	1	0	1	104	2,718	1	0	1	105	1,481	0	0	1	57
			TFTM	2,614	1	0	1	101	2,808	1	0	1	108	2,825	1	0	1	109	1,539	0	0	1	59
	1000 mA	39W	T2S	3,685	1	0	1	94	3,957	1	0	1	101	3,982	1	0	1	102	2,235	1	0	1	57
			T2M	3,512	1	0	1	90	3,771	1	0	1	97	3,794	1	0	1	97	2,130	1	0	1	55
			T3S	3,644	1	0	1	93	3,913	1	0	1	100	3,938	1	0	1	101	2,210	1	0	1	57
			T3M	3,607	1	0	1	92	3,873	1	0	1	99	3,898	1	0	1	100	2,187	1	0	1	56
			T4M	3,534	1	0	2	91	3,796	1	0	2	97	3,819	1	0	2	98	2,143	1	0	1	55
	530 mA	35W	TFTM	3,673	1	0	1	94	3,945	1	0	1	101	3,969	1	0	1	102	2,228	1	0	1	57
			T2S	2,820	1	0	1	123	3,028	1	0	1	132	3,047	1	0	1	132	1,777	1	0	1	77
			T2M	2,688	1	0	1	117	2,886	1	0	1	125	2,904	1	0	1	126	1,693	1	0	1	74
			T3S	2,789	1	0	1	121	2,994	1	0	1	130	3,014	1	0	1	131	1,757	0	0	1	76
			T3M	2,760	1	0	1	120	2,965	1	0	1	129	2,983	1	0	1	130	1,739	1	0	1	76
	700 mA	46W	T4M	2,704	1	0	1	118	2,905	1	0	1	126	2,922	1	0	1	127	1,704	1	0	1	74
			TFTM	2,811	1	0	1	122	3,019	1	0	1	131	3,038	1	0	1	132	1,771	0	0	1	77
			T2S	4,079	1	0	1	117	4,380	1	0	1	125	4,407	1	0	1	126	2,504	1	0	1	72
			T2M	3,887	1	0	1	111	4,174	1	0	1	119	4,201	1	0	1	120	2,387	1	0	1	68
			T3S	4,033	1	0	1	115	4,331	1	0	1	124	4,359	1	0	1	125	2,477	1	0	1	71
	1000 mA	73W	T3M	3,993	1	0	2	114	4,288	1	0	2	123	4,315	1	0	2	123	2,451	1	0	1	70
			T4M	3,912	1	0	2	112	4,201	1	0	2	120	4,227	1	0	2	121	2,402	1	0	1	69
			TFTM	4,066	1	0	2	116	4,366	1	0	2	125	4,394	1	0	2	126	2,496	1	0	1	71
			T2S	5,188	1	0	1	113	5,572	1	0	1	121	5,607	1	0	1	122	3,065	1	0	1	67
			T2M	4,945	1	0	2	108	5,309	1	0	2	115	5,343	1	0	2	116	2,921	1	0	1	64
	530 mA	35W	T3S	5,131	1	0	2	112	5,510	1	0	2	120	5,544	1	0	2	121	3,031	1	0	1	66
			T3M	5,078	1	0	2	110	5,454	1	0	2	119	5,487	1	0	2	119	3,000	1	0	1	65
			T4M	4,975	1	0	2	108	5,343	1	0	2	116	5,376	1	0	2	117	2,939	1	0	1	64
			TFTM	5,172	1	0	2	112	5,554	1	0	2	121	5,589	1	0	2	122	3,055	1	0	1	66
			T2S	7,204	1	0	2	99	7,736	2	0	2	106	7,784	2	0	2	107	4,429	1	0	1	61
	700 mA	46W	T2M	6,865	1	0	2	94	7,373	2	0	2	101	7,419	2	0	2	102	4,221	1	0	1	58
			T3S	7,125	1	0	2	98	7,651	1	0	2	105	7,698	1	0	2	105	4,380	1	0	1	60
			T3M	7,052	1	0	2	97	7,573	2	0	2	104	7,620	2	0	2	104	4,335	1	0	2	59
			T4M	6,909	1	0	2	95	7,420	1	0	2	102	7,466	1	0	2	102	4,248	1	0	2	58
			TFTM	7,182	1	0	2	98	7,712	1	0	2	106	7,761	1	0	2	106	4,415	1	0	2	60

Performance Data

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Ambient		Lumen Multiplier
0°C	32°F	1.02
10°C	50°F	1.01
20°C	68°F	1.00
25°C	77°F	1.00
30°C	86°F	1.00
40°C	104°F	0.98

Projected LED Lumen Maintenance

Data references the extrapolated performance projections for the **DSXW1 LED 20C 1000** platform in a **25°C ambient**, based on 10,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	0	25,000	50,000	100,000
Lumen Maintenance Factor	1.0	0.95	0.93	0.88

Electrical Load

LEDs	Drive Current (mA)	System Watts	Current (A)					
			120V	208V	240V	277V	347V	480V
10C	350	14 W	0.13	0.07	0.06	0.06	-	-
	530	20 W	0.19	0.11	0.09	0.08	-	-
	700	27 W	0.25	0.14	0.13	0.11	-	-
	1000	40 W	0.37	0.21	0.19	0.16	-	-
20C	350	24 W	0.23	0.13	0.12	0.10	-	-
	530	36 W	0.33	0.19	0.17	0.14	-	-
	700	47 W	0.44	0.25	0.22	0.19	0.15	0.11
	1000	74 W	0.69	0.40	0.35	0.30	0.23	0.17

Motion Sensor Default Settings

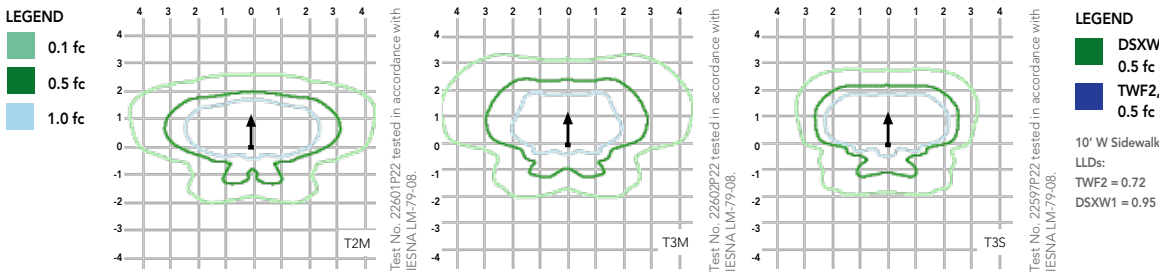
Option	Dimmed State	High Level (when triggered)	Photocell Operation	Dwell Time	Ramp-up Time	Ramp-down Time
PIR or PIRH	3V (37%) Output	10V (100%) Output	Enabled @ 5FC	5 min	3 sec	5 min
*PIR1FC3V or PIRH1FC3V	3V (37%) Output	10V (100%) Output	Enabled @ 1FC	5 min	3 sec	5 min

*For use when motion sensor is used as dusk to dawn control

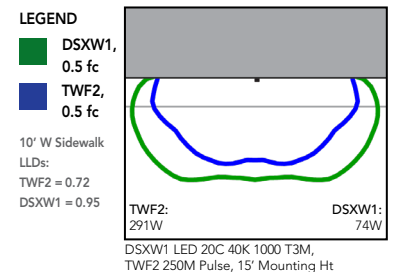
Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's [D-Series Wall Size 1 homepage](#).

Isfootcandle plots for the DSXW1 LED 20C 1000 40K. Distances are in units of mounting height (15').



Distribution overlay comparison to 250W metal halide.



Options and Accessories



T3M (left)



HS - House-side shields



BSW - Bird-deterrent spikes



VG - Vandal guard



DDL - Diffused drop lens

FEATURES & SPECIFICATIONS

INTENDED USE

The energy savings, long life and easy-to-install design of the D-Series Wall Size 1 make it the smart choice for building-mounted doorway and pathway illumination for nearly any facility.

CONSTRUCTION

Two-piece die-cast aluminum housing has integral heat sink fins to optimize thermal management through conductive and convective cooling. Modular design allows for ease of maintenance. The LED driver is mounted to the door to thermally isolate it from the light engines for low operating temperature and long life. Housing is completely sealed against moisture and environmental contaminants (IP65).

FINISH

Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Available in textured and non-textured finishes.

OPTICS

Precision-molded proprietary acrylic lenses provide multiple photometric distributions tailored specifically to building mounted applications. Light engines are available in 3000 K (70 min. CRI), 4000 K (70 min. CRI) or 5000 K (70 min. CRI) configurations.

ELECTRICAL

Light engine(s) consist of 10 high-efficacy LEDs mounted to a metal-core circuit board to maximize heat dissipation and promote long life (L88/100,000 hrs at 25°C). Class 1 electronic drivers have a power factor >90%, THD <20%, and a minimum 2.5KV surge rating. When ordering the SPD option, a separate surge protection device is installed within the luminaire which meets a minimum Category C Low (per ANSI/IEEE C62.41.2).

INSTALLATION

Included universal mounting bracket attaches securely to any 4" round or square outlet box for quick and easy installation. Luminaire has a slotted gasket wireway and attaches to the mounting bracket via corrosion-resistant screws.

LISTINGS

CSA certified to U.S. and Canadian standards. Rated for -40°C minimum ambient.

DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/QPL to confirm which versions are qualified.

BUY AMERICAN

This product is assembled in the USA and meets the Buy America(n) government procurement requirements under FAR, DFARS and DOT. Please refer to www.acuitybrands.com/resources/buy-american for additional information.

WARRANTY

Five-year limited warranty. Complete warranty terms located at: www.acuitybrands.com/support/warranty/terms-and-conditions

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.



COMMERCIAL OUTDOOR

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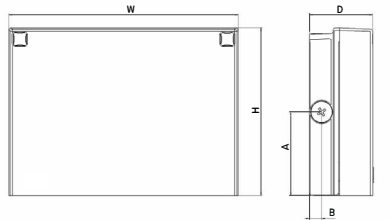
WPX LED Wall Packs



Catalog Number
Notes
Type

Hit the Tab key or mouse over the page to see all interactive elements.

Specifications



Front View

Side View

Luminaire	Height (H)	Width (W)	Depth (D)	Side Conduit Location		Weight
				A	B	
WPX1	8.1" (20.6 cm)	11.1" (28.3 cm)	3.2" (8.1 cm)	4.0" (10.3 cm)	0.6" (1.6 cm)	6.1 lbs (2.8 kg)
WPX2	9.1" (23.1 cm)	12.3" (31.1 cm)	4.1" (10.5 cm)	4.5" (11.5 cm)	0.7" (1.7 cm)	8.2 lbs (3.7 kg)
WPX3	9.5" (24.1 cm)	13.0" (33.0 cm)	5.5" (13.7 cm)	4.7" (12.0 cm)	0.7" (1.7 cm)	11.0 lbs (5.0 kg)

Introduction

The WPX LED wall packs are energy-efficient, cost-effective, and aesthetically appealing solutions for both HID wall pack replacement and new construction opportunities. Available in three sizes, the WPX family delivers 1,550 to 9,200 lumens with a wide, uniform distribution.

The WPX full cut-off solutions fully cover the footprint of the HID glass wall packs that they replace, providing a neat installation and an upgraded appearance. Reliable IP66 construction and excellent LED lumen maintenance ensure a long service life. Photocell and emergency egress battery options make WPX ideal for every wall mounted lighting application.

Ordering Information

EXAMPLE: WPX2 LED 40K MVOLT DDBXD

Series	Color Temperature	Voltage	Options	Finish
WPX1 LED P1	1,550 Lumens, 11W ¹	30K 3000K	MVOLT 120V - 277V	(blank) None
WPX1 LED P2	2,900 Lumens, 24W	40K 4000K	347 347V ³	E4WH Emergency battery backup, CEC compliant (4W, 0°C min) ²
WPX2 LED	6,000 Lumens, 47W	50K 5000K	E14WC Emergency battery backup, CEC compliant (14W, -20°C min) ²	PE Photocell ³
WPX3 LED	9,200 Lumens, 69W			

Note: The lumen output and input power shown in the ordering tree are average representations of all configuration options. Specific values are available on request.

NOTES

- All WPX wall packs come with 6kV surge protection standard, except WPX1 LED P1 package which comes with 2.5kV surge protection standard. Add SPD6KV option to get WPX1 LED P1 with 6kV surge protection. Sample nomenclature: WPX1 LED P1 40K MVOLT SPD6KV DDBXD
- Battery pack options only available on WPX1 and WPX2.
- Battery pack options not available with 347V and PE options.

FEATURES & SPECIFICATIONS

INTENDED USE

The WPX LED wall packs are designed to provide a cost-effective, energy-efficient solution for the one-for-one replacement of existing HID wall packs. The WPX1, WPX2 and WPX3 are ideal for replacing up to 150W, 250W, and 400W HID luminaires respectively. WPX luminaires deliver a uniform, wide distribution. WPX is rated for -40°C to 40°C.

CONSTRUCTION

WPX feature a die-cast aluminum main body with optimal thermal management that both enhances LED efficacy and extends component life. The luminaires are IP66 rated, and sealed against moisture or environmental contaminants.

ELECTRICAL

Light engine(s) configurations consist of high-efficacy LEDs and LED lumen maintenance of L90/100,000 hours. Color temperature (CCT) options of 3000K, 4000K and 5000K with minimum CRI of 70. Electronic drivers ensure system power factor >90% and THD <20%. All luminaires have 6kV surge protection (Note: WPX1 LED P1 package comes with a standard surge protection rating of 2.5kV. It can be ordered with an optional 6kV surge protection).

All photocell (PE) operate on MVOLT (120V - 277V) input.

Note: The standard WPX LED wall pack luminaires come with field-adjustable drive current feature. This feature allows tuning the output current of the LED drivers to adjust the lumen output (to dim the luminaire).

INSTALLATION

WPX can be mounted directly over a standard electrical junction box. Three 1/2 inch conduit ports on three sides allow for surface conduit wiring. A port on the back surface allows poke-through conduit wiring on surfaces that don't have an electrical junction box. Wiring can be made in the integral wiring compartment in all cases. WPX is only recommended for installations with LEDs facing downwards.

LISTINGS

CSA Certified to meet U.S. and Canadian standards. Suitable for wet locations. IP66 Rated. DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/QPL to confirm which versions are qualified. International Dark Sky Association (IDA) Fixture Seal of Approval (FSA) is available for all products on this page utilizing 3000K color temperature only.

WARRANTY

5-year limited warranty. Complete warranty terms located at: www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx.

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25°C. Specifications subject to change without notice.



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WPX LED
Rev. 08/31/21

Performance Data

Electrical Load

Luminaire	Input Power (W)	120V	208V	240V	277V	347V
WPX1 LED P1	11W	0.09	0.05	0.05	0.04	0.03
WPX1 LED P2	24W	0.20	0.12	0.10	0.09	0.07
WPX2	47W	0.39	0.23	0.20	0.17	0.14
WPX3	69W	0.58	0.33	0.29	0.25	0.20

Projected LED Lumen Maintenance

Data references the extrapolated performance projections in a 25°C ambient, based on 6,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	50,000	75,000	100,000
Lumen Maintenance Factor	>0.94	>0.92	>0.90

Lumen Output

Luminaire	Color Temperature	Lumen Output
WPX1 LED P1	3000K	1,537
	4000K	1,568
	5000K	1,602
WPX1 LED P2	3000K	2,748
	4000K	2,912
	5000K	2,954
WPX2	3000K	5,719
	4000K	5,896
	5000K	6,201
WPX3	3000K	8,984
	4000K	9,269
	5000K	9,393

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-50°C (32-122°F).

Ambient	Ambient	Lumen Multiplier
0°C	32°F	1.05
5°C	41°F	1.04
10°C	50°F	1.03
15°C	59°F	1.02
20°C	68°F	1.01
25°C	77°F	1.00
30°C	86°F	0.99
35°C	95°F	0.98
40°C	104°F	0.97

HID Replacement Guide

Luminaire	Equivalent HID Lamp	WPX Input Power
WPX1 LED P1	100W	11W
WPX1 LED P2	150W	24W
WPX2	250W	47W
WPX3	400W	69W

Emergency Egress Battery Packs

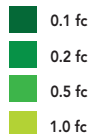
The emergency battery backup is integral to the luminaire — no external housing or back box is required. The emergency battery will power the luminaire for a minimum duration of 90 minutes and deliver minimum initial output of 550 lumens. Both battery pack options are CEC compliant.

Battery Type	Minimum Temperature Rating	Power (Watts)	Controls Option	Ordering Example
Standard	0°C	4W	E4WH	WPX2 LED 40K MVOLT E4WH DDBXD
Cold Weather	-20°C	14W	E14WC	WPX2 LED 40K MVOLT E14WC DDBXD

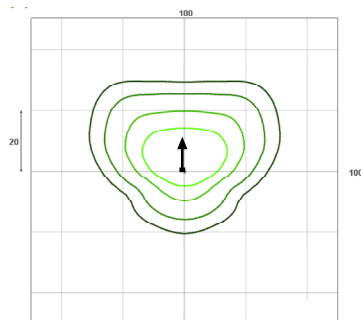
Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit the Lithonia Lighting [WPX LED](#) homepage. Tested in accordance with IESNA LM-79 and LM-80 standards

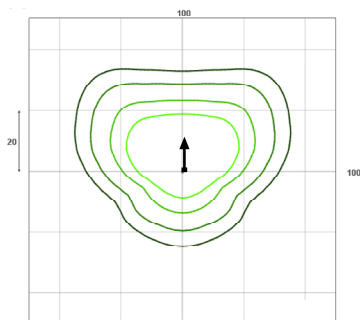
LEGEND



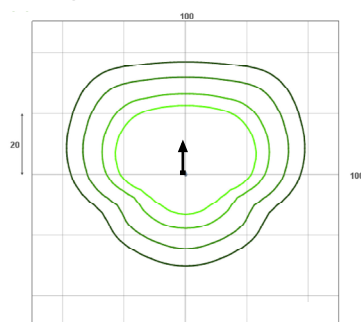
WPX1 LED P1



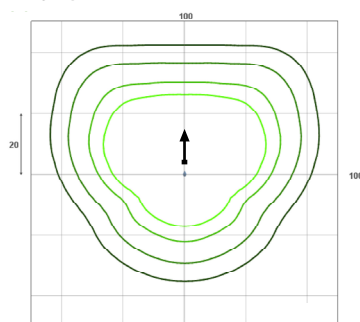
WPX1 LED P2



WPX2 LED



WPX3 LED



Mounting Height = 12 Feet.

CONSTRUCTION MANAGEMENT PLAN

This Construction Management Plan is being submitted as part of the Site Plan Review and is meant to address our construction logistics plan in concert with our schedule and this written narrative. The following information is meant to provide the City of Portland's desired requirements for an effective Construction Management Plan and can be modified should the need arise or if additional requirements and or information are necessary.

A. Construction Management Principles

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

- As articulated on the attached Construction Management Plan, the Construction Zone will be delineated with traffic drums along Forest Ave. These barriers will deter vehicular traffic from the sidewalk reconstruction. There shall be signage installed stating that the sidewalk is closed and to cross to the sidewalk on the other side of the street. These signs are shown on the attached plan. Because the property will remain open during construction, the rest of the parking lot will not be blocked from public access.
- All construction activities will be performed within the limits of the traffic drums.
- All construction activities will occur within the sound ordinance times.

B. Development Review of Construction Management Plan

Gorrill Palmer has developed a standard comprehensive management plan to be used as guidance for the Contractor. The items specified in this plan shall be in place for the duration of the construction timeline (or until permanent/final measures are installed and can be utilized) and are depicted on the attached Figure.

A site-specific safety policy shall be in place for all workers on-site. Each member shall complete a job specific safety orientation prior to starting work activities. Public access to the active construction areas will be deterred to the greatest extent practical.

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

All fees, building permit fee and guarantees shall be paid/issued prior to the commencement of construction. All street opening permits shall be applied for by the Contractor prior to opening the street for work. There is no blasting or pile driving anticipated for this project.

D. Construction Administration and Communication

At this point, a site Contractor has not been selected for the project. The contact person for all construction activities for the project will be provided to the City once available.

Signage shall be posted onsite with additional emergency contact information for the selected Superintendent that will be the site contact for the project. Quarterly reporting and updating of the Construction Management Plan will be required to update the city and community of the following activities:

1. Construction schedule updates
2. Requests for upcoming off-hours work including weekends and holidays
3. Notice of any upcoming activities that may produce strong noise, vibration or dust that could adversely affect the neighboring communities.
4. Requests for any street openings or public sidewalk work to be completed as part of the construction contract.

E. Construction Schedule

Once the Contractor is determined, a construction schedule will be provided to the City. The hours of construction will be followed in accordance with Section 17-18 and 25-129 of the Technical Manual. The contractor will conform to all rules and requirements as presented in the Technical Manual.

F. Security & Public Safety

Due to the project scope being minimal with sidewalk reconstruction and impervious surface revegetation, locked gates are not proposed. The fire safety program on-site will consist of the following:

1. Fire extinguishers will be placed throughout the construction site for the duration of the project.
2. Good Housekeeping – The Contractor will provide dumpsters for the removal of debris from the site. All subcontractors are responsible for the daily clean-up of their work areas. Additionally, the Contractor will have laborers to assist with this daily clean-up.
3. Any personnel (whether working or visiting the site) will go through our safety orientation that will include our emergency evacuation plan.

G. Construction Permitting and Traffic Control Plans

The construction will take place on both public right-of-way and private property and will have minor impacts to vehicular and pedestrian traffic. The sidewalk reconstruction will require a traffic control plan for vehicles and pedestrians as the sidewalk is closed.

H. Site Management and Controls

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

1. As the site drives are currently paved, stabilized construction entrances will not be installed. Street cleaning will be reviewed daily and cleaned as required to remove dirt/debris caused by the construction efforts.
2. Noise will comply with City Ordinances.
3. If needed, water will be used to control dust during the sitework activities of the project. We do not anticipate any other activities that will require dust control measures.
4. Onsite snow removal will be handled by the Contractor.

I. Erosion Control and Preservation of Trees

The Contractor shall comply with the approved erosion and sedimentation control plan.

J. Construction Staging Area

The attached Construction Management Plan is the site logistics plan for the project. Once all the subcontractors are procured, the plan will be updated accordingly.

K. Parking During Construction

On-site parking will be utilized to the greatest extent practicable. Construction vehicles will not park on the street without traffic control in place.

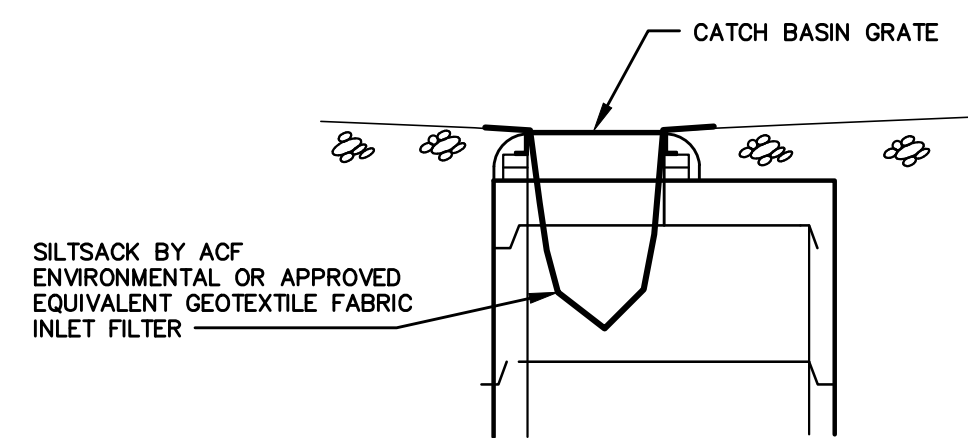
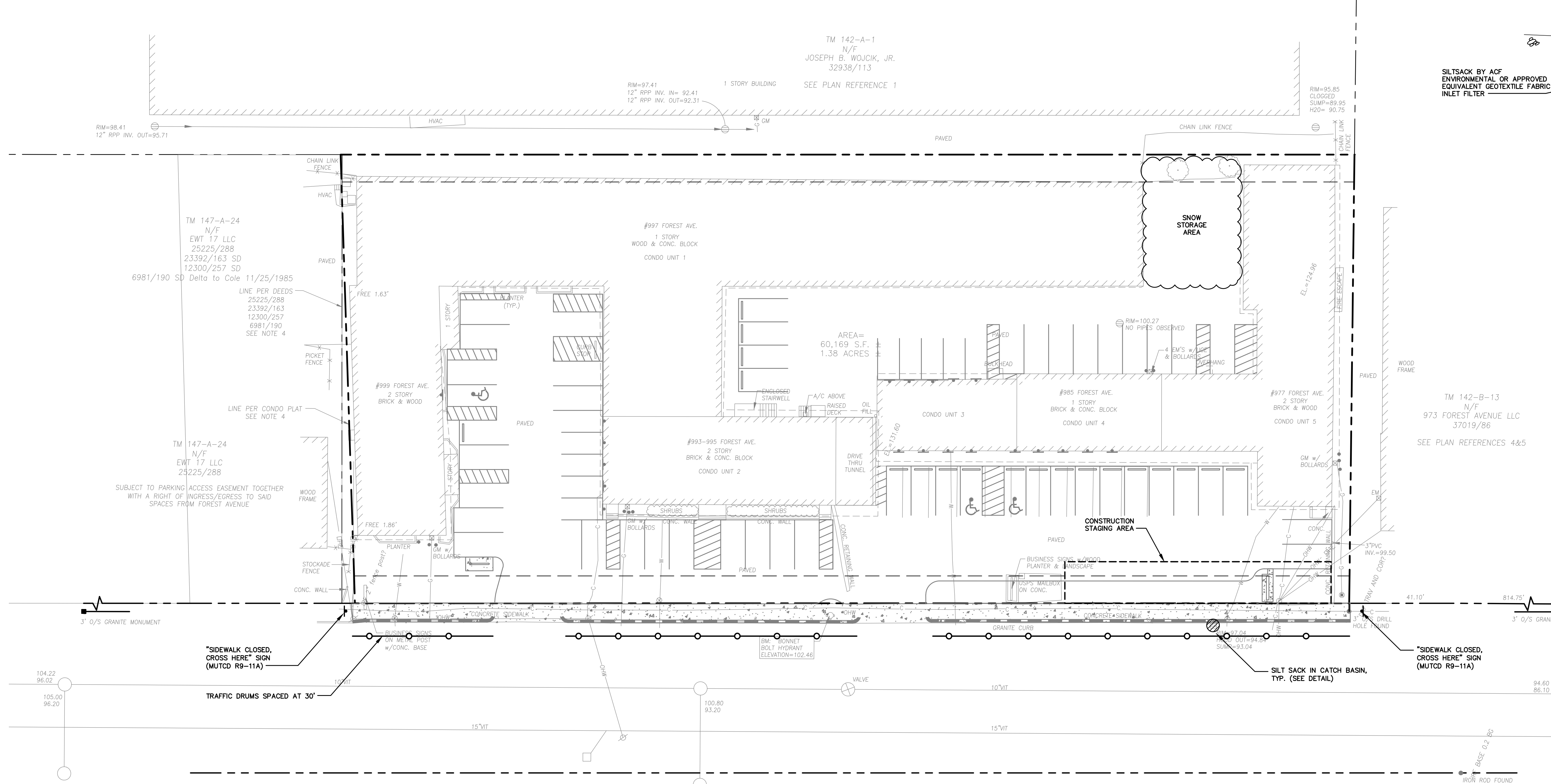
L. Dewatering Plans

Groundwater is not expected to be encountered for the duration of the excavation of the sidewalk and parking lot. Should the Contractor determine that dewatering is necessary, the Contractor will issue a dewatering plan to be approved by the Department of Public Works. The Contractor will ensure the perimeter of the site will have proper erosion control measures in place. Once a site contractor has been awarded the project the Contractor will coordinate a kickoff meeting with the City and will ensure a plan which includes operating procedures, equipment to be used, such as filters, erosion and sediment control measures, or other methods of removing sediment from approved discharges. The Contractor will ensure to have trained staff on-site for all approved discharges and will track them in a log.

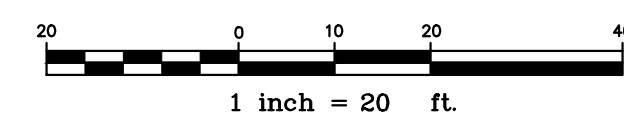
M. Special Measures as Necessary

Any special measures that become necessary may be discussed at the Preconstruction meeting.

U:\180_Alan Wolf_985 Forest Ave\Z - CAD\DWG\4180-CONS-MANAGEMENT.dwg 4/12/2024 2:58 PM



SILT SACK
NOT TO SCALE



NOTE: THIS PLAN SET IS ISSUED FOR PERMITTING PURPOSES AND SHALL NOT BE USED FOR CONSTRUCTION.

Rev.	Date	Revision

Issued For	Date	By

Design: MYR	Draft: -	Date: FEB 2024
Checked: AMP	Scale: 1"=20'	Job No.: 4180
File Name: 4180-CONS-MANAGEMENT.dwg		
This plan shall not be modified without written permission from Gorriil Palmer. Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to Gorriil Palmer..		



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207.772.2515
300 Southborough Drive -Suite 200
South Portland, ME 04106

Drawing Name:	Construction Management Plan
Project:	Redevelopment Site Plan Application 985 Forest Ave, Portland, Maine
Client:	AMK Investments, LLC P.O. Box 704, Windham, Maine 04062

Drawing No.
CM1



300 Southborough Drive, Suite 200, South Portland, ME 04106
(207) 772-2515 | GorrillPalmer.com

July 10, 2024

Ameriz Gamez, Planner

City of Portland
389 Congress Street
Portland, ME 04103

**Subject: 985 Forest Avenue Multifamily Residential
Response to Comments
Applicant: AMK Investments, LLC**

Dear Ameriz,

On behalf of **AMK Investments, LLC**, Gorrill Palmer has received and reviewed your comments provided in an email dated June 28, 2024 regarding the Major Site Plan Application submitted to the City of Portland on May 7, 2024 for the proposed multifamily dwelling renovation project in Portland. For ease of reference, we have repeated the comments in *italics* followed by our responses.

COMMENTS RECEIVED JUNE 28, 2024

Transportation Standards:

- *“There issues regarding the available parking and possible minimization of spots will be confirmation that this will not impact the surrounding area.”*

Response: No further response.

- *“The closure of the existing driveway cuts will take place along Forest Ave along with the reconstruction of the sidewalk, please provide a timeline for the work that is to be done and traffic control plan.”*

Response: Per the consent agreement with the City, the tentative deadline to complete the necessary work is December 31, 2024. At this time, contractors have not yet been solicited as the plans have not been finalized. Once the project receives all necessary permits and a site contractor has been selected, the construction schedule and traffic control plan will be provided by the Contractor as part of the pre-construction process. Please see the Construction Management Plan provided with the application for additional information.

- *“The curb line must align with the existing, the jog will not be permitted. Please see the attached documents from DPW Transportation (C102).”*

Response: It is the intent of this design to reconstruct the granite curb along the existing alignment. A note has been added to the Site Plan to reflect this.



STRUCTURAL



FALL PROTECTION
SAFETY



TRANSPORTATION



SITE DESIGN
Page 238



SURVEY



WATER
RESOURCES



TECHNOLOGY
& INNOVATION

- *“Additional spot grades are needing to be provided at the limits of reconstruction paving. In addition to this, please call out all sidewalk cross slopes. (C102)”*

Response: Please see the revised grading plan for additional spot grades and sidewalk cross slopes.

- *“The existing retaining wall appears to be partially taken out, please confirm if this is to be completely removed or if there are plans to reconstruct the wall, in addition please clearly call out the limits of what is existing, what is being proposed, and what is to be removed for this site. (C101)”*

Response: As shown in the photo below, the retaining wall is intact near the building where there is an elevation drop, and partially removed within the pavement where it is flush with the drive aisle. The intact section is proposed to remain, while the remaining section in the drive aisle is to be removed. Additionally, the Site Plan has been revised to show the proposed work more clearly. Please see the revised plans for more information.



- *“There is the request to revise the parking in front of condominium unit 2, there is the request to either make this angled parking and to make the drive aisle one way only, or make these spaces parallel parking. (C101) DPW will not support a waiver for two way traffic through this area.”*

Response: The parking spaces in front of Condominium Unit 2 have been revised to show angled parking with a one-way drive aisle. Please see the revised plans for more information.

- *“The City will not support a waiver from the technical standard for a parking aisle width of 14 feet located in the internal parking area. The applicant should investigate alternative parking layout configurations or provide documentation that access into and out of the spaces can be performed.”*

Response: The 14' drive aisle reflects the existing condition of the internal parking area. Please see the photos below for documentation of the current parking layout. Vehicles enter the parking area, back into the spaces, and then depart forwards. It should also be noted that the existing drive-thru tunnel is only 13.5' wide. The intent of the proposed striping is to maintain existing operation to the greatest extent practicable while providing more standard stall dimensions, including the use of compact spaces.



Photo taken on 2/22/2024 at 11AM.



Photo taken on 2/25/2024 at 11PM

- *"The applicant should note the acceptability of providing handicap parking spaces that do not meet dimensional standards."*

Response: No further response.

- *"A waiver from the city's technical standard for a parking aisle width of 12 feet will not be supported. It is suggested that the 8 perpendicular parking spaces be eliminated and be replaced with parallel parking spaces along the building and landscaping along the property frontage. DPW has also suggested a possible alternative with angled parking, and that configuration will need supporting documentation that can reasonably provide vehicle maneuver space."*

Response: As previously described, the plans have been revised to depict angled parking in front of Unit 2.

- *"Staff is currently reviewing the layout of the property to determine if there are any alternatives for parking spaces."*

Response: No further response.

Environmental Quality Standards:

- *“Provide confirmation on whether or not the trees on site are to remain or be removed.”*

Response: The trees onsite are proposed to remain, unless the City Permitting and Inspections Department determines that they pose an impediment to egress. A note has been added to the Site Plan to clarify this. The final determination on the trees shall be made during the building permit application, which is to follow the Site Plan approval per the Consent Agreement.

- *“Code states that a minimum of 1 tree is required per dwelling unit, however due to existing site constraints there may be difficulty meeting this standard. At this time staff is reviewing the design of the existing building to determine if any additional landscaping can be incorporated to the site.”*

Response: No further response.

Public Infrastructure and Community Safety Standards:

- *“Provide the Ability to Serve letter.”*

Response: The approved ability to serve letter from PWD is provided with this letter.

Site Design Standards:

- *“Reviewing the building plans for building 5 First Floor it appears that the entry door for the unit at the rear of the building will be directly in front of the snow storage. Please provide confirmation that this unit will still be safely accessible or provide other alternatives for the snow storage.”*

Response: The plans have been revised to shift the snow storage area in front of the entry door. Additionally, a note has been added that the entryway shall be kept clear. Due to the limited space for storage, snow removal shall be utilized as needed.

- *“The location of the wayfinding signs may change due to a possible reconfiguration of the parking areas. More information is to come with a design review and after a site visit from the City’s Traffic Engineer.”*

Response: No further response.



CLOSURE

If you have any questions with regards to this comment response letter, please don't hesitate to contact this office at 207-772-2515.

Sincerely,

GORRILL PALMER

Matthew Rabasco, PE

Project Manager

207-772-2515 x296

mrabasco@gorrillpalmer.com

Attachments:

PWD Ability to Serve Letter

C101 – Site and Utility Plan

C102 – Grading, Drainage, and Erosion Control Plan

cc: Jeremy Berry, AMK Investments LLC

Matthew Y. Rabasco

From: AMaP MEANS <means@pwd.org>
Sent: Wednesday, July 3, 2024 1:01 PM
To: Matthew Y. Rabasco
Subject: 526313 PO 977-999 Forest - reuse request

Mr. Rabasco,

Based on the information provided, the two existing 3/4-inch domestic services with 5/8-inch meters should be able to handle the water demand at the site. If you experience any water supply or pressure issues, please contact Portland Water District to increase the service size to the building.

PLEASE NOTE: As part of this approval, the Owner has confirmed their understanding that Portland Water District acknowledges all occupants of a multi-unit building as customers of the District. As such, all tenants of the building must be able to access the water meter. The method of access to the meter by the tenants is at the discretion of the owner of the building, provided that the tenants can freely access the meter in accordance with the Portland Water District Terms & Conditions.

If you have any questions, please feel free to reach out.

Best regards,

Celina R. Azevedo

AMAP MEANS

means@pwd.org



<https://www.pwd.org/>



Portland Water District

From Sebago Lake to Casco Bay



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 Please consider the environment before printing this email

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



300 Southborough Drive, Suite 200, South Portland, ME 04106
(207) 772-2515 | GorrillPalmer.com

I, Matthew Rabasco, hereby certify that a neighborhood meeting was held on July 2, 2024, at 999 Forest Avenue, Unit 4 at 5:30PM for the proposed Major Site Plan and Change of Use development located at 985 Forest Avenue.

I also certify that on June 21, 2024, notices were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development (1,000 feet for subdivisions within an industrial zone or industrial zone changes).
2. Residents on the "interested parties" list.

Signed,


Matthew Rabasco, Project Manager

July 3, 2024

Date

Attachments

1. Copy of the notice sent
2. Meeting Minutes
3. Sign-in sheet



STRUCTURAL



FALL PROTECTION
SAFETY



TRANSPORTATION



SITE DESIGN
Page 252



SURVEY



WATER
RESOURCES



TECHNOLOGY
& INNOVATION



300 Southborough Drive, Suite 200, South Portland, ME 04106
(207) 772-2515 | GorrillPalmer.com

June 21, 2024

Dear Neighbor:

Please join us for a Neighborhood Meeting to discuss the proposed Major Site Plan application for a change of use of the existing building located at **985 Forest Avenue** in Portland, ME. The project will include renovating mixed-use commercial space into residential units and associated site improvements.

Meeting Location: **999 Forest Avenue; Unit 4**
 Portland, ME 04103

Meeting Date: **July 2nd, 2024**

Meeting Time: **5:30 PM – 6:00 PM**

The City Code requires that property owners within 500 feet of the proposed development and residents on an “interested parties list”, be invited to participate in a neighborhood meeting. We will take attendance and submit a sign-in sheet to the Planning Board. If you have any questions, please feel free to contact Matt Rabasco at (207) 772-2515 ext. 296.

Sincerely,

GORRILL PALMER

Matt Rabasco, PE
Project Manager
mrabasco@gorrillpalmer.com

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.

NEIGHBORHOOD MEETING MINUTES

Project: 985 Forest Avenue Major Site Plan and Change of Use

Date: July 2, 2024 5:30 PM – 6:00 PM

Location: 999 Forest Ave, Unit 4

Attendees: Matt Rabasco (Gorrill Palmer)

Sam Foglio (Gorrill Palmer)

Jeremy Berry (Owner/Applicant)

Members of the public (see sign-in sheet)

Meeting began at 5:30 PM:

- Mr. Berry spoke to the attendees on the project background, history of the site, and the need for the renovations and City permits.
- Matt explained that the project is subject to Major Site Plan approval by the City of Portland Planning Board and other regulatory aspects of the permitting process. Matt described the proposed site improvements which are intended to bring the site into compliance with the City of Portland standards. This included descriptions of closing off curb cuts, reconstructing the sidewalk, removal of pavements and added vegetation, restriping of the parking lot, and upgrades to the site lighting. Matt then reiterated that this project would be presented at a forthcoming Planning Board Public Hearing.

Questions/Comments from the attendees:

- *Does the plan go to City Council?*
 - *Matt explained that the project only needs Planning Board approval as it is within the Board's jurisdiction to approve Major Site Plans.*
- *Multiple attendees expressed satisfaction with the proposed closing off of three curb cuts and adding more plantings/landscaped area.*



STRUCTURAL



FALL PROTECTION
SAFETY



TRANSPORTATION



SITE DESIGN
Page 254



SURVEY



WATER
RESOURCES



TECHNOLOGY
& INNOVATION

- *When will construction begin?*
 - *Matt explained that we need to first obtain final approvals from the City and following that the current work-start deadline is the end of this year.*
- *How long will it take to complete?*
 - *Matt and Jeremy estimated that the construction schedule would be on the order of weeks rather than months and expressed that the biggest construction effort will be the sidewalk reconstruction.*

There were no other questions or comments from the attendees and the meeting was concluded.

Neighborhood Meeting Sign-In Sheet

July 2nd, 2024

999 Forest Avenue

Portland, ME 04103

Multifamily Residential Change of Use, 985 Forest Avenue

Members of the Public in Attendance:

[illegible]

Developer and Consultant Team in Attendance:

Name	Email
Matt Rabasco	mrabasco@gorrillpalmer.com
Sam Foglio	sfoglio@gorrillpalmer.com
Jeremy Berry	nesnowmgmt@gmail.com



300 Southborough Drive, Suite 200
South Portland, Maine 04106
207.772.2515

May 7, 2024

Mr. Matt Grooms

Development Review Services Manager
City of Portland
389 Congress Street
Portland, Maine 04101

**Subject: 985 Forest Avenue Multifamily Residential
Major Site Plan & Change of Use Application
Applicant: AMK Investments, LLC**

Dear Matt:

On behalf of **AMK Investments, LLC**, Gorrill Palmer is pleased to submit this Major Site Plan application for proposed multifamily residential dwellings at 985 Forest Avenue. The site is identified as Chart 142 Block B Lot 015 and is comprised of five condominium units (Units 001-005) within a single continuous structure. The proposed work is for the renovation/conversion of 18 existing residential units at the property, along with other life safety upgrades within the building and improvements to the overall project site. As the site is currently zoned for only three (3) dwelling units, the 18 units also require change-of-use from commercial to residential. As the project proposes to create more than three new dwelling units, it is subject to Major Site Plan Review by the City of Portland Planning Board in accordance with Table 14-A of the Land Use Code.

The development effort will include a team consisting of the following:

- Property Owner/Applicant – AMK Investments, LLC
- Civil Engineering and Permitting – Gorrill Palmer
- Landscape Design and planning – Long Meadow Planning & Landscape Architecture
- Lighting Designer – Visible Light

PROJECT HISTORY

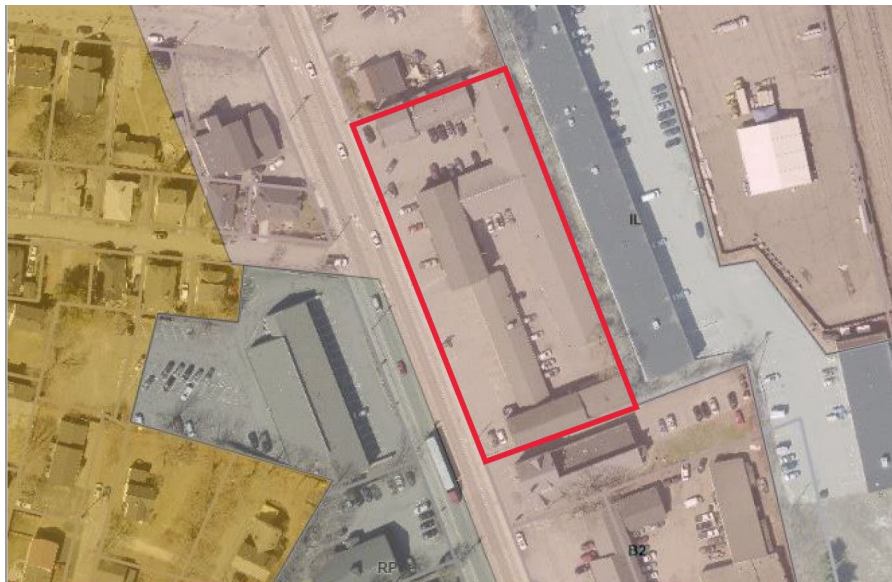
A City of Portland Zoning Board of Appeals decision dated December 30, 1971 approved three (3) dwelling units for this parcel as part of a mixed-use development. The ZBA decision was required because at that time, the existing zoning did not allow residential dwelling units. The property was zoned I-2 from 1957 to around 1989 when it was changed to the B-2 Zone which permits dwelling units. Based on Assessor's Records, City records reveal no subsequent change of use or building permits for additional dwelling units filed with the City since 1971. On January 12, 2024, the applicant purchased Units 001, 002, and 005 from Mr. Joseph Wojcik. As stated in the Consent Agreement between the City of Portland and the applicant, Mr. Wojcik was served with two separate Notice of Violations during his ownership of the property. The violations cited failure to properly obtain required permits for the additional dwelling units, as well as failure to provide two means of egress in each sleeping room and 1-hour fire rated doors in accordance with the Life Safety Code. The Agreement states that the property is subject to the existing violations following the acquisition of the property, and that the City seeks to work with the applicant to bring the property to compliance without causing sudden financial hardship. For reference, the Agreement has been provided as an attachment to this application.



EXISTING CONDITIONS

The project site is located within the B-2 Zone and is approximately 1.38 acres in size, with about 363 FT of frontage along Forest Avenue. A single building occupies the site which is divided into five condominium units. The building's sprawling nature results in an unorthodox layout. There are about 48 spaces on the Forest Ave side of the building, separated into two lots, and 17 spaces behind the building. The rear lot is accessed by a cut-through driveway through Unit 2 and provides single-stack perpendicular parking up against Units 3 and 4. The cut-through access and rear drive aisle can only accommodate one-way traffic. In total there are approximately 65 parking spaces on site, with no on-street parking available.

Vehicles access the site through four separate driveway curb openings. A shared center turn lane in Forest Avenue facilitates left turns into the site. Pedestrian access is provided by an existing sidewalk along the property frontage. Impervious coverage on site is approaching 95%, with the exception of a vegetated strip between the rear side of Unit 1 and the property line.



Excerpt of Zoning Map

PROPOSED DEVELOPMENT

Building and Parking

The residential units within the building are to be renovated to address the Life Safety violations noted in the Consent Agreement as well as meet any applicable building code requirements. The existing commercial/office space is to remain in use. This project is not expected to generate new trips or bring any more traffic to the site than is currently generated by the building occupants.

The building footprint is not expected to change nor are there any significant exterior changes to the building. A total of 59 parking spaces are provided, including 10 compact spaces. There is a proposed waiver included with this application to satisfy the Aisle Width requirements in Technical Manual Section 1.10.3.



Stormwater treatment and detention is not required on this project due to the project being below specified treatment thresholds. The design will comply with the City of Portland's stormwater standards which are based on the Chapter 500 Rules from the Maine Department of Environmental Protection (MDEP). A stormwater management and erosion control memorandum is provided in the Stormwater Management and Erosion Control section of this application.

Utilities

According to City records, underground utilities in Forest Avenue include water, gas, and sewer. The City maintains a combined stormwater and sewer line within Forest Ave. Existing utility services to the property include domestic water, sewer, natural gas, and both overhead and underground electric/communication. There are no proposed modifications to the existing utility services as part of this redevelopment, and the property will continue to be served by public water and sewer. Ability to Serve letters have been sent to Portland Water District and the City of Portland Public Works Department to verify the capacity of the existing infrastructure. The letters and flow generation calculations can be found in the Public Infrastructure and Safety section of this application.

STATE AGENCY REVIEW

The project will not result in any wetland or natural resource area impact.

As the proposed development will not result in a land disturbance of greater than one acre, a Maine Construction General Permit (MCGP) and Stormwater Permit By Rule will not be required.

CLOSURE

As outlined in the Major Site Plan submission requirements and checklists, we will upload the following materials upon authorization by City staff:

- General Application Documents
 - Cover Letter/Project Description/Application Checklist
 - Right, Title and Interest
 - Zoning Assessment
 - Waiver Request and Waiver Table
 - Financial Capacity
 - Technical Capability
- Transportation
 - Transportation Narrative
- Environmental and Landscape Features
 - Narrative to Address Standards
- Stormwater and Erosion Control
 - Narrative to Address Standards



- Public Infrastructure and Safety
 - Narrative to Address Standards
- Site Design
 - Narrative to Address Standards
- Construction Management Plan
- Site and Architectural Plans

On behalf of **AMK Investments**, we appreciate your consideration of this project and look forward to hearing from you. Submitted via the Citizen Self Service portal you will find this Cover Letter/Project Summary along with a Major Site Plan application package and set of plans illustrating the proposal for Final Site Plan Review.

If you have any questions regarding the materials being submitted, please contact this office.

Sincerely,

GORRILL PALMER

Alton Palmer, PE
Principal
Phone: 207-772-2515 x231
apalmer@gorrillpalmer.com

Matthew Rabasco, PE
Project Manager
Phone: 207-772-2515 x296
mrabasco@gorrillpalmer.com

cc: Jeremy Berry, AMK Investments LLC

U:\4180_Alan Wolf_985 Forest Ave\IP Applications\Local\Major Site Plan\1_Site Plan Proposal and Checklist\Major Site Plan Letter – 3.28.2024.docx

May 5, 2024

Subject: State and Local Permitting

Residential Development – Amk Investments 999-977 Forest Ave.

Agent authorization letter

To Whom it may concern:

Amk Investments have retained Gorrill Palmer to prepare state/local permit applications for the above referenced project. Gorrill Palmer and their subconsultants are authorized to act as an agent for matters related to these permits.

Thank you.

A handwritten signature in black ink, appearing to read 'Jeremy Berry', with a stylized, flowing script.

Jeremy Berry

AMK Investments

U:\180_Alan Wolf_985 Forest Ave V - CAD\DWG\4180-COVER.dwg 5/7/2024 1:55 PM

PROJECT PARCEL SITE PORTLAND ASSESSOR'S MAP & LOT NUMBERS	
MAP	LOT
142	B015001

Applicant:
AMK INVESTMENTS, LLC
P.O. BOX 704
WINDHAM, ME 04062
ATTN: JEREMY BERRY

MULTIFAMILY REDEVELOPMENT AND SITE IMPROVEMENTS

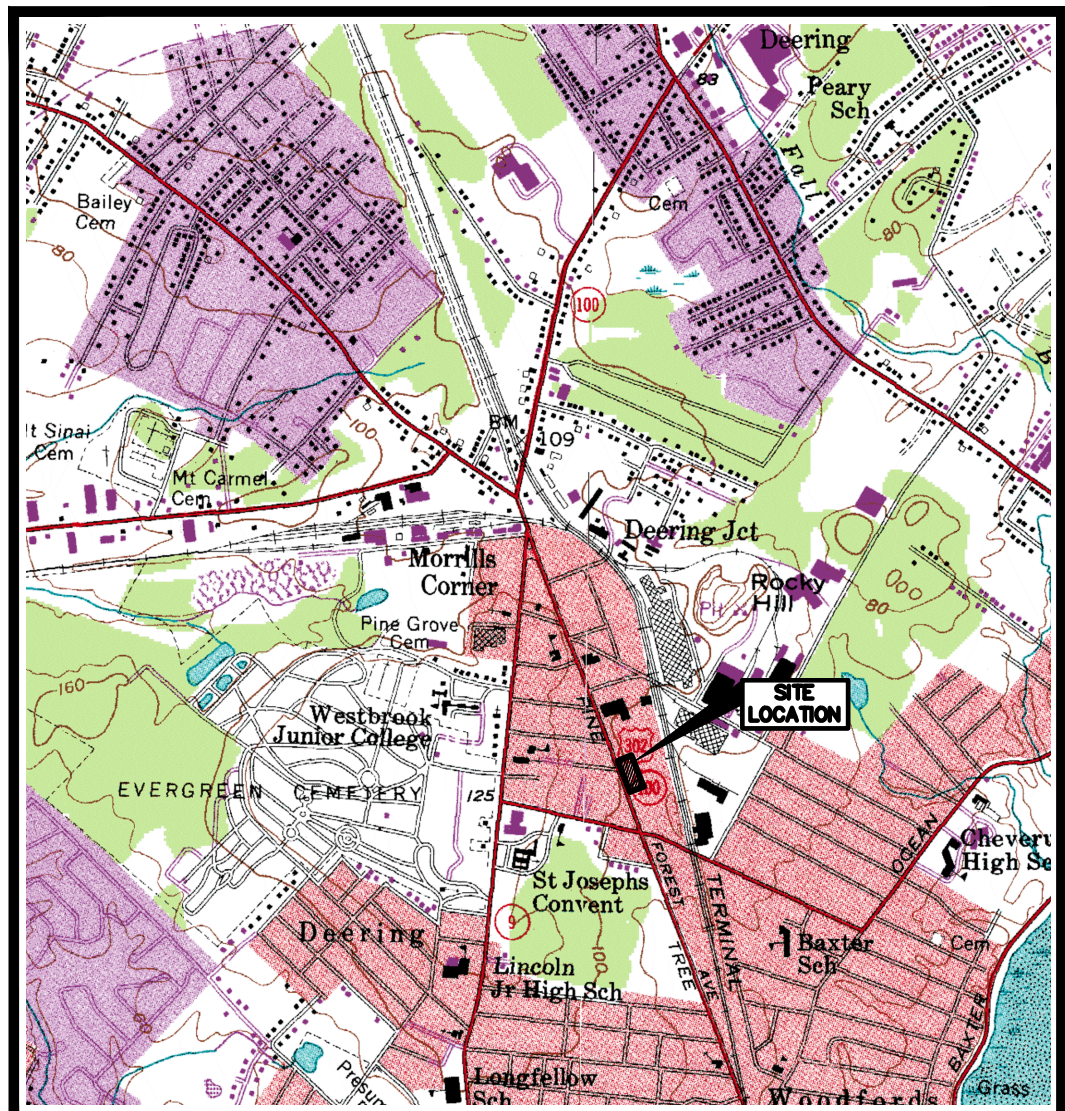
985 FOREST AVENUE

PORTLAND, MAINE

PREPARED BY:



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207.772.2515



LOCATION MAP
N.T.S.

LEGEND

EXISTING	DESCRIPTION	PROPOSED
	BUILDING	
	RIGHT OF WAY	
	PROPERTY LINE	
	BUILDING SETBACK	
	ZONE LINE	
	WETLAND BOUNDARY	
	GUIDE RAIL	
	EDGE OF PAVEMENT	
	EDGE OF GRAVEL DRIVE	
	GRADING CONTOUR LINE	
	SPOT ELEVATION	
	TREELINE	
	TREES & HEDGES	
	POLE WITH LIGHT FIXTURE(S)	
	UTILITY POLE	
	FREESTANDING SIGN	
	PAINTED DIRECTIONAL TRAFFIC ARROW	
	OVERHEAD ELECTRIC/TELEPHONE	
	UNDERGROUND ELECTRIC/TELEPHONE	
	WATER LINE	
	STORM DRAIN LINE	
	CULVERT	
	HYDRANT	
	WATER GATE VALVE	
	WATER SHUT OFF VALVE	
	MANHOLE	
	CATCH BASIN	
	TEST PIT	
	IRON ROD (SET)	
	IRON ROD (FOUND)	
	MONUMENT	
	RIPRAP	
	SILT FENCE - PERIMETER	
	STONE SEDIMENT BARRIER	
	FENCE	
	WELL	

GENERAL NOTES

GENERAL NOTES

- TOPOGRAPHIC DATA BOUNDARY SURVEY AND EXISTING CONDITIONS WERE PREPARED BY OWEN HASKELL, OF FALMOUTH, MAINE IN FEBRUARY OF 2024.
- THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR THE ELEVATION OF THE EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AND DIG SAFE AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
- MAINTENANCE OF EROSION CONTROL MEASURES IS OF PARAMOUNT IMPORTANCE TO THE OWNER AND THE CONTRACTOR IS RESPONSIBLE FOR COMPLYING WITH ALL EROSION CONTROL MEASURES SHOWN ON THE PLANS. ADDITIONAL EROSION CONTROL MEASURES SHALL BE INSTALLED IF DEEMED NECESSARY BY ON-SITE INSPECTIONS OF THE OWNER, THE CITY OF PORTLAND OR THEIR REPRESENTATIVES AT NO ADDITIONAL COST TO THE OWNER.
- ALL MATERIAL SCHEDULES SHOWN ON THE PLANS ARE FOR GENERAL INFORMATION ONLY. THE CONTRACTOR SHALL PREPARE HIS OWN MATERIAL SCHEDULES BASED UPON HIS PLAN REVIEW. ALL SCHEDULES SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO ORDERING MATERIALS OR PERFORMING WORK.
- ALL MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO MAINE DEPARTMENT OF TRANSPORTATION SPECIFICATIONS AND CITY OF PORTLAND SPECIFICATIONS.

PERMITTING NOTES

- THIS PROJECT IS SUBJECT TO THE TERMS AND CONDITIONS OF A SITE PLAN APPROVAL FROM THE CITY OF PORTLAND WHICH WILL BE MADE A PART OF THE CONTRACT BID DOCUMENTS. THE CONSTRUCTION WILL BE GOVERNED BY THE CITY OF PORTLAND LAND USE CODE WHICH IS AVAILABLE FOR VIEWING AT THE OFFICE OF THE ENGINEER OR THE MUNICIPAL OFFICE.
- THE CONTRACTOR SHALL REVIEW THE ABOVE REFERENCED PERMITS PRIOR TO SUBMITTING A BID FOR THIS PROJECT, AND INCLUDE COSTS AS NECESSARY TO COMPLY WITH THE CONDITIONS OF THESE PERMITS.

LAYOUT NOTES

- ALL DIMENSIONING, UNLESS NOTED OTHERWISE, IS TO THE FACE OF CURB.
- OFFSETS TO CATCH BASINS AND MANHOLES ARE TO THE CENTER OF THE FRAME.
- PIPE LENGTH EQUALS THE CENTER TO CENTER DISTANCES BETWEEN CATCH BASINS AND/OR MANHOLES MINUS ONE-HALF OF THE DIAMETER OF EACH CATCH BASIN OR MANHOLE.
- PROPERTY LINE AND R.O.W. MONUMENTS SHALL NOT BE DISTURBED BY CONSTRUCTION. IF DISTURBED, THEY SHALL BE RESET TO THEIR ORIGINAL LOCATIONS AT THE CONTRACTOR'S EXPENSE, BY A MAINE LICENSED LAND SURVEYOR.
- PROPOSED RIGHT OF WAY MONUMENTS AND PROPERTY LINE PINS SHALL BE INSTALLED UNDER THE DIRECTION OF A MAINE LICENSED LAND SURVEYOR.

UTILITY NOTES

- THE LOCATION OF THE PROPOSED UNDERGROUND ELECTRICAL SERVICE IS APPROXIMATE AND THE CONTRACTOR SHALL COORDINATE THE EXACT LOCATION WITH CENTRAL MAINE POWER COMPANY.
- TEST PITS AT ALL UTILITY CROSSINGS SHALL BE COMPLETED TWO WEEKS IN ADVANCE OF THE START OF CONSTRUCTION OR ORDERING OF MATERIALS. TEST PIT INFORMATION SHALL BE PROMPTLY PROVIDED TO ENGINEER FOR REVIEW.

GRADING AND DRAINAGE NOTES

- UNLESS OTHERWISE NOTED, ALL STORM DRAIN PIPE SHALL BE IN ACCORDANCE WITH MDOT SPECIFICATIONS SECTION 603-- PIPE CULVERTS AND STORM DRAINS. LATEST REVISION WITH THE EXCEPTION THAT THE ONLY ACCEPTABLE TYPES OF PIPE ARE AS FOLLOWS:
REINFORCED CONCRETE PIPE, CLASS III
POLYVINYL-CHLORIDE (PVC) PIPE
SMOOTH BORE POLYETHYLENE -- ADS OR HANCOR
- TOPSOIL STRIPPED IN AREAS OF CONSTRUCTION THAT IS SUITABLE FOR REUSE AS LOAM SHALL BE STOCKPILED ON SITE AT A LOCATION TO BE DESIGNATED BY THE OWNER. UNSUITABLE SOIL SHALL BE SEPARATED, REMOVED AND DISPOSED OF AT AN APPROVED DISPOSAL LOCATION OFF SITE.
- THE CONTRACTOR SHALL ANTICIPATE THAT GROUNDWATER WILL BE ENCOUNTERED DURING CONSTRUCTION AND SHALL INCLUDE SUFFICIENT COSTS WITHIN THEIR BID TO PROVIDE DEWATERING AS NECESSARY. NO SEPARATE PAYMENT SHALL BE MADE TO THE CONTRACTOR FOR DEWATERING.

EROSION CONTROL NOTES

- LAND DISTURBING ACTIVITIES SHALL BE ACCOMPLISHED IN A MANNER AND SEQUENCE THAT CAUSES THE LEAST PRACTICAL DISTURBANCE OF THE SITE.
- PRIOR TO BEGINNING ANY CLEARING/LAND DISTURBING ACTIVITIES, THE CONTRACTOR SHALL INSTALL THE SILT SACKS.
- ALL GROUND AREAS DISTURBED FOR CONSTRUCTION WILL BE GRADED, LOAMED AND SEEDED AS SOON AS POSSIBLE. PERMANENT SEED MIXTURE SHALL CONFORM TO THE SEEDING PLAN CONTAINED IN THE EROSION CONTROL REPORT PREPARED FOR THIS PROJECT.
- PRIOR TO PAVING, THE CONTRACTOR SHALL FLUSH SILT FROM ALL STORM DRAIN LINES.
- ALL STORM DRAIN INLETS & OUTLETS ARE TO RECEIVE RIPRAP PROTECTION APRONS DURING CONSTRUCTION.
- ALL CATCH BASINS WITH OUTLET PIPES 15" DIAMETER OR LESS SHALL BE PROVIDED WITH OUTLET HOOD (SNOUT) PER DETAIL.
- THE MAINTENANCE SCHEDULE FOR THE CATCH BASIN SEDIMENT SUMPS IS AS FOLLOWS:
THESE DEVICES SHALL BE INSPECTED IN APRIL AND OCTOBER OF EACH YEAR. ACCUMULATED SEDIMENT SHALL BE REMOVED FROM THE CATCH BASIN WHEN THE DEPTH OF THE SEDIMENT IS GREATER THAN ONE FOOT. THE SEDIMENT WILL BE REMOVED FROM THE SITE AND DISPOSED OF IN ACCORDANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS.
- THE CONTRACTOR IS CAUTIONED THAT FAILURE TO COMPLY WITH THE SEQUENCE OF CONSTRUCTION, EROSION/SEDIMENT CONTROL PLAN, AND OTHER PERMIT REQUIREMENTS BASED UPON ANY THIRD PARTY REVIEW (IF MDOT) MAY RESULT IN MONETARY PENALTIES. THE CONTRACTOR SHALL BE ASSESSED ALL SUCH PENALTIES AT NO COST TO THE OWNER OR PERMITTEE.
- ALL NON-PAVED AREAS DISTURBED DURING CONSTRUCTION SHALL BE LOAMED AND SEEDED, UNLESS OTHERWISE DIRECTED BY THE OWNER.
- ALL DISTURBED AREAS ARE TO RECEIVE A MINIMUM OF 4" OF TOPSOIL PRIOR TO PERMANENT SEEDING.

UTILITIES

WATER:

PORTLAND WATER DISTRICT
225 DOUGLASS STREET
PORTLAND, MAINE 04102
(207) 761-8300
CONTACT: ROBERT BARTELS

SEWER:

PORTLAND PUBLIC WORKS DEPT.
212 CANCO ROAD
PORTLAND, MAINE 04101
(207) 874-8871
CONTACT: BRAD ROLAND

ELECTRIC:

CENTRAL MAINE POWER
162 CANCO ROAD
PORTLAND, MAINE 04103
(207) 826-2869
CONTACT: JAMIE COUGH

TELEPHONE:

CONSOLIDATED COMMUNICATIONS
5 DAVIS FARM ROAD
PORTLAND, MAINE 04103
(207) 797-1866

CABLE:

TIME WARNER CABLE
118 JOHNSON ROAD
PORTLAND, MAINE 04102
(207) 775-3431
CONTACT: MARK PELLETIER

INDEX

C001	COVER SHEET, GENERAL NOTES, & LEGEND
-	EXISTING CONDITIONS PLAN (OWEN HASKELL, INC.)
C101	SITE AND UTILITY PLAN
C102	GRADING, DRAINAGE AND EROSION CONTROL PLAN
C401	DETAILS
L101	LANDSCAPING PLAN AND DETAILS
-	LIGHTING PLAN (VISIBLE LIGHT)

PERMITS

TYPE OF PERMIT

GOVERNING BODY

STATUS

MAJOR SITE PLAN APPLICATION

CITY OF PORTLAND
PLANNING AND URBAN DEVELOPMENT
389 CONGRESS STREET
PORTLAND, MAINE 04101-3509
(207) 874-8703

SUBMITTED:
MAY 2024

BUILDING PERMIT

CITY OF PORTLAND
PLANNING AND URBAN DEVELOPMENT
389 CONGRESS STREET
PORTLAND, MAINE 04101-3509
(207) 874-8703

ANTICIPATED SUBMITTAL:
2024

CALL BEFORE YOU DIG
1-888-344-7233

Rev.	Date	Revision

MAJOR SITE PLAN APPLICATION	5/7/2024	AMP
Issued For	Date	By

Design: MYR	Draft: CG	Date: MAY 2024
Checked: AMP	Scale: NTS	Job No.: 4180
File Name: 4180-COVER.dwg		
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207.772.2515
300 Southborough Drive -Suite 200
South Portland, ME 04106

Drawing Name:

Cover Sheet, General Notes, & Legend

Project:

Multifamily Redevelopment and Site Improvements
985 Forest Ave, Portland, Maine

Client:

AMK Investments, LLC
P.O. Box 704, Windham, Maine 04062

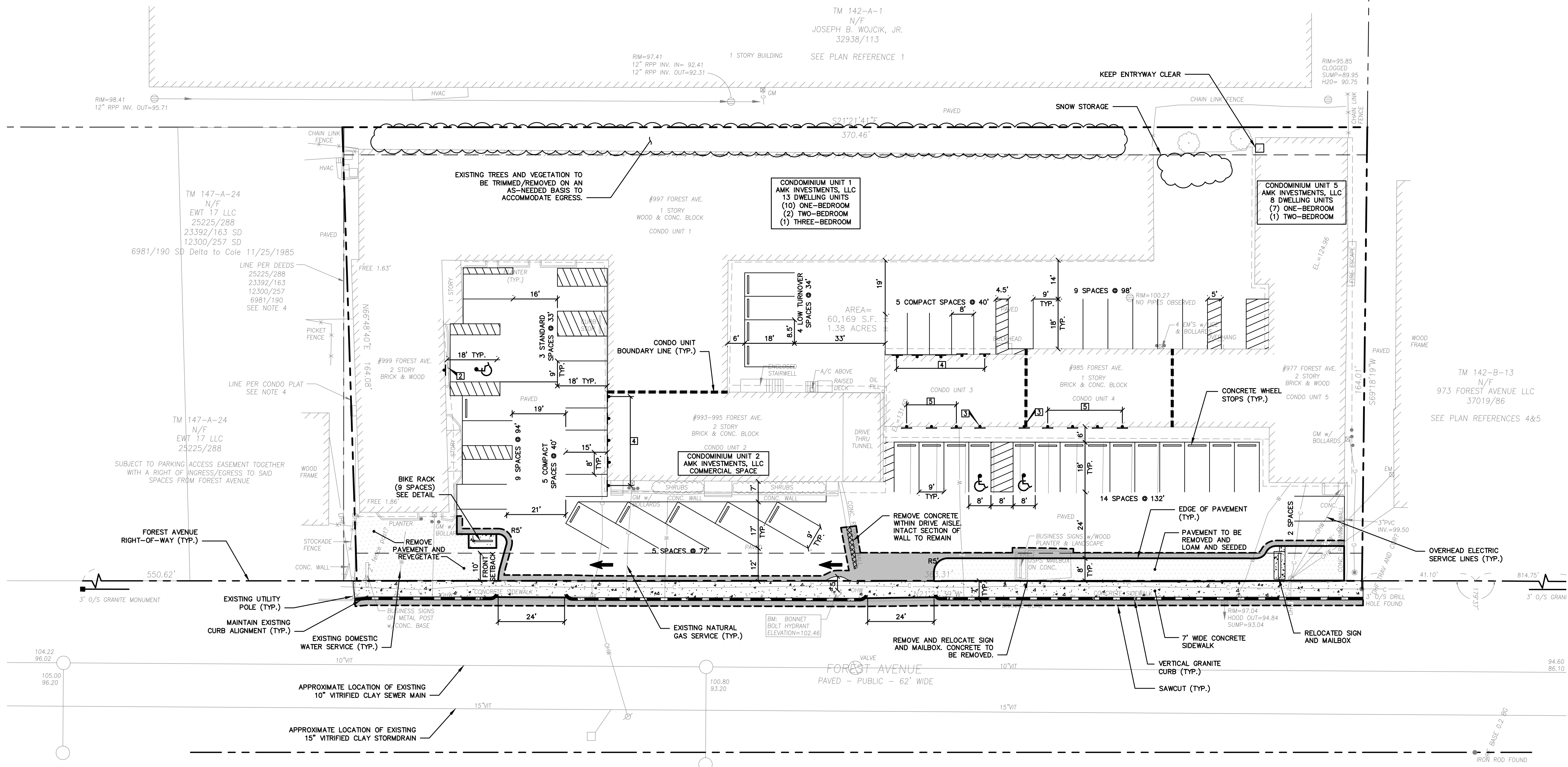
Drawing No.

C001



NOTE: THIS PLAN SET IS ISSUED FOR PERMITTING PURPOSES AND SHALL NOT BE USED FOR CONSTRUCTION.

U:\180_Alan Wolf_985 Forest Ave\Z - CAD\DWG\4180-SP.dwg 7/10/2024 12:05 PM



SITE DATA				
ZONE: B-2				
SITE AREA 60,169 S.F. = 1.38 ACRES				
BUILDING AREA				
CONDO	RES. AREA	OFFICE AREA	WH AREA	
1	9,504 SF	8,264 SF	1,720 SF	
2	-	5,920 SF	-	
4	-	1,351 SF	-	
5	6,175 SF	2,335 SF	-	
TOTAL 15,679 S.F. 19,354 S.F. 1,720 S.F.				
PARKING				
MAJOR SITE PLAN				
PER TABLE 19-A				
RESIDENTIAL				
(1 SP/RES. UNIT)		21		
OFFICE/COMMERCIAL				
(1 SP / 400 S.F.)		49		
WAREHOUSE				
(1 SP/1000 S.F.)		2		
TOTAL				
		72	56	
BARRIER FREE				
		3	3	

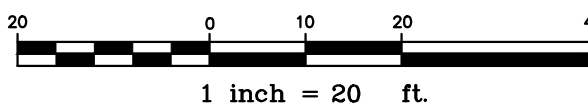
SPACE AND BULK STANDARDS		
ZONE: B-2	REQUIRED	EXISTING
MIN. LOT SIZE	N/A	60,169 S.F.
AREA PER DW. UNIT	1,000 SF/UNIT	2,865 SF/UNIT
MINIMUM FRONTAGE	20 FT	363 FT
BUILDING SETBACKS		
FRONT (MAX.)	10 FT	25 FT
SIDE	0 FT	<2 FT
REAR	10 FT	<4 FT
MAX. HEIGHT	45 FT	<45 FT
MAX. LOT COVERAGE	100%	45.3%
MAX. IMPERVIOUS AREA	100%	90.2%

PAVEMENT LEGEND	
	BITUMINOUS CONCRETE PAVEMENT
	PORTLAND CEMENT CONCRETE
	REMOVE PAVEMENT AND REVEGETATE

CURBING LEGEND	
	VERTICAL GRANITE CURB

STRIPING LEGEND	
SIGNAGE, STRIPING AND PAVEMENT MARKING SHALL BE IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) REGARDING SIZE, INSTALLATION, LOCATION & REFLECTIVITY.	
12"SL	12" WIDTH STOP LINE
4"SWLL	4" WIDTH SOLID WHITE LANE LINE
4"DWLL	4" WIDTH DOUBLE YELLOW CENTERLINE
4"DWLL	4" WIDTH DASHED WHITE LANE LINE

SIGN LEGEND	
	STOP
	R1-1 30" x 30"
	R7-8 12" x 18"
	R7-8 12" x 18"
	COMPACT CAR PARKING ONLY
	5



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MAJOR SITE PLAN APPLICATION	5/7/2024	AMP
Issued For	Date	By

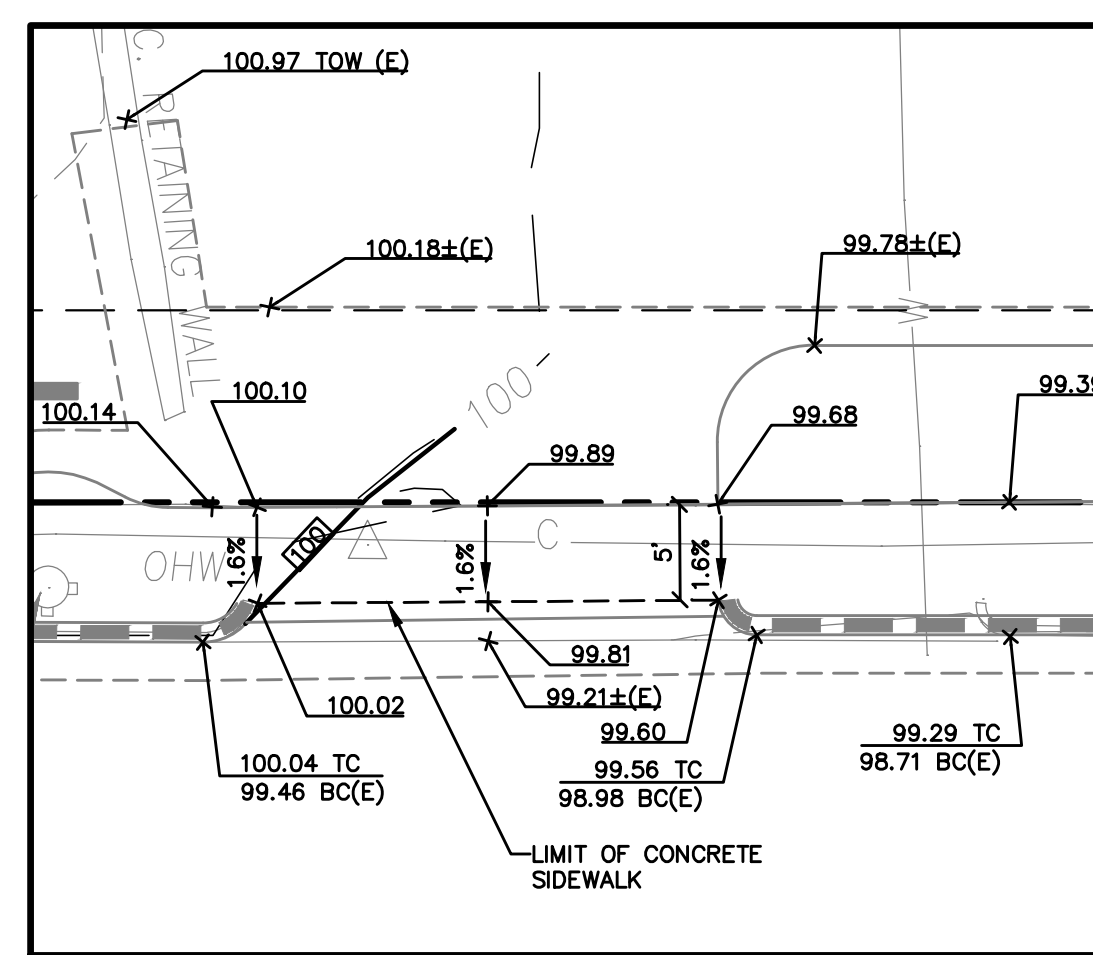
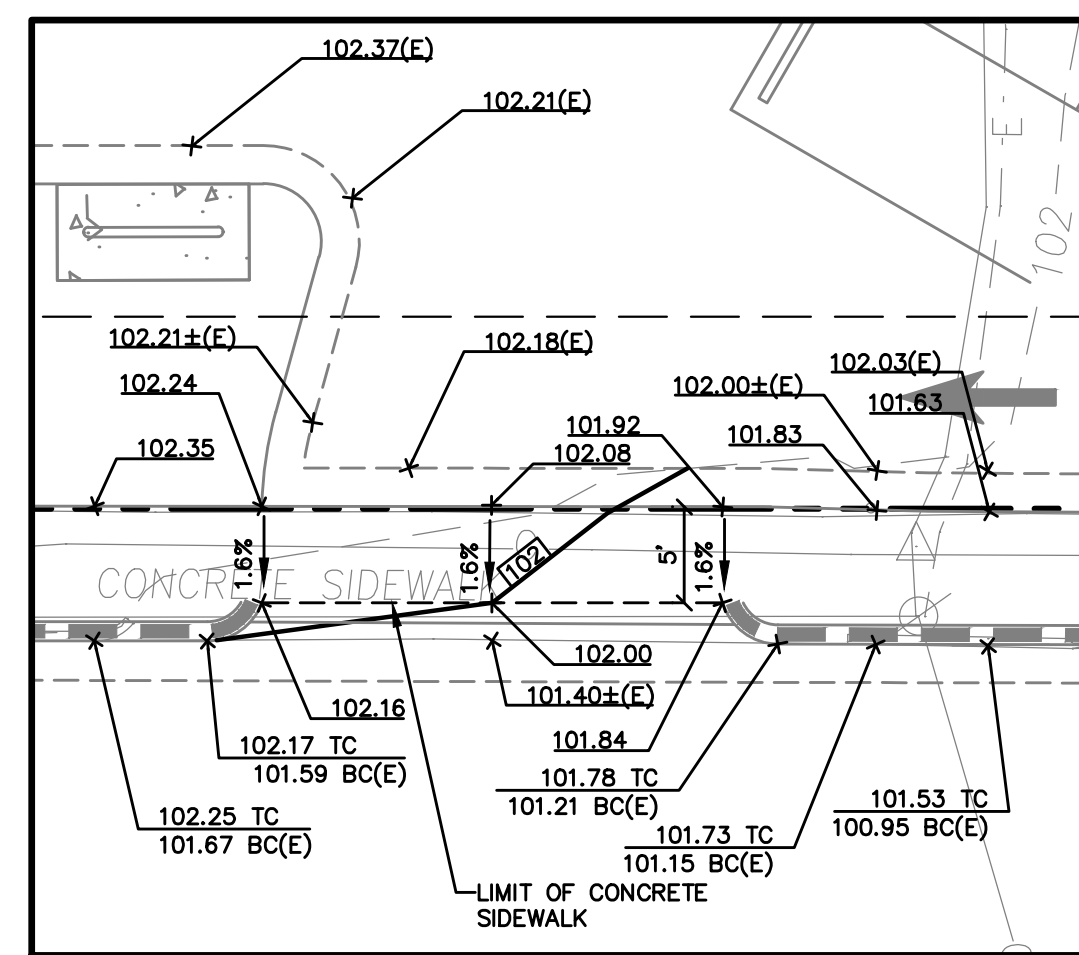
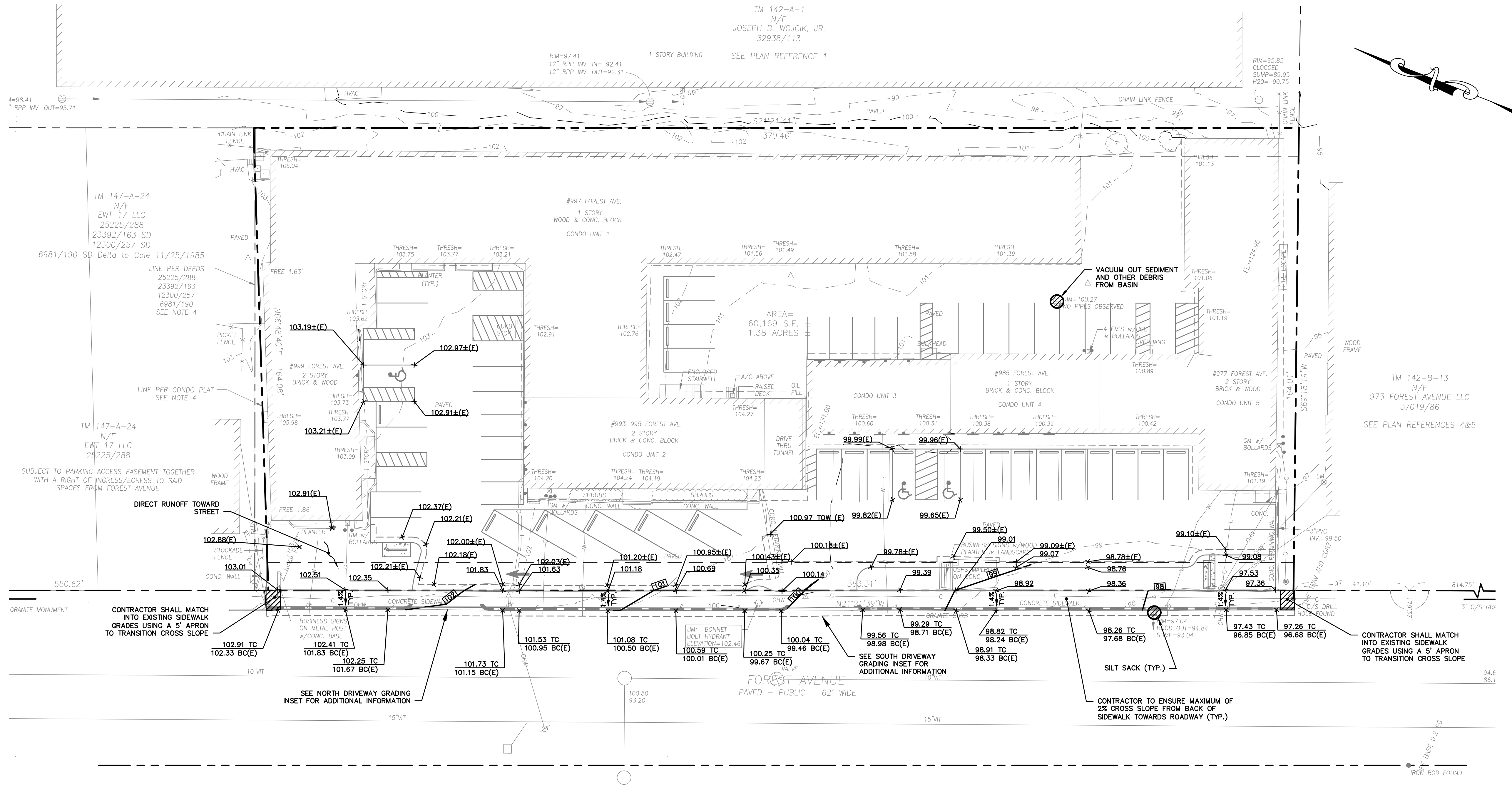
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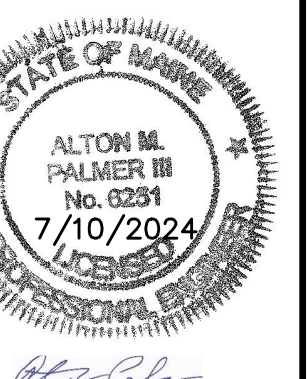
Gorrill Palmer, an LJB Engineering Company
GorrillPalmer.com
(207) 772-2515
300 Southborough Drive - Suite 200
South Portland, ME 04106

Drawing Name:	Site and Utility Plan
Project:	Multifamily Redevelopment and Site Improvements 985 Forest Ave, Portland, Maine
Client:	AMK Investments, LLC P.O. Box 704, Windham, Maine 04062

Drawing No.	C101
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MAJOR SITE PLAN APPLICATION	5/7/2024	AMP
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South Portland, ME 04106

Drawing Name:	Grading, Drainage, and Erosion Control Plan
Project:	Multifamily Redevelopment and Site Improvements 985 Forest Ave, Portland, Maine
Client:	AMK Investments, LLC P.O. Box 704, Windham, Maine 04062

Drawing No.	C102
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U:\180_Alan Wolf_985 Forest Ave V - CAD\DWG\4180-DETAILS.dwg 5/7/2024 9:53 AM

NOTE:
CONCRETE SIDEWALKS TO BE TREATED WITH CONSOLIDECK
SALTGUARD WB OR APPROVED EQUAL. FOLLOW MANUFACTURER'S
RECOMMENDATIONS FOR APPLICATION.

REINFORCED CONCRETE DRIVEWAY APRON
NOT TO SCALE

NOTE:
CONCRETE SIDEWALKS TO BE TREATED WITH CONSOLIDECK
SALTGUARD WB OR APPROVED EQUAL. FOLLOW MANUFACTURER'S
RECOMMENDATIONS FOR APPLICATION.

REINFORCED CONCRETE SIDEWALK
NOT TO SCALE

INTERNATIONAL BARRIER FREE SYMBOL
NOT TO SCALE

PARKING SPACE DIMENSIONS
NOT TO SCALE

SILT SACK
NOT TO SCALE

TIPDOWN CURB
NOT TO SCALE

BARRIER FREE PARKING SIGN
NOT TO SCALE

VERTICAL GRANITE CURB
NOT TO SCALE

SEEDING PLAN

TEMPORARY SEEDING

1. INSTRUCTION ON PREPARATION OF SOIL: PREPARE A GOOD SEED BED FOR PLANTING METHOD USED.

2. APPLY LIME AS FOLLOWS: $\frac{1}{2}$ / ACRES, OR $\frac{138}{1000}$ / M SQ. FT.

3. FERTILIZE WITH _____ POUNDS OF _____ N-P-K/AC. OR 13.8 POUNDS OF 10-10-10 N-P-K/M SQ. FT.

4. METHOD OF APPLYING LIME AND FERTILIZER: SPREAD AND WORK INTO THE SOIL BEFORE SEEDING.

5. SEED WITH THE FOLLOWING MIXTURE:

50% WINTER RYE

50% ANNUAL RYE

6. MULCHING INSTRUCTIONS: APPLY AT THE RATE OF _____ PER ACRE, OR 25 POUNDS PER M. SQ. FT.

	AMOUNT	UNIT # TONS, ETC.
7. TOTAL LIME	138	#/1000 SQ. FT.
8. TOTAL FERTILIZER	13.8	#/1000 SQ. FT.
9. TOTAL SEED	1.03	#/1000 SQ. FT.
10. TOTAL MULCH	75	#/1000 SQ. FT.
11. TOTAL OTHER MATERIALS, SEEDS, ETC.		
12. REMARKS		

PERMANENT SEEDING

1. INSTRUCTION ON PREPARATION OF SOIL: PREPARE A GOOD SEED BED FOR PLANTING METHOD USED.

2. APPLY LIME AS FOLLOWS: $\frac{1}{2}$ / ACRES, OR $\frac{138}{1000}$ / M SQ. FT.

3. FERTILIZE WITH _____ POUNDS OF _____ N-P-K/AC. OR 13.8 POUNDS OF 10-10-10 N-P-K/M SQ. FT.

4. METHOD OF APPLYING LIME AND FERTILIZER: SPREAD AND WORK INTO THE SOIL BEFORE SEEDING.

5. SEED WITH THE FOLLOWING MIXTURE:

40% CREEPING RED FESCUE

30% CHARGER II PERENNIAL RYEGRASS

20% KENBLUE KENTUCKY BLUEGRASS

10% TIFFANY CHEWINGS FESCUE

6. MULCHING INSTRUCTIONS: APPLY AT THE RATE OF _____ PER ACRE, OR 25 POUNDS PER M. SQ. FT.

	AMOUNT	UNIT # TONS, ETC.
7. TOTAL LIME	138	#/1000 SQ. FT.
8. TOTAL FERTILIZER	13.8	#/1000 SQ. FT.
9. TOTAL SEED	1.03	#/1000 SQ. FT.
10. TOTAL MULCH	75	#/1000 SQ. FT.
11. TOTAL OTHER MATERIALS, SEEDS, ETC.		
12. REMARKS		

SPRING SEEDING IS RECOMMENDED, HOWEVER, LATE SUMMER (PRIOR TO SEPTEMBER 1) SEEDING CAN BE MADE.

PERMANENT SEEDING SHOULD BE MADE PRIOR TO AUGUST 5 OR AS A DORMANT SEEDING AFTER THE FIRST KILLING FROST AND BEFORE THE FIRST SNOWFALL. IF SEEDING CANNOT BE DONE WITHIN THESE SEEDING DATES, TEMPORARY SEEDING AND MULCHING SHALL BE USED TO PROTECT THE SITE. PERMANENT SEEDING SHALL BE DELAYED UNTIL THE NEXT RECOMMENDED SEEDING PERIOD.

CONCRETE WHEEL STOP
NOT TO SCALE

SPACE RIBBON STYLE BICYCLE RACK
NOT TO SCALE

SPACE RIBBON STYLE BICYCLE RACK
NOT TO SCALE

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Alton M. Palmer III
No. 6251
5/7/2024
STATE OF MAINE

Design: MYR Draft: CG Date: MAY 2024

Checked: AMP Scale: NTS Job No.: 4180

File Name: 4180-DETAILS.dwg

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Drawing Name:

Details

Project: **Multifamily Redevelopment and Site Improvements**

985 Forest Ave, Portland, Maine

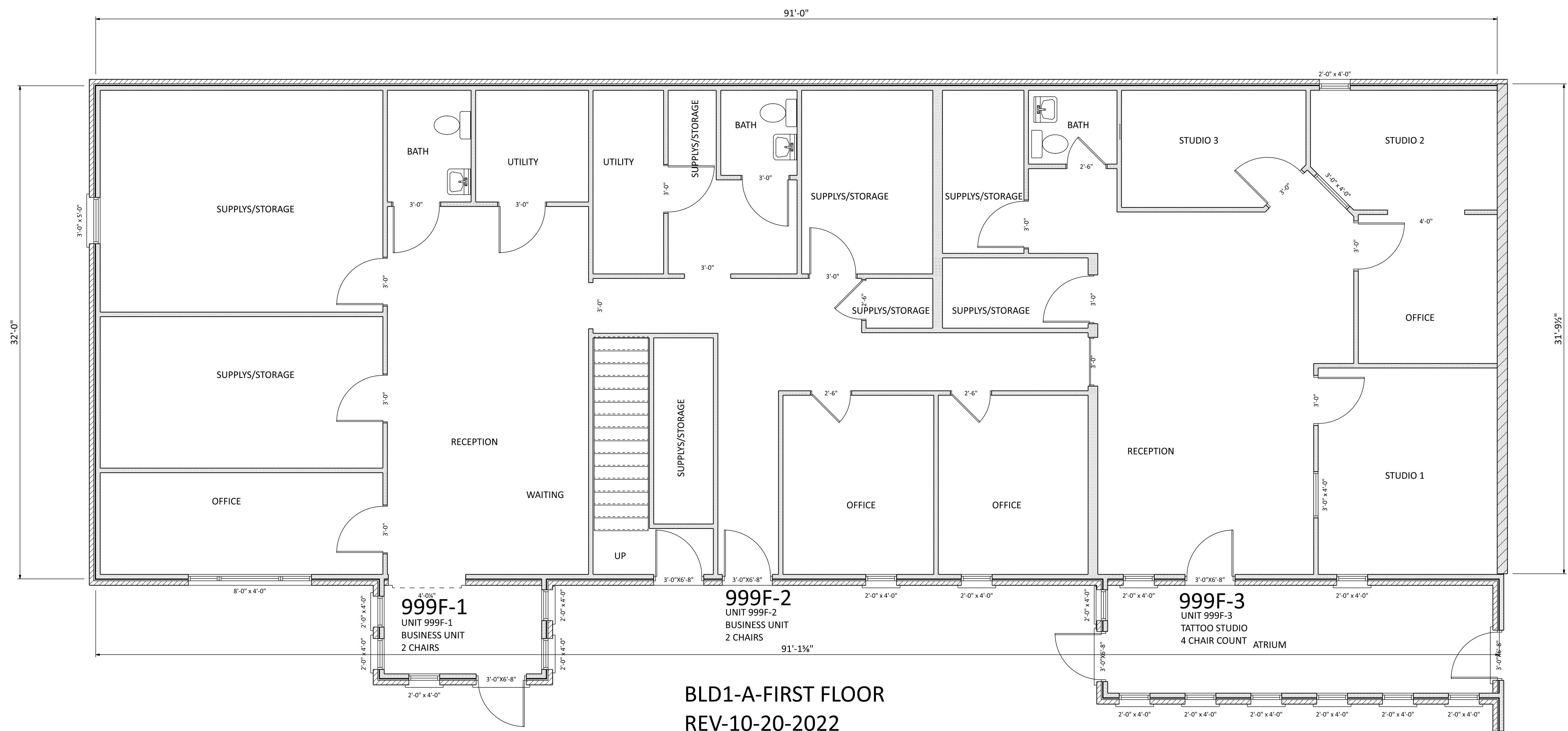
Client: **AMK Investments, LLC**

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Drawing No.

C401

Page 265



BLD1-A-FIRST FLOOR
REV-10-20-2022

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THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ANY FIELD CHANGES THAT ARE BEING COMPLETED. ROOM SIZES AND SOME DIMENSIONS ON THE PLAN MAY BE DIFFERENT DUE TO THESE ADJUSTMENTS. IT IS A RECOMMENDATION TO ADVISE WITH THE CODE ENFORCEMENT OFFICE ON ANY CHANGES.

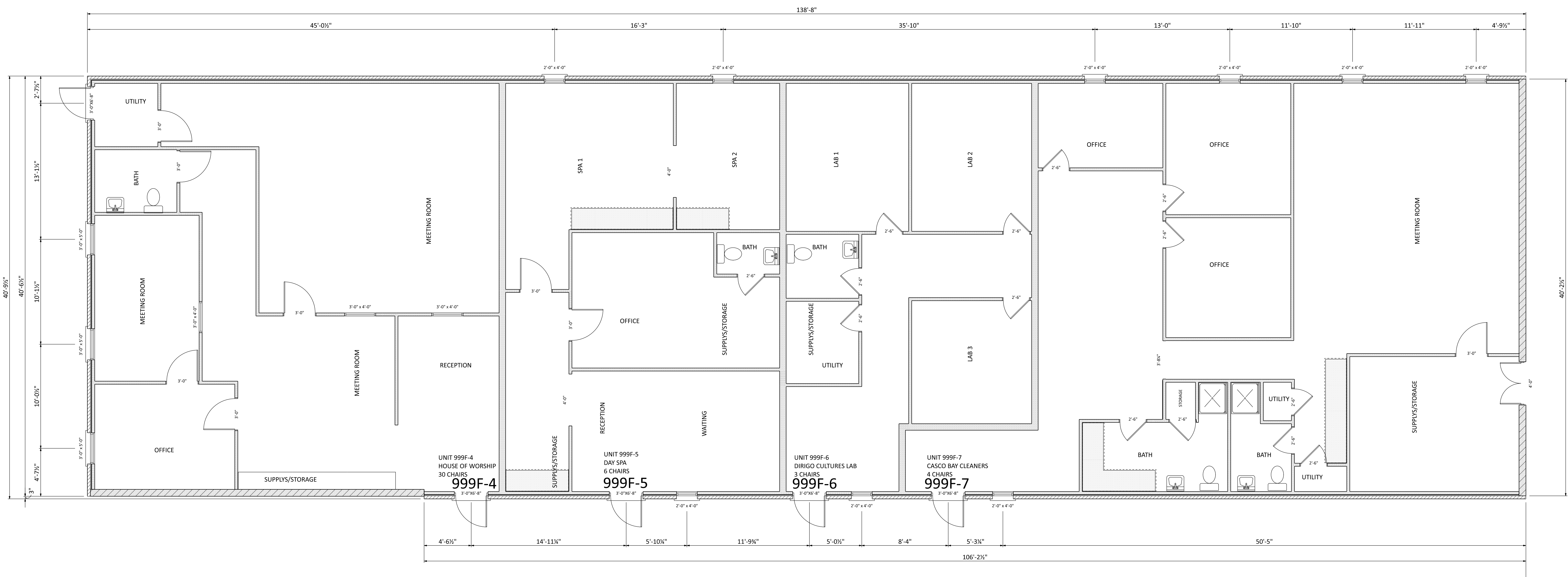
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JOE WOJICK
991 FOREST AVE
PORTLAND, ME

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JMACK DRAFTING & DESIGN
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JMDEVLP@GMAIL.COM

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09/30/2022	10/03/2022
10/08/2022	10/14/2022
10/20/2022	

SCALE: 1/4" = 1'
DRAWN: JMACK
FILE: JMACK-WOJICK-991 FOREST AVE
BUILDING 1A
FIRST FLOOR



BUILDING 1-B
FIRST FLOOR-REV-10-20-2022

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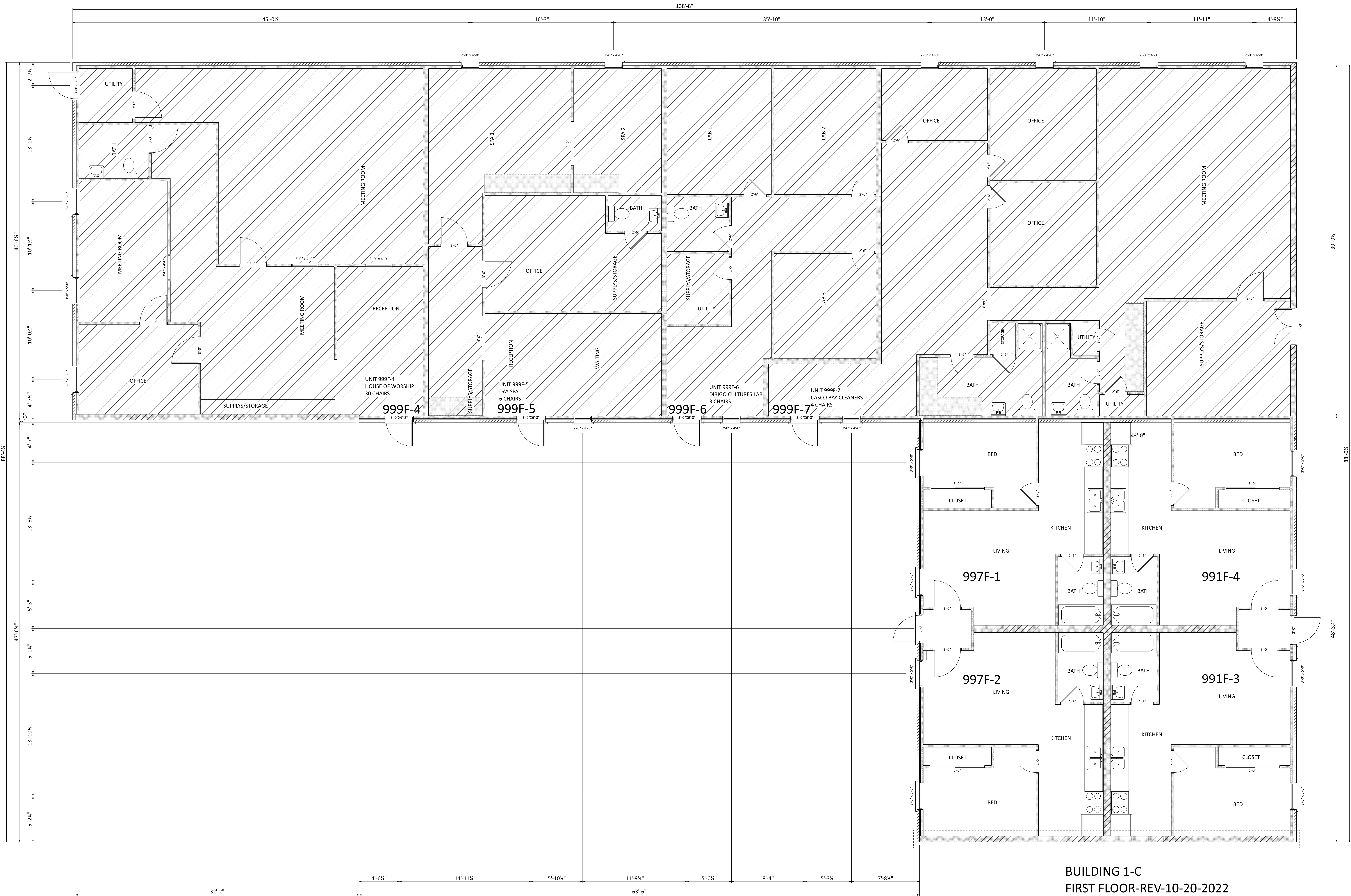
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10/20/2022	

SCALE: 1/4" = 1'
DRAWN: JMACK
FILE: JMACK-WOJICK-991 FOREST AVE

BUILDING 1B
FIRST FLOOR



BUILDING 1-C
FIRST FLOOR-REV-10-20-2022

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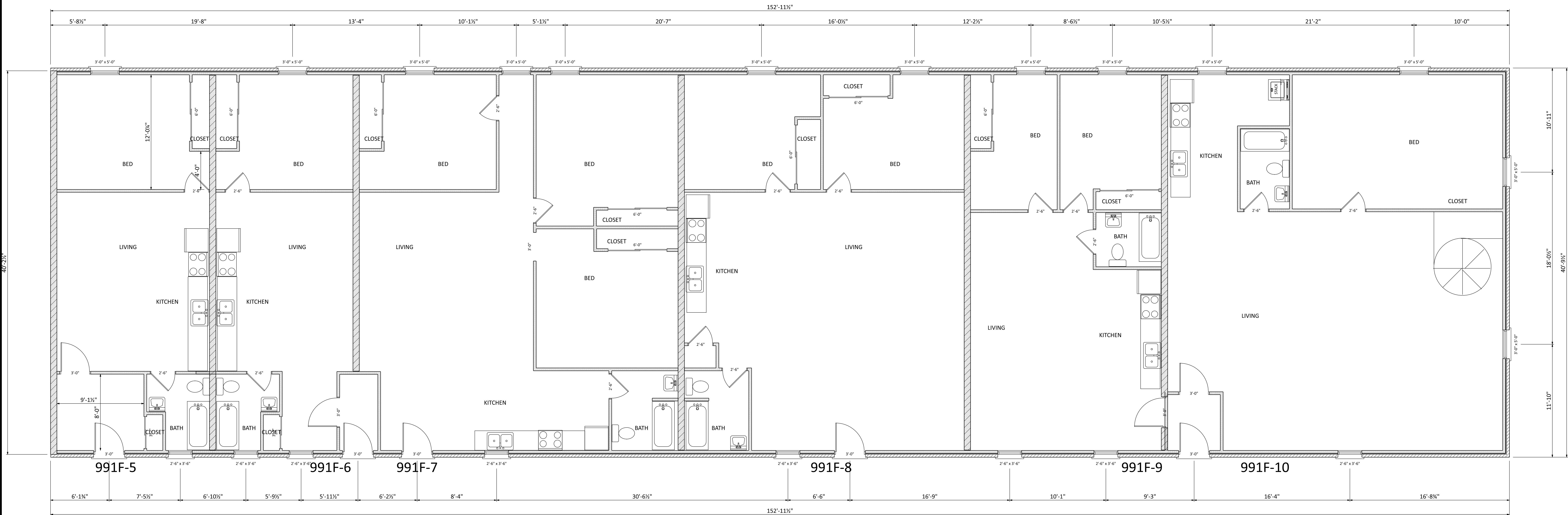
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10/20/2022	

SCALE: 1/4" = 1'
DRAWN: JMAC
FILE: JMAC-WOJICK-991 FOREST AVE

BUILDING 1C
FIRST FLOOR



BUILDING 1-D
FIRST FLOOR-REV-10-20-2022

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10/20/2022	

SCALE: 1/4" = 1'
DRAWN: JMAC
FILE: JMAC-WOJICK-991 FOREST AVE
BUILDING 1D
FIRST FLOOR



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BUILDING 1
SECOND FLOOR

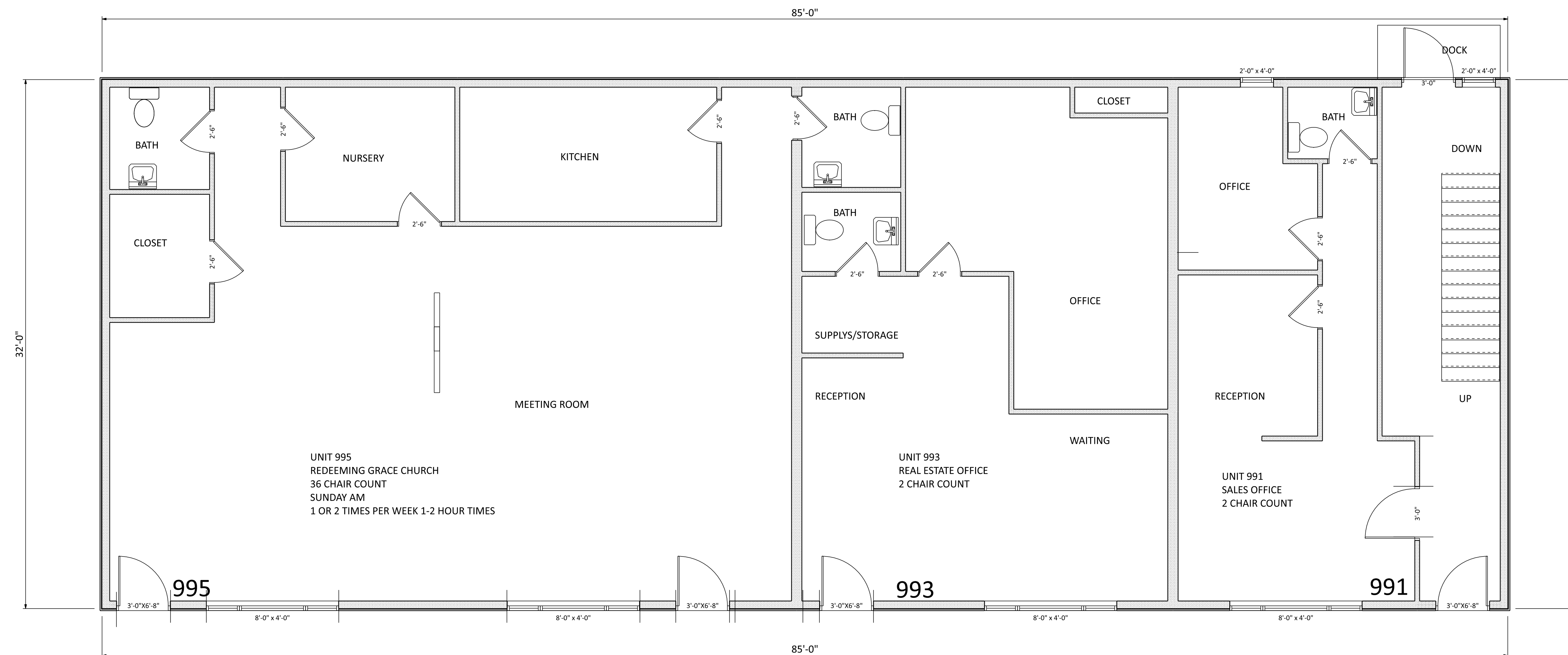


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SCALE: 1/4" = 1'
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BUILDING 2
BASEMENT FLOOR



BLD2-FIRST FLOOR-REV-10-20-2022

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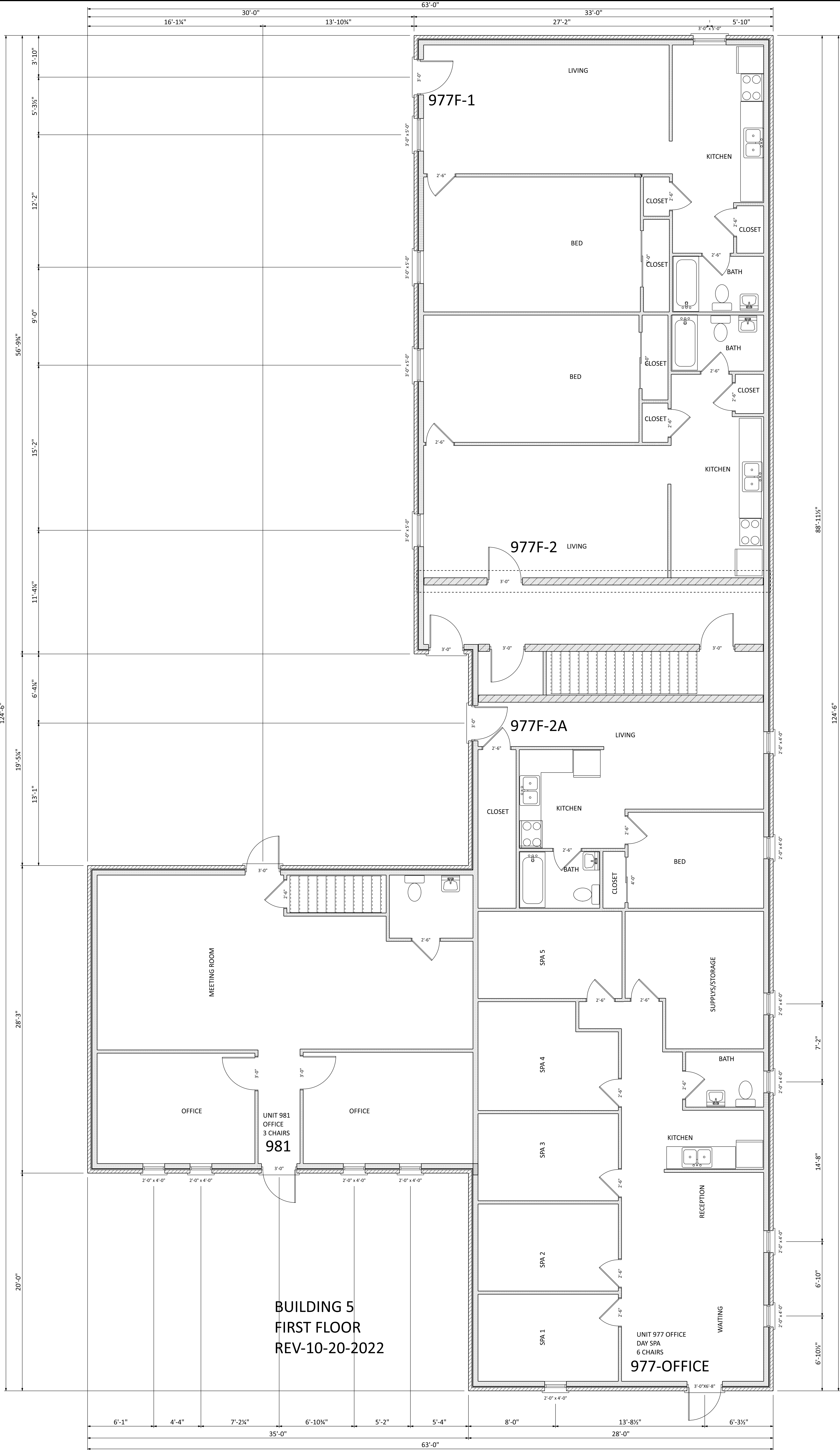
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**BUILDING 2
FIRST FLOOR**



JOE WOJICK
991 FOREST AVE
PORTLAND, ME

SCALE: 1/4" = 1'
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**BUILDING 2
SECOND FLOOR**



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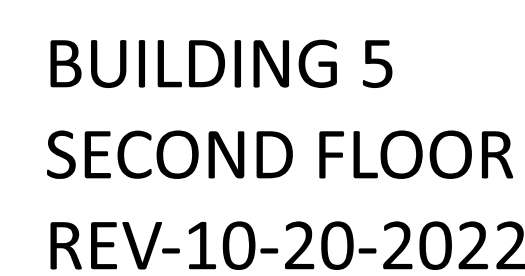
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BUILDING 5
FIRST FLOOR



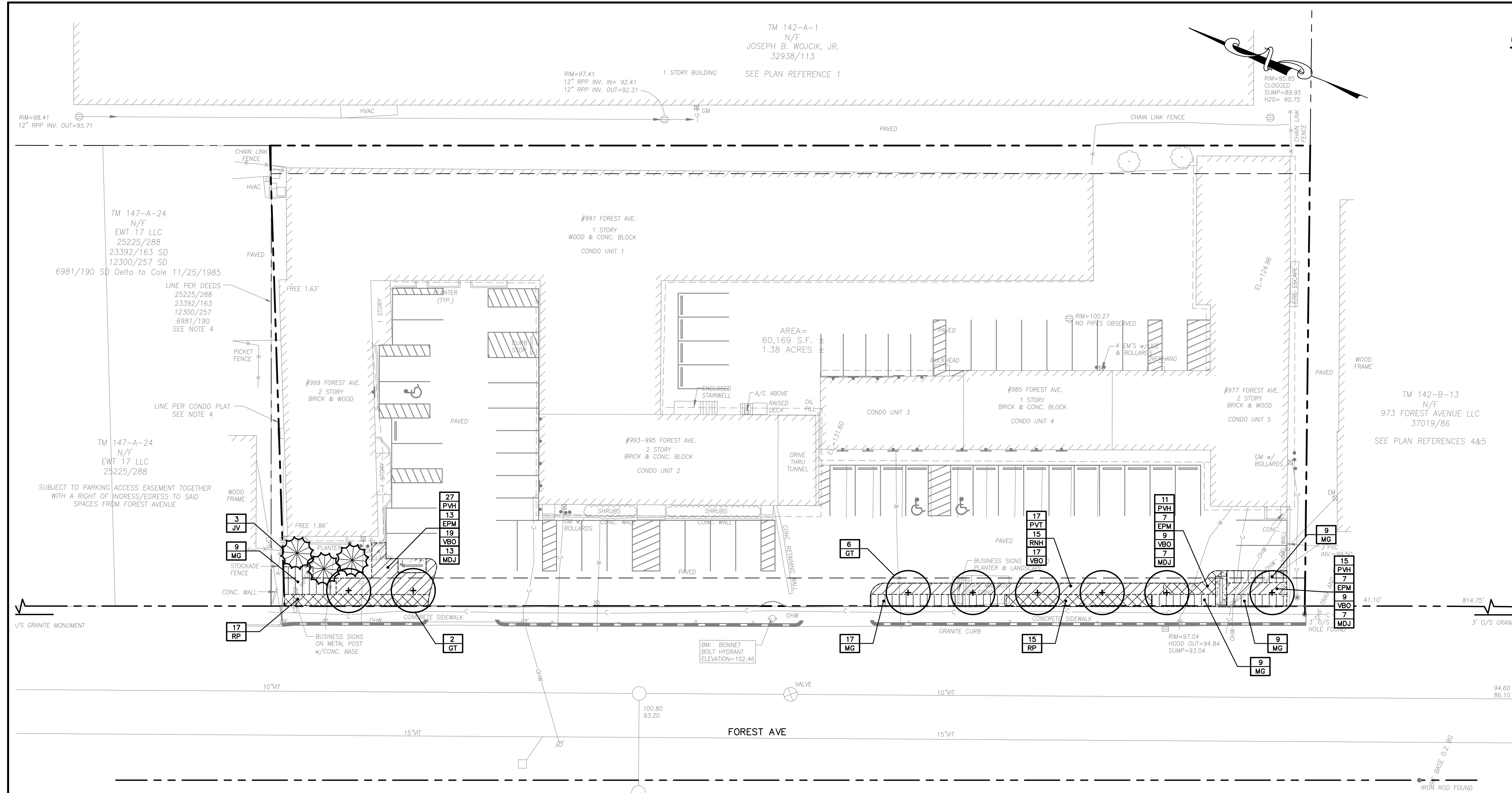
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10/08/2022	10/14/2022
10/20/2022	

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**BUILDING 5
SECOND FLOOR**

U:\180_Alan_Wolf_985 Forest Ave V - CAD\DWG\4180-LANDSCAPE.dwg 5/7/2024 10:01 AM



GENERAL PLANTING NOTES

1. CALL DIG-SAFE (1-888-344-7233) PRIOR TO BEGINNING WORK. THE LANDSCAPE CONTRACTOR IS ADVISED OF THE PRESENCE OF 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 OWNER.
2. CONTRACTOR SHALL THOROUGHLY FAMILIARIZE HIMSELF WITH ALL SITE CONDITIONS PRIOR TO CONSTRUCTION BIDDING.
3. DO NOT SCALE FROM DRAWINGS. ANY OMISSIONS IN DIMENSIONING SHALL BE REPORTED IMMEDIATELY TO THE LANDSCAPE ARCHITECT. ANY DISCREPANCIES BETWEEN DRAWINGS, PLANT QUANTITIES, DETAILS, NOTES AND SPECIFICATIONS SHALL BE IMMEDIATELY REPORTED TO THE LANDSCAPE ARCHITECT FOR FURTHER DIRECTION AND RESOLUTION BEFORE ANY ADDITIONAL WORK PROCEEDS.
4. PROVIDE SMOOTH TRANSITION WHERE NEW WORK MEETS EXISTING CONDITIONS.
5. CONTRACTOR SHALL FURNISH AND PLACE 18 INCHES OF LOAM IN ALL SHRUB BEDS, 30 INCHES IN ALL TREE PITS, AND 6 INCHES UNDER ALL TURF AREAS. THE LANDSCAPE CONTRACTOR SHALL COORDINATE SUBGRADE PREPARATION WITH THE GENERAL CONTRACTOR PRIOR TO PLACING LOAM.
6. ALL PLANT MATERIAL INSTALLED SHALL MEET THE SPECIFICATIONS OF "AMERICAN STANDARDS FOR NURSERY STOCK BY THE AMERICAN ASSOCIATION OF NURSERYMEN".
7. ALL PLANT MATERIAL SHALL BE FREE FROM INSECTS AND DISEASE.
8. 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 FROM THE OWNER.
9. ALL GRASS, OTHER VEGETATION AND DEBRIS SHALL BE REMOVED FROM ALL PLANTING AREAS PRIOR TO PLANTING.
10. EXISTING TREES TO BE PRESERVED SHALL BE PROTECTED DURING CONSTRUCTION AND SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
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 GROUND COVER AND PERENNIAL 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. DAMAGE TO EXISTING SITE IMPROVEMENTS DURING INSTALLATION OF LANDSCAPE MATERIAL SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR.
14. CONTRACTOR SHALL COORDINATE INSPECTION OF PLANT MATERIAL AND LOCATIONS WITH PROJECT LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. ALL PLANT MATERIAL SHALL BE ON-SITE AND PLACED BEFORE INSPECTION CAN BE COMPLETED. A MINIMUM OF 48 HOUR NOTIFICATION SHALL BE REQUIRED.
15. MAINTENANCE REQUIREMENTS: PRUNE DEAD OR DAMAGED BRANCHES, MAINTAIN GUY POSTS AND WATER AS REQUIRED UNTIL PROJECT COMPLETION AND ACCEPTANCE BY OWNER.
16. WATERING: ALL PLANTINGS SHALL BE THOROUGHLY WATERED UPON INSTALLATION, AND THEN WEEKLY WHENEVER ANY DRY SPELLS OCCUR, UNTIL ACCEPTANCE BY OWNER.
17. LANDSCAPE CONTRACTOR OR PLANT SUPPLIER SHALL GUARANTEE PLANTS AND PROVIDE REPLACEMENTS FOR TWO YEARS FROM INSTALLATION.
18. CONTRACTOR SHALL PLACE 3" SHREDDED BARK MULCH AROUND SHRUB BEDS AND TREE PITS.

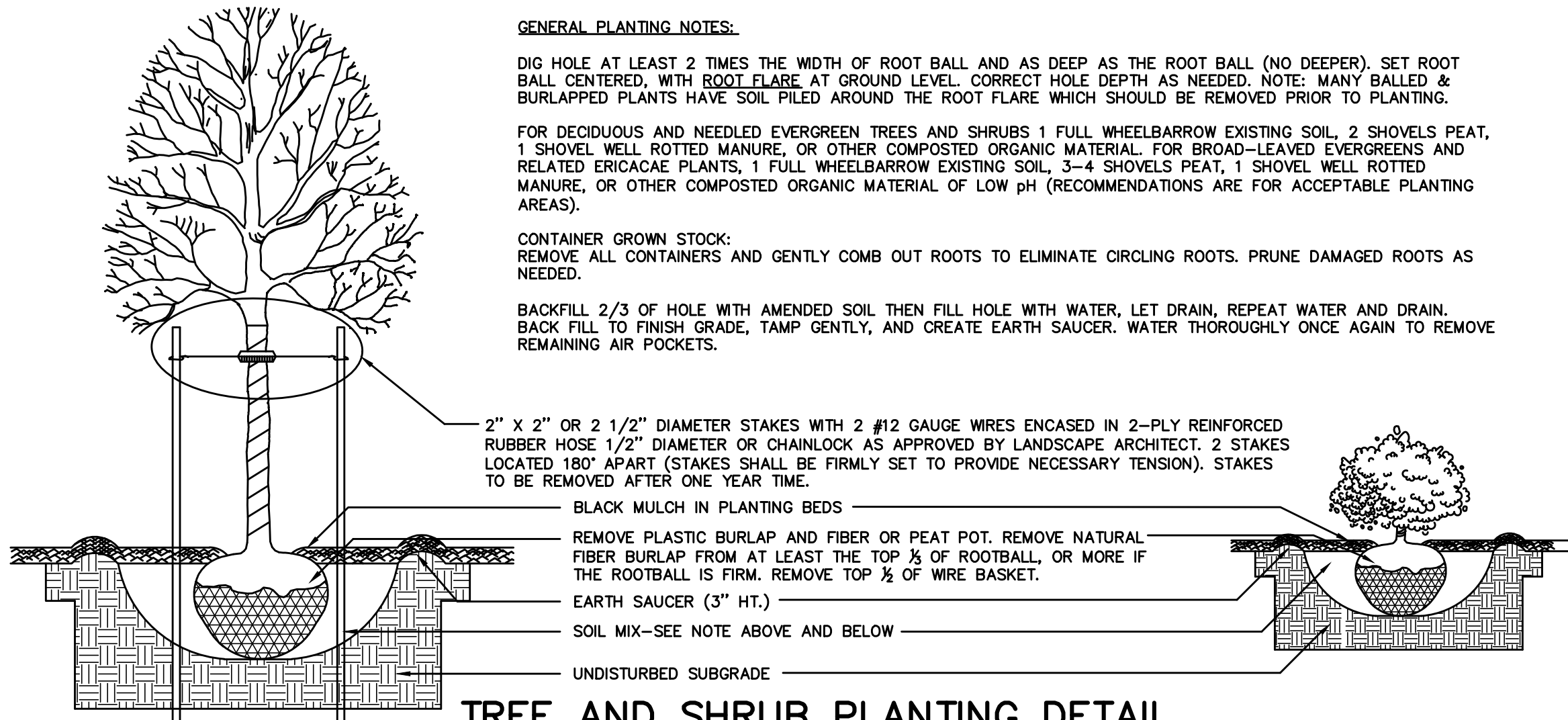
GENERAL PLANTING NOTES:

DIG HOLE AT LEAST 2 TIMES THE WIDTH OF ROOT BALL AND AS DEEP AS THE ROOT BALL (NO DEEPER). SET ROOT BALL CENTERED, WITH ROOT FLARE AT GROUND LEVEL. CORRECT HOLE DEPTH AS NEEDED. NOTE: MANY BALLED & BURLAPPED PLANTS HAVE SOIL PILED AROUND THE ROOT FLARE WHICH SHOULD BE REMOVED PRIOR TO PLANTING.

FOR DECIDUOUS AND NEEDLED EVERGREEN TREES AND SHRUBS 1 FULL WHEELBARROW EXISTING SOIL, 2 SHOVELS PEAT, 1 SHOVEL WELL ROTTED MANURE, OR OTHER COMPOSTED ORGANIC MATERIAL. FOR BROAD-LEAVED EVERGREENS AND RELATED ERICACEAE PLANTS, 1 FULL WHEELBARROW EXISTING SOIL, 3-4 SHOVELS PEAT, 1 SHOVEL WELL ROTTED MANURE, OR OTHER COMPOSTED ORGANIC MATERIAL OF LOW pH (RECOMMENDATIONS ARE FOR ACCEPTABLE PLANTING AREAS).

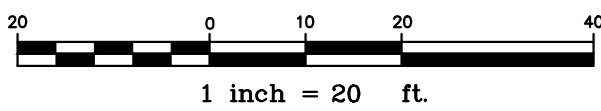
CONTAINER GROWN STOCK: REMOVE ALL CONTAINERS AND GENTLY COMB OUT ROOTS TO ELIMINATE CIRCLING ROOTS. PRUNE DAMAGED ROOTS AS NEEDED.

BACKFILL 2/3 OF HOLE WITH AMENDED SOIL THEN FILL HOLE WITH WATER, LET DRAIN, REPEAT WATER AND DRAIN. BACK FILL TO FINISH GRADE, TAMP GENTLY, AND CREATE EARTH SAUCER. WATER THOROUGHLY ONCE AGAIN TO REMOVE REMAINING AIR POCKETS.



TREE AND SHRUB PLANTING DETAIL
NOT TO SCALE

PLANT LIST			
KEY	BOTANICAL NAME	COMMON NAME	SIZE
TREES			
GT	GLEDITSIA TRIANCANTHOS VAR. INERMIS 'STREET KEEPER'	STREET KEEPER HONEY LOCUST	2-1/2" CAL.
JV	JUNIPERUS VIRGINIANA 'EMERALD SENTINEL'	EMERALD SENTINEL RED CEDAR	7'-8" HGT.
SHRUBS			
HP	HYDRANGEA ABORESCENS 'INVINCIBELLE SPIRIT' (NCHA1)	INVINCIBELLE SPIRIT HYDRANGEA	24"-36" HGT.
MP	MYRICA GALE	SWEETGALE	18"-24" HGT.
RP	RHODODENDRON 'PJM' COMPACTA	COMPACT PJM RHODODENDRON	18"-24" HGT.
PERENNIALS			
EPM	ECHINACEA PURPUREA 'MAGNUS'	MAGNUS PURPLE CONE FLOWER	NO. 1 CONT.
MDJ	MONARDA DIDYMA 'JACOB CLINE'	JACOB CLINE BEE-BALM	NO. 1 CONT.
PVH	PANICUM VIRGATUM 'HEAVY METAL'	HEAVY METAL SWITCH GRASS	NO. 1 CONT.
PVT	PANICUM VIRGATUM 'PRARIE WINDS TOTEM POLE'	TOTEM POLE SWITCH GRASS	NO. 1 CONT.
RNH	RUDEBECKIA NITIDA 'HERBSTONNE'	HERBSTONNE CONEFLOWER	NO. 1 CONT.
VBO	VERBENA BONARIENSIS	TALL VERBENA	NO. 1 CONT.



NOTE: THIS PLAN SET IS ISSUED FOR PERMITTING PURPOSES AND SHALL NOT BE USED FOR CONSTRUCTION.



Rev.	Date	Revision

MAJOR SITE PLAN APPLICATION	5/7/2024	AMP
Issued For	Date	By

Design: MYR	Draft: CG	Date: MAY 2024
Checked: AMP	Scale: 1"=20'	Job No.: 4180
File Name: 4180-LANDSCAPE.dwg		
This plan shall not be modified without written permission from: Gorrill Palmer. Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to Gorrill Palmer..		

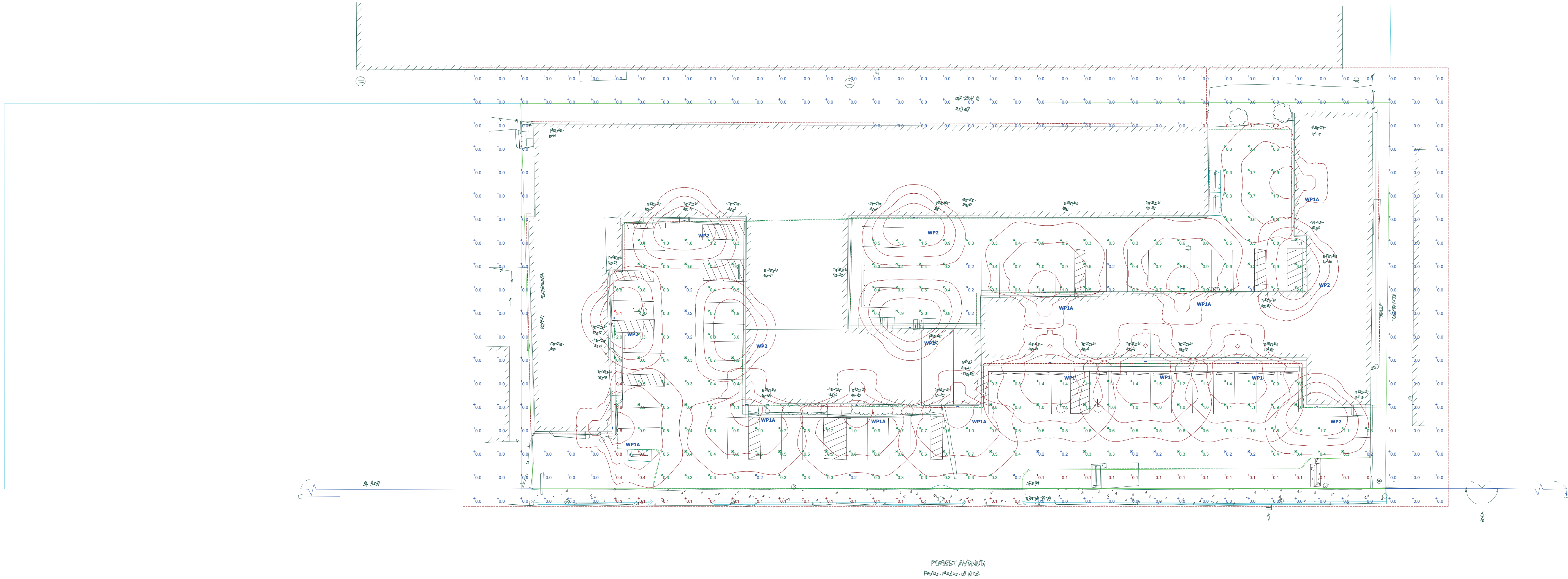


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www.gorrillpalmer.com
207.772.2515
300 Southborough Drive - Suite 200
South Portland, ME 04106

Drawing Name:	Landscaping Plan and Details
Project:	Multifamily Redevelopment and Site Improvements 985 Forest Ave, Portland, Maine
Client:	AMK Investments, LLC P.O. Box 704, Windham, Maine 04062

Drawing No.

L101



Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Parking Lots	✕	0.7 fc	3.1 fc	0.2 fc	15.5:1	3.5:1
Calc Zone #1	+	0.3 fc	3.1 fc	0.0 fc	N/A	N/A

Schedule											
Symbol	Label	Image	QTY	Manufacturer	Catalog	Description	Number Lamps	Lamp Output	LLF	Input Power	Polar Plot
	WP1		3	Lithonia Lighting	DSXW1 LED 10C S30 30K TFTM MVOLT	DSXW1 LED WITH (1) 10 LED LIGHT ENGINES, TYPE TFTM OPTIC, 3000K, @ 530mA.	1	2047	0.9	19.1	
											Max: 1578cd
	WP1 A		7	Lithonia Lighting	DSXW1 LED 10C 350 30K TFTM MVOLT	DSXW1 LED WITH (1) 10 LED LIGHT ENGINES, TYPE TFTM OPTIC, 3000K, @ 350mA.	1	1411	0.9	13.3	
											Max: 1088cd
	WP2		7	Lithonia Lighting	WPX1 LED P1 30K Mvolt	WPX1 LED wallpack 1500lm 3000K color temperature 120-277 Volts	1	1537	0.9	11.49	
											Max: 687cd

CITY OF PORTLAND, MAINE

PLANNING BOARD

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

September 10, 2024

Jeremy Berry
AMK Investments, LLC
Engineering PO Box PO Box. 704
Southborough Dr, 200
Portland, Maine 04062

Matthew Rabasco, P.E.
Gorrill Palmer
300
South Portland, Maine 04106

Project Name: 985 Forest Avenue
Applicant: AMK Investments, LLC
Planner: Ameriz Gamez

Project ID: PL-002918-2024 and CU-003077-2024
CBL: 142 B015002

Dear Matthew Rabasco and Jeremy Berry:

On September 10, 2024 the Planning Board approved a major site plan and conditional use application for the change of use and legalization of 18 existing residential units at 985 Forest Avenue, and additional life/safety and building code upgrades in order to bring the property into compliance with applicable development and building regulations. The Planning Board reviewed the proposal for conformance with the Site Plan Ordinance, Ch. 14, Article 14, Section 14.6., Inclusionary Zoning Requirements, Ch. 14, Article 18, Section 18.2.3, and Conditional Use Requirements, Ch. 14, Article 6, Section 6.5, based on the information provided to the Board in the application, plans, reports. Through testimony and other information submitted by the applicant, the Planning Board adopted the findings, conclusions and recommendations contained in the Planning Board Report for the public hearing on September 10, 2024, which is attached hereto and incorporated herein by reference. Based upon those findings, conclusions and recommendations, the Planning Board found that the application met all relevant standards and voted X-X to approve the application with the following conditions as presented below.

A. Waivers

On the basis of the application, plans, reports, and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing on September 10, 2024 for application PL-002918-2024 at 985 Forest Avenue relevant to the Site Plan Standards of the Land Use Code and the City of Portland Technical Manual, and other regulations, and the testimony provided at the Planning Board hearing:

1. Parking Lot Drive Aisle Width

The Planning Board **[finds/does not find]** based upon the Consulting Traffic Engineer's

review, that extraordinary conditions exist or undue hardship may result from strict compliance with Technical Manual Section 1.10.3, which requires parking lot layouts provide a minimum drive aisle width of 24 feet, that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **[waives/does not waive]** Technical Manual Section 1.10.3 to allow a reduced drive aisle width of 18 feet.

2. **Landscape Buffer**

The Planning Board **[finds/does not find]** based upon the Planning Authority's review, that extraordinary conditions exist or undue hardship may result from strict compliance with Technical Manual Section 4.5.2, which requires a dense vegetative buffer or acceptable alternative where different land-uses and or zones abut one another, that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **[waives/does not waive]** Technical Manual Section 4.5.2 to not require a vegetative buffer due to existing site constraints.

B. Conditional Use Review

Based upon the information provided to the Board in the application, plans, reports, through testimony and other information submitted by the applicant, the Planning Board adopted the findings, conclusions and recommendations contained in Section IX of the Planning Board Report for the public hearing on September 10, 2024, which is attached hereto and incorporated herein by reference. The Planning Board voted X-X to find that the plan is in conformance with the conditional use standards of the Land Use Code, subject to the following conditions of approval:

PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. The applicant shall enter into an Affordable Housing Agreement with the City for the workforce units, prior to issuance of the building permit; or shall elect to provide a fee in-lieu for a portion or all of the required workforce housing units in accordance with Sec. 18.2.3.C.6.

PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY

2. The applicant shall file a deed restriction with the Cumberland County Registry of Deeds to maintain the required affordability level for a period of 30 years; or shall pay a fee in-lieu for a portion or all of the required workforce housing units into the City's Jill C. Duson Housing Trust Fund.

C. Site Plan Review

Based upon the information provided to the Board in the application, plans, reports, through testimony and other information submitted by the applicant, the Planning Board adopted the findings, conclusions and recommendations contained in Section IX of the Planning Board Report for the public hearing on September 10, 2024, which is attached hereto and incorporated herein by reference. The Planning Board voted X-X to 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 utility capacity verification letters from Central Maine Power and the Department of Public Works.
2. The applicant shall update the site plan to reconfigure the driveway aisle and off-street parking that is in front of condominium unit 2 to either eliminate the existing parking, or convert this parking into parallel parking, and shall extend the landscaped area being proposed along the back of the public sidewalk along the property's Forest Avenue frontage. The updated site plan shall be reviewed and approved by the Planning Authority.
3. The applicant shall update their site plan to show revised ADA parking stalls that comply with current ADA requirements. This plan shall be reviewed and approved by the Planning Authority.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

4. The applicant shall provide a fee in-lieu for all required street trees, at a rate of \$400 per street tree, which shall be paid into the City's Tree Fund. The total required contribution amount will be calculated by the Planning Authority, following acceptance of the revised site plan as required under site plan condition #2.

The approval is based on the submitted plans and findings related to site plan review, as contained in the Planning Board report dated September 10, 2024 for application #PL 002918-2024 which is attached.

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.
4. 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.

5. 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.
6. Department of Public Works Permits If work or obstructions will occur within the public 389 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.)
7. 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.
8. Defect Guarantee A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
9. 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. Please provide one hard copy of the mylar.
10. 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.
11. Impact Fees New development or changes of use that result in net new residential dwelling units, non- residential building square footage, or water meters, are subject to the City of Portland's impact fee ordinance (Chapter 14,

Article XVII). Impact fees are calculated at the time of building permit and must be paid prior to the certificate of occupancy. For more information, visit <https://www.portlandmaine.gov/2409/Impact-Fees>

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)874-8901 or DRC@portlandmaine.gov.

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 Ameriz Gamez at (207) 874-8632 or via Agamez@portlandmaine.gov

Sincerely,

Brandon Mazer, Planning Board Chair

Attachments:

1. Planning Board Report
2. Performance Guarantee Packet

Planning Board Report

Planning and Urban Development Department



Conditional Use Application
 245 Commercial Street
 CU-002976-2024
 245 Commercial Street, LLC, Applicant

Submitted to:	Portland Planning Board	Prepared By:	Ameriz Gamez
Public Hearing Date:	September 10, 2024	Date:	September 6, 2024

I. INTRODUCTION

The applicant, 245 Commercial Street, LLC has submitted a hotel inclusionary zoning conditional use application to facilitate the conversion of existing commercial space on floors two through five at 245 Commercial Street into a 52-room hotel expansion for the Portland Harbor Hotel. The property is located in the Old Port neighborhood, is zoned B-3 Downtown Business, and is further located within the Downtown Entertainment Overlay Zone (DEOZ), the Pedestrian Activities District (PAD) and the Old Port Historic District.



Article 18.2.5.C. of the City's Land Use Code, states that all hotel development totaling 10 or more hotel rooms is considered a conditional use subject to Planning Board review under the requirements listed in Article 18.2.5. As a conditional use, this application is also subject to the general conditional use standards, listed under Section 6.5.6.

The Planning and Urban Development Department mailed 90 notices advertising this meeting to property owners within 500 feet of the site. A legal advertisement ran in the September 3, 2023 and September 4, 2023 editions of the *Portland Press Herald*.

Agent: Matt Rabasco, Gorrill Palmer
Applicant: David Bateman, Bateman Partners, LLC

II. REQUIRED REVIEWS

<i>Review</i>	<i>Applicable Standards</i>
<i>General Conditional Use Standards</i>	<i>Chapter 14, 6.5.2 General Conditional Use</i>
<i>Supplemental Use-Specific Conditional Use Standards</i>	<i>Chapter 14, 18.2.5 Hotel Inclusionary Zoning Standards</i>

III. PROJECT DATA

Existing Zoning	B-3 Downtown Business
Overlay Zones	Downtown Entertainment Overlay Zone, Pedestrian Activities District
Historic District	Old Port Historic District
Property Size	14,250 sq. ft.
Existing Use	Office
Proposed Use	Hotel (50 rooms)

IV. EXISTING CONDITIONS AND SURROUNDING AREA

The development site encompasses three separate mixed-use buildings featuring a shared party wall, which were developed in the early 20th century. The properties are located at the intersection of Commercial Street and Union Street, in the Old Port neighborhood, and feature three ground floor retail spaces, and four floors of commercial office space.

Situated in the Old Port neighborhood, the surrounding context can generally be described as dense, mixed-use development featuring a variety of active ground floor uses such as retail, restaurant, and service uses, with upper floors being predominantly occupied by residential and office uses in the vicinity of the project site. This neighborhood is highly walkable, and is located within walking distance of fixed transit stops for all Greater Portland METRO routes, as well as all South Portland Bus connections available within Portland.



Much of the Old Port, including the subject property, is located within the Old Port Historic District, a multi-block area of cohesive Victorian Era architecture, characterized by three- to five-story buildings of with brick and occasionally stone facades. The Old Port Historic District developed following the Great Fire of 1866, with most contributing structures completed by the early 20th century.

V. PROPOSED DEVELOPMENT

The proposal before the Planning Board involves the conversion of the property's upper floors from office space into a 50-room expansion of the Portland Harbor Hotel, which would be connected via a new sky bridge between the subject property and the existing Portland Harbor property at 468 Fore Street. In addition to the change of use from office to hotel, the project would also involve the creation of a 3,300 square foot bar on the fifth floor of the subject property. The hotel use will have access to 64 off-street parking spaces within the existing garage at 468 Fore Street, with an additional 40 parking spaces being leased in off-site locations. Hotels guests will continue to arrive via the garage entrance off of Fore Street, and additionally, there is a small vehicle loading/unloading area along the Hotel's Fore Street frontage.

The proposed change of use is likely to generate additional utility demand, as compared with the former office use. The applicant notes that the addition of 52 hotel rooms is likely to generate a demand of 4,680 gallons per day in total, which exceeds the current demand of 1,656 gallons per day. Wastewater is similarly expected to increase. The applicant will be required to demonstrate adequate utility capacity as part of their future building permit application.

VI. RIGHT, TITLE, & INTEREST

The applicant has submitted a purchase and sale agreement for the subject properties between Bateman Partners, LLC and Casco View Holdings, LLC, demonstrating right, title, and interest for the property at 245 Commercial Street (Attachment C).

VII. ZONING ANALYSIS

The proposed hotel use is a permitted use within the B-3 zone. However, per Article 18.2.5.C., all hotel developments exceeding 10 rooms are to be considered conditional uses, subject to Planning Board review for inclusionary zoning compliance.

With respect to dimensional requirements, the development is occurring entirely within three existing buildings, and involves the construction of a small aerial walkway which is beneath the threshold for site plan review. The existing buildings comply with all current dimensional requirements, which include restrictions related to street frontage, maximum front setbacks, length of undifferentiated wall, lot coverage and building height.

A. Downtown Entertainment Overlay Zone (DEOZ) – Section 8.2.5

The purpose of the Downtown Entertainment Overlay Zone is to regulate the location of businesses with entertainment licenses in order to prevent an overconcentration of such uses within the downtown. Confirmation of compliance with the requirements of the DEOZ will be confirmed by the City's Business Licensing Division at the time an entertainment license is sought.

B. Pedestrian Activities District (PAD) – Section 8.7

The Pedestrian Activities District, is intended to ensure ground-level activation along prominent streets within downtown Portland. This overlay zone requires that ground level spaces be occupied by certain uses which enhance the pedestrian experience, such as retail, services, restaurants, cultural facilities and artists studios. The overlay zone requires that 75% of a building's street level frontage be occupied by one of these permitted uses at a depth of 20 feet or more.

As stated above, the three buildings feature three separate commercial spaces, which will remain in commercial use. In the event that there is a change in tenant, the Permitting & Inspections Department will confirm that such change continues to comply with PAD requirements.

VIII. CONDITIONAL USE STANDARDS

This project has been reviewed by staff for conformance with the relevant review standards of Portland's Land Use Code Chapter 14, Section 6.5.2 (General Conditional Use Standards), and Chapter 14, Section 18.2.5 (Inclusionary Zoning for Hotel Projects). Staff comments are below:

A. General Conditional Use Standards (6.5.2)

1. 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.

Discussion: The hotel use is a permitted use within the B-3 zone, and the applicant intends to provide off-street parking in accordance with Table 19-A, which requires a minimum of one parking space per four guest rooms. The hotel currently contains 103 guest rooms, which would be expanded to 155 rooms with this application. Therefore, the minimum off-street parking requirement would be 39 parking spaces. Under this proposal, a total of 64 parking spaces are reserved for the hotel within the existing garage at 468 Fore Street, and an additional 40 spaces would be leased off-site. In order to park at the property, guests are required to make use of the valet operation.

Staff Finding: This conditional use application features limited new construction, and does not increase the amount of pavement or parking spaces on site. Under Table 19-B, changes of use within the B-3 zone are exempt from providing additional off-street parking. Staff finds the proposal to meet this review standard.

2. 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.

Discussion: This proposal will involve limited exterior site work, and the proposed use is permitted by right within the B-3 zone, and so any impacts associated with this use are anticipated to be consistent with other uses permitted within the zone. The proposed hotel use is unlikely to produce any unsanitary or harmful conditions which would impact abutters. The applicant is contracted with a waste removal service to remove waste from the building on a regular basis.

Staff Finding: The development is expected to be fully compliant with City building codes and zoning performance standards related to lighting, odor, and noise. Staff find that the proposal meets this review standard.

3. 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.

Discussion: The design and operation of the proposed hotel is not anticipated to have a substantially greater impact on surrounding property, with respect to the impacts listed above, than other uses permitted by right within the zone. Further, the proposed use will occur exclusively on upper floors of the subject property, with the hotel operation continuing to be centered on Fore Street. This includes the hotel entrance, valet operation/guest parking, and hotel deliveries. As the project site is fully built-out, the only perceived changes will be the construction of an aerial walkway between the buildings at 245 Commercial Street the existing hotel at 468 Fore Street. On-site waste will be removed by a third-party service during off-peak times as is done currently for the hotel.

Staff Finding: The proposed conditional use will have no additional or greater impact on surrounding properties than other uses permitted within the B-3 zone, including the current office use. Therefore, staff find that the proposal meets this review standard.

4. The proposed use will meet any additional zone or use-specific standards identified in Table 6-A to 6-F and Subsections 6.5.6 and 6.5.7.

The Hotel Inclusionary Zoning Conditional Use Standards are discussed in the following section.

B. Hotel Inclusionary Zoning (Section 18.2.5)

Discussion: Article 18.2.5.C. states that all hotel projects of 10 or more rooms within the City of Portland are to be considered conditional uses, subject to Planning Board review for compliance with hotel inclusionary zoning requirements. Article 18.2.5.D. states that all hotel projects are required to provide one unit of low-income housing for rent in the City of Portland for every 28 rooms in the hotel projects or pay an equivalent fee in-lieu into the Jill C. Dusen Housing Trust Fund. The fee, which was first established in 2018, is listed under Article 18.2.5.E. as \$3,806 per hotel room, which is then adjusted annually in accordance with Article 18.1.8. The adjusted fee amount for 2024 is \$4,692 per hotel room.

Staff Finding: The applicant has elected to pay the fee in-lieu of providing a low-income housing unit on-site. Based upon there being 52 hotel rooms, the applicant will be responsible for paying \$243,984 into the Jill C. Dusen Housing Trust Fund.

IX. PUBLIC COMMENT

As of the writing of this report, no public comment has been submitted to the Planning & Urban Development Department.

X. STAFF RECOMMENDATION

Subject to the proposed motion listed below, Planning staff recommends that the Planning Board find that the proposed 245 Commercial Street hotel inclusionary zoning conditional use application (CU-002976-2024) meets the applicable standards of Portland's Land Use Code.

XI. PROPOSED MOTIONS

A. CONDITIONAL USE – HOTEL INCLUSIONARY ZONING

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

September 10, 2024, for application CU-002976-2024, relevant to Land Use Code Sections 6.5.2 and 18.2.5 and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **[is/is not]** in conformance with the Conditional Use standards of the Land Use Code subject to the following condition of approval:

Prior to the Issuance of a Certificate of Occupancy

1. The applicant shall contribute \$243,984 into the City's Jill C. Duson Housing Trust Fund to satisfy the inclusionary zoning requirements for a 52-room hotel development.

XII. ATTACHMENTS

APPLICANT SUBMITTAL

- A. Conditional Use Narrative
- B. Conditional Use Checklist
- C. Right, Title, and Interest
- D. Location Map
- E. Response to City Comments

PLANS

- Plan 1. Survey Sheet 1
- Plan 2. Survey Sheet 2

Dear Applicant,

We have completed our review of your application CU-002976-2024 proposing the expansion of the Harbor Hotel within the upper floors of 245 Commercial Street. The existing retail and restaurants on the first floor are to remain and levels two through four are to be converted from office space to 48 hotel rooms and the fifth floor will be converted to two additional hotel rooms and a 3,300 square foot bar space. Article 18 Section 2.5.D Low-Income Housing minimum states all hotel projects shall provide one unit of low-income housing for rent in the City for every 28 rooms in the hotel. An alternative to providing low-income housing units under Subsection 18.2.5(D) a hotel project may pay a fee-in-lieu into the City's Housing Trust Fund.

This development triggers a Conditional Use review and is subject to the following regulations:

- Conditional Use Section 6.5

An overview of the City's review can be viewed in the attached project review worksheets and peer review comments.

Next Steps

Please review all feedback and reach out to the project review manager if you have any questions or would like to discuss this feedback in more detail. In order to proceed, the applicant shall prepare a written response to all feedback, and shall update plans, documents and other materials as necessary to address the above listed comments. The applicant shall notify the planner when a resubmission is uploaded to TylerHub. Once received, the planner will notify the applicant of their scheduled review timeline for this resubmission.

Sincerely,

Ameriz Gamez

Planner

Conditional Use Review (Sec. 6.5)		
General Conditional Use Standards (Sec. 6.5.2)		
Standard	Discussion	Finding
Traffic, hours of operation, expanse of pavement, and off-street parking	Overview: The volume and type of vehicle traffic that will be generated as a result of the Change of Use has not been properly addressed. The change of use may not substantially increase the levels of traffic to and from the site, however there are concerns that are required to be addressed and clarified. Updates Requested - The applicant should note how deliveries are to occur for the proposed uses. - With the added hotel room, the applicant shall note the impacts of the added rooms on hotel arrival and departure activity and the curb/site traffic management. - Note how parking will be accommodated from the added 50 hotel units.	Not Met
Will not cause unsanitary or harmful conditions	Overview: The applicant has not provided a response in relation to this standard. Updates Requested The applicant should provide an explanation to confirm that 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.	Not Met
Design and operation of the proposed use will not have substantially greater impact than other allowable uses in the zone	Overview: The applicant has not provided a response in relation to this standard. Staff is requiring that the applicant provide additional information if regards to the design and operation of the proposed use. Updates Requested - Applicant must confirm if there are plans to remove any current landscaping or if there is a proposal to provide landscaping. - Provide information regarding any proposed signage that may be proposed for this project. - Provide information on any potential impacts to the surrounding properties.	Not Met
Use Specific Conditional Use Standards (Sec. 6.5.2)		
Standard	Discussion	Finding

Preservation of Significant Natural Features	Overview: There does not appear to be any significant natural features on this site that are to be preserved.	Met
	Updates Requested Not applicable for this site.	

Additional Comments:

Standard	Discussion	Finding
Utilities	Overview: The application proposes to maintain existing utility services into the building. While conditional use standards do not speak specifically to utility capacity, the City would encourage the applicant to consider whether any utility upgrades are required to service the proposed change of use.	Not Met
	Updates Requested: Provide additional information on project utility demands for the proposed use.	
Historical Preservation	Overview: There are no proposed changes to the exterior of the building, however it applicant should note <i>that if this shall change they will have to go through the Historical Preservation Board.</i>	Met
	Updates Requested: Not applicable	

May 30, 2024

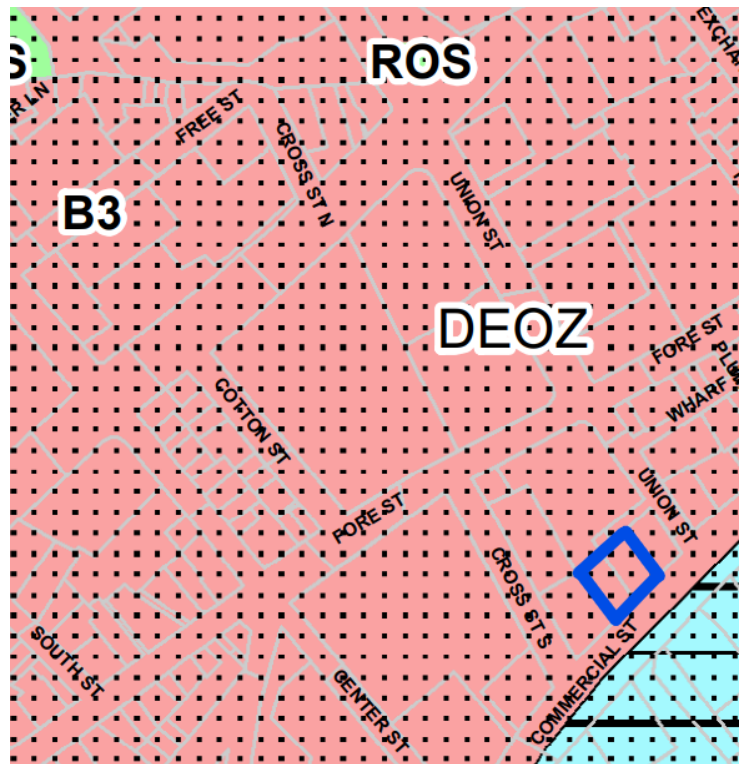
Mr. Matt GroomsDevelopment Review Services Manager
City of Portland
389 Congress Street
Portland, Maine 04101**Subject: Proposed Hotel Units
245 Commercial Street
Conditional Use Application
Applicant: 245 Commercial Street, LLC**

Dear Matt:

On behalf of **245 Commercial Street, LLC**, we are pleased to submit this Conditional Use Application regarding proposed hotel units located at 245 Commercial Street in Portland, ME. Bateman Partners, LLC is a member of 245 Commercial Street, LLC and is the developer for this project. The attached Letter of Intent specifically allows Bateman Partners, LLC the ability to designate a single purpose entity to take title at closing. The single purpose entity will be 245 Commercial Street, LLC. Gorrill Palmer has been authorized by the Applicant to perform all work necessary to submit this application. This submission package is intended to meet the City's submission requirements as outlined on the Conditional Use checklist. This submittal provides information in support of the Portland Land Use Code Article 6 – Conditional Uses.

PROJECT DESCRIPTION

The applicant has executed a Letter of Intent to acquire the parcel identified as Chart 038 Block F Lot 006 Unit 001, addressed as 245 Commercial St. The applicant currently owns the Portland Harbor Hotel located on the adjoining parcel (Chart 38 Block F Lot 009 Unit 002) and is proposing an expansion of the hotel within the upper floors of 245 Commercial St. The existing restaurant/retail use on the ground floor would remain, while Floors 2-4 would be converted from office space to up to 48 hotel units. Floor 5 would be converted to 2 additional hotel units and approximately 3,300 SF of bar space, for a total of 50 hotel units. The redevelopment plan may include a connection between the Harbor Hotel and 245 Commercial Street either through an aerial connection above the existing alley and/or a ground connection at the southwesterly

**Excerpt of Zoning Map**



corner of the existing hotel to the northwesterly most corner of the 245 Commercial Street building. This connection would create less than 500 SF of new building area.

PERMITTING & ZONING

This project is located in the City's B-3 Zone as shown outlined in blue on the Zoning Map above. Per Table 6C of the Land Use Code, the existing uses (general office and restaurant) as well as the proposed uses (hotel, bar, and restaurant), are all permitted within the B-3 zone.

Pre-Application Meeting Items

As was discussed at the pre-application meeting, the project does not meet the threshold for a Change of Use application as both the current and proposed uses are considered "Commercial/Service" uses per footnote 6 in Table 14-A below. Additionally, it was confirmed that a Site Plan review is not required with no new structures over 500 SF proposed. As this is a proposed hotel, the project is subject to the Inclusionary Zoning requirements per Section 18.2.5 detailed further in this submission. The property is located within the Waterfront (Old Port) Historic District. There are no anticipated exterior improvements that would trigger a review by the Historic Preservation Board.

TABLE 14-A: SITE PLAN CLASSIFICATIONS

	Minor ¹	Major
New construction or additions²	Single- or two-family structures 500 – 10,000 SF 500 – 20,000 SF in industrial zones 500 – 50,000 SF in IS-FBC zone	Multi-family development of 3 or more units ^{3,4} > 10,000 SF > 20,000 SF in industrial zones > 50,000 SF in IS-FBC zone
Stripping, grading, grubbing, filling, or excavation	1,000 SF - 3 ac.	> 3 ac.
Site alterations	Alteration of watercourse or wetland	
Creation of impervious surface	1,000 SF – 1 ac.	> 1 ac.
Construction or paving of existing parking	5 – 75 parking spaces	> 75 vehicles
Construction of structures⁵ in the Shoreland Zone	Rehabilitation, reconstruction or new construction	
Change of use⁶	10,000 – 20,000 SF	> 20,000 SF
Other	Auto service station	Development with drive-through facilities

¹ For purposes of fee assignment and submission requirements, the minor application includes two exceptions: "minor residential" and "low-impact site development." See Section 16 of the *Technical Manual* for more information.

² Includes cumulative expansion of building floor area within a three-year period.

³ Includes any division of a new or existing structure into 3 or more dwelling units whether the division is accomplished by sale, lease, development, or otherwise.

⁴ Addition of one or two units to any residential development shall trigger minor site plan review.

⁵ Includes piers, docks, wharves, bridges, retaining walls, and other structures

⁶ Includes 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:

- A. Industrial
- B. Residential
- C. Institutional
- D. Commercial/Service
- E. Water-dependent use and marine use



CONDITIONAL USE STANDARDS

General Conditional Use Standards (Sec. 6.5.2)	
City of Portland Standard	Response
<i>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.</i>	Hotel, bar and restaurant uses are all permitted by right within the B-3 Downtown Business zone, and therefore, are expected to have similar levels of impact with respect to this standard, as compared with surrounding uses or other allowable uses in the same zone.
<i>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.</i>	Hotel, bar and restaurant uses are all permitted by right within the B-3 Downtown Business zone, and therefore, are expected to have similar levels of impact with respect to this standard, as compared with surrounding uses or other allowable uses in the same zone.
<i>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.</i>	Hotel, bar and restaurant uses are all permitted by right within the B-3 Downtown Business zone, and therefore, are expected to have similar levels of impact with respect to this standard, as compared with surrounding uses or other allowable uses in the same zone.
Use-Specific Criteria (Sec. 18.2.5)	
City of Portland Standard	Response
<i>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 Subsections 18.2.3(C) (3), (4), and (5) and in the implementing regulations governing low-income units. This amount shall be rounded up to the nearest increment of 28 rooms.</i>	The applicant intends to provide the In-Lieu Fee detailed below. The 2024 Inclusionary Housing Fee-in-lieu is \$4,692 per hotel guest room, and shall be paid into the City's Housing Trust Fund: \$4,692 per room * 50 rooms = \$234,600



CLOSURE

As outlined in the Conditional Use submission requirements and instructions, we will submit this letter along with the following materials via email to City Staff:

- Conditional Use Checklist
- Location Map
- Existing Conditions Plan
- Letter of Intent

On behalf of **245 Commercial Street, LLC**, we appreciate your consideration of this project and look forward to discussing this application at your earliest convenience. The application fee of \$100 will be paid with this submission via the Citizen Self Service portal.

If you have any questions regarding the materials being submitted, please contact this office.

Sincerely,

GORRILL PALMER

A handwritten signature in blue ink, appearing to read 'Al Palmer'.

Al Palmer, PE

Principal

207-772-2515

apalmer@gorrillpalmer.com

cc: David Bateman, Bateman Partners, LLC

CITY OF PORTLAND
Planning & Urban Development Department

**CONDITIONAL USE – PLANNING BOARD REVIEW
SUBMISSION CHECKLIST**

Please submit each document as a separate PDF file.
Please confirm by electronically checking the boxes in the left-hand column.

Conditional uses are listed in the land use code for each zone. The applicant must address the general standards as well as any use- or zone-based conditional use standards contained in Article 6.5 of the land use code in the written application.

GENERAL APPLICATION DOCUMENTS

☒	N/A	Project Description Cover letter with detailed project description
☒	N/A	Completed Checklist – Conditional Use (this document)
☒	N/A	Evidence of Right, Title and Interest Deeds, leases, or purchase and sales agreements

CONDITIONAL USE STANDARDS AND CRITERIA

☒	N/A	Traffic Demonstrate that the volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the zone.
☒	N/A	Environmental Impacts Demonstrate that the proposed use will not create any unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.
☒	N/A	Design and Operation Demonstrate that 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.
☒	N/A	Use- and Zone-Specific Criteria Address any use- or zone-specific standards in Sections 6.5.6 and 6.5.7 of the land use code.



April 19, 2024

Mr. David Bateman
President
Bateman Partners, LLC
470 Commercial Street, Suite 400
Portland, Maine 04101

Re: 245 Commercial Street, Portland, ME

David,

This letter of intent ("Letter of Intent") sets forth a summary of terms and conditions under which Casco View Holdings, LLC ("Seller") would be willing to sell the property located at 245 Commercial Street, Portland, Maine, as more particularly described below (the "Property") to Bateman Partners, LLC (or an entity formed for purposes of ownership as described below) ("Buyer"). This Letter of Intent sets forth a description of the principal terms and conditions of the purchase, which would serve as the basis for the final negotiated and legally binding definitive agreement governing the possible transaction (the "Definitive Agreement"), and as such represents a statement of the basic terms and conditions that will govern the preparation of the Definitive Agreement. Except for the binding provisions specified herein, this Letter of Intent does not create a legally binding obligation on the part of either party.

Subject to the negotiation, execution and delivery of the Definitive Agreement, and the other conditions set forth in this Letter of Intent, Seller is proposing the sale of the Property upon the general terms and conditions set forth below. Definitive terms for the possible transaction will be set forth in the Definitive Agreement. Upon acknowledgment of this Letter of Intent, Buyer and Seller will enter into good faith negotiations with the objective being to enter into the Definitive Agreement within 30 days from the date on which the Seller executes this Letter of Intent. The initial draft of the Definitive Agreement will be prepared by the Seller and submitted to the Buyer promptly following the date hereof. The parties agree to exercise good faith efforts to negotiate and execute the Definitive Agreement prior to the expiration of the Exclusivity Period specified below.

PROPOSED TERMS

1. Buyer

Bateman Partners, LLC – provided that Buyer may designate a single purpose entity to take title at closing provided Buyer remains fully liable for performance under the Definitive Agreements.

2. Property

The land, buildings, and other improvements and appurtenances located at 245-253 Commercial Street, Portland, Maine, as more particularly described as Portland Parcels ID 038F006 and ID 038F010.

3. Purchase Price

The Fee Simple Purchase Price for the Property would be [REDACTED].

4. Deposits

Contemporaneously with the signing of the Definitive Agreement, Buyer would cause to be delivered into escrow, with a mutually agreed upon escrow agent, the cash sum of [REDACTED] (the "First Deposit"). Buyer would cause to be delivered into the same escrow, an additional cash sum of [REDACTED] five (5) business days following completion of the Inspection Period (without termination of the Definitive Agreement by Buyer as described below) as defined in Section 5 below (the "Second Deposit"). All deposits would be held in an interest-bearing account and applied to the Purchase Price. The First Deposit would be fully refundable until the expiration of the Inspection Period and would then become non-refundable, unless the Definitive Agreement is terminated due to failure to obtain necessary permits and approvals for the Project (as defined below) or due to Seller default. The Second Deposit would be non-refundable upon payment, unless the Definitive Agreement is terminated due to failure to obtain necessary permits and approvals for the Project or due to Seller default.

5. Inspection Period

For a period of Sixty (60) days following the execution of the Definitive Agreement (the "Inspection Period"), Buyer and its representatives would have access to the Property, and upon request, will be given access to all books, records, data and documentation of Seller with respect to the Property, which request will not be unreasonably withheld, for the purpose of determining whether or not the Property is acceptable to Buyer, in its sole and absolute discretion.

During the Inspection Period, Buyer would have the right to conduct such tests and inspections of the Property, as it deems appropriate, including soil tests and environmental audits. Buyer would have the right to obtain additional information from, and communicate with, any governmental authority concerning the Property provided Seller would be informed of such communications in advance and provided an opportunity to participate in such communications, as Seller deems appropriate.

The Definitive Agreement would provide for Buyer to indemnify Seller for any loss, costs or damage related to Buyer's activities on site and not due to pre-existing conditions.

If the Buyer is not satisfied with the results of its due diligence then Buyer may elect to terminate the Agreement. Following successful closure of the

Inspection Period, Buyer's obligation to close the purchase of the Property would be contingent only upon (i) receipt of all necessary permits, (ii) no adverse changes in any matters covered in the Buyer's diligence and (iii) Seller's performance of its obligations under the Definitive Agreements.

6. Permitting Period

Upon expiration of the Inspection Period without termination by Buyer, the Permitting Period commences and continues for a period of Twelve (12) months from the end of the Inspection Period. The closing will be conditional on Buyer obtaining all necessary permits and approvals from the City of Portland for a project consisting of the redevelopment of the Property as a 50 room+/- hotel with rooftop bar (the "Project"). If the Buyer does not obtain all required permits and approvals from the City of Portland, Buyer may elect to terminate the Agreement and receive a refund of the First Deposit and the Second Deposit. During the Permitting Period, the Buyer would exercise commercially reasonable efforts to obtain all necessary permits to accommodate the development plan. In the event all necessary permits have been obtained, Buyer would be obligated to close, subject only to (i) no adverse changes in any matters covered in the Buyer's diligence and (ii) Seller's performance of its obligations under the Definitive Agreements.

7. Permitting Period Extension

Buyer would have the right to extend the Permitting Period for up to an additional six (6) months in order to obtain all necessary permits and resolve any appeals ("Permitting Period Extension"). During the Permitting Period Extension period, a fully earned, non-refundable fee of Ten Thousand (\$10,000.00) per month would be paid in advance for each month that Buyer has elected to extend. Any such fees would not be credited against the purchase price.

8. Closing

Closing would take place Forty-Five (45) days from the expiration of the Permitting Period (as extended).

9. Related Issues – Parking, Alleyway and Generator

Harbor Plaza Associates would amend the current lease with Seller (or affiliates) of 40 spaces associated with 245-253 Commercial Street property to provide for a minimum of 25 spaces to be leased by the Buyer. This number may be increased should Seller wish to retain less than 15 of the remaining leased spaces. Term to be adjusted as required to make Lease co-terminus with 261 Commercial parking lease discussed below. Terms to be negotiated prior to execution of the Definitive Agreement.

Seller would provide co-terminus lease for the surface parking lot in front of the 261 Commercial Street building for nights and weekend parking for hotel/restaurant guests. Terms to be negotiated prior to execution of the Definitive Agreement.

To extent necessary rights to use of the alleyway to be reserved for the benefit of the 261 Commercial Street parcel (MEMIC Building).

Seller and Buyer to resolve management of generator attached to 245 Commercial building prior to execution of the Definitive Agreement.

10. Seller's Documents

Within twenty (20) days after the date this Offer is accepted, Seller would deliver to Buyer all documentation, information, data, reports, or other written materials in Seller's possession pertaining to the Property. Without limiting the scope of the foregoing, such materials would include the following:

- (a) Current rent roll and all leases.
- (b) All service contracts
- (c) All surveys of the property
- (d) All environmental or engineering reports related to the property
- (e) Copies of the most recent tax bills for the Property
- (f) Any and all written contracts or agreements affecting the property.
- (g) Any other information pertaining to the property such as drawings, surveys, or environmental/geotechnical reports, as Buyer may request and are in Seller's possession or control.

11. Definitive Agreement

Promptly upon acceptance of this Letter of Intent, Seller will commence the preparation of a binding Definitive Agreement incorporating the terms and conditions of this Letter of Intent. Seller and Buyer agree to use their best efforts and to act in good faith to enter into a Definitive Agreement within 30 days from the acceptance of this Letter of Intent on the terms which the parties have agreed to in this Letter of Intent and such other terms and conditions of the purchase and sale as may be required by either party.

The Definitive Agreement would specifically provide that Buyer is acquiring the Property in its present condition "AS-IS, WHERE-IS AND WITH ALL FAULTS" and Seller would have no continuing responsibility for building or site conditions following closing, including any environmental site conditions or building defects, if any.

The Definitive Agreement would be subject to approval by the Seller's parent company board of directors.

12. Expenses

Each of the parties shall be responsible for payment of their respective costs and expenses associated with this Letter of Intent and the proposed transaction. Specifically, the Buyer will pay for costs incurred in performing Buyer's due diligence, including its legal counsel, title insurance premiums, surveys, environmental assessments, any other inspections and all permitting

and planning costs and Seller will be responsible for Seller's legal fees and Seller's other expenses.

13. Commission

Both Seller and Buyer acknowledge that each party would be responsible for any and all commissions associated with brokers or agents engaged by that party.

14. Assignment

Buyer's right to purchase the Property would be assignable to a designated affiliated entity upon notice to Seller, but without Seller's consent. Assignment would not relieve Buyer of any of its obligations under the Contract.

15. Confidentiality

Except as and to the extent required by law, each party will not disclose or use, and will direct its representatives not to disclose or use to the detriment of the other party any Confidential Information (as defined below) with respect to the Property or the proposed transaction furnished, or to be furnished, by the parties or any of their respective representatives, at any time or in any manner other than in connection with its evaluation of the transaction proposed in this Letter of Intent. For purposes of this paragraph, "Confidential Information" means any information marked "confidential" or identified in writing as such to the other party promptly following its disclosure, unless (a) such information is already known to the receiving party or its representatives or to others not bound by a duty of confidentiality or such information becomes publicly available through no fault of the Investor or its representatives, or (b) the furnishing or use of such information is required by or necessary or appropriate in connection with legal proceedings or current legal requirements. Upon the written request of the disclosing party, the receiving party will promptly return or destroy (with written confirmation of such destruction) any Confidential Information delivered to it by the Seller in the receiving party's possession.

16. Exclusivity

Given the substantial expenses to be incurred by the Buyer in any further efforts to effectuate the proposal set forth herein, Buyer and Seller wish to proceed on an "exclusive" basis. Accordingly, Seller's acceptance of this proposal would constitute an agreement by Seller, its officers, directors and representatives, to deal exclusively with Buyer (and, in particular, not to solicit, encourage, entertain or enter into any discussions or negotiations with any third party with respect to the acquisition of the Property or any substantial portion thereof) for a period of 90 days from the date hereof.

This Letter of Intent is intended only as a statement of the present intentions of the parties and not as a legally binding agreement except for Sections 12, 15 and 16. A commitment with respect to the sale and acquisition of the Property will become binding only with the execution of the Definitive Agreement by Seller and Buyer.

***** Separate Signature Page Follows**

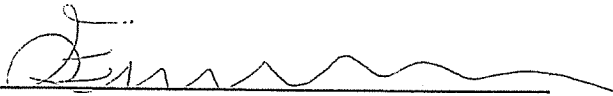
***** Signature Page to Letter of Intent *****

If you agree to the terms and conditions described in this Letter of Intent, please sign below. This Letter of Intent shall terminate and be of no further force and effect if it has not been accepted by you and returned to us on or before 5:00 PM on the day that is ten (10) days from the date of this Letter of Intent.

We look forward to working with you on this transaction.

Sincerely

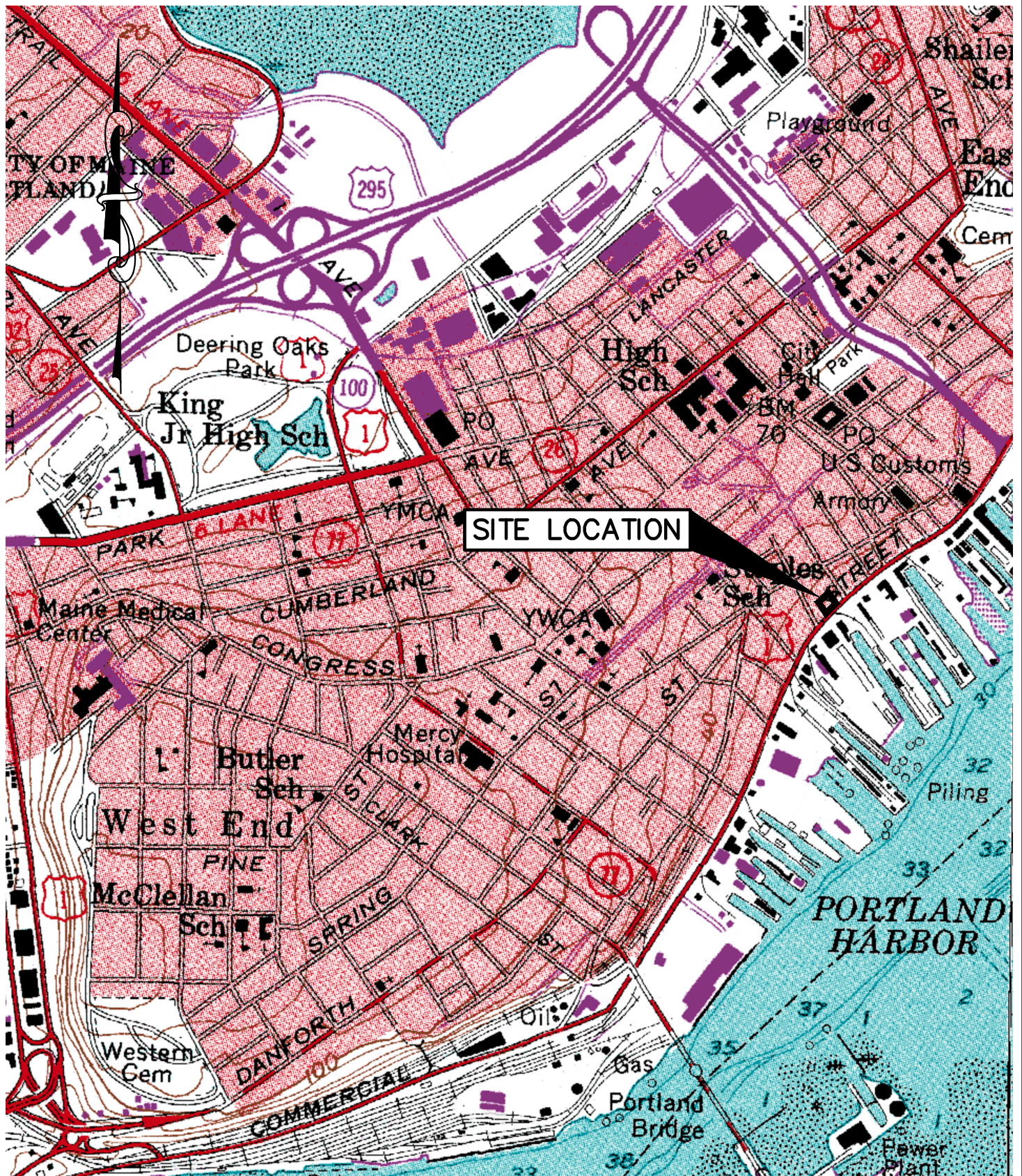
Casco View Holdings, LLC

By: 
Its Authorized Representative *Eileen M Fongemie*
TREASURER

AGREED TO AND ACCEPTED BY:

Bateman Partners, LLC

By: 
Its Authorized Representative



U.S.G.S. Location Map
 Harbor Hotel Expansion - Portland, Maine
 U.S.G.S. Portland, West, Maine-7.5 Minute Series (Topographic)

Design: SF	Date: MAY 2024
Draft: CG	Job No.: 4173
Checked: SF	Scale: None
File Name: 4173-LOCATION.dwg	



Relationships. Responsiveness. Results.
www.gorrillpalmer.com
 207.772.2515

Figure

1



300 Southborough Drive, Suite 200, South Portland, ME 04106
(207) 772-2515 | GorrillPalmer.com

August 30, 2024

Ameriz Gamez, Planner

City of Portland
389 Congress Street
Portland, ME 04103

**Subject: Proposed Hotel Units
245 Commercial Street
Response to Comments
Applicant: 245 Commercial Street, LLC**

Dear Ameriz,

On behalf of **245 Commercial Street, LLC**, Gorrill Palmer has received and reviewed your comments provided in an email dated July 16, 2024 regarding the Conditional Use Application submitted to the City of Portland on May 30, 2024 for the proposed multifamily dwelling renovation project in Portland. For ease of reference, we have repeated the comments in *italics* followed by our responses.

COMMENTS RECEIVED JULY 16, 2024

General Conditional Use Standards:

- *“The applicant should note how deliveries are to occur for the proposed uses.”*

Response: Deliveries to the hotel will be directed to the existing delivery drop-off at the hotel entrance on Fore Street.

- *“With the added hotel room, the applicant shall note the impacts of the added rooms on hotel arrival and departure activity and the curb/site traffic management.”*

Response: The arrival and departure activity of the new hotel units will follow the same procedures as the current hotel. This activity is managed through the Fore Street entrance. Upon arrival, guests will be directed to the existing valet deck where their vehicles will be parked in the onsite garage. Pedestrian access to the new units will be conveyed through an entrance and lobby off of Commercial Street.

- *“Note how parking will be accommodated from the added 50 hotel units.”*

Response: The parking for the added hotel units will be accommodated within the existing parking garage attached to the Portland Harbor Hotel. The City of Portland requires one space for every four guest rooms. There are currently 103 rooms at the Hotel. The proposed expansion includes an additional 52 rooms, for a total of 155 rooms. With this total, 39 parking spaces would be required. The Hotel currently has a lease for 64 parking spaces in the parking garage. With the



STRUCTURAL



FALL PROTECTION
SAFETY



TRANSPORTATION



SITE DESIGN
Page 306



SURVEY



WATER
RESOURCES



TECHNOLOGY
& INNOVATION

acquisition of 245 Commercial Street, the Hotel will acquire an additional 40 leased spaces at other locations. The total of 104 spaces exceeds the 39 spaces required.

- *“The applicant should provide an explanation to confirm that 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.”*

Response: Per Table 6C of the Land Use Code, the existing uses (general office and restaurant) as well as the proposed uses (hotel, bar, and restaurant), are all permitted within the B-3 zone. This proposed use will be similar to the existing condition, with no unsanitary or harmful conditions created as a result of the change in use. Issues such as sewage disposal, odors, emissions, and noise, will continue to be managed in a safe and professional manner. Any new lighting introduced to the site will not be harmful to the surrounding area.

- *“Applicant must confirm if there are plans to remove any current landscaping or if there is a proposal to provide landscaping.”*

Response: The landscaping and impervious area onsite are currently intended to remain the same as the existing condition.

- *“Provide information regarding any proposed signage that may be proposed for this project.”*

Response: The applicant intends to add new signage on Commercial Street. The signage has not been designed at this point and will be submitted to the City upon design for the necessary permit.

- *“Provide information on any potential impacts to the surrounding properties.”*

Response: As the hotel expansion will consist of mostly interior renovations, there are no anticipated impacts to surrounding properties.

Additional Comments:

- *“Provide additional information on project utility demands for the proposed use.”*

Response: Referencing the property’s water bill (see attachment), the Harbor Hotel currently uses a maximum of 9,260 gallons per day (GPD) during its peak month across 103 rooms. This equates to 90 GPD for each room. The proposed expansion includes 52 rooms. Using the same usage rate of 90 GPD per room for 52 rooms, the expansion can be expected to use 4,680 GPD during its peak month, not including any credit for the former office use which was likely on the order of 1,656 GPD.



CLOSURE

If you have any questions with regards to this comment response letter, please don't hesitate to contact this office at 207-772-2515.

Sincerely,

GORRILL PALMER

Al Palmer, PE
Principal
207-772-2515
apalmer@gorrillpalmer.com

cc: David Bateman, Bateman Partners, LLC

Attachments:

Portland Harbor Hotel Water Bill dated 01/05/2024



1506580



Portland Water District
FROM SERAGO LAKE TO CASCO BAY

Customer Name	MAINE HOTEL HOLDINGS LLC	Account Number
Service Address	127 FORE ST PORTLAND	30057362
Bill Date: 01/05/2024	Payment Due Upon Receipt	

Office Hours

8:00 a.m. - 4:30 p.m.
Monday through Friday
Phone: 207-761-8310

Web Site and E-Mail

www.pwd.org
customerservice@pwd.org

Account Detail

Previous Balance

Payment - Thank You

Balance Forward

Total Current Charges

TOTAL AMOUNT DUE

Member
Water Charges

Portland
Wastewater Charges

Total

\$10,695.28

\$5,489.81CR

\$5,205.47

\$1,841.36

\$7,046.83

Current Charges Detail

Minimum Charge

\$80.26

\$12.75

Usage Charge

\$283.31

\$1,428.00

Sales Tax

\$20.00

\$0.00

Late Fee

\$2.97

\$14.07

Customer Meter Summary:

METER
NUMBER
S91162020

METER
TYPE
Primary 3"

READ
DATE
12/21/2023

PRIOR
READ DATE
11/27/2023

CURRENT
READING
3245

PRIOR
READING
3132

USAGE
(HCF)
113

Monthly Usage (Hundred Cubic Feet)			
Month	Days	Water	Waste Water
01/24	24	113	113
12/23	41	336	336
11/23	32	355	355
10/23	28	310	310
09/23	29	359	359
08/23	30	310	310
07/23	29	197	197
06/23	28	144	144
05/23	33	155	155
04/23	28	80	80
03/23	28	79	79
02/23	34	96	96
01/23	31	88	88

Hundred Cubic Feet = 748 Gallons

Refer to back for customer information, online payment options, or to make mailing address changes.

Remit Total Payment to:



Portland Water District
FROM SERAGO LAKE TO CASCO BAY

Portland Water District
PO Box 9751
Portland, ME 04104-5051



MAINE HOTEL HOLDINGS LLC
25 HANCOCK ST
PORTLAND, ME 04101

865

BILL DUE UPON RECEIPT

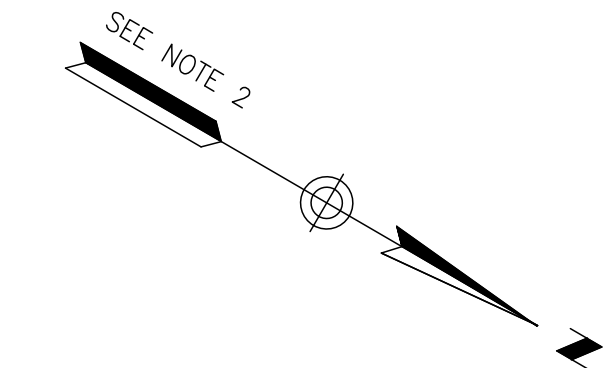
ACCOUNT NUMBER: 30057362

AMOUNT ENCLOSED _____

Total Payment must be received before 02/02/24,
or a late fee of .3273% will be charged.

TOTAL AMOUNT DUE: \$7,046.83





Flood Zone Note:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE C OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 230051 0015B, WHICH BEARS AN EFFECTIVE DATE OF JULY 17, 1986 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

Zoning Information:

NONE PROVIDED BY TITLE INSURER

Possible Encroachments:

HOTEL BUILDING OVER PROPERTY LINE ONTO ABUTTERS

Schedule B Section 2 Exceptions:

FIRST AMERICAN TITLE INSURANCE COMPANY
COMMITMENT FILE NO. 15-12773 EFFECTIVE DATE: SEPTEMBER 4, 2015

1-6. NON SURVEY ITEMS

7. TERMS AND CONDITIONS AND RIGHTS AND EASEMENTS RESERVED IN A DEED FROM DICTAR ASSOCIATES II TO HARBOR PLAZA ASSOCIATES II DATED JUNE 27, 1983 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 6205, PAGE 1. AS SHOWN.

8. RIGHTS AND EASEMENTS GRANTED TO DICTAR ASSOCIATES II AND HARBOR PLAZA ASSOCIATES II AS SET FORTH IN A CONFIRMATORY EASEMENT DEED FROM HARBOR PLAZA ASSOCIATES II DATED FEBRUARY 4, 1997 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 12937, PAGE 24. NOT PLOTTABLE. BLANKET IN NATURE.

9. SUCH STATE OF FACTS AS SHOWN ON A PLAN ENTITLED ALTA/ACSM LAND TITLE SURVEY ON COMMERCIAL, CROSS, FORE AND UNION STREETS, PORTLAND MAINE MADE FOR PORTLAND HARBOR HOTEL ASSOCIATES, LLC BY OWEN HASKELL, INC. JOB NO. 96286P, CONSISTING OF DRAWINGS 1 AND 2, MOST RECENTLY REVISED AS OF JUNE 2007. SEE REFERENCED PLAN.

10-11. NON SURVEY ITEMS

12. RIGHTS AND EASEMENTS SET FORTH IN A DEED FROM DICTAR ASSOCIATES II TO HARBOR PLAZA ASSOCIATES II DATED JUNE 27, 1983 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 6205, PAGE 1, AS AFFECTED BY CONFIRMATORY EASEMENT DEED FROM HARBOR PLAZA ASSOCIATES II TO DICTAR ASSOCIATES II AND HARBOR ASSOCIATES DATED FEBRUARY 4, 1997 AND RECORDED IN SAID REGISTRY IN BOOK 12937, PAGE 24. AS SHOWN.

13-14. NON SURVEY ITEMS.

15. EASEMENT DEED FROM DICTAR ASSOCIATES TO CENTRAL MAINE POWER COMPANY DATED AUGUST 9, 1985 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 6921, PAGE 79. AS SHOWN.

16-22. NON SURVEY ITEMS

23. EASEMENT AGREEMENT BY AND BETWEEN MAINE EMPLOYERS' MUTUAL INSURANCE COMPANY AND DICTAR ASSOCIATES II DATED MARCH 4, 2008 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 25894, PAGE 274. AS SHOWN.

24. NON SURVEY ITEM

25. SUBJECT TO AND WITH THE BENEFIT OF THE TERMS AND CONDITIONS OF A LEASE DATED JUNE 16, 2008 BY AND BETWEEN 468 FORE STREET REALTY, LLC AND PORTLAND HARBOR HOTEL ASSOCIATES, LLC AS EVIDENCED BY A MEMORANDUM OF LEASE DATED JUNE 16, 2008 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 26142, PAGE 282. AS SHOWN.

26-27. NON SURVEY ITEMS

28. SUCH STATE OF FACTS AS SHOWN ON A PLAN ENTITLED "EASEMENT PLAN ON COMMERCIAL, CROSS, FORE AND UNION STREETS, PORTLAND MAINE" BY OWEN HASKELL, INC. DATED DECEMBER 7, 2010 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 211, PAGE 56. SEE REFERENCED PLAN.

29. NON SURVEY ITEM

30. CROSS EASEMENT INDENTURE BY AND AMONG HARBOR PLAZA ASSOCIATES ET AL DATED MARCH 1, 2011 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 28557, PAGE 1. AS SHOWN.

Utility Note:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-888-DIGSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION. DUE TO OSHA CONFINED SPACE REQUIREMENTS, ALL INVERTS AND PIPE SIZES MUST BE VERIFIED PRIOR TO ANY CONSTRUCTION.

Notes:

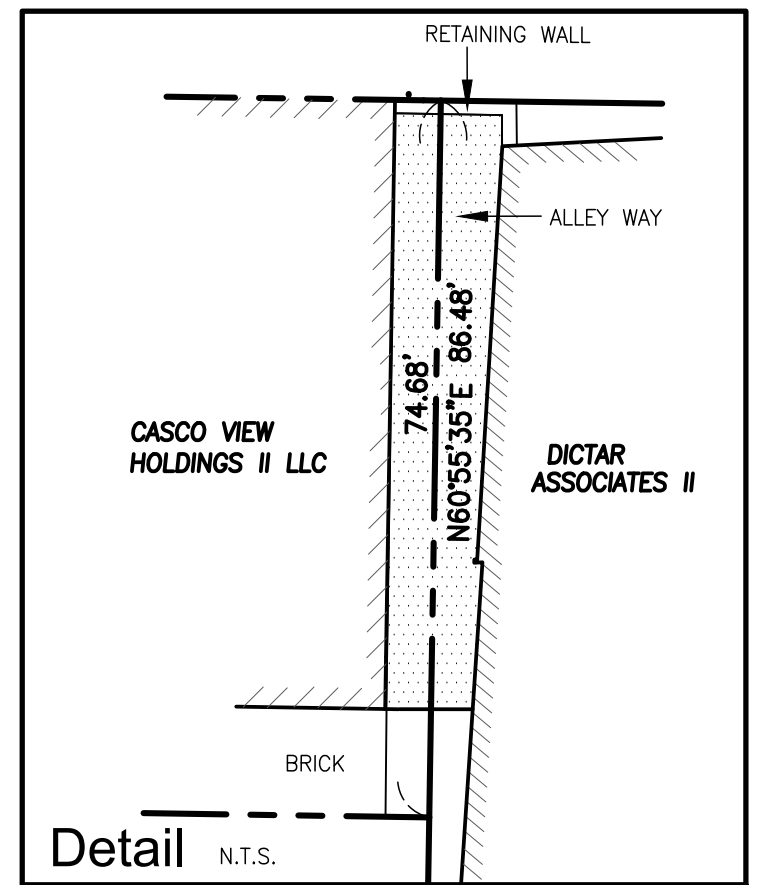
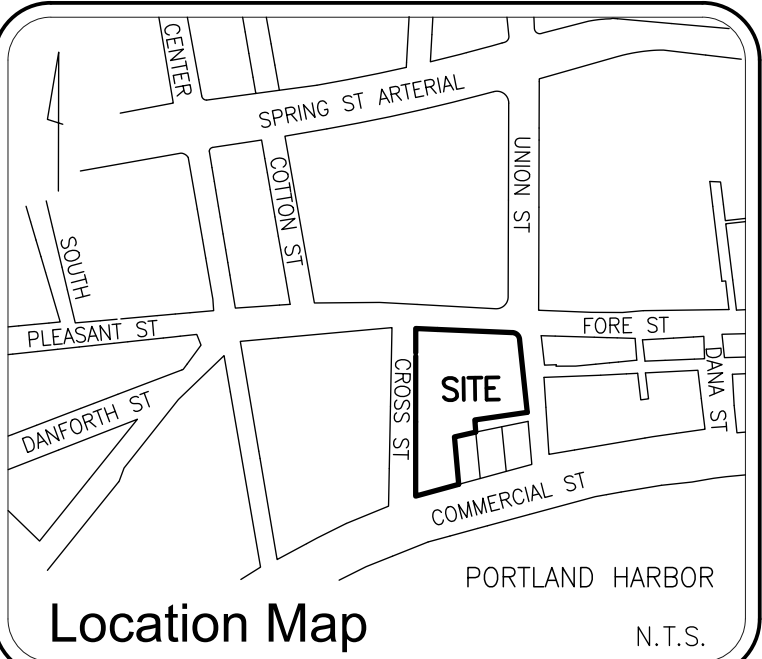
- BUILDING HEIGHTS ARE MEASURED FROM THE ADJACENT SIDEWALK. MECHANICAL ROOM WALLS ARE APPROXIMATELY 2.0' HIGHER THAN THE HEIGHT SHOWN FOR THE NEW ADDITION.
- BEARINGS ARE BASED ON MAINE STATE GRID.
- ELEVATIONS SHOWN ARE REFERENCED TO MEAN SEA LEVEL.
- "HOTEL" PORTION OF BUILDING CONTAINS FOUR STORIES WITH TOP OF HOTEL IS APPROXIMATELY 55 FEET ABOVE FORE STREET.
- "HOTEL" PARCEL HAS NO PARKING ON SITE BUT IS BENEFITED BY LEASE IN BOOK 16749 PAGE 203.
- AT THE TIME OF THIS SURVEY THERE WAS NO OBSERVABLE SURFACE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
- AT THE TIME OF THIS SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SUBJECT PROPERTY BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
- AT THE TIME OF THIS SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF ANY RECENT CHANGES IN STREET RIGHT-OF-WAY LINES EITHER COMPLETED OR PROPOSED, AND AVAILABLE FROM THE CONTROLLING JURISDICTION.
- AT THE TIME OF THIS SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF ANY RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.

Plan References:

- "PLAN OF LAND STANDARD BOUNDARY SURVEY ON UNION ST. PORTLAND MAINE FOR RAM MANAGEMENT COMPANY" DATED JULY 31, 1985 REVISED THRU 11-5-86 BY OWEN HASKELL, INC..
- CITY OF PORTLAND MAINE DEPARTMENT OF PUBLIC WORKS PROPOSED PARKING GARAGE SITE" DATED JUNE 18, 1979.
- "STATE OF MAINE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP PORTLAND CUMBERLAND COUNTY" DATED JUNE 1991 D.O.T. FILE NO. 3-388.
- "STATE OF MAINE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP" DATED AUGUST 1985, D.O.T. FILE NO. 3-339.
- "HARBOR PLAZA PORTLAND MAINE DEVELOPER - DICTAR ASSOC. JOHN H. LEASURE ARCHITECT, INC. SITE PLAN".
- "PLAN OF LAND SHOWING 245-247 COMMERCIAL STREET PORTLAND MAINE RECORD OWNER: 245 COMMERCIAL STREET PARTNERS" DATED JANUARY 10, 1994 BY LAND USE CONSULTANTS.
- "STANDARD BOUNDARY SURVEY FOR PORTLAND SQUARE LIMITED PARTNERSHIP" DATED 10-22-87 BY STEVENS MARTON ROSE & THOMPSON.
- "PLAN OF PROPERTY IN PORTLAND MAINE MADE FOR PORTLAND SQUARE LIMITED PARTNERSHIP LAND TITLE SURVEY" DATED 15 NOV. 1989 REVISED THRU 24 MARCH 1995 BY HI & EC JORDAN AND OWEN HASKELL, INC.
- "ALTA/ACSM LAND TITLE SURVEY ON COMMERCIAL, CROSS, FORE AND UNION STREETS PORTLAND, MAINE FOR HARBOR PLAZA ASSOCIATES" DATED DEC. 23, 1996 REVISED THRU FEB 03, 1997 SHEETS 1 AND 2 OF 2 BY OWEN HASKELL, INC.
- "ALTA/ACSM LAND TITLE SURVEY ON COMMERCIAL, CROSS, FORE AND UNION STREETS PORTLAND, MAINE FOR PORTLAND HARBOR HOTEL ASSOCIATES, LLC AND HART HOTELS DATED JUNE 2007" BY OWEN HASKELL, INC.
- "ALTA/ACSM LAND TITLE SURVEY ON COMMERCIAL, CROSS, FORE AND UNION STREETS PORTLAND, MAINE FOR 468 FORE STREET REALTY, LLC DATED JUNE 4, 2008 BY OWEN HASKELL, INC.
- "ALTA/ACSM LAND TITLE SURVEY ON COMMERCIAL, CROSS, FORE AND UNION STREETS PORTLAND, MAINE FOR PORTLAND HARBOR HOTEL ASSOCIATES, LLC DATED SEPT. 20, 2010 BY OWEN HASKELL, INC.

Legend:

- 3" O/S MONUMENT
- IRON PIPE FOUND
- UTILITY POLE W/GUY
- LIGHT POLE
- HYDRANT
- WATER VALVE
- MANHOLE
- CATCH BASIN
- SIGN
- PM PARKING METER
- BIT BITUMINOUS PAVED
- N/F NOW OR FORMERLY
- VOL./PG. VOLUME/PAGE
- T.M./LOT TAX MAP & LOT
- C.C.R.D. CUMBERLAND COUNTY REGISTRY OF DEEDS
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- CURB
- OHW OVERHEAD WIRES
- UE UNDERGROUND ELECTRIC
- T UNDERGROUND TELEPHONE
- 8"SS SANITARY SEWER
- 6"W WATER LINE
- G GAS LINES
- ① SCHEDULE B EXCEPTION



Owner of Record

- PORTLAND HARBOR HOTEL ASSOCIATES, LLC BY VIRTUE OF A LEASE FROM HARBOR PLAZA ASSOCIATES, II WITH A COMMENCEMENT DATE OF NOVEMBER 1, 2000, AS EVIDENCED BY A MEMORANDUM OF LEASE DATED AUGUST 16, 2001 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 16749, PAGE 193, AND AN ASSIGNMENT OF LEASE FROM FORE STREET REALTY, LLC DATED AUGUST 16, 2001 AND RECORDED IN SAID REGISTRY IN BOOK 16749, PAGE 201, AS AMENDED BY A FIRST AMENDMENT TO LEASE DATED OCTOBER 19, 2001 AND RECORDED IN SAID REGISTRY IN BOOK 16902, PAGE 77. (AIR SPACE)
- PORTLAND HARBOR HOTEL ASSOCIATES, LLC BY VIRTUE OF A LEASE FROM HARBOR PLAZA ASSOCIATES DATED AUGUST 16, 2001, AS EVIDENCED BY A MEMORANDUM OF PARKING LEASE DATED APRIL 16, 2001 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 16749, PAGE 203. (PARKING)
- PORTLAND HARBOR HOTEL ASSOCIATES, LLC BY VIRTUE OF A LEASE DATED JUNE 16, 2008 FROM 468 FORE STREET REALTY, LLC AS EVIDENCED BY A MEMORANDUM OF LEASE DATED JUNE 16, 2008 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 26142, PAGE 282. (SPACE LEASE - 468-470 FORE STREET)

ALTA/ACSM Land Title Survey

468 Fore Street
Portland, Cumberland County, Maine
made for
Portland Harbor Hotel Associates, LLC

Surveyor's Certification

TO: PORTLAND HARBOR HOTEL ASSOCIATES, LLC, FIRST AMERICAN TITLE COMPANY AND BANGOR SAVINGS BANK, ITS SUCCESSORS AND/OR ASSIGNS

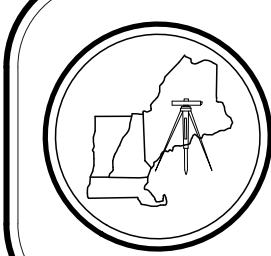
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 7(c), 7(b)(1), 7(c), 8, 9, 11(a), 13, 16, 17, & 18 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON DECEMBER 23, 2015.

RANDY R. LOUBIER
PROFESSIONAL LAND SURVEYOR NO. 2407
IN THE STATE OF MAINE

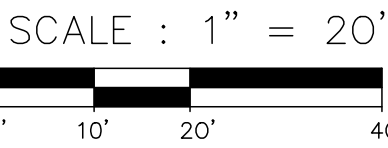
DATE OF MAP OR PLAT: DECEMBER 23, 2015
REVISION DATE:

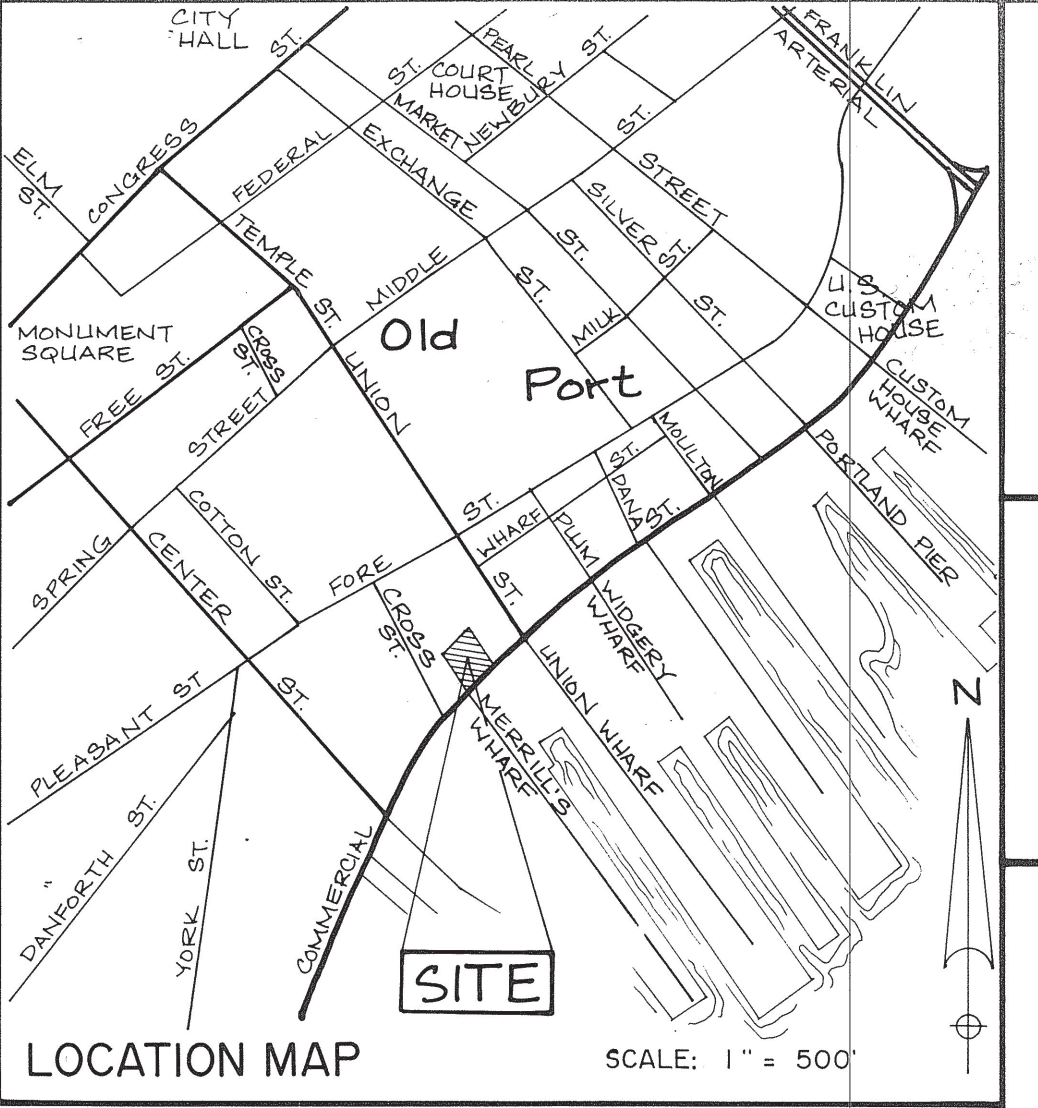
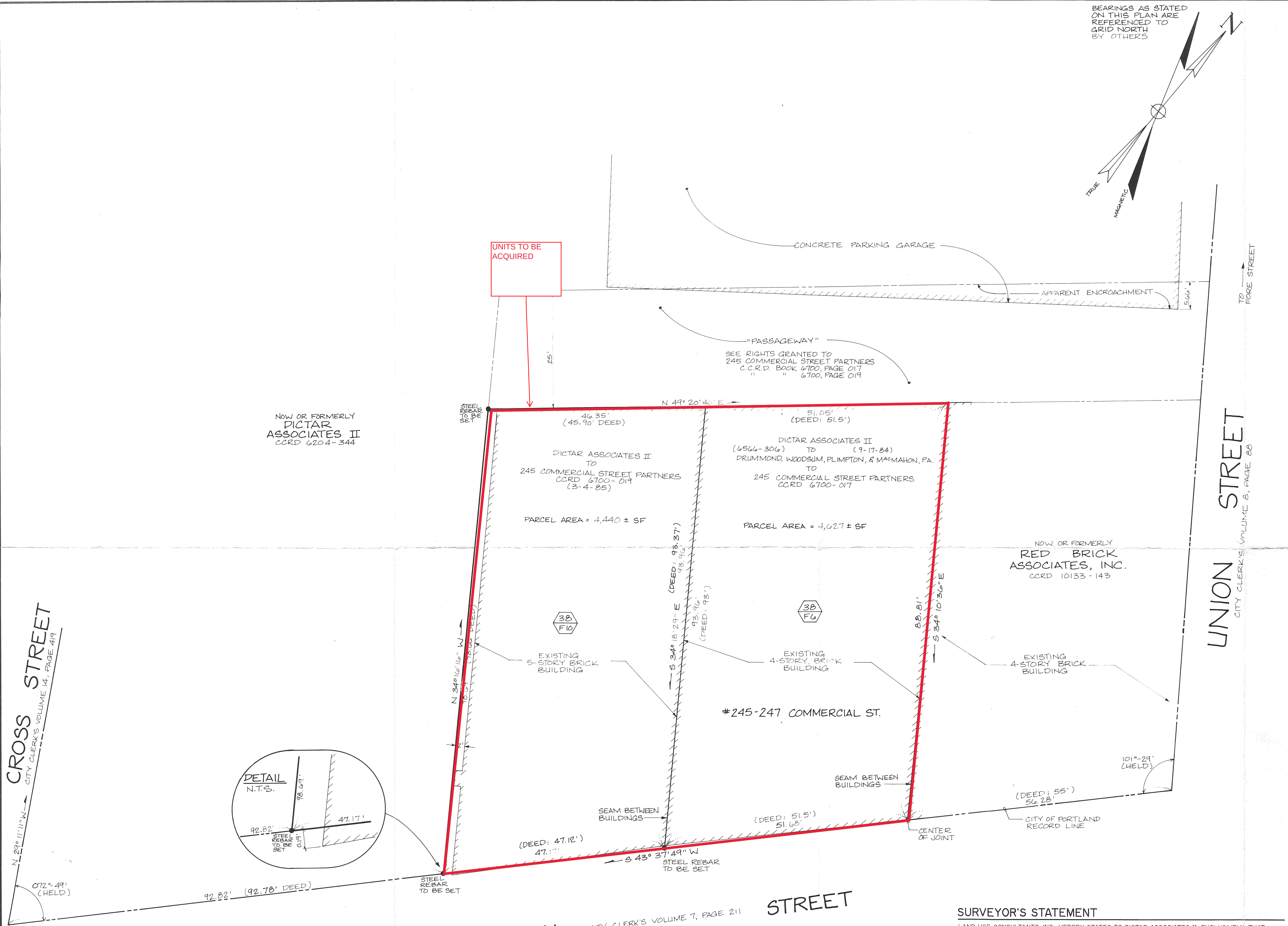
OHI JOB NO. 96286P

SHEET 1 OF 2



OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS
390 U.S. ROUTE ONE, UNIT 10
FALMOUTH, MAINE 04105
Tel. (207) 774-0424 www.owenhaskell.com





- REFERENCES**
- "BOUNDARY & TOPOGRAPHIC SURVEY OF PROPERTY IN PORTLAND, MAINE," FOR DICTAR ASSOCIATES, BY LAND USE CONSULTANTS, INC., FEBRUARY 1983.
 - PLAN OF LAND ON UNION ST., PORTLAND, ME, FOR RAM MANAGEMENT CO., BY OWEN HASKELL, INC., DATED JULY 31, 1985.
 - CITY OF PORTLAND DEPT. OF ENGINEERING REFERENCES:
A. COMMERCIAL ST. - MOULTON TO CROSS, 624/2
B. TRANSIT BOOK 82, PAGE 181

- LEGEND**
- PROPERTY BOUNDARY LINE
 - ROAD RIGHT OF WAY SIDELINE
 - EXISTING BUILDING
 - DIVISION LINE BETWEEN PARCELS
 - ABUTTER'S LOT LINE
 - STEEL REBAR TO BE SET

- NOTES**
- INSTRUMENT-SURVEY BY LAND USE CONSULTANTS, INC., DECEMBER 9, 1993, USING A LIETZ SET 4 TOTAL STATION.
 - UNADJUSTED ERROR OF CLOSURE IS 1/58084.
 - ZONING IS B3 DOWNTOWN BUSINESS.
 - PARCELS ARE SHOWN ON THE CITY OF PORTLAND TAX MAP #38, LOT F6 AND LOT F10.

RECORD OWNER

245 COMMERCIAL STREET PARTNERS
900 MAINE SAVINGS PLAZA
PORTLAND, MAINE 04101-1117
C.C.R.D. 6700 - 017, 6700 - 019

SURVEYOR'S STATEMENT

LAND USE CONSULTANTS, INC., HEREBY STATES TO DICTAR ASSOCIATES II, EXCLUSIVELY, THAT:

- LAND USE CONSULTANTS, INC., HAS CONDUCTED A FIELD SURVEY OF THE PREMISES DEPICTED HEREON, UNDER MY SUPERVISION, IN THE U.S. STANDARDS OF MEASUREMENT;
- THIS WORK MEETS OR EXCEEDS THE STANDARDS OF THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CATEGORY I, CONDITION III SURVEYS;
- THIS WORK, IN MY PROFESSIONAL OPINION, IS CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

JOHN D. ROBERTS
MAINE PROFESSIONAL LAND SURVEYOR # 1155
LAND USE CONSULTANTS, INC.
PORTLAND, MAINE

1-26-94
DATE

EXCEPTIONS: NO REPORT OR DESCRIPTION WRITTEN TO DATE
NO MONUMENTATION SET TO DATE

PLAN OF LAND SHOWING	
245-247 COMMERCIAL STREET	
PORTLAND, MAINE	
RECORD OWNER:	
245 COMMERCIAL STREET PARTNERS	
900 MAINE SAVINGS PLAZA	
PORTLAND, MAINE 04101 - 1117	
LS.	Date
Revision	
Designed EML	
Drawn SMC	
Checked I.S.	
Scale 1" = 10'	
Date	JANUARY 10, 1994
STANDARD BOUNDARY SURVEY	
Job No. 2739	
Sheet	
1 of 1	

PLANNING BOARD

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

September 10, 2024

David Bateman
Bateman Partners, LLC
86 Newbury Street
Portland, ME 04101

Address: 245 Commercial Street Street
Applicant: 86 Newbury Street, LLC
Planner: Ameriz Gamez

Project ID: CU-002976-2024
CBL: 038 Foo6001

Dear David Bateman:

On September 10, 2024, the Planning Board approved a Conditional Use application for hotel inclusionary zoning, submitted to facilitate the conversion of the upper floors of the property at 245 Commercial Street from office use to a 52-room hotel. This property is located in the B-3 Downtown Business zone, and is further located within the Pedestrian Activities District (PAD), Downtown Entertainment Overlay Zone (DEOZ) and the Old Port Historic District. The decision is based upon the application, documents, and plans as submitted. The Planning Board reviewed the proposal for conformance with the General Conditional Use standards (Sec. 6.5.2) and the Hotel Inclusionary Zoning requirements (Sec. 18.2.5). The Planning Board voted (X-X) to approve the application.

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 September 10, 2024, for application CU-002976-2024, relevant to Land Use Code Sections 6.5.2 and 18.2.5 and the testimony presented at the Planning Board hearing, the Planning Board voted (X-X) to find that the plan is in conformance with the Conditional Use standards of the Land Use Code, subject to the following condition of approval:

Prior to the Issuance of a Certificate of Occupancy

1. The applicant shall contribute \$243,984 into the City's Jill C. Duson Housing Trust Fund to satisfy the inclusionary zoning requirements for a 52-room hotel development.

The approval is based on the submitted plans and findings related to the Conditional Use application as contained in the Planning Board report dated September 10, 2024 for application CU-002976-2024 which is attached.

If there are any questions, please contact Ameriz Gamez at (207) 874-8632 or via email at agamez@portlandmaine.gov.

Sincerely,

Brandon Mazer, Planning Board Chair

Attachments:

1. Planning Board Report – 245 Commercial Street (9.10.2024)