

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

AUGUST 12, 2019 SPECIAL CITY COUNCIL AGENDA

The Portland City Council will hold a City Council meeting in City Council Chambers. The Honorable Ethan K. Strimling, Mayor, will preside.

SPECIAL CITY COUNCIL MEETING 4:00 PM

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft Minutes for the July 15, 2019 Special City Council Meeting, the July 15, 2019 Regular City Council Meeting, and the July 23, 2019 Special City Council Meeting.

APPOINTMENTS:

Order 15-19/20 Appointing Constable for the Portland Public Library - Sponsored by Jon P. Jennings, City Manager.

This order appoints Portland Public Library Employee Kathleen Cleary as a constable. She would replace one of the Library's two constables, who was appointed last December for 2019 but is no longer working for the Library.

This appointment is effective until 12:00 midnight, December 31, 2019, and is made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of duties, or to make arrests or issue parking tickets.

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 16-19/20 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Deng M. Malual – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Council to approve the transfer of \$613.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Deng. M. Malual.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department. The money will be deposited into the Portland Police Department's drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department's Law Enforcement Addiction Advocacy Program.

Order 17-19/20 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Aaron Dansky – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Council to approve the transfer of \$1,565.70 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Aaron Dansky.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department. The money will be deposited into the Portland Police Department's drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department's Law Enforcement Addiction Advocacy Program.

Five affirmative votes are required for passage of the Consent Calendar.

LICENSES:

Order 18-19/20 Granting Municipal Officers' Approval of Randall MacVane Post 142 dba Randall MacVane Post 142 American Legion. Application for a Class IV/V Non Profit FSE with Outdoor Dining on Private Property at 54 Welch Street - Sponsored by Jon P. Jennings, City Manager.

Randall MacVane Post 142 dba Randall MacVane Post 142 American Legion.

Application for a Class IV/V Non Profit FSE with Outdoor Dining on Private Property at 54 Welch Street.

Application was filed on 7/10/2019. New City application. Applicant currently holds a Class IV/V Non Profit FSE.

Five affirmative votes are required for passage after public comment.

Order 19-19/20 Granting Municipal Officers' Approval of A&C Grocery LLC dba A&C Food Factory. Application for a Class III & IV FSE with Outdoor Dining on Private Property and Public Property at 131 Washington Avenue - Sponsored by Jon P. Jennings, City Manager.

A&C Grocery LLC dba A&C Food Factory. Application for a Class III & IV FSE with Outdoor Dining on Private Property and Public Property at 131 Washington Avenue.

Application was filed on 7/11/2019. New City and State applications. Applicant currently holds a Food Service Establishment with Prep license.

Five affirmative votes are required for passage after public comment.

Order 20-19/20 Granting Municipal Officers' Approval of Connor Montello & Truman Leddy dba Maps. Application for a Class III & IV FSE at 64 Market Street - Sponsored by Jon P. Jennings, City Manager.

Connor Montello & Truman Leddy dba Maps. Application for a Class III & IV FSE at 64 Market Street.

Application was filed on 7/22/2019. New City and State applications. New owner of an existing business.

Five affirmative votes are required for passage after public comment.

Order 21-19/20 Granting Municipal Officers' Approval of Fraser Loring LLC dba Congress Bar and Grill. Application for a Class I FSE with Outdoor Dining on Public Property at 617 Congress Street.

Fraser Loring LLC dba Congress Bar and Grill. Application for a Class I FSE with Outdoor Dining on Public Property at 617 Congress Street.

Application was filed on 7/23/2019. New City and State applications. New owner of an existing business.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 190-18/19 Approving Two-Party Agreement between Maine Department of Transportation and Portland Re: Improvements to India Street - Sponsored by Jon P. Jennings, City Manager.

This agreement, between the Maine Department of Transportation (MaineDOT) and the City of Portland, obligates MaineDOT to mill and fill India Street, adjust the City's sanitary sewer manhole frames and covers, as necessary, update and/or install new pedestrian curb ramps to meet ADA requirements and all appurtenances when MaineDOT's contractor paves India Street. The agreement obligates the City to pay MaineDOT \$289,000.00, and pay an additional \$10,000.00 for manhole adjustments from a water resources fund.

This item must be read on two separate days. It received its first reading on March 18, 2019. On April 8, 2019, this item was given its second reading and postponed to June 17, 2019, and on June 17, 2019 it was postponed to August 12, 2019. Five affirmative votes are required for passage after public comment.

Order 277-18/19 Adopting the Bayside Transportation Master Plan - Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair.

The Sustainability and Transportation Committee met in March and April 2018 and took up the Bayside Transportation Plan. The Committee voted 3-0 to forward this item to the City Council with a recommendation for passage.

This order adopts the Bayside Transportation Master Plan pursuant to the plan adoption process in Portland's Plan 2030.

The City conducted the multimodal and land use Bayside Transportation Master Plan, funded by the Portland Area Comprehensive Transportation System, to integrate and lay the groundwork for various public planning-project initiatives and private development activities in the fast-changing Bayside and East Bayside neighborhoods.

At the June 17, 2019 City Council meeting, this item was postponed to this meeting. Five affirmative votes are required for passage after public comment.

Order 11-19/20 Amendment to Portland City Code Chapter 30 Vehicles for Hire Re: Rental of Golf Carts- Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair.

The Sustainability and Transportation Committee met on June 19 and voted 3-0 to forward this item to the City Council with a recommendation for passage.

This amendment will make changes to Chapter 30 Section 30-110 that will regulate golf cart rentals on Portland islands, requiring annual registrations and phasing out all but electric-powered golf carts by 2021.

This item must be read on two separate days. It was given a first reading on July 15, 2019. Five affirmative votes are required for passage after public comment.

Order 12-19/20 Amendment to Portland City Code Chapter 8 Re: Report Requirements - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee met on June 18, 2019 and voted unanimously (4-0) to forward this item to the City Council for approval.

The concept of the replacement reports are an outcome of the Waterfront Central Zone amendments recently enacted by the City Council. The amendment would replace a deleted requirement to conduct an annual inventory of ground floor marine use within a portion of the Waterfront Central Zone – those portions of parcels lying outside of the so-called “Non Marine Use Overlay.”

This amendment replaces the “inventory” with two more comprehensive reporting requirements:

- Conducting a State of the Waterfront study and report every three to five years. The State of the Waterfront Report shall identify key indicators of economic health for marine industry: such as employment by industry, homeported commercial vessels by type, fish landings, freight volume, marine passenger volumes by type, and business activity value and trends; and,
- Preparing an annual Waterfront Development Report. The Waterfront Development Report shall highlight significant construction activity, permit volumes, case studies, and other development trends. The Waterfront Development Report may be used to support land use decision making and to inform thinking and actions on the efficacy and impacts of zoning and land use policy on the Waterfront. The Waterfront Development Report shall be presented to the Planning Board at Public hearing and presented to the City Council as a communication not less than once every calendar year.

The two reports are intended to track over time the effectiveness and impacts of City waterfront policies and ordinances. The results of such studies may be used to support processes including but not limited to allocation of Waterfront Tax Increment Financing program funds, Land Use ordinance amendments, capital budgeting, and outside grant funding applications. By better evaluating economic value and development activity, the City will have greater understanding of the strengths, weaknesses, and threats to the waterfront economy and will be better prepared to strengthen the waterfront as a home for traditional and emerging marine business.

This item must be read on two separate days. It was given a first reading on July 15, 2019. Five affirmative votes are required for passage after public comment.

Order 13-19/20 Approving the Second Amendment to Conditional Rezoning Agreement C-55 Re: Luther Street Property on Peaks Island - Sponsored by the Planning Board, Sean Dundon, Chair.

On June 11, 2019, the Planning Board held a public hearing to consider a text amendment to the original Conditional Zone Agreement (CZA #CC-55) for the properties at 18, 22, and 26 Luther Street on Peaks Island. The proposed text amendments to the agreement will allow an affordable year-round accessory dwelling unit (ADU) to be added to each of the three existing affordable homes. The Planning Board voted unanimously (6-0, Silk absent) to find the proposed text amendments for Home Start and Volunteers of America to be consistent with the policies of Portland's Comprehensive Plan and consistent with the existing and permitted uses in the underlying IR-2 zone. The Board recommends to the City Council adoption of the proposed Text Amendments to the Conditional Rezoning Agreement for 18, 22, 26 Luther Street on Peaks Island.

This item must be read on two separate days. It was given a first reading on July 15, 2019. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 22-19/20 Setting a Public Hearing for Citizen Initiative Amendment to the Portland City Charter Re: Ranked Choice Voting for Municipal Officials - Sponsored by Katherine L. Jones, City Clerk.

Petitions for a charter amendment allowing ranked choice voting for municipal officials were submitted on August 2, 2019. The number of signatures required is 6,816. That number is required by Title 30-A M.S.R.A. sec. 2104 2(A) and is 20% of the votes in the last Gubernatorial Election. The total number of votes in that election was 34,082.

The City Clerk recommends that this order be approved and the date of the Public Hearing be set on September 4, 2019, although the certification process may not be complete by August 12, 2019, before consideration of this order.

At the time of the publication of the agenda, the verification process of the signatures in the submitted petitions had not yet been completed. If enough signatures are verified, the certification of the petitions will be posted as soon as that is done.

Five affirmative votes are required for passage after public comment.

Order 23-19/20 Setting a Public Hearing for Citizen Initiative Amendment to the Portland City Charter Re: Public Campaign Funding for Municipal Officials - Sponsored by Katherine L. Jones, City Clerk.

Petitions for a charter amendment for public funding for campaigns of municipal officials were submitted on August 2, 2019. The number of signatures required is 6,816. That number is required by Title 30-A M.S.R.A. sec. 2104 2(A), and is 20% of the votes in the last Gubernatorial Election. The total number of votes in that election was 34,082.

The City Clerk recommends that this order be approved and the date of the Public Hearing be set on September 4, 2019, although the certification process may not be complete by August 12, 2019, before consideration of this order.

At the time of the publication of the agenda, the verification process of the signatures in the submitted petitions had not yet been completed. If enough signatures are verified, the certification of the petitions will be posted as soon as that is done.

Five affirmative votes are required for passage after public comment.

Order 24-19/20 Appropriating \$870,000 in Donations in Support of Asylum Seekers - Sponsored by the Finance Committee, Nicholas M. Mavodones, Chair.

During the past several months an influx of asylum seekers has created an emergency situation within the City of Portland. Adequate funding within the Fiscal Year 2020 budget to allow the City to provide shelter, housing, and basic necessities for asylum seekers did not exist and a campaign was launched to solicit donations for this purpose. City staff, and now the City Finance Committee, have recommended that \$870,000 in donations to asylum seekers be appropriated by the City Council into the City's Health & Human Services budget, to be used specifically within Social Services for the sheltering, housing, and basic necessities of asylum seekers.

This item must be read on two separate days. This is its first reading. The second reading shall be on September 4, 2019.

**Order 25-19/20 Amending Order 244-18/19, Amendment to Portland City Code
Re: Various New Fees and Fee Increases For Fiscal Year 2020 in Chapters 3, 6, 15,
24, 25 and 28 - Sponsored by Councilor Kim Cook.**

This item proposes to change the effective date of the new license fees on brewery, distillery and winery manufacturing from July 1, 2019 until July 1, 2020. These new fees were proposed by the City Manager in his proposed budget and adopted by the City Council without amendment on May 20, 2019.

These new fees have caused concern in the brewery, distillery and winery business community. By pushing out the effective date of these new fees, the City Council will be able to examine the reason these fees were proposed by city staff and hear from small businesses impacted by these new fees before these fees go into effect.

This item must be read on two separate occasions. This is its first reading.

4:30 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

MINUTES ARE DRAFT UNTIL APPROVED BY THE CITY COUNCIL AT THE FOLLOWING MEETING.

SPECIAL CITY COUNCIL MEETING 4:00 PM

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mayor Strimling called the meeting to order at 4:06. (Councilor Ray arrived during Arts in the Chamber, Councilor Cook arrived during Order 286, Councilor Batson arrived during public comment.) (Councilor Duson absent).

PRESENTATIONS:

Arts in the Chamber - Opera Maine, The Magic Flute

ANNOUNCEMENTS:

MINUTES

Approval of the Draft June 17, 2019 City Council Meeting Minutes.

Motion was made by Councilor Ali and seconded by Councilor Mavodones to amend the minutes by adding "Motion was made by Councilor Costa and seconded by Councilor Duson to amend the WCZ Language Discrepancy. Passage 9-0, and Motion was made by Councilor Ray and seconded by Councilor Batson for passage as amended. Passage as an emergency. 9-0."

Motion was made by Councilor Costa and seconded by Councilor Mavodones for passage as amended. Passage. 6-0.

APPOINTMENTS:

Order 1-19/20 Appointing Members to the Rental Housing Advisory Committee-Sponsored by the Nominating Committee, Councilor Pious Ali, Chair.

Motion was made by Councilor Ali and seconded by Councilor Ray for passage. Passage 6-0.

CONSENT ITEMS:

Order 2-19/20 Declaring August 10, 2019 the Craft Brew Race Festival - Sponsored by Jon P. Jennings, City Manager.

Order 3-19/20 Declaring September 7, 2019 the Portland GreenFest Festival - Sponsored by Jon P. Jennings, City Manager.

Order 4-19/20 Declaring September 10, 2019 the Portland Greendrinks Festival - Sponsored by Jon P. Jennings, City Manager.

Order 5-19/20 Declaring September 15, 2019 the Trail to Ale 10K Race/Walk Festival - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Ray and seconded by Councilor Costa for passage of the Consent Items. Passage 6-0.

LICENSES:

Order 6-19/20 Granting Municipal Officers' Approval of Wassail LLC dba Maine Mead Works. Application for a Winery with Entertainment without Dance and Outdoor Dining on Private Property at 51 Washington Avenue - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Ray and seconded by Councilor Costa for passage. Passage 6-0.

Order 7-19/20 Granting Municipal Officers' Approval of Maria Pierobello dba Morrill's Corner Pub. Application for a Class A Lounge with Entertainment without Dancing and Outdoor Dining on Private Property at 1171 Forest Avenue - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Costa and seconded by Councilor Mavodones for passage. Passage 6-0.

Order 8-19/20 Granting Municipal Officers' Approval of Rocky Bottom Tours LLC dba Rocky Bottom Tours. Application for Class III & Class IV Vessel at Portland Pier - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Ray and seconded by Councilor Costa for passage. Passage 6-0.

Order 9-19/20 Granting Municipal Officers' Approval of Sun Tiki Studios LLC dba Sun Tiki Studios. Application for an Auditorium with Entertainment with Dance, After Hours Entertainment and Outdoor Dining on Private Property at 375 Forest Avenue - Sponsored by Jon P. Jennings.

Motion was made by Councilor Ray and seconded by Councilor Costa for passage.
Passage 6-0.

RESOLUTIONS:

Resolve 1-19/20 Re Amicus Brief Against Workplace Discrimination Against LGBTQ Workers -Sponsored by Ethan K. Strimling, Mayor.

Motion was made by Councilor Ray and seconded by Councilor Mavodones for passage.
Passage 6-0.

UNFINISHED BUSINESS

Order 285-18/19 Amendment to Portland City Code Chapters 4 and 15 Re: Entertainment Sound Ordinance - Sponsored by the Health and Human Services and Public Safety Committee, Councilor Belinda S. Ray, Chair.

Motion was made by Councilor Ray and seconded by Councilor Costa to amend Order 285 by striking out in Section 4-51 Required section (g) "City Council" and adding "City Manager". Passage 6-0.

Motion was made by Councilor Ray and seconded by Councilor Mavodones for passage as amended. Passage 6-0.

Order 286-18/19 Amendment to Portland City Code Chapter 6 Re: Energy Benchmarking - Sponsored by the Sustainability & Transportation Committee, Councilor Spencer Thibodeau, Chair.

Motion was made by Councilor Thibodeau and seconded by Councilor Ray for passage.
Passage 7-0.

ORDERS

Order 10-19/20 Accepting and Adopting the 2019 Housing Trust Fund Annual Plan - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair

Motion was made by Councilor Costa and seconded by Councilor Cook. Passage 7-0.

4:45 PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

Motion was made by Councilor Costa and seconded by Councilor Batson to adjourn. Passage 8-0, at 5:25 P.M.
A True Record,

Katherine L. Jones City Clerk

MINUTES ARE DRAFT UNTIL APPROVED BY THE CITY COUNCIL AT THE FOLLOWING MEETING.

REGULAR CITY COUNCIL MEETING 5:30 P.M.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mayor Stimling called the meeting to order at 5:45 PM. (Councilor Cook arrived during Resolve 2) (Councilor Duson absent).

RESOLUTIONS:

Resolve 2-19/20 Approving Public Finance Authority Revenue Bond Financing for Cedars Nursing Care Center, Inc. and JHA Assisted Living, Inc. - Sponsored by Danielle West-Chuhta, Corporation Counsel.

Motion was made by Councilor Batson and seconded by Councilor Ali for passage.
Passage 8-0.

UNFINISHED BUSINESS:

Order 279-18/19 Amending the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to Support the 66 State Street Affordable Housing Project - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

Motion was made by Councilor Batson and seconded by Councilor Costa for passage.
Passage 8-0.

Order 280-18/19 Designating the 66 State Street Affordable Housing Development District and Tax Increment Financing District and Adopting the Municipal Development Program for the District - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair and the Economic Development Committee, Councilor Justin Costa, Chair.

Motion was made by Councilor Mavodones and seconded by Councilor Costa for passage. Passage 8-0.

Order 281-18/19 Approving and Authorizing the City Manager to Enter Into the Credit Enhancement Agreement with Phoenix at Danforth, LP - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair, and the Economic Development Committee, Councilor Justin Costa, Chair.

Motion was made by Councilor Costa and seconded by Councilor Batson for passage.
Passage 8-0.

Order 282-18/19 Designating Front Street Affordable Housing Development District and Tax Increment Financing District and Adopting the Municipal Development Program for the District - Sponsored by the Housing Committee, Council Jill C. Duson, Chair, and the Economic Development Committee, Chair, Justin Costa.

Motion was made by Councilor Costa and seconded by Councilor Ray for passage.
Passage 8-0.

Order 283-18/19 Approving and Authorizing the City Manager to Enter into the Credit Enhancement Agreement with Front Street Housing Redevelopment, LP - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair, and the Economic Development Committee, Councilor Justin Costa, Chair.

Motion was made by Councilor Costa and seconded by Councilor Ray for passage.
Passage 8-0.

ORDERS:

AMENDMENTS:

Order 11-19/20 Amendment to Portland City Code Chapter 30 Vehicles for Hire Re: Rental of Golf Carts- Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair.

This is a first reading.

Order 12-19/20 Amendment to Portland City Code Chapter 8 Re: Report Requirements - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

This is a first reading.

Order 13-19/20 Approving the Second Amendment to Conditional Rezoning Agreement C-55 Re: Luther Street Property on Peaks Island - Sponsored by the Planning Board, Sean Dundon, Chair.

This is a first reading

6:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

Councilor Cook recognized Jeff Levine, Director of Planning and Urban Development, she thanked him for his leadership and his Vision for the City. She wished him well on his next endeavor.

Motion was made by Councilor Costa and seconded by Councilor Batson to adjourn. Passage 8-0, at 6:55 P.M.

A TRUE RECORD,

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mayor Strimling called the meeting to order at 5:35 P.M. (Councilor Cook absent)

ANNOUNCEMENTS:

RECOGNITIONS:

ORDERS:

Order 14-19/20 Approving an Easement to Central Maine Power for Lyseth School Construction -- Sponsored by Jon P. Jennings, Manager

Motion was made by Councilor Costa and seconded by Councilor Duson for passage as an emergency. Passage 8-0.

AMENDMENTS:

5:45 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ADJOURN:

Motion was made by Councilor Costa and seconded by Councilor Ray to adjourn. Passage 8-0, 5:40 P.M.

A TRUE RECORD

Katherine L. Jones, City Clerk

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 25, 2019

SUBJECT: Order 15-19/20 Appointing Constable for the Portland Public Library -
Sponsored by Jon P. Jennings, City Manager.

SPONSOR: Jon P. Jennings

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: Yes (If no why not?)

PRESENTATION: None

I. SUMMARY

This order appoints Portland Public Library Employee Kathleen Cleary as a constable.

II. AGENDA DESCRIPTION

This order appoints Portland Public Library Employee Kathleen Cleary as a constable. She would replace one of the Library's two constables, who was appointed last December for 2019 but is no longer working for the Library.

This appointment is effective until 12:00 midnight, December 31, 2019, and is made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of duties, or to make arrests or issue parking tickets.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Constables are authorized to serve criminal trespass notices.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The appointment helps the Library maintain security and decreases the need for additional calls for service by the Portland Police Department.

V. FINANCIAL IMPACT

No fiscal impact.

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

Staff recommends passage.

VIII. LIST ATTACHMENTS

1. Constable for Portland Library 8.12.2019

Prepared by:

Date: 7/25/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPOINTING CONSTABLE
FOR THE PORTLAND PUBLIC LIBRARY**

ORDERED, that Portland Public Library employee Kathleen Cleary is hereby appointed constables for calendar year 2019; and

BE IT FURTHER ORDERED, that this appointment shall be effective from the effective date of this order until 12:00 midnight, December 31, 2019;

BE IT FURTHER ORDERED, that this appointment is pursuant to Sections 20-19 and 20-19.5, Portland City Code, and this constable is not allowed to carry a firearm, concealed or unconcealed, in the performance of her duties, or to make arrests.

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER APPROVING TRANSFER OF FUNDS
UNDER
15 M.R.S. §§ 5824(3) and 5826(6)
RE: DENG M. MALUAL

ORDERED, that the City Council hereby accepts \$613.00 in forfeited assets in the case of State of Maine vs. Deng M. Malual from the State of Maine to the City of Portland, pursuant to 15 M.R.S. § 5824(3) and § 5826(6) and as provided in the attached “Approval of Transfer.”

STATE OF MAINE
Cumberland, SS

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-19-1989

State of Maine

v.

Deng M. Malual,
Defendant

\$613.00 U.S. CURRENCY
Defendant In Rem

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City of Portland
Approval of Transfer
15 M.R.S. §5824(3)
and §5826(6)

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem*, namely \$613.00 U.S. Currency, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the portion of the Defendant *In Rem*, namely \$613.00, to the City of Portland, Maine pursuant to 15 M.R.S. §5824(3) and §5826(6) on August 12, 2019.

Dated: _____

Mayor
(Impress Legislative Body Seal Here)

AARON M. FREY
ATTORNEY GENERAL



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

415 CONGRESS ST., STE. 301
PORTLAND, MAINE 04101
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

July 11, 2019

Portland Police Department
Interim Chief Vern Malloch
109 Middle Street
Portland, ME 04101

RE: State of Maine vs. Deng M. Malual
Cumberland County Unified Criminal Court Doc. No. CR-19-1989
Criminal Forfeiture
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Malloch:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) *In Rem* will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) *In Rem* are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) *In Rem* to a Department, Agency, County or Municipality based upon the "*substantial contribution*" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) *In Rem* or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, county or

municipal approval in anticipation of the final order of forfeiture. However, final forfeiture is not guaranteed and both the municipal legislative body and the law enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Johanna Gauvreau".

Johanna Gauvreau
Assistant Attorney General
CRIMINAL DIVISION

Enclosure

STATE OF MAINE
Cumberland, ss

UNIFIED CRIMINAL COURT
Docket No. CR-19-1989

State of Maine	}	
	}	City of Portland
v.	}	Approval of Transfer
	}	15 M.R.S. §5824(3) and §5826
Deng M. Malual,	}	
Defendant;	}	
	}	
And	}	
	}	
\$613.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and §5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem* namely \$613.00 U.S. Currency, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the Defendant(s) *In Rem* to the City of Portland, Maine pursuant to 15 M.R.S. § 5824(3) and §5826(6) as approved on _____ 2019.

Mayor

(Impress municipal legislative body seal here)

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER APPROVING TRANSFER OF FUNDS
UNDER
15 M.R.S. §§ 5824(3) and 5826(6)
RE: AARON J. DANSKY

ORDERED, that the City Council hereby accepts \$1,567.70 in forfeited assets in the case of State of Maine vs. Aaron J. Dansky from the State of Maine to the City of Portland, pursuant to 15 M.R.S. § 5824(3) and § 5826(6) and as provided in the attached “Approval of Transfer.”

STATE OF MAINE
Cumberland, SS

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-19-1835

State of Maine

v.

Aaron J. Dansky,
Defendant

\$15,657.00 U.S. CURRENCY
Defendant In Rem

}
}
}
}
}
}
}
}
}
}
}
}
}

City of Portland
Approval of Transfer
15 M.R.S. §5824(3)
and §5826(6)

}

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem*, namely \$1,567.70 U.S. Currency, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the portion of the Defendant *In Rem*, namely \$1,567.70, to the City of Portland, Maine pursuant to 15 M.R.S. §5824(3) and §5826(6) on August 12, 2019.

Dated: _____

Mayor
(Impress Legislative Body Seal Here)

AARON M. FREY
ATTORNEY GENERAL



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

July 11, 2019

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

415 CONGRESS ST., STE. 301
PORTLAND, MAINE 04101
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

Portland Police Department
Interim Chief Vern Malloch
109 Middle Street
Portland, ME 04101

RE: State of Maine vs. Aaron J. Dansky
Cumberland County Unified Criminal Court Doc. No. CR-19-1835
Criminal Forfeiture
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Malloch:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) *In Rem* will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) *In Rem* are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) *In Rem* to a Department, Agency, County or Municipality based upon the "*substantial contribution*" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) *In Rem* or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, county or

- municipal approval in anticipation of the final order of forfeiture. However, final forfeiture is not guaranteed and both the municipal legislative body and the law enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Johanna Gauvreau for".

Johanna Gauvreau
Assistant Attorney General
CRIMINAL DIVISION

Enclosure

STATE OF MAINE
Cumberland, ss

UNIFIED CRIMINAL COURT
Docket No. CR-19-1835

State of Maine	}	
	}	City of Portland
v.	}	Approval of Transfer
	}	15 M.R.S. §5824(3) and §5826
Aaron J. Dansky,	}	
Defendant;	}	
	}	
And	}	
	}	
\$15,657.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and §5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem* namely \$1,565.70 U.S. Currency, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the Defendant(s) *In Rem* to the City of Portland, Maine pursuant to 15 M.R.S. § 5824(3) and §5826(6) as approved on _____ 2019.

Mayor

(Impress municipal legislative body seal here)

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 24, 2019

SUBJECT: Order 18-19/20 Granting Municipal Officers' Approval of Randall MacVane Post 142 dba Randall MacVane Post 142 American Legion. Application for a Class IV/V Non Profit FSE with Outdoor Dining on Private Property at 54 Welch Street - Sponsored by Jon P. Jennings, City Manager.

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

Randall MacVane Post 142 dba Randall MacVane Post 142 American Legion. Application for a Class IV/V Non Profit FSE with Outdoor Dining on Private Property at 54 Welch Street.

Application was filed on 7/10/2019. New City application. Applicant currently holds a Class IV/V Non Profit FSE.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Randall MacVane
2. 20190724080540111

Prepared by:

Date: 7/24/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

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ING MUNICIPAL OFFICERS'
APPROVAL OF:

**Randall MacVane Post 142 dba Randall MacVane Post 142 American Legion. Application
for a Class IV/V Non Profit FSE with Outdoor Dining on Private Property at 54 Welch
Street.**

June 28th, 2019

To: Portland City Mayor Ethan Strimling and members of the City Council:

The Randall-MacVane Post 142 American Legion is requesting to serve alcohol in our Picnic area during our outside events. I have attached a City Map from the Assessor's Database Maps to show our Picnic Tables and the private lot on which we would like to serve. We will have someone at any and all events to oversee any issues, and all events end outside by 8pm.

Our usual inside summertime Lounge hours are 4-10pm Sunday thru Thursday, and 4pm-1am on Friday and Saturday nights. We have very few daytime outdoor events (this year 5), but would like our Legion Members and families to be able to be served alcohol outside when we have a social event. We only have 10 picnic tables (7 shown), and we rarely have over 100 even during our 2 – 3 hour events. Our warm weather events include Memorial Day Community Appreciation Cookout, Peaks Fest Cookout, and September Salute to Our Members Cookout.

We own the lots behind us into our parking area off of Brackett Avenue, fences currently exist between our bordering neighbors, and we have temporary construction fences that can be placed during any event along Welch Street and parking area sides along Brackett Avenue.

We would appreciate yours and the City Council approval.

Sincerely,

Tim "Murph" Murphy
Financial Officer
Randall-MacVane Post 142 American Legion
54 Welch St
Peaks Island, ME 04108
443-871-0433



CITY OF PORTLAND
Permitting and Inspections Department
Outdoor Dining Permit on Private Property
Supplemental Application

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License

☒ Outdoor Dining on Private Property \$125.00	☒ Legal Advertisement Deposit \$100.00
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Business Information	
Business Name (d/b/a):	RANDALL-MacVANE POST 142 AMERICAN Legion Phone: 207 766 2102
Location Address:	54 Welch ST PEAKS ISLAND ME Zip: 04108
Mailing Address:	PO BOX 118 PEAKS ISLAND, ME Zip: 04108
Contact Person:	Timothy P Murphy Phone: 443 871 0433
Contact Person Email:	LEGION POST 142@GMAIL.COM
Manager of Establishment:	Tim Murphy Date of Birth: 10/25/54 Phone: 443 871 0433
Owner of Premises (Landlord):	RANDALL-MacVANE POST 142 AMERICAN Legion
Address of Premises Owner:	54 Welch ST, PEAKS ISLAND ME Zip: 04108

Owner Information

Corporate Name		Corporate Mailing Address	
RANDALL-MacVANE POST 142		PO BOX 118 PEAKS ISLAND, ME Zip: 04108	
Contact Person:	Tim Murphy	Phone:	443 871 0433
Principal Officers			
	Title	Date of Birth	Residence Address
FRANK Childs	CMDR		
FRED Okeefe	ADJUTANT		
Tim Murphy	FINANCIAL	10/25/54	43 Meridian ST, PEAKS ISLAND



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	✓
Type of food served:	NONE
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	4 PM - 1 AM SU - SAT
Number of Tables	? 10 PICNIC TABLES plus Tables
Number of Chairs	? 75 people inside

Design and Construction

- If you are building a structure or adding impervious surface for the outdoor dining area please contact the Permitting and Inspections Department for permitting requirements at permitting@portlandmaine.gov or 874-8703. **NO**

Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit. ✓
- No food shall be prepared in the designated outdoor dining area. ✓
- Outdoor dining areas must meet ADA regulations and accessible seating is required. ✓

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signature Timothy P Murphy Title FINANCIAL officer Date 7/10/19

For Administrative Use Only

Amount: _____	Request Date /	Approval	Notes: _____
Date Paid: _____	FD: _____		
CC _____ CA _____ CK _____	Health: _____		
	PD: _____		
Amount: _____	PR: _____		
Date Paid: _____	Treasury: _____		
CC _____ CA _____ CK _____	Zoning: _____		



Outdoor Seating

2 messages

Sandra Driscoll <sdriscoll@portlandmaine.gov>
To: legionpost142@gmail.com

Wed, Jul 10, 2019 at 1:59 PM

Good Afternoon Tim

I need a couple more things for your outside seating:

- A drawing or photo of proposed barriers
- Space dimensions including square footage
- Table/Chairs
- Egress Dimensions

--

Regards,

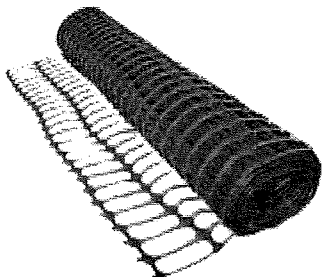
Sandy Driscoll
Licensing and Housing Safety Assistant389 Congress Street Room 307
Portland, ME 04101
Phone: (207) 874-8557
Email: sdriscoll@portlandmaine.gov

Randall-MacVane Post 142 American Legion <legionpost142@gmail.com>
To: Sandra Driscoll <sdriscoll@portlandmaine.gov>

Wed, Jul 10, 2019 at 8:01 PM

Sandra,

The drawing attached to the letter shows the red line for the proposed temporary fences labeled when we serve outdoor, while the neighbors fence is also labeled. The temporary fence is orange construction fence 4' tall,



The lot is 50 x 90 ft and within that area we will sort the picnic tables around by event. We don't think we will use tables and chairs only the picnic benches around the inside.

Egress will only be by the 4' walk Shown on overhead (by the Legion building) so that we can restrict people from access.

[Quoted text hidden]

[Quoted text hidden]

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Randall MacVane Post 142

Dan Hondo <danh@portlandmaine.gov>

Sat, Jul 13, 2019 at 6:43 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

No issues on the PD side

On Thu, Jul 11, 2019 at 2:41 PM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Afternoon

Please see the attached application for Outdoor Dining on Private Property. They currently hold a liquor license with us. This will be going before council on 8/12/2019 for approvals. Please advise. Jessica

Jessica Blais Hanscombe
Licensing and Housing Safety Manager
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

--

Lt. Dan Hondo
Portland Maine Police Dept.
Patrol Team B3/B4
(207)874-8513



CITY OF PORTLAND
Permitting and Inspections Department

July 23, 2019

Randall MacVane Post 142
PO Box 118
Peaks Island ME 04108

**Re: Randall MacVane Post 142 dba Randall MacVane Post 142 American Legion.
Application for a Class IV/V Non Profit FSE with Outdoor Dining on Private
Property at 54 Welch Street.**

Dear Timothy Murphy,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday August 12, 2019 at 4:00 p.m.**, for the review of application for a Class IV/V Non Profit FSE with Outdoor Dining on Private Property at 54 Welch Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,

Jessica Hanscombe
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on August 12, 2019 at 4:00P.M., in City Council Chambers, 389 Congress St., Randall MacVane Post 142 dba Randall MacVane Post 142 American Legion. Application for a Class IV/V Non Profit FSE with Outdoor Dining on Private Property at 54 Welch Street. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 24, 2019

SUBJECT: Order 19-19/20 Granting Municipal Officers' Approval of A&C Grocery LLC dba A&C Food Factory. Application for a Class III & IV FSE with Outdoor Dining on Private Property and Public Property at 131 Washington Avenue - Sponsored by Jon P. Jennings, City Manager.

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

A&C Grocery LLC dba A&C Food Factory. Application for a Class III & IV FSE with Outdoor Dining on Private Property and Public Property at 131 Washington Avenue.

Application was filed on 7/11/2019. New City and State applications. Applicant currently holds a Food Service Establishment with Prep license.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. A&C
2. 20190724081933371

Prepared by:

Date: 7/24/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

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ING MUNICIPAL OFFICERS'
APPROVAL OF:

**A&C Grocery LLC dba A&C Food Factory. Application for a Class III & IV FSE with
Outdoor Dining on Private Property and Public Property at 131 Washington Avenue.**

Dear Mayor Strimling and Portland City Council,

After two years of almost chronic road work outside A&C Grocery, and it hasn't been easy, my business has survived and built a loyal clientele of lunch customers. In this time A&C evolved from a neighborhood market offering staples into a gathering spot for folks from the surrounding community grabbing a bite to eat. While A&C's vision is, and always will be, to maintain and strengthen the fabric and structure of the neighborhood, continuing this culture of community requires A&C to cover its bottom line. A&C would like to answer the customers oft asked request and that's to provide an adult beverage while enjoying their meal. This is why I am submitting the paper work necessary to offer our guests the opportunity to be able to buy and consume alcoholic beverages on premise.

Thanks,

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a long, sweeping horizontal line that ends in a small hook.

P. Joseph Fournier
President
A&C Grocery LLC



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Business Name (d/b/a):	A&C Food Factory	Phone:	207-807-3569
Location Address:	131 Washington AVE		Zip: 04101
If new, what was formerly at this location:			
Mailing Address:	131 Washington AVE		Zip: 04101
Contact Person:	Joe Fournier	Phone:	207-807-3569
Contact Person Email:	josephfournier@gmail.com		
Manager of Establishment:	Joe Fournier	Date of Birth: 4/2/78	Phone: 207-807-3569
Owner of Premises (Landlord):	Fox Street LLC		
Address of Premises Owner:	75 Washington Ave, Suite 2H, Portland, ME		Zip: 04101

Sole Proprietor/Partnership Information (If Corporation, leave blank)

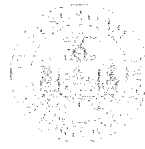
Name of Owner(s)	Date of Birth	Residence Address

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
A&C Grocery LLC		12 Sweet Fern Road, Cape Elizabeth, ME	Zip: 04107
Contact Person:	Joe Fournier	Phone:	207-807-3569
Principal Officers	Title	Date of Birth	Residence Address
Patrick (Joe) Fournier	Owner/President	4/2/78	12 Sweet Fern Road, Cape Elizabeth, ME
Class of Liquor License:		III & IV	

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	Continental American	
Please circle all that will be served:	☒ Beer	☒ Wine ☐ Liquor
Projected percentage of sales:	Generated from Food: 80	Generated from Alcohol: 20
Hours & days of operation:	9am to 8pm	

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open? yes	Y/N
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment? no	Y/N
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.) no	Y/N
Will you permit dancing on the premises? no	Y/N
Will you permit dancing after 1:00 a.m.? no	Y/N
Will you have outside dining? (If yes, an Outdoor Dining Application is required) yes	Y/N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one). private	
Will you have any amusement devices (pinball, video games, juke box)? no	Y/N
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date? Existing establishment waiting for on-prem ASAP	
Does the Issuance of this license directly or indirectly benefit any City employee(s)? NO	Y/N
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland? YES	Y/N
If Yes, please list business name(s) and location(s): A&C GROCERY LLC, 131 Washington Ave, Portland, ME 04101	
Is any principal officer under the age of 21? NO	Y/N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law? NO	Y/N
If Yes, please explain:	

I PATRICK FOURNIER do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature Title OWNER Date 6/15/19
389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557
bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department
Outdoor Dining Permit on Private Property
Supplemental Application

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License

☒ Outdoor Dining on Private Property \$125.00 ☒ Legal Advertisement Deposit \$100.00

Business Information	
Business Name (d/b/a):	A&C GROCERY LLC
Location Address:	131 WASHINGTON AVE
Mailing Address:	
Contact Person:	JOE FOURNIER
Contact Person Email:	JOSEPHFOURNIER@GMAIL.COM
Manager of Establishment:	JOE FOURNIER
Owner of Premises (Landlord):	FOX STREET LLC
Address of Premises Owner:	75 WASHINGTON AVE SUITE 2H

Owner Information

Corporate Name		Corporate Mailing Address	
A&C GROCERY LLC		12 SWEET FERN ROAD	
Contact Person:	JOE FOURNIER	Phone:	207 807 3569
Principal Officers	Title	Date of Birth	Residence Address
PATRICK (JOE) FOURNIER	OWNER/PRESIDENT	4/2/78	12 SWEET FERN ROAD



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	<u>III & IV</u>
Type of food served:	<u>CONTINENTAL AMERICAN</u>
Please circle all that will be served:	<u>Beer</u> <u>Wine</u> Liquor
Hours & days of operation:	<u>9am TO 6pm</u>
Number of Tables	<u>4 PICNIC TABLES</u>
Number of Chairs	<u>16 PERSON CAPACITY ON PICNIC TABLES</u>

Design and Construction

- If you are building a structure or adding impervious surface for the outdoor dining area please contact the Permitting and Inspections Department for permitting requirements at permitting@portlandmaine.gov or 874-8703.

Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- No food shall be prepared in the designated outdoor dining area.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signature [Signature] Title Owner Date 7/11/19

For Administrative Use Only

Amount: _____	Request Date /	Approval	Notes: _____
Date Paid: _____	FD: _____	_____	_____
CC _____ CA _____ CK _____	Health: _____	_____	_____
	PD: _____	_____	_____
Amount: _____	PR: _____	_____	_____
Date Paid: _____	Treasury: _____	_____	_____
CC _____ CA _____ CK _____	Zoning: _____	_____	_____



CITY OF PORTLAND
Permitting and Inspections Department
Outdoor Dining Permit on Public Property
Supplemental Application

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
Valid April 1-November 15

- ☐ Legal Advertisement Deposit \$100.00
- ☒ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X 78.75 SF = 240.50
- ☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X _____ SF = _____

Business Information			
Business Name (d/b/a):	A&C Grocery LLC	Phone:	207-329-4313
Location Address:	131 Washington Ave	Zip:	04101
Mailing Address:	131 Washington Ave	Zip:	04101
Contact Person:	Joe Fournier	Phone:	207-807-3569
Contact Person Email:	josephfournier@gmail.com		
Manager of Establishment:	Joe Fournier	Date of Birth:	4/2/1978
		Phone:	207-807-3569
Owner of Premises (Landlord):	Fox Street LLC		
Address of Premises Owner:	75 Washington AVE, Suite 2H, Portland, ME 04101	Zip:	

Owner Information

Corporate Name		Corporate Mailing Address	
A&C Grocery LLC		12 Sweet Fern Road, Cape Elizabeth, ME 04101	
Contact Person:	Joe Fournier	Phone:	207-807-3569
Principal Officers	Title	Date of Birth	Residence Address
Patrick (Joe) Fournier	Owner	4/2/1978	12 Sweet Fern Road, Cape Elizabeth, Me

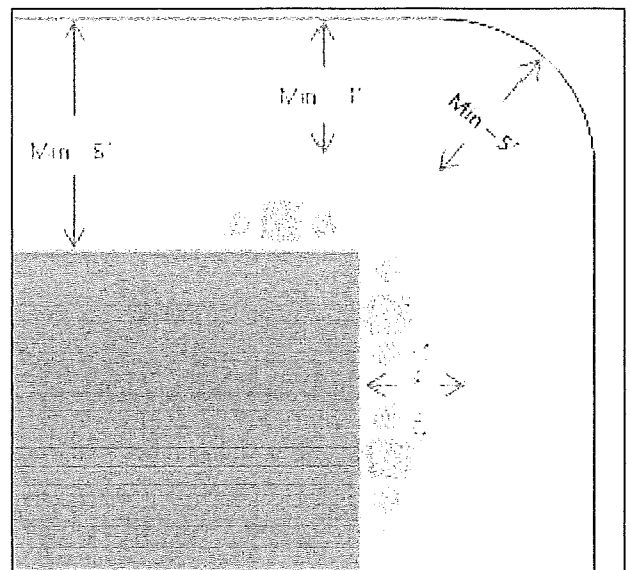


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Class III & IV
Type of food served:	Continental American
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	currently, 9am to 6pm
Number of Tables	4 Tables picnic tables
Number of Chairs	24 total on picnic tables

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?
< 8'0"	No
≥ 8'0"	Yes – up to 60% of
Sidewalk Type	Sidewalk Passage Width
Standard sidewalk	4'0"
Street corner	5'0"

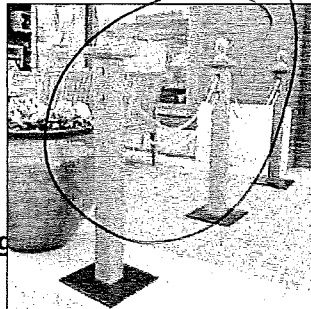


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

Barriers

- If barriers are proposed, they must be free-standing. Physical attachments to a building are not allowed.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

Example barrier types that meet regulation





CITY OF PORTLAND
Permitting and Inspections Department
Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signature

Title

OWNER

Date

7/11/19

For Administrative Use Only

Amount: _____

Date Paid: _____

CC _____ CA _____ CK _____

Amount: _____

Date Paid: _____

CC _____ CA _____ CK _____

FD: _____

Health: _____

PD: _____

Treasury: _____

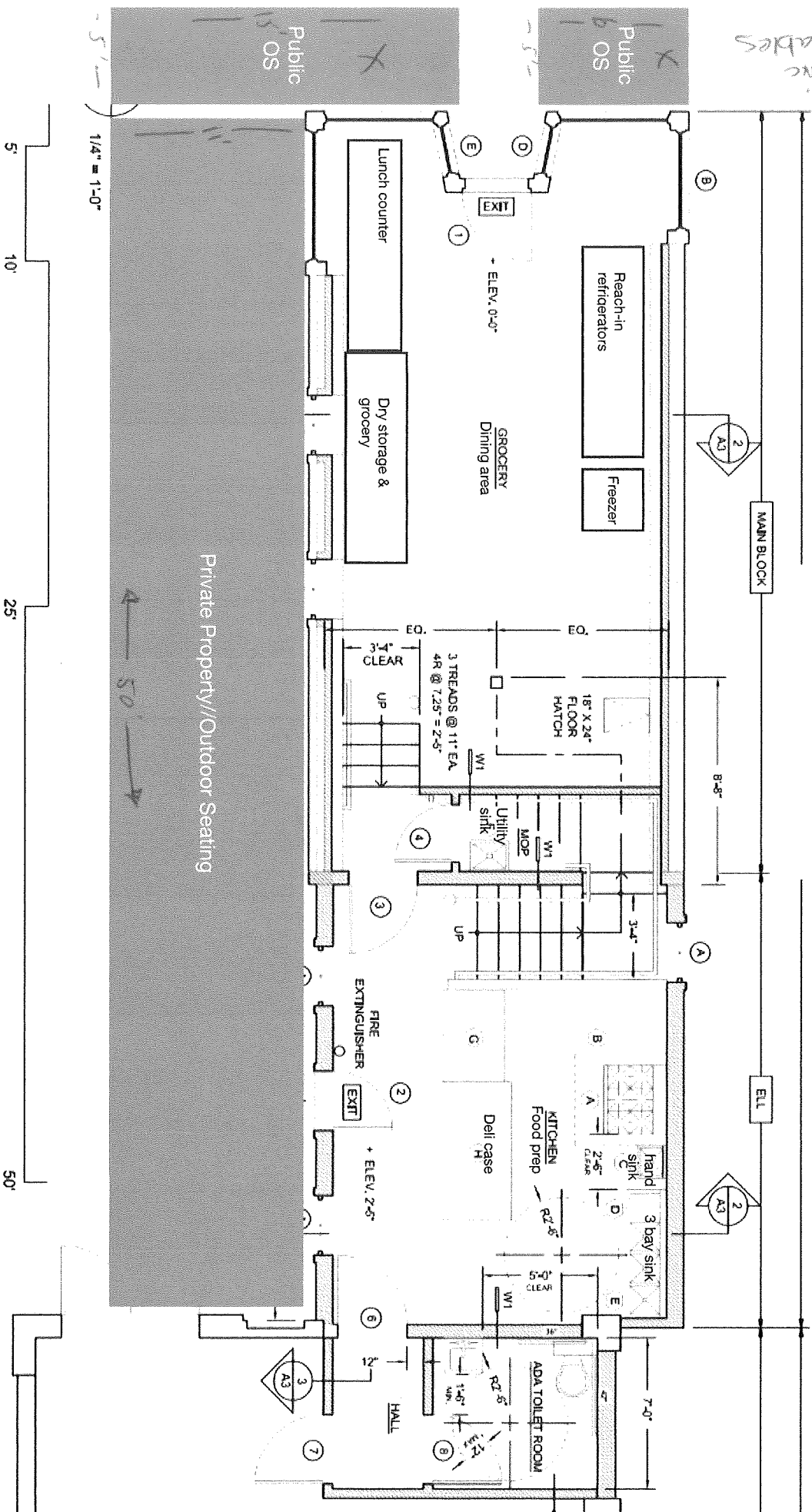
Zoning: _____

Request Date / Approval

_____/_____
_____/_____
_____/_____
_____/_____
_____/_____

Notes: _____

4 Pine
Tables



LUNCHEONETTE

@ A&C GROCERY

LUNCH

THE "WORLD CLASS"*

BREAKFAST 5.95

egg & cheese muffin, mayo w/ house smoked
ham or tomato

INSALATA BASTARDO (NOT A SANDWICH) 8.95

salami débris, iceberg &
mystère fromage sauce//don't ask us what
"mystère fromage sauce" is. we're not gonna tell you.

THE FAMOUS ORIGINAL

"REAL" ITALIAN 11.95

salami, mortadella, capicola, cheese,
tomatoes, pepper, onion, olives, pickles,
vinegar, oil & black pepper

SLOW SMOKED

BBQ PULLED PORK 10.95

slaw & pickles

HOMEMADE

PASTRAMI & SAUERKRAUT 10.95

mustard & pickles

CHEESEBURGER 9.95

iceberg, pickles & special sauce

#TOPofFOX

ORDER AHEAD CALL

1-207-329-4314

NEWS + EVENTS + GOOD TIMES
FOLLOW US ON INSTAGRAM

131 WASHINGTON AVE. PORTLAND, MAINE



A&CGROC-01

HCOOMBS

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/29/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Allen Insurance and Financial 34 Elm Street Camden, ME 04843	CONTACT NAME: PHONE (A/C, No, Ext): (800) 439-4311 FAX (A/C, No): E-MAIL ADDRESS: info@allenif.com														
INSURED A&C Grocery, LLC 131 Washington Ave Portland, ME 04101	<table border="1"><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A : Tri State Insurance Co</td><td>31003</td></tr><tr><td>INSURER B :</td><td></td></tr><tr><td>INSURER C :</td><td></td></tr><tr><td>INSURER D :</td><td></td></tr><tr><td>INSURER E :</td><td></td></tr><tr><td>INSURER F :</td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Tri State Insurance Co	31003	INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :	
INSURER(S) AFFORDING COVERAGE	NAIC #														
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INSURER B :															
INSURER C :															
INSURER D :															
INSURER E :															
INSURER F :															

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS														
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☐ OCCUR ☒ Liq Lia GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC OTHER:	X		ADV 5319154-11	9/14/2018	9/14/2019	<table border="1"><tr><td>EACH OCCURRENCE</td><td>\$ 2,000,000</td></tr><tr><td>DAMAGE TO RENTED PREMISES (Ea occurrence)</td><td>\$ 300,000</td></tr><tr><td>MED EXP (Any one person)</td><td>\$ 10,000</td></tr><tr><td>PERSONAL & ADV INJURY</td><td>\$ 2,000,000</td></tr><tr><td>GENERAL AGGREGATE</td><td>\$ 4,000,000</td></tr><tr><td>PRODUCTS - COMP/OP AGG</td><td>\$ 4,000,000</td></tr><tr><td></td><td>\$</td></tr></table>	EACH OCCURRENCE	\$ 2,000,000	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300,000	MED EXP (Any one person)	\$ 10,000	PERSONAL & ADV INJURY	\$ 2,000,000	GENERAL AGGREGATE	\$ 4,000,000	PRODUCTS - COMP/OP AGG	\$ 4,000,000		\$
EACH OCCURRENCE	\$ 2,000,000																				
DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300,000																				
MED EXP (Any one person)	\$ 10,000																				
PERSONAL & ADV INJURY	\$ 2,000,000																				
GENERAL AGGREGATE	\$ 4,000,000																				
PRODUCTS - COMP/OP AGG	\$ 4,000,000																				
	\$																				
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						<table border="1"><tr><td>COMBINED SINGLE LIMIT (Ea accident)</td><td>\$</td></tr><tr><td>BODILY INJURY (Per person)</td><td>\$</td></tr><tr><td>BODILY INJURY (Per accident)</td><td>\$</td></tr><tr><td>PROPERTY DAMAGE (Per accident)</td><td>\$</td></tr><tr><td></td><td>\$</td></tr></table>	COMBINED SINGLE LIMIT (Ea accident)	\$	BODILY INJURY (Per person)	\$	BODILY INJURY (Per accident)	\$	PROPERTY DAMAGE (Per accident)	\$		\$				
COMBINED SINGLE LIMIT (Ea accident)	\$																				
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BODILY INJURY (Per accident)	\$																				
PROPERTY DAMAGE (Per accident)	\$																				
	\$																				
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						<table border="1"><tr><td>EACH OCCURRENCE</td><td>\$</td></tr><tr><td>AGGREGATE</td><td>\$</td></tr><tr><td></td><td>\$</td></tr></table>	EACH OCCURRENCE	\$	AGGREGATE	\$		\$								
EACH OCCURRENCE	\$																				
AGGREGATE	\$																				
	\$																				
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y/N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					<table border="1"><tr><td>PER STATUTE</td><td>OTH-ER</td></tr><tr><td>E.I. EACH ACCIDENT</td><td>\$</td></tr><tr><td>E.I. DISEASE - EA EMPLOYEE</td><td>\$</td></tr><tr><td>E.I. DISEASE - POLICY LIMIT</td><td>\$</td></tr></table>	PER STATUTE	OTH-ER	E.I. EACH ACCIDENT	\$	E.I. DISEASE - EA EMPLOYEE	\$	E.I. DISEASE - POLICY LIMIT	\$						
PER STATUTE	OTH-ER																				
E.I. EACH ACCIDENT	\$																				
E.I. DISEASE - EA EMPLOYEE	\$																				
E.I. DISEASE - POLICY LIMIT	\$																				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Evidencing Insurance to the below named Certificate Holder who is also named as an additional insured.

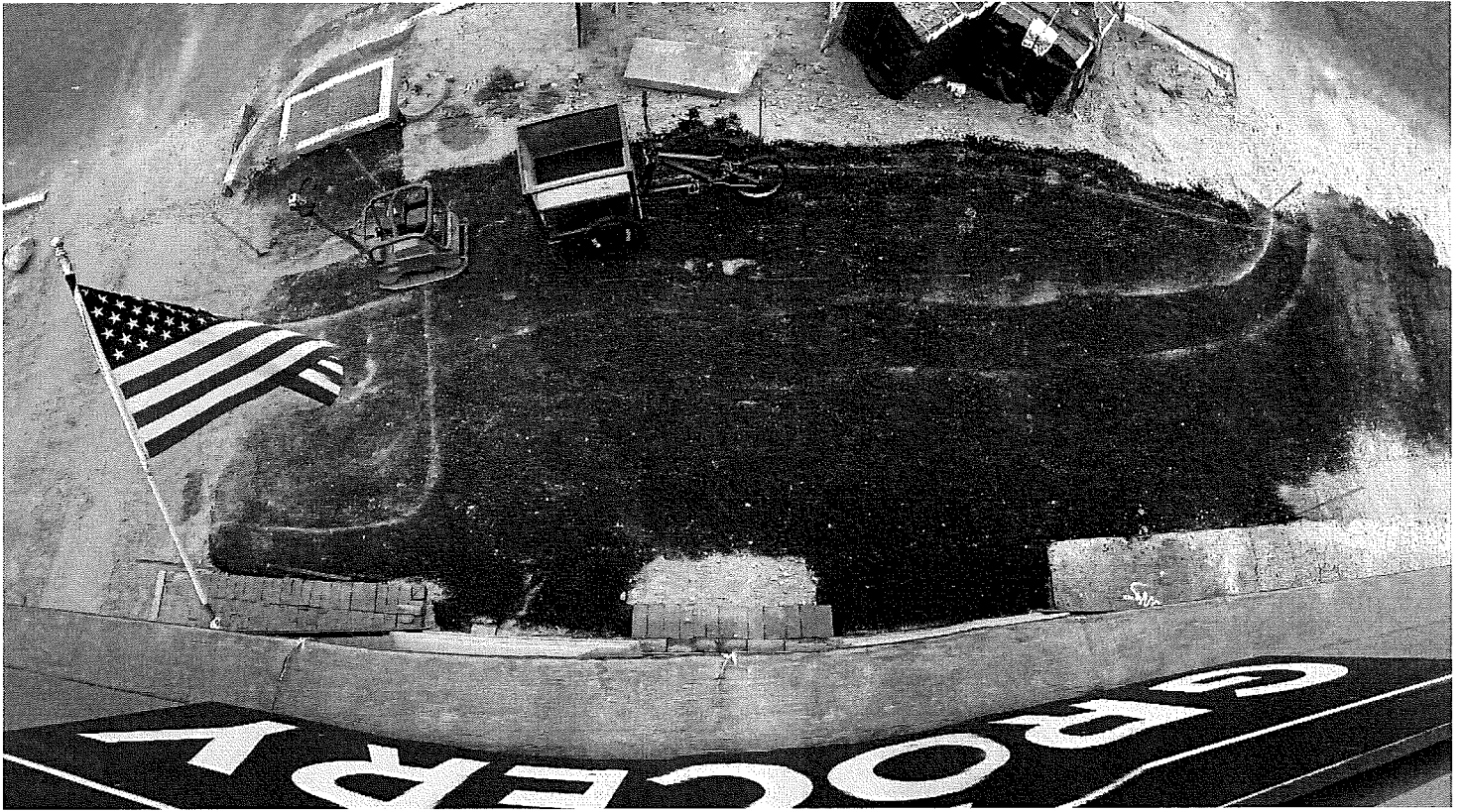
CERTIFICATE HOLDER

CANCELLATION

City of Portland
Portland City Hall
389 Congress St
Portland, ME 04101

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
 DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
 8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)
 10 WATER STREET, HALLOWELL, ME 04347 (Overnight Mail)
 TEL: (207) 624-7220 FAX: (207) 287-3434
 EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	
Good SOS & DBA: YES ☐ NO ☐	

PRESENT LICENSE EXPIRES: _____

NEW application: ☒ Yes ☐ No

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection (New Licensees/ Ownership Changes Only) Date : Any Time Business hours: 9am to 6pm

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☐ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)
☐ HOTEL (Class I,II,III,IV) ☐ HOTEL, FOOD OPTIONAL (Class I-A) ☐ BED & BREAKFAST (Class V)
☐ GOLF COURSE (Class I,II,III,IV) ☐ TAVERN (Class IV) ☐ QUALIFIED CATERING
☐ OTHER: _____ ☐ SELF-SPONSORED EVENTS
 (QUALIFIED CATERERS ONLY)

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: A&C Grocery LLC			Business Name (D/B/A) A&C		
APPLICANT(S) –(Sole Proprietor) Patrick J Fournier		DOB: 4/2/78	Physical Location: 131 Washington AVE		
DOB:		City/Town Portland	State ME	Zip Code 04101	
Address 12 Sweet Fern Road			Mailing Address Same As Above? ☒		
City/Town Portland	State ME	Zip Code 04107	City/Town	State	Zip Code
Telephone Number 207-807-3569	Fax Number	Business Telephone Number 207-329-4314		Fax Number	
Federal I.D. # 81-4844660			Seller Certificate #: or Sales Tax #: 1184075		
Email Address: josephfournier@gmail.com			Website: aandcgrocery.com		

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____

2. State amount of gross income from period of last license:

ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____

3. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

5. Do you own or have any interest in any another Maine Liquor License? ☒ Yes ☐ No (Use an additional sheet(s) if necessary.) If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

ret-2017-9632 A&C Grocery LLC

License # Name of Business

131 Washington Ave

Portland Maine

Physical Location

City / Town

6. If manager is to be employed, give name: Joe Fournier

7. Business records are located at: 131 Washington Ave, Portland Me

8. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

9. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

10. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

Full Name (Please Print)	DOB	Place of Birth
Patrick (Joe) Fournier	4/2/78	Lewiston, Maine
11. Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Name: Patrick Fournier, 12 Sweet Fern Road	City: Cape Elizabeth	State: Maine
Name:	City:	State:
Name:	City:	State:

12. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: Date of Conviction:

Offense: Location:

Disposition: (use additional sheet(s) if necessary)

13. Will any law enforcement official benefit directly in your license, if issued?

Yes ☐ No ☒ If Yes, give name:

14. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

15. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: Fox Street LLC
75 Washington AVE, Suite 2H Portland ME, 04101

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) 700 sqft store front and deli with
ADA compliant bathroom.

17. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☐ NO ☒ Applied for: Food License being processed

18. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/2 Mile

Which of the above is nearest? East End Community School

19. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: Bank Loan, Line of credit & personal loan

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Portland, Maine on July 1, 20 19
Town/City, State Date



PLEASE SIGN IN BLUE INK

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Patrick J Fournier

Print Name

Print Name

FEE SCHEDULE

FILING FEE: (must be <u>included</u> on all applications).....		\$ 10.00
Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class III & IV	Malt & Vinous Only	\$ 440.00
	CLASS III & IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	
SELF-SPONSORED EVENTS: Qualified Caterers Only		\$ 700.00



Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

**Corporate Information Required for
Business Entities Who Are Licensees**

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

1. Exact legal name: A&C Grocery LLC
2. Doing Business As, if any: _____
3. Legal Entity's FEIN #: 81-4844660
4. Date of filing with Secretary of State: 12/2016 State in which you are formed: Maine
5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Patrick J Fournier	12 Sweet Fern Road, Cape Elizabeth, ME	4/2/78	Owner	100

(Stock ownership in non-publicly traded companies must add up to 100%.)

7. If Co-Op # of members: _____ (list primary officers in the above boxes)

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States? ☐ Yes ☒ No
9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

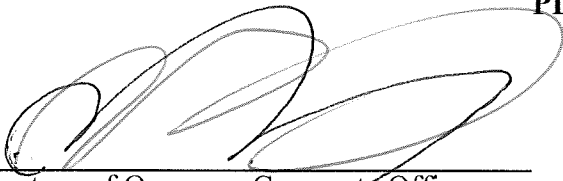
Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

PLEASE SIGN IN BLUE INK



7/1/2019

Signature of Owner or Corporate Officer

Date

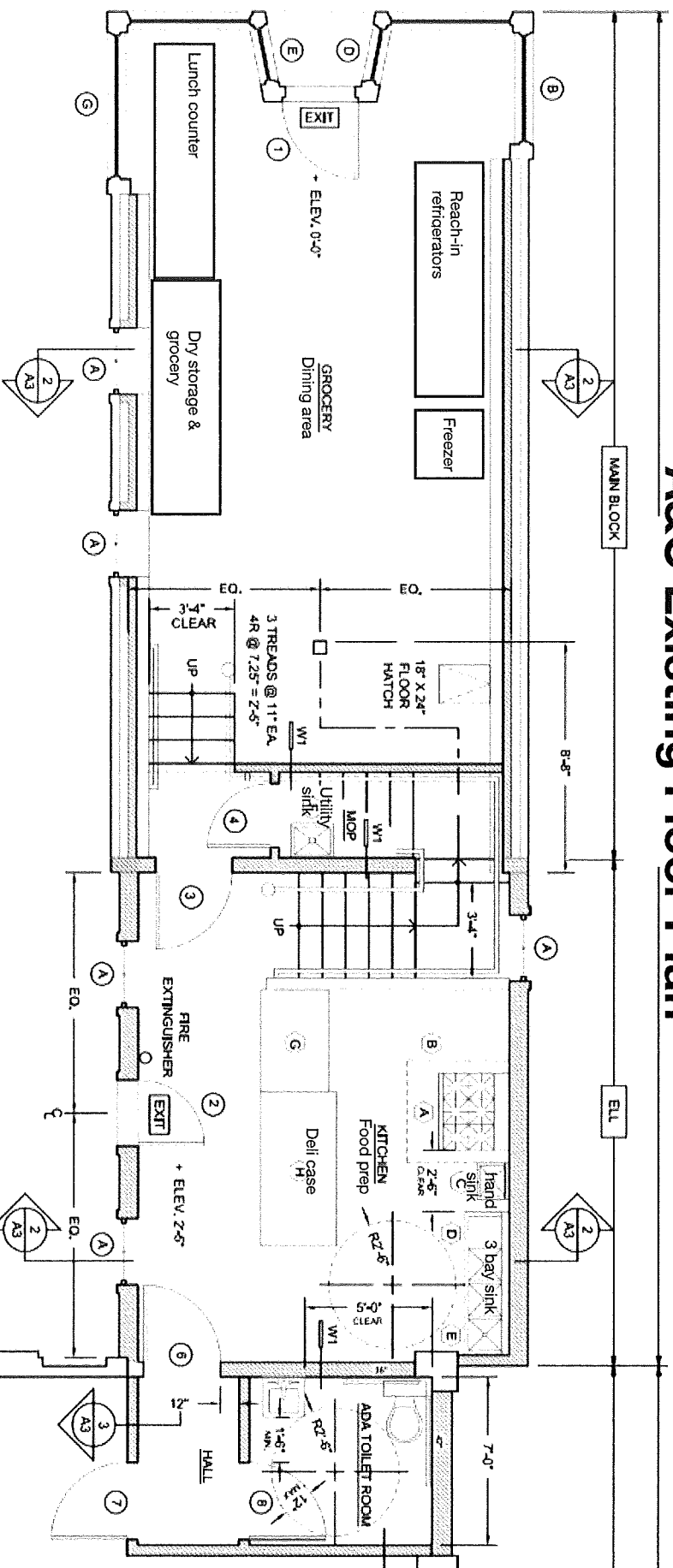
Patrick J Fournier

Print Name of Owner or Corporate Officer

Submit Completed Forms to:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

A&C Existing Floor Plan



FIRST FLOOR PLAN SHOWING REMODEL AT MAIN BLOCK AND ELL

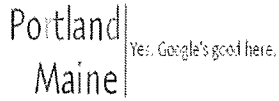
1/4" = 1'-0"

5'

10'

25'

50'



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: A&C Food Factory

Dan Hondo <danh@portlandmaine.gov>

Sat, Jul 13, 2019 at 6:44 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

No issues on the PD side

On Fri, Jul 12, 2019 at 10:12 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for a Class III & IV FSE with Outdoor dining on private and public property. This will go before council on 8/12. They currently have a FSE with Prep license. Please advise
Thanks Jessica

Jessica Blais Hanscombe
Licensing and Housing Safety Manager
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

--

Lt. Dan Hondo
Portland Maine Police Dept.
Patrol Team B3/B4
(207)874-8513



CITY OF PORTLAND
Permitting and Inspections Department

July 23, 2019

A&C Grocery LLC
131 Washington Ave
Portland ME 04101

Re: A&C Grocery LLC dba A&C Food Factory. Application for a Class III & IV FSE with Outdoor Dining on Private Property and Public Property at 131 Washington Avenue.

Dear Joe Fournier,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday August 12, 2019 at 4:00 p.m.**, for the review of application for a Class III & IV FSE with Outdoor Dining on Private Property and Public Property at 131 Washington Avenue. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,

Jessica Hanscombe
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on August 12, 2019 at 4:00P.M., in City Council Chambers, 389 Congress St., A&C Grocery LLC dba A&C Food Factory. Application for a Class III & IV FSE with Outdoor Dining on Private Property and Public Property at 131 Washington Avenue. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 24, 2019

SUBJECT: Order 20-19/20 Granting Municipal Officers' Approval of Connor Montello & Truman Leddy dba Maps. Application for a Class III & IV FSE at 64 Market Street - Sponsored by Jon P. Jennings, City Manager.

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

Connor Montello & Truman Leddy dba Maps. Application for a Class III & IV FSE at 64 Market Street.

Application was filed on 7/22/2019. New City and State applications. New owner of an existing business.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Maps
2. 20190724085006672

Prepared by:

Date: 7/24/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDE
R
GRA
NT

ING MUNICIPAL OFFICERS'
APPROVAL OF:

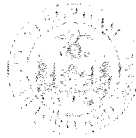
Connor Montello & Truman Leddy dba Maps. Application for a Class III & IV FSE at 64 Market Street.

Maps Bar
Connor Montello & Truman H. Leddy
64A Market St.
Portland, ME, 04101
7/22/19

To Mayor Strimling & Members of City Council,

This is a letter of intent for the issuance of a class III and IV (Vinous and Malt) Liquor License for the new owners of Maps bar located at 64A Market Street in downtown Portland. Connor Montello and Truman Leddy are under contract with the current owners to purchase the bar, barring any financing or licensing issues. The proposed date for closing is Monday, September 16th, 2019. Attached are the necessary documents for both the city and state licenses.

Sincerely,
Connor Montello & Truman H. Leddy
207-272-3397
207-749-4661
montelloconnor@gmail.com
truman.leddy@maine.edu



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Business Name (d/b/a):	Maps Bar	Phone:	NA
Location Address:	64A Market St. Zip: 04101		
If new, what was formerly at this location:	NA		
Mailing Address:	64A Market St. Portland, ME Zip: 04101		
Contact Person:	Connor Montello	Phone:	207-272-3397
Contact Person Email:	Montelloconnor@gmail.com		
Manager of Establishment:	Connor Montello	Date of Birth: 02/02/1993	Phone: 207-272-3397
Owner of Premises (Landlord):	Joseph A. Palacci, Trustee		
Address of Premises Owner:	112 Jeanne St. Portland, ME Zip: 04102		

Sole Proprietor/Partnership Information (If Corporation, leave blank)

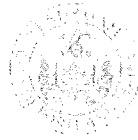
Name of Owner(s)	Date of Birth	Residence Address
Connor Montello	02/02/1993	24 Sheridan St. Apt 2. Portland, ME - 04101
Truman H. Leddy	04/01/1993	178 Concord St. Portland, 04103

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
NA		Zip:	
Contact Person:		Phone:	
Principal Officers			
Title	Date of Birth	Residence Address	
Class of Liquor License:		Class III and IV	

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	Grilled Cheeses and Cakes	
Please circle all that will be served:	☒ Beer ☒ Wine ☐ Liquor	
Projected percentage of sales:	Generated from Food: 15%	Generated from Alcohol: 85%
Hours & days of operation:	Wed-Sat 4pm-1am Mon-Tue 4pm-11pm	
QUESTIONS		
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y/N ☒ Y ☐ N	
If No, please explain: Sandwiches and cakes are the only menu items		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y/N ☒ Y ☐ N	
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	Y/N ☐ Y ☒ N	
Will you permit dancing on the premises?	Y/N ☐ Y ☒ N	
Will you permit dancing after 1:00 a.m.?	Y/N ☐ Y ☒ N	
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y/N ☐ Y ☒ N	
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).		
Will you have any amusement devices (pinball, video games, juke box)?	Y/N ☒ Y ☐ N	
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____		
What is your targeted opening date?		
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	Y/N ☐ Y ☒ N	
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	Y/N ☐ Y ☒ N	
If Yes, please list business name(s) and location(s):		
Is any principal officer under the age of 21?	Y/N ☐ Y ☒ N	
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y/N ☐ Y ☒ N	
If Yes, please explain:		

I Connor Montella and Truman Leddy do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature Connor Montella Truman Leddy Title Business Managers Date 7/22/19

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

bl@portlandmaine.gov • www.portlandmaine.gov

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)
10 WATER STREET, HALLOWELL, ME 04347 (Overnight Mail)
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt Deposited:	
Cash Ck Mo:	
Good SOS & DBA: YES ☐ NO ☐	

PRESENT LICENSE EXPIRES: NA

NEW application: ☒ Yes ☐ No

If business is NEW or under new ownership, indicate starting date: 9/16/2019

Requested inspection (New Licensees/ Ownership Changes Only) Date: 8/13/19 Business hours: Wed-Sat 4pm-1am

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☐ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|--|---|--|
| ☐ RESTAURANT (Class I,II,III,IV) | ☐ RESTAURANT/LOUNGE (Class XI) | ☐ CLASS A LOUNGE (Class X) |
| ☐ HOTEL (Class I,II,III,IV) | ☐ HOTEL, FOOD OPTIONAL (Class I-A) | ☐ BED & BREAKFAST (Class V) |
| ☐ GOLF COURSE (Class I,II,III,IV) | ☒ TAVERN (Class IV) | ☐ QUALIFIED CATERING |
| ☐ OTHER: _____ | | ☐ SELF-SPONSORED EVENTS |

(QUALIFIED CATERERS ONLY)

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>NA</u>			Business Name (D/B/A) <u>Maps Bar</u>		
APPLICANT(S) -(Sole Proprietor) <u>Connor Montello</u>			DOB: <u>02/02/1993</u>		
DOB: <u>04/01/1993</u>			Physical Location: <u>64A Market St.</u>		
City/Town <u>Portland</u>			State <u>ME</u>		Zip Code <u>04101</u>
Address <u>24 Sheridan St. Apt. 2</u>			Mailing Address Same As Above? ☒		
City/Town <u>Portland</u>		State <u>ME</u>	City/Town <u>Portland</u>		State <u>ME</u>
Zip Code <u>04101</u>		Zip Code <u>04101</u>		Zip Code <u>04101</u>	
Telephone Number <u>207-272-3397</u>		Fax Number <u>NA</u>		Business Telephone Number <u>NA</u>	
Federal I.D. # <u>84-2451392</u>		Fax Number <u>NA</u>		Seller Certificate #: <u>Applied on 7/22/19</u> or Sales Tax #: <u>Confirmation #: 113647</u>	
Email Address: <u>Montelloconnor@gmail.com</u>			Website: <u>NA</u>		

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: NA

2. State amount of gross income from period of last license:

ROOMS \$ NA FOOD \$ NA LIQUOR \$ NA

3. Is applicant a corporation, limited liability company or limited partnership? YES ☐ NO ☒

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

5. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No (Use an additional sheet(s) if necessary.) If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

License # _____ Name of Business _____

Physical Location _____

City / Town _____

6. If manager is to be employed, give name: NA

7. Business records are located at: 64A Market St. Portland, ME 04101

8. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

9. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

10. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

Full Name (Please Print)	DOB	Place of Birth
Connor Montello	02/02/1993	Portland, ME
Truman H. Leddy	04/01/1993	Portland, ME

11. Residence address on all of the above for previous 5 years (Limit answer to city & state)

Name: <u>Connor Montello</u>	City: <u>Portland and Orono</u>	State: <u>Maine</u>
Name: <u>Truman H. Leddy</u>	City: <u>Portland</u>	State: <u>Maine</u>
Name: _____	City: _____	State: _____

12. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____ (use additional sheet(s) if necessary)

13. Will any law enforcement official benefit directly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: _____

14. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒

15. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: Joseph A. Palacci of 112 Jeanne St. Portland, ME

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) Maps is located in the basement unit of 64 Market St. (see attached diagram)

17. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☐ NO ☒ Applied for: Department of health and human Services license on 7/22/2014

18. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? .3 Miles

Which of the above is nearest? A Church

19. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: Previous owners will be financing a portion of the purchase, as well as a bank

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Portland, ME on July 22, 20 19
Town/City, State Date

PLEASE SIGN IN BLUE INK

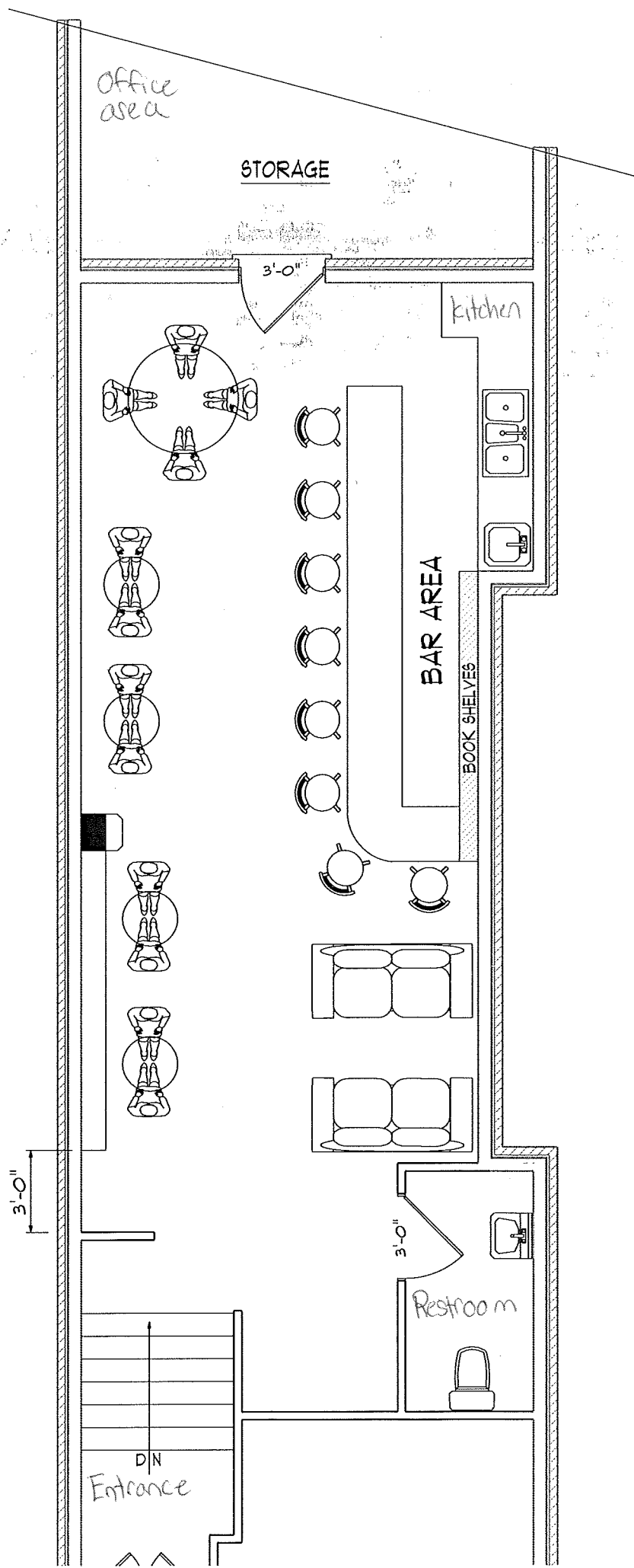

Signature of Applicant or Corporate Officer(s)
Connor Montello
Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

FEE SCHEDULE

FILING FEE: (must be <u>included</u> on all applications).....	\$ 10.00
Class I Spirituous, Vinous and Malt	\$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB	
Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.	
Class II Spirituous Only	\$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III Vinous Only	\$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV Malt Liquor Only	\$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class III & IV Malt & Vinous Only	\$ 440.00
CLASS III & IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
CLASS V: Clubs without catering privileges.	
Class X Spirituous, Vinous and Malt – Class A Lounge	\$2,200.00
CLASS X: Class A Lounge	
Class XI Spirituous, Vinous and Malt – Restaurant Lounge	\$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.	
SELF-SPONSORED EVENTS: Qualified Caterers Only	\$ 700.00



WINE

GEISEN SAUVIGNON BLANC, NZ – 8

FOLONARI PINOT GRIGIO, ITALY – 7

FORTANT CHARDONNAY, FRANCE – 8

ZARDETTO PROSECCO, ITALY – 8

KIKUSUI FUNAGUCHI SAKE, JAPAN – 10

HOUSE WHITE WINE – 5

LAURENT MIQUEL CINSAULT SYRAH ROSE, FR - 8

ANGELINE PINOT NOIR, CA – 7

CAMILA MALBEC, ARGENTINA – 7

CYPRESS CABERNET SAUVIGNON, CA – 8

COCKBURN'S TAWNY PORT – 3oz – 5

HOUSE RED WINE – 5

MAINE CRAFT DISTILLING CANNED COCKTAILS

BLUESHINE LEMONADE – 9

MAINE MULE – 9

SHOTS

VIKING BLOD, 19% – 2oz – 6

UNDERBERG, 44% – .67oz – 4

PLEASE ORDER AT THE BAR

TEA – COFFEE – SODA

ESPRESSO – 3

AMERICANO – 3

LATTE – 4

CAPPUCCINO – 4

EMPYREAL NITRO COLD BREW - 6

GREEN JASMINE TEA – 3

PG TIPS ENGLISH TEA – 3

LEMON AND GINGER ELIXIR – 3

TUTTI FRUTTI TEA – 3

SIMPLY MINTY TEA – 3

COCA COLA – 3

DIET COKE – 3

GINGER ALE – 3

SAN PELLEGRINO LIMONATA – 3

PERRIER SPARKLING WATER – 3



UFF KOMBUCHA (ROTATING) – 7



HAPPY HOURS



4-7PM DAILY

32oz PITCHER OF ANY DRAFT BEER – \$10

ALL FULL POURS OF BEER, GLASSES OF
WINE, & SHOTS – \$1 OFF

PLEASE ORDER AT THE BAR

Draft List

Bissell Brothers Substance (16oz) - 7
6.6%

Bangor Beer Co. Disco Sasquatch DIPA
(12oz) - 8.2% - 8

Maine Beer Co Post Ride Snack
IPA (16oz) - 7
4.9%

Marsh Island Nebulous Pale (16oz) - 7
4.5%

(Weihenstephaner Lager (18oz) - 7
5.1%

Allagash Black (16oz) - 7
7.5%

Oxbow Grizzaca (12oz) - 7
4.5%

Definitive Shimmered Reflections Sour
w/Key Lime, Vanilla, & Lactose (12oz)-8
6.9%

CHECK THE BOARD FOR CAN SPECIALS

Please order at the bar.

MAPS

GRILLED CHEESE SANDWICHES
SERVED ON
PORTUGUESE BREAD
(SERVED UNTIL 9PM)

SIMPLE – 8

CHEDDAR & PROVOLONE

ENGLISH – 8

CHEDDAR & PROVOLONE W/
ROASTED GARLIC JAM
& RED ONION

BLUE – 8

BLUE CHEESE & PROVOLONE W/
MAINE BLUEBERRY JAM & RED ONION

VERMONT – 8

CHEDDAR & PROVOLONE W/
BACON, MAPLE & ONION JAM

HAPPY MEAL – 5

(SERVED UNTIL 11PM)

MILLER HIGH LIFE W/
GRILLED CHEESE MADE WITH
CHEAP WHITE BREAD & AMERICAN CHEESE

GRILLED CHEESE ONLY – 3.50

MAKE IT A PICKELBACK +.50

ADD ON SOME NICKELBACK + \$49

8% SALES TAX WILL BE ADDED TO FOOD ORDERS

PLEASE ORDER AT THE BAR

MAPS

BEER & CIDER

BUDWEISER-3

PABST-3

MILLER HIGH LIFE-3

ALLAGASH WHITE-6

STRONGBOW CIDER-5

MAGNERS PEAR CIDER-6

SAMUEL SMITH'S ORGANIC CIDER-7

UFF DRY CIDA-7

BANTAM ROJO CIDER-7

WHITE BIRCH BLUEBERRY BERLINER WEISS-6

RODENBACH GRAND CRU-10

SAMUEL SMITH'S OATMEAL STOUT-6

ST PETER'S CREAM STOUT (19oz)-10

GUINNESS (16oz)-5

VON TRAPP BOHEMIAN PILSNER-5

SAMUEL SMITH'S NUT BROWN ALE-6

FRANZISKANER WEISSBIER-5

BLACK SHEEP ENGLISH BITTER ALE (19oz)-10

SAMUEL SMITH'S FRUIT ALE (19oz)-10

(STRAWBERRY or RASPBERRY)

SIERRA NEVADA (16oz)-5

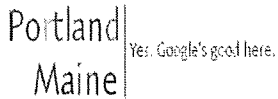
SCHOFFERHOFER GRAPEFRUIT HEFEWEIZEN-6

HOEGAARDEN-5

CHIMAY ROUGE-10

ORVAL-10

PLEASE ORDER AT THE BAR



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Maps

Dan Hondo <danh@portlandmaine.gov>

Mon, Jul 22, 2019 at 9:36 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

No issues on pd side

On Mon, Jul 22, 2019 at 4:55 PM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good evening

Please see the attached application for Maps. This is a change of ownership of an existing business. This will go before council on 8/12. Please advise. Thanks Jessica

Jessica Blais Hanscombe

Licensing and Housing Safety Manager

389 Congress Street Room 307

Portland, Maine 04101

207-874-8783

jhanscombe@portlandmaine.gov

--

Lt. Dan Hondo
Portland Maine Police Dept.
Patrol Team B3/B4
(207)874-8513



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

JESSICA HANSCOMBE
389 CONGRESS ST.
PORTLAND, ME 04101

Transaction Response #: MIQ99E050452

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2019-07-22) :

Inquiries Name(s) CONNOR MONTELLO (1993-02-02)

NO MATCH WAS FOUND FOR YOUR REQUEST.



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

JESSICA HANSCOMBE
389 CONGRESS ST.
PORTLAND, ME 04101

Transaction Response #: MIQ99E050447

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2019-07-22) :

Inquiries Name(s) **TRUMAN LEDDY (1993-04-01)**

NO MATCH WAS FOUND FOR YOUR REQUEST.



CITY OF PORTLAND
Permitting and Inspections Department

July 23, 2019

Maps
Connor Montello
64A Market Street
Portland ME 04101

Re: Connor Montello & Truman Leddy dba Maps. Application for a Class III & IV FSE at 64 Market Street.

Dear Connor Montello,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday August 12, 2019 at 4:00 p.m.**, for the review of application for a Class III & IV FSE at 64 Market Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,

Jessica Hanscombe
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on August 12, 2019 at 4:00P.M., in City Council Chambers, 389 Congress St., Connor Montello & Truman Leddy dba Maps. Application for a Class III & IV FSE at 64 Market Street. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 24, 2019

SUBJECT: Order 21-19/20 Granting Municipal Officers' Approval of Fraser Loring LLC dba Congress Bar and Grill. Application for a Class I FSE with Outdoor Dining on Public Property at 617 Congress Street.

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

Fraser Loring LLC dba Congress Bar and Grill. Application for a Class I FSE with Outdoor Dining on Public Property at 617 Congress Street.

Application was filed on 7/23/2019. New City and State applications. New owner of an existing business.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Congress St Bar
2. 20190725071224530

Prepared by:

Date: 7/24/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

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**ING MUNICIPAL OFFICERS’
APPROVAL OF:**

**Fraser Loring LLC dba Congress St Bar & Grill. Application for a Class I FSE with
Outdoor Dining on Public Property at 617 Congress Street.**

Letter of Intent for 617 Congress St

July 22, 2019

To Whom It May Concern,

Congress Street Bar and Grill is being sold. We have purchased it.

We would like to continue to long tradition of a full service restaurant and bar at 617 Congress Street.

Thank you for your time and consideration,

Michael Fraser and Jason Loring



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	^{DBA} Congress St Bar & Grill / ^{LLC} FRASER LORMING LLC Phone: 207-807-4062
Location Address:	255 617 Congress St Zip: 04102
If new, what was formerly at this location:	Same
Mailing Address:	Same Zip:
Contact Person:	Mike Fraser Phone: Same
Contact Person Email:	mike@romaportland.com
Manager of Establishment:	Same Date of Birth: 9/18/74 Phone: Same
Owner of Premises (Landlord):	CHRISTINE PORTLAND LLC
Address of Premises Owner:	210 College Street Suite 201 Burlington VT Zip: 05401

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address
JASON LORMING	09/26/76	15 Main Ave Portland 04103
Mike Fraser	09/18/74	8 North St Portland 04101

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
FRASER LORMING LLC		767 Congress St Portland Zip: 04102	
Contact Person:	MIKE FRASER	Phone:	207-807-4062
Principal Officers	Title	Date of Birth	Residence Address
Jason Loring	owner	9/26/76	see above
Mike Fraser	owner	9/18/74	see above
Class of Liquor License:			



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	BOB style - full menu		
Please circle all that will be served:	Beer	Wine	Liquor
Projected percentage of sales:	Generated from Food: 60	Generated from Alcohol: 40	
Hours & days of operation:	7 days 11 AM - 1 AM		

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	☒ Y ☐ N
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☒ Y ☐ N
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	☒ Y ☐ N
Will you permit dancing on the premises?	☒ Y ☐ N
Will you permit dancing after 1:00 a.m.?	☒ Y ☐ N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	☒ Y ☐ N
If yes, will the outside dining be on <u>PUBLIC</u> or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	☒ Y ☐ N
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date? 09/15/19	
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	☒ Y ☐ N
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	☒ Y ☐ N
If Yes, please list business name(s) and location(s): BEAMHALL 767 Congress St KOSH 551 Congress St SLAB 25 Preble St.	
Is any principal officer under the age of 21?	☒ Y ☐ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	☒ Y ☐ N
If Yes, please explain:	

I, MIKE FARRER do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature Mike Farrer Title Owner Date 09/22/19

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department
Outdoor Dining Permit on Public Property
Supplemental Application

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
Valid April 1-November 15

- ☐ Legal Advertisement Deposit \$100.00
- ☐ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot $\$2.00 \times 80 \text{ SF} = 160.00$
- ☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot $\$6.30 \times \text{SF} = \text{_____}$

Business Information	
Business Name (d/b/a):	Congress St. Bar & Grill Phone: 207-807-4062
Location Address:	617 Congress St Zip: 04102
Mailing Address:	Zip:
Contact Person:	MIKE FRASER Phone: 207 807-4062
Contact Person Email:	MIKE@ROMA-PORTLAND.COM
Manager of Establishment:	MIKE FRASER Date of Birth: 09/18/74 Phone: 207 807-4062
Owner of Premises (Landlord):	CHRISTINE PORTLAND LLC
Address of Premises Owner:	240 College Street, Suite 201, Burlington VT 05401

Owner Information

Corporate Name FRASER LORING LLC		Corporate Mailing Address	
Congress St Bar & Grill		767 Congress St. Portland ME 04102	
Contact Person:	MIKE FRASER	Phone:	207 807-4062
Principal Officers	Title	Date of Birth	Residence Address
MIKE FRASER	owner	09/18/74	8 NORTH ST PORTLAND 04101
JASON LORING	owner	09/27/75	15 MAIN AVE PORTLAND 04103

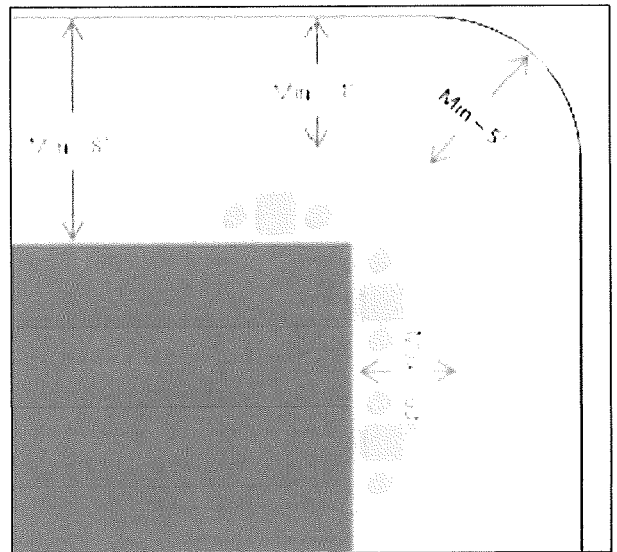


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	CLASS I RESTAURANT
Type of food served:	POB STYLE
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	11 AM - 1 AM
Number of Tables	5
Number of Chairs	10

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?
< 8'0"	No
≥ 8'0"	Yes – up to 60% of
Sidewalk Type	Sidewalk Passage Width
Standard sidewalk	4'0"
Street corner	5'0"



- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

Barriers

- If barriers are proposed, they must be free-standing. Physical attachments to a building are not allowed.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

Example barrier types that meet regulation





CITY OF PORTLAND
Permitting and Inspections Department
Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signature Michael B. [Signature] Title Owner Date July 22, 2019

For Administrative Use Only

Amount: _____	Request Date / Approval	Notes: _____
Date Paid: _____	FD: _____ / _____	_____
CC _____ CA _____ CK _____	Health: _____ / _____	_____
	PD: _____ / _____	_____
Amount: _____	Treasury: _____ / _____	_____
Date Paid: _____	Zoning: _____ / _____	_____
CC _____ CA _____ CK _____		

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash	Ck Mo:

PRESENT LICENSE EXPIRES _____

NEW application: ☒ Yes ☐ No

If business is NEW or under new ownership, indicate starting date: Sept 23, 2019

Requested inspection date: Sept 16 Business hours: 11 AM - 7 PM

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)
☐ HOTEL (Class I,II,III,IV) ☐ HOTEL, FOOD OPTIONAL (Class I-A) ☐ BED & BREAKFAST (Class V)
☐ CLUB w/o Catering (Class V) ☐ CLUB with CATERING (Class I) ☐ GOLF COURSE (Class I,II,III,IV)
☐ TAVERN (Class IV) ☐ QUALIFIED CATERING ☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>FRASER LORING LLC</u>		Business Name (D/B/A) <u>Congress St Bar/Grau</u>	
APPLICANT(S) - (Sole Proprietor) <u>MIKE FRASER</u>		Physical Location: <u>617 Congress St</u>	
DOB: <u>9/18/74</u>		DOB: <u>9/29/76</u>	
Address <u>767 Congress St</u> <u>ME</u> <u>04102</u>		City/Town <u>Portland</u>	State <u>ME</u>
City/Town <u>PORTLAND</u>		Zip Code <u>04102</u>	
Mailing Address <u>Same</u>		Mailing Address <u>Same</u>	
City/Town <u>Portland</u>		City/Town <u>Same</u>	
State <u>ME</u>		State <u>ME</u>	
Zip Code <u>04102</u>		Zip Code <u>04102</u>	
Telephone Number <u>207-807-4062</u>		Business Telephone Number <u>207-807-4062</u>	
Fax Number <u></u>		Fax Number <u></u>	
Federal I.D. # <u>82-4456979</u>		Seller Certificate #: or Sales Tax #:	
Email Address: <u>MIKE@ROMA-PORTLAND.COM</u>		Website:	
Please Print			

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____

2. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____

3. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you own or have any interest in any another Maine Liquor License? ☒ Yes ☐ No

If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

9477 BEAMITALL PUB (Use an additional sheet(s) if necessary.)

License # 9477 Name of Business Portland ME 04102
Physical Location 767 Congress St City / Town Portland

5. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

6. If manager is to be employed, give name: _____

7. Business records are located at: 769 Congress St Portland

8. Is/are applicant(s) citizens of the United States? YES ☒ NO ☐

9. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

10. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

Full Name (Please Print)	DOB	Place of Birth
MIKE FRASSA	9/18/74	Malone, NY
JASON LORING	02/29/76	Yerwood, ME
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
MIKE FRASSA - 8 NORM ST PORTLAND	04101	
JASON LORING - 15 MAINE AVE PORTLAND	ME 04103	

11. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____ (use additional sheet(s) if necessary)

12. Will any law enforcement official benefit directly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: _____

13. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

14. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner:
CHRISTINE PORTLAND LLC 210 College Street SUITE 201 Burlington, VT.

15. Describe in detail the premises to be licensed: (On Premise Diagram Required) THE CURRENT RESTAURANT AT 617 Congress St.

16. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☐ NO ☐ Applied for: ☒

17. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 500 FT.

Which of the above is nearest? CHURCH - WILLISTON IMMANUEL UNITED

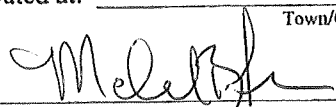
18. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: _____

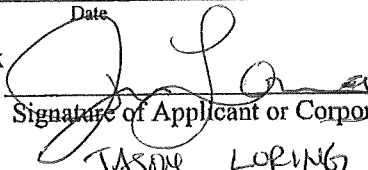
The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Portland Me on 7-23, 20 19
Town/City, State Date


 Signature of Applicant or Corporate Officer(s)
MICHAEL S. FELLER
 Print Name

Please sign in blue ink


 Signature of Applicant or Corporate Officer(s)
JASON LORING
 Print Name

FEE SCHEDULE

FILING FEE: (must be <u>included</u> on all applications).....	\$ 10.00
Class I Spirituous, Vinous and Malt	\$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.	
Class II Spirituous Only	\$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III Vinous Only	\$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV Malt Liquor Only	\$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
CLASS V: Clubs without catering privileges.	
Class X Spirituous, Vinous and Malt – Class A Lounge	\$2,200.00
CLASS X: Class A Lounge	
Class XI Spirituous, Vinous and Malt – Restaurant Lounge	\$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.	

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All applications for **NEW** or **RENEWAL** liquor licenses must contact their **Municipal Officials** or the **County Commissioners** in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

All fees must accompany application, make check payable to the **Treasurer, State of Maine**.



Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

**Corporate Information Required for
Business Entities Who Are Licensees**

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

1. Exact legal name: FRANK LORING LLC
2. Doing Business As, if any: Coney St Bar & Grill
3. Date of filing with Secretary of State: 01/04/19 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Jason Loring.	15 MAIN ST PORTLAND ME 04103	09/29/76	owner	50
Mike Fane	87 WENST PORTLAND, ME 04101	03/18/74	owner	50

(Stock ownership in non-publicly traded companies must add up to 100%.)

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

7. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

8. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

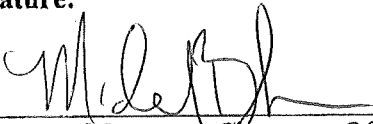
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Owner or Corporate Officer

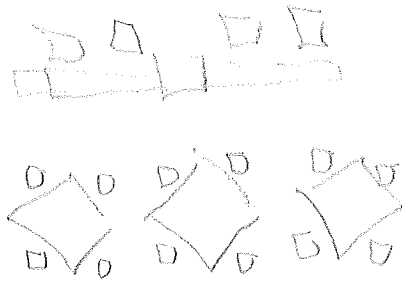
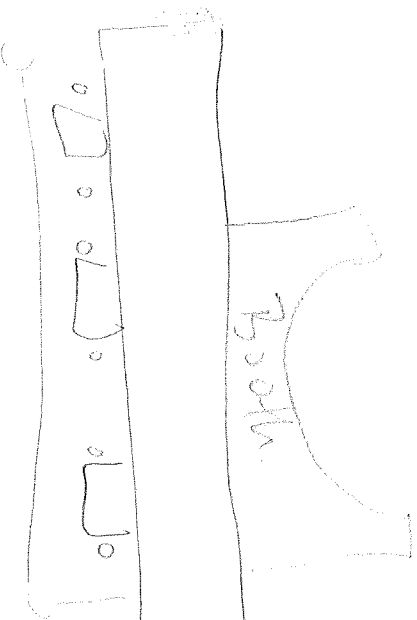
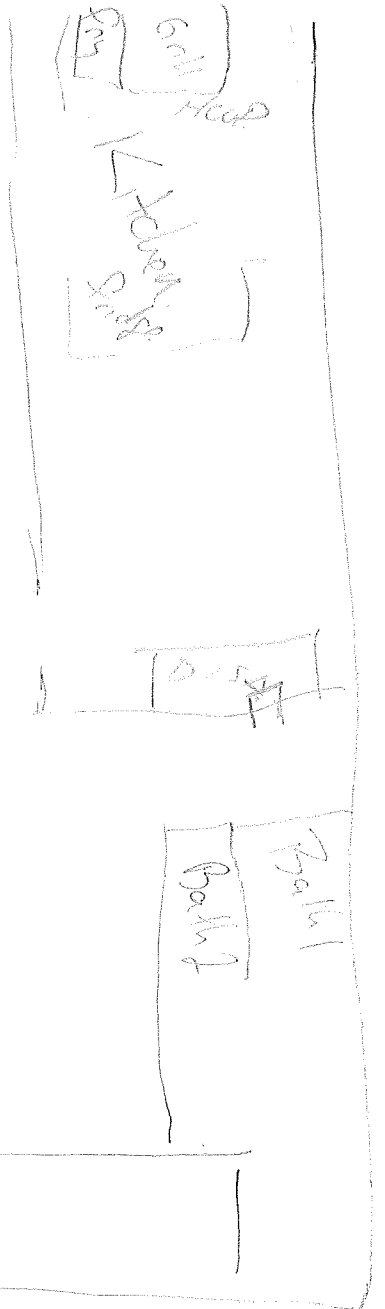
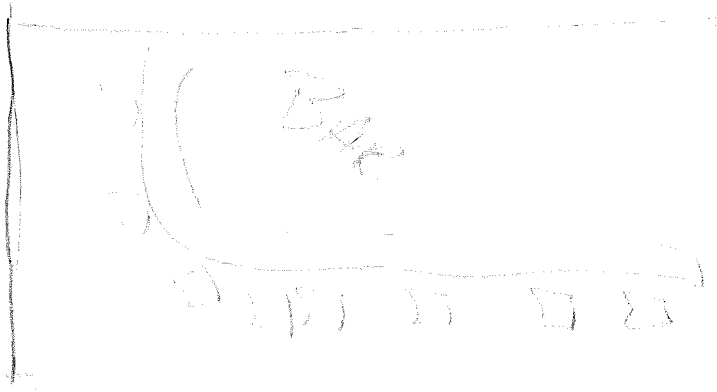
07/22/19
Date

MICHAEL B FRASER

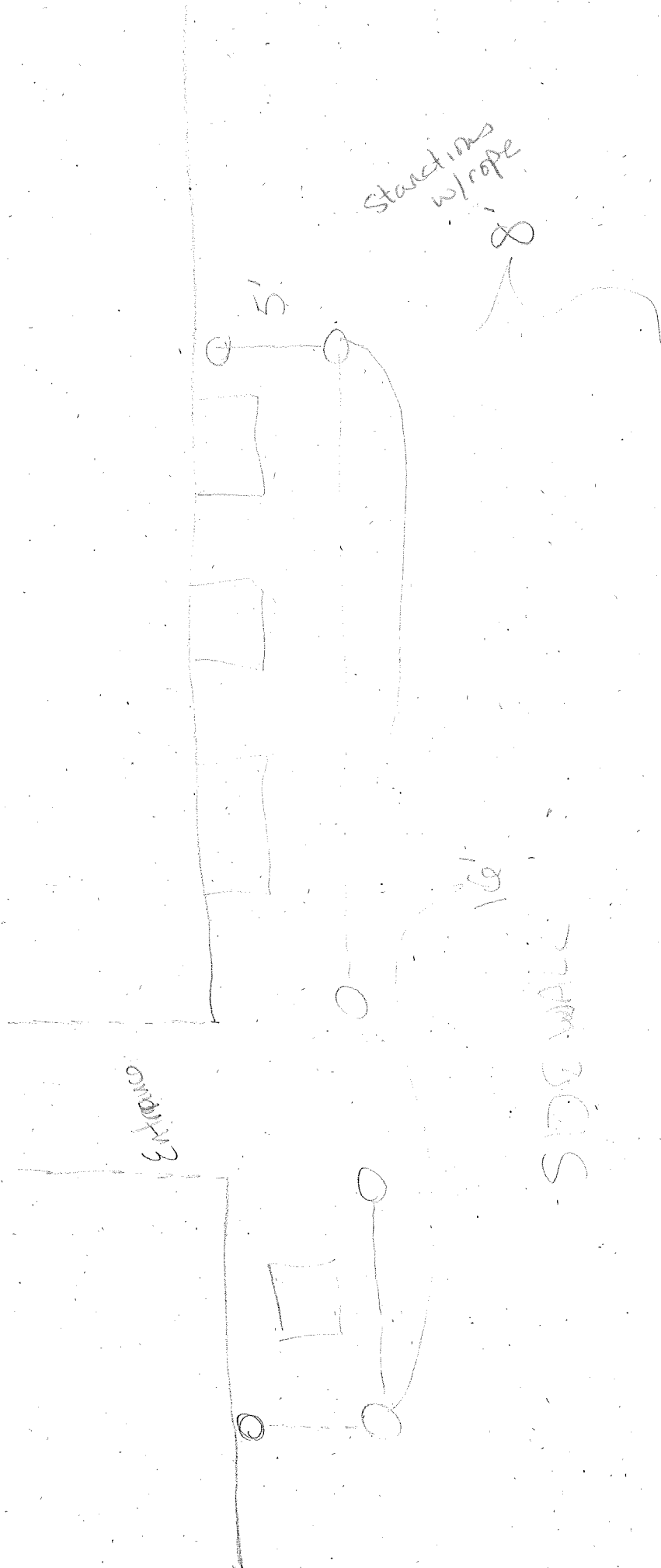
Print Name of Owner or Corporate Officer

Submit Completed Forms to:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov



617 Conner St



774M B.C.I.S

133018

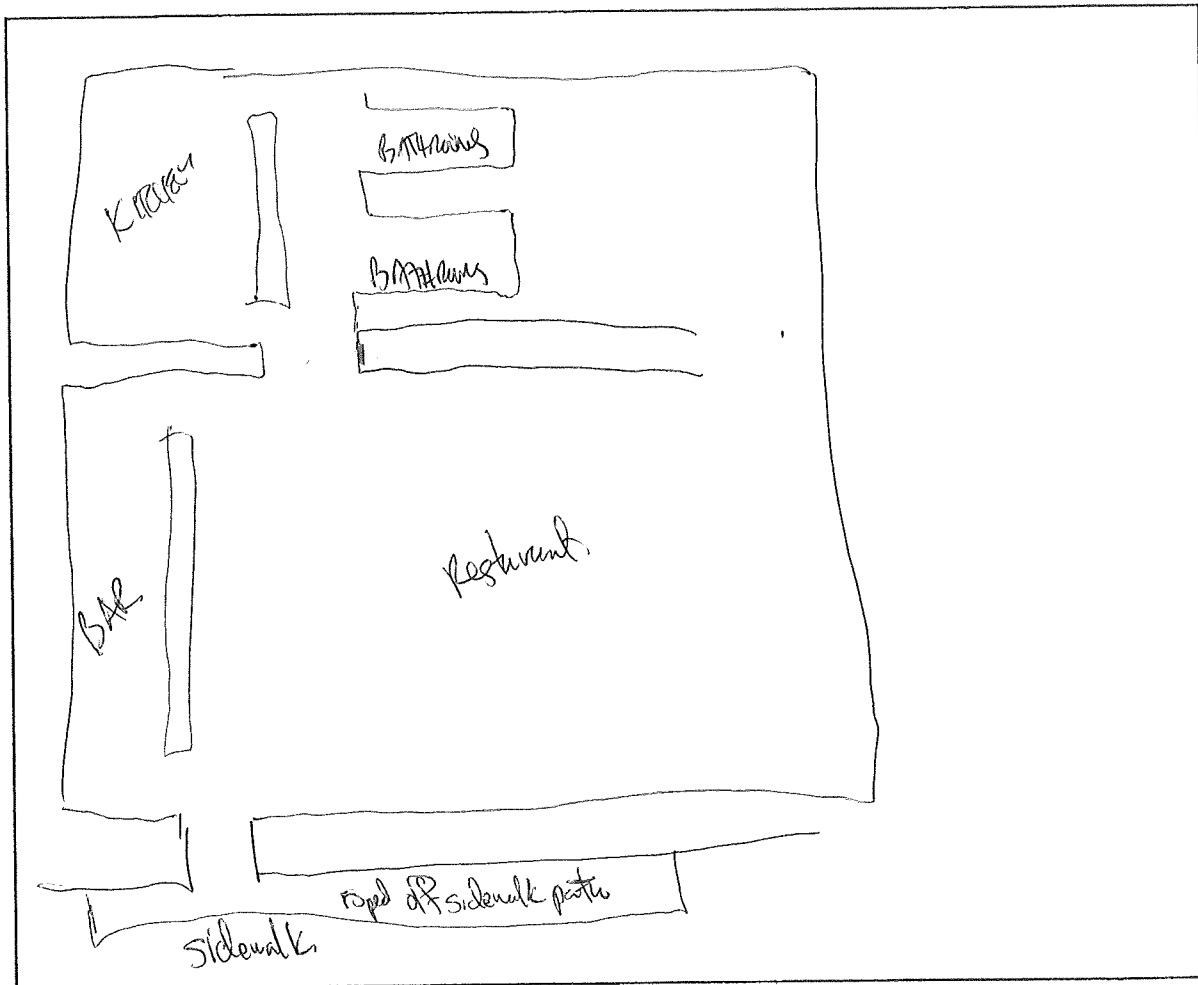
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347 (overnight)
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov



ON PREMISE DIAGRAM (Facility Drawing/ Floor Plan)

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas with the following: • Entrances • Office area • Kitchen • Storage Areas • Dining Rooms • Lounges • Function Rooms • Restrooms • Decks • All Inside and Outside areas that you are requesting approval.



Chicken & waffles \$14

Honey, hot sauce and whipped potato

Steak frites \$21

Maldon salt, black pepper gravy, Fries and mayo

Crispy pork chop \$19

Fried egg, lemon and arugula

Desserts

Locally made pie \$6

Locally made cakes \$7

à la mode \$3

NOSH ice cream \$6

Appetizers

Almond & olives \$9

Spanish marcona almonds & marinated olives

Grilled chicken wings (6)\$12 (12)\$22

Sweet-vinegar sauce, crispy garlic, coconut, scallion

Chinese broccoli \$12

Crispy chili, hoisin, crushed peanuts, fried garlic, cilantro

Sticky ribs \$12

Garlicky clams \$12

Garlic, lemon, parsley, chili flake and grilled bread

Seared shrimp toast \$12

Garbage Plate \$14

French fries, cheeseburger, macaroni salad, chili, fried egg, hot sauce, onions and CBG sauce

Custom Deluxe burger \$14 Served with fries

Extra cheese, lettuce, tomato, onion, pickle, mayo and North country slab bacon sesame bun
#substitute impossible burger add \$4

Sandwiches served with fries

Tuna melt \$10

Focaccia, lettuce, tomato, cotswald cheese

Cheesesteak \$14

Cheese sauce, cherry peppers, mushroom, onion and hoagie roll

Fried chicken \$12

Lettuce, tomato, pickle, honey, hot sauce, mayo and a sesame bun

CBG Sides

Fries \$5

Sweet potato fries \$6

Onion rings \$7

Whipped potato \$6

Grilled garlic naan \$5

Macaroni salad \$4

Salads

Green goddess \$12

Arugula, green goddess dressing, pickled vegetables, tomato, cucumber, feta goat cheese and pecans

Un-classic wedge \$12

Romaine, ranch dressing, shaved gorgonzola, giardiniera vegetables, north country slab bacon

Caesar Salad \$12

Romaine, parmesan cheese, toasted bread, anchovies and garlicky dressing

Salad add-ons \$ Fried chicken, Grilled steak, falafel

Entrees

Falafel & feta \$16

Goat cheese feta, olives, yogurt, pickled vegetable, cilantro, chick peas and naan bread

Crispy ½ chicken \$18

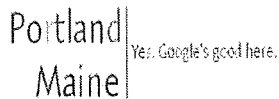
Local vegetable, whipped potato

Meat loaf \$17

BBQ sauce, marinated mushrooms and whipped potato

Shrimp & "Grits" \$16

Cheesy polenta, Cajun spice, slab bacon, chives



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Congress St Bar & Grill

Dan Hondo <danh@portlandmaine.gov>

Wed, Jul 24, 2019 at 2:38 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

No issues on pd side

On Wed, Jul 24, 2019 at 9:54 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached. This is a change of ownership of an existing business. This will go before council on 8/12. Please advise. Jess

Jessica Blais Hanscombe

Licensing and Housing Safety Manager

389 Congress Street Room 307

Portland, Maine 04101

207-874-8783

jhanscombe@portlandmaine.gov

--

Lt. Dan Hondo

Portland Maine Police Dept.

Patrol Team B3/B4

(207)874-8513



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

JESSICA HANSCOMBE
389 CONGRESS ST.
PORTLAND, ME 04101

Transaction Response #: MIQ99E052615

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2019-07-24) :

Inquiries Name(s) **MIKE FRASER (1974-09-18)**

NO MATCH WAS FOUND FOR YOUR REQUEST.



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

JESSICA HANSCOMBE
389 CONGRESS ST.
PORTLAND, ME 04101

Transaction Response #: MIQ99E052610

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2019-07-24) :

Inquiries Name(s) JASON LORING (1976-09-29)

NO MATCH WAS FOUND FOR YOUR REQUEST.



CITY OF PORTLAND
Permitting and Inspections Department

July 24, 2019

Fraser Loring LLC
767 Congress Street
Portland ME 04102

Re: Fraser Loring LLC dba Congress St Bar & Grill. Application for a Class I FSE with Outdoor Dining on Public Property at 617 Congress Street.

Dear Mike Fraser,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday August 12, 2019 at 4:00 p.m.**, for the review of application for a Class I FSE with Outdoor Dining on Public Property at 617 Congress Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,

Jessica Hanscombe
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on August 12, 2019 at 4:00P.M., in City Council Chambers, 389 Congress St., Fraser Loring LLC dba Congress St Bar & Grill. Application for a Class I FSE with Outdoor Dining on Public Property at 617 Congress Street. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 25, 2019

SUBJECT: **Order 190-18/19 Approving Two-Party Agreement between Maine Department of Transportation and Portland Re: Improvements to India Street - Sponsored by Jon P. Jennings, City Manager.**

SPONSOR: Jon P. Jennings, City Manager

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No This agreement must be approved by City Council and signed by the City Manager by 4/8/19 to allow Maine Department of Transportation (MaineDOT) to meet its target bid date and target construction start date for this project.

PRESENTATION:

I. SUMMARY

City Council is being asked to approve the attached Two-Party Municipal/State Agreement and authorize the City Manager to sign it, which would allow MaineDOT to move ahead with its plans to pave India Street between Congress Street and Commercial Street in 2019.

II. AGENDA DESCRIPTION

This agreement, between the Maine Department of Transportation (MaineDOT) and the City of Portland, obligates MaineDOT to mill and fill India Street, adjust the City's sanitary sewer manhole frames and covers, as necessary, update and/or install new pedestrian curb ramps to meet ADA requirements and all appurtenances when MaineDOT's contractor paves India Street. The agreement obligates the City to pay MaineDOT \$289,000.00, and pay an additional \$10,000.00 for manhole adjustments from a water resources fund.

This item must be read on two separate days. It received its first reading on March 18, 2019. On April 8, 2019, this item was given its second reading and postponed to June 17, 2019, and on June 17, 2019 it was postponed to August 12, 2019. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The India Street paving project is part of MaineDOT's Cyclical Paving Resurfacing (CPR) work plan. The scope of work includes milling and paving with a 1 ¼ inch hot mix asphalt overlay and ADA improvements with curb adjustments as needed. The CPR program is a state-funded maintenance program that allocates \$200,000 of state funding per mile. Therefore, MaineDOT will contribute \$58,000.00 as part of the CPR program contribution. The City will be responsible for the remainder of the project cost and 100% of the cost of making adjustments to its sanitary sewer facilities in the project area.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The India Street paving project will improve the pavement surface and ride quality on a regionally important major urban collector street and improve pedestrian facilities on this road.

V. FINANCIAL IMPACT

The City is obligated to pay for the additional cost required on top of the CPR allocation, new ADA improvements, and 100% of the cost of adjusting sanitary sewer manhole frames and covers in the project area. The total City cost of this work, estimated to be \$289,000.00, would be paid from a FY20 CIP account established for this project and \$10,000.00 from a water resources account. Please see attached fiscal impact note for additional information.

VI. STAFF ANALYSIS AND BACKGROUND

Although the CPR program is a good program and works on some minor roads, the condition of India Street and development in the area is much more suited to a more intensive repair such as a mill and fill. Although the City must cover the cost to change the scope, because MaineDOT is still contributing to this project makes this a good time to improve the road and a good use of City funds.

This is an important location in the City of Portland due to its increasing development and designation as a minor arterial. The street is in need of resurfacing and the improvement of ADA ramps will provide safer routes for pedestrians.

VII. RECOMMENDATION

The Department of Public Works recommends approving and signing the subject agreement to allow MaineDOT to pave approximately 0.29 miles of India Street (from Congress Street to Commercial Street) in 2019.

VIII. LIST ATTACHMENTS

1. Order re Paving India Street MDOT 8.12.2019
2. India St Two Party Agreement
3. Fiscal Impact - India Street - Fiscal Impact Note
4. India_Street_Improvements Project Location Map
5. 2019-08-08_Memo_India St_City vs DOT Funds

Prepared by:

Date: 7/25/2019

Order 190-18/19

Motion to postpone to June 17, 2019: 8-0 (Cook absent) on April 8, 2019

Motion to postpone to August 12: 9-0 on 6/17/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING TWO-PARTY AGREEMENT BETWEEN PORTLAND
AND THE MAINE DEPARTMENT OF TRANSPORTATION
RE: IMPROVEMENTS TO INDIA STREET**

ORDERED, that the two-party Partnership Agreement between the Maine Department of Transportation and the City of Portland for improvements to India Street with State Work Identification Number 024037.00 is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute said documents and any other related documents necessary or convenient to carry out the intent of said documents and this Order.



MaineDOT use only	
TEDOCS #:	_____
CT #:	_____
CSN #:	_____
PROGRAM:	_____

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
PROPOSED IMPROVEMENTS TO INDIA STREET

(MaineDOT Use Only)

Project Location: Portland
State WIN #: 024037.00
Federal Aid Project #: 2403700

Estimated Municipal Share: \$299,000.00
Vendor Customer #: 17A12144
Agreement Begin Date: _____
Agreement End Date: (5 years from the date last signed below)

This Agreement is entered into between the Maine Department of Transportation (hereafter the MaineDOT) and the Municipality of Portland, a municipal corporation located in the County of Cumberland (hereafter the “Municipality”) (collectively hereinafter the “Parties”).

RECITALS

- A. The scope of work that is the subject of this Agreement consists of making improvements to India Street, beginning at Congress Street and extending south 0.29 of a mile to Commercial Street, in Portland, Maine, (hereafter the “Project”).
- B. The Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the programmed budget, using a process that maximizes communication and cooperation between the Parties.
- C. This Agreement is intended to cover the roles and responsibilities of the Parties during the design, permitting and right-of-way phases of Project development from Project inception through completion of the Project’s Plans, Specifications and Estimate (PS&E). This Agreement is further intended to establish the financial obligations of each Party, including that of full Project development through construction.

AGREEMENT

NOW, THEREFORE, in accordance with the foregoing, the Parties agree as follows:

- D. The following checked appendices are hereby incorporated into this Agreement by reference, and any perpetual maintenance appendices shall survive the expiration of this Agreement:
 - ☒ Appendix A – Project scope, cost sharing, and payment schedule (*not required for non-monetary agreements.*)
 - ☐ Appendix B – Perpetual Bicycle/Pedestrian Facility Maintenance
 - ☐ Appendix B – Perpetual Drainage Maintenance
 - ☐ Appendix B – Perpetual Landscape Maintenance
 - ☐ Appendix B – Perpetual Operation and Maintenance of Lighting/Flashing Beacon and/or signage with associated light(s)
 - ☐ Appendix B – Perpetual Traffic Signal Operation and Maintenance

- ☐ Appendix B – Perpetual Bridge Lighting/Approach Lighting Maintenance & Snow Plowing
- ☒ Appendix C – Additional work requested by Municipality

E. Agreement Administration:

1. MaineDOT agrees to procure and administer a contract to construct the Project in accordance with the plans and specifications developed by MaineDOT. This would include any additional plans, specifications and estimates furnished by the Municipality and approved by MaineDOT. When applicable, refer to Appendix A of this Agreement for the outline of the scope, limits of work and cost sharing.
2. MaineDOT shall be the sole administrator of the contract to construct the Project. MaineDOT will pay all Project costs, subject to cost sharing by the Municipality, when applicable, as specified in this Agreement. Neither MaineDOT nor its contractors will be required to pay for inspections and permits from the Municipality.
3. Upon acceptance of plans, specifications and estimates (PS&E), MaineDOT shall solicit competitive bids for the Project. Upon acceptance of the lowest acceptable responsive, responsible bid to construct the Project and fulfillment of all terms set forth herein, MaineDOT will submit the information to the Municipality, who will have up to five (5) business days to review the information and notify MaineDOT of any questions or concerns. If MaineDOT is not presented with any questions or concerns in the time allotted all decisions pertaining to the acceptance of the bids, the award and administration of the contract and all payments thereunder shall be the sole discretion of MaineDOT.

F. Changes to Project Scope:

4. The Municipality, at its election, may request that changes be made or work added to the Project during the period of construction, provided the Municipality agrees in writing to pay any additional cost plus an amount not to exceed ten (10%) percent of such construction cost to cover all necessary engineering, inspection and administrative costs associated therewith, unless specified otherwise. All such requests shall be subject to MaineDOT approval. In the event that the cost of these changes or work are approved for federal participation, the Municipality's additional cost may be reduced by the amount of the federal contribution.

G. Traffic Control:

5. The Municipality agrees to allow MaineDOT's contractor to control all traffic through the work areas in accordance with the Traffic Control Plan approved by MaineDOT. The development of the Traffic Control Plan will follow the process outlined below:
 - i. MaineDOT's Project Manager (PM) will, when possible, submit the Project for Traffic Analysis and Movement Evaluation (TAME), approximately one year prior to advertisement. Once the results are received, the PM/Regional Traffic Engineer will discuss the proposed Project with the Municipality (scope, limits, day or night work, work window, etc).
 - ii. The Municipality will comment on their concerns/issues related to the Traffic Control Plan within two (2) weeks of receipt.

- iii. MaineDOT's PM & Designer will incorporate these comments where practical based on engineering judgment.
- iv. If the Municipality desires, a meeting will be held prior to PS&E to review the Project design, Special Provision 105 – Limitations of Operations, Special Provision 107 - Time, etc.

H. Utilities:

- 6. The Municipality will, at no cost to MaineDOT, assure proper adjustment, relocation, or repair of any portion of a utility service, whether above or below ground, that is located within the limits of the highway right-of-way and connected to any municipal utility, which might become necessary to permit construction of the Project. The Municipality agrees to hold MaineDOT harmless from any claims for damages occurring as a result thereof.
- 7. The Municipality agrees that during and after construction it will apply the requirements of the most recent version of MaineDOT's "Utility Accommodation Rules" as the minimum guidelines not withstanding any municipal rules that are more lenient.
- 8. To the extent that it is statutorily responsible therefore, the Municipality agrees to provide utilities, and to maintain all improvements and fixtures constructed, installed or furnished as a part of the Project in such a manner as necessary to preserve the use and function thereof for the expected period of their normal useful life as determined by accepted engineering and/or industry standards. To the extent any warranty exists for said improvements or fixtures, said warranty shall be first relied on by MaineDOT to address maintenance and/or repairs described in this paragraph.

I. Governing Law:

- 9. The Municipality agrees that except for an emergency, or as allowed in 23 M.R.S.A. § 3351-A, it will prohibit the excavation of the highway within the limits of the Project for a period of at least five (5) years after completion of the Project, and agrees to make all necessary notifications to abutters and occupants of the highway as otherwise required of any municipal government under the provisions of 23 M.R.S.A. § 3351. Thereafter, all future excavations within the right-of-way of the Project shall be regulated and controlled in the manner specified by MaineDOT in its most recent "Utility Accommodation Rules", which is incorporated herein and made a part hereof by reference.
- 10. The Parties agree to: comply with and abide by all applicable State and Federal laws, statutes, rules, regulations, standards and guidelines, including the MUTCD and OSHA standards, and Agreement provisions; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this Agreement.

J. Municipality's Responsibility:

- 11. When applicable, if the Municipality withdraws its financial support for the Project, leading MaineDOT to terminate the Project, the Municipality shall reimburse MaineDOT fully for all Project costs incurred in reliance on the Municipality's financial obligations outlined herein, including, but not limited to, reimbursement of all federal and state funds expended up to the

time of such termination. If the Municipality fails to reimburse MaineDOT for such costs incurred, after receiving an invoice seeking such reimbursement, MaineDOT may exercise its rights of set-off to recover the requested amount.

12. The Municipality agrees to alter, move, relocate or remove, or cause to be, at no cost to the Project, any municipal property, including all fixtures, facilities or monuments, located on, under or above the ground, as necessary to permit construction of the Project, which has not otherwise been provided for during the development of the Project. Any work necessary to do so during the period of construction shall be coordinated with the contractor for the Project.
13. The Municipality will be responsible to keep new or replaced/rehabilitated pedestrian facilities in usable condition including snow and ice control.
14. The Municipality agrees to keep the right-of-way of the Project inviolate from all encroachments and agrees to remove, or cause to be removed, anything that may encroach thereon.
15. When applicable, the Municipality agrees to regulate all entrances to the highway within the limits of the Project in accordance with the provisions of 23 M.R.S.A. § 704.
16. When applicable, the Municipality agrees to limit all on-street parking to the parking spaces as designed and constructed under the Project.

K. Termination:

17. MaineDOT reserves the right to terminate the Project for any reason prior to the award of a contract to construct the Project. MaineDOT also reserves the right to terminate all provisions pertaining to work requested by the Municipality at any time prior to the award of a contract to construct the Project due to failure by the Municipality to comply with any of the conditions and stipulations set forth in this Agreement.
18. MaineDOT may postpone, suspend, abandon or otherwise terminate this Agreement upon thirty (30) days written notice to the Municipality and in no event shall any such action be deemed a breach of contract. Postponement, suspension, abandonment or termination may be taken for any reason by MaineDOT or specifically as the result of any failure by the Municipality to perform any of the services required under this Agreement to MaineDOT's satisfaction.

In the event of Project termination, all provisions of this Agreement shall become null and void except for those ***provisions that by their very nature are intended to survive.***

L. Miscellaneous Provisions:

19. **Debarment.** The Municipality certifies, by signing this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency. If the Municipality is unable to certify to this statement, it shall attach an explanation to this Agreement. The Municipality shall promptly notify MaineDOT if it or its principals becomes debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

20. All provisions of this Agreement, ***except those that by their very nature are intended to survive***, shall expire at Project final voucher, or upon final payment by the Municipality of any Project costs as hereinbefore provided, whichever occurs later.
21. **State of Maine's Rights of Set-Off.** MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State of Maine's option to withhold for the purposes of set-off monies due the Municipality under a specific project contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State of Maine for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller. When applicable, MaineDOT reserves the right to withhold or reduce future Local Road Assistance payments to the Municipality for purposes of set-off to recover the amount owed.
22. **Non-Appropriation.** Anything herein to the contrary notwithstanding, the Municipality acknowledges and agrees that although the execution of this agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
23. **Assignment.** No assignment of this agreement is contemplated, and in no event shall any assignment be made without the express written permission of MaineDOT.
24. **Notice.** Any communications, requests or notices required or appropriate to be given under this Agreement shall be in writing and may be sent via email which shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving party. Alternatively, communications can be mailed via U.S. Mail, Certified or Registered, Return Receipt Requested or sent via a recognized commercial carrier such as, but not limited to Federal Express, that requires a return receipt delivered to the sending party. Said communications, requests or notices shall be sent to the other party as follows:

MaineDOT: Maine Department of Transportation
 24 Child Street
 16 State House Station
 Augusta, ME 04333-0016
 Attn.: LaRay L. Hamilton
 Email: laray.hamilton@maine.gov

Municipality: City of Portland
 389 Congress St
 Portland, ME 04101
 Attn.: Jon Jennings
 Email: citymanager@portlandmaine.gov

IN WITNESS WHEREOF, the Parties hereto have executed this AGREEMENT effective on the day and date last signed below.

MUNICIPALITY OF PORTLAND

MAINE DEPARTMENT OF TRANSPORTATION

By: _____
Jon Jennings, City Manager

By: _____
Richard J. Crawford, P.E., Director
Bureau of Project Development

(Date Signed)

(Date Signed)

I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.

APPENDIX A
PROJECT SCOPE AND COST SHARING
MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF **PORTLAND**

PROPOSED IMPROVEMENTS TO **INDIA STREET**

FEDERAL AID PROJECT NO. **2403700**

STATE PROJECT IDENTIFICATION NUMBER (WIN) **24037.00**

Project Scope:

Mill and Fill India Street, beginning at Congress Street and extending south 0.29 miles to Commercial Street.

Funding Outline:

The Total Project Estimated Cost is \$ 357,000.00 , and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Work Element	Municipal Share		Project Share				Total Cost
			Federal	Portion	MaineDOT (State) Portion		
	%	\$	%	\$	%	\$	\$
Preliminary Engineering	0.0%	\$ -	0.0%	\$ -	100.0%	\$ 872.00	\$ 872.00
Right of Way	0.0%	\$ -	0.0%	\$ -	100.0%	\$ -	\$ -
Construction	0.0%	\$ -	0.0%	\$ -	100.0%	\$ 56,260.00	\$ 56,260.00
Construction Engineering	0.0%	\$ -	0.0%	\$ -	100.0%	\$ 868.00	\$ 868.00
PROJECT SHARES		\$ -		\$ -		\$ 58,000.00	\$ 58,000.00
Total Cost of Additional Work Requested by Municipality (Below)	100.0%	\$ 299,000.00					
TOTAL ESTIMATED MUNICIPAL SHARE (Receivable Amount)		\$ 299,000.00					

(Check if applicable)

☒ **Additional Work as outlined in Appendix C to this Agreement.**

Funding Outline: The Municipality agrees to pay 100% of the costs for the work outlined below.

Additional Work		Cost: 100% Municipal Share	
Change Scope of Work from CPR to Mill & Fill		\$	289,000.00
Adjust Sewer Manholes - 10 @ \$1,000 ea.		\$	10,000.00
TYPE OF WORK		\$	-
TOTAL COST OF ADDITIONAL WORK REQUESTED BY MUNICIPALITY		\$	299,000.00

Payment:

The Municipality shall submit payment to MaineDOT within 30 days from the invoice date.

1. Prior to award of the contract for Project construction, the Municipality will be invoiced a portion of its share of the cost of the Project.

Invoicing will include the following:

- a. 100% of the local share of the Preliminary Engineering and Right of Way costs; plus
- b. Fifty percent (50%) of the local share of the Construction and Construction Engineering cost based on the total bid price of the Project; plus
- c. 100% of all additional work requested by the Municipality.

2. Final Voucher Payment to the Contractor. A final bill will be created following MaineDOT's final voucher payment to the Contractor, after all quantities are verified, and any required adjustments have been made. The cost of the work for which MaineDOT will bill the Municipality shall be determined by the contract prices and the completed quantities of the work items or, in the event of termination, the local share of Project development cost to the point of termination as stipulated above. The final invoice will include the Municipality's share of any remaining costs.

Invoicing Schedule: The Municipal Payment Schedule shown below includes estimated invoicing dates based upon the estimated schedule and estimated cost of the Project:

Municipality Name	Receivable Amount	Estimated Invoice Date
City of Portland	\$225,000.00	5/1/2019
City of Portland	\$74,000.00	6/30/2019
City of Portland	Balance remaining if any	1/1/2020
Total Receivable Amount:	\$299,000.00	

Project Information

Municipality Name: Portland

Federal Aid Project #: 2403700

WIN: 24037.00

APPENDIX C

ADDITIONAL WORK

MAINE DEPARTMENT OF TRANSPORTATION

Transportation Improvement Project

1. Description of Work Being Added to Project by the Municipality:

Change the scope of work from a CPR, capped at \$58,000 for MaineDOT, to a 1 1/4" Mill and Fill, with variable depth shim, and other incidentals, including adjusting sewer manholes.

2. The Municipality agrees to furnish all plans, specifications and estimates necessary to include additional work under the Project; No ☒ - Disregard this Section, or Yes ☐ - as follows:

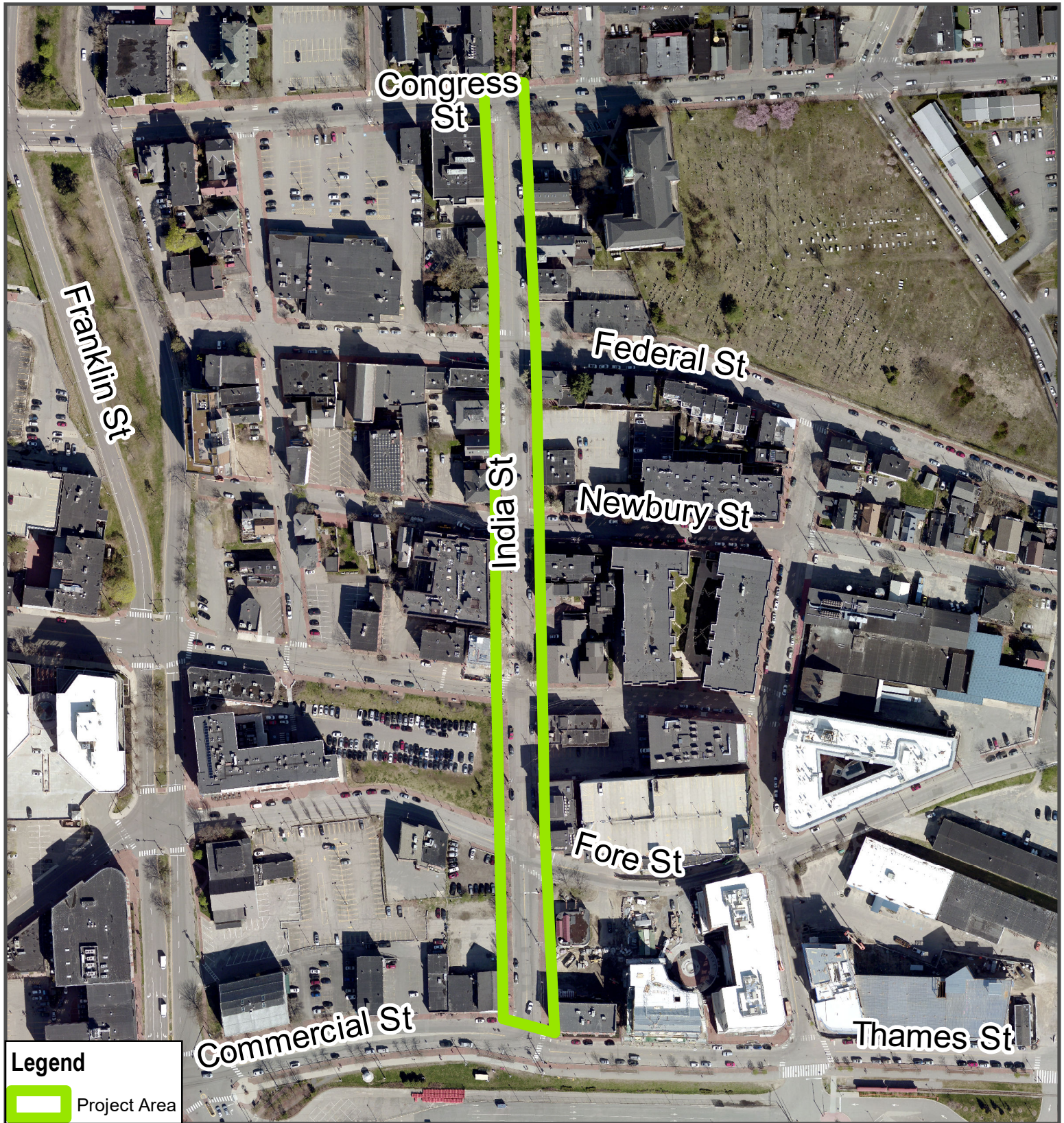
- a) All plans and specifications shall conform to the standards used by MaineDOT as set forth in the latest version of its "*Highway Design Guide*" and "*Standard Details*" and comply with MaineDOT's Utility Accommodation Rules.
- b) All plans shall be size "D" drawings measuring 22 inches by 36 inches reproducible in black and white print.
- c) All specifications shall be printed on 8-1/2 inch wide by 11 inch long paper suitable for binding in MaineDOT's proposal book.
- d) The Municipality shall provide a detailed engineer's estimate of the cost of such additional work calculated in a manner acceptable to MaineDOT and allowable for bidding. The Municipality agrees that all cost information developed for such bidding shall be kept confidential pursuant to the provisions of Title 23 of the Maine Revised Statutes Annotated (M.R.S.A.) Section 63.
- e) The Municipality shall obtain all permits, licenses, releases and approvals necessary or incidental to the additional work described in Section 1 above.
- f) The submission of all plans, specifications and estimates; as well as all permits, licenses, releases and approvals shall be done in such a timely manner as not to unreasonably delay MaineDOT's schedule for soliciting bids to construct the Project.
- g) The Municipality may utilize the electronic exchange of CADD data; the Municipality must accept pertinent electronic input data as specified by MaineDOT. A copy of MaineDOT's specifications can be found on its website under Business and CADD support. It is the responsibility of the Municipality to translate this data into other formats required for use in their design software.

3. Following solicitation of competitive bids for the Project under Paragraph D of the Agreement; but before award of a contract to construct the Project that includes additional work as described in Section 1 above; action must be taken by the Municipality:

- a) If the bid price received for such additional work exceeds the detailed engineers estimate by any more than ten (10%) percent, the Municipality may reject such bid price by notifying MaineDOT in writing within five (5) business days following the opening of such bids. The Municipality may waive such right by doing so in writing anytime prior to or during such period. Otherwise, all decisions pertaining to the acceptance of bids and the award of any construction contract shall be the sole discretion of MaineDOT.
- b) If the bid price for such additional work is acceptable to the Municipality, the Municipality shall pay MaineDOT, an amount equal to the Municipality's share of the estimated cost of such additional work based upon the prices of the successful bidder. Following receipt of payment, MaineDOT agrees to award a contract to construct the Project including the additional work.
- c) The parties agree that any additional adjustments to the amount of any payment or deposit made pursuant to the provisions of subparagraph b) above because of any differences between estimated and actual quantities which effects the actual cost of such additional work shall be due and payable upon determination of final quantities, unless MaineDOT determines that the actual cost of such additional work is expected to differ measurably from the amount of such payment, due to changes in quantities placed or work performed during the period of construction.

FISCAL IMPACT NOTE New Program Cost Data:	Year 1		Year 2		Year 3	
	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
<u>Example:</u>						
ADD: NEW ITEM ANNUAL EXPENDITURES		\$0		\$22,425		\$22,425
LESS: TOTAL NEW ITEM ANNUAL REVENUES		\$0		\$0		\$0
=NEW ITEM NET TAX RATE IMPACT PROJECTION	\$0	\$0	\$22,425	\$22,425	\$22,425	\$22,425
New Program Impact to the Mil Rate	\$0.0000	\$0.0000	\$0.0028	\$0.0028	\$0.0028	\$0.0028
New Program % Impact on Mil Rate	0.0000%	0.0000%	0.0250%	0.0126%	0.0250%	0.0126%
Mil Rate Including New Program	\$11.3400	\$22.4800	\$11.3428	\$22.4828	\$11.3428	\$22.4828

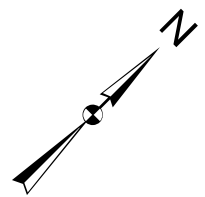
Notes: The CIP impact will actually begin in 2020 and remain for the 20 year life of the bond.



CITY OF PORTLAND, MAINE
DEPT. OF PUBLIC WORKS
212 CANCO RD, PORTLAND, MAINE 04103
PHONE (207) 874-8846 FAX (207) 874-8852

India Street Improvements

Mill and fill on approximately
0.29 miles of India St and
pedestrian improvements
within these limits.



March 6, 2019

0 0.025 0.05
Miles

Memo

To: Chris Branch
From: Jen Ladd
CC: Keith Gray, Jeremiah Bartlett
Date: August 8, 2019
Re: India Street – Paving and ADA Improvements

BACKGROUND OF PROJECT

In 2015, after a robust public process, the India Street Sustainable Neighborhood Plan identified walkability, connectedness and accessibility as aspirations for the neighborhood and repeatedly pointed to the City's Complete Streets policy as a strategy for achieving those goals. Additional elements of importance included priority for pedestrians, bicycles and transit, continuous sidewalk facilities that encourage safe activity of the street, and on-street parking to meet growing demand for commerce and the reduction in off-street parking due to the development of surface parking lots. Since that time, additional public input and various site developments have resulted in the conversion of the India Street / Middle Street intersection to an all-way stop. Improved visibility at the India Street / Fore Street intersection have continued to be a priority along in this neighborhood.

FUNDING OF PROJECT

Given the level of sites under development as well as multiple utility projects, DPW staff recognized the need for a paving project and associated ADA/sidewalk outcomes to provide first steps for the Neighborhood Plan as well as bringing the street up to date with various City needs and regulations. As such, during the course of regular meetings with MaineDOT staff, DPW was ultimately able to obtain commitment for a certain level of state funding as well as management of a paving project.

India Street is classified as Minor Arterial and available funding for such a street is \$58,000 from the DOT's Cyclical Pavement Resurfacing (CPR) program, which provides the equivalent of a minor overlay (3/4 inch) of both travel lanes. This program, while leveraging beneficial state funding and paving oversight, provides the equivalent of \$200,000 per mile for a two-lane street and does not trigger or include funds for ADA improvements.

The City determined that, given the number of pavement cuts from developments and utility projects, as well as the need to meet ADA requirements and make other sidewalk modifications in keeping with the Neighborhood Plan, additional work was needed. As part of the FY20 CIP process, the Department requested \$396,000 for funding a more robust Mill & Fill paving effort

with a 1-1/4 inch overall finish pavement surface as well as necessary ADA improvements to India Street. The additional paving cost is approximately \$296,000, plus \$150,000 for ADA improvements at India with Newbury, Middle, and Fore Streets.

The following table breaks down the cost contributions:

<u>Scope</u>	<u>Amount</u>	<u>Contributor</u>
¾" overlay	\$58,000	DOT CPR
Mill + additional ½" overlay	\$246,000	City CIP
Est. ADA Improvements	\$150,000	City CIP
TOTAL	\$454,000	

Lastly, DPW staff have identified several infrastructure accounts which may be able to further supplement ADA and sidewalk work if needed.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 25, 2019

SUBJECT: **Order 277-18/19 Adopting the Bayside Transportation Master Plan -
Sponsored by the Sustainability and Transportation Committee, Councilor
Spencer Thibodeau, Chair.**

SPONSOR: Jon Jennings, City Manager

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: Yes Yes

PRESENTATION: Bruce Hyman, 15 minutes, PPT

I. SUMMARY

Adoption of the Bayside Transportation Master Plan pursuant to the plan adoption process in Portland's Plan 2030.

II. AGENDA DESCRIPTION

The Sustainability and Transportation Committee met in March and April 2018 and took up the Bayside Transportation Plan. The Committee voted 3-0 to forward this item to the City Council with a recommendation for passage.

This order adopts the Bayside Transportation Master Plan pursuant to the plan adoption process in Portland's Plan 2030.

The City conducted the multimodal and land use Bayside Transportation Master Plan, funded by the Portland Area Comprehensive Transportation System, to integrate and lay the groundwork for various public planning-project initiatives and private development activities in the fast-changing Bayside and East Bayside neighborhoods.

At the June 17, 2019 City Council meeting, this item was postponed to this meeting. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Bayside area has been a major focus for redevelopment plans on the Portland peninsula, and planning efforts have been part of reshaping this area over the past two decades - beginning with A New Vision for Bayside in 2000, continuing through implementation of the Bayside Trail, the Chestnut Street Extension, and the re extension of Somerset Street, and with potential future changes to Franklin Street. Land uses in Bayside can be described as mixed use, and current dominant uses include regional scale retail (grocery), a gym, banking, automotive services, regional scale medical offices, and mid-rise residential. Land use form is a mix of more urban-style but also some recent more suburban-style development.

Recommendations for Focus Areas not included in Section II (above) include:

Pearl Street. Pearl Street is recommended to be extended the one block from Somerset Street to Marginal Way to enhance north-south connectivity on the peninsula from Marginal Way to Commercial Street.

Lancaster and Kennebec Streets. Various options for reconfiguring both streets are presented including as traditional city streets (travelways with curb and sidewalk) or as shared streets for some sections in response to potential development opportunities. City staff also suggest that portions of Kennebec Street be considered to become pedestrian only/a pedestrian mall given its unique characteristics and development potential. This 4 type of conversion has been successful in communities across the country to create vibrant redevelopment areas.

A robust public outreach engagement process with residents, property owners and businesses was conducted that included three well-attended public workshops, an Open House and an interactive project website. Close coordination with the MaineDOT and METRO was also maintained through-out the process. This process and its outcomes are documented in Chapter 6.

For each of the 6 focus areas, the public outreach and consultant-staff discussions generated a series of Issues-Opportunities and Goals were identified. From these, a set of multimodal/complete streets-oriented Alternatives were generated and analyzed and evaluated based on how well they met the Goals.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

As a council-adopted Master Plan, additional consideration/weight will be given to its recommendations as private development occurs and as the city pursues federal and state transportation funds for implementation.

V. FINANCIAL IMPACT

Adoption of the Plan does not obligate the City to any particular action on or implementation of its recommendations. Adoption by the Council increases the likelihood that some of its recommendations may be implemented by the private sector as part of development projects that may occur. Adoption also improves funding opportunities for state and federal transportation funds whereby the City would pay for 20% to 25% local match.

VI. STAFF ANALYSIS AND BACKGROUND

The Plan will improve the overall safety (for all users), circulation, accessibility and mobility for all users of the transportation network in and to the Bayside and East Bayside neighborhoods. It will also improve the economic development context for both neighborhoods.

VII. RECOMMENDATION

Staff recommends the Plan as a Council adopted Master Plan.

VIII. LIST ATTACHMENTS

1. Adopting the Bayside Transportation Master Plan 6.17.2019
2. BaysideTransportMP_DraftFinalReport-November2018
3. AgendaReqMemo_BaysideTMPlan_Jun17-2019Rev

Prepared by:

Date: 7/25/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER ADOPTING THE BAYSIDE TRANSPORTION MASTER PLAN

ORDERED, that the City of Portland's Bayside Transportation Master Plan, substantially in the form attached hereto, is hereby adopted.

prepared for:

PACTS and City of Portland

DRAFT

BAYSIDE TRANSPORTATION MASTER PLAN

November 2018

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BAYSIDE TRANSPORTATION MASTER PLAN

SECTION ONE – INTRODUCTION

1.0 INTRODUCTION

The Bayside area has been a major focus for redevelopment plans on the Portland peninsula, and planning efforts have been part of reshaping this area over the past two decades - beginning with *A New Vision for Bayside in 2000*, continuing through implementation of the Bayside Trail, the Chestnut Street Extension, and the re-extension of Somerset Street, and with potential future changes to Franklin Street. Land uses in Bayside can be described as mixed-use, and current dominant uses include regional scale retail (grocery), a gym, banking, automotive services, regional scale medical offices, and mid-rise residential. The City’s Public Works offices and yards are also located in the study area, but are poised for future private redevelopment.

The study area (**Figure 1-2**) also includes residential neighborhoods. Two such distinct areas are the neighborhoods to the north of and along Cumberland Avenue, and along and to the west of Washington Avenue.

The **Bayside Transportation Master Plan** is designed to be an integrated multi-modal and land use initiative, examining pedestrian, bicycle, vehicular and transit access; connectivity; land use; and urban form, guided by the City’s and MaineDOT’s Complete Streets Policy (**Figure 1-1**).

Portland Complete Street Project Development Process

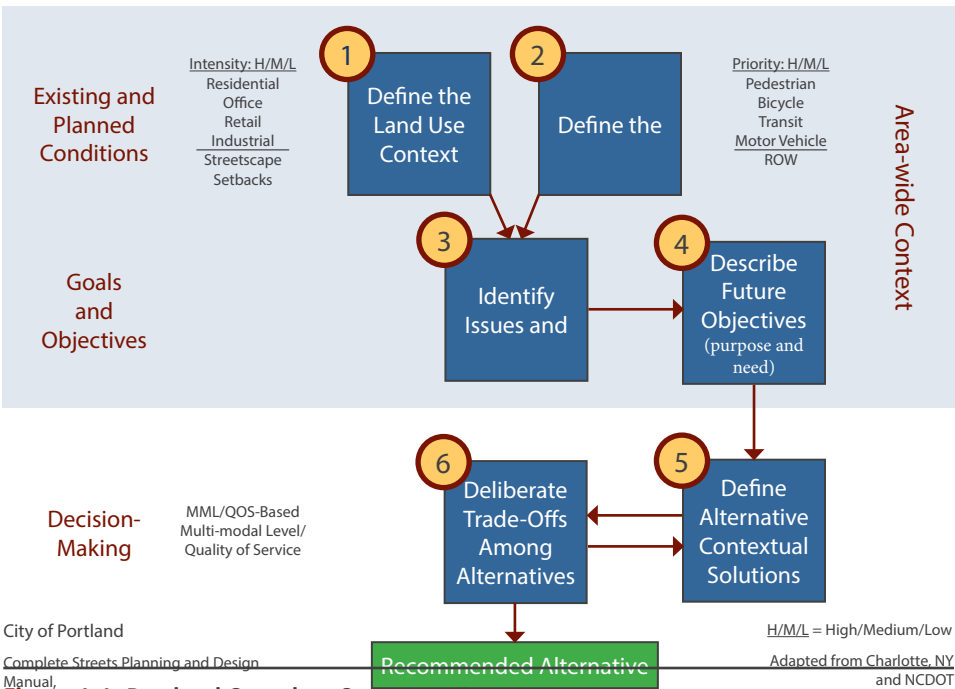


Figure 1-1: Portland Complete Streets Project Process

The Bayside Neighborhood within Portland has become one of the most dynamic areas of the City with a variety of near- and long-term activities that prompted the City and PACTS to pursue a master plan to inform transportation initiatives. With so much change happening, a comprehensive review is desirable to ensure a sustainable transportation system is planned and supports land use and economic development goals.

In many respects, the area has not been reviewed recently in a comprehensive fashion, and thus lacks an updated vision where the transportation system can serve existing and future demands and needs of all users—and meet the City’s Complete Streets Policy. A comprehensive system is also important from a development and MaineDOT review perspective, particularly for the streets that interface with I-295.

Private development in the area is significant, and in many respects, the planning review process would benefit greatly from an adopted transportation master plan. An adopted plan would allow the City to better partner with private developers to implement the vision. The City is in the process of designing a Stormwater Storage Conduit within Marginal Way. This facility will address stormwater needs, but given its location, the City intends, as practicable, to leverage its construction to implement street improvements.

1.1 STUDY AREA/FOCUS AREA

The Master Plan area is a large and diverse area bounded by I-295 to the north, Washington Avenue to the east, Cumberland Avenue to the south, and Forest Avenue to the west (see **Figure 1-2** on the following page). The Master Plan will provide an overall comprehensive transportation vision for the Bayside Neighborhood, in addition to providing more detailed recommendations for the following Focus Areas:

1. Oxford Street/Portland Street – The City has generally identified a need for multi-modal and streetscape improvements to Portland Street between Forest Avenue and Preble Street (including Oxford Street between Alder Street and Preble Street). An issue that needs to be addressed is the lack of east-west connectivity within Bayside between Franklin Street and Alder Street. Oxford Street will be assessed for the potential benefits of a conversion to two-way for all, or a portion of its length, from Alder Street to Pearl Street.

2. Pearl Street Extension – The City has been envisioning the extension of Pearl Street to Marginal Way, and thus creating a full cross-peninsula north-south street. The recently approved Midtown project is incorporating a street/driveway to the Bayside Trail that can potentially be adapted for a full connection to Marginal Way in the future. The key issue for this task is understanding what alignment is required to intersect Marginal Way, and potential property impacts, and how this new connection interacts with traffic signals at Franklin Street (existing) and Chestnut Street (near-term).

3. Lancaster Street – Lancaster Street in the Bayside Neighborhood may prove beneficial from a re-connected street grid and connectivity perspective. Key options to be reviewed include:

- provide a pedestrian connection across Franklin Street;
- provide a two-way roadway through Whole Foods; and
- the roadway configuration between Elm Street and Brattle Street.

4. Preble and Elm Streets – Similar to other streets in the City and in the Bayside Neighborhood, the study will investigate Preble and Elm Streets’ configuration, connectivity, integration with Marginal Way, Somerset Street, and the Midtown project, and improving bicycle and pedestrian facilities.

5. Marginal Way – Approximately 10 years ago, the City established a vision for Marginal Way and incrementally is being implemented. Given changes in the area and within the City, this study will review the principles of the Marginal Way Master Plan, and extend the Plan to the Portland Water District treatment plant. The Plan needs to address the inconsistent roadway configuration, safety deficiencies, poor access management, incomplete bicycle and pedestrian facilities, and streetscape needs.

6. Transit Access and Service – For the Bayside Neighborhood to be truly multi-modal, a healthy transit system is necessary. Mixed-use development with a significant residential housing component will trigger the need to provide transportation options for residents. For many of the current and future residents, car ownership is not an assumed choice, and having quality transit transportation options will be important for the success for developments, and transportation balance.



Figure 1-2: Key Focus Area Map

1.2 OTHER STUDIES AND PROJECTS

The intent of the Master Plan is generally to integrate prior planning and development initiatives with future assumptions. This will include City projects and development activity where site plans have been approved. **Figure 1-3** notes projects or initiatives that were considered in the plan. Details on the Transportation and Land Use context elements are discussed in Section 2.

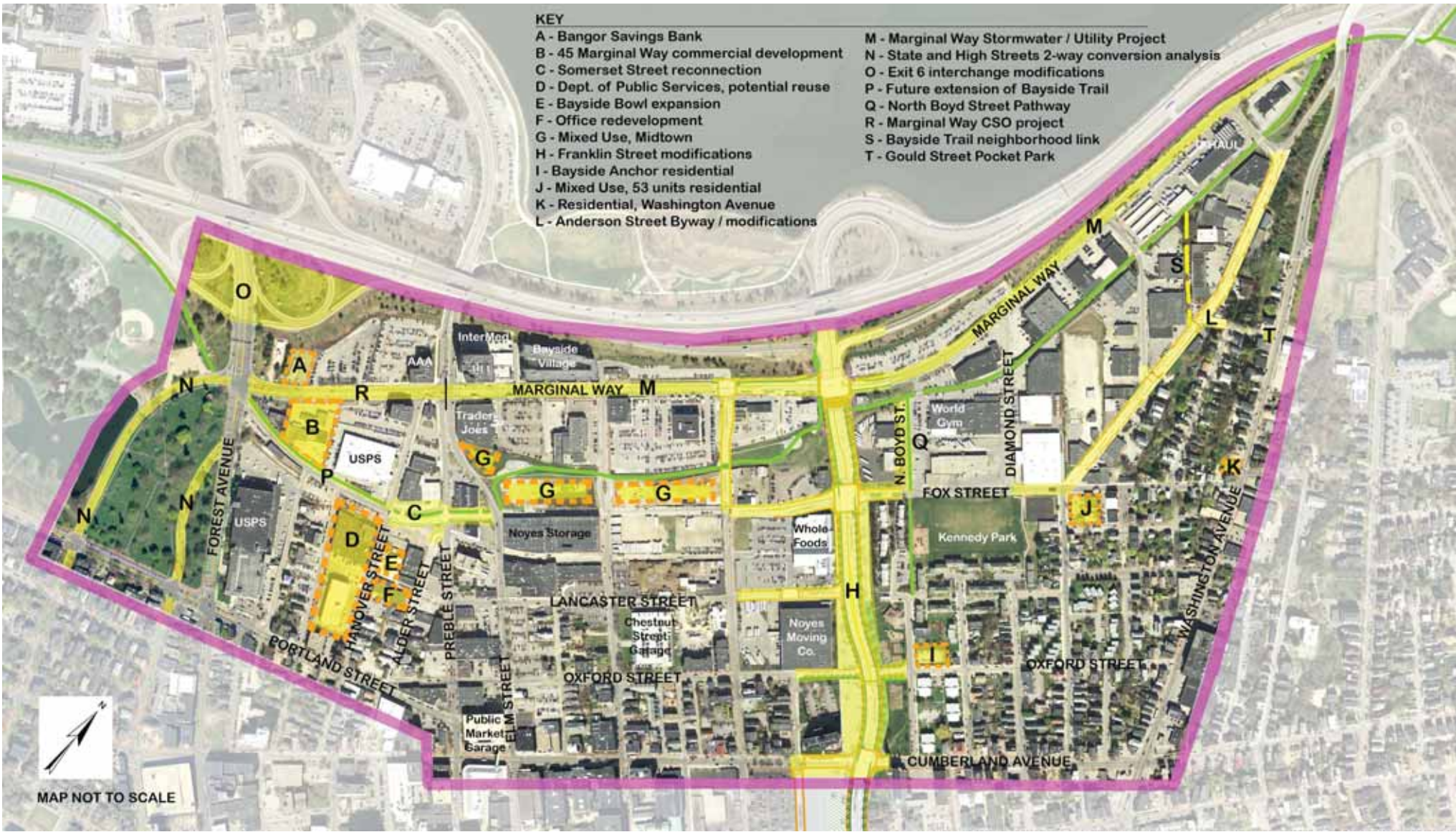


Figure 1-3: Existing Projects Map

2.0 DEFINE EXISTING AND PLANNED LAND USE CONTEXT

2.1 Existing Land Use Context

2.1.1 Introduction

Developing a baseline understanding of the existing land use / urban design context allows for an informed multi-modal street design process using Complete Streets principles. By reviewing streets, land use, and urban form simultaneously, concerns and opportunities regarding the future of the city are considered holistically rather than in isolation. Ultimately, this approach should result in places where policy, zoning, economic development, urban character, and mobility are aligned to either guide neighborhoods through change or stabilize the character of established neighborhoods.

There are often demands working at cross-purposes in regards to the form, function, and character of a neighborhood. As planners and designers, every contingency cannot be anticipated, however, it is possible to strive to remain aware of the large and small forces influencing urban life, and embrace bottom up and top down efforts to make the city a better place to live.

2.1.2 Zoning and Design Standards

The 250-acre +/- study area includes ten different zoning districts as shown on **Figure 2-1**. In general, these zones reflect the underlying existing uses. This is not an uncommon pattern for used based zoning. The one exception is the B7 Zone, which was created to implement The New Vision for Bayside adopted in 2000. While there are always existing uses and urban design characteristics that do not reflect the intent of zone, the B7 Zone has guided development meeting the goals for the area. There has been a lag time for vacant and underutilized in achieving the B7 vision. This lag time, however, should be considered positive, because the City is guiding growth with zoning and design standards, creating streets and buildings that reflect the long-term vision of the community.

It should be noted that in a streets-based approach to urban design — where the street is the framework for economic development, defining / supporting land uses, creating a sense of proportional scale with the “outdoor room” — zoning in the study area is not always the same on both sides of the street. The study area includes a range of locations where a zone is the same on both sides

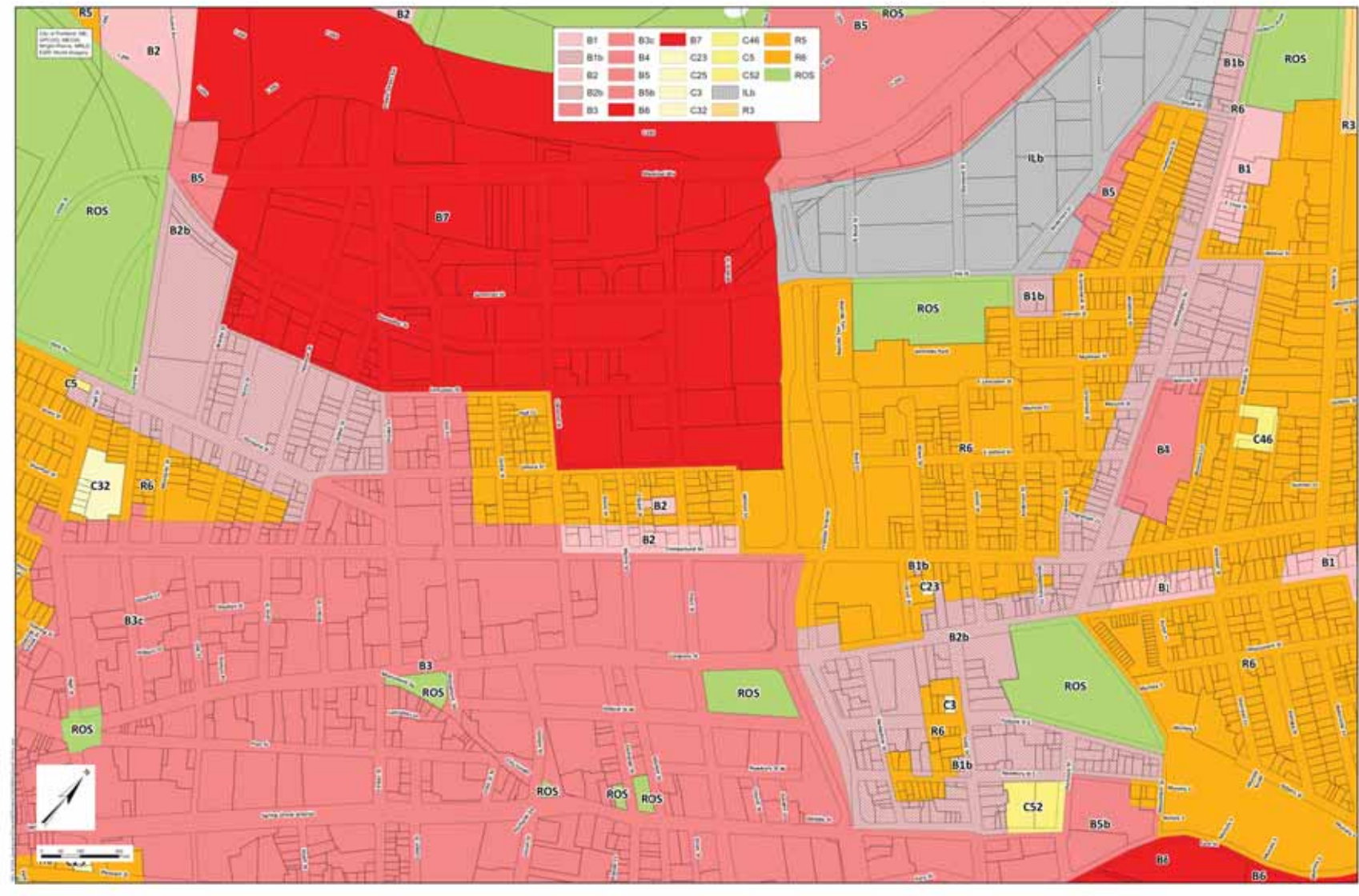


Figure 2-1: Existing Study Area Zoning (Source: City of Portland)

of the street — even if only for a lot deep — such as Portland Street between Forest Avenue and Alder Street. In other cases, the centerline of the street is the edge between two zones, such as Lancaster Street and Oxford Street between Chestnut Street and Wilmot Street.

However, as noted in Section 14-50 Zone Boundaries, when uncertain, the City has a standard policy of establishing zone lines at the centerline of streets.

When considering urban design in relation to a Complete Streets and Form Based Codes approach, this policy may lead to streets that are incomplete and formless due to the non-mirrored nature of the outdoor room and allowable uses. This does not mean that a vibrant street cannot be achieved, but the policy, in general may be at cross-purposes to a holistic approach to planning and design. Clearly there are exceptions to this philosophy, such as the portion of

Forest Avenue where the civic presence and scale of the Post Office frames the open space of Deering Oaks Park on the opposite side of the street.

Following is summary of the study area zoning and key design standards. Note that the intent of this summary is to convey the general desired character of each zone and the Zoning Ordinance includes more specific standards than detailed here.

B1b Neighborhood Business Zone – Washington Avenue

Purpose

- The purpose of the B1b neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market. As a result, uses shall be complementary, quiet, and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment. Uses shall be designed for the pedestrian scale and will provide convenient access for nearby residents and workers to walk to purchase goods and services. Buildings and uses shall be designed with attractive storefronts or similar features, with windows and doors convenient to a public sidewalk. Building additions are encouraged but not required to meet the maximum setbacks of 14- 165(c)(3). This zone shall encourage mixed-use buildings, such as commercial first floor with residential uses above, or combined retail/office uses in a multi-story structure. The zone also provides the opportunity for mixed-use and high-residential density in on-peninsula locations.
- Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.

Key Street Relationship/Urban Design Standards

See **Table 2-1** at the end of this section for a general summary of dimensional standards for the districts in the Study Area.

- There shall be no off street parking in the front yard between the street line and the required maximum setback line.

B2 Community Business Zone – Cumberland Avenue frontage between Wilmot Street and Chestnut Street

Purpose

- To provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses, housing, and services serving the adjoining neighborhoods and the larger community.
- The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone.
- The B-2 zone will provide a broad range of goods and services and general businesses with a mixture of large and small buildings, such as grocery stores, shops, and services located in major shopping centers, and along arterial streets. Such establishments should be readily accessible by automobile, pedestrians, and bicycles. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns.

Key Street Relationship/Urban Design Standards

See **Table 2-1** at the end of this section for a general summary of dimensional standards for the districts in the Study Area.

- Drive-throughs associated with a permitted use in the B-2 zone provided that such do not include drive-throughs on any lot adjacent to any residential use or zone. For purposes of this section only, “adjacent to” shall include uses across a street if within 100 feet of the subject lot boundary.
- Building and site design – The exterior design of the structures, including architectural style, facade materials, roof pitch, building form, established setbacks and height, shall be of a commercial, rather than industrial character.
- A building will be determined to have an active street frontage upon meeting the following guidelines to the greatest extent practicable as determined by the Planning Board or Planning Authority – the primary building façade shall be within ten feet of the front street line; there shall be no parking on the lot within 35 feet of the front street line; no more than 25% of the first floor primary façade shall consist of access to garages, service entrances, storage or mechanicals, and the remaining minimum 75% shall have an average depth of a minimum of 20 feet for residential or commercial uses; all primary ground floor entries to multi-family buildings must orient to street, not to interior blocks or parking lots.

B2b Community Business Zone – Forest Avenue to Preble Street and Lancaster Street to Cumberland Avenue

Purpose

- The B-2b zone is intended to provide neighborhood and community retail, and business and service establishments that are oriented to and built close to the street. The B-2b zone is appropriate in areas where a more compact urban development pattern exists, such as on-peninsula or in areas off-peninsula where a neighborhood compatible commercial district is established which exhibits a pedestrian scale and character. Such locations may include the peninsula and other arterials and intersections with an existing urban or neighborhood oriented building pattern.

Key Street Relationship/Urban Design Standards

See **Table 2-1** at the end of this section for a general summary of dimensional standards for the districts in the Study Area. In general, refer to standards summarized above for the B2 Zone.

B3 Downtown Business Zone – Lancaster Street to Cumberland Avenue and Elm Street to Preble Street

Purpose

- Maintain and enhance the role of the downtown, as the business and commercial center of the region;
- Enhance and promote the orderly expansion of retail and service businesses downtown, satisfying the related needs of the city’s residents, and working and visitor populations;
- Encourage increased housing opportunity downtown for a diverse residential population;
- Enhance the pedestrian environment through the encouragement of intensive mixed-use activities, through the enhancement and maintenance of public and private open space, and through the enlivenment and increased attractiveness of the street environment;
- Encourage excellence in urban design;
- Preserve and capitalize on the unique character and historic fabric of the downtown through the encouragement of reuse of significant existing structures;
- Provide opportunity for an enhanced presence and integration of the arts and cultural activities downtown;

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION TWO – DEFINE EXISTING AND PLANNED CONTEXT

- Reinforce the role of the downtown as a meeting place for community residents and visitors alike from all walks of life, and all socio-economic groups;
- Provide adequate parking and transportation facilities, which promote accessibility, enhance and encourage development opportunity, and enhance and protect the pedestrian environment;
- Provide for the relocation of residents who are displaced by development.

Key Street Relationship/Urban Design Standards

See **Table 2-1** at the end of this section for a general summary of dimensional standards for the districts in the Study Area.

- All development as defined in article V, all building and site alterations, and all provision of landscaping or other pedestrian amenities shall be consistent with the Downtown Urban Design Guidelines.

B4 Commercial Corridor Zone – *Nissen Building and adjacent warehouse/food spaces along eastern side of Washington Avenue*

Purpose

- To provide appropriate locations in the city for the development and operation of businesses catering primarily to highway-oriented trade along major arterials. (Uses which have market areas which are primarily dependent on the regional highway network or serve a regional or larger market); or
- To provide appropriate locations for large-scale commercial uses and commercial uses that require larger land areas to accommodate their operations.

Note: This zone, in general, applies to the Nissen Building on Washington Avenue.

B5 Urban Commercial Mixed Use – *Marginal Way east of Franklin Street and the east side of the Marginal Way/Forest Avenue intersection*

Purpose

- The purpose of the B-5 and B-5b zones is to provide zones in areas of the peninsula near the central business district where a mixture of uses, including marine, industrial, commercial, and residential, is encouraged. Larger, underdeveloped lots characterize the B-5 and B-5b zones with potential for denser, clustered, urban mixed-use development, and more efficient reuse of existing land and buildings.
- It is anticipated that such denser, mixed uses would rely on a shared infrastructure system, including service alleys, parking lots, public transportation facilities, stormwater management, and driveways.

Key Street Relationship/Urban Design Standards

See **Table 2-1** at the end of this section for a general summary of dimensional standards for the districts in the Study Area.

B7 Urban Commercial Mixed Use – *Marginal Way to Lancaster Street and Franklin Street to Brattle Street*

Purpose

- The purpose of the B-7 mixed development district zone is to establish a zoning district for urban areas in which the city has adopted master plans for redevelopment. Certain districts, including but not limited to Bayside, lie at the perimeter of the established downtown and contain significant redevelopment opportunities. The B-7 zone encourages these districts to acquire a distinctly urban form through dense development featuring a mix of uses such as housing, retail, offices, research and development, and artisan studios, emphasizing a quality pedestrian experience, promoting public transit, and demonstrating exemplary urban design. Utilization of transportation, other than the automobile, is strongly encouraged. The zone promotes a wide range of uses in high quality structures and public open spaces to achieve twenty-four (24) hour urban vitality, and shared parking infrastructure.
- The following regulatory framework is intended to promote the mixed-use development pattern envisioned on Portland’s peninsula. District-specific design standards and overlay maps can be found at the city planning and

development office.

- Specific Mixed Use Urban Zone Design Principles and Standards were adopted in 2008, in addition to the standards noted below from the Zoning Ordinance. The introduction to the Design Principles and Standards includes the following purpose statement:
- The B-7 Design Principles and Standards are intended to guide Bayside neighborhood residents, developers, designers, City officials and staff, and others in the creation of a vibrant, aesthetic and sustainable neighborhood which is dense, mixed-use, and pedestrian-friendly. The B-7 Design Standards support excellence in urban and architectural design which contributes to a strong sense of place, encourages 24-hour activity, promotes multi-modal transportation, provides public spaces, and protects scenic views.

The B-7 Design Standards meet the following goals:

- Support and reinforce the goals of A New Vision for Bayside;
- Accentuate Bayside as a gateway to the city by highlighting major corridors and corners;
- Preserve the neighborhood building scale that is typical of the small blocks of Portland; and
- Extend the existing street grid and create mid-block permeability, in order to provide opportunities for multi-modal access, service alleys, public spaces, view corridors, and access to light and air. Design pedestrian-oriented streets with significant landscaping.
- Preserve view corridors toward Back Cove and the White Mountains, as well as views looking toward the spine of the Portland peninsula, as shown in the Bayside Height Map;
- Create dense, mixed-use, multi-modal development that is adjacent to infrastructure, highways, jobs, and educational opportunities;
- Create spaces of various scales that are attractive to creative industries, such as art, architecture, design, film, media, music, performing arts, and publishing and software design; and
- Allow building heights that create space for a critical mass of people needed to make a new urban neighborhood successful. Ensure that development is human in scale at the pedestrian level; and

- Encourage architecture, which expresses the aesthetic of the time in which it was built, that respects local urban design patterns, and compatible with adjacent traditional residential neighborhoods. The Portland Peninsula has been Maine’s most urban area for several centuries and new architectural styles and materials are often introduced here. It is expected that this will continue to be the case as sites in the B-7 Zone are redeveloped.
- Incorporate “green” design, smart growth policies, and sustainable technology into the urban design, site plan design, and architectural designs of the Bayside neighborhood; and
- Create a variety of mixed-use commercial opportunities that serve the neighborhood, city and region. Ensure that commercial development, which is regional in scale, is compatible in design and massing to the adjacent traditional residential neighborhoods; and
- Provide a hierarchy of green spaces on public and private land with parks, playgrounds, plazas and trails. Ensure that the streetscape design enhances the pedestrian experience;
- Use authentic building materials and construction methods that are of the highest quality and appropriate to an urban environment and expected to last at least 50 years; and
- Adaptively reuse existing buildings.

One of the key planning principles for the B7 Zone is Access and Circulation. This street-based approach is integral to realizing the Complete Streets/ multi-modal potential for Bayside. There are specific standards for the Access and Circulation, including:

- ❑ Streets and alleys;
- ❑ Street connectivity;
- ❑ Mid-block permeability sidewalks and crosswalks Green Streets
- ❑ Multi-modality;
- ❑ Continuity of street level uses, traffic-calming, streetscape, design encroachments; and lighting.

Key Street Relationship/Urban Design Standards

It should be a clear goal of the B7 standards to reduce the amount of surface parking in Bayside. The following standard seems arbitrary and blurs the line between grandfathering and setting forth strong policy to guide growth.

Project-by-project redevelopment is the best opportunity to create a walkable urban environment while increasing the tax base. If surface parking is associated as a highest and best use, the economics of developing in Bayside will maintain a suburban typology for years to come.

- Surface parking existing as of March 9, 2005, and in continuous existence thereafter, including the reorganization of parking spaces and maneuvering aisles. This section shall apply to surface parking accessory to a principle use and a parking lot as a principle use. Existing surface parking that does not comply with the standards of sec. 14- 299 (f) may continue, provided that any modifications to the site layout, development constituting a site plan, or building renovations exceeding a value of thirty (30) percent of the assessed value of the building on file at the City of Portland Assessor’s Office, shall require the parking to be upgraded to meet the standards of sec. 14-299 (f) to the extent practicable.

Again, the following standard exacerbates suburban type property values in what is envisioned as a high value urban location.

- Surface parking created after March 9, 2005, provided that the spaces and newly created maneuvering aisles are thirty-five (35) feet or greater from a street and further that the standards below (a to c) are also met. This section shall apply to surface parking accessory to a principal use or a parking lot as principle use. The thirty-five (35) foot setback need not apply in the case of a property in which eighty (80%) of the property frontage has a building within ten (10) feet of the property frontage and or a driveway located perpendicular to the site. The parking area shall meet the standards of sec. 14- 299 (f).

The following standards are clearer in the intent to promote structured and on-street parking while maximizing the value of parcels with development potential:

- The first floor of any parking structure shall contain one or more permitted uses (not conditional uses) found in §14-295 along all primary street frontages (excluding frontage dedicated to entrances, lobbies, and stair towers). Such first floor space shall be provided with a minimum of nine (9) foot floor-to-ceiling clearance height and a minimum twenty-five (25) foot depth (measured from the exterior building wall); or
- The parking structures shall be set back at least thirty-five (35) feet from the

primary street right-of-way. The land located between the parking structure and the street right-of-way may not be occupied by surface parking, and shall be designated for future use development. Such land between the garage and the street shall not by lease or other prohibition be encumbered against future development. The land shall be provided with all stubbed utilities and other provisions needed to accommodate further development; or

- The parking structures shall be designed with a façade (to a height of the first two floors) that enhances the pedestrian experience as described in the City of Portland B-7 Bayside design standards.
- Buildings in the bayside gateway urban height district a greater than one-hundred twenty-five (125) feet but no more than one-hundred sixty-five (165) feet in height with conditions.

See **Figure 2-2** for Bayside Height Overlap Map on the following page.

- Portions of such buildings higher than one hundred twenty-five (125) feet shall be stepped back at upper levels to provide light and air to adjacent streets, trails, and open spaces, with a ratio of no less than at least to the extent that the ratio of building height to width of adjacent streets, trails and open spaces is equivalent to 1.5 to 1;
- Such buildings provide publicly accessible and usable open space, meeting the B-7 urban design standards, of at least ten (10) percent of the building lot area; and
- If located on lots including or adjacent to planned or proposed street or pedestrian way connections, land dedication to such street or connection shall be credited toward the ten (10) percent open space requirement. Buildings over one hundred and twenty-five (125) feet in height that are being reviewed as separate phases of a Master Development plan shall be entitled to meet the ten (10%) percent open space requirement of Section 14-296(a)(5)(c) in aggregate for all such buildings over one hundred and twenty-five (125) feet in height, provided that the open space shall not fall below ten (10%) percent at any built phase or combination of built phases; and
- Such development shall comply with all other zoning requirement and B-7 urban design standards as required by this article.

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- Lots having frontage on streets in which the curve of the street frontage precludes a rectangular shaped building along the street line, for purposes of calculating the setback, the average setback of the building from the street line may be used, but in no All buildings shall have a minimum of one (1) public pedestrian entrance facing the street frontage of the lot. Such building entrances shall meet the average setback along the length of the building edge and not exceed an average setback of fifteen (15) feet nor shall the maximum setback exceed twenty (20) feet. The increased setback shall not be used for surface parking, vehicular loading or vehicular circulation. Such building entrances shall also be reviewed under the B-7 bayside design standards.

ILb Industrial Zone – Bayside Trail South to Fox Street and East to Anderson Street

Purpose

- The I-L zone is located adjacent to residential neighborhoods, business uses, and other industrial uses where the low intensity nature of the uses, as well as their strict performance standards, will ensure the compatibility of the uses with other adjacent industrial and non-industrial uses.
- Performance standards for uses in the I-L zone are designed to maintain compatibility between low-impact industrial uses and neighboring non-industrial and industrial uses. Performance standards include full enclosure of uses and requirements for buffers and screening from adjacent properties.

Note: This is the only zone in the study area that prohibits residential uses. In addition, retail is only allowed as an accessory use.



Figure 2-2: Bayside Height Overlay Map

ROS Recreation and Open Space Zone – Fox Street Field

Purpose

- To preserve and protect open space as a limited and valuable resource;
- To permit the reasonable use of open space, while simultaneously pre-serving and protecting its inherent open space characteristics to assure its continued availability for public use as scenic, recreation, and conservation or natural resource area, and for the containment and structuring of urban development;
- To coordinate with and carry out federal, state, regional, and city recreation and open space plans;
- To provide a suitable location for large-scale regional sports and athletic facilities; and
- To develop an open space system throughout the downtown, which pro-vides the highest quality parks, plazas, and pedestrian environment.

R6 Residential Zone: Lancaster/Oxford to non-frontage Cumberland Avenue parcels east to Franklin Street – Franklin Street to non-frontage Washington Avenue parcels and Oxford Street to Cumberland Avenue

Purpose

- To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices, and other nonresidential uses.
- In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.

Key Street Relationship/Urban Design Standards

See **Table 2-1** for a general summary of dimensional standards for the districts in the Study Area.

- Each unit shall have the long side of the unit parallel to the street line where the required street frontage is met.

- Each unit shall be provided with at least two (2) trees meeting the city’s ar-boricultural specifications and which are clearly visible from the street line and are located so as to visually widen the narrow dimension or proportion of the unit.

Note: There are provisions for Small Residential Lot Development, providing more flexibility for infill redevelopment.

DISTRICT	Minimum Lot Size	Structure Height	Minimum Street Frontage	Minimum Lot Width	Minimum Front Yard Setback	Maximum Front Yard Setback	Minimum Rear Yard Setback	Side Yard Setback	Maximum Impervious
B1b	None	45-50-ft	20-ft	None	None	10-ft	10-ft	None	90%
B2	None	45-ft	20-ft	None	None	10-ft	None	None	80%
B2B	(in general, reference B2 Standards)								
B3	None	35-ft (max 65-150-ft)	15-ft	None (street wall build-to-line 5-ft)	NA	NA	NA	NA	100%
B4	(note–this district is limited to the Nissen Building))								
B5	None	35-ft (with provisions for lower build-ings along Anderson)	None	None	None	10-ft	None	None	100%
B7	None	125-165-ft	None	NA	75% within 10-ft	NA	NA	NA	100%
Ilb	None	35-75-ft	60-ft	NA	None	10-ft street setback	None - 25-ft when abutting residential	None - 25-ft when abutting residential	100%
ROS	NA	NA	NA	NA	NA	NA	NA	NA	NA
R6	4,500 SF	45’ max	40-ft	40-ft	10-ft	NA	20-ft	10-15-ft	Open Space Ratio: 20%

Table 2-1: District Dimensional Standards

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2.1.3 Mix and Intensity of Land Uses

As noted on **Figure 2-3**, there is a wide-range of uses in the study area. In general, residential neighborhoods with smaller parcels are on the slopes to the south downhill and along Cumberland Ave, and to the east downhill and along Washington Ave, with the highest concentration of residential uses in the East Bayside R6 Zone. The East Bayside typical residential building type is the single family home, often divided into two or more dwelling units. These low-rise/ small lot neighborhoods, with buildings set close to the street, are a desired form and pattern of use, in contrast to Franklin Towers and Kennedy Park.

It is interesting to compare density of housing types. Franklin Towers has 198 dwelling units as compared to Kennedy Park – with a much larger footprint – and only 174 dwelling units. In either case, it is not the number of units that is the issue, but the form, scale, extent of open space, and relationship to traditional grid street networks, that is worthy of consideration. Franklin Towers is too urban for Bayside and Kennedy Park is too suburban for Bayside. Franklin Towers is too intense of a land use, and Kennedy Park lacks intensity.

In reviewing the land use map by parcel, it is important to note that a use such as Governmental requires further consideration. In additional analysis of parcels coded Governmental, there are uses including the post office, Department of Public Works site, Bayside Trail, Franklin Towers, vacant land, pump stations, playfields along Fox Street, and Kennedy Park.

Another example of a land use code worthy of consideration is Retail & Personal Service. The two lots comprising Whole Foods reveal an interesting relationship between use, building form, and parking. Whole Foods is shown as spanning two parcels, with the parking lot coded Retail & Personal Service ,comprising a larger land area than the building. This ratio of parking to building square footage is not uncommon for a suburban typology. This is the wrong typology for this location. Not the wrong use.

Washington Avenue is probably the most mixed-use neighborhood in the study area. In recent years there has been investment in a number of properties, new construction, and redevelopment of buildings both large and small. The Nissen Building is almost the length of two city blocks, but has very low vacancy rates. The many small businesses fronting Washington Avenue benefit from both the high-density residential neighborhoods surrounding the area, as well as the higher traffic volumes. On more than one occasion, it has been noted that Washington Avenue—terminating with 295 off- and on-ramps, is a prototype for the potential redevelopment of Franklin Street.

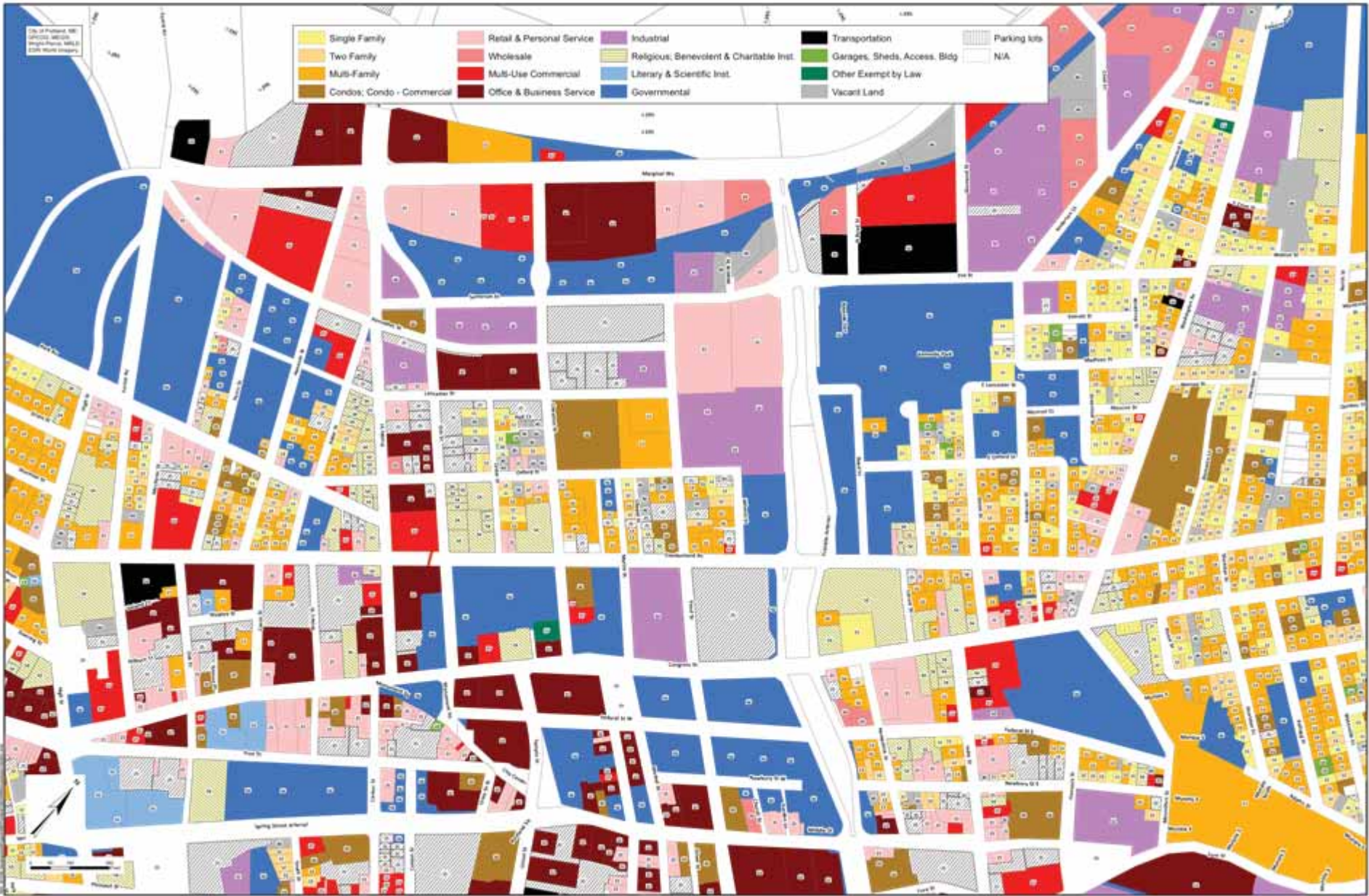


Figure 2-3: Existing Study Area Land Uses (Source: City of Portland)

2.1.5 A New Vision for Bayside

In 2000, the City adopted a New Vision for Bayside. This comprehensive document for Bayside as illustrated in **Figure 2-5**, provided the City with a blueprint for revitalizing Bayside. The 2000 study area did not include East Bayside, which is part of the Bayside Transportation Master Plan. There have been other studies for East Bayside, but a formal master plan process has not been adopted. Franklin Street has been studied extensively, with the most recent plan adopted in July 2015.

East Bayside has seen economic development, particularly along Fox, Diamond, and Anderson Streets, at a parcel-by-parcel, organic scale. Many users have located in East Bayside because of the affordable rents, and large building footprints. Renters and homeowners are finding affordable options to such neighborhoods as Munjoy Hill or the West End. Besides one new construction residential development on Anderson Street with fewer than ten units, East Bayside has seen the redevelopment of existing buildings. Anderson Street was redesigned and is under construction to accommodate the new growth and better serve pedestrians. The East Bayside Lofts at the corner of Anderson and Fox will add another 53 new units to the area, greatly increasing pedestrian activity.

As noted previously, the 80 +/- acre B7 Zone was established to enable the Vision for Bayside. The Vision was adopted in 2000 and the zoning, policy, and standards were not adopted until 2008. However, the standards are in place, and projects have been developed, particularly along Marginal Way between Franklin and Elm Street, testing the vision and the standards.

Since the adoption of the Vision in 2000, which noted the potential for 940 dwelling units, approximately 359 new housing units have been built (with approximately half of these units in the expanded study area east of Franklin Street):

- Pearl Place: 114 Units
- Bayside Village: 100 Units
- Unity Village: 33 Units
- Chestnut Street Lofts: 37 Units
- 409 Cumberland: 57 Units
- Thomas Heights: 18 Units Committed
- East Bayside Lofts: 53 Units
- Midtown: 400 Units Permitted
- Bayside Anchor: 42 Units Permitted



Figure 2-4: Figure Ground Illustration

2.1.4 The Figure Ground City

Figure 2-4 is a figure/ground analysis of the study area and the surrounding neighborhoods. In general, the larger footprints are in areas with minimal topography as these uses require large flat floor plates. In the study area, there is a direct correlation between the size of the building footprint and the steepness of the terrain. The steeper the terrain, the smaller the building footprint.

Furthermore, the smaller the building footprint, the greater the likelihood that the primary land use is residential.

Figure 2-4 also reveals that the typical block in the study area runs between 300 and 500 feet, with the ideal urban block being 250 to 400 feet in terms of the length a pedestrian is comfortable walking, as well as allowing for cost-effective and efficient building footprints—regardless of use.

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Between the completed projects and the projects in development, the total count for new housing units is 854 +/- . This number is in keeping with the housing goals for A New Vision for Bayside. And with the Portland Housing Authority’s conceptual plans to create more dense developments in East Bayside, such as Bayside Anchor, as well as additional redevelopment parcels throughout Bayside, housing, which is in high demand in Portland and key to the success of a neighborhood, could become one of prominent future land uses in Bayside and East Bayside.

Bayside: A Series of Neighborhoods

The 2000 Bayside Plan incorporates a narrative of five overlapping districts suggesting a future scenario of possible neighborhood character and development growth.

The residential neighborhoods between Cumberland and Lancaster were envisioned as Bayside Heights in the 2000 Vision, “with over 500 new and rehabbed home units.” Clearly this has not happened, but the potential for revitalization still exists and the vision is still relevant. The area bounded by Franklin, Fox, and Pearl Streets was to become an 8-acre high-tech neighborhood, like a mini-Kendall Square. This area is the Whole Foods and scrap yards. Again the potential still exists. What was envisioned as Franklin Square has been in part realized at the intersection of Marginal Way and Preble St Extension, with a mix of banking, retail, and other professional offices. Bayside Ave (Marginal Way) is the Vision’s district that has been most realized. Kennebec Crossing—the heart of Bayside—has been partially realized in terms of the Bayside Trail and the strategic extension of Chestnut St to Marginal Way. The realization of Midtown will greatly benefit the formation of Kennebec Crossing as a neighborhood anchoring and guiding future growth. The final envisioned neighborhood is Government Center. The Post Office will remain a highly visible civic building anchoring the western edge of the neighborhood. Long-term plans are to relocate Public Works, allowing for anticipated significant mixed-uses opportunities. While the State of Maine relocates, the Dept. of Human Services from Marginal Way, social service agencies, will likely continue to have a presence in Bayside.

It is interesting to note—according to City GIS analysis—that growth for the 250-acre study area between 2000 and 2010 has been 0% or negative, except for an area west from Alder St to Forest Ave, which has seen a 0.1% to 0.3% growth (with the national average at 0.63% over the same time period.)

Since the adoption of the Vision, which noted the potential for 230,000 SF of new commercial uses, approximately 300,000 SF has been developed.

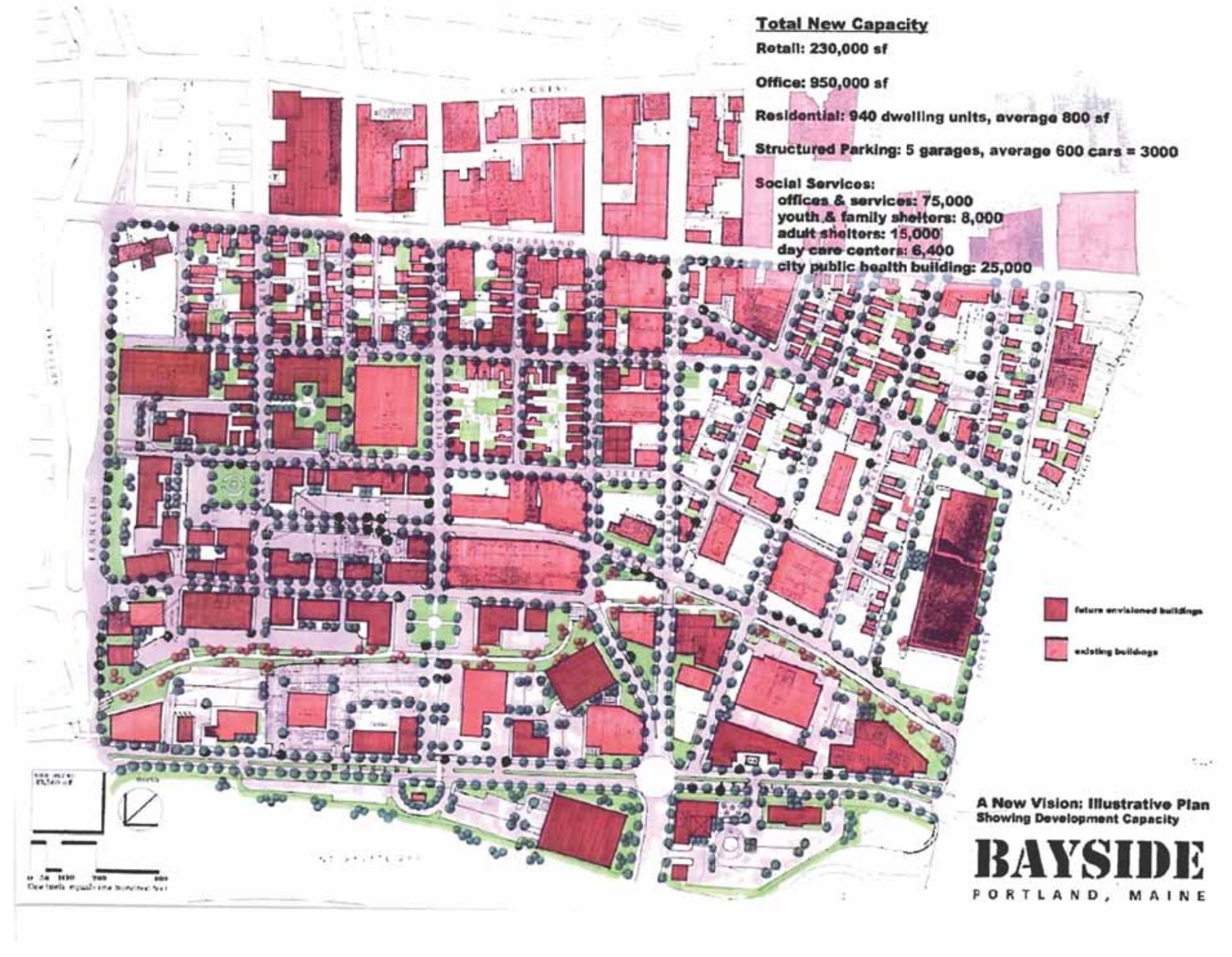


Figure 2-5: A New Vision for Bayside Adopted 2000 (Source: City of Portland)

2.2 Existing Transportation Context

2.2.1 Street Classification and Function

Figure 2-6 notes the designated MaineDOT functional classification of streets in the Bayside area. Most streets within the study area are classified as local roads. Local roads provide access to adjacent land and provide service to travel over relatively short distances as compared to the higher classified streets.

Franklin Street, Marginal Way, Washington Avenue, Elm Street, Preble Street, High Street, State Street, and Cumberland Avenue between Franklin Street and Washington Avenue are classified as Minor Arterials. The definition of a Minor Arterial refers to a series of continuous routes that should be expected to provide for relatively high overall mobility, with minimum interference to through movement; these roads interconnect with, and augment the urban principal

arterial system. They distribute travel to geographic areas smaller than those of higher systems.

Forest Avenue south of High Street; Portland Street; Oxford Street between Portland Street and Elm Street, and Cumberland Avenue west of Franklin Street, are classified as Major Urban Collectors. Urban Collectors provide both land access and traffic circulation within urban residential neighborhoods, and commercial and industrial areas.

Most streets within the study area function as local streets with the exception of the following:

- **Franklin Street** – Provides direct access from I-295 to Commercial Street, downtown destinations, and the waterfront.
- **Forest Avenue** – Provides direct access to the downtown from I-295 and points west.

- **Preble Street and Elm Street** – Provides direct access to the downtown from off-peninsula northwesterly neighborhoods.
- **Cumberland Avenue** – Provides east/west peninsula connectivity between Deering Avenue and North Street.
- **Marginal Way** – Provides an east/west circulation function and connectivity with I-295, and between Forest Avenue, Preble Street, and East Bayside.

In addition to the general classification of streets, one-way restrictions impact area accessibility and circulation. **Figure 2-7** notes the existing one-way streets in the study area. Additionally, discontinuance of streets limit circulation and accessibility. Example streets include Oxford Street, Lancaster Street, and Pearl Street.

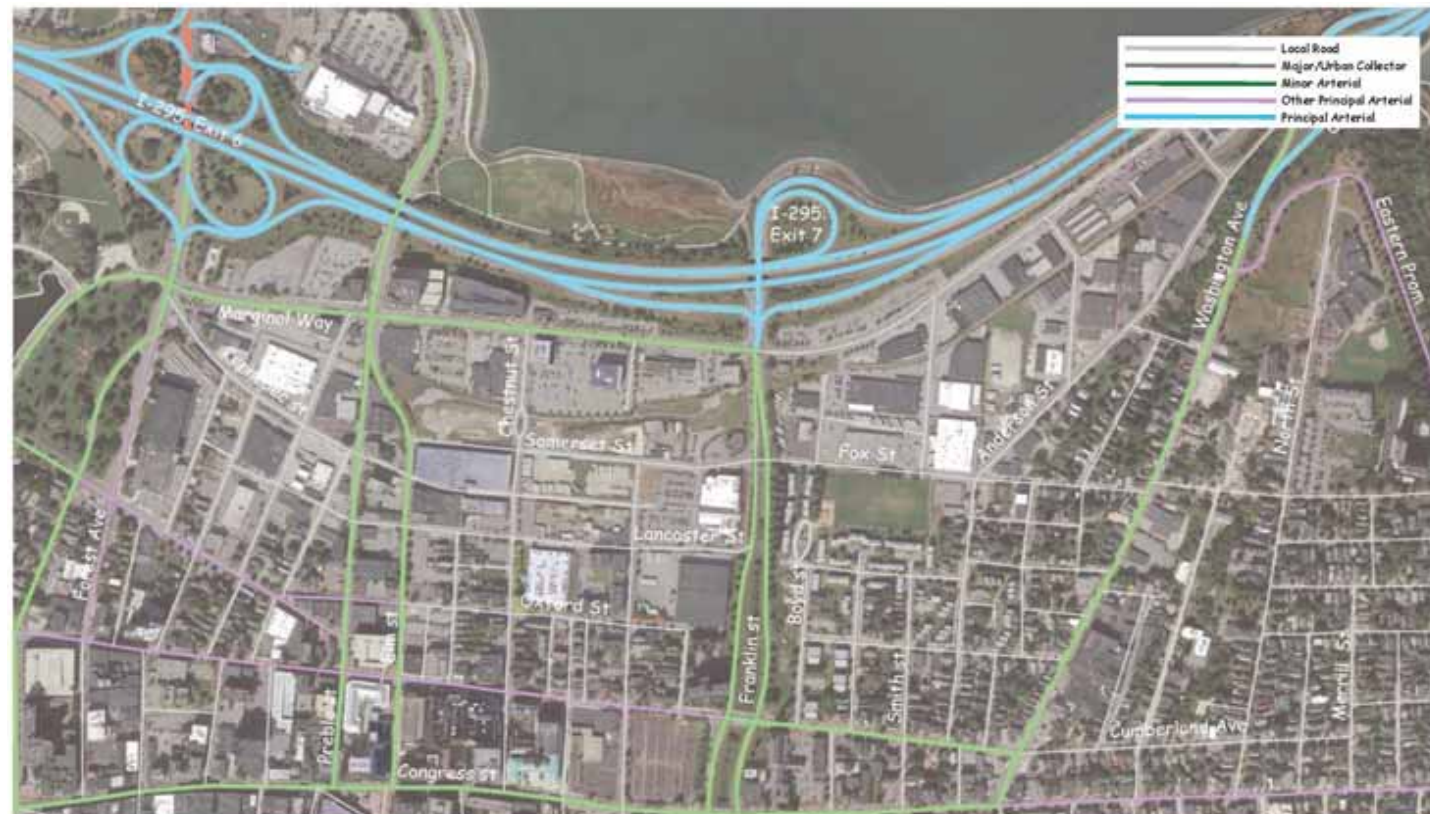


Figure 2-6: Designated MaineDOT Functional Classification of Streets in the Bayside Area (Source: MaineDOT)

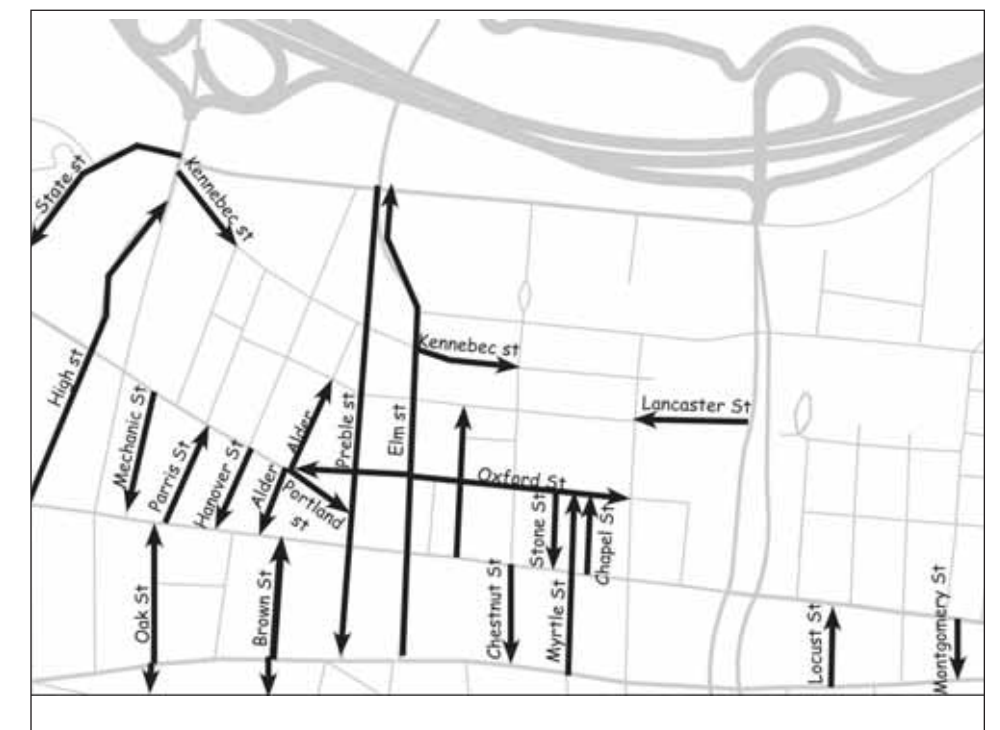


Figure 2-7: One-Way Streets

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2.2.2 Daily and Hourly Traffic Volumes

Existing traffic volume data were assembled from available sources. To complement the existing data, weekday morning and afternoon intersection turning movement counts were conducted at a number of locations within the study area. In most cases, the highest traffic volumes occur during the PM peak hour commuter time period (4:30-5:30PM). The turning movement volumes provide key information that is used to determine traffic control requirements (e.g. signalization, etc.), level of service analysis, and intersection operations.

Traffic count data collected revealed a high concentration of pedestrians in various locations throughout the study area during peak hours including near the Preble Street Resource Center, Oxford Street Homeless Shelter, as well as on Congress Street between Preble and Elm Streets.

Bicycles in the study area were also prevalent. There are very few marked bike lanes in the study area, but the low speeds and reasonable grades lend themselves to users.

Average Annual Daily Traffic Volumes (AADT) were obtained from MaineDOT and are depicted on **Figure 2-8**. Main corridors in the study area see the highest daily traffic volume. These roads range from approximately 9,000 – 25,000 vehicles per day and include State and High Streets, Forest Avenue, Marginal Way, Preble Street Extension, Franklin Street, and Washington Avenue. Moderate traffic volumes exist on Cumberland Avenue and Somerset Street, ranging from approximately 6,000 to 8,500 vehicles per day.



Figure 2-8: Study Area Average Annual Daily Traffic Volumes (Source: MaineDOT)

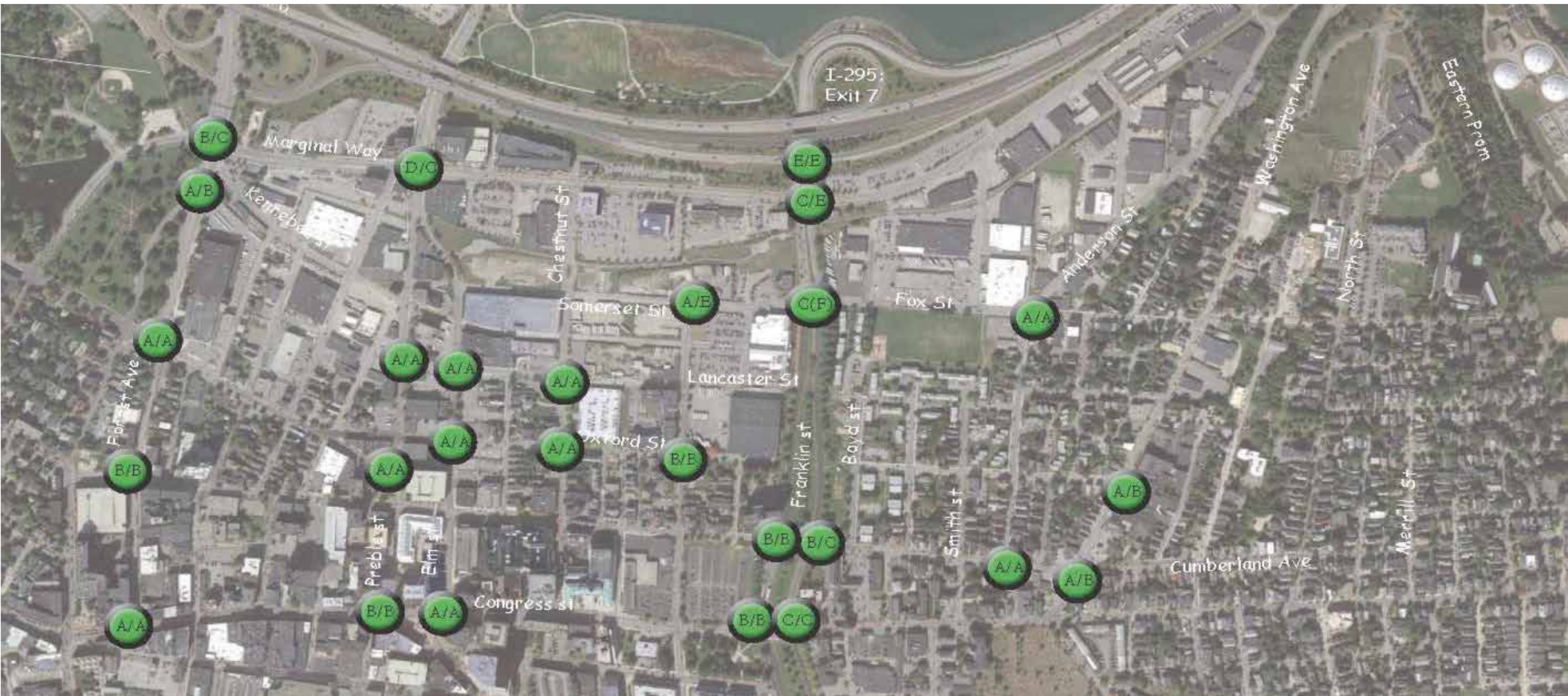


Figure 2-9: AM/PM Existing Level of Service Summary. (Source: MaineDOT and City of Portland)

2.2.3 Level of Service

An understanding of existing traffic operations was derived from a combination of existing studies and analyses performed from new turning movement volumes collected. A summary of the overall intersection results is located on **Figure 2-9**. There are several intersection movements within those intersections with failing levels of service within the study area – most notably on side streets of two-way STOP controlled intersections. Additionally, while Franklin Street analyses indicate the north end corridor is at capacity, proposed modifications along Franklin Street forecast improved flow, as well as provided improved alignment, pedestrian and bicycle accommodations, and connections, among other modifications. These proposed modifications, as well as others, will be discussed further in Section 5 of this report.

2.2.4 Posted Travel Speeds

Figure 2-10 (on the following page) depicts speed limits in the study area and are consistent with other speed limits throughout the City. The highest speed limits (35 mph) are located on Franklin Street, Marginal Way, and Preble Street Extension. Park Avenue and many of the I-295 ramps have speed limits of 30 mph. The remainder of the local roads have 25 mph speed limits, and loop ramps from I-295 are posted at 20 mph. Travel time studies were performed on Franklin Street showing average speeds below the posted 35 mph. Some speeding on Washington Avenue and downhill on Elm Street was observed in the field.



Figure 2-10: Study Area Existing Speed Limits (Source: T.Y. Lin International)

2.2.5 Safety

There are 10 high crash intersections and five (5) high crash segments in the project study area. A High Crash Location is defined as an intersection or roadway segment that has eight (8) or more crashes, and a Critical Rate Factor of 1.0 or more over a three-year period. These locations are highlighted on **Figure 2-11** and summarized in **Table 2-2**.

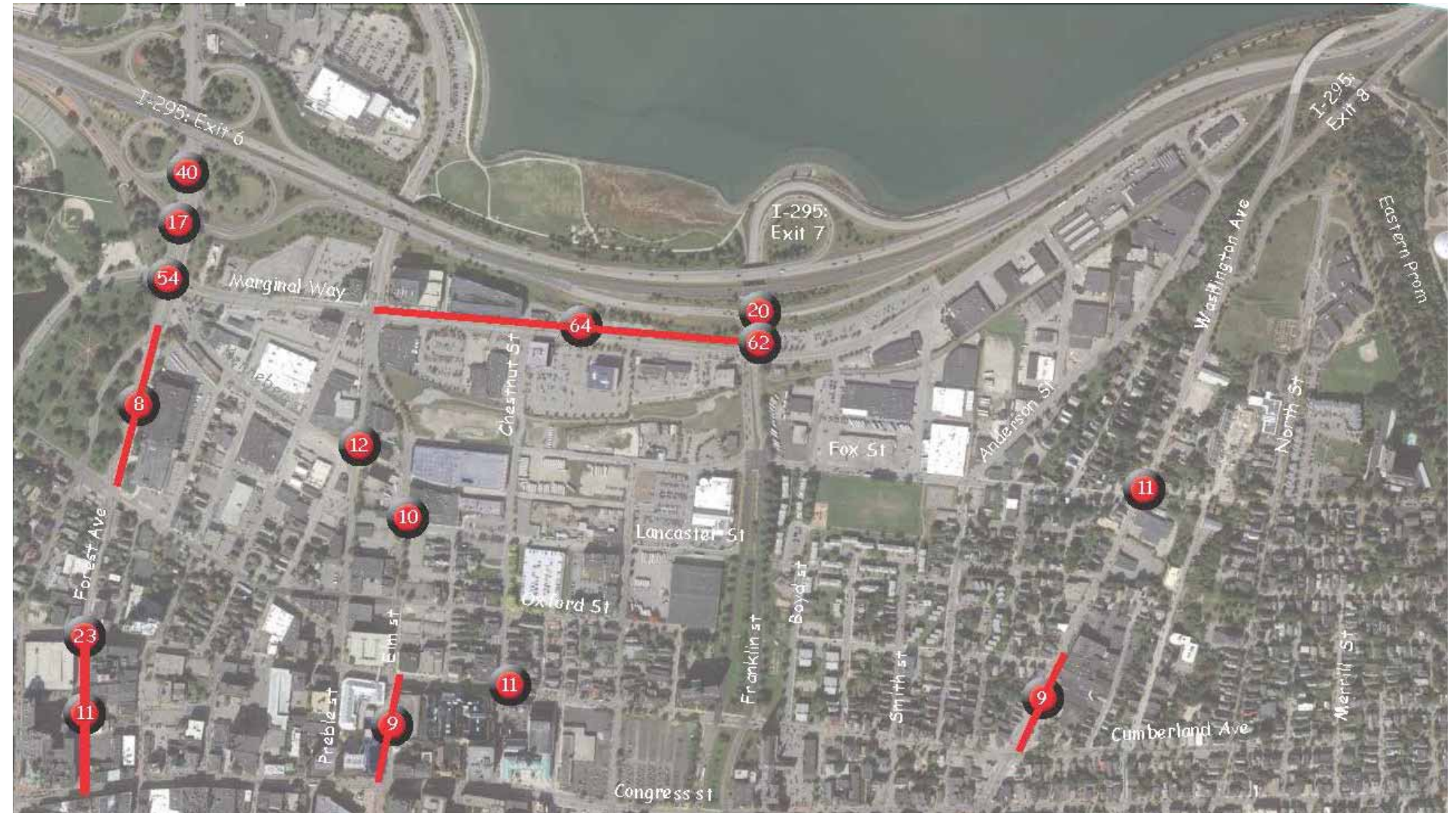


Figure 2-11: Study Area High Crash Locations (Source: MaineDOT)

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Intersection/Segment	No. of Crashes	Crash Rate Factor*	Percent Injury
Intersection of I-295 Exit 7 NB Off-Ramp onto Franklin Street SB	20	1.20	20%
Intersection of Franklin Street and Marginal Way	62	1.52	29.0%
Intersection of Kennebec Street and Preble Street	12	4.57	25.0%
Intersection of Chestnut Street and Cumberland Avenue	11	3.17	36.4%
Intersection of Elm Street and Lancaster Street	10	4.57	25.0%
Segment of Forest Avenue between Cumberland Avenue and Congress Street	11	2.27	9.1%
Segment of Marginal Way between Preble Street/Elm Street and Franklin Street	64	3.33	39.1%
Segment of Elm Street between Cumberland Avenue and Congress Street	9	3.35	22.2%
Intersection of I-295 Exit 6 NB Off-Ramp onto Forest Avenue SB	17	3.46	17.6%
Intersection of Fox Street/Walnut Street and Washington Avenue	11	2.38	27.3%
Segment of Washington Avenue between East Oxford Street and Cumberland Avenue	9	1.78	14.3%
Intersection of Forest Avenue, Kennebec Street, Marginal Way, and State Street	54	1.43	25.9%
Intersection of I-295 Exit 6 NB Off-Ramp onto Forest Avenue NB	40	8.17	30.0%
Intersection of Cumberland Avenue and Forest Avenue	23	1.27	43.5%
Segment of Forest Avenue between High Street and Park Avenue/Portland Street	8	1.29	50.0%

Table 2-2: 2012-2014 Summary of High Crash Intersections and Segments (Source: MaineDOT)

Many intersections have distinctive crash patterns. The most common type of collision were rear-end collisions at the end of I-295 off-ramps (on Franklin Street and Forest Avenue), motorists running stop signs, improper lane changes, and rear-end collisions/failure to yield at traffic signals.

**The Critical Rate Factor is a comparison of the safety of the location compared with other similar locations in the state. For example a CRF or 1.50 defines a crash rate 50% higher than locations with comparable characteristics.*

There were 31 bicycle crashes in the study area (see [Figure 2-12](#)). Aside from bicyclists making illegal movements (darting into traffic, traveling the wrong way on one-way streets, running red lights, etc.) crash patterns throughout the study area included:

- Bicyclists hit by turning vehicles;
- Bicyclists in crosswalks being hit by vehicles;
- Bicyclists hit by opening car doors (“Dooring”); and
- Bicyclists in driveways hit by vehicles.

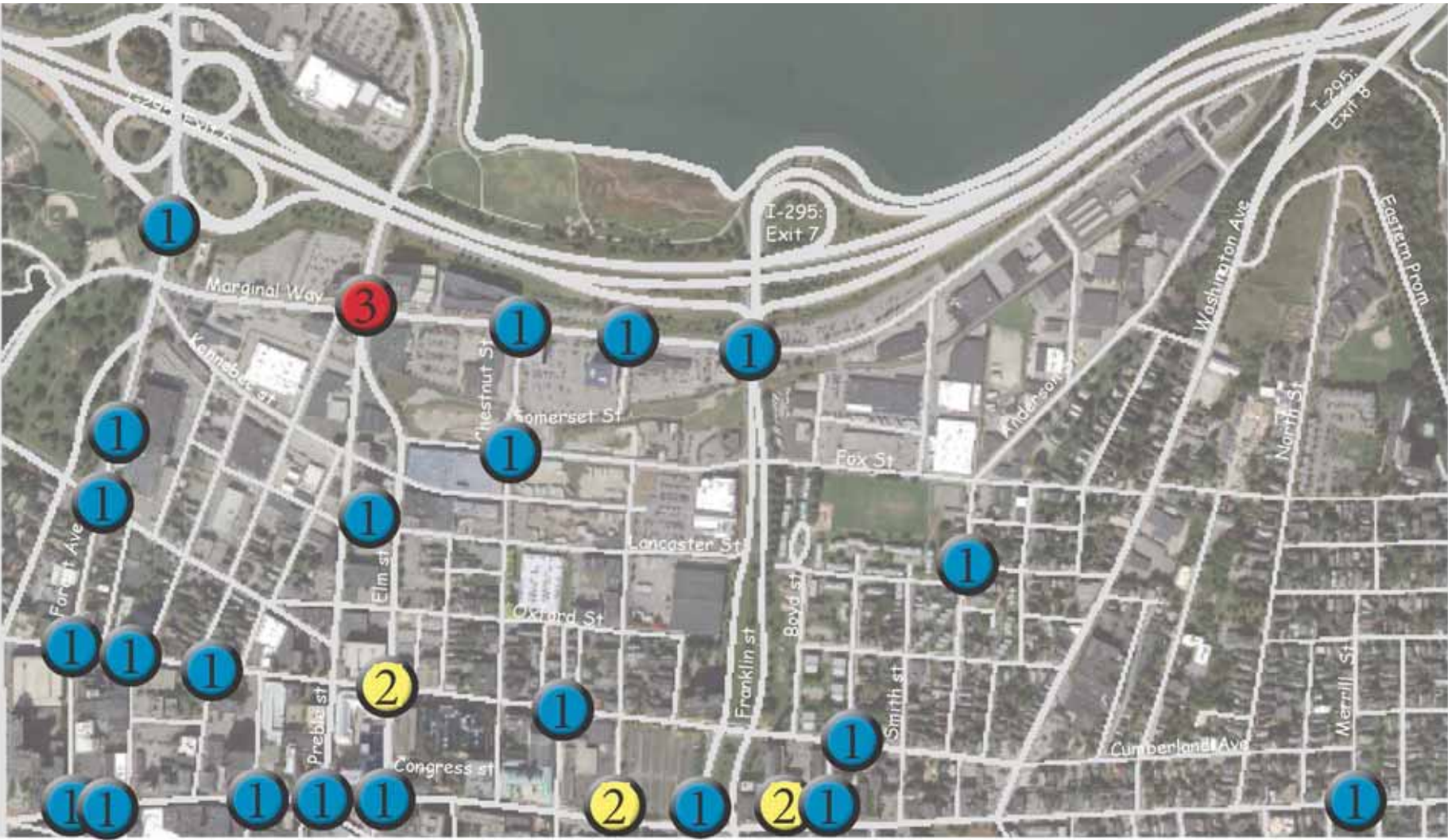


Figure 2-12: 2012-2014 Bicycle Crash Locations (Source: MaineDOT)

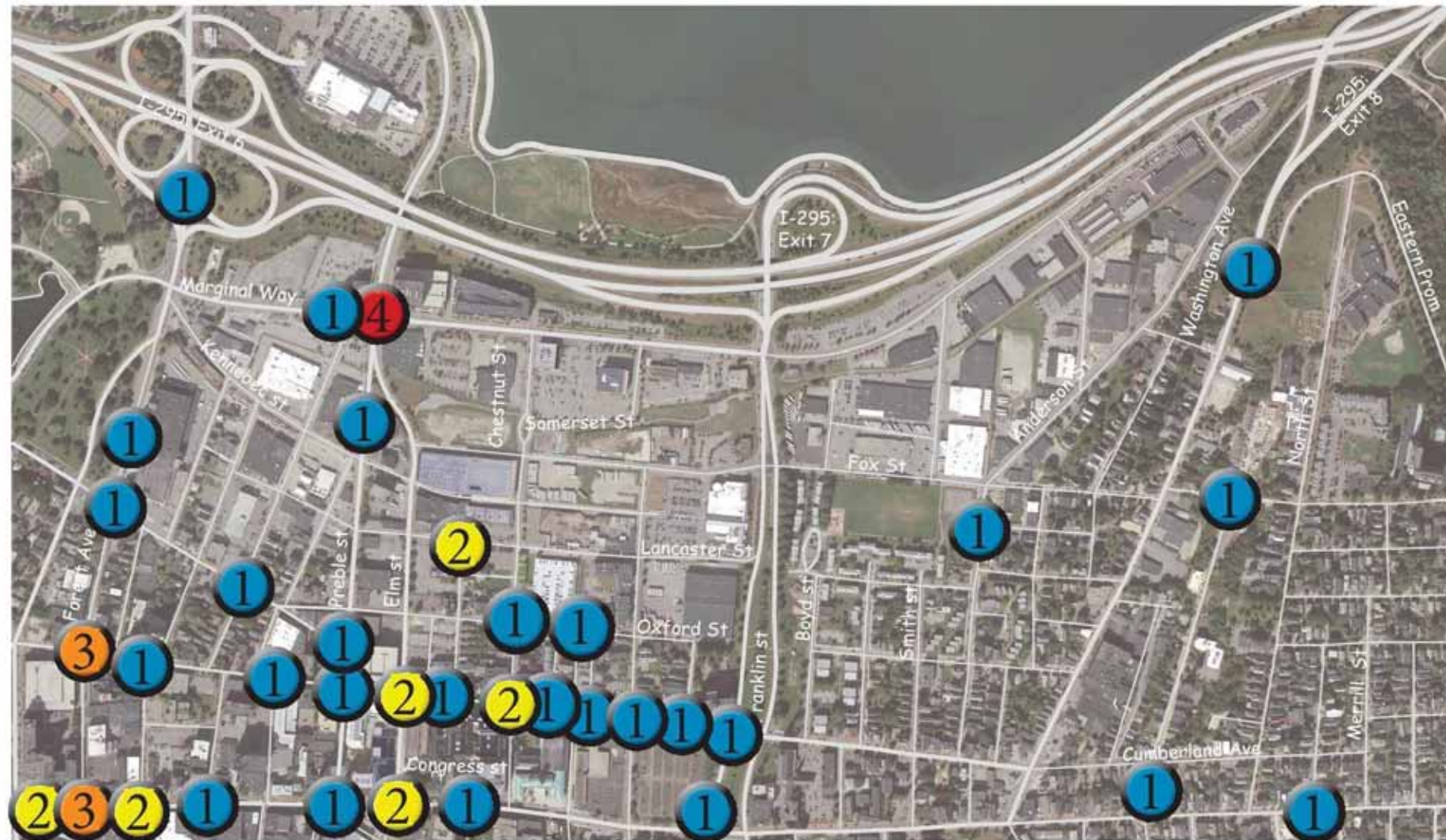


Figure 2-13: 2012-2014 Pedestrian Crash Locations (Source: MaineDOT)

There were 49 pedestrian crashes in the study area (see **Figure 2-13**). A large number of the crashes were on Cumberland Avenue between Franklin Street and Forest Avenue. Aside from pedestrians darting out into traffic, or walking against the walk signal, many pedestrians were hit by vehicles not yielding to pedestrians in crosswalks—often vehicles turning right who didn’t see them or at locations with two through lanes, where one vehicle stopped and the second vehicle did not.

2.2.6 On-Street Parking

A brief summary of parking on major streets follows:

- Portland Street has meters between Alder Street and Oxford Street, otherwise 15 minute to 2 hour limits. New striping allows for a back-in parking for the one-way block from Alder Street to Preble Street.
- Cumberland Avenue parking time limits range from 15 minutes to 2 hours.
- Oxford Street has parking from Elm Street to Wilmot Street. All time limits are one hour.
- Lancaster Street parking is limited by parking lots and wide driveways. Alder Street to Preble Street has a one-hour limit.
- Kennebec Street has several sections of all day and unrestricted parking; no parking is allowed from Preble Street to Elm Street.
- Somerset Street allows for parking from Elm Street to Pearl Street only.
- Fox Street parking varies between one and two hours from Diamond Street to Washington Avenue; no parking is allowed from Franklin Street to Boyd Street.
- Marginal Way provides on-street parking along the majority of the corridor. Towards the westerly end, parking is most often in the form of bump out parking sections varying from 15 minutes to 2 hours. Towards the easterly end, on-street parking is longer term wide truck parking to accommodate the high volume of large trucks by the U-Haul. There is additional parking off street in many of the local businesses including a parking garage at Intermed.
- Forest Avenue parking varies from 1 to 2 hours, and short-term parking in front of the post office on both sides of Forest Avenue.
- Minor streets vary with short-term parking, often unrestricted. Most streets have a street cleaning schedule.

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2.2.7 Pedestrian and Bicycle Facilities/Streetscape

Existing bicycle and pedestrian facilities were inventoried and assessed as part of this study. For this assessment, the study area was divided into four quadrants. Data sources for **Figure 2-14** include GIS source information provided by the City of Portland, GPCOG, MEGIS, ESRI World Imagery, in addition to field work.



Figure 2-14: Pedestrian and Bicycle Facilities (Source: GIS source information provided by the City of Portland, GPCOG, MEGIS, ESRI World Imagery, in addition to field work)

South West Quadrant is the area from Deering Oaks to Franklin St, and from Portland St and Cumberland Avenue, to Kennebec St. This quadrant includes landmarks such as the Post Office, Department of Public Works (DPW) buildings, Bayside Bowl, Preble Street Resource Center, and many other social services facilities; the Chestnut Street parking garage, Franklin Towers, Pearl Place apartments (Avesta), Noyes & Sons moving specialists, and Whole Foods Market. The streets in this area are mostly residential streets with 30- to 50-foot rights-of-way. Several streets are one-way and most have on-street parking and sidewalks on both sides. As shown in **Figure 2-15**, there are many missing sidewalks and many of the existing sidewalks do not meet ADA requirements and are in need of repair or replacement. Parts of Lancaster Street and Kennebec Street are missing sidewalks. This area has well-marked crosswalks, although there is inconsistency in the painting symbol. Some crosswalks are solid white two-line style, and some are block style markings, which are more visible and the current City standard. It was noted that crosswalks were nonexistent in many locations on the more heavily traveled intersections (e.g., Preble and Lancaster, Chestnut and Lancaster, and Chestnut and Kennebec). Refer to the existing conditions base map for sidewalk and crosswalk locations. Bike lanes exist in the form of 5-foot wide bike lanes on State St, High St, and all of Portland St.



Figure 2-15: Southwest Quadrant (Source: GIS source information provided by the City of Portland, GPCOG, MEGIS, ESRI World Imagery, in addition to field work)

South East Quadrant is the area from Franklin Street to Washington Avenue, and from Cumberland Avenue to Fox and Anderson Streets. This area includes landmarks such as Bayside Terrace neighborhood, Kennedy Park, numerous residential homes, and retail and restaurant businesses of Washington Avenue. The streets in this area are generally residential type streets with 50-foot rights-of-way. Cumberland Avenue and Washington Avenue appear to have 66-foot rights-of-way. Anderson Street has a 60-foot right-of-way. Most of the streets have on-street parking and sidewalks on both sides. As shown in **Figure 2-16**, this area has numerous sidewalks, although many sidewalks do not meet ADA requirements and are in need of repair or replacement. With the exception of Cumberland Avenue and Washington Avenue, the streets in this area do not have crosswalks.

The new Boyd Street Trail connects Boyd Street to North Boyd Street. A connection along North Boyd Street has been designed and is planned for under construction from Fox Street to the Bayside Trail in 2016. Additionally, there is a shared-use path on the northern end of Washington Avenue and the Tukey Street Ramp, with a connection to the Bayside Trail, and a connection to Tukeys Bridge and the Back Cove Trail.



Figure 2-16: Southeast Quadrant (Source: GIS source information provided by the City of Portland, GPCOG, MEGIS, ESRI World Imagery, in addition to field work)

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Northwest Quadrant is generally the area bound by Franklin Street to Forest Avenue, I-295 to Kennebec Street, and includes the approved Midtown mixed-use development, the proposed retail at 195 Kennebec Street, approved Bangor Savings Bank at 20 Marginal Way, AAA, InterMed, Bayside Village apartments, Trader Joes, Walgreens, Planet Fitness, Planet Dog, and the Bayside Trail, with two (2) large pedestrian plazas. This area has seen the most recent new development and proposed re-development. Pedestrian facilities are improving with each new construction project, but there are still many missing links in the sidewalk system.

As seen on **Figure 2-17** bikeways in this area include the Bayside Trail, the proposed extension of the Bayside Trail along Somerset Street and Kennebec Street, and bike lanes on both sides of Marginal Way. No other bicycle facilities exist in this quadrant.

Northeast Quadrant is generally the location of light industrial and commercial businesses of Bayside and includes U-Haul, Wesco Standard Electric, Empire Beauty School, Play it Again Sports, Portland Mattress Makers, World Gym, VIP Bus Service, Green Building Supply, DSI Door Services, Rockingham Electrical, Independent Electric Supplier, and numerous other businesses. The majority of the buildings are one-story, flat-roofed warehouse structures. Long, unbroken driveway access and parking lots dominate this area.

As depicted on **Figure 2-18**, sidewalks in this area are very minimal and include a 14-foot wide sidewalk along the U Haul frontage on Marginal Way from Plowman Street to Cove Street; along the east side of Anderson Street to Gould Street; a new sidewalk proposed on the west side of Anderson Street; a new sidewalk segment along Coffee by Design; a new sidewalk on the west side of Fox Street from Anderson Street to Franklin Street; a short segment on the south side of Marginal Way from Franklin Street to North Boyd Street, and a sidewalk on the north side of Marginal Way along the park and ride lot edge that ends before Franklin Street.

Bikeways in this area include the Bayside Trail shared-use path which serves as the main bicycle and pedestrian facility in this area. Additionally, there are 6-foot wide (minimum) bike lanes on both sides of Marginal Way from Plowman Street to Forest Avenue. The Tukey Street ramp has recently constructed a shared-use path on the west side that connects the Back Cove Trail on Tukeys Bridge to the Bayside Trail. A connection along North Boyd Street has been designed and waiting for construction from Fox Street to the Bayside Trail.

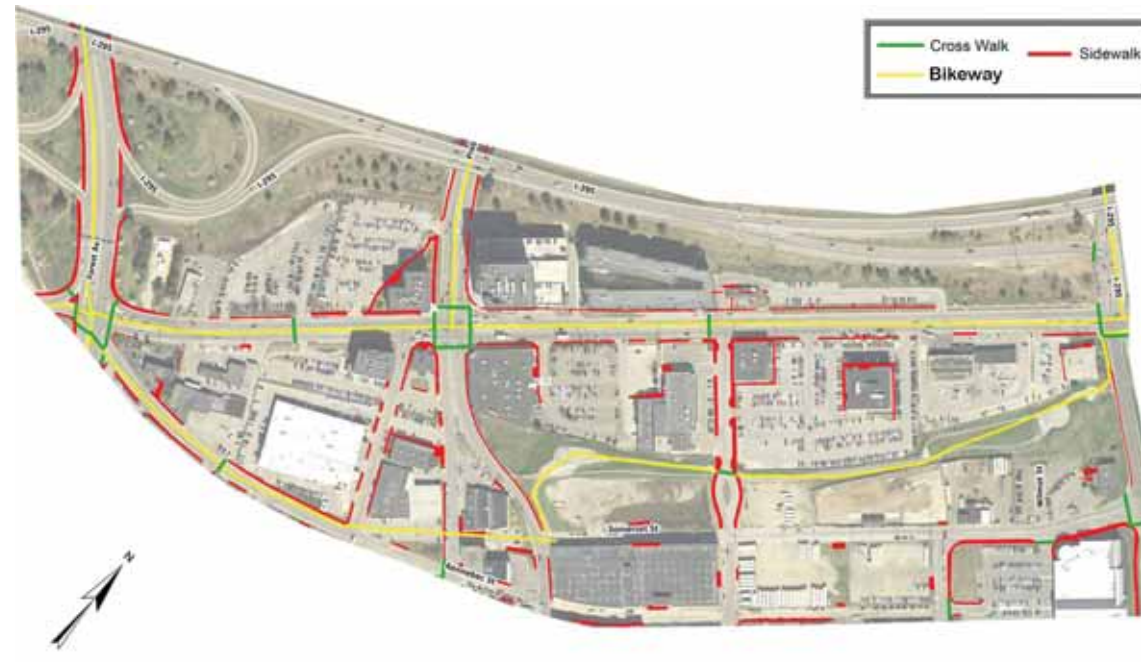


Figure 2-17: Northwest Quadrant (Source: GIS source information provided by the City of Portland, GPCOG, MEGIS, ESRI World Imagery, in addition to field work)

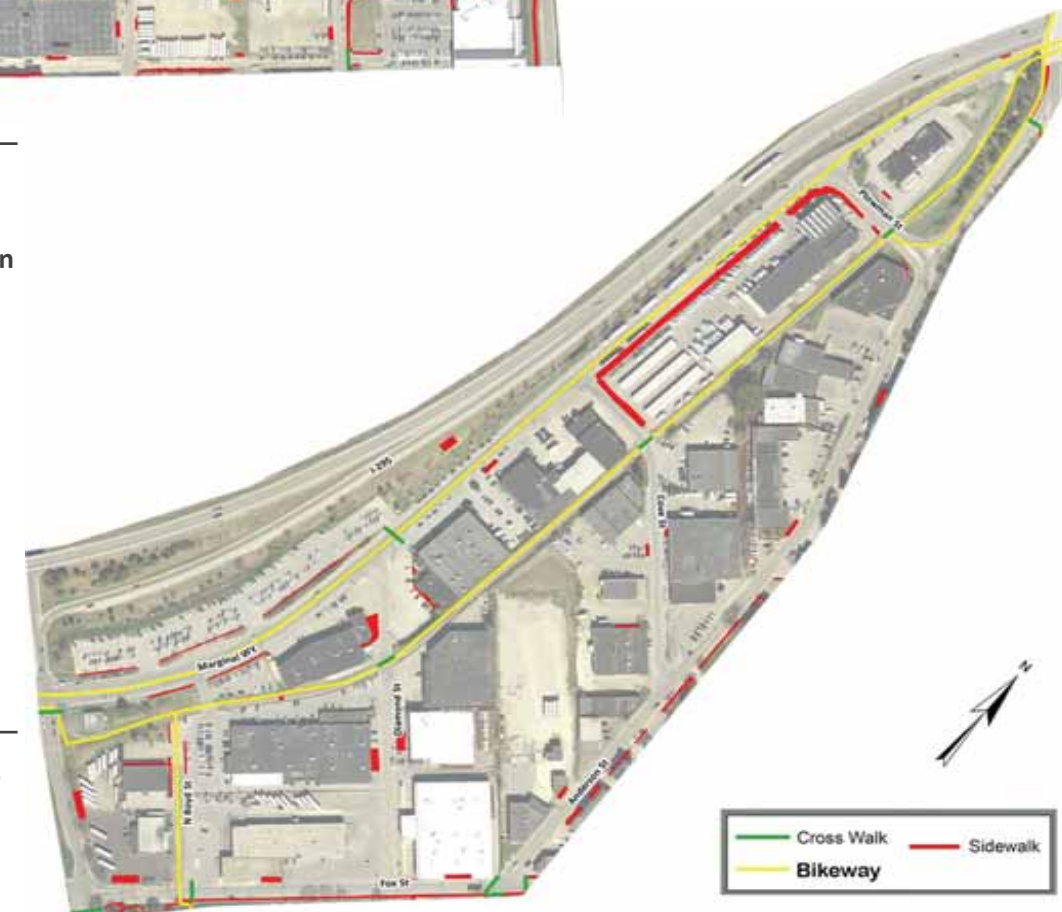


Figure 2-18: Northeast Quadrant (Source: GIS source information provided by the City of Portland, GPCOG, MEGIS, ESRI World Imagery, in addition to field work)



Figure 2-19: Existing METRO bus routes serving the Bayside neighborhood. Complete route information can be found at <http://gpmetrobus.net/>.

2.2.8 Transit Service

METRO Service Overview

METRO is the primary provider of transit service to the Bayside neighborhood. METRO provides fixed-route bus service in the City of Portland, and neighboring communities of Falmouth and South Portland. Funding for the service comes from municipalities within its service area, as well as state and federal transit funds, and revenue from farebox collection. It operates seven bus routes (Routes 1, 2, 4, 5, 7, 8 and 9 (formerly Routes 3 and 6)), and serves multiple transit hubs in the city—METRO PULSE on Elm Street, Congress Street, Portland Transportation Center, and the Casco Bay Ferry Terminal. METRO maintains 32 buses and has an annual average ridership of almost 1.5 million passenger trips¹. The existing fare collection system accepts cash (no change is provided)

and paper tickets/passes only; no mobile ticketing or smartcard system is currently in place. Unlimited daily and calendar monthly passes are available, in addition to ten-ride tickets. Tickets and passes can be purchased by mail, or in person at METRO Pulse, METRO Office (on Valley Street), some retailers, and other locations within the service area. On-board free transfer tickets are also available.

Paratransit service for seniors and persons with disabilities, complementing the fixed-route service and required by the Americans with Disabilities Act (ADA), is provided by Regional Transportation Program, Inc. (RTP).

Service Characteristics

The Bayside neighborhood is primarily served by METRO Route 8—the “Peninsula Loop”, and therefore will be the main focus of this study. It is

described in more detail below. Routes 7 and 9 skirt the northeastern edge of Bayside on Washington Avenue, while Routes 2 and 4 skirt the western edge of Bayside on Forest Avenue. Route 8 directly connects to all METRO routes or runs in close proximity to other routes to enable transfers to be made within a short walking distance, as shown in **Figure 2-19**.

- **Route 7** provides connections to Falmouth via Route 1, and terminates at METRO PULSE on Elm Street between Cumberland Avenue and Congress Street. Route 7 connects to Route 8 on Preble Street at Cumberland Avenue.
- **Route 9** is a circulator route with Route 9A operating clockwise, and Route 9B operating counter-clockwise, servicing Congress Street and northwest Portland via Washington Avenue/Auburn Street. There is no direct connection to Route 8, but a transfer can be made within walking distance.
- **Route 2** operates between Pride’s Corner in Westbrook and Congress Street via Route 302/Forest Avenue, connecting to Route 8 at Monument Square.
- **Route 4** operates between Westbrook and Congress Street via Route 25/Brighton Avenue, and also connects to Route 8 at Monument Square.
- **Route 1** to PTC operates between Eastern Promenade and Fore River parkway, overlapping with Route 8 along Congress Street with a connection at Monument Square.
- **Route 5** operates between the Maine Mall at Foden Road, and Congress Street, and connects to Route 8 at METRO Pulse on Elm Street.

Route 8 connects Bayside with the Casco Bay Terminal, Maine Medical Center, and Monument Square. The route is circuitous, operating on most streets in one direction only, and could be essentially viewed as two loop routes that overlap on Congress Street. The route has evolved to provide front door service to a number of key origin and destinations. Route 8 provides an important connection to public housing at Franklin Towers, shopping at multiple grocery stores (Hannaford, Whole Foods, and Trader Joes) and private student housing on Marginal Way. This route also serves a number of human services facilities including shelters and drop-in centers on Preble Street, whose clientele may be transit dependent (i.e. they have no access to private transportation and therefore rely heavily on transit), and a very high percentage of the mobility-impaired population (Peninsula Transit Study).² The needs of this ridership profile make

¹ <http://gpmetrobus.net/images/stories/food/METRO—Portland-background.jpg>

² Portland Peninsula Transit Study, Peninsula Transit Committee, December 2008

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it difficult to alter the route to improve efficiency of operations because some door-to-door service would be reduced. In addition, since paratransit service is operated by RTP, METRO must balance the demands of riders looking for quick and direct connections to/from Bayside, and a transit dependent community, who rely heavily on service proximity that enables them to take the fixed route service, rather than the more expensive paratransit that requires advance reservations. The background on this issue has been well documented in the Peninsula Transit Study.

While the existing route provides access to many destinations, circuitous routing can be confusing and frustrating for riders getting off and on at the same stop for their return trip, instead of at a stop across the street, or in the opposite direction for a return trip. This also adds additional travel time for riders. In fact, 10 percent of survey respondents in the Peninsula Transit Study mentioned that they were discouraged from taking transit because maps and schedules were complicated. Multiple turns along the route add more delay and conflict with other road users, ultimately adding to METRO’s operating cost.

Service operates seven days per week, with Sunday service added in August 2015. However, start and end points change throughout the week, and may be confusing for new riders:

- Service begins at Casco Bay Terminal on weekdays and Sundays, but Maine Medical Center on Saturdays.
- On weekdays, the second to last trip ends at Franklin Towers, but the last trip ends at Congress Street and Forest Avenue.
- On Saturdays, service ends at Franklin Towers, and on Sundays it ends at Maine Medical Center.

A summary of the service characteristics of Route 8 is provided in **Table 2-3**. As noted in the Peninsula Transit Study, service ends too early in the day to provide adequate service for employees who work later shifts at the grocery store, or residents that need to grocery shop after work on weekdays. Feedback from METRO indicates that schedules do not have any built-in layover time between trips. As a result, if service starts to run late, there is no opportunity for bus operators to get back on schedule, unless future trips are shorter than scheduled. This tight scheduling greatly impacts service reliability and on-time performance, which is currently around 70 percent, according to METRO. If additional service is added to assist in service recovery, this leads to passenger crowding (directly or indirectly linked to schedule delays); the bus and bus operator are pulled from another route; bus operators are on standby in the event of delays

and/or breakdowns; or bus operators are hired on overtime to assist. These factors have impacts on transit service operations, and associated operating cost for the transit agency.

	Weekday	Saturday	Sunday
Span of Service	6:40 a.m. – 6:15 p.m.	7:50 a.m. – 6:15 p.m.	9:10 a.m. – 4:50 p.m.
Frequency (all day)	30 minutes	60 minutes	60 minutes

Table 2-3: Route 8 Service Characteristics (Source: METRO)

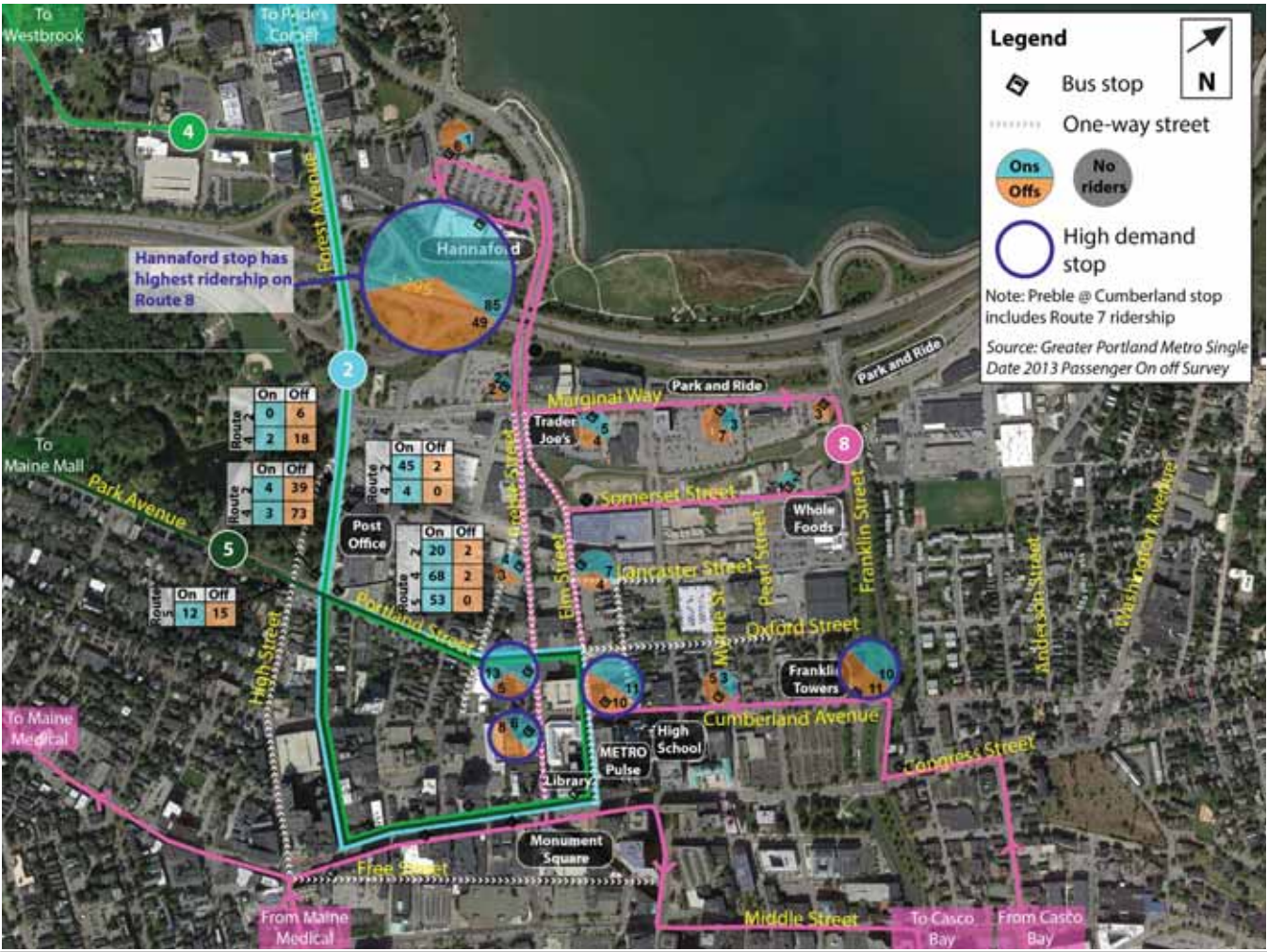


Figure 2-20: Ridership at stops in Bayside

Ridership

Passenger ridership data was provided by the 2013 On/Off METRO survey; counts were conducted on a typical day in 2013. As seen in **Figure 2-20** below, the bus stop in front of Hannaford grocery store is the most popular stop along Route 8. This stop accounts for 85 ons and 49 offs, or 21% of total ons and 12% of total offs along the entire route. The other four most utilized stops are all along, or within close proximity to, Cumberland Avenue – Franklin Towers, Cumberland Avenue and Elm Street, Preble Street and Oxford Street, and Preble Street and Cumberland Avenue. No riders were reported at the stops at Somerset Street and Elm Street, and Preble Street and Marginal Way.

The ridership data shows that the route is heavily relied upon for access to the Hannaford grocery store, Franklin Towers, and trip origins/destinations near the intersections of Elm Street and Preble Street with Cumberland Avenue. These stops may also be used as connection points to other routes such as Route 2, Route 4, and Route 5. Low ridership at stops between Somerset Street and Marginal Way may illustrate the need for better bus stop access in these areas, or a lack of destinations for bus riders of Route 8.

During the summer of 2015, Automatic Passenger Counters (APCs) were installed on METRO buses. These APCs will provide more detailed and accurate ridership data at the stop level for boardings and alightings, in the future. A more detailed analysis of Route 8 usage could provide further insight into ways to potentially make the route more efficient.

Bus Stops

A transit rider is a pedestrian at the start and end of trips, increasing the need to focus on the path of travel to and from bus stops, in the context of the complete streets approach to roadway design. The majority of bus stops in the Bayside study area do not meet the general METRO or industry design standards for bus stop design. Existing bus stops are identified by a single, small, yellow bus stop sign, and often do not have proper landing areas, rider amenities, or sufficient bus stop length. These features are needed to allow buses to pull in and out of the stop, and have both bus doors open close to the sidewalk; proximity to curb ramps and crosswalks is important to facilitate rider access.

A very prominent issue at many stops in the study area is the lack of regulatory signage that prohibits parking in the bus stop. At stops where there is a no parking sign defining the rear of the bus stop, the length is often insufficient to enable a bus to properly access the stop if a car is parked too close. Allowing parking and loading in bus stops is a major impediment to an accessible and efficient bus service. Common conditions at existing bus stops in the Bayside area are illustrated in **Figure 2-21** and described below.

Bus Stop Features

METRO does not currently have specific guidelines on bus stop design, although it has a desire to establish them in the near future. In the meantime, some suggested bus stop design guidance has been provided by the Greater Portland Council of Governments (GPCOG), as part of the Regional Bus Sign and Shelter Study Report and Implementation Guide, completed in 2013. Furthermore, planned improvements along Congress Street will serve as a model for bus

route priority and bus stop design. Generally, METRO is moving toward the following standards:

- **High use bus stops**—large shelter with seating, trash receptacle, bicycle parking, and electronic real time bus arrival information.
- **Standard bus stops**—Sign for METRO, potentially a bench, trash receptacle and bicycle hoops.

As the transit agency intends to upgrade to 40-foot buses, bus stop lengths should be appropriately provided to meet adjacent site conditions. METRO

generally spaces bus stops 1/8 to a 1/4 of a mile apart for urban areas like Bayside.

Bus stops along Route 8, within the study area, lack the general standards for METRO bus stop design that provide for the safety and comfort of riders. Industry standards and ADA requirements for bus stop design generally include:

- Minimum five foot wide by eight foot deep clear landing area with less than two percent cross slope at the front door zone;



Figure 2-21: Issue and Opportunities at the Bus Stops in Bayside

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- Level and clear area, at least four foot deep, in the rear door zone;
- ADA compliant path of travel (four foot wide path with less than two percent cross slope) between the landing area and bus stop amenities (i.e. shelters/benches);
- Shelters and benches positioned outside of the landing area and rear door zone, and with appropriate clearances from other sidewalk and street elements;
- Bus stops should be connected to a sidewalk and crosswalks with curb ramps, and located at least five feet clear of an abutting crosswalk;
- Bus stop signs should be oriented perpendicular or at an angle to the curb for visibility by both drivers and pedestrians, positioned so the bottom of the sign is seven feet from the ground, and have a reflective finish for visibility during dark or low light conditions; and
- Bus stop lengths should be appropriate for the maximum bus length operating on the route, the stop location relative to the intersection (near-side, far-side or mid-block) and whether it is located adjacent to parking, within a bus bay or at a curb extension. Adjacent sidewalk conditions relative to the landing area and clear zone should also be considered.

Providing continuity in bus stop design and placement can create a more recognizable bus route, making the service easier for riders to use.

In addition to bus stop design, placement of bus stops is also important for overall quality of service. Stops should avoid conflicts with driveways and street features (trees, benches, store signs, utility posts, etc.). Spacing between stops should balance ridership demand with service efficiency. For example, frequent bus stop placement serves more origins and destinations, but impedes route efficiency and could reduce ridership due to long travel times.

Bus Stop Placement

Bus stops can be placed in one of three locations in relation to an intersection, as seen in **Figure 2-25** (on the following page).

- **Far-side (Figure 2-22)** – Bus stops located after an intersection are the safest for pedestrians, as they are typically crossing behind the bus. These stops also require the least amount of curb space, reducing their effect on on-street parking. Far-side stops at signalized intersections have the added benefit of making it easier for the bus to re-enter the general traffic flow,

helping to maintain travel times, and reducing conflicts with right turning vehicles. The stop on Cumberland Avenue at Franklin Towers is considered a far-side stop.

- **Near-side (Figure 2-23)** – Bus stops located before an intersection avoid double stopping at the signal and at the bus stop, improving route efficiency. This also improves safety as the bus drivers have full view of the intersection. However, they can require almost as much curb space as mid-block stops and crosswalks are typically ahead of the stop, giving bus drivers limited, and sometimes no visibility of pedestrians crossing in front of the bus. The stop at 225 Cumberland is located nearside of the intersection of Cumberland Avenue and Pearl Street.
- **Mid-block (Figure 2-24)** – Bus stops located mid-block, between two intersections, require the greatest amount of curb space and therefore have the greatest impact on on-street parking. However, they have reduced conflicts with vehicular traffic compared to stops at an intersection, and can provide more direct connections to large trip generators located midblock. Providing crosswalks at mid-block stops is particularly important as pedestrians are inclined to cross the street where they exit a bus, regardless of crosswalk protection. A mid-block stop is located at the Marginal Way and Human Services Building.



Figure 2-22: Existing conditions at a far-side stop, located at Franklin Towers on Cumberland Ave

The majority of bus stops in Bayside are located at the near-side of intersections or mid-block.



Figure 2-23: Existing conditions at a near-side stop, located at 255 Cumberland Avenue



Figure 2-24: Existing conditions at a mid-side stop, located at 161 Marginal Way, formerly the Human Services building

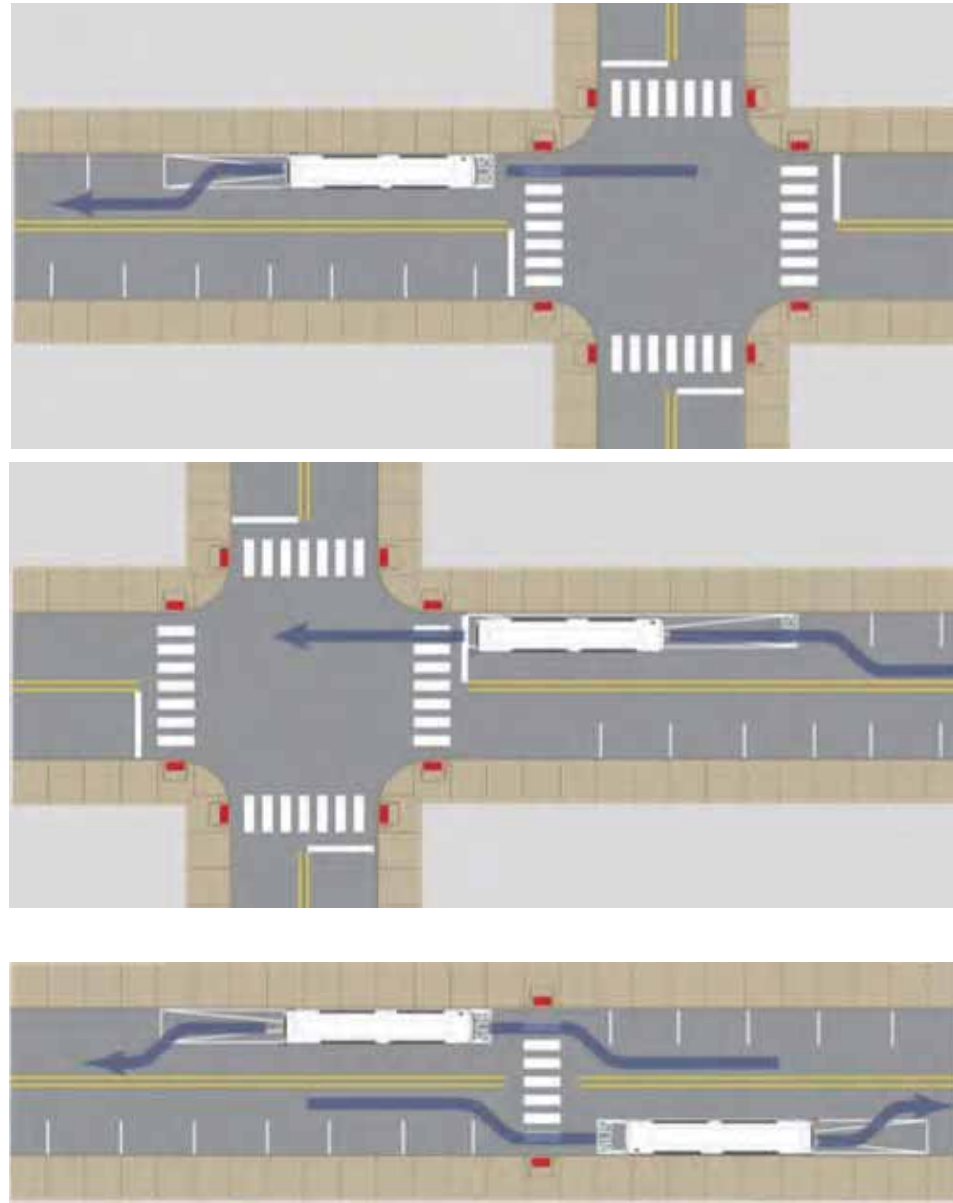


Figure 2-25: Illustrations of the far-side (top), near-side (middle), and mid-block (bottom) bus stop placements. (Source: SEPTA Bus Stop Design Guidelines)

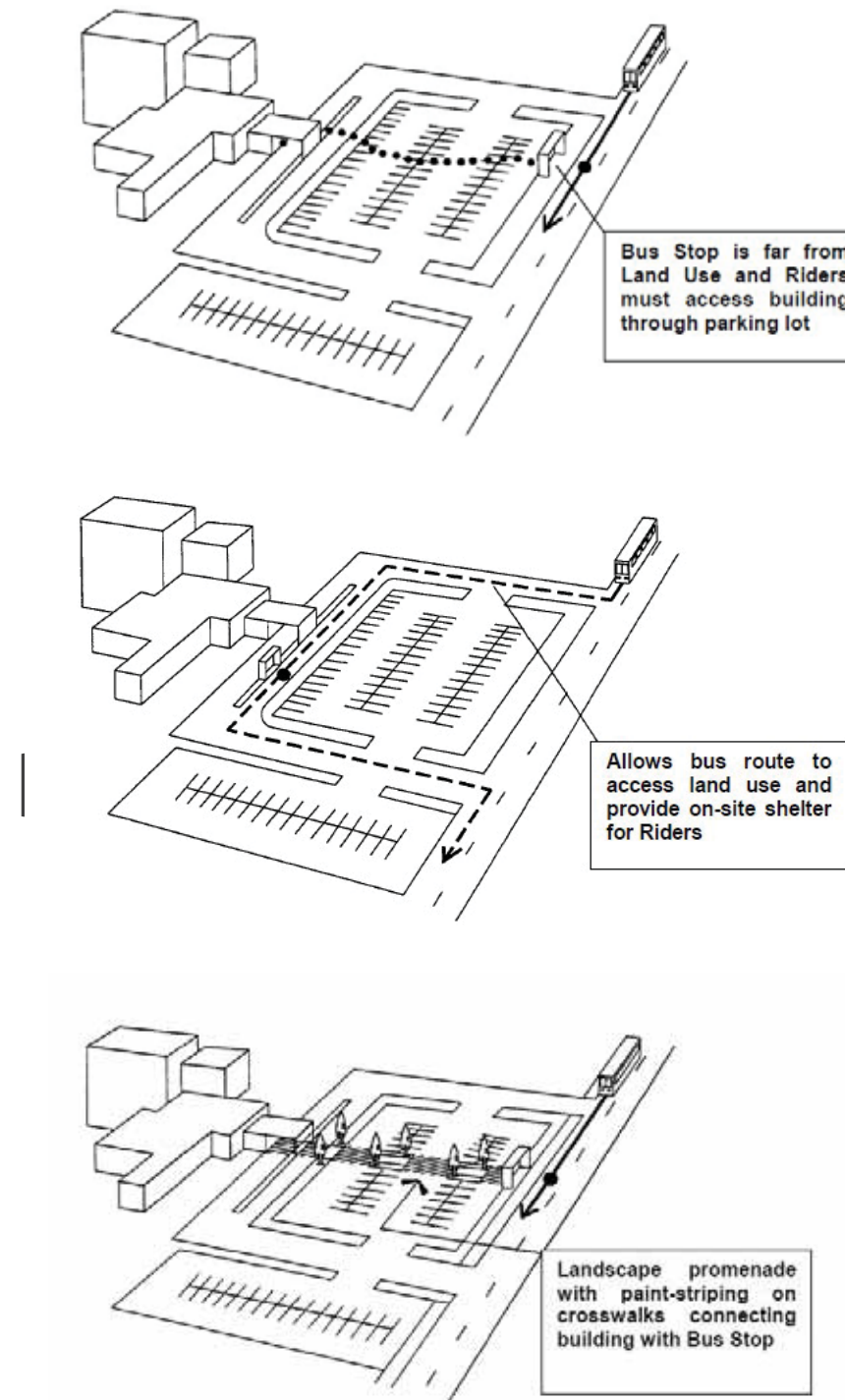


Figure 2-26: Bus stop placement in relation to land use and development. (Source: TCRP Report 19 Guidelines for the Location and Design of Bus Stops)

Bus stop placement should also be considered in relation to land use and development. The placement of a bus stop affects riders' ability to access a building, as seen in **Figure 2-26**. An example found in Bayside is the stop at 161 Marginal Way (**Figure 2-21**), where the bus stop provides a clear path of travel through the parking lot to the building behind it.

Bus Stop Configuration

Bus stop design also entails the space within the bus stop itself. Existing buses are 30 or 35 feet long, while many bus stops are only 30-40 feet long, and therefore do not provide any room for maneuverability in and out of the stop. Many bus stops lengths are not clearly defined in the Bayside study area. Where bus stop lengths are clearly defined by a yellow bus stop sign at the front of the stop, and a parking sign at the rear of the bus stop, the distance between signs is often insufficient. Without adequate length, buses may encroach upon crosswalks, such as on Washington Avenue in **Figure 2-27**.

Designing bus routes with bus stop pairs can make a bus route easier to use. Riders typically expect to find the stop on their return trip to be located across the street from where they got off the bus. Along Route 8, within Bayside, only Preble Street at AAA and Preble Street and Marginal Way, appear to be paired stops. The prominence of one-way streets and loop routing configuration makes stop pairs difficult to achieve on this particular bus route.



Figure 2-27: Stopped bus on Washington Avenue blocks the crosswalk

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Curbside | Roadside |
Shoulder

Bus Bay | Turnout |
Cut Out | Pullout

Curb Extension | Bus Bulb |
Bus Nub

Source: SEPTA Bus Stop Design
Guidelines

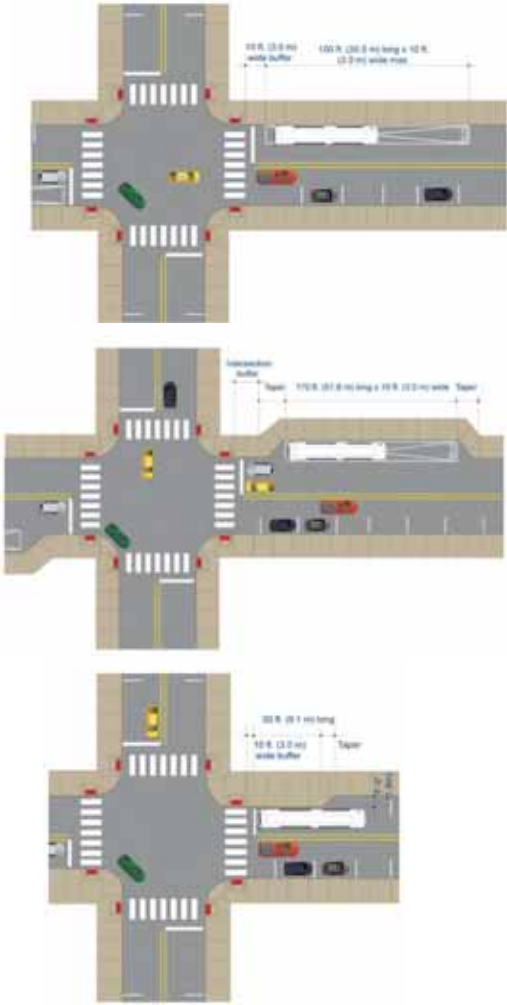


Figure 2-28: Bus stop configuration (Source: SEPTA Bus Stop Design Guidelines)

Examples of bus stop configurations at curbside locations, bus bays, and curb extensions are shown in **Figure 2-28**.

Sidewalk Connectivity

Overall, the Bayside area is served by a sidewalk network that links many of the neighborhoods and bus stops, and the downtown core, along Congress Street. Most sidewalks in the study area are at least eight feet wide, and as wide as 10-11 feet on Cumberland Avenue. However, streets with inadequate or narrow

sidewalks include Somerset Street and Marginal Way, which service the existing Route 8.

Improvements to the following existing conditions should be considered, to improve transit access:

- At the Marginal Way and Franklin Street and Preble Street and AAA stops, there is a continuous grass strip without a landing area connecting to the adjacent five foot wide sidewalk. Therefore, riders must traverse the grass area to/from the bus, posing a challenge for the mobility impaired, particularly those utilizing mobility-assisted devices such as wheelchairs.
- Sidewalks on Somerset Street are notably absent near bus stops. A dirt path is evidence of a pedestrian desire line on the north side of Somerset Street near Whole Foods market. The stop is not ADA compliant (see #5 in **Figure 2-21**).

Bus Stop Signage and Amenities

Bus stops along Route 8 in Bayside lack bus stop amenities and are only designated with a small yellow sign that shares a pole with one or more other signs, and/or is positioned low to the ground. The signs could be improved to enhance the bus stops and rider convenience. The following observations were made:

- Signs are sometimes oriented parallel and facing the roadway intentionally or because of damaged poles, providing very poor visibility for pedestrians, bus riders, and bus operators.
- The existing yellow tone could be confused with typical warning signs for roadways making bus stops less apparent, and the surface is non-reflective making them difficult to read in the dark.
- The route numbers are small and hard to read.
- Bus stop signs are missing at several stops:
 - Marginal Way and Franklin Street
 - Somerset Street and Elm Street
 - Preble Street and Marginal Way
 - Somerset Street and Pearl Street

Almost all bus stops along Route 8 in Bayside lack bus stop amenities such as shelters, benches, trash and recycling receptacles, wayfinding, maps and schedule information, and bicycle parking. This may make it difficult for riders unfamiliar with the bus route to find the stops, and the Peninsula Transit Study

further noted that *“For potential riders, the lack of guidance at or near bus stops is a large detriment to their participation”*. Guidance on the provision of benches and shelters is provided in the GPCOG Regional Bus Sign and Shelter



Figure 2-29: An existing bus stop that serves as a good example for Bayside is the Monument Square stop on Congress Street. This bus stop, located within a bus pull out, or bus bay, has sufficient length for buses to pull out of the travel lane and to the curb. Rider amenities include a shelter, bench, and trash receptacle. The sidewalk adjacent to the stop is 25 feet wide and provides a level landing area (five feet wide by eight feet deep area at the front door zone). Crosswalks with curb ramps are provided in close proximity to the stop.

Study Report and Implementation Guide. Monument Square is an example of an existing bus stop that provides a sufficient bus stop area and amenities, as shown in **Figure 2-29**.

Bus Stop Spacing

The distance between bus stop locations is an important consideration for route efficiency. The Route 8 schedule notes that stops are located approximately every quarter mile, or 1,320 feet. In an urban area like Bayside, METRO considers bus stop spacing of 1/8 mile to be more appropriate. Although, with about 15 seconds deceleration/acceleration time per stop, fewer stops with greater spacing can reduce the length of an entire bus trip. The downside of having less stops on a route is that it increases the travel distance to stops, which can create hardships for seniors and persons with disabilities, which is a particular concern for the Bayside area. However, minimizing the distance between stops can help reduce the costs associated with maintaining each bus stop and operating a longer route.

Existing Transit Plans

A number of transit plans relevant to the Bayside Master Plan have been completed in recent years or are currently underway. These are documented below and key points are noted.

The **Peninsula Transit Study**, completed in 2008, proposed several improvements (shown in **Figure 2-30** below) that are now being implemented; notably turning Congress Street into a transit priority corridor, providing the following benefits to METRO services that connect with Route 8 servicing Bayside:

- Reduced bus conflicts with vehicular traffic and crossing pedestrians leading to reduced delay;
- Relocation of bus stops to existing curb extensions;
- Improved pedestrian environment; and
- Enhanced bus stops with shelters.

Within the Bayside neighborhood, the study references the potential for several future bus routing improvements:

- A one-way bus stop pair along Elm Street and Pearl Street;
- Relocation of bus service from Forest Avenue to Preble and Elm Streets with bus lanes;



Figure 2-30: Summary of Transit System Recommendations from the Peninsula Transit Study.

- New bus routes on Franklin Street and Marginal Way; and
- The creation of a trolley route along Elm Street and Preble Street.

The study notes the importance of providing a direct to/from service to Hannaford supermarket, as residents seek convenient access to this destination. A number of strategies are outlined to increase access, including door-to-door service, which, although convenient for some riders, adds to the route’s overall travel time. Serving areas of future development in order to establish transit-oriented travel patterns at the outset of development was also recommended. Requiring developers to contribute towards the costs of additional transit service or providing transportation demand management (TDM) measures could also help establish more transit ridership, as proposed in the Peninsula Transit Study. These recommendations should be evaluated in the context of overall METRO planning.

The transit system improvements proposed in the Peninsula Transit Study related to service branding, coordinated schedules, real-time information, and universal transit passes, are also important improvements to consider for transportation in Bayside. The improvements and recommendations derived from this study can serve as a model for Portland and other cities of similar size.

The Hub Link Study, currently underway, is reviewing proposals to improve connections between Portland’s transportation hubs. Portland is served by airplane, Amtrak, regional bus, rail, and ferry, yet the centers for these modes are dispersed throughout the city. The Hub Link Study is deriving optimum routes and service that best connect the Portland International Jetport, PTC METRO Pulse, and Casco Bay Ferry Terminal. Alternatives along I-295, Congress Street, Commercial Street, and Congress Street and Commercial Street are being evaluated for their connectivity, mobility, economic development, and cost effectiveness.

Future METRO Planning

Many of the transit needs identified in these studies appear to be relevant within the Bayside neighborhood. Although service on Sunday was added to Route 8, service still only operates half hourly on weekdays and hourly on Saturdays. Bus service to major origin and destinations needs to be more frequent. A rationalizing of a circuitous route like Route 8 should be considered to reduce travel times, and improve reliability. The tradeoff will likely be a slightly longer walk to bus stops for some riders. Alternatively, Route 8 could be used as an urban circulator with primary bus service focused along the edges of the study area.

2.3 Planned Transportation Context

2.3.1 Other Planned Project/Studies

The following summarizes the key transportation details for projects and studies that have been adopted, or are under design.

Franklin Street — The Marginal Way intersection is proposed to consist of four travel lanes on the southbound Franklin Street approach; four travel lanes on the northbound Franklin Street approach; three travel lanes on the eastbound Marginal Way approach, and a single right turn lane providing interstate access only on the westbound Marginal Way approach.

Franklin Street between Marginal Way and Somerset Street is proposed to consist of two northbound and southbound travel lanes, left turn lanes separated by a raised median, shared right turn lanes, bike lanes with buffers, and sidewalks on both sides.

The Somerset Street/Fox Street intersection is proposed to remain unchanged from a lane capacity perspective. Crosswalks are proposed on all intersection legs and bike boxes are proposed on Franklin Street. Bicyclists will be accommodated through variable means including bike lanes with buffers and shared lanes.

Franklin Street between Somerset Street and Oxford Street is proposed to consist of two travel lanes in each direction, bike lanes with buffers, and sidewalks on both sides.

The Lancaster Street Intersection is proposed to consist of right turn movements from Franklin Street. A raised median along Franklin Street will prohibit left turn movements.

The Oxford Street intersection is proposed to consist of right turn movements with Franklin Street. A raised median along Franklin Street will prohibit left turn movements. Crosswalks are proposed at the side streets and on the Franklin Street northbound approach. Bicyclists are accommodated through variable means including bike lanes with buffers and cycle tracks.

The Cumberland Avenue intersection is proposed to consist of three travel lanes on Franklin Street approaches (left, thru, thru-right lane), two travel lanes on the Cumberland Avenue approaches (left, thru-right lane). Crosswalks are proposed on all intersection legs and bike boxes are proposed on Franklin Street. Bicycles are accommodated on Franklin Street through means including bike lanes with buffers.

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SECTION TWO – DEFINE EXISTING AND PLANNED CONTEXT

For Transit recommendations, the plan is proposed to establish a shuttle bus operating along Franklin Street between the park-and-ride lot northeast of the intersection of Franklin Street and Marginal Way and the Casco Bay Ferry Terminal south of Commercial Street. The route would operate every twenty minutes in each direction during METRO’s hours of service, making local stops.

State Street and High Street Two-Way Conversion Study—This study consists of evaluating the feasibility of converting State and High Streets to two-way flow. Within the Bayside Study area, State Street and High Street would be converted to two-way streets. As part of the change, Park Avenue would require less travel lanes with expanded on-street parking.

Somerset Street Extension—The City is currently in the design and construction phase for the extension of Somerset Street from Elm Street to Hanover Street. This change will improve accessibility and street connectivity. A concept plan for Somerset Street/Kennebec Street between Hanover Street and Forest Avenue has been developed and the recommendation includes provision of space for the Bayside Trail and maintaining the existing one-way restriction.

Anderson Neighborhood Byway—The City is constructing multi-modal and stormwater infrastructure improvements along Anderson Street from Fox Street to Plowman Street. From a transportation perspective, the project generally consists of providing a sidewalk on the west side of Anderson Street, a sidewalk on Fox Street to Diamond Street, and pedestrian changes at the Anderson Street and Fox Street intersection, and intersections with Cove Street and Gould Street.

Back Cove South Storage Conduit Project—The City is currently developing design plans for the construction of a stormwater storage conduit under Marginal Way between Preble Street and the Portland Water District treatment plant at the east end of Marginal Way. Construction documents are scheduled for completion by the end of 2015 with construction set to begin in 2016. Leveraging this project with implementation of Marginal Way modifications will be determined.

Forest Avenue/I-295 Improvements—The MaineDOT recently constructed safety improvements at this interchange area that includes both bicycle and pedestrian facilities. The modifications are confined to the interchange area.

Marginal Way CSO Project—The City will be designing a sewer and stormwater separation project along Marginal Way between Forest Avenue and Preble

Street. The project is scheduled for completion at the end of 2016.

North Boyd Street Path—Construction of a path on North Boyd Street between Fox Street and the Bayside Trail is proposed. The project also includes construction of a sidewalk (completed) along the north side of Fox Street between Diamond Street and Franklin Street.

Private Development Projects

- **Bangor Savings Bank**—Construction of a bank and office use at the former car wash site at 20 Marginal Way. The project will be reconstructing their street frontage.
- **Bayside Bowl Expansion**—The project has limited transportation changes with some sidewalk modifications and controlling rights for half of Lancaster Street.
- **Relocation of DPW**—Although not scheduled, the City envisions moving operations from Bayside.
- **Century Tire Redevelopment (45 Marginal Way)**—Construction of a retail project with both Marginal Way and Kennebec Street frontage improvements. Kennebec Street improvements consist of a shared-path along their frontage, and an interim cycle-track bicycle facility to Forest Avenue.
- **Midtown Project**—Significant transportation improvements are included with this project including:
 - reconstruct Somerset Street between Pearl Street and Elm Street;
 - install a traffic signal at the Marginal Way/Chestnut Street intersection;
 - create a Four-Way STOP intersection at Somerset Street and Pearl Street; and
 - change the Marginal Way approach to Franklin Street to a left lane, a through lane, and a right lane.
- **89 Anderson Street**—Residential project with frontage improvements only.
- **Bayside Anchor**—Residential project with frontage improvements only.
- **133 Washington Avenue/Avesta Housing Project**—Residential project with frontage and bus stop improvements.

3.0 IDENTIFY ISSUES AND OPPORTUNITIES

The Existing Conditions Analysis identified a number of issues and opportunities within the Bayside Study area that are summarized by the following categories.

3.1 Transportation Street Issues and Opportunities

Marginal Way Focus Area

Issues:

- The Marginal Way/Preble Street/Elm Street intersection is a large intersection with a priority for moving vehicles.
- Marginal Way High Crash Locations include the intersections at Franklin Street, Elm Street/Preble Street, and Forest Avenue/State Street and the roadway segment between Elm Street and Franklin Street.
- Marginal Way lacks a consistent roadway configuration and does not provide continuous bicycle and pedestrian facilities.
- The Marginal Way/Franklin Street intersection does not provide a safe pedestrian crossing from the Park & Ride Lot to either the south side of Marginal Way or across the Exit 7 Ramp.
- On-street large truck parking in East Bayside encroaches into the bike lane.
- The Forest Avenue/Marginal Way/State Street intersection lacks pedestrian crossings at all corners and the Forest Avenue approach at Kennebec Street has an undefined pavement area.
- The Franklin Street intersection has capacity problems.

Opportunities:

- Evaluate reducing the number of vehicle lanes at the Marginal Way/Preble Street/Elm Street intersection to facilitate a consistent street cross-section.
- Implement multi-modal improvements on Marginal Way.
- Improve pedestrian conditions at the Marginal Way/Forest Avenue/Kennebec Street/State Street intersection.
- Add crosswalk on all approaches at Franklin Street.

- Increase width of parking lanes to reduce encroachment into adjacent bicycle lane.

Preble and Elm Streets Focus Area

Issues:

- Lower connectivity and accessibility due to their one-way street configuration.
- Lack of safe bicycle and pedestrian facilities on Elm and Preble Streets between Marginal Way and Congress Street.

Opportunities:

- Create better bicycle and pedestrian travel.
- Reduce excessive vehicle speeding.
- Improve street connectivity and accessibility.
- Provide more parking.

Portland and Oxford Streets Focus Area

Issues:

- Poor and confusing east-west street connectivity/circulation.
- Difficult pedestrian crossings at Forest Avenue/Park Avenue/Portland Street due to long crossings, lack of crosswalks, vehicle turning conflicts.
- Bus/vehicle conflict condition on Portland Street between right-turning vehicles and buses departing curb area.

Opportunities:

- Improve east-west street connectivity/circulation .
- Explore reconfiguring Oxford Street as a two-way street.
- Evaluate a full Oxford Street vehicle connection at Franklin Street.
- Implement multi-modal/streetscape improvements on Portland Street.
- Reconfigure and improve pedestrian crossings at the Forest Avenue/Park Avenue/Portland Street intersection.

Pearl Street Focus Area

Issues:

- Poor north-south street connectivity.
- Traffic concentrates at Somerset Street.
- Lacks bicycle facilities.

Opportunities:

- Implement bike lane improvements.
- Improve north-south connectivity on peninsula: Between Marginal Way and waterfront.

Lancaster and Kennebec Streets Focus Area

Issues:

- Poor east-west street connectivity.
- No pedestrian crossings of Franklin Street near Lancaster Street where demand exists.
- Kennebec Street is not very functional for all modes.
- One-way flow between Elm Street and Chestnut Street and Forest Avenue and Brattle Street limits traffic circulation.

Opportunities:

- Improve east-west street connectivity.
- Connect Lancaster Street to Brattle Street.
- Evaluate a possible pedestrian crossing of Franklin Street at Lancaster Street.
- Retrofit Lancaster Street to be more usable.
- Retrofit Kennebec Street to be more usable.

East Bayside Focus Area

Issues:

- Cove and Diamond Streets lack sidewalks, curbing, and have poor access management conditions.
- On-street large truck parking in East Bayside encroaches into bike lane.
- Fox Street configuration between Anderson Street and Washington Avenue creates a narrow travel way.

- Poor pedestrian and bicycle connectivity at Tukey Street path to Anderson Street.

Opportunities:

- Create street configuration improvement options on key cross-streets to improve bicycle and pedestrian safety and connectivity.
- Reconfigure the Anderson Street/Plowman Street intersection.
- Prohibit parking on Fox Street in certain sections to reduce narrow travel way conditions.

Washington Avenue Focus Area

Issues:

- Poor bicycle and pedestrian safety and connectivity.
- Traffic safety and operations at the Washington Avenue/Fox Street/Walnut Street intersection.
- Safety and functionality at the Washington Avenue/Cumberland Avenue intersection.

Opportunities:

- Increase safety and access onto Washington Avenue at Fox Street/Walnut and at Cumberland Avenue.
- Create options on key cross-streets to improve bicycle and pedestrian safety and connectivity.
- Improve the configuration of the Washington Avenue/Cumberland Avenue intersection for improved pedestrian conditions.

3.2 Pedestrian/Bicycle Issues and Opportunities

Issue:

- Safety of and uncontrolled pedestrian crossings along Elm Street and Preble Street.

Opportunities:

- Install crosswalks at intersections, where needed.
- Install Rectangular Rapid Flashing Beacons at Bayside Trail crossings.
- Install 14’ wide block design crosswalk at Bayside Trail crossings.
- Install “Yield Here” signs and painted Yield Lines for vehicular traffic at Bayside Trail crossing.
- Consider a 4” (for minimal vehicular disruptance) raised tables at Bayside Trail crossings.
- Add bikes lanes on Preble and Elm Streets.
- Modify Preble and Elm to 2-way or reconfigure to one-way.

Issue:

- Safety and difficulty of crossing at the Marginal Way/Preble Street/Elm Street intersection due to large intersection design.

Opportunities

- Redesign intersection, tighten curbs where feasible.
- Remove center medians in all roads to help shorten crossing distances.
- Remove one through-lane on Marginal Way, east of intersection.
- Install bike lanes in all directions across intersection.

Issue:

- Safety and difficulty of crossing at the Forest Avenue/Park Avenue/Portland Street intersection.

Opportunities:

- Install crosswalks at all legs of intersections.
- Redesign intersection, tighten corner curb radii where feasible.
- Remove center median in Marginal Way to help shorten crossing distances.
- Install 14’ wide block design crosswalk at Bayside Trail crossing of Forrest Avenue, when designed.

Issue:

- Undefined bicycle routes in upper Bayside for east and west travel.

Opportunity:

- Install “shared lane markings” signs on Oxford and Lancaster.

Issue:

- Undefined pedestrian crossings of Franklin Street near Lancaster and Oxford Streets.

Opportunities:

- Install vehicular and pedestrian improvements per the Franklin Street Study.
- Install crosswalks per the Franklin Street Study.

Issue:

- Lack of contiguous sidewalk in lower Bayside especially northeast of Franklin Street (see section 2.2.1.6).

Opportunities:

- Install crosswalks at intersections, where needed.
- Redesign intersection, tighten corner curb radii where feasible.

Issue:

- Inconsistent crosswalk markings.

Opportunity:

- Install block design crosswalks in all locations

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION THREE - IDENTIFY ISSUES AND OPPORTUNITIES

Issue:

- Long wait times and cycle lengths at signalized intersections

Opportunity:

- Retime signalized intersections where possible to shorten wait times.

Issue:

- Large driveway openings in lower Bayside northeast of Franklin Street.

Opportunity:

- Reduce driveway widths or eliminate driveways, where feasible.

Issue:

- Lack of designated bicycle facilities on Elm and Preble Streets between Marginal Way and Congress Street.

Opportunities:

- Remove one travel lane on Preble Street and Elm Street.
- Install a bike lane with a buffer on both Preble Street and Elm Street.

Issue:

- Pedestrian and bicycle connectivity between the Tukey Street Path and Anderson Street.

Opportunities:

- Remove vertical granite curb at bottom of Tukey Street path and replace with a 10' curb ramp.
- Modify intersection of Tukey Street ramp and Anderson Street intersection.

Issue:

- On-street parking by large trucks blocks the bicycle lane on Marginal Way.

Opportunities:

- Install 10' wide truck parking lanes.
- Install bike lanes with markings, where necessary.

Issue:

- Lack of pocket parks and gathering spaces.

Opportunity:

- Continue to plan and build pedestrian pocket parks to serve as place-making and destinations.

Issue:

- Lack of access to Bayside Trail from adjacent businesses.

Opportunity:

- Improve access to the Bayside Trail by working with property owners to modify or remove fences.

3.3 Transit Issues and Opportunities

Issue:

- Route 8 operates a circuitous route with limited stop pairs and direct service. It traverses many one-way streets, which limits its serviceability in reverse directions. Ridership data shows relatively low ridership along the majority of the route, with the exception of the stop at Hannaford super-market, which accounts for 21% of total boardings.

Opportunity:

- Evaluate the restructuring of Route 8 service to best meet the competing demands and needs of Bayside residents and visitors, and explore alternative routing on Route 8 to improve efficiency of overall operations, including shifting from one-way to two-way streets.

Issue:

- Route 8 lacks frequent service, and does not provide for peak hour service variations or evening service.

Opportunity:

- Determine service needs for frequency and off-peak hours of transit service.

Issue:

- The mobility impaired community relies heavily on Route 8 due to its proximity to social services, grocery stores, and the medical center.

Opportunity:

- Consider needs of mobility impaired community in alterations to, and opportunities to improve, transit service.

Issue:

- Bus stops lack visibility due to poor signage, consistency, as well as accessibility and amenities that create a comfortable and safe experience for riders.

Opportunity:

- Develop bus stop design guidelines to clearly define bus stops, improve operations, improve pedestrian connections, and integrate with other modes of transportation.

Issue:

- Parking and loading within bus stops is very common as parking is not prohibited in many stops, or often not enforced.

Opportunity:

- Refine bus stop regulatory requirements to reduce conflicts with parking.

Issue:

- Buses often encroach on driveway access/egress due to insufficient allocation of curb space.

Opportunity:

- Provide sufficient curb space to allow buses to pull to the curb and not block driveways.

Issue:

- Lack of priority measures for transit traveling through Bayside.

Opportunity:

- Utilize Preble and Elm Streets as bus priority corridor(s) relative to Peninsula Transit Study recommendations. Apply benefits and lessons

learned from Congress Street improvements to transit in Bayside, such as incorporating transit priority measures into existing and new roadway configurations.

Issue:

- As Bayside continues to develop, there is a lack of good north-south connections across Bayside.

Opportunity:

- Explore transit routing opportunities for potential new cross-connections of Franklin Street and Forest Avenue.

Issue:

- Inadequate transit TDM measures to make substantial mode shift to transit and discourage single occupancy vehicle trips.

Opportunity:

- Identify other more innovative transit TDM measures for developers to consider, that continue to support transit, but also improve operations, accessibility and rider amenities.

Issue:

- The Bayside study utilized manual ridership count data from 2013, which is based on limited observations of a typical day.

Opportunity:

- Automated Passenger Counters (APC) installed in the summer of 2015 will provide more detailed stop level boarding and alighting data in the very near future that will enable a better understanding of operations along METRO routes.

3.4 Land Use Issues and Opportunities

General Observations

- Bayside is still an affordable alternative compared to many neighborhoods in Portland in regards to housing and business development.
- The City has a controlling interest of large parcels throughout the study area, and therefore can work with the market to plan for a sustainable future for existing and future residents and business owners.

- “Streets” should be envisioned as a land use in Bayside. There is an opportunity to implement the City’s Complete Street Policy, where land use and mobility are integrated to maximize economic development potential and leverage investments in upgrades to infrastructure.
- Existing underutilized buildings throughout the study area can be redeveloped for new uses, reducing the cost for the private sector and adding to the economic vitality and mix of uses in the area.
- There are numerous opportunities for infill development throughout Bayside – ranging from small lots to large consolidated parcels. The diversity of economic development and revitalization should provide for a healthy mix of new uses.
- Unlike some neighborhoods and buildings in Portland, many of the existing buildings / uses in Bayside are not contributing historic structures, providing more flexibility for adaptive reuse as well as streamlining the permitting process.
- There is a diversity of districts within Bayside, unique parcel sizes, land uses, building massings, and streetscape characteristics. These neighborhoods will ensure variety and vibrancy in Bayside and in turn maintain and create streets of varying character.
- The study area has had 0% to negative population growth between 2000- and 2010. In this time period new housing on Anderson Street, Bayside Village, Pearl Place, and Unity Village have been constructed, however there has still been an overall population decline according to statistics. New housing on Cumberland Avenue such as Chestnut Street Lofts and the Avesta housing at the corner of Cumberland and High Streets are located in ideal transition zones between Bayside and the more established downtown. As of the date of the Master Plan, the Midtown Project is scheduled to break ground.
- While it is always necessary to give a planning project a study area boundary, Bayside consists of many different types of interfaces with surrounding neighborhoods. These interfaces are not hard lines, but flow in the fabric, character, culture, and economy of the City.
- As new development blocks are created, as defined by the street grid, the overall block system can remain relatively consistent throughout Bayside,

even if some of the blocks are comprised of one parcel or multiple parcels.

- The centerline of streets is typically the dividing line between districts. This policy might work at cross-purposes to Complete Street and Form Based Code approaches to mobility planning and urban design where streets and neighborhoods are considered in a holistic manner.
- Many street frontages, particularly in the flat areas of Bayside are lacking streetscape and urban forestry. Well-designed streets will be strategic infrastructure improvements on behalf of the private and public sector, which will in turn incentivize economic development.
- The City adopted the B7 Urban Commercial Mixed Use Zone and related standards in 2008 to supplant the Bayside Vision and other master plans for the area. These standards will guide growth in a positive manner and ensure vibrant public realms.
- While many consider Bayside to be a blank slate, it is comprised of established, emerging, and envisioned trends. The City should continue to foster these positive trends and work with homeowners, property owners, and businesses to make the area as vital as possible.
- The cost for street infrastructure and public realm improvements can be offset by strategically leveraging private-sector investments.

Marginal Way Focus Area

Issue:

- Some intersections along Marginal Way are not pedestrian oriented and framed by buildings, creating gateways to the downtown.
- Land values are still relatively affordable, impacting the need to build structured parking. Surface parking lots, such as at Trader Joes have a greater footprint than the building. Surface parking creates permanent gaps in the form of the city.

Opportunity:

- Promote public/private Investments in on-street and structured parking creating more dense development and an increased tax base. Implement revised B7 Standards in a consistent manner.

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION THREE - IDENTIFY ISSUES AND OPPORTUNITIES

Issue:

- Sea level rise is an issue for parcels in the more flat areas of Bayside. While this does not directly influence land use, the cost of redevelopment of streets and parcels must take into consideration mitigation efforts.

Opportunity:

- Integrate sea level rise mitigation into all planning efforts and site design standards.

Issue:

- While some new development along Marginal Way addresses the street in a pedestrian-oriented manner, there are other developments that are more suburban in nature with parking placed between the building and the street. Current zoning provisions allow buildings to have parking and vehicles circulate between active pedestrian zones.

Opportunity:

- Tighten standards and policies promoting development that adds to urban character, strengthens pedestrian zones, and establishes a denser taxable pattern of development.

Issue:

- Marginal Way is a wide street with unlocked economic development.

Opportunity:

- Incentivize taller buildings (minimum four floors) along Marginal Way. Marginal Way is wide and taller buildings are appropriate for creating an urban scale and maximizing land values. Taller buildings will also require more parking, encouraging the development of structured parking.

Issue:

- Marginal Way east of Franklin Street does not reflect the urban design and economic development goals of the B7 District.

Opportunity:

- Allow Marginal Way to the east of Franklin Street to remain an incubator for different industrial / light manufacturing uses. However, new developments should address the street in a pedestrian-oriented manner.

Issue:

- Some existing development along Marginal Way does not meet the goals and standards of the B7 District.
- Apply existing and new standards consistently in order that site designs and building placements reinforce the pedestrian street experience – regardless if existing context is not pedestrian oriented.

Issue:

- Some Marginal way intersections have a suburban or strip mall appearance.

Opportunity:

- Assess the redevelopment potential and zoning standards of certain parcels in order to maximize the urban condition at key intersections, improve the pedestrian environment, and better define gateways to downtown Portland.

Preble and Elm Streets Focus Area

Issue:

- There are multiple parcels that are currently used for surface parking.

Opportunity:

- Encourage infill development on these parcels and plan for structured parking to absorb the loss of surface parking as well as absorb parking demand created by the new development.

Issue:

- Preble Street is a key gateway corridor to downtown, however the existing placement of buildings and underutilized lots do not maximize the potential of the area nor make a transition from regional access to the downtown.

Opportunity:

- New development and redevelopment should address the street to create a pedestrian-oriented environment and increase land values.. Ensure that new development meets the goals of the B7 District.

Issue:

- Elm Street is a key gateway corridor leaving downtown. New development and redevelopment should address the street to create a pedestrian-oriented environment and increase land values. Ensure that new development meets the goals of the B7 District.

Opportunity:

- New development and redevelopment should address the street to create a pedestrian-oriented environment and increase land values. Ensure that new development meets the goals of the B7 District.

Issue:

- West Bayside includes a concentration of necessary social service agencies. This type of land use is difficult to relocate or disperse. Bayside residents feel overburdened by the concentration.

Opportunity:

- Work with the agencies and neighborhood groups to develop a long-term plan that best integrates / addresses social issues by studying underlying causes, aligning public health and planning policies, and applying best management practices for the delivery of services.

Issue:

- There is the need to introduce more mixed-use development and affordable housing into the area.

Opportunity:

- Continue to target the DPW site and other parcels for mixed-use urban infill.

Issue:

- The limited availability of housing units is a key concern for Portland.

Opportunity:

- Expand both market rate and affordable housing stock by incentivizing mixed-use developments while maintaining existing housing stock. Incentivize developments with more than ten units to trigger Inclusionary Zoning.

Portland and Oxford Streets Focus Area

Issue:

- West Bayside includes a concentration of necessary social service agencies. This type of land use is difficult to relocate or disperse. Bayside residents feel overburdened by the concentration.

Opportunity:

- Work with the agencies and neighborhood groups to develop a long-term plan that best integrates / solves social issues through redevelopment and land use policies.

Issue:

- There is the need to introduce more mixed-use development and affordable housing into the area.

Opportunity:

- Continue to target the DPW site and other parcels for mixed-use urban infill.

Issue:

- The limited availability of housing units is a key concern for Portland.

Opportunity:

- Expand both market rate and affordable housing stock by incentivizing mixed-use developments while maintaining existing housing stock.
- Defined sense of place

Issue:

- West Bayside includes a concentration of necessary social service agencies. This type of land use is difficult to relocate or disperse. Bayside residents feel overburdened by the concentration.

Opportunity:

- Work with the agencies and neighborhood groups to develop a long-term plan that best integrates / addresses social issues by studying underlying causes, aligning public health and planning policies, and applying best management practices for the delivery of services.

Issue:

- There is the need to introduce more mixed-use development and affordable housing into the area.

Opportunity:

- Continue to target the DPW site and other parcels for mixed-use urban infill.

Issue:

- The limited availability of housing units is a key concern for Portland.

Opportunity:

- Expand both market rate and affordable housing stock by incentivizing mixed-use developments while maintaining existing housing stock. Incentivize developments with more than ten units to trigger Inclusionary Zoning.

Issue:

- The DPW site serves an important purpose, however the location is more ideally suited for mixed-use urban infill.

Opportunity:

- Continue to study the DPW site for mixed-use urban infill. This is City controlled land and can leverage potential public / private partnerships.

Issue:

- Is the current zoning in this area promoting the highest and best use for urban lands while meeting the Bayside Vision.

Opportunity:

- Study the possible expansion of the B7 Zone to from Lancaster Street south to Cumberland Street.

Issue:

- The limited availability of housing units is a key concern for Portland.

Opportunity:

- Expand both market rate and affordable housing stock by incentivizing mixed-use developments while maintaining existing housing stock.

Issue:

- Certain uses on Oxford, such as the moving / warehouse facilities are not the highest and best use for an urban setting.

Opportunity:

- Study redeveloping these properties into urban mixed-use sites with an increase taxable footprint.
- Is the structured parking at the corner of Chestnut and Oxford maximized to serve the neighborhood?

Opportunity:

- Study the redevelopment potential of the structured parking facility at Chestnut and Oxford to increase parking capacity as well as create liner buildings to promote economic development and better integrate the parking garage with the context.

Pearl Street Focus Area

Issue:

- Sea level rise is an issue for parcels in the more flat areas of Bayside

Opportunity:

- Integrate sea level rise mitigation into all planning efforts and site design standards.

Issue:

- Housing is an important land use in this area, particularly south of Oxford Street.

Opportunity:

- Maintain and expand both affordable and market rate units through policy initiatives and financial incentives.

Issue:

- Scrap yards and surface parking are impediments to growth.

Opportunity:

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION THREE - IDENTIFY ISSUES AND OPPORTUNITIES

- Continue to work with landowners and businesses regarding long-term plans for the area. Develop area specific master plans to promote mixed-use economic development.

Lancaster and Kennebec Streets Focus Area

Issue:

- Sea level rise is an issue for parcels in the more flat areas of Bayside.

Opportunity:

- Integrate sea level rise mitigation into all planning efforts and site design standards.

Issue:

- The DPW site serves an important purpose, however the location is more ideally suited for mixed-use urban infill.

Opportunity:

- Continue to study redevelopment opportunities for the DPW site. Consider expanding the B7 Zone to include the DPW site. Consider potential public / private partnerships to facilitate appropriate redevelopment.

Issue:

- While the existing street grid creates connectivity, certain parcels in this area might be difficult to develop due to street alignments and the resulting parcel sizes.

Opportunity:

- Study the development potential and mobility implications of closing Kennebec Street between Chestnut and Pearl to allow for more efficient urban redevelopment.

Issue:

- Scrap yards and surface parking are impediments to growth.

Opportunity:

- Continue to work with landowners and businesses regarding long-term plans for the area. Develop area specific master plans to promote mixed-use economic development.

Issue:

- The Bayside Trail is not yet maximized for use.

Opportunity:

- Require strong connectivity to Bayside Trail as redevelopment occurs.

Issue:

- The buildings fronting Kennebec Street between Elm and Chestnut are currently used for low intensity uses.

Opportunity:

- Study adapting the buildings fronting Kennebec between Elm and Chestnut for more intensive urban uses.

East Bayside Focus Area

Issue:

- Sea level rise is an issue for parcels in the more flat areas of Bayside.

Opportunity:

- Integrate sea level rise mitigation into all planning efforts and site design standards.

Issue:

- There are certain Brownfield parcels that are currently used for surface parking, which may not be the optimal use for urban lands.

Opportunity:

- Proceed with the Brownfields Area Wide Planning Study. Work with landowners to leverage grants and investments to remediate Brownfields for mixed uses, not just surface parking or open space.

Issue:

- The Ilb Zone does not allow for residential or retail uses.

Opportunity:

- Study if these limitations are helping incubate, rather than restrict new uses that are transforming the nature of the area.

Issue:

- Certain densities of residential use such as Franklin Towers are too urban for the land area, while residential developments such as Kennedy Park are too suburban in form and density.

Opportunity:

- Coordinate master planning efforts of The Portland Housing Authority properties to ensure optimum density as well reestablishing the urban street grid. The Franklin Street Study, The Bayside Transportation Master Plan, and the forthcoming East Bayside Brownfields Area Wide Planning Study, should also be coordinated with the long-term goals of the PHA to maximize potential of the area. Bayside Anchor is a good precedent for urban infill development in this area.

Issue:

- There is a general lack of recreational facilities in Bayside.

Opportunity:

- Maintain the Fox Street recreation field / facilities.

Issue:

- A lack of housing issues is a critical issue for Portland.

Opportunity:

- Maintain and expand both market rate and affordable housing stock, particularly south of Oxford Street and east of Anderson Street.
- Study the implications of allowing housing in the Industrial District. This is the only District in the study area that does not allow housing. The area is experiencing changes of use, including pedestrian oriented as well as incubator uses. Should housing be allowed on second floor and above if industrial uses are allowed on first floor?

Issue:

- East Bayside is a successful incubator for local businesses. This type of first-wave organic economic development is often displaced by larger development projects and an increase in rents.

Opportunity:

- Study the market, land use, and policy trends to understand how this area is thriving as an incubator zone. Potentially create a new District to protect and encourage the dynamic nature of this area.

Issue:

- Many streets in East Bayside are lacking appropriate pedestrian / complete street facilities.

Opportunity:

- Retrofit streets and intersections (such as the current work on Fox and Anderson) to create a safe and inviting environment.

Washington Avenue Focus Area

Issue:

- Washington Avenue provides direct access from I-295 to the downtown, however it is a mixed-use neighborhood, not a travel corridor such as Franklin Street. Some residents have expressed the concern that Washington Avenue is treated as an on / off ramp to I-295, impacting access to land uses.

Opportunity:

- Washington Avenue is a key gateway neighborhood and street to Portland. New development should reinforce the importance of the area as pedestrian-oriented and visually diverse.

Issue:

- Balance the need for parking and redevelopment along the Washington Avenue corridor, because structured parking will most likely built in this focus area.

Opportunity:

- Inventory surface parking lots in the area and identify potential infill opportunities. Inventory existing parking needs and the impact of build-out scenarios.

Issue:

- A lack of housing issues is a critical issue for Portland.

Opportunity:

- Maintain and expand both market rate and affordable housing stock.

Issue:

- Washington Street is now a destination neighborhood during the day and evenings throughout the week.

Opportunity:

- Develop policies to maintain the dynamic mix of uses along Washington Avenue while maintaining the capacity of the corridor as a connection between I-295 and downtown.
- Continue to encourage redevelopment north along Washington Avenue to I-295.

Issue:

- Pedestrian connectivity between East Bayside and Munjoy Hill can be improved.

Opportunity:

- Work with Portland Trails and other organizations to improve connectivity between Bayside and Munjoy Hill. Continue to make intersection, street, and sidewalk improvements to make Washington Street safer for pedestrians while improving connectivity between neighborhoods.

4.0 DESCRIBE FUTURE OBJECTIVE AND PURPOSE AND NEED

Coupled with significant ongoing development from the success of the **A New Vision for Bayside Plan** (2000), and the subsequent various requests by policy makers to address the growth of all modes of traffic in the neighborhood, it is clear that an updated transportation master plan for the area is needed. There are many ongoing studies or questions as to the potential for changes in the overall network grid of streets—reconnections to Franklin Street by streets long dead ended; a refined Marginal Way Master Plan to support multimodal and redevelopment efforts; two-way flow or one-lane configuration assessed for Elm Street and Preble Street; and, a continuous, two-way corridor along Oxford Street/Portland Street allowing travel from Forest Avenue to Washington Avenue. The City continues to view Bayside’s future needs as a top priority. The purpose of this study is to consolidate all prior plans into a contiguous master transportation plan for the study area. The Purpose and Need for the Bayside neighborhood include the following:

Regional Considerations—Although the study area itself generally consists of local streets, Forest Avenue, Franklin Street, Marginal Way and Washington Avenue provide direct linkages with regional transportation assets, including I-295, Routes 1, 22, 302 and 26. More significantly, development in the Bayside area has resulted in a number of projects with a regional draw, including Trader Joe’s, AAA Northern New England headquarters, Whole Foods, and a 12-story Intermed medical office facility. Between recent developments at Unity Village, Bayside Village, Pearl Place, and that proposed for Midtown, over 1,000 units of housing will likely be added since the first Bayside plan was proposed in 2000. This will add even more regional significance to this area, as it will have a significant new population base and economic development.

A Balanced Transportation System—One of the primary goals of this effort would be to continue the creation of a well-integrated urban street grid, consisting generally of two-way streets providing maximum access to development parcels, both existing and anticipated. The current one-way configuration in Bayside results in significant amounts of local traffic being routed to certain streets and away from others, resulting in an imbalance in flows and creating challenges to future development projects. This discontinuous network results in challenges for motor vehicle, transit, pedestrian, and bicyclists. A balanced transportation system would accommodate the needs of these users, as well as

the local needs of motorists and commercial delivery services bicyclist access.

Economic Development—Bayside is currently an engine of economic growth, with tens of millions of dollars invested in new businesses and housing. However, travel and access to this area can be confusing for those not living nearby, regardless of mode. In addition, many parcels have access through a confusing truncated, or one-way street network, limiting their development potential. The outcome of this study might be to have a robust interconnected travel system for all users, allowing trips from one use to another to be shorter and less confusing than they are now. In addition, it would result in a scale of development compatible with the rest of the City as some of the multi-block parcels would be broken up by a more grid-like street system.

Transportation and Land Use—A major premise of this effort will be to directly connect land use and multimodal transportation access. A successful outcome of the project will be to increase the density and access of through streets, as well as reducing travel distance where one-way circulation and access restrictions are not needed. Potential changes will better serve an area with a myriad of development types and services and will add more diversity in the future. The deliverables of the project will be to provide concept-level designs of streets, interconnections and intersections, as well as major parcel configurations and land use recommendations for remaining open parcels. For one focus area (a portion of the Oxford Street/Portland Street segments), a Preliminary Design Report-level of detail will be prepared. The final product will also be informed by the Somerset Street Reconnection and Franklin Street Feasibility Phase II studies. While much of Bayside is evolving from a largely post-industrial past, areas adjacent to active urban centers will strive to create harmony with these existing facilities.

Environment and Energy—A comprehensive transportation plan for the Bayside area will allow for the continuation of transit-supportive mixed-use urban development, encouraging walking and biking, and reducing the tendency toward sprawl in more rural and suburban areas. Reconnecting the grid of streets and converting one-way streets to two-way streets wherever feasible will increase the location efficiency of Bayside, decreasing energy consumption and pollution by streamlining trips.

Complete Streets—A significant part of this work will be to examine the primary streets in Bayside to determine how they can be made into more Complete Streets—that is, to better serve all users of all ages, modes and abilities. This

is in keeping with the City’s transportation policies, and soon, its updated Technical Manual and Design Manual. Where feasible, the potential for better access of all types should be evaluated. An important aspect of Complete Streets is that they are designed to support the existing and future land use context. A key goal of this planning effort is to integrate land use and mobility in a seamless manner to achieve the desired function and character of each street and neighborhood within Bayside.

Street Elevations/Evacuation Routes—As part of the upcoming Somerset Street and Franklin Street projects, as well as ongoing development work and the City’s commitment to addressing the impacts of climate change, the study will consider potential needs and issues associated with street elevations, particularly in the area bounded by Fox Street, Anderson Street, Marginal Way, Forest Avenue, and Lancaster Streets. As part of this work, discussion on revised evacuation routes may be considered as well. It should be noted that geotechnical explorations will soon begin on Somerset Street, and some will likely occur on Franklin Street, therefore, the study may benefit from additional detailed information.

Carrying Capacity/Development Potential—Since the original Bayside Plan, several hundred thousand square feet of development has occurred in this area, ranging from medical office, to student housing, to grocery and other retail uses. While the scale of development has been and continues to be significant, the type of development is trending more toward housing and less toward office uses than was expected in the original plans. This has resulted in different travel patterns and mode-shares than originally anticipated. Given the types of development now being proposed for the area, it is likely that this change will continue, which in turn will inform all aspects of the street system including street width, parking and intersection design.

The Project Purpose and Need was specifically defined as follows:

The **Bayside Transportation Master Plan** will build on previous studies, recent and anticipated growth, and adopted zoning and standards, integrating mobility, transit, complete streets, and urban design, creating a strategic framework for neighborhood revitalization and leveraged investments.

5.0 ALTERNATIVE DEVELOPMENT AND RECOMMENDATIONS

5.1 Marginal Way Focus Area

5.1.1 Alternative Development

Changes to Marginal Way focus on implementing changes that provide a consistent roadway design—increase safety and balanced multi-modal conditions. A key factor in the evaluation of modifications was coordination with the City’s Marginal Way Stormwater Storage Conduit project located in Marginal Way between Preble St and the Portland Water District treatment plant. That project is scheduled for construction in 2016-2017; recommendations need to fit this timeline from an implementation perspective. Draft plans from that project are provided in the Appendix. A summary of the alternative analysis process for development of improvements along Marginal Way are noted as follows.

Marginal Way (Roadway Segment)

From a capacity perspective, intersections dictate the number of lanes required on Marginal Way and based upon traffic analysis, one travel lane in each direction is sufficient to accommodate future traffic volumes. Given that the roadway segment of Marginal Way is assumed to have one travel lane in each direction, strategies to improve safety deficiencies was a focus. As noted in Section 2, Marginal Way has several High Crash Locations. Investigation of a buffered/protected bicycle lane was performed. This consisted of locating the bicycle facility along the curb, and using on-street parked vehicles and a buffer area as a way to protect cyclists. Based upon maintenance concerns from the MaineDOT, this design component was eliminated from consideration. In addition, recommendations investigated establishing consistent sidewalks and esplanade areas.

Marginal Way/Franklin Street Intersection

Investigation of options for providing improved pedestrian crossing from the northeast corner (Park and Ride Lot) to southeast and northwest corners, and coordinated with the long-term Franklin Street plan was performed. Coordination of the project with MaineDOT indicated concern with providing a

crosswalk accross the I-295 Ramp approach. Accordingly, this crosswalk is not included as part of the recommended plan, but traffic conditions should be monitored following plan implementation to assess whether this crosswalk can be added in the future.

Marginal Way/Chestnut Street Intersection

A traffic signal is being installed as part of the Midtown Traffic Movement Permit and plans take this into account. The existing crosswalk with RRFB and refuge island will be removed and replaced with traditional signalized crosswalks. Crosswalks will be provided on all four legs of the intersection.

Marginal Way/Preble Street/Elm Street Intersection

The key alternative investigated for this intersection was the feasibility of removing one left-turn movement from Preble Street and thus allowing only one eastbound lane on Marginal Way. Refer to Section 5.1.4 for results of the traffic analysis. As indicated, the intersection will still operate acceptably from a level of service perspective, and thus recommendations include this change. Additionally, geometric modifications are included for improved pedestrian safety.



Figure 5-1: Marginal Way Focus Areas

Marginal Way/Forest Avenue/State Street/Kennebec Street

The key alternatives investigated for this intersection included the feasibility of providing an exclusive pedestrian phase and changing the lane assignment on Marginal Way to separate left, through, and right lanes. Given concerns by MaineDOT for changes to the Marginal Way approach, and recent changes at Exit 6 of I-295, improvements focus on the Forest Avenue/Kennebec Street intersection. The modifications improve overall pedestrian facilities for existing and the future Bayside Trail crossing. Refer to Section 5.1.4 for results of the traffic analysis.

5.1.2 Recommended Concept

The recommended concept plan provides a consistent roadway that provides quality conditions for all modes with **Table 5-1** noting how the modifications meet project goals.

Marginal Way

Figures 5-2, 5-3 and **5-4** illustrate the key elements of Marginal Way. Between Plowman Street and Cove Street two 10-foot travel lanes, two 10-foot truck parking lanes and two 6-foot bike lanes are recommended. Near the AAA/ Napa Auto building, Marginal Way is recommended to be comprised of one 11-foot travel lane in each direction, a 12-foot center lane, two 5-foot bike lanes, an 8-foot parking lane on the south side and buffer areas for the bike lanes. Between Preble Street and Forest Avenue, Marginal Way is recommended to be comprised of one 11-foot travel lane in each direction, a 13-foot center lane, two 6.5-foot buffered bike lanes, 8-foot parking lanes on the both sides.

	Goals	Met/How
Proposed Recommendations	Increase safety and functionality for all modes at Preble/Elm, Forest/ Kennebec, and Franklin intersections	Yes — Improvements at each of the noted intersections will improve safety and function.
	Implement Complete Streets improvements for the entire length of Marginal Way with more consistency	Yes — Consistent roadway section with bike lanes, additional cross-walks, and transit improvements are included.
	Create a new Pearl Street connection/ intersection; consider potential for future transit connection on Pearl St	Yes — The plan recommends this connection as part of future redevelopment activities.

Table 5-1: How Marginal Way Improvements Meet Project Goals

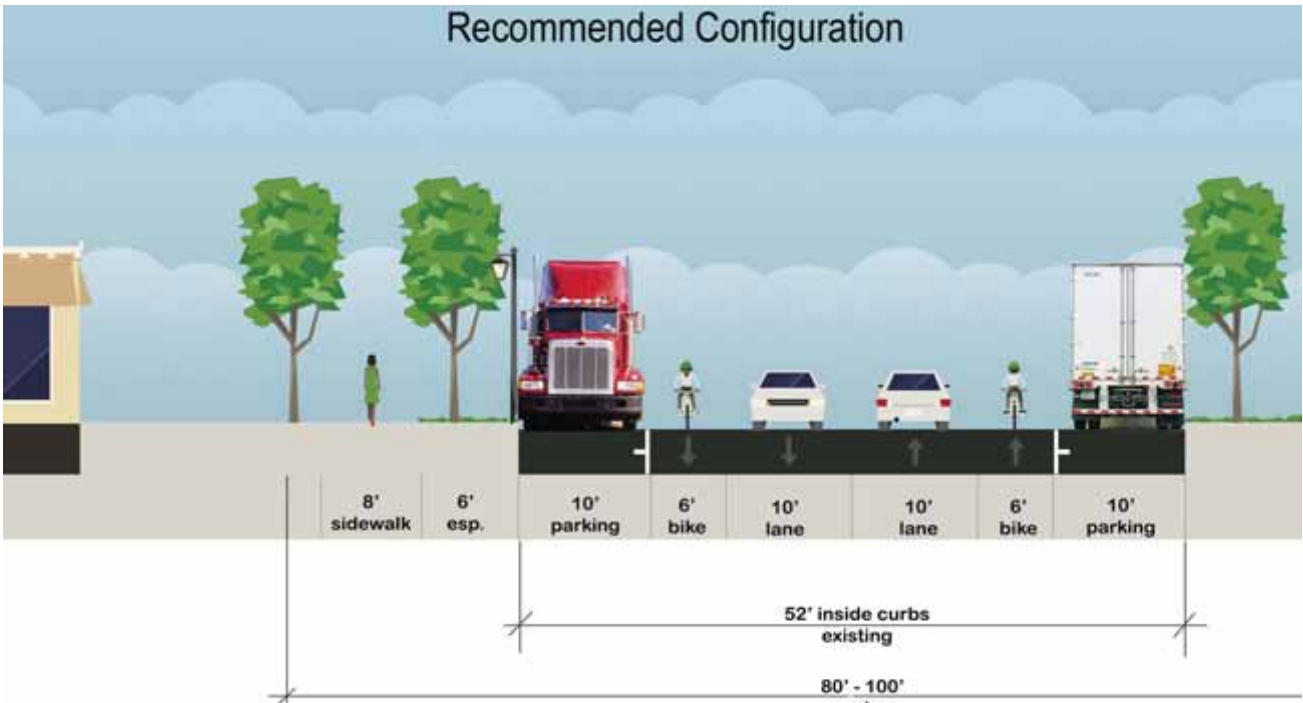


Figure 5-2: Marginal Way Plowman Street to Cove Street

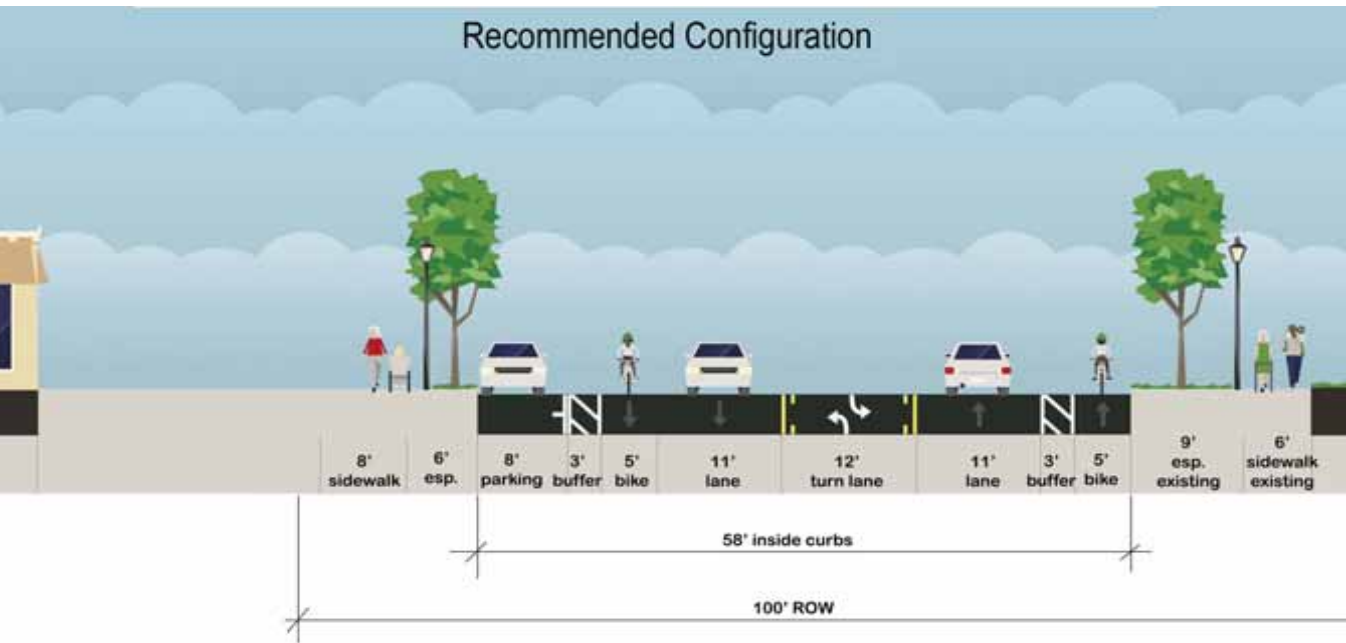


Figure 5-3: Marginal Way AAA-Auto Looking West

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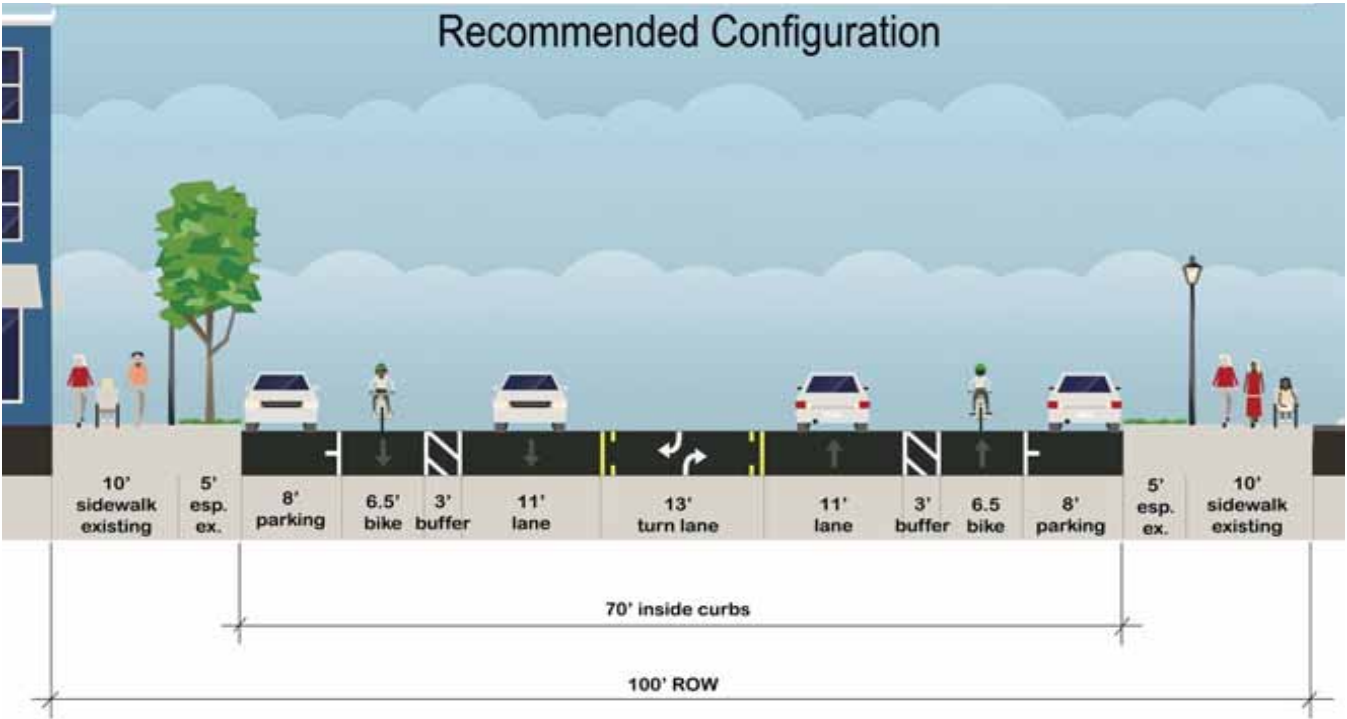


Figure 5-4: Marginal Way West of Gorham Savings Bank

Marginal Way/Franklin Street Intersection

The primary goal of this study intersection is to leverage the modification of Marginal Way with the Underground Stormwater Conduit Project (to be constructed in 2016/2017) to provide interim safety, capacity, and multimodal modifications until longer term changes from the Franklin Street Study can be implemented. Proposed key changes to the intersection are illustrated on **Figure 5-5** and include:

- **Additional Vehicle Capacity**

- *Eastbound Marginal Way Approach*—remove island and change lane configuration to a left lane, a through lane and a right lane (it is currently a shared through/left lane and separate right lane).
- *Westbound Marginal Way Approach*—remove island and change lane configuration to a left lane, a through lane and a right lane (it is currently a shared through/left lane and separate right lane).

- **Pedestrian Modifications**

- Add a pedestrian crosswalk to the easterly Marginal Way intersection leg;
- Add a sidewalk from Park and Ride lot to Franklin Street; add curb ramp on northeast corner; and
- Modify the southerly Bayside Trail crossing (crossing Franklin Street northbound) from a two-stage crossing to a one-stage crossing (crossing can be made during a single WALK pedestrian phase).

- **Additional Modifications**

- Westbound Marginal Way—tighten up the intersection and remove one departure lane.

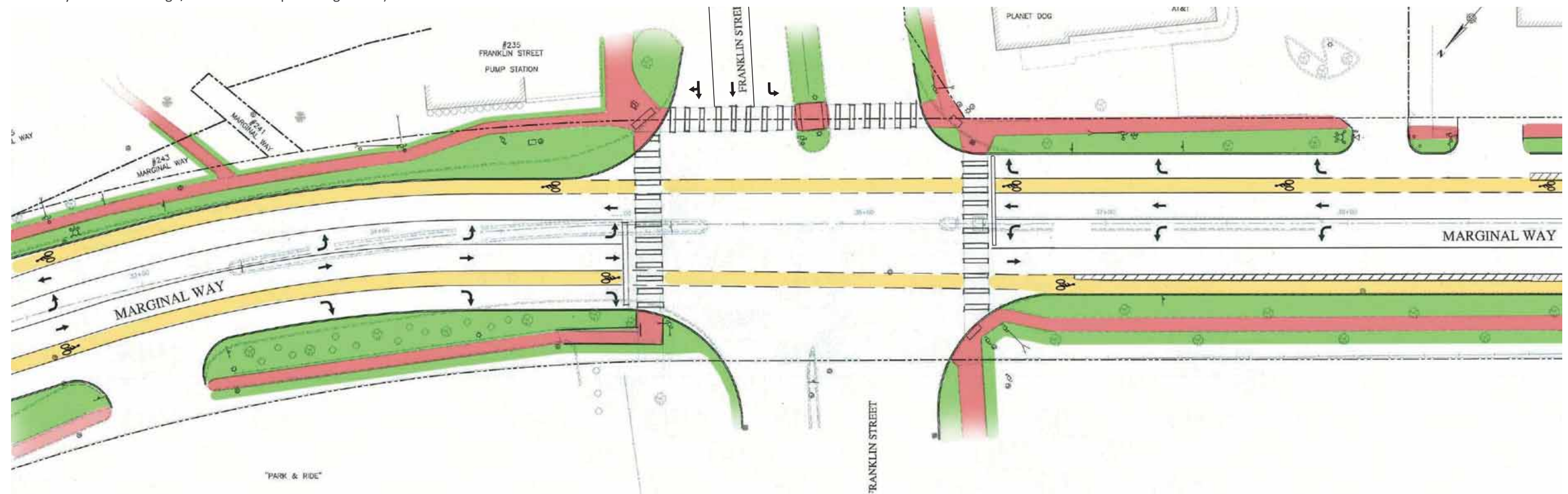


Figure 5-5: Marginal Way / Franklin Street

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Marginal Way/Chestnut Street Intersection

To address the goals of the study, the recommendations consist of creating a consistent 3-lane roadway cross-section by eliminating one eastbound travel lane east of the intersection for safety benefits. This change is possible by providing only one left turn lane from Preble Street Extension to eastbound Marginal Way. Having a single left turn lane also allows a more efficient traffic signal with simplified/typical signal phase movements. Additionally, improved pedestrian conditions are recommended in the form of corner modifications that reduce crossing distance. **Figure 5-6** illustrates the modifications.

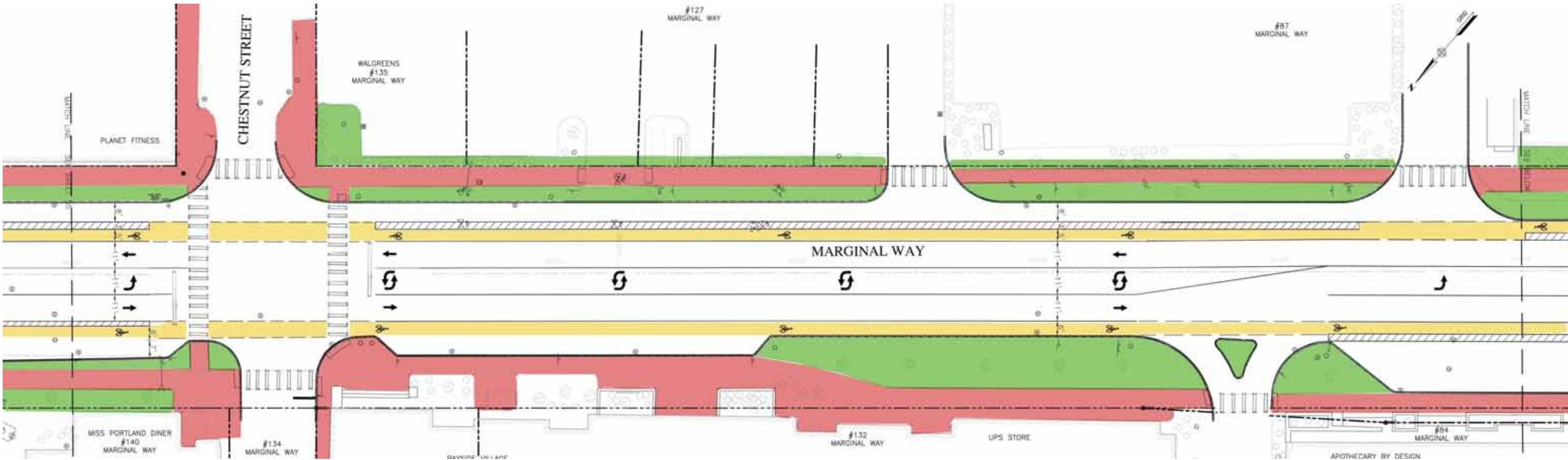


Figure 5-6: Marginal Way/Chestnut Street Intersection

Marginal Way/Preble Street/Elm Street Intersection

To address the goals of the study, recommendations consist of creating a consistent 3-lane roadway cross-section by eliminating one eastbound travel lane east of the intersection for safety benefits. This change is possible by providing only one left turn lane from Preble Street Extension to eastbound Marginal Way. Having a single left turn lane also allows a more efficient traffic signal with simplified/typical signal phase movements. Additionally, improved pedestrian conditions are recommended in the form of corner modifications that reduce crossing distance.

Figure 5-7 illustrates the modifications.

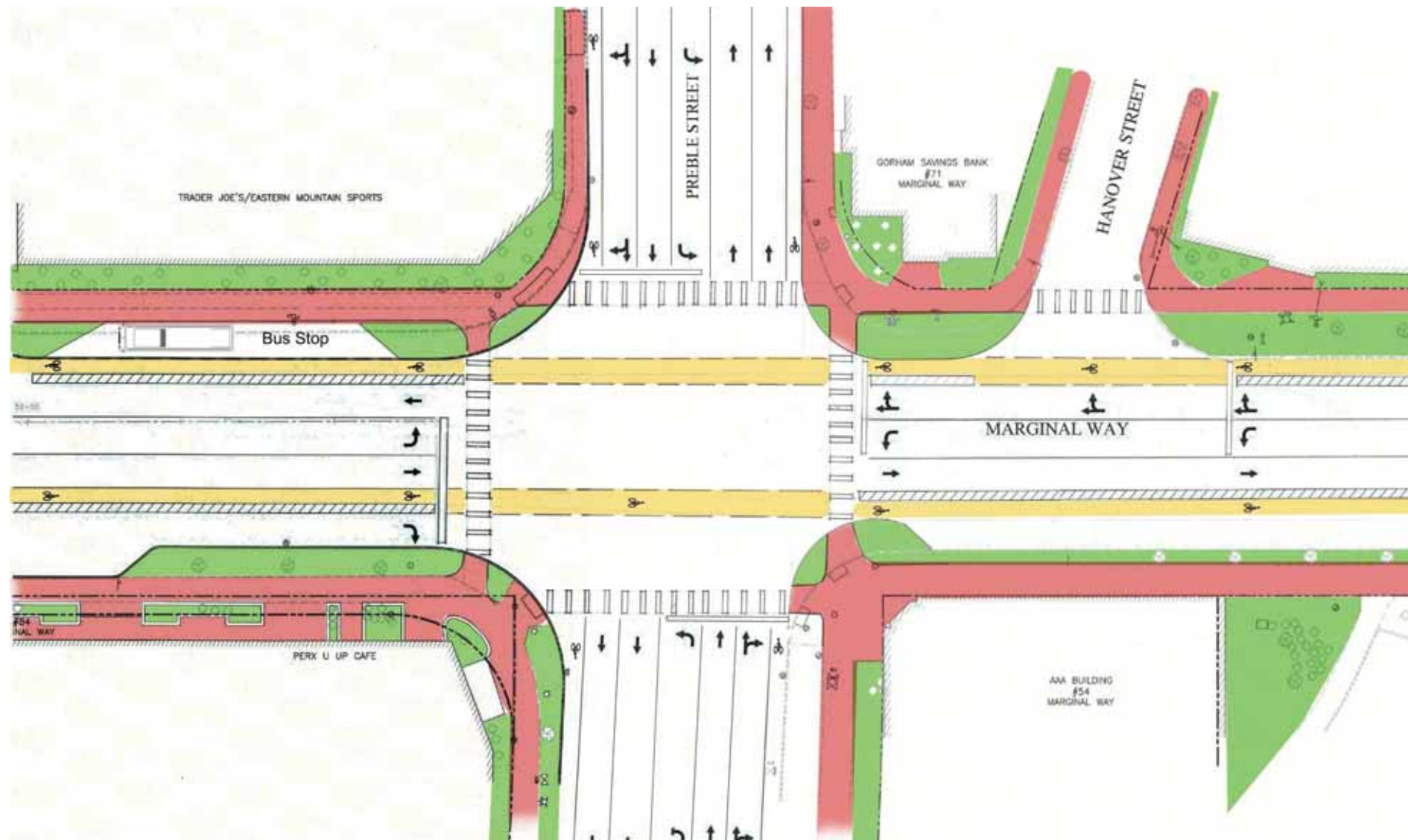


Figure 5-7: Marginal Way/Preble Street/Elm Street Intersection

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION FIVE – ALTERNATIVE DEVELOPMENT AND RECOMMENDATIONS

Marginal Way/Forest Avenue/Kennebec Street Intersection

The primary goal at this study intersection is to provide safer and more direct pedestrian and bicycle movements through the intersection, building upon the recent changes to I-295 Exit 6 by MaineDOT (2015), subsequent study of Forest Avenue in the vicinity of Exit 6/Deering Oaks (2017), and consideration of land use and transportation opportunities along Kennebec Street (ongoing). Proposed key changes to the intersection are illustrated on **Figure 5-8** and include:

- Forest Avenue Southbound—add crosswalk across Forest Avenue;
- Forest Avenue Northbound—formally define one through lane and one shared through/right lane; remove median; move stop bar forward; add bike lane;
- State Street Eastbound—no change;
- Kennebec Street—remove channelized island; tighten radius for Northbound Forest turning traffic (explore necessary radius for design vehicle [fire ladder truck, etc.]);
- Marginal Way Westbound—no change; and
- Pedestrian—Realign existing crosswalks, add new crosswalk across Forest Avenue southbound approach; investigate feasibility of a diagonal crosswalk with exclusive pedestrian phase (see Traffic Modeling Section).

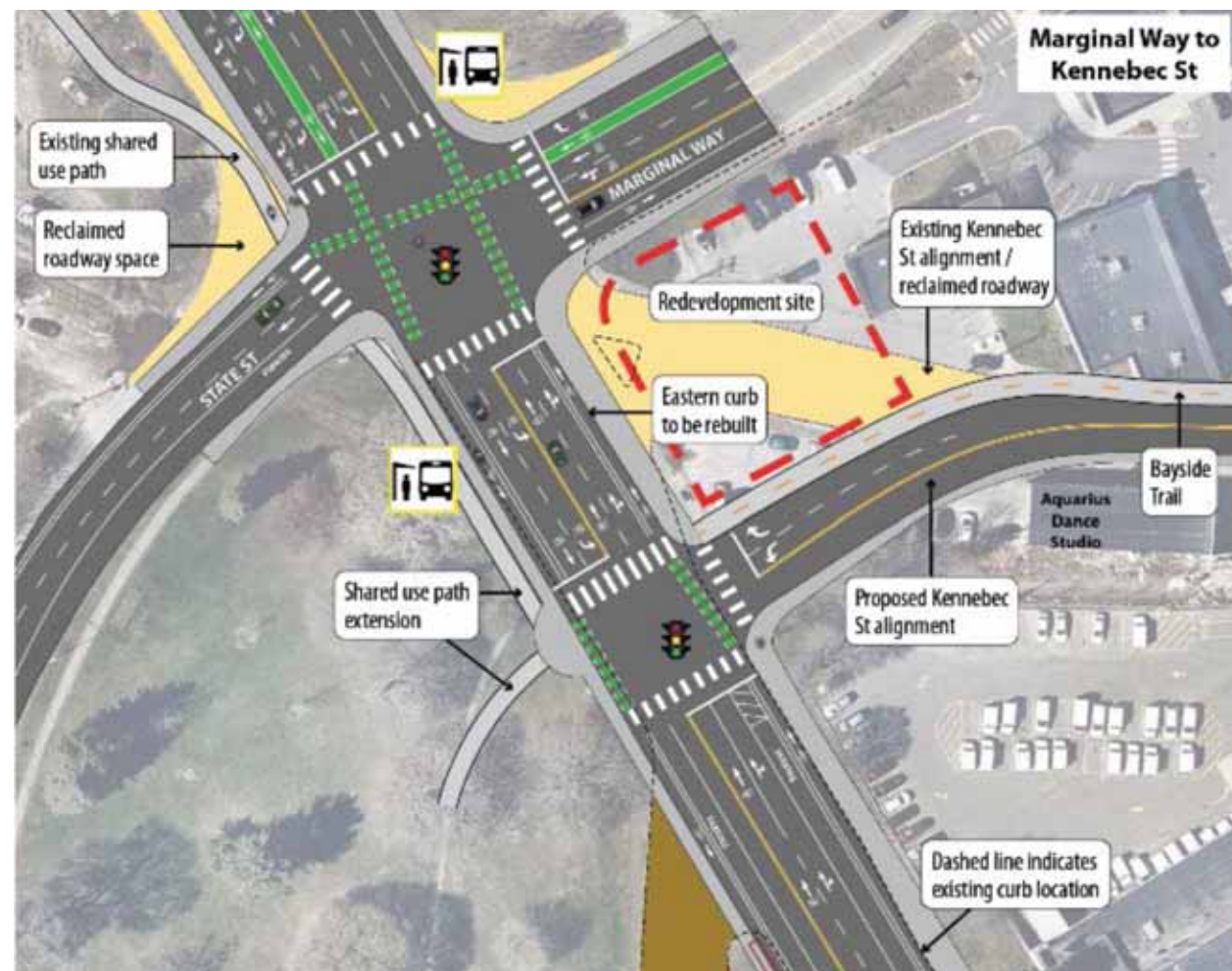


Figure 5-8: Marginal Way/Forest Avenue/Kennebec Street Intersection

5.1.3 Traffic Modeling

SimTraffic analyses at the major signalized intersections were performed to evaluate traffic operating conditions under existing and future traffic volume conditions. 2035 Design Year traffic volumes from the PACTS model was used and are depicted on **Figure 5-9**. A summary at each intersection follows.

Forest Avenue/Marginal Way/Kennebec Street/ State Street

Evaluations performed during the PM peak hour included (see **Table 5-2**):

- **A:** 2014 Existing Conditions;
- **B:** 2035 No-Build Condition—no changes made to the existing layout;
- **C:** 2035 Marginal Way proposed improvements (revised layout to separate left, through and right lanes); and
- **D:** 2035 Marginal Way proposed improvements with an exclusive pedestrian phase for a proposed diagonal crosswalk.

Model Assumptions:

- No vehicular timing changes between the three models—each assumed a 130 second cycle length; and
- Diagonal crosswalk crossing time was conservatively assumed to be 33 seconds in length; this required the overall cycle length to be increased from 130 seconds to 165 seconds.

Conclusion:

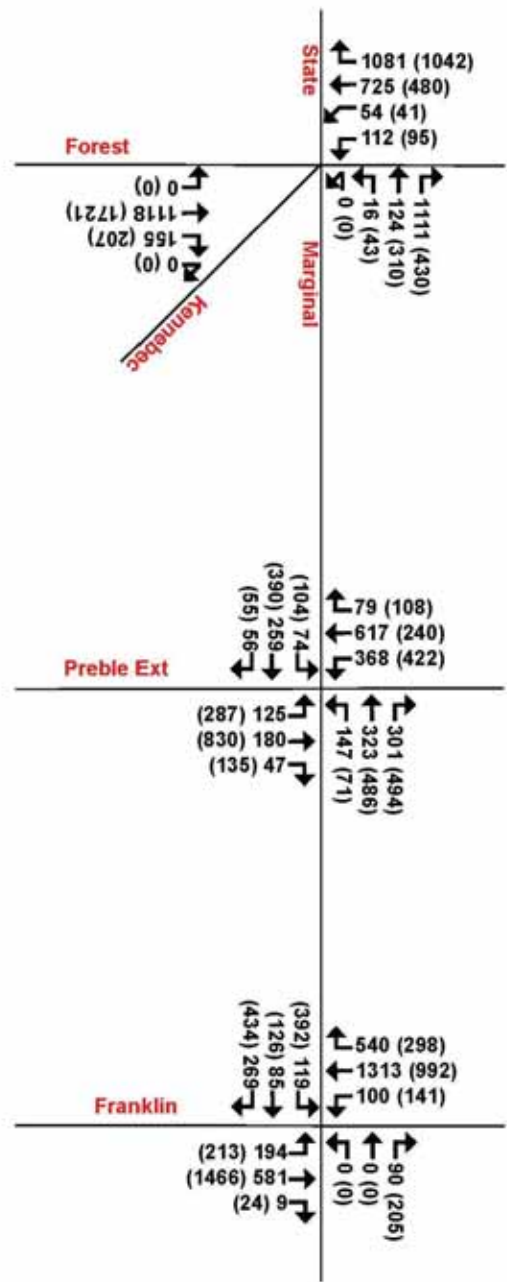
- Delays to NB Forest Avenue occur at the High Street intersection and model conclusions at Kennebec Street are not representative of field conditions;
- Changing the lane assignment on Marginal Way WB from a shared left/through lane, through lane and right lane to separate left, through and right lanes, does not cause significant degradation to the intersection level of service; and
- Creating a diagonal crosswalk and exclusive pedestrian phase reduces the level of service and increases delay at the subject intersection.

Recommendation:

- Forest Avenue Northbound Approach—formally define one through lane and one shared through/right lane; remove median; and move stop bar forward; and
- Kennebec Street—remove channelized island; tighten radius for northbound Forest Avenue turning traffic;
- Pedestrian—realign existing crosswalks, add new crosswalk across the Forest Avenue southbound approach and provide ADA compliant facilities and pedestrian signal equipment;
- Traffic Signal—equipment, phasing and timing will be modified; and
- Bicycling—bike lanes on Forest Avenue from Park Avenue to Marginal Way/State Street.

Scenario	PM Peak Hour LOS	PM Peak Hour Delay Sec
A: 2014 Existing Condition	C	22.6
B: 2035 No Build	C	31.0
C: 2035 Marginal Improvement	C	30.6
D: 2035 Marginal Way Improvements with Exclusive Pedestrian Phase	D	38.0

Table 5-2: Forest Ave/Marginal Way/Kennebec St. Level of Service Summary.



AM PEAK
PM PEAK

Figure 5-9: 2035 Peak Hour Traffic Volumes (Source: TYLI/City of Portland)

BAYSIDE TRANSPORTATION MASTER PLAN

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Franklin Street/Marginal Way

Evaluations performed during the PM peak hour included (see **Table 5-3**):

- **A:** 2014 Existing Conditions;
- **B:** 2035 No-Build Condition—no changes made to the existing layout. Timing is updated for the future conditions;
- **C:** Marginal Way proposed modifications (including crosswalk) with current crosswalk timings for the Franklin Street NB crossing; and
- **D:** Marginal Way proposed modifications with a one-stage crossing for pedestrians crossing Franklin Street NB.

Model Assumptions:

- Signal timings modeled were optimized;
- Left turns on Marginal Way were modeled as permissive-protected; and
- All crosswalks are assumed to operate concurrently. When the Franklin Street NB crosswalk was modified from a two-stage to a one-stage, the crossing time was increased to 35 seconds; this required an increased cycle length of 15 seconds and an increased Marginal Way green signal phase from 20 seconds to 45 seconds.

Conclusion:

- The increased capacity resulting from modifying the layout on Marginal Way eastbound and westbound approaches from shared left/through and separate right lanes to separate left, through and right lanes decreases the overall delay at the intersection; and
- Modifying the crosswalk across the northbound Franklin Street approach to a one-stage crossing and modifications made by increasing Marginal Way capacity results in an intersection that still operates acceptably and operates better than the No-Build (existing) conditions.

Scenario	PM Peak Hour - LOS	PM Peak Hour - Delay Sec
A: 2014 Existing Condition	E	64.8
B: 2035 No Build	F	96.2
C: 2035 Marginal Improvements (2-stage Pedestrian Crossing)	D	49.4
D: 2035 Marginal Way Improvements (1-stage Pedestrian Crossing)	D	49.7

Table 5-3: Franklin Street/Marginal Way/Level of Service Summary.

Intersection of Marginal Way/Preble Street/Elm Street

Evaluations performed during the AM and PM peak hours included (see **Table 5-4**):

- **A:** 2035 No-Build Condition; and
- **B:** 2035 Build Condition (with a new SB lane configuration of left lane, through lane, and a combined through/right lane).

Model Assumptions:

- Signal timings modeled were optimized;
- Left turns on Marginal Way were modeled as permissive-protected; and
- All crosswalks are assumed to operate concurrently.

Conclusion:

- During the AM peak hour, modifying the Preble Street SB lane configuration improves the overall operation of the intersection. During the PM peak hour, this modification has no effect on overall intersection level of service, although delay does increase slightly.

Scenario	AM Peak Hour - LOS	AM Peak Hour - Delay Sec	PM Peak Hour - LOS	PM Peak Hour - Delay Sec
A: 2035 No Build	C	29.0	D	44.7
B: 2035 Build	B	19.9	D	46.3

Table 5-4: Marginal Way/Elm Street/Preble Street. Level of Service Summary.

5.1.4 – Pedestrian and Bicycle/StreetscapeMarginal Way

- Refer to **Figures 5-2 to 5-4** for specific bicycle lane and sidewalk recommendations;
- Tighten the driveways at Plowman Street and Marginal Way;
- Prohibit U-Haul parking of trucks or trailers on Plowman Street to improve visibility of Bayside Trail users;
- Provide shared lane markings (SLM) on roadway east of Plowman Street;
- Maintain straight-through bike and auto lanes on Marginal Way west though Franklin Street intersection;
- Incorporate the redesign of the Bayside Trail near Planet Dog (City/MaineDOT future project);
- Close excessive curb cuts and prohibit parking within public right-of-way;
- Provide a sidewalk and esplanade as depicted in illustrative cross-sections along the entire south side; and
- Add curb ramp to end of Tukey Street shared use path onto Anderson Street.

Forest Avenue/Marginal Way/Kennebec Street Intersection

- Incorporate crosswalks on all sides of intersection;
- Add enhanced bike lane (green) on Marginal Way to define street pace and right turning traffic;
- Redesign the entrance to Kennebec Street so there is just one curb opening; and
- Consider bollard style lighting on Forest just south of NB entrance ramp to I-295. Vehicle traffic is aggressive and not accustomed to cyclist and pedestrians here.

5.1.5 – Transit

The three bus stops along Marginal Way are recommended for slight adjustments to align with driveways, proposed curb cuts, and pedestrian crossings. As shown in **Figure 5-10**, the Trader Joe’s bus stop is moved to the nearside of the driveway, the former Department of Health and Human Services stop is moved west to the farside of the driveway, and the Franklin Street bus stop is moved further west of the intersection to the far side of the driveway. Moving this stop further from the intersection of Marginal Way and Franklin Street will reduce conflicts with right turning vehicles.

The stop relocations would include providing an ADA-compliant landing area and aligning the stop with the on-street parking lane. The bus stop area should also be clearly defined by providing a bus stop sign at the front and a “no parking sign” at the back. Recommendations would be integrated into the Marginal Way Stormwater Storage Conduit project improvements. Bus stop amenities, such as shelters and benches, should be determined for each stop concurrently with long-term planning for Route 8.

5.1.6 – Land-Use

A redesigned Marginal Way will better support existing, new, and adaptive land uses:

- Apply existing and new standards in order that site designs and building placements reinforce the pedestrian street experience;
- Consider more strongly limiting suburban strip development. Revisit zoning and design standards that allow existing strip style development to be redeveloped in a similar manner;
- The intersection of Elm Street and Marginal Way is a good example of buildings defining the street, although ideally the EMS/Trader Joes building would be four floors and have entrances facing Marginal Way. Proposed improvements will improve pedestrian crossings;
- Incentivize taller buildings (minimum four floors) along Marginal Way. Marginal Way is wide and taller buildings are appropriate for creating scale and increasing land values;
- Allow Marginal Way to the east of Franklin Street to remain an incubator for different industrial/light manufacturing uses. However, new developments should address the street in a pedestrian manner; and

- Study the redevelopment potential of parcels such as Enterprise Rental in order to maximize the urban condition at key intersections, improve the pedestrian environment, and better define the gateway to downtown Portland.



Figure 5-10: Recommended Stop Relocations along Marginal Way

5.2 Preble and Elm Streets Focus Area

5.2.1 – Alternatives Development

The issues with the Preble and Elm Streets corridor include low connectivity and accessibility due to the existing two-lane, one-way street configuration and the lack of bicycle and pedestrian facilities. The goal of this focus area is to create better bicycle and pedestrian travel, reinforce speed limits through the streets design, improve connectivity, and increase the on-street parking supply.

Three different alternatives were assessed relative to these goals and included:

- No-Build (leave the current one-way, two-lane configuration);
- Two-way configuration on Preble and Elm Streets; and
- One-way, one-lane configurations.

Table 5-5 summarizes alternative proposal cons. While the existing configuration has no net cost, it does not meet the goals for this focus area. Because of this, this alternative was eliminated from consideration and used only for future comparisons of traffic operations.

The two-way configuration was estimated to operate acceptably while expected to slow excessive vehicular speeds and allow for improved circulation and accessibility for local businesses, buses, and general traffic. While it does not allow for bike lanes (unless on-street parking is removed), this configuration would likely reduce wrong way bicycle movements. Drawbacks to this configuration include a reduction in parking; the highest number of conflict points due to turning movements at intersections, and the higher implementation cost.

The one-way, one-lane configuration was also shown to operate at acceptable levels of service and is expected to reduce the incidence of excessive speeding. While it does not address potential wrong-way bike movements, it does allow for on-road buffered bicycle lanes, increases pedestrian safety (pedestrians only cross one lane of traffic), and allows for new bus layout options. It offers no improvement to circulation and does not allow vehicles the opportunity to pass slower moving or turning vehicles; and, like the two-way configuration it increases the difficulty for vehicles to exit the Elm Street parking garage (an evaluation of the Elm Street garage was performed and modeling indicates acceptable levels of service will be provided). This option does, however, reduce the number of conflict points (turns at intersections) including one of the most common types of crashes in the corridor—improper lane change movements and allows for existing parking to be maintained (although possibly moved) and in some areas increased. There is a relatively low cost associated with

implementing this configuration.

Because of the relatively low cost, the one-lane configuration option has the greatest benefits versus cost for all types of users, and accordingly is the recommended alternative. It is recommended that, as further development continues in Bayside, the two-way configuration be reconsidered for implementation.

	Pros	Cons
Existing Configuration	Cost: Lowest cost option Vehicular Movements: Few turn prohibitions Vehicular Collision Conflict Points: Relatively small number of possible conflict points Accessibility and Circulation: Ability to pass slow moving or turning vehicles due to two-lane configuration	Bicycle: • No on road bicycle accommodations • Does not correct wrong-way bicycle movements Pedestrian: No change in pedestrian safety Accessibility and Circulation: Poor traffic access and circulation Parking: No change Transit: No change in bus circulation
Two-Way Configuration	Bicycle: Eliminates wrong-way movements Accessibility and Circulation: • Allows traffic to circulate without one-way street constraints • May reduce the incidence of speeding when compared to current one-way two-lane configuration Transit: Improves service to METRO Pulse and bus circulation	Cost: High cost to implement Bicycle: No on road bicycle accommodations unless on-street parking is removed Pedestrian: Some improvement in pedestrian safety due to elimination of dual threat for crossing two one-way travel lanes Vehicular Movements: Turn prohibitions may be necessary at Congress St Vehicular Collision Conflict Points: Highest number and severity of possible conflict points Accessibility and Circulation: • No ability to pass slow moving or turning vehicles • Difficult to exit the Elm Street parking garage Parking: Reduction in parking
One-way, One-lane Configuration	Cost: Relatively inexpensive cost to implement Bicycle: On road buffered bicycle lanes Pedestrian: Increase in pedestrian safety due to less travel lanes to cross new bus layout options Accessibility and Circulation: No reduction in capacity at Marginal Way, Cumberland, and Congress Streets Vehicular Movements: Few turn prohibitions Vehicular Collision Conflict Points: Smallest number of possible conflict points Parking: Maintain and possibly increase on-street parking Transit: Elm Street improved at Pulse	Bicycle: Does not correct wrong way bicycle movements Accessibility and Circulation: • No improvement • No ability to pass slow moving or turning vehicles • Reduction in overall corridor capacity • Difficult to exit the Elm Street parking garage Transit: No change in bus circulation

Table 5-5: Preble/Elm Streets/Alternative Pros/Cons Comparison

5.2.2 – Recommended Concept

Under the recommended one-lane configuration, two lanes will continue to be provided departing the Marginal Way intersection traveling southerly on Preble Street. One of the travel lanes will transition to a left-turn lane turning onto Somerset Street (the City is expected to be constructing this roadway segment between Preble and Elm Streets). Special advisory signing is suggested for the change from a through lane to a left lane. Approach lane capacity reductions are not proposed on Cumberland Avenue at Preble and Elm Streets. The lane configurations are recommended to change to a left lane and a shared through/right lane versus two general purpose lanes on both Preble and Elm Streets. Intersection level of service is projected to be acceptable. No changes to approach lanes are proposed for Preble Street at Congress Street and Elm Street at Marginal Way. Refer to the following section for level of service results. **Table 5-6** notes how the proposed concept meets project goals.

In general, Preble Street has a wider roadway width than Elm Street with 37 feet of curb-to-curb width. The recommendation includes 8-foot parking lanes next to the curb on both sides, a 12-foot travel lane, and a 6-foot bike lane with a 3-foot buffer separating cyclists from parked vehicles. **Figure 5-11** depicts this concept.

Elm Street has a narrower roadway width of 32 feet curb-to-curb width on average. The long term recommendation includes an 8-foot parking lane on the easterly side, a 13-foot travel lane and a 5-foot bike lane buffered by 3 feet of striping on both the travel lane and parking lane sides. **Figure 5-12a** depicts this concept. The short-term recommendation is to maintain two travel lanes but add Shared Lane Markings and a parking lane line adjacent to the on-street parking. **Figure 5-12b** depicts this concept.

Figures 5-13 through 5-15 illustrate the layout of the recommended plan.

	Goals	Met/How
Proposed Recommendations	Create better bicycle and pedestrian travel	Yes — Bike lanes added and less travel lanes to cross for pedestrians.
	Reduce speeding	Yes — Reduced speeds are possible with less travel lanes.
	Improve connectivity	No
	Provide more parking	Yes — Approximately 46 new spaces created.

Table 5-6: How Preble/Elm Streets Modifications Meet Project Goals

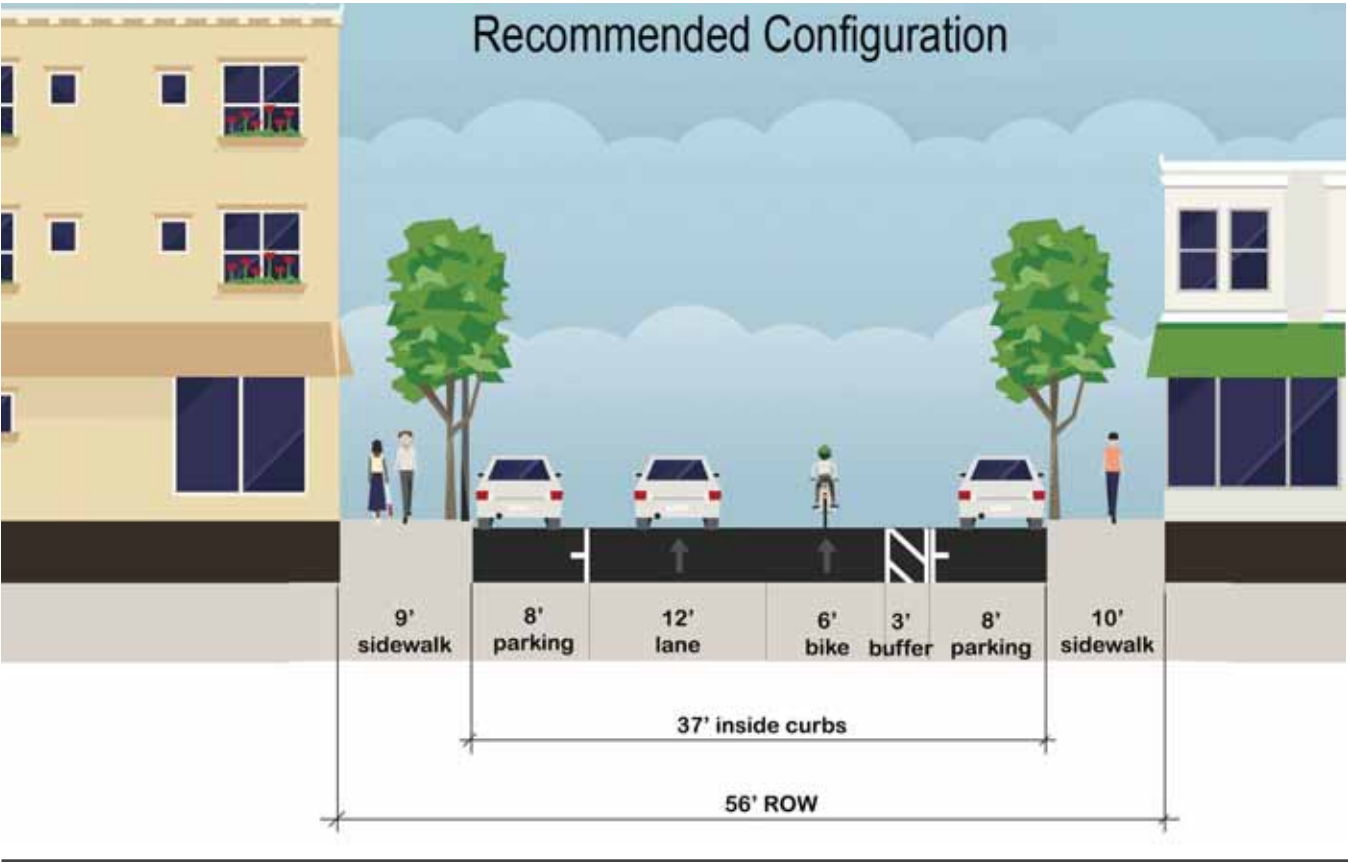


Figure 5-11: One-way Preble Street at Resource Center - South



Figure 5-12a: Long-Term Recommendation. One-way Elm Street Near Lancaster Street - North



Figure 5-12b: Short -Term Recommendations. One-way Elm Street Near Lancaster Street - North

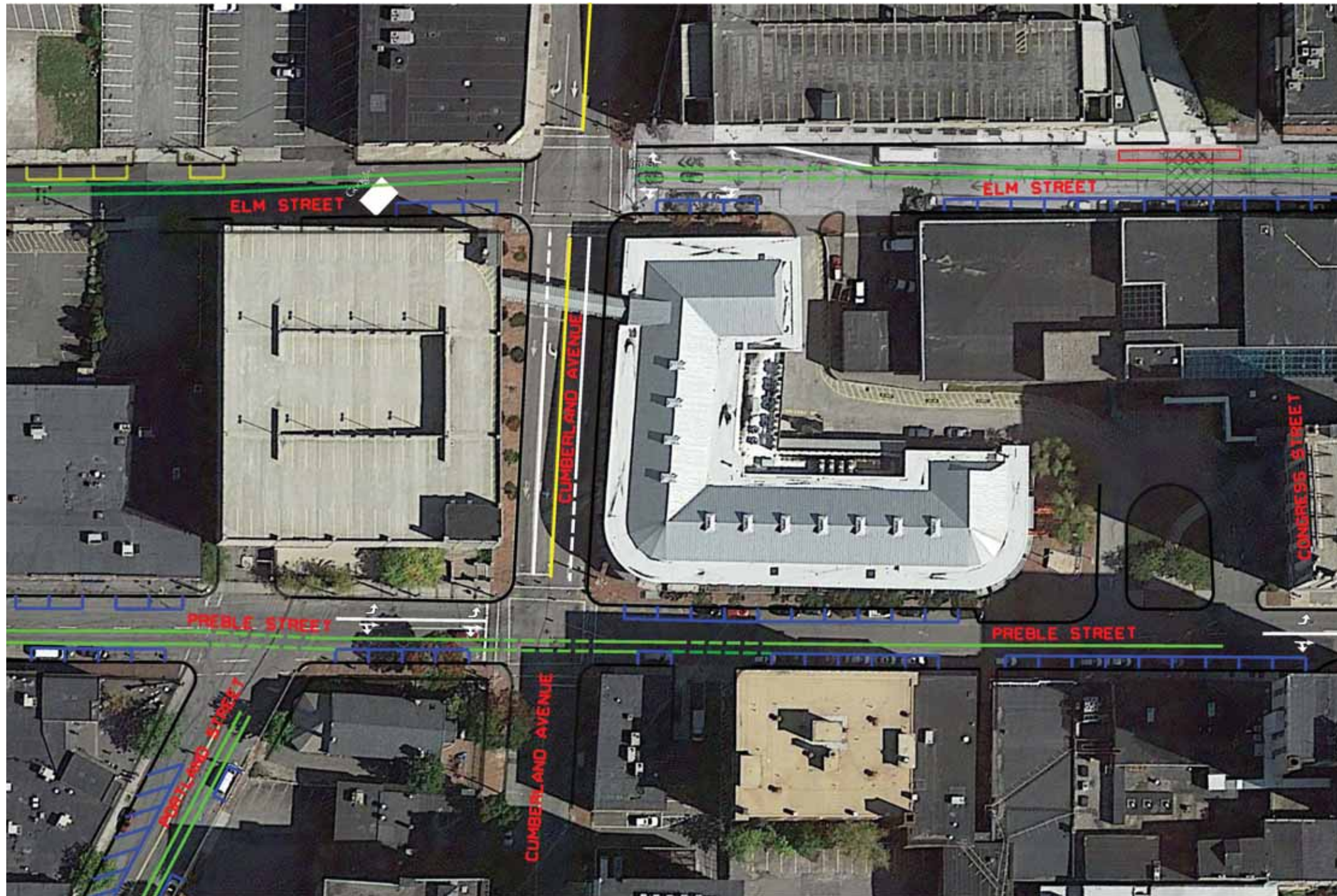


Figure 5-13: Section 1 of 3 – Preble and Elm Street - Long Term

BAYSIDE TRANSPORTATION MASTER PLAN

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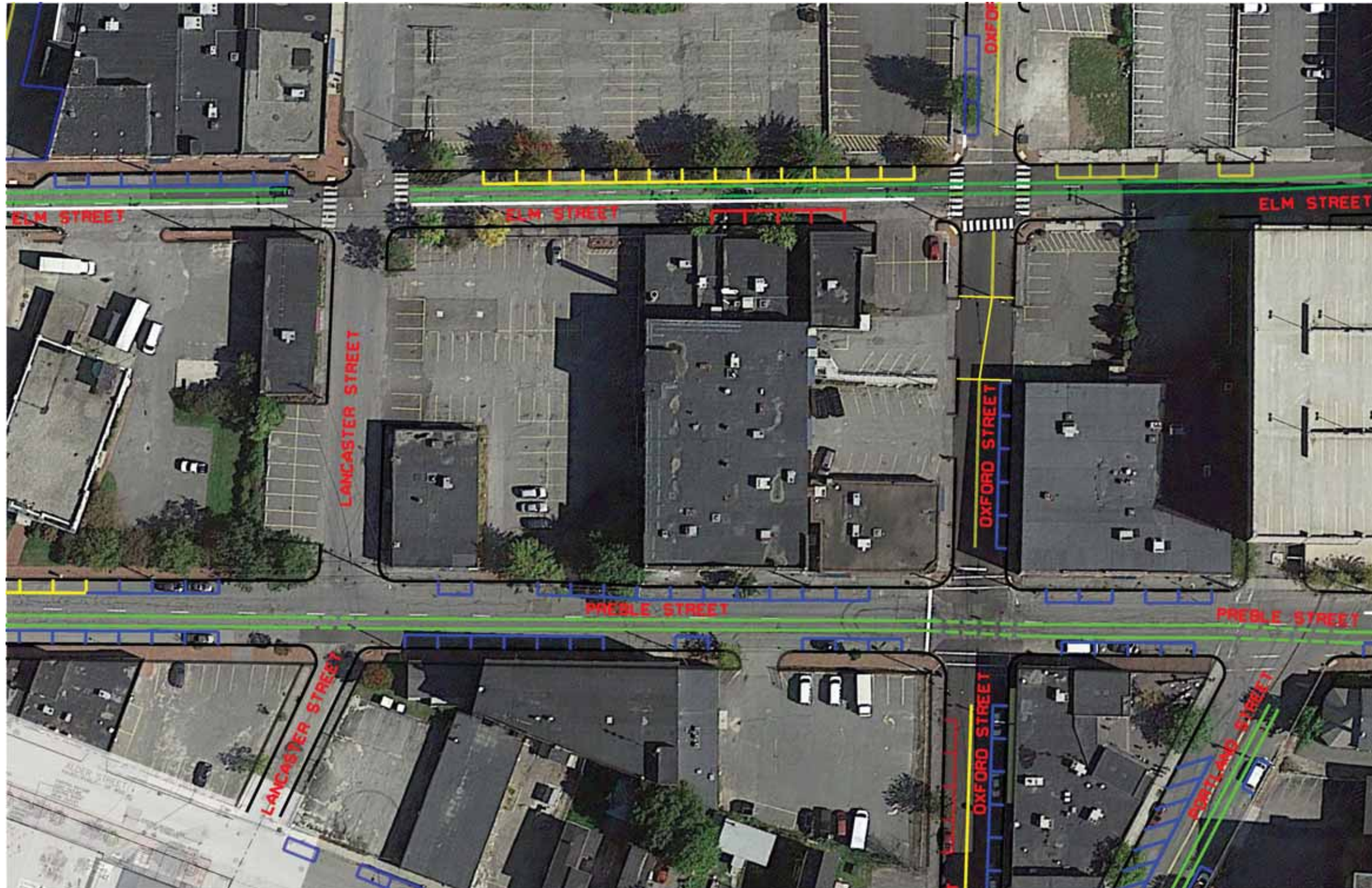


Figure 5-14: Section 2 of 3 – Preble and Elm Street - Long Term

ON STREET PARKING
IMPLEMENTATION
SHALL BE ASSESSED IN
THE FUTURE

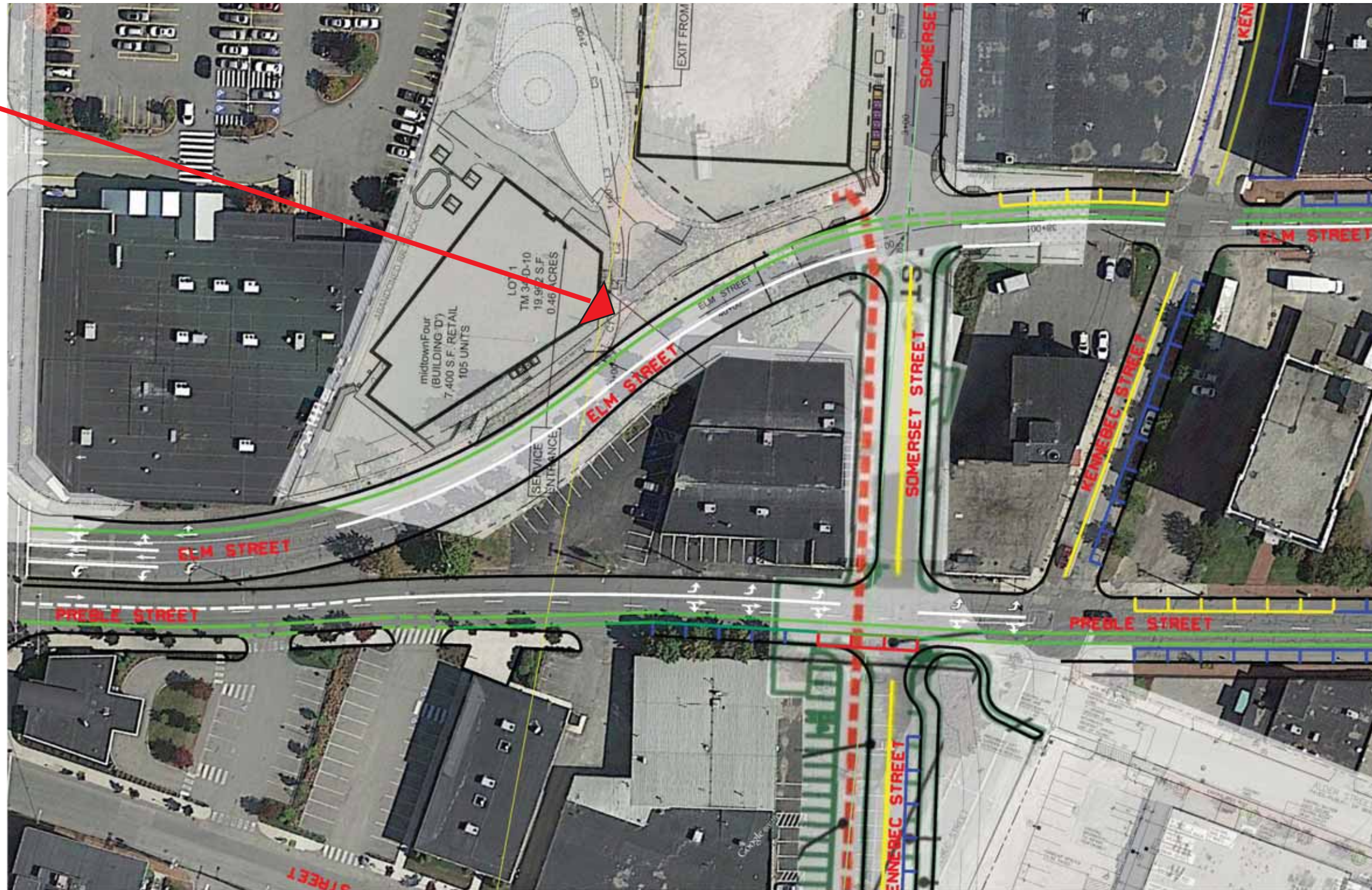


Figure 5-15: Section 3 of 3 – Preble and Elm Street - Long Term

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION FIVE – ALTERNATIVE DEVELOPMENT AND RECOMMENDATIONS

5.2.3 – Traffic Modeling

An evaluation of traffic operating conditions was performed to determine if the noted modifications would produce acceptable traffic flow. In order to evaluate operations, both streets from Marginal Way to Congress Street were modeled and simulated in Synchro/SimTraffic. The volumes used were forecasted to the 2035 design year using the PACTS model. The corridor was modeled for both the 2035 No-Build and proposed 2035 Build scenarios during the AM and PM peak hours. Intersection signal timings were optimized. From the results of the analysis provided below, the one-lane scenario outlined in the previous figures operates acceptably through 2035.

Tables 5-7 and 5-8 presents the results of the analysis.

	INTERSECTION OF PREBLE STREET AND: AM PEAK (PM PEAK)									
	LANCASTER STREET - LOS	LANCASTER STREET - Delay Secs	OXFORD STREET - LOS	OXFORD STREET - Delay Secs	PORTLAND STREET - LOS	PORTLAND STREET - Delay Secs	CUMBERLAND AVENUE - LOS	CUMBERLAND AVENUE - Delay Secs	CONGRESS STREET - LOS	CONGRESS STREET - Delay Secs
2035 NO BUILD	A (A)	1.0 (0.6)	A (A)	0.6 (0.9)	B (A)	11.7 (1.6)	B (B)	13.0 (10.5)	B (A)	10.7 (9.9)
2035 BUILD (One Lane)	A (A)	1.2 (0.6)	A (A)	0.7 (1.0)	B (A)	10.5 (1.5)	B (B)	13.7 (11.3)	B (A)	10.9 (10.4)

Table 5-7: Preble Street Intersection Level of Service Summary

	INTERSECTION OF ELM STREET AND: AM PEAK (PM PEAK)							
	LANCASTER STREET - LOS	LANCASTER STREET - Delay Secs	OXFORD STREET - LOS	OXFORD STREET - Delay Secs	CUMBERLAND AVENUE - LOS	CUMBERLAND AVENUE - Delay Secs	CONGRESS STREET - LOS	CONGRESS STREET - Delay Secs
2035 NO BUILD	A (A)	1.6 (1.3)	A (A)	0.2 (0.5)	B (B)	10.9 (16.6)	A (A)	1.8 (2.8)
2035 BUILD (One Lane)	A (A)	1.6 (2.8)	A (A)	0.2 (0.8)	B (B)	11.0 (19.1)	A (A)	1.7 (3.2)

Table 5-8: Elm Street Intersection Level of Service Summary

5.2.4 – Pedestrian and Bicycle

Preble/Elm Streets

- Refer to **Figures 5-13, 14, 15** for specific bicycle lane and sidewalk recommendations; and
- Connect Bayside Trail across Preble and Elm via the Somerset Street reconstruction with 16-foot wide crosswalk and wide curb ramps. Consider a Rectangular Rapid Flashing Beacon at crossing and review corridor lighting.

5.2.5 – Transit

Several bus stop relocations are proposed along Preble and Elm Streets. The stops on Preble Street Extension are recommended to be relocated closer to the activity centers in Bayside. As displayed in **Figure 5-16**, the southbound Preble Street and AAA stop is moved to the far side of Marginal Way and the northbound Preble and Marginal Way stop is moved from the I-295 overpass south toward Marginal Way. This will help riders more easily reach destinations near the start or end of their trip.



Figure 5-16: Relocation of Preble Street Extension stops closer to Marginal Way

Both stops were relocated to the far side of the intersection with Marginal Way as this improves pedestrian safety by locating pedestrian crossings behind the bus. The relocation may require coordination with adjacent property owners to accommodate the existing ambulance bay at InterMed Offices.

As **Figure 5-16** shows, further south on Preble Street, there are proposed modifications to several bus stop locations:

- The Preble Street and Lancaster Street stop is recommended for removal due to its proximity to the relocated Preble and Marginal Way Stop.
- The Preble Street and Cumberland Avenue bus stop is shifted south towards Congress Street to provide curbside access for buses turning left onto Preble Street. Adding a curb extension so that the bus may stop in a travel lane with passengers waiting a greater distance from adjacent buildings is recommended as adjacent property owners have expressed concern over passengers waiting near buildings. A level ADA compliant landing area as well as a sufficient bus stop length should also be provided to avoid conflicts with parking, loading, and driveways. An example of how a curb extension can improve bus stop operations is shown in **Figure 5-17**.



Figure 5-17:

A curb extension on Route 39/Centre Street in Boston improves bus operations and provides additional space for amenities on a street with narrow sidewalks. This application could be used on Preble Street near Cumberland Avenue.

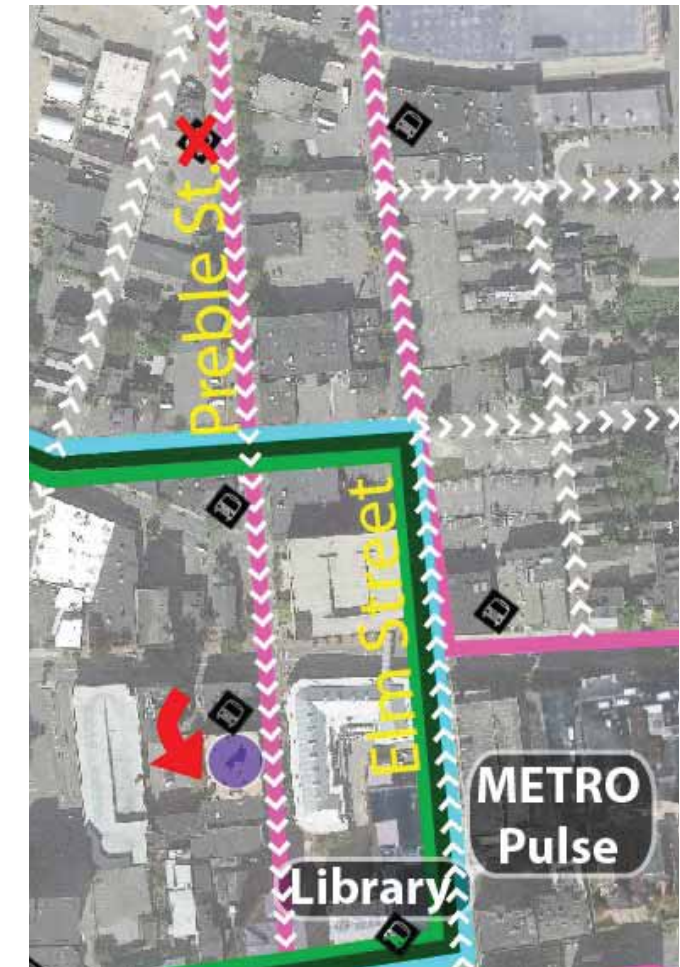


Figure 5-18: Relocation and removal of bus stops on Preble Street

There are no bus stop relocations proposed on Elm Street, also shown in **Figure 5-18**. Providing bus berths at Elm Street and METRO Pulse is recommended to improve bus operations. At least three bus berths should be provided for METRO's four active routes, plus an additional bus berth closer to Congress Street for bus layovers. The placement and design of bus berths should consider the fire lane, parking garage, and driveway access along Elm Street, as there are many uses and functions, as shown in **Figure 5-19**.



Figure 5-19: Multiple uses and functions along Elm Street at METRO Pulse, including a large parking garage, which impacts traffic circulation.

The recommendation to retain Elm Street as a one-way street for the short-term, with the addition of bicycle lanes and designated bus loading areas in front of METRO Pulse, will also benefit transit operations. There are several design options to reduce conflicts among buses, bikes and vehicles:

- Dashed bike lane adjacent to the bus lane;
- Shared bus-bike lane; AND
- Bus stop design with consideration to left turn movements and the extent/radius of curb extensions.

As a long-term alternative, opening Elm Street to two-way traffic between Congress Street and Cumberland Avenue could be considered.

5.2.6 – Land-Use

The Preble/Elm Streets focus area offers numerous adaptive reuse and infill opportunities. This is an area in transition between Marginal Way and the more established urban fabric and streets beginning at Cumberland Avenue:

- Study the build-out potential and mobility implications of Hanover Street between Kennebec Street and Marginal Way;
- Continue to target the DPW site for mixed-use urban infill;
- Inventory surface parking lots in the area and identify potential infill opportunities and triggers requiring structured parking;
- Maintain and expand both market rate and affordable housing stock; and
- Preble Street is a key gateway street to downtown. New development and redevelopment should address the street to create a pedestrian-friendly environment and maximize land values; and
- Elm Street is also a key gateway street leaving downtown. New development and redevelopment should address the street to create a pedestrian-friendly environment and increase land values.

5.3 Portland and Oxford Streets Focus Area

5.3.1 – Alternatives Development

This focus area had two key issues: poor east-west connectivity/circulation and poor pedestrian conditions at the Portland Street/Forest Avenue/Park Avenue intersection. Two alternatives were assessed to address poor east-west connectivity/circulation and included:

- No-Build (leave the current Oxford Street one-way configuration); and
- Phase 1 - Two-way Oxford Street between Alder Street and Elm Street.
- Phase 2 - Assess two-way Oxford Street between Elm Street and Pearl Street. This Phase to be field tested as a two-way street between Elm and Pearl Streets and include review by Fire Department, DPW, and School Department. The field test is to include a review side of street for parking prohibition and the potential for winter seasonal parking restrictions.

Table 5-9 presents a comparison of the two alternatives. While the existing configuration represents no change and thus no net cost, it does not satisfy the study objective of improving traffic circulation and connectivity. The two-way configuration improves connectivity and circulation. As an example, motorists will be able to travel from Pearl Street, via Oxford and Pearl Streets, to Forest Avenue, thus providing traffic relief to Cumberland Avenue. Loss of on-street parking spaces is a negative outcome of the conversion, but with construction of the Midtown parking garage and directing Pearl Place vehicles to the Lancaster Street parking lot, potential impacts can be lessened.

	Pros	Cons
Existing Configuration	• No net cost • Maximizes parking supply	• Continued poor traffic connectivity
Two-Way Configuration	• Improved east-west connectivity and circulation • Overall travel width expanded for enhanced emergency response and DPW Operations	• Low implementation cost • Loss of parking between Chestnut St and Pearl St (11 of 28 spaces) • Seasonal parking between Elm St and Chestnut St (8 spaces - will be tested to see if any can be retained)

Table 5-9: Oxford Street Alternative Pros/Cons Comparison

5.3.2 – Recommended Concept

The recommended concept plan is comprised of four distinct areas: the Portland Street/Forest Avenue/Park Avenue intersection; Portland Street; and Oxford Street (Elm Street to Portland Street and Elm Street to Pearl Street). Portland Street is proposed to match the recently implemented reconfiguration with two 10-foot travel lanes, two 5-foot bike lanes, two 2.5-foot buffer areas and two 8-foot parking lanes. Figure 5-20 illustrates the concept for Portland Street.

Oxford Street under a two-way conversion is recommended to consist of two travel lanes with a total width varying between 20 and 24 feet and an 8-foot parking lane on the north side. Figure 5-21 illustrates the roadway configuration of Oxford Street from Elm Street to Alder Street and Figures 5-22, 5-23, and 5-24 illustrate roadway layout plans.

Significant modifications are recommended at the Portland Street/Forest Avenue/Park Avenue intersection (see Figure 5-21) . These include:

- The Portland Street approach is recommended to include a left lane and a shared through/right lane;
- The Post Office corner is to be extened into the intersection and the bus stop will be relocated toward Brattle Street;
- A crosswalk across Park Avenue is to be added; and
- The channelization island on Forest Avenue will be replaced with a urban right turn lane configuration (the Forest Avenue approach capacity will remain the same).

Table 5-10 presents how the concept modifications meet project goals.

	Goals	Met/How
Proposed Recommendations	Improve east-west street connectivity/circulation	Yes — Two-way conversion to Oxford Street.
	Evaluate Oxford St vehicle connection at Franklin St based on circulation changes	No — To be performed by MaineDOT.
	Implement Complete Streets/Streetscape improvements on Portland Street	Yes — Maintaining existing roadway configuration.
	Reconfigure intersection and improve pedestrian crossing at Forest Ave/Park Ave/Portland St	Yes — Pedestrian improvements included.

Table 5-10: How Portland and Oxford Streets Modifications Meet Project Goals

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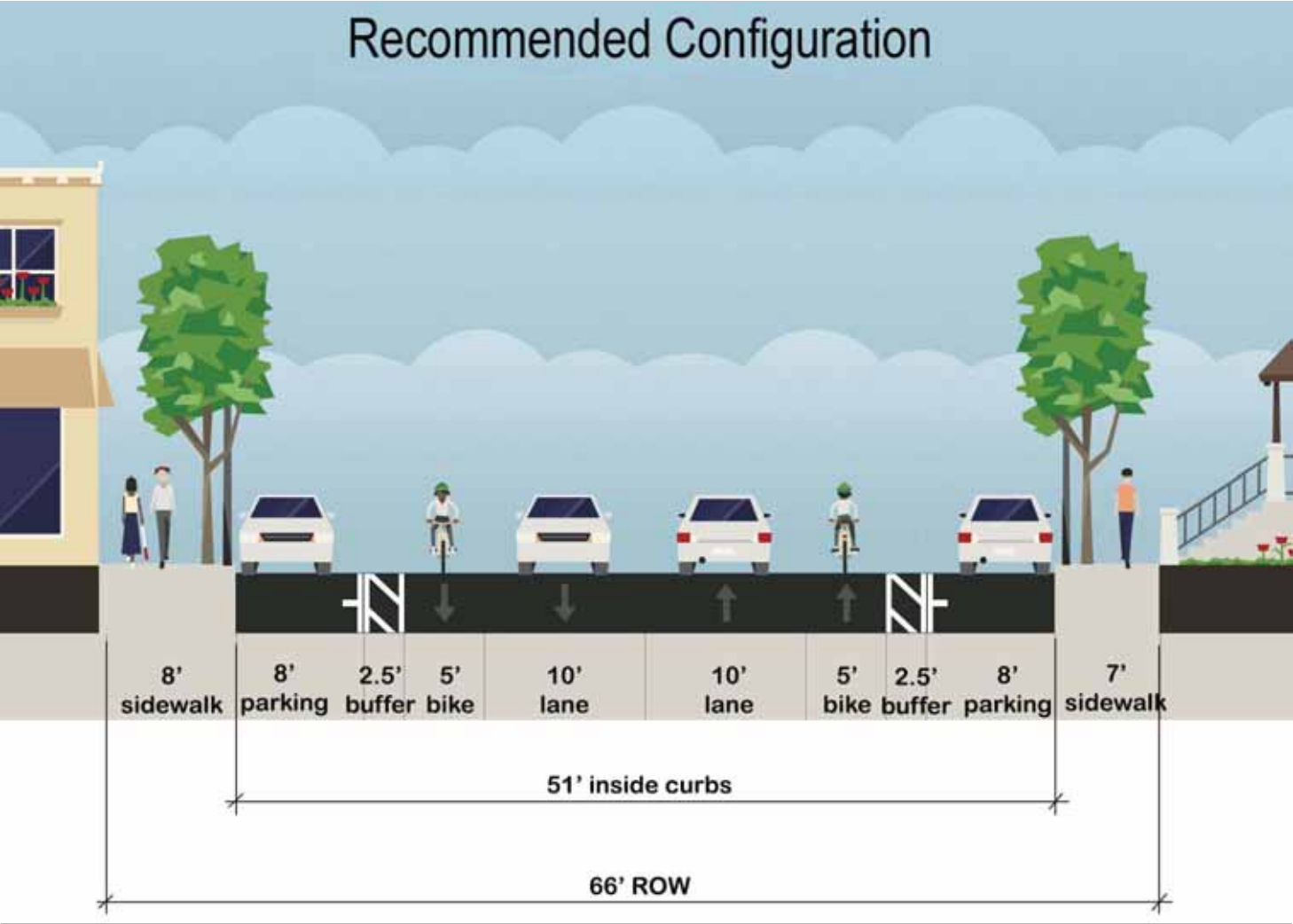


Figure 5-20: Portland Street at DPW Building

For Oxford Street, a two phase approach is recommended. In Phase I, Oxford Street is recommended to be reconfigured to two-way from Elm Street to Alder Street. In Phase II, a pilot operational test for two-way operation of Oxford Street from Elm Street to Pearl Street is recommended. The pilot is to be evaluated based on the adequacy of street width for

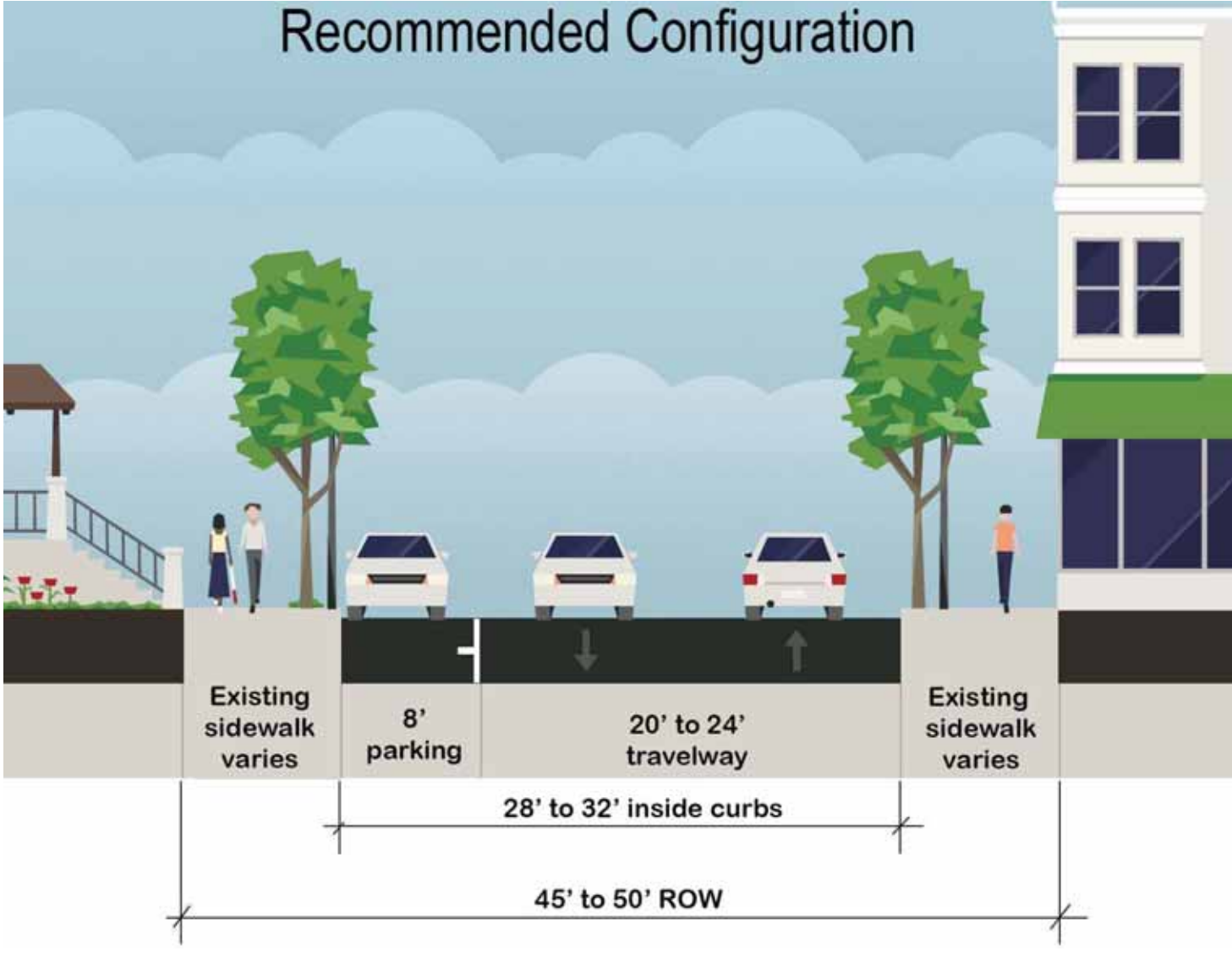


Figure 5-21: Oxford Street Two-way Concept: Elm Street to Alder Street

two-way operation; the benefits of improved circulation and access; the potential for loss of parking should width not be deemed adequate; and the potential for seasonal restrictions of parking to minimize the loss of year-round on-street spaces.

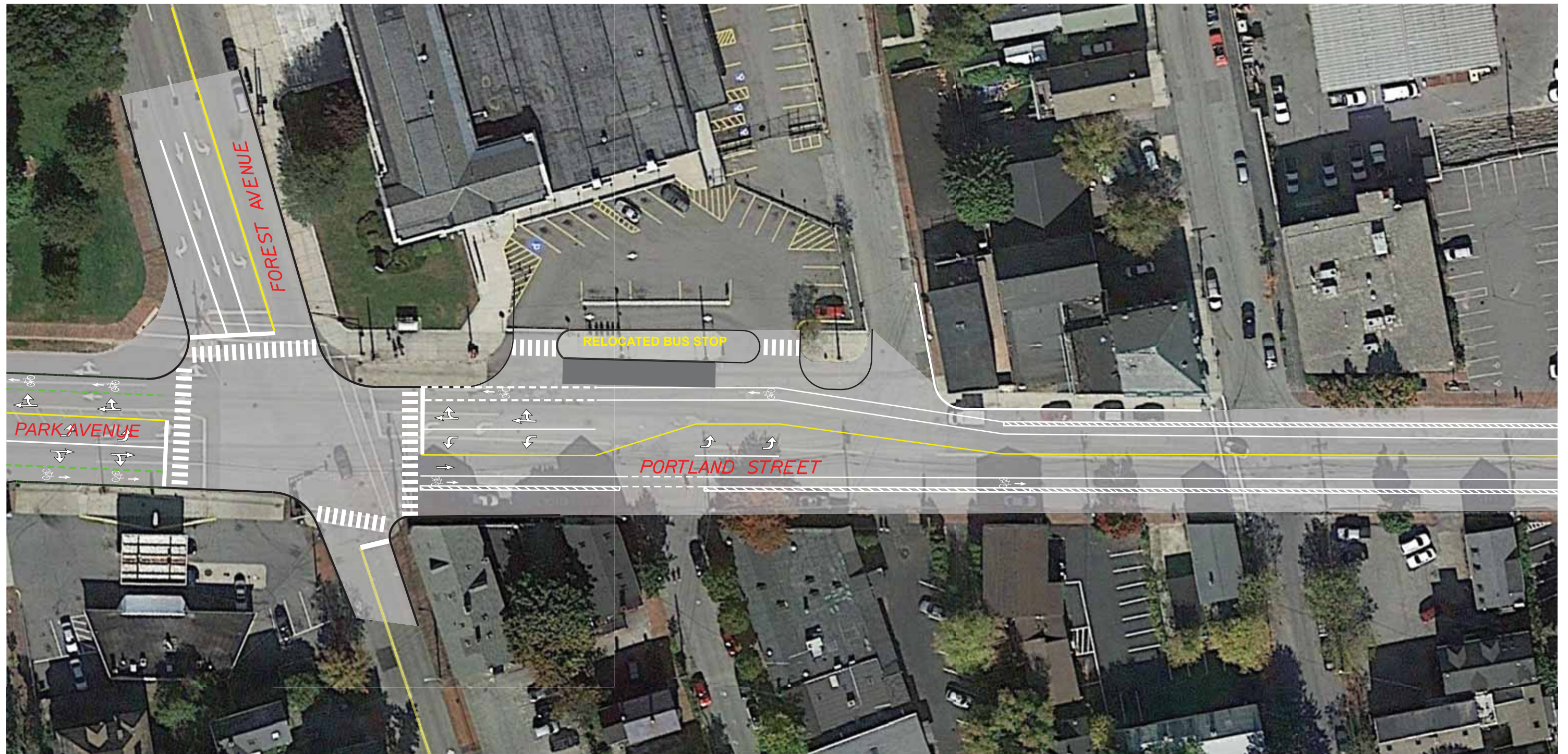


Figure 5-22: Portland Street/Forest Avenue/Park Avenue Modification

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Figure 5-23: Oxford Street Two-way Plan 1 of 2: Phase1, Elm Street to Alder Street

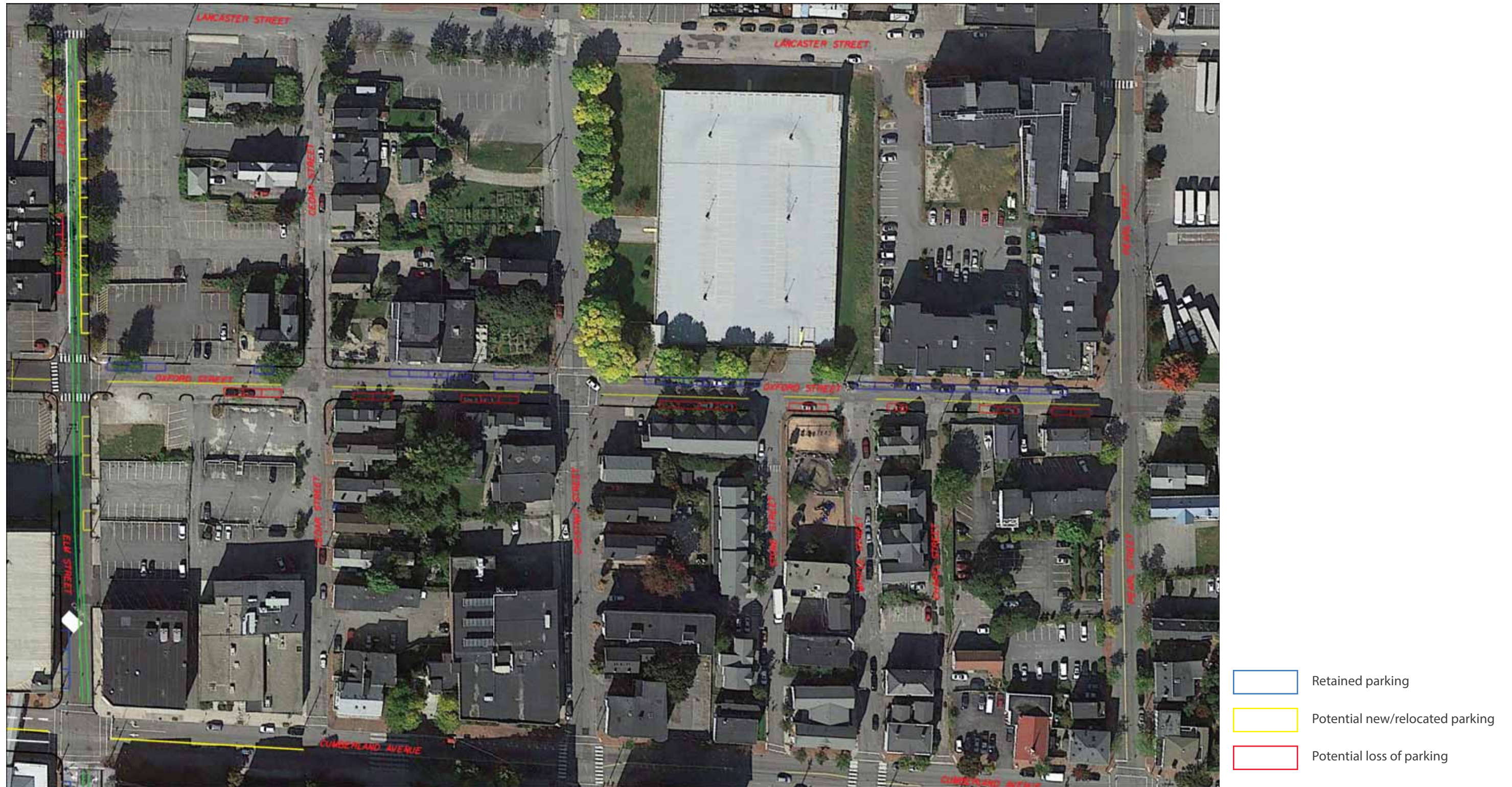


Figure 5-24: Oxford Street Two-Way Plan 2 of 2: Pilot/Test Configuration, Elm Street to Pearl Street

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5.3.3 – Traffic Modeling

As part of this study, bike lanes on Forest Avenue from Marginal Way to Portland Avenue/Park Street are recommended. In order for bike lanes to be provided on the Forest Avenue approach to Park Avenue, a separate left lane and a combined through-right lane, as opposed to the current separate left, through and right approach lanes, will be necessary. Analysis also included the reduction of receiving lanes on Park Avenue from two through lanes to one through lane. This helps to transition the current configuration to Park Avenue’s three-lane section to the west of the study area. All analysis timings were optimized and show that, while there is one failing (83.1 sec) movement for the Portland Street westbound through-right lane, the intersection operates acceptably overall. (See Table 5-11)

Scenario	PM Peak Hour - LOS (Delay Sec)
A: 2035 No Build	B (19.9)
B: 2035 Build	D (42.9)

Table 5-11: Portland and Oxford Streets Intersection Level of Service Summary

5.3.4 – Pedestrian and Bicycle /Streetscape

Portland Street

- Refer to **Figure 5-22, 23, and 24** for specific bicycle and pedestrian recommendations;
- Retain the current pavement markings on Portland Street; and
- Install 4-way crosswalk at Hanover Street and Portland Street.

Oxford Street

- Bicycle accommodations are not recommended on Oxford Street;
- Provide benches at Preble Street Resource Center;
- Consider removing two or three parking spaces along the Resource Center frontage to allow for a wider sidewalk with more benches and trash receptacles;
- Improve bus stops with benches, sidewalk lighting, and shade trees;
- Provide additional street trees at regular intervals; and

- Develop a sidewalk replacement and improvement program for Oxford Street. Much of the sidewalk is in need of repair.
- Install crosswalks on all intersection approaches;
- Incorporate the proposed recommendations at Franklin Street in the Franklin Street Study; and
- Install a Rectangular Rapid Flashing Beacon (RRFB) at the Oxford Street and Washington Avenue intersection to assist the Walking School Bus Program for the Kennedy Park route.

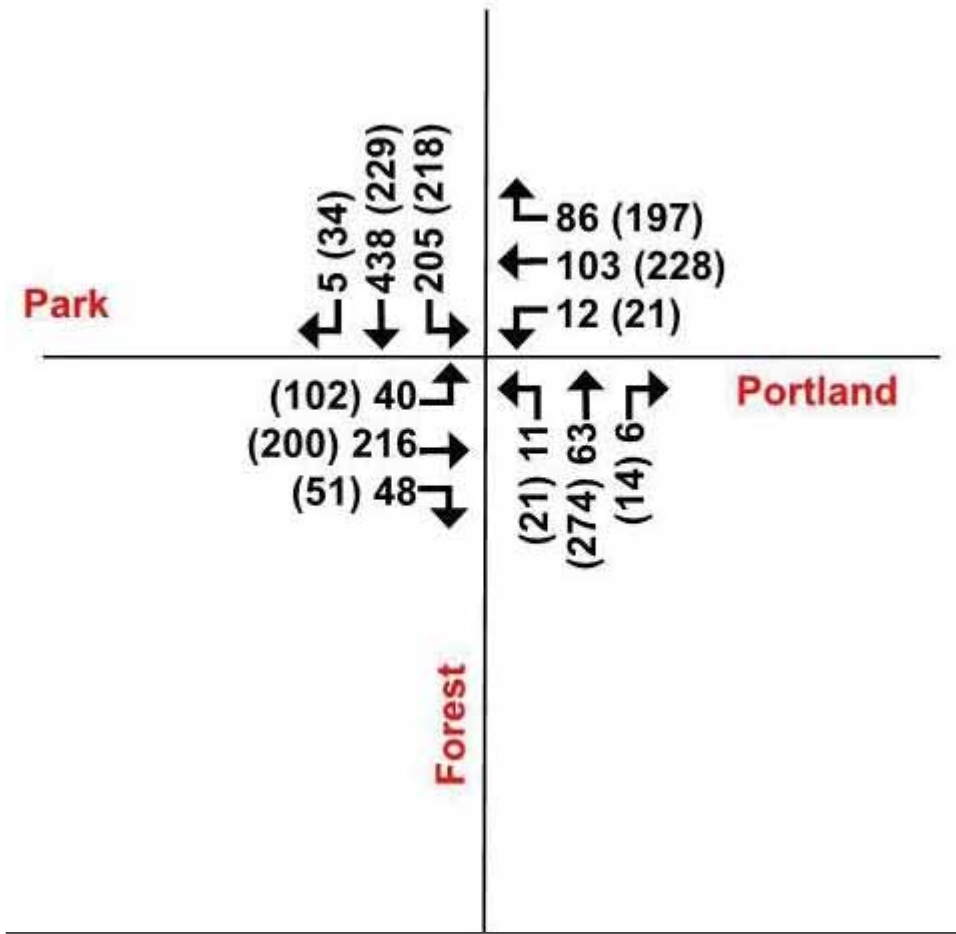


Figure 5-25: Portland Street/Forest Avenue/Park Avenue 2035 Peak Hour Traffic

5.3.5 – Transit

The proposed changes to make Oxford Street two-way also provides transit benefits for METRO routes 2, 4, and 5. These routes travel northbound on Elm Street, making a left turn onto Oxford Street, and connecting to Portland Street. While there are no bus stop relocations recommended for Oxford Street, transit operations should be considered in roadway design. On-street parking and curb extensions must be designed in a manner to allow buses to safely make turns. One design option to consider is to narrow on-street parking from 8-feet to 7-feet, and slightly widen the westbound travel lane on Oxford Street near the intersection with Elm Street to minimize impacts on parking and bus operations. An example of a turning radius for a typical bus is provided in **Figure 5-26**.

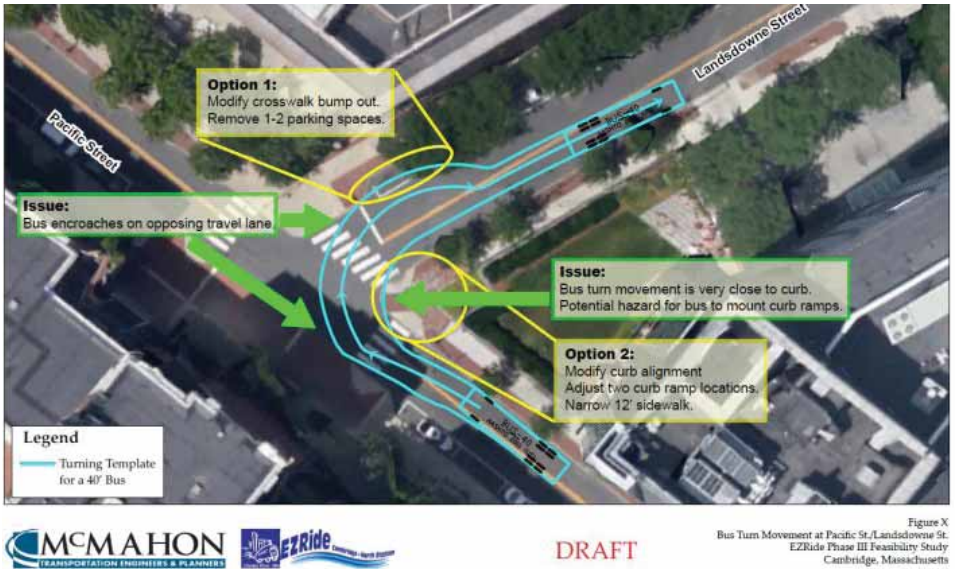


Figure 5-26: Bus turning radius for EZ Ride shuttle service in Cambridge, MA

In conjunction with the proposed improvements on Portland Street and the intersection with Forest Avenue, the bus stop at Portland Street and Forest Avenue is recommended for relocation further from the intersection. This would move the stop east, between the post office parking lot driveways and align it with the proposed conceptual improvements for pedestrian safety. See **Figure 5-27**.

The stop relocation should provide sufficient width for an ADA compliant landing area, and consider driveway openings, curb extensions and bus access/



Figure 5-27: Relocation of Portland St and Forest Ave stop in between Post Office driveways

operation needs. This design would also entail relocating and installing the existing shelter without the bench and providing two bus berthing areas, as two buses regularly queue at the stop. Adjacent intersections and crossings would also be redesigned to maintain sufficient sight lines for vehicles entering and exiting driveways and to maintain circulation at the mailbox drop off, as shown in **Figure 5-28**.



Figure 5-28: Proposed intersection design for Portland St and Forest Ave

The bus stops located on Forest Avenue, north of the Post Office and south of High Street, would benefit from improved pedestrian connections to facilitate crossing of Forest Avenue. This could be accomplished through an extension of the proposed improvements of the intersection of Marginal Way/Forest Avenue/Kennebec Street. Alternatively, the potential for a signalized crossing or pedestrian warning beacon could be explored at this location.

Finally, two bus stops are proposed for relocation/consolidated further west at the intersection of Portland Street/Park Avenue and Forest Avenue, as shown in **Figure 5-29**. The inbound bus stops on Park Avenue and Forest Avenue are recommended to be relocated south of Park Avenue on Forest Avenue. The sidewalk width and curbside streetscape south of the Park Avenue and Forest Avenue intersection should be considered as part of the potential stop relocation and bus stop design. Another consideration is that buses would be stopping in the single curbside travel lane.



Figure 5-29: Bus stop relocation and consolidation on Park Ave and Forest Ave

5.3.6 – Land-Use

- Inventory surface parking lots in the area and identify potential infill opportunities and triggers requiring structured parking;
- Continue to analyze the DPW site for mixed-use urban infill;
- Maintain and expand both market rate and affordable housing stock; and
- Study the redevelopment potential of the structured parking facility at Chestnut Street and Oxford Street, and if it can be expanded to increase parking supply; in addition, can the garage be wrapped with mixed-use development?
- Study the possible expansion of the B7 Zone from Lancaster Street to south of Cumberland Avenue.

5.4 Pearl Street Focus Area

5.4.1 – Recommended Concept

Pearl Street issues include having poor north-south connectivity and lack of bike facilities. Accordingly, the following plan looks to add bike lanes and a connection between Marginal Way and Commercial Street. **Figure 5-30** depicts the recommended roadway configuration for Pearl Street between Somerset Street and Cumberland Avenue. The recommendation suggests maintaining on-street parking on the east side of Pearl Street north of Cumberland Avenue, and thus a shared bike/vehicle lane will be required in the northerly direction for a short distance. As illustrated, Pearl Street is recommended to be two 10-foot travel lanes and two 6-foot bike lanes. Extending Pearl Street to Marginal Way is recommended as part of the plan for improved traffic circulation and connectivity. Right-of-way for constructing this roadway is not currently available and therefore implementation will likely be a function of redevelopment plans. The recommendation is to not permit left-turn movements at Marginal Way from Pearl Street, given the proximity of the future connection to Franklin Street.

Table 5-12 notes how modifications meet project goals.

	Goals	Met/How
Proposed Recommendations	Assess Complete Streets	Yes — Bike lanes added
	Improve north-south connectivity on peninsula—I-295 to waterfront	Yes — Extend Pearl Street to Marginal Way as part of redevelopment

Table 5-12: How Pearl Street Modifications meet Project Goals

5.4.2 – Traffic Modeling

A future street connection to Marginal Way was modeled at the intersection of Pearl Street and Marginal Way. Because two intersections on either side of this intersection are signalized, this intersection is anticipated to remain unsignalized. To prevent delays resulting from additional traffic, only three turning movements are permitted at this intersection—EB right from Marginal Way onto Pearl Street, WB left from Marginal Way onto Pearl Street, and a NB right from Pearl Street onto Marginal Way EB. Preliminary modeling at this location showed a future connection would work at this location under proposed conditions and is expected to have connectivity benefits for neighborhood traffic.

5.4.3 – Pedestrian and Bicycle/Streetscape

Pearl Street

- Refer to **Figure 5-30** for specific bicycle lane and sidewalk recommendations;
- Include bike lanes and shared lanes (between Oxford Street and Marginal Way);
- Develop better sidewalks and streetscape as blocks undergo redeveloped between Kennebec Street and Lancaster Street; and
- Provide connection to Marginal Way with 6-foot bike lanes and 9-foot-wide sidewalks with pedestrian-scale street lights and street trees on both sides. Work with property owners for best location and alignment of the connection between Somerset Street and Marginal Way; and
- Give priority to Bayside Trail users at trail crossing. Vehicles are recommended to stop; and
- Provide a 4-way stop at Somerset Street.

5.4.4 – Transit

There are no recommended bus stop relocations on Pearl Street. Modifications to Marginal Way will improve access from Route 8 to Pearl Street, particularly

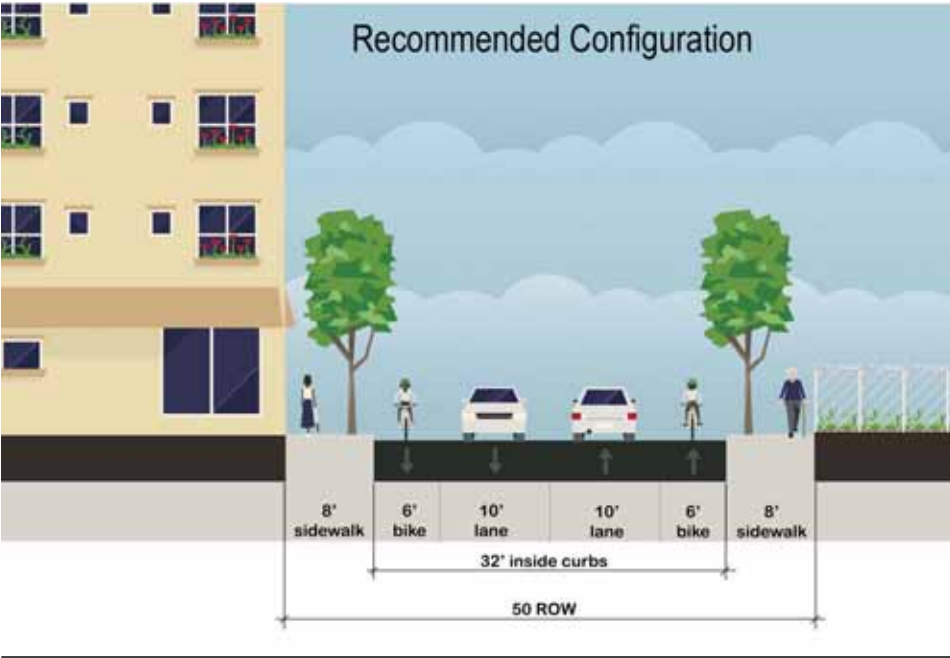


Figure 5-30: Pearl St between Somerset St and Oxford St

through a proposed long term street connection made between Marginal Way and Somerset Street.

5.4.5 – Land-Use

- Maintain and expand both market rate and affordable housing stock, particularly south of Oxford Street;
- Continue to work towards evolution of the scrap yard and vacant sites into high density/mixed-use development; and
- Ensure that new development meets the goals of the B7 Zone.

5.5 Lancaster and Kennebec Streets Focus Area

5.5.1 – Recommended Concept

Lancaster Street

Lancaster Street has poor east-west transportation connectivity and lacks a safe pedestrian crossing at Franklin Street. **Table 5-12** notes how the recommendations meet the Focus Area Goals. The recommendations include two options. Where a 50-ft of right-of-way exists, a typical urban street is suggested with a 20-ft travel way, two 7-ft parking lanes, and 8-ft sidewalks. **See Figure 5-31.**

Driveway modifications will be required including changes to parking lots where vehicles park directly adjacent to streets. For areas where less right-of-way exists (such as, between Preble Street and Hanover Street), a Shared Street concept is recommended (see **Figure 5-32**), where the entire roadway width is available for pedestrians, cyclists, and vehicles.

	Goals	Met/How
Proposed Recommendations	Improve east-west street connectivity	Yes — Recommends either an urban street or shared street throughout Bayside. In addition, recommends a two-way connection between Franklin and Pearl via redevelopment.
	Connect Lancaster Street to Brattle Street	Yes — A typical urban street is suggested with a 20-foot travel way; two 7-foot parking lanes, and 8-foot sidewalks.
	Evaluate possible pedestrian crossing at Franklin Street and Lancaster Street	Yes — It is recommended that MaineDOT evaluate the feasibility of a pedestrian crossing as part of the PDR process.
	Retrofit Lancaster to be more usable	Yes — Either as a typical street with sidewalks, on-street parking, and two travel lanes, or as a shared street in constrained ROW areas

Table 5-13: How Lancaster Street Modifications meet Project Goals

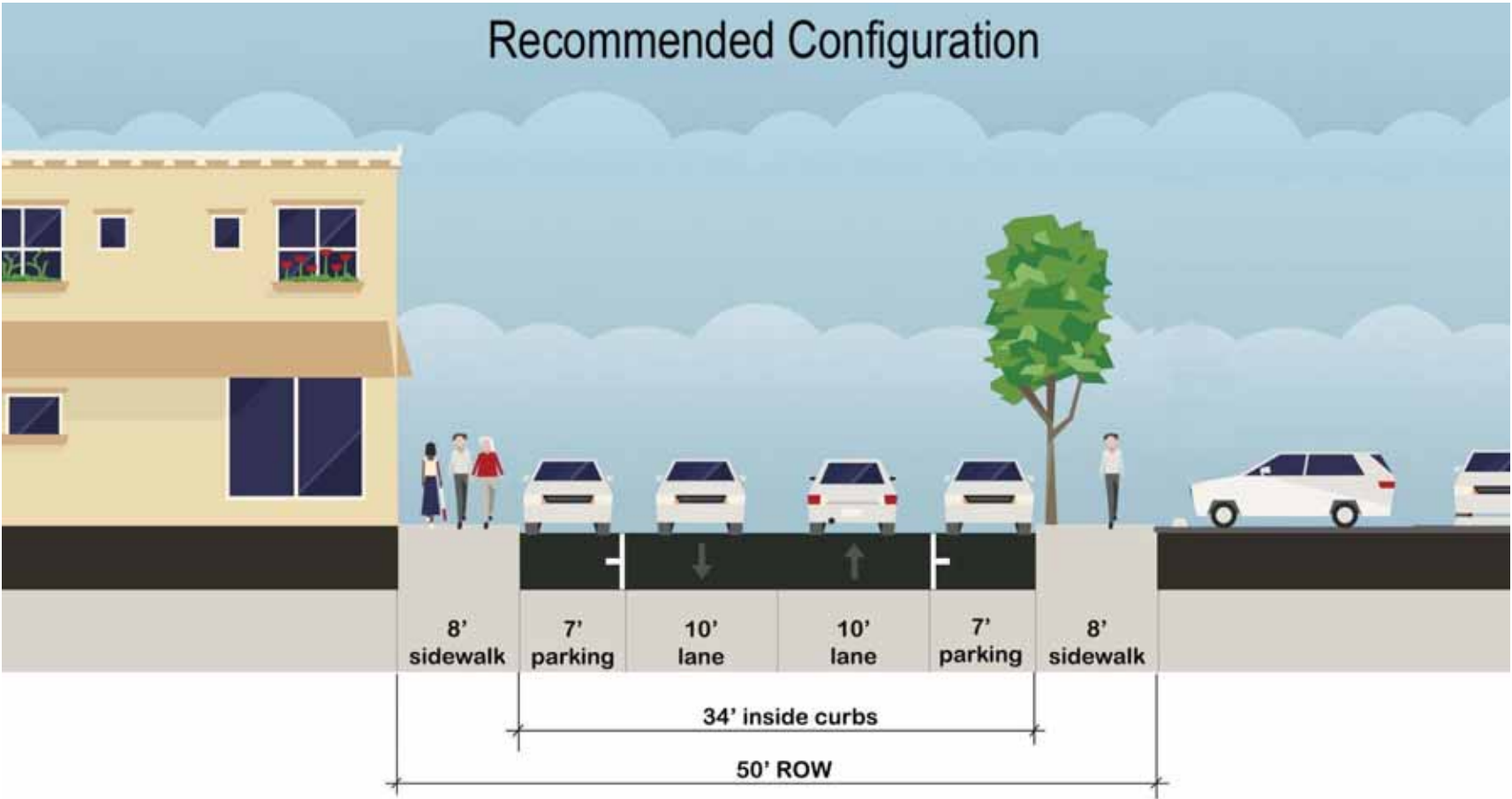


Figure 5-31: Lancaster Street East Elm Street - Looking East



Figure 5-32: Lancaster Street (Hanover Street to Preble Street)

Kennebec Street

Kennebec Street is not well defined and confusing for all modes given its road-way configuration. Between Elm Street and Chestnut Street it is recommended that Kennebec Street be converted to two-way traffic with two travel lanes, a flush sidewalk on the north side and perpendicular on-street parking on the south side of the street. Kennebec Street between Chestnut Street and Pearl Street has a 40-foot right-of-way and thus limits possible roadway options. Two options are suggested. One option consists of a traditional roadway with 20-feet of travel-way width, two 7-foot parking lanes, one 5-foot sidewalk and one 6-foot sidewalk. Given the narrow nature of this option, it is also recommended that a shared street design be considered. **Figure 5-33** illustrates the configuration between Elm Street and Chestnut Street and **Table 5-14** notes how the concept meets project goals.

	Goals	Met/How
Proposed Recommendations	Retrofit Kennebec Street to be more usable	Yes — Recommends conversion of Kennebec Street between Chestnut and Elm to two-way and creation of a shared street between Chestnut and Pearl.

Table 5-14: How Kennebec Street Modifications meet Project Goals

5.5.2 – Pedestrian and Bicycle/Streetscape

Lancaster Street

- Refer to **Figures 31 and 32** for specific sidewalk recommendations;
- Construct sidewalks in areas currently providing direct access/egress to parking lots; and
- Bicycle-specific accommodations are not recommended on Lancaster Street.
- Maintain public pedestrian access on Lancaster Street between Hanover and Parris Streets.
- Develop better sidewalks and streetscape as blocks are developed between Chestnut Street and Pearl Street;
- Provide additional street trees at regular intervals;
- Install crosswalks on all approaches at intersections; and
- Continue to study the provision of a pedestrian crossing of Franklin Street.

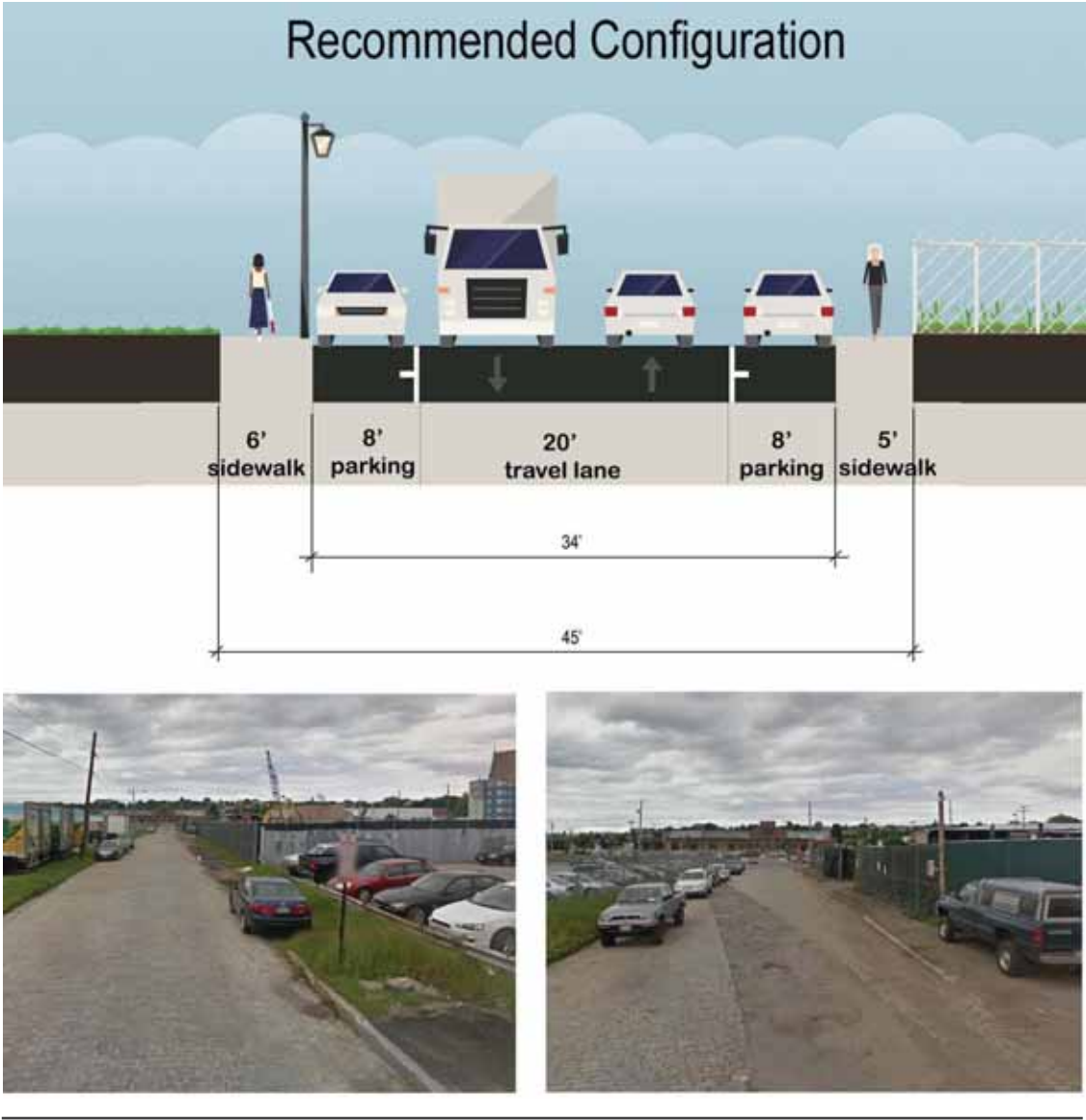


Figure 5-33: Kennebec Street East of Chestnut Street - Looking East

5.5.3 – Transit

The bus stop at Lancaster Street and Elm Street is recommended to remain in place with the curb bumpout. However, curbside uses should be reevaluated to reduce conflicts, such as removing parking meters from the bus stop area.

5.5.4 – Land-Use

- Ensure that new development meets the goals of the B7 Zone;
- Continue to work towards the evolution of the scrap yard and vacant sites into high-density/mixed-use development;
- Maintain strong pedestrian and bicycle connectivity to the Bayside Trail as redevelopment occurs; and
- Study the development potential and mobility implications of closing Kennebec Street between Chestnut Street and Pearl Street to allow for a more efficient urban redevelopment, while allowing for connectivity through Bayside. Will consolidating these parcels encourage development that meets the goals of the B7 Zone?
- Study adapting the buildings fronting Kennebec Street between Elm Street and Chestnut Street to a more intensive urban use.

5.6 East Bayside Focus Area

5.6.1 – Recommended Concept

Fox Street

Fox Street has a roadway configuration between Anderson Street and Washington Avenue where the roadway is not wide enough for two travel lanes and parking on both sides of the street. To mitigate this issue, it is recommended that Fox Street in this section consist of a 24-foot travel way and one 8-foot parking lane on the south side. See Figure 34. Between Anderson Street and Franklin Street, no changes to the existing roadway configuration are recommended. See Figure 35. As illustrated, two 14-foot travel lanes and an 8-foot parking lane on the south side are recommended to remain. Bike lanes were considered, but not recommended given the presence of large trucks and the need for on-street parking.

Cove Street/Diamond Street

Both Cove and Diamond Streets currently are not well defined and have wide open driveways and poorly configured parking lots. The recommended plan for both streets is to provide a 22-foot travel way, two 8-foot parking lanes, and sidewalks on both sides of the street. Shared vehicle/bike accommodations are proposed. Access management and parking lot modifications will be required in conjunction with implementation of recommendations. See Figures 36 and 37.

Anderson Street/Plowman Street

With the near completion of the Anderson Street Neighborhood By-way project, this location lacks direct pedestrian/bike accommodations from the Tukey Street path. It is recommended that a study be performed at the Anderson Street/Plowman Street intersection to evaluate recommendations for providing a direct pedestrian and bicycle connection between the Tukey Street Path and Anderson Street. Table 5-15 notes how the concepts meet project goals.

	Goals	Met/How
Proposed Recommendations	Create Complete Streets on key cross-streets to improve bicycle and pedestrian safety and connectivity	Yes — Recommends urban design on Cove and Diamond Streets
	Reconfigured Anderson Street/Plowman Street intersection	Yes — Recommended for future study

Table 5-15: How East Bayside Improvements meet Project Goals

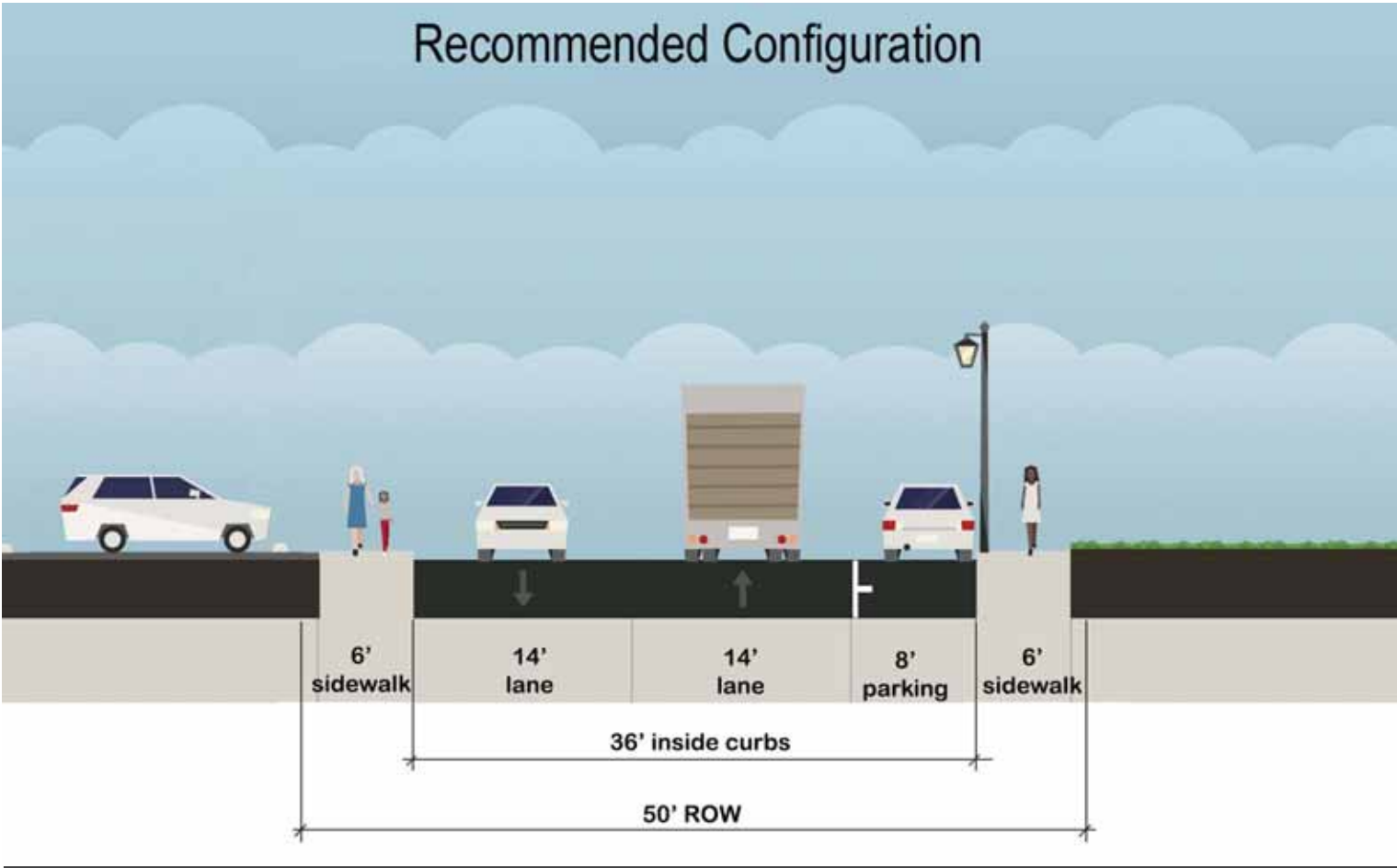


Figure 5-34: Fox Street at Fox Field - Looking East

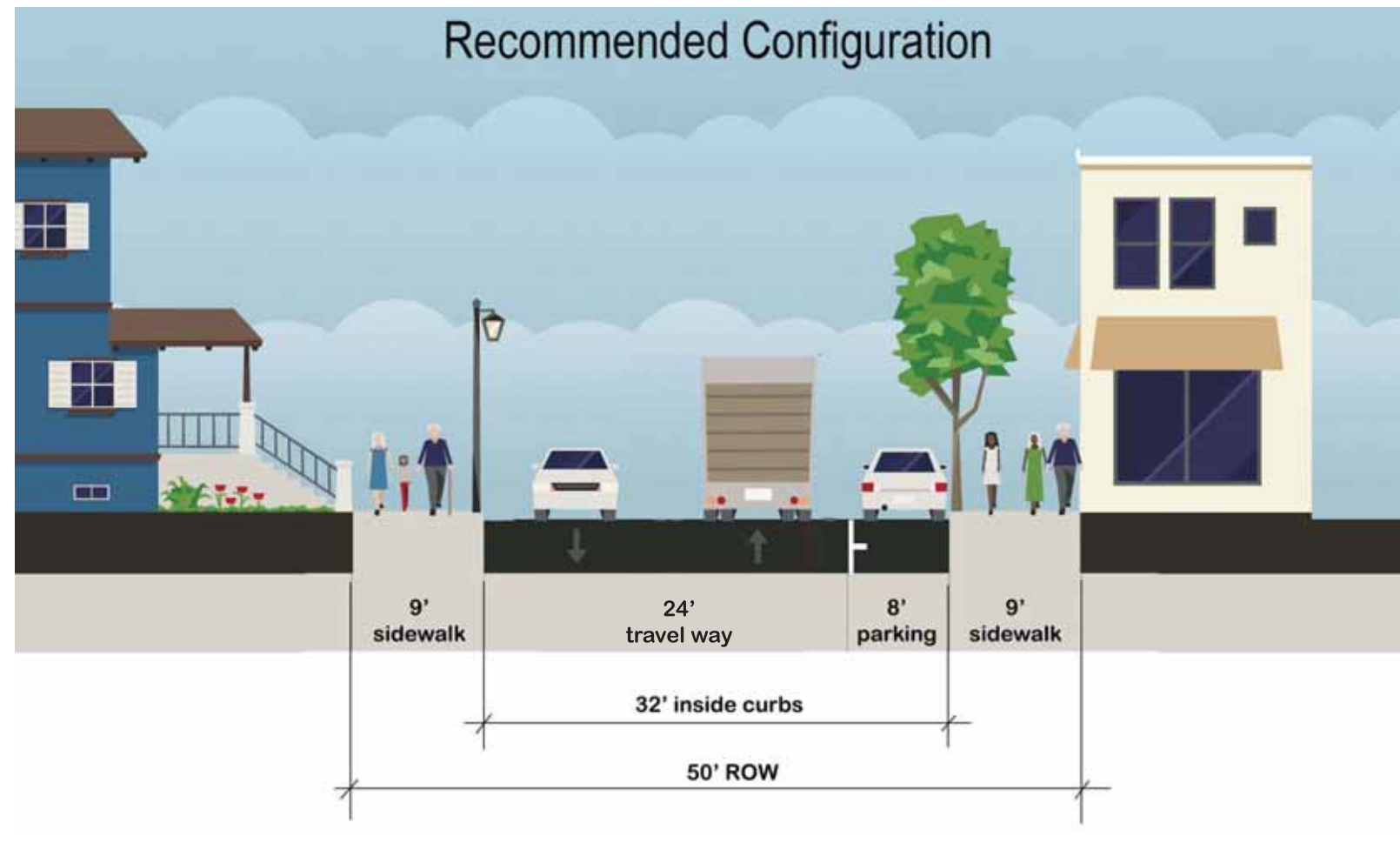


Figure 5-35: Fox Street East of Anderson Street - Looking East

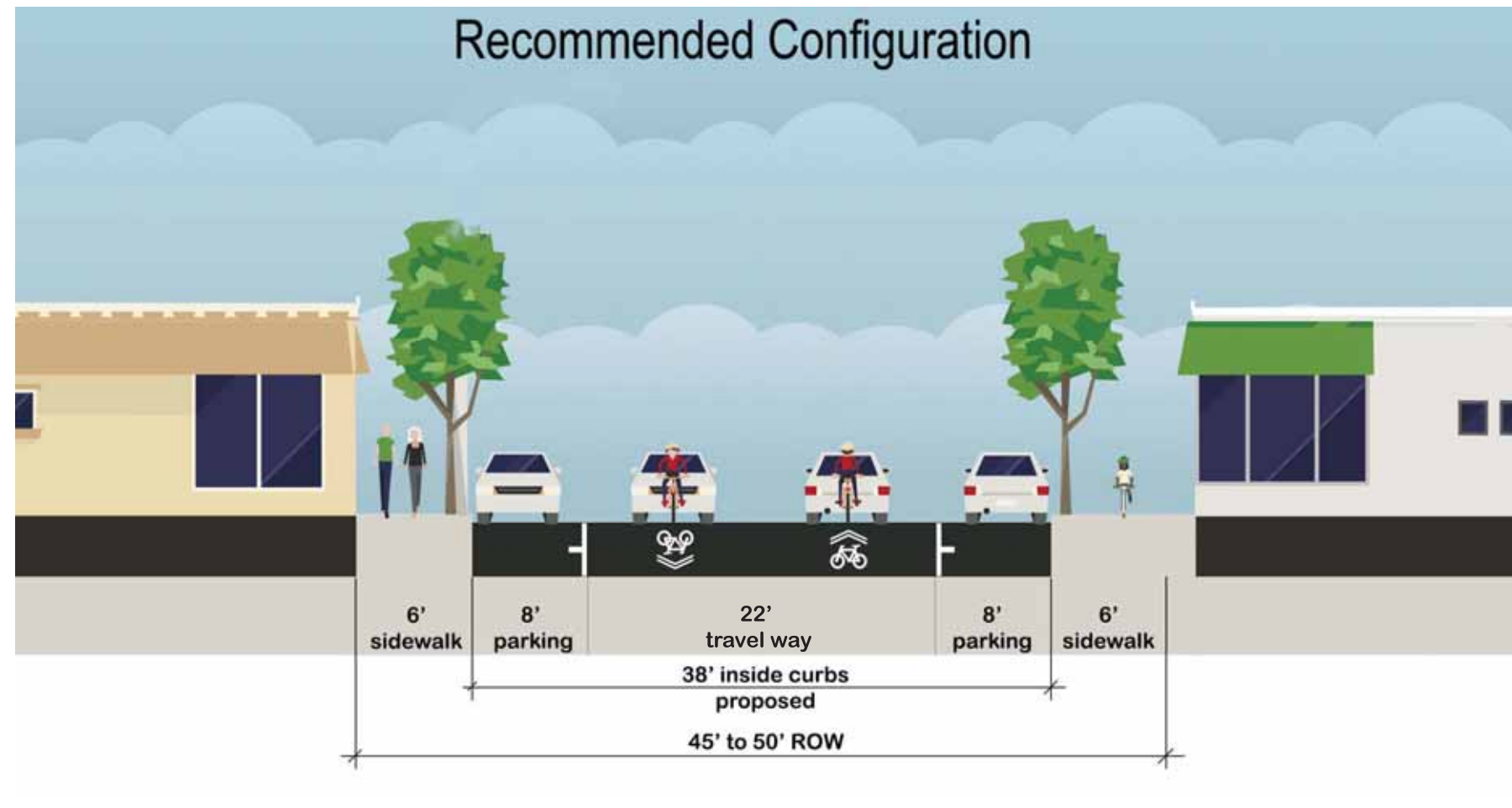


Figure 5-36: Cove Street at Independent Electrical - Looking South

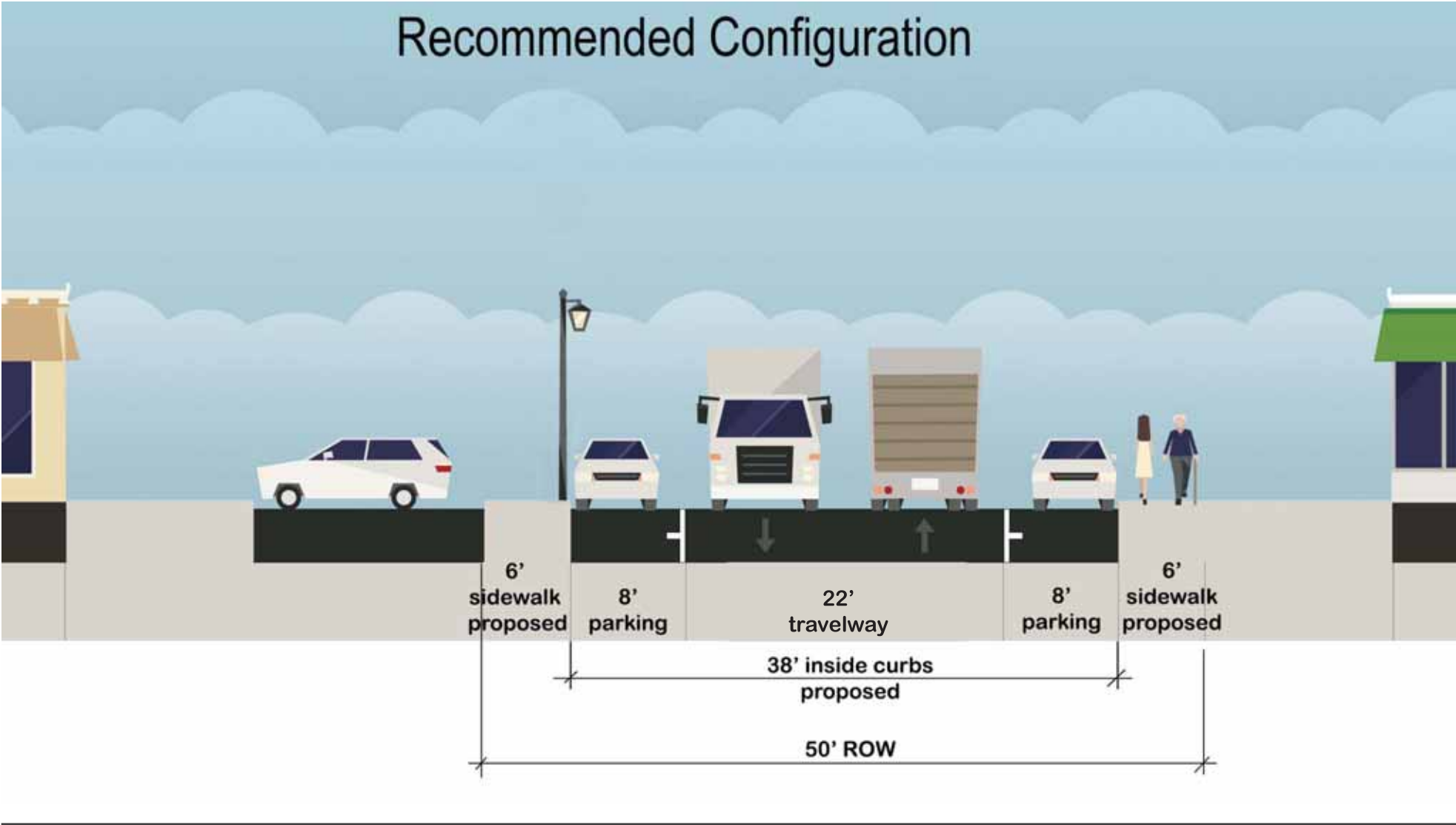


Figure 5-37: Diamond Street at Fastenal - Looking South

5.6.2 – Pedestrian and Bicycle/Streetscape

Bayside Trail

- Continue to work with business owners to provide at least one point of access to the Bayside Trail to allow for more connections north-south; and
- Continue to improve the trail connection behind Aikido of Maine, Urban Farm Fermentory, to Gould Street pocket park, to Washington Avenue. Consider a mid-block crossing on Washington Avenue to allow connection to the Eastern Prom Community Gardens and Eastern Promenade.

Fox Street

- Refer to illustrative cross-sections for specific bicycle lane and sidewalk recommendations.

Diamond and Cove Streets

- Refer to illustrative cross-sections for specific bicycle lane and sidewalk recommendations;
- Provide shared lane markings in travel ways; and
- Modify curb cuts and prohibit parking within public right-of-way. Fewer driveways and narrower driveways will provide for improved pedestrian and motorist safety.
- As a short-term recommendation, provide flush reinforced concrete continuous sidewalks stained (dark red) where these streets currently have head in parking. See **Figures 5-38** and **5-39** for an example implemented on Fox Street. Providing a level, continuous sidewalk not only brings the sidewalk up to the standards of ADA access, but also changes driver behavior. The driver exiting or entering the driveway is more aware that they are crossing a sidewalk, will proceed more slowly, and is more likely to stop. Tip down curbs instead of sweeping radii also cause slower turning movements.
- A longer term recommendation is to eliminate the unmanaged parking and excessive curb cuts, eliminate head-in parking and construct these streets with continuous raised sidewalks, parallel parking, street trees, and other urban design features. The existing configuration creates a gap in the street-scape and discourages pedestrians from travel between businesses on the same street.



Figure 5-38: Fox Street before driveway improvements



Figure 5-39: Fox Street after driveway improvements

5.6.3 – Transit

There are no bus route or bus stop changes recommended for the East Bayside neighborhood. Routing is recommended to continue on Washington Avenue, Cumberland Avenue, and Congress Street. Changes to bus stop routing are not recommended based on the character of the surrounding neighborhood. While residential development is relatively dense, the area is lacking in other high-demand origin and destinations for transit. Narrow streets, steep slopes, and residential and industrial land uses are not compatible with transit routing through the neighborhood. East Bayside would be better served by improving the pedestrian environment for better access to existing bus stops and routes.

5.6.4 – Land-Use

- Maintain and expand both market rate and affordable housing stock, particularly south of Oxford Street and east of Anderson Street; and
- Coordinate master planning efforts of Portland Housing Authority properties to ensure appropriate density as well reestablishing the urban street grid. The Franklin Street Study, the Bayside Transportation Master Plan, and the forthcoming East Bayside Brownfields Area Wide Planning Study, should also be coordinated with the long-term goals of the PHA to realize the goal of the increased housing; and
- Maintain the Fox Street recreation field/facilities; and
- Study the implications of modifications to the allowed uses in the Industrial Zone in the East Bayside Brownfields Study.

5.7 Washington Avenue Focus Area

5.7.1 – Recommended Concept

The recommended plan for Washington Avenue consists of maintaining the current roadway configuration (see **Figure 5-40**). Two 13-foot travel lanes in and two 8-foot parking lanes are recommended.

At the Fox Street/Walnut Street intersection, modifications to increase pedestrian safety are recommended including providing ADA compliant ramps with curb extensions and installation of a Rectangular Rapid Flash Beacon (RRFB) System. Under current traffic volumes a traffic signal is not warranted. Continued monitoring of conditions should occur and traffic signals should be considered in the future. **See Figure 5-41.**

At the Cumberland Avenue intersection, recommendations include single lanes be provided on all approaches with the exception of the outbound Cumberland Avenue approach. It is recommended that the Washington Avenue driveway to Buffalo Wild Wings Restaurant, and the Otto’s take-out driveways be closed. Additionally, the Otto’s take-out driveway on Cumberland Avenue, and the 7-Eleven Driveway on Washington Avenue nearest Cumberland Avenue, be narrowed. Changes to crosswalk locations and provision of ADA compliant ramps with corner geometry changes to shorten crossing distances are recommended. Replacement of the existing signal systems at Cumberland Avenue and Congress Street to a mast-arm supported system are recommended. See **Figure 5-42**. **Table 5-16** notes how modifications meet project goals.

	Goals	Met/How
Proposed Recommendations	Create Complete Streets on key cross-streets to improve bicy- cle and pedestrian safety and connectivity	Partially — Installation of new crosswalks at all side street intersections and upgrading the existing Oxford Street crossing is recommended
	Increase safety and access at Fox/Walnut	Partially — Pedestrian enhancements are proposed
	Increase safety and functionality for all modes at Cumberland	Yes — Intersection improvements including defining travel lanes, closing driveways, and providing shorter and ADA compliant crosswalks

Table 5-16: How Washington Avenue Modifications meet Project Goals

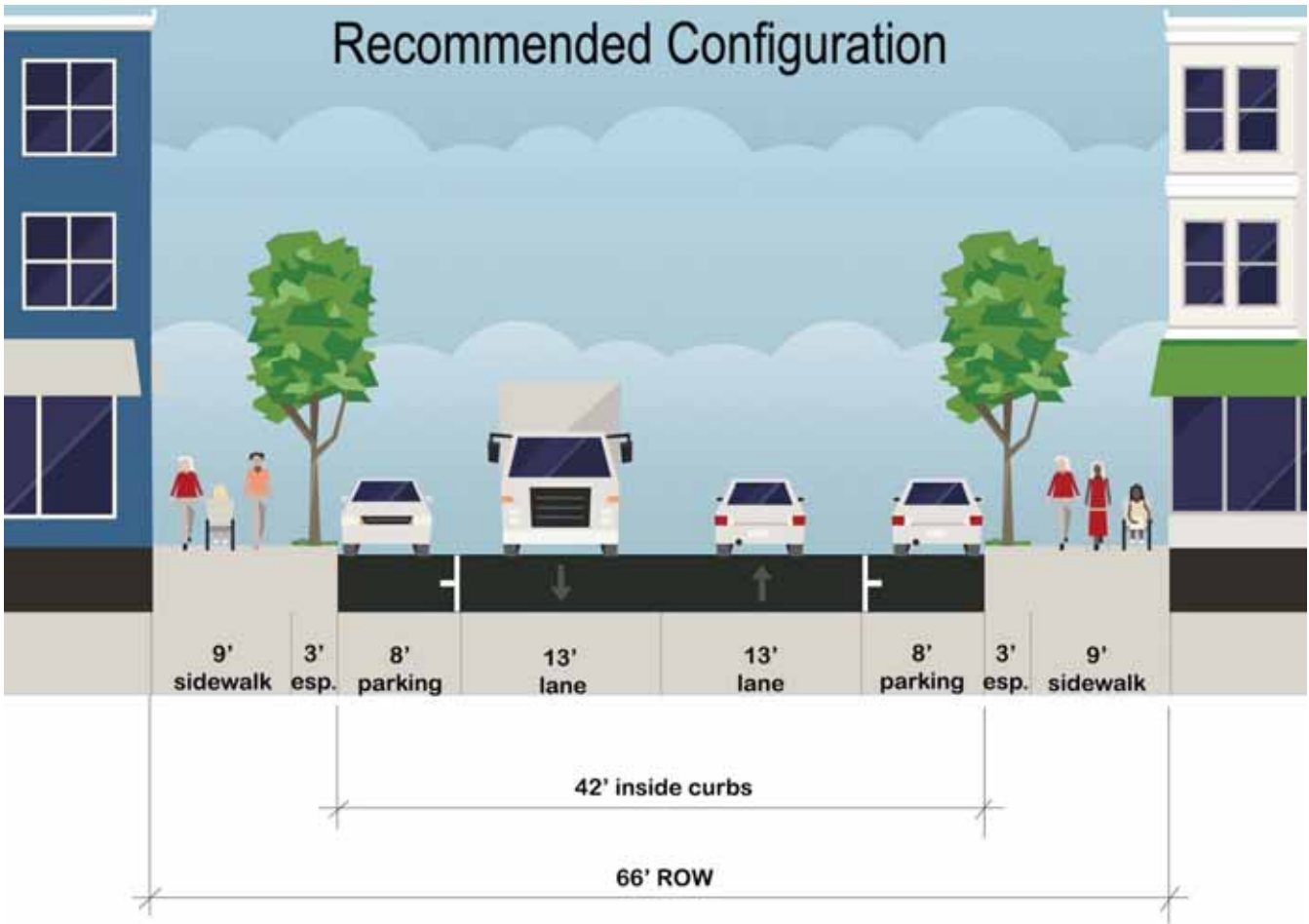


Figure 5-40: Washington Avenue between Fox Street/Walnut Street and Cumberland Avenue



Figure 5-41: Washington Avenue/Fox Street/Walnut Street. Source: Planning and Urban Development

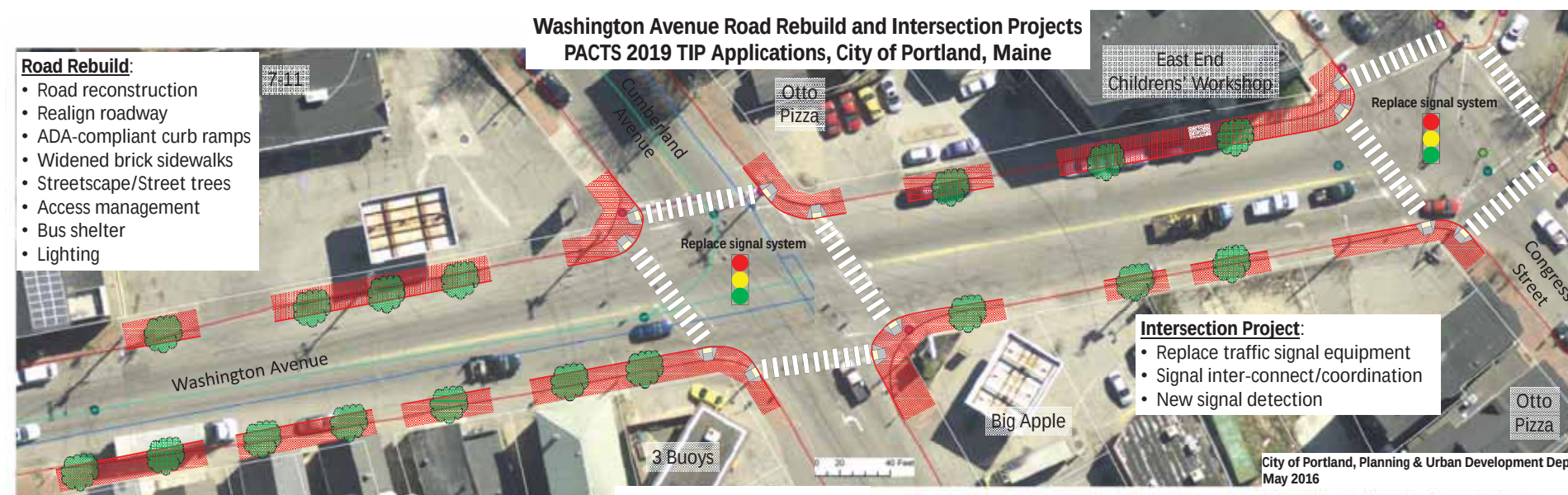


Figure 5-42: Washington Avenue/Cumberland Street Intersection. Source: Planning and Urban Development

5.7.2 – Traffic Modeling

The Congress Street and Cumberland Avenue intersections were modeled in the 2035 future condition under the proposed layout. The operational change to this intersection simulated is to limit the ability of vehicles traveling southbound making a right hand turn onto Cumberland Avenue Westbound from getting around through and left turning cars to make this movement. With this change the intersection continued to operate acceptably.

5.7.3 – Pedestrian and Bicycle/Streetscape

Washington Avenue has a 42-foot curb-to-curb configuration with 8-foot parallel parking on both sides and 13-foot travel lanes. This configuration is not wide enough to allow for a dedicated bike lane. Recommendations for Washington Avenue include:

- Repave the entire roadway from the Eastern Prom intersection to Congress Street;
- Install shared lane roadway symbols and signage;
- Install curb extensions at the intersections of Fox Street and Walnut Street with Rectangular Rapid Flashing Beacon (RRFB) at the crosswalks;
- Install curb extensions at the Monroe Street and Oxford Street crosswalks; Consider installing RRFBs;
- Provide consistent sidewalk plowing and sanding/salting for Oxford Street and Washington Avenue;
- Install crosswalks at all street intersections including at the Gould Street Pocket Park;
- Provide pedestrian amenities, e.g., benches, shelters, shade trees at all bus stop locations; and
- Remove the guardrail at the top of Gould Street and continue the construction of a pocket park in this location, which is also a bus stop.

5.7.4 – Transit

METRO Routes 7 and 9 travel on Washington Avenue, providing connections to Falmouth and northwest Portland via Route 1. Specific bus stop relocations and modifications are not proposed for this focus area. Bus stops are adequately spaced apart and provide reasonable crosswalk connections. However, bus stops along this corridor would benefit from bus stop design standards discussed in this report of prohibiting parking in bus stops, reducing interference with driveways, and enhancing pedestrian access to and from the bus stops. The majority of bus stops are located near-side of the intersection and although there are no signalized intersections, the parking impacts of lengthening stops to provide adequate curb space could be reduced if stops were relocated far-side.

5.7.5 – Land-Use

- Maintain and expand both market rate and affordable housing stock;
- Continue to encourage redevelopment north along Washington Avenue to I-295; and
- Develop policies to maintain the dynamic mix of uses along Washington Avenue. Washington Avenue is now a destination neighborhood all day.
- Inventory surface parking lots in the area and identify potential infill opportunities. Inventory existing parking needs and impact of build-out scenarios.
- Washington Avenue is a key gateway neighborhood and street to Portland. New development should reinforce the importance of the area as pedestrian-friendly and visually diverse.
- Continue to work with Portland Trails and other organizations to improve connectivity between Bayside and Munjoy Hill.

5.8 General Pedestrian and Bicycle Recommendations

5.8.1 Sidewalks

The sidewalk materials within the study area consist of brick, concrete, asphalt and wear paths in the grass. The condition of the sidewalks vary from excellent, where they have been recently rebuilt to non-existent. An assessment of the type, width and condition of every sidewalk within the study area was outside the scope of work for this study. An overall review of where sidewalks exist or do not exist, including crosswalks was included in the existing conditions section of this report. General recommendations for sidewalks include:

- Prioritize where sidewalks are needed, in locations where they are currently nonexistent. Some areas where sidewalks are missing it is evident that they are needed by the heavily used wear path in the grass.
- Develop a Sidewalk Replacement and Repair Program for the Bayside Area, which would identify safety issues such as missing bricks or concrete, holes or cracks in the pavement, heaving from tree roots or other, raised/sunken/uneven pavement that creates a tripping hazard, cause water to pond and potentially freeze, or does not comply with ADA guidelines, missing detectable warning strips, and missing vent or manhole covers.
- Continue to request maximum width sidewalk construction during Planning Application Site Plan reviews.
- Where feasible, sidewalks should be provided on both sides of the street. A sidewalk on only one side forces pedestrians to either walk in the street or cross the street twice to get to the side with a sidewalk and back again.

5.8.2 Lighting

This study focuses on all modes of transportation. The streets widths and speeds vary, some streets have or will have bike lanes, some will not, sidewalk widths and roadway offsets vary, and there are different types of neighborhoods. All these factors require different lighting levels, mounting heights, budgetary, and even aesthetic considerations. For this study area, there is no “one size fits all” lighting standard that can be imposed. Lighting should be thought of in more ways than just a technical requirement, or minimal safety needs. Lighting type, placement, and wattage can affect how a street, sidewalk, bike-path or public space is perceived and used by motorists, cyclist and pedestrians.

The City currently has some Municipal Street Lighting Standards in Section 10 of the City of Portland Technical Manual <http://me-portland.civicplus.com/DocumentCenter/Home/View/2344>.

The City has established special street lighting districts in the following areas within this Study Area:

- West Bayside;
- Downtown (includes portions of Cumberland Avenue);
- Old Port; and
- Trails and pathways, including Eastern Promenade Trail, Fore River Trail and Bayside Trail.

Each lighting district is subject to individual street lighting specifications including but not limited to fixture type, pole and base type, pole height to top of fixture, pole spacing and color. Please refer to City plans for the boundaries of Portland’s street lighting districts. For areas of the City outside the special street lighting districts, the general standards under 10.2 shall apply.

This study recommends that more specific lighting studies should be performed for individual roadways or Districts, e.g., Marginal Way from end to end and East Bayside. That street and sidewalk lighting should be part of an overall streetscape design in conjunction with other elements, such as benches, bus stops, and waste receptacles. This approach will reflect the pedestrian-oriented quality of the streets, and can potentially enable the off-street area (sidewalks, plazas, pocket parks) to be more conducive to pedestrian and merchant activities.

The Project for Public Spaces recommends the following ways in which lighting should be evaluated and used:

- **Transit stops**—People feel more secure when bus stops are well-lit. Lighting also draws attention to and encourages use of such amenities.
- **As a traffic-calming device**—The difference between a pedestrian-lit street and a highly illuminated highway or highway off ramp automatically signals drivers that they have entered a new and different zone, and compels them to slow their driving speed.
- **Edges**—The edges of a park or plaza, particularly any interesting gateposts, fences, and specimen trees visible from the adjacent street -should be lit to help define and identify the interior space. Buildings located on the edges of a park can also have seasonal lights, bringing attention to the larger district beyond the park.

- **Entrances**—Careful evening lighting around building entrances, especially in residential building doorways, contributes to the safety of a district even more than indiscriminate use of bright lighting that is not focused on areas of use.
- **Retail displays**—Lighting retail displays, even when stores are closed, not only provides ambient light for the street, but also encourages window-shopping. This tactic can help to increase the number of people on a street, which is a major contributor to security.
- **Architectural details**—Lighting entrances, archways, cornices, columns, and so forth can call attention to the uniqueness of a building, place, or district and bring a sense of drama to the experience of walking at night.
- **Wayfinding Signage**—Well-lit maps, along with directional and informational signage, are essential to providing orientation at night.
- **Focal points**—Lighted sculpture, fountains, bridges, towers, and other major elements in a district, especially those visible to passing pedestrians and vehicles, provide another form of wayfinding.

Additionally and most importantly for this study would be to ensure that roadway intersections, especially the multi-vehicle lane, wide intersections be well lit for safety reasons. Focus should be given to crosswalks and the interaction with bike lanes.

5.8.3 Streetscape

Streetscape elements or amenities include street furniture, trash receptacles, bike racks, planters, street trees and landscaping. New streetscape elements should be compatible in scale, design and style with the surrounding setting, which changes continuously throughout Bayside. New amenities should be compatible with the appearance and scale of adjacent buildings, roadway and public spaces. Curb cuts, driveways and off street parking should be carefully planned to protect the character of the streetscape and/or district. Use indigenous, salt tolerant plants for landscaping, when feasible. Signage is often a forgotten part of the streetscape and can make or break the aesthetics. Directional and informational signs should be identified and then located within the design so they are seen as an integral part of the street scene. Amenities should complement the building facade and streetscape in terms of design character, materials, finishes and color.

The existing street trees in the Bayside study area varies considerably. There are some streets, especially some of the older streets, that have large stately trees. Preble Street, Elm Street and Oxford all have large stately trees that are in healthy condition. Care should be taken to maintain existing healthy trees during roadway or private property construction projects.

- Request that all site plan applications provide a holistic Streetscape Amenities design as part of the application. Bike parking shall be determined according to the type of business and number of employees.
- Provide more access from Bayside Trail to adjacent businesses.
- Install emergency call boxes in isolated areas, streets, trails, etc.
- Allow for outdoor sidewalk chalk boards and seating within the public ROW as long as it does not create a safety hazard.

5.8.4 Public Space Opportunities

- Determine a permanent site Bayside Community Garden. Currently it is on a private site.
- Assess the opportunity for a Phoenix Square Park once the Somerset Street connection is made.
- Consider the real need for vehicular traffic on Kennebec between Preble and Elm. Consider possible use as a pedestrian space and extension of Phoenix Square.

Public Space Opportunities are illustrated on **Figure 5-43**.

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION FIVE – ALTERNATIVE DEVELOPMENT AND RECOMMENDATIONS



Figure 5-43: Public Space Opportunities

5.9 General Transit Recommendations

Several transit related alternatives were developed for consideration in the context of the Bayside Transportation Master Plan. These concepts ranged from bus stop relocations to potential route modifications. Each of the alternatives, as well as those recommended further evaluation, are summarized below.

5.9.1 Route 8 Reconfiguration

1. **Stop Relocations**—The alternative bus stop relocations and eliminations considered are displayed in Figure 5-44.
2. **Operational Adjustments**—To improve operation of Route 8, it is recommended to build in bus layover time into the schedule. This will improve accuracy of expected bus time arrivals and improve route travel time predictability.
3. **Route Reconfiguration**—As a long-term recommendation, Route 8 should be evaluated within the context of the larger transportation system, with attention to the needs of East Bayside as development grows. The importance of a one-seat ride for Route 8 riders should also remain a priority.

Figure 5-46 at the end of this section summarizes the short-term transit recommendations for stop relocations. Details for these relocations and removals were provided in section 5.

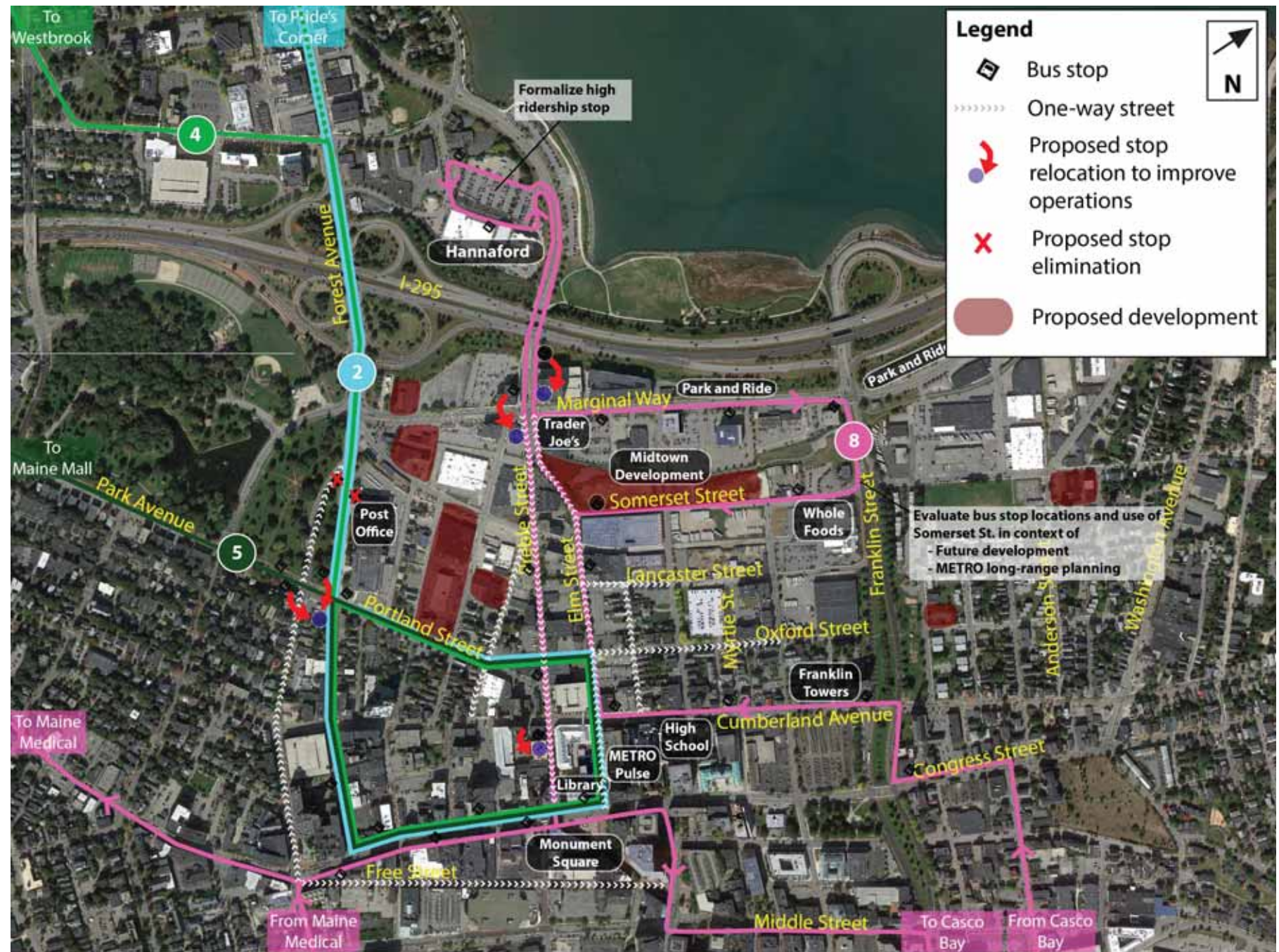


Figure 5-44: Proposed Alternative Bus Stop Relocations and Eliminations on Route 8

5.9.2 Two-way Preble and Elm Streets

1. **Two-way Preble and Elm**—Two-way Preble and Elm Streets will improve service to METRO Pulse as well as bus circulation throughout Bayside. With two-way streets, a bus-only street or “bus mall” could be considered.
2. **Preble Extension as Transit Priority Corridor**—Preble Extension was considered as a transit priority corridor for Routes 2, 4, and 8, as noted in the Peninsula Transit Study. Currently, Routes 2 and 4 run down Forest Avenue, make a loop around Congress Street, Elm Street, and Portland Street, and run back up Forest Avenue. Alternate routing was considered, which would re-route Route 2 and/or Route 4 from Forest Avenue to Preble Extension, as seen in **Figure 5-45**. The following steps are recommended:
 - **Short term:** It is recommended to keep Route 8 service on Preble Extension, and Route 2 and Route 4 service on Forest Avenue. With Preble Extension only serving a single route, it is not justified as a transit priority corridor in the context of other goals in the more immediate future.
 - **Mid-term:** Re-visit the potential of shifting Route 4 to Preble Extension within the context of METRO’s overall planning for transit routes. Route 2 is likely to remain on Forest Avenue given high ridership demand along this corridor.
 - **Long-term:** While a transit priority lane has advantages, use of Forest Avenue rather than Preble Extension must be considered in the larger context of transit planning, City of Portland goals, and neighborhood needs.

Alternative routing for routes 2 and 4 from Forest Street left onto Portland and right onto Preble was also considered, but it not recommended. This recommendation did not move forward because of the need to service high rider demand stops on Forest Street, the direct connection to Congress Street the current routing provides, and other project goals for Portland and Oxford Street.

5.9.3 Park and Ride

Potential free Park and Ride on Marginal Way with transit connection via Pearl Street: As development in Bayside grows, consideration should be given to pursuing more transit connections between the Bayside neighborhood and downtown Portland. A connection from Marginal Way to Portland Street would help encourage more activity and bus travel in the area. Considerations for pursuing

a park and ride with transit connections is the challenging topography between the Bayside neighborhood as it slopes up towards Congress Street.

5.9.4 Design Guidelines

- **Management of curb space:** Attention should be given to provide bus stop areas with appropriate lengths (ideally 80 feet). Curbs adjacent to bus stops should be absent of on-street parking and driveways, which can lead to vehicular conflicts with the bus.

- **Crosswalk location:** Crosswalks should be located to the rear of bus stops. Far-side stops (see Transit Service Section 2.2.1.9) enable this condition, as crosswalks are located at the intersection behind the bus stop. A crosswalk behind a bus stop is safer for pedestrians as they will be walking behind a bus as it moves forward, rather than trying to cross in front of the bus.
- **Accessibility:** Accessible stops require a 5x8 level landing area and curb ramps to crosswalks. Crossings that lack curb ramps, have very steep slopes, or lack proper landing areas, do not meet ADA requirements, and limit the accessibility of bus stops, especially for seniors and persons with disabilities.

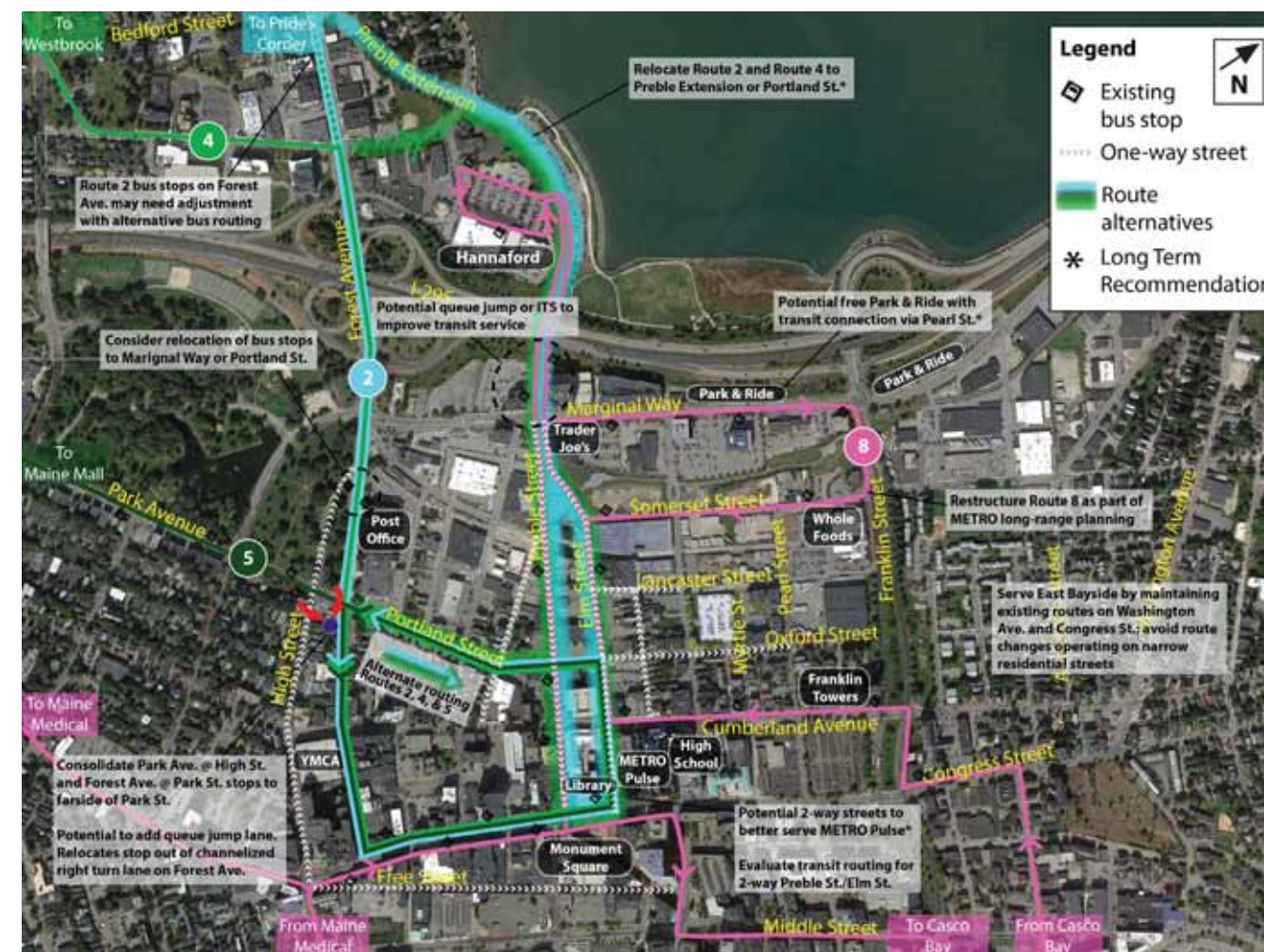


Figure 5-45: Proposed routing alternatives for Route 2 and Route 4 on Portland Street, Preble Street, and Elm Street

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION FIVE – ALTERNATIVE DEVELOPMENT AND RECOMMENDATIONS

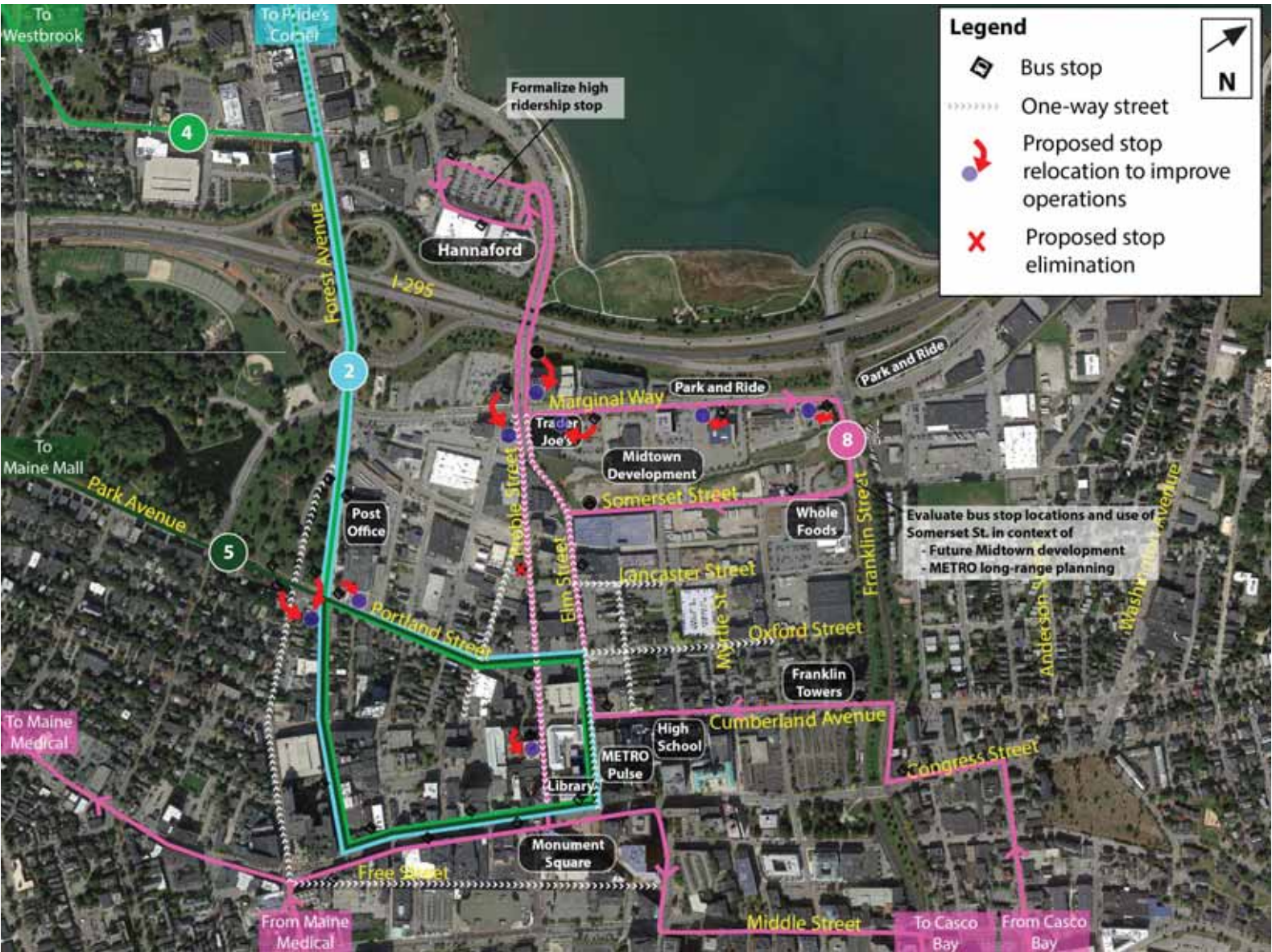


Figure 5-46: Short-term transit recommendations for stop relocations

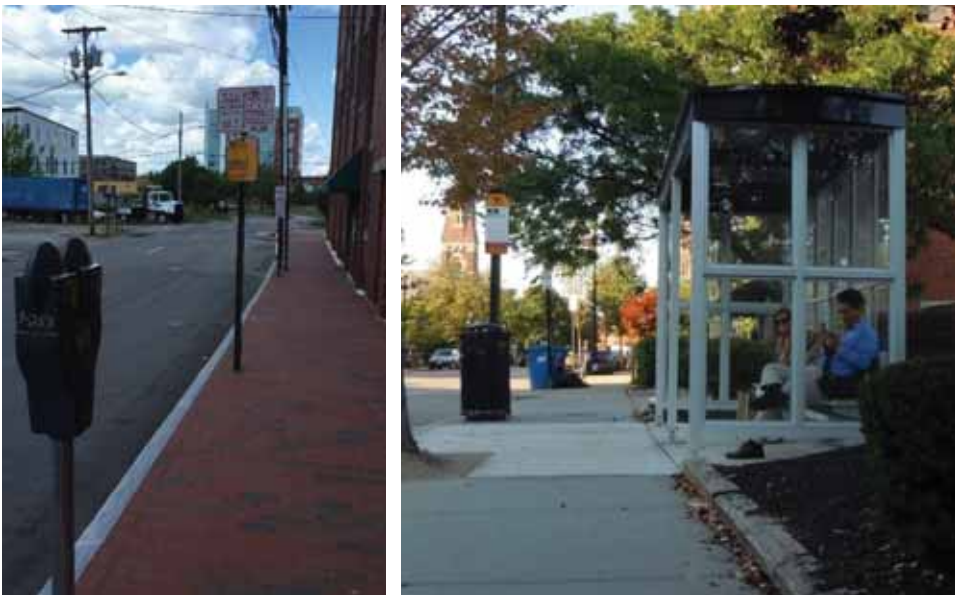


Figure 5-47: Existing bus stop in Bayside to the left and bus stop with proper signage and amenities in Boston to the right



Figure 5-48: Example of cycle track behind a bus stop from MassDOT Separated Lane Planning and Design Guide

- **Bus stop amenities:** Where appropriate, bus stops should provide amenities such as a shelter, bench, trash/recycling receptacle, and route schedule. All bus stops should provide a front bus stop sign that is oriented to the curb to maximize visibility. An example of how bus stops could be enhanced with more amenities is shown in **Figure 5-47**
- **Bicycle lanes and bus stops:** Appropriate pavement marking treatment and signage should be provided where buses and bicycle lanes are in conflict. Although bus drivers may be able to re-enter traffic more easily when stopped in the travel lane, consideration needs to be given to the turns permitted in the lane and the direction of travel of the bus, the impact on overall traffic operations, and roadway space for overtaking a stopped bus.

Figure 5-48 is an example of cycle track behind a bus stop from MassDOT Separated Bike Lane Planning & Design Guide.

To avoid conflicts between bikes and buses, bike lanes should be dashed where they are adjacent to or fall within a bus lane, a shared bike-bus lane can be provided, or separated cycle tracks can be wrapped around the back of a bus stop.

The recommended stop relocations in the Bayside neighborhood, as shown in **Figure 5-46**, seek to re-orient the bus stops to better conform to these types of guidelines, improving safety and efficiency. Moving forward it is recommended that PACTS, METRO, and the City of Portland work together to pursue developing bus stop design guidelines for future transit improvements in the METRO system, Bayside, and greater Portland.

5.9.5 Potential funding strategies

In conjunction with sidewalk improvements pursued for key corridors, considerations should be given to identifying sidewalk improvements that improve access to METRO bus stops. Improvements should be made in coordination with METRO and consistent with ADA Standards for Transportation Facilities.

Federal regulations under the Moving Ahead for Progress in the 21st Century (MAP-21) increases the emphasis on maintaining transit assets in a State of Good Repair. A new federal transportation bill was passed on December 4, 2015, Fixing America’s Surface Transportation Act (FAST ACT), increasing funding for transportation programs for the next five years. METRO could partner with the City of Portland to implement transit enhancements, now known as “associated transit improvements” under MAP-21. These transit improvements include streetscape improvements on public rights-of-way, bicycle accommodations at stations such as METRO Pulse, and improved accessibility in compliance

with the Americans with Disabilities Act (ADA). Pedestrian and bicycle improvements within a one-half mile of a transit stop (including bus stops) have a de facto functional relationship to public transportation. (Federal Register, volume 76, 161, August 19, 2011)¹. The U.S. Department of Transportation launched the Safer People, Safer Streets Initiative in 2014 strengthening this option. In other words, the pedestrian and bicycle improvements the Bayside Transportation Master Plan seeks to advance could be pursued through alternative funding mechanisms if the improvements could increase use of public transportation. The Greater Portland Council of Governments has secured funding to work with PACTS transit providers to do this.

Throughout the Bayside Transportation Master Plan process, a wide range of stakeholders collaborated to reach the recommendations in this report (see Section 6.1). Ongoing collaboration between City of Portland, as the primary owner of roadways in the study area, and METRO as the transit provider, is essential for the successful implementation of roadway improvements that benefit all modes of transportation. A continued partnership approach among PACTS, City of Portland, METRO, and private development allows limited funding to be pooled for more timely results.

¹ <http://www.gpo.gov/fdsys/pkg/FR-2011-08-19/pdf/2011-21273.pdf>

6.0 PUBLIC OUTREACH PROCESS

6.1 Approach

To reach a rapidly evolving neighborhood that includes residential, retail and commercial interests, the team developed a broad-based and accessible public outreach program that provided multiple opportunities and venues for input. The overall vision and direction for this neighborhood had already been identified; the 2000 vision of Bayside as a sustainable, mixed-use, transit-oriented neighborhood remains the model for which this study provides a framework.

The most significant challenge from a public outreach perspective was to find a way to clearly communicate the multitude of locations, choices and issues that would be addressed as part of the study. Knowing that providing too much information would guarantee scattered and incomplete feedback, the team directed comments toward the city-identified focus areas (Marginal Way, Portland and Oxford Streets, Lancaster and Kennebec Streets, Pearl Street, and Preble and Elm Streets), as well as Transit Access and key locations in East Bayside/ Washington Avenue. The team also included an opportunity for specific feedback on public space, since changes in transportation use would create new opportunities for this important component.

6.2 Creating Awareness

The first step in a successful public outreach program is simply making sure that those people who would be affected by any changes are aware of the process—and have a convenient and easy way to learn and comment. The primary method of identifying such people is geographical—those that live, work, run businesses, or own property in the study area. Elected officials, adjacent neighbors, and those who are involved in projects close by are also target audiences, as well as such critical partners as related state agencies, and transportation providers. Awareness was generated for the Bayside Study via the following processes:

Traditional Media—Working with the City of Portland, a press release was developed prior to each public workshop, covering the reason for the study, identified focus areas, and an overview of the public comment opportunities. For the second and third workshop, this press release was updated to include an overview of the feedback received to date. Follow-up with key reporters took place in an effort to generate coverage prior to the workshop. The Forecaster was reliable in its coverage; see link to sample article

on final workshop: <http://www.theforecaster.net/portland-bayside-transportation-plan-nears-completion/>. The Press Herald was less so, but did run an article prior to the first workshop: <http://www.pressherald.com/2015/09/14/portland-to-consider-bikes-and-pedestrians-in-transportation-forums/>.

Social Media/Partnerships—Rather than create a special Facebook page for this short-lived study, the team worked with key partners to post updates on their pages regarding workshops and feedback opportunities. The East Bayside Neighborhood Organization, the Bayside Neighborhood Association, and the Bicycle Coalition of Maine, were all very helpful in posting timely information on meetings and other outreach opportunities.

Email Outreach—Morris Communications has compiled a large (450 +/-) email list of individuals who are interested in transportation issues and studies in Greater Portland. Email flyers for all three workshops and the open house were sent out at least three times per event. As opposed to people feeling “email fatigue,” many people expressed appreciation for ongoing updates. In addition, the City contributed to outreach by including workshops and the open house as part of its email alert system. A one-page Question and Answer (Q&A) sheet was created to use both as a handout by City staff, and as part of the emails.

6.3 Public Feedback Opportunities

As noted above, the team provided multiple opportunities for feedback. The below summarizes the categories of information presented at each venue and the general feedback received. Workshops generated between 30 and 45 individuals at each session. Presentations and all public input are available at <http://shscs.engagingplans.org/documents>.

Public Workshop #1 - September 15, 2015—The purpose of this workshop was to familiarize everyone with the purpose of the study—essentially of making Bayside easier and safer for all modes to move around—as well as highlight the focus areas within the study area. The meeting agenda covered existing conditions within the focus areas and asked the public for general feedback on opportunities for improvement throughout the study area.

AGENDA

Welcome and Team Introductions

- Study Background, Process and Schedule
- Public Feedback Opportunities
- Draft Purpose and Need Statement
- Existing Conditions/Issues and Opportunities
 - ◊ Marginal Way
 - ◊ Pearl Street
 - ◊ Portland and Oxford Streets
 - ◊ Reconnected Lancaster Street
 - ◊ Configuration of Preble and Elm Streets
 - ◊ Transit Access and Service
- Next Steps
- Workshop

Feedback: Comments were extensive, from minor suggestions on street names to “big ideas” for significant changes at intersections and one-way/two-way combinations. Participants were very interested in making the neighborhoods safer and easier to navigate, as well as adding public space. Comments from this workshop are at <http://shscs.engagingplans.org/document/3a-what-we-heard-sept-15-bayside-workshop>.



Figure 6-1: Help Fulfill Bayside Vision PublicWorkshopFlyer–September15, 2015



Figure 6-2: See New Transportation Ideas for Bayside Flyer – October 29, 2015

Public Workshop #2 - October 29, 2015—For this second workshop, the team looked at feedback from the first meeting and the portlandstudies.org feedback and incorporated the suggestions into a series of early recommendations for each focus area. This allowed the team and City staff to hear more detailed feedback around the various choices. Making Oxford Street, Preble Street, and Elm Street two-way drew major consideration. Adapting Lancaster and Kennebec Streets as shared streets was also proposed. The treatment of Marginal Way and Forest Avenue intersections in particular drew much discussion.

AGENDA

Welcome and Team Introductions

- Study Background, Process and Schedule
- Public Feedback Opportunities
- Draft Purpose and Need Statement
- Existing Conditions/Issues and Opportunities
 - Marginal Way
 - Configuration of Preble and Elm Streets
 - Reconnected Lancaster Street
 - Kennebec Street
 - East Bayside
 - Transit Access and Service
- Next Steps
- Workshop

Feedback: Many comments were generated. There was no clear consensus on making Preble and Elm Streets two-way; comments reflected pros and cons of both solutions. There was significant support, though not unanimous, for making Oxford Street two-way, as well as for adding a full vehicle connection at the Oxford Street/Franklin Street intersection. Interest in better linking the Bayside Trail at Franklin Street was also strong. Based on feedback from the first meeting, a station on Public Space (staffed by Portland Trails) was added to help identify new locations that could be added as the neighborhood developed. Full comments are at <http://shscs.engagingplans.org/document/2a-what-we-heard-october-bayside-meetings>.

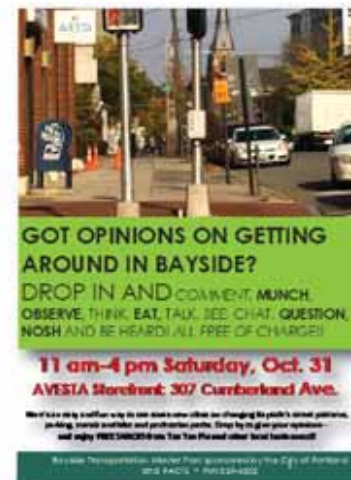


Figure 6-3: Got Opinions on Getting Around Bayside Flyer—October 31, 2015

Public Open House – October 31, 2015—The team experimented with a new feedback opportunity for this study. In an effort to draw participants who would not ordinarily attend a meeting or go online to comment, an informal open house was staged on a Saturday, partnering with Avesta in their sidewalk-adjacent conference room on Cumberland Avenue in one of the more active parts of the study area. Food and coffee was served, and displays and stations were the same as at Public Workshop #2, but participation was on a drop-in basis, so no presentation was made. Participation was fairly low, with about 20 individuals attending over a 5-hour period. About half were new faces; the others were people who had been unable to make the October 29th workshop. Everyone was very appreciative of the convenience. Comments gathered are incorporated

into the October 29th workshop feedback. While perhaps not the most efficient use of time on a per-person basis, this concept would be very effective in a study area that had a central area with more foot traffic, and/or if it could be up and running for a week or so. It provides a good opportunity for informal conversation and the chance to talk with people outside of the usual sphere of influence, and so remains a good tool for a serious public outreach process.

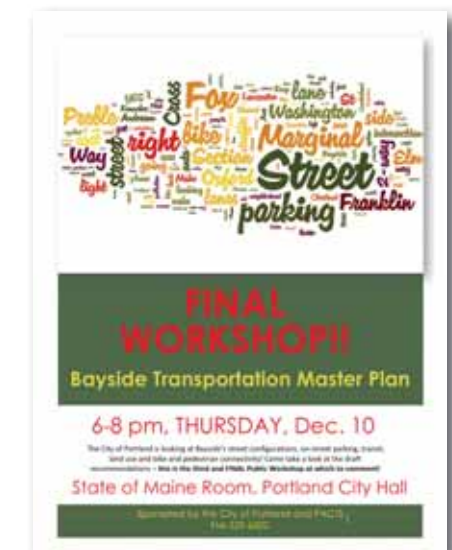


Figure 6-4: FINAL WORKSHOP! Flyer – December 10, 2015

Public Meeting #3 – December 10, 2015—This last workshop presented final recommendations, with an emphasis on lower cost and immediate changes that could be incorporated into the study sooner rather than later. Longer term, more expensive options were included where appropriate. Because of the detail involved in these plans, the presentation lasted longer than at other meetings; about 40 minutes was still made available for written comments. In general, draft recommendations included Oxford Street moving to two-way, Preble and Elm Streets staying one-way with an added bike lane and buffer, and modified intersections at Marginal Way and Franklin Street, Marginal Way and Preble Street/Elm Street, and Marginal Way and Forest Avenue.

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION SIX – PUBLIC OUTREACH PROCESS

AGENDA

Presentation

Welcome and Team Introductions

- Study Background, Process and Schedule
- Public Feedback Opportunities
- Draft Purpose and Need Statement
- Existing Conditions/Issues and Opportunities
 - Configuration of Preble and Elm Streets
 - Pearl Street Future Connection
 - Portland and Oxford Streets
 - Forest Avenue/Park Avenue/Portland Street
 - Lancaster Street
 - Kennebec Street
 - East Bayside
 - Washington Avenue
 - Marginal Way
 - Transit: Long-term Considerations
- Next Steps
- Workshop

Feedback: In general, recommendations were met with support and positive feedback, with specific suggestions on details like intersection geometry at Plowman Street, access out of the Elm Street Parking Garage, adjustments to the Forest Avenue intersection, and suggestions for adding crosswalks on Oxford Street. Parking concerns about the two-way change on Oxford Street were also reiterated. The oral comments made during the meeting and the written workshop comments can be found at <http://shscs.engagingplans.org/document/1a-what-we-heard-december-bayside-workshop>.

Website – www.portlandstudies.org:



Figure 6-5: PortlandStudies Transportation Website

This interactive web platform was used to post study information (meeting alerts, meeting PowerPoints and meeting comments), along with posing specific questions about study issues.

Opportunities to answer these question ran from the end of September through the end of October and comments were viewable online during that time. The four questions posted were:

1. Should Preble and Elm Streets be two-way?
2. What's most important for Oxford Street?
3. What short-term improvements are needed for Marginal Way, and
4. How could we connect PHA properties to the larger neighborhood.

There were 14 individuals who answered these questions; the format encourages longer, more thoughtful answers with an attribution. This group generally wanted two-way streets instead of one-way; was very interested and specific in comments on safety and pedestrian/bike needs, and also included comments from the Chamber (Chris O'Neil) and property owner Brent Noyes. See details at <http://shscs.engagingplans.org/document/1b-what-was-posted-portlandstudiesorg>.

6.4 Other Key Stakeholder Outreach

Other key stakeholders were also part of the outreach process in smaller meetings during the study process:

MaineDOT

As a major stakeholder, the team and City staff sent materials to MaineDOT for review and feedback prior to each public meeting, as well as meeting with staff at key points. MaineDOT staff also attended each of the three workshops and participated in terms of listening and providing the DOT viewpoint to the public as needed. This contributed to a smooth study process with no surprises for any of the team members.

METRO

City staff and Metro Manager Greg Jordan met on August 5th to identify existing conditions and issues/opportunities. In addition, there were periodic exchanges of transit data by email and an intensive work session on November 23rd attended by the consultant team, City staff, and Metro staff.

Affected Businesses and Organizations

Outreach to property owners (Brent Noyes and Peter Quesada), and the Postmaster General, was part of the process in order to identify issues about changes in bus stops and potential improvements. A follow-up communication was sent to the Postmaster General to allow them to comment on changes proposed in front of the Portland Street entrance.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Sonia Bean, Nancy English, Danielle West-Chuhta, Deivy Periana,

FROM: Bruce Hyman, Transportation Program Manager

DATE: June 3, 2019

SUBJECT: Council Review of Bayside Transportation Master Plan

SPONSOR: Jon Jennings, City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading_____ **Final Action** June 17, 2019_____

Can action be taken at a later date: X Yes No (If no why not?)

PRESENTATION:

Bruce Hyman, 15 minutes, PPT

I. ONE SENTENCE SUMMARY

Adoption of the Bayside Transportation Master Plan pursuant to the plan adoption process in Portland's Plan 2030.

II. AGENDA DESCRIPTION

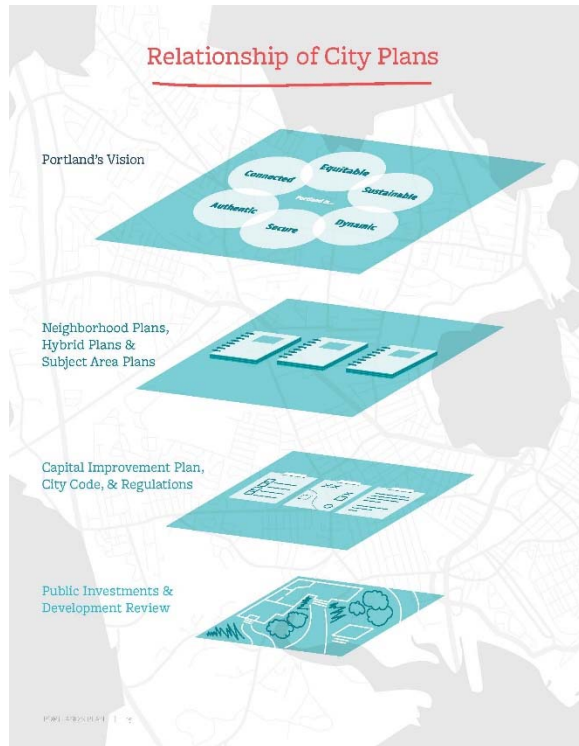
Introduction

The City conducted the PACTS-funded multimodal and land use Bayside Transportation Master Plan to integrate and lay the groundwork for many various public planning-project initiatives and private development activities in the fast-changing Bayside and East Bayside neighborhoods.

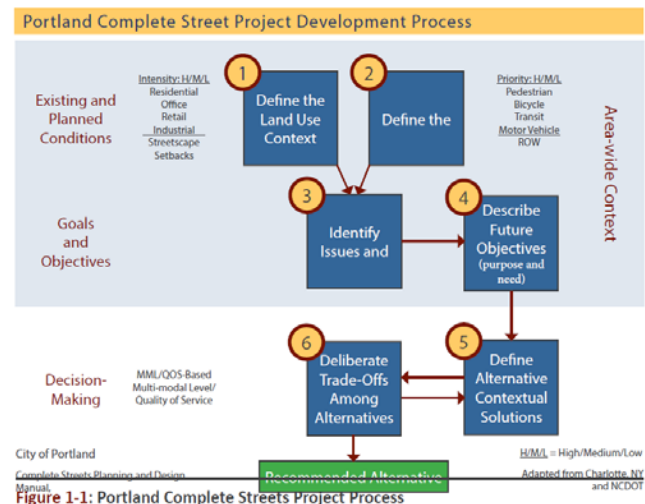
The Plan and its recommendations are organized around 6 primary and 2 additional 'Focus Areas':

- Marginal Way
- Preble and Elm Streets
- Portland and Oxford Streets
- Pearl Street
- Lancaster and Kennebec Streets
- Public Transit
- East Bayside (additional area)
- Washington Avenue, on-peninsula (additional area).

The Bayside Transportation Master Plan was designed to be an integrated multi-modal and land use initiative, examining pedestrian, bicycle, vehicular and transit access; connectivity; land use; and urban form, guided by the City's and MaineDOT's Complete Streets Policy. As an adopted Master Plan it would fall within the hierarchy of planning documents for the City.



Portland's Plan 2030



Complete Streets Design Process

Principal Recommendations by Key Focus Area:

Recommendations for each focus area were made based on the technical analysis and goals evaluation. The principal recommendations for each focus area are summarized below. Common themes for each focus area are seeking complete streets solutions including an improved streetscape/sidewalks and pedestrian crossings. Select recommendations are as follows:

- **Marginal Way.** To more safely and efficiently serve a more urban development context, Marginal Way is recommended to become a more consistent 3-lane roadway from Forest Avenue to Franklin Street with one lane in each direction, two-way center turn lane/left turn lanes at intersections, buffered bike lanes and on-street parking. Intersections are recommended to be reconfigured to serve this configuration including at Preble/Elm Streets (including removal of the double left turn lane on Preble Street Extension), Chestnut Street (including a traffic signal) and at Franklin Street. At Franklin Street, full movement of traffic for westbound Marginal Way is recommended to be preserved.
- **Preble and Elm Streets.** In anticipation of the Somerset Street re-connection between Elm and Hanover Streets, Preble Street is proposed to be reconfigured from Marginal Way to Congress Street for generally one travel lane and a bike lane with turn lanes at

intersections where needed. Elm Street is recommended to remain two travel lanes with shared lane bikeway markings. Both streets are recommended to remain one-way.

- Portland and Oxford Streets. Portland Street is recommended to be reconfigured at the Forest Avenue intersection to better serve pedestrians and transit users. Oxford Street is recommended to become two-way from Elm Street to Alder Street/Portland Street to improve street connectivity within the neighborhood. A test of a two-way Oxford Street from Elm to Pearl Streets is suggested.
- Public Transit. Many bus stops are recommended to be relocated and formalized by removal of on-street parking to allow buses access to the curb to better serve riders. Bus stop locations should be reassessed in light of the likely re-thinking of the current one-way loop Route 8 peninsula circulator; implementation is slated for the Fall 2020.

Additionally, recommendations were highlighted for two additional areas:

- East Bayside. Many East Bayside streets are recommended to be upgraded to traditional city streets with curb and sidewalks where they are currently missing as the area transitions. Fox Street, which is seeing increasing traffic volumes, is recommended to have on-street parking on one side only from Anderson Street to Washington Avenue.
- Washington Avenue (on-peninsula). In anticipation of reconstruction of much of the street and its continued redevelopment/revitalization, Washington Avenue is recommended to have a much higher quality streetscape/sidewalks and better pedestrian access along and across Washington Avenue.

III. BACKGROUND

The Bayside area has been a major focus for redevelopment plans on the Portland peninsula, and planning efforts have been part of reshaping this area over the past two decades - beginning with A New Vision for Bayside in 2000, continuing through implementation of the Bayside Trail, the Chestnut Street Extension, and the re-extension of Somerset Street, and with potential future changes to Franklin Street. Land uses in Bayside can be described as mixed-use, and current dominant uses include regional scale retail (grocery), a gym, banking, automotive services, regional scale medical offices, and mid-rise residential. Land use form is a mix of more urban-style but also some recent more suburban-style development.

Recommendations for Focus Areas not included in Section II (above) include:

- Pearl Street. Pearl Street is recommended to be extended the one block from Somerset Street to Marginal Way to enhance north-south connectivity on the peninsula from Marginal Way to Commercial Street.
- Lancaster and Kennebec Streets. Various options for reconfiguring both streets are presented including as traditional city streets (travelways with curb and sidewalk) or as shared streets for some sections in response to potential development opportunities. City staff also suggest that portions of Kennebec Street be considered to become pedestrian only/a pedestrian mall given its unique characteristics and development potential. This

type of conversion has been successful in communities across the country to create vibrant redevelopment areas.

A robust public outreach-engagement process with residents, property owners and businesses was conducted that included three well-attended public workshops, an Open House and an interactive project website. Close coordination with the MaineDOT and METRO was also maintained through-out the process. This process and its outcomes are documented in Chapter 6.

For each of the 6 focus areas, the public outreach and consultant-staff discussions generated a series of Issues-Opportunities and Goals were identified. From these, a set of multimodal/complete streets-oriented Alternatives were generated and analyzed and evaluated based on how well they met the Goals.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

As a council-adopted Master Plan, additional consideration/weight will be given to its recommendations as private development occurs and as the city pursues federal and state transportation funds for implementation.

V. FINANCIAL IMPACT

Adoption of the Plan does not obligate the City to any particular action on or implementation of its recommendations. Adoption by the Council increases the likelihood that some of its recommendations may be implemented by the private sector as part of development projects that may occur. Adoption also improves funding opportunities for state and federal transportation funds whereby the City would pay for 20% to 25% local match.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

The Plan will improve the overall safety (for all users), circulation, accessibility and mobility for all users of the transportation network in and to the Bayside and East Bayside neighborhoods. It will also improve the economic development context for both neighborhoods.

VII. RECOMMENDATION

Staff recommends the Plan as a Council adopted Master Plan.

VIII. LIST ATTACHMENTS

DRAFT Bayside Transportation Master Plan

PLEASE REMEMBER THAT BACKUP ITEMS HAVE TO BE SINGLE SIDED.

Prepared by: Bruce Hyman

Date: June 3, 2019

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 15, 2019

SUBJECT: Order 11-19/20 Amendment to Portland City Code Chapter 30 Vehicles for Hire Re: Rental of Golf Carts- Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair.

SPONSOR: Sustainability and Transportation Committee

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

To make recommendations that regulate golf cart rentals on Portland Islands

II. AGENDA DESCRIPTION

The Sustainability and Transportation Committee met on June 19 and voted 3-0 to forward this item to the City Council with a recommendation for passage.

This amendment will make changes to Chapter 30 Section 30-110 that will regulate golf cart rentals on Portland islands, requiring annual registrations and phasing out all but electric-powered golf carts by 2021.

This item must be read on two separate days. It was given a first reading on July 15, 2019. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The City of Portland regulates a variety of businesses for a variety of reasons. Regulations may be enacted for public safety purposes, for density purposes, and to strike a balance between business and residential purposes.

Over the past several summers, residents of Peaks Island have become increasingly concerned about the number of golf carts available for short term rental to visitors of the island. With ferries arriving approximately every hour, visitors have found that they have just enough time to arrive at Peaks, take a quick loop or two around the island, return the cart and depart on the next ferry.

In 2018, the Peaks Island Council undertook an island wide survey of residents and seasonal property owners to solicit feedback on golf cart usage on Peaks Island. The PIC summary results and the full PIC survey results are the basis for recommended changes to Chapter 30, and are included in the back up material.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

1. Sec. 30-110 (b)(1) allows the City Manager to set a limit or cap on the number of golf cart rental operators that may operate in the city at one time. This allows the City Manager flexibility to adjust the number of operators due to economic conditions, infrastructure limitations, and neighborhood quality of life concerns. This also allows the City Manager to adjust the number of rental companies by geographic area; i.e. there are five island communities where golf carts are in operation; however golf cart rental operators are located on only one island at this time. A cap may be set on one island, without impacting the possibility of golf cart rental companies operating on other islands. This recommendation replaces Proposed Measure # 2 of the Peaks Island Council transmittal letter of December 12, 2018. Staff feels the cap limitation is more appropriate than an outright moratorium.
2. Sec. 30-110(b)(2) allows the City Manager to set a cap on the number of rental golf carts that may operate in the city at one time. The reasoning above is repeated here; a cap may be met on one island and not on another island. This also partially addresses Proposed Measure # 4 of the Peaks Island Council transmittal letter of December 12, 2018. Staff does not recommend the section of Proposed measure #4 that limits 1/3 of the rental golf carts to be limited to weekly rental only. The City does not regulate rental cars, bicycles, or short term rentals to a time limit; that is a business decision that each operator needs to make.
3. Sec. 30-110(c)(1) will require rental golf carts to move away from fossil fuels as a fuel source and utilize battery/electricity as a fuel source by May 1, 2021. This recommendation addresses Proposed Measure # 7 of the Peaks Island Council transmittal letter of December 12, 2018.
4. Sec. 30-110(d) will require that all rental golf cart operators register (license) each rental golf cart annually with the City. This recommendation addresses Proposed Measure # 1 of the Peaks Island Council's transmittal letter of December 12, 2018.
5. Sec. 30-110(d)(1) requires a fee for each rental golf cart operated in the City. The two tiered fee structure creates an incentive, rather for golf cart operators to move towards electric powered rental golf carts until Sec 30-110(c)(1) takes effect May 1, 2021. This interim recommendation addresses Proposed Measure # 7 of the Peaks Island Council transmittal letter of December 12, 2018, until May 1, 2021 when Sec 30-110(c)(1) takes effect.
6. Sec. 30-110(d)(2) will require a visual inspection of registered rental golf carts by the Office of Licensing and Registration or its designee for compliance with 30-113(d), and shall affix a Rental Golf Cart decal to each rental golf cart. This recommendation addresses Proposed Measure # 6 of the Peaks Island Council transmittal letter of December 12, 2018.

7. Sec. 30-110(e) sets criteria for golf cart operators to be in compliance with this ordinance. This section addresses Proposed Measures # 5, #6, #8 of the Peaks Island Council transmittal letter of December 12, 2018.

Staff reviewed, but is not able to make recommendations on Proposed Measures # 3, #9, #10, #11 of the Peaks Island Council transmittal letter of December 12, 2018 because:

- a. Proposed measure # 3 would require a minimum rental period of 4 hours; again the City does not regulate time limits on rental vehicles.
- b. Proposed Measure # 9 speaks to providing adequate numbers of police personnel; the Chief of Police is responsible for the deployment of personnel based on current staffing levels.
- c. Proposed Measure # 10 requires rental home/cottage owners that supply a golf cart with the rental to sign a standard rental agreement; this Proposed Measure is not enforceable.
- d. Proposed Measure # 11 would require privately owned golf carts that are new registrations after a date certain to be electrically powered; re-registrations by the current owner as of a date certain of existing gas powered golf carts would be grandfathered. Staff does not recommend taking action on Proposed Measure # 11 at this time because:

1. The subject at hand is rental golf cart regulations and this item should be addressed separately;
2. There are other island communities that may wish to weigh in on such a proposal, and at this time, are not aware that any such ordinance is under consideration.

VIII. LIST ATTACHMENTS

1. Ch. 30 Rental Golf Carts and Operators 30-110 7.15.2019
2. Golf Cart Recommendations Memo (7)
3. Proposed Changes to City Code
4. PIC Recommendations
5. PIC Recommendations to City Council re Golf Carts - Final (1)
6. Golf Cart Letter Sizes
7. Golf Cart Additional Info Memo
8. PIC Communication re Golf Carts - 7-8-19 final

Prepared by:

Date: 7/15/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 30 VEHICLES FOR HIRE
RE: RENTAL OF GOLF CARTS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE IN
CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. That a new Article IV., Section 30-110 of the Portland City Code is hereby added to read as follows:

ARTICLE VI. RENTAL VEHICLES

Sec. 30-110. Rental of Golf Carts for Operation on City Streets.

(a) Definitions. The following words shall have the following definitions for purposes of this Article.

(1) A rental golf cart means any golf cart rented or offered for rent to be operated on City streets. "Rental golf cart" shall not include any golf cart rented or offered for rent to be operated solely on a golf course or other public or private property.

(2) A golf cart rental operator means any entity or individual who rents or offers to rent a rental golf cart to the public.

(b) Limitations on number of rental golf cart operators and rental golf carts.

(1) The City Manager may set a cap on the number of golf cart rental operators that may operate in the city at one time. If such a limit is met, the city shall determine operators through a competitive bidding process.

(2) The City Manager may set a cap on the number of rental golf carts that may operate in the city at one time. The Sustainability and Transportation Committee will review an annual report and recommendation made by the City

Manager regarding the number of rental golf carts available for public use.

(c) Rental golf carts to be powered by non-fossil fuel sources.

(1) All golf carts offered for rental purposes by golf cart rental operators shall be powered by battery/electricity by May 1, 2021.

(d) Annual Registration Required. Every golf cart rental operator shall register each rental golf cart annually with the city.

(1) The annual registration fee shall be:

a. \$75.00 for each electric powered rental golf cart;

b. \$150.00 for each non-electric powered rental golf cart;

(2) Upon registration, the City shall inspect all rental golf carts for compliance with this Article and shall issue a Rental Golf Cart decal that must be prominently displayed on each rental golf cart.

(e) Rental Golf Cart Criteria. Every golf cart rental operator must ensure that each rental golf cart:

(1) Have and properly display a current Island Use Registration, pursuant to Chapter 28 of this Code;

(2) Have and properly display a current Rental Golf Cart decal;

(3) Display the name of the golf cart rental operator and its telephone number in letters no smaller than one and one-half (1 ½) inches; and

(4) Be stored on private property when not in active use and not be stored stored in the City right-of-way.

(f) Golf cart rental operators shall ensure that all individuals operating a rental golf cart comply with the requirements of Sec. 28-185, including having a valid driver's license.



Memorandum

TO: Chair Thibodeau; Sustainability & Transportation Committee
FROM: Jon P. Jennings, City Manager
CC: Vernon Malloch, Interim Chief of Police
Jessica Hanscombe, Licensing and Registration Coordinator
Anne Torregrossa, Associate Corporation Counsel
Mike Murray, Assistant to the City Manager

SUBJECT: Proposed Rental Golf Cart Regulations

DATE: June 10, 2019

OBJECTIVE:

To make recommendations that regulate golf cart rentals on Portland Islands

BACKGROUND:

The City of Portland regulates a variety of businesses for a variety of reasons. Regulations may be enacted for public safety purposes, for density purposes, and to strike a balance between business and residential purposes.

Over the past several summers, residents of Peaks Island have become increasingly concerned about the number of golf carts available for short term rental to visitors of the island. With ferries arriving approximately every hour, visitors have found that they have just enough time to arrive at Peaks, take a quick loop or two around the island, return the cart and depart on the next ferry.

In 2018, the Peaks Island Council undertook an island wide survey of residents and seasonal property owners to solicit feedback on golf cart usage on Peaks Island. The PIC summary results and the full PIC survey results are the basis for recommended changes to Chapter 30, and are included in the back up material.

RECOMMENDATIONS:

1. Sec. 30-110 (b)(1) allows the City Manager to set a limit or cap on the number of golf cart rental operators that may operate in the city at one time. This allows the City Manager flexibility to adjust the number of operators due to economic conditions, infrastructure limitations, and neighborhood quality of life concerns. This also allows the City Manager to adjust the number of rental companies by geographic area; i.e. there are five island communities where golf carts are in



- operation; however golf cart rental operators are located on only one island at this time. A cap may be set on one island, without impacting the possibility of golf cart rental companies operating on other islands. This recommendation replaces Proposed Measure # 2 of the Peaks Island Council transmittal letter of December 12, 2018. Staff feels the cap limitation is more appropriate than an outright moratorium.
2. Sec. 30-110(b)(2) allows the City Manager to set a cap on the number of rental golf carts that may operate in the city at one time. The reasoning above is repeated here; a cap may be met on one island and not on another island. This also partially addresses Proposed Measure # 4 of the Peaks Island Council transmittal letter of December 12, 2018. Staff does not recommend the section of Proposed measure #4 that limits 1/3 of the rental golf carts to be limited to weekly rental only. The City does not regulate rental cars, bicycles, or short term rentals to a time limit; that is a business decision that each operator needs to make.
 3. Sec. 30-110(c)(1) will require rental golf carts to move away from fossil fuels as a fuel source and utilize battery/electricity as a fuel source by May 1, 2021. This recommendation addresses Proposed Measure # 7 of the Peaks Island Council transmittal letter of December 12, 2018.
 4. Sec. 30-110(d) will require that all rental golf cart operators register (license) each rental golf cart annually with the City. This recommendation addresses Proposed Measure # 1 of the Peaks Island Council's transmittal letter of December 12, 2018.
 5. Sec. 30-110(d)(1) requires a fee for each rental golf cart operated in the City. The two tiered fee structure creates an incentive, rather for golf cart operators to move towards electric powered rental golf carts until Sec 30-110(c)(1) takes effect May 1, 2021. This interim recommendation addresses Proposed Measure # 7 of the Peaks Island Council transmittal letter of December 12, 2018, until May 1, 2021 when Sec 30-110(c)(1) takes effect.
 6. Sec. 30-110(d)(2) will require a visual inspection of registered rental golf carts by the Office of Licensing and Registration or its designee for compliance with 30-113(d), and shall affix a Rental Golf Cart decal to each rental golf cart. This recommendation addresses Proposed Measure # 6 of the Peaks Island Council transmittal letter of December 12, 2018.
 7. Sec. 30-110(e) sets criteria for golf cart operators to be in compliance with this ordinance. This section addresses Proposed Measures # 5, #6, #8 of the Peaks Island Council transmittal letter of December 12, 2018.



Staff reviewed, but is not able to make recommendations on Proposed Measures # 3, #9, #10, #11 of the Peaks Island Council transmittal letter of December 12, 2018 because:

- a. Proposed measure # 3 would require a minimum rental period of 4 hours; again the City does not regulate time limits on rental vehicles.
- b. Proposed Measure # 9 speaks to providing adequate numbers of police personnel; the Chief of Police is responsible for the deployment of personnel based on current staffing levels.
- c. Proposed Measure # 10 requires rental home/cottage owners that supply a golf cart with the rental to sign a standard rental agreement; this Proposed Measure is not enforceable.
- d. Proposed Measure # 11 would require privately owned golf carts that are new registrations after a date certain to be electrically powered; re-registrations by the current owner as of a date certain of existing gas powered golf carts would be grandfathered. Staff does not recommend taking action on Proposed Measure # 11 at this time because:
 1. The subject at hand is rental golf cart regulations and this item should be addressed separately;
 2. There are other island communities that may wish to weigh in on such a proposal, and at this time, are not aware that any such ordinance is under consideration.

For your review are the following attachments:

1. Proposed changes to Chapter 30 in red-line form;
2. PIC Summary Community Concerns Transmittal Letter ;
3. Full PIC survey results;

ARTICLE VI. RENTAL VEHICLES

Sec. 30-110. Rental of Golf Carts for Operation on City Streets.

(a) Definitions. The following words shall have the following definitions for purposes of this Section.

(1) A “rental golf cart” shall mean any golf cart rented or offered for rent to be operated on City streets. “Rental golf cart” shall not include any golf cart rented or offered for rent to be operated solely on a golf course or other public or private property.

(2) A “golf cart rental operator” shall mean any entity or individual who rents or offers to rent a rental golf cart to the public.

(b) Limitations on number of rental golf cart operators and rental golf carts.

(1) The City Manager may set a cap on the number of golf cart rental operators that may operate in the city at one time. If such a limit is met, the City shall determine operators through a competitive bidding process.

(2) The City Manager may set a cap on the number of rental golf carts that may operate in the city at one time. The Sustainability and Transportation Committee will review an annual report and recommendation made by the City Manager regarding the number of rental golf carts available for public use.

(c) Annual Registration Required. Every golf cart rental operator must register each rental golf cart annually with the City.

(1) The annual registration fee shall be:

(1a) \$75.00 for each electric powered rental golf cart;

(1b) \$150.00 for each non-electric powered rental golf cart;

(2) Upon registration, the City shall inspect all rental golf carts for compliance with this section, and shall issue a Rental Golf Cart decal which must be prominently displayed on each rental golf cart.

(d) Rental Golf Cart Criteria. Every golf cart rental operator must ensure that each rental golf cart must meet all of the following criteria:

(1) Have and properly display a current Island Use Registration, pursuant to Chapter 28 of this Code;

(2) Must have and properly display a current Rental Golf Cart decal;

(3) Must display the name of the golf cart rental operator and its telephone in letters no smaller than (1 ½) inches; and

(4) May not be stored in the City right-of-way, and may only be stored on private property when not in active use.

(e) Golf cart rental operators shall ensure that all individuals operating a rental golf cart comply with the requirements of Sec. 28-185, including having a valid driver's license.



December 12, 2018

To: Members, Portland City Council

From: Randy Schaeffer, Chair
Peaks Island Council

Re: Addressing Community Concerns Regarding the Use of Golf Carts on the City Streets of Peaks Island

The Peaks Island Council (PIC) recently completed a year-long process to document community concerns regarding the use of golf carts on the city streets of Peaks Island and to recommend measures for addressing those concerns to the Portland City Council for further action.

The process undertaken by the PIC and the results of that process will be described in detail in a report entitled "Addressing Community Concerns Regarding the Use of Golf Carts on the City Streets of Peaks Island" which will be distributed in the weeks ahead. The report will include further detail regarding operational implications for each of the recommended measures.

The Peaks Island Council, at a special meeting on November 14, 2018 and at its regular monthly meeting on November 28, 2018, voted to recommend that the Portland City Council consider the following proposed measures for further action:

1. Create a City of Portland business license which would be required to operate a business that rents golf carts and/or other motorized means of human conveyance for use on City streets.
2. Create a 24-month moratorium on the creation of any new businesses (excluding golf cart rental businesses) involved in the commercial rental of any motorized means of human conveyance on Peaks Island.
3. Require the minimum rental period of commercially owned golf carts be 4 hours.

4. Permanently cap the combined number of rental golf carts on Peaks Island from all businesses to the current level of 44, of which a minimum of 1/3 (14) carts be limited to weekly only rental.
5. Prohibit the storage/parking of un-rented commercially owned and operated golf carts on any city street.
6. Require that all commercially rented golf carts have the rental company name, telephone number, and unique identification number visible from 100' away on all four sides.
7. Require that all commercially owned and operated golf carts be electrically powered by December 31, 2020.
8. Ensure that state statutes and city ordinances pertaining to the operation of golf carts are rigorously enforced.
9. Provide adequate numbers of police personnel and their effective supervision needed to carry out enforcement of state statutes and city ordinances regarding the operation of golf carts on Peaks Island and to ensure public safety.
10. Renters of any house or cottage that includes a golf cart with the rental are required to sign a standard rental agreement outlining golf cart safety and operational requirements.
11. After December 31, 2018, require that any newly registered (new or used) privately owned and operated golf carts be electrically powered. Registrations for existing gas-powered carts are grandfathered and can be renewed with the current owner.

The Peaks Island Council welcomes the opportunity for discussion with the City Council in the further development and enactment of measures to address our community's concerns.

Thank you very much for your consideration.

C: Jon Jennings
Mike Murray
Members, Peaks Island Council



Peaks Island Council

Addressing Community Concerns Regarding the Use of Golf Carts on the City Streets of Peaks Island

February 2019

Acknowledgements

Members of the Peaks Island community for their willingness to participate in a public dialogue of matters of considerable concern, albeit representing many differences of opinion, in a constructive and positive manner.

Members of the Peaks Island Council Transportation Committee for their hard work, patience, objectivity, and commitment to our community's quality of life.

The many respondents to the Peaks Island Council's survey and the participants of the council's public forums for taking the time to inform the study process.

The representatives of the two companies currently renting golf carts here on Peaks for their willingness to share their views and for their responsiveness to community concerns.

The Peaks Island registered voters who took the initiative to petition as way of conveying their views on the matters under review.

Peaks Island Council February 2019

Steve Anderson
Patrick Flynn
Stuart Jackson
Andrea Kelly-Rosenberg

Devon Kraft
Lisa Peñalver, Vice Chair
Randy Schaeffer, Chair



Peaks Island Council

Addressing Community Concerns Regarding the Use of Golf Carts on the City Streets of Peaks Island

February 2019

Executive Summary

Chapter 9, Article IV, Section 51 of the Portland City Code states the purpose of the Peaks Island Council to be: “...to provide the residents of Peaks Island with a different method of gathering input from its residents as to issues of concern to them and to provide input to the members of the Portland city council...”.

Furthermore, Section 54 (b) provides that “That the city council shall on its regular agenda schedule timely discussion and opportunity for adoption of recommendations made by the Peaks Island Council...”

In fulfillment of its mission, the Peaks Island Council recently completed a year-long process of documenting and addressing community concerns regarding the use of golf carts on the city streets of Peaks Island. The purpose of this report is to describe the process undertaken to document community concerns and to convey our community’s input to the Portland City Council for further action.

The process, begun in January 2018, included six steps:

1. Survey of Peaks Island residents (permanent and seasonal) to assess public opinion regarding golf cart use (April 11, 2018 thru May 2, 2018);

2. Public forums to solicit community input regarding ways in which to address community concerns (August 1, 5, and 7, 2018);
3. Public meeting with representatives of companies currently renting golf carts on Peaks Island (October 4, 2018);
4. Use of public input to identify measures to address community concerns (August 29, September 12, and October 10, 2018);
5. Selection of measures for addressing community concerns to be recommended to the Portland City Council for further action (October 24, November 14, and November 28, 2018); and
6. Collaboration with the Portland City Council to bring about enactment of measures that address community concerns (On-going).

Eleven recommendations were approved by the Peaks Island Council at its meetings of November 14 and November 28 to be forwarded to the Portland City Council for further action. Those recommendations include:

1. Create a City of Portland business license which would be required to operate a business that rents golf carts and/or other motorized means of human conveyance for use on City streets.
2. Create a 24-month moratorium on the creation of any new businesses (excluding golf cart rental businesses) involved in the commercial rental of any motorized means of human conveyance on Peaks Island.
3. Require the minimum rental period of commercially owned golf carts be 4 hours.
4. Permanently cap the combined number of rental golf carts on Peaks Island from all businesses to the current level of 44, of which a minimum of 1/3 (14) carts be limited to weekly only rental.

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7. Require that all commercially owned and operated golf carts be electrically powered by December 31, 2020.
8. Ensure that state statutes and city ordinances pertaining to the operation of golf carts are rigorously enforced.
9. Provide adequate numbers of police personnel and their effective supervision needed to carry out enforcement of state statutes and city ordinances regarding the operation of golf carts on Peaks Island and to ensure public safety.
10. Renters of any house or cottage that includes a golf cart with the rental are required to sign a standard rental agreement outlining golf cart safety and operational requirements.
11. After December 31, 2018, require that any newly registered (new or used) privately owned and operated golf carts be electrically powered. Registrations for existing gas-powered carts are grandfathered and can be renewed with the current owner.

A copy of the Peaks Island Council's transmittal memo to the members of the Portland City Council dated December 12, 2018 is included in Attachment A.



Peaks Island Council

Addressing Community Concerns Regarding the Use of Golf Carts on the City Streets of Peaks Island

February 2019

Context

Chapter 9, Article IV, Section 51 of the Portland City Code states the purpose of the Peaks Island Council to be: “...to provide the residents of Peaks Island with a different method of gathering input from its residents as to issues of concern to them and to provide input to the members of the Portland city council...”.

Furthermore, Section 54 (b) provides that “That the city council shall on its regular agenda schedule timely discussion and opportunity for adoption of recommendations made by the Peaks Island Council...”

In fulfillment of its mission, the Peaks Island Council recently completed a year-long process of documenting and addressing community concerns regarding the use of golf carts on the city streets of Peaks Island.

The enactment of State Statute in 2001 gave municipal governing bodies of islands with no state supported streets and roads, the power to allow the use of golf carts on municipal streets and roads. The statute required that carts be registered and established nominal registration fees for such carts. The statute did not distinguish between golf carts that are privately-owned and operated from those that are commercially-owned and operated, e.g. those owned by companies that make short term rentals to tourists, seasonal visitors, and others.

Portland City Ordinance Chapter 28, Section 28-185, amended in 2017, permits the use of golf carts on the streets of Portland's islands. The ordinance requires that drivers possess a valid driver's license and that the carts meet specified safety requirements. Like the State Statute, the City Ordinance does not distinguish between carts that are privately-owned and operated from those that are part of commercial rental fleets.

The City of Portland does not require a business license for companies that offer short-term rental of golf carts. As a result, the city has little or no means by which to regulate the operation of such enterprises which have the capacity to significantly impact the health, safety, environment, and quality of life of island communities.

Community concerns regarding the impact of the use of golf carts has grown substantially over the past ten years. Islanders see the increase of cart usage being directly linked to Portland's growing tourism – a major driver of the city's economy. Peaks Island is a major asset that the City highlights in its marketing efforts. Increased tourism places strains on the island's infrastructure and quality of life.

In 2014, the Peaks Island Council conducted an online community identified golf carts and enforcement as matters needing to be addressed by the Portland City Council and the Peaks Island Council. In the Fall of 2017, numerous emails were sent by island residents expressing their concerns. These focused on such matters as congestion, safety, noise, carbon emissions, rowdy and unsafe operation, parking, congestion and unsafe conditions as ferries load and unload, and enforcement of city golf cart and state traffic regulations.

At the Peaks Island Council meeting of January 24, 2018, the PIC voted to initiate a community survey to further document the community's concerns regarding golf cart usage.

Step 1: Survey to Assess Public Opinion Regard Golf Cart Use on Peaks Island

The task of carrying out the survey was assigned to the Transportation Committee of the Peaks Island Council. Two public meetings (February 20 and March 14) were held by the Transportation Committee, for the purpose of getting

community input in the design of the survey. Technical assistance in survey design and analysis was received from volunteers on the island with professional statistical and survey expertise. The survey instrument is included in Attachment B.

The survey was conducted between April 11 and May 2, 2018. Questionnaires using SurveyMonkey, were widely distributed electronically via the island's two listservs – Carol's List and NextDoor. Hard copies of the questionnaire were available at the Peaks Library.

There were 609 responses. Five responses were deleted as they were assessed to be duplicates resulting in 604 responses included in the published results.

Of the 604 respondents:

- 56% (337) reported they were year-round residents;
- 35% (210) reported they were seasonal residents;
- 1% (3) identified themselves as both year-round and seasonal residents; and
- 1% (6) indicated they did not live on Peaks

Of the 604 respondents:

- 71% (429) indicated they own a home on Peaks;
- 6% (36) said they rent a home on Peaks;
- 7% (40) reported they own a business on Peaks;
- 27% (164) said that they own a golf cart; and
- 11% (69) reported they have rented a golf cart.

A report of the survey results was made to the public at a meeting of the Peaks Island Council on May 23, 2018. The meeting was attended by approximately 50 people. The report made at this meeting is included in Attachment C. In addition, survey results were posted to the Peaks Island website. Please see here:

<http://peaksisland.info/peaks-island-council/golf-cart-survey-results/>

Summary of results:

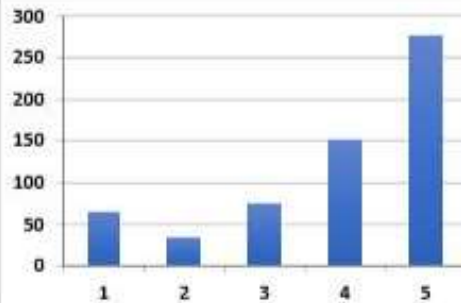
The questionnaire included a total of 17 questions. Twelve of the questions used a five-point Likert Scale in which “0” indicated “no concern” while “5” indicated “high concern” regarding the matter under consideration. The questions asked respondents to indicate their level of concern regarding:

- | | |
|--|---|
| 1. Use of golf carts in general | 7. Guided group golf cart tours |
| 2. Year-round golf cart use | 8. Golf cart rentals for special events |
| 3. Seasonal golf cart use | 9. Number of golf carts |
| 4. Weekly or longer-term golf cart use | 10. Safety of golf cart operation |
| 5. Daily golf cart rentals | 11. Environmental impact of golf carts |
| 6. Hourly golf cart rentals | 12. Noise from golf carts |

The responses to these 12 questions are summarized and presented in the following three pages.

Question #1: Use of Golf Carts

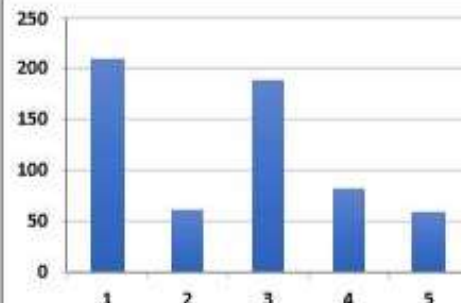
On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that the **use of golf carts** on Peaks Island is a matter of concern that needs to be addressed?



No Concern			High Concern		
1	2	3	4	5	
11%	6%	12%	25%	46%	
64	34	74	150	277	599

Question 2: Year Round Use

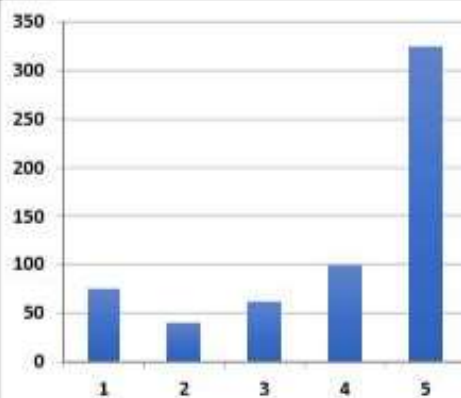
On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **year-round golf cart use** is a concern to you?



No Concern			High Concern		
1	2	3	4	5	
35%	10%	31%	14%	10%	
210	60	188	81	58	597

Question 3: Seasonal Use

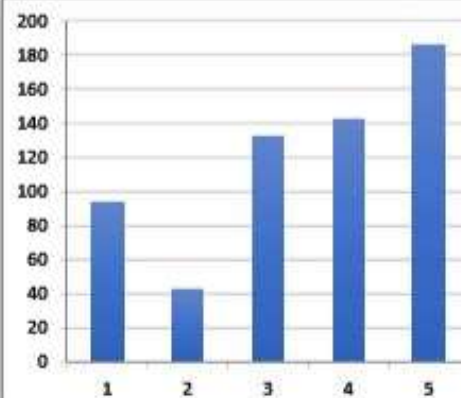
On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **seasonal golf cart use** is a concern to you?



No Concern			High Concern		
1	2	3	4	5	
12%	7%	10%	17%	54%	
74	40	62	99	325	600

Question 4: Weekly Use

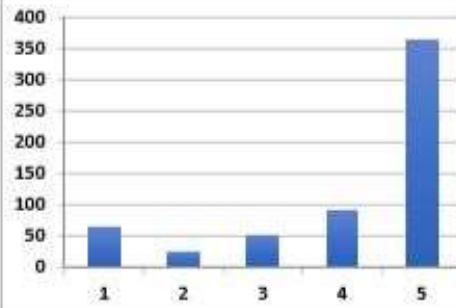
On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **weekly or longer-term golf cart use** is a concern to you?



No Concern			High Concern		
1	2	3	4	5	
16%	7%	22%	24%	31%	
93	42	132	142	186	595

Question 5: Daily Rentals

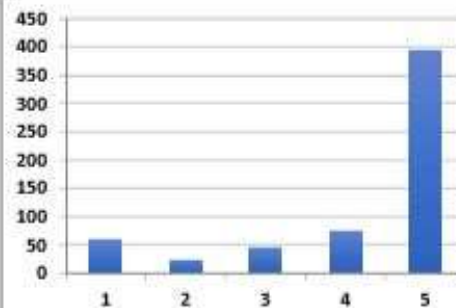
On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **daily golf cart rentals** is a concern to you?



No Concern		High Concern			
1	2	3	4	5	
11%	4%	9%	15%	61%	
63	25	51	91	365	595

Question 6: Hourly Rentals

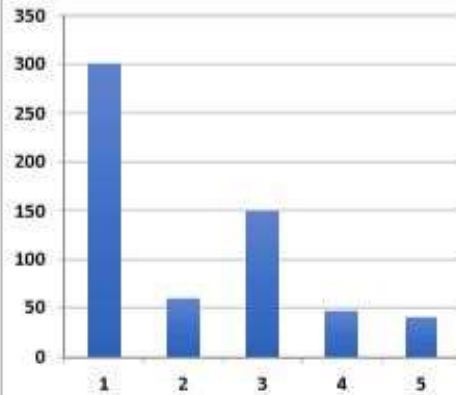
On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **hourly golf cart rentals** is a concern to you?



No Concern		High Concern			
1	2	3	4	5	
10%	4%	8%	12%	66%	
60	23	46	73	393	595

Question 7: Group Tours

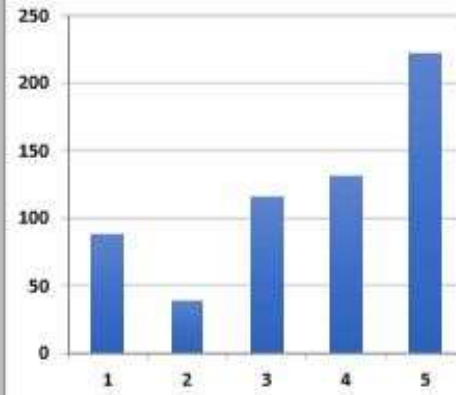
On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **guided group golf cart tours** is a concern to you?



No Concern		High Concern			
1	2	3	4	5	
50%	10%	25%	8%	7%	
301	59	150	46	41	597

Question 8: Special Events

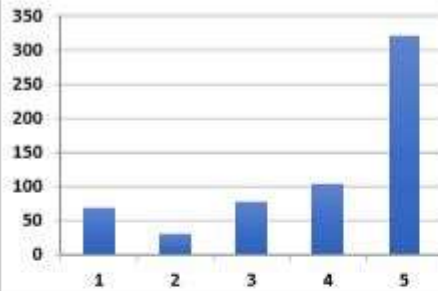
On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **golf cart rentals for special events (weddings, etc)** is a concern to you?



No Concern		High Concern			
1	2	3	4	5	
15%	7%	19%	22%	37%	
88	39	115	131	222	595

Question 9: Number of Golf Carts

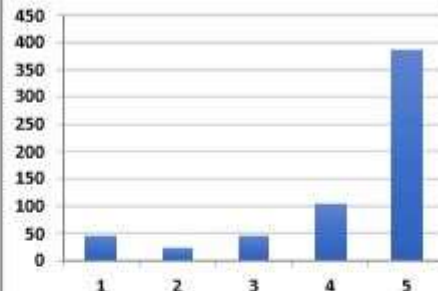
On a scale of 1 being no concern and 5 being high concern, to what degree are the **number of golf carts** on Peaks Island a concern to you?



No Concern			High Concern		
1	2	3	4	5	
12%	5%	13%	17%	53%	
69	29	78	102	319	597

Question 10: Safety of Cart Operation

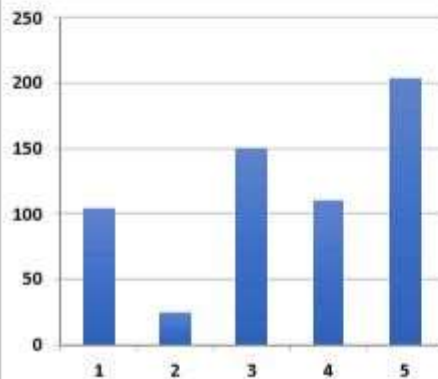
On a scale of 1 being no concern and 5 being high concern, to what degree is the **safety of golf cart operation** on Peaks Island a concern to you?



No Concern			High Concern		
1	2	3	4	5	
8%	4%	8%	17%	64%	
46	21	45	103	384	599

Question 11: Environmental Impact

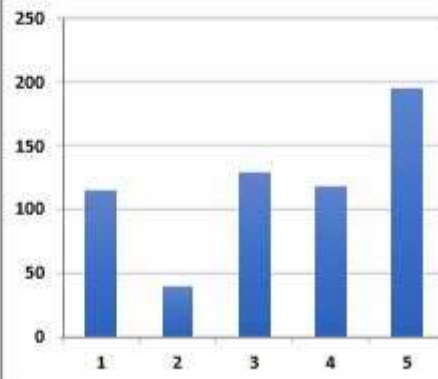
On a scale of 1 being no concern and 5 being high concern, to what degree is the **environmental impact of golf carts** on Peaks Island a concern to you?



No Concern			High Concern		
1	2	3	4	5	
18%	4%	25%	19%	34%	
104	24	150	110	203	591

Question 12: Noise

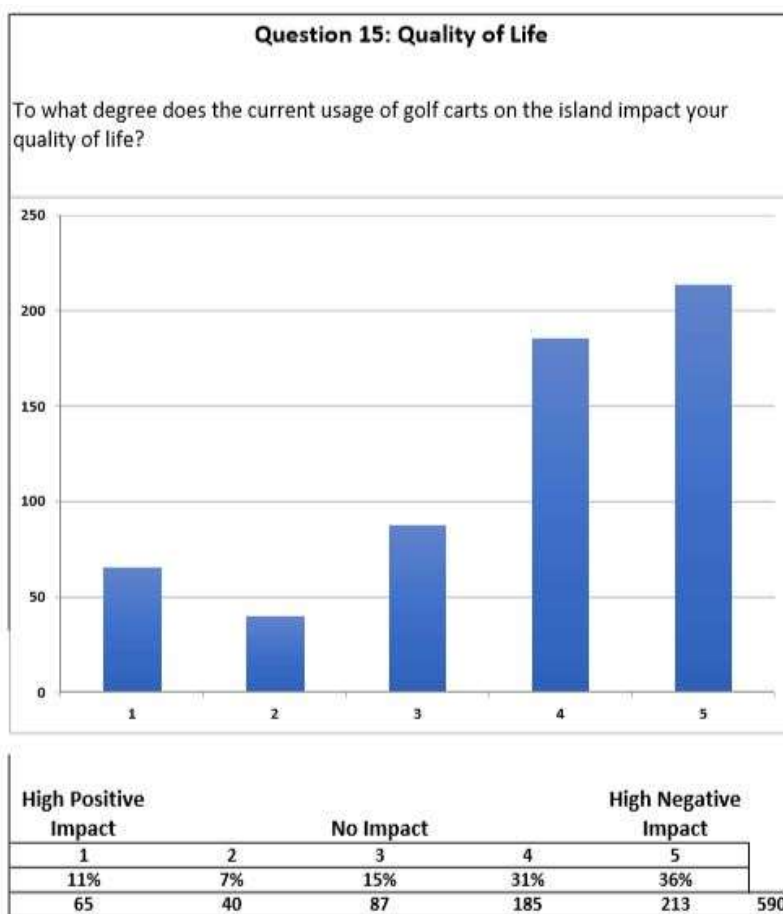
On a scale of 1 being no concern and 5 being high concern, to what degree is **noise from golf carts** on Peaks Island a concern to you?



No Concern			High Concern		
1	2	3	4	5	
19%	7%	22%	20%	33%	
114	39	129	118	195	595

Question 15 asked how the use of golf carts on Peaks Island impacted the respondent's quality of life on a scale of 1 to 5, on which "1" indicated "high

positive impact”, and “5” indicated “high negative impact”. The responses to Question 15 are summarized in the following table:



Slides 8, 9, and 10 of Attachment C, present the responses to the above questions, broken out by reported demographic characteristics of respondents, including Year-Round Residents (N=337), Seasonal Residents (N=210), Business Owners (N=40), and Golf Cart Owners (N=164). There is marked similarity in responses across the various groups

Questions 13 and 14 were open-ended questions. Question 13 asked respondents to list the three top advantages of golf cart use on Peaks Island while Question 14 asked respondents to list the top three disadvantages to golf cart use on the island. These data, which informed the further deliberations of the Transportation Committee, were made publicly available on-line on the Peaks

Island website at: <http://peaksisland.info/peaks-island-council/golf-cart-survey-results/>

Step 2: Public Forums to Identify Measures for Addressing Community Concerns

Between May and August of 2018, the Peaks Island Community was encouraged to review the survey results that had been posted on the Peaks Island website (see above for URLs). Public forums were held on August 1, 5, and 7, 2018 to gather suggestions of ways in which the concerns documented by the survey might be addressed. The three separate sessions were attended by 70 people. The forums were facilitated by a community volunteer with relevant professional experience and expertise.

At the forums, community members were invited to brainstorm proposed solutions in response to the data shared. Participants were then invited to "vote" for their top choices. The following are the top 4 suggestions (receiving the highest number of votes):

- Eliminate all golf carts
- Cap the number of rental golf carts
- Migrate to all-electric carts
- Better enforcement of cart usage

The results of the three forums were made available to the public by posting them on the Peaks Island website here:

<http://peaksisland.info/peaks-island-council/golf-cart-survey-community-forums/>

Step 3: Public Meeting with Companies Renting Golf Carts on Peaks Island

The Transportation Committee convened a public meeting on October 4, 2018 with representatives of the two golf cart rental companies on Peaks. The purpose of the meeting was to gain a better understanding of their business models and future plans in addition to the efforts the companies were willing to make to ameliorate concerns documented by the survey.

Highlights of the discussion:

- The two companies currently operate a total of 44 rental golf carts;
- The majority of these carts are rented short term (1-2 hours) and in most cases are being “turned over” 8-9 times a day during peak season;
- A total of 6 carts are designated for weekly only rentals;
- The vast majority of carts are older gas-powered carts; and
- Many of the carts currently in commercial rental are not in full compliance with the safety standards as required by City Ordinance adopted in 2017.

Step 4: Preparation of Recommended Measures to Address Community Concerns

Informed by the results of the survey, the public input gathered through the three public forums, and the meeting with the rental companies, the Transportation Committee was then tasked with developing possible measures for addressing community concerns. The committee held three work sessions (August 29, September 12, and October 10) which were open to the public.

The committee’s deliberations resulted in the formulation of 15 measures that would be recommended to the PIC for possible recommendation to the Portland City Council. The measures, developed by the Transportation Committee and conveyed to the full Peaks Island Council, are included in Attachment D.

It is important to note that the Transportation Committee prepared its list of measures with the intent of reflecting the sentiments of the community. There was significant fervor among some on the island that cart rentals should be banned entirely or severely curtailed with the intent of putting existing golf cart rental companies out of business. These views were represented among the 15 recommendations included on the Transportation Committee’s list that went to the full PIC.

Step 5: Peaks Island Council Recommendation to the Portland City Council

The Peaks Island Council held a public hearing on the Transportation Committee’s proposed list of 15 measures (Attachment D) on October 24, 2018. The meeting was attended by approximately 50 members of the public. Minutes from the meeting, including the public comment given, are included in Attachment E.

At the end of public comment, a motion was made and approved to continue deliberation on the list of 15 recommendations at a special meeting of the Peaks Island Council to be held on November 14, 2018.

At the November 14 meeting, a motion was then made and approved to consider each of the 15 proposed measures individually rather than as a group. Consequently, there was public comment, councilor deliberation, and councilor vote on each of the 15 recommendations.

At the November 14 meeting, a petition bearing the signatures of 150 individuals identified as “Peaks Island Registered Voters” was presented to the PIC. The petition stated that the signers “...are not in support of a recommendation to close down two island-owned golf cart rental businesses...”. A copy of the petition is included in Attachment F.

Motions regarding three of the recommendations were tabled for further consideration at the regular monthly meeting of the Peaks Island Council on November 28, 2018.

Attachment G includes a summary of the final Peaks Island Council votes on each of the 15 recommendations considered for submission to the Portland City Council. Attachment A includes the transmittal of the Peaks Island Council’s final 11 recommendations to the City Council. Appendix H includes a brief description of some of the operational implications of each of the final 11 final recommendations.

Step 6: Collaboration with the Portland City to bring about enactment of measures that address community concerns

The Peaks Island Council looks forward to further discussion with the Portland City Council as the City Council considers ways in which PIC’s recommendations will be enacted.

Attachments

- A. Peaks Island Council transmittal of final recommendations to Portland City Council – December 12, 2018
- B. Survey Instrument: Peaks Island Council Survey of Public Opinion Regarding the Use of Golf Carts on Peaks Island – May 2018
- C. Peaks Island Council Public Presentation of Survey Results – May 23, 2018
- D. Fifteen Recommended Measures for Addressing Community Concerns prepared by Transportation Committee for PIC consideration
- E. Minutes from Peaks Island Council Public Hearing - October 24, 2018
- F. Petition by Registered Voters in Opposition to Closing Down of Golf Cart Rental Companies on Peaks Island
- G. Final Votes taken by Peaks Island Council 15 Measures Proposed by Transportation Committee
- H. Eleven Final Recommendations with Discussion of Operational Implications

Attachment A

**Peaks Island Council transmittal of final recommendations to
Portland City Council – December 12, 2018**



December 12, 2018

To: Members, Portland City Council

From: Randy Schaeffer, Chair
Peaks Island Council

Re: Addressing Community Concerns Regarding the Use of Golf Carts on the City Streets of Peaks Island

The Peaks Island Council (PIC) recently completed a year-long process to document community concerns regarding the use of golf carts on the city streets of Peaks Island and to recommend measures for addressing those concerns to the Portland City Council for further action.

The process undertaken by the PIC and the results of that process will be described in detail in a report entitled “Addressing Community Concerns Regarding the Use of Golf Carts on the City Streets of Peaks Island” which will be distributed in the weeks ahead. The report will include further detail regarding operational implications for each of the recommended measures.

The Peaks Island Council, at a special meeting on November 14, 2018 and at its regular monthly meeting on November 28, 2018, voted to recommend that the Portland City Council consider the following proposed measures for further action:

1. Create a City of Portland business license which would be required to operate a business that rents golf carts and/or other motorized means of human conveyance for use on City streets.
2. Create a 24-month moratorium on the creation of any new businesses (excluding golf cart rental businesses) involved in the commercial rental of any motorized means of human conveyance on Peaks Island.
3. Require the minimum rental period of commercially owned golf carts be 4 hours.

4. Permanently cap the combined number of rental golf carts on Peaks Island from all businesses to the current level of 44, of which a minimum of 1/3 (14) carts be limited to weekly only rental.
5. Prohibit the storage/parking of un-rented commercially owned and operated golf carts on any city street.
6. Require that all commercially rented golf carts have the rental company name, telephone number, and unique identification number visible from 100' away on all four sides.
7. Require that all commercially owned and operated golf carts be electrically powered by December 31, 2020.
8. Ensure that state statutes and city ordinances pertaining to the operation of golf carts are rigorously enforced.
9. Provide adequate numbers of police personnel and their effective supervision needed to carry out enforcement of state statutes and city ordinances regarding the operation of golf carts on Peaks Island and to ensure public safety.
10. Renters of any house or cottage that includes a golf cart with the rental are required to sign a standard rental agreement outlining golf cart safety and operational requirements.
11. After December 31, 2018, require that any newly registered (new or used) privately owned and operated golf carts be electrically powered. Registrations for existing gas-powered carts are grandfathered and can be renewed with the current owner.

The Peaks Island Council welcomes the opportunity for discussion with the City Council in the further development and enactment of measures to address our community's concerns.

Thank you very much for your consideration.

C: Jon Jennings
Mike Murray
Members, Peaks Island Council

Attachment B

**Survey Instrument:
Peaks Island Council Survey of Public Opinion
Regarding the Use of Golf Carts on Peaks Island – May 2018**



Peaks Island Golf Cart Survey

Peaks Island Golf Cart Survey

The Peaks Island Council is conducting a brief survey of island residents (full time and seasonal) and business owners regarding golf cart usage on the island. We would appreciate if you would complete this survey and provide your comments. We estimate it will take less than 10 minutes.

Please submit your response by May 2, 2018

All responses are confidential. Results will be publicly available in June 2018 and will be used to inform future actions of the council as we continue to work to enhance our community.

If you have questions, please contact any member of the Peaks Island Council.

OK

1. On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that the **use of golf carts on Peaks Island** is a matter of concern that needs to be addressed?

1-No concern

3-Neutral

5-High concern

☐

2. On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **year round golf cart use** is a concern to you?

1-No concern

3-Neutral

5-High concern

☐

Panel 1

3. On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **seasonal golf cart use** is a concern to you?

1-No concern

3-Neutral

5-High concern

☐

5. On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **daily golf cart rentals** are a concern to you?

1-No concern

3-Neutral

5-High concern

☐

4. On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **weekly or longer term golf cart rentals** are a concern to you?

1-No concern

3-Neutral

5-High concern

☐

6. On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **hourly golf cart rentals** are a concern to you?

1-No concern

3-Neutral

5-High concern

☐

Panel 2

7. On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **guided group golf cart tours** are a concern to you?

1-No concern

3-Neutral

5-High concern

☐

9. On a scale of 1 being no concern and 5 being high concern, to what degree are the **number of golf carts** on Peaks Island a concern to you?

1-No concern

3-Neutral

5-High concern

☐

8. On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **golf cart rentals for special events (weddings, etc.)** are a concern to you?

1-No concern

3-Neutral

5-High concern

☐

10. On a scale of 1 being no concern and 5 being high concern, to what degree is the **safety of golf cart operation** on Peaks Island a concern to you?

1-No concern

3-Neutral

5-High concern

☐

Panel 3

11. On a scale of 1 being no concern and 5 being high concern, to what degree is the **environmental impact of golf carts** on Peaks Island a concern to you?

1-No concern 3-Neutral 5-High concern

12. On a scale of 1 being no concern and 5 being high concern, to what degree is the **noise from golf carts** on Peaks Island a concern to you?

1-No concern 3-Neutral 5-High concern

13. What are the advantages of golf cart use on Peaks?

Advantage 1

Advantage 2

Advantage 3

14. What are the top disadvantages to golf cart use on Peaks?

Disadvantage 1

Disadvantage 2

Disadvantage 3

Panel 4

15. To what degree does the current usage of golf carts on the island impact your quality of life?

High positive impact
 Low positive impact
 No impact
 Low negative impact
 High negative impact

Any other comments you would like about golf cart use?

16. Please offer any other comments you would like about golf cart usage on the island?

17. Please provide demographic information by checking all the boxes that apply

☐ I am a full-time Peaks Island resident ☐ I rent a home on Peaks Island
☐ I am a seasonal Peaks Island resident ☐ I own a business on Peaks Island
☐ I do not live on Peaks Island ☐ I own a golf cart
☐ I own a home on Peaks Island ☐ I have rented a golf cart
☐ Other (please specify)

Panel 5

Attachment C

**Peaks Island Council Public Presentation (excerpts) of Survey Results
May 23, 2018**



2018 Community Survey of Public Opinion Regarding Golf Cart Use on Peaks Island

Peaks Island Council
Transportation Committee
May 23, 2018

1

Slide 1

Survey Demographics

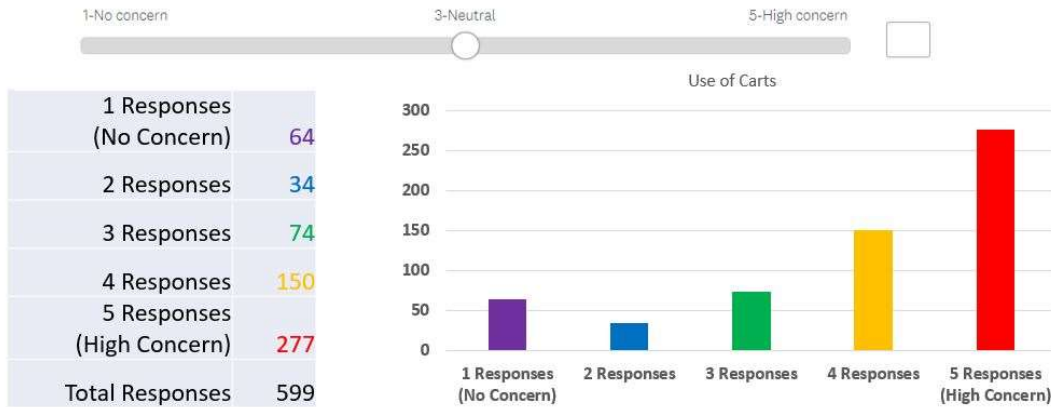
- **Survey Response**
 - 609 surveys in the “raw” data received back from Survey Monkey
 - 604 surveys were considered for the analysis after the 5 duplicates were removed
- **Residency**
 - 56% (337) Year Round Residents
 - 35% (210) Seasonal Residents
 - 1% (3) Both Full Time and Seasonal Residents
 - 1% (6) Do not Live on Peaks
- **Ownership**
 - 71% (429) Own a Home on Peaks
 - 6% (36) Rent a Home on Peaks
 - 7% (40) Own a Business on Peaks
 - 27% (164) Own a Golf Cart
 - 11% (69) Have Rented a Golf Cart

2

Slide 2

Presenting Survey Results – Example

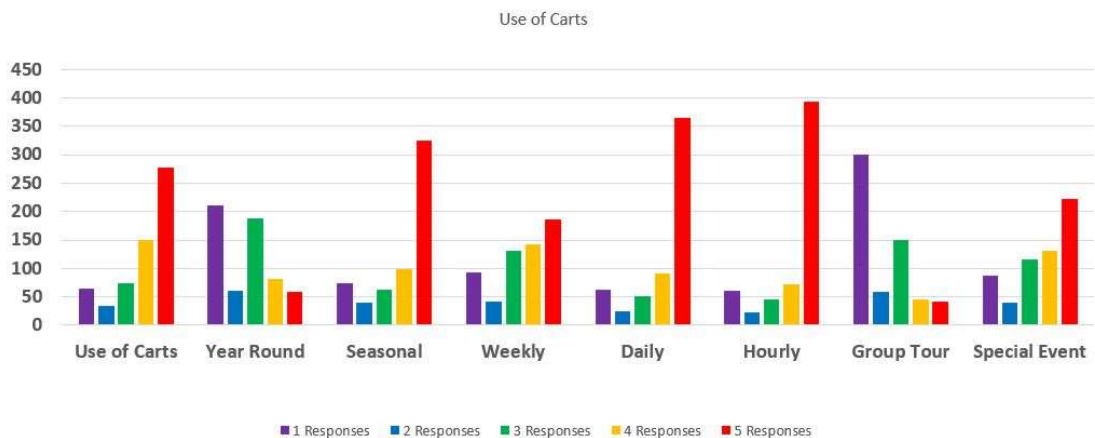
1. On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that the **use of golf carts on Peaks Island** is a matter of concern that needs to be addressed? 🗨️



Slide 3

Survey Results – All Respondents

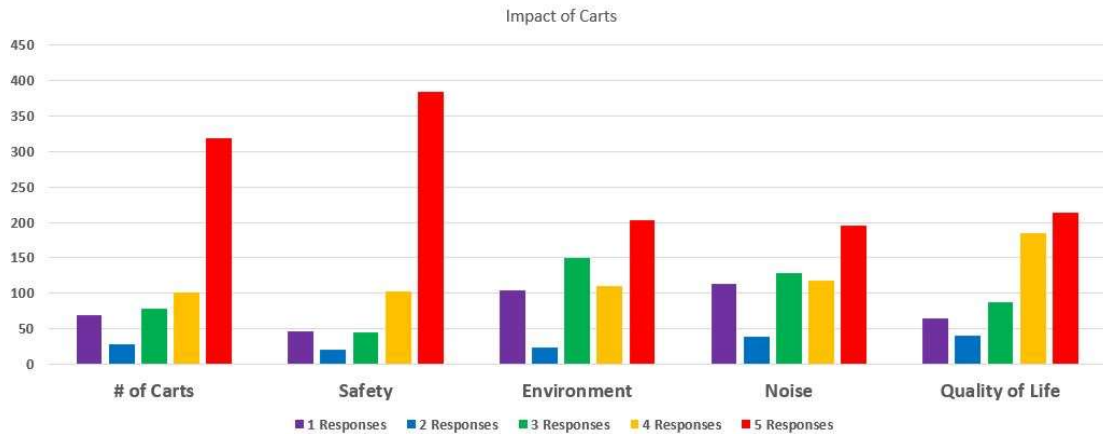
- Ratings 1-5 on Questions 1-8 regarding Use of Carts



Slide 4

Survey Results – All Respondents

- Ratings 1-5 on Questions 9-12, 15 regarding Impact of Golf Carts

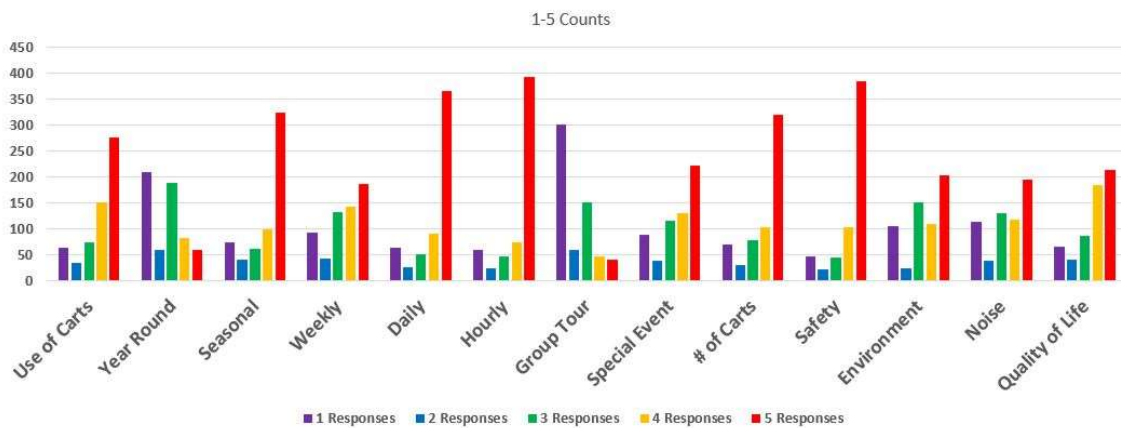


5

Slide 5

Survey Results – All Respondents

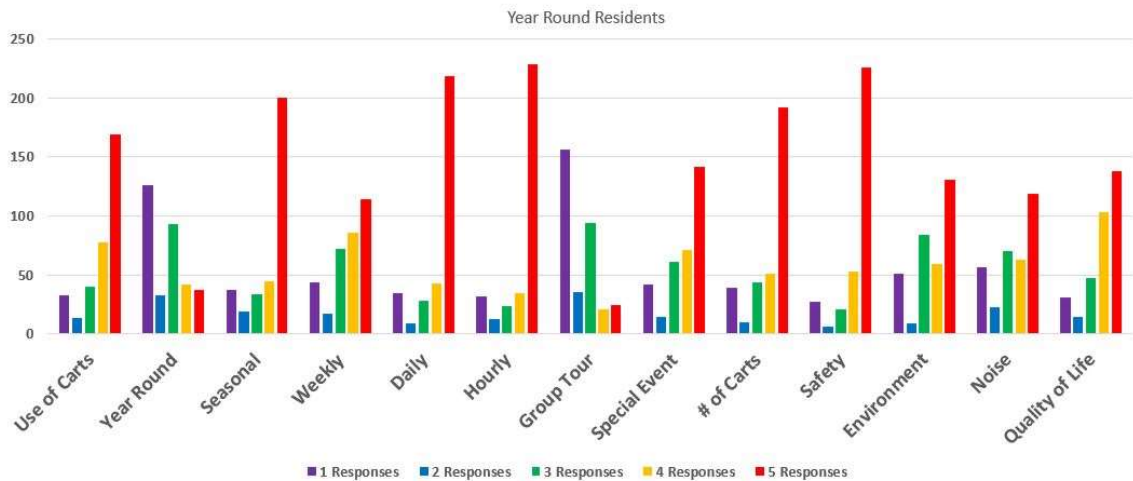
- Ratings 1-5 on Questions 1-12, 15



6

Slide 6

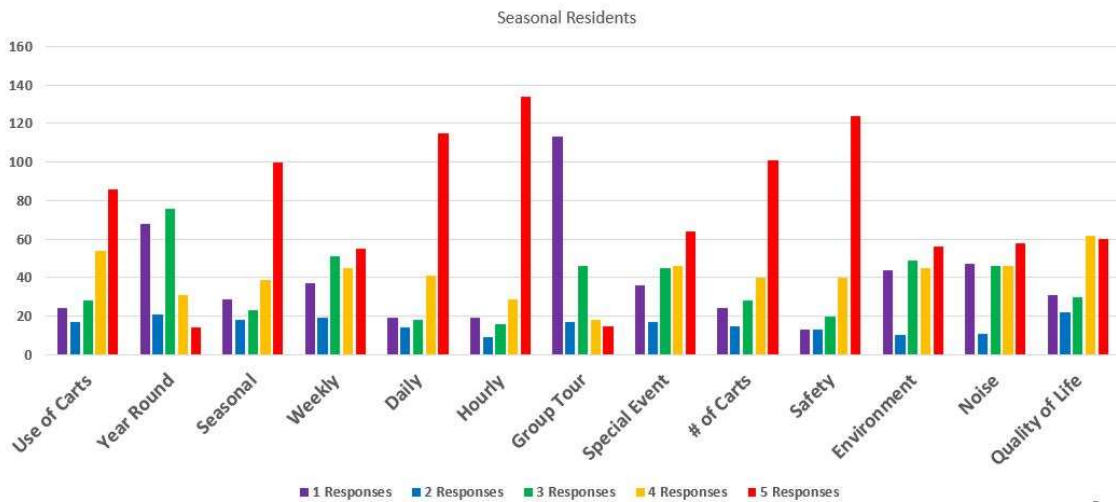
Year Round Residents (337)



7

Slide 7

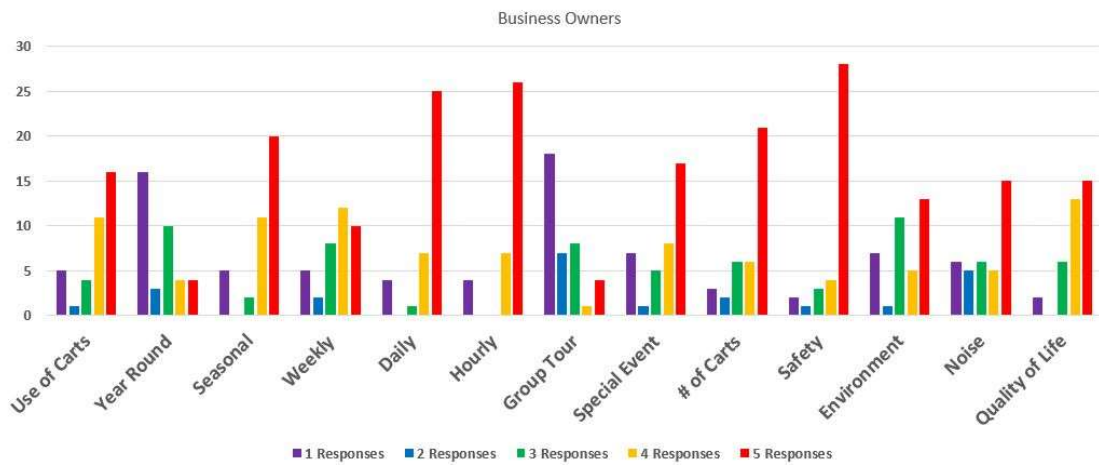
Seasonal Residents (210)



8

Slide 8

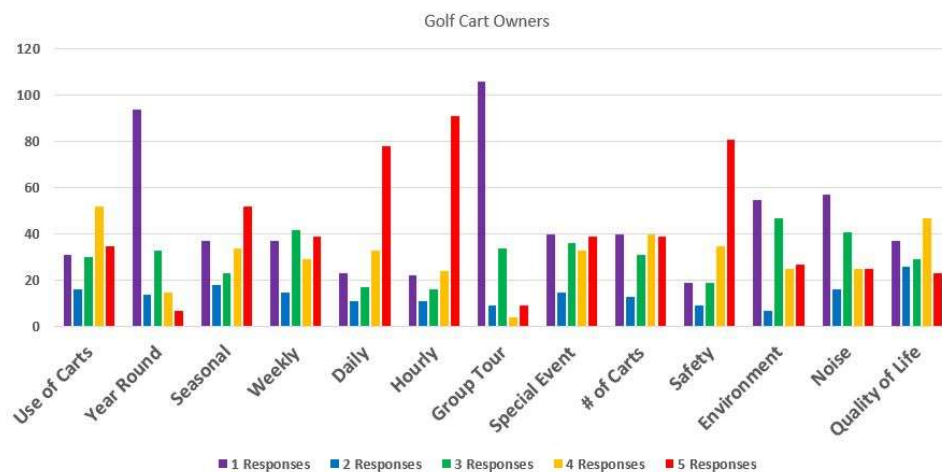
Business Owners (40)



9

Slide 9

Golf Cart Owners (164)



10

Slide 10

Survey Data Themes – Quantitative Data Analysis

- Different demographic groups are aligned to the entire respondent population
- Top Concerns
 1. Hourly Golf Cart Rentals
 2. Safety of Golf Cart Operation
 3. Daily Golf Cart Rentals
 4. Seasonal Golf Cart Use
 5. Number of Carts
 6. Use of Carts in General
- Low Concerns
 1. Guided Group Golf Cart Tours
 2. Year Round Use of Carts
- Mixed Spread of Concern
 - Noise from Golf Carts
 - Impact on Quality of Life
 - Golf Cart Rental for Special Events
 - Weekly or Longer Term Golf Cart Rentals

11

Slide 11

Attachment D

**Fifteen Recommended Measures for Addressing Community Concerns
prepared by Transportation Committee for PIC consideration**

Peaks Island Council
Proposed Solutions to Community Concerns Regarding Golf Cart Usage
Motion to Consider made October 24, 2018

Solution 1: *“Prohibit all commercial rental of golf carts on Peaks Island.”*

- Discussion
 - This was the most widely agreed upon measure among community members who participated in survey and in the forums
 - Might open the City to legal challenge by affected business owners and others
 - Neither State statute nor Portland City Ordinance currently distinguish between carts that are privately owned and those that are commercially owned and operated. This may have unintended implications for all carts.

Solution 2: *“Prohibit the short-term (under 1 week) commercial rental of golf carts on Peaks Island.”*

- Discussion
 - Finding 2 is considered only if Finding 1 is not enacted.
 - Minimal impact on carts that are included with summer cottage rentals as this applies to shorter commercial rentals only.
 - The intention is to significantly reduce the number of carts actively operating on island streets.

Solution 3: *“Require the minimum rental period of commercially owned golf carts be 4 hours.”*

- Discussion
 - Finding 3 is considered only if Finding 1 and Finding 2 are not enacted.
 - Minimal impact on carts included with summer cottage rentals as this applies to commercial rentals only.
 - Increased minimum rental periods would reduce the number of carts actively operating on island streets

Solutions 4: *“Prohibit the creation of any new businesses involved in the commercial rental of golf carts and/or any other motorized means of human conveyance on Peaks Island.”*

- Discussion
 - Recognizes that the proliferation of the rental of other forms of motorized human conveyance, (except the Peaks Island Taxi), would have negative impact on quality of life on Peaks
 - The City of Portland has no business license required for businesses that rent golf carts or other motorized means of human conveyance (except taxis and liveries) on Peaks
 - See Solution 14, below

Solution 5: *“Incrementally reduce the number of golf carts available for commercial rental by the two existing rental companies to a total of 30 by December 31, 2020.”*

- Discussion
 - Total number of carts rented out by the two existing companies is 44
 - 29 at Mike’s Carts would be reduced to 20
 - 15 at Peaks Island Carts would be reduced to 10
 - City of Portland does not require a business license for businesses renting golf carts by which it might regulate the number carts to address community concerns for safety, congestion and traffic management
 - See Solution 14, below.

Solution 6: *“Prohibit the storage of unused commercially owned and operated golf carts in the island residential zones.”*

- Discussion
 - Would only impact carts that are commercially owned and operated
 - Could be included among the requirements for a Portland City business license for the operation of businesses renting golf carts.
 - See Solution 14, below.

Solution 7: *“Prohibit the storage/parking of un-rented commercially owned and operated golf carts on any city street.”*

- Discussion
 - Addresses the issue of storage of unrented carts in the parking spots down front.
 - Excludes carts under an active rental contract
 - Would only pertain to carts that are commercially owned and operated
 - Could be included among the requirements for a Portland City business license for the operation of businesses renting golf carts.
 - See Solution 14, below

Solution 8: *“Prohibit the location of the operations of businesses renting golf carts and other motorized means of human conveyance on lower Welsh Street and on Island Avenue (between Hannigan's Market and Island House Restaurant).”*

- Discussion
 - The “Down Front” area is highly congested. Locating cart rental companies elsewhere will reduce congestion and increase safety
 - New ferry plans will significantly add to the congestion and increase the need for safe operations of the carts down front.
 - City of Portland does not presently require a business license for businesses renting golf carts which might be used to regulate the

location of such businesses to address community concerns for safety, congestion, and traffic management

- See Solution 14, below

Solution 9: *“Require that all commercially rented golf carts have the rental company name, telephone number, and unique identification number (recommended size for ID is 6”) that are visible from 100' away on all four sides.”*

- Discussion
 - City Ordinance, Chapter 28, Section 185 was amended in June 2017 to require certain safety features on golf carts operating on city streets.
 - The ability of police and residents to identify carts renters can enhance enforcement of applicable state statutes and city ordinances regarding the use of golf carts on city streets

Solution 10: *“After December 31, 2018, require that any newly registered (new or used) privately owned and operated golf carts be electrically powered. Registrations for existing gas-powered carts are grandfathered and can be renewed with the current owner.”*

- Discussion
 - Would require some form of vehicle identification number that can be used for enforcement
 - Would necessitate changes in the information required to be submitted when annually registering golf carts
 - May require amendment of City ordinances and/or State Statute

Solution 11: *“Require that all commercially owned and operated golf carts be electrically powered by December 31, 2020.”*

- Discussion
 - One possible way enforcement could be achieved would be by including the transition from gas to electric as a requirement for obtaining a Portland business license for the operation of any company renting golf carts for use on City streets

Solution 12: *“Ensure that state statutes and city ordinances pertaining to the operation of golf carts are rigorously enforced.”*

- Discussion
 - Safe and legal operation of golf carts on Portland City streets is an obligation of everyone – residents and visitors alike. Enforcement should be carried out accordingly

Solution 13: *“Provide adequate numbers of police personnel and their effective supervision needed to carry out enforcement of state statutes and city ordinances regarding the operation of golf carts on Peaks Island and to ensure public safety.”*

- Discussion
 - The City of Portland promotes tourism and visitors to Peaks Island. The City is obligated to keep our community safe and orderly by providing the resources needed

Solution 14: *“Create a City of Portland business license which would be required to operate a business that rents golf carts and/or other motorized means of human conveyance for use on City streets.”*

- Discussion
 - Requirements for issuance of such a business license might include such considerations as: location of operations including long term storage, hours of operation, number of vehicles rented, required safety measures and devices, insurance required of companies and their customers, reporting requirements, deposits, and municipal fees and surcharges.

Solution 15: *“Establish requirements that regulate the inclusion of golf carts in the rental of houses and cottages on the island.”*

- Discussion
 - Allow no more than one cart be rented by a property owner as part of a cottage/house rental
 - Require that owner of the house/cottage carry a minimum of \$1 million in liability insurance on the use of the cart
 - Require that renters sign a standard agreement outlining acceptable use of golf cart on City streets

Attachment E

Minutes from Peaks Island Council Public Hearing - October 24, 2018



**Peaks Island Council
MEETING MINUTES**

Wednesday, October 24, 2018

6:15 p.m., Peaks Island Community Room

Call to Order: 6:15 p.m.

Roll Call: Lisa Peñalver, Randy Schaeffer, Mary Anne Mitchell, Dave Stankowicz, Patrick Flynn, Stuart Jackson, Steve Anderson

Number of Audience Members (AM) in attendance: 36

Schaeffer made the motion to approve the September 26th meeting minutes. Stankowicz seconded. Unanimous vote to approve. Motion passed.

Committee Reports:

Website: (Stankowicz) Since Spring the visits to the website have increased dramatically, with peak traffic in July. A report was provided with more detailed information regarding the online traffic on specific areas of the website. Vendors and sites are still being explored or the webcam, and they are hoping to have the webcam in place in the spring of 2019.

Mayor's Roundtable: (Stankowicz) After a summer break, Mayor Strimling restarted the roundtable meeting, but as of today has cancelled it. Stankowicz stated that the Mayor has stated he is open to

Environmental: (Mitchell) Mitchell stated that 5 or 6 years ago PEAT and other volunteers worked together to create a small garden of native, non-invasive plants located on Seashore Ave. Plants were donated by Lausier Gardens and the design and installation was as a volunteer community project done by islanders. Mitchell reported that that area has recently been dug up, plants removed, and another concrete slab has been poured for another bench. Mitchell stated she doesn't know who on City staff makes these types of decisions. Mitchell stated even before this a plant has been removed, and PEAT had spoken to Jeff Tarling about replanting that, but now she is unsure how many plants have now been removed. Peñalver stated she recalls having previously discussed a moratorium on additional benches and added that this item would require further discussion with City staff members.

New Business:

Proposed New Ferry: Peñalver explained that Casco Bay Lines has proposed purchase of a new car ferry that will carry 4 additional vehicles and 200 more passengers than the current capacity. PIC is requesting a community meeting with CBL representatives to discuss and allow residents to ask questions. A letter has been drafted to be sent requesting the meeting. Further discussion included PIC working with CBL to create the agenda. Schaeffer stated there is a CBL Board meeting tomorrow morning at 7:45 a.m. and he will be going to deliver the letter. It was determined that no vote was needed to send the letter requesting the meeting.

Old Business:

Golf Cart Findings and Recommendations: (Please see attachment) The Transportation Committee has been working for several months on the golf cart topic, and is submitting its findings and recommendations to the Peaks Island Council. Schaeffer recognized and thanked each member of the Transportation Committee for their time and effort. The purpose of this agenda item is for the PIC to take public comment on the list of 15 proposed items/recommendations or on the golf cart topic in general. Schaeffer stated that at the end of public comment, there will be a motion to suspend any further action until a special meeting to be held on November 14, 2018. Schaeffer stated that at the Nov 14 meeting there will be one motion per each of the 15 items and the PIC will vote. Schaeffer stated there will be an opportunity for public comment at that time on each item, and that the current membership of the PIC will remain in place for that November 14 meeting.

Peñalver stated that each speaker will have 3 minutes, and must state their name and address. She

Flynn asked Peñalver who decided the special meeting would be held on November 14th. Schaeffer stated the Executive Committee had made that decision. Flynn asked why the entire PIC didn't vote to determine the meeting date, rather than the Executive Committee making the decision. Schaeffer stated that could be included in the motion. Flynn stated that the meeting date needs to be decided by the entire council. Stankowicz stated that all councilors had been sent an email request for dates for the special meeting in November.

Schaeffer made the motion that the list of 15 proposed solutions be considered for discussion. Stankowicz seconded for the purpose of discussion.

- AM thanked the Council for their time and effort. She stated she appreciates having some of the statutory basis explained up front, but asked what the legal basis for golf carts being driven around on the streets on Peaks when it is not legal in Portland. Schaeffer stated public comment tonight is isolated to the proposed solutions rather than PIC answering questions, but it was determined that an answer to her question would be distributed regarding the statutes that enable golf cart use on the island.
- AM stated she is adamantly against the golf carts and she feels they are ruining the island in too many ways to list here. She stated she feels there are other ways to accommodate people. She went on to say she feels that homeowners should be allowed to own one golf cart per household; but that bringing throngs of people over that speed around the island is a big mistake.
- AM thanked the PIC for all their work. He stated that he owned an electric golf cart and traded in a pickup truck for it. He stated he walks the circumference of the island daily and he feels that items 9 and higher on the list should be considered. He stated he really thinks golf cart businesses contribute to the economic viability of the island adding seasonal jobs. He stated that during his daily walks around the island he sees many golf carts that are not misbehaving adding that in some cases, the golf carts are allowing those who cannot walk that far to enjoy the backshore. He stated that 5 people in a golf cart is a compact group, but if 5 people are walking or on bikes they are much more spread out. He stated that he has had many nice conversations with visitors, and he has met some who appreciate the natural beauty and who are focused on preserving green spaces, and parks conservation and will be voting locally to do so. He stated that he encourages the golf carts if it means bringing people like that to enjoy and appreciate the natural beauty of Peaks Island.

- AM stated he appreciates everyone's perspectives, but takes offense when no regard is given to the jobs related to the golf cart businesses which contribute to the year round workforce and sustainability of the island. He stated that the closing of the School is still of concern, and he feels as a community we need to make compromises on some of these issues in order to maintain the year round sustainability of living on the island.
- AM stated she is in favor of the golf carts, adding that there are a lot of people here that really need them. She stated that some people shouldn't be driving them, like drinking and driving golf carts but she stated that some drink and drive cars as well. She stated that she doesn't see any big issues with the golf carts and that she thinks it is getting blown out of proportion.
- AM stated that she is against the golf carts, adding that they go past her house all summer long. She stated that the carts go by every hour like a train and she shuts her windows because the smell is tremendous and that she can't stay out on her porch. She stated she thinks weekly rentals with electric carts only would be better.
- AM stated that he is not against golf cart rentals, but is against how it is being done. He stated if you offer to rent out a hotel by the hour you get a drastically different clientele. He stated that he has been asked where to go to get the 'go carts', adding that there is an obvious carnival mentality and that hourly rentals have limited time and only \$25 invested. He stated that as a parent of small children he is terrified to have his kids out in the summertime. He stated that as a concerned person, he stops people on golf carts when he sees them misbehaving. He gave an example of stopping a family in a golf cart with a 5 year old child on his lap while driving and told the driver he had made the child the airbag. He stated he feels the hourly rental compels people to go faster and treat everything with less respect. He stated that perhaps rentals should be no short than daily, with a moratorium on any new gas carts, with a drop dead date to convert to electric. He stated he feels there should be smart regulation in place to ensure safety and enjoyment for everyone.
- AM stated she would prefer to see weekly electric rentals only. She stated she thinks there are lots of jobs around Peaks, and that we don't need these jobs from the golf cart rentals. She stated she appreciates the professional process that the committee has followed. She stated that she loves the recommendations, and believes this will help to manage this in an acceptable manner for both residents and golf cart business owners. She stated that her sister spoke previously about closing the windows, and she stated that she does not leave her windows open wither because of the exhaust from golf carts. She went on to say there are environmental concerns, especially if more gas carts are added.
- AM stated that he and his wife have tried to take a low profile on most of the issues on the island. He commended PIC for their work to involve the community on this topic. He noted the near unanimity on this topic and the feeling that the current status has measurably decreased the fabric of the culture of Peak island. He stated that he doesn't know what the answer is, but that the status quo is not acceptable. He stated that he feels this will remain a contentious issue if not addressed.
- AM stated he is not a fan of golf carts, adding that they add to noise pollution and air pollution. He stated he appreciates the work the Council has done thus far and wished them well with addressing this topic. He stated he has been coming to Peaks since the mid-1960s. He stated he feels a positive effort would be to create a public relations campaign to come and enjoy the peace and quiet and serenity of the island in attempt to counteract the current state. He stated it would be a promotion of what has been great to so many for 40 or 50 years. He added that maybe kids could be hired to hand out pamphlets at the ferry terminal that promote walking and biking.

- AM stated she thinks the golf cart issue begs the larger issue of public transportation. She stated she thinks if we invested in public transportation there would not be such a demand for golf carts. She stated that businesses are not necessarily responsible for their clientele. She stated that people coming to the island already have an idea of what they are doing when they come to the island. She reiterated she feels it is a public transportation issue and asked the Council to consider cross island and around the island public transportation.
- AM stated she feels education for visitors is a good idea stating that Peaks Island is advertised by the City and by CBL as a place to come. She stated that she was on a CBL cruise and over the microphone they said you could go visit Peaks and rent a golf cart. She added that renting a golf cart on Peaks Island was once the #1 Thing to do on Trip Advisor, so perhaps some of those advertising things could be addressed.
- AM stated at the end of each of the community meetings, each meeting ended with residents saying that they didn't want golf carts, especially gas. She states he feels they are very disruptive.
- AM stated she feels golf carts are a blight on the island and are very polluting. She stated that she witnessed 30 golf carts pass by in about 4 minute timeframe. She stated it really ruins the quality of life, it is disruptive and the gas fumes were in pedestrians faces. She added that she has witnessed endless infants on golf carts. She stated she witnessed two carts driving side by side with a male on the back with one foot on each cart, and that cart continued toward the backshore like that. She stated that they are unavoidable, you can't get away from them and that they are even present in what are usually very quiet locations on the island. She stated that from an accessibility standpoint, that she raised a family here walking everywhere and that there are golf cart tours for older people.
- AM stated that she is not in favor of rental carts and that she agrees with previously stated environmental issues and quality of life issues. She stated that she drives a large van on the island, and is very concerned about hitting a golf cart with her vehicle and only goes forward in the van in summer months because of it. She stated that she is concerned about the decrease in the quality of life and the impact that will have on property values due to the Coney Island atmosphere on Peaks.
- AM stated she hears everyone's valid reasons, but if stated she feels if we vote to get rid of rental carts then residents should get rid of golf carts too and set a good example across the board. She stated we can all walk, bike, use the tours and the taxi.
- AM asked if PIC has formally asked the police about policing the golf carts. Schaeffer noted items #12 talks about enforcement.
- AM stated that he totally agrees with previous statements. He stated he has been on Peaks year round for approximately 42 years. He stated that people used to always walk on the island and rarely drive. He stated that Kauai was one of the most beautiful places he had ever been and he returned to find the culture and beauty had been ruined by helicopter tours and he feels that is what is happening on this island. He stated that he feels golf carts are a plague and a destruction of our culture. He went on to say that PILP and PEAT have put in endless hours to get fewer cars to park on the backshore, which has been completely undermined by golf carts.
- AM stated he has lived here for 15 years and that he has certainly seen the change in just a few years and the culture and quiet is being ruined. He stated it seems the reality is there will be more tourists. He stated he believes if advertising is highlighting golf cart rentals and promoting the Coney Island mentality, then that is what we will get. He stated that there have been many visitors who are happy to walk or take one of the tours, and that it is in more recent years that the island has turned from quiet to a fun

house. He stated that people have managed to love this island for decades, enjoying the quiet and peace of the island without this quick fix. He added that the speed, noise and smell and peace of the island is changing. He asked if that is really the type of visitor that we want.

- AM stated what about switching to bicycle pulled carts? She stated they are not loud. She stated that would offer a way for older people to get around.

Schaeffer made the motion that any further action on this topic be postponed until the special meeting of the PIC on November 14th where further discussion and action may be taken. Stankowicz seconded. 5 voted in favor, 2 abstained. Motion passed.

There was Councilor discussion regarding correct procedure for determining the date of the special meeting. Schaeffer stated that the above motion referenced the meeting date and passed, adding he doesn't feel a further motion was necessary. Stankowicz stated that all of this information had been previously distributed to the entire council and that all members had been notified.

Public Comment:

- Kim McIsaac representing Casco Bay Island Alliance – The board is discussing the new ferry proposal which will have great impact on all islands who are also concerned about the increase in day trippers. The board is willing to work with PIC on that item.
- AM stated last year CBIA and PIC created a poster on the ferry, down played the island playground mentality. No camping, public restrooms, etc.
- AM asked if the meeting on the 14th be open to the public? Schaeffer stated that there will be one motion per item and voted on each of the 15 items individually.
- AM saw an article about proposed changes at the CBL terminal including the addition of a second floor. AM asked the Council to take note.

Announcements:

- PIC special meeting November 14th to vote on each of the 15 proposed golf cart recommendations.

Next PIC Meeting: Wednesday, November 28, 2018, 6:15 pm at the Community Room

Meeting Adjournment: 7:21p.m.

Attachment F

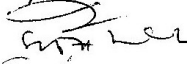
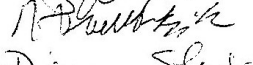
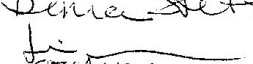
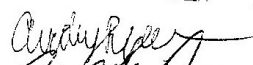
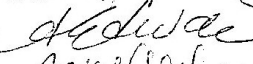
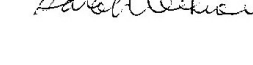
Petition by Registered Voters in Opposition to Closing Down of Golf Cart Rental Companies on Peaks Island

We the undersigned are Peaks Island Registered Voters. We are not in support of a recommendation to close down two island-owned, golf cart rental businesses which hundreds of islanders, island businesses, and non-profits utilize. We support a sustainable year-round island community for all including families with young children. We support the ability of islanders to own businesses and employ other islanders as a part of a sustainable community. We support public safety, environmental responsibility, and a balancing of public access with a quality of island life that protects a vibrant and viable year round community.

NAME	PHONE	SIGNATURE
1. PETER W. BRIDGFORD JR	766-5857	Peter W. Bridgford Jr
2. Celeste Bridgford	766-5857	CB
3. Catherine E. Plante	766-5168	Catherine E. Plante
4. MARGO LONCH	766-9797	Margo Lonch
5. Paula Chadwick	cell 432-5044	Paula Chadwick
6. Melissa Conrad	766-9736	M Conrad
7. Barbara Hoppin	766-2593	Barbara Hoppin
8. CHRISTOPHER Hoppin	766-2593	Chris Hoppin
9. Danielle Mulhern	766-2508	Danielle M. Mulhern
10. LAURENCE MOY	802-299-3765	Laurence Moy
11. JANNI PETERSON	453-5559	Janni Peterson
12. EDGARDO MAMBREDO	766-2140	Eduardo Mambredo
13. Jessica Burton	766-2140	Jessica Burton
14. TEARENCE J. MULLEN	766-4478	Tearence J. Mullen
15. KATHA	766-0025	Katha
16. Robert Walsh	332-4582	Robert Walsh
17. Margaret Kelsey	274-4747	Margaret Kelsey
18. TWAIN BRADEN	207-766-2199	Twain Braden
19. Leah Day	207-747-9966	Leah Day
20. Lisa Trombly	207-701-6203	Lisa Trombly
21. Kristen Chalmers	207-766-2456	Kristen Chalmers
22. Jessica George	207-268-9928	Jessica George
23. Jeffrey P. Casack	207-611-2792	Jeffrey P. Casack
24. Otis C. Thompson	207-805-1513	Otis C. Thompson
25. Kimberly Levesque	207-329-9082	Kimberly D. Levesque

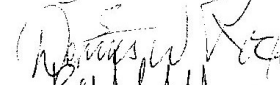
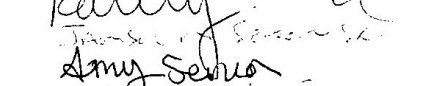
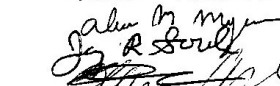
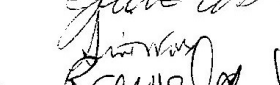
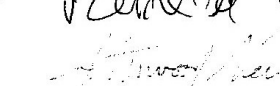
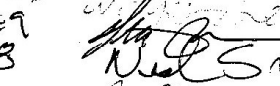
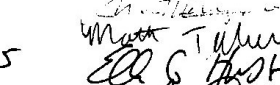
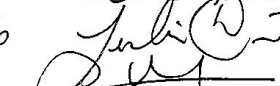
~ Page 1

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NAME	PHONE	SIGNATURE
1. Ted Sowers	766-5078	
2. Elaine V Makos	Tue 766-0007	
3. RICHARD HASSON	317-6617	
4. Joseph Kulmick	232-3497	
5. SCOTT KELLEY	317-6936	
6. DEBORAH JEAN	766-2462	
7. JENNIE GUNWICK	712-0572	
8. STEPHEN B. MOTT	415-2647	
9. NELSON ILM GATMAN	317-6864	
10. Audrey Spence-Bain	704-107-9180	
11. Donna Stetson	860-617-7306	
12. Jennifer Moore	972-3820	
13. CTSKOPF	440-7894	
14. Camille Haskins	237-1662	
15. Benjamin Miller	831-2207	
16. Audrey Byrne	704-623-9250	
17. Louis Dineen	207-651-2150	
18. Chelsa Henry	207-766-5110	
19. MAKEKEET LACBMAE	207-312-8092	
20. Paul Crowley-Rodwell	207-318-0956	
21. Lee Hochman	207-430-8885	
22. Jhenna (Shay) Stewart Bailey	207-601-0732	
23. Ann Pearson	272-2886	
24. Anita Edwards	899-5637	
25. Sarah Archibowicz	712-4378	

page 2

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NAME	PHONE	SIGNATURE
1. Dina J. Basso	207-766-4107	
2. Harry Smith	207-212-8835	
3. DENNIS W ROCKWELL	207-766-2421	
4. RACHEL CONLY	207-766-5625	
5. Amy Senor	207-208-6927	
6. Amy Senor	207-409-7908	
7. Peter Pennochet	207-632-2084	
8. Todd Kenney	207-232-0574	
9. Frankie Williams	207-232-0574	
10. Alissa Myers	207-837-3190	
11. JAY R SOULS	207-766-2431	
12. DAN RATHERHAM	207-745-7916	
13. Sean Ashmore	207-766-2982	
14. STEPHEN R. FOX	908-295-8813	
15. STANLEY WENDEL	207-766-3050	
16. STANLEY WENDEL	207-766-2441	
17. CHRIS J. D. BOSI	207-317-7237	
18. WAYNE BENNETT	207-730-3053	
19. STUART JACKSON	207-712-8449	
20. NED JAMPMAN	207-766-0978	
21. NICK PARONIER	207-415-1768	
22. Matt Mulken	207-272-5725	
23. Ellen G. Huston	207-347-9906	
24. Leslie Davis	207-329-0213	
25. VANESSA SYLVESTER		

page 3

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NAME	PHONE	SIGNATURE
1. Judith Nelson	603-475-7552 (cell)	Judith Nelson
2. Paul Nelson	603-475-6465	Paul Nelson
3. WALTER REITER	207-504-7432	Walter Reiter
4. Linda deLaBruere	650-8582	Linda deLaBruere
5. Tom Fieldsend	207-766-2503	Tom Fieldsend
6. VONDELLE FIELDSEND	207-766-2523	Vondelle Fieldsend
7. ROBERT HENRY	207-272-7311	Robert Henry
8. Stephen Decoste	207-766-2356	Stephen Decoste
9. DYLAN AUSTIN	802-377-1266	Dylan Austin
10. Jack Soley	207-766-3333	Jack Soley
11. CHAR BECKER	207-319-4343	Char Becker
12. Monique Thompson	207-805-1513	Monique Thompson
13. Lisa PENAKER	207-270-5962	Lisa Penaker
14. Holly Perry	207-939-6511	Holly Perry
15. Mary Anderson	207-766-0997	Mary Anderson
16. Chris Anderson	207-766-0997	Chris Anderson
17. Mel Allex	207-733-4941	Mel Allex
18. ANTHONY MORTISITO	207-615-5883	Anthony Mortisito
19. Kathleen Farrin	207-408-9500	Kathleen Farrin
20. Robbyn Reed	207-233-2131	Robbyn Reed
21. Elizabeth Bruchman	766-5602	Elizabeth Bruchman
22. JANE BANQUER	231-5421	Jane Banquer
23. FREDERICK BRAGDON	764-5534	Frederick Bragdon
24. Morten Asbjornsen	650-9409	Morten Asbjornsen
25. ASA ENCSLOTTER	207-5361413	Asa Encsletter

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NAME	PHONE	SIGNATURE
1. Bob Lieber	786-5013	[Signature]
2. Mira Placin	717-277-0582	[Signature]
3. Vorn Gray		[Signature]
4. Heather Thompson	207-655-1392	Heather Thompson
5. Anne O'Brien	766-5555	Anne O'Brien
6. Pam Tedford	415-5139	[Signature]
7. NAOMY STANHOPE	207-766-0001	[Signature]
8. Cheryl Miner	207-766-5570	[Signature]
9. Hayden Collette	207-400-528	[Signature]
10. MARIO PROIA	617-803-1366	[Signature]
11. Sandra Myers	207-667-4315	[Signature]
12. William Myers	207-779-0934	[Signature]
13. Adam Weidemann	766-3070	[Signature]
14. ERIC ERICO	6535396	[Signature]
15. Ed Skidmore	766-2543	[Signature]
16. Jennifer L. Lally	766-2543	[Signature]
17. Gail Trefethen-Lally	207-756-9000	[Signature]
18. Kathleen Wylant	978-460-2076	[Signature]
19. JEREMY WYANT	978-460-3557	[Signature]
20. Joseph LaFlam	207-251-5521	[Signature]
21. MARGARET ALVES	207-450-0274	Margaret Alves
22. Christina Foster	207-272-8889	[Signature]
23. Jason Hie	207-338-9607	[Signature]
24. Sabrina Plante	207-450-6701	[Signature]
25. Timothy PLYNN	207-766-2525	[Signature]

page 5

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NAME	PHONE	SIGNATURE
1. PETER C. THIEL	523-9947	
2. Gabrielle Girard	274-9710	
3. Barry Shaw	766-5705	
4. Travers Tuttle	671-3931	
5. FREDERICK W. O'KEefe	766-2340	
6. Jose V. Morales	207 245 8773	
7. LANI REMICK	207 518 9288	
8. JOHN KEMP	207 400 6252	
9. LISA LYNCH	207-939-2139	
10. BECKY LYNCH	207-939-4037	
11. MARKUS KAMP	207-712-1931	
12. Joshua Lynch	207 347 9723	
13. Faith York	207-766-5763	
14. ALYCE BAUERLE	207 766-5604	
15. JANEY GYMALIN	207 764 570	
16. SCOTT NADA	207-766-5701	
17. JIM SCHNEIDER	207 850 0701	
18. Sharon Cohen	207 766 0005	
19. Tom Peter Kelso	207 766 0619	
20. GARRY S. FOX	207 766 5180	
21. Barbara Filippis	523-1405	
22. J. Webster	766-5846	
23. L. M. Tipton	766-5848	
24. Robin Clark	766-2295	
25. Maura Goss	766-2431	

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Attachment G

**Final Votes taken by Peaks Island Council 15 Measures Proposed by
Transportation Committee**

**Peaks Island Council
Summary of Votes on
15 Motions Regarding Proposed Solutions for Addressing Golf Cart Concerns
November 14, and November 28, 2018**

Considered at November 14, 2018 PIC Meeting

1. It is moved that Solution 1: *“Prohibit all commercial rental of golf carts on Peaks Island”*, be recommended to the Portland City Council for further action.

For: 0 Opposed: 6 Abstain: 0

2. It is moved that Solution 2: *“Prohibit the short-term (under 1 week) commercial rental of golf carts on Peaks Island”*, be recommended to the Portland City Council for further action.

For: 0 Opposed: 6 Abstain: 0

3. It is moved that Solution 3: *“Require the minimum rental period of commercially owned golf carts be 4 hours”*, be recommended to the City Council for further action.

For: 5 Opposed: 1 Abstain: 0

4. It is moved that Solution 14: *“Create a City of Portland business license which would be required to operate a business that rents golf carts and/or other motorized means of human conveyance for use on City streets”*, be recommended to the Portland City Council for further action.

For: 6 Opposed: 0 Abstain: 0

5. It is moved that Solution 6: *“Prohibit the storage of unused commercially owned and operated golf carts in the island residential zones”*, be recommended to the Portland City Council for further action.

For: 0 Opposed: 5 Abstain: 1

6. It is moved that Solution 7: *“Prohibit the storage/parking of un-rented commercially owned and operated golf carts on any city street”*, be recommended to the Portland City Council for further action.

For: 6 Opposed: 0 Abstain: 0

7. It is moved that Solution 8: *“Prohibit the location of the operations of businesses renting golf carts and other motorized means of human conveyance on lower Welsh Street and on Island Avenue (between Hannigan's Market and Island House Restaurant)”*, be recommended to the Portland City Council for further action.

For: 1 Opposed: 5 Abstain: 0

8. It is moved that Solution 9: *“Require that all commercially rented golf carts have the rental company name, telephone number, and unique identification number that are visible from 100' away on all four sides”*, be recommended to the Portland City Council for further action.

For: 6 Opposed: 0 Abstain: 0

9. It is moved that Solution 11: *“Require that all commercially owned and operated golf carts be electrically powered by December 31, 2020”*, be recommended to the Portland City Council for further action.

For: 5 Opposed: 0 Abstain: 1

10. It is moved that Solution 12: *“Ensure that state statutes and city ordinances pertaining to the operation of golf carts are rigorously enforced”*, be recommended to the Portland City Council for further action.

For: 6 Opposed: 0 Abstain: 0

11. It is moved that Solution 13: *“Provide adequate numbers of police personnel and their effective supervision needed to carry out enforcement of state statutes and city ordinances regarding the operation of golf carts on Peaks Island and to ensure public safety”*, be recommended to the Portland City Council for further action.

For: 6 Opposed: 0 Abstain: 0

12. It is moved that Solution 10: *“After December 31, 2018, require that any newly registered (new or used) privately owned and operated golf carts be electrically powered. Registrations for existing gas-powered carts are grandfathered and can be renewed with the current owner”*, be recommended to the Portland City Council for further action.

For: 5 Opposed: 0 Abstain: 1

Considered at the November 28 PIC Meeting

13. It is moved that motion be amended to read that Solution 4: *“Create a 24-month moratorium on the creation of any new businesses (excluding golf cart rental businesses) involved in the commercial rental of any motorized means of human conveyance on Peaks Island.”* Be recommended to the Portland City Council for further action

For: 4 Opposed: 1 Abstain: 0

14. It is moved that motion be amended to read that Amend Solution 5: *“Permanently cap the combined number of rental golf carts on Peaks Island from all businesses to the current level of 44, of which a minimum of 1/3 (14) carts be limited to weekly only rental”*, be recommended to the Portland City Council for further action.

For: 5 Opposed: 0 Abstain: 0

15. It is moved that motion be amended to read that Amend Solution 15: *“Renters of any house or cottage that includes a golf cart with the rental are required to sign a standard rental agreement outlining golf cart safety and operational requirements”*, be recommended to the Portland City Council for further action.

For: 5 Opposed: 0 Abstain: 0

Attachment H

Eleven Final Recommendations with Discussion of Operational Implications

The proposed solutions approved by PIC for consideration by Portland City Council are divided into two sections – those impacting rental companies and those impacting all carts on the island. They are as follows:

Proposed solutions applied to golf cart rental companies

1. *“Create a City of Portland business license which would be required to operate a business that rents golf carts and/or other motorized means of human conveyance for use on City streets”*
 - a. Similar to regulations in other cities around governance of taxis, this would guide the way in which businesses can operate.
 - b. Many of the following recommendations can fall under this business license solution
 - c. While the PIC did not vote on any of the specific business license requirements, a few examples discussed are:
 - i. Set up a medallion system (limit of 44 – see recommendation below on caps), one per cart, to limit the number of rental carts
 - ii. Medallions would be purchased at a nominal cost of \$100.00 per medallion and renewed annually to provide a revenue stream for the City to maintain the licensing process
 - iii. Medallions can be purchased and renewed by anyone, but initial purchase would be offered to golf cart rental companies
 - iv. Require all rental carts be electrically powered (by 12/31/2020)
 - v. Establish a minimum space for carts of 75sf per cart at rental site to allow for adequate cart storage, egress and safety considerations. Carts used for weekly rentals would not be subject to the 75sf/cart requirement
 - vi. Require all operations of rental carts be in a commercially zoned location
 - vii. Require all carts comply with safety requirements
 - viii. Establish a common rental agreement, outlining appropriate use of carts
2. *“Create a 24-month moratorium on the creation of any new businesses (excluding golf cart rental businesses) involved in the commercial rental of any motorized means of human conveyance on Peaks Island.”*
 - a. There is no need to include a moratorium on future golf cart businesses as this is addressed in the recommendation 4 below
 - b. While there is strong opposition to any new company renting mechanized modes of transportation such as scooters, Segways, mechanized golf bikes, skate caddys etc, PIC felt that instead of banning them outright, a moratorium would allow the rest of the proposals to start to take effect before we would reevaluate and propose a permanent solution
 - c. This does not apply to any non-profit organization (e.g. Island Transportation System- aka Taxi) which continues to address the transportation needs of the island community
 - d. This recommendation does not prohibit commercial golf cart tour operators to continue in their current operations as a tour company
3. *“Require the minimum rental period of commercially owned golf carts be 4 hours”*
 - a. Significant concern was raised by the community on the impact of short term (1-2 hour rentals). This addresses the largest pain point from the community

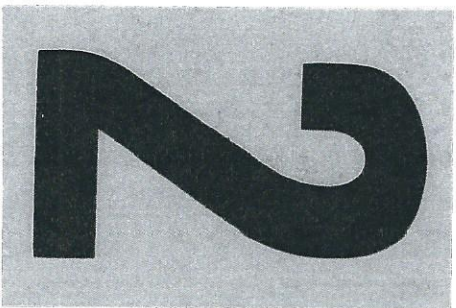
- b. Short term rentals (under 4 hours) have a very low barrier to entry – rentals cost \$25 per hour and there is no disincentive for renters to misbehave – increasing the rental minimum will encourage use by those that will take the time to appreciate the island vs “racing around” the island as quick as possible
 - c. The proposed solution provides a cost-effective way for mobility-impaired renters to enjoy the island
 - d. The solution will have minimal impact on the revenue stream for owners, as Peaks continues to be a preferred tourist destination and demand for carts far outstrips supply – in other words, there will be amply tourists willing to pay for a half day rental
 - e. The solution reduces the congestion on lower Welsh street which has important safety implications
 - f. This solution would explicitly require that there would be no rental agreements allowed for periods of less than 4 hours
 - g. This recommendation can be included in the business licensing recommendation above
4. *“Permanently cap the combined number of rental golf carts on Peaks Island from all businesses to the current level of 44, of which a minimum of 1/3 (14) carts be limited to weekly only rental”*
- a. Per owners of the existing business, there are a total of 44 carts available for rental. Both owners indicated they had no plans to expand their fleets
 - b. This recommendation does not prohibit the owners from selling part or all of their business, as the cap is solely on the combined total
 - c. Current weekly rental comprises ~14% of the combined fleet. Owner of one company indicated a planned migration to more weekly rentals
 - d. Weekly rentals remove cars from the island, which addresses another unrelated concern voiced by the community (overall number of cars on an island of 1.1 square miles)
 - e. This recommendation can be included in the business licensing recommendation above
5. *“Prohibit the storage/parking of un-rented commercially owned and operated golf carts on any city street”*
- a. Golf cart rental companies regular park their unrented inventory during the day and overnight on city streets. This limits (the already limited) parking options for regular commuters and visitors down front
 - b. This is not intended to restrict legal parking of a “rented” cart anywhere on the island
 - c. This recommendation can be included in the business licensing recommendation above
6. *“Require that all commercially rented golf carts have the rental company name, telephone number, and unique identification number visible from 100' away on all four sides.”*
- a. Both rental companies have indicated that community members can call to report inappropriate cart behavior. However, identification of individual carts are currently too small to see and it is unclear which rental company owns the cart
 - b. This would apply to cart rentals included as part of a house or cottage rental (see proposed solution 10 below)
 - c. Police enforcement would also be easier if carts can be easily identified.
 - d. This recommendation can be included in the business licensing recommendation above

7. *“Require that all commercially owned and operated golf carts be electrically powered by December 31, 2020”*
- a. There is very strong alignment from the community that all rental carts should be electric
 - b. This solution provides two seasons to convert the rental fleet to electric
 - c. Technology exists to support full day electric cart range – Golf cart models are currently available for sale that have a 70 mile range on a single charge (without battery optimization technology or solar panel assistance)ⁱ As a point of reference, the distance around the island is 3.5 miles – at a 70 mile range, a cart can be driven around the Island for 20 trips without a recharge. Stopping for an hour and recharging would enable another 16 round trips.
 - d. This recommendation can be included in the business licensing recommendation above

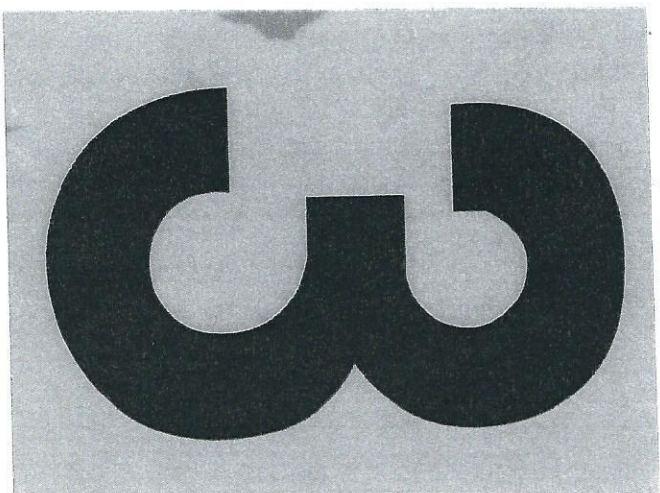
Proposed solutions applied to all golf carts on Peaks Island

8. *“Ensure that state statutes and city ordinances pertaining to the operation of golf carts are rigorously enforced”*
- a. This was strongly supported by the community who wants more enforcement of the ordinances as approved last year by the City
 - b. This applies to rental carts as well – see above
9. *“Provide adequate numbers of police personnel and their effective supervision needed to carry out enforcement of state statutes and city ordinances regarding the operation of golf carts on Peaks Island and to ensure public safety”*
- a. This too was strongly supported by the community who recognizes that staffing levels in the Police Department are often not robust enough to monitor the safe operation of rent carts and the congestion of carts, people and cars down front (especially during the times the boat is at dock, and during peak visitation days).
 - b. Special emphasis should be focused mid-day down front when the half day rentals are being returned and rented out.
10. *“Renters of any house or cottage that includes a golf cart with the rental are required to sign a standard rental agreement outlining golf cart safety and operational requirements”*
- a. The community recognizes that some of the observed inappropriate behavior of golf cart operators is not with rented carts. This proposed solution applies to any homeowner who rents a house or cottage that includes a cart with the rental.
 - b. Landlords (or their designee) would be responsible for ensuring compliance
 - c. Carts would have a unique identifying information per solution number 6 above.
 - d. The intent is that these owners would use the same common rental agreement, outlining appropriate use of carts that is used by rental cart companies.
11. *“After April 1, 2018, require that any newly registered (new or used) privately owned and operated golf carts be electrically powered. Registrations for existing gas-powered carts are grandfathered and can be renewed with the current owner.”*
- a. This proposed solution only affects newly registered carts

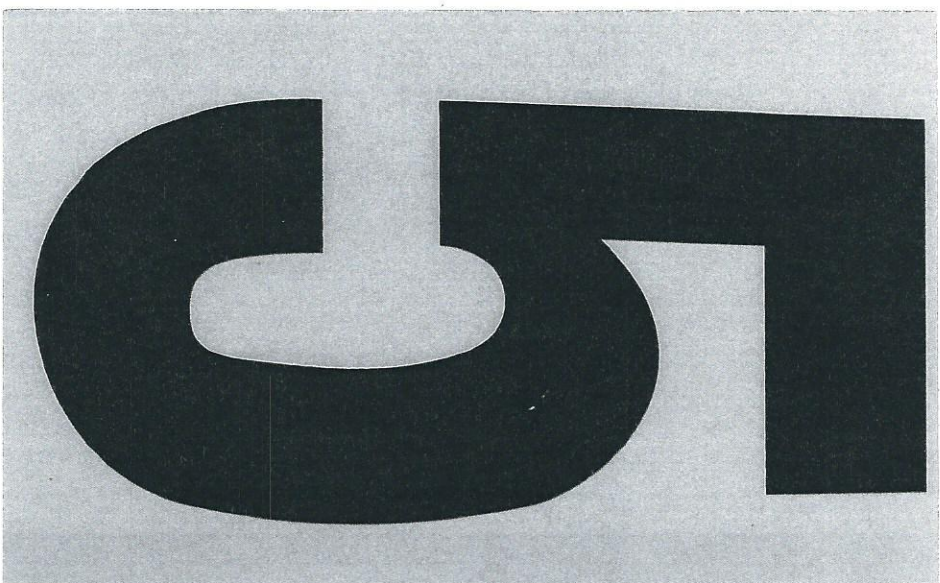
- b. Existing registrations to existing owners would be grandfathered, but if a gas cart is sold, it cannot be registered on Peaks.
 - c. The long-term intent is to migrate all carts on Peaks to electric over the next 10-20 years
-



2"



3"



5"



Memorandum

TO: Mayor Strimling; Portland City Council Members
FROM: Jon P. Jennings, City Manager
CC: Jessica Hanscombe, Licensing and Housing Safety Manager
Anne Torregrossa, Associate Corporation Counsel
Mike Murray, Assistant to the City Manager
SUBJECT: Sustainability & Transportation Committee Requests for additional information
DATE: August 1, 2019

At the June 19, 2019 Sustainability and Transportation Committee meeting, the proposal of regulating golf carts on Portland islands was discussed and voted on. During the discussion, Committee members requested that staff research two items and prepare recommendations to the full City Council, where amendments could be made to the proposed ordinance based on the recommendations. Specifically, the Committee asked:

1. To review the language in 30-110(a)(1) to ensure there are no ambiguities in the language that could create unintended consequences with passage of the ordinance as written;
2. Committee members wrestled with the size of lettering in 30-110(e)(3). While Committee members did not have a recommendation, they felt that the current 1.5" size was too small and asked staff to research and bring forth other options.

In addition to these two questions, staff will also make a recommendation and ask for an amendment from the City Council to make the implementation of this ordinance effective May 1, 2020.

Section 30-110(a)(1) states:

A "rental golf cart" shall mean any golf cart rented or offered for rent to be operated on City streets. "Rental golf cart" shall not include any golf cart rented or offered for rent to be operated solely on a golf course or other public or private property.

Corporation Counsel's Office has reviewed this language and is comfortable with the language in its current form, as golf carts can only be operated on Portland island streets, in accordance with Maine statute.



The Sustainability Committee wrestled with the size of the lettering required in 30-110(e)(3). Committee members did not feel 1.5 inches was large enough, but did not have a knowledge base to make a recommendation. Staff was asked to research options and bring forth a recommendation to the full City Council. For comparative purposes, the numbers on a Maine automobile license plate are 3" in height. However, due to the limited surface area on golf carts where the company name and telephone number are to be affixed in accordance with the ordinance, staff recommends a letter/number height of at least 2". A comparison of number/letter sizes is attached for your review.

Finally, staff is making a recommendation to set an effective date of May 1, 2020 in the ordinance. Similar licensing requirements in the City run from May 1 to April 30 of each year. The golf cart rental season is relatively short, and will be ending no later than mid-October. If the ordinance is passed on August 12, 2019, and becoming effective 30 days later, September 12, 2019, golf cart rental operators will effectively be forced to register their carts for 6 weeks of use. Adding the effective date to May 1, 2020 will allow for the rental companies to recoup their registration/licensing fees over the course of the entire 2020 season, and every year after.



July 8, 2019

To: Councilor Jill Duson, Member, Sustainability & Transportation Committee
Councilor Belinda Ray, Member, Sustainability & Transportation Committee
Councilor Spencer Thibodeau, Chair, Sustainability and Transportation Committee

Cc: Jon Jennings, City Manager
Members, Peaks Island Council

From: Randy Schaeffer, Chair
Peaks Island Council

I would like to thank the Sustainability and Transportation Committee and the City Manager for their consideration and response to the recommendations approved by the Peaks Island Council to address community concerns regarding the use of rental golf carts on the city streets of Portland.

I was not able to attend the June 19th meeting of the Sustainability and Transportation Committee, but I have watched the video recording of the meeting that is on the City's website. I would like to offer a few points of clarification regarding the PIC approved recommendations based on the Committee's discussion that night and the content of the draft ordinance prepared by staff.

Setting Caps on Rental Carts and Rental Companies

The mechanism by which the Peaks Island Council envisioned limiting the number of rental carts and rental companies in the city was through the creation of a business license as prerequisite to the operation of any such business. Recommendation to establish a business license for golf cart rental companies, as well as for companies proposing to rent other motorized means of human conveyance, is recommendation #1 in our memo of December 12, 2018. The PIC felt that the process should be fair to both businesses and the neighborhoods in which the businesses intend to operate. The process of considering applications for such licenses, therefore, needs to be transparent and open to public comment, in similar fashion as say the Planning Board, the City Council, etc.

The City's website lists the dozens of business types for which business licenses are currently required. The issuance of business licenses is just one means by which the city strives to balance community well-being with enthusiasms of the entrepreneurial spirit.

Perhaps the Committee envisions that the means by which the City Manager would set caps on businesses and carts would include such a licensing process? If that is the case, we suggest the ordinance be amended to provide more guidance regarding the nature of the process. If not however, we ask that the draft ordinance be amended to create a business license for cart rental businesses.

Identifying Information on Rental Carts

The Peaks Island Council's recommendation #6 calls for the inclusion of a "...unique identification number..." as part of the identifying information that be required to be readable from 100 feet away on all four sides of each rental cart.

During the public comment at the meeting, you heard from a resident who described the importance of being able to identify the carts being operated in an unsafe fashion. A unique, visible identifying number will help residents call hazardous and unsafe operation of rental carts to the attention of cart rental companies and the police.

Such an identification number is not included in the present draft of the ordinance. Consistent with the PIC recommendation, we would ask that the draft ordinance be amended to include one.

Again, thank you very much to all involved for the consideration and response given to the PIC recommendations to date. We look forward to continuing this level of discussion and collaboration on this and other topics in the future.

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 8
Re: REPORT REQUIREMENTS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

*That Chapter 8, Section 8-3 is hereby amended as follows,
and a new Section 8-5 is hereby added to read as follows:*

Sec. 8-3. Creation of the Waterfront Development Growth Area

The Waterfront Development Growth Area (WDGA) is hereby created and shown on the map below, titled the Portland Waterfront Development Growth Area, which is incorporated as a component of this ordinance, as may be amended from time to time.

The City shall conduct studies and reporting on a scheduled basis as needed to track the effectiveness and impacts of the Waterfront Growth Area Ordinance and other elements of the City Code of Ordinances, including but not limited to waterfront zoning in Chapter 14, Land Use. The results of such studies may be used to support processes including but not limited to allocation of Waterfront Tax Increment Financing program funds, Land Use ordinance amendments, capital budgeting, and outside grant funding applications.

...

Sec. 8-5. Waterfront Reports.

The City Manager shall oversee and direct City staff to generate reports documenting the state of and trends within the waterfront economy.

(a) State of the Waterfront Report. The Economic Development Department shall oversee a periodic study of the state of the marine economy for the waterfront of Portland, Maine ("State of the Waterfront") and generate a report for communication to the City Council. Starting within the first year of adoption of this provision, the State of the Waterfront

Report shall benefit from the services of qualified economic professionals and be updated every three to five years, or more frequently if conditions dictate. The State of the Waterfront Report will, at a minimum, identify key indicators of economic health for marine industry, such as: employment by industry; homeported commercial vessels by type; fish landings; freight volume; marine passenger volumes by type; and business output value and trends. The State of the Waterfront Report shall also provide guidance as to strengths, weaknesses, and threats to the waterfront economy and may provide recommendations to strengthen the waterfront as a home for traditional and emerging water-dependent and marine-related industries.

(b) Waterfront Development Report. The Planning and Urban Development Department shall prepare a report on significant waterfront development ("Waterfront Development Report") for communication to the Planning Board and the City Council on an annual basis. The Waterfront Development Report shall highlight significant development activity in the Eastern Waterfront Port Zone, Waterfront Central Zone, and the Waterfront Port Development Zone. The Waterfront Development Report may be used to support land use decision making and to inform thinking and actions on the efficacy and impacts of zoning and land use policy on the waterfront.

MEMORANDUM
City Council Agenda Item

FROM: Jeff Levine, Director Planning & Urban Development Department

DATE: July 15, 2019

SUBJECT: **Order 13-19/20 Approving the Second Amendment to Conditional Rezoning Agreement C-55 Re: Luther Street Property on Peaks Island - Sponsored by the Planning Board, Sean Dundon, Chair.**

SPONSOR: Sean Dundon, Chair, Portland Planning Board
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: Yes (If no why not?)

PRESENTATION: Sean Dundon, Chair, Planning Board and Jeff Levine, Director, Planning and Urban Development - 5 to 10 minutes total.

I. SUMMARY

The Planning Board unanimously recommends proposed text amendments to the conditional rezoning agreement (C-55) with Home Start Affordable Housing and Volunteers of America to allow the creation of three affordable, accessory dwelling units at 18, 22, and 26 Luther Street on Peaks Island.

II. AGENDA DESCRIPTION

On June 11, 2019, the Planning Board held a public hearing to consider a text amendment to the original Conditional Zone Agreement (CZA #CC-55) for the properties at 18, 22, and 26 Luther Street on Peaks Island. The proposed text amendments to the agreement will allow an affordable year-round accessory dwelling unit (ADU) to be added to each of the three existing affordable homes. The Planning Board voted unanimously (6-0, Silk absent) to find the proposed text amendments for Home Start and Volunteers of America to be consistent with the policies of Portland's Comprehensive Plan and consistent with the existing and permitted uses in the underlying IR-2 zone. The Board recommends to the City Council adoption of the proposed Text Amendments to the Conditional Rezoning Agreement for 18, 22, 26 Luther Street on Peaks Island.

This item must be read on two separate days. It was given a first reading on July 15, 2019. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Home Start pursued a conditional rezoning in 2010, in order to enable the construction of two single family homes and the rehabilitation of the existing home at 18 Luther Street. The Planning Board supported the CZA that allowed the reconstruction of the existing home and the addition of the two single-family houses, each with a lot size of approximately 5,300 SF. Under the rezoning agreement, all three homes are required to be affordable units and are allowed at a higher density than the underlying IR-2 zone. The City Council approved the conditional rezoning on July 12, 2010 and in 2011, the applicant entered into the affordable housing agreement with the City to create two new affordable single-family homes at 22 and 26 Luther Street, and the rehabilitation of 18 Luther Street for the third home. The two new houses and the renovation of 18 Luther Street were completed in 2013.

The Planning Board held a workshop on May 28th and a public hearing on June 11th, to consider the requested a text amendment to the original Conditional Zone Agreement (CZA #CC-55) for the properties at 18, 22, and 26 Luther Street on Peaks Island. The proposed substantive changes to the agreement are summarized as follows:

1. The requirements of the Existing CZA shall apply and are modified to allow an addition of one (1) ADU on the Property.
2. The ADU shall be a minimum of four hundred (400) square feet and subject to the applicable dimensional requirements of the Existing CZA,
3. The ADU shall be leased on an annual basis to households earning no more than 120% of the HUD AMI for Cumberland County, Maine.
4. If the entire Property is sold, it shall be sold to a household earning no more than 120% of the HUD AMI for Cumberland County, Maine per the Existing CZA and the maximum sale price shall be calculated per the City of Portland's "Inclusionary Zoning Implementation Guidelines for Developers of Homeownership Housing" (the "Inclusionary Guidelines").
5. The above affordability restrictions shall be stated in and secured by a Declaration of Affordable Housing Covenants and Restrictions for the Property, which shall be enforceable by Owner and the City of Portland, or their designees and shall be recorded in the Cumberland County Registry of Deeds along with an original of this Agreement.
6. The Developer intends to maintain the single-family appearance of the Property and complement the adjacent residential neighborhood.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Housing Committee Goal: Increase access to rental and ownership housing that is safe and affordable for working and low-income families.

Comprehensive Plan:

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.
- Pursue policies to enable people who work in Portland to have the option to live in Portland.
- Continue to implement best practices in workforce and affordable housing development such as the Housing Trust Fund, inclusionary zoning, and other tools.

V. FINANCIAL IMPACT

There is no financial impact to the City.

VI. STAFF ANALYSIS AND BACKGROUND

The Comprehensive Plan calls for increasing and modifying the overall supply of housing. ADUs are one method of increasing the housing supply of affordable rentals. In addition, the underlying and surrounding zone is Island Residential Zone (IR-2), which permits accessory dwelling units as a conditional use. The original CZA states that "to the extent not otherwise altered herein, the zoning requirements for the IR-2 shall otherwise apply". Even though accessory dwelling units are allowed as a conditional use in the underlying IR-2 zone, the CZA specifically restricts the use of the Property to three single-family residential units. Thus, Home Start, a non-profit housing development organization on Peaks Island, requested the amendments to allow an accessory dwelling unit to be added to 18 Luther Street. Their proposal included provisions that the unit would be a year-round unit with a minimum of 400 square feet and subject to the affordability provisions contained in the

agreement.

At the workshop, the Planning Board suggested considering an option to expand the scope of the agreement and to allow an affordable ADU in each of the three affordable homes that were created under the original conditional rezoning agreement. Volunteers of America who own the houses at 22 and 26 Luther Street expressed their interest and support in having the provisions include their lots, although they do not have plans to add any units at this time. The proposed text amendments, as recommended by the Planning Board, would apply to all three single family lots and includes.

As proposed, the ADU would be a permitted use under the amendment and thus, would not be a conditional use, as it is in IR-2. A provision is included in the agreement that states the developer intends to maintain the single-family appearance of the Property and complement the adjacent residential neighborhood. The addition of a unit will require a Building Permit and Site Plan review, so the design will be evaluated during the administrative review.

VII. RECOMMENDATION

At the June 11, 2019 Planning Board public hearing, the Board voted unanimously (6-0, Silk absent) to find the proposed Text Amendments to the Conditional Rezoning Agreement #C-55 for Home Start and Volunteers of America are consistent with the policies of the Comprehensive Plan of the City of Portland and are consistent with the existing and permitted uses in the underlying IR-2 zone. The Board recommends to the City Council approval of the proposed Text Amendment to the Conditional Rezoning Agreement #C-55, as revised by the staff and Planning Board, for 18, 22, 26 Luther Street on Peaks Island.

VIII. LIST ATTACHMENTS

1. Amend Luther Street Conditional Zoning Agreement 7.15.2019 final
2. CC Report - Luther Street
3. Attachments - Luther Street
4. Public Comment - Mac Median 8-19

Prepared by:

Jeff Levine, Director Planning & Urban Development Department

Date: 7/15/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING THE SECOND AMENDMENT TO CONDITIONAL ZONING
AGREEMENT C-55
RE: LUTHER STREET PROPERTY ON PEAKS ISLAND**

WHEREAS, on July 19, 2010, by Order 273-09/10, the Portland City Council approved a Conditional Zoning Agreement governing certain property located on Luther Street on Peaks Island (the “CZA”); and

WHEREAS, the CZA was amended by the Portland City Council on January 5, 2011, by Order 118-10/11; and

WHEREAS, Home Start owns the land and an existing building located at 18 Luther Street, shown on City of Portland Tax Map 87, Block Z, Lot 17, and more particularly described in a deed recorded in the Cumberland County Registry of Deeds in Book 14020, Page 231 (the “Home Start Property”); and

WHEREAS, Volunteers of America Northern New England, Inc. owns the land and an existing buildings located at 22 Luther Street, shown on City of Portland Tax Map 87, Block Z, Lot 16, and 26 Luther Street, shown on City of Portland Tax Map 87, Block Z, Lot 15, and more particularly described in a deed recorded in the Cumberland County Registry of Deeds in Book 29781, Page 23 (the “Volunteers of America Property”); and

WHEREAS, the Home Start Property and the Volunteers of America Property are subject to the CZA, as amended, which limits the use of the three parcels to three (3) single family residential units; and

WHEREAS, each of the parcels subject to the CZA contain a single-family residential unit s; and

WHEREAS, Home Start and Volunteers of America both desire to add one accessory dwelling unit (“ADU”) to each of the buildings they each respectively own and which are subject to the CZA as amended, which ADUs which shall be leased as affordable to households earning one hundred and twenty percent (120%) or less of the U.S. Department of Housing and Urban Development Area Median Income for Cumberland County, Maine; and

WHEREAS, ADUs are consistent with the single family affordable residences in the area; and

WHEREAS, ADUs are a conditional use in the surrounding and underlying Island Residential Zone (IR-2) and are therefore consistent with the permitted uses in the area; and

WHEREAS, Home Start and Volunteers of America each agree to maintain the single-family appearance of their respective properties and complement the adjacent residential neighborhood; and

WHEREAS, the ADUs proposed by Home Start and Volunteers of America would provide needed affordable housing on Peaks Island and is consistent with the housing component of the Comprehensive Plan;

WHEREAS, on June 11, 2019, the Portland Planning Board recommended the approval of the amendment to the CZA in order to allow the addition of one ADU for each of the three (3) existing single-family residences subject to the CZA; and

WHEREAS, the City Council hereby finds and declares that said amendment to the CZA as amended is pursuant to and consistent with the City's Comprehensive Plan as well as with existing and permitted uses in the underlying zone;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Portland, Maine, in the Council assembled, that the amendment to the CZA in substantially the form attached hereto is hereby approved.



PLANNING BOARD REPORT PORTLAND, MAINE

Text Amendment to Conditional Zone Agreement
To Add Affordable Accessory Dwelling Units
ZN-000601-2019
Home Start Affordable Housing, Applicant

Submitted to: Portland City Council First Reading: July 15, 2019 Final Action: August 12, 2019 Submitted by: Portland Planning Board	Prepared by: Shukria Wiar, Planner Date: June 28, 2019
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I. PLANING BOARD RECOMMENDATIONS TO THE COUNCIL

On June 11, 2019, the Planning Board held a public hearing to consider the requested text amendment to the original Conditional Zone Agreement (CZA #CC-55) for the properties at 18, 22, and 26 Luther Street on Peaks Island. The Planning Board voted unanimously (6-0, Silk absent) the proposed Text Amendment Conditional Rezoning Agreement #C-55 for Home Start and Volunteers of America is consistent with the policies of the Comprehensive Plan of the City of Portland and is consistent with the existing and permitted uses in the underlying IR-2 zone and recommends to the City Council approval of the proposed Text Amendment to the Conditional Rezoning Agreement #C-55, as revised by the staff and Planning Board, for 18, 22, 26 Luther Street on Peaks Island.

II. PROJECT DATA

Underlying Zoning:	Island Residential IR-2
Existing Zoning:	Conditional Rezoning #CC-55 to the three single-family units.
Proposed Zoning:	Text Amendment to allow accessory dwelling units.
Building Height:	Proposed not to exceed the 35' limit.
Building Setbacks:	Minimum Lot Area is 5,300 with a front yard setback of 10 feet and side yard of 8 feet to the property line. The rear yard setback will stay at 25 feet as well at the building height of 35 feet. The frontage is 49 feet. These setbacks are included in the original Conditional Zone Agreement, <u>Attachment 2</u> , and no revisions are proposed to these dimensional standards.
Existing Uses:	Three single-family homes on three lots
Residential Data:	
Existing Residential Units:	Three single-family homes
Proposed Residential Units:	Potential Three ADUs
Number of Affordable Units:	Three single family homes and the three ADUs

III. BACKGROUND AND EXISTING CONDITIONS

Home Start pursued a conditional rezoning in 2010, in order to enable the construction of two single family homes and the rehabilitation of the existing home at 18 Luther Street. The Planning Board supported the CZA (#CC-55, Attachment 2) that allowed the reconstruction of the existing home and the addition of the two single-family houses, each with a lot size of approximately 5,300 SF. Under the rezoning agreement, all three homes are required to be affordable units and are allowed at a higher density than the underlying IR-2 zone. The City Council approved the conditional rezoning on July 12, 2010 and in 2011, the applicant entered into the affordable housing agreement

with the City to create two new affordable single-family homes at 22 and 26 Luther Street, and the rehabilitation of 18 Luther Street for the third home. The two new houses and the renovation of 18 Luther Street were completed in 2013.

IV. PROPOSED TEXT AMENDMENTS

Planning Board recommends to City Council the adoption of the proposed text amendments to the conditional rezoning agreement for Home Start Affordable Housing to allow for the creation of three affordable, accessory dwelling units at 18, 22, and 26 Luther Street on Peaks Island. The underlying and surrounding zoning is Island Residential Zone (IR-2), which permits accessory dwelling units as a conditional use. The original CZA states that “*to the extent not otherwise altered herein, the zoning requirements for the IR-2 shall otherwise apply*”. Even though accessory dwelling units are allowed as a conditional use in the underlying IR-2 zone, the CZA specifically restricts the use of the Property to three single-family residential units. Home Start is a non-profit housing development organization on Peaks Island. All of the residential units will be marketed as affordable housing.

The proposed text amendments will ensure that the units will meet all other requirements of the original CZA. Attachment D is the full amendment with all of the whereas statements and standard conditions. Below are the proposed provisions to amend the conditional agreement are below:

NOW, THEREFORE, in consideration of this Amendment, the Owner covenants and agrees as follows:

1. The requirements of the Existing CZA shall apply and are modified to allow an addition of one (1) ADU on the Property.
2. The ADU shall be a minimum of four hundred (400) square feet and subject to the applicable dimensional requirements of the Existing CZA, which are restated below:
 - a. Minimum Lot Area 5,300 sq. ft.
 - b. Min. Street Frontage 49 ft
 - c. Min. Front Yard Setback (Lot 17) 1 ft
 - d. Min. Rear Yard Setback 25 ft
 - e. Min. Side Yard Setback (Lot 17) 6.5 ft
 - f. Maximum Building Height 35 ft
 - g. Min. Lot Width 49 ft
 - h. Maximum Lot Coverage 28% of Lot
3. The Owner or its designee agrees to maintain the following affordability controls on the Proposed Development on the Property:
 - a. The ADU shall be leased on an annual basis to households earning no more than 120% of the HUD AMI for Cumberland County, Maine.
 - b. If the entire Property is sold, it shall be sold to a household earning no more than 120% of the HUD AMI for Cumberland County, Maine per the Existing CZA and the maximum sale price shall be calculated per the City of Portland’s “Inclusionary Zoning Implementation Guidelines for Developers of Homeownership Housing” (the “Inclusionary Guidelines”). The potential rental income of the ADU shall not be included in determining the buyer’s eligibility as a household earning 120% AMI or less, however, in calculating the maximum sale price per the Inclusionary Guidelines, the ADU shall be considered a 1-person household in addition to the 3-person household size of the existing 3-bedroom single family residence. In the event the Inclusionary Guidelines are no longer in effect at the time of sale, the maximum allowable purchase price shall be based on calculating the present value of a 30 year fixed rate mortgage with a 5% down payment, an interest rate based on the average national mortgage rate over the past thirteen years as determined by the Freddie Mac Primary Mortgage Market Survey, and a monthly mortgage payment based on 30% of the gross monthly income for a 4-person household earning 120% AMI minus other monthly housing expenses such as real estate taxes, mortgage insurance, and insurance. Any future owner of the Property

shall be required to rent the ADU on an annual basis to households earning no more than 120% AMI for Cumberland County, Maine per 3(a) above.

- c. The above affordability restrictions shall be stated in and secured by a Declaration of Affordable Housing Covenants and Restrictions for the Property, which shall be enforceable by Owner and the City of Portland, or their designees and shall be recorded in the Cumberland County Registry of Deeds along with an original of this Agreement.
- d. The Developer intends to maintain the single-family appearance of the Property and complement the adjacent residential neighborhood.

As proposed, the ADU would be a permitted use under the amendment and thus, would not be a conditional use, as it is in IR-2. The addition of a unit will require a Building Permit and Site Plan review. The site is served by public sewer and water. A conceptual site plan and architectural drawing for 18 Luther Street. are in Attachment F and G.

V. PUBLIC COMMENTS

Staff recommended that this proposed change be handled as a text amendment. Notices upon receipt of application and for the Planning Board public hearing were sent to a hundred and twenty-two (122) property owners within 500 feet of the site and to the interested citizen list. At the time this report was prepared, the Planning Division has not received any public comment.

VI. RIGHT, TITLE AND INTEREST

The owner of the property is Home Start. The applicant has provided a copy of a short form warranty deed, recorded at the Cumberland County Registry of Deeds (Book 25452 Page 211), which demonstrates their right, title and interest in the property.

VII. COMPREHENSIVE PLAN

The applicant has submitted their analysis on how this text amendment is meeting the Comprehensive Plan (Attachment E). Staff has identified the following goals and policies which are relevant to the proposed housing development and finds the proposal in conformance with the Comprehensive Plan:

The central vision of Portland's Plan 2030 is represented by the diagram demonstrating the interrelation of the community's core values of an equitable, sustainable, connected, dynamic, authentic and secure city. The vision conveys the message of the City's need to balance many competing needs to assure the advance of the vision as a unified concept.

State Housing Goal: To encourage and promote affordable decent, housing opportunities for all Maine citizens.

Additional Housing Policy Guide Strategies:

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.
- Create, promote, and facilitate safe, affordable, and practical housing solutions that will meet the evolving needs of Portland residents as they age.
- Support land use tools that encourage year-round residences in existing and new housing on Portland's islands, while maintaining their unique character and environment.



ATTACHMENTS

PLANNING BOARD MEMO ATTACHMENTS

1. Final Version of Text Amendment

2. Conditional Rezoning Agreement- C-55, as adopted by Council

APPLICANT'S SUBMITTALS

- A. Application Form
- B. Project Description
- C. Right, Title and Interest
- D. Amendment to Conditional Zone Agreement
- E. Consistency with Comprehensive Plan
- F. Conceptional Site Plan
- G. Conceptional Floor Plan
- H. Architectural Drawing

AMENDMENT TO CONDITIONAL ZONE AGREEMENT

RE: C-55

THIS AGREEMENT made this _____ day of ____, 2019 by Home Start, a 501(c)(3) non- profit corporation with a place of business in Portland, Maine (individually, “Home Start”) and Volunteers of America Northern New England, a 501(c)(3) non- profit corporation with a place of business in Brunswick, Maine (individually, “Volunteers of America”) (collectively, “Developers”), and their successors and assigns.

WITNESSETH

WHEREAS, the Home Start owns land and an existing building located at 18 Luther Street, shown on City of Portland Tax Map 87, Block Z, Lot 17, and more particularly described as Parcel 1 in a deed recorded in the Cumberland County Registry of Deeds in Book 14020, Page 231 (the “Home Start Property”); and

WHEREAS, Volunteers of America owns the land and existing buildings located at 22 Luther Street, shown on City of Portland Tax Map 87, Block Z, Lot 16, and 26 Luther Street, shown on City of Portland Tax Map 87, Block Z, Lot 15, and more particularly described in a deed recorded in the Cumberland County Registry of Deeds in Book 29781, Page 23 (the “Volunteers of America Property”); and

WHEREAS, the Home Start Property and the Volunteers of America Property comprise the three parcels subject to an existing Conditional Zone Agreement, dated January 5, 2011, (“Existing CZA”) which limits the use of the three parcels to three (3) single family residential units; and

WHEREAS, the existing building located on the Home Start Property is currently used to house one single family affordable residence and the two parcels comprising the Volunteers of America Property are currently used to house one single family residence on each parcel for a total of three (3) single family residential units subject to the CZA; and

WHEREAS, Home Start intends to add one (1) accessory dwelling unit (“ADU”) to the Home Start Property and the Volunteers of America intend to add two (2) accessory dwelling units (one on each parcel of land comprising the Volunteers of America Property) (the “Proposed Developments”), each of which shall be leased as affordable to households earning one hundred and twenty percent (120%) or less of the U.S. Department of Housing and Urban Development (HUD) Area Median Income (AMI) for Cumberland County, Maine; and

WHEREAS, ADUs are a conditional use in the surrounding and underlying Island Residential Zone (IR-2); and

WHEREAS, the Developers intend and agree to maintain the single-family appearance of their respective properties and complement the adjacent residential neighborhood; and

WHEREAS, the Proposed Developments would provide needed affordable housing on Peaks Island and are consistent with the housing component of the Comprehensive Plan;

NOW, THEREFORE, in consideration of this Amendment, the Developers, individually, covenant and agree as follows:

1. Except as expressly modified herein, the requirements of the Existing CZA shall continue to apply and are modified to allow an addition of one (1) ADU on the Home Start Property and two (2) ADUs (one on each parcel) on the Volunteers of America Property.

2. The ADUs shall be a minimum of four hundred (400) square feet and subject to the applicable dimensional requirements of the Existing CZA, which are restated below:

a. Minimum Lot Area	5,300 sq. ft.
b. Min. Street Frontage	49 ft
c. Min. Front Yard Setback (Lot 17)	1 ft
d. Min. Rear Yard Setback	25 ft
e. Min. Side Yard Setback (Lot 17)	6.5 ft
f. Maximum Building Height	35 ft
g. Min. Lot Width	49 ft
h. Maximum Lot Coverage	28% of Lot

3. The Developers or their respective designees agree to maintain the following affordability controls on their respective properties:

- a. The ADU shall be leased on an annual basis to households earning no more than 120% of the HUD AMI for Cumberland County, Maine.
- b. If the entire Property is sold, it shall be sold to a household earning no more than 120% of the HUD AMI for Cumberland County, Maine per the Existing CZA and the maximum sale price shall be calculated per the City of Portland's "Inclusionary Zoning Implementation Guidelines for Developers of Homeownership Housing" (the "Inclusionary Guidelines"). The potential rental income of the ADU shall not be included in determining the buyer's eligibility as a household earning 120% AMI or less, however, in calculating the maximum sale price per the Inclusionary Guidelines, the ADU shall be considered a 1-person household in addition to the 3-person household size of the existing 3-bedroom single family residence. In the event the Inclusionary Guidelines are no longer in effect at the time of sale, the maximum allowable purchase price shall be based on calculating the present value of a 30 year fixed rate mortgage with a 5% down payment, an interest rate based on the average national mortgage rate over the past thirteen years as determined by the Freddie Mac Primary Mortgage Market Survey, and a monthly mortgage payment based on 30% of the gross monthly income for a 4-person household earning 120% AMI minus other monthly housing expenses such as real estate taxes, mortgage insurance, and insurance. Any future owner of the Property shall be required to rent the ADU on an annual basis to households earning no more than 120% AMI for Cumberland County, Maine per 3(a) above.

- c. The above affordability restrictions shall be stated in and secured by a Declaration of Affordable Housing Covenants and Restrictions for the Property, which shall be enforceable by Home Start and the City of Portland, or their designees and shall be recorded in the Cumberland County Registry of Deeds along with an original of this Agreement.

4. The Developers shall each maintain the single-family appearance of their respective Property and ensure that any ADUs constructed pursuant to this Agreement shall complement the adjacent residential neighborhood.

In the event of a breach by Home Start or Volunteers of America or their respective successors or assigns of the zoning provisions contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a court determines such breach), the Planning Board, after notice and hearing, may recommend to the City Council that the conditional zone and this Agreement be amended, or be rescinded, such rescission to result in the termination of this Agreement and a reversion of the property to the IR-2 zone requirements in place before execution of this Agreement. However, any action by one owner shall not be determined to be a breach by the other of this Agreement. Home Start, its successors and assigns is responsible for compliance with the CZA, as amended in 2011 and by this Agreement, only with respect to the Home Start Property. Volunteers of America, its successors and assigns, is responsible for compliance with the CZA, as amended in 2011 and by this Agreement, only with respect to the Volunteers of America Property.

5. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of Maine law including, but not limited to, 30-A MRSA § 4452 and the Portland City Code.

6. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

7. Except as expressly modified herein, the development shall be governed by and comply with the provisions of the Portland City Code and any applicable amendments thereto or replacement thereof.

[SIGNATURES ON FOLLOWING PAGE]

WITNESS:

HOME START

Print Name:

By:
Its:

STATE OF MAINE
CUMBERLAND, ss.

_____, 2019

Personally appeared before me the above-named _____, in her capacity as President of Home Start, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said corporation.

Before me,

Notary Public/Attorney at Law

WITNESS:

VOLUNTEERS OF AMERICA NORTHERN
NEW ENGLAND

Print Name:

By:
Its:

STATE OF MAINE
CUMBERLAND, ss.

_____, 2019

Personally appeared before me the above-named _____, in her/his capacity as _____ of Volunteers of America Northern New England, and acknowledged the foregoing instrument to be her/his free act and deed in her/his said capacity and the free act and deed of said corporation.

Before me,

Notary Public/Attorney at Law

Order 273-09/10

Given first reading 6/21/10

Public hearing & Passage 7/19/10 8-0 (Skolnik absent)

NICHOLAS M. MAVODONES (MAYOR)

KEVIN J. DONOGHUE (1)

DAVID A. MARSHALL (2)

DANIEL S. SKOLNIK (3)

CHERYL A. LEEMAN (4)

CITY OF PORTLAND

IN THE CITY COUNCIL

JOHN R. COYNE (5)

JOHN M. ANTON (A/L)

DORY RICHARDS WAXMAN (A/L)

JILL C. DUSON (A/L)

AMENDMENT TO CITY CODE SEC. 14-49 (ZONING TEXT AND MAP AMENDMENT) RE: CONDITIONAL REZONING FOR PROPERTY LOCATED ON LUTHER STREET ON PEAKS ISLAND

ORDERED, that the zoning map and text of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect the conditional rezoning as substantially detailed and described below.

CONDITIONAL ZONE AGREEMENT

RE:

HOMESTART

AGREEMENT made this ____ day of _____, 2010 by HOMESTART, a 501 c 3 Non-profit corporation with a place of business in Portland, Maine (“Developer”), and its successors and assigns.

W I T N E S S E T H

WHEREAS, the Developer has acquired land and buildings located at 18 Luther Street, consisting of parcels shown on City of Portland Tax Map 87 Block Z, Lots 15, 16, and 17, and more particularly described in a deed from dated and recorded in the Cumberland County Registry of Deeds in Book 14020, Page 231 (the “Property”); and

WHEREAS, the existing building located on the Property is currently used to house a single family affordable residence; and

WHEREAS, the remaining portion of the Property remains undeveloped; and

WHEREAS, the homes on the Property will constructed to be energy efficient;

WHEREAS, there is available public water and sewer to service the Property;

WHEREAS, the Developer intends to develop two (2) affordable single family homes on the remaining undeveloped land, which shall be sold as affordable to buyers with household incomes one hundred and twenty (120%) percent or less of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine; and

WHEREAS, if Maine State Housing funds are available for such purposes, the Developer intends to rehabilitate or replace the existing house located on Property, which shall be owned by the Developer or an appropriate designee and leased as affordable to tenants with household incomes less than one hundred and twenty percent (120%) of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine; and

WHEREAS, if the Maine State Housing funds are unavailable, the Developer intends to sell the existing house located on the Property as affordable to buyers with household incomes less than one hundred and twenty percent (120%) of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine; and

WHEREAS, the Developer intends to maintain the character of the Property and complement the adjacent residential neighborhood; and

WHEREAS, the existing zoning is IR-2 which requires 20,000 square feet of land area per unit, and which results in a limitation of one (1) unit upon the Property; and

WHEREAS, the Developer has requested a rezoning of the Property in order to permit the proposed redevelopment and reuse of the property from a single family residence to three (3) single family residential units; and

WHEREAS, the Portland Planning Board has determined the rezoning and proposed development would provide needed affordable housing on Peaks Island as is consistent with the housing component of the Comprehensive Plan; and

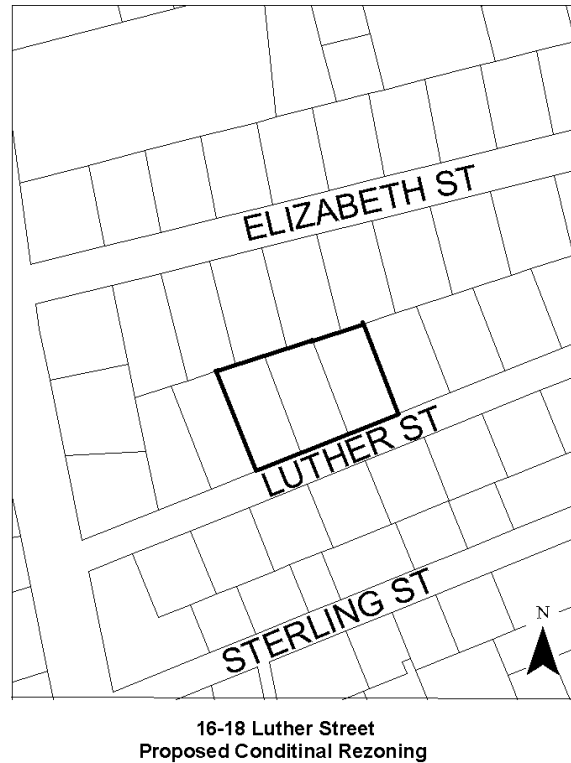
WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this Agreement; and

WHEREAS, the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code") §§ 14-60 to 14-62, after notice, hearing and due deliberation thereon, has determined that because of the unusual nature and unique location of the proposed development, and its minimal impact on and compatibility with the surrounding community, it is necessary and appropriate to recommend the rezoning of the Property as aforesaid, with the following conditions and restrictions set forth in this Agreement; and

WHEREAS, the Portland City Council has on _____, 2010 approved this Agreement in its entirety, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning, the Developer covenants and agrees as follows:

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of Portland, dated September, 2000 (as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Code) by adopting the map change amendment shown below to zone the property IR-2, subject to the conditions contained below.



If this Agreement is not recorded within sixty (60) days after the effective date of the City Council's approval of the Order, then the conditional rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing IR – 2 zone.

2. The use of the Property shall be for a maximum of three (3) affordable single-family residential homes (1 existing unit and 2 new units). No additional units shall be developed, and the two (2) new units shall be developed substantially as delineated and depicted on the Site Plan, attached hereto as Attachment 2, entitled "Site Plan – conditional zone 18 Luther Street, Peaks Island, Portland Maine" for HOMESTART Prepared by Walsh Engineering Associates, Inc.

3. The underlying dimensional requirements of the IR-2 zone shall apply and are modified as follows:

a.	Minimum Lot Area	5,300 Sq. ft.
b.	Min Street Frontage	49 ft
c.	Min. Front Yard Setback (Lots 15&16)	10 ft
d.	Min. Front Yard Setback (Lot 17)	1 ft*
e.	Min. Rear Yard Setback	25 ft

f.	Min. Side Yard Setback (Lots 15&16)	8 ft
g.	Min. Side Yard Setback (Lot 17)	6.5 ft.**
h.	Max. Building Height	35 ft
i.	Min. Lot Width	49 ft
j.	Max. Lot Coverage	28% of Lot

* Existing house on Lot 17 currently has a 1-foot front yard setback. If the house is reconstructed, it will be required to meet the 10-foot front yard setback requirement.

** Existing house on Lot 17 currently has a 6.5-foot side yard setback. If the house is reconstructed, it will be required to meet the 8-foot side yard setback requirement.

4. The Developer agrees to maintain the following affordability controls on the proposed development on the Property:
 - a. The two (2) new single family units shall be initially developed, marketed and sold to individuals with household incomes at 120% or less of the U.S. Department of Housing and Urban Development moderate-income income figure for metropolitan Cumberland County Maine, as calculated for the year in which the sale takes place (a “Qualified Purchaser”), and shall be priced to be affordable to a Qualified Purchaser. Each of the Qualified Purchasers of these two (2) single family units shall occupy the units as their principal residences, except that a Qualified Purchaser may rent a unit for a period not to exceed twelve (12) months in any thirty-six (36) month period, to enable the Qualified Purchaser to address matters such as divorce, transfer of employment, economic hardship and the like. Transient rentals shall not be permitted. Affordability shall be preserved in perpetuity through a deed restriction and legal documentation. Any such additional affordability restrictions or controls shall be reviewed and approved by the City of Portland corporation counsel’s office. In the event that the purchase price for either of these two (2) single family units is subsidized as a result of public or private funds made available to make the purchase of such unit more affordable, a junior mortgage shall be placed upon such unit, representing the amount of the subsidy received. In the event that an initial Qualified Purchaser sells one of these two (2) units to another Qualified Purchaser, the junior mortgage shall not be repaid, but shall be assumed by the subsequent Qualified Purchaser, who shall own and hold these housing units subject to a junior mortgage in the same manner as an initial Qualified Purchaser.
 - b. The existing unit (whether rehabilitated or reconstructed) shall be developed, marketed, sold and resold and/or leased as long as the Property remains a residential unit, to Qualified Purchasers or Tenants

with household incomes at one hundred and twenty percent (120%) of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine, as calculated for the year in which the sale takes place. The Qualified Purchasers/Tenants of this single family unit shall occupy the unit as their principal residence, except that a Qualified Purchaser may rent a unit for a period not to exceed twelve (12) months in any thirty-six (36) month period, to enable the Qualified Purchaser to address matters such as divorce, transfer of employment, economic hardship and the like. Transient rentals shall not be permitted. A junior mortgage may be placed upon such housing unit, to further secure the continued affordability covenants contained in the Declaration of Affordability Covenants for Rental Property Owned by Developer.

- c. All of these affordability restrictions shall be stated in and secured by a Declaration of Affordable Housing Covenants and Restrictions for the purchased and leased property, other deed restriction(s) and/or condition(s) in any deed(s) conveyed out by the Developer, shall be stated in the housing documents, shall be identified on the approved Site Plan for the Property, and shall be reviewed and approved by the City of Portland corporation counsel's office. The affordability covenants contained in the Declaration of Affordable Housing Covenants for the purchased and leased property shall be enforceable by HOMESTART and the City of Portland, or their designees.

5. The Qualified Purchasers/Tenants shall be responsible for ongoing maintenance of the Property, including snowplowing, salting, sanding, sweeping, lighting, trash pickup (at least weekly), mowing, etc. Qualified Purchasers will be required to take a home education course offered through MaineHousing to ensure that these responsibilities are fully outlined.

6. The provisions of this Agreement are intended to replace and/or supersede the requirements of the underlying IR-2 zone. As stated above, to the extent not otherwise altered herein, the zoning requirements for the IR-2 zone shall otherwise apply to the Property.

7. In the event of a breach by the Developer or its successors or assigns (including, but not limited to, any homeowners association) of the zoning provisions contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a court determines such breach), the Planning Board, after notice and hearing, may recommend to the City Council that the conditional zone and this Agreement be amended, or be rescinded, such rescission to result in the termination of this Agreement and a reversion of the Property to the IR-2 zone requirements in place before the execution of this Agreement.

8. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any

entity affiliated with the Developer that takes title to the Property, its successors and assigns (including, but not limited to, any homeowners association), and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

9. This conditional rezoning shall become null and void and the Property shall revert to the existing I-R2 zone in the event that the Developer fails to commence construction within three (3) years from the date of the Council approval of this rezoning. This three (3) year period shall be extended up to an additional one (1) year period if:

- a. The Developer has applied for all required approvals but has not received all required approvals within the aforementioned three (3) year period; or
- b. Any other event beyond the control of the Developer has occurred which will delay the closing on some or all of the parcels and Developer has notified the City of such event.

If any required approval, including the Council's approval of this conditional rezoning, has been appealed, then this rezoning shall become null and void and shall revert if the Developer fails to commence construction within one (1) year from the final disposition of such appeal.

10. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A MRSA § 4452 and the Portland City Code.

11. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

12. Except as expressly modified herein, the development shall be governed by and comply with the provisions of the Portland City Code and any applicable amendments thereto or replacement thereof.

WITNESS: _____

HOMESTART

BY:

STATE OF MAINE
CUMBERLAND, ss.

_____, 2010

Personally appeared before me the above-named _____, in his/her capacity as _____ of HOMESTART , and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

Before me,

Notary Public/

CITY OF PORTLAND
Planning & Urban Development Department

TEXT AMENDMENT SUBMISSION CHECKLIST	
Please submit each document as a separate PDF file Please confirm by electronically checking the boxes to the left	
GENERAL APPLICATION DOCUMENTS	
☒	Project Description Cover Letter with detailed project description
☒	Proposed Text Amendment Provide proposed language for text amendment(s) and cite the relevant sections to be revised in the Land Use code.
☒	Consistency with Comprehensive Plan Analysis of the consistency of the zone change request with the goals, policies and land use plan of Portland's Comprehensive Plan.
☒	Completed Checklist – Text Amendment Application (this document)
☒	Right, Title and Interest Deeds, leases, or purchase and sales agreements



HOMESTART

Affordable Housing for Peaks Island

April 18, 2019

Barbara Barhydt
Development Review Services Manager
City of Portland
389 Congress Street
Portland, ME 04101

Dear Barbara,

We are writing to submit a zoning text amendment application to amend an existing Conditional Zone Agreement (C-55) ("Existing CZA") for 18, 22, and 26 Luther Street ("CZA Property"). Home Start, a 501(c)(3) non-profit corporation with a mission to create year-round affordable housing on Peaks Island, owns and operates an affordable single family rental unit at 18 Luther Street on Peaks Island. The Existing CZA was entered into in 2011 to create two new affordable single family homes on 22 and 26 Luther Street in addition to the existing affordable rental unit at 18 Luther Street. These two new single family homes were completed in 2013 so there are three existing single family homes on the CZA Property under the Existing CZA.

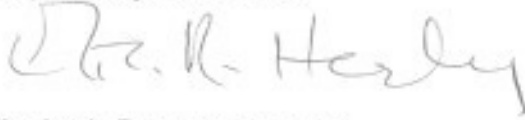
The underlying and surrounding zoning of 18 Luther Street is Island Residential Zone (IR-2), which allows accessory dwelling units (ADUs) as a conditional use. Where the Existing CZA provides that "to the extent not otherwise altered herein, the zoning requirements for the IR-2 shall otherwise apply," Home Start would like to add an ADU to 18 Luther Street to increase the supply of year-round affordable housing on Peaks Island. ADUs are allowed as a conditional use in the IR-2 but the Existing CZA specifically limits the use of the CZA Property to three single family residential units. Therefore, Home Start is seeking to amend the Existing CZA to allow an addition of one ADU on 18 Luther Street while continuing to meet all other requirements of the Existing CZA (e.g. dimensional standards, affordability, etc.). A draft Amendment to Conditional Zone Agreement is attached.

The proposed ADU would be a minimum of four hundred square feet and would maintain the single family appearance of the existing building. The site is served by public sewer and water and is located in the heart of the village, within walking distance to the ferry. A conceptual site plan is attached.



With the recent text amendment to the Peaks ADU ordinance, Home Start wants to show that an ADU can be built affordably here. This will add a year round rental unit to our housing stock and hopefully also encourage others to do the same. We look forward to working with the Planning Board in support of this project.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Elizabeth Remage-Healey". The signature is fluid and cursive, with the first name "Elizabeth" and last name "Remage-Healey" clearly distinguishable.

Elizabeth Remage-Healey
President, Home Start

SHORT FORM WARRANTY DEED

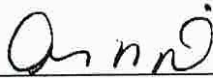
SUSAN MORIARTY CADORETTE, formerly known as Susan Moriarty, of Belchertown, Massachusetts, FOR CONSIDERATION PAID, grants to HOME START, a Maine non-profit corporation having a mailing address of 196 Seashore Avenue, Peaks Island, Portland, Maine 04108, WITH WARRANTY COVENANTS, the following described real property located on Peaks Island, Portland, County of Cumberland and State of Maine:

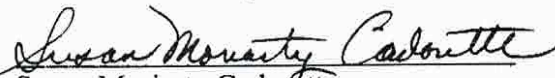
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Meaning and intending to convey the same premises described in three (3) deeds from Susan Moriarty Trustee of Moriarty Maine Property Realty Trust to Susan Moriarty, all dated June 4, 1998 and recorded in Cumberland County Registry of Deeds in Book 14020, Page 225, Book 14020, Page 228 and Book 14020, Page 231, respectively.

IN WITNESS WHEREOF, SUSAN MORIARTY CADORETTE has hereunto set her hand and seal this 7th day of September, 2007.

WITNESS:



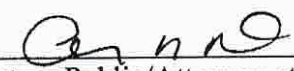

Susan Moriarty Cadorette

STATE OF MAINE
CUMBERLAND, SS.

September 7, 2007

Personally appeared the above-named SUSAN MORIARTY CADORETTE and acknowledged the foregoing instrument to be her free act and deed.

Before me,


Notary Public/Attorney-at-Law

Print Name: Amy N. Denn
My commission expires: N/A

EXHIBIT A
18 Luther Street, Peaks Island, Portland, Maine

Certain lots or parcels of land, with the buildings thereon, situated on Peaks Island, City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

PARCEL 1:

A certain lot or parcel of land with the buildings thereon situated on the northerly side of Luther Street on said Peaks Island, County of Cumberland, bounded and described as follows:

Beginning on the northerly sideline of Luther Street, at a stake or stones located one hundred four and eight tenths (104.8) feet easterly thereon from the southeasterly corner of land conveyed by Luther Sterling to Melville C. Sterling; thence northerly at right angles with Luther Street one hundred eight and one-half (108.50) feet more or less, to a point half way to Elizabeth Street; thence easterly on a line half way between Luther Street and Elizabeth Street, forty nine and eight tenths (49.80) feet to the northwesterly corner of Lot #7 (seven); thence southerly by said Lot #7 (seven) one hundred four (104) feet, more or less, to the northerly side line of Luther Street; thence westerly by Luther Street, forty nine and eight tenths (49.80) feet to the point of beginning. Being Lot #5 (five) on the above mentioned Plan.

Being the same premises conveyed by warranty deed from Susan Moriarty, Trustee of the Moriarty Maine Property Realty Trust to Susan Moriarty dated June 4, 1998 and recorded in the Cumberland County Registry of Deeds in Book 14020, Page 225.

PARCEL 2:

A certain lot or parcel of land at Peaks Island, City of Portland, County of Cumberland and State of Maine, one (1) parcel bounded and described as follows:

A certain lot of land being known as designated as Lot #7 (seven) as shown on Plan of Homestead Lot of late Luther Sterling, Plan E, made by C. H. Howe, C.E. dated November, 1883 and recorded in Cumberland County Registry of Deeds in Book 516, between Pages 210 and 211.

Being the same premises conveyed by warranty deed from Susan Moriarty, Trustee of the Moriarty Maine Property Realty Trust to Susan Moriarty dated June 4, 1998 and recorded in the Cumberland County Registry of Deeds in Book 14020, Page 228.

PARCEL 3:

A certain lot or parcel of land at Peaks Island, City of Portland, County of Cumberland and State of Maine, one (1) parcel bounded and described as follows:

Beginning in the northerly line of Luther Street at a stone, distant two hundred five (205) feet from the home lot now or formerly of Melville C. Sterling; thence easterly by said Luther Street fifty-three and six tenths (53.60) feet to another stone bound and from these two stones extending northerly one-half way to Elizabeth Street, the easterly line of said lot being about ninety seven and one-half (97 ½) feet and the westerly line about one hundred eleven and one-half (111.50) feet in length and being Lot #9 on a plan made by C. W. Howe and recorded in the Cumberland County Registry of Deeds in Book 516, Page 210, being the lot of land conveyed to Elva E. Rich by Luther A. Sterling by deed dated November 3, 1892 and recorded in said Registry of Deeds in Book 596, Page 105.

Being the same premises conveyed by warranty deed from Susan Moriarty, Trustee of the Moriarty Maine Property Realty Trust to Susan Moriarty dated June 4, 1998 and recorded in the Cumberland County Registry of Deeds in Book 14020, Page 231.

Received
Recorded Register of Deeds
Sep 07, 2007 02:44:38P
Cumberland County
Pamela E. Lovley

SHORT FORM QUITCLAIM DEED WITH COVENANT

HOME START, a Maine nonprofit corporation having its principal place of business on Peaks Island in Portland, Maine ("Grantor"), FOR CONSIDERATION PAID, grants to VOLUNTEERS OF AMERICA NORTHERN NEW ENGLAND, INC., a Maine nonprofit corporation with a place of business in Brunswick, Maine and having a mailing address of 14 Maine Street, Suite 301, Brunswick, Maine 04011 ("Grantee"), WITH QUITCLAIM COVENANT, the following described real property located at 22 and 26 Luther Street, Peaks Island in Portland, Cumberland County, Maine, and more particularly described on:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

The above-described property is conveyed subject to the terms and conditions of the Conditional Zoning Agreement dated January 5, 2011, attached to the copy of the City Council Order and recorded in the Cumberland County Registry of Deeds at Book 28433, Page 235, including the affordability restrictions that are provided within the Conditional Zoning Agreement. The affordability restrictions restrict the sale or lease of the above-described property to individuals with household incomes at 120% or less of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine. The affordability restrictions shall be binding upon the Grantee, its successors and assigns.

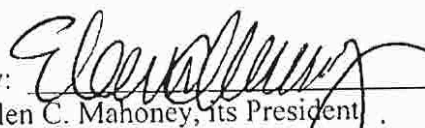
The above-described property is also subject to a Declaration of Affordable Housing Covenants for Home to Be Sold to Qualified Purchasers by Grantee to be recorded of even or near date.

IN WITNESS WHEREOF, HOME START has caused this instrument to be signed and sealed by Ellen C. Mahoney, its duly authorized President, this 24th day of July, 2012.

WITNESS:

HOME START, Grantor



By: 
Ellen C. Mahoney, its President

STATE OF MAINE
CUMBERLAND, SS.

7/24, 2012

Personally appeared the above-named Ellen C. Mahoney, President of HOME START, as aforesaid, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said corporation.

Before me,


Notary Public/Attorney-at-Law
Print Name: Susan Lucas
My commission expires: _____

MAINE REAL ESTATE TAX PAID

EXHIBIT A

Two certain lots or parcels of land, together with all improvements thereon and all rights and easements related thereto, located on the northerly side of Luther Street on Peaks Island in Portland, Cumberland County, Maine, described as follows:

Parcel A:

[Map 87, Block Z, Lot 16]

The certain lot or parcel of land together with all improvements thereon and all rights and easements related thereto located on the northerly side of Luther Street on Peaks Island, in Portland, Cumberland County, Maine which is designated as Lot #7 (seven) on the plan entitled "Plan of Homestead of late Luther Sterling, Plan E, made by C.H. Howe, C.E., dated November, 1883", and recorded in the Cumberland County Registry of Deeds in Book 516, between Pages 210 and 211. Said Lot 7 has also been described as follows:

Commencing (but not beginning) at an iron marker found on the northerly side of Luther Street, at the southwesterly corner of land now or formerly of Leslie M. Kaynor and Edward D. Kaynor, (see Book 24723, Page 317);

Thence S 68°04'29" W along said sideline of Luther Street, a distance of 53.60 feet to the true point of beginning;

Thence N 21°55'31" W, along Lot 9 on the aforementioned 1883 plan by Howe, a distance of 104.10 feet to a point and land now or formerly of Samuel S. Saltonstall (see Book 25196, Page 268);

Thence S 71°10'46" W, along said Saltonstall land and land now or formerly of Lisa K. Lynch (See Book 15741, Page 68), a distance of 51.07 feet to a point;

Thence S 21°55'31" E, along being retained by the grantor herein and which is Lot #5 on said 1883 Howe plan, a distance of 106.87 feet to a point on the northerly sideline of said Luther Street;

Thence N 68°04'29" E along said sideline of Luther Street, a distance of 51.00 feet to the point of beginning.

Being and meaning to convey, and hereby conveying, the same premises as designated as "Parcel 2" in the deed to the grantor herein which is recorded in the Cumberland County Registry of Deeds in Book 25452, Page 211. Further reference is made to the plan depicting the herein conveyed parcel and other parcels, entitled "Boundary & Topographic Survey, on Luther Street, Peaks Island, Portland, Maine, Made for Record Owner Homestart (sic)", by Owen Haskell, Inc., dated September 23, 2009, and stamped by John C. Schwanda, PLS No. 1252, which is believed to be unrecorded. Further reference is made to the Subdivision Plan entitled "18 Luther Street, Peaks Island, Portland, Maine, for HOMESTART" dated August 5, 2010, as

revised on September 7, 2010 and further revised on November 22, 2010 by Walsh Engineering Associates, Inc. and recorded on June 13, 2012 in Plan Book 212, Page 177.

Parcel B:

[Map 87, Block Z, Lot 15]

The certain lot or parcel of land together with all improvements thereon and all rights and easements related thereto, located on the northerly side of Luther Street on Peaks Island, in Portland, Cumberland County, Maine which is designated as Lot #9 (nine) on the plan entitled "Plan of Homestead of late Luther Sterling, Plan E, made by C.H. Howe, C.E., dated November, 1883", and recorded in the Cumberland County Registry of Deeds in Book 516, between Pages 210 and 211. Said Lot 9 has also been described as follows:

Beginning at an iron marker found on the northerly side of Luther Street, at the southwesterly corner of land now or formerly of Leslie M. Kaynor and Edward D. Kaynor, (see Book 24723, Page 317);

Thence N 21°55'31" W, along said Kaynor land, a distance of 101.20 feet to another iron marker found;

Thence S 71°10'46" W, along land now or formerly of Samuel S. Saltonstall (see Book 25196, Page 268), a distance of 53.68 feet to a point;

Thence S 21°55'31" E, along Lot #7 on said 1883 plan by Howe, a distance of 104.10 feet to a point on the northerly sideline of said Luther Street;

Thence N 68°04'29" E along said sideline of Luther Street, a distance of 53.60 feet to the point of beginning.

Being and meaning to convey, and hereby conveying, the same premises as designated as "Parcel 3" in the deed to the grantor herein which is recorded in the Cumberland County Registry of Deeds in Book 25452, Page 211. Further reference is made to the plan depicting the herein conveyed parcel and other parcels, entitled "Boundary & Topographic Survey, on Luther Street, Peaks Island, Portland, Maine, Made for Record Owner Homestart (sic)", by Owen Haskell, Inc., dated September 23, 2009, and stamped by John C. Schwanda, PLS No. 1252, which is believed to be unrecorded. Further reference is made to the Subdivision Plan entitled "18 Luther Street, Peaks Island, Portland, Maine, for HOMESTART" dated August 5, 2010, as revised on September 7, 2010 and further revised on November 22, 2010 by Walsh Engineering Associates, Inc. and recorded on June 13, 2012 in Plan Book 212, Page 177.

Received
Recorded Register of Deeds
Jul 25, 2012 03:10:32P
Cumberland County
Pamela E. Lovley

AMENDMENT TO CONDITIONAL ZONE AGREEMENT

RE: C-55

AGREEMENT made this ____ day of _____, 2019 by Home Start, a 501(c)(3) non-profit corporation with a place of business in Portland, Maine (“Developer”), and its successors and assigns.

WITNESSETH

WHEREAS, the Developer owns land and an existing building located at 18 Luther Street, shown on City of Portland Tax Map 87, Block Z, Lot 17, and more particularly described as Parcel 1 in a deed recorded in the Cumberland County Registry of Deeds in Book 14020, Page 231 (the “Property”); and

WHEREAS, the Property is one of three parcels subject to an existing Conditional Zone Agreement, dated January 5, 2011, (“Existing CZA”) which limits the use of the three parcels to three (3) single family residential units; and

WHEREAS, the existing building located on the Property is currently used to house one single family affordable residence and the other two parcels of the Existing CZA are currently used to house one single family residence on each parcel for a total of three (3) single family residential units; and

WHEREAS, the Developer intends to add one (1) accessory dwelling unit (“ADU”) to the Property (the “Proposed Development”), which shall be leased as affordable to households earning one hundred and twenty percent (120%) or less of the U.S. Department of Housing and Urban Development (HUD) Area Median Income (AMI) for Cumberland County, Maine; and

WHEREAS, ADUs are a conditional use in the surrounding and underlying Island Residential Zone (IR-2); and

WHEREAS, the Developer intends to maintain the single family appearance of the Property and complement the adjacent residential neighborhood; and

WHEREAS, the Proposed Development would provide needed affordable housing on Peaks Island and is consistent with the housing component of the Comprehensive Plan;

NOW, THEREFORE, in consideration of this Amendment, the Developer covenants and agrees as follows:

1. The requirements of the Existing CZA shall apply and are modified to allow an addition of one (1) ADU on the Property.
2. The ADU shall be a minimum of four hundred (400) square feet and subject to the applicable dimensional requirements of the Existing CZA, which are restated below:

a. Minimum Lot Area	5,300 sq. ft.
b. Min. Street Frontage	49 ft
c. Min. Front Yard Setback (Lot 17)	1 ft
d. Min. Rear Yard Setback	25 ft
e. Min. Side Yard Setback (Lot 17)	6.5 ft
f. Maximum Building Height	35 ft
g. Min. Lot Width	49 ft
h. Maximum Lot Coverage	28% of Lot

3. The Developer or its designee agrees to maintain the following affordability controls on the Proposed Development on the Property:

- a. The ADU shall be leased on an annual basis to households earning no more than 120% of the HUD AMI for Cumberland County, Maine.
- b. If the entire Property is sold, it shall be sold to a household earning no more than 120% of the HUD AMI for Cumberland County, Maine per the Existing CZA and the maximum sale price shall be calculated per the City of Portland's "Inclusionary Zoning Implementation Guidelines for Developers of Homeownership Housing" (the "Inclusionary Guidelines"). The potential rental income of the ADU shall not be included in determining the buyer's eligibility as a household earning 120% AMI or less, however, in calculating the maximum sale price per the Inclusionary Guidelines, the ADU shall be considered a 1-person household in addition to the 3-person household size of the existing 3-bedroom single family residence. In the event the Inclusionary Guidelines are no longer in effect at the time of sale, the maximum allowable purchase price shall be based on calculating the present value of a 30 year fixed rate mortgage with a 5% down payment, an interest rate based on the average national mortgage rate over the past thirteen years as determined by the Freddie Mac Primary Mortgage Market Survey, and a monthly mortgage payment based on 30% of the gross monthly income for a 4-person household earning 120% AMI minus other monthly housing expenses such as real estate taxes, mortgage insurance, and insurance. Any future owner of the Property shall be required to rent the ADU on an annual basis to households earning no more than 120% AMI for Cumberland County, Maine per 3(a) above.
- c. The above affordability restrictions shall be stated in and secured by a Declaration of Affordable Housing Covenants and Restrictions for the Property, which shall be enforceable by Home Start and the City of Portland, or their designees and shall be recorded in the Cumberland County Registry of Deeds along with an original of this Agreement.

4. In the event of a breach by the Developer or its successors or assigns of the zoning provisions contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a court determines such breach), the Planning Board, after notice and hearing, may recommend to the City Council that the conditional zone and this Agreement be amended, or be rescinded, such rescission to result in the termination of this Agreement and a reversion of the

Property to the IR-2 zone requirements in place before execution of this Agreement. However, any action by the owner of the other two parcels included in the Existing CZA (identified on the City of Portland Tax Map 87, Block Z, Lots 15 and 16) shall not be determined to be a breach by the Developer of this Agreement.

5. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A MRSA § 4452 and the Portland City Code.

6. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

7. Except as expressly modified herein, the development shall be governed by and comply with the provisions of the Portland City Code and any applicable amendments thereto or replacement thereof.

WITNESS:

HOME START

Print Name:

By:
Its:

STATE OF MAINE
CUMBERLAND, ss.

_____, 2019

Personally appeared before me the above-named _____, in her capacity as President of Home Start, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said corporation.

Before me,

Notary Public/Attorney at Law

*Order 118-10/11
Feb 28 12-20-10*

NICHOLAS M. MAVODONES (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
DORY RICHARDS WAXMAN (A/L)
JILL C. DUSON (A/L)

**ORDER APPROVING AMENDMENTS TO CONDITIONAL ZONING
AGREEMENT WITH HOME START FOR PROPERTY LOCATED ON
LUTHER STREET ON PEAKS ISLAND**

ORDERED, that the Conditional Zoning Agreement with Home Start approved on July 19, 2010, is hereby amended in substantially the same form as shown on Attachment 1 hereto.

A TRUE COPY

ATTEST: _____

Kathleen Jones - Acting City Clerk

Portland, Maine

DATE _____

1/10/2011

SEAL

CONDITIONAL ZONE AGREEMENT

RE:

Home Start

AGREEMENT made this 5th day of January, 2011 by Home Start, a 501c3 Non-profit corporation with a place of business in Portland, Maine ("Developer"), and its successors and assigns.

WITNESSETH

WHEREAS, the Developer has acquired land and buildings located at 18 Luther Street, consisting of parcels shown on City of Portland Tax Map 87 Block Z, Lots 15, 16, and 17, and more particularly described in a deed from dated and recorded in the Cumberland County Registry of Deeds in Book 14020, Page 231 (the "Property"); and

WHEREAS, the existing building located on the Property is currently used to house a single family affordable residence; and

WHEREAS, the remaining portion of the Property remains undeveloped; and

WHEREAS, the homes on the Property will be constructed to be energy efficient;

WHEREAS, there is available public water and sewer to service the Property;

WHEREAS, the Developer intends to develop two (2) affordable single family homes on the remaining undeveloped land, which shall be sold or leased as affordable to buyers with household incomes one hundred and twenty (120%) percent or less of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine; and

WHEREAS, if Maine State Housing funds are available for such purposes, the Developer intends to rehabilitate or replace the existing house located on Property, which shall be owned by the Developer or an appropriate designee and leased as affordable to tenants with household incomes less than one hundred and twenty percent (120%) of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine; and

WHEREAS, if the Maine State Housing funds are unavailable, the Developer intends to sell the existing house located on the Property as affordable to buyers with household incomes less than one hundred and twenty percent (120%) of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine; and

WHEREAS, the Developer intends to maintain the character of the Property and complement the adjacent residential neighborhood; and

WHEREAS, the existing zoning is IR-2 which requires 20,000 square feet of land area per unit, and which results in a limitation of one (1) unit upon the Property; and

WHEREAS, the Developer has requested a rezoning of the Property in order to permit the proposed redevelopment and reuse of the property from a single family residence to three (3) single family residential units; and

WHEREAS, the Portland Planning Board has determined the rezoning and proposed development would provide needed affordable housing on Peaks Island as is consistent with the housing component of the Comprehensive Plan; and

WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this Agreement; and

WHEREAS, the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code") §§ 14-60 to 14-62, after notice, hearing and due deliberation thereon, has determined that because of the unusual nature and unique location of the proposed development, and its minimal impact on and compatibility with the surrounding community, it is necessary and appropriate to recommend the rezoning of the Property as aforesaid, with the following conditions and restrictions set forth in this Agreement; and

WHEREAS, the Portland City Council has on January 3, 2011 approved this Agreement in its entirety, by City Council Order No. 117-10/11, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning, the Developer covenants and agrees as follows:

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of Portland, dated September, 2000 (as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Code) by adopting the map change amendment shown below to zone the property IR-2, subject to the conditions contained below.



16-18 Luther Street
Proposed Conditional Rezoning

If this Agreement is not recorded within sixty (60) days after the effective date of the City Council's approval of the Order, then the conditional rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing IR – 2 zone.

2. The use of the Property shall be for a maximum of three (3) affordable single-family residential homes (1 existing unit and 2 new units). No additional units shall be developed, and the two (2) new units shall be developed substantially as delineated and depicted on the Site Plan, attached hereto as Attachment 2, entitled "Site Plan – conditional zone 18 Luther Street, Peaks Island, Portland Maine" for Home Start Prepared by Walsh Engineering Associates, Inc. dated September 7, 2010.

3. The underlying dimensional requirements of the IR-2 zone shall apply and are modified as follows:

a.	Minimum Lot Area	5,300 Sq. ft.
b.	Min Street Frontage	49 ft
c.	Min. Front Yard Setback (Lots 15&16)	10 ft
d.	Min. Front Yard Setback (Lot 17)	1 ft*
e.	Min. Rear Yard Setback	25 ft
f.	Min. Side Yard Setback (Lots 15&16)	8 ft
g.	Min. Side Yard Setback (Lot 17)	6.5 ft.**
h.	Max. Building Height	35 ft
i.	Min. Lot Width	49 ft
j.	Max. Lot Coverage	28% of Lot

* Existing house on Lot 17 currently has a 1-foot front yard setback. If the house is reconstructed, it will be required to meet the 10-foot front yard setback requirement.

** Existing house on Lot 17 currently has a 6.5-foot side yard setback. If the house is reconstructed, it will be required to meet the 8-foot side yard setback requirement.

4. The Developer or its designee agrees to maintain the following affordability controls on the proposed development on the Property:

- a. The two (2) new single family units shall be initially developed, marketed and sold and or leased to individuals with household incomes at 120% or less of the U.S. Department of Housing and Urban Development moderate-income income figure for metropolitan Cumberland County Maine, as calculated for the year in which the sale takes place (a "Qualified Purchaser"), and shall be priced to be affordable to a Qualified Purchaser. Each of the Qualified Purchasers of these two (2) single family units shall occupy the units as their principal residences, except that a Qualified Purchaser may rent a unit for a period not to exceed twelve (12) months in any thirty-six (36) month period, to enable the Qualified Purchaser to address matters such as divorce, transfer of employment, economic hardship and the like. Transient rentals shall not be permitted. Affordability shall be preserved in perpetuity through a deed restriction and legal documentation. Any such additional affordability restrictions or controls shall be reviewed and approved by the City of Portland corporation counsel's office. In the event that the purchase price for either of these two (2) single family units is subsidized as a result of public or private funds made available to make the purchase of such unit more affordable, a junior mortgage shall be placed upon such unit, representing the amount of the subsidy received. In the event that an initial Qualified Purchaser sells one of these two (2) units to another Qualified Purchaser, the junior mortgage shall not be repaid, but shall be assumed by the subsequent Qualified Purchaser, who shall own and hold these housing units subject to a junior mortgage in the same manner as an initial Qualified Purchaser.
- b. The existing unit shall be developed, marketed, sold and resold and/or leased as long as the Property remains a residential unit, to Qualified Purchasers or Tenants with household incomes at one hundred and twenty percent (120%) of the U.S. Department of Housing and Urban Development moderate-income income figure for metropolitan Cumberland County Maine, as calculated for the year in which the sale takes place. The Qualified Purchasers/Tenants of this single family unit shall occupy the unit as their principal residence, except that a Qualified Purchaser may rent a unit for a period not to exceed twelve

(12) months in any thirty-six (36) month period, to enable the Qualified Purchaser to address matters such as divorce, transfer of employment, economic hardship and the like. Transient rentals shall not be permitted. A junior mortgage may be placed upon such housing unit, to further secure the continued affordability covenants contained in the Declaration of Affordability Covenants for Rental Property Owned by Home Start.

- c. All of these affordability restrictions shall be stated in and secured by a Declaration of Affordable Housing Covenants and Restrictions for the purchased and leased property, other deed restriction(s) and/or condition(s) in any deed(s) conveyed out by the Developer, shall be stated in the housing documents, shall be identified on the approved Site Plan for the Property, and shall be reviewed and approved by the City of Portland corporation counsel's office. The affordability covenants contained in the Declaration of Affordable Housing Covenants for the purchased and leased property shall be enforceable by Home Start and the City of Portland, or their designees.

5. The Qualified Purchasers/Tenants shall be responsible for ongoing maintenance of the Property, including snowplowing, salting, sanding, sweeping, lighting, trash pickup (at least weekly), mowing, etc. Qualified Purchasers will be required to take a home education course offered through MaineHousing to ensure that these responsibilities are fully outlined.

6. The provisions of this Agreement are intended to replace and/or supersede the requirements of the underlying IR-2 zone. As stated above, to the extent not otherwise altered herein, the zoning requirements for the IR-2 zone shall otherwise apply to the Property.

7. In the event of a breach by the Developer or its successors or assigns (including, but not limited to, any homeowners association) of the zoning provisions contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a court determines such breach), the Planning Board, after notice and hearing, may recommend to the City Council that the conditional zone and this Agreement be amended, or be rescinded, such rescission to result in the termination of this Agreement and a reversion of the Property to the IR-2 zone requirements in place before the execution of this Agreement.

8. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any entity affiliated with the Developer that takes title to the Property, its successors and assigns (including, but not limited to, any homeowners association), and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds. Without limiting the generality of the foregoing,

WITNESS: Rouelle Walsh

Home Start

Ellen C. Mahoney
BY: Ellen C. Mahoney
President, Home Start

STATE OF MAINE
CUMBERLAND, ss.

January 5, 2011

Personally appeared before me the above-named Ellen C. Mahoney, in her capacity as President of Home Start, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said corporation.

Before me,

Priscilla Webster
Notary Public/Attorney at Law

Priscilla Webster

MY COMMISSION EXPIRES
MAY 30, 2011

Received
Recorded Register of Deeds
Jan 10, 2011 11:16:16A
Cumberland County
Pamela E. Lovley

SEAL

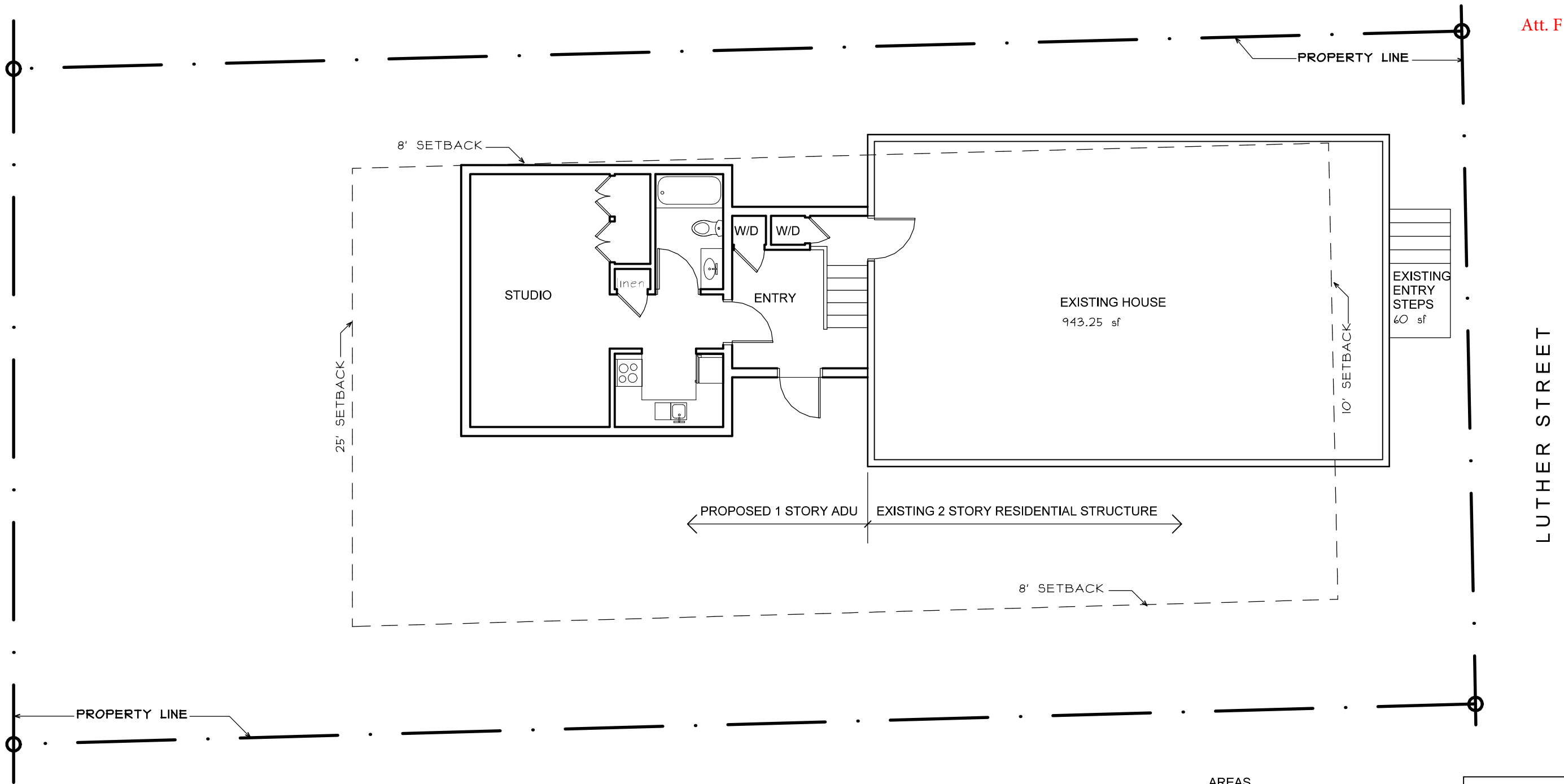
Amendment to Conditional Zone Agreement Re: C-55
Consistency with Comprehensive Plan

The requested Amendment to Conditional Zone Agreement Re: C-55 allowing the addition of a year-round accessory dwelling unit for an income-qualified household in a walkable neighborhood, is consistent with the goals, policies and land use plan of Portland's Comprehensive Plan.

Portland's Plan establishes a vision for a city that is equitable, sustainable, dynamic, secure, authentic, and connected. The proposed amendment would provide equitable, sustainable, and secure housing that contributes to a dynamic and authentic neighborhood in the village of Peaks Island.

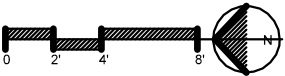
The Housing Policy Guide states "the lack of sufficient housing supply and the affordability of that housing for a healthy socioeconomic cross-section of the population remain urgent challenges." It identifies zoning and policy changes as a tool to support a more equitable and diverse housing supply (including facilitating the creation of accessory dwelling units for income-qualified households). Through the creation of a year-round accessory dwelling unit for an income-qualified household in a walkable, complete neighborhood, this Amendment would contribute to the following local goals identified in Portland's Plan: (1) increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents; (2) encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods; (3) pursue policies to enable people who work in Portland to have the option to live in Portland; and (4) encourage quality, sustainable design in new housing development. Furthermore, this Amendment is consistent with the City's future strategies for housing, specifically, to "support land use tools that encourage year-round residences in existing and new housing on Portland's islands, while maintaining their unique character and environment."

The village of Peaks Island is also identified as a priority node to be evaluated, an area "where the City recognizes the need to review existing conditions and develop a strategy for future change."



Att. F

AREAS	
Existing footprint	1,003.25 sf
ADU Addition	525.75 sf
Total footprint	1,529.00 sf
Lot Area	5,389.31 sf
percentage lot coverage	28%

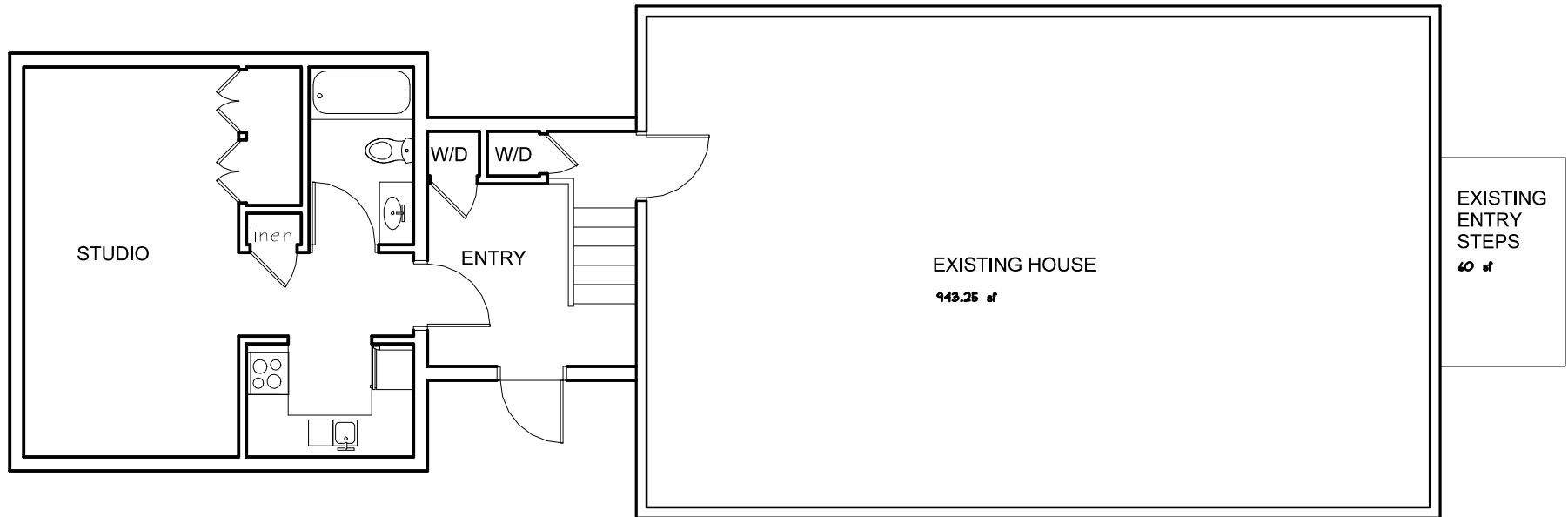


ACCESSORY DWELLING UNIT
18 LUTHER STREET
Peaks Island, Maine

Title:
SITE PLAN
Sheet No.
A-1.1

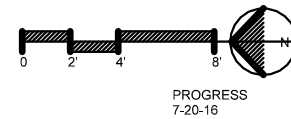
Scale: 1/8" = 1'-0"
Date: 10-9-17
Revised:

Att. G



AREAS

Existing footprint	1,003.25 sf
ADU Addition	<u>525.75 sf</u>
Total footprint	1,529.00 sf
Lot Area	5,389.31 sf
percentage lot coverage	28%



ACCESSORY DWELLING UNIT
18 LUTHER STREET
Peaks Island, Maine

Title:
FIRST FLOOR PLAN
Sheet No.

A-1.1

Scale: 1/8" = 1'-0"
Date: 7-20-16
Revised:

Att. H



PROGRESS
8-9-16

ACCESSORY DWELLING UNIT	
18 LUTHER STREET	
Peaks Island, Maine	
Title:	
WEST ELEVATION	
Sheet No.	
A-2.1	
Scale: 1/8" = 1'-0"	
Date:	
Revised:	

Fwd: 18 Luther Proposed Zoning Change

Shukria Wiar <shukriaw@portlandmaine.gov>

Aug 6, 2019 7:46 AM

Posted in group: **Planning and Urban Development**

Please upload. I responded to the person. Thanks.

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

From: **mac medlen** <macmedlen@gmail.com>

Date: Mon, Aug 5, 2019 at 3:42 PM

Subject: 18 Luther Proposed Zoning Change

To: <shukriaw@portlandmaine.gov>

Dear Shukria Wiar,

As a property owner at 34 Sterling Street I am opposed to the proposed zoning change for the 18 Luther Street Property on Peaks Island. My objection is based on the following points:

The prior zoning change allowing an increase in density on the property has resulted in increased street parking, outdoor property storage and traffic.

The prior point in conjunction with the outside storage of commercial landscaping equipment and large vehicles by the Business operating in a Residential Zone at 34 Luther further complicates the traffic and parking. A higher density will only exacerbate the parking and traffic on a narrow street where small children play.

With additional density as proposed by the zoning change a high density housing district is being created on Luther Street. This was never the goal when the original proposal for affordable housing construction was presented by Homestart.

I am concerned the proposed zoning change will result in an erosion of the zoning ordinances on the entire island thus dramatically changing the character of the island.

Are City Services ample for the increased housing density? If the current capacities are not ample will the additional load result in problems for the area residences? If additional capacity is required who will bear the cost burden?

Is high density housing in the best interest of the residents that will live there? Residential overcrowding frequently results in problems and the stigma of living in a "low income housing area". Currently the property that will be used for additional housing is the "back yard" of the current residents which they use as a play area and socialization area.

Increased housing density and the resulting aforementioned issue will likely cause erosion of property values in the surrounding area.

Has a representative from the Zoning Board or City Council visited the area to assess the current situation and determine if the proposed change is advisable and in the best interest of the other residents on the street?

While I am all for affordable housing on Peaks and was an early supporter of the original proposal. I am disappointed that if the zoning change is approved the original concept will be further eroded and evolve into creation of high density residential area.

Mac Medlen
34 Sterling Street
207.766.2675

--

Shukria Wiar, Planner
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, ME 04101
Phone 207.756.8083

Fax 207.756.8258
<http://www.portlandmaine.gov/planning>

MEMORANDUM
City Council Agenda Item

FROM:

DATE: August 2, 2019

SUBJECT: Order 22-19/20 Setting a Public Hearing for Citizen Initiative Amendment to the Portland City Charter Re: Ranked Choice Voting for Municipal Officials - Sponsored by Katherine L. Jones, City Clerk.

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

Petitions for a charter amendment allowing ranked choice voting for municipal officials were submitted on August 2, 2019. The number of signatures required is 6,816. That number is required by Title 30-A M.S.R.A. sec. 2104 2(A) and is 20% of the votes in the last Gubernatorial Election. The total number of votes in that election was 34,082.

The City Clerk recommends that this order be approved and the date of the Public Hearing be set on September 4, 2019, although the certification process may not be complete by August 12, 2019, before consideration of this order.

At the time of the publication of the agenda, the verification process of the signatures in the submitted petitions had not yet been completed. If enough signatures are verified, the certification of the petitions will be posted as soon as that is done.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Setting Public Hearing Citizen Initiative Ranked Choice Voting 8.12.2019

Prepared by:

Date: 8/2/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER SETTING PUBLIC HEARING ON CITIZEN INITIATIVE AMENDMENT TO
THE PORTLAND CITY CHARTER
RE: RANKED CHOICE VOTING FOR MUNICIPAL OFFICIALS**

ORDERED, that a public hearing on a citizen initiative regarding amendments to the Portland City Charter called, “To allow Ranked Choice Voting for School Board and City Council,” shall be held by the City Council on September 4, 2019, at 5:30 p.m., or as soon as possible after said time, in City Council Chambers at Portland City Hall, 389 Congress Street, Portland, Maine.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: August 2, 2019

SUBJECT: Order 23-19/20 Setting a Public Hearing for Citizen Initiative Amendment to the Portland City Charter Re: Public Campaign Funding for Municipal Officials - Sponsored by Katherine L. Jones, City Clerk.

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

Petitions for a charter amendment for public funding for campaigns of municipal officials were submitted on August 2, 2019. The number of signatures required is 6,816. That number is required by Title 30-A M.S.R.A. sec. 2104 2(A), and is 20% of the votes in the last Gubernatorial Election. The total number of votes in that election was 34,082.

The City Clerk recommends that this order be approved and the date of the Public Hearing be set on September 4, 2019, although the certification process may not be complete by August 12, 2019, before consideration of this order.

At the time of the publication of the agenda, the verification process of the signatures in the submitted petitions had not yet been completed. If enough signatures are verified, the certification of the petitions will be posted as soon as that is done.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Setting Public Hearing Citizen Initiative Public Funding for Municipal Officials 8.12.2019

Prepared by:

Date: 8/2/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER SETTING PUBLIC HEARING ON CITIZEN INITIATIVE AMENDMENT TO
THE PORTLAND CITY CHARTER
RE: PUBLIC CAMPAIGN FUNDING FOR MUNICIPAL OFFICIALS**

ORDERED, that a public hearing on a citizen initiative regarding an amendment to the Portland City Charter called, “To Allow Public Funding for City Council, School Board and Mayor,” shall be held by the City Council on September 4, 2019, at 5:30 p.m., or as soon as possible after said time, in City Council Chambers at Portland City Hall, 389 Congress Street, Portland, Maine.

MEMORANDUM
City Council Agenda Item

FROM: Brendan O'Connell
Finance Director

DATE: August 2, 2019

SUBJECT: Order 24-19/20 Appropriating \$870,000 in Donations in Support of Asylum Seekers - Sponsored by the Finance Committee, Nicholas M. Mavodones, Chair.

SPONSOR: Finance Committee, July 25, 2019 Meeting, Vote for Passage (3-0)
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 8/12/2019

Final Action 9/4/2019

Can action be taken at a later date: No

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

The Finance Committee voted unanimously at its Thursday, July 25th meeting to recommend that \$870,000 in donations to asylum seekers be appropriated by the City Council into the City's Health & Human Services budget, to be used specifically within Social Services for the sheltering, housing, and basic necessities of asylum seekers.

II. AGENDA DESCRIPTION

During the past several months an influx of asylum seekers has created an emergency situation within the City of Portland. Adequate funding within the Fiscal Year 2020 budget to allow the City to provide shelter, housing, and basic necessities for asylum seekers did not exist and a campaign was launched to solicit donations for this purpose. City staff, and now the City Finance Committee, have recommended that \$870,000 in donations to asylum seekers be appropriated by the City Council into the City's Health & Human Services budget, to be used specifically within Social Services for the sheltering, housing, and basic necessities of asylum seekers.

This item must be read on two separate days. This is its first reading. The second reading shall be on September 4, 2019.

III. BACKGROUND

There has been an incredible outpouring of public generosity as a result of the City campaign to support asylum seekers including monetary donations, donations of services, and donations of food and supplies. More than 3,000 donors texted the word “EXPO” to 91999 to make a donation to support the City’s work sheltering, feeding and providing basic necessities to asylum seekers. More than 1,000 more people sent in their donations via mail or made donations via PayPal on the City website. These donations must be appropriated by the City Council before they can be used. The City donation page was very clear that “The City will use any monetary donations received to provide shelter / housing assistance and basic human necessities.”

During the Thursday, July 25th Finance Committee meeting the City Manager outlined his recommended uses of the funds and noted that they would be used on the following priority basis:

- 1) To cover costs related to sheltering / housing / basic necessities for asylum seekers

- 2) To nonprofit partners who have assisted the City with our sheltering / housing / basic necessities for asylum seekers
- 3) To reimburse other City costs related to housing / sheltering / basic necessities for asylum seekers

The City Manager also noted periodic updates on the uses of the donations would be provided by the Finance Director.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

To appropriate \$870,000 in donations to support asylum seekers

V. FINANCIAL IMPACT

Appropriation of \$870,000 in donations to support asylum seekers which will allow the City to provide more housing / shelter and basic necessities for asylum seekers beyond what is already included in the Fiscal Year 2020 budget.

VI. STAFF ANALYSIS AND BACKGROUND

None

VII. RECOMMENDATION

To appropriate \$870,000 in donations to support asylum seekers into the City's Health & Human Services budget

VIII. LIST ATTACHMENTS

1. Staff memo from July 25th Finance Committee meeting

Prepared by:

Brendan O'Connell
Finance Director
Date: 8/2/2019

MEMORANDUM

TO: Members of the Finance Committee

CC: Jon P. Jennings, City Manager

FROM: Brendan T. O'Connell, Finance Director

DATE: July 19, 2019

RE: Appropriation of Donations to Support Asylum Seekers

Executive Summary

During the past several months an influx of asylum seekers has created an emergency situation within the city of Portland. Adequate funding within the FY20 budget to allow the City to provide shelter, housing, and basic necessities for asylum seekers did not exist and a campaign was launched to solicit donations for this purpose.

There has been an incredible outpouring of public generosity including monetary donations, donations of services, and donations of food and supplies. More than 3,000 donors texted the word "EXPO" to 91999 to make a donation to support the City's work sheltering, feeding and providing basic necessities to asylum seekers. More than 1,000 more people sent in their donations via mail or made donations via PayPal [on the City website](#). These donations must be appropriated by the City Council before they can be used. The City donation page was very clear that *"The City will use any monetary donations received to provide shelter / housing assistance and basic human necessities."*

Staff is requesting that the more than \$900,000 in donations be appropriated by the City Council into the City's Health & Human Services budget, to be used specifically within Social Services for the sheltering, housing, and basic necessities of asylum seekers. In addition, City staff is recommending the possible allocation of some of the funds collected go to non-profit partners that have assisted the City. Donation appropriations typically go straight to the City Council for action but in this instance the Finance Committee Chair has recommended the Committee take up this item at the July 25th meeting.

Additional Frequently Asked Questions and Answers

Question 1: How will these donations be used to help asylum seekers?

Answer 1: As promised, the City Social Services Department will use all funds to provide **shelter, housing and basic necessities for asylum seekers**. Shelter may come in the form of larger emergency shelter locations (such as the Expo Center, which needs to be phased out by

August 15) or rental units for participants in the Community Support Fund. City staff must be allowed the flexibility to determine which housing options are best suited to most effectively address the emergency situation.

Question 2: Will the donations be used to reimburse expenses related to staff time?

Answer 2: Over the course of the last several weeks the City has incurred nearly \$200,000 in expenditures related to the sheltering of asylum seekers at the Expo Center. Included in this total the City has incurred expenses (approximately \$115,000 through July 12, 2019) as a result of the influx of asylum seekers that were not previously budgeted in the FY20 operating budget. These expenses include City staff working to ensure shelter for asylum seekers at the Expo Center, additional City staff brought on board to address the significant increase in Community Support Fund applications from newly arrived asylum seekers, and additional City staff brought on board to assist in finding permanent housing for asylum seekers. These expenses will be reimbursed from donations made to support asylum seekers. It is critical to note that City administrative expenditures (such as staff time spent by the City Manager, Communications Director, Police Chief) and expenditures already included in the FY20 budget would NOT be funded via donations as those are already included in the FY20 appropriation.

Question 3: Are we accepting new families into the Community Support Fund in FY20?

Answer 3: Yes, we are accepting new families into the Community Support Fund for FY20.

Question 4: Do we have any estimates on how much it would cost to operate the Community Support Fund for the entire fiscal year, using estimates of how many new arrivals we will have?

Answer 4: At this point staff does not have any additional estimates on how much it would cost to operate the Community Support Fund for the entire fiscal year. This amount would depend on the City Council's specific instructions on the Community Support Fund's rules, eligibility rules from the State of Maine, and the volume of additional arrivals. Staff will provide cost estimates for any specific amendments to the rules around the Community Support Fund, using best and worst case scenarios in terms of potential cost if additional amendments are proposed.

Question 5: How will [rule changes being pursued by Governor Mills to the General Assistance Program](#) impact the Community Support Fund?

Answer 5: City staff is still working to assess the impact of the rule change, but it is anticipated many of the asylum seekers who have recently arrived in Maine would be eligible for General Assistance under the rule change as proposed. This could result in a 70% reimbursement for costs currently being borne 100% by the City's Community Support Fund, thus potentially eliminating the need for the Community Support Fund going forward.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: August 7, 2019

SUBJECT: Order 25-19/20 Amending Order 244-18/19, Amendment to Portland City Code
Re: Various New Fees and Fee Increases For Fiscal Year 2020 in Chapters 3, 6,
15, 24, 25 and 28 - Sponsored by Councilor Kim Cook.

SPONSOR: Councilor Kim Cook

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 8/12/2019

Final Action 8/12/2019

Can action be taken at a later date: No The new fees have been effective since July 1, 2019 and businesses have had 60 days to comply with the new requirement, with license fees due August 30, 2019. In the future, license fees are due whenever the businesses renew their state liquor licenses or on opening for a new business. A second reading and passage as an emergency is requested on August 12, 2019 to cancel the fee requirement at this time.

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

This item proposes to change the effective date of the new license fees on brewery, distillery and winery manufacturing that were adopted as part of the FY20 Budget.

II. AGENDA DESCRIPTION

This item proposes to change the effective date of the new license fees on brewery, distillery and winery manufacturing from July 1, 2019 until July 1, 2020. These new fees were proposed by the City Manager in his proposed budget and adopted by the City Council without amendment on May 20, 2019.

These new fees have caused concern in the brewery, distillery and winery business community. By pushing out the effective date of these new fees, the City Council will be able to examine the reason these fees were proposed by city staff and hear from small businesses impacted by these new fees before these fees go into effect.

This item must be read on two separate occasions. This is its first reading.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

An anticipated total of \$26,250 in license fees, calculated in the March 12, 2019 memo in the back up material

for Order 244-18/19 for the May 6, 2019 and May 20, 2019 City Council Agendas, would not be collected in Fiscal Year 2020.

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Amendment to Order 244-FY19 Fee Increases for FY2020 8.12.2019
2. Brewery changes (1)
3. Brewery Manufacturing Online (1)
4. Brewery memo to be licensed (1)
5. Brewery memo (1)
6. Small Brewery (1)

Prepared by:

Date: 8/7/2019

Order 244-18/19

Motion to amend by adding Portland City Code Chapter 28, Section 28-86, and by striking out in Section 28-86 "one dollar and fifty cents (\$1.50)" and adding one dollar and seventy-five cents (\$1.75)", by striking out "four (4)" and adding "three (3)" and striking out "ten (10)" and adding "nine (9)".

Passage as amended: 9-0 on 5/20/2019

Effective 5/30/2019

Amendment to Order 244-18/19

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

AMENDMENT TO ORDER 244-18/19, AMENDMENT TO PORTLAND CITY CODE
Re: VARIOUS NEW FEES AND FEE INCREASES FOR FISCAL YEAR 2020
IN CHAPTERS 3, 6, 15, 24, 25 and 28

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. That Sections 3-31 and 3-32 are hereby amended and Chapter 3 of the Portland City Code is hereby amended by adding a section, to be numbered 3-33, which said sections reads as follows:

Sec. 3-31 Definitions

(a) For the purposes of this Article, the terms small brewery, brewery, small distillery, distillery, malt liquor, spirits, wine, winery and small winery shall have the same meanings as provided in 28-A M.R.S. §2, as amended hereafter.

(b) A large brewery, distillery or winery shall mean a brewery, distillery or winery that manufactures more than 50,000 gallons of its defined product per year.

Sec. 3-32 Brewery, Winery and Distillery Alcohol License.

(a) No brewery, winery, or distillery shall serve or sell spirits, wine, or malt liquor for on-premises consumption unless it is licensed pursuant to this section and Chapter 15. This division shall apply to those who serve or sell based on a license issued pursuant to 28-A M.R.S. §1355-A(I), as amended hereafter.

(b) A brewery, winery, or distillery that is properly licensed to serve or sell spirits, wine, or malt liquor for consumption as part of its City of Portland Chapter 11 Food Service Establishment license is not required to obtain a license under this section. A brewery, winery, or distillery that is required to be licensed as a Food Service Establishment pursuant to Chapter 11, however, does not satisfy that requirement by obtaining a license under this section.

Sec. 3-33 Brewery, Winery and Distillery Manufacturing License

(a) No small brewery, large brewery, small winery, large winery, small distillery, or large distillery, that is required to be licensed pursuant to Title 28-A of the Maine Revised Statutes shall brew, distill, produce, or sell spirits, wine, or malt liquor unless it is licensed pursuant to this section and Chapter 15.

(b) This license shall be in addition to any license required under Sec. 3-32 of this Code.

2. *That Section 6-152 is hereby amended to read as follows:*

Sec. 6-152. Registration Fees.

(a) *Annual Registration Fee.* Upon initial registration and by January 1st of each year, registrants shall pay the City a registration fee for each rental unit, in the amounts set forth below. A rental unit shall not be considered registered unless and until this fee is paid in full.

...

(e) Registrations that are not renewed by February 1 shall be subject to a late fee of \$10 per unit. Registrations shall not be renewed unless and until the registrant pays any applicable late fee. The Permitting and Inspections Director may waive a late fee upon a showing of good cause as to why the renewal was not timely.

3. *That Section 15-12 is hereby amended to read as follows:*

Sec. 15-12. Fees and expiration dates.

(a) Unless specified elsewhere in this Code, fees for licenses issued pursuant to this Code and the expiration date of

each license shall be as follows:

Location in Code	Description	Fee	Expiration Date
Ch. 3, Art. II	Bottle clubs (must obtain FSE and special entertainment if applicable)	\$940.00	June 30
Ch. 3, Art. III	Brewery, Winery and Distillery On-Premises Consumption License (must obtain FSE and/or special entertainment if applicable)	\$525.00	Concurrent with state liquor license
Ch. 3, Art. III	Small Brewery, Winery and Distillery Manufacturing License	\$250.00	Concurrent with state liquor license
Ch. 3, Art. III	Large Brewery, Winery and Distillery Manufacturing License	\$2,000	Concurrent with state liquor license

...

4. That Section 25-27 is hereby amended to read as follows:

Sec. 25-27. Fees and fines.

(a) The following fees are hereby established for the issuance of a revocable street and sidewalk occupancy permit:

- (1) Objects other than portable signs, including but not limited to tables, chairs, barricades and bollards, minty-two dollars (\$92.00) for one (1) fiscal year or any portion thereof;
- (2) Portable signs, twenty-five dollars (\$25.00) plus twenty cents (\$0.20) per square foot of signage. Square footage is calculated pursuant to section 14-369(b) of the land use ordinance. Permits remain

valid until there is a change:

- a. In the sign dimensions; or
- b. In the use, lessee or ownership of the business causing a change in the business name, design or dimensions.

(3) Vehicles, equipment, or construction materials, as follows:

- a. The Parking Space Permit shall be \$25.00 per day or any portion thereof;
- b. The Sidewalk Permit shall be \$20.00 per day or any portion thereof;
- c. The Single Lane Closure Permit shall be \$50.00 per day or any portion thereof; and
- d. the Street Closure Permit shall be \$100.00 per day or any portion thereof.

...

5. *That Section 24-72 is hereby amended to read as follows:*

Sec. 24-72. Sanitary sewer user charges.

(a) *Applicability.* There are levied upon all parcels of land charges for cost of treatment of wastewater and stormwater and for the operation and maintenance of the wastewater system.

...

(c) *Computation.* The user charges shall be computed in accordance with the following schedule, as from time to time amended, which shall be sufficient to meet costs of the eligible purposes for which such charges may be used. Beginning July 1, 2019, user charges under this section for both dwelling units and commercial units shall be ten dollars and forty cents (\$10.40) per hundred cubic feet of volume for connected parcels of land. The user charge for developed but unconnected parcels of land shall be one dollar and seventy-one cents (\$1.71) per hundred cubic feet of volume. Each metered billing unit shall have a minimum charge of at least one hundred (100) cubic feet per month.

...

6. *That Section 28-86 is hereby amended to read as follows:*

Sec. 28-86. Parking meter rates.

The rate for parking at a meter in the city shall be one dollar and seventy-five cents (\$1.75) per hour as follows: two (2) minutes for the first nickel (\$0.05); three (3) minutes for a dime (\$0.10); and nine (9) minutes for a quarter. The City Manager may charge a convenience fee in addition to the parking meter rates.

BE IT FURTHER ORDERED, that this amendment shall be effective on July 1, 2019, except that the license fees in Portland City Code Section 15-12 shall be effective July 1, 2020. Moreover, notwithstanding 1 M.R.S. § 302, this amendment shall be applicable to those Section 15-12 fees on and after July 1, 2019.



Permitting and Inspections Department

Memorandum

To: Heather Brown, Director of Permitting and Inspections

From: Jessica B. Hanscombe, Licensing and Housing Safety Manager

Date: August 7, 2019

RE: Creating a Manufacturing license for Breweries, Wineries and Distilleries

The City of Portland enacted an ordinance to license Brewery, Winery and Distillery Manufacturing businesses as part of the budget process this past year. The new ordinance went into effect on July 1, 2019. We created categories that matched with the Bureau of Alcoholic Beverages for the State. We created the fees based on staff time to license and inspect the businesses. The license would be a yearly license that would expire concurrent with their State Liquor license. This chart shows what both the City and State currently have for license types and fees:

Current License License Type	City Fee	State Fee
Small Breweries (50,000 gallons and less)	\$250.00	\$50.00
Large Breweries (50,000 gallons or more)	\$2000.00	\$1000.00
Small Wineries (50,000 gallons and less)	\$250.00	\$50.00
Large Wineries (50,000 gallons or more)	\$2000.00	\$1000.00
Small Distilleries (50,000 gallons and less)	\$250.00	\$100.00
Large Distilleries (50,000 gallons or more)	\$2000.00	\$1000.00

Effective 9/19/2019 the State law will change for gallon amounts for Breweries only. The City of Portland will amend our license classifications for those Breweries. There will be 5 businesses that will change classifications for the next years licensing. The new chart will be:

Current License License Type	City Fee	State Fee
Small Breweries (930,000 gallons and less)	\$250.00	\$50.00
Large Breweries (930,001 gallons or more)	\$2000.00	\$1000.00
Small Wineries (50,000 gallons and less)	\$250.00	\$50.00
Large Wineries (50,000 gallons or more)	\$2000.00	\$1000.00
Small Distilleries (50,000 gallons and less)	\$250.00	\$100.00
Large Distilleries (50,000 gallons or more)	\$2000.00	\$1000.00

Thank you,

Jessica B. Hanscombe
Licensing and Housing Safety Manager



CITY OF PORTLAND
Permitting and Inspections Department

What is Needed to Apply:

- ☐ 8 ½” x 11” diagram showing layout of the premises
- ☐ City application for Brewery, Winery and Distillery Manufacturing License
- ☐ Payment of fees (see fee schedule):
 - Fee Schedule:
 - Application Fee: \$45.00
 - License Fee: Small Brewery, Distillery or Winery \$250.00
 - License Fee: Large Brewery, Distillery or Winery \$2,000.00

The application must be complete in order to be accepted and processed.

Before you submit your application to the Business Licensing Office:

- Call the Department of Liquor Licensing in Augusta at 207-624-7220.
- Contact the Portland Zoning/Code Enforcement office at 207-874-8703 to determine if your business address is zoned appropriately.

After you submit your application to the Business Licensing Office:

- Proceed with arranging for inspections as your establishment is ready.
- When the Business Licensing Office has received all approvals from the required departments, we will issue your license.. You may contact us for a license status update, **but please note that we must receive approvals directly from all departments on the accompanying “Steps to Approval” sheet before issuing your license.**



CITY OF PORTLAND
Permitting and Inspections Department

Brewery, Winery and Distillery Manufacturing License – Steps to Approval

In order for the Business License to issue your license, we must receive approvals directly from the following departments:

- Zoning/Code Enforcement
- Fire Inspections
- Treasury
- Police Department
- Public Services/Engineering - grease trap (if applicable)

Your responsibilities after you apply include:

- ☐ Contact the Zoning/Code Enforcement department (room 315) at 874-8703 to determine if the address of your business is zoned for the purpose for which you intend to use it. This is also the department you should contact if you require a sign permit, an outdoor dining application, and a building permit.
- ☐ Contact the Historic Preservation Division at 874-8726 for specific requirements if your business is located in a Historic District. Visit <http://click.portlandmaine.gov/portlandhistoric/> to determine your district.
- ☐ Contact the City of Portland Fire Inspections department at 874-8400 to arrange for an inspection after renovations.
- ☐ Contact the Treasury department at 874-8490 to determine if you, the owner of your business premises, or the previous business tenant, owe any outstanding taxes to the City of Portland. We cannot issue a license if there are delinquencies on the part of the business owner or landlord.
- ☐ Contact Public Services Engineering department at 874-8801 for information about grease trap requirements if food preparation is happening on premise.
- ☐ Contact the Department of Agriculture 287-3841 to obtain the correct State of Maine food license for your business.

Once we have received approvals from the departments listed above, we will issue your license and contact you.

If you have any questions about this process, please contact Business Licensing at 874-8783 or bl@portlandmaine.gov.



CITY OF PORTLAND
Permitting and Inspections Department
Application for Brewery, Winery and Distillery Manufacturing License

☐ Application Fee \$45.00			
☐ Small Brewery \$250.00		☐ Large Brewery (More than 50,000 gallons) \$2,000.00	
☐ Small Distillery \$250.00		☐ Large Distillery (More than 50,000 gallons) \$2,000.00	
☐ Small Winery \$250.00		☐ Large Winery (More than 50,000 gallons) \$2,000.00	
Business Information			
Business Name (d/b/a):		Phone:	
Location Address:		Zip:	
If new, what was formerly at this location:			
Mailing Address:		Zip:	
Contact Person:		Phone:	
Contact Person Email:			
Manager of Establishment:		Date of Birth:	Phone:
Owner of Premises (Landlord):			
Address of Premises Owner:		Zip:	

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
		Zip:	
Contact Person:		Phone:	
Principal Officers			
Title	Date of Birth	Residence Address	



CITY OF PORTLAND
Permitting and Inspections Department

QUESTIONS	Y/N
Will product be served on the premise by this establishment?	Y/N
If yes, please submit a City of Portland Brewery, Distillery, Winery Alcohol Service license	
What is your targeted opening date?	
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	Y/N
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	Y/N
If Yes, please list business name(s) and location(s):	
Is any principal officer under the age of 21?	Y/N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y/N
If Yes, please explain:	

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature _____ Title _____ Date _____

For more information about this license, see Portland City Code Chapter 3 at www.portlandmaine.gov and M.R.S.A. Title 28-A at www.maine.gov.

For Administrative Use Only

Amount: _____	Request Date / Approval	Notes: _____
Date Paid: _____	FD: _____ / _____	_____
CC _____ CA _____ CK _____	Ag: _____ / _____	_____
	PD: _____ / _____	_____
Amount: _____	PS: _____ / _____	_____
Date Paid: _____	Treasury: _____ / _____	_____
CC _____ CA _____ CK _____	Zoning: _____ / _____	_____



CITY OF PORTLAND
Permitting and Inspections Department

June 28, 2019

Re: Brewery, Winery, Distillery Manufacturing License

Dear Business Owner

The City of Portland adopted a new ordinance that requires Brewery, Winery and Distillery Manufacturing to be licensed with Business Licensing. I have enclosed a copy of the new ordinance in Chapter 3.

Enclosed is the application and what is required to be submitted with the application. The expiration date will match your expiration with the Bureau of Alcoholic Beverages and the fee will be prorated this year only. Both are listed in the corner of the application.

The deadline to return the completed application with payment to our office is August 30, 2019.

Please contact our office directly with questions at (207) 874-8783 or jhanscombe@portlandmaine.gov Thank you.

Sincerely,

Jessica Hanscombe
Licensing and Registration Coordinator



Permitting and Inspections Department

Memorandum

To: Keri Ouellette, Interim Director of Permitting and Inspections

From: Jessica B. Hanscombe, Licensing and Registration Coordinator

Date: March 12, 2019

RE: Creating a Manufacturing license for Breweries, Wineries and Distilleries

Currently we license the tasting room only for Breweries, Wineries and Distilleries in Chapter 3. We would retain that license, but amend the name to Tasting Room

We are proposing creating a new license type for the manufacturing. Currently the Bureau of Alcoholic Beverages fees are \$50.00 for a license for 50,000 gallons and less and \$1000.00 for a license for 50,000 gallons or more. We would need to do inspections of the manufacturing side with Code, Health Inspectors and the Fire Department. The license would be a yearly license that would expire concurrent with the State Liquor license.

Please see the chart for proposed fees and proposed revenue.

License Type	Fee Proposed	Current Amount	Proposed Revenue
Small Breweries (50,000 gallons and less)	\$250.00	12	\$3,000.00
Large Breweries (50,000 gallons or more)	\$2000.00	10	\$20,000.00
Small Wineries (50,000 gallons and less)	\$250.00	6	\$1,500.00
Large Wineries (50,000 gallons or more)	\$2000.00	0	-
Small Distilleries (50,000 gallons and less)	\$250.00	7	\$1,750.00
Large Distilleries (50,000 gallons or more)	\$2000.00	0	-
Additional Revenue			\$26,250.00

Thank you,

Jessica B. Hanscombe
Licensing and Registration Coordinator

DBA	Business Address	Classification	Fee
GRITTY MCDUFFS	396 FORE ST	Small Brewery Manufacturing	\$200.00
DEFINITIVE BREWING COMPANY	35 INDUSTRIAL WAY	Small Brewery Manufacturing	\$200.00
		Total	\$400.00