PLANNING BOARD

Tuesday, April 14, 2026 at 4:30 PM
Room 24 (Basement Level of City Hall)
and Zoom

MEMBERS
Joseph Zamboni, Chair
Kelsey Robertson, Vice Chair
Austin Smith
Beverly Uhlenhake
David Silk
Eric Din
Nicholas Messina

The Planning Board will conduct this meeting in a hybrid format via Zoom pursuant to the Remote Meeting Policy adopted by the Planning Board. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the Agenda Center following the meeting. For more information on how to use zoom, please go here: https://content.civicplus.com/api/assets/18148b5d-f26e-472f-8d2c-245db97e5c27. For public comment via Zoom, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be un-muted by the host when it is time for public comment. Please note that the placement of items on this agenda are subject to change – please check the agenda center prior to the meeting for the item start time.

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PUBLIC COMMENT INFORMATION:

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

AGENDA:

PUBLIC WORKSHOP - 4:30 PM

i. Map Amendments; 1220 Brighton Avenue; Portland Hotels, Inc., Applicant. The Planning Board will hold a hybrid public workshop to consider a zoning map amendment application proposing to rezone the parcel at 1220 Brighton Avenue from Transit Center Zone (TOD-2) to Commercial Corridor (B-4). A project and plan summary are available for viewing on the city's CSS Portal (https://css.portlandmaine.gov/) by referencing Plan Number ZN-003527-2026.

ii. Major Site Plan; 9 Cedar Street; Boys & Girls Club of Southern Maine, Applicant. The Planning Board will hold a hybrid public workshop to consider an application for the construction of a two-story, approximately 13,000 square foot building addition at 9 Cedar Street within the B-3 and RN-4 zones. The proposed development includes new educational programming space for the Boys & Girls Club, along with a new outdoor play area. A project and plan summary are available for viewing on the city's CSS Portal (https://css.portlandmaine.gov/) by referencing Plan Number PL-003520-2026.

PUBLIC HEARING - 5:30 PM

1. ROLL CALL AND DECLARATION OF QUORUM

2. COMMUNICATION AND REPORTS

3. REPORT OF ATTENDANCE AT THE MEETING HELD ON MARCH 24, 2026

Public Hearing
Text Amendments to Article 3 (Definitions) and Article 6 (Uses): Messina, Robertson, Smith, Uhlenhake, and Zamboni present. Din recused and Silk absent.

4. REPORTS OF DECISIONS AT THE MEETING HELD ON MARCH 24, 2026

i. Text Amendments to Article 3 (Definitions) and Article 6 (Uses): Robertson motioned and Smith seconded a motion to find that the proposed text amendments, which modify the definition of theaters and performance halls and which establish a 750-foot buffer, are not consistent with the City of Portland's comprehensive plan and recommend against the adoption of the proposed text amendments to article 3 and 6. Vote 5-0 (Din recused, Silk absent). Robertson motioned and Smith seconded a motion to find that the proposed text amendment to Section 6.8.14.C, which clarifies how separation requirements are measured between businesses with an entertainment license in the B-3 and WCZ zone, is consistent with the City of Portland's comprehensive plan and recommends to the City Council the adoption of the text amendment. Vote 5-0 (Din recused, Silk absent).

5. NEW BUSINESS

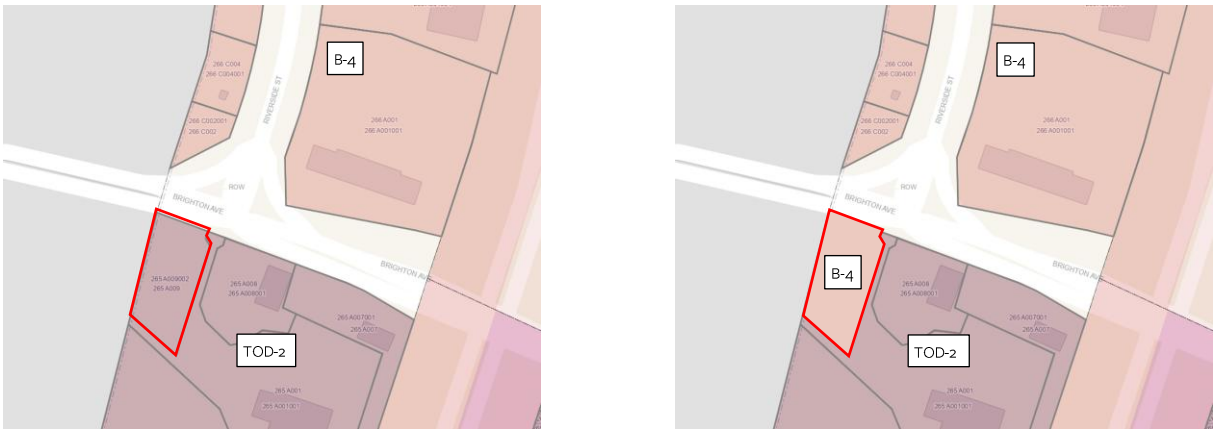
i. Appeal of HPBR-002814-2024; 42 Atlantic Street; LB Atlantic, LLC, Applicant. The Planning Board will hold a hybrid public hearing to consider an appeal to HPBR-002814-2024, for the development of a 30-unit housing project at 42 Atlantic Street within the Munjoy Hill Historic District, approved by the Historic Preservation Board on May 29, 2024. Following a remand order from the Superior Court, the Historic Preservation Board adopted written findings of fact

dated February 5, 2026 reflecting it's May 29, 2024 decision. A project and plan summary is available for viewing on the city's CSS Portal (https://css.portlandmaine.gov/) by referencing Plan Number HPBR-002814-2024.

To:	Chair Zamboni & Members of the Planning Board
From:	Rowen McAllister
Date:	March 27, 2026
Re:	Rezoning 1220 Brighton Ave from TOD-2 to B-4
Project ID:	ZN-003527-2026
Meeting Date:	April 14, 2026

I. INTRODUCTION

Portland West Realty, Inc ("Applicant") is seeking a zoning map amendment to rezone the parcel at 1220 Brighton Avenue ("Subject Property") from Transit Center Zone (TOD-2) to Commercial Corridor Zone (B-4) (Figure 1). The Applicant is seeking a map amendment to facilitate the development of a commercial restaurant business with a drive-through window in accordance with dimensional standards for the B-4 zone.



Existing Zoning

Applicants Proposed Zoning

Figure 1: Existing zoning map and applicant's proposed zoning map amendment to B-4

The Planning and Urban Development Department mailed 35 notices advertising this meeting to interested parties and property owners within 500 feet of the site. The legal advertisement ran in the March 31, 2026 editions of the *Portland Press Herald*. Additionally, the applicant held a neighborhood meeting on March 12, 2026.

Applicant:	Portland West Realty, Inc
Applicant Representative:	Brendan Barry, Marcus|Clegg

II. PROJECT DATA

Existing Zoning	TOD-2 Transit Center Zone
Proposed Zoning	B-4 Commercial Corridor

III. BACKGROUND & EXISTING CONDITIONS

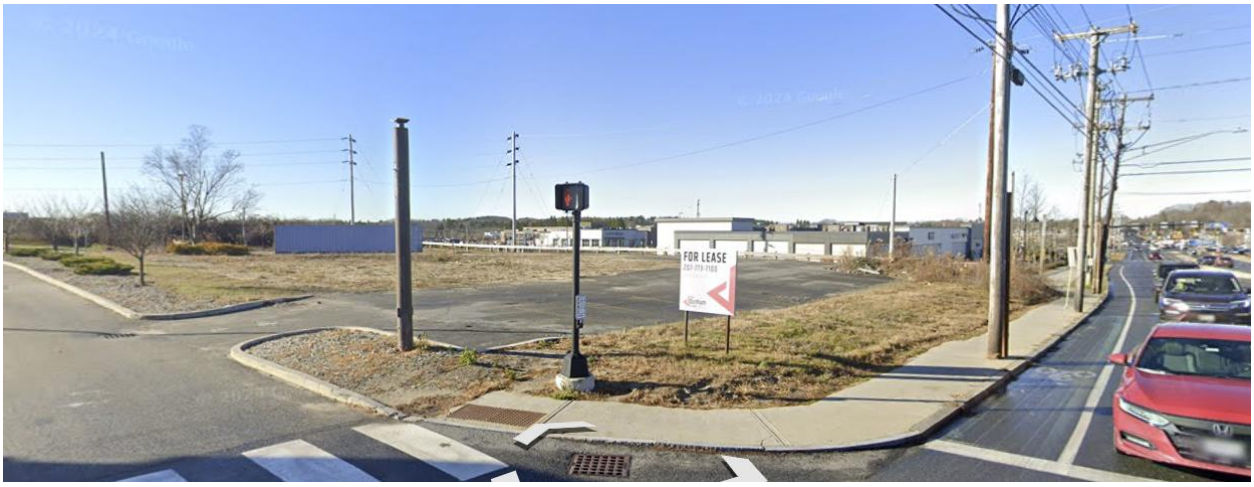


Figure 2: Google image of 1220 Brighton Ave from November 2024

The subject property at 1220 Brighton Avenue is a vacant lot of approximately 27,000 square feet (0.62 acres) within the TOD-2 zone. The site is bounded by Brighton Avenue to the north, commercial uses to the east and south, and the Portland-Westbrook border to the west. The subject property is currently within and bordered by the TOD-2 zone to the east and south. The B-4 zone extends along the opposite side of Brighton Avenue to the north. The TOD-2 zone east of I-95 continues along the south side of Brighton Avenue, while the B-2 zone continues on the north side of Brighton Avenue east of I-95, as can be seen in Figure 3 below.

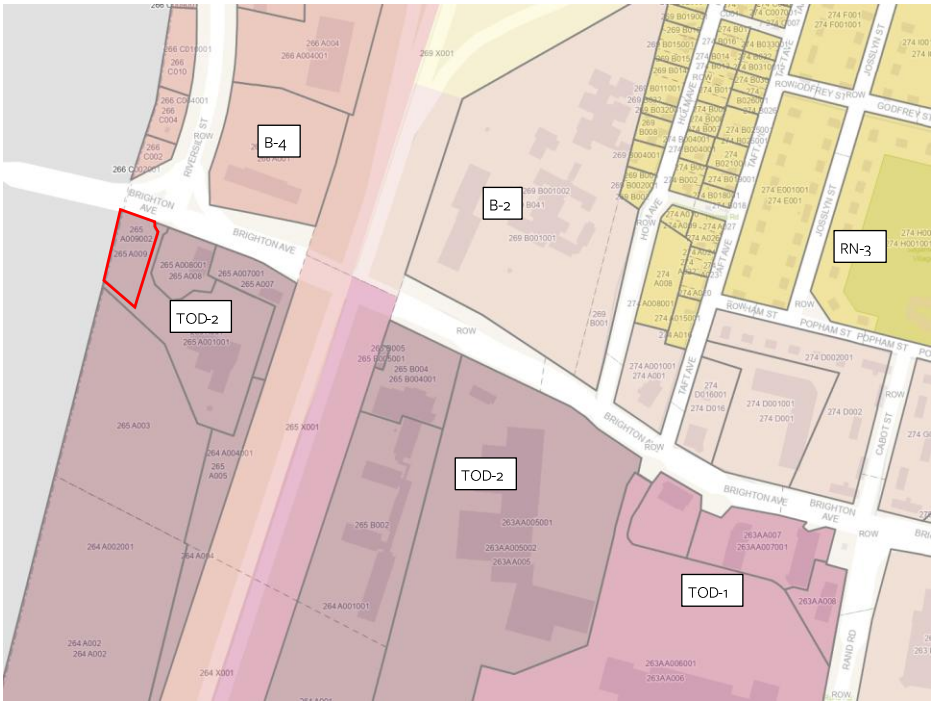


Figure 3: Zoning Map of Brighton Ave

There are multiple commercial uses within one-quarter mile of the subject property on Brighton Avenue, including a dentist office, hotels, and car dealerships. The Barron Center, the City's rehabilitation and nursing home, and Portland Housing Authority's Sagamore Village are also located within a half mile.

Across the Westbrook-Portland border, there are several existing commercial businesses and ongoing commercial development associated with Rock Row, which is a multi-phase development proposing residential, commercial, medical, entertainment, and retail uses. The zoning on the adjacent parcels in Westbrook directly supports the master-planned Rock Row development. The purpose of the zone, as provided in Westbrook's Chapter 335 Land Use Code, is to enable high-quality, mixed-use commercial development which serves as a gateway to Westbrook, a regional economic hub, and as a destination for visitors and shoppers to the city and state.-

Many of the commercial structures near the subject property reflect the automobile-oriented character of the Brighton Avenue corridor. This area is generally characterized by mid-sized commercial uses with heavy vehicular traffic. However, there is also increasing pedestrian and bus transit infrastructure along this corridor. Two METRO lines run along this segment of Brighton Ave, including Route 4 and the Husky Line, which extends from Downtown Portland to Downtown Gorham. There are approximately 5 METRO bus stops within a half mile of the subject property. Metro is also currently conducting a Bus Rapid Transit study that would result in high-frequency bus service between Gorham Village, Westbrook, and Downtown Portland, via Brighton Avenue.

Background

The subject property was re-zoned from the B-4 zone to the TOD-2 zone in 2024 as part of ReCode, the City's multi-year effort to modernize its land use code and implement Portland's Plan 2030. During that process, staff and the Planning Board recommended rezoning properties along Brighton Avenue east of I-95 to TOD-1 and TOD-2, while retaining properties west of I-95, including the subject property, in the B-4 zone. The City Council ultimately introduced and adopted an amendment from the floor to rezone the subject property and adjacent properties along Brighton Avenue, west of I-95, to TOD-2 as part of its approval of ReCode in November 2024.

The property owner of 1220 Brighton Avenue also owns the adjacent property at 1200 Brighton Avenue, which contains a commercial medical office building and hotel. During development of the adjacent property, the owner installed a curb cut to serve the subject property and incorporated other improvements to support a complementary commercial use at that location, consistent with the B-4 zoning in effect at the time. However, no site plan application for the subject property was submitted prior to its rezoning to the TOD-2 zone.

The current conceptual plan for a restaurant with a drive-through is now prohibited under the current TOD-2 zoning. Therefore, the property owner sought a hardship variance from the Zoning Board of Appeals (ZBA). The variance request included seeking relief from the prohibition of the drive-through use along with variances for dimensional requirements relating to build-to minimum, height minimums, and minimum building length as a percentage of street frontage. In a decision dated October 2, 2025, the ZBA denied the requested variances as detailed in ZBA-003455-2025. Shortly after the decision of the ZBA, the property owner submitted a reconsideration request of the ZBA decision regarding the hardship variance, which was subsequently denied. On November 20, 2025, the property owner submitted an appeal of Portland's ZBA Decision in Cumberland County Superior Court. The ZBA decisions are included in this memo as attachments.

A letter from Tighe & Bond, Inc to the property owner, dated November 13, 2023, identified soil contamination at the subject property due to petroleum-related contaminants. Correspondence from the Maine Department of Environmental Protection (Maine DEP) to the Applicant, dated August 28, 2024, suggests any contamination is likely due to the site's former use as a sand and gravel extraction site landfill. Maine DEP outlined conditions for the safe use of the subject property, including proper handling and disposal of contaminated soil and installation of a vapor barrier and/or sub-slab depressurization system prior to occupancy. The Applicant states that Maine DEP recommended restrictions on certain sensitive uses including residential and institutional uses such as hospitals, nursing homes, childcare facilities, schools, and similar uses. Additionally, a letter from Jones & Beach Engineers, dated March 11, 2026, identifies the likely presence of clay deposits at the subject property and states such deposits would result in a more complicated and costly foundation system. Correspondence referencing contamination and soil conditions are included as attachments.

IV. APPLICANT'S CONCEPTUAL DEVELOPMENT PROPOSAL

The proposed map amendment to rezone 1220 Brighton Avenue to B-4 would facilitate the development of a commercial business with a drive-through as shown in Figure 4 below.

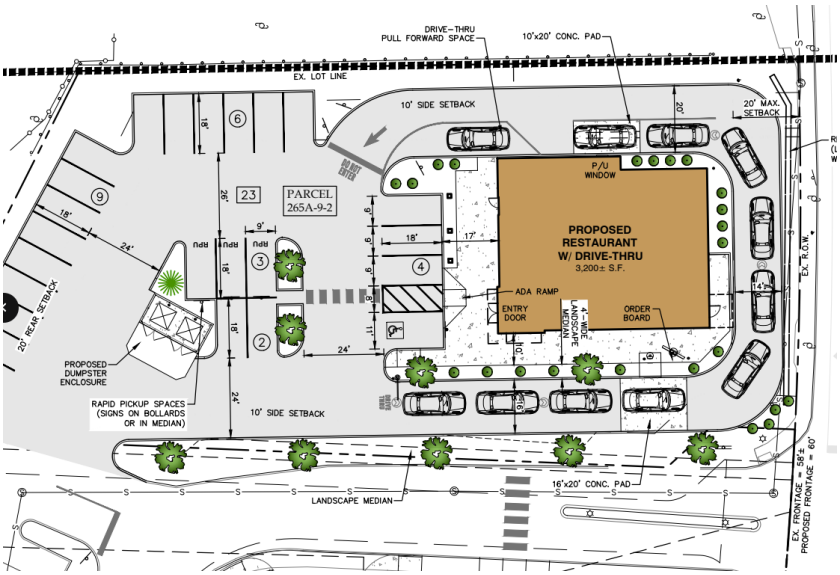


Figure 4: The conceptual site plan for 1220 Brighton Avenue

The current conceptual site plan does not meet the following use restrictions and dimensional standards of the TOD-2 zone:

- Prohibition of drive-through use and drive-through features - *Article 14-6.6.29(C)(3)*
- The minimum build-to zone (0-5 ft) – *Table 7-D*
- Minimum height (35 ft) – *Table 7-D*
- Minimum building length (80%) as percentage of street frontage– *Table 7-D*

Further, in zones where drive-throughs are permitted as an accessory use, all components of a drive-through, including stacking lanes, shall be located to the side or rear of the principal building where practicable, in accordance with Article 14-6.6.29(C)(4).

The development contemplated at 1220 Brighton Avenue in this application is conceptual at this stage, and no site plan application has been submitted. Should the proposed rezoning to B-4 be approved by the City Council, a site plan application, addressing all applicable land use standards, would be required to be submitted by the applicant to facilitate the development of this project.

V. PROPOSED ZONING MAP AMENDMENT

The Applicant proposes a zoning map amendment to change 1220 Brighton Avenue (265 A009002) from Transit Center Zone (TOD-2) to Commercial Corridor Zone (B-4). The current conceptual plan for the subject property does not meet the following use and dimensional requirements of the TOD-2 zone: prohibition of a drive-though and drive-through features, minimum build-to zone of 0-5 ft, minimum building height of 35 feet, and minimum building length covering at least 80% of street frontage. These

current use restrictions and dimensional standards in the TOD-2 zone serve as the basis for the amendment to revert the subject property to the B-4 zone.

VI. ZONING ANALYSIS

A. Overview of Zoning Purpose Statements: Existing Versus Proposed Zoning

The purpose statement for each zone under consideration is listed below:

Existing zones:

> TOD-2 Transit Center Zone: *"To provide for and encourage the development of high-intensity mixed-use, compact urban neighborhoods that support Portland's investment in high frequency transit infrastructure through permissions for a highly dense, pedestrian-scale built environment and a broad range of uses that allow residents to live, work, shop, dine, and pursue cultural and recreational opportunities while enjoying a range of mobility choices. The TOD-2 zone is intended to allow for the creation of vibrant, accessible, 24-hour neighborhoods at suitable locations on or near the peninsula."*

Proposed Zone:

> B-4 Commercial Corridor: *"To provide locations in the city for the development and operation of businesses serving a regional or larger market, to provide locations for large-scale commercial uses that require larger land areas to accommodate their operations, and to support moderate to high-density housing including three-family, four-family, townhouse, and multi-family structures. Standards of the B-4 zone acknowledge the need to maintain automobile access while encouraging improvement of the pedestrian environment and accommodating alternative modes of transportation."*

B. Use Comparison of Existing and Proposed Zones

As provided in Table 2, there are several noteworthy differences in use permissions between the TOD-2 and B-4 zones. Overall, the B-4 zone allows a broader range of uses than the TOD-2 zone, including uses that are typically more auto-oriented and operationally intensive. In contrast, while the TOD-2 zone permits a narrower range of uses, it is generally intended to support more intensive, compact, mixed-use development in locations that are walkable and well served by transit. For example, the B-4 zone permits lower density residential uses, and larger-scale commercial uses, such as self-storage facilities, car dealerships, and greenhouses. The B-4 zone also permits marijuana-related uses, whereas the TOD-2 zone does not. Only two uses are prohibited in the B-4 zone and allowed in the TOD-2 zone, which are elementary, middle, and secondary schools and hostels.

***Table 2** provides a comparison of the permitted uses between existing and proposed zone. Uses marked with a 'P', are permitted uses in the zone. A 'C' indicates a conditional use. A blank space means the use is not permitted. The differences between TOD-2 and B-4 are highlighted in blue.*

TABLE 2: PERMITTED AND CONDITIONAL USES IN TOD-2 and B-4		TOD-2	B-4
Residential	Two-family dwellings		P
	Three-family dwellings		P
	Four-family dwellings		P
	Town house dwellings	P	P
	Multi-family dwellings	P	P
	Live/work dwellings	P	P
	Lodging houses	P	P
Institutional	Child care facilities	P	P
	Clinics	P	P
	Cultural Facilities	P	P
	Elementary, middle, and secondary schools	P	
	Emergency Shelters		C
	Governmental uses	P	P
	Places of assembly	P	P
	Post-secondary schools	P	P
	Residential care facilities (small)	P	P
	Residential care facilities (large)	P	P
Commercial & Other	Auto, boat, related dealerships		P
	Auto service stations		P
	Bars	P	P
	Conventional halls	P	P
	Funeral homes		P
	General offices and services	P	P
	Greenhouses/nurseries		C
	Hostels	P	
	Hotels	P	P
	Intermodal Transportation facilities	P	P
	Marijuana retail stores		P
	Registered marijuana dispensary		P
	Market gardens		P
	Recreation and amusement centers	P	P
	Restaurants	P	P
	Retail (all square feet)	P	P
	Small-scale marijuana caregiver		P
	Specialty food service	P	P

	Theater and performance halls	P	P
	Veterinary services	P	P
	Animal-related services		P
	Communication studios	P	P
	Dairies		P
	Impound lots		P
	Laboratory and research facilities		P
	Low-impact industrial	P	P
	Marijuana manufacturing facilities		P
	Marijuana testing facilities		P
	Printing and publishing		P
	Self-storage facilities		P
	Studios for artists and craftspeople	P	P
	Warehousing, storage, and distribution		P
	Parks and open space	P	P
	Social service centers		C
	Solar energy systems (minor)	P	P
	Solar energy systems (major)		C
	Utility substations	P	P
	Wind energy systems (minor)	C	C

C. Dimensional Comparison of Existing and Proposed Zones

The dimensional standards in the existing and proposed zones reflect the differences in their respective purpose statements. The TOD-2 zone is intended to facilitate high-density, pedestrian-oriented, mixed-use development that supports the City's investment in high-frequency transit infrastructure. Meanwhile, the B-4 zone allows for lower-density development, larger lots, and a less restrictive build-to zone to accommodate larger-scale commercial uses. As shown in Table 3, the proposed re-zoning to the B-4 zone would establish a minimum lot area of 10,000 square feet and a street frontage requirement of 60 ft. The build-to zone would increase to 0-20 feet, and the build-to percentage would decrease to 50%. If re-zoned to B-4, the required building length as a percentage of street frontage would be removed entirely.

Table 3 provides a comparison of the dimensional requirements between the two proposed zones.

TABLE 3: DIMENSIONAL REQUIREMENTS	TOD-2	B-4
Lot area (min.)	None	10,000 SF
Street frontage (min)	None	60 ft.
Build-to Zone	0-5 ft.	0-20 ft.
Build-to percentage (min)	100%	50%
Building length as a percentage of street frontage (min)	80%	None
Blank wall area (max)	20 ft.	40 ft.

Rear Setback (min)	None, except 20 ft. if abutting a lot in a residential zone.	None, except 20 ft. if abutting a lot in a residential zone.
Side Setback, interior (min)	None, except 10 ft. if abutting a lot in a residential zone.	None, except 10 ft. if abutting a lot in a residential zone.
Structure height (max.)	Min: 35 ft Max: 85 ft	65 ft.
Landscaped open space ratio (min)	10%	20%

VII. COMPREHENSIVE PLAN ANALYSIS

Portland's Plan 2030

The following analysis provides a framework to assist the Board in its review of the proposed zoning map amendment. Relevant goals and policies of Portland's Plan 2030 are identified below.

The Comprehensive Plan's Future Land Use section offers a framework for how the City can strategically plan for growth and guide future changes. The Plan identifies areas to be prioritized for growth that supports concentrated mixed-use activity and complete neighborhoods, as shown in Figure 5.

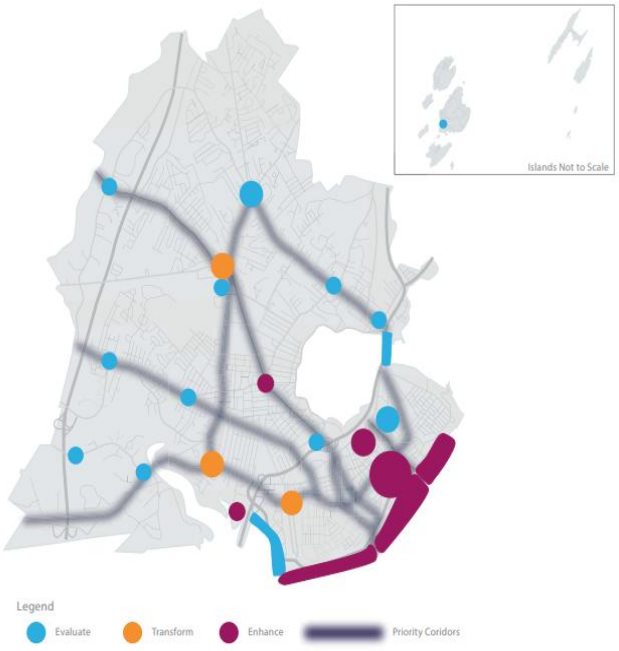


Figure 5: Portland's Plan 2030 Priority Nodes and Corridors from the Future Land Use Section

In the Future Land Use section, Brighton Avenue is identified as a priority corridor for further evaluation and potential investment to serve neighborhood needs, while the nearby intersection of Brighton Avenue and Rand Road is identified as a priority node. The ReCode process evaluated the potential for growth along this portion of Brighton Ave, which resulted in the area being rezoned to TOD-1 and TOD-2 . The subject property is located along Brighton Avenue and, as such, zoning decisions should reflect the Plan's support for development along this corridor.

In addition to the Future Land Use section, the Comprehensive Plan policies and goals also offer a framework for reviewing proposed map amendments. The identification of Brighton Ave priority corridor and the subsequent ReCode changes reflect Transportation and Environment Goals of the Comprehensive Plan:

Transportation:

- Future Strategies: Create incentives to spur transit-oriented, mixed-use development along corridors and in areas that can support high-quality transit service.
- Future Strategies: Support initiatives to strategically increase the frequency and span of service, on-time reliability, and geographic scope of transit service.

Environment:

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

However, the applicant has identified the following relevant Comprehensive Plan goals, which encourage the development of the property under the B-4 zone:

Economy:

- Local Goal: Create economic prosperity by growing Portland's tax and employment base
    - Future Strategies: Modify ordinances and make strategic investments to better promote business development and job creation in priority areas.

Environment

- Local Goal: Support Sustainable Land Use and Transportation Policies
    - Future Strategies: Plan for the mitigation and redevelopment of brownfields to support productive uses and a healthier environment for residents.

The Applicant states that the dimensional restrictions of the current zoning along with the contamination and soil conditions on the property limit the development potential of the property under the use and dimensional requirements of the TOD-2 zone. The applicant asserts that rezoning the property to B-4 would allow for the introduction of a new commercial use and facilitate the productive reuse of a contaminated site, thereby advancing the Economic and Environmental goals of the Comprehensive Plan.

Summary

The subject property's current TOD-2 zoning aligns with the Comprehensive Plan's long-term vision for a more compact, mixed-use, and pedestrian-oriented Brighton Avenue corridor. The use standards reflect an intent to support neighborhoods where residents can "*work, live, shop, and dine*," and the dimensional standards encourage a "*pedestrian-scale built environment" that* emphasizes building placement close to the street, with an active and continuous street wall, rather than automobile-oriented development. The rezoning of this portion of Brighton Avenue from B-4 to TOD-2 in 2024 reflected an intent to transition this corridor over time toward a more compact, mixed-use, and pedestrian-oriented development pattern.

However, the proposed rezoning to B-4 would address the economic and environmental constraints affecting the subject property. Existing development along Brighton Avenue west of I-95 is characterized by large-scale commercial uses with prominent parking and other design elements supporting automobile use. These established land use patterns are generally consistent with the use and dimensional standards of the B-4 zone. As the applicant notes, the B-4 zone is intended to support businesses serving a regional or larger market and to accommodate automobile access, consistent with the zone's purpose statement. The applicant further asserts that this development pattern aligns with certain economic and environmental goals of the Comprehensive Plan.

Accordingly, the proposed rezoning presents a trade-off between accommodating existing development patterns and site-specific constraints and supporting broader Comprehensive Plan objectives related to growth along identified corridors and the coordination of transportation and development. In considering this amendment, the Board should evaluate whether the proposed rezoning is consistent with the goals and policies of the Comprehensive Plan and whether it would advance those objectives in the context of this site and the surrounding area.

VIII. PUBLIC COMMENT

One public comment has been received as of April 8, 2026.

A neighborhood meeting was held by the applicant on March 12, 2026, at The Hampton Inn, 1210 Brighton Avenue at 5:30pm. There were no members of the public in attendance.

IX. NEXT STEPS

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

X. ATTACHMENTS

APPLICANT'S SUBMITTAL

A. Cover Letter
B. Consistency Letter
C. Amendment Checklist
D. Deed
E. Vicinity Map

F. Zoning Map
G. Concept Site Plan
H. Neighborhood Meeting Materials
I. Memorandum from Jones & Beach Engineers, Inc., dated March 11, 2026
J. Correspondence from Maine Department of Environmental Protection, dated December 15, 2023
K. Environmental Sample Report from Tighe&Bond, dated November 13, 2023
L. Letter from Maine Department of Environmental Protection, dated August 28, 2024

STAFF ATTACHMENTS

S1. Variance Application for 1220 Brighton Ave submitted by Portland West Realty, dated September 8, 2025
S2. Decision of the Zoning Board of Appeals regarding Variance Application, dated October 2, 2025
S3. Decision of the Zoning Board of Appeals regarding A Request to Reconsider submitted by Portland West Realty, dated November 6, 2025

PORTLAND WEST REALTY, INC.
1150 Brighton Avenue
Portland, ME 04102

City of Portland, Maine
Zoning Board of Appeals
389 Congress Street
Portland, ME 04101

September 8, 2025

Dear Members of the Zoning Board of Appeals,

Portland West Realty, Inc. is the owner of 1220 Brighton Avenue, Portland, Maine (the "Property"). The Property is located on the Westbrook-Portland city boundary line and near Exit 48 on Interstate-95. ExxonMobil Oil Corporation previously owned the Property where it operated a gas station and automobile service center. While owned by ExxonMobil, the Property contained underground storage tanks ("UST"). The USTs leaked and created an underground spill of diesel fuel and other hazardous materials. Prior to selling the Property, ExxonMobil removed the USTs and completed a Voluntary Action Response Program ("VRAP") with the Maine Department of Environmental Protection. As a required component of the VRAP, restrictions were imposed on the Property preventing the Property from being used for any residential, hospital, nursing home facility, childcare, playground/recreational area, school or any other similar use. The City's adoption of the new Land Use Code in late 2024 further imposed restrictions on the Property that, in conjunction with the VRAP restrictions, prevents the Property from being developed.

Portland West Realty, Inc. is seeking a variance to allow for the development of a Panera Bread location with drive-through services on the Property. The structure to be constructed on the Property, as proposed, would be (i) shorter than the minimum height of thirty-five (35) feet, (ii) greater than the minimum build-to-zone of 0-5 feet from the street; and (iii) less than the minimum building length as a percentage of street frontage as required in the TOD-2 Zone. Having a Panera Bread move from its location in Westbrook to the Property would create a location for commuters to pick up healthy food and beverages easily and conveniently without a large disruption to the morning or evening work commutes in and out of the City. Furthermore, this variance will allow for an otherwise undevelopable piece of real estate to support and complement other nearby Portland businesses while generating tax revenue for the City.

In sum, Portland West Realty, Inc. requests that the Zoning Board of Appeals grants a hardship variance for the Property such that a Panera Bread drive-through location may be constructed thereon.

Sincerely,

Kamlesh Patel
President of Portland West Realty, Inc.

CITY OF PORTLAND
Permitting and Inspections Department

Zoning Board of Appeals

Variance Appeal Application

Applicant Information:

Applicant Name: Brendan Barry **Phone:** (207) 210 - 6281

Business Name (if applicable): Marcus Clegg **Email:** btb@marcusclegg.com

Mailing Address: 16 Middle Street, Suite 501, Portland, Maine 04101

Is the applicant an agent, representative, or lessee of the property owner/purchaser? ☐ Yes ☐ No

Name of Property Owner/Purchaser: Portland West Realty, Inc. **Phone:** (207) 807 - 1127

Business Name (if applicable): _____ **Email:** kopatel@me.com

Mailing Address: 1150 Brighton Ave., Portland, ME 04102

Property and Project Information:

Property Address: 1220 Brighton Ave. **Zone:** TOD-2

Tax Assessor's CBL: 265 (Chart #) A (Block #) 9-2 (Lot #) **Current Use of Property:** Vacant Land

Seeking a Variance from the Portland Land Use Ordinance, Chapter 14, Section 6.6.2(c)(3) and Table 7-D*

Description of Proposed Variance: To allow a building to be built on the property that is less than the minimum height requirement of 35', to allow the building to be set back more than 5' from the road and for the building to be used as a drive-through business.

Please submit all applicable items listed on the **Application Process and Instructions** sheet. You are welcome to submit any additional documents and exhibits that may support your application. Provide answers to the Variance Addendum, found on page 2 of this form.

* Variance sought under Table 7-D includes: (i) minimum build-to-zone; (ii) minimum structure height; and (iii) minimum building length as a percentage of street frontage.

The undersigned hereby makes application for a variance as described above, and certifies that the information herein is true and correct to the best of his or her knowledge and belief.

Applicant signature: _____ Date: 09/11/2025

CITY OF PORTLAND

Permitting and Inspections Department

Addendum to Variance Appeal Application

The applicant will provide answers to the four statements below.

Section 2.3.11.B of the Land Use Ordinance states that a variance may be granted by the Zoning Board of Appeals only where strict application of the ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. The board will consider the answers and evidence provided the applicant in response to the four statements below in determining whether "undue hardship" exists.

1. The land in question cannot yield a reasonable return unless a variance is granted. [Note: "failure to yield a 'reasonable return' means 'the practical loss of all beneficial use of the land…Reasonable return does not mean maximum return." *Rowe v. City of South Portland, 730 A.2d 673, 675 (ME 1999)(citations omitted.)*]
   __X__Yes _____No
   Reason and supporting facts:

   Please see attached.

2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.
   __X__Yes _____No
   Reason and supporting facts:

   Please see attached.

3. The granting of the variance will not alter the essential character of the locality.
   __X__Yes _____No
   Reason and supporting facts:

   Please see attached.

4. The hardship is not the result of action taken by the applicant or a prior owner.
   __X__Yes _____No
   Reason and supporting facts:

   Please see attached.

389 Congress Street, Room 315 • Portland, Maine 04101 • 207-874-8703

zoning@portlandmaine.gov • www.portlandmaine.gov

Responses to Portland West Realty, Inc.'s Hardship Variance Application

1. When the applicant purchased 1220 Brighton Avenue (the "Property"), it was part of a larger parcel. The applicant developed a comprehensive plan for development of entire site which included the Hampton Inn, another site (currently occupied by Aspen Dental) and the Property, which the applicant had always intended to be leased to a business that would utilize a drive through. The Property is the last parcel on the site to be developed so the "character" of the entire development has already been established and the Property can only be used in a way that fits in with the rest of the project. Further limiting the options for use of the Property is its size - 0.65 acre. In addition, the Property is subject to various restrictive covenants because of a certain Voluntary Response Action Plan ("VRAP") conducted by the Maine DEP and a predecessor owner to remediate a hazardous material spill at the Property. The restrictive covenants prevent the Property from being used for any residential, nursing home facility, childcare, playground/recreation area, school or other similar use (the "Restrictions").

Under the new Land Use Code, effective November 4, 2024 (the "Recode") the Property is located in the Transit-Oriented Development Zone-2 ("TOD-2"). In TOD-2, buildings are required to be a minimum of 35 feet tall and a minimum length equal to 80% of the lot's street frontage. As applied to the Property, to comply with all zoning requirements, the structure on the Property would be a minimum of three stories tall and be approximately 75 feet in length. To prevent the structure from being built in a manner that would take away from the character of the locality (i.e., to prevent the building from being built in an abnormal shape), the structure would be at least 60 feet in width. Based on the foregoing dimensions, a fully compliant structure would contain approximately 13,500 total square feet of space on a lot that is only 0.65 acres in area. The remaining area of the Property would only be able to accommodate 38 parking spaces, including three handicapped accessible spaces.

While the applicant recognizes that the Recode in general, and the TOD-2 zone in particular, are intended to encourage use of public transportation, as a practical matter, the applicant cannot merely hope to find tenant-businesses whose employees, clients and customers will all utilize public transportation. As such, the applicant has consulted with leasing professionals and confirmed that any potential tenant is highly likely to expect sufficient on-site parking as a precondition to leasing any space. Here, if a structure were built on the Property in accordance with TOD-2 requirements, there would be insufficient on-site parking to attract tenants. The concept plan of the Property with a fully compliant structure as described above is included in this application packet as Concept Plan 19.

Furthermore, the Recode prevents any form of drive-through in TOD-2 despite the fact that drive-throughs are allowed in zone B-4 which is located directly across the street from the Property. Permitted uses in TOD-2 which are not already prohibited under the Restrictions, are not true options for the Property's development given the size of the lot. As outlined above, there is insufficient on site parking to attract a tenant who would operate a sit-down restaurant, hotel, office building, place of assembly, convention/performance hall or amusement center. Furthermore,

the adjacent Hampton Inn makes development of the Property as a hotel impractical.

In sum, the TOD-2 dimensional requirements in conjunction with the size of the Property would make it impossible for the applicant to lease 13,500 square feet of space for permitted purposes. Furthermore, given that the entire sire was developed in anticipation of a drive-through on the Property, the prohibition of drive-throughs makes it virtually impossible for the applicant to attract a tenant for any ground floor use. Therefore, without a variance, the Property cannot be developed in any way that is economically feasible. In short, without a variance, the Property is essentially worthless.

2. The Property was previously utilized as a gas station which contained underground storage tanks. The Restrictions imposed on the Property, which are not a general condition of the neighborhood, prevent the Property from being developed in several different manners. Additionally, the new zoning restrictions imposed on TOD-2 under the Recode further restrict the Property's use such that the Property requires a variance to yield a reasonable return. Therefore, the need for a variance is due to the unique circumstances of the Property.

3. The proposed variance will not alter the character of the locality. Directly across the street from the Property is zoned B-4 which specifically allows for drive-through buildings as an accessory use. Additionally, numerous buildings nearby are similar in height to the proposal and have drive-through service. The requested variance would allow Panera Bread to move from its current location across the street from the Property in Westbrook and into a new, easily accessible location in Portland. The proposed Panera Bread location will not alter but rather will support the essential character of the locality and its existing infrastructure. Other permitted uses in TOD-2 which are not prohibited under the Restrictions will not add value to the locality because there is already a surplus of hotels, lodging, offices and retail stores nearby.

4. The hardship is caused by the new zoning restrictions imposed by the new Recode in conjunction with the Restrictions on the Property. As shown in a letter from the Maine DEP dated August 2, 2002 (see letter enclosed in application packet), the Restrictions were required to be imposed on the Property as part of the VRAP and were not caused by a prior owner. The combination of the new zoning constraints and the Restrictions limits the Property's development potential exponentially. A variance is necessary for any future development of the Property.

MAINE REAL ESTATE TAX-Paid

DLN: 2419476

QUITCLAIM DEED WITH COVENANT

KNOW ALL BY THESE PRESENTS, that Portland Hotels, Inc., a Maine corporation having its principal place of business in Portland, Cumberland County, Maine, in consideration of one dollar ($1.00) and other good and valuable consideration paid by Portland West Realty, Inc., a Maine corporation whose mailing address is 1150 Brighton Ave., Portland, ME 04102, the receipt whereof it does hereby acknowledge, does hereby give, grant, bargain, sell and convey, and forever quitclaim unto the said Portland West Realty, Inc., its successors and assigns forever, the following described premises:

A certain lot or parcel of land situated on the southwesterly side of Brighton Avenue in Portland, Cumberland County, Maine bounded and described as follows:

Beginning at an iron pipe set on the southerly sideline of said Brighton Avenue, where it intersects with the boundary line running between the City of Portland and Westbrook, said point of beginning also lying on a course of S14°04'10"W, 5.41 feet from a drill hole in an 8"x8" granite monument on said boundary;

Thence, in an easterly direction on a curve to the right along the southerly sideline of Brighton Avenue, having a radius of 1,382.07 feet and an arc length of 111.48 feet, to a point on the northwesterly corner of land now or formerly of Portland Hotels, Inc. As described in Book 20821, Page 316;

Thence along said Portland Hotels, Inc. land on the following courses and distances:

S17°31'34"W, a distance of 25.00 feet to a point;

S27°28'26"E, a distance of 18.38 feet to a point;

S17°31'34"W, a distance of 204.84' feet to a point;

S13°27'39"W, a distance of 28.21 feet to a pipe found and land now or formerly of Dirigo Center Developers, LLC as described in Book 34380, Page 164;

Thence, along land now or formerly Dirigo Center Developers, LLC, N48°19'47"W 125.00 feet to the boundary line of said Portland and Westbrook;

Thence, along land of now or formerly Dirigo Center Developers, LLC land, N14°04'10"E 216.26 feet to the point of beginning, containing 28,290± square feet.

Reference is made to a plan titled "ALTA/NSPS land title survey 1220 Brighton Avenue Portland, Cumberland county, Maine made for Portland Hotels, Inc." dated December 13, 2023, by Owen Haskell, inc.

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging, to the said Portland Hotels, Inc., its successors and assigns to its use and behoof forever.

And it does covenant with the said Grantee, its successors and assigns, that it shall and will warrant and defend the premises to the said Grantee, its successors and assigns, forever, against the lawful claims and demands of all persons claiming by, through, or under it.

IN WITNESS WHEREOF, Portland Hotels, Inc., the said Grantor has caused this deed to be executed by its duly authorized President, this 10th day of the month of February, 2025.

Signed, Sealed and Delivered
in the presence of:

PORTLAND HOTELS, INC.

By: _____
Kamlesh Patel
President

DOC :5018 BK:41278 PG:144
RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS
02/11/2025, 12:37:33P
Register of Deeds Jessica M. Spaulding E-RECORDED

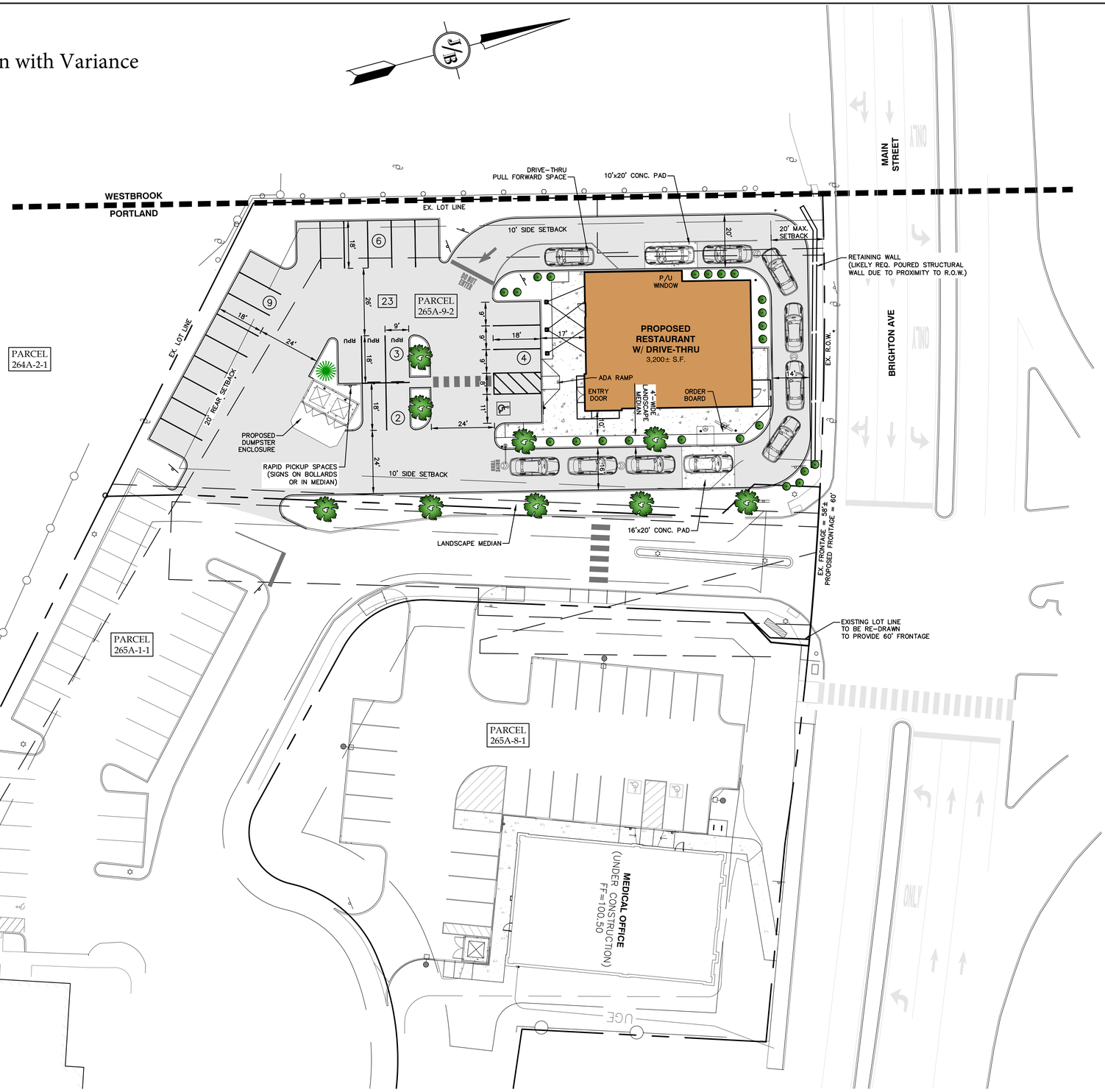
STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

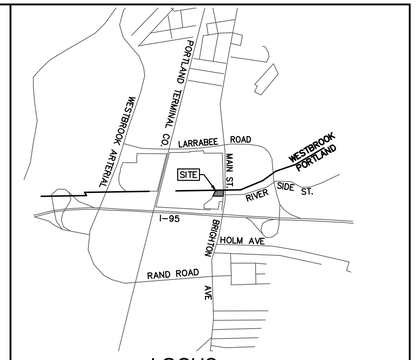
On February 10, 2025, personally appeared the above-named Kamlesh Patel, the duly authorized President of Portland Hotels, Inc., in his said capacity, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said corporation.

Before me,

Notary Public/Attorney-at-Law
Printed Name: JENNIE CLOSE

Proposed Plan with Variance





LOCUS SCALE: 1"=2000'

SITE NOTES:

1. THE INTENT OF THIS PLAN IS TO CONSTRUCT A RESTAURANT WITH DRIVE-THRU LOT A-9. PROJECT TO BE SERVED BY ELECTRIC, GAS, MUNICIPAL SEWER & PUBLIC WATER.

2. ZONING DISTRICT: B4 – COMMERCIAL CORRIDOR ZONE

	REQUIRED	PROPOSED
LOT AREA MINIMUM =	10,000 S.F.	–
LOT FRONTAGE MINIMUM =	60'	111'±
BUILDING SETBACKS:		
MAX. FRONT SETBACK =	20'	20'
MIN. SIDE SETBACK =	10'	19'
MIN. REAR SETBACK =	20'	100'+
MAX. BUILDING HEIGHT =	65'	<30'
MAX. IMPERVIOUS SURFACE =	80%	–

3. PARKING CALCULATION:
1 SPACE REQUIRED PER 150 S.F. @ 3,200± S.F.
TOTAL SPACES REQUIRED = 21

TOTAL PARKING REQUIRED = 21
TOTAL SPACES PROVIDED = 23

REQ. STANDARD PARKING SPACE DIMENSIONS = 18' X 9'

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

THIS CONCEPT PLAN HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC. (JBE) FOR CONCEPTUAL PURPOSES ONLY. JBE WILL ASSUME NO LIABILITY IF IT IS USED FOR ANY OTHER PURPOSE. THIS PLAN IS SPECIFICALLY NOT INTENDED FOR ANY CONSTRUCTION-RELATED ACTIVITY, INCLUDING (BUT NOT LIMITED TO) CONSTRUCTION BIDDING. IN ADDITION, DUE TO DISCREPANCIES WHICH MAY OR MAY NOT EXIST IN THE AVAILABLE PLAN REFERENCES, ANY PROPERTY LINES AND EXISTING FEATURES DEPICTED ON THIS CONCEPT PLAN AND ANY CALCULATIONS BASED ON THE SAME MAY NOT BE ENTIRELY ACCURATE. JBE ASSUMES NO LIABILITY FOR THE ACCURACY OF THESE LINES OR RELATED CALCULATIONS, AND IT IS UNDERSTOOD THAT THE USER OF THIS CONCEPT PLAN ACCEPTS ALL RESPONSIBILITY FOR ANY AND ALL ACTIONS ARISING FROM THE USE OF THIS PLAN. THE USER AGREES, TO THE FULLEST EXTENT PERMITTED BY LAW, TO HOLD HARMLESS AND INDEMNIFY JBE FROM AND AGAINST ALL CLAIMS, LIABILITIES, LOSSES, DAMAGES, AND COSTS ARISING FROM THE USE OF THIS PLAN, INCLUDING, BUT NOT LIMITED TO, ATTORNEYS' FEES.

Design: ISM	Draft: ISM	Date: 3/7/25
Checked: WGM	Scale: AS NOTED	Project No.: 20784
Drawing Name: 20784_CONCEPT 17.DWG		

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

REV.	DATE	REVISION	BY
2	5/27/25	MINOR REVISIONS	HCH
1	4/15/25	MINOR REVISIONS	ISM
0	3/7/25	ISSUED FOR REVIEW	ISM

Designed and Produced in NH
Jones & Beach Engineers, Inc.
Civil Engineering Services
85 Portsmouth Ave.
PO Box 219
Stratham, NH 03885
603-772-4746
FAX: 603-772-0227
E-Mail: JBE@JONESANDBEACH.COM

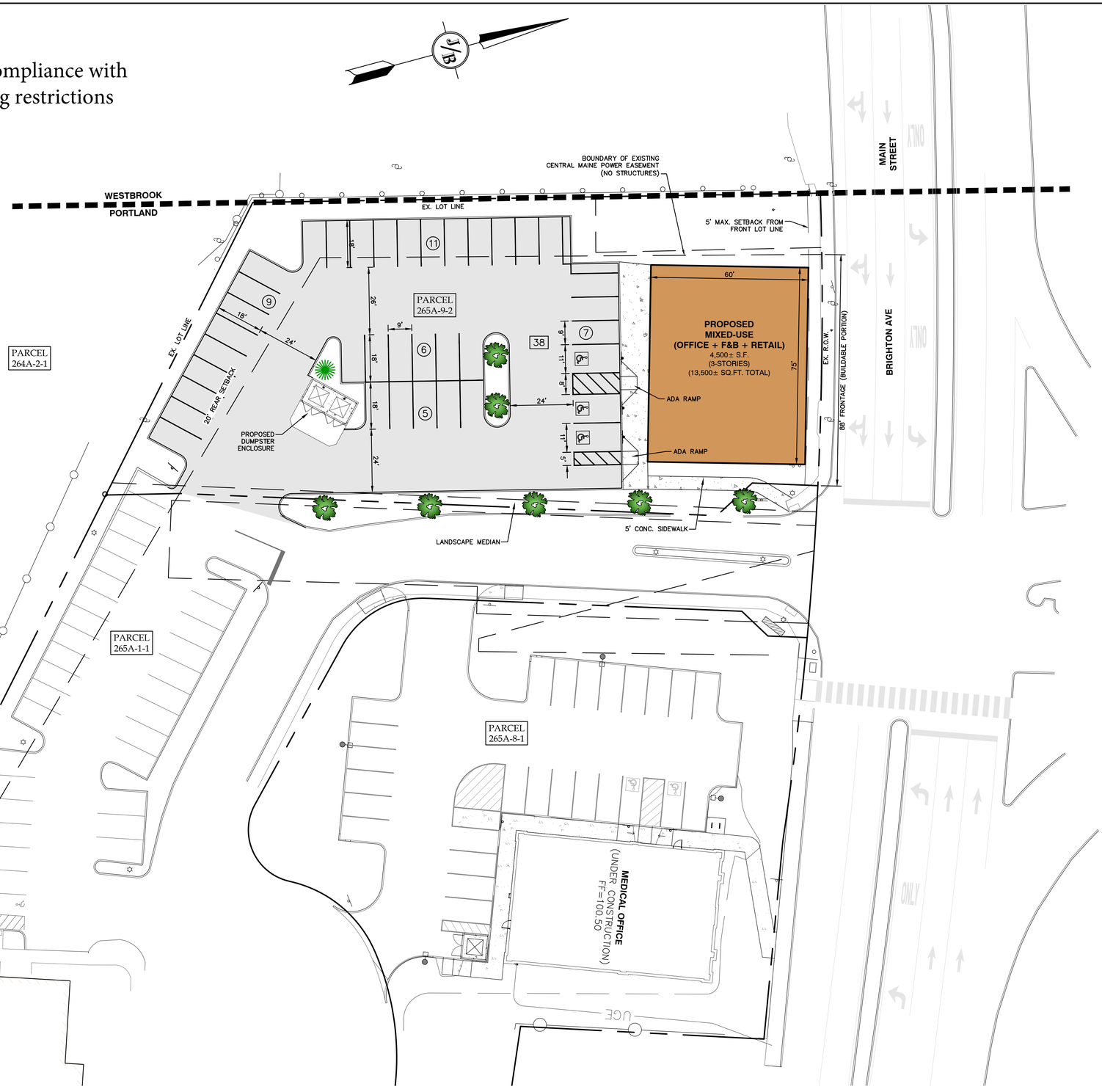
Plan Name:	CONCEPTUAL SITE PLAN
Project:	PROPOSED COMMERCIAL REDEVELOPMENT 1220 BRIGHTON AVENUE, PORTLAND, ME
Owner of Record:	PORTLAND WEST REALTY, INC 1150 BRIGHTON AVE, PORTLAND, ME 04102

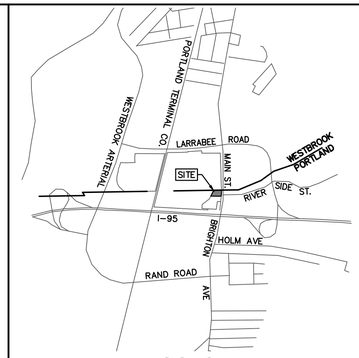
DRAWING No.

CP17

SHEET 1 OF 1
JBE PROJECT NO. 20784

Concept in compliance with
TOD-2 zoning restrictions





LOCUS SCALE: 1"=2000'

SITE NOTES:

1. THE INTENT OF THIS PLAN IS TO SHOW A 3-STORY MIXED-USE BUILDING ON LOT A-9 IN THE CITY OF PORTLAND, MAINE. PROPOSED USES INCLUDE OFFICE SPACE (UPPER LEVELS) AND FOOD & BEVERAGE & RETAIL (GROUND LEVEL). IT IS ASSUMED THAT F&B WILL OCCUPY ROUGHLY 2,500 SQ.FT. OF TEH GORUND LEVEL AND 2,000 SQ.FT. WILL BE RETAIL. PROJECT TO BE SERVED BY ELECTRIC, GAS, MUNICIPAL SEWER & PUBLIC WATER.

2. ZONING DISTRICT: TOD2 – TRANSIT-ORIENTED DEVELOPMENT ZONE 2

	REQUIRED	PROPOSED
LOT AREA MINIMUM =	N/A	–
LOT FRONTAGE MINIMUM =	N/A	–
BUILD-TO-ZONE =	0–5'	5'
BUILD-TO PERCENTAGE (MIN.) =	100%	100%
BUILDING LENGTH AS A PERCENTAGE OF STREET FRONTAGE (MIN.) =	80%	85%
BLANK WALL AREA (MAX.) =	20'	<20'
BUILDING SETBACKS:		
MAX. REAR SETBACK =	N/A UNLESS ABUTTING RESIDENTIAL	
MIN. SIDE SETBACK =	N/A UNLESS ABUTTING RESIDENTIAL	
STRUCTURE HEIGHT (MIN/MAX)=	35/125'	35'+

3. VEHICLE & BIKE SPACE REQUIREMENTS (MAXIMUMS):
   RESTAURANTS: 1 SPACE / 100 SQ.FT. OF INDOOR FLOOR AREA +
   1 SPACE / 300 SQ.FT. OF OUTDOOR SEATING AREA
   (>5,000 SQ.FT.: 1 BIKE SPACE / 1,500 SQ.FT. FLOOR AREA)
   RETAIL: 1 SPACE / 300 SQ.FT. OF FLOOR AREA
   (>5,000 SQ.FT.: 1 BIKE SPACE / 1,500 SQ.FT. FLOOR AREA)
   OFFICE: 1 SPACE / 200 SQ.FT. OF FLOOR AREA
   (>5,000 SQ.FT.: 1 BIKE SPACE / 1,500 SQ.FT. FLOOR AREA)

   RESTAURANT: 2,500 SQ.FT./100 = 25 SPACES
   RETAIL: 2,000 SQ.FT./300 = 7 SPACES
   OFFICE: 9,000 SQ.FT./200 = 45 SPACES

   MAX. PARKING SPACES ALLOWED = 77 SPACES
   TOTAL SPACES PROPOSED = 38 SPACES

   REQ. STANDARD PARKING SPACE DIMENSIONS = 18' X 9'

4. COMPLIANCE W/ BUILDING REQUIREMENTS:
   – BUILDABLE FRONTAGE (EXCLUSIVE OF EXISTING ENCUMBRANCES) = 88'
   – REQ. BUILDING LENGTH AS PERCENTAGE OF FRONTAGE:
   – 88' x 80% = 70.4'
   MIN. BUILDING LENGTH REQUIRED = 70.4'
   BUILDING LENGTH PROPOSED = 75' = 85% OF 88' BUILDABLE FRONTAGE

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

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Design: ISM	Draft: ISM	Date: 9/5/25
Checked: WGM	Scale: AS NOTED	Project No.:20784
Drawing Name: 20784_CONCEPT 19.DWG		

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

REV.	DATE	REVISION	BY
0	9/5/25	ISSUED FOR REVIEW	ISM

Designed and Produced in NH
Jones & Beach Engineers, Inc.
85 Portsmouth Ave.
PO Box 219
Stratham, NH 03885
Civil Engineering Services
603-772-4746
FAX: 603-772-0227
E-Mail: JBE@JONESANDBEACH.COM

Plan Name:	CONCEPTUAL SITE PLAN
Project:	PROPOSED COMMERCIAL REDEVELOPMENT 1220 BRIGHTON AVENUE, PORTLAND, ME
Owner of Record:	PORTLAND WEST REALTY, INC 1150 BRIGHTON AVE, PORTLAND, ME 04102

DRAWING No.
CP19
SHEET 1 OF 1
JBE PROJECT NO. 20784

Doc#: 34100 Bk:26152 Pg: 307

RECORD AND RETURN TO:
STEWART TITLE - NTS
1980 POST OAK BLVD
Ste. 610
HOUSTON TEXAS 77056
ATTN: DEBBIE MOORE
NTS# 08331771 - SS#80304

-SPACE ABOVE THIS LINE FOR RECORDER'S USE -

MAINE REAL ESTATE TAX PAID

SPECIAL WARRANTY DEED

STATE OF MAINE §
§
COUNTY OF CUMBERLAND § KNOW ALL MEN BY THESE PRESENTS:

THAT EXXONMOBIL OIL CORPORATION, formerly known as Mobil Oil Corporation, a New York corporation, having an office at 3225 Gallows Road, Fairfax, VA 22037-0001 ("Grantor") for and in consideration of Two Hundred Fifty Thousand and 00/100 Dollars ($250,000) cash to it in hand paid by PORTLAND HOTELS REALTY, INC having an address of 738 Main Street, Portland, Maine 04106-5402 ("Grantee") the receipt of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL, and CONVEY unto Grantee, subject to the further provisions of this Deed, all that certain tract or parcel of land (the "Property") in the City of , Portland, County of Cumberland, State of Maine, being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

1. This conveyance is made by Grantor and accepted by Grantee subject to Grantor's right to re-enter as described herein and all existing leases, easements, encumbrances, rights-of-way, covenants, conditions and/or restrictions, all the foregoing whether of record or not, reservations and exceptions of record, including all building and zoning ordinances, laws, regulations and restrictions by municipal or other governmental authority applicable to the Property and all matters apparent from an inspection of the Property, or which a current, accurate survey of the Property would disclose (including but not limited to encroachments, overlaps or boundary line disputes), collectively the "Permitted Encumbrances".

2. **GRANTEE ACKNOWLEDGES THAT THE PROPERTY HAS BEEN USED AS AN AUTOMOBILE SERVICE STATION FOR THE STORAGE, SALE, TRANSFER AND DISTRIBUTION OF PRODUCTS, INCLUDING, WITHOUT LIMITATION, MOTOR VEHICLE FUEL AND PETROLEUM PRODUCTS OR DERIVATIVES CONTAINING PETROLEUM HYDROCARBONS, AND THAT SUCH FUEL, PRODUCTS OR DERIVATIVES OR OTHER HAZARDOUS MATERIALS MAY HAVE BEEN SPILLED, LEAKED, OR OTHERWISE DISCHARGED ONTO OR INTO THE PROPERTY CAUSING CONTAMINATION TO THE SOIL AND/OR GROUNDWATER ON OR UNDER THE PROPERTY.**

3. Deed Restriction and Covenant Against Residential Use.

a. This conveyance is made by Grantor and accepted by Grantee subject to the following restrictions and covenant and agreement by Grantee on its behalf and that of the Grantee-Related Parties that neither the Property herein conveyed nor any part thereof separately or in conjunction with other property shall at any time within a period of fifty (50) years be used for residential, hospital, nursing home facility, child care, playground/recreational area, school or any similar use which is intended to house, educate or provide care for children, the elderly, or the infirm, or agricultural uses nor shall the Property nor any portion thereof be used for the construction or installation of basements or any water wells for drinking, food processing or irrigation purposes or any other purposes; that this covenant shall survive delivery of this Deed; that this covenant and agreement shall run with the land herein conveyed and that a similar restrictive covenant shall be inserted in any other deed or lease or other instrument conveying or demising the Property herein conveyed or any part thereof (collectively, the "Sensitive Use Restrictions"). Except as expressly set forth above, the Sensitive Use Restrictions shall continue in full force and effect for a period of fifty (50) years from the date of this Deed; provided, however, if and to the extent that any of the reservations or covenants herein would otherwise be unlawful or void for violation of (a) the rule against perpetuities, (b) the rule restricting restraints on alienation, or (c) any other applicable statue or common law rule analogous thereto or otherwise imposing limitations upon the time for which such covenants may be valid, then the provisions concerned shall continue and endure only until the expiration of a period of twenty-one (21) years after the death of the last to survive the class of persons consisting of all of the lawful descendants of former U.S. President George W. Bush, living as of the date of this Deed.

b. The foregoing Sensitive Use Restrictions are collectively referred to as the "Deed Restrictions".

c. This conveyance is made by Grantor and accepted by Grantee subject to the following covenant and agreement by Grantee on its behalf and that of the Grantee-Related Parties that if at the date of this Deed the applicable "as of right" zoning use of the Property does not include any residential use, that Grantee, nor any Grantee-Related Party, will not at any time hereafter seek to or cause any application to be made to the relevant local governing authorities to amend the zoning of the Property to a use which includes any residential use whether on an "as of right" basis or on any other basis whatsoever, nor seek to take advantage of any non-conforming user rights or exception to use including special use permits (collectively, the "Covenant Against Residential Use").

d. All of the covenants and agreements of Grantee set forth in the Deed Restrictions and the Covenant Against Residential Use shall be covenants running with the Land and binding upon the Property. Each of the foregoing covenants and agreements

of Grantee shall survive delivery and recordation of this Deed and shall be specifically enforceable against Grantee and the Grantee-Related Parties and any subsequent owner, user or occupier of the Property from time to time. If Grantee, the Grantee-Related Parties or any owner user or occupier of the Property breaches any of the provisions of the provisions of the foregoing Deed Restrictions or the Covenant Against Residential Use, in addition to Grantor's right to specifically enforce such provisions, Grantor shall have all rights and remedies available at law or in equity.

4. Engineering Controls.

a. Grantee agrees and acknowledges that the conveyance of the Property is subject to the following covenants of Grantee and that these covenants were a material inducement to Grantor's sale of the Property. As part of the consideration of Grantor's sale of the Property to Grantee, Grantee agrees that in developing the Property, Grantee shall, at its sole cost and expense, adopt and use all engineering and related technical assistance available and standard to the industry to protect the health and safety of persons and that depending upon the nature of Grantee's development of the Property Grantee may need to consider the use of engineering controls to prevent the migration of vapors and/or liquids containing Hazardous Materials into any buildings, underground utilities or storm water retention/detention ponds, including without limitation, vapor installation systems, vapor barriers, sealed sumps and storm pond liners. At a minimum, Grantee agrees that it will construct any buildings and develop the Property in accordance with the following requirements, which are collectively referred to as the "Engineering Controls". Grantee further agrees that Grantee will retain a third party licensed professional engineer to document that the engineering controls were designed consistent with ASTM 2435-05 and installed.

(1) Grantee agrees that all buildings constructed on the Property shall be constructed slab on grade and shall have no living, working, storage or parking areas below grade, notwithstanding the foregoing, below grade utilities and foundations are permitted, provided that Grantee protects them from vapor or liquid intrusion by installing an appropriate vapor ventilation system and vapor/liquid barrier.

(2) Grantee agrees that it will never use the Property for the purpose of obtaining from beneath the surface of the Property any water for any reason whatsoever from any ground water table or similar water basin accessed from the Property.

(3) Grantee agrees that any existing bore-water or groundwater wells located on the Property used for the purposes of obtaining water from beneath the surface of the Property, will be capped, disabled, and sealed in accordance with all applicable Environmental Laws and industry standards and will not be re-opened and used at any time and must remain capped, disabled and sealed.

(4) Grantee agrees that if, at any time, the Property is used for below grade activities other than simple storage with no residential use that Grantee will install at its cost into any below ground areas of the development an appropriate vapor ventilation system. Such vapor ventilation system shall be installed by a licensed contractor experienced in the installation of such systems. In addition, Grantee shall operate and maintain the vapor ventilation system to ensure that the system extracts appropriate levels of vapors so all applicable indoor air quality standards are met. In addition, Grantee shall annually test the air quality and the system to ensure the system is adequately extracting the appropriate levels of vapors to meet applicable indoor air quality standards. Such installation shall be performed in accordance with all applicable laws and in accordance with the highest industry standards to protect human health and safety.

(5) Grantee agrees that if, at any time after the Closing Date, a new building foundation is installed on the Property ("New Foundation") that prior to commencing any construction related to the New Foundation Grantee, at its sole cost, shall install an impervious liner under the New Foundation to act as an effective vapor barrier. Grantee shall not be required to retrofit or install an impervious liner under the existing building foundation supporting the existing building on the Property as of the Closing Date ("Existing Foundation"). However, if after Closing, the Existing Foundation is demolished and a New Foundation is installed to replace it, then Grantee will be responsible for installing an effective vapor barrier. Such liner shall be installed by a licensed contractor experience in the installation of such liners. In addition, Grantee shall maintain the liner so that it remains as an effective barrier. The liner shall be of the appropriate strength and quality and be resistant to hydrocarbons and shall be installed at an appropriate level beneath ground level. Such installation shall be performed in accordance with all applicable laws and in accordance with the highest industry standards to protect human health and safety.

(6) Grantee agrees that if, at any time, the use or development of the Property involves any common areas such as gardens, yards, recreation areas or open space areas, Grantee, at its sole cost and expense, shall excavate and remove all impacted soil to a depth or one (1) meter or pave or seal such areas to the maximum extent to protect human health and safety. It is acknowledged that the foregoing requirement shall not be deemed to permit any Sensitive Use, which is otherwise prohibited by this Agreement. The term "impacted" means any visual staining, detectable vapors (odor) or concentrations above the analytical method detection limit present in the soil. Not impacted soil is soil where no background concentrations exceed standard and remediation is not required by local regulations

b. Grantee's agreement to install the Engineering Controls is a material inducement to Grantor in the sale of the Property to Grantee.

c. Grantee's agreement to install any of the Engineering Controls shall be specifically enforceable against the applicable Grantee-Related Parties. If Grantee, or

any applicable Grantee-Related Party breaches these provisions regarding Engineering Controls Grantor shall have the right to enforce every remedy, either public or private, available at law and in equity against the Grantee and the applicable Grantee-Related Parties, including but not limited to injunctive relief and specific performance. All remedies provided herein, including without limitation, those at law or in equity, shall be cumulative and not exclusive. Any purchaser or successor owner of the Property shall take title to the Property subject to the terms of these Engineering Controls.

d. All of the covenants and agreements of Grantee set forth herein regarding the Engineering Controls shall be covenants running with the land and binding upon the Property, Grantee and the Grantee-Related Parties, as applicable and that Grantee agrees that Grantee shall not complete any sale, transfer or assignment of its interest in the Property or any part thereof or enter into any lease, license or right to occupy or use the Property or any part thereof without first obtaining from the purchaser, transferee, assignee, lessee, licensee, occupier or any other person or entity having the right to use the Property, the obligation to procure these Engineering Controls from any subsequent purchase, transferee, assignee, lessee, occupier or any other person or entity having the right to use the Property and these Engineering Controls shall be inserted in any other deed or lease or other instrument conveying or demising the Property herein conveyed or any part thereof.

7. Grantor's Reservation of Access.

a. This conveyance is made by Grantor and accepted by Grantee subject to the following reservation by Grantor for access to the Property after Closing. Grantor reserves the right of access to the Property after Closing, and Grantor on behalf of itself and the Grantee-Related Parties grants to Grantor access to the Property after Closing, at no cost to Grantor, for Grantor, Grantor's employees, agents, contractors and successors and assigns for the purpose of inspecting the Property and confirming Grantee's and the applicable Grantee-Related Parties' compliance with the terms and conditions of the Deed and the obligations of Grantee under the purchase and sale agreement between Grantor and Grantee that survived the closing and the delivery of this Deed, including without limitation Grantee's compliance with the Deed Restriction, the Covenant Against Residential Use, the Engineering Controls, and/or conducting investigation and remediation operations pursuant to Grantor's remediation obligations, if any, under this Deed. Grantor will not be liable to Grantee or the Grantee-Related Parties and Grantee hereby waives on its own behalf and on behalf of the Grantee-Related Parties all Claims arising from business disruption or any other Claims whatsoever resulting from such access or Losses (including, without limitation, lost business opportunity or income, reasonable attorneys' fees, court costs and settlement of claims) except that Grantor shall be liable to Grantee for actual damages (but not consequential or incidental or speculative damages) arising directly from the gross negligence or willful misconduct of Grantor on the Property.

b. Grantor's reservation of access shall be covenants running with the land and binding upon the Property, Grantee and applicable Grantee-Related Parties and

any lessee, licensee, occupier, user or subsequent owner or transferee of the Property. Any transferee, assignee, or successor owner, lessee, licensee, occupier or user of the Property shall take title to
the Property subject to Grantor's reservation of access. The rights and benefits of this reservation of access inure to the benefit of Grantor, its Affiliates, successors and assigns.

c. Grantee agrees that Grantor's reservation of access set forth in this Deed shall be a covenant that runs with the land herein conveyed and that Grantee agrees that Grantee shall not complete any sale, transfer or assignment of its interest in the Property or any part thereof or enter into any lease, license or right to occupy or use the Property or any part thereof without first obtaining from the purchaser, transferee, assignee, lessee, licensee, occupier or any other person or entity having the right to use the Property, the obligation to procure Grantor's reservation of access from any subsequent purchase, transferee, assignee, lessee, occupier or any other person or entity having the right to use the Property and Grantor's reservation of access shall be inserted in any other deed or lease or other instrument conveying or demising the Property herein conveyed or any part thereof.

8. Environmental. Grantor has caused to be conducted an environmental site assessment ("Assessment") to attempt to determine the existence, if any, of Hazardous Materials associated with Grantor's operation of a service station on the Property in the soil, water, or groundwater on and/or under the Property caused by the activities of Grantor. The written report(s) setting forth the results of such assessment has been provided to Grantee. The written report(s) setting forth the results of the Assessment will be used by Grantor to prepare and file reports, where applicable, with the appropriate federal, state or local governmental authority having and exercising jurisdiction over the matter or its designee (the "Governmental Authority"). Grantor shall remediate such Hazardous Materials if: (i) such Hazardous Materials result from the activities of Grantor before the date of this Deed and (ii) if the amount of such Hazardous Materials is required to be remediated by the Governmental Authority pursuant to laws in effect as of the date of this Deed ("Covered Contamination"). As used herein, the term "Baseline Condition" shall mean the level of such Hazardous Materials established in the written report(s) setting forth the results of the Assessment as such levels are reduced by Grantor's remediation of Covered Contamination, if any. If, following the date of this Deed, any Governmental Authority requires further testing or remediation of Covered Contamination; the Baseline Condition shall be modified as reasonably indicated by the results of such tests.

a. Grantee shall be solely responsible for investigation and/or remediation of (and any costs or expenses related to) any Hazardous Materials deposited, released or discharged on or into the Property from and after the date of this Deed or migrating onto or into the Property after the date of this Deed. If, after the date of this Deed but before Grantor has completed its remediation of the Covered Contamination, a deposit, release or discharge of any Hazardous Materials required to be reported by applicable Environmental Laws occurs on the Property, Grantee shall promptly notify

Grantor and the Governmental Authority and provide Grantor a copy of any discharge report, notice of discharge or violation or similar notification issued to Grantee or required of Grantee to be completed or filed with respect to same. Grantee shall pay to Grantor its prorata share of Grantor's increased cost of remediation attributable to such deposit, release or discharge.

b. Grantee hereby assigns to Grantor any and all right, claim or interest, which the Grantee or the Property may have to payment or reimbursement by any third party or any Governmental Authority in connection with remediation of the Covered Contamination.

c. Grantor reserves the exclusive right to negotiate with any third party or Governmental Authority regarding any investigation or remedial work by Grantor pursuant to this Deed or which a third party or Governmental Authority may require.

d. During the period in which Grantor is performing remediation or monitoring activities on the Property, Grantor and Grantee will provide to each other copies of all reports, correspondence, notices and communications sent to or received from any Governmental Authority regarding the environmental condition of the Property and any remediation of the Property.

e. Grantor's remediation responsibilities shall inure to the benefit of the Grantee and the lending institution holding the first mortgage to finance Grantee's purchase of the Property, but not to subsequent purchasers, assigns, or successors of Grantee or its lender.

f. Grantor reserves the right of access to the Property, at no cost to Grantor, for Grantor, Grantor's employees, agents, and contractors for the purpose of conducting investigation and remediation operations. Grantor shall, to the extent practicable consistent with sound remediation practices, undertake such investigation and remediation actions in a manner that will not unreasonably disrupt any operations on the Property. Grantor will not be liable to Grantee or the Grantee-Related Parties for business disruption or any direct or consequential damage, injury, or loss whatsoever resulting from such access remediation; however, Grantor will not prevent Grantee or its tenants from using the Property unless such prevention results from complying with a requirement of any governmental authority. Grantee shall be responsible for any cost or expense of relocating, repairing and replacing Grantor's investigation and remediation equipment damaged by Grantee or by its contractors, invitees or employees and shall reimburse Grantor for such costs.

9. In consideration of this Deed, the conveyance of the Property to Grantee, and the obligation of Grantor to remediate the Covered Contamination as described above, Grantee agrees on behalf of itself and the Grantee-Related Parties, as applicable, to accept the conveyance of the Property in its present condition and to make no claim regarding the environmental condition of the Property. On the Closing Date Grantee, on behalf of itself and the Grantee-Related Parties, shall be solely responsible for the

investigation and/or remediation of (and any costs or expenses related to) any Hazardous Materials existing on the Property or deposited, released or discharged on or into the Property or migrating onto or into the Property except for Grantor's obligations to remediate Covered Contamination, if any, set forth above. Grantee for itself and the Grantee-Related Parties releases and forever discharges Grantor and the Grantor-Related Parties of and from any and all, and all manner of, Claims and Losses of any kind or of any nature whatsoever, including without limitation any claim made under any Environmental Law including without limitation CERCLA and RCRA and/or any registration requirements including compliance testing, any Claims asserted by any third party or Governmental Authority, known and unknown, foreseen and unforeseen, and the consequences thereof, which heretofore have been, and which hereafter may be sustained by Grantee or the Grantee-Related Parties, whether herein named or referred to or not arising out of, related to or connected with the environmental condition of the Property and the Improvements and the equipment on the Property, including without limitation, any contamination from Hazardous Materials or the presence or the existence of Hazardous Materials on, in, under or about the Property, or the migration of any Hazardous Materials onto or from the Property. Grantee expressly declares and agrees: (i) the foregoing release covers and includes all Claims and Losses several or otherwise, past, present or future, which can or may ever be asserted by any person or entity, or otherwise as the result of the environmental condition of the Property and the improvements and the equipment on the Property, including any contamination from Hazardous Materials or the presence or existence of Hazardous Materials onto, in, under or about the Property or the migration of any Hazardous Materials on or from the Property, (ii) the foregoing release covers and includes any and all future Claims and Losses not now known to any of the parties hereto but which may later develop or be discovered, including the effects or consequences thereof and including all Claims and Losses therefor, and (iii) Grantee on behalf if itself and the Grantee-Related Parties indemnifies and holds harmless the said parties released hereby, against Claims and Losses from any and every claim or demand of every kind and character, including claims or demands for contribution, which may be asserted by Grantee or the Grantee-Related Parties by reason of any Claims or Losses or effects or consequences thereof. The forgoing release does not release Grantor from its obligation to remediate Covered Contamination, if any, pursuant to this Deed.

10. Assumption and Release. In addition, on the Closing Date, Grantee shall be solely responsible for, and on behalf of itself and the Grantee-Related Parties shall indemnify, protect, defend (with counsel acceptable to Grantor) and hold each of the Grantor- Indemnified Parties harmless from and against, any and all Claims and Losses of any kind or of any nature whatsoever, known and unknown, foreseen and unforeseen, which may at any time be imposed upon, incurred by or asserted or awarded against the Grantor-Indemnified Parties arising from or by reason of or in relation to the environmental condition of the Property, including without limitation, the presence or existence of or contamination of Hazardous Materials on, in, under or about the Property or the migration of any Hazardous Materials onto or from the Property, except for Grantor's obligations to remediate Covered Contamination, if any, set forth in this Deed.

11. Indemnity. In addition, Grantee shall be responsible for, and defend (with counsel acceptable to Grantor) and indemnify Grantor and the Grantor-Indemnified Parties from and against any Claims or Losses, to include property damage and personal injury in any way arising out of the presence of asbestos or asbestos containing material located in or on the Property, asserted by any third party or public authority after the date of this Deed. Furthermore, Grantee, for itself and the Grantee-Related Parties, as applicable, does hereby release, hold harmless and forever discharge Grantor and the Grantor Indemnified Parties, from any and all claims, demands, liabilities (including fines and civil penalties) or causes of action at law or in equity (including, without limitation, any causes of action under the Rules) for injury (including death), destruction, loss or damage of any kind or character to the person or property of Grantee and its employees, agents, servants, and representatives, arising out of or in relation to any presence of asbestos or asbestos containing material located in, or on the Property.

12. Covenants running with the Land. The conditions, covenants and other provisions set out in this Deed shall be covenants running with the land and shall be binding upon and (except as expressly provided otherwise) shall inure to the benefit of the parties, their subsidiaries, affiliates, legal representatives, heirs, successors and assigns, as applicable.

13. Pro-ration of Taxes. Ad valorem taxes and special assessments, if any, against the Property for the year in which the Effective Date occurs will be pro-rated between Grantor and Grantee as of the Effective Date, and Grantee hereby assumes and agrees to pay same.

14. Definitions. The following definitions are used in this Deed:

a. Environmental Laws (or individually, an Environmental Law). The term Environmental Laws or individually, an Environmental Law means any and all federal, state and local laws, statutes, regulations, ordinances, codes, rules and other governmental restrictions or requirements relating to health, industrial hygiene, environmental or ecological conditions or Hazardous Materials including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601 et seq., as amended ("CERCLA"); the Resource Conservation and Recovery Act as amended, 42 U.S.C. Section 6901 et seq.("RCRA"); the Toxic Substance Control Act, as amended, 15 U.S.C. Section 2601 et seq.; the Clean Air Act, as amended, 42 U.S.C. Section 1857 et seq.; the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251 et seq.; the Federal Hazardous Materials Transportation Act, 49 U.S.C. Section 1801 et seq.; and the laws, rules, regulations and ordinances of the U. S. Environmental Protection Agency, the County and State in which the Property is located and of all other agencies, boards, commissions and other governmental bodies and officers having jurisdiction over the Property or the use or operation thereof.

b. Hazardous Materials. The term Hazardous Materials means those substances, materials, and wastes, including but not limited to, those substances,

materials and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR 172.101) or by the Environmental Protection Agency as hazardous substances (40 CFR Part 302) and amendments thereto, or such substances, materials and wastes which are or become regulated under any applicable Environmental Law, including, without limitation, any material, waste or substance which is (i) petroleum, (ii) asbestos, (iii) polychlorinated biphenyls, (iv) designated as a "Hazardous Substance" pursuant to Section 331 of the Clean Water Act, 33 U.S.C. Sec 1251, et. seq. (33 U.S.C. 1321) or listed pursuant to Section 307 of the Clean Water Act (33 U.S.C. Sec 1371), or (v) defined as a "hazardous waste" pursuant to Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Sec 9601, et. seq. (42 U.S.C. 9601).

c. Affiliate(s). The term Affiliate(s) means, with respect to any Person, any other Person directly or indirectly controlling, controlled by, or under common control with, such Person. For purposes of this definition, the term "control" (including the terms "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of any Person, whether through the ownership of voting securities or by contract or otherwise. "Persons" means an individual, partnership (whether general or limited), limited liability company, corporation, trust, estate, unincorporated association, nominee, joint venture or other entity.

d. Claims (or individually a Claim). The term Claims (or individually a Claim) means each and every action, right, loss, cost, claim, obligation, damage, liability, demand, payment, fine, penalty, cause of action at law or in equity, defense, proceeding, injury, judgment (including expert witness fees and attorneys' fees awarded as part of a judgment), lien, cost or expense, including, but not limited to, attorneys' fees and other litigation expenses.

e. Grantee-Related Parties. The term Grantee-Related Parties means Grantee, its parent, subsidiaries, Affiliates, and their respective owners, officers, employees, agents, representatives, contractors, invitees, servants, successors or assigns, its heirs and representatives and any lessee, licensee, occupier, user or subsequent owner of the Property.

f. Losses. The term Losses means any and all Claims, including without limitation losses or claims arising from business disruption, lost business opportunity or income, reasonable attorneys' fees, court costs and the costs of investigation and settlement of Claims.

g. Rules. The term Rules means the Occupational Safety and Health Administration Department of Labor, Rules relating to or regarding asbestos including 29 CFR Parts 1910 and particularly including Part 1926, 59 Fed. Reg. 40964 et. seq. (1994) as same may be amended.

h. Grantor-Indemnified Parties. The term Grantor-Indemnified Parties means Grantor, its parent, subsidiaries, and Affiliates and their respective owners, shareholders, members, partners, directors, officers, agents, servants, employees, representatives, contractors, successors and assigns.

TO HAVE AND TO HOLD the Property, together with the appurtenances, estate, title and interest thereto, unto Grantee, Grantee's successors, heirs and assigns, forever, subject to the provisions hereof, and in lieu of all other warranties, express or implied, Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend the title to the Property unto Grantee, Grantee's successors, heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

[SIGNATURES ARE ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, Grantor has signed this deed this 17 day of June, 2008, but EFFECTIVE as of this _____ day of _____, 2008, ("Effective Date").

WITNESS:

By: Patricia Kuj
Name: PATRICIA KUJ

EXXONMOBIL OIL CORPORATION,
a New York corporation

By: _____
Name: D.J. FISHER
Title: Agent and Attorney-in-Fact

COMMONWEALTH OF VIRGINIA §
§
COUNTY OF FAIRFAX §

The foregoing instrument was acknowledged before me on June 17, 2008 by D.J. Fisher, Agent and Attorney-in-Fact for EXXONMOBIL OIL CORPORATION, a New York corporation, on behalf of the corporation.

Given under my hand and official seal.

BROOKE LAUREN BAYLISS ★ NOTARY PUBLIC REG. #337893 MY COMMISSION EXPIRES 7/31/2011 ★ COMMONWEALTH OF VIRGINIA

Notary Public, Commonwealth of Virginia
My Commission Expires: 7/31/2011

WITNESS:

By: Gary Vogel
Name: GARY D. VOGEL

PORTLAND HOTELS REALTY, INC,
a Maine corporation

By: [signature]
Name: kamlesh patel
Title: president

STATE OF MAINE §
§
COUNTY OF cumberland §

The foregoing instrument was acknowledged before me on June 23, 2008, by Kamlesh Patel, Pres, for Portland Hotels Realty, Inc, on behalf of the corporation.

Given under my hand and official seal.

Gary Vogel
Atty at Law ~~Notary Public,~~ State of Maine
My Commission Expires: N/A SP #__
_____, Maine
GARY D. VOGEL

EXHIBIT "A" TO SPECIAL WARRANTY DEED FROM EXXONMOBIL OIL CORPORATION TO PORTLAND HOTELS REALTY LLC

1200 Brighton Avenue
Portland, Maine

A certain lot or parcel of land with improvements thereon situated on the southerly side of Brighton Avenue, City of Portland, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at an iron pipe situated in the southerly right of way line of Brighton Avenue and at the northwesterly corner of the parcel of land described in the conveyance to Central Atlantic Produce LTD, recorded in Book 7091, Page 223, Cumberland County Registry of Deeds;

Thence, south eighteen degrees zero minutes ten seconds west (S 18°00'10"W) one hundred twenty five and zero hundredths (125.00) feet along the westerly line of the parcel of land described in conveyance to Central Atlantic Produce LTD and the westerly line of the parcel of land described in the conveyance to Swiss Chalet Motor Lodge Portland, recorded Book 3204, Page 805 Cumberland County Registry of Deeds, to the southeasterly corner of the parcel of land described herein;

Thence north sixty-eight degrees forty minutes ten seconds west (N 68°40'10"W) one hundred forty seven and zero hundredths (147.00) feet along the northerly line of the parcel of land described in the conveyance to Swiss Chalet Motor Lodge Portland to the southwesterly corner of the parcel of land described herein;

Thence north fifteen degrees forty two minutes zero seconds east (N 15°42'00"E) one hundred twenty five and zero hundredths (125.00) feet along the easterly line of the parcel of land described in the conveyance to Swiss Chalet Motor Lodge Portland to the southerly right of way line of Brighton Avenue at a non tangent curve concave to the south and having a radius of one thousand three hundred eighty two and two hundredths (1,382.02) feet;

Thence southeasterly seventy six and forty six hundredths (76.46) feet along the arc of said curve in the southerly right of way of Brighton Avenue through a central angle of three degrees ten minutes eleven seconds (3°10'11") to the point of tangency of said curve;

Thence south sixty nine degrees thirty one minutes fifty seconds east (S 69°31'50"E) by a non tangent line to said curve seventy five and fifty four hundredths (75.54) feet along the southerly right of way line of Brighton Avenue to the point of beginning.

Said described parcel of land contains eighteen thousand five hundred eighty five (18,585) square feet and is that parcel of land described in the conveyance to Humble Oil and Refining Corporation recorded in Book 3208, Page 467 in Cumberland County Registry of Deeds.

TOGETHER WITH the rights of an easement area in common with others bounded and described as follows: Beginning at the southwesterly corner of the above described parcel in the southerly right of way line of Brighton Avenue one hundred and fifty two (152) feet measured in the southerly right of way line of Brighton Avenue from the northwesterly corner of the parcel of land described in the conveyance to Central Atlantic Produce LTD Book 7091, Page 223 Cumberland County Registry of Deeds;

Thence south fifteen degrees forty-two minutes zero seconds west (S15°42'00"W) one hundred and twenty five (125.00) feet along the westerly line of the parcel of land described above to a southwesterly corner of said described parcel;

Thence north zero degrees twenty-two minutes ten seconds east (N 00°22'10"E) one hundred thirty two and six hundredths (132.06) feet to the southerly right of way line of Brighton Avenue at a non-tangent curve concave to the south and having a radius of one thousand three hundred eighty two and two hundredths (1,382.02) feet;

Thence southeasterly thirty five and zero hundredths (35.00) feet along the arc of said curve and southerly right of way line of Brighton Avenue through a central angle of one degree twenty seven minutes four seconds (1°27'04") to the point of beginning of said described easement area.

SUBJECT TO an easement for lighting and appurtenant fixtures, shrubbery and snow removal, being five feet in width and parallel with the westerly line of described parcel, extending from the southerly right of way line of Brighton Avenue to the southerly line of the described parcel.

SUBJECT TO an easement for sewer purposes being fifteen feet in width and parallel with the easterly line of the described parcel and extending from the southerly right of way line of Brighton Avenue to the southerly line of the parcel described.

SUBJECT TO an easement area for placement of signs for the purpose of Swiss Chalet Motor Lodge of Portland. Said easement area is situated at the northwesterly corner of the described parcel and is particularly bounded as follows: Bounded northerly by the southerly right of way line of Brighton Avenue, bounded westerly by the westerly line of the parcel described herein and bounded easterly and southerly by the arc of a curve concave to the northwest and having a radius of twenty feet, the radius point of which is situated at the northwesterly corner of the parcel of land described herein.

Bearings referenced herein are oriented to grid north Maine State Plan Coordinate System, West Zone and are based upon a survey by Wright-Pierce Architects/Engineers, October, 1986.

Received
Recorded Register of Deeds
Jun 24,2008 02:20:31P
Cumberland County
Pamela E. Lovley

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ANGUS S. KING, JR.
GOVERNOR

MARTHA KIRKPATRICK
COMMISSIONER

August 2, 2002

FILE COPY

Mr. David J. Baker
ExxonMobil
52 Beacham Street, Suite 211
Everett, Massachusetts 02149-5226

Re: Former Mobil Station, 1200 Brighton Avenue, Portland, Maine

Mr. Baker:

I'm writing as a follow-up to our July 10, 2002 meeting at the Former Mobil Station at 1200 Brighton Avenue in Portland, Maine. During that meeting, you, your consultant, Stefan Sokol of Groundwater & Environmental Services, Inc. ("GES") and I discussed data from past investigations at the site and what tasks are necessary to resolve the environmental issues at the site and receive certification (and liability protections) through the Voluntary Response Action Program ("VRAP").

Based on the information you provided me at the meeting and my re-review of the information in our files, I would recommend additional assessment activities to determine the nature of petroleum contamination at the property. Specifically, it appears that the contamination associated with the operation of a motor fuel service station is present in the "upper" soils at the site (i.e. those soils 12 feet or less below the ground surface), and that a coal-tar waste is located in the "lower" soils (i.e. those soils around 18-30 feet below the ground surface). The coal-tar wastes apparently were deposited when this former gravel/sand pit was filled as a City of Portland dump in the distant past. The questionable fill placed during the operation of the dump also makes an accurate interpretation of the site hydrogeology difficult (if not impossible). Because of the depth of the coal-tar wastes, the very likely prospect that these wastes extend onto the abutting properties (i.e. motels and other commercial businesses), and the migration characteristics of such waste, additional characterization of these wastes will not be required.

The "upper" soils in the area of borings/monitoring wells GES-1, GES-4, GES-5, GES-7, GES-8, GES-9, GT-1 and GT-2 should be investigated further to determine if any contaminated soils exist at the property above the "Baseline-2" standard, as enumerated in the Department's "Procedural Guidelines for Establishing Standards for the Remediation of Oil Contaminated Soil and Ground Water in Maine". This guidance

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 764-1507

web site: www.state.me.us/dep

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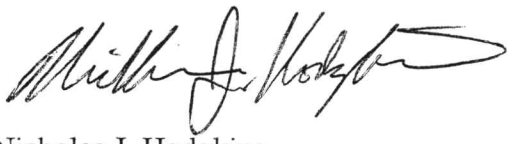
requires the removal of all free-product petroleum, as well as the removal/remediation of all soils with a response greater than 500-1000 parts per million ("ppm") of gasoline range organics ("GRO") or 200-400 ppm of diesel range organics ("DRO") on a photoionization detector (PID) using the Department's field headspace procedure (and appropriate instrumentation set points). Based on the information provided, the VRAP would require the removal/remediation of any soils with greater than 200 ppm on the PID.

Once the additional assessment is performed, a report and/or recommendations for remedial actions should be sent to the VRAP. As part of final certification, the VRAP will also require that deed restrictions be placed on the property regarding the prohibition of the installation of potable water wells on the property and the need to inform the VRAP if any deep (i.e. 10 feet or greater) excavation is planned.

If you have any questions regarding this letter, please feel free to call me at 207-287-4854.

Sincerely,



Nicholas J. Hodgkins
Voluntary Response Action Program
Division of Remediation

Pc: Stefan C. Sokol, GES
Steve Breszinski, MeDEP

Hampton Inn & Suites
FOR LEASE

Cumberland St
Exit 48
Brighton Ave
LEE
Rowe Ford
shaw's
KOHL'S
MARKET BASKET
ROCK ROW
BILL DODGE
JOANN
Bangor Savings Bank
LOWE'S
Hampton Inn
95

Outlook

RE: Authority to Represent Portland West Realty at ZBA Meeting

From kopatel@me.com <kopatel@me.com>
Date Wed 9/17/2025 12:47 PM
To Brendan T. Barry <btb@marcusclegg.com>

Yes, you are authorized to represent me at ZBA Meeting.

Kamlesh Patel

From: Brendan T. Barry <btb@marcusclegg.com>
Sent: Wednesday, September 17, 2025 12:10 PM
To: kamlesh patel <kopatel@me.com>
Subject: Authority to Represent Portland West Realty at ZBA Meeting

Good afternoon Kam,

The Portland ZBA requires that we provide them with correspondence confirming that I am authorized to represent Portland West Realty at the Zoning Board meeting on October 2nd.

Can you please respond to this email stating that I am authorized to represent the company at the ZBA meeting?

Thanks,
Brendan

MARCUS | CLEGG
ATTORNEYS & COUNSELORS

BRENDAN T. BARRY
BTB@MARCUSCLEGG.COM
16 MIDDLE STREET, 5TH FLOOR
PORTLAND, ME 04101
OFFICE 207.828.8000 | DIRECT 207.210.6281
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CREATIVE | PRACTICAL | EXPERIENCED
WWW.MARCUSCLEGG.COM

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CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

TOD-2 Zone
Undue Hardship Variance Application

DECISION

Date of public hearing:	October 2, 2025
Name and address of applicant:	Brendan Barry Marcus Clegg 16 Middle Street, Ste. 501 Portland, Maine 04101
Name and address of owner:	Kamlesh Patel Portland West Realty, Inc. 1150 Brighton Avenue Portland, Maine 04102
Location of property:	1220 Brighton Avenue CBL 265 A-9

INTRODUCTION

The applicant's parcel at 1220 Brighton Avenue (the "Property") is in the TOD-2 zone. The applicant is seeking a Hardship Variances for relief from the following Land Use Code provisions:

1) 14-6.6.2(C)(3): The prohibition of drive-throughs;
2) Table 7-D:
   The minimum build-to zone (0-5 ft.);
   Minimum height (35ft); and
   Minimum building length (80%) as a percentage of street frontage

This Board has jurisdiction to hear this variance request pursuant to Land Use Code Section 2.3.9 (D).

FINDINGS:

The Board has reviewed the information submitted by the applicant and received oral testimony at the hearing. After carefully considering all of the evidence in the record, the Board finds as follows:

Land Use Code Section 2.3.11(B) provides an undue hardship variance may be granted by the board only where strict application of the ordinance, or a provision thereof, to the applicant and their property would cause undue hardship. The words "undue hardship" as used in this subsection mean the following:

1. The land in question cannot yield a reasonable return unless a variance is granted. [Note: "failure to yield a 'reasonable return' means 'the practical loss of all beneficial use of the land…Reasonable return does not mean maximum return." *Rowe v. City of South Portland,* 730 A.2d 673, 675 (ME 1999)*(citations omitted.)*]

a) With regard to the request related to Section 14-6.6.2(C)(3), the prohibition of drive-throughs.

The evidence in the record is insufficient to demonstrate that there are no other permitted uses that do not require a drive through. Other commercial uses are permitted on this parcel which would not include drive throughs. The applicant did not demonstrate that a drive-through use would be the only viable use on the property or that failing to include a drive through would result in the practical loss of all beneficial use of the land. Therefore, the Board finds this condition has not been met.

VOTED: 4-3 in favor.

b) With regard to Table 7-D:

i) The minimum build-to zone (0-5 ft.);

The evidence in the record is insufficient to demonstrate that building a structure consistent with the build-to zone would result in the practical loss of all beneficial use of the land. Therefore, the Board finds this condition has not been met.

VOTED: 4-3 in favor

ii) Minimum height (35ft); and

The applicant demonstrated that building a structure consistent with the minimum height would be infeasible due to the clay on the site and other engineering and structural limitations. Therefore, the Board finds that denial of the variance would result in the practical loss of all beneficial use of the land. Therefore, the Board finds this condition has been met.

VOTED: 7-0 in favor

iii) Minimum building length (80%) as a percentage of street frontage

The applicant demonstrated that building a structure consistent with the minimum building length as a percentage of street frontage would be infeasible because it would require the applicant to build a structure that was too large to provide adequate parking for a commercial tenant. The applicant demonstrated that they have marketed this parcel for 6 years and were rejected by many potential commercial tenants due to parking limitations. As a result, the Board finds that the denial of the variance would result in the practical loss of all beneficial use of the land. Therefore, the Board finds this condition has been met.

VOTED: 7-0 in favor

2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

i) With regard to the request related to Section 14-6.6.2(C)(3), the prohibition of drive-throughs.

The evidence in the record was insufficient to demonstrate that circumstances of the property are such that a drive-through would be the only viable use on this property. As a result, the Board finds that the need for a variance is not due to the unique circumstances of the property. Therefore, the Board finds this condition has not been met related to the request for a variance to allow a drive-through.

VOTED: 5-2 in favor

ii) Table 7-D:
The minimum build-to zone (0-5 ft.);
Minimum height (35ft); and
Minimum building length (80%) as a percentage of street frontage

The evidence in the record indicates that the need for the variance requests related to build-to zone, minimum height, and minimum building length is due to the unique circumstances of the property including the VRAP, the size of the lot, the clay and unstable soils, and not the general conditions of the neighborhood. Therefore, the Board finds this condition has been met.

VOTED: 7-0 in favor

3. The granting of a variance will not alter the essential character of the locality.

The evidence in the record demonstrates that there are many buildings in the areas that have drive throughs, that are less than three stories tall, that are set back further than 5 feet from the property line and have less than 80% building length as street frontage. For these reasons, the Board finds that granting any of the variances would not alter the essential character of the locality. Therefore, the Board finds this condition has been met as to all four variance requests.

VOTED: 7-0 in favor

4. The hardship is not the result of action taken by the applicant or prior owner.

The evidence in the record demonstrates that the prior owner caused pollution on the site and, as a result, entered into a VRAP agreement which created use limitations on the parcel. Those use limitations gave rise to the need for the variance request to include a drive-through as a use on the parcel. Additionally, the current owner subdivided a larger parcel which left this parcel more challenging to develop consistent with the minimum height, building length as a percentage (80%) of frontage and build-to zone requirements. Therefore, the Board finds that the hardship is a result of action taken by the applicant or prior owner and this condition has not been met for any of the variance requests.

VOTED: 7-0 in favor

DECISION:

The Board finds that the applicant has not satisfactorily met all of the standards for all four of the variance requests and therefore, **DENIES** the variances.

VOTED: 7-0

Dated: October 2, 2025

R Todd Morse

R. Todd Morse, Board Chair

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

REQUEST TO RECONSIDER
TOD-2 Zone
ZBA-003455-2025

Date of public hearing:	November 6, 2025
Name and address of applicant:	Brendan Barry Marcus Clegg 16 Middle Street, Ste. 501 Portland, Maine 04101
Name and address of owner:	Kamlesh Patel Portland West Realty, Inc. 1150 Brighton Avenue Portland, Maine 04102
Location of property:	1220 Brighton Avenue CBL 265 A-9

INTRODUCTION

On October 2, 2025, the Board denied a hardship variance to Portland West Realty, Inc. the owner of the parcel located at 1220 Brighton Avenue (ZBA-003242-2025) (Voted: 7-0).

On October 10, 2025, the City's zoning office received a request from the property owner asking this Board to reconsider its October 2, 2025 decision.

The Board convened on November 6, 2025 to consider and vote on the property owner's request to reconsider.

The Board has received and carefully reviewed the October 10, 2025 request to reconsider.

Preliminarily, the Board voted to open the meeting to comments from the Applicant and members of the public on the request for reconsideration. The Board heard a brief oral presentation from the Applicant's attorney as to the nature of new evidence that Applicant would present if this Board was to reconsider its October 2, 2025 decision.

Although there is no explicit standard for reconsideration set forth in 30-A M.R.S. Section 2691(3)(F), the Board finds that reconsideration should be reserved for those instances where a

significant error or omission has been made or if there is new material or compelling evidence offered that was not otherwise available at the original hearing.

After review of the submissions by all parties, the Board finds that there are not sufficient grounds to reconsider its October 2, 2025 decision. The Board did not identify any new information or evidence in the Applicant's request for reconsideration that persuaded the Board that it has made an error of law or fact or that would otherwise change the Board's findings and conclusions in its October 2, 2025 decision. The Board is satisfied with its findings and conclusions made on October 2, 2025.

For these reasons, the Board DENIES the property owner's request to reconsider.

Voted: 5-1 (English opposed)

Dated: November 6, 2025

R Todd Morse

Robert Todd Morse, Chair

MARCUS | CLEGG
ATTORNEYS & COUNSELORS

February 11, 2026

Planning Board
City of Portland
389 Congress Street
Portland, Maine 04101

JENNIE L. CLEGG
LEE H. BALS
DANIEL L. ROSENTHAL
DAVID C. JOHNSON
K. BLAIR JOHNSON
BRENDAN T. BARRY

GEORGE J. MARCUS
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RE: Portland West Realty, Inc. – 1220 Brighton Avenue, Zoning Map Amendment Application

Dear Members of the City of Portland Planning Board,

Marcus | Clegg is pleased to submit this application for a Zoning Map Amendment with respect to the property owned by Portland West Realty, Inc. ("Portland West"), located at 1220 Brighton Avenue (the "Property"). The Property is a 0.65 acre vacant lot located on Brighton Avenue and is bounded on its westerly side by the Portland-Westbrook boundary line. Prior to the City of Portland's ReCode in late 2024, the Property was located in Zone B4, Commercial Business ("B4"). As part of the ReCode, the Property was rezoned to the Transit-Oriented Development Zone 2 ("TOD-2").

The rezoning of the Property from B4 to TOD-2 as part of the ReCode has imposed land use restrictions on the Property that, in addition to current conditions, attributes and past uses of the Property, has rendered the Property undevelopable by Portland West. Currently, Portland West has prospective tenant who wishes to construct a Panera Bread location on the Property (the "Project"). The Project would entail the construction of an approximately 3,200 square foot building with a drive-through service. Under the current zoning of the Property, the Project cannot be completed in accordance with the proposed terms because it would not comply with TOD-2's land use restrictions, more specifically (i) the prohibition of drive-throughs in TOD-2; (ii) the minimum height requirement of thirty-five (35) feet; (iii) the minimum building length as a percentage of street frontage; and (iv) minimum build-to zone. Additionally, attributes that are unique to the Property, such as its prior use as permitted dumping grounds while previously owned by the City of Portland and the natural soil composition,[1] further prohibits any development of the Property in accordance with TOD-2 land use restrictions.

[1] The Property was owned by the City of Portland until 1960s and used as the City Farm Sand Pit. Evidence shows that the City, for period of time, allowed citizen to dump used crank oil and tar residue on the Property. Hazardous materials that are likely a result of the City's prior use have been found in the soil of the Property as recently as 2024 and remain there today. Therefore, the presence of such hazardous materials prevents the Property from being developed for any residential, childcare, long-term healthcare or recreational uses.

Consistency with Portland's Comprehensive Plan 2030

Portland's 2017 Comprehensive Plan "Portland's Plan 2030" (the "Plan") set forth a number of policy goals including, (i) continuing Portland's economic prosperity, (ii) productive and safe redevelopment of brownfields and (iii) providing increased access to healthy foods. Portland West's proposed Map Amendment and Project are consistent with the Plan because (i) it further supports Portland's economic prosperity, (ii) it proposes to utilize the Property in a productive manner that would otherwise be undevelopable, in part, because of the presence of hazardous materials in the soil, and (iii) it provides fast, accessible and healthy foods to Portland residents, guests and commuters from neighboring communities who work in Portland.

I. Continuing Portland's Economic Prosperity.

The Plan contemplates creating economic prosperity by growing Portland's tax and employment base. The Plan at p. 43. The Project is in alignment with this aspect of the Plan because it would allow the Property to be developed in a productive manner. As alluded to above and further explained below, the Property is undevelopable absent a zoning change to B4 because of the TOD-2 restrictions as well as the unique conditions of the Property. Allowing the Project to be developed on the Property supports Portland's growth in economic prosperity because it will create jobs in the City and it will further increase the City's tax basis by increasing the value of the Property, which are specifically stated goals under the Plan.

a. The Property is Undevelopable in Zone TOD-2.

Under its current TOD-2 zoning, buildings on the Property must have a minimum height of thirty-five feet (35'). This requirement alone is prohibitive for developing on the Property because the Property's soil composition – that being mostly of clay – cannot support a structure of this height without significant investments to stabilize the building's foundation. The required investments would be so costly that building a structure of such height would is economically infeasible and, therefore, prevents any development.

Additionally, the Property has been a vacant lot for approximately eight (8) years now. Portland West and its predecessor owner have marketed the Property for a build-to-suit lease for at least six (6) years with very limited interest. Currently, Portland West has a prospective tenant proposing to build a Panera Bread location on the Property on the condition that the business can provide drive-through services. The request for drive-through services is a similar request made for all of the prior prospective tenants given the size and location of the Property. Prior to the ReCode, a drive-through was an allowed accessory use on the Property but now, in TOD-2 zoning, a drive-through is prohibited. That said, every prospective tenant for this Property has required a drive-through and the commercial leasing market dictates that the Property cannot be leased unless a drive-through is permitted thereon.

Notwithstanding the drive-through prohibition in TOD-2, the dimensional requirements of TOD-2 are prohibitive of having a drive-through service located on the Property, specifically the

minimum build-to zone and the minimum building length as a percentage of street frontage. These two dimensional requirements cause any structure to be built within five feet (5') of Brighton Avenue and require the building to be at least seventy feet (70') long. Given the size and shape of the lot, it is impossible to construct an efficient drive-through on the Property while complying with the TOD-2 dimensional requirements.

b. The Property is Undevelopable Due to the Presence of Hazardous Materials in its Soil.

The Property is the previous site of the City Farm Sand Pit. According to a prior environmental report of the Property, there is evidence that the City permitted the disposal of used crank oil and tar residue in and around the Property. According to a 2024 environmental assessment of the Property, hazardous materials are still present in the Property's soil. Portland West has contacted Maine DEP about this issue and Maine DEP recommended that, if the Property is developed, it follows the same precautions and imposes the same restrictions as implemented in the Voluntary Response Action Program implemented on the immediately abutting property. The recommended restrictions would prevent the Property from being used for any residential, hospital, nursing home facility, childcare, playground/recreational, school or other similar use.

c. The Proposed Map Amendment Allows for Development that is Consistent with the Plan.

As outlined above, the Property is currently undevelopable due to its size, the presence of hazardous materials within its soil, and because of the TOD-2 zoning requirements. Modifying the Zoning Map to change the Property from zone TOD-2 to zone B4 would allow the Project to be developed in accordance with all zoning requirements and would comply with the recommendations provided by Maine DEP. Absent such a change, there is no feasible development that can take place on the Property. Allowing for the Property to be developed will increase the value of the Property and, therefore, increase the tax basis of the City. Furthermore, the Project, once completed, will require numerous full-time staff which increased employment in the City. Therefore, the Planning Board should recommend the Application because it is consistent with the Plan and allowing the Property to remain undevelopable is contrary to the Plan.

II. Mitigation and Redevelopment of Brownfields.

The Plan aspires to mitigate and redevelop brownfields to support productive uses and healthier environments for residents. The Plan at p. 22. Rezoning the Property from TOD-2 to B4 allows for the Property to be developed and productive despite the presence of hazardous materials in its soil. As stated above, the Property's soil contains hazardous materials in its soil that is likely the result of the City's prior permitted dumping of used crank case oil and tar dumping in and around the Property. The hazardous materials prevent the Property from being used for anything but commercial uses and, as detailed above, no commercial tenant will develop the Property without a drive-through service. Therefore, if the Property remain in zone TOD-2, it will continue

to be undeveloped and an unproductive vacant lot. As such, rezoning the Property to B4 is consistent with the Plan because it supports the redevelopment and productive use of a site that contains hazardous materials.

III. Access to Healthy Foods.

The Plan strives to increase access to health food for all. The Plan at p. 20. By rezoning the Property to B4, the Project can be implemented on the Property which would increase access to healthy food for Portland residents and commuters who work in Portland. According to Forbes, Panera Bread's menu is full of healthy meal options. 10 Healthiest Fast Food Restaurants – Forbes Health. By allowing the Project to proceed, Portland residents and residents of neighboring communities who work in Portland will be able to access health food options with greater ease and convenience by virtue of the proposed drive-through service. Furthermore, Panera Bread is known to partner with local charities such as food pantries, veteran services and youth shelter to donate unsold baked goods at the end of each night through its "Day-End Dough-Nation" program. Day-End Dough-Nation | Panera Bread. Therefore, the Project is consistent with the Plan's goal to increase healthy foods for all because it provides convenient access to healthy foods for Portland residents and people commuting into Portland and it provides Portland charities with another possible source of healthy food donations.

In conclusion, the rezoning of the Property from TOD-2 to B4 and the implementation of the Project is consistent with the Plan because it creates economic prosperity by increasing the City's tax base and employment, it supports the redevelopment and productive use of brownfields, and it provides greater access to healthy foods for all.

CITY OF PORTLAND
Planning & Urban Development Department

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

MAINE REAL ESTATE TAX-Paid

DLN: 2419476

QUITCLAIM DEED WITH COVENANT

KNOW ALL BY THESE PRESENTS, that Portland Hotels, Inc., a Maine corporation having its principal place of business in Portland, Cumberland County, Maine, in consideration of one dollar ($1.00) and other good and valuable consideration paid by Portland West Realty, Inc., a Maine corporation whose mailing address is 1150 Brighton Ave., Portland, ME 04102, the receipt whereof it does hereby acknowledge, does hereby give, grant, bargain, sell and convey, and forever quitclaim unto the said Portland West Realty, Inc., its successors and assigns forever, the following described premises:

A certain lot or parcel of land situated on the southwesterly side of Brighton Avenue in Portland, Cumberland County, Maine bounded and described as follows:

Beginning at an iron pipe set on the southerly sideline of said Brighton Avenue, where it intersects with the boundary line running between the City of Portland and Westbrook, said point of beginning also lying on a course of S14°04'10"W, 5.41 feet from a drill hole in an 8"x8" granite monument on said boundary;

Thence, in an easterly direction on a curve to the right along the southerly sideline of Brighton Avenue, having a radius of 1,382.07 feet and an arc length of 111.48 feet, to a point on the northwesterly corner of land now or formerly of Portland Hotels, Inc. As described in Book 20821, Page 316;

Thence along said Portland Hotels, Inc. land on the following courses and distances:

S17°31'34"W, a distance of 25.00 feet to a point;

S27°28'26"E, a distance of 18.38 feet to a point;

S17°31'34"W, a distance of 204.84' feet to a point;

S13°27'39"W, a distance of 28.21 feet to a pipe found and land now or formerly of Dirigo Center Developers, LLC as described in Book 34380, Page 164;

Thence, along land now or formerly Dirigo Center Developers, LLC, N48°19'47"W 125.00 feet to the boundary line of said Portland and Westbrook;

Thence, along land of now or formerly Dirigo Center Developers, LLC land, N14°04'10"E 216.26 feet to the point of beginning, containing 28,290± square feet.

Reference is made to a plan titled "ALTA/NSPS land title survey 1220 Brighton Avenue Portland, Cumberland county, Maine made for Portland Hotels, Inc." dated December 13, 2023, by Owen Haskell, inc.

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging, to the said Portland Hotels, Inc., its successors and assigns to its use and behoof forever.

And it does covenant with the said Grantee, its successors and assigns, that it shall and will warrant and defend the premises to the said Grantee, its successors and assigns, forever, against the lawful claims and demands of all persons claiming by, through, or under it.

IN WITNESS WHEREOF, Portland Hotels, Inc., the said Grantor has caused this deed to be executed by its duly authorized President, this 10th day of the month of February, 2025.

Signed, Sealed and Delivered
in the presence of:

PORTLAND HOTELS, INC.

By: _____
Kamlesh Patel
President

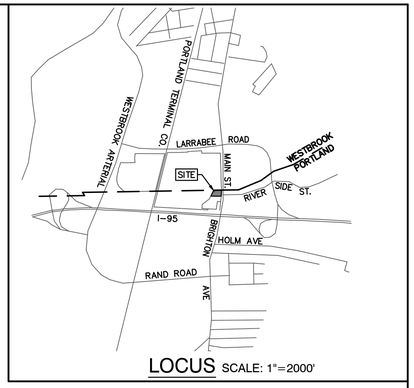
DOC :5018 BK:41278 PG:144
RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS
02/11/2025, 12:37:33P
Register of Deeds Jessica M. Spaulding E-RECORDED

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

On February 10, 2025, personally appeared the above-named Kamlesh Patel, the duly authorized President of Portland Hotels, Inc., in his said capacity, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said corporation.

Before me,

Notary Public/Attorney-at-Law
Printed Name: JENNIE CLEGG



LOCUS SCALE: 1"=2000'

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

Design:ISM	Draft: TCR	Date:02/04/26
Checked:WGM	Scale: AS NOTED	Project No.: 20784
Drawing Name: 20784-PLAN-ZONING.DWG		

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

REV.	DATE	REVISION	BY
0	02/04/26	ISSUED FOR REVIEW	TCR

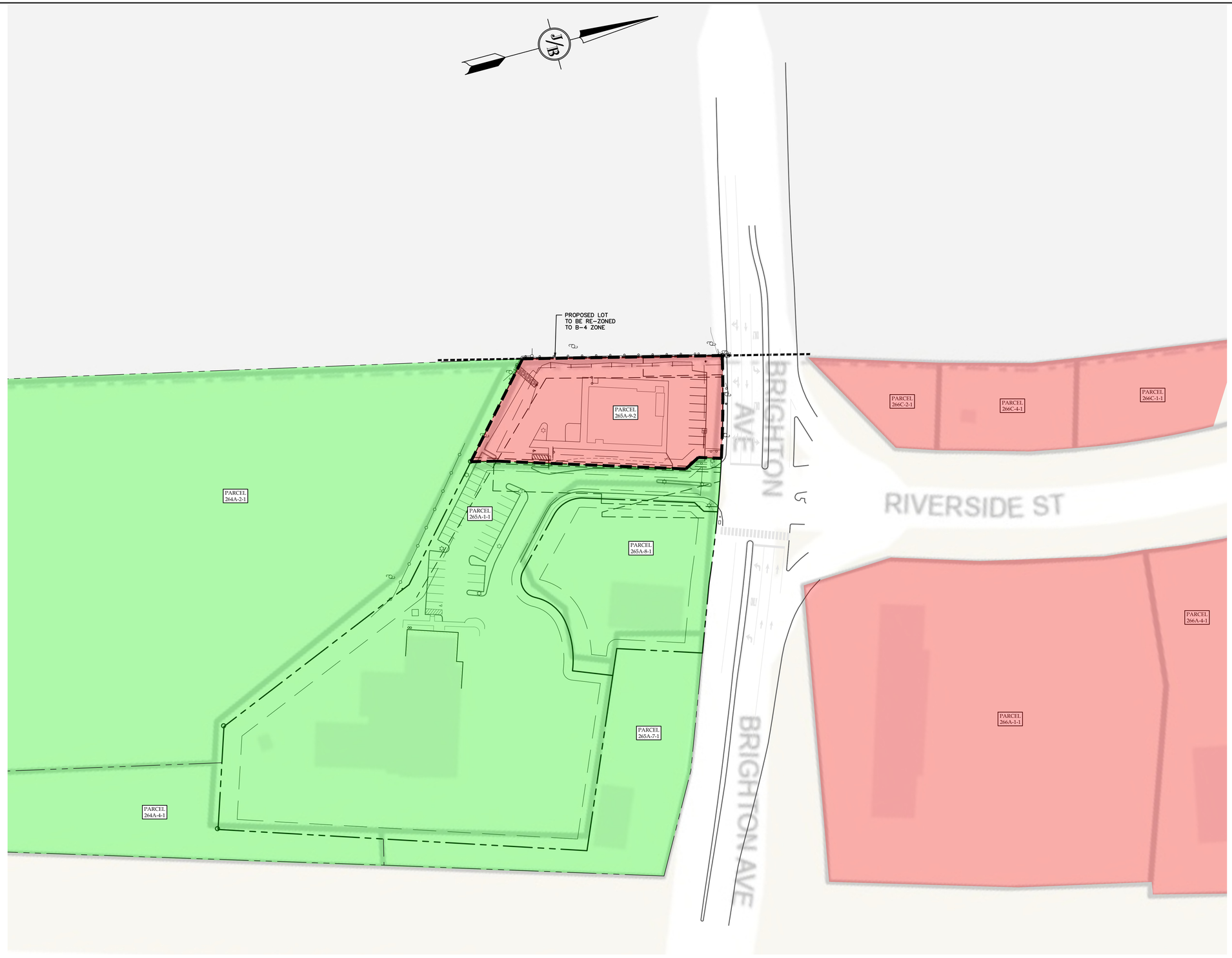
Designed and Produced in NH
Jones & Beach Engineers, Inc.
85 Portsmouth Ave.
PO Box 219
Stratham, NH 03885
Civil Engineering Services
603-772-4746
FAX: 603-772-0227
E-Mail: JBE@JONESANDBEACH.COM

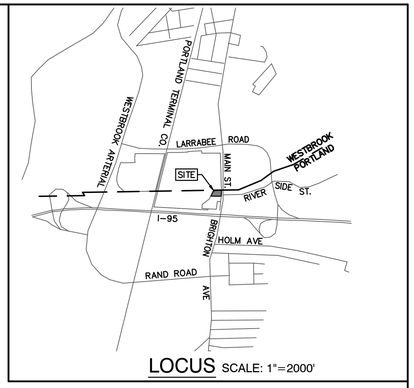
Plan Name:	VICINITY PLAN
Project:	PROPOSED COMMERCIAL REDEVELOPMENT 1220 BRIGHTON AVENUE, PORTLAND, ME
Owner of Record:	PORTLAND WEST REALTY, INC 1150 BRIGHTON AVE, PORTLAND, ME 04102

DRAWING No.

Z1

SHEET 1 OF 3
JBE PROJECT NO. 20784





LOCUS SCALE: 1"=2000'

LEGEND:

- TOD-2 ZONE
- B4 ZONE

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

Design:ISM	Draft: TCR	Date:02/04/26	
Checked:WGM	Scale: AS NOTED	Project No.: 20784	
Drawing Name: 20784-PLAN-ZONING.DWG			

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REV.	DATE	REVISION	BY
0	02/04/26	ISSUED FOR REVIEW	TCR

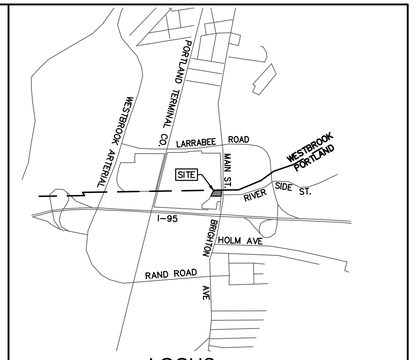
Designed and Produced in NH
Jones & Beach Engineers, Inc.
85 Portsmouth Ave.
PO Box 219
Stratham, NH 03885
Civil Engineering Services
603-772-4746
FAX: 603-772-0227
E-Mail: JBE@JONESANDBEACH.COM

Plan Name:	MAP AMENDMENT PLAN
Project:	PROPOSED COMMERCIAL REDEVELOPMENT 1220 BRIGHTON AVENUE, PORTLAND, ME
Owner of Record:	PORTLAND WEST REALTY, INC 1150 BRIGHTON AVE, PORTLAND, ME 04102

DRAWING No.

Z2

SHEET 2 OF 3
JBE PROJECT NO. 20784



LOCUS SCALE: 1"=2000'

SITE NOTES:

1. THE INTENT OF THIS PLAN IS TO CONSTRUCT A RESTAURANT WITH DRIVE-THRU LOT A-9. PROJECT TO BE SERVED BY ELECTRIC, GAS, MUNICIPAL SEWER & PUBLIC WATER.

2. ZONING DISTRICT: B4 – COMMERCIAL CORRIDOR ZONE

	REQUIRED	PROPOSED
LOT AREA MINIMUM =	10,000 S.F.	–
LOT FRONTAGE MINIMUM =	60'	111'±
BUILDING SETBACKS:		
MAX. FRONT SETBACK =	20'	20'
MIN. SIDE SETBACK =	10'	19'
MIN. REAR SETBACK =	20'	100'+
MAX. BUILDING HEIGHT =	65'	<30'
MAX. IMPERVIOUS SURFACE =	80%	–

ZONING DISTRICT: TOD2 – TRANSIT-ORIENTED DEVELOPMENT ZONE 2

	REQUIRED	PROPOSED
LOT AREA MINIMUM =	**N/A**	**–**
LOT FRONTAGE MINIMUM =	**N/A**	**–**
BUILD-TO-ZONE =	**0-5'**	**–**
BUILD-TO PERCENTAGE (MIN.) =	**100%**	**–**
BUILDING LENGTH AS A PERCENTAGE OF STREET FRONTAGE (MIN.) =	**80%**	**–**
BLANK WALL AREA (MAX.) =	**20'**	**–**
BUILDING SETBACKS:		
MAX. REAR SETBACK =	**N/A UNLESS ABUTTING RESIDENTIAL**	
MIN. SIDE SETBACK =	**N/A UNLESS ABUTTING RESIDENTIAL**	
STRUCTURE HEIGHT (MIN/MAX)=	**35/125'**	**–**

3. VEHICLE & BIKE SPACE REQUIREMENTS (MAXIMUMS):
RESTAURANTS: 1 SPACE / 100 SQ.FT. OF INDOOR FLOOR AREA +
1 SPACE / 300 SQ.FT. OF OUTDOOR SEATING AREA
>5,000 SQ.FT.: 1 BIKE SPACE / 1,500 SQ.FT. FLOOR AREA

MAX. PARKING SPACES ALLOWED = XX
TOTAL SPACES PROPOSED = 23

REQ. STANDARD PARKING SPACE DIMENSIONS = 18' X 9'

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

Design:ISM	Draft: TCR	Date:02/04/26
Checked:WGM	Scale: AS NOTED	Project No.: 20784
Drawing Name: 20784-PLAN-ZONING.DWG		

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

REV.	DATE	REVISION	BY
0	02/04/26	ISSUED FOR REVIEW	TCR

Designed and Produced in NH
Jones & Beach Engineers, Inc.
85 Portsmouth Ave.
PO Box 219
Stratham, NH 03885
Civil Engineering Services
603-772-4746
FAX: 603-772-0227
E-Mail: JBE@JONESANDBEACH.COM

Plan Name:	SITE PLAN
Project:	PROPOSED COMMERCIAL REDEVELOPMENT 1220 BRIGHTON AVENUE, PORTLAND, ME
Owner of Record:	PORTLAND WEST REALTY, INC 1150 BRIGHTON AVE, PORTLAND, ME 04102

DRAWING No.
Z3
SHEET 3 OF 3
JBE PROJECT NO. 20784

MARCUS | CLEGG
ATTORNEYS & COUNSELORS

March 13, 2026

City of Portland, Maine
Planning and Urban Development Department
Attn: Rowen McAllister (rmcallister@portlandmaine.gov)
389 Congress Street
Portland, ME 04101

JENNIE L. CLEGG
LEE H. BALS
DANIEL L. ROSENTHAL
DAVID C. JOHNSON
K. BLAIR JOHNSON
BRENDAN T. BARRY

RE: Certification of Neighborhood Meeting

Dear Ms. McAllister

I, Brendan Barry, the applicant, hereby certify that a neighborhood meeting was held on March 12, 2026, at The Hampton Inn, 1210 Brighton Avenue, Portland, Maine, at 5:30 PM EST for the proposed zoning of the Zoning Map Amendment at 1220 Brighton Avenue, Portland Maine (ZN-003527-2026). The neighborhood meeting began at 5:30 PM and ended at 6:00 PM with no members of the public attending in person or virtually.

I also certify that on March 2, 2026, the Notice of Neighborhood Meeting For Proposed Zoning Map Amendment enclosed herein was mailed to (i) all addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development, and (ii) all residents on the "interested parties" list.

Sincerely,

Brendan Barry

Enclosures:
1. Copy of Notice of Neighborhood Meeting For Proposed Zoning Map Amendment;
2. Sign-in Sheet for Neighborhood Meeting; and
3. Record of feedback from neighborhood meeting.

GEORGE J. MARCUS
(Retired)
MYER M. MARCUS
(1914-2015)

16 MIDDLE STREET, SUITE 501
PORTLAND, ME 04101-5166
T. 207.828.8000 / 800.806.9242
F. 207.773.3210 / 800.806.8678
FIRM@MARCUSCLEGG.COM
MARCUSCLEGG.COM

Portland West Realty, Inc.
1150 Brighton Ave.
Portland, ME 04103

NOTICE OF NEIGHBORHOOD OUTREACH MEETING FOR PROPOSED ZONING MAP AMENDMENT

1220 Brighton Avenue, Portland, Maine

YOU ARE RECEIVEING THIS NOTICE BECAUSE: (I) YOU OWN REAL ESTATE LOCATED WITHIN 500 FEET OF 1220 BRIGHTON AVENUE, PORTLAND, MAINE; OR (II) YOU ARE ON THE CITY OF PORTLAND'S LIST OF INTERESTED CITIZENS.

PURPOSE OF MEETING: Portland West Realty, Inc., the owner of 1220 Brighton Avenue, Portland, Maine (the "Property"), is seeking an amendment to the City of Portland's Zoning Map to change the current zoning of the Property from Transit Center Zone (TOD-2) to Commercial Corridor (B-4). As required by the City of Portland, Maine Code of Ordinances, Chapter 13, Article 1.10.2(C), Portland West Realty, Inc. is inviting you to a neighborhood outreach meeting regarding the proposed zoning map amendment. The zoning amendment is being proposed in order for the Property to be developed as a Panera Bread location with a drive-thru service, allowing the Property to be in an economically beneficial manner, rather than having it remain as a vacant lot.

DATE, TIME AND LOCATION OF MEETING: The neighborhood meeting shall be a hybrid in-person/virtual meeting to be held on Thursday, March 12, 2026 at 5:30 PM in the conference room of The Hampton Inn located at 1210 Brighton Avenue, Portland, Maine 04103. For parties who wish to participate remotely, please email Brendan Barry (btb@marcusclegg.com) no later than March 12, 2026, at 12:00 PM to request a Zoom link for the neighborhood meeting.

If you have any questions, please feel free to email Brendan Barry at btb@marcusclegg.com or to call 207-210-6281.

Sincerely,

Portland West Realty, Inc.

Neighborhood Meeting Sign-in Sheet

Date of Meeting: March 12, 2026 at 5:30 PM EST

Location: The Hampton Inn, 1210 Brighton Ave., Portland, Maine 04103

Project: Zoning Map Amendment for 1220 Brighton Avenue (ZN-003527-2026)

Members of the Public in Attendance

Name	Email

Applicant and Consultant Team in Attendance:

Name	**Email**
Brendan Barry	btb@marcusclegg.com
Kamlesh Patel	kopatel@me.com

Record Feedback from Neighborhood Meeting

None. No members of the public attended the neighborhood meeting.

JONES & BEACH ENGINEERS INC.
85 Portsmouth Avenue, PO Box 219, Stratham, NH 03885
603.772.4746 - JonesandBeach.com

March 11, 2026

RE: Subsurface Soil Conditions
1220 Brighton Ave, Portland, ME
JBE Project No. 20784

Although no specific subsurface testing via deep test pits or borings has been completed on the subject parcel, our office is Engineer or Record for the Rock Row project to the east of the subject parcel. The subsurface soil conditions were extensively studied and findings formatted into a geotechnical report for Phase 1 of the Rock Row project. Because of our involvement in the neighboring project, we can provide the following summary of subsurface soil conditions we'd expect on our subject parcel:

> The subsurface soil types consist of primarily silty sands in upper layers (<15' depth on average) with some areas of clayey sands & silts in these upper layers. Beyond these upper layers, in some areas starting in the 15-20' depth range, gray silty clay is present (medium to soft). Based on the estimated shear strengths of the clay, the taller, heavier structures on Phase 1, such as Market Basket, required installation of extensive ground improvements beneath the building slab & foundation. The single-story commercial closest to our subject parcel, where Starbucks is located, did not require ground improvements because the height and use loading was minimized but over-excavation and replacement of several feet of existing material with imported, compacted gravels was required. If this structure had been proposed as multi-story, it's likely that ground improvements or a large mat slab – both of which are complicated and costly – would have been needed. We can likely translate these conclusions to the subject parcel and assume that a multi-story structure on the subject parcel will likely require a more expensive and complicated foundation system. Additionally, the footprint of a multi-story structure on the subject parcel would be relatively small which increases the cost of ground improvements or other foundation systems because of the high cost to mobilize equipment for small area of work – no economy of scale. For these reasons, it's our opinion that a single-story building is best suited for this site.

Please let me know if there are any questions,

Sincerely,

Ian MacKinnon, P.E.
Associate Principal

From: Hodgkins, Nick <Nick.Hodgkins@maine.gov>
Sent: Friday, December 15, 2023 11:57 AM
To: kopatel@me.com
Subject: RE: Request for Guidance

Mr. Patel,

In short, the property you are proposing to develop is not covered by the Exxon/Mobil VRAP. However, based on the information you provided and our earlier phone conversation, it is apparent that the contamination located at depth is the same contamination located at depth on the former Exxon/Mobil parcel (with a historical dump, at depth).

My recommendation would be to follow the same requirements in the VRAP letter for the Exxon/Mobil parcel, but I would also recommend that any new structures have a vapor barrier and/or a sub-slab depressurization system installed to prevent vapors from entering the building. This redevelopment can be done with or without VRAP oversight; if you want VRAP liability protections for the project parcel, you will need to file a VRAP application and submit all pertinent reports.

I hope this helps and please let me know if you have additional questions.

Thanks,

Nick

Nicholas J. Hodgkins
Director, Division of Remediation

Tighe&Bond

A-5104-002-05
November 13, 2023

Haley Fardelmann
Adrenaline
195 New Hampshire Ave, #115
Portsmouth, New Hampshire 03801

Re: **Environmental Soil Sampling and Analysis Results**
Proposed Empeople Credit Union
1220 Brighton Avenue, Portland, ME

Dear Haley:

Tighe & Bond has prepared this letter to summarize the recent environmental soil sampling and analysis completed on October 17, 2023, at the above-referenced site. This work was conducted in accordance with approved Contract Amendment #1 dated October 5, 2023. Some of this information was previously reported to Adrenaline in our *Geotechnical Evaluation Report*, dated October 30, 2023.

In September 2023, Tighe & Bond conducted initial geotechnical exploration at the site that included the advancement of five soil borings (B-1 to B-5) up to a maximum depth of 26 feet. A "petroleum-like" odor was detected in soil from borings B-2 and B-3 at the approximate 20 to 25-foot depth interval. A second geo-environmental drilling event occurred during October to, among other things, further assess environmental conditions around borings B-2 and B-3. The work included advancement of four additional borings (B-6 to B-9) and the collection of soil samples for laboratory analysis to assess the "petroleum-like" impacts discovered in the soil.

The following information summarizes our field observations and the lab results for soil samples collected during the additional investigation in October. Attachments to this letter include a subsurface exploration plan, soil boring logs, a data summary table of the soil sample results and the laboratory report.

Soil Sampling and Analysis

The initial round of borings (B-1 to B-5) was advanced by New England Boring Contractors, Inc. (NEBC) on September 21, 2023 using a truck-mounted drill rig and hollow stem augers (HSAs) to depths ranging from approximately 21 to 26 feet below ground surface (bgs). Split-spoon sampling and Standard Penetration Tests (SPTs) was conducted at either continuous 2-foot intervals (e.g., 0-2', 2-4', 4-6') or at various intervals not exceeding 5 feet (e.g., 5-7', 10-12', 15-17'). Each boring was terminated in native soil. Upon completion, the boreholes were backfilled with drill cuttings and sand and the disturbed pavement was capped with asphalt cold patch.

Four additional borings (B-6 to B-9) were advanced on October 17, 2023 within the footprint of the proposed building and proximal to borings B-2 and B-3 to obtain additional information regarding the "petroleum-like" odors described in the boring logs for those locations. The soil borings were advanced by NEBC using a truck rig and HSAs to depths ranging from approximately 22 to 27 feet bgs. Split-spoon sampling was conducted at

approximate 5-foot intervals across the total boring depths. Select soil samples recovered from borings B-6 to B-9 were field screened by the jar headspace method for total volatile organic vapors (TVOV) using a MiniRae 3000 photoionization detector (PID) with a 10.6 electron-volt (eV) lamp and calibrated to a benzene standard with results recorded as parts per million by volume (ppmv). PID readings are shown on the boring logs (attached).

Positive headspace readings were measured in borings B-7, B-8 and B-9 as summarized below.

Boring ID / Sample ID	Sample Interval (ft)	Field PID Reading (ppmv)	Lab Analysis *
B-7, S8A	17 – 18	50	
B-7, S9	20 - 22	< 1	
B-8, S9	**16 – 18**	**200**	VOC, PAH, DRO(C10-C28)
B-8, S10	18 – 20	174	
B-8, S11A	**20 – 22**	**50**	VOC, PAH, DRO(C10-C28)
B-8, S12	22 – 24	15	
B-9, S2	12 – 14	15	
B-9, S3A	**14 - 15**	**45**	VOC, PAH, DRO(C10-C28)
B-9, S4A	16 – 16.3	20	
B-9, S5	18 – 20	15	
B-9, S6	20 – 22	3	

* Lab analysis conducted for volatile organic compounds (VOC), polycyclic aromatic hydrocarbons (PAH), and diesel range organics (DRO(C10-C28)).

BOLD indicates samples selected for laboratory analysis.

Based on the field PID readings, two soil samples were selected for lab analysis from B-8 and one soil sample was selected for lab analysis from B-9. Sample B-8, S9 (200 ppmv) was selected to assess the highest identified PID reading and B-8, S11A (50 ppmv) was selected to assess soil conditions at a deeper depth. Sample B-9, S3A was analyzed because it had the highest PID reading at this location (45 ppmv). B-9 was located to assess conditions near boring B-2 where "petroleum-like odors" were originally discovered in September.

The B-8 boring log describes the soil being "wet" at a depth of approximately 6 feet bgs, trace amounts of wood, glass and asphalt observed from approximately 12 to 16 feet bgs, and petroleum-like odors and sheening from approximately 16 to 21 feet bgs.

Boring B-9 was augured to a depth of approximately 10 feet bgs where split-spoon sampling began. Trace asphalt mixed in with soil was observed from approximately 10 to 14 feet bgs with a petroleum-like odor noted at approximately 14 feet bgs and soil was described as moist. Petroleum-like odors and sheening were recorded from approximately 14 to 15 feet bgs with soil described as wet at approximately 15 feet bgs.

In boring B-7 trace amounts of wood, glass and asphalt were observed from approximately 5 to 13 feet bgs. Soil was reported as wet at approximately 17 feet bgs and a petroleum-like odor was noted (see PID reading in table above).

No elevated PID readings, petroleum-like odors were reported for boring B-6.

The soil samples were placed in clean sample containers obtained from the laboratory and placed on ice in a thermally insulated container to maintain a temperature of approximately 4° Celsius. The samples were delivered under proper Chain-of-Custody procedures to Alpha Analytical Labs (PACE Labs) in Westboro, MA for laboratory analysis of VOCs, PAHs and diesel range organics (DRO(C10-C28)) assess petroleum-related constituents.

The soil sample results are summarized in Table 1 (attached) and were compared to the leaching to groundwater, residential contact and construction worker contact criteria set forth in the Maine Department of Environmental Protection (DEP) *Remedial Action Guidelines for Contaminated Sites* (May 1, 2021). The results indicate the presence of petroleum-related constituents in each of the soil samples as summarized below.

- **DRO(C10-C28)** concentrations ranged from 940 milligrams per kilogram (mg/kg) to 10,000 mg/kg. Although the Maine DEP does not have a Remedial Action Guideline (RAG) for DRO, the elevated concentration of 10,000 mg/kg in boring B-8 suggests concentrations that may be approaching petroleum saturation.

- **VOCs** were reported in each of the three soil samples, with the highest concentrations being in samples B-8, S9 and B-8, S-11. No VOCs were reported as exceeding the RAGs in B-9, S-3. The following VOCS were above the RAGs in both samples from B-8: benzene, ethylbenzene, naphthalene, 1,2,4- and 1,3,5-trimethylbene and xylenes.

- **PAHs** were reported at concentrations above the RAGs in the three samples submitted for laboratory analysis. The following PAHs were above the RAGs: benzo(a)anthracene, benzo(a)pyrene, 1-methylnaphthalene, 2-methylnaphthalene and naphthalene.

Conclusions

The soil sample results indicate the presence of petroleum-related contaminants in soil at the site. The highest concentrations of DRO(C10-C28), VOCs and PAHs were reported in boring B-8, S9 located in the southeast corner of the proposed building footprint. The impacts identified by this analysis are in the northeast corner of the Site within the proposed building footprint generally in the 15 to 25-foot depth interval. The samples with elevated concentrations were also in "wet" soils, and in excess of the RAG leaching

to groundwater criteria, which indicates that groundwater at the site may also be impacted. No groundwater monitoring wells have been installed for sampling at the site and, therefore, groundwater quality is unknown. The estimated depth to groundwater is 15 feet bgs. Due to the volatile nature of some of the detected compounds, the potential for vapor intrusion into the proposed building should also be considered.

Recommendations

Per the Maine Revised Statutes, Title 38 (Waters and Navigation), Chapter 2 (DEP), Section 343-F "Reporting and Disclosure Requirements" (MRS 38-2-343-F) an Environmental Professional who obtains analytical information indicating a release of hazardous substances, pollutants or contaminants, including petroleum, at levels which require removal or remedial action to prevent significant threats to public health or the environment, shall advise their client of the finding. Tighe & Bond considers the presence of identified VOCs and PAHs in soil at concentrations exceeding the RAGs for leaching to groundwater, residential and construction worker exposure to be subject to the client notification provision of MRS 38-2-343-F.

This letter satisfies the requirement for Tighe & Bond as the Environmental Professional, to advise you, as the Adrenaline client representative, of this finding. Because Adrenaline is not the property owner/operator, Tighe & Bond is required to inform Adrenaline that they are required by MRS 38-2-343-F to disclose the information in this letter to the owner/operator of the property. Upon receipt of this information the owner/operator is required to submit it to the Maine DEP "within a reasonable time period."

The findings in this letter are based on limited environmental sampling and analysis as described herein. Additional investigation of soil and groundwater is recommended for the site prior to construction of the proposed site building so remedial actions or protective measures (if needed) can be implemented prior to construction or incorporated into building/site design. Site investigations are iterative processes that are contingent on the results of each phase of investigation. The next phase of investigation should include additional soil, groundwater and soil gas sampling and analysis to determine the nature and extent of contamination at the site. At this point the source of the identified contamination is not known.

Since Adrenaline is not the property owner/operator they may wish to discuss the cost of conducting additional investigation, and the potential building and site design costs to mitigate the findings of those investigations, with the property owner/operator.

Please let us know if you would like to discuss this information following your review.

Sincerely,

TIGHE & BOND, INC.

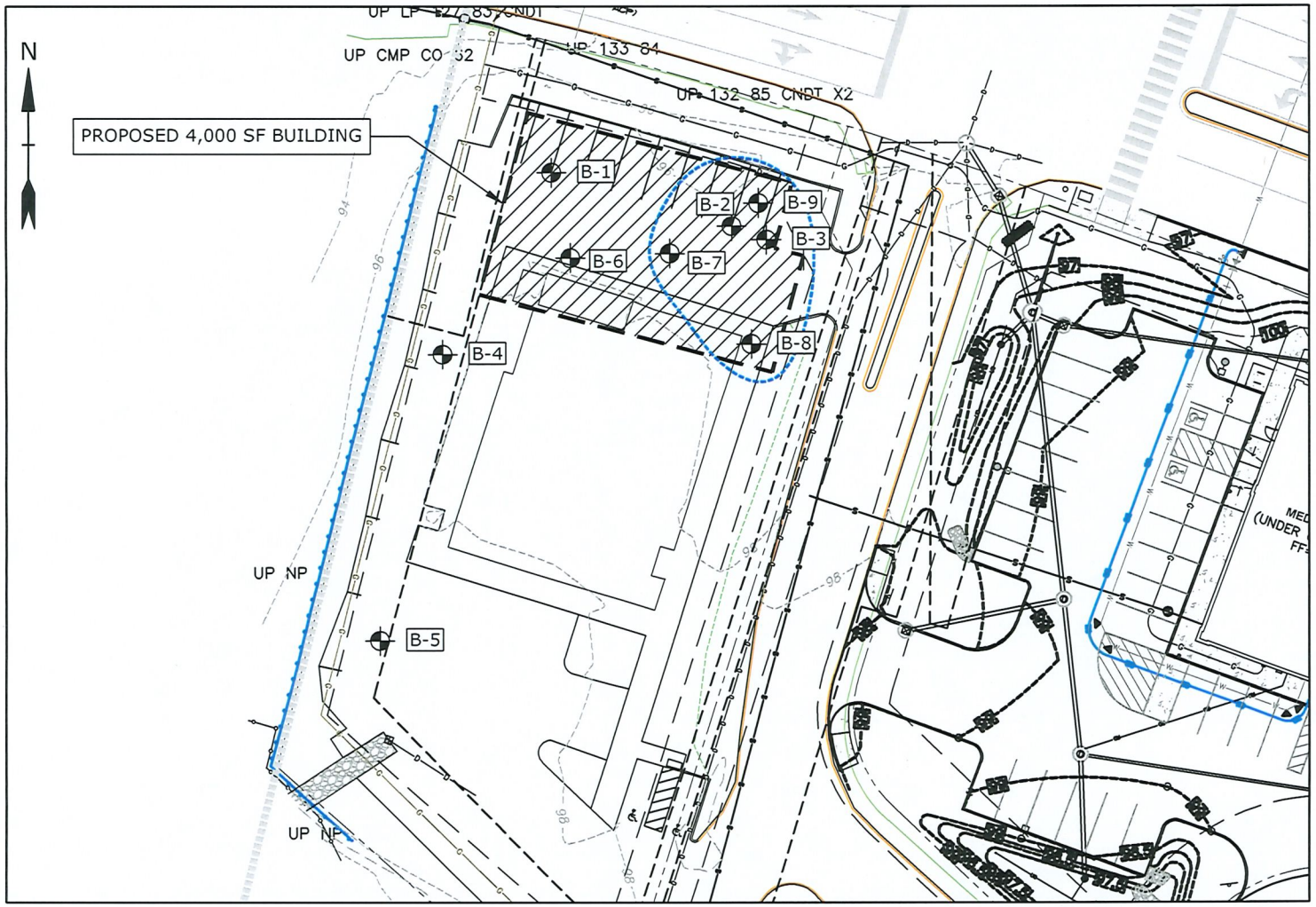
Scott Wozniakowski, PG
Environmental Project Manager

Suzanne C. Courtemanche, LSP, CHMM
Technical Director/Senior Project Manager

Enclosures: Figure 1 - Subsurface Exploration Plan
Table 1 - Summary of Soil Sample Results
Boring Logs
Laboratory Analytical Report

Cc: Eric Doremus, Tighe & Bond, Inc.
Joe Persechino, Tighe & Bond, Inc.

J:\A\A5104 Adrenaline\002 - Empeople Credit Union\Reports\Soil Sampling\final



GENERAL NOTES:

1. EXISTING CONDITIONS BASE MAP IS BASED ON A PLAN TITLED "ALTA SURVEY" PREPARED BY TIGHE & BOND AND DATED AUGUST 8, 2023.
2. PROPOSED BUILDING FOOTPRINT IS BASED ON A PLAN TITLED "SITE PLAN #2" DATED JUNE 1, 2017.
3. TEST BORINGS WERE LOCATED IN THE FIELD BY TAPING FROM IDENTIFIABLE SITE FEATURES. LOCATIONS SHOULD BE CONSIDERED APPROXIMATE.
4. TEST BORINGS WERE PERFORMED BY NEW ENGLAND BORING CONTRACTORS ON SEPTEMBER 21, 2023 AND OCTOBER 17, 2023.

LEGEND

B-1 APPROX. BORING LOCATION

GENERALIZED AREA OF IMPACTED SOIL (2023)

0 15' 30' 60'

GRAPHIC SCALE

EMPEOPLE CREDIT UNION
PORTLAND, MAINE

SUBSURFACE EXPLORATION PLAN

DATE: 11/07/2023
SCALE: 1" = 30'
FIGURE:1

Tighe&Bond
Engineers | Environmental Specialists
Services provided in New York by T&B Engineering, P.C.

Nov 07, 2023 - 3:21pm Plotted By: BHerceun
Tighe & Bond, Inc. T:\AS\S1014\Accounts\002 - Empeople Credit Union\Geotechnical\Figures\Fig 1 - env.dwg

Tighe&Bond

TABLE 1
Summary of Compounds Detected in Soil Boring Samples
Adrenaline - Empeople Credit Union
Portland, Maine
Last Updated: 11/1/2023 (J. Jackson)

Sample Location / ID	MEDEP RAGs			B-9, S-3	B-8, S-9	B-8, S-11
Sample Date	Leaching to Groundwater	Residential	Construction Worker	10/17/2023	10/17/2023	10/17/2023
Lab Sample ID				L2361902-01	L2361902-02	L2361902-03
Sample Depth (ft.)				14 - 16'	16 - 18'	20 - 22'
Hydrocarbons - 8015D modified (mg/kg)						
DRO (C10-C28)	NS	NS	NS	940	10,000	7,100
VOCs 8260D (mg/kg)						
Acetone	160	52,000	98,000	0.085	<4.9	<4.5
Benzene	0.13	17	240	<0.00051	11	9.2
Butylbenzene, n-	180	5,400	34,000	<0.001	<0.49	0.55
Ethylbenzene	0.92	86	470	<0.001	46	23
Isopropylbenzene (cumene)	41	260	270	<0.001	4.9	3
Isopropyltoluene, 4- (p-cymene)	NS	NS	NS	<0.001	1.5	0.94
Naphthalene	0.21	29	130	0.0085	**450**	**610**
Propylbenzene, n-	67	260	260	<0.001	1	1.2
Styrene	73	830	860	<0.001	<0.49	6
Toluene	42	750	820	<0.001	1	14
Trimethylbenzene, 1,2,4-	4.4	180	220	<0.002	24	21
Trimethylbenzene, 1,3,5-	4.8	160	180	<0.002	7.9	6.4
Xylene (Total)	11	260	260	<0.001	77	51
Xylene, m,p-	NS	NS	NS	<0.002	52	34
Xylene, o-	NS	NS	NS	<0.001	25	17
PAHs EPA 8270E - SIM (mg/kg)						
Acenaphthene	300	4,900	48,000	0.44	28	13
Acenaphthylene	290	4,900	48,000	1.2	7.7	30
Anthracene	3,200	25,000	100,000	1.1	17	22
Benzo(a)anthracene	5.8	16	1,700	2	31	33
Benzo(a)pyrene	16	1.6	9.9	1.7	**14**	**14**
Benzo(b)fluoranthene	170	16	1,700	1.4	12	12
Benzo(g,h,i)perylene	100,000	2,500	72,000	1	8.4	7.6
Benzo(k)fluoranthene	1,600	160	17,000	0.41	4.6	4.7
Chrysene	5,000	1,600	100,000	2.5	16	20
Dibenz(a,h)anthracene	53	1.6	170	0.18	<4 *	<3.6 *
Fluoranthene	4,900	3,300	24,000	2.7	41	47
Fluorene	300	3,300	96,000	0.94	19	28
Indeno(1,2,3-cd)pyrene	540	16	1,700	0.73	7.9	7.6
Methylnaphthalene, 2-	10	330	960	0.5	62	88
Methylnaphthalene,1-	3.3	240	6,000	0.7	44	59
Phenanthrene	320	2,500	72,000	4	56	83
Pyrene	720	2,500	72,000	6.1	49	50
Naphthalene	0.21	29	130	0.43	**180**	**210**

MEDEP RAGs - Maine Department of Environmental Protection Remedial Action Guidelines for Contaminated Sites (5/1/21).
NS - No Standard
< xx indicates compound was not reported above specified lab reporting limit
Only parameters reported above reporting limits are summarized above
Results presented in milligrams per kilogram (mg/kg), are equivalent to parts per million (ppm)
Boxed values indicate exceedance of Residential RAGs
Gray shaded values indicate exceedance of Leaching to Groundwater RAGs
Bold values indicated exceedance of Construction Worker RAGs
PAHs - Polycyclic Aromatic Hydrocarbons
VOCs - Volatile Organic Compounds
DRO - Diesel Range Organics
<3.6 * - lab reporting limit exceeds the Residential RAG standard.

Tighe&Bond
Engineers | Environmental Specialists

Project: Empeople Credit Union
Location: 1220 Brighton Ave, Portland, ME
Client: Adrenaline

Boring No. **B-1**
Page 1 of 1
File No. A-5104-002
Checked by: B. Nereson

Drilling Co.: New England Boring Contractors
Foreman: P. Schofield
T&B Rep.: M. Carr
Date Start: 09/21/23 Date End: 09/21/23
Location See Exploration Location Plan
GS. Elev. 97' Datum: NAVD88

	Casing	Sampler
Type	HSA	Split Spoon
I.D./O.D.	2.25-6.25	1-3/8"/2"
Hammer Wt.	--	140#
Hammer Fall	--	30"
Rig	Mobile Drill B-48	

Groundwater Readings

Date	Time	Depth	Casing	Sta. Time
Not Encountered				

Depth (ft.)	Field PID Screening (ppm)	Sample No. / Rec. (in)	Sample Depth (ft.)	Blows Per 6"	Sample Description	General Stratigraphy	Notes
		S1 / 7	0.5-2.5	7-11	S1: Medium dense, brown, fine to coarse SAND, some Gravel, trace Silt, dry	0.4' **ASPHALT**	
				13-13		**FILL**	
		S2 / 15	2.5-4.5	15-15	S2: Medium dense, brown, fine to medium SAND, trace Silt, dry	2.5'	
				15-14			
5		S3 / 16	4.5-6.5	9-8	S3: Medium dense, brown, fine to medium SAND, trace Silt, dry		
				7-8			
		S4 / 15	9-11	5-10	S4: Medium dense, brown, fine to medium SAND, trace fine Gravel, trace Silt, dry		
10				10-12			
		S5 / 15	14-16	8-10	S5: Medium dense, brown, fine to medium SAND, little Gravel, trace Silt, dry	**SAND**	
15				17-13			
		S6 / 15	19-21	10-11	S6: Medium dense, brown, fine to medium SAND, trace Gravel, trace Silt, dry		
20				11-11			
		S7A / 12	24-25	9-15	S7A: Dense, brown SAND, little Gravel, trace Silt, moist	23' **SILTY SAND**	
25		S7B / 3	25-26	24-22	S7B: Dense, brown, fine to coarse SAND and GRAVEL, some Silt, moist	26'	1
					Exploration Terminated at 26 feet.		
30							

Notes:
1. Boring backfilled with cuttings upon completion, pavement repaired with asphalt cold patch.

Proportions Used

TRACE (TR.)	0 - <10%
LITTLE (LI.)	10 - <20%
SOME (SO.)	20 - <35%
AND	35 - <50%

Density/Consistency

VERY LOOSE	0-4	VERY SOFT	<2
LOOSE	4-10	SOFT	2-4
MEDIUM DENSE	10-30	MEDIUM	4-8
DENSE	30-50	STIFF	8-15
VERY DENSE	>50	VERY STIFF	15-30
		HARD	>30

Tighe&Bond
Engineers | Environmental Specialists

Project: Empeople Credit Union
Location: 1220 Brighton Ave, Portland, ME
Client: Adrenaline

Boring No. **B-2**
Page 1 of 1
File No. A-5104-002
Checked by: B. Nereson

Drilling Co.: New England Boring Contractors
Foreman: P. Schofield
T&B Rep.: M. Carr
Date Start: 09/21/23 Date End: 09/21/23
Location See Exploration Location Plan
GS. Elev. 96.5' Datum: NAVD88

	Casing	Sampler
Type	HSA	Split Spoon
I.D./O.D.	2.25-6.25	1-3/8"/2"
Hammer Wt.	--	140#
Hammer Fall	--	30"
Rig	Mobile Drill B-48	

Groundwater Readings

Date	Time	Depth	Casing	Sta. Time
Not Encountered				

Depth (ft.)	Field PID Screening (ppm)	Sample No. / Rec. (in)	Sample Depth (ft.)	Blows Per 6"	Sample Description	General Stratigraphy	Notes
		S1A / 8	0.5-1.2	5-5	S-1A: Medium dense, brown, fine to coarse SAND, some Gravel, trace Silt, dry	0.4' **Asphalt**	
		S1B / 4	1.2-2.5	6-7	S-1B: Stiff, brown, Clayey SILT, little fine Sand, dry		
		S2 / 3	2.5-4.5	7-7	S-2: Medium dense, brown, fine to coarse SAND, some Gravel, little Silt, dry		
				10-16			
5		S3A / 7	4.5-5.1	7-6	S-3A: Medium dense, brown, fine to coarse SAND, little Gravel, trace Silt, trace Roots, dry		
		S3B / 5	5.1-6.5	4-5			
					S-3B: Medium dense, brown, fine to coarse SAND, little Gravel, trace Silt		
10		S4 / 11	9-11	1-3	S-4: Loose, fine to medium SAND, some Silt, little Gravel, trace Asphalt, dry		
				3-3		**FILL**	
		S5 / 10	11-13	2-2	S-5: Loose, brown, fine to coarse SAND, some Silt, some interbedded Clayey Silt, trace Gravel, dry		
				3-4			
		S6 / 11	13-15	1-1	S-6: Very loose, gray, SILT and fine to medium SAND, moist		
15				2-1			
		S7 / 23	15-17	1-1/12"	S-7: Very loose, gray, SILT and fine to medium SAND, wet		
				-1			
20		S8A / 7	19-19.6	2-5	S-8A: Medium dense, gray, fine to medium SAND, some Silt, slight Petroleum-like odor, wet		
		S8B / 17	19.6-21	5-7	S-8B: Medium dense, brown, fine to coarse SAND, little Silt, little Gravel, slight Petroleum-like odor, wet	21'	
		S9 / 18	21-23	8-11			
				11-13	S-9: Medium dense, brown, fine to coarse SAND, little Silt, moist	**SILTY SAND**	
		S10 / 17	24-26	7-13	S-10: Medium dense, gray, fine to coarse SAND, some Gravel, some Silt, slight petroleum-like odor, moist		
25				16-21		26'	1
					Exploration Terminated at 26 feet.		
30							

Notes:
1. Boring backfilled with cuttings upon completion, pavement repaired with asphalt cold patch.

Proportions Used

TRACE (TR.)	0 - <10%
LITTLE (LI.)	10 - <20%
SOME (SO.)	20 - <35%
AND	35 - <50%

Density/Consistency

VERY LOOSE	0-4	VERY SOFT	<2
LOOSE	4-10	SOFT	2-4
MEDIUM DENSE	10-30	MEDIUM	4-8
DENSE	30-50	STIFF	8-15
VERY DENSE	>50	VERY STIFF	15-30
		HARD	>30

Tighe&Bond
Engineers | Environmental Specialists

Project: Empeople Credit Union
Location: 1220 Brighton Ave, Portland, ME
Client: Adrenaline

Boring No. **B-3**
Page 1 of 1
File No. A-5104-002
Checked by: B. Nereson

Drilling Co.: New England Boring Contractors
Foreman: P. Schofield
T&B Rep.: M. Carr
Date Start: 09/21/23 Date End: 09/21/23
Location See Exploration Location Plan
GS. Elev. 96.5' Datum: NAVD88

	Casing	Sampler
Type	HSA	Split Spoon
I.D./O.D.	2.25-6.25	1-3/8"/2"
Hammer Wt.	--	140#
Hammer Fall	--	30"
Rig	Mobile Drill B-48	

Groundwater Readings

Date	Time	Depth	Casing	Sta. Time
Groundwater Not Encountered				

Depth (ft.)	Field PID Screening (ppm)	Sample No. / Rec. (in)	Sample Depth (ft.)	Blows Per 6"	Sample Description	General Stratigraphy	Notes
					Advanced Auger to 4 feet BGS		
5		S1 / 4	4-6	1-2	S1: Loose, brown, fine to coarse SAND, little Silt, little Gravel, dry		
				2-7			
		S2 / 10	6-8	3-7	S2: Medium dense, brown, fine to coarse SAND, some Clayey Silt, some Gravel, dry		
				5-5			
						FILL	
10		S3 / 11	9-11	1-3	S3: Loose, brown, fine to coarse SAND, some Gravel, little Clayey Silt, dry		
				5-6			
15		S4 / 17	14-16	1-2	S4: Very loose, gray, fine to coarse SAND and CLAYEY SILT, wet		
				2/24"			
		S5 / 24	16-18	WOR / 18"	S5: Very loose, gray, fine to coarse SAND and CLAYEY SILT, slight petroleum-like odor, wet		
				-6		18'	
						SILTY SAND	
20		S6 / 15	19-21	3-4	S6: Medium dense, fine to coarse SAND, some Silt, moist		
				6-6		21'	1
					Exploration Terminated at 21 feet		
25							
30							

Notes:
1. Boring backfilled with cuttings upon completion, pavement repaired with asphalt cold patch.

Proportions Used

TRACE (TR.)	0 - <10%
LITTLE (LI.)	10 - <20%
SOME (SO.)	20 - <35%
AND	35 - <50%

Density/Consistency

VERY LOOSE	0-4	VERY SOFT	<2
LOOSE	4-10	SOFT	2-4
MEDIUM DENSE	10-30	MEDIUM	4-8
DENSE	30-50	STIFF	8-15
VERY DENSE	>50	VERY STIFF	15-30
			>30

Tighe&Bond
Engineers | Environmental Specialists

Project: Empeople Credit Union
Location: 1220 Brighton Ave, Portland, ME
Client: Adrenaline

Boring No. **B-4**
Page 1 of 1
File No. A-5104-002
Checked by: B. Nereson

Drilling Co.: New England Boring Contractors
Foreman: P. Schofield
T&B Rep.: M. Carr
Date Start: 09/21/23 Date End: 09/21/23
Location See Exploration Location Plan
GS. Elev. 98' Datum: NAVD88

	Casing	Sampler
Type	HSA	Split Spoon
I.D./O.D.	2.25-6.25	1-3/8"/2"
Hammer Wt.	--	140#
Hammer Fall	--	30"
Rig	Mobile Drill B-48	

Groundwater Readings

Date	Time	Depth	Casing	Sta. Time
Groundwater Not Encountered				

Depth (ft.)	Field PID Screening (ppm)	Sample No. / Rec. (in)	Sample Depth (ft.)	Blows Per 6"	Sample Description	General Stratigraphy	Notes
		S1 / 20	0.5-2.5	5-8	S1: Medium dense, brown, fine to coarse SAND, some Gravel, little Silt	0.4' **ASPHALT**	
				15-9		**FILL** 2.5'	
		S2A / 8	2.5-3.2	8-24	S2A: Very dense, brown, fine to coarse SAND, some Gravel, little Silt, dry		
		S2B / 8	3.2-4.5	27-23	S2B: Very dense, brown, fine to medium SAND, little Silt, dry		
5		S3 / 18	4.5-6.5	7-8	S3: Medium dense, brown, fine to medium SAND, trace Silt, dry		
				10-9			
		S4 / 14	9-11	6-8	S4: Medium dense, brown, fine to medium SAND, trace Silt, dry		
10				9-11		**SAND**	
		S5 / 16	14-16	6-8	S5: Medium dense, brown, fine to medium SAND, trace Silt, dry		
15				12-7			
		S6 / 15	19-21	6-10	S6: Medium dense, brown, fine to medium SAND, trace Silt, dry		
20				13-15		21'	
						SILTY SAND	
		S7 / 15	24-26	8-30	S7: Very dense, brown, fine to coarse SAND, some Gravel, some Silt, dry		
25				23-25		26'	1
					Exploration Terminated at 26 feet		
30							

Notes:
1. Boring backfilled with cuttings upon completion, pavement repaired with asphalt cold patch.

Proportions Used

TRACE (TR.)	0 - <10%
LITTLE (LI.)	10 - <20%
SOME (SO.)	20 - <35%
AND	35 - <50%

Density/Consistency

VERY LOOSE	0-4	VERY SOFT	<2
LOOSE	4-10	SOFT	2-4
MEDIUM DENSE	10-30	MEDIUM	4-8
DENSE	30-50	STIFF	8-15
VERY DENSE	>50	VERY STIFF	15-30
			>30

Tighe&Bond
Engineers | Environmental Specialists

Project: Empeople Credit Union
Location: 1220 Brighton Ave, Portland, ME
Client: Adrenaline

Boring No. **B-5**
Page 1 of 1
File No. A-5104-002
Checked by: B. Nereson

Drilling Co.: New England Boring Contractors
Foreman: P. Schofield
T&B Rep.: M. Carr
Date Start: 09/21/23 Date End: 09/21/23
Location See Exploration Location Plan
GS. Elev. 98' Datum: NAVD88

	Casing	Sampler
Type	HSA	Split Spoon
I.D./O.D.	2.25-6.25	1-3/8"/2"
Hammer Wt.	--	140#
Hammer Fall	--	30"
Rig	Mobile Drill B-48	

Groundwater Readings

Date	Time	Depth	Casing	Sta. Time
Groundwater Not Encountered				

Depth (ft.)	Field PID Screening (ppm)	Sample No. / Rec. (in)	Sample Depth (ft.)	Blows Per 6"	Sample Description	General Stratigraphy	Notes
		S1A / 4	0.5-0.8	6-4	S1A: Medium dense, brown, fine to coarse SAND, some Gravel, trace Silt, dry	0.4' ASPHALT 0.8' FILL	
			0.8-2.5	6-7	S1B: Medium dense, brown, fine to coarse SAND, trace Silt, dry		
		S2B / 9	2.5-4.5	6-7			
				9-8	S2: Medium dense, brown, fine to coarse SAND, trace Silt, dry		
5		S3 / 15	4.5-6.5	5-6	S3: Medium dense, brown, fine to coarse SAND, trace Silt, dry		
				7-8			
		S4 / 17	9-11	7-5	S4: Medium dense, brown, fine to coarse SAND, trace Silt, dry		
10				10-11			
						SAND	
		S5 / 16	14-16	5-6	S5: Medium dense, brown, fine to coarse SAND, trace Silt, dry		
15				8-10			
		S6 / 15	19-21	8-13	S6: Medium dense, brown, fine to coarse SAND, trace Silt, dry		
20				15-20			
						23'	
		S7A / 15	24-25.25	21-30	S7A: Very dense, brown, fine to coarse SAND, trace Silt, dry	SILTY SAND	
25		S7B / 9	25.25-26	37-53	S7B: Very dense, fine to coarse SAND, some Gravel, some Silt, dry		
						26'	1
					Exploration Terminated at 26 feet		
30							

Notes:
1. Boring backfilled with cuttings upon completion, pavement repaired with asphalt cold patch.

Proportions Used

TRACE (TR.)	0 - <10%
LITTLE (LI.)	10 - <20%
SOME (SO.)	20 - <35%
AND	35 - <50%

Density/Consistency

VERY LOOSE	0-4	VERY SOFT	<2
LOOSE	4-10	SOFT	2-4
MEDIUM DENSE	10-30	MEDIUM	4-8
DENSE	30-50	STIFF	8-15
VERY DENSE	>50	VERY STIFF	15-30
			>30

Tighe&Bond
Engineers | Environmental Specialists

Project: Empeople Credit Union
Location: 1220 Brighton Ave, Portland, ME
Client: Adrenaline

Boring No. **B-6**
Page 1 of 1
File No. A-5104-002
Checked by: B. Nereson

Drilling Co.: New England Boring Contractors
Foreman: W. Smith
T&B Rep.: M. Carr
Date Start: 10/17/23 Date End: 10/17/23
Location See Exploration Location Plan
GS. Elev. 98' Datum: NAVD88

	Casing	Sampler
Type	HSA	Split Spoon
I.D./O.D.	2.25-6.25	1-3/8"/2"
Hammer Wt.	--	140#
Hammer Fall	--	30"
Rig	Mobile Drill B-48	

Groundwater Readings

Date	Time	Depth	Casing	Sta. Time
Groundwater Not Encountered				

Depth (ft.)	Field PID Screening (ppm)	Sample No. / Rec. (in)	Sample Depth (ft.)	Blows Per 6"	Sample Description	General Stratigraphy	Notes
		S1A / 5"	0.5-0.9	2-3	S1A: 0.5" Asphalt over loose, brown, fine to coarse SAND, some Gravel, little Silt, moist	0.1' **ASPHALT**	
		S1B / 12"	0.9-2.5	3-5	S1B: Loose, gray, SILT, some fine Sand, moist		
		S2 / 14"	2.5-4.5	4-5	S2: Medium dense, gray, Clayey SILT, little fine to medium Sand, trace Asphalt particles, moist		
				6-7			
5		S3 / 5"	4.5-6.5	4-4	S3: Loose, brown, fine to medium SAND, some Silt, trace Gravel, moist		
				3-3			
						FILL	
		S4 / 20"	9-11	WOR-1	S4: Very loose, gray, fine to medium SAND and SILT, moist		
10				1-2			
		S5 / 21"	11-13	1-2	S5: Very loose, brown, fine to medium SAND and SILT, moist		
				2-2			
						15'	
15		S6 / 17"	15-17	4-6	S6: Medium dense, brown, fine to medium SAND, some Silt, moist		
				8-9			
						SILTY SAND	
20		S7 / 21"	20-22	7-12	S7: Medium dense, fine to medium SAND, some Silt, moist		
				11-13		22'	1
					Exploration Terminated at 22 feet		
25							
30							

Notes:
1. Boring backfilled with cuttings upon completion, pavement repaired with asphalt cold patch.
2.

Proportions Used

TRACE (TR.)	0 - <10%
LITTLE (LI.)	10 - <20%
SOME (SO.)	20 - <35%
AND	35 - <50%

Density/Consistency

VERY LOOSE	0-4	VERY SOFT	<2
LOOSE	4-10	SOFT	2-4
MEDIUM DENSE	10-30	MEDIUM	4-8
DENSE	30-50	STIFF	8-15
VERY DENSE	>50	VERY STIFF	15-30
			>30

Tighe&Bond
Engineers | Environmental Specialists

Project: Empeople Credit Union
Location: 1220 Brighton Ave, Portland, ME
Client: Adrenaline

Boring No. **B-7**
Page 1 of 1
File No. A-5104-002
Checked by: B. Nereson

Drilling Co.: New England Boring Contractors
Foreman: W. Smith
T&B Rep.: M. Carr
Date Start: 10/17/23 Date End: 10/17/23
Location See Exploration Location Plan
GS. Elev. 97' Datum: NAVD88

	Casing	Sampler
Type	HSA	Split Spoon
I.D./O.D.	2.25-6.25	1-3/8"/2"
Hammer Wt.	--	140#
Hammer Fall	--	30"
Rig	Mobile Drill B-48	

Groundwater Readings

Date	Time	Depth	Casing	Sta. Time
Groundwater Not Encountered				

Depth (ft.)	Field PID Screening (ppm)	Sample No. / Rec. (in)	Sample Depth (ft.)	Blows Per 6"	Sample Description	General Stratigraphy	Notes
		S1A / 6"	0.5-1	6-6	S1A: 0.5" Asphalt over medium dense, brown, fine to coarse SAND, some Gravel, little Silt, moist	0.1' **ASPHALT**	
		S1B / 10"	1-2.5	6-6	S1B: Stiff, gray, Clayey SILT and fine to medium SAND, moist		
		S2 / 17	2.5-4.5	7-7	S2: Medium dense, gray, SILT interbedded with Clayey SILT, trace fine to medium Sand, moist		
				10-9			
5		S3 / 17	4.5-6.5	2-3	S3: Loose, gray, fine to medium SAND and Clayey SILT, trace Glass particles, trace Asphalt particles, moist		
				5-6			
		S4 / 19	6.5-8.5	7-8	S4: Medium dense, brown, fine SAND, some Silt, little Wood fragments, trace Asphalt particles, moist		
				4-5			
						FILL	
10		S5 / 5"	10-12	1-1	S5: Very loose, dark brown, fibrous ORGANICS, some Wood fragments, moist		
				1-1			
		S6 / 24"	12-13	1-1	S6: Very loose, brown, fine to medium SAND and SILT, trace Asphalt particles, trace Roots, moist		
			13-14	1-2			
15		S7A / 10"	15-15.8	1/12"	S7A: Very loose, gray, Clayey SILT, moist		
		S7B / 10"	15.8-17	1-3	S7B: Very loose, brown, fine to medium SAND, some Silt, little Roots, trace Asphalt particles, moist		
	50	S8A / 12"	17-18	1-3	S8A: Loose, brown, fine to medium SAND, some Silt, petroleum-like odor and sheen, wet	18'	
		S8B / 10"	18-19	3-5	S8B: Loose, brown, fine to medium SAND, little Silt, moist		
20	<1	S9 / 12	20-22	3-4	S9: Medium dense, brown, fine to medium SAND, little Silt, moist		
				6-9			
						SILTY SAND	
25		S10 / 20	25-27	15-14	S10: Medium dense, brown, fine to coarse SAND, some Gravel, little Clayey Silt, moist		
				15-21		27'	1
					Exploration Terminated at 27 feet		
30							

Notes:
1. Boring backfilled with cuttings upon completion, pavement repaired with asphalt cold patch.
2. Soils field screened using a MiniRae3000 photoionization detector with a 10.6eV lamp and calibrated to Benzene standard.

Proportions Used

TRACE (TR.)	0 - <10%
LITTLE (LI.)	10 - <20%
SOME (SO.)	20 - <35%
AND	35 - <50%

Density/Consistency

VERY LOOSE	0-4	VERY SOFT	<2
LOOSE	4-10	SOFT	2-4
MEDIUM DENSE	10-30	MEDIUM	4-8
DENSE	30-50	STIFF	8-15
VERY DENSE	>50	VERY STIFF	15-30
			>30

Tighe&Bond
Engineers | Environmental Specialists

Project: Empeople Credit Union
Location: 1220 Brighton Ave, Portland, ME
Client: Adrenaline

Boring No. **B-8**
Page 1 of 1
File No. A-5104-002
Checked by: B. Nereson

Drilling Co.: New England Boring Contractors
Foreman: W. Smith
T&B Rep.: M. Carr
Date Start: 10/17/23 Date End: 10/17/23
Location See Exploration Location Plan
GS. Elev. 97.5' Datum: NAVD88

	Casing	Sampler
Type	HSA	Split Spoon
I.D./O.D.	2.25-6.25	1-3/8"/2"
Hammer Wt.	--	140#
Hammer Fall	--	30"
Rig	Mobile Drill B-48	

Groundwater Readings

Date	Time	Depth	Casing	Sta. Time
Groundwater Not Encountered				

Depth (ft.)	Field PID Screening (ppm)	Sample No. / Rec. (in)	Sample Depth (ft.)	Blows Per 6"	Sample Description	General Stratigraphy	Notes
		S1 / 12"	0-2	2-1	S1: Very loose, brown-gray, fine SAND and SILT, trace Gravel, moist		
				3-4			
		S2 / 11"	2-4	5-7	S2: Medium dense, gray, fine SAND and SILT, trace Asphalt particles, moist		
				5-4			
		S3 / 3"	4-6	2-1	S3: Very loose, gray, Clayey SILT and GRAVEL, some fine to coarse Sand, moist		
5				1-2			
		S4 / 12"	6-8	1/24"	S4: Very loose, gray, Clayey SILT and fine to coarse SAND, some Gravel, wet		
				--			
		S5 / 17"	8-10	WOR/12"	S5: Very soft, gray, SILT & CLAY, little Gravel, little fine to coarse Sand, wet		
				1-3			
10		S6 / 21"	10-12	1-2	S6: Soft, gray, Clayey SILT, some fine to coarse Sand, little Gravel, wet	FILL	
				2-2			
		S7A / 10"	12-12.9	3-3	S7A: Medium, gray, Clayey SILT, some fine to coarse Sand, wet		
		S7B / 10"	12.9-14	4-3	S7B: Loose, brown, fine SAND, some Silt, trace Wood particles, moist		
		S8 / 20"	14-16	2-2	S8: Loose, brown, fine to coares SAND, some Silt, trace Wood,		
15				2-3	trace Glass, trace Asphalt, wet		
	200	S9 / 10"	16-18	1/24"	S9: Very loose, brown, fine to coarse SAND, some Silt, petroleum-like odor, sheen, wet		
				--			
	174	S10 / 10"	18-20	2-3	S10: Loose, brown, fine to coarse SAND, some Silt, petroleum-like odor, sheen, wet		
				4-4			
20	50	S11A / 10"	20-20.9	1-4	S11A: Stiff, gray, SILT & CLAY interbedded with Sand, slight petroleum-like odor, moist	20.9'	
		S11B / 10"	20.9-22	7-11	S11B: Medium dense, brown, fine to medium SAND, little Silt, moist	SILTY SAND	
	15	S12 / 15"	22-24	15-19	S12: Dense, brown, fine to medium SAND, little Silt, moist	24'	1
				16-24			
					Exploration Terminated at 24 feet		
25							
30							

Notes:
1. Boring backfilled with cuttings upon completion, pavement repaired with asphalt cold patch.
2. Soils field screened using a MiniRae3000 photoionization detector with a 10.6eV lamp and calibrated to Benzene standard.

Proportions Used

TRACE (TR.)	0 - <10%
LITTLE (LI.)	10 - <20%
SOME (SO.)	20 - <35%
AND	35 - <50%

Density/Consistency

VERY LOOSE	0-4	VERY SOFT	<2
LOOSE	4-10	SOFT	2-4
MEDIUM DENSE	10-30	MEDIUM	4-8
DENSE	30-50	STIFF	8-15
VERY DENSE	>50	VERY STIFF	15-30
			>30

Tighe&Bond
Engineers | Environmental Specialists

Project: Empeople Credit Union
Location: 1220 Brighton Ave, Portland, ME
Client: Adrenaline

Boring No. **B-9**
Page 1 of 1
File No. A-5104-002
Checked by: B. Nereson

Drilling Co.: New England Boring Contractors
Foreman: W. Smith
T&B Rep.: M. Carr
Date Start: 10/17/23 Date End: 10/17/23
Location See Exploration Location Plan
GS. Elev. 96' Datum: NAVD88

	Casing	Sampler
Type	HSA	Split Spoon
I.D./O.D.	2.25-6.25	1-3/8"/2"
Hammer Wt.	--	140#
Hammer Fall	--	30"
Rig	Mobile Drill B-48	

Groundwater Readings

Date	Time	Depth	Casing	Sta. Time
Groundwater Not Encountered				

Depth (ft.)	Field PID Screening (ppm)	Sample No. / Rec. (in)	Sample Depth (ft.)	Blows Per 6"	Sample Description	General Stratigraphy	Notes
					Augered to 10 feet without sampling		
10		S1 / 11"	10-12	2-3	S1: Loose, gray, fine to medium SAND, some Clayey Silt, some Gravel, trace Asphalt particles, moist	**FILL**	
				4-5			
	15	S2 / 4"	12-14	4-5	S2: Loose, gray, fine to medium SAND, some Clayey Silt, some Gravel, trace Asphalt particles, slight petroleum-like odor, moist		
				3-2	S3A: Loose, dark red, fine to medium SAND and Clayey SILT, slight petroleum-like odor, slight sheen, moist		
15	45	S3A / 11"	14-14.9	4-2			
		S3B / 11"	14.9-16	2-3	S3B: Loose, gray, fine to medium SAND and Clayey SILT, wet		
	20	S4A / 4"	16-16.3	2-4	S4A: Loose, gray, fine to medium SAND and Clayey SILT, wet		
		S4B / 7"	16.3-18	6-6	S4B: Loose, brown, fine to medium SAND, little Silt, moist		
	15	S5 / 13"	18-20	3-3	S5: Loose, brown, fine to medium SAND, little Silt, moist		
				5-10		20'	
20	3	S6 / 12"	20-22	7-16	S6: Medium dense, brown, fine to medium SAND, little Silt, moist	**SILTY SAND**	
				10-14		22'	1
					Exploration Terminated at 22 feet		
25							
30							

Notes:
1. Boring backfilled with cuttings upon completion, pavement repaired with asphalt cold patch.
2. Soils field screened using a MiniRae3000 photoionization detector with a 10.6eV lamp and calibrated to Benzene standard.

Proportions Used

TRACE (TR.)	0 - <10%
LITTLE (LI.)	10 - <20%
SOME (SO.)	20 - <35%
AND	35 - <50%

Density/Consistency

VERY LOOSE	0-4	VERY SOFT	<2
LOOSE	4-10	SOFT	2-4
MEDIUM DENSE	10-30	MEDIUM	4-8
DENSE	30-50	STIFF	8-15
VERY DENSE	>50	VERY STIFF	15-30
			>30

ANALYTICAL REPORT

Lab Number:	L2361902
Client:	Tighe & Bond, Inc. 177 Corporate Drive Portsmouth, NH 03801
ATTN:	Scott Wozniakowski
Phone:	(603) 294-9679
Project Name:	ADRENALINE/EMPEOPLE
Project Number:	A-5104-002-05
Report Date:	10/27/23

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Eight Walkup Drive, Westborough, MA 01581-1019
508-898-9220 (Fax) 508-898-9193 800-624-9220 - www.alphalab.com

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

Alpha Sample ID	Client ID	Matrix	Sample Location	Collection Date/Time	Receive Date
L2361902-01	B-9, S-3	SOIL	1220 BRIGHTON AVE., PORTLAND, ME	10/17/23 14:45	10/18/23
L2361902-02	B-8, S-9	SOIL	1220 BRIGHTON AVE., PORTLAND, ME	10/17/23 11:45	10/18/23
L2361902-03	B-8, S-11	SOIL	1220 BRIGHTON AVE., PORTLAND, ME	10/17/23 12:00	10/18/23

Project Name:	ADRENALINE/EMPEOPLE	**Lab Number:**	L2361902
Project Number:	A-5104-002-05	**Report Date:**	10/27/23

Case Narrative

The samples were received in accordance with the Chain of Custody and no significant deviations were encountered during the preparation or analysis unless otherwise noted. Sample Receipt, Container Information, and the Chain of Custody are located at the back of the report.

Results contained within this report relate only to the samples submitted under this Alpha Lab Number and meet NELAP requirements for all NELAP accredited parameters unless otherwise noted in the following narrative. The data presented in this report is organized by parameter (i.e. VOC, SVOC, etc.). Sample specific Quality Control data (i.e. Surrogate Spike Recovery) is reported at the end of the target analyte list for each individual sample, followed by the Laboratory Batch Quality Control at the end of each parameter. Tentatively Identified Compounds (TICs), if requested, are reported for compounds identified to be present and are not part of the method/program Target Compound List, even if only a subset of the TCL are being reported. If a sample was re-analyzed or re-extracted due to a required quality control corrective action and if both sets of data are reported, the Laboratory ID of the re-analysis or re-extraction is designated with an "R" or "RE", respectively.

When multiple Batch Quality Control elements are reported (e.g. more than one LCS), the associated samples for each element are noted in the grey shaded header line of each data table. Any Laboratory Batch, Sample Specific % recovery or RPD value that is outside the listed Acceptance Criteria is bolded in the report. In reference to questions H (CAM) or 4 (RCP) when "NO" is checked, the performance criteria for CAM and RCP methods allow for some quality control failures to occur and still be within method compliance. In these instances, the specific failure is not narrated but noted in the associated QC Outlier Summary Report, located directly after the Case Narrative. QC information is also incorporated in the Data Usability Assessment table (Format 11) of our Data Merger tool, where it can be reviewed in conjunction with the sample result, associated regulatory criteria and any associated data usability implications.

Soil/sediments, solids and tissues are reported on a dry weight basis unless otherwise noted. Definitions of all data qualifiers and acronyms used in this report are provided in the Glossary located at the back of the report.

HOLD POLICY - For samples submitted on hold, Alpha's policy is to hold samples (with the exception of Air canisters) free of charge for 21 calendar days from the date the project is completed. After 21 calendar days, we will dispose of all samples submitted including those put on hold unless you have contacted your Alpha Project Manager and made arrangements for Alpha to continue to hold the samples. Air canisters will be disposed after 3 business days from the date the project is completed.

Please contact Project Management at 800-624-9220 with any questions.

Project Name:	ADRENALINE/EMPEOPLE	**Lab Number:**	L2361902
Project Number:	A-5104-002-05	**Report Date:**	10/27/23

Case Narrative (continued)

Volatile Organics

The WG1845137-5 Method Blank, associated with L2361902-01, has a concentration above the reporting limit for methylene chloride. Since the associated sample concentrations are either greater than 10x the blank concentration or non-detect to the RL for this target analyte, no corrective action is required. Any results detected below the reporting limit are qualified with a "B".

The WG1845139-5 Method Blank, associated with L2361902-02D and -03D, has a concentration above the reporting limit for methylene chloride. Since the associated sample concentrations are either greater than 10x the blank concentration or non-detect to the RL for this target analyte, no corrective action is required. Any results detected below the reporting limit are qualified with a "B".

Semivolatile Organics by SIM

L2361902-02D and -03D: The surrogate recoveries are below the acceptance criteria for nitrobenzene-d5 (0%), 2-fluorobiphenyl (0%), and 4-terphenyl-d14 (0%) due to the dilution required to quantitate the sample. Re-extraction was not required; therefore, the results of the original analysis are reported.

Diesel Range Organics

L2361902-02D: The surrogate recovery is below the acceptance criteria for o-terphenyl (0%) due to the dilution required to quantitate the sample. Re-extraction was not required; therefore, the results of the original analysis are reported.

The WG1842035-3D Laboratory Duplicate RPD for DRO (C10-C28) (107%), performed on L2361902-01, is outside the acceptance criteria. The elevated RPD has been attributed to the non-homogeneous nature of the native sample.

I, the undersigned, attest under the pains and penalties of perjury that, to the best of my knowledge and belief and based upon my personal inquiry of those responsible for providing the information contained in this analytical report, such information is accurate and complete. This certificate of analysis is not complete unless this page accompanies any and all pages of this report.

Authorized Signature: Michelle M. Morris

Title: Technical Director/Representative Date: 10/27/23

ORGANICS

VOLATILES

Project Name: ADRENALINE/EMPEOPLE
Lab Number: L2361902
Project Number: A-5104-002-05
Report Date: 10/27/23

SAMPLE RESULTS

Lab ID: L2361902-01
Client ID: B-9, S-3
Sample Location: 1220 BRIGHTON AVE., PORTLAND, ME
Date Collected: 10/17/23 14:45
Date Received: 10/18/23
Field Prep: Not Specified

Sample Depth:
Matrix: Soil
Analytical Method: 1,8260D
Analytical Date: 10/27/23 10:04
Analyst: AJK
Percent Solids: 79%

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
Volatile Organics by EPA 5035 Low - Westborough Lab						
Methylene chloride	ND		ug/kg	5.1	--	1
1,1-Dichloroethane	ND		ug/kg	1.0	--	1
Chloroform	ND		ug/kg	1.5	--	1
Carbon tetrachloride	ND		ug/kg	1.0	--	1
1,2-Dichloropropane	ND		ug/kg	1.0	--	1
Dibromochloromethane	ND		ug/kg	1.0	--	1
1,1,2-Trichloroethane	ND		ug/kg	1.0	--	1
Tetrachloroethene	ND		ug/kg	0.51	--	1
Chlorobenzene	ND		ug/kg	0.51	--	1
Trichlorofluoromethane	ND		ug/kg	4.1	--	1
1,2-Dichloroethane	ND		ug/kg	1.0	--	1
1,1,1-Trichloroethane	ND		ug/kg	0.51	--	1
Bromodichloromethane	ND		ug/kg	0.51	--	1
trans-1,3-Dichloropropene	ND		ug/kg	1.0	--	1
cis-1,3-Dichloropropene	ND		ug/kg	0.51	--	1
1,3-Dichloropropene, Total	ND		ug/kg	0.51	--	1
1,1-Dichloropropene	ND		ug/kg	0.51	--	1
Bromoform	ND		ug/kg	4.1	--	1
1,1,2,2-Tetrachloroethane	ND		ug/kg	0.51	--	1
Benzene	ND		ug/kg	0.51	--	1
Toluene	ND		ug/kg	1.0	--	1
Ethylbenzene	ND		ug/kg	1.0	--	1
Chloromethane	ND		ug/kg	4.1	--	1
Bromomethane	ND		ug/kg	2.0	--	1
Vinyl chloride	ND		ug/kg	1.0	--	1
Chloroethane	ND		ug/kg	2.0	--	1
1,1-Dichloroethene	ND		ug/kg	1.0	--	1
trans-1,2-Dichloroethene	ND		ug/kg	1.5	--	1

Project Name: ADRENALINE/EMPEOPLE
Lab Number: L2361902
Project Number: A-5104-002-05
Report Date: 10/27/23

SAMPLE RESULTS

Lab ID: L2361902-01
Client ID: B-9, S-3
Sample Location: 1220 BRIGHTON AVE., PORTLAND, ME
Date Collected: 10/17/23 14:45
Date Received: 10/18/23
Field Prep: Not Specified

Sample Depth:

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
Volatile Organics by EPA 5035 Low - Westborough Lab						
Trichloroethene	ND		ug/kg	0.51	--	1
1,2-Dichlorobenzene	ND		ug/kg	2.0	--	1
1,3-Dichlorobenzene	ND		ug/kg	2.0	--	1
1,4-Dichlorobenzene	ND		ug/kg	2.0	--	1
Methyl tert butyl ether	ND		ug/kg	2.0	--	1
p/m-Xylene	ND		ug/kg	2.0	--	1
o-Xylene	ND		ug/kg	1.0	--	1
Xylenes, Total	ND		ug/kg	1.0	--	1
cis-1,2-Dichloroethene	ND		ug/kg	1.0	--	1
1,2-Dichloroethene, Total	ND		ug/kg	1.0	--	1
Dibromomethane	ND		ug/kg	2.0	--	1
1,4-Dichlorobutane	ND		ug/kg	10	--	1
1,2,3-Trichloropropane	ND		ug/kg	2.0	--	1
Styrene	ND		ug/kg	1.0	--	1
Dichlorodifluoromethane	ND		ug/kg	10	--	1
Acetone	85		ug/kg	26	--	1
Carbon disulfide	ND		ug/kg	10	--	1
2-Butanone	ND		ug/kg	10	--	1
Vinyl acetate	ND		ug/kg	10	--	1
4-Methyl-2-pentanone	ND		ug/kg	10	--	1
2-Hexanone	ND		ug/kg	10	--	1
Ethyl methacrylate	ND		ug/kg	10	--	1
Acrylonitrile	ND		ug/kg	4.1	--	1
Bromochloromethane	ND		ug/kg	2.0	--	1
Tetrahydrofuran	ND		ug/kg	4.1	--	1
2,2-Dichloropropane	ND		ug/kg	2.0	--	1
1,2-Dibromoethane	ND		ug/kg	1.0	--	1
1,3-Dichloropropane	ND		ug/kg	2.0	--	1
1,1,1,2-Tetrachloroethane	ND		ug/kg	0.51	--	1
Bromobenzene	ND		ug/kg	2.0	--	1
n-Butylbenzene	ND		ug/kg	1.0	--	1
sec-Butylbenzene	ND		ug/kg	1.0	--	1
tert-Butylbenzene	ND		ug/kg	2.0	--	1
o-Chlorotoluene	ND		ug/kg	2.0	--	1
p-Chlorotoluene	ND		ug/kg	2.0	--	1
1,2-Dibromo-3-chloropropane	ND		ug/kg	3.1	--	1
Hexachlorobutadiene	ND		ug/kg	4.1	--	1

Project Name: ADRENALINE/EMPEOPLE **Lab Number:** L2361902

Project Number: A-5104-002-05 **Report Date:** 10/27/23

SAMPLE RESULTS

Lab ID: L2361902-01 Date Collected: 10/17/23 14:45

Client ID: B-9, S-3 Date Received: 10/18/23

Sample Location: 1220 BRIGHTON AVE., PORTLAND, ME Field Prep: Not Specified

Sample Depth:

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
Volatile Organics by EPA 5035 Low - Westborough Lab						
Isopropylbenzene	ND		ug/kg	1.0	--	1
p-Isopropyltoluene	ND		ug/kg	1.0	--	1
Naphthalene	8.5		ug/kg	4.1	--	1
n-Propylbenzene	ND		ug/kg	1.0	--	1
1,2,3-Trichlorobenzene	ND		ug/kg	2.0	--	1
1,2,4-Trichlorobenzene	ND		ug/kg	2.0	--	1
1,3,5-Trimethylbenzene	ND		ug/kg	2.0	--	1
1,2,4-Trimethylbenzene	ND		ug/kg	2.0	--	1
trans-1,4-Dichloro-2-butene	ND		ug/kg	5.1	--	1
Ethyl ether	ND		ug/kg	2.0	--	1

Surrogate	% Recovery	Qualifier	Acceptance Criteria
1,2-Dichloroethane-d4	104		70-130
Toluene-d8	100		70-130
4-Bromofluorobenzene	111		70-130
Dibromofluoromethane	105		70-130

Project Name: ADRENALINE/EMPEOPLE
Lab Number: L2361902
Project Number: A-5104-002-05
Report Date: 10/27/23

SAMPLE RESULTS

Lab ID: L2361902-02 D2
Client ID: B-8, S-9
Sample Location: 1220 BRIGHTON AVE., PORTLAND, ME

Date Collected: 10/17/23 11:45
Date Received: 10/18/23
Field Prep: Not Specified

Sample Depth:
Matrix: Soil
Analytical Method: 1,8260D
Analytical Date: 10/27/23 10:51
Analyst: AJK
Percent Solids: 83%

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
Volatile Organics by EPA 5035 High - Westborough Lab						
Naphthalene	450000		ug/kg	20000	--	100

Surrogate	% Recovery	Qualifier	Acceptance Criteria
1,2-Dichloroethane-d4	98		70-130
Toluene-d8	98		70-130
4-Bromofluorobenzene	95		70-130
Dibromofluoromethane	104		70-130

Project Name: ADRENALINE/EMPEOPLE **Lab Number:** L2361902

Project Number: A-5104-002-05 **Report Date:** 10/27/23

SAMPLE RESULTS

Lab ID: L2361902-02 D
Client ID: B-8, S-9
Sample Location: 1220 BRIGHTON AVE., PORTLAND, ME

Date Collected: 10/17/23 11:45
Date Received: 10/18/23
Field Prep: Not Specified

Sample Depth:
Matrix: Soil
Analytical Method: 1,8260D
Analytical Date: 10/27/23 10:28
Analyst: AJK
Percent Solids: 83%

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
Volatile Organics by EPA 5035 High - Westborough Lab						
Methylene chloride	ND		ug/kg	2400	--	10
1,1-Dichloroethane	ND		ug/kg	490	--	10
Chloroform	ND		ug/kg	740	--	10
Carbon tetrachloride	ND		ug/kg	490	--	10
1,2-Dichloropropane	ND		ug/kg	490	--	10
Dibromochloromethane	ND		ug/kg	490	--	10
1,1,2-Trichloroethane	ND		ug/kg	490	--	10
Tetrachloroethene	ND		ug/kg	240	--	10
Chlorobenzene	ND		ug/kg	240	--	10
Trichlorofluoromethane	ND		ug/kg	2000	--	10
1,2-Dichloroethane	ND		ug/kg	490	--	10
1,1,1-Trichloroethane	ND		ug/kg	240	--	10
Bromodichloromethane	ND		ug/kg	240	--	10
trans-1,3-Dichloropropene	ND		ug/kg	490	--	10
cis-1,3-Dichloropropene	ND		ug/kg	240	--	10
1,3-Dichloropropene, Total	ND		ug/kg	240	--	10
1,1-Dichloropropene	ND		ug/kg	240	--	10
Bromoform	ND		ug/kg	2000	--	10
1,1,2,2-Tetrachloroethane	ND		ug/kg	240	--	10
Benzene	11000		ug/kg	240	--	10
Toluene	1000		ug/kg	490	--	10
Ethylbenzene	46000		ug/kg	490	--	10
Chloromethane	ND		ug/kg	2000	--	10
Bromomethane	ND		ug/kg	980	--	10
Vinyl chloride	ND		ug/kg	490	--	10
Chloroethane	ND		ug/kg	980	--	10
1,1-Dichloroethene	ND		ug/kg	490	--	10
trans-1,2-Dichloroethene	ND		ug/kg	740	--	10

Project Name: ADRENALINE/EMPEOPLE **Lab Number:** L2361902

Project Number: A-5104-002-05 **Report Date:** 10/27/23

SAMPLE RESULTS

Lab ID: L2361902-02 D Date Collected: 10/17/23 11:45

Client ID: B-8, S-9 Date Received: 10/18/23

Sample Location: 1220 BRIGHTON AVE., PORTLAND, ME Field Prep: Not Specified

Sample Depth:

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
Volatile Organics by EPA 5035 High - Westborough Lab						
Trichloroethene	ND		ug/kg	240	--	10
1,2-Dichlorobenzene	ND		ug/kg	980	--	10
1,3-Dichlorobenzene	ND		ug/kg	980	--	10
1,4-Dichlorobenzene	ND		ug/kg	980	--	10
Methyl tert butyl ether	ND		ug/kg	980	--	10
p/m-Xylene	52000		ug/kg	980	--	10
o-Xylene	25000		ug/kg	490	--	10
Xylenes, Total	77000		ug/kg	490	--	10
cis-1,2-Dichloroethene	ND		ug/kg	490	--	10
1,2-Dichloroethene, Total	ND		ug/kg	490	--	10
Dibromomethane	ND		ug/kg	980	--	10
1,4-Dichlorobutane	ND		ug/kg	4900	--	10
1,2,3-Trichloropropane	ND		ug/kg	980	--	10
Styrene	ND		ug/kg	490	--	10
Dichlorodifluoromethane	ND		ug/kg	4900	--	10
Acetone	ND		ug/kg	4900	--	10
Carbon disulfide	ND		ug/kg	4900	--	10
2-Butanone	ND		ug/kg	4900	--	10
Vinyl acetate	ND		ug/kg	4900	--	10
4-Methyl-2-pentanone	ND		ug/kg	4900	--	10
2-Hexanone	ND		ug/kg	4900	--	10
Ethyl methacrylate	ND		ug/kg	4900	--	10
Acrylonitrile	ND		ug/kg	2000	--	10
Bromochloromethane	ND		ug/kg	980	--	10
Tetrahydrofuran	ND		ug/kg	2000	--	10
2,2-Dichloropropane	ND		ug/kg	980	--	10
1,2-Dibromoethane	ND		ug/kg	490	--	10
1,3-Dichloropropane	ND		ug/kg	980	--	10
1,1,1,2-Tetrachloroethane	ND		ug/kg	240	--	10
Bromobenzene	ND		ug/kg	980	--	10
n-Butylbenzene	ND		ug/kg	490	--	10
sec-Butylbenzene	ND		ug/kg	490	--	10
tert-Butylbenzene	ND		ug/kg	980	--	10
o-Chlorotoluene	ND		ug/kg	980	--	10
p-Chlorotoluene	ND		ug/kg	980	--	10
1,2-Dibromo-3-chloropropane	ND		ug/kg	1500	--	10
Hexachlorobutadiene	ND		ug/kg	2000	--	10

Project Name: ADRENALINE/EMPEOPLE **Lab Number:** L2361902

Project Number: A-5104-002-05 **Report Date:** 10/27/23

SAMPLE RESULTS

Lab ID: L2361902-02 D Date Collected: 10/17/23 11:45

Client ID: B-8, S-9 Date Received: 10/18/23

Sample Location: 1220 BRIGHTON AVE., PORTLAND, ME Field Prep: Not Specified

Sample Depth:

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
Volatile Organics by EPA 5035 High - Westborough Lab						
Isopropylbenzene	4900		ug/kg	490	--	10
p-Isopropyltoluene	1500		ug/kg	490	--	10
Naphthalene	390000	E	ug/kg	2000	--	10
n-Propylbenzene	1000		ug/kg	490	--	10
1,2,3-Trichlorobenzene	ND		ug/kg	980	--	10
1,2,4-Trichlorobenzene	ND		ug/kg	980	--	10
1,3,5-Trimethylbenzene	7900		ug/kg	980	--	10
1,2,4-Trimethylbenzene	24000		ug/kg	980	--	10
trans-1,4-Dichloro-2-butene	ND		ug/kg	2400	--	10
Ethyl ether	ND		ug/kg	980	--	10

Surrogate	% Recovery	Qualifier	Acceptance Criteria
1,2-Dichloroethane-d4	99		70-130
Toluene-d8	96		70-130
4-Bromofluorobenzene	93		70-130
Dibromofluoromethane	102		70-130

Project Name: ADRENALINE/EMPEOPLE **Lab Number:** L2361902

Project Number: A-5104-002-05 **Report Date:** 10/27/23

SAMPLE RESULTS

Lab ID: L2361902-03 D2 Date Collected: 10/17/23 12:00
Client ID: B-8, S-11 Date Received: 10/18/23
Sample Location: 1220 BRIGHTON AVE., PORTLAND, ME Field Prep: Not Specified

Sample Depth:
Matrix: Soil
Analytical Method: 1,8260D
Analytical Date: 10/27/23 11:38
Analyst: AJK
Percent Solids: 91%

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
Volatile Organics by EPA 5035 High - Westborough Lab						
Naphthalene	610000		ug/kg	18000	--	100

Surrogate	% Recovery	Qualifier	Acceptance Criteria
1,2-Dichloroethane-d4	100		70-130
Toluene-d8	97		70-130
4-Bromofluorobenzene	94		70-130
Dibromofluoromethane	106		70-130

Project Name: ADRENALINE/EMPEOPLE
Lab Number: L2361902
Project Number: A-5104-002-05
Report Date: 10/27/23

SAMPLE RESULTS

Lab ID: L2361902-03 D
Client ID: B-8, S-11
Sample Location: 1220 BRIGHTON AVE., PORTLAND, ME

Date Collected: 10/17/23 12:00
Date Received: 10/18/23
Field Prep: Not Specified

Sample Depth:
Matrix: Soil
Analytical Method: 1,8260D
Analytical Date: 10/27/23 11:15
Analyst: AJK
Percent Solids: 91%

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
Volatile Organics by EPA 5035 High - Westborough Lab						
Methylene chloride	ND		ug/kg	2200	--	10
1,1-Dichloroethane	ND		ug/kg	450	--	10
Chloroform	ND		ug/kg	680	--	10
Carbon tetrachloride	ND		ug/kg	450	--	10
1,2-Dichloropropane	ND		ug/kg	450	--	10
Dibromochloromethane	ND		ug/kg	450	--	10
1,1,2-Trichloroethane	ND		ug/kg	450	--	10
Tetrachloroethene	ND		ug/kg	220	--	10
Chlorobenzene	ND		ug/kg	220	--	10
Trichlorofluoromethane	ND		ug/kg	1800	--	10
1,2-Dichloroethane	ND		ug/kg	450	--	10
1,1,1-Trichloroethane	ND		ug/kg	220	--	10
Bromodichloromethane	ND		ug/kg	220	--	10
trans-1,3-Dichloropropene	ND		ug/kg	450	--	10
cis-1,3-Dichloropropene	ND		ug/kg	220	--	10
1,3-Dichloropropene, Total	ND		ug/kg	220	--	10
1,1-Dichloropropene	ND		ug/kg	220	--	10
Bromoform	ND		ug/kg	1800	--	10
1,1,2,2-Tetrachloroethane	ND		ug/kg	220	--	10
Benzene	9200		ug/kg	220	--	10
Toluene	14000		ug/kg	450	--	10
Ethylbenzene	23000		ug/kg	450	--	10
Chloromethane	ND		ug/kg	1800	--	10
Bromomethane	ND		ug/kg	900	--	10
Vinyl chloride	ND		ug/kg	450	--	10
Chloroethane	ND		ug/kg	900	--	10
1,1-Dichloroethene	ND		ug/kg	450	--	10
trans-1,2-Dichloroethene	ND		ug/kg	680	--	10

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05
Lab Number: L2361902
Report Date: 10/27/23

SAMPLE RESULTS

Lab ID: L2361902-03 D
Client ID: B-8, S-11
Sample Location: 1220 BRIGHTON AVE., PORTLAND, ME

Date Collected: 10/17/23 12:00
Date Received: 10/18/23
Field Prep: Not Specified

Sample Depth:

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
Volatile Organics by EPA 5035 High - Westborough Lab						
Trichloroethene	ND		ug/kg	220	--	10
1,2-Dichlorobenzene	ND		ug/kg	900	--	10
1,3-Dichlorobenzene	ND		ug/kg	900	--	10
1,4-Dichlorobenzene	ND		ug/kg	900	--	10
Methyl tert butyl ether	ND		ug/kg	900	--	10
p/m-Xylene	34000		ug/kg	900	--	10
o-Xylene	17000		ug/kg	450	--	10
Xylenes, Total	51000		ug/kg	450	--	10
cis-1,2-Dichloroethene	ND		ug/kg	450	--	10
1,2-Dichloroethene, Total	ND		ug/kg	450	--	10
Dibromomethane	ND		ug/kg	900	--	10
1,4-Dichlorobutane	ND		ug/kg	4500	--	10
1,2,3-Trichloropropane	ND		ug/kg	900	--	10
Styrene	6000		ug/kg	450	--	10
Dichlorodifluoromethane	ND		ug/kg	4500	--	10
Acetone	ND		ug/kg	4500	--	10
Carbon disulfide	ND		ug/kg	4500	--	10
2-Butanone	ND		ug/kg	4500	--	10
Vinyl acetate	ND		ug/kg	4500	--	10
4-Methyl-2-pentanone	ND		ug/kg	4500	--	10
2-Hexanone	ND		ug/kg	4500	--	10
Ethyl methacrylate	ND		ug/kg	4500	--	10
Acrylonitrile	ND		ug/kg	1800	--	10
Bromochloromethane	ND		ug/kg	900	--	10
Tetrahydrofuran	ND		ug/kg	1800	--	10
2,2-Dichloropropane	ND		ug/kg	900	--	10
1,2-Dibromoethane	ND		ug/kg	450	--	10
1,3-Dichloropropane	ND		ug/kg	900	--	10
1,1,1,2-Tetrachloroethane	ND		ug/kg	220	--	10
Bromobenzene	ND		ug/kg	900	--	10
n-Butylbenzene	550		ug/kg	450	--	10
sec-Butylbenzene	ND		ug/kg	450	--	10
tert-Butylbenzene	ND		ug/kg	900	--	10
o-Chlorotoluene	ND		ug/kg	900	--	10
p-Chlorotoluene	ND		ug/kg	900	--	10
1,2-Dibromo-3-chloropropane	ND		ug/kg	1400	--	10
Hexachlorobutadiene	ND		ug/kg	1800	--	10

Project Name: ADRENALINE/EMPEOPLE **Lab Number:** L2361902

Project Number: A-5104-002-05 **Report Date:** 10/27/23

SAMPLE RESULTS

Lab ID: L2361902-03 D Date Collected: 10/17/23 12:00

Client ID: B-8, S-11 Date Received: 10/18/23

Sample Location: 1220 BRIGHTON AVE., PORTLAND, ME Field Prep: Not Specified

Sample Depth:

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
Volatile Organics by EPA 5035 High - Westborough Lab						
Isopropylbenzene	3000		ug/kg	450	--	10
p-Isopropyltoluene	940		ug/kg	450	--	10
Naphthalene	390000	E	ug/kg	1800	--	10
n-Propylbenzene	1200		ug/kg	450	--	10
1,2,3-Trichlorobenzene	ND		ug/kg	900	--	10
1,2,4-Trichlorobenzene	ND		ug/kg	900	--	10
1,3,5-Trimethylbenzene	6400		ug/kg	900	--	10
1,2,4-Trimethylbenzene	21000		ug/kg	900	--	10
trans-1,4-Dichloro-2-butene	ND		ug/kg	2200	--	10
Ethyl ether	ND		ug/kg	900	--	10

Surrogate	% Recovery	Qualifier	Acceptance Criteria
1,2-Dichloroethane-d4	97		70-130
Toluene-d8	96		70-130
4-Bromofluorobenzene	94		70-130
Dibromofluoromethane	102		70-130

Project Name: ADRENALINE/EMPEOPLE **Lab Number:** L2361902

Project Number: A-5104-002-05 **Report Date:** 10/27/23

Method Blank Analysis
Batch Quality Control

Analytical Method: 1,8260D
Analytical Date: 10/27/23 09:40
Analyst: AJK

Parameter	Result	Qualifier	Units	RL	MDL
Volatile Organics by EPA 5035 Low - Westborough Lab for sample(s): 01 Batch: WG1845137-5					
Methylene chloride	7.5		ug/kg	5.0	--
1,1-Dichloroethane	ND		ug/kg	1.0	--
Chloroform	ND		ug/kg	1.5	--
Carbon tetrachloride	ND		ug/kg	1.0	--
1,2-Dichloropropane	ND		ug/kg	1.0	--
Dibromochloromethane	ND		ug/kg	1.0	--
1,1,2-Trichloroethane	ND		ug/kg	1.0	--
Tetrachloroethene	ND		ug/kg	0.50	--
Chlorobenzene	ND		ug/kg	0.50	--
Trichlorofluoromethane	ND		ug/kg	4.0	--
1,2-Dichloroethane	ND		ug/kg	1.0	--
1,1,1-Trichloroethane	ND		ug/kg	0.50	--
Bromodichloromethane	ND		ug/kg	0.50	--
trans-1,3-Dichloropropene	ND		ug/kg	1.0	--
cis-1,3-Dichloropropene	ND		ug/kg	0.50	--
1,3-Dichloropropene, Total	ND		ug/kg	0.50	--
1,1-Dichloropropene	ND		ug/kg	0.50	--
Bromoform	ND		ug/kg	4.0	--
1,1,2,2-Tetrachloroethane	ND		ug/kg	0.50	--
Benzene	ND		ug/kg	0.50	--
Toluene	ND		ug/kg	1.0	--
Ethylbenzene	ND		ug/kg	1.0	--
Chloromethane	ND		ug/kg	4.0	--
Bromomethane	ND		ug/kg	2.0	--
Vinyl chloride	ND		ug/kg	1.0	--
Chloroethane	ND		ug/kg	2.0	--
1,1-Dichloroethene	ND		ug/kg	1.0	--
trans-1,2-Dichloroethene	ND		ug/kg	1.5	--
Trichloroethene	ND		ug/kg	0.50	--

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

Method Blank Analysis
Batch Quality Control

Analytical Method: 1,8260D
Analytical Date: 10/27/23 09:40
Analyst: AJK

Parameter	Result	Qualifier	Units	RL	MDL
Volatile Organics by EPA 5035 Low - Westborough Lab for sample(s): 01 Batch: WG1845137-5					
1,2-Dichlorobenzene	ND		ug/kg	2.0	--
1,3-Dichlorobenzene	ND		ug/kg	2.0	--
1,4-Dichlorobenzene	ND		ug/kg	2.0	--
Methyl tert butyl ether	ND		ug/kg	2.0	--
p/m-Xylene	ND		ug/kg	2.0	--
o-Xylene	ND		ug/kg	1.0	--
Xylenes, Total	ND		ug/kg	1.0	--
cis-1,2-Dichloroethene	ND		ug/kg	1.0	--
1,2-Dichloroethene, Total	ND		ug/kg	1.0	--
Dibromomethane	ND		ug/kg	2.0	--
1,4-Dichlorobutane	ND		ug/kg	10	--
1,2,3-Trichloropropane	ND		ug/kg	2.0	--
Styrene	ND		ug/kg	1.0	--
Dichlorodifluoromethane	ND		ug/kg	10	--
Acetone	ND		ug/kg	25	--
Carbon disulfide	ND		ug/kg	10	--
2-Butanone	ND		ug/kg	10	--
Vinyl acetate	ND		ug/kg	10	--
4-Methyl-2-pentanone	ND		ug/kg	10	--
2-Hexanone	ND		ug/kg	10	--
Ethyl methacrylate	ND		ug/kg	10	--
Acrylonitrile	ND		ug/kg	4.0	--
Bromochloromethane	ND		ug/kg	2.0	--
Tetrahydrofuran	ND		ug/kg	4.0	--
2,2-Dichloropropane	ND		ug/kg	2.0	--
1,2-Dibromoethane	ND		ug/kg	1.0	--
1,3-Dichloropropane	ND		ug/kg	2.0	--
1,1,1,2-Tetrachloroethane	ND		ug/kg	0.50	--
Bromobenzene	ND		ug/kg	2.0	--

Project Name: ADRENALINE/EMPEOPLE **Lab Number:** L2361902

Project Number: A-5104-002-05 **Report Date:** 10/27/23

Method Blank Analysis
Batch Quality Control

Analytical Method: 1,8260D
Analytical Date: 10/27/23 09:40
Analyst: AJK

Parameter	Result	Qualifier	Units	RL	MDL
Volatile Organics by EPA 5035 Low - Westborough Lab for sample(s): 01 Batch: WG1845137-5					
n-Butylbenzene	ND		ug/kg	1.0	--
sec-Butylbenzene	ND		ug/kg	1.0	--
tert-Butylbenzene	ND		ug/kg	2.0	--
o-Chlorotoluene	ND		ug/kg	2.0	--
p-Chlorotoluene	ND		ug/kg	2.0	--
1,2-Dibromo-3-chloropropane	ND		ug/kg	3.0	--
Hexachlorobutadiene	ND		ug/kg	4.0	--
Isopropylbenzene	ND		ug/kg	1.0	--
p-Isopropyltoluene	ND		ug/kg	1.0	--
Naphthalene	ND		ug/kg	4.0	--
n-Propylbenzene	ND		ug/kg	1.0	--
1,2,3-Trichlorobenzene	ND		ug/kg	2.0	--
1,2,4-Trichlorobenzene	ND		ug/kg	2.0	--
1,3,5-Trimethylbenzene	ND		ug/kg	2.0	--
1,2,4-Trimethylbenzene	ND		ug/kg	2.0	--
trans-1,4-Dichloro-2-butene	ND		ug/kg	5.0	--
Ethyl ether	ND		ug/kg	2.0	--

Surrogate	%Recovery	Qualifier	Acceptance Criteria
1,2-Dichloroethane-d4	105		70-130
Toluene-d8	98		70-130
4-Bromofluorobenzene	97		70-130
Dibromofluoromethane	102		70-130

Project Name: ADRENALINE/EMPEOPLE **Lab Number:** L2361902

Project Number: A-5104-002-05 **Report Date:** 10/27/23

Method Blank Analysis
Batch Quality Control

Analytical Method: 1,8260D
Analytical Date: 10/27/23 09:40
Analyst: AJK

Parameter	Result	Qualifier	Units	RL	MDL
Volatile Organics by EPA 5035 High - Westborough Lab for sample(s): 02-03 Batch: WG1845139-5					
Methylene chloride	370		ug/kg	250	--
1,1-Dichloroethane	ND		ug/kg	50	--
Chloroform	ND		ug/kg	75	--
Carbon tetrachloride	ND		ug/kg	50	--
1,2-Dichloropropane	ND		ug/kg	50	--
Dibromochloromethane	ND		ug/kg	50	--
1,1,2-Trichloroethane	ND		ug/kg	50	--
Tetrachloroethene	ND		ug/kg	25	--
Chlorobenzene	ND		ug/kg	25	--
Trichlorofluoromethane	ND		ug/kg	200	--
1,2-Dichloroethane	ND		ug/kg	50	--
1,1,1-Trichloroethane	ND		ug/kg	25	--
Bromodichloromethane	ND		ug/kg	25	--
trans-1,3-Dichloropropene	ND		ug/kg	50	--
cis-1,3-Dichloropropene	ND		ug/kg	25	--
1,3-Dichloropropene, Total	ND		ug/kg	25	--
1,1-Dichloropropene	ND		ug/kg	25	--
Bromoform	ND		ug/kg	200	--
1,1,2,2-Tetrachloroethane	ND		ug/kg	25	--
Benzene	ND		ug/kg	25	--
Toluene	ND		ug/kg	50	--
Ethylbenzene	ND		ug/kg	50	--
Chloromethane	ND		ug/kg	200	--
Bromomethane	ND		ug/kg	100	--
Vinyl chloride	ND		ug/kg	50	--
Chloroethane	ND		ug/kg	100	--
1,1-Dichloroethene	ND		ug/kg	50	--
trans-1,2-Dichloroethene	ND		ug/kg	75	--
Trichloroethene	ND		ug/kg	25	--

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

Method Blank Analysis
Batch Quality Control

Analytical Method: 1,8260D
Analytical Date: 10/27/23 09:40
Analyst: AJK

Parameter	Result	Qualifier	Units	RL	MDL
Volatile Organics by EPA 5035 High - Westborough Lab for sample(s): 02-03 Batch: WG1845139-5					
1,2-Dichlorobenzene	ND		ug/kg	100	--
1,3-Dichlorobenzene	ND		ug/kg	100	--
1,4-Dichlorobenzene	ND		ug/kg	100	--
Methyl tert butyl ether	ND		ug/kg	100	--
p/m-Xylene	ND		ug/kg	100	--
o-Xylene	ND		ug/kg	50	--
Xylenes, Total	ND		ug/kg	50	--
cis-1,2-Dichloroethene	ND		ug/kg	50	--
1,2-Dichloroethene, Total	ND		ug/kg	50	--
Dibromomethane	ND		ug/kg	100	--
1,4-Dichlorobutane	ND		ug/kg	500	--
1,2,3-Trichloropropane	ND		ug/kg	100	--
Styrene	ND		ug/kg	50	--
Dichlorodifluoromethane	ND		ug/kg	500	--
Acetone	ND		ug/kg	500	--
Carbon disulfide	ND		ug/kg	500	--
2-Butanone	ND		ug/kg	500	--
Vinyl acetate	ND		ug/kg	500	--
4-Methyl-2-pentanone	ND		ug/kg	500	--
2-Hexanone	ND		ug/kg	500	--
Ethyl methacrylate	ND		ug/kg	500	--
Acrylonitrile	ND		ug/kg	200	--
Bromochloromethane	ND		ug/kg	100	--
Tetrahydrofuran	ND		ug/kg	200	--
2,2-Dichloropropane	ND		ug/kg	100	--
1,2-Dibromoethane	ND		ug/kg	50	--
1,3-Dichloropropane	ND		ug/kg	100	--
1,1,1,2-Tetrachloroethane	ND		ug/kg	25	--
Bromobenzene	ND		ug/kg	100	--

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

Method Blank Analysis
Batch Quality Control

Analytical Method: 1,8260D
Analytical Date: 10/27/23 09:40
Analyst: AJK

Parameter	Result	Qualifier	Units	RL	MDL
Volatile Organics by EPA 5035 High - Westborough Lab for sample(s): 02-03 Batch: WG1845139-5					
n-Butylbenzene	ND		ug/kg	50	--
sec-Butylbenzene	ND		ug/kg	50	--
tert-Butylbenzene	ND		ug/kg	100	--
o-Chlorotoluene	ND		ug/kg	100	--
p-Chlorotoluene	ND		ug/kg	100	--
1,2-Dibromo-3-chloropropane	ND		ug/kg	150	--
Hexachlorobutadiene	ND		ug/kg	200	--
Isopropylbenzene	ND		ug/kg	50	--
p-Isopropyltoluene	ND		ug/kg	50	--
Naphthalene	ND		ug/kg	200	--
n-Propylbenzene	ND		ug/kg	50	--
1,2,3-Trichlorobenzene	ND		ug/kg	100	--
1,2,4-Trichlorobenzene	ND		ug/kg	100	--
1,3,5-Trimethylbenzene	ND		ug/kg	100	--
1,2,4-Trimethylbenzene	ND		ug/kg	100	--
trans-1,4-Dichloro-2-butene	ND		ug/kg	250	--
Ethyl ether	ND		ug/kg	100	--

Surrogate	%Recovery	Qualifier	Acceptance Criteria
1,2-Dichloroethane-d4	104		70-130
Toluene-d8	99		70-130
4-Bromofluorobenzene	97		70-130
Dibromofluoromethane	102		70-130

Lab Control Sample Analysis
Batch Quality Control

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Volatile Organics by EPA 5035 Low - Westborough Lab Associated sample(s): 01 Batch: WG1845137-3 WG1845137-4								
Methylene chloride	91		97		70-130	6		30
1,1-Dichloroethane	89		96		70-130	8		30
Chloroform	88		95		70-130	8		30
Carbon tetrachloride	90		100		70-130	11		30
1,2-Dichloropropane	89		96		70-130	8		30
Dibromochloromethane	82		90		70-130	9		30
1,1,2-Trichloroethane	85		92		70-130	8		30
Tetrachloroethene	88		96		70-130	9		30
Chlorobenzene	86		92		70-130	7		30
Trichlorofluoromethane	88		95		70-139	8		30
1,2-Dichloroethane	86		93		70-130	8		30
1,1,1-Trichloroethane	92		100		70-130	8		30
Bromodichloromethane	87		95		70-130	9		30
trans-1,3-Dichloropropene	79		85		70-130	7		30
cis-1,3-Dichloropropene	93		100		70-130	7		30
1,1-Dichloropropene	97		105		70-130	8		30
Bromoform	74		83		70-130	11		30
1,1,2,2-Tetrachloroethane	77		86		70-130	11		30
Benzene	91		97		70-130	6		30
Toluene	86		92		70-130	7		30
Ethylbenzene	89		95		70-130	7		30
Chloromethane	108		115		52-130	6		30
Bromomethane	97		105		57-147	8		30

Lab Control Sample Analysis

Batch Quality Control

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Volatile Organics by EPA 5035 Low - Westborough Lab Associated sample(s): 01 Batch: WG1845137-3 WG1845137-4								
Vinyl chloride	100		110		67-130	10		30
Chloroethane	89		96		50-151	8		30
1,1-Dichloroethene	93		99		65-135	6		30
trans-1,2-Dichloroethene	91		98		70-130	7		30
Trichloroethene	91		99		70-130	8		30
1,2-Dichlorobenzene	83		90		70-130	8		30
1,3-Dichlorobenzene	82		91		70-130	10		30
1,4-Dichlorobenzene	82		90		70-130	9		30
Methyl tert butyl ether	91		96		66-130	5		30
p/m-Xylene	91		98		70-130	7		30
o-Xylene	90		97		70-130	7		30
cis-1,2-Dichloroethene	88		95		70-130	8		30
Dibromomethane	84		90		70-130	7		30
1,4-Dichlorobutane	76		84		70-130	10		30
1,2,3-Trichloropropane	76		84		68-130	10		30
Styrene	80		87		70-130	8		30
Dichlorodifluoromethane	133		141		30-146	6		30
Acetone	94		102		54-140	8		30
Carbon disulfide	94		102		59-130	8		30
2-Butanone	80		86		70-130	7		30
Vinyl acetate	92		96		70-130	4		30
4-Methyl-2-pentanone	83		87		70-130	5		30
2-Hexanone	79		84		70-130	6		30

Lab Control Sample Analysis
Batch Quality Control

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Volatile Organics by EPA 5035 Low - Westborough Lab Associated sample(s): 01 Batch: WG1845137-3 WG1845137-4								
Ethyl methacrylate	83		90		70-130	8		30
Acrylonitrile	85		91		70-130	7		30
Bromochloromethane	84		92		70-130	9		30
Tetrahydrofuran	80		91		66-130	13		30
2,2-Dichloropropane	95		102		70-130	7		30
1,2-Dibromoethane	87		96		70-130	10		30
1,3-Dichloropropane	87		92		69-130	6		30
1,1,1,2-Tetrachloroethane	89		96		70-130	8		30
Bromobenzene	79		89		70-130	12		30
n-Butylbenzene	90		97		70-130	7		30
sec-Butylbenzene	87		95		70-130	9		30
tert-Butylbenzene	85		94		70-130	10		30
o-Chlorotoluene	83		105		70-130	23		30
p-Chlorotoluene	84		92		70-130	9		30
1,2-Dibromo-3-chloropropane	74		81		68-130	9		30
Hexachlorobutadiene	86		90		67-130	5		30
Isopropylbenzene	85		94		70-130	10		30
p-Isopropyltoluene	88		96		70-130	9		30
Naphthalene	85		91		70-130	7		30
n-Propylbenzene	85		94		70-130	10		30
1,2,3-Trichlorobenzene	87		92		70-130	6		30
1,2,4-Trichlorobenzene	87		93		70-130	7		30
1,3,5-Trimethylbenzene	86		94		70-130	9		30

Lab Control Sample Analysis
Batch Quality Control

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Volatile Organics by EPA 5035 Low - Westborough Lab Associated sample(s): 01 Batch: WG1845137-3 WG1845137-4								
1,2,4-Trimethylbenzene	87		95		70-130	9		30
trans-1,4-Dichloro-2-butene	82		90		70-130	9		30
Ethyl ether	80		88		67-130	10		30

Surrogate	LCS %Recovery	Qual	LCSD %Recovery	Qual	Acceptance Criteria
1,2-Dichloroethane-d4	96		98		70-130
Toluene-d8	99		99		70-130
4-Bromofluorobenzene	95		97		70-130
Dibromofluoromethane	96		98		70-130

Lab Control Sample Analysis

Batch Quality Control

Project Name: ADRENALINE/EMPEOPLE

Project Number: A-5104-002-05

Lab Number: L2361902

Report Date: 10/27/23

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Volatile Organics by EPA 5035 High - Westborough Lab Associated sample(s): 02-03 Batch: WG1845139-3 WG1845139-4								
Methylene chloride	91		97		70-130	6		30
1,1-Dichloroethane	89		96		70-130	8		30
Chloroform	88		95		70-130	8		30
Carbon tetrachloride	90		100		70-130	11		30
1,2-Dichloropropane	89		96		70-130	8		30
Dibromochloromethane	82		90		70-130	9		30
1,1,2-Trichloroethane	85		92		70-130	8		30
Tetrachloroethene	88		96		70-130	9		30
Chlorobenzene	86		92		70-130	7		30
Trichlorofluoromethane	88		95		70-139	8		30
1,2-Dichloroethane	86		93		70-130	8		30
1,1,1-Trichloroethane	92		100		70-130	8		30
Bromodichloromethane	87		95		70-130	9		30
trans-1,3-Dichloropropene	79		85		70-130	7		30
cis-1,3-Dichloropropene	93		100		70-130	7		30
1,1-Dichloropropene	97		105		70-130	8		30
Bromoform	74		83		70-130	11		30
1,1,2,2-Tetrachloroethane	77		86		70-130	11		30
Benzene	91		97		70-130	6		30
Toluene	86		92		70-130	7		30
Ethylbenzene	89		95		70-130	7		30
Chloromethane	108		115		52-130	6		30
Bromomethane	97		105		57-147	8		30

Lab Control Sample Analysis

Batch Quality Control

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Volatile Organics by EPA 5035 High - Westborough Lab Associated sample(s): 02-03 Batch: WG1845139-3 WG1845139-4								
Vinyl chloride	100		110		67-130	10		30
Chloroethane	89		96		50-151	8		30
1,1-Dichloroethene	93		99		65-135	6		30
trans-1,2-Dichloroethene	91		98		70-130	7		30
Trichloroethene	91		99		70-130	8		30
1,2-Dichlorobenzene	83		90		70-130	8		30
1,3-Dichlorobenzene	82		91		70-130	10		30
1,4-Dichlorobenzene	82		90		70-130	9		30
Methyl tert butyl ether	91		96		66-130	5		30
p/m-Xylene	91		98		70-130	7		30
o-Xylene	90		97		70-130	7		30
cis-1,2-Dichloroethene	88		95		70-130	8		30
Dibromomethane	84		90		70-130	7		30
1,4-Dichlorobutane	76		84		70-130	10		30
1,2,3-Trichloropropane	76		84		68-130	10		30
Styrene	80		87		70-130	8		30
Dichlorodifluoromethane	133		141		30-146	6		30
Acetone	94		102		54-140	8		30
Carbon disulfide	94		102		59-130	8		30
2-Butanone	80		86		70-130	7		30
Vinyl acetate	92		96		70-130	4		30
4-Methyl-2-pentanone	83		87		70-130	5		30
2-Hexanone	79		84		70-130	6		30

Lab Control Sample Analysis

Batch Quality Control

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Volatile Organics by EPA 5035 High - Westborough Lab Associated sample(s): 02-03 Batch: WG1845139-3 WG1845139-4								
Ethyl methacrylate	83		90		70-130	8		30
Acrylonitrile	85		91		70-130	7		30
Bromochloromethane	84		92		70-130	9		30
Tetrahydrofuran	80		91		66-130	13		30
2,2-Dichloropropane	95		102		70-130	7		30
1,2-Dibromoethane	87		96		70-130	10		30
1,3-Dichloropropane	87		92		69-130	6		30
1,1,1,2-Tetrachloroethane	89		96		70-130	8		30
Bromobenzene	79		89		70-130	12		30
n-Butylbenzene	90		97		70-130	7		30
sec-Butylbenzene	87		95		70-130	9		30
tert-Butylbenzene	85		94		70-130	10		30
o-Chlorotoluene	83		105		70-130	23		30
p-Chlorotoluene	84		92		70-130	9		30
1,2-Dibromo-3-chloropropane	74		81		68-130	9		30
Hexachlorobutadiene	86		90		67-130	5		30
Isopropylbenzene	85		94		70-130	10		30
p-Isopropyltoluene	88		96		70-130	9		30
Naphthalene	85		91		70-130	7		30
n-Propylbenzene	85		94		70-130	10		30
1,2,3-Trichlorobenzene	87		92		70-130	6		30
1,2,4-Trichlorobenzene	87		93		70-130	7		30
1,3,5-Trimethylbenzene	86		94		70-130	9		30

Lab Control Sample Analysis

Batch Quality Control

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Volatile Organics by EPA 5035 High - Westborough Lab Associated sample(s): 02-03 Batch: WG1845139-3 WG1845139-4								
1,2,4-Trimethylbenzene	87		95		70-130	9		30
trans-1,4-Dichloro-2-butene	82		90		70-130	9		30
Ethyl ether	80		88		67-130	10		30

Surrogate	LCS %Recovery	Qual	LCSD %Recovery	Qual	Acceptance Criteria
1,2-Dichloroethane-d4	96		98		70-130
Toluene-d8	99		99		70-130
4-Bromofluorobenzene	96		97		70-130
Dibromofluoromethane	96		98		70-130

SEMIVOLATILES

Project Name: ADRENALINE/EMPEOPLE
Lab Number: L2361902
Project Number: A-5104-002-05
Report Date: 10/27/23

SAMPLE RESULTS

Lab ID: L2361902-01 D
Client ID: B-9, S-3
Sample Location: 1220 BRIGHTON AVE., PORTLAND, ME

Date Collected: 10/17/23 14:45
Date Received: 10/18/23
Field Prep: Not Specified

Sample Depth:
Matrix: Soil
Analytical Method: 1,8270E-SIM
Analytical Date: 10/21/23 16:46
Analyst: RP
Percent Solids: 79%

Extraction Method: EPA 3546
Extraction Date: 10/19/23 19:48

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
PAHs by GC/MS-SIM - Westborough Lab						
Acenaphthene	440		ug/kg	82	--	10
2-Chloronaphthalene	ND		ug/kg	82	--	10
Fluoranthene	2700		ug/kg	82	--	10
Naphthalene	430		ug/kg	82	--	10
Benzo(a)anthracene	2000		ug/kg	82	--	10
Benzo(a)pyrene	1700		ug/kg	82	--	10
Benzo(b)fluoranthene	1400		ug/kg	82	--	10
Benzo(k)fluoranthene	410		ug/kg	82	--	10
Chrysene	2500		ug/kg	82	--	10
Acenaphthylene	1200		ug/kg	82	--	10
Anthracene	1100		ug/kg	82	--	10
Benzo(ghi)perylene	1000		ug/kg	82	--	10
Fluorene	940		ug/kg	82	--	10
Phenanthrene	4000		ug/kg	82	--	10
Dibenzo(a,h)anthracene	180		ug/kg	82	--	10
Indeno(1,2,3-cd)pyrene	730		ug/kg	82	--	10
Pyrene	6100		ug/kg	82	--	10
1-Methylnaphthalene	700		ug/kg	82	--	10
2-Methylnaphthalene	500		ug/kg	82	--	10

Surrogate	% Recovery	Qualifier	Acceptance Criteria
Nitrobenzene-d5	86		23-120
2-Fluorobiphenyl	82		30-120
4-Terphenyl-d14	62		18-120

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05
Lab Number: L2361902
Report Date: 10/27/23

SAMPLE RESULTS

Lab ID: L2361902-02 D
Client ID: B-8, S-9
Sample Location: 1220 BRIGHTON AVE., PORTLAND, ME

Date Collected: 10/17/23 11:45
Date Received: 10/18/23
Field Prep: Not Specified

Sample Depth:
Matrix: Soil
Analytical Method: 1,8270E-SIM
Analytical Date: 10/26/23 15:26
Analyst: RP
Percent Solids: 83%

Extraction Method: EPA 3546
Extraction Date: 10/19/23 19:48

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
PAHs by GC/MS-SIM - Westborough Lab						
Acenaphthene	28000		ug/kg	4000	--	500
2-Chloronaphthalene	ND		ug/kg	4000	--	500
Fluoranthene	41000		ug/kg	4000	--	500
Naphthalene	180000		ug/kg	4000	--	500
Benzo(a)anthracene	31000		ug/kg	4000	--	500
Benzo(a)pyrene	14000		ug/kg	4000	--	500
Benzo(b)fluoranthene	12000		ug/kg	4000	--	500
Benzo(k)fluoranthene	4600		ug/kg	4000	--	500
Chrysene	16000		ug/kg	4000	--	500
Acenaphthylene	7700		ug/kg	4000	--	500
Anthracene	17000		ug/kg	4000	--	500
Benzo(ghi)perylene	8400		ug/kg	4000	--	500
Fluorene	19000		ug/kg	4000	--	500
Phenanthrene	56000		ug/kg	4000	--	500
Dibenzo(a,h)anthracene	ND		ug/kg	4000	--	500
Indeno(1,2,3-cd)pyrene	7900		ug/kg	4000	--	500
Pyrene	49000		ug/kg	4000	--	500
1-Methylnaphthalene	44000		ug/kg	4000	--	500
2-Methylnaphthalene	62000		ug/kg	4000	--	500

Surrogate	% Recovery	Qualifier	Acceptance Criteria
Nitrobenzene-d5	0	Q	23-120
2-Fluorobiphenyl	0	Q	30-120
4-Terphenyl-d14	0	Q	18-120

Project Name: ADRENALINE/EMPEOPLE
Lab Number: L2361902
Project Number: A-5104-002-05
Report Date: 10/27/23

SAMPLE RESULTS

Lab ID: L2361902-03 D
Client ID: B-8, S-11
Sample Location: 1220 BRIGHTON AVE., PORTLAND, ME

Date Collected: 10/17/23 12:00
Date Received: 10/18/23
Field Prep: Not Specified

Sample Depth:
Matrix: Soil
Analytical Method: 1,8270E-SIM
Analytical Date: 10/26/23 15:42
Analyst: RP
Percent Solids: 91%

Extraction Method: EPA 3546
Extraction Date: 10/19/23 19:48

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
PAHs by GC/MS-SIM - Westborough Lab						
Acenaphthene	13000		ug/kg	3600	--	500
2-Chloronaphthalene	ND		ug/kg	3600	--	500
Fluoranthene	47000		ug/kg	3600	--	500
Naphthalene	210000		ug/kg	3600	--	500
Benzo(a)anthracene	33000		ug/kg	3600	--	500
Benzo(a)pyrene	14000		ug/kg	3600	--	500
Benzo(b)fluoranthene	12000		ug/kg	3600	--	500
Benzo(k)fluoranthene	4700		ug/kg	3600	--	500
Chrysene	20000		ug/kg	3600	--	500
Acenaphthylene	30000		ug/kg	3600	--	500
Anthracene	22000		ug/kg	3600	--	500
Benzo(ghi)perylene	7600		ug/kg	3600	--	500
Fluorene	28000		ug/kg	3600	--	500
Phenanthrene	83000		ug/kg	3600	--	500
Dibenzo(a,h)anthracene	ND		ug/kg	3600	--	500
Indeno(1,2,3-cd)pyrene	7600		ug/kg	3600	--	500
Pyrene	50000		ug/kg	3600	--	500
1-Methylnaphthalene	59000		ug/kg	3600	--	500
2-Methylnaphthalene	88000		ug/kg	3600	--	500

Surrogate	% Recovery	Qualifier	Acceptance Criteria
Nitrobenzene-d5	**0**	Q	23-120
2-Fluorobiphenyl	**0**	Q	30-120
4-Terphenyl-d14	**0**	Q	18-120

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

Method Blank Analysis
Batch Quality Control

Analytical Method: 1,8270E-SIM
Analytical Date: 10/21/23 12:06
Analyst: DV

Extraction Method: EPA 3546
Extraction Date: 10/19/23 01:23

Parameter	Result	Qualifier	Units	RL	MDL
Semivolatile Organics by GC/MS-SIM - Westborough Lab for sample(s): 01-03 Batch: WG1841563-1					
Acenaphthene	ND		ug/kg	6.5	--
2-Chloronaphthalene	ND		ug/kg	6.5	--
Fluoranthene	ND		ug/kg	6.5	--
Naphthalene	ND		ug/kg	6.5	--
Benzo(a)anthracene	ND		ug/kg	6.5	--
Benzo(a)pyrene	ND		ug/kg	6.5	--
Benzo(b)fluoranthene	ND		ug/kg	6.5	--
Benzo(k)fluoranthene	ND		ug/kg	6.5	--
Chrysene	ND		ug/kg	6.5	--
Acenaphthylene	ND		ug/kg	6.5	--
Anthracene	ND		ug/kg	6.5	--
Benzo(ghi)perylene	ND		ug/kg	6.5	--
Fluorene	ND		ug/kg	6.5	--
Phenanthrene	ND		ug/kg	6.5	--
Dibenzo(a,h)anthracene	ND		ug/kg	6.5	--
Indeno(1,2,3-cd)pyrene	ND		ug/kg	6.5	--
Pyrene	ND		ug/kg	6.5	--
1-Methylnaphthalene	ND		ug/kg	6.5	--
2-Methylnaphthalene	ND		ug/kg	6.5	--

Surrogate	%Recovery	Qualifier	Acceptance Criteria
Nitrobenzene-d5	110		23-120
2-Fluorobiphenyl	99		30-120
4-Terphenyl-d14	89		18-120

Lab Control Sample Analysis
Batch Quality Control

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Semivolatile Organics by GC/MS-SIM - Westborough Lab Associated sample(s): 01-03 Batch: WG1841563-2 WG1841563-3								
Acenaphthene	82		76		40-140	8		50
2-Chloronaphthalene	94		85		40-140	10		50
Fluoranthene	90		77		40-140	16		50
Naphthalene	83		77		40-140	8		50
Benzo(a)anthracene	92		86		40-140	7		50
Benzo(a)pyrene	99		93		40-140	6		50
Benzo(b)fluoranthene	94		92		40-140	2		50
Benzo(k)fluoranthene	98		95		40-140	3		50
Chrysene	90		85		40-140	6		50
Acenaphthylene	95		85		40-140	11		50
Anthracene	86		79		40-140	8		50
Benzo(ghi)perylene	79		70		40-140	12		50
Fluorene	85		78		40-140	9		50
Phenanthrene	83		78		40-140	6		50
Dibenzo(a,h)anthracene	87		77		40-140	12		50
Indeno(1,2,3-cd)pyrene	97		84		40-140	14		50
Pyrene	90		76		35-142	17		50
1-Methylnaphthalene	85		78		40-140	9		50
2-Methylnaphthalene	94		86		40-140	9		50

Lab Control Sample Analysis

Batch Quality Control

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Semivolatile Organics by GC/MS-SIM - Westborough Lab Associated sample(s): 01-03 Batch: WG1841563-2 WG1841563-3								

Surrogate	LCS %Recovery	Qual	LCSD %Recovery	Qual	Acceptance Criteria
Nitrobenzene-d5	111		99		23-120
2-Fluorobiphenyl	95		84		30-120
4-Terphenyl-d14	83		69		18-120

PETROLEUM HYDROCARBONS

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05
Lab Number: L2361902
Report Date: 10/27/23

SAMPLE RESULTS

Lab ID: L2361902-01 D
Client ID: B-9, S-3
Sample Location: 1220 BRIGHTON AVE., PORTLAND, ME

Date Collected: 10/17/23 14:45
Date Received: 10/18/23
Field Prep: Not Specified

Sample Depth:
Matrix: Soil
Analytical Method: 1,8015D(M)
Analytical Date: 10/22/23 17:36
Analyst: SC
Percent Solids: 79%

Extraction Method: EPA 3546
Extraction Date: 10/19/23 21:04

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
Diesel Range Organics - Westborough Lab						
DRO (C10-C28)	940000		ug/kg	84000	--	2

Surrogate	% Recovery	Qualifier	Acceptance Criteria
o-Terphenyl	75		40-140

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

SAMPLE RESULTS

Lab ID: L2361902-02 D
Client ID: B-8, S-9
Sample Location: 1220 BRIGHTON AVE., PORTLAND, ME

Date Collected: 10/17/23 11:45
Date Received: 10/18/23
Field Prep: Not Specified

Sample Depth:
Matrix: Soil
Analytical Method: 1,8015D(M)
Analytical Date: 10/22/23 18:51
Analyst: SC
Percent Solids: 83%

Extraction Method: EPA 3546
Extraction Date: 10/19/23 21:04

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
Diesel Range Organics - Westborough Lab						
DRO (C10-C28)	10000000		ug/kg	2000000	--	50

Surrogate	% Recovery	Qualifier	Acceptance Criteria
o-Terphenyl	**0**	Q	40-140

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05
Lab Number: L2361902
Report Date: 10/27/23

SAMPLE RESULTS

Lab ID: L2361902-03 D
Client ID: B-8, S-11
Sample Location: 1220 BRIGHTON AVE., PORTLAND, ME

Date Collected: 10/17/23 12:00
Date Received: 10/18/23
Field Prep: Not Specified

Sample Depth:
Matrix: Soil
Analytical Method: 1,8015D(M)
Analytical Date: 10/22/23 18:26
Analyst: SC
Percent Solids: 91%

Extraction Method: EPA 3546
Extraction Date: 10/19/23 21:04

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
Diesel Range Organics - Westborough Lab						
DRO (C10-C28)	7100000		ug/kg	700000	--	20

Surrogate	% Recovery	Qualifier	Acceptance Criteria
o-Terphenyl	112		40-140

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

Method Blank Analysis
Batch Quality Control

Analytical Method: 1,8015D(M)
Analytical Date: 10/21/23 12:26
Analyst: CRE

Extraction Method: EPA 3546
Extraction Date: 10/19/23 21:04

Parameter	Result	Qualifier	Units	RL	MDL
Diesel Range Organics - Westborough Lab for sample(s): 01-03 Batch: WG1842035-1					
DRO (C10-C28)	ND		ug/kg	33000	--

Surrogate	%Recovery	Qualifier	Acceptance Criteria
o-Terphenyl	70		40-140

Lab Control Sample Analysis

Batch Quality Control

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Diesel Range Organics - Westborough Lab Associated sample(s): 01-03 Batch: WG1842035-2								
DRO (C10-C28)	76		-		60-140	-		

Surrogate	LCS %Recovery	Qual	LCSD %Recovery	Qual	Acceptance Criteria
o-Terphenyl	71				40-140

Lab Duplicate Analysis
Batch Quality Control

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

Parameter	Native Sample	Duplicate Sample	Units	RPD	Qual	RPD Limits
Diesel Range Organics - Westborough Lab Associated sample(s): 01-03 QC Batch ID: WG1842035-3 QC Sample: L2361902-01 Client ID: B-9, S-3						
DRO (C10-C28)	940000	3100000	ug/kg	107	Q	20

Surrogate	%Recovery	Qualifier	%Recovery	Qualifier	Acceptance Criteria
o-Terphenyl	75		90		40-140

INORGANICS
&
MISCELLANEOUS

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

SAMPLE RESULTS

Lab ID: L2361902-01
Client ID: B-9, S-3
Sample Location: 1220 BRIGHTON AVE., PORTLAND, ME

Date Collected: 10/17/23 14:45
Date Received: 10/18/23
Field Prep: Not Specified

Sample Depth:
Matrix: Soil

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Analytical Method	Analyst
General Chemistry - Westborough Lab										
Solids, Total	79.2		%	0.100	NA	1	-	10/19/23 00:35	121,2540G	WJM

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

SAMPLE RESULTS

Lab ID: L2361902-02
Client ID: B-8, S-9
Sample Location: 1220 BRIGHTON AVE., PORTLAND, ME

Date Collected: 10/17/23 11:45
Date Received: 10/18/23
Field Prep: Not Specified

Sample Depth:
Matrix: Soil

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Analytical Method	Analyst
General Chemistry - Westborough Lab										
Solids, Total	82.8		%	0.100	NA	1	-	10/19/23 00:35	121,2540G	WJM

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

SAMPLE RESULTS

Lab ID: L2361902-03
Client ID: B-8, S-11
Sample Location: 1220 BRIGHTON AVE., PORTLAND, ME

Date Collected: 10/17/23 12:00
Date Received: 10/18/23
Field Prep: Not Specified

Sample Depth:
Matrix: Soil

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Analytical Method	Analyst
General Chemistry - Westborough Lab										
Solids, Total	90.9		%	0.100	NA	1	-	10/19/23 00:35	121,2540G	WJM

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

Method Blank Analysis
Batch Quality Control

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Analytical Method	Analyst
General Chemistry - Westborough Lab for sample(s): 01-03 Batch: WG1841547-2										
Solids, Total	100		%	0.100	NA	1	-	10/19/23 00:35	121,2540G	WJM

Lab Duplicate Analysis

Batch Quality Control

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

Parameter	Native Sample	Duplicate Sample	Units	RPD	Qual	RPD Limits
General Chemistry - Westborough Lab Associated sample(s): 01-03 QC Batch ID: WG1841547-1 QC Sample: L2361678-01 Client ID: DUP Sample						
Solids, Total	26.8	27.2	%	1		20

Project Name: ADRENALINE/EMPEOPLE
Project Number: A-5104-002-05

Lab Number: L2361902
Report Date: 10/27/23

Sample Receipt and Container Information

Were project specific reporting limits specified? YES

Cooler Information

Cooler	Custody Seal
A	Absent

Container Information

Container ID	Container Type	Cooler	Initial pH	Final pH	Temp deg C	Pres	Seal	Frozen Date/Time	Analysis(*)
L2361902-01A	Vial MeOH preserved	A	NA		5.8	Y	Absent		8260HLW(14)
L2361902-01B	Vial water preserved	A	NA		5.8	Y	Absent	18-OCT-23 22:18	8260HLW(14)
L2361902-01C	Vial water preserved	A	NA		5.8	Y	Absent	18-OCT-23 22:18	8260HLW(14)
L2361902-01D	Plastic 2oz unpreserved for TS	A	NA		5.8	Y	Absent		ME-TS-2540(7)
L2361902-01E	Glass 250ml/8oz unpreserved	A	NA		5.8	Y	Absent		PAHTCL-SIM(14),TPH-DRO(14)
L2361902-02A	Vial MeOH preserved	A	NA		5.8	Y	Absent		8260HLW(14)
L2361902-02B	Vial water preserved	A	NA		5.8	Y	Absent	18-OCT-23 22:18	8260HLW(14)
L2361902-02C	Vial water preserved	A	NA		5.8	Y	Absent	18-OCT-23 22:18	8260HLW(14)
L2361902-02D	Plastic 2oz unpreserved for TS	A	NA		5.8	Y	Absent		ME-TS-2540(7)
L2361902-02E	Glass 250ml/8oz unpreserved	A	NA		5.8	Y	Absent		PAHTCL-SIM(14),TPH-DRO(14)
L2361902-03A	Vial MeOH preserved	A	NA		5.8	Y	Absent		8260HLW(14)
L2361902-03B	Vial water preserved	A	NA		5.8	Y	Absent	18-OCT-23 22:18	8260HLW(14)
L2361902-03C	Vial water preserved	A	NA		5.8	Y	Absent	18-OCT-23 22:18	8260HLW(14)
L2361902-03D	Plastic 2oz unpreserved for TS	A	NA		5.8	Y	Absent		ME-TS-2540(7)
L2361902-03E	Glass 250ml/8oz unpreserved	A	NA		5.8	Y	Absent		PAHTCL-SIM(14),TPH-DRO(14)

*Values in parentheses indicate holding time in days

Project Name: ADRENALINE/EMPEOPLE **Lab Number:** L2361902

Project Number: A-5104-002-05 **Report Date:** 10/27/23

GLOSSARY

Acronyms

DL - Detection Limit: This value represents the level to which target analyte concentrations are reported as estimated values, when those target analyte concentrations are quantified below the limit of quantitation (LOQ). The DL includes any adjustments from dilutions, concentrations or moisture content, where applicable. (DoD report formats only.)

EDL - Estimated Detection Limit: This value represents the level to which target analyte concentrations are reported as estimated values, when those target analyte concentrations are quantified below the reporting limit (RL). The EDL includes any adjustments from dilutions, concentrations or moisture content, where applicable. The use of EDLs is specific to the analysis of PAHs using Solid-Phase Microextraction (SPME).

EMPC - Estimated Maximum Possible Concentration: The concentration that results from the signal present at the retention time of an analyte when the ions meet all of the identification criteria except the ion abundance ratio criteria. An EMPC is a worst-case estimate of the concentration.

EPA - Environmental Protection Agency.

LCS - Laboratory Control Sample: A sample matrix, free from the analytes of interest, spiked with verified known amounts of analytes or a material containing known and verified amounts of analytes.

LCSD - Laboratory Control Sample Duplicate: Refer to LCS.

LFB - Laboratory Fortified Blank: A sample matrix, free from the analytes of interest, spiked with verified known amounts of analytes or a material containing known and verified amounts of analytes.

LOD - Limit of Detection: This value represents the level to which a target analyte can reliably be detected for a specific analyte in a specific matrix by a specific method. The LOD includes any adjustments from dilutions, concentrations or moisture content, where applicable. (DoD report formats only.)

LOQ - Limit of Quantitation: The value at which an instrument can accurately measure an analyte at a specific concentration. The LOQ includes any adjustments from dilutions, concentrations or moisture content, where applicable. (DoD report formats only.)

Limit of Quantitation: The value at which an instrument can accurately measure an analyte at a specific concentration. The LOQ includes any adjustments from dilutions, concentrations or moisture content, where applicable. (DoD report formats only.)

MDL - Method Detection Limit: This value represents the level to which target analyte concentrations are reported as estimated values, when those target analyte concentrations are quantified below the reporting limit (RL). The MDL includes any adjustments from dilutions, concentrations or moisture content, where applicable.

MS - Matrix Spike Sample: A sample prepared by adding a known mass of target analyte to a specified amount of matrix sample for which an independent estimate of target analyte concentration is available. For Method 332.0, the spike recovery is calculated using the native concentration, including estimated values.

MSD - Matrix Spike Sample Duplicate: Refer to MS.

NA - Not Applicable.

NC - Not Calculated: Term is utilized when one or more of the results utilized in the calculation are non-detect at the parameter's reporting unit.

NDPA/DPA - N-Nitrosodiphenylamine/Diphenylamine.

NI - Not Ignitable.

NP - Non-Plastic: Term is utilized for the analysis of Atterberg Limits in soil.

NR - No Results: Term is utilized when 'No Target Compounds Requested' is reported for the analysis of Volatile or Semivolatile Organic TIC only requests.

RL - Reporting Limit: The value at which an instrument can accurately measure an analyte at a specific concentration. The RL includes any adjustments from dilutions, concentrations or moisture content, where applicable.

RPD - Relative Percent Difference: The results from matrix and/or matrix spike duplicates are primarily designed to assess the precision of analytical results in a given matrix and are expressed as relative percent difference (RPD). Values which are less than five times the reporting limit for any individual parameter are evaluated by utilizing the absolute difference between the values; although the RPD value will be provided in the report.

SRM - Standard Reference Material: A reference sample of a known or certified value that is of the same or similar matrix as the associated field samples.

STLP - Semi-dynamic Tank Leaching Procedure per EPA Method 1315.

TEF - Toxic Equivalency Factors: The values assigned to each dioxin and furan to evaluate their toxicity relative to 2,3,7,8-TCDD.

TEQ - Toxic Equivalent: The measure of a sample's toxicity derived by multiplying each dioxin and furan by its corresponding TEF and then summing the resulting values.

TIC - Tentatively Identified Compound: A compound that has been identified to be present and is not part of the target compound list (TCL) for the method and/or program. All TICs are qualitatively identified and reported as estimated concentrations.

Report Format: Data Usability Report

Project Name:	ADRENALINE/EMPEOPLE	**Lab Number:**	L2361902
Project Number:	A-5104-002-05	**Report Date:**	10/27/23

Footnotes

1 - The reference for this analyte should be considered modified since this analyte is absent from the target analyte list of the original method.

Terms

Analytical Method: Both the document from which the method originates and the analytical reference method. (Example: EPA 8260B is shown as 1,8260B.) The codes for the reference method documents are provided in the References section of the Addendum.

Chlordane: The target compound Chlordane (CAS No. 57-74-9) is reported for GC ECD analyses. Per EPA,this compound "refers to a mixture of chlordane isomers, other chlorinated hydrocarbons and numerous other components." (Reference: USEPA Toxicological Review of Chlordane, In Support of Summary Information on the Integrated Risk Information System (IRIS), December 1997.)

Difference: With respect to Total Oxidizable Precursor (TOP) Assay analysis, the difference is defined as the Post-Treatment value minus the Pre-Treatment value.

Final pH: As it pertains to Sample Receipt & Container Information section of the report, Final pH reflects pH of container determined after adjustment at the laboratory, if applicable. If no adjustment required, value reflects Initial pH.

Frozen Date/Time: With respect to Volatile Organics in soil, Frozen Date/Time reflects the date/time at which associated Reagent Water-preserved vials were initially frozen. Note: If frozen date/time is beyond 48 hours from sample collection, value will be reflected in 'bold'.

Gasoline Range Organics (GRO): Gasoline Range Organics (GRO) results include all chromatographic peaks eluting from Methyl tert butyl ether through Naphthalene, with the exception of GRO analysis in support of State of Ohio programs, which includes all chromatographic peaks eluting from Hexane through Dodecane.

Initial pH: As it pertains to Sample Receipt & Container Information section of the report, Initial pH reflects pH of container determined upon receipt, if applicable.

PAH Total: With respect to Alkylated PAH analyses, the 'PAHs, Total' result is defined as the summation of results for all or a subset of the following compounds: Naphthalene, C1-C4 Naphthalenes, 2-Methylnaphthalene, 1-Methylnaphthalene, Biphenyl, Acenaphthylene, Acenaphthene, Fluorene, C1-C3 Fluorenes, Phenanthrene, C1-C4 Phenanthrenes/Anthracenes, Anthracene, Fluoranthene, Pyrene, C1-C4 Fluoranthenes/Pyrenes, Benz(a)anthracene, Chrysene, C1-C4 Chrysenes, Benzo(b)fluoranthene, Benzo(j)+(k)fluoranthene, Benzo(e)pyrene, Benzo(a)pyrene, Perylene, Indeno(1,2,3-cd)pyrene, Dibenz(ah)+(ac)anthracene, Benzo(g,h,i)perylene. If a 'Total' result is requested, the results of its individual components will also be reported.

PFAS Total: With respect to PFAS analyses, the 'PFAS, Total (5)' result is defined as the summation of results for: PFHpA, PFHxS, PFOA, PFNA and PFOS. In addition, the 'PFAS, Total (6)' result is defined as the summation of results for: PFHpA, PFHxS, PFOA, PFNA, PFDA and PFOS. For MassDEP DW compliance analysis only, the 'PFAS, Total (6)' result is defined as the summation of results at or above the RL. Note: If a 'Total' result is requested, the results of its individual components will also be reported.

Total: With respect to Organic analyses, a 'Total' result is defined as the summation of results for individual isomers or Aroclors. If a 'Total' result is requested, the results of its individual components will also be reported. This is applicable to 'Total' results for methods 8260, 8081 and 8082.

Data Qualifiers

A - Spectra identified as "Aldol Condensates" are byproducts of the extraction/concentration procedures when acetone is introduced in the process.

B - The analyte was detected above the reporting limit in the associated method blank. Flag only applies to associated field samples that have detectable concentrations of the analyte at less than ten times (10x) the concentration found in the blank. For MCP-related projects, flag only applies to associated field samples that have detectable concentrations of the analyte at less than ten times (10x) the concentration found in the blank. For DOD-related projects, flag only applies to associated field samples that have detectable concentrations of the analyte at less than ten times (10x) the concentration found in the blank AND the analyte was detected above one-half the reporting limit (or above the reporting limit for common lab contaminants) in the associated method blank. For NJ-Air-related projects, flag only applies to associated field samples that have detectable concentrations of the analyte above the reporting limit. For NJ-related projects (excluding Air), flag only applies to associated field samples that have detectable concentrations of the analyte, which was detected above the reporting limit in the associated method blank or above five times the reporting limit for common lab contaminants (Phthalates, Acetone, Methylene Chloride, 2-Butanone).

C - Co-elution: The target analyte co-elutes with a known lab standard (i.e. surrogate, internal standards, etc.) for co-extracted analyses.

D - Concentration of analyte was quantified from diluted analysis. Flag only applies to field samples that have detectable concentrations of the analyte.

E - Concentration of analyte exceeds the range of the calibration curve and/or linear range of the instrument.

F - The ratio of quantifier ion response to qualifier ion response falls outside of the laboratory criteria. Results are considered to be an estimated maximum concentration.

G - The concentration may be biased high due to matrix interferences (i.e, co-elution) with non-target compound(s). The result should be considered estimated.

H - The analysis of pH was performed beyond the regulatory-required holding time of 15 minutes from the time of sample collection.

I - The lower value for the two columns has been reported due to obvious interference.

J - Estimated value. This represents an estimated concentration for Tentatively Identified Compounds (TICs).

M - Reporting Limit (RL) exceeds the MCP CAM Reporting Limit for this analyte.

Report Format: Data Usability Report

Project Name:	ADRENALINE/EMPEOPLE	**Lab Number:**	L2361902
Project Number:	A-5104-002-05	**Report Date:**	10/27/23

Data Qualifiers

ND - Not detected at the reporting limit (RL) for the sample.

NJ - Presumptive evidence of compound. This represents an estimated concentration for Tentatively Identified Compounds (TICs), where the identification is based on a mass spectral library search.

P - The RPD between the results for the two columns exceeds the method-specified criteria.

Q - The quality control sample exceeds the associated acceptance criteria. For DOD-related projects, LCS and/or Continuing Calibration Standard exceedences are also qualified on all associated sample results. Note: This flag is not applicable for matrix spike recoveries when the sample concentration is greater than 4x the spike added or for batch duplicate RPD when the sample concentrations are less than 5x the RL. (Metals only.)

R - Analytical results are from sample re-analysis.

RE - Analytical results are from sample re-extraction.

S - Analytical results are from modified screening analysis.

V - The surrogate associated with this target analyte has a recovery outside the QC acceptance limits. (Applicable to MassDEP DW Compliance samples only.)

Z - The batch matrix spike and/or duplicate associated with this target analyte has a recovery/RPD outside the QC acceptance limits. (Applicable to MassDEP DW Compliance samples only.)

Report Format: Data Usability Report

Project Name:	ADRENALINE/EMPEOPLE	**Lab Number:**	L2361902
Project Number:	A-5104-002-05	**Report Date:**	10/27/23

REFERENCES

1 Test Methods for Evaluating Solid Waste: Physical/Chemical Methods. EPA SW-846. Third Edition. Updates I - VI, 2018.

121 Standard Methods for the Examination of Water and Wastewater. APHA-AWWA-WEF. Standard Methods Online.

LIMITATION OF LIABILITIES

Alpha Analytical performs services with reasonable care and diligence normal to the analytical testing laboratory industry. In the event of an error, the sole and exclusive responsibility of Alpha Analytical shall be to re-perform the work at it's own expense. In no event shall Alpha Analytical be held liable for any incidental, consequential or special damages, including but not limited to, damages in any way connected with the use of, interpretation of, information or analysis provided by Alpha Analytical.

We strongly urge our clients to comply with EPA protocol regarding sample volume, preservation, cooling, containers, sampling procedures, holding time and splitting of samples in the field.

Certification Information

The following analytes are not included in our Primary NELAP Scope of Accreditation:

Westborough Facility
EPA 624.1: m/p-xylene, o-xylene, Naphthalene
EPA 625.1: alpha-Terpineol
EPA 8260D: NPW: 1,2,4,5-Tetramethylbenzene; 4-Ethyltoluene, Azobenzene; SCM: Iodomethane (methyl iodide), 1,2,4,5-Tetramethylbenzene; 4-Ethyltoluene.
EPA 8270E: NPW: Dimethylnaphthalene,1,4-Diphenylhydrazine, alpha-Terpineol; SCM: Dimethylnaphthalene,1,4-Diphenylhydrazine.
SM4500: NPW: Amenable Cyanide; SCM: Total Phosphorus, TKN, NO2, NO3.

Mansfield Facility
SM 2540D: TSS.
EPA TO-15: Halothane, 2,4,4-Trimethyl-2-pentene, 2,4,4-Trimethyl-1-pentene, Thiophene, 2-Methylthiophene, 3-Methylthiophene, 2-Ethylthiophene, 1,2,3-Trimethylbenzene, Indan, Indene, 1,2,4,5-Tetramethylbenzene, Benzothiophene, 1-Methylnaphthalene.
Biological Tissue Matrix: EPA 3050B

The following analytes are included in our Massachusetts DEP Scope of Accreditation

Westborough Facility:

Drinking Water
EPA 300.0: Chloride, Nitrate-N, Fluoride, Sulfate; **EPA 353.2**: Nitrate-N, Nitrite-N; **SM4500NO3-F**: Nitrate-N, Nitrite-N; **SM4500F-C, SM4500CN-CE, EPA 180.1, SM2130B, SM4500Cl-D, SM2320B, SM2540C, SM4500H-B, SM4500NO2-B**
EPA 524.2: THMs and VOCs; **EPA 504.1:** EDB, DBCP.
Microbiology: **SM9215B; SM9223-P/A, SM9223B-Colilert-QT,SM9222D**.

Non-Potable Water
SM4500H,B, EPA 120.1, SM2510B, SM2540C, SM2320B, SM4500CL-E, SM4500F-BC, SM4500NH3-BH: Ammonia-N and Kjeldahl-N, **EPA 350.1**: Ammonia-N, **LACHAT 10-107-06-1-B**: Ammonia-N, **EPA 351.1, SM4500NO3-F, EPA 353.2**: Nitrate-N, **SM4500P-E, SM4500P-B, E, SM4500SO4-E, SM5220D, EPA 410.4, SM5210B, SM5310C, SM4500CL-D, EPA 1664, EPA 420.1, SM4500-CN-CE, SM2540D, EPA 300: Chloride, Sulfate, Nitrate.**
EPA 624.1: Volatile Halocarbons & Aromatics,
EPA 608.3: Chlordane, Toxaphene, Aldrin, alpha-BHC, beta-BHC, gamma-BHC, delta-BHC, Dieldrin, DDD, DDE, DDT, Endosulfan I, Endosulfan II, Endosulfan sulfate, Endrin, Endrin Aldehyde, Heptachlor, Heptachlor Epoxide, PCBs
EPA 625.1: SVOC (Acid/Base/Neutral Extractables).
Microbiology: **SM9223B-Colilert-QT; Enterolert-QT, SM9221E, EPA 1600, EPA 1603, SM9222D.**

Mansfield Facility:

Drinking Water
EPA 200.7: Al, Ba, Cd, Cr, Cu, Fe, Mn, Ni, Na, Ag, Ca, Zn. **EPA 200.8:** Al, Sb, As, Ba, Be, Cd, Cr, Cu, Pb, Mn, Ni, Se, Ag, TL, Zn. **EPA 245.1** Hg.
EPA 522, EPA 537.1.

Non-Potable Water
EPA 200.7: Al, Sb, As, Be, Cd, Ca, Cr, Co, Cu, Fe, Pb, Mg, Mn, Mo, Ni, K, Se, Ag, Na, Sr, TL, Ti, V, Zn.
EPA 200.8: Al, Sb, As, Be, Cd, Cr, Cu, Fe, Pb, Mn, Ni, K, Se, Ag, Na, TL, Zn.
EPA 245.1 Hg.
SM2340B

For a complete listing of analytes and methods, please contact your Alpha Project Manager.

Tighe&Bond

LABORATORY: L2361907

Page 1 of 1

Office Location:	Portsmouth NH	**Company to Bill:**	Tighe & Bond
Project Name:	Adrenaline / Empeople	**PM to Bill:**	Eric Doremus
Project Location:	1220 Brighton Ave., Portland, ME	**PO to Bill:**	A-5104-002-05
Project Number:	A-5104-002-05	**State Samples Collected in:**	ME
Project Manager:	Eric Doremus		
Sampled By:	M. Carr		
Phone Number:			
Quote ID/Price List:			
Email Distribution List:	swozniakowski@tighebond.com scourtemanche@tighebond.com mcarr@tighebond.com		

Data Delivery: ☑ PDF ☑ Excel ☑ Enviro Data ☐ Limit Checker Other:

TAT: ☑ Standard ☐ 5-Day ☐ 4-Day ☐ 3-Day ☐ 2-Day Other:

Dissolved Metals: ☐ Field Filtered ☐ Lab to Filter

PCBs: ☐ Soxhlet ☐ Non Soxhlet

ICE: Y / N **Cooler Temperature (C°):**

Lab Sample ID	Tighe & Bond Sample ID	Sample Depth (ft)	Sample Date	Sample Time	Samp. Type (GRAB/COMP)	Matrix Code	VOCs - EPA 8260	PAHs - EPA 8270	TPH EPA 8100	Dry Weight	Amber Glass Size: Pres:	Amber Glass Size: Pres:	Soil Jar Size: 8 oz Pres: Ice	Soil Jar Size: Pres:	Water VOA Vial Pres:	Soil VOA Vial Pres	Plastic Size: Pres:	Plastic Size: Pres:	Other: Dry Weight Size: Pres:	Other: Size: Pres:	Total Number of Containers
61902-01	B-9, S-3	14-16 feet	10/17/2023	245 PM	Grab	Soil	☑	☑	☑	☑			1			3			1		5
02	B-8, S-9	16-18 feet	10/17/2023	1145 AM	Grab	Soil	☑	☑	☑	☑			1			3			1		5
03	B-8, S-11	20-22 feet	10/17/2023	1200 PM	Grab	Soil	☑	☑	☑	☑			1			3			1		5
							☐	☐	☐	☐											
							☐	☐	☐	☐											
							☐	☐	☐	☐											
							☐	☐	☐	☐											
							☐	☐	☐	☐											
							☐	☐	☐	☐											
							☐	☐	☐	☐											
							☐	☐	☐	☐											

Relinquished by: (signature)	Date/Time: 10/18 1615
Received by: (signature)	Date/Time: 10/19/23 0735
Relinquished by: (signature)	Date/Time: 10/19/23
Received by: (signature)	Date/Time:
Relinquished by: (signature)	Date/Time: 10-19-23 20:00
Received by: (signature)	Date/Time: 10/18/23 2000
Relinquished by: (signature)	Date/Time:
Received by: (signature)	Date/Time:

Comments:
STRONG PETROLEUM ODORS and SHEENS in the samples.

Field PID Readings: B-9, S-3: 45 ppmv B-8, S-9: 200 ppmv B-8, S-11: 50 ppmv

Reporting Limits/Criteria Requirements

MA
☐ MCP CAM
Method 1
☐ S-1 ☐ GW-1
☐ S-2 ☐ GW-2
☐ S-3 ☐ GW-3
☐ RCS-1/RCGW-1
☐ RCS-2/RCGW-2
☐ MWRA
☐ _____

RI
☐ RES DEC
☐ I/C DEC
☐ GA Leachability
☐ GB Leachability
☐ GA-GW Objectives
☐ GB-GW Objectives

NH
☐ GW-1 ☐ SRS
☐ GW-2

CT
☐ RCP Cert.
☐ GWPC
☐ SWPC
☐ RES DEC
☐ I/C DEC
☐ GA PMC
☐ GB PMC

Other
☑ MAINE

Sample Matrix Codes:
DW=Drinking Water **GW**=Ground Water **SW**=Surface Water
WW=Waste Water **RW**=Raw Water **SE**=Sediment **SL**=Sludge
S=Soil **SD**=Solid **W**=Wipe **OIL**=Oil **B**=Bulk **L**=Liquid
O =_____(Other)

Preservation Types:
H-HCL; **M**-Methanol; **N**-Nitric Acid; **S**-Sulfuric Acid;
B-Sodium Bisulfate; **X** = Sodium Hydroxide;
T = Sodium Thiosulfate; **O** =_____(Other)

COC MUST BE FILLED OUT COMPLETELY

(Version 1.7) F:\Corporate\Business Lines\Environmental\COCs\T&B\Tighe&Bond COC_V1.7.xlsx

August 28, 2024

Portland Hotels, Inc.
Attn: Kamlesh Patel
1220 Brighton Avenue
Portland, Maine 04102

Re: Recommended actions for 1220 Brighton Avenue, Portland, Maine

Dear Mr. Patel:

The Maine Department of Environmental Protection (the "Department") issued a Voluntary Response Action Program ("VRAP") No Further Action Assurance letter to ExxonMobil on February 6, 2004, for the property located at 1200 Brighton Avenue in Portland, Maine. That property is adjacent to your property at 1220 Brighton Avenue, and has many of the same characteristics.

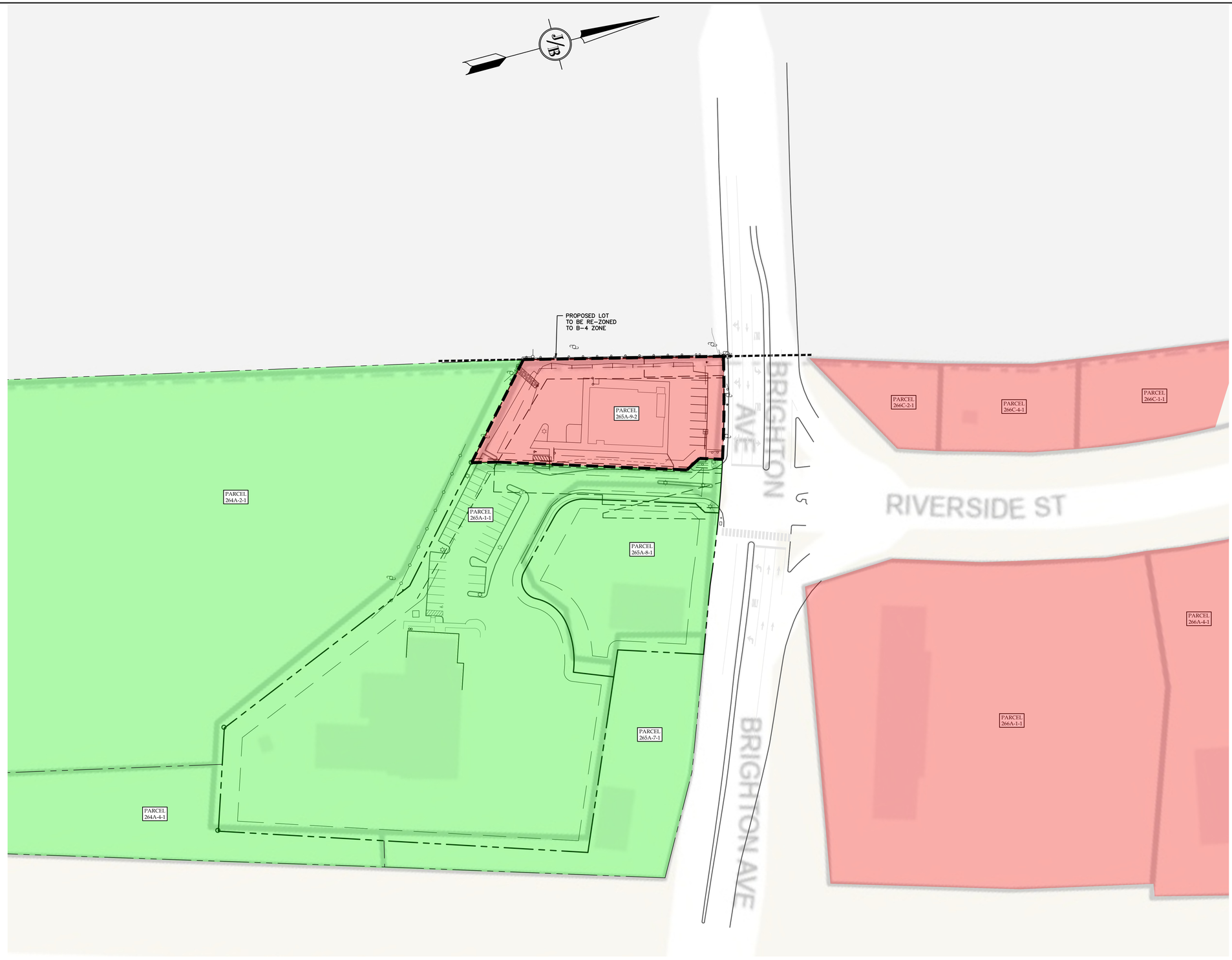
In the February 6, 2004 letter to ExxonMobil, the Department called attention to a former city dump located in the area that had been identified in the investigations. This dump is located 10 feet or greater below the current ground surface (and fill), and extends not only under the abutting property but almost assuredly under your property as well. As such, the conditions for the safe use of your property are the same as for the 1200 Brighton Avenue property: if contamination is discovered (i.e. odors, stained or discolored soils, etc.) during excavation at the 1220 Brighton Avenue property, the Department should be notified and any soils that cannot be reused onsite with be handled, characterized, and disposed of at an approved disposal facility; and any new structures to be constructed on the property should have a vapor barrier and/or sub-slab depressurization system installed prior to occupancy. Taking these precautions will mitigate any potential risks posed by the contaminated soils located at depth.

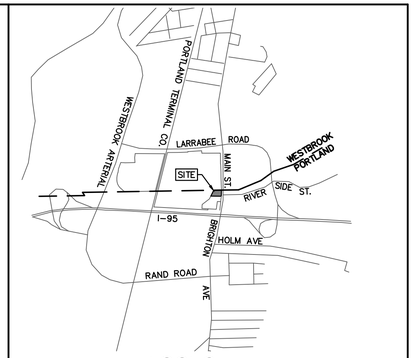
If you should have any questions regarding this letter, please feel free to contact me at nick.hodgkins@maine.gov, or call my cell phone at (207) 592-0882.

Sincerely,

Nicholas J. Hodgkins
Director, Division of Remediation
Bureau of Remediation & Waste Management

DRAFT





LOCUS SCALE: 1"=2000'

LEGEND:

- TOD-2 ZONE
- B4 ZONE

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

Design:ISM	Draft: TCR	Date:02/04/26
Checked:WGM	Scale: AS NOTED	Project No.: 20784
Drawing Name: 20784-PLAN-ZONING.DWG		

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

REV.	DATE	REVISION	BY
0	02/04/26	ISSUED FOR REVIEW	TCR

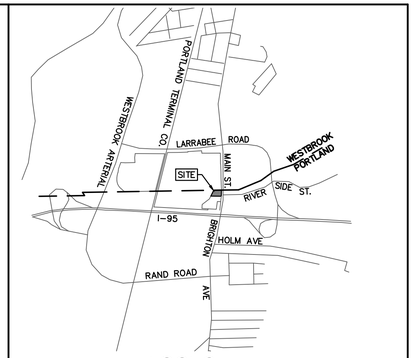
Designed and Produced in NH
Jones & Beach Engineers, Inc.
85 Portsmouth Ave.
PO Box 219
Stratham, NH 03885
Civil Engineering Services
603-772-4746
FAX: 603-772-0227
E-Mail: JBE@JONESANDBEACH.COM

Plan Name:	MAP AMENDMENT PLAN
Project:	PROPOSED COMMERCIAL REDEVELOPMENT 1220 BRIGHTON AVENUE, PORTLAND, ME
Owner of Record:	PORTLAND WEST REALTY, INC 1150 BRIGHTON AVE, PORTLAND, ME 04102

DRAWING No.

Z2

SHEET 2 OF 3
JBE PROJECT NO. 20784



LOCUS SCALE: 1"=2000'

SITE NOTES:

1. THE INTENT OF THIS PLAN IS TO CONSTRUCT A RESTAURANT WITH DRIVE-THRU LOT A-9. PROJECT TO BE SERVED BY ELECTRIC, GAS, MUNICIPAL SEWER & PUBLIC WATER.

2. ZONING DISTRICT: B4 – COMMERCIAL CORRIDOR ZONE

	REQUIRED	PROPOSED
LOT AREA MINIMUM =	10,000 S.F.	–
LOT FRONTAGE MINIMUM =	60'	111'±
BUILDING SETBACKS:		
MAX. FRONT SETBACK =	20'	20'
MIN. SIDE SETBACK =	10'	19'
MIN. REAR SETBACK =	20'	100'+
MAX. BUILDING HEIGHT =	65'	<30'
MAX. IMPERVIOUS SURFACE =	80%	–

ZONING DISTRICT: TOD2 – TRANSIT-ORIENTED DEVELOPMENT ZONE 2

	REQUIRED	PROPOSED
LOT AREA MINIMUM =	**N/A**	**–**
LOT FRONTAGE MINIMUM =	**N/A**	**–**
BUILD-TO-ZONE =	**0-5'**	**–**
BUILD-TO PERCENTAGE (MIN.) =	**100%**	**–**
BUILDING LENGTH AS A PERCENTAGE OF STREET FRONTAGE (MIN.) =	**80%**	**–**
BLANK WALL AREA (MAX.) =	**20'**	**–**
BUILDING SETBACKS:		
MAX. REAR SETBACK =	**N/A UNLESS ABUTTING RESIDENTIAL**	
MIN. SIDE SETBACK =	**N/A UNLESS ABUTTING RESIDENTIAL**	
STRUCTURE HEIGHT (MIN/MAX)=	**35/125'**	**–**

3. VEHICLE & BIKE SPACE REQUIREMENTS (MAXIMUMS):
RESTAURANTS: 1 SPACE / 100 SQ.FT. OF INDOOR FLOOR AREA +
1 SPACE / 300 SQ.FT. OF OUTDOOR SEATING AREA
>5,000 SQ.FT.: 1 BIKE SPACE / 1,500 SQ.FT. FLOOR AREA

MAX. PARKING SPACES ALLOWED = XX
TOTAL SPACES PROPOSED = 23

REQ. STANDARD PARKING SPACE DIMENSIONS = 18' X 9'

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

Design:ISM	Draft: TCR	Date:02/04/26
Checked:WGM	Scale: AS NOTED	Project No.: 20784
Drawing Name: 20784-PLAN-ZONING.DWG		

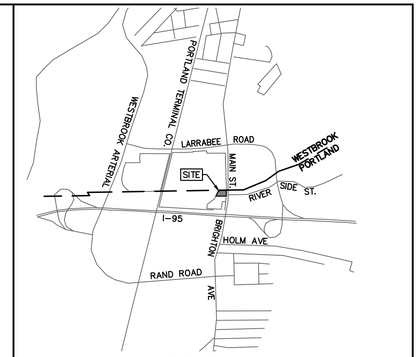
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

REV.	DATE	REVISION	BY
0	02/04/26	ISSUED FOR REVIEW	TCR

Designed and Produced in NH
Jones & Beach Engineers, Inc.
85 Portsmouth Ave.
PO Box 219
Stratham, NH 03885
Civil Engineering Services
603-772-4746
FAX: 603-772-0227
E-Mail: JBE@JONESANDBEACH.COM

Plan Name:	SITE PLAN
Project:	PROPOSED COMMERCIAL REDEVELOPMENT 1220 BRIGHTON AVENUE, PORTLAND, ME
Owner of Record:	PORTLAND WEST REALTY, INC 1150 BRIGHTON AVE, PORTLAND, ME 04102

DRAWING No.
Z3
SHEET 3 OF 3
JBE PROJECT NO. 20784



LOCUS SCALE: 1"=2000'

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

Design:ISM	Draft: TCR	Date:02/04/26
Checked:WGM	Scale: AS NOTED	Project No.: 20784
Drawing Name: 20784-PLAN-ZONING.DWG		

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REV.	DATE	REVISION	BY
0	02/04/26	ISSUED FOR REVIEW	TCR

Designed and Produced in NH
Jones & Beach Engineers, Inc.
85 Portsmouth Ave.
PO Box 219
Stratham, NH 03885
Civil Engineering Services
603-772-4746
FAX: 603-772-0227
E-Mail: JBE@JONESANDBEACH.COM

Plan Name:	VICINITY PLAN
Project:	PROPOSED COMMERCIAL REDEVELOPMENT 1220 BRIGHTON AVENUE, PORTLAND, ME
Owner of Record:	PORTLAND WEST REALTY, INC 1150 BRIGHTON AVE, PORTLAND, ME 04102

DRAWING No.

Z1

SHEET 1 OF 3
JBE PROJECT NO. 20784

Rowen McAllister <rmcallister@portlandmaine.gov>

1220 Brighton Ave

1 message

Maggie Stanley <stanley.maggie@gmail.com> Wed, Mar 4, 2026 at 10:44 AM
To: planning@portlandmaine.gov

Dear Planning Board,

I'm writing in regards to the application for the zone change at 1220 Brighton Ave. The applicant states that the lot is not developable as it is a brownfields site, and has min requirements for height and build to zones. While I would sympathize if a property owner was blindsided by Re-Code, and suddenly their plans to develop a site would no longer work, according to the tax assessor's website, the property owners bought this parcel after the current Zoning map was in effect.

The planning department and the planning board spent a lot of time evaluating the City's needs and desires for how the city should grow and determined that certain areas should be reserved for higher density on transportation nodes. The TOD is how we envision our future city. I challenge the board to be VERY critical of any needs that the developer states is a must in order to rezone this parcel. This particular area was deemed a location where we wanted to encourage higher density development near transportation corridors and create density nodes. Reverting backwards to parking lots aligning the street, with set back buildings and drive throughs with no sense of place is not the direction the city envisioned. The developer could still build a Panera, build offices or apartments above it, have ground floor retail and parking towards the rear of the building. There are numerous funding sources for Brownfields grants, and if they partnered with an affordable housing developer or other non-profits, there is lots of money for that.

Allowing zone changes of this nature that do nothing to promote the goals of the city and revert to a building type of the past is not the growth the city envisioned when balancing present and future needs of the city in the comprehensive plan and re-code. It seems this developer did not do their proper due diligence when purchasing this property.

-Maggie Stanley

c. 207.266.7803

--
Your inquiry has been received by the City of Portland Planning and Urban Development Department. A staff member from the Department will be in touch with you, with a response, as soon as possible.

Thank you.

--

Planning and Urban Development Department
City Hall, 389 Congress Street, 4th Floor
Portland, Maine 04101
(207) 874-8719 (T)
(207) 756-8258 (F)
planning@portlandmaine.gov
www.portlandmaine.gov
Office Hours are Monday - Friday 8:00 a.m. - 4:00 p.m.

To:	Chair Zamboni & Members of the Planning Board
From:	Eric Freeman
Date:	April 8, 2026
Re:	9 Cedar Street
Project ID:	PL-003520-2026
CBL:	026 C018001
Meeting Date:	April 14, 2026

I. INTRODUCTION

The Boys & Girls Club of Southern Maine has submitted a Major Site Plan application to facilitate the construction of a two-story, approximately 13,000 square foot addition to the existing Boys & Girls Club building with associated site and public realm improvements at 9 Cedar Street within the B-3 and RN-4 zones. This application is being referred to the Planning Board for compliance with the City of Portland's Land Use Code Site Plan Standards, Section 13.6.

Applicant:	Boys & Girls Club of Southern Maine
Applicant Representatives:	SMRT Architects, Wright-Ryan

Figure 1: Perspective Rendering

II. REQUIRED REVIEWS

Review	*Applicable Standards*
Site Plan	Section 13.6
Design Review	B-3 Downtown Design Standards

Waiver Requests	*Applicable Standards*	*Justification for Waiver*
For nonresidential development abutting a residential zone, an evergreen, densely landscaped buffer of not less than 10 feet in depth and six feet tall is required along the side abutting the residential zone	Land Use Code Section 13.6.2.B.2.c	*Limited space does not allow for the required plantings. The available space must be used for stormwater management to meet Maine DEP Chapter 500 requirements.*

III. PROJECT DATA

Existing Zoning	B-3, RN-4
Property Size	40, 360 SF
Existing Use	Institutional, Residential.
Proposed Use	Institutional
Proposed Development Program	Two-story expansion to existing Boys & Girls Club with classrooms, a workshop area, and open space.

	Existing	*Proposed*	*Net Change*
Building Floor Area	36,950 SF	50,082 SF	13,132 SF
Impervious Surface Area	35,685	35,792	107
Parking Spaces	3	0	-3
Bicycle Parking Spaces	11	16	5

IV. EXISTING CONDITIONS AND SURROUNDING AREA

The subject property sits at the intersection of Cumberland Avenue and Cedar Street directly opposite of Portland High School. The site is bounded to the north by the existing two-story Boys & Girls Club building and to the west by a two-story single-family home on Cedar Street. The site is currently occupied by two multifamily buildings; A three-story, eight-unit mixed-use building at 289 Cumberland Avenue and a three-story, nine-unit building at 9 Cedar Street. A landscaped area with several trees separates the subject property at 289 Cumberland Avenue from the existing Boys & Girls club building. A small 10-space surface parking lot is located between the two existing residential buildings with access provided off of Cedar Street.

Figure 2: The existing site

V. PROPOSED DEVELOPMENT

The proposed Major Site Plan application would involve the removal of two existing multifamily residential buildings with associated parking to facilitate the development of a two-story approximately 13,000 square-foot extension to the existing Boys & Girls Club building.

The proposed addition would feature a reconfigured primary entrance to the Boys & Girls Club in a similar location to the existing entrance, which fronts Cumberland Avenue. The lower level of the proposed addition would feature classroom and amenity space for students, as well as a workshop area for students enrolled in vocational programs. The upper level of the proposed addition would feature additional classroom and amenity space for students.

The rear of the site would feature a paved multipurpose open space, which would include a basketball half-court and a play structure. The paved area would be enclosed with fencing and would feature a secure gate to provide vehicular access from an existing curb cut on Cedar Street. This gate would provide access to the garage bay doors of the workshop area on the ground level of the building, allowing for small vehicles, trailers and other equipment to access the workshop area. No other on-site parking is proposed as part of this application.

The rear of the site would feature a retaining wall which would maintain existing grades between the abutting property on Cedar Street. This retaining wall would be topped with a privacy fence to provide buffering between the open space area and the abutting home.

Landscaping would be installed within the setback area along the site's frontage on Cumberland Avenue and Cedar Street. Proposed landscaping includes stones, boulders, native shrubs, and native perennial plantings.

The site would connect directly to existing water and gas lines within Cumberland Avenue. New stormwater and sanitary sewer connections would flow separately into the existing combined sewer in Cedar Street.

VI. RIGHT, TITLE, & INTEREST

The applicant has demonstrated sufficient Right, Title & Interest to the subject parcels. The Warranty Deed to the subject parcels is recorded at the Cumberland County Registry of Deeds, Book 22378, Page 188. The Articles of Amendment and Articles of Merger for the subject lots are recorded at the Cumberland County Registry of Deeds, Book 39280, Page 123.

Full Right, Title & Interest documentation is included as attachment D

VII. FINANCIAL & TECHNICAL CAPACITY

The Boys & Girls Club of Southern Maine is a nonprofit organization. The applicant has provided an independent auditor's report and financial statements from Morgan Stanley detailing the applicants financial standing and demonstrating that the applicant has adequate financial capacity to complete the project as planned.

Full financial and technical capacity documentation is included as attachments F and G

VIII. HOUSING REPLACEMENT

This application is subject to housing replacement requirements outlined in Section 17.1.6 and 17.1.7 of the City of Portland's Land Use Code, which requires that the owner of any housing units that are demolished or converted to nonresidential use be replaced. The applicant has partnered with Avesta Housing to satisfy these requirements through the construction of new housing units at 19 Cedar Street, which is owned by the Boys & Girls Club. Avesta Housing has submitted a Major Site Plan application for the construction of 30 affordable housing units at that site. This application will be reviewed separately by Staff and the Planning Board. .

The Planning & Urban Development Department provided a letter to the Boys & Girls Club on August 27, 2024, specifying the guidelines and objectives of the Housing Preservation and Replacement Ordinance as it related to this application proposal. For the full letter, see attachment E.

IX. ZONING ANALYSIS

The site is located within the B-3 Downtown Business zone. As submitted, this application is consistent with the dimensional requirements of the B-3 zone. A zoning analysis of the proposed project is provided in the table below:

Standard	Required	Proposed
Lot Size	None	40,360 SF
Street Frontage	None	232 ft.
Build-to Zone	5 ft.	6 -14 ft.
Lot Coverage	100%	88%
Building Height	55 ft.	30 ft.
Blank Wall Area	20 ft.	11 ft.

1. BUILD-TO ZONE:

The B-3 zone requires a build-to of zero to five-feet. A build-to zone dictates where the façade of the building has to be sited in relation to the street. In the B-3 zone, 100 percent of the building façade has to be within the required build-to zone. The applicant is proposing a varied distance beyond five feet from the street depending on the building's façade on Cumberland Avenue and Cedar Street.

Based upon review with Zoning Staff, it has been determined that this application is exempt from build-to requirements of the B-3 zone based upon the exemption standards defined in Section 4.4.3 of the Land Use Code, which states:

"when an existing structure does not conform to the required build-to zone, build-to percentage, maximum building length, or building length as a percentage of street frontage for the applicable zone, the structure shall be deemed exempt from that standard. Such structure may be altered or expanded without having to conform to the applicable standard(s) until the structure's building footprint is expanded by 50% or more"

This application involves the expansion of an existing nonconforming building. The existing Boys & Girls Club building has a floor plate of 17,213 square feet. The proposed expansion has a total floor plate of 6,566 square feet, which is less than 50% of the total area of the existing building floor plate. This allows the proposed expansion to adhere to the nonconforming build-to frontage of the existing Boys & Girls Club.

X. SITE PLAN REVIEW STANDARDS (Section 13.6)

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland's Site Plan Ordinance, Section 13.6. Staff comments are below.

The information discussed below is based off of the applicant's initial application submission in January of 2026. Staff provided review comments to the applicant on March 3, 2026, many of which are referenced below. On March 20, 2026, the applicant provided new materials based on Staff's initial feedback. Those documents are currently being reviewed by Staff and peer reviewers and any new information would be addressed in a future Planning Board report.

1. Transportation Standards

The proposal is not anticipated to increase any vehicle loading or unloading activity within the right-of-way as no new loading or unloading is proposed. The existing drop-off location at Cumberland Avenue would continue to exist. The proposal is also not anticipated to create any notable increase in vehicle traffic on the surrounding street network. Staff's initial review letter to the applicant requested that the applicant provide additional details related to the anticipated increase in student volume and pick-up/drop-off activity.

The proposal does not include any on-site parking. An existing curb cut on Cedar Street would be narrowed and repurposed to allow for vehicular access to the rear of the site to access the proposed workshop area. The applicant intends to provide parking for up to 16 bicycles with racks at the building's main entrance and the secondary entrance along Cedar Street.

The proposed building addition would include a new primary entrance facing Cumberland Avenue and a secondary egress on Cedar Street. Building entrances and site circulation would be connected to existing public sidewalks along the building's frontages. There are several nearby transits stops which are accessible via adjacent public sidewalks. The applicant has indicated they plan to reconstruct the brick sidewalk and curbing along Cedar Street and do partial reconstruction along Cumberland Avenue. Staff have requested updated additional technical details regarding the sidewalk and curbing construction to ensure they will be built to meet the standards outlined in the Technical Manual.

2. Environmental Quality Standards

The existing site is developed and does not feature any significant natural features. The applicant has provided Low Impact Development (LID) documentation that claims credit for a passing score of 83 points out of a possible 178 points. Staff have requested additional information to confirm compliance with LID standards including detail regarding the use of locally-sourced plantings and the use of innovative stormwater management practices.

Due to site constraints, this application does not propose any new shade trees as required by Section 13.6.2.B.1.a. The applicant is proposing to remove three mature canopy trees located near the building's existing main entrance. During the initial Staff review, the applicant was requested to provide additional information detailing why site constrains prevent the planting of required shade trees.

The applicant is not proposing any new required street trees along the property frontage. Existing street tree wells along Cumberland Avenue would be preserved. Staff have provided feedback to the applicant

that they shall provide street trees within the setback area along Cedar Street or demonstrate why street tree planting is not possible.

Trash facilities will be situated within an existing off-street parking lot on the opposite side of the Boys & Girls Club; the project's roof-mounted utilities will be fully screened. While nonresidential projects typically require a 10-foot-deep, 6-foot-tall vegetated buffer when abutting residential zones, the applicant has requested a waiver due to site constraints. Staff support this request, as the applicant is proposing an 8-foot privacy fence along the rear of the playground to serve as an alternative. Staff have communicated to the applicant that the fence shall be designed to be fully opaque.

In accordance with MaineDEP Chapter 500 and City of Portland Technical Manual Section 5, this project requires a comprehensive stormwater management plan. The applicant's current design utilizes filter strips and a subsurface R-Tank storage system—located within the Cedar Street setback and the rear courtyard—to collect and treat runoff before discharging it into the City's combined sewer. While the plan indicates the infrastructure can accommodate flows without flooding or ponding on adjacent lots, Staff have requested further detail to confirm full compliance with state and local standards.

3. Public Infrastructure and Community Safety Standards

The proposed building would utilize new water and fire service connections to City of Portland utilities within Cumberland Avenue. Electrical service would extend to the site from Cedar Street via underground conduits. The applicant has provided ability to serve letters from Central Maine Power and the Portland Water District. To implement new electrical service to the building, a new three-foot wide permanent easement has been requested from abutters for a new underground electrical conduit. Temporary easements have been requested from abutters on Cedar Street for access to install the conduit.

The site would feature secure access to the building and rear courtyard area, which would be enclosed with fencing and accessed via a controlled gate. Access control to the building would be provided by a control desk at the primary entrance.

4. Site Design Standards

Following a review of the initial application, Staff find that the proposal generally meets all site design design standards. The proposal is not anticipated to have any adverse massing or ventilation impacts. Roof-mounted equipment will be screened, and the roofing material will meet an initial Solar Reflective Index (SRI) of 84. The proposal provides designated areas for snow storage and complies with all lighting standards, including the use of full-cutoff fixtures oriented away from residential properties.

Staff drafted a design review memo dated February 20, 2026. Staff found that the building addition is designed to be contextual with the surrounding neighborhood and will enhance the pedestrian experience. Specifically, the street-level environment will be improved through the use of brick pavers, the addition of outdoor seating, and the installation of bike racks.

In that memo, Staff provided the following feedback to the applicant:

- The applicant should specify what the proposed exterior face materials will be and those should be reflected in updated architectural renderings
- Staff suggested the applicant consider adding a horizonal banding element to unify the building addition with the existing building

The full design review memo is included as attachment S2

XI. NEIGHBORHOOD MEETING & PUBLIC COMMENT

The applicant held a neighborhood meeting on March 9, 2026 at the existing Boys & Girls Club building at 227 Cumberland Avenue. Nine members of the public attended the meeting. The following items were raised by members of the public at the meeting:

- Housing impacts related to the project
- Members expressed support for youth investment within the community
- Members expressed general support for the building expansion
- Some members asked if other locations were considered
- Members express interested in continuing collaboration with the organization

XII. NEXT STEPS

1. Staff will review updated materials that were submitted on March 20, 2026 and prepare a Staff Report.
2. Applicant shall address additional comments from the Planning Board in preparation of a future meeting and prepare any final plans/documents to address feedback.
3. Hold planning board public hearing.

XIII. ATTACHMENTS

REPORT ATTACHMENTS

S1. Site Plan Review Worksheet
S2. Design Review Memo

APPLICANT'S SUBMITTAL

A. Cover Letter
B. Site Plan Checklist
C. Site Plan Data Sheet
D. Right, Title & Interest
E. Housing Replacement Letter
F. Financial Capacity
G. Technical Capacity
H. Site Plan Standards Assessment
I. Waivers
J. Proposed Easement
K. Stormwater Management Report
L. Utility Capacity
M. PWD Ability to Serve Letter
N. CMP Ability to Serve
O. Neighborhood Meeting Materials

DRAWINGS

1. Cover Sheet
2. Legend
3. Boundary Survey

4. Overall Site Plan
5. Existing Conditions & Demolition Plan
6. Site Layout Plan
7. Site Layout Details
8. Erosion & Sedimentation Control Details
9. Erosion & Sedimentation Control Plan
10. Grading & Drainage Plan
11. Spot Grade Plan
12. Grading & Drainage Details
13. Utility Plan
14. Utility Details
15. Building Elevations
16. Perspective Renderings

Att. S1

GENERAL COMMENTS

Boundary Survey Comments:

- The proposed elevations shown on the Grading, Drainage & Utility Plan are vastly different and appear to be in a different vertical datum. All design elevations shall reference the project vertical datum and existing elevations; the design elevations shall be revised.
- Add invert measurements for all sewer structures shown and utilized as part of the development.
- No new property corners are shown to be set. Exterior property corners shall be marked unless a waiver has been granted
- The existing granite "M" monument at the northeast corner of Cumberland Ave and Cedar St. shall be labeled "Protect Monument" on the Site Layout Plan and Site Layout Detail.

Site Plan Review Standards (Sec. 13.6)

Transportation Standards (Sec. 13.6.1)

Standard		How the standard is being met	Finding
Impact on Surrounding Street Systems	13.6.1.A.1 The provisions for vehicular loading and unloading, parking, and vehicular and pedestrian circulation on the site and onto adjacent public streets and ways and the incremental volume of vehicular, bicycle, pedestrian, and transit traffic will not: 1. Create or aggravate any significant hazard to safety on the surrounding street network.	No increase in vehicle loading or unloading from public rights-of-way is anticipated. This application does not propose any new loading or unloading areas for staff or students. Drop off will occur at the existing entrance on Cumberland Avenue. What still needs to be addressed:	Met
	13.6.1.A.2 The provisions for vehicular loading and unloading, parking, and vehicular and pedestrian circulation on the site and onto adjacent public streets and ways and the incremental volume of vehicular, bicycle, pedestrian, and transit traffic will not: 2. Substantially increase congestion on any street without mitigation proportionate to the level of impact.	No notable increase in vehicle traffic on surrounding streets is anticipated. What still needs to be addressed: • **The applicant shall provide additional detail related to the anticipated increase in student volume and pick-up / drop-off activity.** • **The applicant shall provide turning templates detailing vehicle movements within the rear courtyard area from the workshop garage entrance.**	More information required
Access and Circulation	13.6.1.B.1.a *In General* All development subject to this article shall provide safe and reasonable access and internal circulation for all users of the site and shall comply with the transportation systems and street design standards of the Technical Manual.	Primary access to the site is provided via a new entrance facing Cumberland Avenue. Secondary egress is provided from Cedar Street, What still needs to be addressed:	Met

	13.6.1.B.1.b *In General* Shared circulation, parking, and transportation infrastructure shall be provided to the extent practicable, with utilization of joint curb cuts, walkways, service alleys, bus pull-out areas, and related infrastructure shared with abutting lots and roadways. Easements for access for abutting properties and shared internal access points at property lines shall be provided where possible to facilitate present or future sharing of access and infrastructure.	No on-site parking is proposed as part of this application, an existing curb cut on Cedar Street will be narrowed and repurposed to allow for vehicular access to the rear to allow access to the workshop area of the building. What still needs to be addressed:	Met
	13.6.1.B.1.c *In General* Continuous internal walkways shall be provided between existing or planned public sidewalks adjacent to the site, transit stops and street crossings, and building entrances on the site.	Direct access is provided to public sidewalks along both Cumberland Avenue and Chestnut Street. Nearby transit stops are accessible via public rights of way. What still needs to be addressed:	Met
	13.6.1.B.1.d *In General* Where the site abuts or includes an existing or planned publicly accessible trail, a connection to or integration of such trail shall be provided to the extent practicable, including rights of public access.	Not applicable to this application. There are no trail connections in proximity to this site. What still needs to be addressed:	N/A
	13.6.1.B.1.e *In General* Points of access and egress shall be located to avoid conflicts with turning movements and traffic flows.	Proposed primary and secondary entrances front directly onto existing sidewalks and do not conflict with vehicle movements. What still needs to be addressed:	Met
	13.6.1.B.2.a *Curb and sidewalks* All development shall provide curb and sidewalks along all frontages, installed to specifications as described in the transportation systems and street design standards of the Technical Manual.	There are existing public sidewalks along Cumberland Avenue and Cedar Streets. This application involves the reconstruction of brick sidewalk and curbing along Cedar Street and a partial reconstruction of brick sidewalk along Cumberland Avenue. What still needs to be addressed:	Met
	13.6.1.B.2.b *Curb and sidewalks* Where sidewalks already exist but are in substandard condition, they shall be repaired or replaced in conformance with Chapter 25 of the City of Portland Code of Ordinances and the transportation systems and street design standards of the Technical Manual.	This application involves the reconstruction of brick sidewalk and curbing along Cedar Street and a partial reconstruction of brick sidewalk along Cumberland Avenue. What still needs to be addressed: • The applicant shall upgrade ADA ramps on both sides of the crosswalk at the intersection of Cumberland Avenue and Cedar Street. • Additional detail is required regarding the proposed crosswalk striping at Cedar Street. New striping shall be MUTCD compliant • Existing tree planters along Cumberland Street on the site plan shall be shown on the site plan.	More information required

		• Spot grades and slopes shall be added to plans for proposed improvements within the ROW at grade breaks for proposed driveways, pedestrian ramps, accessible crossings and sidewalks.	
	13.6.1.B.2.c *Curb and sidewalks* An applicant may request a waiver from sidewalk installation requirements if they meet two or more applicable waiver criteria as listed below: i. There is no reasonable expectation for pedestrian usage coming from, going to, and traversing the site. ii. There is no sidewalk in existence or expected within 1000 feet and the construction of sidewalks does not contribute to the development of pedestrian-oriented infrastructure. iii. A safe alternative walking route is reasonably available, for example, by way of a sidewalk on the other side of the street that is lightly traveled. iv. The reconstruction of the street is specifically identified and approved in the first or second year of the current Capital Improvement Program (CIP) or has been funded through an earlier CIP or through other sources. v. The street has been constructed or reconstructed without sidewalks within the last 24 months. vi. Strict adherence to the sidewalk requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value.	The applicant is not requesting a waiver for sidewalk installation, thus this standard is not applicable to this application. What still needs to be addressed:	N/A
	13.6.1.B.2.d *Curb and sidewalks* An applicant may request a waiver from curb installation requirements if they meet two or more applicable waiver criteria as listed below: i. The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost. ii. The reconstruction of the street is specifically identified and approved in the first or second year of the current CIP or has been funded through an earlier CIP or through other sources. iii. The street has been rehabilitated without curbing in the last 60 months and the proposed use and design of the site does not necessitate the installation of curbing. iv. Strict adherence to the curb requirement would result in the loss of significant site features related to landscaping or topography	Not applicable to this application as the applicant is not requesting a waiver. What still needs to be addressed:	N/A

	that are deemed to be of a greater public value. v. Runoff from the development site or within the street does not require curbing for stormwater management.		
Public Transit Access	13.6.1.C.1 All residential development consisting of 20 or more dwelling units and all commercial and institutional developments of at least 20,000 square feet gross floor area shall provide a transit shelter adjacent to or within the public right-of-way along its frontage, or at a nearby high-volume transit stop without a transit shelter, when the following criteria are met: A. The development is proposed along an existing public transit route on a principal or minor arterial roadway, as shown in the Federal Street Classification Map. B. The nearest existing transit shelter on the route is more than ¼ mile from the site, measured along rights-of-way.	Not applicable to this application. The proposed building addition is under 20,000 square feet in total floor area. What still needs to be addressed:	N/A
	13.6.1.C.2 Transit facilities shall be connected to the public sidewalk system.	Not applicable to this application. No transit facilities are proposed. What still needs to be addressed:	N/A
	13.6.1.C.3 All or some of this standard may be waived if the review authority determines that the development is not anticipated to generate public transit usage due to particular characteristics of the development or proposed use.	Not applicable to this application No transit facilities are proposed. What still needs to be addressed:	N/A
Parking	13.6.1.D.1.a ***Vehicular parking*** Developments shall comply with the parking standards of Article 18.	No off-street parking is proposed as part of this application. What still needs to be addressed:	N/A
	13.6.1.D.1.b ***Vehicular parking*** Where provided, parking spaces and aisles shall not be located in front and corner side yards, unless the applicant can demonstrate that site constraints preclude the location of parking elsewhere on the site.	No off-street vehicular parking is proposed as part of this application. Internal vehicular parking at the rear of the site is only intended for accessing the workshop and is not considered off-street parking. What still needs to be addressed:	Met.
	13.6.1.D.1.c ***Vehicular parking*** Where provided, parking spaces and aisles shall meet applicable dimensional standards as detailed in the transportation systems and street design standards of the Technical Manual.	The applicant is not providing parking, thus this standard is not applicable to this application What still needs to be addressed:	N/A
	13.6.1.D.2.a ***Bicycle parking*** All development shall provide secure bicycle parking in accordance with the parking requirements of Article 18 and the transportation systems and street design standards of the Technical Manual.	Parking for up to 16 bicycles is provided at the main entrance of the building. Addition bike parking is provided at the Cedar Street Entrance What still needs to be addressed:	Met
	13.6.1.D.2.b ***Bicycle parking*** The review authority may reduce the required number of bicycle parking spaces if it is determined, based on evidence submitted by the applicant, that the proposed development is expected to generate reduced demand for bicycle parking due to particular site characteristics or proposed uses.	Not applicable to this application What still needs to be addressed:	N/A

	13.6.1.D.3.a ***Snow storage*** All developments shall include areas for snow storage or provide an acceptable snow removal plan.	Snow storage locations are identified on provided plans. What still needs to be addressed:	Met
	13.6.1.D.3.b ***Snow storage*** Snow storage areas may not encroach on adjacent properties, public ways, and pedestrian walkways, and shall not be located where they would adversely impact the functionality of stormwater management systems.	Identified snow storage areas do not conflict with public rights-of-way and are located in areas with adequate drainage to stormwater treatment infrastructure, What still needs to be addressed:	Met
	13.6.1.D.3.c *Snow storage* Landscaping in designated snow storage areas shall be such that it can withstand the snow pile.	Snow storage areas are located away from trees and other large plantings. What still needs to be addressed:	Met
	13.6.1.D.4 ***Electric vehicle (EV) charging*** All development shall meet applicable EV standards as provided in Section 1 of the Technical Manual.	No vehicular parking is proposed on site, therefore this standard is not applicable to this application, What still needs to be addressed:	N/A
Transportation Demand Management	13.6.1.E.1 The following types of development shall design and implement a Transportation Demand Management (TDM) plan: A. All commercial, institutional, or mixed-use developments of 50,000 square feet or more in total floor area. B. All commercial or institutional uses designed to accommodate 100 or more employees or, for educational institutions, 100 or more students.	This application does not meet any of the stated thresholds requiring a TDM plan. Therefore, this standard is not applicable to this application. What still needs to be addressed:	N/A
	13.6.1.E.2 The TDM Plan shall comply with the standards for transportation studies and plans as contained in the Technical Manual.	Not applicable to this application. What still needs to be addressed:	N/A
Environmental Quality Standards (Sec. 13.6.2)			
Standard		***How the standard is being met***	***Finding***
Preservation of Significant Natural Features	13.6.2.A.1 All development shall preserve and protect significant natural features by incorporating the principles of Low-Impact Development (LID) in accordance with the LID standards of the Technical Manual.	The existing site is developed and does not feature significant natural features What still needs to be addressed:	Met
	13.6.2.A.2 Where complete preservation of significant natural features substantially compromises development of the site as otherwise permitted by zoning, the review authority may reduce the requirement in accordance with the LID standards of the Technical Manual provided that the applicant implements preservation measures to the extent practicable and demonstrates compliance with applicable state and federal regulations.	The applicant has provided a Low Impact Development scorecard and has claimed credit for 83 out of 178 possible points. What still needs to be addressed: • The applicant claimed 6 points for tilling soils prior to revegetation and adding soil amendments based on soil tests. Please note these requirements on the landscape plan. • The applicant claimed 4 points for using locally-sourced landscape materials and using native vegetation. Please note	More information required

		these requirements on the landscape plan. • The project qualifies for an 8 additional points not previously claimed for "All development and land disturbance outside of existing wooded/forested areas." • The project has claimed points in the bonus category for using "innovative LID site design and/or stormwater improvements." Please provide a narrative supporting the points claimed, detailing the innovation in stormwater management system proposed • Please provide a copy of the proposed Winter Maintenance Agreement for review. This Agreement must be finalized and recorded at the Registry of Deeds with the Stormwater Maintenance Agreement prior to Certificate of Occupancy.	
	13.6.2.A.3 The site plan shall include adequate measures to protect significant natural features to be preserved from construction impacts, in accordance with the LID standards of the Technical Manual.	There are no significant natural features on this site, given its urban context. What still needs to be addressed:	N/A
Site Landscaping and Buffers	13.6.2.B.1.a *On-site landscaping* All development subject to this article shall provide a minimum of one shade tree consisting of species identified on the City of Portland Recommended Tree list or six plantings, defined as one shrub, one ornamental grass, and/or three perennials, per 5,000 square feet of lot area in accordance with the landscaping standards of the Technical Manual.	No new shade trees are proposed as part of this application given site constraints. What still needs to be addressed: • See comment in Section 13.6.2.B.1.C	More information needed
	13.6.2.B.1.b *On-site landscaping* Existing vegetation to be preserved on the site may be counted towards this requirement as described in the landscaping and landscape preservation standards of the Technical Manual.	There are three large mature trees located near the existing main entrance. These trees will be removed. No other on-street trees are proposed to be preserved.	Met
	13.6.2.B.1.c *On-site landscaping* Where site constraints prevent the planting of required shade trees or plantings at the development site, the reviewing authority may approve an alternative as described in the landscaping standards of the Technical Manual.	The applicant has indicated that site constraints prevent the planting of shade trees within the setback area or the rear courtyard. What still needs to be addressed: • The applicant shall provide detail regarding why site constraints prevent the planting of required shade trees.	More Information Required
	13.6.2.B.2.a *Buffers and screening* Loading and servicing areas, trash and recycling areas, storage areas, and roof- and ground-mounted utility structures, except for renewable energy systems, shall be screened from view from public sidewalks, streets and adjacent properties by dense evergreen and deciduous landscaping, fencing, architectural screening products, masonry walls, building walls, or a combination thereof.	Trash facilities will be located on the opposite side of the Boys & Girls Club within an existing off-street parking lot. There are no off-street loading or servicing areas proposed as part of this application. Roof-mounted utilities will be screened. What still needs to be addressed:	More information required

	13.6.2.B.2.b ***Buffers and screening*** Where immediately visible from the right-of-way, surface parking areas shall be screened with dense evergreen and deciduous landscaping, fencing, or masonry wall in accordance with the landscaping standards of the Technical Manual.	There is no parking associated with this application, thus this standard is not applicable to this application. **What still needs to be addressed:**	N/A
	13.6.2.B.2.c ***Buffers and screening*** For nonresidential development abutting a residential zone, an evergreen, densely landscaped buffer of not less than 10 feet in depth and six feet tall is required along the side abutting the residential zone. In cases where architectural fencing is used, the depth of the landscaped buffer may be reduced, so long as the fencing is at least six feet in height and a mix of evergreen and deciduous trees spaced no further than 20 feet apart is planted abutting the residential zone.	The rear playground area will be screened from abutting residential properties by an 8-foot fence. A vegetated buffer is not practical given site constraints. The applicant has requested a waiver of this standard. **What still needs to be addressed:** • **The applicant shall redesign the rear fence to be fully opaque.**	More information required
	13.6.2.B.2.d ***Buffers and screening*** All residential development shall provide and/or preserve evergreen vegetated buffers where necessary to buffer the development from detrimental impacts of existing surrounding development.	There are no existing vegetated buffers between the Boys & Girls club and surrounding properties. **What still needs to be addressed:**	N/A
	13.6.2.B.3.a ***Parking and vehicle display lot landscaping*** Developments with more than five parking spaces shall include at least one tree for every 750 square feet of uncovered asphalt parking area (including drive aisles), planted in landscaped islands to screen, shade, and break up parking. Trees and shrubs in parking lots may be in informal groups, straight rows, or concentrated in clusters as described in the landscaping standards of the Technical Manual.	There is no parking associated with this application, this is standard is not applicable to this application. **What still needs to be addressed:**	N/A
	13.6.2.B.3.b ***Parking and vehicle display lot landscaping*** Landscaped islands shall be distributed so that uninterrupted pavement does not exceed forty parking spaces.	There is no parking associated with this application, this is standard is not applicable to this application. **What still needs to be addressed:**	N/A
	13.6.2.B.3.c ***Parking and vehicle display lot landscaping*** Where site constraints prevent implementation of all or a portion of required parking lot landscaping, as determined by the review authority, the reviewing authority may approve an alternative as described in the landscaping standards of the Technical Manual.	Not applicable to this application, this is standard is not applicable to this application. **What still needs to be addressed:**	N/A
	13.6.2.B.4 ***Non-vehicular hardscape*** All uncovered paving for non-vehicular use, including pathways and patios, must either have a minimum Solar Reflective Index (SRI) of 33 initially and 28 once aged three years or include one tree for every 750 square feet of asphalt paving.	Hardscaped areas will have an initial SRI of 35. **What still needs to be addressed:**	Met
	13.6.2.B.5.a ***Street trees*** All development shall include one street tree per 25-35 linear feet of frontage along a city right-of-way or private roadway as specified in the landscaping standards of the Technical Manual. The provision of measures to enhance tree survival (such as	There are existing street trees along Cumberland Avenue that will be preserved. The applicant has indicated that site constraints , including proposed stormwater infrastructure, limit the planting of street trees along Cedar Street.	More information required

	raised planters, irrigation, and structural soils as recommended by the City Arborist) shall be required.	What still needs to be addressed: • **The applicant shall provide street trees within the setback area along Cedar Street or demonstrate why the planting of street trees is impractical .**	
	13.6.2.B.5.b ***Street trees*** Where the applicant can demonstrate that site constraints prevent the planting of required street trees in the city right-of-way, the review authority may permit an alternative subject to the landscaping standards of the Technical Manual.	The applicant has indicated that site constraints , including proposed stormwater infrastructure, limit the planting of street trees along Cedar Street. What still needs to be addressed: • See comment above.	More information required
	13.6.2.B.5.c ***Street trees*** Where the proposed development includes the removal of an existing street tree determined by the City Arborist to be a heritage or feature mature tree, the applicant shall be required to contribute to the Tree Fund at the designated rate in the Technical Manual so that the total replacement cost is significantly higher than planting a new street tree/contributing for a new street tree.	Not applicable to this application. What still needs to be addressed:	N/A
Water Quality, Stormwater Management and Erosion Control	**13.6.2.C.1.a** All development shall be designed to minimize total area of impervious surface on the site and both the volume and rate of runoff from the lot. Provisions for stormwater management shall demonstrate the following: a) Any stormwater draining onto or across the lot in its pre-improvement state will not be impeded or redirected so as to create ponding on, or flooding of, adjacent lots.	No flooding, runoff or ponding on adjacent lots is anticipated with this application as shown in the provided stormwater management plan. What still needs to be addressed:	Met
	13.6.2.C.1.b All development shall be designed to minimize total area of impervious surface on the site and both the volume and rate of runoff from the lot. Provisions for stormwater management shall demonstrate the following: b) Any increase in volume or rate of stormwater draining from the lot onto an adjacent lot or City property following the improvement can be handled on the adjacent lot or City property without creating ponding, flooding or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the adjacent lot or City property.	No flooding, runoff or ponding on adjacent lots is anticipated with this application. Stormwater infrastructure has been designed to accommodate anticipated flows from the proposed development What still needs to be addressed:	Met
	13.6.2.C.1.c All development shall be designed to minimize total area of impervious surface on the site and both the volume and rate of runoff from the lot. Provisions for stormwater management shall demonstrate the following: c) Any increase in volume or rate of stormwater draining from the lot into the City's storm sewer system can be accommodated in the system without creating downstream problems or exceeding the capacity of the storm sewer system.	Existing public utilities within Cumberland Avenue have adequate capacity to serve the proposed development. What still needs to be addressed:	Met

	13.6.2.C.2 All development shall comply with the stormwater management standards of the Technical Manual.	The applicant has provided a stormwater management report detailing compliance with Technical Manual standards. What still needs to be addressed: • This project is required to meet the City's minimum detention volume requirement in accordance with Section 5.2.4 of the Technical Manual. Please update the stormwater management report to clearly demonstrate compliance with this standard. Submission requirements are outlined in Section 14.4.6 of the Technical Manual. • More information is required to show how the project's stormwater systems have been designed to meet the City's standards. Section 5 of the Technical Manual includes specific requirements for treatment thresholds for redevelopment projects, and the Applicant shall provide summaries of treated areas relative to these thresholds. ▪ Design calculations for the proposed stormwater systems shall be provided. • Calculations shall show how the proposed systems will meet MaineDEP BMP design standards. General water quality volume calculations have been provided, but it is unclear how the proposed R-Tank system and filter strips relate to specific BMP water quality standards. For example, an R-tank storage is typically used to provide storage in conjunction with something like a subsurface sand filter, or a proprietary treatment system, and is not a treatment system on its own. • More information shall be provided on the synthetic turf proposed for use on the underdrained filter strip. What is this material, and how does it meet requirements for allowing infiltration of stormwater? • For any proprietary systems like the R-tank storage, confirmation of the adequacy of the design shall be provided from the manufacturer.	More information required

		• The outlet control structures for all of the systems shall be designed to control the system outflows per MaineDEP requirements. The design shall also account for overflow through the grades of these outlet control structures. • A HydroCAD model has been provided to show that post-development flows will be lower than pre-development conditions, changes to the model will be required to address water quality treatment requirements • Per Technical Manual Section 14.1.1 B. 8, the Applicant has included their confirmation of ability to serve from the City for Sewer as well as some discussion with Portland Water District on retirement of existing services. Further confirmation of ability to serve for the proposed water service will also be required.	
	13.6.2.C.3 Development shall not pose a risk of groundwater contamination either during or post-construction, as described in the stormwater management and water supply standards of the Technical Manual.	The applicant has provided a geotechnical evaluation within the stormwater management plan, which identifies site soil conditions. What still needs to be addressed: See comment below	More information required
	13.6.2.C.4 Applicants shall demonstrate that subsurface and/or any adjacent slope conditions are suitable to support the development, and where determined necessary, shall prepare a geotechnical study to demonstrate that the development as designed will not adversely impact the development site or any abutting property. Soil surveys and/or geotechnical studies shall be prepared in accordance with the requirements of the Technical Manual.	The applicant has provided a geotechnical evaluation within the stormwater management plan, which identifies site soil conditions. What still needs to be addressed: • The stormwater management report includes a geotechnical report. The site soil conditions shall be addressed as part of the stormwater design. The geotechnical report does not specifically address infiltration, but does identify the presence of ledge, groundwater, and urban fill. Based on these conditions,the stormwater systems will need to be lined with an impermeable layer to prevent infiltration.	More information required

Public Infrastructure and Community Safety Standards (Sec. 13.6.3)			
Standard		***How the standard is being met***	***Finding***
Consistency with City Master Plans	13.6.3.A.1 All developments shall be designed so as to be consistent with City Council-approved master plans and facilities plans and with off-premises infrastructure.	This application is an allowed use within the B-3 zone and is consistent with Portland's Plan 2030. What still needs to be addressed:	Met
	13.6.3.A.2 The site plan shall include suitable easements, rights, and improvements to connect or continue off-premises public infrastructure as may be required by the review authority.	To implement the new electrical service, a new three-foot wide permanent easement has been requested from the abutters for underground electrical conduit. Temporary easements have been requested from the abutters for access to install the conduit. What still needs to be addressed: • Existing transformer easement, as noted on the Boundary & Topographic Survey, shall be listed in Exhibit 9 - *Summary of Existing or Proposed Easements or Covenants.* • Add bearings and distances to all proposed easements	More information required
Public Safety and Fire Prevention	13.6.3.B.1.a All development shall incorporate the following public safety principles for Crime Prevention through Environmental Design (CPTED) into site design to enhance the security of public and private spaces and to reduce the potential for crime: a) Natural surveillance that promotes visibility of public spaces and areas.	Public spaces will be visible from the building via storefront windows at the main entrance and along Cumberland Avenue The outdoor programming space will be visible via overhead doors on the west side of the addition. What still needs to be addressed:	Met
	13.6.3.B.1.b All development shall incorporate the following public safety principles for Crime Prevention through Environmental Design (CPTED) into site design to enhance the security of public and private spaces and to reduce the potential for crime: b) Access control that promotes authorized and/or appropriate access to the site.	Access control will be provided by an entry vestibule and control desk at the main entrance ,and by perimeter fencing around the outdoor space What still needs to be addressed:	Met
	13.6.3.B.1.c All development shall incorporate the following public safety principles for Crime Prevention through Environmental Design (CPTED) into site design to enhance the security of public and private spaces and to reduce the potential for crime: c) Territorial reinforcement that promotes a sense of ownership and responsibility through environmental design.	The site is designed to ensure that private open spaces are secure. The rear playground area will be fenced off from public rights-of-way. What still needs to be addressed:	Met

	13.6.3.B.2 All developments shall be designed to provide adequate emergency vehicle access to the site and comply with the Public Safety standards of the Technical Manual.	Emergency vehicles will access the site via existing public rights-of-way. What still needs to be addressed:	Met
Public Utilities	13.6.3.C.1 The development shall not overburden sanitary sewers and storm drains, water lines or supply, or other public infrastructure and utilities. Development shall provide adequate utility infrastructure on-site and in connection to surrounding locations and facilities.	A wastewater capacity authorization has been provided for this application. Existing public utilities have adequate capacity to serve the proposed development. What still needs to be addressed:	Met
	13.6.3.C.2 Electrical service shall be underground unless otherwise specified for industrial uses, or if it is determined to be unfeasible due to extreme cost, the need to retrofit properties not owned by the applicant, or complexity of revising existing overhead facilities.	Electrical service will be provided underground extending from an existing utility pole on Cumberland Avenue What still needs to be addressed: • The applicant shall provide an ability to serve letter from Central Maine Power	More information required
	13.6.3.C.3 All sanitary sewer lines, storm drains, water lines, and other utilities proposed as part of the development shall be designed to conform with the sanitary sewer and storm drain and water supply standards of the Technical Manual.	The project includes new sanitary sewer and storm drain connections to City of Portland Facilities within Cumberland Avenue. Capacity letters from Portland Water District are included with this application. What still needs to be addressed: • The Department of Public Works requires separate connections for private sewer and storm drain laterals. Revise the design to connect the proposed 6-inch sanitary lateral directly to the 18-inch oval brick sewer using an Inserta-Tee or approved equal, in accordance with Technical Manual Standard 6.6.7. Further, revise the design to consolidate all drainage outlets into SMH-2 through a single pipe connection. From review of the application materials, it appears feasible to route FI-2 to CB-2 to accomplish this. • Sheet CU101 includes a note directing the contractor to replace a length of sewer pipe on both the inlet and outlet sides of the proposed doghouse SMH-2. A typical doghouse manhole installation requires the new manhole to be constructed around the existing pipe, with the lower half of the existing pipe serving as the channel within the new structure, as shown in the plan detail. The existing 18-inch sewer in Cedar Street is constructed of oval-shaped brick. Clarify why a section of this pipe needs to be replaced. DPW Staff is not currently supportive of this approach and need additional information to	More information required

		determine if this approach would be feasible. • Additional justification is required for the proposed storm drain connection sizing discharging to the 18-inch Cedar Street combined sewer. The proposed outflow rates in the stormwater report do not appear to support the need for 2 - 12" pipes. • The applicant shall add all applicable City of Portland standard details for sewer and stormwater connections in the right of way to the detail sheet. These details can be found in section 6 of the technical manual. • Clarify what is draining into the proposed oil-water separator device.	
	13.6.3.C.4 All development within 200 feet of a public sanitary collection and treatment system shall connect sanitary sewer lines into the nearest available public sewer. If a public sanitary collection and treatment system is not available, a private wastewater system may be used according to the requirements of Chapter 24 of the City Code and the sanitary sewer and storm drain standards of the Technical Manual.	The proposed building extension will connect to existing sanitary sewers within Cumberland Avenue What still needs to be addressed:	Met
	13.6.3.C.5 All residential development of 20 units or more, commercial development, and industrial development shall provide for the temporary storage and timely removal of all trash and recyclable materials including, at a minimum, paper, corrugated cardboard, plastics, and metals. Storage containers for recyclable materials shall be separated from trash containers. All exterior storage of trash and recyclables shall be screened from view from public sidewalks, streets, and adjacent properties.	The existing Boys & Girls Club is serviced by a dumpster accessed from Chestnut Street. What still needs to be addressed: The applicant shall provide additional detail related to waste management and collection and identify where dumpsters or other waste facilities will be located on-site	More information needed
Site Design Standards (Sec. 13.6.4)			
Standard		***How the standard is being met***	***Finding***
Massing, Ventilation and Wind	13.6.4.A.1 The bulk, location, or height of proposed buildings and structures shall not result in health or safety problems from a reduction in ventilation to abutting structures or changes to the existing wind climate that would result in unsafe wind conditions for users of the site and/or adjacent public spaces.	The proposed building addition meets dimensional standards of the B-3 zone. There are no massing or ventilation impacts anticipated with this application What still needs to be addressed:	Met

	13.6.4.A.2 Development shall locate all HVAC venting mechanisms to direct exhaust away from public spaces and residential properties directly adjacent to the site.	Roof-mounted HAVAC and utility systems will be screened and will not be visible from public rights-of-way **What still needs to be addressed:**	Met
	13.6.4.A.3 In proposed buildings or additions with an aggregate roof area greater than 2,000 square feet, measured horizontally, and, for residential projects, greater than nine residential units, a minimum of 75% of the roof area must meet the following "cool roof" Solar Reflective Index (SRI) standards: a) Roofs with a slope less than 2:12: SRI of 82+ (initial)/64+ (3-year aged) b) Roofs with a slope greater than 2:12: SRI of 25+ (initial)/25+ (3-year aged) Roof areas covered by shade structures with an SRI of 39+, including photovoltaic panels that shade the roof, are considered exempt from roof area calculations for the purposes of this standard.	The roof will be covered by a white damp-proof membrane with an initial SRI of 84. **What still needs to be addressed:**	Met
Shadow	13.6.4.B All development over 65 feet in height shall be designed to avoid and/or mitigate the adverse impacts of shadows cast by new structures or building additions from falling on publicly accessible open space in accordance with the shadow standards of the Technical Manual.	This application is not over 65 feet in height; thus this standard is not applicable to this application. **What still needs to be addressed:**	N/A
Snow and Ice Loading	13.6.4.C All development shall be designed to prevent significant amounts of accumulated snow and ice from loading or falling onto adjacent properties or public ways.	Snow storage areas are identified on provided plans and are not anticipated to impact public rights-of-way. **What still needs to be addressed:**	Met
View Corridors	13.6.4.D The massing, location, and height of development shall not substantially obstruct public view corridors identified in the City of Portland Design Manual.	This application does not lie within an established view corridor, thus this standard is not applicable to this application. **What still needs to be addressed:**	N/A
Historic Resources	13.6.4.E.1 When a development affects a designated landmark or lies within a designated historic district or historic landscape district, such development shall be required to obtain historic preservation approval under Article 16.	This application is not within a historic district, thus this standard is not applicable to this application. **What still needs to be addressed:**	N/A
	13.6.4.E.2.a All development shall document and protect state or local archaeological resources known to exist or discovered on the site. a) Protection may include leaving archaeological resources untouched beneath a new development through adaptation of foundation design or architectural layout.	There are no known archaeological resources on this site, thus this standard is not applicable to this application. **What still needs to be addressed:**	N/A
	13.6.4.E.2.b All development shall document and protect state or local archaeological resources known to exist or discovered on the site.	There are no known archaeological resources on this site, thus this standard is not applicable to this application.	N/A

	b) Where the applicant can demonstrate that complete protection is not feasible, the applicant shall excavate and document archeological resources. Such measures shall be conducted in consultation with the City's historic preservation program and Maine Historic Preservation Commission. For resources of state significance, excavation and documentation shall be conducted by a qualified professional, in coordination with Maine Historic Preservation Commission. Local archeological resources may or may not be recognized by the Maine Historic Preservation Commission as significant and shall include the following: i. Original seawall structure located landward of Commercial Street. ii. Inactive historic family cemetery plots. iii. Historic railroad beds including but not limited to the Portland-Lewiston interurban railroad. iv. Original structure and/or landforms associated with the Cumberland and Oxford Canal. v. Buried portions of colonial and post-colonial period structures or built features located on the Portland Peninsula predating the Great Fire of 1866. vi. Pre-colonial occupation sites identified by shell middens or other evidence. vii. Sites listed or eligible for listing on the National Register of Historic Places.	**What still needs to be addressed:**	
	13.6.4.E.2.c All development shall document and protect state or local archaeological resources known to exist or discovered on the site. c) In order to preserve archeological resources, the review authority may waive standards listed in the City of Portland Technical Manual where necessary if it is determined that such a waiver would not jeopardize the health, safety, or welfare of the development's occupants, the public, or the natural environment.	The applicant will be required to preserve or protect any archaeological resources uncovered during site work. **What still needs to be addressed:**	Met
Exterior Lighting	13.6.4.F.1.a ***Site lighting*** All exterior site lighting shall be full cutoff with no light emitted above the horizontal plane or spilled onto adjacent properties. Illumination levels shall be adequate but not excessive for the safety, comfort, and convenience of occupants and users of the site, and shall conform to the lighting standards of the Technical Manual.	A photometric plan has been provided, Proposed exterior lighting includes wall mounted light fixtures and two pole-mounted light fixtures within the playground area which will face away from abutting residential properties. All light fixtures will be full cutoff. **What still needs to be addressed:**	Met

	13.6.4.F.1.a ***Site lighting*** Where light from a proposed development may adversely impact adjacent residential properties, exterior lighting shall employ building-side shielding.	Proposed light fixtures face away from abutting residential properties. What still needs to be addressed:	Met
	13.6.4.F.2.a ***Architectural and specialty lighting*** Architectural and specialty lighting of such features as architectural details, monuments, public art, or other site features shall be designed to illuminate specific details or attributes only and shall meet the lighting standards of the Technical Manual.	No specialty lighting is proposed as part of this application What still needs to be addressed:	Met
	13.6.4.F.2.b ***Architectural and specialty lighting*** Up-lighting by any method is prohibited except for public buildings and parklands; clock towers and steeples; landscape features; designated historic landmarks; flags of state, federal, or national jurisdictions; and public art. Such light fixtures, brackets, conduits, and all other components shall be designed by a lighting professional and shall be scaled and placed to minimize their visibility and installed in accordance with the lighting standards of the Technical Manual.	No specialty lighting is proposed as part of this application What still needs to be addressed:	Met
	13.6.4.F.3 ***Street lighting*** All development shall provide municipal street lighting adequate for the safety and comfort of pedestrians, bicyclists, and motorists and, where applicable, conforming to specific lighting district requirements as specified in the street lighting standards of the Technical Manual.	No new street lighting is proposed What still needs to be addressed:	Met
Noise and Vibration	13.6.4.G All heating, ventilation and air conditioning equipment (HVAC), air handling units (AHU), emergency generators, and similar equipment shall meet applicable state and federal emissions requirements and shall be located to the interior of the site, away from abutting properties.	Roof-mounted HVAC and other utilities will be screened and located towards the center of the buildings roof. What still needs to be addressed:	Met
Signage and Wayfinding	13.6.4.H.1 On-site directional traffic signage may be provided to enable users to safely and easily navigate into, around and out of the site.	No directional signage is proposed as part of this application. What still needs to be addressed:	N/A
	13.6.4.H.2 Signage shall not adversely affect visibility at intersections on or off the site.	No directional signage is proposed as part of this application. What still needs to be addressed:	N/A
Design Standards	13.6.4.I.1 Development of certain types and/or proposed in certain zones, as specified in the City of Portland Design Manual, shall meet the design standards of the Design Manual in order to ensure that building and site design contribute to and enhance the goals and policies for specific zones within the city. The City of Portland Design Manual is incorporated by reference as part of this Land Use Code.	This application is subject to B-3 Design Standards. What still needs to be addressed: • See attached Design Memo	More information required
	13.6.4.I.2 If the development is located in a historic district or associated with a historic landmark, the standards of Article 16 shall supersede.	This application is not within a historic district, thus this standard is not applicable to this application. What still needs to be addressed:	N/A

Design Review
Planning and Urban Development Department

Att. S2

Subject: 9 Cedar Street – Major Site Plan Review
Zone: B-3
Date of Review: April 6, 2026
Reviewer(s): Sean King (Urban Designer), Eric Freeman (Planner), Zach Powell (Senior Planner)
Project ID: PL-003520-2026

I. INTRODUCTION

The proposed construction of a two-story addition to an existing facility, operated by the Boys & Girls Club of Southern Maine is being reviewed under the B-3 design standards, as outlined in the City of Portland Design Manual and Section 13.6.4.I of the City's Land Use Code.

II. DESIGN REVIEW COMMENTS: red text denotes standards not met and require resubmission, **bold** denotes standards met from latest submission.

§(b)(1)a.1. Relationship of pedestrian environment:

- *§(b)(1).A. Relationship to the pedestrian environment: The exterior design of portions of buildings within the first thirty-five (35) feet of height shall enhance the character, attractiveness, comfort, security, and usability of the street level pedestrian environment. Factors to be considered include the design, placement, character and quality of the following: Storefronts and building facades, Building entrances, Blank facades; and Special features*

  Findings: The proposed building addition includes a recessed glass curtain wall with a projecting metal canopy to define the primary building entry, large storefront windows that enhance the building corner at Cedar Street & Cumberland Avenue. Staff finds that these architectural elements enhance the character and usability of the street level pedestrian environment to meet this design standard.

- *§(b)(1).B. Pedestrian Activities District (PAD): In addition to subsection 1 (a through d), proposed development and substantial building alterations located within the PAD overlay zone shall be designed and constructed to accommodate pedestrian-oriented uses at the street level.*

  Findings: Not applicable, the property is outside of the PAD overlay district.

- *§(b)(1).C. Sidewalk areas and open space: The design of publicly accessible sidewalk areas and open space shall complement the general pattern of the downtown pedestrian environment, conform to special City of Portland streetscape programs described in the Technical Manual, and enhance the attractiveness, comfort, security, and usability of the pedestrian environment.*

  Factors to be considered include the design, placement, character, durability, and quality of the following: Sidewalk, crosswalk, and street paving materials; Landscaping, planters, irrigation, and tree guards and grates; Lighting; Pedestrian amenities such as benches and other seating, trash

receptacles, kiosks, bus shelters, artwork, directional and informational signage, fountains, and other special features; and Sidewalk vendors and sidewalk cafes.

Findings: Staff supports the replacement of brick sidewalk along Cumberland Avenue to continue the existing brick sidewalks along the property frontages. In addition, Staff finds that the brick pavers, outdoor seating, and bicycle racks at the recessed primary building entrance are appropriate to enhance the pedestrian experience from the public sidewalk.

- *§(b)(1).D.1. Relationship to existing development: General - Proposed development shall respect, enhance, and be integrated with the existing character of the general pattern of development in the downtown, surrounding building environment and streetscape, as described and illustrated in the Downtown Urban Design Guidelines (Appendix 1). Factors to be considered include the relationship to the following existing patterns: Street walls and building setbacks; Open space; Building form, scale and massing; Façade proportion and composition; Pedestrian circulation and building entrances; Parking*

  Findings: The proposed building addition maintains a consistent scale, height and alignment in relationship to the existing Boys and Girls Club building. In addition, the proposed building addition provides a clearly articulated building entrance accessible to the Cumberland Avenue public sidewalk and use of similar exterior façade materials arranged in a more contemporary style. Staff finds these architectural elements are contextual to the surrounding neighborhood and complements the existing building.

- *§(b)(1).D.2. Relationship to existing development: Standards for increasing setback beyond street build-to line - A proposed development may exceed maximum setbacks as required in Table 7-C or Table 7-D only where the applicant demonstrates to the Planning Board that the introduction of increased building setbacks at the street level: Provides substantial and viable publicly accessible open space; does not substantially detract from the prevailing street wall character; does not detract from existing publicly accessible open space; the area of setback is of high quality and character of design.*

  Findings: **The applicant has provided a comment response letter and resubmitted architectural plans to communicate their interpretation for the street build-to line. Staff finds that the proposed setback at Cedar Street is appropriate for the following reasons, the setback area at Cedar Street includes a multi-functional open space with ornamental landscaping and hardscape elements; does not substantially detract from the varying street wall and driveway breaks along Cedar Street; maintains pedestrian connectivity along public sidewalks to access existing publicly assessable open space within a short distance from the property; and includes a high quality of landscape features and storefront windows to engage the building corner and promote CPTED public safety principles.**

- *§(b)(1).E. Rooftop appurtenances: All mechanical equipment, ventilating and air conditioning and other building systems, elevators, stairways, radio or television masts or equipment, or other rooftop elements not intended for human occupancy shall be fully enclosed in a manner consistent with the character, shape and materials of the principal building.*

  Findings: The applicant has proposed fully screened mechanical equipment that Staff finds is consistent with the character, form, and materials of the principal building.

- *§(b)(1).F. Shadow impact on open space: The location, massing and orientation of portions of buildings in excess of 65 feet in height shall be such that substantial shadow impacts on public plazas, parks, and other publicly accessible open space are avoided.*

  Findings: Not applicable, the proposed building addition does not exceed 65 feet in height.

- *§(b)(1).G. Wind impacts:* The location, massing, orientation and architectural design of a new building or a building addition shall be such that no significant adverse wind impacts are created.

  Findings: Staff finds that the proposed building addition is relatively low in height compared to adjacent structures and does not anticipate significant adverse wind impacts.

- *§(b)(1).H. Setbacks for existing structures: The location and design of proposed structures shall not create a detrimental impact on the structural integrity or the safety of adjacent structures or the occupants thereof.*

  Findings: Staff finds that the proposed building addition includes an independent structural foundation and a reconfiguration of the lobby stairs to safely interconnect with the existing structure.

- *§(b)(1).I. Building tops: Buildings or structures which exceed 150 feet in height shall be designed so as to provide a distinctive top to the building which visually conveys a sense of interest and vertical termination to the building.*

  Findings: Not applicable, the proposed building addition does not exceed 150 feet in height.

Boys & Girls Club of Southern Maine

Portland Youth Campus

Application for Minor Site Plan Review
Portland, Maine

January 6, 2026
Project # 23109

Submitted by:
SMRT Architects and Engineers
207.772.3846
smrtinc.com

January 6, 2026
Job No.: 23109

City of Portland
Department of Planning and Urban Development
389 Congress Street
4th Floor
Portland, Maine 04101

Re: Application for Minor Site Plan Review
Boys & Girls Club of Southern Maine – Youth Campus
Map 26, Block C, Lots 8, 17, and 18-19
Portland, Maine

Dear Staff,

On behalf of the Applicant, The Boys & Girls Club of Southern Maine, we submit herewith this Minor Site Plan Application with supporting documentation and fees. A pre-application meeting was held with City staff on August 6, 2025, during which it was confirmed that Minor Site Plan Review and approval will be required.

The following narrative provides information in support of the Application in accordance with City requirements. Please refer to the attached plans and documents. We believe this application is complete and ready for review. Please let us know if you have questions or require further information at this time.

Project Background
The Boys & Girls Club of Southern Maine's Portland Clubhouse has operated after-school programs for children since 1909. The existing building at 277 Cumberland Avenue consists of a 17,213 square-foot (SF) Clubhouse built in 1930 and a small entryway added in 2002. The building is clad in brick. The proposed project is a 6,566 SF addition, which will replace the current entryway and add space for teen programming to the southwest of the existing building.

City of Portland Zoning
The project area combines three adjacent lots, Tax Map 26, Lots 8, 17, 18 and 19, totaling 40,360 SF (0.927 acres). The combined parcels are located within City of Portland Zoning District B-3 (Downtown Business). The property is bordered to the southeast by Cumberland Avenue, with Chestnut Street to the northeast, residential lots to the northwest, and Cedar Street to the southwest. The site is not located in an Historic District but is within 100 feet of the Congress Street Historic District. The subject property is located directly across the street from Portland High School and the block is within the School Zone.

The B-3 zone "reinforces the role of downtown as a meeting place for community residents and visitors alike" and allows for the establishment of cultural facilities and places of assembly, making the project in compliance with the zone's purpose.

Existing Conditions
The Boys & Girls Clubs of Southern Maine acquired properties at 289 Cumberland Avenue and 9 Cedar Street with the intention of expanding their facility. The two lots are adjacent to 277 Cumberland. The existing Boys & Girls Club building sits on Lot 8. The project will require the removal of existing buildings on the two acquired

lots. Lot 17 (9 Cedar Street) contains a 9-unit, 1,860 SF multifamily structure built in 1900. Lot 18-19 (289 Cumberland Avenue) holds a 3,120 SF mixed-use residential and commercial building constructed in 1910. None of the buildings are subject to Maine Historic Preservation Commission oversight. Plans to replace the existing residential units are described in a separate Housing Preservation and Replacement application.

A brick sidewalk runs along Cumberland Avenue and Cedar Street but terminates at the building corner on Chestnut Street. The Chestnut Street sidewalk continues as concrete. A 40-foot-wide striped crosswalk on Cumberland Avenue connects the Clubhouse with the high school. On-street parking is available in front of the Clubhouse. The existing building is served by an 18-space parking lot on Chestnut Street. The two acquired lots have limited landscaping and share a paved parking lot that covers most of the open space of the combined lots.

Public utilities currently serving the two apartment buildings will be disconnected according to the governing utility's standards. These include domestic water, gas, electricity, and sanitary sewer.

Proposed Development

The proposed development will be located at the southerly end of the property, adjacent to Cedar Street on lots 17 and 18-19. The proposed addition will face Cumberland Avenue and provide a new main entrance to the facility in approximately the same location as the current entrance. The new entrance will be curtainwall with a metal panel awning and be flush with the sidewalk, at the first-floor level. The facility will be two stories, visible from Cumberland Avenue. The lower floor will have a recessed classroom space at grade on the west side. The exterior walls of the new building addition will be a combination of brick, metal panel rainscreen, aluminum and glass curtainwall, and aluminum storefront windows. Screening will be provided on the roof to screen mechanical units.

The area to the rear of the new addition will be paved and will utilize the current curb-cut on Cedar Street. No new parking is proposed. The paved area will support facility programs and include a basketball half-court and a play structure. The outdoor program space will be enclosed by a wire mesh fence with two egress gates and a 12-foot-wide sliding gate at the curb-cut. The brick sidewalks adjacent to the property on Cumberland Avenue and Cedar Street will be reconstructed to the extent needed. Brick paver and concrete accents will enhance the building entrance. An egress exit will be provided on the Cedar Street side of the addition, with secondary entrances at the lower level.

No new traffic is expected to be generated by the development. No staffing increase is expected. Vehicular loading and unloading currently takes place at the existing facility entrance and will continue in the same location. The existing crosswalk on Cumberland Avenue will be repainted to enhance visibility, possibly in conjunction with the City's public art initiative.

Landscaping will be installed in the form of stones, boulders, native shrubs, and native perennial plantings on the Cedar Street and Cumberland Avenue sides. A retaining wall will be required along the westerly property line to maintain existing grade on the adjacent property.

Existing domestic water, gas, and fiber optic services will be connected internally to new services. New storm water and sanitary sewer will flow separately to the existing combined system in Cedar Street. Storm water will be collected and stored in underground systems to control flow to the City system and provide water quality treatment. New electrical service will require a new transformer and connection to Central Maine Power service on the west side of the existing building on Chestnut Street.

Housing Replacement
The Boys & Girls Club has partnered with Avesta Housing for the construction of a new residential development to replace the units at 289 Cumberland Avenue and 9 Cedar Street. The Club has submitted plans to the City. A copy of the City's acceptance letter is attached to this submission.

Waivers
A waiver is requested for non-conformance to Ordinance section 13.6.2, B.2.c. The waiver request is made in the accompanying Site Plan Standards document.

Please refer to the accompanying supporting documents and plans for detailed information. We look forward to working with the City to make this important project a success.

Sincerely,

Wendy MacDaniels, EI (ME)
Civil Engineer

SMRT Architects and Engineers | 75 Washington Ave, Suite 3A | Portland, ME 04101
p 207-321-3894 | c 207-400-0638 | email: wmacdaniels@smrtinc.com

CC: BE, NC, 23109

Attachments:

- Checklist
- Housing Replacement Approval Letter
- Evidence of Right, Title, and Interest
- Financial Capacity
- Technical Capacity
- Site Plan Standards
- Site Plan Data
- Waiver Table
- Summary of Proposed Easement
- Construction Management Plan
- Stormwater Management Report
- Utility Capacity Letters

- Life/Safety Code Plan
- Design Narrative and Architectural Drawings
- Low Impact Development Analysis and Scorecard
- Drawing Set

Planning & Urban Development Department

MAJOR AND MINOR SITE PLAN

DOCUMENT CHECKLIST

Please submit each document as a separate PDF file.

Please confirm by electronically checking the boxes in the left-hand column.

General Application Documents

Indicate Below	**Required of All Applications**
☑	Project Description • Cover letter with detailed project description
☑	Completed Checklist (this document)
☑	Evidence of Right, Title, and Interest • Deeds, leases, or purchase and sale agreements
☑	Financial Capacity • Letter or evidence from a financial institution or third-party verifying financial capacity to undertake the project.
☑	Technical Capacity • Evidence of technical capability of applicant and consultants – resume and/or examples of past projects.
☑	Site Plan Standards • Detail how the project complies with the land use code's site plan standards. For each standard, please provide clear evidence by referencing applicable site plan(s), graphics, and other visual materials that demonstrate how the requirement is met. If a standard is not applicable to this specific project, clearly state its inapplicability and provide a brief explanation for why it doesn't apply.
☑	Site Plan Data (the link to the form can be found **here**) • Summary of project data and compliance with use and dimensional standards of land use code.

Indicate Below		**Only if Applicable**
Yes	N/A	
☑	☐	Waiver Requests (the link to the form can be found **here**) • Written request for waiver describing request and compliance with applicable waiver standards.
☑	☐	Summary of Existing or Proposed Easements or Covenants • Evidence of existing easements and any proposed easements, covenants, public or private rights-of-way.
☐	☑	Evidence of State or Federal Approvals • Permits or letters of non-jurisdiction

Additional Documents

Indicate Below		Only if Applicable
Yes	N/A	
☑	☐	Construction Management Plan, including traffic control plan. • Provide construction management narrative in accordance with the City's Construction Management Template.
☐	☑	Traffic Study and/or other Transportation Plans • Detailed in Sec. 2 of the Technical Manual
☐	☑	Significant Natural Features Narrative • Identify significant natural features, wildlife habitats, fisheries habitats, or archaeological sites as detailed Ch. 14, Article 13, located on or near the project site, and describe protection methods during and after construction.
☑	☐	Stormwater Management Report • Detailed in Sec. 14 of the Technical Manual
☐	☑	City Master Plan Narrative • Detail project's consistency with City adopted Master Plans.
☑	☐	Evidence of Utility Capacity • Provide letter from all utility providers demonstrating capacity to service the project.
☐	☑	Solid Waste Narrative • Detail the amount of solid waste and recyclable material anticipated to be generated by the development, and information on how waste will be collected and removed.
☑	☐	Life/Safety Code Analysis Narrative • Detail how the project complies with NFPA 1 and other Fire Department technical standards.
☑	☐	Design Narrative • Detail how the project complies with any applicable design standards contained within the Land Use Code or City of Portland Design Manual.
☐	☑	HVAC and Manufacturing Equipment Verification • Provide verification from manufacturer that equipment meets applicable state and federal emissions requirements.
☑	☐	Low Impact Development (LID) Analysis • Provide a narrative detailing how the project complies with the low impact development requirements listed in Section 3 of the Technical Manual, along with a completed LID scorecard.

MAJOR AND MINOR SITE PLAN DRAWINGS CHECKLIST

Please upload the following drawings with the listed details into ProjectDox as separate PDFs. All drawings must be submitted in a 24" x 36" inch sheet size.

Boundary Survey (Stamped by a Licensed Surveyor in accordance with Sec. 14 of the Technical Manual)

Site Plan(s) (Stamped by a Maine Licensed Professional Engineer)

Indicate Below	**All Sheets** – Include a title block with project title and the following information:
☑	Project street address

☑		Name and address of property owner & applicant.
☑		Licensed design professional, including firm that produced plans.
☑		North arrow
☑		Date of preparation and revision history block.
☑		Tax parcel (chart, block, and lot) number
Indicate Below Yes	N/A	**Existing Conditions Plan**
☑	☐	Existing structures, with distance from primary building façade(s) to the property line.
☑	☐	Approximate location of structures on abutting properties
☑	☐	All streets and intersections adjacent to the site
☑	☐	Existing driveways, pedestrian ways, and bicycle infrastructure, including dimensions and materials

☐	☑	Existing public transit infrastructure
☑	☐	Existing vehicle & bicycle parking areas
☑	☐	Existing utilities on site and within adjacent rights-of-way
☑	☐	Existing grades (two-foot contours preferred)
☐	☑	Location of water courses, wetlands, and vegetation, or other significant natural features
☐	☑	Existing soil conditions and locations of test pits and borings
☑	☐	Zoning boundary lines, including overlays
☐	☑	Location of all existing easements and rights-of-way.
Indicate Below Yes	N/A	**Proposed Site Plan**
☑	☐	Proposed structures, including distance from primary building façade(s) to property lines
☑	☐	Ground floor area, and finished floor elevations for all buildings
☐	☑	Any proposed geometric modifications to streets and intersections adjacent to site
☑	☐	Location, dimensions and materials of all proposed driveways, vehicle, bicycle, & pedestrian access ways with corresponding curb lines
☑	☐	Engineered specifications/ cross-sections for proposed driveways, sidewalks & paved areas
☐	☑	Location and dimensions of proposed loading areas, including turning templates
☐	☑	Proposed transit infrastructure with dimensions/ engineering specifications
☑	☐	Location of vehicle and bicycle parking with dimensions and engineering specifications
☑	☐	Location of all snow storage areas
☑	☐	Exterior lighting (please see Technical Manual for photometrics requirements)
☐	☑	Location of fire hydrants
☐	☑	Location of solid waste management receptacles
☐	☑	Location of all proposed HVAC and mechanical equipment, including proposed screening, where applicable
☑	☐	Location of proposed easements and rights-of-way, including dimensions
☑	☐	Please utilize color-coding and/or hatches and shading to delineate changes between the pre and post development condition as needed
Indicate Below Yes	N/A	**Utility Plan**
☑	☐	Proposed electrical infrastructure
☑	☐	Location, sizing and directional flows of all proposed sewer and stormwater infrastructure

☑	☐	Location and dimensions of off-premises public or publicly accessible infrastructure adjacent to the site
Indicate Below		**Grading and Drainage Plan**
Yes	N/A	
☑	☐	Proposed grades
☑	☐	Proposed stormwater management measures meeting Technical Manual standards
☐	☑	Any proposed alteration of a watercourse or wetlands
☐	☑	Any groundwater protection measures
☐	☑	Proposed buffers and preservation measures for wetlands or significant natural features
Indicate Below		**Landscape Plan**
Yes	N/A	
☐	☑	Existing vegetation to be preserved and preservation measures

☑	☐	Proposed landscaping, screening, and street trees, including caliper widths for trees
☑	☐	Planting schedule, including street trees detailing species, quantity of plantings, and size at planting.
Indicate Below		**Architectural Plans and Renderings**
Yes	N/A	
☑	☐	Exterior building elevations, color renderings, illustrations of all sides.
☐	☑	Axonometric and street-level views for structures greater than three stories in height.
☑	☐	Context drawings
☑	☐	Floor plans
Indicate Below		**Construction Management Plan**
Yes	N/A	
☑	☐	Specifics on traffic control, sidewalk sheds, and pedestrian rerouting
☑	☐	Construction management plan and narrative based upon site plan in accordance with the City's construction management template.
Indicate Below		**Other**
Yes	N/A	
☐	☑	Details and cross-sections

City of Portland Site Plan Form

Part 1. Project Description & Site Information			
Application type:	Minor Site Plan	Submission type:	Initial Submission
	Address:	CBL number:	Lot area (square feet):
Main property:	289 Cumberland Avenue	026 C01 8001	6,328
Additional properties (if applicable):	9 Cedar Street	026 C01 7001	4,481
Project description:	6,566 SF addition to the Boys & Girls Club of Southern Maine for teen programming. Includes a career center, classroom space, and outdoor activity space.		

Type(s) of work: (Select which type(s) of work apply from the dropdown list. If not applicable, select N/A.)	
New residential construction or additions	N/A
New non-residential construction or additions	1,000-10,000 square feet of new construction
Creation of disturbed area	N/A
Creation of impervious surface	N/A
Construction or paving of parking	N/A
Change of use	N/A

Does this project include State or Federal funding, permits, review, or sponsorship?			☐ Yes	▪ No	
If yes, list applicable entities:					
Associated applications: (Check all that apply)		☐	Maine DEP- GC Permit	☐	Subdivision
☐	Army Corps of Engineers General Permit	☐	Maine DEP - NRPA	☐	Traffic Movement Permit
☐	Floodplain Development Permit	☐	Site Location of Development	☐	Zoning Amendment
☐	Harbor Commission Construction Permit	☐	Stormwater Quality	☐	Other:

Part 2. Use Information				Total Existing	Total Proposed	Net New
Residential	General	Residential floor area (square feet)		10,080	0	-10,080
		For Group Living uses with no dwelling units, list the number of rooming units				
		Dwelling units		13	0	-13
		Ownership units				
		Rental units				
	Bedrooms	Studio units				
		1-bedroom units				
		2-bedroom units				
		3-bedroom units				
		4+ bedroom units				
	Affordability	Market-rate units				
			% AMI			
			% AMI			
			% AMI			
Non-Residential		Commercial/Service floor area (square feet)				
		Industrial floor area (square feet)				
		Institutional floor area (square feet)		36,950	50,082	13,132
		Other floor area (square feet)				

Part 3. Inclusionary Zoning			Total Existing	Total Proposed	Net New
Inclusionary Zoning (IZ) dwelling units					
Ownership IZ units		% AMI			
Rental IZ units		% AMI			
Bedrooms	Studio IZ units				
	1-bedroom IZ units				
	2-bedroom IZ units				
	3-bedroom IZ units				
	4-bedroom IZ units				
IZ fee-in-lieu	$ for	of the required	IZ dwelling units		

City of Portland Site Plan Form

Part 4. Building & Site Metrics	Total Existing	Total Proposed	Net New
Number of buildings	3	1	-2
Building floor area (square feet)	36,950	50,082	13,132
Building footprint (square feet)	17,203	23,769	6,566
Street trees	0	0	
Automobile parking spaces	18	15	-3
ADA-accessible parking spaces	1	1	
Compact parking spaces	0	0	
Level 2 Electric Vehicle (EV) charging spaces	0	0	
Level 3 Electric Vehicle (EV) charging spaces	0	0	
Bicycle parking spaces	11	16	5
Number of water service connections	3	1	-2
Number of sewer service connections	3	3	
Impervious area (square feet)	35,685	35,792	107
New developed area (square feet)		1488	
Non-roof redeveloped impervious area (square feet)		14155	
Limits of disturbance (square feet)		40360	
Alteration to wetlands or watercourses (square feet)		0	

Part 5. Zoning (You can use this link to view the zoning for your property)					
Base Zone	B-3		Base Zone #2 (if applicable)		
Local Historic District?		Overlay Zone #1 (if applicable)	Downtown Entertainment	Overlay Zone #2 (if applicable)	

Zoning Standards – Project Site	B-3 Requirements	Proposed	Requirements	Proposed
Lot area (square feet)		40360		
Street frontage, Minimum (feet)		232		
Lot coverage, Maximum (%)	100.0	88.7		
Landscaped open space ratio, Minimum (%)		0.089		
Build-to Zone (feet)	5.0	6.3		
Build-to percentage, Minimum (%)	100.0	0		
Blank wall area, Maximum (feet)	20.0	11		
Additional standard:				

Zoning Standards by Building (Use Extra Sheets if >2 Buildings)	Building #1 Zone Requirements	Proposed	Building #2 Zone Requirements	Proposed
Front setback, Minimum/Maximum (feet)	0	6		
Rear setback, Minimum (feet)	0	68		
Side setback, Minimum (feet)	0	15		
Structure height, Maximum (feet)	55	29.33		
Additional standard:				

Affordable Housing Density Bonuses (if applicable)	Maximum Allowable with Bonus	Proposed
Density, Maximum (x base)		
Height, Maximum (feet)		

If Needed, Explanatory Text Can Be Provided Below

2 - RIGHT, TITLE, AND INTEREST

Evidence of Right, Title, and Interest is provided by Boys and Girls Club of Southern Maine. See attached documents:

- Warranty Deed for 9 Cedar Street and 289 Cumberland Avenue
- Articles of Amendment and Article of Merger, Boys & Girls Club of Greater Portland
- Book 1324 page 452 Deed, Sheehan & Flynn to Portland Boys Club Assn
- Book 1327 page 122 Deed, Hannaford to Portland Boys Club Assn
- Book 2606 page 141 Deed, Udell & Bramson to Portland Boys Club Assn
- Book 2874 page 61 Deed, Fireman to Portland Boys Club Assn
- Boundary Survey, 1991

MAINE REAL ESTATE TAX-Paid

WARRANTY DEED

DLN: 1002240187168

ELLIE LLC, a Maine limited liability company with its principal place of business in Cape Elizabeth, Maine, grants to PYC LLC, a Maine limited liability company with its principal place of business in Portland, County of Cumberland, and State of Maine, having a mailing address of P.O. Box 17916, Portland, ME 04112, with WARRANTY COVENANTS, the following described property:

See Exhibit A attached hereto and made a part hereof.

Meaning and intending to convey, and hereby conveying, all and the same premises conveyed to Ellie LLC by Warranty Deed dated March 3, 2005, and recorded in the Cumberland County Registry of Deeds in Book 22378, Page 188, and as corrected by Corrective Warranty Deed dated March 17, 2006, and recorded in the Cumberland County Registry of Deeds in Book 23794, Page 33.

IN WITNESS WHEREOF, the said Ellie LLC has caused this instrument to be duly executed, acknowledged and delivered by Harry M. Krigman, its duly authorized Member, this 22nd day of March, 2022.

ELLIE LLC

Witness

Harry M. Krigman, Sole Member

STATE OF MAINE
CUMBERLAND, ss.

March 22, 2022

Personally appeared the above-named Harry M. Krigman, Sole Member of Ellie LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of Ellie LLC.

Before me,

Notary Public/~~Attorney-at-Law~~
Lisa Bresnahan Todd
My Comm. Expires:
July 20, 2026

DOC :15699 BK:39280 PG:123
RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS
03/23/2022, 08:12:41A
Register of Deeds Jessica M. Spaulding E-RECORDED

Exhibit A

Parcel One: 9 Cedar Street

A certain lot or parcel of land, with the buildings thereon, situated on the easterly side of Cedar Street, in Portland, in said County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point on said Cedar Street at the corner of land formerly of F. G. Cummings, which corner is one hundred (100) feet from the northerly side line of Cumberland Avenue; thence running easterly by the line of said Cummings lot and as the fence stood one hundred twenty(120) feet, more or less, to land formerly owned by Edward Cobb; thence by the bounds of said Cobb land northerly thirty-seven (37) feet and four (4) inches to the division fence between the northerly side; thence southwesterly on a line parallel with the Cummings lot line one hundred nineteen (119) feet and eight (8) inches to said Cedar Street; thence southeasterly on said Cedar Street thirty-seven (37) feet and four (4) inches to the point of beginning.

Parcel Two: 289-291 Cumberland Avenue

Another certain lot or parcel of land with the buildings thereon, situated on the Northerly side of Cumberland Avenue in said Portland, and numbered 289 on said Avenue, bounded and described as follows:

Beginning at a point on said Avenue twenty-five (25) feet and two (2) inches northeasterly from the stone monument at the corner of Cedar Street and said Avenue; thence northwesterly at right angles with Cumberland Avenue thirty-seven (37) feet to a point; thence northeasterly on the parallel line with said Avenue six (6) inches to a point; thence northwesterly at right angles with said Avenue twenty-four (24) feet to a point; thence northeasterly on a parallel line with said Avenue four (4) feet to a point; thence northwesterly on a parallel line with Cedar Street thirty-eight (38) feet, more or less, to land formerly of Benjamin Larrabee; thence northeasterly by land of said Larrabee thirty-four feet and four inches (34' 4"), more or less, to land formerly of Charles Kimball; thence Southeasterly by land of said Kimball one hundred (100) feet, more or less, to said Avenue; thence southwesterly on said Avenue thirty-eight (38) feet and ten inches (10") to the point of beginning, with the right to use the passageway nine (9) feet in width from the lot hereby conveyed to said Cedar Street, said passageway being located sixty-nine and one-half (69½) feet northwesterly from said Cumberland Avenue in said Portland.

Also, another certain lot or parcel of land with the buildings thereon, situated on the northwesterly side of Cumberland Avenue and northeasterly side of Cedar Street in said Portland, and bounded and described as follows:

Beginning at the place of the stone monument at the corner of Cedar Street and Cumberland Avenue on the northeasterly side of said Cedar Street; thence running northeasterly on Cumberland Avenue twenty-five (25) feet and two (2) inches to a point; thence northwesterly at right angles with Cumberland Avenue thirty-seven (37) feet to a point; thence northeasterly on a parallel line with Cumberland Avenue six inches to a point; thence northwesterly at right angles with Cumberland Avenue twenty-four (24) feet to a point; thence northeasterly and parallel with Cumberland Avenue four (4) feet to a point; thence northwesterly on a parallel line with Cedar Street thirty-eight (38) feet, more or less, to land formerly of Benjamin Larrabee 2nd; thence southwesterly by said Larrabee land to Cedar Street; thence by Cedar Street one hundred (100) feet, more or less, to Cumberland Avenue to the place of the stone monument and the point begun at.

Minimum Filing Fee $10.00. An **additional $10** filing fee if

DOMESTIC
NONPROFIT CORPORATION

STATE OF MAINE

ARTICLES OF AMENDMENT

File No. 19090005ND Pages 2
Fee Paid $ 10
DCN 2073021500042 LNME
-----FILED----------
10/25/2007

Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

Boys & Girls Clubs of Greater Portland
(Name of Corporation)

Pursuant to 13-B MRSA §§802 and 803, the undersigned corporation executes and delivers the following Articles of Amendment

FIRST: ("X" one box only.) [x] public benefit corporation [ ] mutual benefit corporation

SECOND: Describe **NATURE OF CHANGE** (i e change in name of corporation, purpose, number of directors, adding or deleting section or revision of section, etc.) as well as **TEXT** of amendment. Attach additional pages as needed

Article First of the Articles of Incorporation are hereby amended to read as follows:

FIRST: The name of the corporation is "Boys & Girls Clubs of Southern Maine"

FORM NO MNPCA-9 (1 of 2)

Tue Oct 06 2020 10:58:36

THIRD: ("X" one box only.) The amendment was adopted on (date) October 18, 2007 as follows:

- [X] By the members at a meeting at which a quorum was present and the amendment received at least a majority of the votes which members were entitled to cast
- [ ] (If the Articles require more than a majority vote) By the members at a meeting at which the amendment received at least the percentage of votes required by the Articles of Incorporation.
- [ ] By the written consent of all members entitled to vote with respect thereto.
- [ ] (If no members, or none entitled to vote thereon) By majority vote of the board of directors

FOURTH: The address of the registered office of the corporation in the State of Maine is 277 Cumberland Avenue, P.O. Box 7830, Portland, Maine 04112
(street, city, state and zip code)

DATED October 18, 2007

*By _____
(signature)
Susannah Swihart, Board President
(type or print name and capacity)

*By _____
(signature)
P. Gregory Hastings III
(type or print name and capacity)

MUST BE COMPLETED FOR VOTE OF MEMBERS
I certify that I have custody of the minutes showing the above action by the members
_____
(signature of clerk, secretary or asst. secretary)

*This document **MUST** be signed by any duly authorized officer (13-B MRSA §104 I B)

Please remit your payment made payable to the Maine Secretary of State.

SUBMIT COMPLETED FORMS TO: CORPORATE EXAMINING SECTION, SECRETARY OF STATE, 101 STATE HOUSE STATION, AUGUSTA, ME 04333-0101
TEL. (207) 624-7752

FORM NO. MNPCA-9 (2 of 2) Rev 9/16/2005

Tue Oct 06 2020 10:58:36

Minimum Fee $25.00 (See §1401)

DOMESTIC
NONPROFIT CORPORATION

STATE OF MAINE

ARTICLES OF MERGER

Boys & Girls Club of Auburn/Lewiston
(Merged Maine Corporation)

INTO

Boys & Girls Clubs of Greater Portland
(Surviving Maine Corporation)

File No 19090005ND Pages 4
File No 19950464ND
Fee Paid $ 25
DCN 2073021500041 MERG
—FILED— —EFFECTIVE—
10/25/2007 10/25/2007

Julie L Flynn
Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

Pursuant to 13-B MRSA §904 or 13 MRSA §961, the undersigned corporations execute and deliver the following Articles of Merger

FIRST: To be completed by the surviving corporation:
("X" one box only.) ☒ public benefit corporation ☐ mutual benefit corporation

SECOND: The plan of merger is set forth in Exhibit A attached hereto and made a part hereof.

THIRD: ("X" one box only for each corporation.) As to each participating corporation, the plan of merger was adopted in the following manner:

Name of Corporation **Boys & Girls Club of Auburn/Lewiston**

☒ By the members at a meeting on (date) **October 11, 2007**, at which a quorum was present and such plan received at least a majority of the votes which members were entitled to cast.

☐ If the Articles of Incorporation require more than a majority vote, by the members at a meeting on (date) _____, and such plan received at least the percentage of votes of the members required by the Articles of Incorporation.

☐ By the written consent of all members entitled to vote with respect thereto, dated _____, without resolution of the board of directors.

☐ There being no members, or no members entitled to vote thereon, the plan was adopted by a majority vote of the board of directors in office at a meeting held on _____

Name of Corporation **Boys & Girls Clubs of Greater Portland**

☒ By the members at a meeting on (date) **October 18, 2007**, at which a quorum was present and such plan received at least a majority of the votes which members were entitled to cast

☐ If the Articles of Incorporation require more than a majority vote, by the members at a meeting on (date) _____, and such plan received at least the percentage of votes of the members required by the Articles of Incorporation

☐ By the written consent of all members entitled to vote with respect thereto, dated _____, without resolution of the board of directors.

☐ There being no members, or no members entitled to vote thereon, the plan was adopted by a majority vote of the board of directors in office at a meeting held on _____.

Tue Oct 06 2020 10:58:36

FOURTH: The address of the registered office of the surviving corporation in the State of Maine is **277 Cumberland Avenue, P.O. Box 7830, Portland, Maine 04112**
(street, city, state and zip code)

The address of the registered office of the merged corporation in the State of Maine is **95 Main Street, P.O. Box 3200, Auburn, Maine 04212-3200**
(street, city, state and zip code)

FIFTH: Effective date of the merger (if later than date of filing of Articles) is _____

(Not to exceed 60 days from date of filing of the Articles)

DATED October 18, 2007
(10/18/07)

Boys & Girls Clubs of Greater Portland
(surviving corporation)

*By _____
(signature)
Susannah Sujihara, Board President
(type or print name and capacity)

*By _____
(signature)
Gregory Hastings II
(type or print name and capacity)

MUST BE COMPLETED FOR VOTE OF MEMBERS
I certify that I have custody of the minutes showing the above action by the members
Boys & Girls Clubs of Greater Portland
(name of corporation)
_____
(signature of clerk, secretary or asst. secretary)

DATED October 18, 2007
(10/11/07)

Boys & Girls Club of Auburn/Lewiston
(merged corporation)

*By _____
(signature)
PAT FINNIGAN, PRESIDENT
(type or print name and capacity)

*By _____
(signature)
Roy P. Hyvan Sec.
(type or print name and capacity)

MUST BE COMPLETED FOR VOTE OF MEMBERS
I certify that I have custody of the minutes showing the above action by the members.
Boys & Girls Club of Auburn/Lewiston
(name of corporation)
_____ Sec.
(signature of clerk, secretary or asst. secretary)

---

*This document **MUST** be signed by any duly authorized officer. (13-B MRSA §104 1.B)

Please remit your payment made payable to the Maine Secretary of State.

SUBMIT COMPLETED FORMS TO: CORPORATE EXAMINING SECTION, SECRETARY OF STATE, 101 STATE HOUSE STATION, AUGUSTA, ME 04333-0101
TEL. (207) 624-7752

FORM NO. MNPCA-10 Rev 8/23/2006

AGREEMENT OF MERGER

of

BOYS & GIRLS CLUB OF AUBURN/LEWISTON (a Maine non-profit corporation)

into

BOYS & GIRLS CLUBS OF GREATER PORTLAND (a Maine non-profit corporation)

Pursuant to Chapter 9 of the Maine Nonprofit Corporation Act

Pursuant to this Agreement, the Boys & Girls Club of Auburn/Lewiston, a Maine non-profit corporation ("AL"), will be merged (the "Merger") with and into the Boys & Girls Clubs of Greater Portland, a Maine non-profit corporation ("Portland"). In the Merger, Portland shall be the surviving corporation (the "Surviving Corporation"). The terms and conditions of the Merger are as set forth below.

1. The Merger shall be effective on the date (the "Effective Date") on which the Articles of Merger with respect to the Merger shall have been duly executed and filed in the office of the Secretary of State of the State of Maine in accordance with the provisions of the Maine Nonprofit Corporation Act.

2. At the Effective Date, the Articles of Incorporation of Portland shall, without change, become the Articles of Incorporation of the Surviving Corporation. The Bylaws of Portland shall, as the same have been or may be amended, become the Bylaws of the Surviving Corporation. At the Effective Date, the corporators of AL and Portland shall be the corporators of the Surviving Corporation until their respective successors are duly elected or chosen and have been qualified in the manner provided in the Articles of Incorporation and Bylaws or as otherwise provided by law. The directors of the Surviving Corporation shall be elected or chosen in the manner provided in the Articles of Incorporation and Bylaws of the Surviving Corporation or as otherwise provided by law.

3. In the Merger, each membership interest of AL immediately prior to the Effective Date shall be converted into one (1) membership interest of Portland.

4. Immediately upon filing the Articles of Merger, AL shall cease its separate existence; all of the properties (real, personal and mixed), rights, immunities, privileges, franchises, choses in action and all other assets of AL shall vest in the Surviving Corporation without further act; and the Surviving Corporation shall assume all the liabilities, duties and obligations of AL

5. AL and Portland expressly reserve the right to abandon the Merger and this Agreement of Merger, at any time prior to the Effective Date, in the absolute discretion of the directors of either of them.

6. This plan may be executed in any number of counterparts, each of which shall be an original.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed and delivered as of October 18, 2007.

BOYS & GIRLS CLUB OF
AUBURN/LEWISTON
(a Maine non-profit corporation)

Witness Roy P. Hobson, Secr

By
Its: PAST CHAIRMAN, PRESIDENT

BOYS & GIRLS CLUBS
OF GREATER PORTLAND
(a Maine non-profit corporation)

Witness P Gregory Hastings III

By
Its: Board President

Tue Oct 06 2020 10:58:36

Minimum Filing Fee $10.00 if changing the purpose an additional **$10** fee must be included

DOMESTIC
NONPROFIT CORPORATION

STATE OF MAINE

File No. 19090005ND Pages 2
Fee Paid $ 10
DCN 2053361500014 LNME
----FILED----------
11/28/2005

Julie L Flynn
Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

ARTICLES OF AMENDMENT

Portland Boys Club Association
(Name of Corporation)

Pursuant to 13-B MRSA §§802 and 803, the undersigned corporation executes and delivers the following Articles of Amendment.

FIRST: ("X" one box only) ☒ public benefit corporation ☐ mutual benefit corporation

SECOND: Describe **NATURE OF CHANGE** (i e change in name of corporation, purpose, number of directors, adding or deleting section or revision of section, etc) as well as **TEXT** of amendment Attach additional pages as needed

Change in name of corporation as follows:

Article First of the Articles of Incorporation should read as follows: FIRST: The name of the corporation is Boys & Girls Clubs of Greater Portland

FORM NO. MNPCA-9 (1 of 2)

THIRD: ("X" one box only) The amendment was adopted on (date) October 25, 2005 as follows:

☒ By the members at a meeting at which a quorum was present and the amendment received at least a majority of the votes which members were entitled to cast

☐ (If the Articles require more than a majority vote) By the members at a meeting at which the amendment received at least the percentage of votes required by the Articles of Incorporation

☐ By the written consent of all members entitled to vote with respect thereto

☐ (If no members, or none entitled to vote thereon) By majority vote of the board of directors

FOURTH: The address of the registered office of the corporation in the State of Maine is

P.O. Box 7830, Portland, Maine 04112

(street, city, state and zip code)

DATED October 25, 2005

*By Caron Zand
(signature)

Caron Zand, Board President
(type or print name and capacity)

*By
(signature)

P. Gregory Hastings II Secretary
(type or print name and capacity)

MUST BE COMPLETED FOR VOTE OF MEMBERS

I certify that I have custody of the minutes showing the above action by the members

(Signature of Clerk, Secretary or asst. secretary)

*This document **MUST** be signed by (13-B MRSA §104 1 B)

(1) the **Clerk or Secretary OR**
(2) the **President** or a Vice-President **together with** the **Secretary** or an assistant secretary, or a 2nd certifying officer **OR**
(3) if no such officers, then a majority of the **Directors OR**
(4) if no such directors, then the **Members.**

Please remit your payment made payable to the Maine Secretary of State

SUBMIT COMPLETED FORMS TO: CORPORATE EXAMINING SECTION, SECRETARY OF STATE, 101 STATE HOUSE STATION, AUGUSTA, ME 04333-0101

FORM NO MNPCA-9 (2 of 2) Rev 8/1/2004 **TEL. (207) 624-7740**

Filing Fee $5.00

File No 19090005ND Pages 1
Fee Paid $ 5
DCN 2053361500013 CANA
----FILED----------
11/28/2005

Julie L Flynn
Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

NONPROFIT CORPORATION

STATE OF MAINE

TERMINATION OF STATEMENT OF INTENTION TO CARRY ON ACTIVITIES UNDER AN ASSUMED OR FICTITIOUS NAME

Portland Boys Club Association
(Real Name of Corporation)

Pursuant to 13-B MRSA §308-A 8, the undersigned corporation executes and delivers the following Termination of Statement of Intention to Carry on Activities Under an Assumed or Fictitious Name

FIRST: The corporation no longer intends to carry on activities under an assumed or fictitious name

SECOND: The corporation intends to terminate the assumed or fictitious name of

Boys and Girls Clubs of Greater Portland

THIRD: The address of the registered office of the corporation in the State of Maine is

P.O. Box 7830, Portland, ME 04112
(street, city, state and zip code)

DATED October 25, 2005

*By Caron Zand
(signature)

Caron Zand, Board President
(type or print name and capacity)

*By
(signature)

Gregory Hastings II Secretary
(type or print name and capacity)

*If this is a domestic corporation, this document **MUST** be signed by
(1) the **Clerk or Secretary OR**
(2) the **President** or a vice-pres **together with** the **Secretary** or an ass't sec., or a 2nd certifying officer **OR**
(3) if no such officers, then a majority of the **Directors OR**
(4) if no such directors, then the **Members.**
*If this is a foreign corporation, this document **MUST** be signed by any duly authorized individual

Please remit your payment made payable to the Maine Secretary of State

SUBMIT COMPLETED FORMS TO: CORPORATE EXAMINING SECTION, SECRETARY OF STATE, 101 STATE HOUSE STATION, AUGUSTA, ME 04333-0101
TEL. (207) 624-7740

FORM NO MNPCA-5A Rev 7/1/2003

File No. 19090005ND Pages 2
Fee Paid $ 5
DCN 2010991600016 LNME
-----FILED-----
04/04/2001

Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

DOMESTIC
NONPROFIT CORPORATION

STATE OF MAINE

ARTICLES OF AMENDMENT

Portland Boys Club Association
(Name of Corporation)

Pursuant to 13-B MRSA §§802 and 803, the undersigned corporation executes and delivers for filing the following Articles of Amendment:

FIRST: Describe **NATURE OF CHANGE** (i.e. change in name of corporation, purpose, number of directors, adding or deleting section or revision of section, etc.) as well as **TEXT** of amendment. Attach additional pages as needed.

~~NAME CHANGE~~

AMENDMENTS

~~ARTICLE I~~

~~Name and Seal~~

"As of May 30, 1985, the Corporation will carry on business under the assumed name of Boys & Girls Clubs of Greater Portland by approval of the Board of Directors at the May 16, 1985 meeting."

NAME CHANGE

FIRST: Portland Boys' Club Association

SECOND: Portland Boys Club Association

Tue Oct 06 2020 10:58:36

SECOND: ("X" one box only) The amendment was adopted on (date) May 16, 1985 as follows:

☒ By the members at a meeting at which a quorum was present and the amendment received at least a majority of the votes which members were entitled to cast.

☐ (If the Articles require more than a majority vote.) By the members at a meeting at which the amendment received at least the percentage of votes required by the Articles of Incorporation.

☐ By the written consent of all members entitled to vote with respect thereto.

☒ (If no members, or none entitled to vote thereon.) By majority vote of the board of directors.

THIRD: The address of the registered office of the corporation in the State of Maine is

277 Cumberland Avenue, Portland, Maine 04101
(street, city, state and zip code)

DATED 4/2/01

*By Beverly M. Sherman
(signature)

Beverly M. Sherman Board President
(type or print name and capacity)

*By Robert A. Clark
(signature)

Robert A. Clark, Executive Director
(type or print name and capacity)

2nd certifying officer

MUST BE COMPLETED FOR VOTE OF MEMBERS

I certify that I have custody of the minutes showing the above action by the members.

P. Gregory Hastings II
(signature of clerk, secretary or asst. secretary)

*This document **MUST** be signed by
(1) the **Clerk** or **Secretary** OR
(2) the **President** or a vice-pres. **together with** the **Secretary** or an ass't. sec., or a 2nd certifying officer OR
(3) if no such officers, then a majority of the **Directors** OR
(4) if no such directors, then the **Members.**

SUBMIT COMPLETED FORMS TO: CORPORATE EXAMINING SECTION, SECRETARY OF STATE, 101 STATE HOUSE STATION, AUGUSTA, ME 04333-0101
TEL. (207) 287-4195

FORM NO. MNPCA-9 Rev. 7/2000

NONPROFIT CORPORATION

STATE OF MAINE

NOTIFICATION BY REGISTERED AGENT OF CHANGE IN CURRENT NAME or REGISTERED OFFICE

FI

File No. 19090005ND Pages 2
Fee Paid $ 5
DCN 201099160001? RD
-----FILED----------
04/04/2001

Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

Pursuant to 13-B MRSA §305.3 or §1212.2-A., the undersigned registered agent for one or more corporations gives notice of the following change in name of current registered agent or registered office in the State of Maine for each corporation **listed in item FIFTH:**

FIRST: Current name of registered agent appearing on the record in the Secretary of State's Office

Robert A. Clark

SECOND: New name of current registered agent, if name has changed

THIRD: Address of former registered office:

277 Cumberland Avenue, Portland, ME 04101
(street, city, state and zip code)

FOURTH: Address of new registered office:

277 Cumberland Avenue, Portland, ME 04101
(physical location - street (not P.O. Box), city, state and zip code)

P. O. Box 7830, Portland, ME 04112
(mailing address if different from above)

FIFTH: The undersigned, registered agent of the following corporation(s), has notified each corporation of the above change.

Name of Corporation	Jurisdiction of Incorporation if not Maine
Portland Boys Club Association	

☐ Names of additional corporations attached hereto as Exhibit ___, and made a part hereof.

DATED 02/20/01

* Robert A. Clark
(signature of registered agent)

ROBERT A. CLARK
(type or print name)

* _____
(name of corporation)

By _____
(signature)

_____
(type or print name and capacity)

By _____
(signature)

_____
(type or print name and capacity)

---

*If the registered agent is a person, it must be manually signed.
*If the registered agent is a domestic corporation, the name of the corporation should be typed or printed and this document **MUST** be signed by
(1) the **Clerk or Secretary OR**
(2) the **President** or a vice-pres. **together with** the **Secretary** or an ass't. sec., or a 2nd certifying officer **OR**
(3) if no such officers, then a majority of the **Directors OR**
(4) if no such directors, then the **Members.**
*If the registered agent is a foreign corporation, the name of the corporation should be typed or printed and this document **MUST** be signed by any duly authorized individual.

SUBMIT COMPLETED FORMS TO: CORPORATE EXAMINING SECTION, SECRETARY OF STATE,
101 STATE HOUSE STATION, AUGUSTA, ME 04333-0101
TEL. (207) 287-4195

FORM NO. MNPCA-3B Rev. 8/2000

NONPROFIT CORPORATION

19090005ND 1910000230306

FILED 06 25 1991 AGNT STATE OF MAINE

Fee Paid $5.00

C.B. ----

Date JUL 22 1991

CHANGE OF REGISTERED AGENT or REGISTERED OFFICE or BOTH

Pursuant to 13-B MRSA §305 (1) or §1212 (2), the undersigned corporation advises you of the following change(s); authorized by a resolution duly adopted by the board of directors:

For Use By The Secretary of State
FILED
June 25, 19 91
Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

FIRST: The name of the registered agent and the registered office of the corporation appearing on the record in Secretary of State's office are George C. Neubauer

277 Cumberland Avenue, Portland, Maine 04101
(street, city, state and zip code)

SECOND: The name of its successor (new) registered agent and the new registered office are:

Robert A. Clark
(name)

277 Cumberland Avenue, Portland, Maine 04101
(street address (not P.O. Box), city, state and zip code)

(mailing address if different from above)

THIRD: (To be completed by a foreign corporation.) N/A

A. Jurisdiction of incorporation _____.
B. Date of authorization to carry on activities in this State _____.

Portland Boys Club Association
(Name of Corporation)

By Susan B. Dana
(signature)

Dated: May 23, 1991

Susan B. Dana, President
(type or print name and capacity)

By Joseph J. Nelson
(signature)

Joseph J. Nelson, Secretary
(type or print name and capacity)

This document *MUST* be signed by (1) the **Clerk** *OR* **Secretary** OR (2) the **President** or a vice-president *AND* the **Secretary** or an assistant secretary, or such other officer as the bylaws may designate as a 2nd certifying officer *OR* (3) if no such officers, then a majority of the **directors** or such directors designated by a majority of directors then in office *OR* (4) if no directors, then the **members** or such of them designated by the members at a lawful meeting.

FORM NO. MNPCA-3 Rev. 90 *SUBMIT COMPLETED FORMS TO:* Secretary of State, Station 101, Augusta, Maine 04333

19090005ND 1910000230307

FILED 08 03 1989 AGRO

Fee Paid $5.00

C. B. ----

Date AUG 25 1989

1

NONPROFIT CORPORATION

STATE OF MAINE

CHANGE OF REGISTERED AGENT or REGISTERED OFFICE or BOTH

Pursuant to 13-B MRSA §305 (1) or §1212 (2), the undersigned corporation advises you of the following change(s); authorized by a resolution duly adopted by the board of directors:

PORTLAND BOYS CLUB ASSOCIATION

For Use By The Secretary of State
FILED
August 3 19 89
Gary Cooper
Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

FIRST: The name of the registered agent and the registered office of the corporation appearing on the record in Secretary of State's office are Barnett I. Shur

100 Middle Street, P.O. Box 9729, Portland, Maine 04104-5029
(street, city, state and zip code)

SECOND: The name of its successor (new) registered agent and the new registered office are George C. Neubauer

277 Cumberland Avenue, Portland, Maine 04101
(mailing address) (street, city, state and zip code)

THIRD: (To be completed by a foreign corporation.)

A. Jurisdiction of incorporation N/A

B. Date of authorization to carry on activities in this State

Portland Boys Club Association
(Name of Corporation – Typed or Printed)

By* Eleanor G. Mavodones
(signature)

Dated: 5-30-89

Eleanor A. Mavodones, Secretary
(type or print name and capacity)

By*
(signature)

(type or print name and capacity)

*This document *MUST* be signed by (1) the Clerk or Secretary *OR* (2) the President or a vice-president *AND* the Secretary or an assistant secretary, or such other officer as the bylaws may designate as a 2nd certifying officer *OR* (3) if no such officers, then a majority of the directors or such directors designated by a majority of directors then in office *OR* (4) if no directors, then the members or such of them designated by the members at a lawful meeting.

FORM NO. MNCPA-3 Rev. 83

19090005ND 1910000230308

FILED 12 31 1987 RO

Fee Paid $5.00

C. B. ----

Date JAN 28 1988

1

NONPROFIT CORPORATION

STATE OF MAINE

CHANGE OF REGISTERED AGENT or REGISTERED OFFICE or BOTH

Pursuant to 13-B MRSA §305 (1) or §1212 (2), the undersigned corporation advises you of the following change(s); authorized by a resolution duly adopted by the board of directors:

For Use By The Secretary of State
FILED
December 31, 19 87
Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

FIRST: The name of the registered agent and the registered office of the corporation appearing on the record in Secretary of State's office are Barnett I. Shur

One Monument Square, Portland, Maine 04101
(street, city, state and zip code)

SECOND: The name of its successor (new) registered agent and the new registered office are Barnett I. Shur

100 Middle St., P.O. Box 9729, Portland, Maine 04104-5029
(mailing address) (street, city, state and zip code)

THIRD: (To be completed by a foreign corporation.)

A. Jurisdiction of incorporation n/a

B. Date of authorization to carry on activities in this State n/a

Portland Boy's Club Association
(Name of Corporation — Typed or Printed)

By* Barnett I. Shur
(signature)

Dated: December 30, 1987

Barnett I. Shur, Clerk
(type or print name and capacity)

By*
(signature)

(type or print name and capacity)

*This document *MUST* be signed by (1) the Clerk or Secretary *OR* (2) the President or a vice-president *AND* the Secretary or an assistant secretary, or such other officer as the bylaws may designate as a 2nd certifying officer *OR* (3) if no such officers, then a majority of the directors or such directors designated by a majority of directors then in office *OR* (4) if no directors, then the members or such of them designated by the members at a lawful meeting.

FORM NO. MNPCA-3 Rev. 83

19090005ND 1910000230309

FILED 05 30 1985 ANME

Fee Paid $5.00

C. B. ----

Date 6-18-85

NONPROFIT CORPORATION

STATE OF MAINE

STATEMENT OF INTENTION TO CARRY ON ACTIVITIES UNDER AN ASSUMED NAME

For Use By The Secretary of State
FILED
May 30, 1985
Deputy Secretary of State
A True Copy When Attested By Signature
Deputy Secretary of State

Pursuant to 13-B MRSA §308, the undersigned, a corporation (incorporated under the laws of the State of Maine), (incorporated under the laws of the State of _____, and authorized to carry on activities in Maine), gives notice of its intention to carry on activities in this State under an assumed name.

FIRST: The name of the corporation is

Portland Boys Club Association

SECOND: The address of the registered office of the corporation in the State of Maine is

c/o Barnett I. Shur, One Monument Sq., Portland, ME 04101
(street, city, state and zip code)

THIRD: The corporation intends to carry on activities under the assumed name of

Boys and Girls Clubs of Greater Portland

COMPLETE THE FOLLOWING IF APPLICABLE

FOURTH: If such assumed name is to be used at fewer than all of the corporation's places of activity in this State, the location(s) where it will be used is(are):

Dated: 5-28-85

By* Richard H. Pay Jr.
(signature)
Richard H. Pay, Jr., President
(type or print name and capacity)

By* _____
(signature)
Amory M. Houghton, III, Secretary
(type or print name and capacity)

*This document *MUST* be signed by (1) the Clerk or Secretary *OR* (2) the President or a vice-president *AND* the Secretary or an assistant secretary, or such other officer as the bylaws may designate as a 2nd certifying officer *OR* (3) if no such officers, then a majority of the directors or such directors designated by a majority of directors then in office *OR* (4) if no directors, then the members or such of them designated by the members at a lawful meeting.

FORM NO. MNPCA-5 83

NONPROFIT CORPORATION

This Space For Use By Secretary of State

19090005ND 1910000230310

FILED 07 01 1983 AGNT

MAINE
SECRETARY OF STATE
FILED
July 1, 19 83
Carol E. Hanks
Secretary of State
AGENT

Fee Paid $5.00
C. B. 840000NC
Date 7-14-83
1

STATE OF MAINE

CHANGE OF REGISTERED AGENT or REGISTERED OFFICE or BOTH

OF

Portland Boys Club Association

Pursuant to 13-B MRSA §305 (1) or §1212 (2), the undersigned corporation advises you of the following change(s):

FIRST: The name of the registered agent and the registered office of the corporation appearing on the record in Secretary of State's office are George M. Shur, One Monument Square Portland, Maine 04101
(street, city, state and zip code)

SECOND: The name of its successor (new) registered agent and the new registered office are Barnett I. Shur, One Monument Square, Portland, Maine 04101
(street, city, state and zip code)

THIRD: (To be completed by a foreign corporation.)

A. Jurisdiction of incorporation _____.
B. Date of authorization to carry on activities in this State _____.

FOURTH: Such change was authorized by a resolution duly adopted by the board of directors.

Dated: June 1, 1983

Portland Boys Club Association *
(name of corporation)

By _____
(signature)

Amory M. Houghton, Secretary
(type or print name and capacity)

By _____
(signature)

William L. Edmonson, Executive Director
(type or print name and capacity)

Legibly print or type name and capacity of all signers 13-B MRSA §104.

*The name of the corporation should be typed, and the document must be signed (1) by the clerk or secretary or (2) by the president or a vice-president and by the secretary or an assistant secretary, or such other officer as the bylaws may designate as a 2nd certifying officer or (3) if there are no such officers, then by a majority of the directors or by such directors as may be designated by a majority of directors then in office or (4) if there are no such directors, then by the members or such of them as may be designated by the members at a lawful meeting.

FORM NO. MNPCA-3

19090005ND 1910000230311

FILED 06 15 1979 APAG

Fee Paid $5.00

C. B. 79NC1075

Date 8-14-79

NONPROFIT CORPORATION

STATE OF MAINE

APPOINTMENT OF REGISTERED AGENT and REGISTERED OFFICE

OF

Portland Boys' Club Association

This Space For Use By Secretary of State

MAINE
SECRETARY OF STATE
FILED
June 15, 1979

Secretary of State
AGENT

Pursuant to 13-B MRSA §305 (1), the undersigned corporation advises you of the following:

FIRST: The name of the registered agent and the registered office of the corporation are

~~Portland Boys' Club Association~~ George M. Shur

One Monument Square, Portland, Maine 04101

~~277 Cumberland Avenue, Portland, Maine 04101~~

(street, city, state and zip code)

SECOND: Such appointment was authorized by a resolution duly adopted by the board of directors.

1909

Dated: ~~6/14/79~~ 6/14/79

Portland Boys' Club Association *
(name of corporation)

By Paul S. Stevens (signature)
Paul S. Stevens
President
(type or print name and capacity)

By George M. Shur (signature)
George M. Shur
Secretary
(type or print name and capacity)

Legibly print or type name and capacity of all signers 13-B MRSA §104.

*The name of the corporation should be typed, and the document must be signed (1) by the clerk or secretary or (2) by the president or a vice-president and by the secretary or an assistant secretary, or such other officer as the bylaws may designate as a 2nd certifying officer or (3) if there are no such officers, then by a majority of the directors or by such directors as may be designated by a majority of directors then in office or (4) if there are no such directors, then by the members or such of them as may be designated by the members at a lawful meeting.

FORM NO. MNPCA-3C

19090005ND 1910000230313

FILED 03 30 1909 ARTI 2

State of Maine.

Certificate of Organization of a Corporation, under Chapter Fifty-seven of the Revised Statutes, and Amendments Thereto.

The undersigned, officers of a corporation duly organized at Room nine 390 Congress street in the ~~town~~ of City of Portland, State of Maine, on the thirtieth day of January A. D. 1909, hereby certify as follows:

The name of said corporation is Portland Boys' Club Association

The purposes of said corporation are to exclusively assist in promoting the moral, educational and industrial training of boys whose condition requires such assistance

Said corporation is located in the town of City of Portland County of Cumberland State of Maine.

The number of officers is Eleven and their names are as follows:

President, Wilford G. Chapman

Vice Presidents, Mary S. Burnham and Elmer H. Waterhouse

Secretary or Clerk, Joseph E. F. Connolly

Treasurer, Fred V. Matthews

Auditors, Lyman C. Fowler and Benjamin L. Dennett

Directors or Trustees, Wilford G. Chapman, Mary S. Burnham, Elmer H. Waterhouse, Fred V. Matthews, Joseph E. F. Connolly, Lyman C. Fowler, Benjamin L. Dennett, Henry L. Cram, Thomas R. Jones, Henry P. G. Quay, Hugh J. McCullough, Clifton E. Batchelder, Mary P. Russell, Mary E. Lyons, Nora B. Sawyer, Edward M. Long

Witness our hands this Eighth day of March A. D. 1909

Wilford G. Chapman President.

Treasurer.

Wilford G. Chapman, Mary S. Burnham, Elmer H. Waterhouse, Chas. E. Batchelder, Directors or Trustees.

Joseph E. F. Connolly, Fred V. Matthews, Benjamin L. Dennett

Eleanor G. Gilpatrick, Lyman C. Fowler, Fred V. Matthews

(This certificate must be filed in Office of Secretary of State within 60 days of date of organization.)

Tue Oct 06 2020 10:58:36

PORTLAND BOY'S CLUB
ASSOCIATION.

STATE OF MAINE.
OFFICE OF SECRETARY OF STATE.

Augusta, May 20 1909

Received and filed this day.

ATTEST:

Secretary of State.

Recorded Vol. 1 Page 2

STATE OF MAINE.

Cumberland ss. Portland March 29 A. D. 1909

Then personally appeared the within named Melford G Chapman, Harry L. Crane, E. H. Waterhouse, Clifford E. Batchelder, H. P. C. Heath, Benjamin L. Dennett, Eleanor G. Lefavor, Lyndon C. Fowler, Fred V. Matthews

and severally made oath to foregoing certificate by them signed, that the same is true.

Before me, Jos. M. S. Connolly

Justice of the Peace.

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Know all Men by these Presents, That

Alice M. Sheehan, Agnes E. Sheehan and Lauretta M. Sheehan, all of Portland, County of Cumberland and State of Maine, and Frank H. Flynn of South Berwick, County of York and State of Maine;

in consideration of one dollar and other considerations, paid by Portland Boys' Club Association, a corporation organized and existing under the laws of the State of Maine and located at said Portland,

the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said Portland Boys' Club Association, its successors and assigns forever, a certain lot of land with the buildings thereon situated in said Portland on the southwesterly side of Chestnut Street, beginning at a stone standing on the northwesterly line of land now or formerly of Mrs. Appleton Hay seventy-one (71) feet and three (3) inches from Chestnut Street; thence running northwest parallel with said street forty (40) feet to land now or formerly of D. T. Chase; thence southwesterly at right angles with said street thirty-eight (38) feet and nine (9) inches, more or less, to land now or formerly of Mrs. Calvin Gilson; thence southeasterly and parallel to first mentioned line and to said Chestnut Street forty (40) feet to land now or formerly of Mrs. Appleton Hay; thence northeasterly at right angles with last line and adjoining said Hay's land thirty-eight (38) feet and nine (9) inches to the first mentioned bounds.

Together with a right in common to a passageway of eleven (11) feet in width on the northerly side of land now or formerly of H. T. Libby and running from Chestnut Street sixty-seven (67) feet and three (3) inches back holding the width of eleven (11) feet to said Chase's land and five (5) feet in width from last mentioned point to the above conveyed premises.

Meaning hereby to convey the same premises which were conveyed by Albert Cole, guardian for Abbie H. Reinhold, to John M. Shea by guardian's deed dated the twenty-fourth day of May, 1900, and recorded in Cumberland County Registry of Deeds, Book 690, page 459. The grantors are the only heirs at law and next of kin of said John M. Shea late of said Portland, deceased.

To Have and to Hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Portland Boys' Club Association, its successors ~~heirs~~ and assigns, to it and its ~~their~~ use and behoof forever. And we do covenant with the said Grantee, its successors ~~heirs~~ and assigns, that we are lawfully seized in fee of the premises; that they are free of all ~~in~~cumbrances; that we have good right to sell and convey the same to the said grantee to hold as aforesaid; and that we and our heirs, shall and will warrant and defend the same to the said grantee, its successors ~~heirs~~ and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said Alice M. Sheehan, Agnes E. Sheehan, Lauretta M. Sheehan and Frank H. Flynn (all unmarried)

have hereunto set their hand s and seal s this ninth day of August in the year of our Lord one thousand nine hundred and twenty-nine.

Signed, Sealed and Delivered in presence of

John T. Fagan to L.M.S., A.E.S., F.A.F. and A.M.S.

Lauretta M. Sheehan Seal
Agnes E. Sheehan Seal
Frank H. Flynn Seal
Alice M. Sheehan Seal.

State of Maine, CUMBERLAND, ss. Portland, August 9th, 19 29. Personally appeared the above named Lauretta M. Sheehan and acknowledged the above instrument to be her free act and deed.

Before me, John T. Fagan, *Justice of the Peace.*

Received August 9, 1929, at 9 o'clock 45 m. A. M., and recorded according to the original.

mortgage because of a breach of the conditions thereof.

John J. Devine

John H. Flaherty

State of Maine Cumberland ss Portland, August 8, 1929.

Signed and sworn to by the said John J. Devine and John H. Flaherty.

Samuel L. Bates, Justice of the Peace

I, the within named assignee holding the within described mortgage, certify on oath, that on the eighth day of August A. D. 1929, then, in presence of the within named witnesses, I entered peaceably and openly, not being opposed, into possession of the within described mortgaged premises and took possession thereof for foreclosure of said mortgage by reason of a breach of its condition.

Ethel Clark

State of Maine County of Cumberland ss August 8, 1929

Signed and sworn to by the said Ethel Clark

Before me Samuel L. Bates, Justice of the Peace

Received August 9, 1929 at 9h 5m A. M., and recorded according to the original

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Casco Mer. Trust Co. to Bachelor Disch.

KNOW ALL MEN BY THESE PRESENTS, That Casco Mercantile Trust Company, a corporation duly organized and existing under the laws of Maine, and having its principal place of business at Portland in the County of Cumberland and State of Maine, assignee & owner of a certain mortgage given by Carrie B. Bachelor to Bridgton Savings Bank dated August 27, A. D. 1902, and recorded in Cumberland County Registry of Deeds, Book 720, Page 2, does hereby acknowledge that it has received full payment and satisfaction of the same and of the debt thereby secured, and in consideration thereof it does hereby cancel and discharge said mortgage and release unto the said Carrie B. Bachelor, her heirs and assigns forever the premises therein described.

IN WITNESS WHEREOF, the said Casco Mercantile Trust Company has hereunto set its hand and seal this twenty-sixth day of July, A. D. 1929 by George F. Cary, its President, thereunto duly authorized.

Signed, Sealed and Delivered in Presence of

Fred F. Lawrence CASCO MERCANTILE TRUST COMPANY
CORPORATE SEAL

By George F. Cary, President

State of Maine Cumberland ss July 26, 1929

Then personally appeared the above named George F. Cary and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of the Casco Mercantile Trust Company.

Before me, Fred F. Lawrence, Notary Public, Notarial Seal

Received August 9, 1929 at 9h 15m A. M., and recorded according to the original

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Hannaford to Portland Boys' Club Assn. War.

KNOW ALL MEN BY THESE PRESENTS, That I, Edward W. Hannaford, of Portland, in the County of Cumberland and State of Maine, in consideration of one dollar and other valuable considerations paid by the Portland Boys' Club Association, a charitable corporation organized and existing under the laws of the State of Maine

and located at said Portland, the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey, unto the said Portland Boys' Club Association, its successors and assigns forever;

A certain lot or parcel of land with the buildings thereon situated in said Portland, namely: Beginning at the northwesterly corner of Cumberland Avenue and Chestnut Street; thence running northwesterly by Chestnut Street one hundred (100) feet to property now or formerly belonging to one Welch; thence rumming southwesterly by property of said Welch forty-eight (48) feet, more or less, to the southwesterly corner of said property of said Welch; thence running northwesterly by said property of said Welch and property now or formerly of one Graves to land purchased by said Graves from Sumner W. Johnson; thence running southwesterly at right angles to the southwesterly line of Chestnut Street and by land of said Graves and land now or formerly of Sarah R. Cole, said line being described in old deeds asthe William Cobb line, to a point one hundred ten (110) feet, more or less, from Chestnut Street and the old Moody or Webb line, so called; thence running southeasterly approximately parallel to Chestnut Street by land of one Moody and later of William Webb to the northwesterly corner of property now or formerly of Rosenberg and one Feuerman; thence northeasterly by the line of said Rosenberg and Feuerman property to the northeasterly corner thereof; thence southeasterly by said Rosenberg and Feuerman property to Cumberland Avenue; thence northeasterly by Cumberland Avenue to Chestnut Street and the point of beginning, being all of the land lying westerly of Chestnut Street contained in the deed from Mary A. Mooney to Exchange Real Estate Company dated January 4, 1924 and recorded in Cumberland County Registry of Deeds in Book 1157, Page 338, and in deed from said Exchange Real Estate Company to Margaret E. Hennessey, dated January 7, 1924, and recorded in said Registry of Deeds in Book 1157, Page 356, and in deed from said Margaret E. Hennessey to Nelson Development Company, dated January 20, 1928, and recorded in said Registry of Deeds in Book 1283, Page 321, and in deed from said Nelson Development Company to Ernest L. Small dated August 22, 1928, and recorded in said Registry in Book 1308, Page 23. Said real estate consists of four parcels.

The first of said parcels was conveyed by Samuel H. Colesworthy, Jr. to Wendall Leavitt, by deed dated September 6, 1902, and recorded in said Registry of Deeds, in Book 723, Page 70. Said Wendall Leavitt died intestate on January 5, 1909, and said real estate was inherited by Margaret M. Leavitt, his widow and Mary A. Leavitt, his only child and heir at law. The interest of Margaret M. Leavitt in said real estate was devised by her to her daughter, said Mary A. Leavitt by her last will and testament, an abstract of which is recorded in said Registry of Deeds, in Book 1058, Page 33. Said Mary A. Leavitt, under the name of Mary A. Mooney, conveyed said real estate to Exchange Real Estate Company as aforesaid.

The second of said parcels was conveyed by Louise E. Purington to Margaret M. Leavitt by deed dated July 23, 1902, and recorded in said Registry of Deeds in Book 718, Page 340, and was devised by said Margaret M. Leavitt to her daughter, Mary A. Leavitt.

The third and fourth of said parcels were conveyed by Mabel H.Finch to Margaret M. Leavitt by deed dated August 1, 1916, and recorded in said Registry of Deeds in

977, Page 193, and were devised by said Margaret M. Leavitt to her daughter, Mary A. Leavitt.

Being the same premises conveyed to this Grantor by Ernest L. Small by warranty deed dated February 5, 1929 and recorded in said Registry of Deeds, Book 1315, Page 35.

(2) Also a certain lot or parcel of land with the buildings thereon situated on Cumberland Avenue and numbered 281 on said Avenue, in said Portland, bounded and described as follows, viz: Beginning on the northwesterly side of said Avenue and at the northeasterly corner of land formerly owned by Charles Kimball; thence northwesterly on line of said Kimball land seventy-five (75) feet to land formerly of Appleton Hay; thence easterly parallel with said Cumberland Avenue and by said Hay land thirty-one and one-half (31½) feet to a cornerin said Hay land; thence southeasterly by said Hay land and on a parallel line with said Kimball lot seventy-five (75) feet to said Cumberland Avenue; thence on said Avenue thirty-One and one-half (31½) feet to the first mentioned bounds. Being a portion of the premises conveyed by Alfred Lee Colesworthy to Harris Feuerman by deed dated June 1, 1922, and recorded in Cumberland County Registry of Deeds, Book 1106, Page 25, together with and subject to the easements and restrictions named therein.

Also no building shall be so constructed upon the premises that the building wall line shall be nearer than five (5) feet to the westerly line of the lot above described.

Being the same premises conveyed to this Grantor by Jacob Rosenberg et als by warranty deed dated November 7, 1928, and recorded in said Registry of Deeds, Book 1307, Page 498.

(3) Also a certain lot or parcel of land with the buildings thereon situated on the westerly side of Chestnut Street, in said Portland, and bounded and described as follows: Beginning at a point in the westerly side of Chestnut Street one hundred (100) feet northerly of the westerly corner of Cumberland Avenue and Chestnut Street, which point is the northeasterly corner of a certain lot ofland conveyed by Benjamin Tukey to Mary D. Paine by deed dated April 22, 1874, and recorded in Cumberland County Registry of Deeds, Book 411, Page 206; thence running northerly by said Chestnut Street thirty-eight (38) feet and six (6) inches to a fence and land conveyed by Marie A. Newman et als to Andrew C. Graves by deed dated August 20, 1921, and recorded in said Registry of Deeds, Book 1095, Page 467; thence running southwesterly by said fence and said land of Graves, keeping the width of thirty-eight (38) feet and six (6)inches and on a line parallel with the line of land formerly of Mary D. Paine, fifty-three and one-half (53½) feet, more or less, to land formerly of Appleton Hay; thence southerly by said Hay land thirty-eight (38) feet and six inches, more or less, to said Paine land; thence running by said Paine land northeasterly forty-seven (47) feet and six (6) inches, more or less, to Chestnut Street and the point of beginning. Said premises are numbered forty-two and forty-four (42-44) Chestnut Street, in said Portland, and are all and the same premises conveyed by Morris Sheriff to Delia Welch, by deed dated August 2, 1918, and recorded in said Registry of Deeds, Book 1011, Page 213. Said Delia Welch died

intestate on the twenty-third day of April, 1924, leaving no husband, and Patrick J. Welch, William M. Welch, Mary C. Welch, Martin J. Welch, Catherine E. Welch, Thomas J. Welch and Edward R. Welch, as her only children and heirs at law.

Being the same premises conveyed to this Grantor by Margaret Joyce, Guardian of Patrick J. Welch et als, by Guardian's Deed dated November 28, 1928, and recorded in said Registry of Deeds, Book 1300, Page 463.

(4) Also a certain lot or parcel of land, with the buildings thereon, situated on the westerly side of Chestnut Street, in said Portland, bounded and described as follows, viz:

Beginning at a point on the westerly side line of said Chestnut Street,which point is one hundred eighty-one (181) feet and six (6) inches, more or less, from the intersection of thenortherly side line of Cumberland Avenue and the westerly side line of Chestnut Street, which point is the corner on said westerly side of Chestnut Street of the lot hereby conveyed and a common passageway eleven (11)feet in width; thence southwesterly by said passageway seventy-one (71) feet three (3) inches to land formerly of Sarah R. Cole; thence southeasterly by said Cole land thirty-four (34) feet six (6) inches to the land conveyed to Horatio T. Libby by Benjamin Tukey by deed dated June 11, 1874; thence northeasterly by said Tukey lot about seventy-one (71) feet six (6) inches to the westerly side line of said Chestnut Street;thence northwesterly by said westerly side line about thirty-four (34) feet six (6) inches to the point of beginning. Meaning and intending hereby the land conveyed by John Lindsey to Edward Newman by deed dated February 21, 1888, and recorded in Cumberland County Registry of Deeds, Book 544, Page 132, together with a part of the lot conveyed by Joseph D. Dexter to Edward Newman by deed dated March 5, 1888 and recorded in said Registry of Deeds, Book 544, Page 201, being all of the lot conveyed by said Dexter, except the Tukey lot, so called.

Being the same premises conveyed to Sumner W. Johnson by Abbie Newman Small, Marie A. Newman and Ethel M. G. Newman, by deed dated October 30th, 1920, and recorded in said Registry of Deeds, Book 1064, Page 260.

Also a certain other lot or parcel of land situated in said Portland, bounded and described as follows:

Beginning at a point in the southwesterly side of Chestnut Street 138.5 feet northwesterly from Cumberland Street at the northerly corner of a lot of land conveyed by Abbie Newman Small to Lincoln A. Payne, by deed recorded in Book 941, Page 21; thence northwesterly by Chestnut Street 9.5 feet, more or less, to the easterly corner of the lot conveyed by Sumner W. Johnson to Andrew C. Graves; thence southwesterly by land formerly of Andrew C. Graves fifty-three and one-half (53½) feet to land now or formerly of Widow Hay; thence southeasterly by the Widow Hay's land nine (9) feet, more or less, to a fence on the westerly cornerof the Payne lot;thence northeasterly by the Payne lot fifty-two and one-half (52½) feet to Chestnut Street to the point of beginning. Said lot contains about 490 square feet of land, and is a part of the second parcel of land conveyed by Joseph D. Dexter to Edward Newman by deed recorded in Book 544, Page 201.

Being the same premises conveyed to this Grantor by Andrew C. Graves by warranty deed dated October 25, 1928, and recorded in said Registry of Deeds, Book 1307, Page 294.

All of the above described premises were conveyed by said Edward W. Hannaford to said Portland Boys' Club Association under the name Portland Boys' Club by deed dated March 25, 1929, and recorded in the Cumberland County Registry of Deeds, Book 1318, Page 98. The purpose of this deed is to correct the error in the name of said grantee in said deed dated March 25, 1929.

TO HAVE AND TO HOLD the aforegranted premises with all the privileges and appurtenances thereof, to the said Portland Boys' Club Association, its successors and assigns, to its and to their use and behoof forever.

And I, the said Grantor do hereby covenant with the said grantee, its successors and assigns, that I am lawfully seized in fee of the granted premises; that they are free from a ll incumbrances; except as aforesaid;that I have good right to sell and convey the same tothe said grantee to hold as aforesaid; and that I and my heirs shall and will warrant and defend the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, I, the said Edward W. Hannaford, being a widower, have hereunto set my hand and seal this twenty-sixth day of March, in the year of our Lord one thousand nine hundred and twenty-nine.

Signed and Sealed in presence of

Clark D. Chapman Edward W. Hannaford Seal

State of Maine Cumberland ss July 25, 1929

Personally appeared the above named Edward W. Hannaford and acknowledged the foregoing instrument to be his free act and deed.

Before me, Clark D. Chapman, Justice of the Peace.

Received August 9, 1929 at 9h, 45m, A.M. and recorded according to the original.

Johnson to Parsons Warranty

KNOW ALL MEN BY THESE PRESENTS, That I, William L. Johnson of Portland in the County of Cumberland and State of Maine, in consideration of one dollar and other valuable considerations paid by Ella L. Parsons of said Portland the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey, unto the said Ella L.Parsons, her heirs and assigns forever,

A certain lot or parcel of land with the buildings thereon situated in Westbrook in said County and State, lying on both sides of the road leading from Buxton to Portland, being the westerly half or part of the farm formerly owned by William and David Johnson, both late of Westbrook, deceased, bounded and descrubed as follows,viz: One large field lying upon the northerly side of said road with buildings thereon and that part or portion of a pasture lying in the rear and adjoining said field on the northerly side, said field and pasture being bounded as follows: Beginning at a point on the northerly side line of said road at the southeasterly corner of said field and at the southwesterly corner of a field described in a deed given by William

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Bramson to Portland Boys' Club Assn -- War

Know All Men by These Presents,

That I, Udell Bramson, of Portland, County of Cumberland and State of Maine

in consideration of one dollar and other valuable considerations

paid by Portland Boys' Club Association, a charitable copporation duly organized and existing by virtue of the laws of the State of Maine and located at Portland, County of Cumberland, State of Maine

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said Portlandd Boys' Club Association

its successors ~~heirs~~ and assigns forever, a certain lot or parcel of land

situated on Chestnut Street in said Portland, and bounded and described as follows: Beginning at a point forty (40) feet from the Northerly corner of land now or formerly owned or occupied by Leonard Cross, and adjoining said Chestunt Street; thence Northwesterly on said Cheatnut Street forty (40) feet; thence at right angles with said Chestnut Street on parallel lines Westerly from the two mentioned points on said Chestnut Street, holding the width of forth (40) feet, about sixty-four (64) feet to the land which Jeremia Cotton sold to Benjamin Harmon.

Also a certain lot or parcel of land situated in the rear of 52 Chestnut Street and described as follows; Beginning at the southwesterly corner of a lot of land now or formerly of S. A. Creelman; thence running southwesterly nearly at right angles to Chestnut Street and by land now or formerly of S. H. Colesworthy forty (40) feet, more or less, to land now or formerly of N.J. Allen; thence southeasterly by said land of Allen and landnow or formerly of S. M .Dean forty-six (46) feet, more or less, to land now or formerly of J. M. Shea; thence northeasterly by said land of Shea and by a part of the passageway leading from Chestnut Street forty (40) feet; thence northwesterly by said Passageway and said land of Creelman forty-six (46) feet to the point of beginning, together with the same reservations and priveleges respecting said passageway as described in a deed from Nathan Ilsley to Betsy Simes recorded in Cumberland County Registry of Deeds in Book 204, Page 251.

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To have and to hold the aforegranted and bargained premises with all the privileges and appurtenances thereof, to the said Portland Boys' Club Association

their its
successors
~~heirs~~ and assigns, to them and their use and behoof forever.

And I do covenant with the said Grantee, their successors ~~heirs~~ and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances;

that I have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that I and my heirs shall and will Warrant and Defend the same to the said Grantee, their successors its ~~heirs~~ and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said Udell Bramson

and Thelma R. Bramson

wife of the said Udell Bramson

joining in this deed as Grantor, and relinquishing and conveying ~~their~~ our right by descent and all other rights in the above described premises, have hereunto set our hands and seals this twenty-fourth day of May in the year of our Lord one thousand nine hundred and sixty - one

Signed, Sealed and Delivered
in presence of

John M. Cuskey

Udell Bramson

Thelma Bramson

State of Maine. CUMBERLAND ss. MAY 24, 1961.

Personally appeared the above named

Udell Bramson

and acknowledged the foregoing instrument to be his free act and deed.

Before me,

John M. Cuskey

Justice of the Peace
~~Notary Public~~

MAY 26 1961
REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE
Received at 3 H 45 M P. M, and recorded in
BOOK 2606 PAGE 141 Edward P. Lyons Register

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Know All Men by These Presents,

That we, MARCIA L. FIREMAN and IDA S. FIREMAN, both of Portland in the county of Cumberland and State of Maine

Fireman & to Portland Boys Club Assn - War

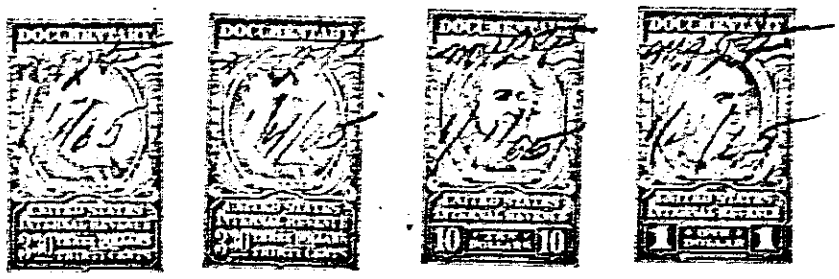
in consideration of one dollar and other valuable considerations

paid by PORTLAND BOYS CLUB ASSOCIATION a corporation duly authorized, existing by the laws of the State of Maine

the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said Portland Boys Club Association, its

heirs and assigns forever, a certain lot or parcel of land with the buildings thereon situated in said City of Portland and bounded and described as follows:

Commencing at the center of a certain post on the Northwardly sideline of Cumberland Avenue and in the Eastwardly line of the "Moody lot", so-called, and which adjoins land formerly owned by Joshua Rogers and Henry Titcomb, said post being one hundred twenty and eighty-nine hundredths (120.89) feet distant Northeastwardly from the monument at the intersection of said Northwardly sideline of Cumberland Avenue with the Eastwardly sideline of Cedar Street; thence from said located post Northwestwardly by the old fence indicating the division line between the above mentioned lots, one hundred (100) feet; thence Southwestwardly, parallel with Cumberland Avenue, fifty-six (56) feet to a point; thence Southeastwardly and in a line parallel with the first line eighteen and one half (18½) feet to another point; thence at a right angle with the last line Southwestwardly one foot to a point; thence Southeastwardly and in a line parallel with the first line aforesaid eighty-one and a half (81½) feet to said Cumberland Avenue and thence on said Cumberland Avenue Northeastwardly fifty seven (57) feet to the center of said post and point of commencing. And being the same premises conveyed to Samuel H. Colesworthy, Jr. by warranty deed from Martha R. Stevens et. al., dated November 2, 1891, and recorded in Cumberland Registry of Deeds, Book 587, Page 74.



62

To have and to hold the aforegranted and bargained premises with all the privileges and appurtenances thereof, to the said Portland Boys Club Association, its

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

And we do covenant with the said Grantee, its heirs and assigns, that we are lawfully seized in fee of the premises, that they are free of all incumbrances;

that we do have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that we and our heirs shall and will Warrant and Defend the same to the said Grantee, its heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, we the said Marcia L. Fireman and Ida S. Fireman, both being unmarried

and

wife

joining in this deed as Grantors and releasing and relinquishing any right by descent and all other rights in the above described premises, have hereunto set our hands and seals this 5th day of January in the year of our Lord one thousand nine hundred and sixty-four.

Signed, Sealed and Delivered
in presence of

Louis Bernstein — Ida S Fireman
to both — Marcia L. Fireman

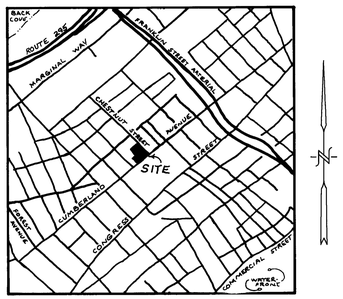
State of Maine. CUMBERLAND, ss. January 5 1964.

Personally appeared the above named Marcia L. Fireman and Ida S. Fireman

and acknowledged the foregoing instrument to be their free act and deed.

Before me, Louis Bernstein
Justice of the Peace ~~Notary Public~~

JAN 5 1965
REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE
Received at 3 H 55 M P. M, and recorded in
BOOK 2874 PAGE 61 Register

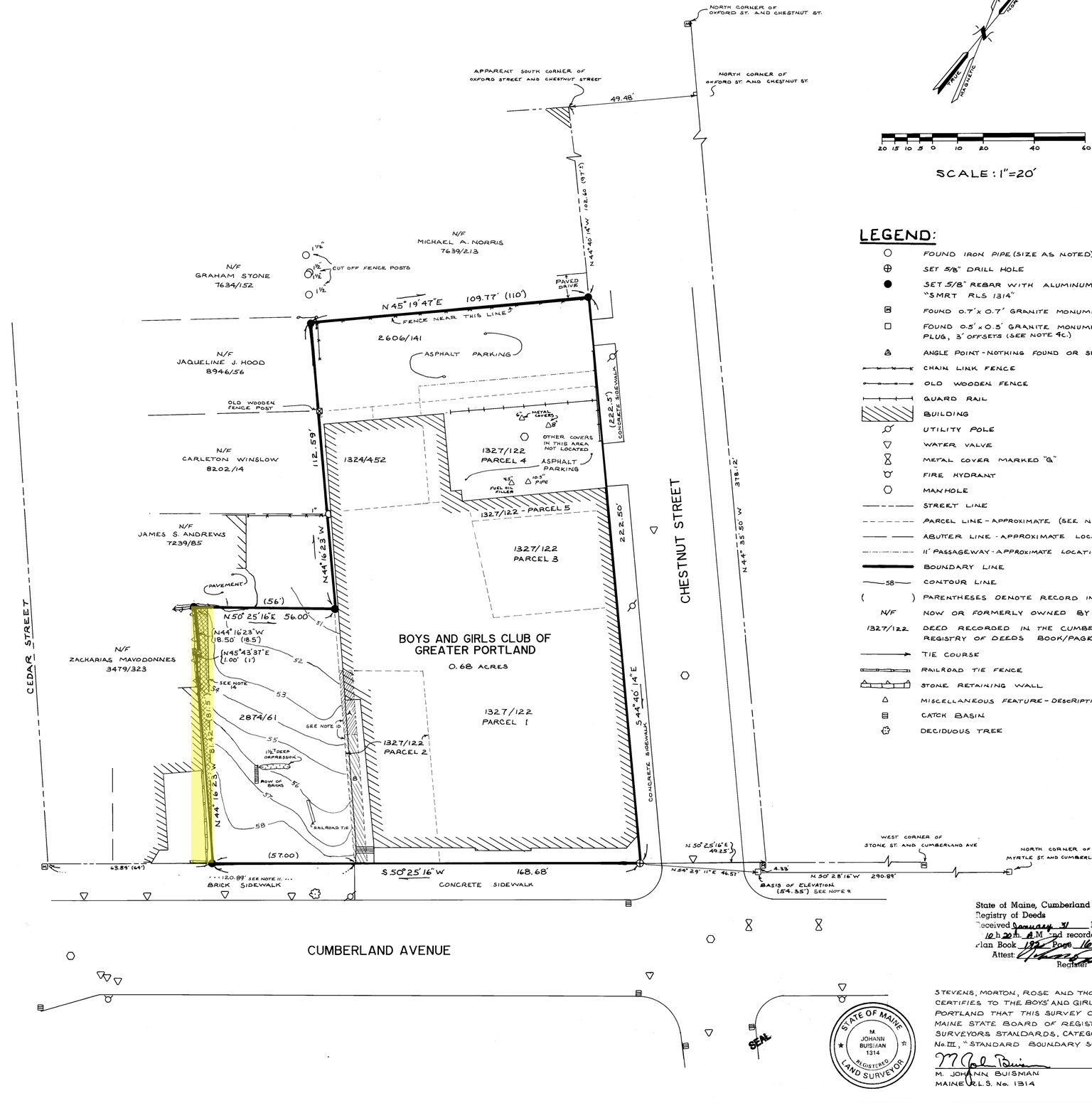


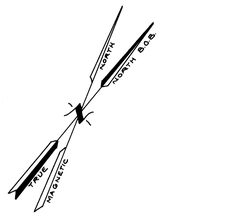
VICINITY MAP

SCALE: 1"= 1000'

NOTES:

1. THE BASIS OF BEARING FOR THIS SURVEY IS TRUE NORTH AS SHOWN ON THE PLAN OF NOTE 3a.
2. RECORD OWNERSHIP OF THE PARCEL SURVEYED CAN BE FOUND IN DEEDS TO THE PORTLAND BOYS' CLUB ASSOCIATION RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS AS FOLLOWS:
   a. FROM UDELL BRAMSON DATED MAY 24, 1961, RECORDED IN BOOK 2606, PAGE 141.
   b. FROM MARCIA L. FIREMAN AND IDA S. FIREMAN DATED JANUARY 5, 1964 RECORDED IN BOOK 2874, PAGE 61.
   c. FROM ALICE M. SHEEHAN AND AGNES E. SHEEHAN DATED AUGUST 29, 1929 RECORDED IN BOOK 1324, PAGE 452.
   d. FROM EDWARD W. HANNAFORD DATED MARCH 26, 1929 RECORDED IN BOOK 1327, PAGE 122.
3. REFERENCE IS MADE TO THE FOLLOWING PLANS:
   a. AN ALTA/ACSM LAND TITLE SURVEY PREPARED FOR OXFORD DEVELOPMENT ASSOCIATES DATED AUGUST 21, 1987 BY STEVENS, MORTON, ROSE AND THOMPSON, INC., JOB # 87037.1.
   b. A PLAN OF THE "PORTLAND BOYS' CLUB LOT" DATED AUGUST, 1929 PREPARED BY E.C. JORDON AND Co.
   c. A PLAN PREPARED FOR THE PORTLAND BOYS' CLUB DATED MARCH 5, 1970 BY H. I. AND E.C. JORDON, PLAN FILE No. 117.
4. REFERENCE IS MADE TO THE CITY OF PORTLAND STREET RECORDS AS FOLLOWS:
   a. PLAN OF OXFORD STREET DATED JULY 1925, PLAN #43, SHEET 2.
   b. PLAN OF CUMBERLAND AVENUE DATED DECEMBER 1925, PLAN #134, SHEET 2.
   c. CARDS DATED OCTOBER 10, 1985 SHOWING LOCATION OF 3' OFFSET MONUMENTS ON CUMBERLAND AVENUE AND CHESTNUT STREET.
5. THE LOCUS PARCEL IS LOT #8 ON THE CITY OF PORTLAND TAX MAP 26-C.
6. THIS PARCEL IS LOCATED IN THE B-2 ZONE.
7. THE RECORD RIGHT OF WAY OF CHESTNUT STREET IS 49.5 FEET WIDE. HOWEVER, CONFLICTING EVIDENCE WAS FOUND INDICATING THAT THE ORIGINAL MONUMENTS WERE NOT SET AT A CONTINUOUS 49.5 FOOT WIDTH. WE HAVE USED THE CITY ADOPTED STREET LINE SHOWN ON PLAN OF NOTE 3b.
8. THE RECORD RIGHT OF WAY FOR CUMBERLAND AVENUE IS 66 FEET WIDE.
9. THE BASIS FOR ELEVATION IS NGVD OF 1929. THIS MONUMENT HAS A RECORD ELEVATION OF 54.35' PER A CARD OF NOTE 4c.
10. AREAS A AND B HAD A DEED RESTRICTION THAT NO BUILDING WAS TO BE CONSTRUCTED IN THESE LOCATIONS AS STATED IN THE DEED FROM SAMUEL ROSENBERG, JACOB ROSENBERG AND HARRIS FEUERMAN TO EDWARD W. HANNAFORD DATED NOVEMBER 7, 1928 AND RECORDED IN BOOK 1307, PAGE 498. IN A DEED FROM J. ROSENBERG AND FREUERMAN DATED NOVEMBER 17, 1930 AND RECORDED IN BOOK 1354, PAGE 385 THIS RESTRICTION WAS REMOVED FROM AREA A ONLY. IT HAS NOT BEEN DETERMINED IF THE RESTRICTION HAS BEEN REMOVED FROM AREA B. (SEE DRAWING)
11. THIS DISTANCE IS REFERRED TO IN A DEED DATED NOVEMBER 2, 1892 AND RECORDED IN BOOK 587, PAGE 74 AS LOCATING THE MOODY LINE. (SEE DRAWING)
12. THESE LINES INDICATE THE LOCUS DEED LINES.
13. A PASSAGEWAY IS DESCRIBED IN SEVERAL DEEDS FOR ACCESS TO REAR LOTS NOW OWNED BY "PORTLAND BOYS' CLUB ASSOCIATION".
14. THIS LINE REPRESENTS THE APPROXIMATE LOCATION OF MAYODONNES' NORTHEASTERLY LINE PER HIS CURRENT DEED. A DEED OVERLAP EXISTS IN THIS AREA. (SEE DRAWING)





20 15 10 5 0 10 20 40 60

SCALE: 1"=20'

LEGEND:

- FOUND IRON PIPE (SIZE AS NOTED)
- SET 5/8" DRILL HOLE
- SET 5/8" REBAR WITH ALUMINUM CAP STAMPED "SMRT RLS 1314"
- FOUND 0.7'x 0.7' GRANITE MONUMENT MARKED "M"
- FOUND 0.5'x 0.5' GRANITE MONUMENT WITH BRASS PLUG, 3' OFFSETS (SEE NOTE 9c.)
- ANGLE POINT - NOTHING FOUND OR SET
- CHAIN LINK FENCE
- OLD WOODEN FENCE
- GUARD RAIL
- BUILDING
- UTILITY POLE
- WATER VALVE
- METAL COVER MARKED "G"
- FIRE HYDRANT
- MANHOLE
- STREET LINE
- PARCEL LINE - APPROXIMATE (SEE NOTE 12.)
- ABUTTER LINE - APPROXIMATE LOCATION
- 11' PASSAGEWAY - APPROXIMATE LOCATION (SEE NOTE 13.)
- BOUNDARY LINE
- 58 CONTOUR LINE
- ( ) PARENTHESES DENOTE RECORD INFORMATION
- N/F NOW OR FORMERLY OWNED BY
- 1327/122 DEED RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS BOOK/PAGE
- TIE COURSE
- RAILROAD TIE FENCE
- STONE RETAINING WALL
- MISCELLANEOUS FEATURE - DESCRIPTION AS SHOWN
- CATCH BASIN
- DECIDUOUS TREE

State of Maine, Cumberland ss.
Registry of Deeds
Received January 31 1992
10 h 20 m. A.M and recorded in
Plan Book 192 Page 16
Attest: Register

STEVENS, MORTON, ROSE AND THOMPSON, INC. HEREBY CERTIFIES TO THE BOYS' AND GIRLS' CLUB OF GREATER PORTLAND THAT THIS SURVEY CONFORMS TO THE MAINE STATE BOARD OF REGISTRATION FOR LAND SURVEYORS STANDARDS, CATEGORY No. I, CONDITION No. III, "STANDARD BOUNDARY SURVEY".

STATE OF MAINE M. JOHANN BUISMAN 1314 REGISTERED LAND SURVEYOR SEAL

M. Johann Buisman 01/30/92
M. JOHANN BUISMAN DATE
MAINE R.L.S. No. 1314

SMRT
STEVENS MORTON ROSE & THOMPSON
Architecture Engineering Survey
30 Forest Avenue/P.O.Box 618 Main Street/P.O.Box 10
Portland, Maine 04104 Limerick, Maine 04048
tel. (207) 772-3846 tel. (207) 793-8202
fax (207) 772-1070 fax (207) 793-2713

Project Name: PLAN FOR BOYS AND GIRLS CLUBS OF GREATER PORTLAND
277 CUMBERLAND AVENUE PORTLAND, MAINE 04101
Job No: 87017.1

Rev.	Description	Date

Drawing Name: STANDARD BOUNDARY SURVEY
OF LANDS ON CUMBERLAND AVE. AND CHESTNUT STREET LYING WITHIN THE CITY OF PORTLAND, COUNTY OF CUMBERLAND, STATE OF MAINE
275-285 CUMBERLAND AVENUE
Scale: 1" = 20' Date: 12/02/91 Drawn By: B.E.L. Checked By: M.J.B.

SHEET 1 OF 1

Planning and Urban Development
Kevin Kraft, AICP
Director

August 27, 2024

Brian C. Elowe
Chief Executive Officer
Boys & Girls Club of Southern Maine
277 Cumberland Avenue | P.O. Box 7830
Portland, ME 04112

RE: Boys and Girls Club Expansion

Dear Brian,

This letter is to formally communicate the guidelines and objectives of Section 18.1, Housing Preservation and Replacement Ordinance as it relates to the proposed project at the Boys and Girls Club located on Cumberland Avenue in the Bayside neighborhood. The Housing Preservation and Replacement Ordinance was established to ensure an adequate supply of housing, especially affordable housing, across all economic groups. Its primary goals are to limit the net loss of housing units within the city and to preserve housing in designated zones for the benefit of all residents, thereby promoting their health, safety, and welfare.

The ordinance applies specifically when projects result in the loss of three or more dwelling units within a five-year period. The "loss of dwelling units" is defined as the elimination or conversion of dwelling units to nonresidential use, units that remain vacant for three or more years, or units that are lost due to demolition. Projects that lead to the loss of three or more units are required to comply with the Housing Replacement Requirements as outlined in Section 18.1.6, specifically:

A. The Planning Authority will mandate, as a condition of approval, that any dwelling units demolished or converted to nonresidential use must be replaced.

B. This replacement requirement may be satisfied through one or more of the following methods:

1. ***Construction of Units**: The construction of new housing units either on-site or off-site, either within a new structure or as an addition to an existing one.*
2. ***Residential Conversion**: The conversion of a nonresidential building to residential use.*

389 Congress Street, Portland, Maine 04101 | ph: 207.874.8430 | kkraft@portlandmaine.gov

Projects that chose to construct new housing units either on-site or off-site are required to comply with the Replacement Unit Requirements outlined in Section 18.1.7:

A. *All replacement units must be located within the same United States Census block group as the parcel from which the units are being removed or within 1,500 feet of the removed units.*
B. *Replacement units must not have been previously on the market as of the application date.*
C. *Replacement units must be part of a development that has not been a candidate for site plan approval as of the application date.*
D. *Replacement units must be comparable in size to the units being replaced. For this purpose, "comparable in size" means that the total size of the replacement units will be no less than 80% of the total size of the original units.*

On August 19, 2024, City staff were informed that the Boys and Girls Club and Avesta Housing plan to partner on the construction of a new residential development that will comply with Section 18.1.7, thereby fulfilling the housing replacement requirements.

Should you have any questions or need further assistance, please feel free to contact me with any questions at 207-874-8430 or kkraft@portlandmaine.gov.

Sincerely,

Kevin Kraft
Planning & Urban Development Department Director

CC:
Greg Watson
Mary Davis
Victoria Volent
Patrick Hess

4 - FINANCIAL CAPACITY

The estimated total cost for this project is approximately $13.5 million with $12 million for building construction, and $1.5 million identified for site features including erosion control, earthwork, roads, utilities, stormwater management, and landscaping, and the remainder designated for non-building costs that include permitting, fees, furniture, insurance, and contingencies.

The consolidated financial statement for Boys & Girls Club, dated June 30, 2024, is attached, along with financial account and asset verifications.

A Certificate of Good Standing for Boys & Girls Club of Southern Maine is attached.

Information Summary

Subscriber activity report

This record contains information from the CEC database and is accurate as of: Mon Dec 22 2025 14:18:17. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
BOYS & GIRLS CLUBS OF SOUTHERN MAINE	19090005ND	NON-PROFIT CORPORATION (UNDER TITLE 13-B)	GOOD STANDING

Filing Date	Expiration Date	Jurisdiction
03/30/1909	N/A	MAINE

Other Names	(A=Assumed ; F=Former)
BOYS & GIRLS CLUBS OF GREATER PORTLAND	F
PORTLAND BOYS CLUB ASSOCIATION	F
PORTLAND BOYS' CLUB ASSOCIATION	F

Principal Home Office Address

Physical	Mailing
BRIAN ELOWE 277 CUMBERLAND AVE. PORTLAND, ME 04112	BRIAN ELOWE PO BOX 7830 PORTLAND, ME 04112

Clerk/Registered Agent

Physical	Mailing
BRIAN C. ELOWE 277 CUMBERLAND AVENUE PORTLAND, ME 04101	BRIAN C. ELOWE P.O. BOX 7830 PORTLAND, ME 04112

GREAT FUTURES START HERE.

BOYS & GIRLS CLUBS
OF SOUTHERN MAINE

BOYS AND GIRLS CLUBS OF SOUTHERN MAINE AND SUBSIDIARY

CONSOLIDATED FINANCIAL STATEMENTS

June 30, 2024

CONTENTS

Independent Auditors' Report	**1**
Consolidated Statement of Financial Position	**3**
Consolidated Statement of Activities	**5**
Consolidated Statement of Functional Expenses	**6**
Consolidated Statement of Cash Flows	**7**
Notes to Consolidated Financial Statements	**8**

Independent Auditors' Report

Board of Directors
Boys and Girls Clubs of Southern Maine and Subsidiary
Portland, Maine

Opinion

We have audited the accompanying consolidated financial statements of Boys and Girls Clubs of Southern Maine and Subsidiary (a nonprofit organization), which comprise the consolidated statement of financial position as of June 30, 2024, and the related consolidated statement of activities, functional expenses and cash flows for the year then ended, and the related notes to the financial statements.

In our opinion, the consolidated financial statements referred to above present fairly, in all material respects, the financial position of Boys and Girls Clubs of Southern Maine and Subsidiary as of June 30, 2024, and the changes in its net assets and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of Boys and Girls Clubs of Southern Maine and Subsidiary and to meet our other ethical responsibilities in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the consolidated financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the consolidated financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about Boys and Girls Clubs of Southern Maine and Subsidiary's ability to continue as a going concern within one year after the date that the consolidated financial statements are available to be issued.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the consolidated financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements, including omissions, are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the consolidated financial statements.

In performing an audit in accordance with generally accepted auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the consolidated financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the consolidated financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion of the effectiveness of Boys and Girls Clubs of Southern Maine and Subsidiary's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the consolidated financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about Boys and Girls Clubs of Southern Maine and Subsidiary's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control related matters that we identified during the audit.

As stated in the opinion section of this report, the consolidated financial statements of Boys and Girls Clubs of Southern Maine and Subsidiary present fairly, in all material respects, the financial position of Boys and Girls Clubs of Southern Maine and Subsidiary as of June 30, 2024, and the changes in its net assets and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Biddeford, Maine
July 17, 2025

Consolidated Statement of Financial Position

June 30, 2024

ASSETS	
Current Assets	
Cash and cash equivalents	**$ 628,718**
Accounts receivable	**173,036**
Grants receivable	**56,721**
Contributions receivable, current portion	**1,398,650**
Other current assets	**12,552**
Total Current Assets	**2,269,677**
Property and Equipment	
Land and land improvements	**2,118,940**
Buildings and building improvements	**9,701,054**
Equipment	**411,061**
Vans	**427,363**
Construction in progress	**324,634**
	12,983,052
Less accumulated depreciation	**(5,251,770)**
Net Property and Equipment	**7,731,282**
Other Assets	
Investments	**13,734,978**
Beneficial interest in trusts	**175,127**
Contributions receivable, net of current portion	**3,205,127**
Total Other Assets	**17,115,232**
Total Assets	**$ 27,116,191**

The accompanying notes are an integral part of these consolidated financial statements. 3

Consolidated Statement of Financial Position, Continued

June 30, 2024

LIABILITIES AND NET ASSETS

Current Liabilities	
Accounts payable	**$ 260,862**
Accrued expenses	**72,681**
Tenant security deposits	**17,491**
Current portion of long-term debt	**57,554**
Total Current Liabilities	**408,588**
Long-Term Debt	**366,308**
Total Liabilities	**774,896**
Net Assets	
Without donor restrictions	**7,548,351**
Without donor restrictions - board designated endowment funds	**7,272,132**
Total without donor restrictions	**14,820,483**
With donor restrictions	**11,520,812**
Total Net Assets	**26,341,295**
Total Liabilities and Net Assets	**$ 27,116,191**

The accompanying notes are an integral part of these consolidated financial statements.

Consolidated Statement of Activities

Year Ended June 30, 2024

	Without donor restrictions	With donor restrictions	Total
Revenue and Other Support			
Public support:			
Contributions	$ 456,043	$ 1,768,387	$ 2,224,430
Contributions, in-kind	397,419		397,419
Foundation grants	801,061	5,103,777	5,904,838
Special events	325,306		325,306
Club membership dues	18,012		18,012
Total public support	1,997,841	6,872,164	8,870,005
Government support	702,459		702,459
Club revenue:			
Program activity fees, net	283,228		283,228
Rental	275,604		275,604
Total club revenue	558,832		558,832
Other revenue:			
Investment income, net of fees	867,590	576,860	1,444,450
Change in value of beneficial interest trusts		11,271	11,271
Miscellaneous revenue	84,380		84,380
	951,970	588,131	1,540,101
Total Revenue and Other Support - Before Net Assets Released From Restriction	4,211,102	7,460,295	11,671,397
Net Assets Released From Restriction			
Satisfaction of time and purpose restrictions	1,496,787	(1,496,787)	
Total Revenue and Other Support	5,707,889	5,963,508	11,671,397
Expenses			
Program services	3,671,321		3,671,321
Management and general	1,092,023		1,092,023
Fundraising	562,608		562,608
Total Expenses	5,325,952		5,325,952
Change in Net Assets	381,937	5,963,508	6,345,445
Net Assets, Beginning of Year, Restated	14,438,546	5,557,304	19,995,850
Net Assets, End of Year	$ 14,820,483	$ 11,520,812	$ 26,341,295

The accompanying notes are an integral part of these consolidated financial statements.

Consolidated Statement of Functional Expenses

Year Ended June 30, 2024

	Program Services	Management and General	Fundraising	Total
Salaries	$ 1,702,342	$ 384,515	$ 254,439	$ 2,341,296
Employee benefits	177,182	40,451	26,483	244,116
Payroll taxes and workers compensation insurance	154,850	33,577	23,144	211,571
Building repairs and maintenance	84,016	49,888	12,557	146,461
Conferences and meetings	5,721			5,721
Depreciation	211,362	98,143	21,118	330,623
Equipment maintenance	7,696	1,282	907	9,885
Fundraising			152,641	152,641
Heat	40,921	13,732	6,116	60,769
Insurance	52,960	33,570	7,916	94,446
Interest		10,270		10,270
Miscellaneous	437	62,537	59	63,033
Organization dues		7,941		7,941
Postage	2,239	915	334	3,488
Printing	14,335	13,930	2,143	30,408
Professional fees	188,810	239,063	28,221	456,094
Special programs	323,107			323,107
Supplies	96,410	17,078	12,086	125,574
Property taxes		29,402		426,821
Travel	114,881			114,881
Utilities	96,633	55,729	14,444	166,806
Inkind	397,419			
Total Expenses	$ 3,671,321	$ 1,092,023	$ 562,608	$ 5,325,952

The accompanying notes are an integral part of these consolidated financial statements.

Consolidated Statement of Cash Flows

Year Ended June 30, 2024

Cash flows from operating activities:		
Change in net assets	**$**	**6,345,445**
Adjustments to reconcile change in net assets to net cash flows from operating activities:		
Depreciation		**330,623**
Gain on investments		**(1,444,450)**
Change in value of beneficial interest trusts		**(11,271)**
(Increase) decrease in operating assets:		
Accounts receivable		**(164,036)**
Grants receivable		**301,686**
Contributions receivable		**(4,587,582)**
Other current assets		**30,290**
Increase (decrease) in operating liabilities:		
Accounts payable		**72,970**
Accrued expenses		**(39,355)**
Total adjustments		**(5,511,125)**
Net cash flows from operating activities		**834,320**
Cash flows from investing activities:		
Purchases of property and equipment		**(631,714)**
Purchases of investments		**(4,146,116)**
Proceeds from sale of investments		**3,592,138**
Net cash flows from investing activities		**(1,185,692)**
Cash flows from financing activities:		
Principal payments on long-term debt		**(52,397)**
Net cash flows from financing activities		**(52,397)**
Net change in cash and cash equivalents		**(403,769)**
Cash and cash equivalents, beginning of year		**1,032,487**
Cash and cash equivalents, end of year	**$**	**628,718**
Supplemental disclosures of cash flow information:		
Cash paid during the year for:		
Interest	**$**	**10,270**

The accompanying notes are an integral part of these consolidated financial statements. 7

Notes to Consolidated Financial Statements

June 30, 2024

NOTE 1 – ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Organization

The Boys and Girls Clubs of Southern Maine and Subsidiary (the Organization) is a not-for-profit corporation which provides recreational, social, and educational services benefiting the youth of Portland, South Portland, Auburn, and Lewiston, Maine.

In March 2022, the Organization established a single-member limited liability company (LLC), PYC, LLC, for the purpose of engaging in the business of ownership and management of certain real estate situated at 289-292 Cumberland Avenue and 9 Cedar Street in Portland, Maine and the subsequent development of the properties into facilities serving at-risk youth consistent with the Organization's exempt purpose.

Principles of Consolidation

The consolidated financial statements of the Boys and Girls Clubs of Southern Maine and Subsidiary (the Organization) include the accounts of the Boys and Girls Clubs of Southern Maine and its wholly-owned subsidiary, PYC, LLC. All significant intercompany balances and transactions have been eliminated in consolidation.

Basis of Accounting and Presentation

The financial statements for the Organization have been prepared using the accrual method of accounting in accordance with accounting principles generally accepted in the United States of America (GAAP).

Net Assets

Net assets, revenues, gains, and losses are classified based on the existence or absence of donor- or grantor-imposed restrictions. Accordingly, net assets and changes therein are classified and reported, as follows:

Net Assets without Donor Restrictions – Net assets available for use in general operations and not subject to donor (or certain grantor) restrictions and can be used for any purpose designated by the Board.

Net Assets with Donor Restrictions – Net assets subject to donor-or certain grantor-imposed restrictions. Some donor-imposed restrictions are temporary in nature, such as those that will be met by the passage of time or other events specified by the donor. Other donor-imposed restrictions are perpetual in nature, where the donor stipulates that resources be maintained in perpetuity. Gifts of long-lived assets and gifts of cash restricted for the acquisition of long-lived assets are recognized as revenue when the assets are placed in service. Donor-imposed restrictions are released when a restriction expires; that is, when the stipulated time has elapsed, when the stipulated purpose for which the resource was restricted has been fulfilled or both.

Cash and Cash Equivalents

The Organization considers all cash and other highly liquid instruments with initial maturities of three months or less to be cash equivalents.

The Organization maintains cash accounts at financial institutions located in Maine insured by the Federal Deposit Insurance Corporation (FDIC) of up to $250,000 per institution. At times the balance may exceed federally insured limits. The Organization has not experienced losses in such deposits, and management believes it is not exposed to any significant credit risk on cash and cash equivalents. The uninsured balance as of June 30, 2024 was approximately $118,000.

Notes to Consolidated Financial Statements

June 30, 2024

NOTE 1 – ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES – CONTINUED

Accounts and Grants Receivable

Accounts and grants receivable consist of amounts due from funders under various government grants and contracts and are stated at the amount management expects to collect from balances outstanding at year-end. Grants receivable are recorded on the accrual basis of accounting primarily based on reimbursable contracts, grants and agreements. No reserve for uncollectible amounts is deemed necessary, as management considers them to be fully collectible as of June 30, 2024.

Contributions Receivable

Unconditional promises to give are recognized as revenues in the period received and as assets, decreases of liabilities, or expenses depending on the form of the benefits received. Conditional promises to give are recognized when the conditions on which they depend are substantially met. Contributions receivable expected to be received in more than one year are discounted to present value. No allowance for uncollectable accounts was considered necessary as of June 30, 2024.

Revenue Recognition

Grant and Contract Revenue

The Organization recognizes some of its revenue from federal and state grants and contracts generally structured as reimbursed contracts for services. Revenues from these sources are recognized as earned or attributable to the period in which specific terms of the funding agreement are satisfied, and to the extent that expenses have been incurred for the purposes specified by the funding source. It is possible that in the future these programs could cease. The Organization does not expect that the revenue from these governmental agencies will be lost in the near term.

The Organization contracts with local school departments to provide learning support and youth development programs. These contracts are short-term in nature. The Organization considers each contract to be a single performance obligation for the delivery of educational support and services. Revenue is recognized at a point in time as the services are provided and the schools receive the benefit. The fees are determined based on the contract, explicitly stated in the contract, and invoiced prior to the services being provided. All services provided through these contracts occur within the financial reporting period, and no adjustments are required.

Program Revenue

Fee-for-service revenue for pool and facility rentals, other rental income, and membership dues are recognized on an accrual basis when the performance obligations have been met. Membership dues are billed monthly.

Other revenue includes investment income from gains and losses, dividends and interest, and miscellaneous income from insurance reimbursements.

Notes to Consolidated Financial Statements

June 30, 2024

NOTE 1 – ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES – CONTINUED

Revenue Recognition, Continued

Contribution Revenue

Contributions, including promises to give, are considered conditional or unconditional, depending on the nature and existence of any donor or grantor conditions. A contribution or promise to give contains a donor or grantor condition when both of the following are present:

- An explicit identification of a barrier, that is more than trivial, that must be overcome before the revenue can be earned and recognized.
- An implicit right of return of assets transferred or a right of release of a donor or grantor's obligation to transfer assets promised, if the condition is not met.

Conditional contributions are recognized when the barrier(s) to entitlement are overcome. Unconditional contributions are recognized as revenue when received.

Unconditional contributions or conditional contributions in which the conditions have been substantially met or explicitly waived by the donor are recorded as support with or without donor restrictions, depending on the existence and nature of any donor restrictions.

In-Kind Contributions

Contributed nonfinancial assets include donated facilities, transportation, auction items and other in-kind contributions which are recorded at the respective fair values of the good or services received at the date of donation. In addition to non-financial assets, volunteers contribute significant amounts of time to program services, administration and fundraising and development activities; however, the financial statements do not reflect the value of these contributed services because they do not meet recognition criteria prescribed by general accepted accounting principles. The Organization received 2,279 hours of volunteer hours during the year ended June 30, 2024.

Property and Equipment

Purchased assets are carried at cost. Contributed assets are carried at the fair market value at the time of the gift. Major additions are included in the property accounts, while maintenance and repairs which do not improve or extend the life of the assets are expensed. Purchases of property and equipment in excess of $5,000 are capitalized. Depreciation is computed using the straight line method of depreciation over the assets' estimated service life, generally 5-39 years. Depreciation expense totaled $330,623 for the year ended June 30, 2024.

Investments

The Organization records investments in marketable securities with readily determinable fair values and all investments in debt securities at their fair values in the consolidated statement of financial position. Unrealized gains and losses are included in the change in both net assets without donor restrictions and net assets with donor restrictions in the consolidated statement of activities.

Investments consist of publicly-traded mutual funds, equities, fixed income, certificate of deposits, and money market funds. The fair value of these investments is based on quoted market prices.

Notes to Consolidated Financial Statements

June 30, 2024

NOTE 1 – ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES – CONTINUED

Income Taxes

The Organization is classified as a public charity exempt from federal and state income taxes under Section 501(c)(3) of the Internal Revenue Code and has been determined not to be a private foundation within the meaning of Section 509(a) of the Code.

Management has evaluated the Organization's tax positions and concluded that, as of June 30, 2024, it has not taken any tax positions that would require the recording of any additional tax liability, nor does it believe that there are any unrealized tax benefits that would either increase or decrease within the next twelve months. The Organization is subject to U.S. federal and state examinations by taxing authorities for three years after the filing of the Organization's return.

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses in the reporting period. Actual results could differ from these estimates.

Functional Allocation of Expenses

The financial statements report certain categories of expenses that are attributed to more than one program or supporting function. Therefore, expenses require allocation on a reasonable basis that is consistently applied. Expenses are allocated among the programs and supporting services benefited. Indirect expense allocations are based on the total salary cost spent on administration and fundraising. The percentage is applied to most expense lines, except in cases such as professional fees and consultants, when larger amounts are spent with little indirect costs.

Beneficial Interest in Trusts

The Organization is the beneficiary of two irrevocable, perpetual trusts which are held by outside institutions. The present value of future cash receipts received from these perpetual trusts is measured using the fair value of the pro rata ownership portion of the perpetual trust's assets. The related cash receipts from the perpetual trusts are recognized as unrestricted income. Changes in fair value of the pro rata ownership in the perpetual trusts are recognized as either gains or losses in net assets with donor restrictions. The fair value of the beneficial interest in perpetual trusts was approximately $76,000 at June 30, 2024.

Charitable lead annuity trust - The Organization is the beneficiary of an irrevocable, charitable lead annuity trust which was held by an outside institution. The contribution, classified as with donor restrictions, and the beneficial interest in the assets are measured at fair value based on the present value of the future distribution the Organization expects to receive over the agreement's term. Changes in the fair value of beneficial interest in the trust are recognized as either gains or losses in net assets with donor restrictions. The approximate present value of the future payments is calculated using a discount rate of 2.80% and the annuity period of 20 years, which was approximately $99,000 at June 30, 2024.

Notes to Consolidated Financial Statements

June 30, 2024

NOTE 1 – ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES – CONTINUED

New Accounting Pronouncements

Financial Instruments- Credit Losses

On January 1, 2023, the Organization adopted ASU 2016-13 Financial Instruments – Credit Losses (Topic 326): Measurement of Credit Losses on Financial Statements (ASC 326). This standard replaced the incurred loss methodology with an expected loss methodology that is referred to as the current expected credit loss ("CECL") methodology. CECL requires an estimate of credit losses for the remaining estimated life of the financial asset using historical experience, current conditions, and reasonable and supportable forecasts and generally applies to financial assets measured at amortized cost, including trade accounts receivable. Financial assets measured at amortized cost will be presented at the net amount expected to be collected by using an allowance for credit losses. Management evaluated the impact of the new standard and determined there was no material impact on the financial statements and resulted in no new disclosures.

NOTE 2 – LIQUIDITY AND AVAILABILITY

The Organization strives to maintain liquid financial assets sufficient to cover 90 days of general expenditures. The following table reflects the Organization's financial assets as of June 30, 2024, reduced by amounts that are not available to meet general expenditures within one year of the statement of financial position date because of donor restrictions or internal board designations. Amounts not available to meet general expenditures within one year also may include net assets with donor restrictions.

Financial assets available for general expenditure, that is, without donor or other restrictions limiting their use, within one year of the statement of financial position date, comprise the following:

		2024
Cash and cash equivalents	$	**273,621**
Accounts receivable		**173,036**
Grants receivable		**56,721**
Endowment appropriation		**477,000**
		980,378

The Organization has board designated investments of $7,272,132 at June 30, 2024 which are included in Investments and can be released by the Board of Directors if needed for the purpose of operations.

Notes to Consolidated Financial Statements

June 30, 2024

NOTE 3 – CONTRIBUTIONS RECEIVABLE

Contributions receivable are estimated to be collected as follows at June 30, 2024:

Within one year	$ 1,398,650
In one to five years	3,554,700
	$ 4,953,350
Less 3% present value discount	(349,573)
	$ 4,603,777

Contributions receivable appear as follows in the statement of financial position:

Contributions receivable, current portion	$ 1,398,650
Contributions receivable, net of current portion	3,205,127
	$ 4,603,777

NOTE 4 – INVESTMENTS

Investments measured on a recurring basis at fair value under the fair value hierarchy consist of the following at June 30, 2024:

	Fair Value	Level 1	Level 2	Level 3
Cash equivalents	$ 1,381,373	$ 1,381,373		
Certificates of deposit	80,376	80,376		
Equities	8,101,927	8,101,927		
Fixed income securities	2,105,624	2,105,624		
Mutual funds	2,065,678	2,065,678		
Beneficial interest in trusts	175,127			$ 175,127
Total	$ 13,910,105	$ 13,734,978		$ 175,127

Changes in investments for the year ended 2024 are as follows:

Beginning of year	$ 11,900,406
Additions (reductions) to investments:	
Interest and dividends	364,681
Net realized gains	321,689
Unrealized gains	781,318
Purchases	4,146,116
Sales	(3,592,138)
Investment fees	(23,238)
Change in value of beneficial interest	11,271
Total change in investments	2,009,699
End of year	$ 13,910,105

Notes to Consolidated Financial Statements

June 30, 2024

NOTE 5 – FAIR VALUE OF INVESTMENTS

Fair Value Measurements

Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. In determining fair value, the Organization uses various methods, including market, income and cost approaches. Based on these approaches, the Organization often utilizes certain assumptions that market participants would use in pricing the asset or liability, including assumptions about risk and/or the risks inherent in the inputs to the valuation technique. These inputs can be readily observable, market corroborated, or generally unobservable inputs. The Organization utilizes valuation techniques that maximize the use of observable inputs and minimize the use of unobservable inputs. Based on the observability of the inputs used in the valuation techniques, the Organization is required to provide the following information according to the fair value hierarchy.

The fair value hierarchy ranks the quality and reliability of the information used to determine fair values. Financial assets and liabilities carried at fair value will be classified and disclosed in one of the following three categories:

> Level 1 – Unadjusted quoted prices in active markets for identical assets or liabilities that the reporting entity has the ability to access at the measurement date. The type of investments included in Level 1 includes listed equities and listed derivatives.
>
> Level 2 – Inputs other than quoted prices within Level 1 that are observable for the asset or liability, either directly or indirectly; and fair value is determined through the use of models or other valuation methodologies. Investments which are generally included in this category include corporate bonds and loans, less liquid and restricted equity securities and certain over-the-counter derivatives.
>
> Level 3 – Inputs are unobservable for the asset or liability and include situations where there is little, if any, market activity for the asset or liability. The inputs into the determination of fair value are based upon the best information in the circumstances and may require significant management judgment or estimation. Investments that are included in this category generally include equity and debt positions in private companies.

In determining the appropriate levels, the Organization performs a detailed analysis of the assets and liabilities that are subject to fair value. At each reporting period, all assets and liabilities for which the fair value measurement is based on significant unobservable inputs are classified as Level 3.

The value of beneficial interests in perpetual trusts and charitable remainder trusts are determined based upon the fair value of the assets held in the trusts as reported by the trustee multiplied by the Organization's percentage interest in the residual value of the trusts. The Organization considers the beneficial interest in the trusts to be a Level 3 measurement within the fair value hierarchy because it requires various assumptions and projections in determining fair value.

Notes to Consolidated Financial Statements

June 30, 2024

NOTE 6 – LONG-TERM DEBT

Long-term debt consisted of the following as of June 30, 2024:

Note payable to Gorham Savings Bank due in monthly installments of $5,806, including interest at 3.00%, through March 2031. Secured by certain building and improvements at 277 Cumberland Avenue, Portland with a net carrying value of approximately $2,045,000.	**$ 423,862**
Less current portion	**57,554**
Long-term portion	**$ 366,308**

Maturities of long-term debt are, as follows:

Years ending June 30,	
2025	**57,554**
2026	**59,329**
2027	**61,159**
2028	**63,028**
2029	**64,989**
Thereafter	**117,803**
	$ 423,862

NOTE 7 – ENDOWMENT FUNDS

The Organization's endowment consists of board-designated endowment funds and donor-restricted endowments funds. As required by GAAP, net assets associated with endowment funds, including funds designated by the Board of Directors to function as endowments are classified and reported based on the existence or absence of donor-imposed restrictions.

Interpretation of Relevant Law

The Organization follows the Uniform Prudent Management of Institutional Funds Act of 2006 (UPMIFA), adopted by the State of Maine in 2009, and its own governing policies for donor-restricted funds and endowment funds. The Board of Directors of the Organization has interpreted UPMIFA as requiring the preservation of the fair value of the original gift as of the gift date of the donor-restricted endowment fund, absent explicit donor stipulations to the contrary. As a result of this interpretation, the Organization classifies as permanently restricted net assets (a) the original value of gifts donated to the permanently donor-restricted endowment (b) the original value of subsequent gifts to the permanent donor-restricted endowment, and (c) accumulations to the permanent donor-restricted endowment made in accordance with the direction of the applicable donor gift instrument at the time the accumulation is added to the fund. The remaining portion of the donor-restricted endowment fund that is not classified in the permanently restricted net assets is classified as temporarily restricted net assets until those amounts are appropriated for expenditure by the Organization in a manner consistent with the standard prudence prescribed by UPMIFA.

Notes to Consolidated Financial Statements

June 30, 2024

NOTE 7 – ENDOWMENT FUNDS – CONTINUED

In accordance with UPMIFA, the Organization considers the following factors in making a determination to appropriate or accumulate donor-restricted endowment funds:

(1) The duration and preservation of the fund
(2) The purposes of the Organization and donor-restricted endowment fund
(3) General economic conditions
(4) The possible effect of inflation and deflation
(5) The expected total return from income and appreciation of investments
(6) Other resources of the Organization
(7) The investment policies of the Organization

Investment Policy

The Organization's investment policy objectives for donor-restricted endowment assets and board-designated reserves are to a) preserve the real purchasing power of the funds, b) pay a reasonable and stable current investment income which increases over time at the rate of inflation, c) provides a mix of invested assets which are consistent with meeting the Organization's future cash needs and d) help assure the Organization's fiscal health. To meet the Organization's objectives, a portion of the investment portfolio shall be dedicated to an equity position in order to produce the long-term appreciation of principal. Another portion shall be committed to fixed income investments in order to provide a steady and consistent level of income. The allocation of holdings should reasonably attempt to reduce overall portfolio volatility. The Organization targets a diversified asset allocation that puts restrictions on the quantity of each type of investment. Time-weighted rate of return measurements will be made quarterly for each fund and for each separately managed asset class therein. Equity performance will use Standard & Poor's 500 Composite Stock Index, including dividends as a guideline, fixed income performance will use Merrill Lynch Government/Corporate Bond Index as a guideline and cash investment performance will use 90-day Treasury Bills as a guideline.

Spending Policy

Subject to the gift instrument and intent of the donor, the Board of Directors shall authorize the finance committee to appropriate for expenditure or accumulate funds as the finance committee determines to be prudent for uses, benefits, purposes and duration from which the investment fund is established. In making the determination to appropriate or accumulate, the finance committee shall act in good faith and with the care that an ordinarily prudent person in a like position would exercise under similar circumstances. It is the responsibility of the finance committee to periodically review the spending from the investment funds against actual returns in order to recommend adjustments as necessary. The Organization's current spending policy allows for a 4% annual distribution of the total market value of the endowment, calculated as the average of the trailing 16 quarters and net of all fees and administrative expenses paid by the endowment. For the year ended June 30, 2024, the Organization had spending draws of $612,846 from board-designated endowment funds and $555,420 from earnings on donor restricted endowment funds, respectively. These amounts are included in the net assets released from restrictions on the statements of activities and changes in net assets.

This is consistent with the Organization's objective to maintain the purchasing power of the endowment assets to be held in perpetuity or for a specified term as well as to provide additional real growth through new gifts and investment return

Notes to Consolidated Financial Statements

June 30, 2024

NOTE 7 – ENDOWMENT FUNDS – CONTINUED

The Organization had the following investment and endowment net asset composition by type of fund as of June 30, 2024:

June 30, 2024	Without Donor Restriction	With Donor Restriction	Total
Board designated endowment funds	$ 7,272,132		$ 7,272,132
Donor-restricted endowment fund			
Original donor-restricted gift amount and amounts required to be maintained in perpetuity by donor		$ 1,606,327	1,606,327
Accumulated investment gains		3,809,490	3,809,490
	$ 7,272,132	$ 5,415,817	$ 12,687,949

From time to time, the fair value of assets associated with individual donor-restricted endowment funds may fall below the level that the donor or UPMIFA requires the Organization to retain as a fund of perpetual duration. There were no such deficiencies as of June 30, 2024.

The following is a summary of donor-restricted endowment funds as of June 30, 2024:

General operating purposes	4,284,578
Scholarships	717,661
Emergency needs	413,578
	$ 5,415,817

Changes in endowments for the year ended 2024 is, as follows:

	Without Donor Restriction	With Donor Restriction	Total
Beginning of year	$ 7,030,009	$ 4,870,397	$ 11,900,406
Investment income, net of fees	854,969	544,149	1,399,118
Change in value of beneficial interest in trusts		11,271	11,271
Distribution of interest in charitable remainder trust		(10,000)	(10,000)
Appropriation for expenditure	(612,846)		(612,846)
End of year	$ 7,272,132	$ 5,415,817	$ 12,687,949

Notes to Consolidated Financial Statements

June 30, 2024

NOTE 8 – NET ASSETS

Net assets with donor restrictions are comprised of the following at June 30, 2024:

Subject to expenditure for specified purpose:		
Expansion projects	$	103,872
Capital campaign		972,383
Various youth programs		424,963
		1,501,218
Subject to expenditure for the passage of time:		
Capital campaign		4,603,777
		4,603,777
Endowments:		
Subject to appropriation and expenditure when a specificed event occurs:		
General operating purposes		962,395
Scholarships		617,000
Emergency needs		26,932
		1,606,327
Subject to endowment spending policy and appropriation:		
General operating purposes		3,809,490
Total endowments		5,415,817
Total net assets with donor restrictions	$	11,520,812

The sources of net assets released from donor restrictions by incurring expenses satisfying the restricted purposes or by occurrence of events specified by the donors were as follows for the year ended June 30:

Satisfaction of purpose restrictions:		
Expansion projects	$	120,581
Capital campaign		783,528
Various youth programs		471,128
		1,375,237
Satisfaction of time restrictions:		
Contributions receivable		111,550
Distribution of charitable remainder trust		10,000
		121,550
Total net assets released from restrictions	$	1,496,787

NOTE 9 – RESTATEMENT OF NET ASSETS

Net assets with donor restrictions decreased by $20,000 at June 30, 2023 due to a duplicate pledge receivable booked in the previous fiscal year. Net assets without donor restrictions increased at June 30, 2023 by $47,345 to record federal grant receivables for expenses incurred in the previous fiscal year.

Notes to Consolidated Financial Statements

June 30, 2024

NOTE 10 – GRANTS

The Organization receives multi-year grants funded by federal sources. The remaining grants at June 30, 2024 totaled $176,092.

NOTE 11 – RETIREMENT CONTRIBUTIONS

The Organization participates in a voluntary pension plan maintained by the Boys and Girls Clubs of America, covering employees meeting certain age and service requirements. Contributions are made to individual accounts maintained for each participant. Benefits under the plan are determined by reference to the individual accounts. Effective December 31, 2021, the Board approved a freeze to the plan. As a result, no employees hired or rehired after December 31, 2021, became a participant or accrued any benefits under the plan. In addition, participants no longer earned additional benefits by rendering future services. No employer contributions to the plan were made after December 31, 2021. There was no pension expense for the year ended June 30, 2024.

Beginning on January 1, 2022, the Organization also sponsors a 401{k) plan for its employees. Employees meeting eligibility requirements can participate in the plan to the extent allowed under Internal Revenue Service rules. The Organization matches employees' contributions based on a percentage of salary contributed by participants, for a maximum of 3% of salary. In addition, the Organization makes a 3% safe harbor contribution. Retirement expense for the year ended June 30, 2024, was $76,036.

NOTE 12 – RELATED PARTY TRANSACTIONS

As an affiliate of Boys and Girls Clubs of America, the Organization is required to follow the standards of practice of the national organization. Dues payments of $12,587 were paid for the year ended June 30, 2024.

NOTE 13 – CONTRIBUTIONS OF NONFINANCIAL ASSETS

For year ended June 30, 2024:

Donation	Revenue Recognized	Utilization in Program	Donor Restrictions	Valuation Techniques
Facilities	$ 302,281	All	None	Donated facilities are valued based on market value of similar properties in the same area.
Transportation	46,759	21st Century	None	Donated transportation is valued based on estimated mileage and fuel expenses.
Auction	48,379	Spring for Kids Auction	None	Donated supplies are valued based on fair market value of similar items.
Total	$ 397,419			

Notes to Consolidated Financial Statements

June 30, 2024

NOTE 14 – DISAGGREGATION OF REVENUE

Revenue Recognized Over Time:		
Rental income	**$**	**275,604**
Club membership dues		**18,012**
School contract income		**248,940**
Pool & facility rental income		**34,288**
Total Contract Revenue Recognized Over Time		**576,844**
Total Revenue from Contracts with Customers	**$**	**576,844**

NOTE 15 – SUBSEQUENT EVENTS

Management has made an evaluation of subsequent events to and including July 17, 2025, which was the date the financial statements were available to be issued and determined that any subsequent events that would require recognition or disclosure have been considered in the preparation of the financial statements.

Wealth Management
100 Middle Street
Portland, ME 04101-3481
Tel 207-771-0870
Toll Free 800-442-6722

Morgan Stanley

December 10, 2025

Boys and Girls Clubs of Southern Maine
Brian Elowe
277 Cumberland Avenue
Portland, ME 04101

Re: Brian Elowe-Boys and Girls Clubs

Dear Mr. Elowe:

Please be advised that you maintain the following brokerage account, the "Account at Morgan Stanley Smith Barney LLC ("Morgan Stanley") which contains assets, including cash and marketable securities, valued, as of the close of business on 12/09/2025, as detailed below:

A/C Number	A/C Title	Account Value
606-XXX044	BOYS & GIRLS CLUBS OF SOUTHERN MAINE	$5,944,438.11

We are presenting the information contained herein pursuant to your request. It is valid as of the date of issuance. Morgan Stanley does not warrant or guarantee that such identified securities, assets or monies will remain in your Account(s). You have the ability to withdraw assets from the Account(s) at any time.

This letter does not create a security interest or convey collateral rights to any party.

Thank you for your time and consideration in this matter.

Sincerely,

Lisa Cooper
Vice President, Risk Officer

cc: : Brian Elowe-Boys and Girls Clubs

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Wealth Management
100 Middle Street
Portland, ME 04101-3481
Tel 207-771-0870
Toll Free 800-442-6722

Morgan Stanley

December 10, 2025

Boys & Girls Clubs of Southern Maine
Brian Elowe
277 Cumberland Avenue
Portland, ME 04101

Re: Brian Elowe-Boys and Girls Club

Dear Mr. Elowe

Please be advised that you maintain the following brokerage accounts at Morgan Stanley Smith Barney LLC ("Morgan Stanley") which contain assets, including cash and marketable securities, valued, as of the close of business on 12/09/2025 as detailed below

A/C Number	A/C Title	Account Value
606-XXX402	Boys & Girls Clubs of Southern Maine	$6,024,126.14
606-XXX382	Boys & Girls Clubs of Southern Maine	$3,132,914.93
606-XXX600	Boys & Girls Clubs of Southern Maine	$2,250,401.89
606-XXX406	Boys & Girls Clubs of Southern Maine	$942,086.08
606-XXX179	Boys & Girls Clubs of Southern Maine	$318,179.09
606-XXX182	Boys & Girls Clubs of Southern Maine	$132,080.15
606-XXX432	Boys & Girls Clubs of Southern Maine	$103,702.05

We are presenting the information contained herein pursuant to your request. It is valid as of the date of issuance. Morgan Stanley does not warrant or guarantee that such identified securities, assets or monies will remain in your Accounts. You have the ability to withdraw assets from the Accounts at any time.

This letter does not create a security interest or convey collateral rights to any party.

Thank you for your time and consideration in this matter.

Sincerely,

Lisa Cooper
Vice President, Risk Officer

cc: Brian Elowe-Boys and Girls Clubs of Southern Maine

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4 - TECHNICAL CAPACITY

The technical ability of the project is demonstrated by the following narrative:

Site Consultant - SMRT Architects and Engineers

SMRT Architects and Engineers is a full-service architecture firm that includes in-house civil engineers and landscape architects for site design and permitting. This staff is organized into a Site Team and has extensive experience in site design and environmental permitting. The engineer of record for this project is Thomas Doyle, P.E, and the landscape architect is Kenneth D. Costello, LA. Resumes are attached.

Thomas Doyle can be contacted at tdoyle@smrtinc.com

Ken Costello can be contacted at kcostello@smrtinc.com

Surveyor – Owen Haskell, Inc.

The project surveyor is Randy Loubier, PLS, of Owen Haskell, LLC. Mr. Loubier is a partner at Owen Haskell, Inc. The firm has operated since 1964 and has vast experience throughout New England.

Randy Loubier can be contacted at rloubier@owenhaskell.com

Geotechnical Consultant – S.W. Cole Engineering, Inc.

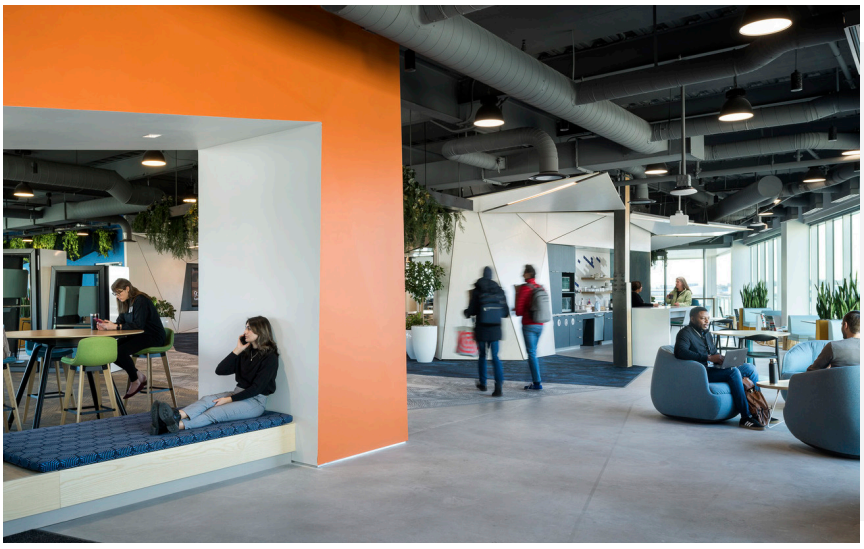
The geotechnical engineer is Evan M. Walker, P.E. Mr. Walker is a Senior Geotechnical Engineer at the firm, manager of their Gray, Maine office, and has been with the firm since 2007.

Evan Walker can be contacted at Evan.Walker@swcole.com

SMRT Architects & Engineers

SMRT is a team of architects, engineers, planners, and professionals committed to solving problems through design and positioning our clients for success. We build lasting relationships and friendships with business partners because we consistently deliver positive results. Our clients come to us with big opportunities, one-of-a-kind challenges, hard deadlines, and limited budgets. This is where we thrive.

Since 1884 when John Calvin Stevens founded the firm, SMRT has been engaged and active throughout the state of Maine. We are involved in the community, and the discourse about the built environment and contribute to the vibrancy of civic life in Portland. Our employees are often invited to participate in city neighborhood development studies, design charrettes, and serve on local boards and community groups. We have a growing team of highly motivated, talented designers ready to engage and partner with clients to solve complex problems.



Our fully integrated, 135-person team provides:

ARCHITECTURE

ENGINEERING

INTERIORS

ENERGY/COMMISSIONING

PLANNING

Tom Doyle PE

LEAD CIVIL ENGINEER

Tom is a lead civil engineer who brings over 25 years of experience with site and utility design and layout, grading plans, erosion control planning, permitting, specification writing, and stormwater management. He has worked for clients across numerous sectors, including education and athletics, workplace, government and civic, health and wellness, life sciences and nutrition, and advanced manufacturing.

EDUCATION

BS, Civil Engineering, University of Maine

REGISTRATIONS

ME, CT, MA, NH, VT

RELEVANT EXPERIENCE

General Dynamics Bath Iron Works Washington Street Redevelopment, Bath, ME
Civil engineer for this campus redevelopment to improve employee quality of life by enhancing parking, reducing traffic congestion, consolidating offsite offices, and upgrading infrastructure. To ease the daily commute and ensure safety, proposed improvements include the construction of a six-story parking garage, the development of two surface-level parking lots, and improvements to the Washington Street roadway.

Mölnlycke Health Care U.S. Expansion, Brunswick, ME
Civil engineer for the design of a 100,000-square-foot facility for a specialty manufacturer focused on medical technology. Program spaces include all phases of the product lifecycle: receiving, inspection, raw material storage, processing, fabrication, quality control, packaging, warehousing, and shipping. The scope also addresses employee wellness, workplace, and amenity spaces.

New Land Port of Entry, Fort Fairfield, ME
Civil engineer for this modernization project that aims to replace the outdated 1933 facility with a $40 million, 26,000-square-foot modern, secure, and sustainable port that meets the operational needs of U.S. Customs and Border Protection while enhancing safety, efficiency, and resilience. SMRT's scope includes stormwater management, civil engineering, permitting, and construction administrative services as a subconsultant to Smith-Miller + Hawkinson Architects.

University of Maine Forest Biomaterials Innovation Center, Orono, ME
Civil engineer for the Forest Biomaterial Innovation Center at the University of Maine—a 7,200-square-foot facility advancing sustainable innovation in forest biomaterials. The project includes flexible industrial space, wet labs, and collaborative areas, with SMRT providing full architectural and engineering services to support the university's vision as a leader in sustainable materials.

Timberline Condo Project, Newry, ME*
Civil engineer for site upgrades at this condo site. Based on the design layout, Tom designed stormwater measures and a model to meet the state's requirements for stormwater quality and flood standards.

Ray Street and Dalton Street Condos, Portland, ME*
Civil engineer who designed layout, grading, and utility plans for city applications, compiled and submitted application materials through the city's online permit portal, and attended neighborhood meetings.

**Project completed under previous employment*

Ken Costello RLA, LEED AP

SENIOR LANDSCAPE ARCHITECT

Ken leads SMRT's site design department and has over 28 years of experience providing landscape architecture services on a wide variety of projects. He has expertise in the design of community and civic spaces, sports and athletic facilities, campus landscape improvements, and master planning. He also has experience providing design and construction administration on numerous projects throughout New England.

EDUCATION

MLA, Landscape Architecture, University of Colorado Denver

BLA, Landscape Architecture, University of Rhode Island

REGISTRATIONS

ME, CT, MA, NH, NY, RI

RELEVANT EXPERIENCE

University of Southern Maine – McGoldrick Center for Career and Student Success, Portland, ME

Senior landscape architect for the design of the McGoldrick Center for Career & Student Success, which serves as a social hub and living room. The building features amenities including a 300-seat dining hall, student lounge, bookstore, café/pub, Career & Employment Hub, and a 4,500-square-foot multipurpose room. The Center is anchored by a one-acre central quad, providing ample space for students to gather and socialize.

University of Southern Maine Portland Commons Residence Hall, Portland, ME

Senior landscape architect for the design of Portland Commons Residence Hall – the university's first on-campus housing facility in Portland, which accommodates nearly 600 students. This eight-story residential hall has 385 units with various room types, common gathering spaces, a shared kitchen, and a semi-private courtyard. The highly sustainable building is the second-largest Passive House university building in the country.

University of New England Harold and Bibby Alfond Center for Health Sciences, Portland, ME

Senior landscape architect for the design of the University of New England's Institute for Inter-Professional Education facility, home to the College of Osteopathic Medicine. This new space will enable the university to expand the College of Osteopathic Medicine's class size to 200 students. With that expansion, a total of 400 students will be occupying the building (first-year and second-year students), as well as up to 180 faculty and staff.

Bangor Region YMCA – New Development, Bangor, ME

Senior landscape architect for this new $45 million, 80,000-square-foot sports and recreation building, centrally located as a hub of activity for the city. The current building is over 130 years old, limiting the services and opportunities available to the organization. The new program will include a natatorium, gymnasium, STEM center, early childcare center, lobby, cafe, playgrounds, and administrative suite.

Thomas College – Sukeforth Family Sports Center, Waterville, ME

Senior landscape architect responsible for the design of a new sports center. The 18,000-square-foot sports center was the first phase of a larger athletic master plan and will include a future gymnasium and fieldhouse. The sports center will provide a public viewing area, athletic department administration and coaches' offices, strength and conditioning space, locker rooms, training facilities, and other athletic support functions.

City of New Britain – Osgood Park, New Britain, CT

Ken was the senior landscape architect and Principal-in-Charge for the master planning, design, and construction administration services for new athletic and recreation improvements to meet the city's recreational needs, including the full reconstruction of the 15-acre park. With construction costs of $10.5 million, the upgrades included a 2,500-square-foot community building, a lighted synthetic field, basketball and hand courts, a playground, a splash pad, a fitness trail, and parking and lighting upgrades.

SMRT

6 - SITE PLAN STANDARDS

LAND USE CODE STANDARDS COMPLIANCE (13.6, Site Plan Review Standards)

The project is classified as a Minor Site plan. The building addition is 6,566 square feet. A pre-application meeting was held with the City on August 6, 2025. Applicability and conformance to Site Plan Review Standards are addressed below.

13.6.1 Transportation Standards

A. *Impact to surrounding street systems*: Not applicable. No changes to vehicle loading and unloading, parking, or vehicular circulation are proposed.

B. *Access and Circulation*:

1. *In general:*

a. No regular vehicle circulation is proposed. The lower level of the proposed addition includes space for automotive repair education and may require occasional vehicle access to garage bays.

b. Not applicable. No new parking or vehicle circulation is proposed.

c. Continuous internal walkways are provided to connect the addition to existing city sidewalks at the main entrance and all egress doors.

d. Not applicable. No public trail is located on or near the parcel.

1e. The existing curb-cut on Cedar Street will be used for new access and egress.

2. *Curbs and Sidewalks:*

a. All existing sidewalks are curbed.

b. All sidewalks and curbs impacted by construction are to be repaired in conformance with applicable City of Portland standards.

c. Not applicable. Existing sidewalks will be maintained.

d. Not applicable. Existing curbing will be maintained.

C. *Public Transit Access*: Not applicable. Metro bus service is available with ¼ mile of the site.

D. *Parking*:

1. Not applicable. No new parking is proposed.

2. Bicycle Parking: Per Article 18, parking for ten bicycles is required (1 per 2,500 SF floor area). Sixteen spaces are provided using Dero bike hitches.

3. Snow Storage: Snow is stored on-site until available area has been filled. Currently, the Owner's snow contractor takes excess snow off-site. This practice is expected to continue.

4. Not applicable. No new parking is proposed.

E. *Transportation Demand Management*: Not applicable. The project does not meet the criteria for a Transportation Demand Management Plan.

13.6.2 Environmental Quality Standards

A. *Preservation of Significant Natural Features*: Not applicable. No significant natural features exist on site.

B. *Site Landscaping and Buffers*:

1. *On-site Landscaping:*

a. Site constraints prevent the planting of shade trees. Shrubs and perennials will be planted on the Cedar Street and Cumberland Avenue sides of the addition. Landscaped areas are shown on drawing LP101.

b. Not applicable. Existing vegetation is limited and must be removed to construct the addition.

c. Not applicable. No street trees are proposed.

2. *Buffers and Screening:*

a. Rooftop equipment will be hidden by architectural screening. No loading and service areas or trash storage areas are proposed.

b. Not applicable. No surface parking areas are proposed.

c. Decorative wire fence will screen the site from the adjacent lot. The fencing will be 8 feet high.

d. Not applicable. No surface parking areas are proposed.

3. *Parking and Vehicle Display Lot Landscaping:* Not applicable. No surface parking areas are proposed.

4. *Non-Vehicular Hardscape:* Site constraints prevent the planting of required shade trees. Concrete walkways will have an approximate initial solar reflective index (SRI) of 0.70 and a 3-year aged SRI of 0.35. as proscribed by LEED: https://www.usgbc.org/leedaddenda/10411. Proposed asphalt pavement will be painted for half-court basketball with a color meeting City SRI standard.

5. *Street Trees:*

a. The site abuts existing City sidewalk without street trees. No new trees are proposed. The sidewalk and Cumberland Avenue crosswalk have heavy pedestrian use. The applicant believes the introduction of street trees at this location would be a hinderance to pedestrian safety.

b. Proposed alternate plantings are shown on drawing LP101.

c. Not applicable. No street trees are proposed for removal.

C. *Water Quality, Stormwater Management, and Erosion Control*: The project will comply with all Water Quality, Stormwater Management, and Erosion Control regulations. Compliance is detailed in the section 11, Stormwater Management Report, and on drawings CE101 and CG101.

13.6.3 Public Infrastructure and Community Safety Standards

A. *Consistency with City master plans:* Not applicable. The project is not within the boundary of any City master plan.

B. *Public safety and fire prevention:*

1. The development shall incorporate appropriate public safety principles for Crime Prevention through Environmental Design (CPTED) into the design to enhance the security of the property.

a. Public spaces will be visible from the building via storefront windows at the main entrance and along Cumberland Avenue and the upper portion of Cedar Street. The outdoor programming space will be visible via overhead doors on the west side of the addition.

b. Access control will be provided by an entry vestibule and control desk at the main entrance, and by perimeter fencing around the outdoor space.

c. The proposed landscaping will provide a coherent design around the addition.

2. The building can be accessed from Cumberland Avenue and Cedat Street. The development does not change existing emergency vehicle access.

C. *Public utilities:* New utility connections are shown on drawing CU101.

1. The project includes new sanitary sewer and storm drain connections to City of Portland facilities. Capacity letters from Portland Water District are included with this application.

2. The project includes new underground electrical service. Service has been coordinated with Central Maine Power.

3. All proposed sanitary sewer line and storm drains will conform to City standards.

4. The proposed sanitary sewer will connect to the existing main within Cedar Street.

5. Not applicable. The property has existing trash containers and scheduled trash pick-up.

13.6.4 Site Design Standards

A. *Massing, ventilation, wind, and heat impact:*

1. The addition is replacing existing structures of similar bulk, height, and location.

2. All HVAC units will be located on the roof of the addition.

3. The roof will be covered by a white damp-proof membrane with a typical SRI of 84.

B. *Shadow:* Not applicable. The proposed addition has a maximum height of 29’-4”.

C. *Snow and ice loading:* The proposed roof is flat and will have roof drains connected to stormwater management facilities.

D. View corridors: The massing, location, and height of the addition will not substantially obstruct public view corridors. The addition is of similar massing to existing structures.

E. *Historic resources:* Not applicable. The site is not within an historic district, nor contains a designated landmark.

F. *Exterior Lighting:* All proposed exterior lighting will be wall-mounted and conform to City standards.

G. *Noise and vibration:* All proposed mechanical equipment will meet state and federal emission requirements and shall be located on the proposed addition roof. All units will have architectural screening.

H. *Signage and wayfinding:* Not applicable. No way-finding signage is proposed.

I. Design Standards: Compliance with design standards is demonstrated and noted in the drawing set.

13.7.1 Waiver requests

The applicant seeks a waiver for noncompliance of Ordinance Section 13.6.2, B. 2. C.

For nonresidential development abutting a residential zone, an evergreen, densely landscaped buffer of not less than 10 feet in depth and six feet tall is required along the side abutting the residential zone. In cases where architectural fencing is used, the depth of the landscaped buffer may be reduced, so long as the fencing is at least six feet in height and a mix of evergreen and deciduous trees spaced no further than 20 feet apart is planted abutting the residential zone.

Given the physical constraints of the site and the existing conditions at the abutting property line, no buffer planting will be possible. As an alternative, the applicant proposes a large-block retaining wall with eight-foot-high decorative fence mounted on top of the wall. The abutting property is at a lower grade than the subject site and currently abuts a building structure at the property line. The retaining wall height will be approximately two- to four-feet with a uniform top. A cut sheet is attached. The fence will be WireWorks Anti-Climb by Ameristar and is detailed on drawing sheet CP502.

The limited area within the property immediately adjacent to the property line will be utilized for stormwater management and will provide a minimum 10-foot-wide buffer between the property line and outdoor activity taking place on-site.

Standard to be Waived: Cite Ordinance or Technical Manual Standard	**Cite Standard Language:** Cite specific language of applicable Ordinance or Technical Manual Standard	**Waiver Being Sought:** Describe waiver being sought. Ex. – We are requesting a two-way parking lot drive aisle width of 20' feet.	**Justification for Waiver:** Address specific waiver criteria, if applicable, and document reasons for the waiver request.
Ordinance Section 13.6.2 B.2.c.	For nonresidential development abutting a residential zone, an evergreen, densely landscaped buffer of not less than 10 feet in depth and six feet tall is required along the side abutting the residential zone.	We are requesting a waiver for the 10-foot deep and 6-feet tall landscape buffer abutting residential zone.	Limited space does not allow for the required plantings. The available space must be used for stormwater management to meet Maine DEP Chapter 500 requirements. The abutting property is at a lower grade and currently meets a building foundation at the property line

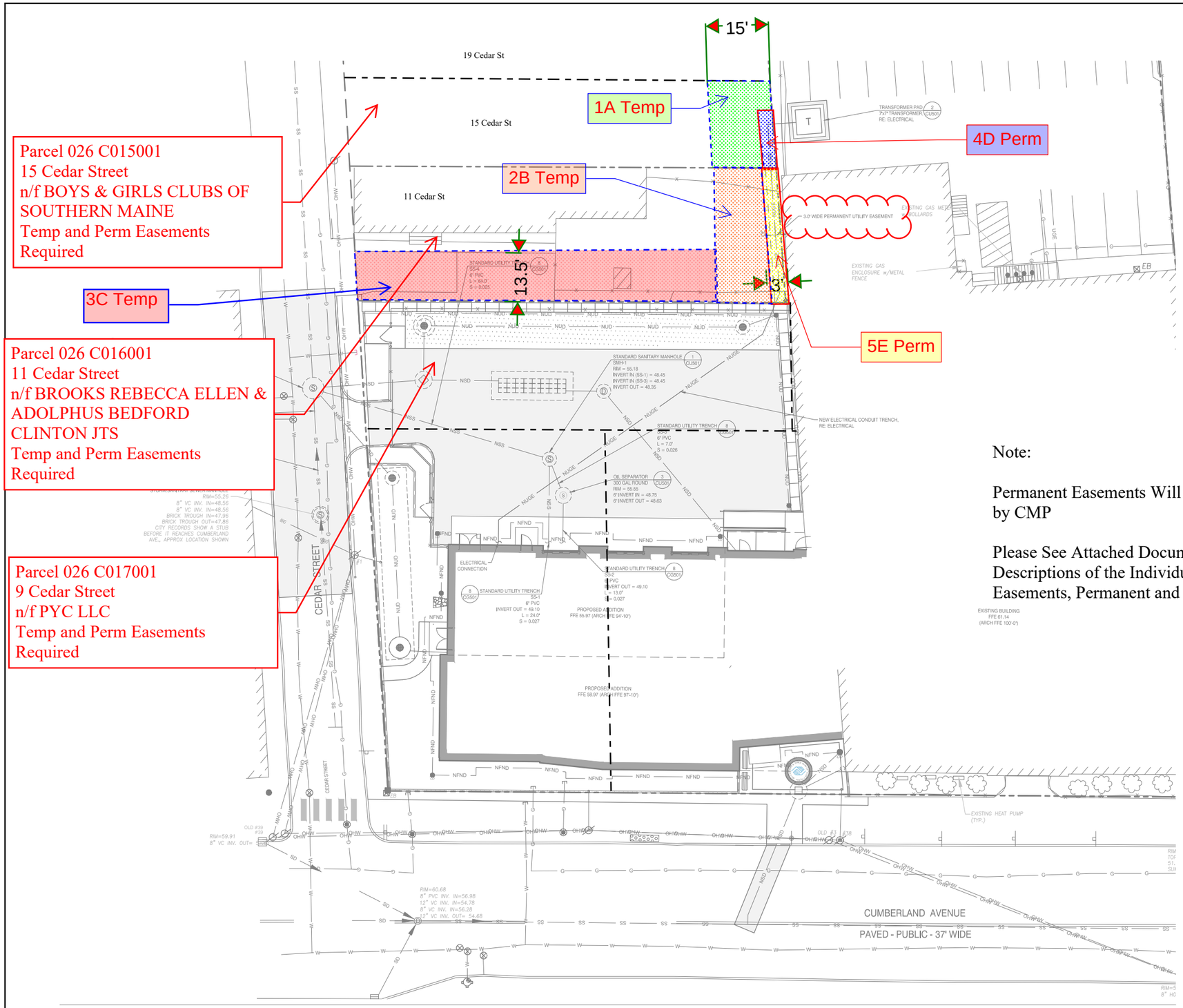
9 – PROPOSED EASEMENT

The existing building electrical service appears to have been upgraded within the past 10 years to an 800A, 208/120V, 3-Phase, 4-Wire electrical service. The service is fed via a pole mounted utility transformer located on Chestnut Street with secondary conductors fed overhead from the utility pole to the existing building. Once in the building, the secondary conductors feed an 800A fused disconnect switch, which feeds an 800A, 208/120V, MLO distribution panel 'MDP'. Based on demand (kW) readings from electric utility bills provided to SMRT by the Boys & Girls Club, the electrical service currently runs at roughly 25% capacity during winter (non-cooling) months and roughly 35% capacity during peak summer (cooling) months. The existing 800A, 208/120V, 3-Phase, 4-Wire electrical service is not sufficiently sized to handle the existing building load, as well as the new addition loads.

A new 1600A, 208/120V, 3-Phase, 4-Wire electrical service will be provided as part of the new addition. A new utility pad-mounted transformer will be located behind the addition, off Cedar St. Three phase power will need to be extended from the intersection of Chestnut St and Cumberland Ave. The installation of underground primary conductors shall be coordinated with Central Maine Power (CMP). New secondary conductors will be routed underground from the pad-mount transformer and stubbed up into a new main electrical room, located on the lower level of the new addition. A new 1600A, 208/120V, 3-Phase switchboard will be provided within the main electric room, which will serve as the new main service entrance for the entire building.

Map 26, Lot 016, 11 Cedar Street, abuts the subject property on the southwest side. The abutter's property line is approximately 12" to 15" from the face of the existing Boys & Girls Club building.

To implement the new electrical service, a new three-foot wide permanent easement has been requested from the abutters for underground electrical conduit. Temporary easements have been requested from the abutters for access to install the conduit. Please see the attached Easement Coordination Plan from contractor Wright Ryan.



Note:

Permanent Easements Will Be Required by CMP

Please See Attached Document for Descriptions of the Individual Required Easements, Permanent and Temporary

BOYS & GIRLS CLUBS OF SOUTHERN MAINE

Wright-Ryan

SMRT

277 Cumberland Ave Addition and Renovation

Proposed Temporary and Permanent Easements

= 1A - Temp Construction Access Easement - 15 Cedar Street

= 2B - Temp Construction Access Easement - 11 Cedar Street

= 3C - Temp Construction Access Easement - 11 Cedar Street

= 4D - Perm Utility Access Easement - 15 Cedar Street

= 5E - Perm Utility Access Easement - 11 Cedar Street

Exhibit A
Easement Coordination Plan 12-29-2025

Introduction

SMRT, Inc. was retained to assist the Boys & Girls Club of Southern Maine (Applicant) with the design and permitting for the construction of an approximately 6,566 square foot (SF) addition to their existing facility located at 277 Cumberland Avenue in Portland, Maine. The project area combines three adjacent lots, Tax Map 26 Lots 8, 17, 18-19. An existing 17,213 SF building and associated access drives, parking areas, utilities, and stormwater facilities make up the current development.

This Stormwater Management Report assesses both pre-development and post-development peak runoff rates and stormwater treatment practices for the project in accordance with the City of Portland's Stormwater Management Standards and Maine Department of Environmental Protection Chapter 500 Stormwater Management requirements.

Methodology

The stormwater runoff analysis has been undertaken using the HydroCAD Stormwater Modeling System software (version 10.20-7a) developed by Applied Microcomputer Systems of Chocorua, New Hampshire. The program is based upon the TR-20 computer program and the TR-55 tabular method, both of which are based on approaches developed by the USDA Soil Conservation Service. The analysis was undertaken for the 2-, 10-, and 25 precipitation frequencies for Cumberland County. Twenty-four-hour design storms with a Type NOAA10 distribution are the basis for the analysis.

All stormwater drainage piping and treatment Best Management Practices (BMPs) have been sized for a 25-year, 24-hour storm. Copies of the pre- and post-development HydroCAD reports are included in Appendices.

24-Hour Rainfall Depths for Brunswick, Maine at Design Storm Frequencies

The NOAA Atlas 14, Volume 10, Version 3 – Precipitation Frequency Data was used to determine the rainfall depths for the design storms.

	2-Year	10-Year	25-Year
Rainfall Depth	3.20	4.90	5.96

Pre-Development Conditions

The Boys & Girls Clubs of Southern Maine acquired properties at 289 Cumberland Avenue and 9 Cedar Street with the intention of expanding their facility. The two lots are adjacent to 277 Cumberland. The project will require the removal of existing buildings on the two acquired lots. The existing Boys & Girls Club building sits on Lot 8. Lot 17 (9 Cedar Street) contains a 9-unit, 1,860 SF multifamily structure built in 1900. Lot 18-19 (289 Cumberland Avenue) holds a 3,120 SF mixed-use residential and commercial building constructed in 1910. None of the buildings are subject to Maine Historic Preservation Commission oversight. Plans to replace the existing residential units are described in a separate Housing Preservation and Replacement application.

A brick sidewalk runs along Cumberland Avenue and Cedar Street but terminates at the building corner on Chestnut Street. The Chestnut Street sidewalk continues as concrete. A striped crosswalk on Cumberland Avenue connects the Clubhouse with the high school. On-street parking is available in front of the Clubhouse. The existing building is served by an 18-space parking lot on Chestnut Street. The two

acquired lots have limited landscaping and share a paved parking lot that covers most of the open space of the combined lots.

The site is generally flat and drains to a series of catch basins, ultimately flowing to combined sewer outfalls on Cedar Street (west), Chestnut Street (east) and Cumberland Avenue (south).

The project is in a combined sewer overflow that discharges to Fore River off Thames Street.

Stormwater peak runoff flow rates from the site for 2-, 10-, and 25-year storm events were analyzed and are summarized in Table 1 in the Stormwater Quantity section of this report. Pre-development HydroCAD calculations and Sheet C-120- Pre-Development Watershed Plan are included with this application.

The site was analyzed at three design points:

- PI-1 at the existing storm drain system which outlets to the southwest of the project site at Cedar Street.
- PI-2 at existing storm drain system which outlets at the east of the project site at Cumberland Avenue.
- PI-3 at the existing storm drain system which outlets at the northwest of the project site along Chestnut Street.

Post-Development Conditions

The proposed project includes the construction of a 6,566 SF addition south of the existing building, asphalt hardscape for outdoor recreation, new and relocated utilities, and stormwater collection and treatment systems.

Stormwater runoff will be collected and treated by one subsurface R-Tank storage system and two filter strips.

Stormwater peak runoff flow rates from the site for 2-, 10-, and 25-year storm events were analyzed at the same design points and are summarized in Table 1 in the Stormwater Quantity section of this report. Post-development HydroCAD calculations and Sheet C-121- Post-Development Watershed Plan are included with this application.

Stormwater Quantity

The project is required to meet City of Portland's stormwater Maine DEP Chapter 500 flooding standard for the 2-, 10-, and 25-year storm events. Stormwater detention is provided by one Ferguson R-Tank underground storage system and two filter strips, one with synthetic turf and one with a dry well for roof runoff.

The BMPs have been sized to attenuate the peak flow rates leaving the site for the 2-, 10-, and 25-events. Table 1 below summarizes the peak flow rates at the analysis points.

Table 1

Analysis Point	Design Storm Event Return Period - Peak Flow (cfs)								
	2-Year			10-Year			25-Year		
	Pre	Post	Δ	Pre	Post	Δ	Pre	Post	Δ
PI-1	0.92	0.91	**-0.01**	1.45	1.40	**-0.05**	1.78	1.70	**-0.08**
PI-2	0.08	0.03	**-0.05**	0.12	0.04	**-0.08**	0.15	0.05	**-0.10**
PI-3	1.63	1.53	**-0.10**	2.53	2.38	**-0.15**	3.09	2.91	**-0.18**

As shown in Table 1, the peak runoff rates for all three PIs are reduced from the pre-development runoff rates for all design storms.

City of Portland Technical Manual, Section 5.2.4

B.1. Stormwater connections into the City's combined sewer system must detain a volume equal to 1 inch of rainfall times the total impervious area within the project's disturbance limits, or the increase in average daily sewer flow. Average daily sewer flow from the proposed addition is 1,404 gallons per day, or 0.002 cfs. Table 1A shows the detention volume requirements and design volumes for 1" of rainfall:

Table 1A

	SF	Detention Depth (ft)	Required Detention Volume (cf)
Total Landscaped Area	3,187	0.083	266
Total Impervious Area	14,154	0.083	1,175
Total Disturbance Volume	**17,341**		**1,441**
			Design Detention Volume
BMP FS-1	416	2 (40% voids)	333
BMP FS-2	1040	2 (40% voids)	832
BMP RT-1			1,501
Total Design Volume			**2,666**

As shown, the design volume of 2,666 cf is more than adequate to detain the required volume.

B.2. Stormwater discharge rates are to be controlled to a maximum flow rate of 0.1 cfs until the on-site detention system reaches design capacity. The design team has interpreted this standard to mean the maximum flow rate between pre-and post-development can be no greater than 0.1 cfs. As shown in Table 1 above, Analysis Points PI-1 and PI-2, which take the flow from the proposed development, are below pre-development levels for all evaluated storms. Analysis Point PI-3 discharge is primarily existing flow, with decreases due to the reconfiguration of the existing building's main entrance.

Stormwater Quality

The project has been designed to meet the City of Portland's Stormwater Management Standards and Maine DEP Chapter 500 Stormwater Management requirements. The required water quality volume is calculated at 1" for impervious area and 0.4" for landscaped areas. See calculation in Table 2.

Table 2

	SF	Treatment Depth (ft)	Water Quality Volume (cf)
Total Landscaped Area	3,187	0.033	105
Total Impervious Area	14,154	0.083	1,175
Total Treatment Required	**17,341**		**1,280**

The proposed BMPs will collect and treat the required Water Quality Volume. See Table 3 below for water quality volume treated by each BMP.

Table 3

BMP	Volume Treated (cf)	Description of Treatment
FS-1	856	Filter Strip w/synthetic turf volume
FS-2	2,080	Filter Strip w/dry well volume
RT-1	104	Sand Filter
Total Treatment Provided	**3,040**	

The required WQV is 1,280 cf and the proposed project provides 3,040 cf; therefore, the WQV requirement is met. The proposed treatment systems and treated areas are designed as follows:

BMP FS-1, Underdrained Soil Filter with synthetic turf surface – To meet the applicant's desire for no vegetation maintenance on-site, the design team modified MaineDEP's Grassed Underdrained Soil Filter. To meet DEP's filter criteria the BMP section consists of:

- Plant-based synthetic turf layer with a permeability of 300 inches per hour
- 6" of dynamic stone with an infiltration rate of 12 inches per hour
- Minimum 24" of loamy coarse sand
- 6 inches of MaineDOT Type B backfill
- 18 inches of MaineDOT Type C backfill
- 6-inch underdrain pipe
- 20 mil impermeable PVC liner to prevent infiltration

Maine DEP was consulted on the feasibility of using synthetic turf and staff felt that based on the material's properties it is suitable. This BMP is designed and located to capture sheet runoff from the outdoor play area. Given the short flow distance and limited potential for pollutant loading and sediment, a forebay was deemed unnecessary. The system has 1.70 feet of freeboard.

BMP FS-2, Underdrained Soil Filter with dry well – To capture and treat roof runoff from approximately 65% of the roof square footage and to optimize roof drain locations, this system has been positioned in the limited open space at the south end of the addition. This BMP consists of:

- Rounded river stone mixed with plantings
- Maximum 52 inches of loamy coarse sand
- 6 inches of MaineDOT Type B backfill
- 14 inches of Type C backfill
- 6-inch underdrain pipe
- 20 mil impermeable PVC liner to prevent infiltration

BMP RT-1, Ferguson R-Tank system – To capture the remaining roof runoff, an underground storage system with a subsurface sand filter for treatment is proposed, to be positioned under the asphalt pavement at the rear of the development. The sand filter meets DEP treatment standards. The vendor has been engaged to finalize the design.

Erosion Control

BMPs such as siltation fence, coir logs, haybale barriers, silt sacks, mulch, and permanent plantings will be used to prevent erosion and downstream migration of sediment during construction. The locations of temporary and permanent erosion and sediment control measures, as well as notes and details are shown in the drawing set.

Inspection and Maintenance

The Applicant will be responsible for maintaining the stormwater BMPs for the project. An Inspection and Maintenance Plan has been included with this application.

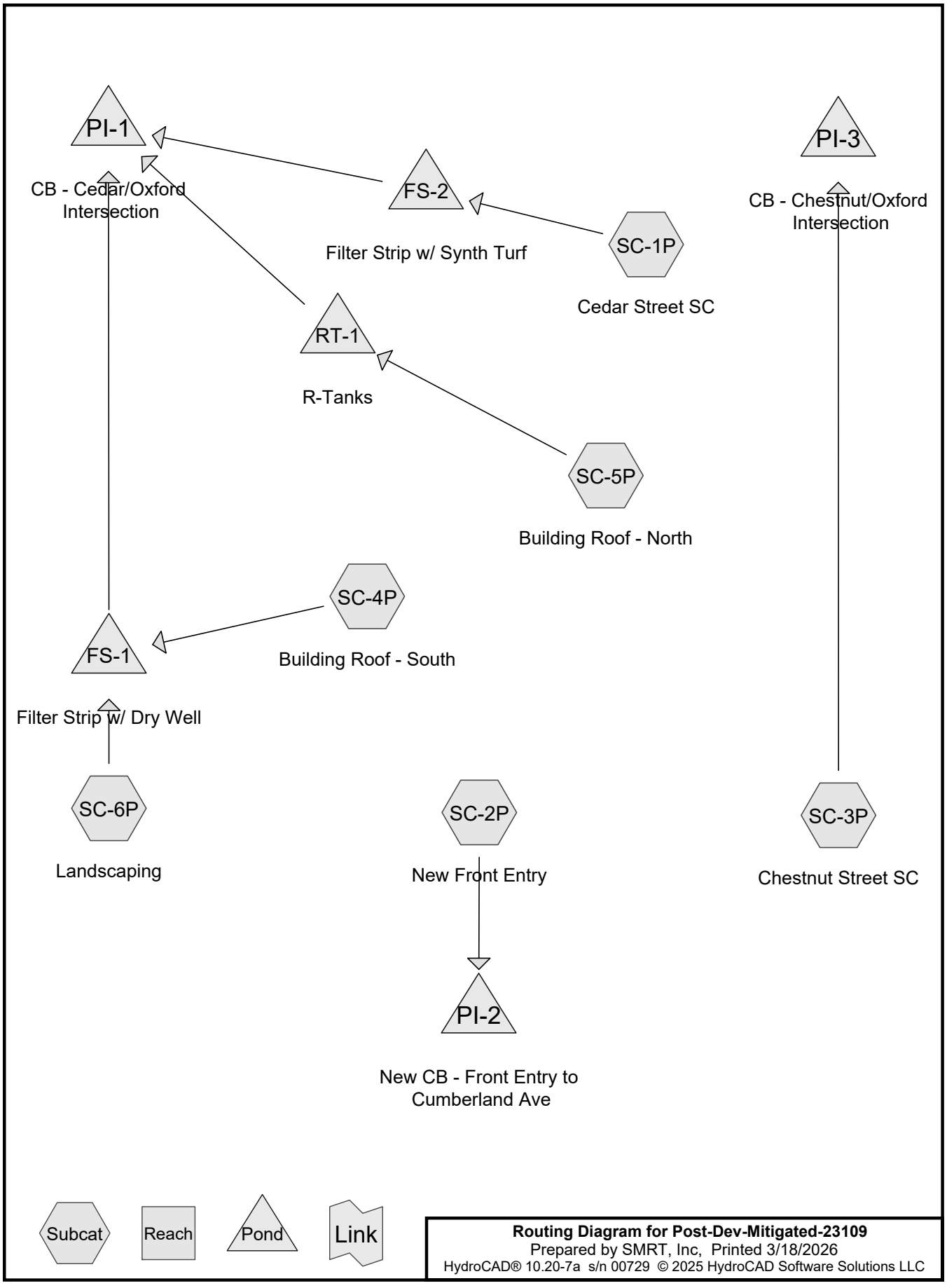
Conclusion

The stormwater management for this project includes multiple stormwater BMP treatment systems to control both quantity and quality of the stormwater runoff. The HydroCAD calculations show that the peak runoff rates at the post-development conditions are less than the peak runoff rates under pre-development conditions for the 2-, 10-, and 25- year storm events at all design points.

Supporting Data and Calculations

The following material has been uploaded to the City of Portland Online Portal along with this narrative:

- Inspection and Maintenance Plan for Stormwater Management Facilities
- Sheet C-120- Pre-Development Watershed Plan
- Sheet C-121- Post-Development Watershed Plan
- Pre-Development HydroCAD Report
- Post-Development HydroCAD Report
- Pollutant Impact Ranking Calculation
- Soils Report by S.W. Cole (6/5/24)



Routing Diagram for Post-Dev-Mitigated-23109
Prepared by SMRT, Inc, Printed 3/18/2026
HydroCAD® 10.20-7a s/n 00729 © 2025 HydroCAD Software Solutions LLC

Project Notes

Rainfall events imported from "NRCS2-Rain.txt" for 1365 ME Cumberland
Rainfall events imported from "NRCS2-Rain.txt" for 1365 ME Cumberland
Rainfall events imported from "Pre-Dev-23109.hcp"
Rainfall events imported from "Pre-Dev-23109.hcp"
Rainfall events imported from "NRCS2-Rain.txt" for 1365 ME Cumberland

Rainfall Events Listing

Event#	Event Name	Storm Type	Curve	Mode	Duration (hours)	B/B	Depth (inches)	AMC
1	1-Year	NOAA10 24-hr	D	Default	24.00	1	2.63	2
2	2-Year	NOAA10 24-hr	D	Default	24.00	1	3.20	2
3	10-Year	NOAA10 24-hr	D	Default	24.00	1	4.90	2
4	25-Year	NOAA10 24-hr	D	Default	24.00	1	5.96	2
5	100-Year	NOAA10 24-hr	D	Default	24.00	1	7.60	2

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
0.013	89	<50% Grass cover, Poor, HSG D (SC-1P, SC-3P)
0.017	80	Landscaping (SC-1P, SC-3P)
0.043	84	Landscaping (SC-6P)
0.267	98	Paved parking, HSG D (SC-1P, SC-3P)
0.528	98	Roofs, HSG D (SC-2P, SC-3P, SC-4P, SC-5P)
0.022	98	Synthetic Turf (SC-1P)
0.035	98	Unconnected pavement, HSG D (SC-1P, SC-2P, SC-3P, SC-6P)
0.927	**97**	**TOTAL AREA**

Soil Listing (all nodes)

Area (acres)	Soil Group	Subcatchment Numbers
0.000	HSG A	
0.000	HSG B	
0.000	HSG C	
0.844	HSG D	SC-1P, SC-2P, SC-3P, SC-4P, SC-5P, SC-6P
0.083	Other	SC-1P, SC-3P, SC-6P
0.927		**TOTAL AREA**

Ground Covers (all nodes)

HSG-A (acres)	HSG-B (acres)	HSG-C (acres)	HSG-D (acres)	Other (acres)	Total (acres)	Ground Cover	Subcatchment Numbers
0.000	0.000	0.000	0.013	0.000	0.013	<50% Grass cover, Poor	SC-1P, SC-3P
0.000	0.000	0.000	0.000	0.061	0.061	Landscaping	SC-1P, SC-3P, SC-6P
0.000	0.000	0.000	0.267	0.000	0.267	Paved parking	SC-1P, SC-3P
0.000	0.000	0.000	0.528	0.000	0.528	Roofs	SC-2P, SC-3P, SC-4P, SC-5P
0.000	0.000	0.000	0.000	0.022	0.022	Synthetic Turf	SC-1P
0.000	0.000	0.000	0.035	0.000	0.035	Unconnected pavement	SC-1P, SC-2P, SC-3P, SC-6P
0.000	**0.000**	**0.000**	**0.844**	**0.083**	**0.927**	**TOTAL AREA**	

Time span=0.00-24.00 hrs, dt=0.08 hrs, 301 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind method - Pond routing by Stor-Ind method

Subcatchment SC-1P: Cedar Street SC Runoff Area=7,707 sf 96.92% Impervious Runoff Depth>2.40"
Tc=5.0 min CN=98 Runoff=0.42 cfs 0.035 af

Subcatchment SC-2P: New Front Entry Runoff Area=426 sf 100.00% Impervious Runoff Depth>2.40"
Tc=5.0 min CN=98 Runoff=0.02 cfs 0.002 af

Subcatchment SC-3P: Chestnut Street SC Runoff Area=23,357 sf 95.47% Impervious Runoff Depth>2.29"
Tc=5.0 min CN=97 Runoff=1.24 cfs 0.102 af

Subcatchment SC-4P: Building Roof - Runoff Area=4,293 sf 100.00% Impervious Runoff Depth>2.40"
Tc=5.0 min CN=98 Runoff=0.23 cfs 0.020 af

Subcatchment SC-5P: Building Roof - Runoff Area=2,273 sf 100.00% Impervious Runoff Depth>2.40"
Tc=5.0 min CN=98 Runoff=0.12 cfs 0.010 af

Subcatchment SC-6P: Landscaping Runoff Area=2,304 sf 17.88% Impervious Runoff Depth>1.28"
Tc=5.0 min UI Adjusted CN=85 Runoff=0.08 cfs 0.006 af

Pond FS-1: Filter Strip w/ Dry Well Peak Elev=52.68' Storage=116 cf Inflow=0.31 cfs 0.025 af
Outflow=0.29 cfs 0.024 af

Pond FS-2: Filter Strip w/ Synth Turf Peak Elev=48.30' Storage=0.008 af Inflow=0.42 cfs 0.035 af
Outflow=0.38 cfs 0.030 af

Pond PI-1: CB - Cedar/Oxford Intersection Inflow=0.73 cfs 0.064 af
Primary=0.73 cfs 0.064 af

Pond PI-2: New CB - Front Entry to Cumberland Ave Inflow=0.02 cfs 0.002 af
Primary=0.02 cfs 0.002 af

Pond PI-3: CB - Chestnut/Oxford Intersection Inflow=1.24 cfs 0.102 af
Primary=1.24 cfs 0.102 af

Pond RT-1: R-Tanks Peak Elev=50.28' Storage=692 cf Inflow=0.12 cfs 0.010 af
Outflow=0.07 cfs 0.010 af

Total Runoff Area = 0.927 ac Runoff Volume = 0.175 af Average Runoff Depth = 2.27"
7.90% Pervious = 0.073 ac 92.10% Impervious = 0.853 ac

Summary for Subcatchment SC-1P: Cedar Street SC

[49] Hint: Tc<2dt may require smaller dt

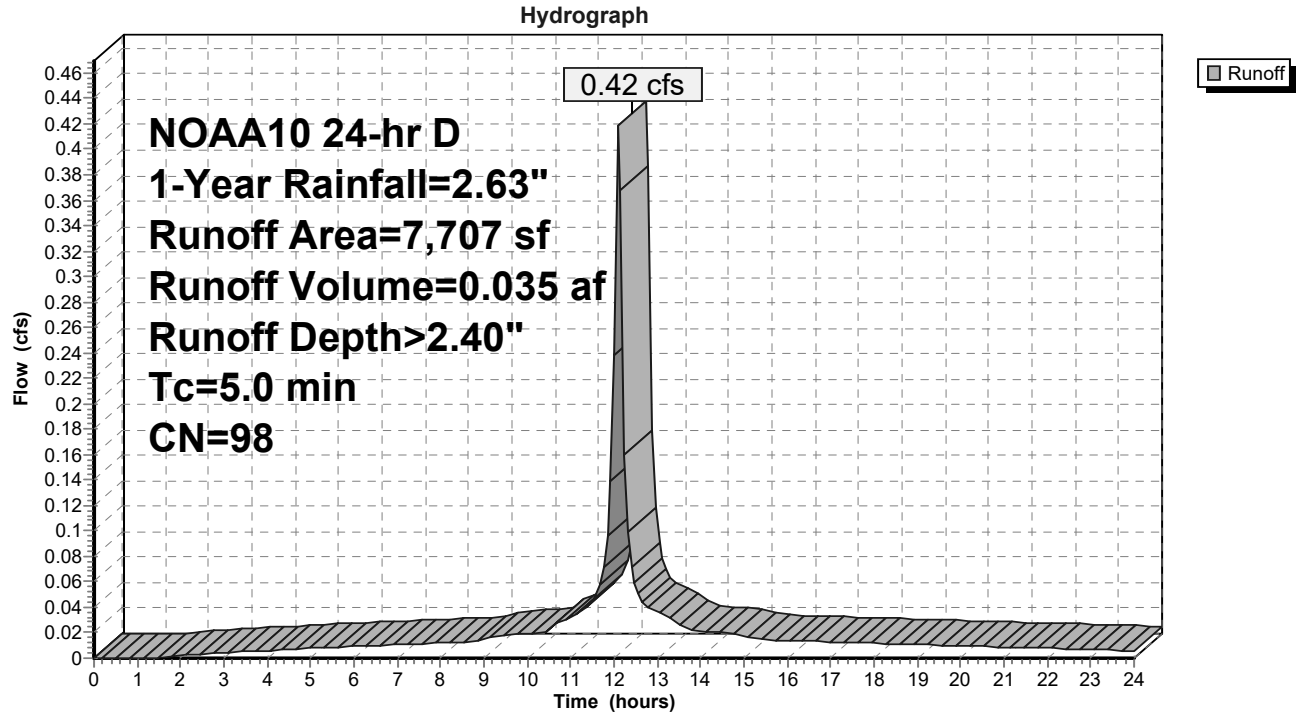
Runoff = 0.42 cfs @ 12.10 hrs, Volume= 0.035 af, Depth> 2.40"
Routed to Pond FS-2 : Filter Strip w/ Synth Turf

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 1-Year Rainfall=2.63"

	Area (sf)	CN	Description
	5,721	98	Paved parking, HSG D
	781	98	Unconnected pavement, HSG D
	46	89	<50% Grass cover, Poor, HSG D
*	191	80	Landscaping
*	968	98	Synthetic Turf
	7,707	98	Weighted Average
	237		3.08% Pervious Area
	7,470		96.92% Impervious Area
	781		10.46% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban Development**

Subcatchment SC-1P: Cedar Street SC



Summary for Subcatchment SC-2P: New Front Entry

[49] Hint: Tc<2dt may require smaller dt

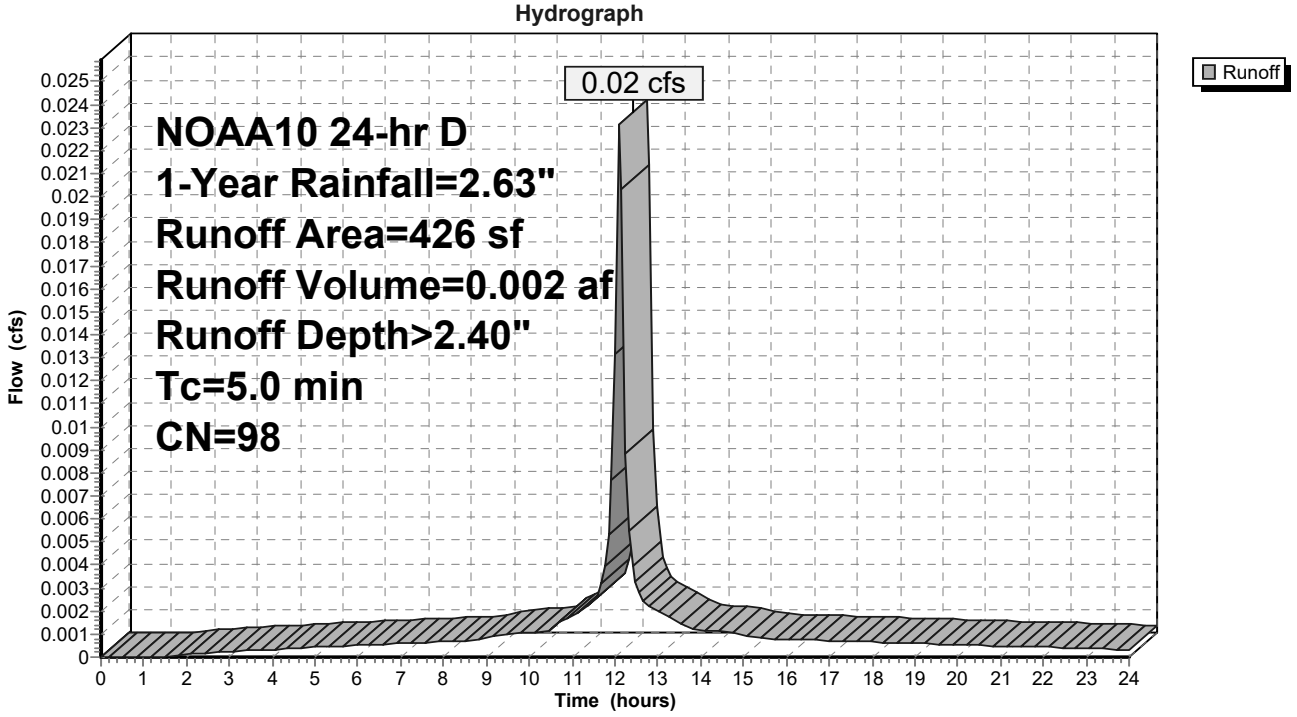
Runoff = 0.02 cfs @ 12.10 hrs, Volume= 0.002 af, Depth> 2.40"
Routed to Pond PI-2 : New CB - Front Entry to Cumberland Ave

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 1-Year Rainfall=2.63"

Area (sf)	CN	Description
232	98	Roofs, HSG D
194	98	Unconnected pavement, HSG D
426	98	Weighted Average
426		100.00% Impervious Area
194		45.54% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Concrete Front Entry**

Subcatchment SC-2P: New Front Entry



Summary for Subcatchment SC-3P: Chestnut Street SC

[49] Hint: Tc<2dt may require smaller dt

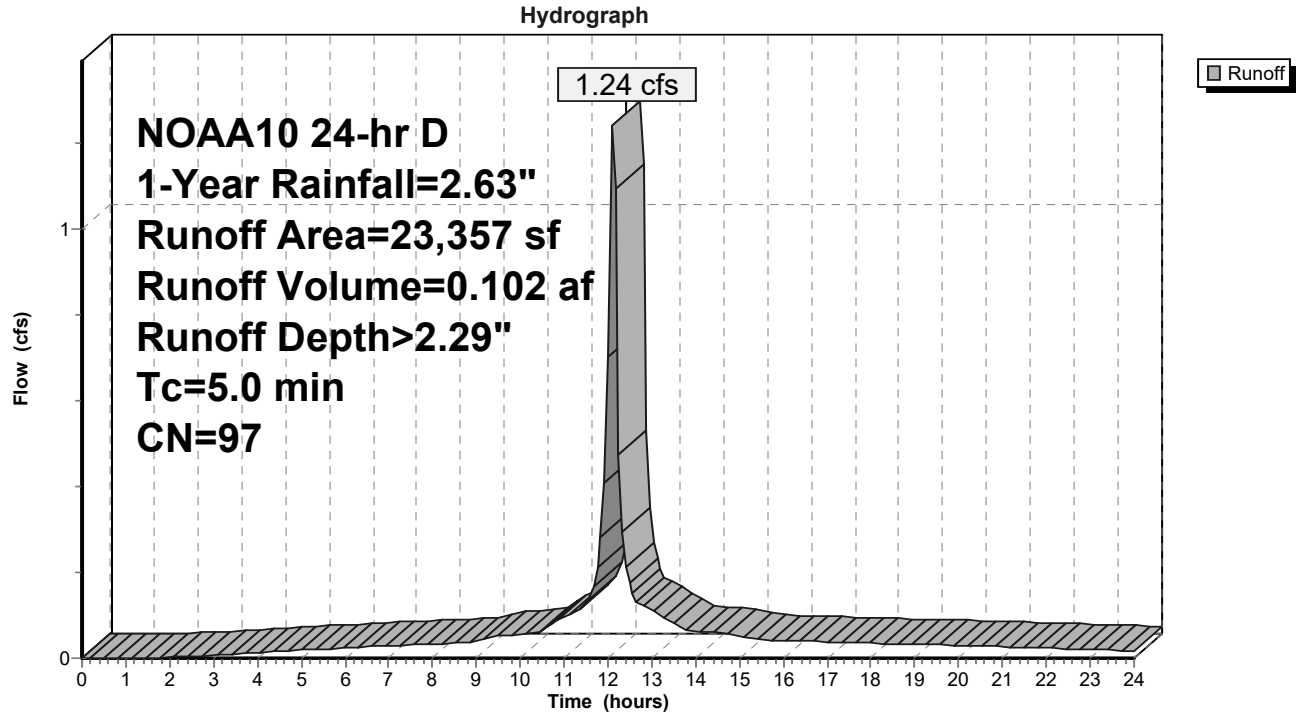
Runoff = 1.24 cfs @ 12.10 hrs, Volume= 0.102 af, Depth> 2.29"
Routed to Pond PI-3 : CB - Chestnut/Oxford Intersection

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 1-Year Rainfall=2.63"

	Area (sf)	CN	Description
	16,220	98	Roofs, HSG D
	5,923	98	Paved parking, HSG D
	155	98	Unconnected pavement, HSG D
	506	89	<50% Grass cover, Poor, HSG D
*	553	80	Landscaping
	23,357	97	Weighted Average
	1,059		4.53% Pervious Area
	22,298		95.47% Impervious Area
	155		0.70% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban Development**

Subcatchment SC-3P: Chestnut Street SC



Summary for Subcatchment SC-4P: Building Roof - South

[49] Hint: Tc<2dt may require smaller dt

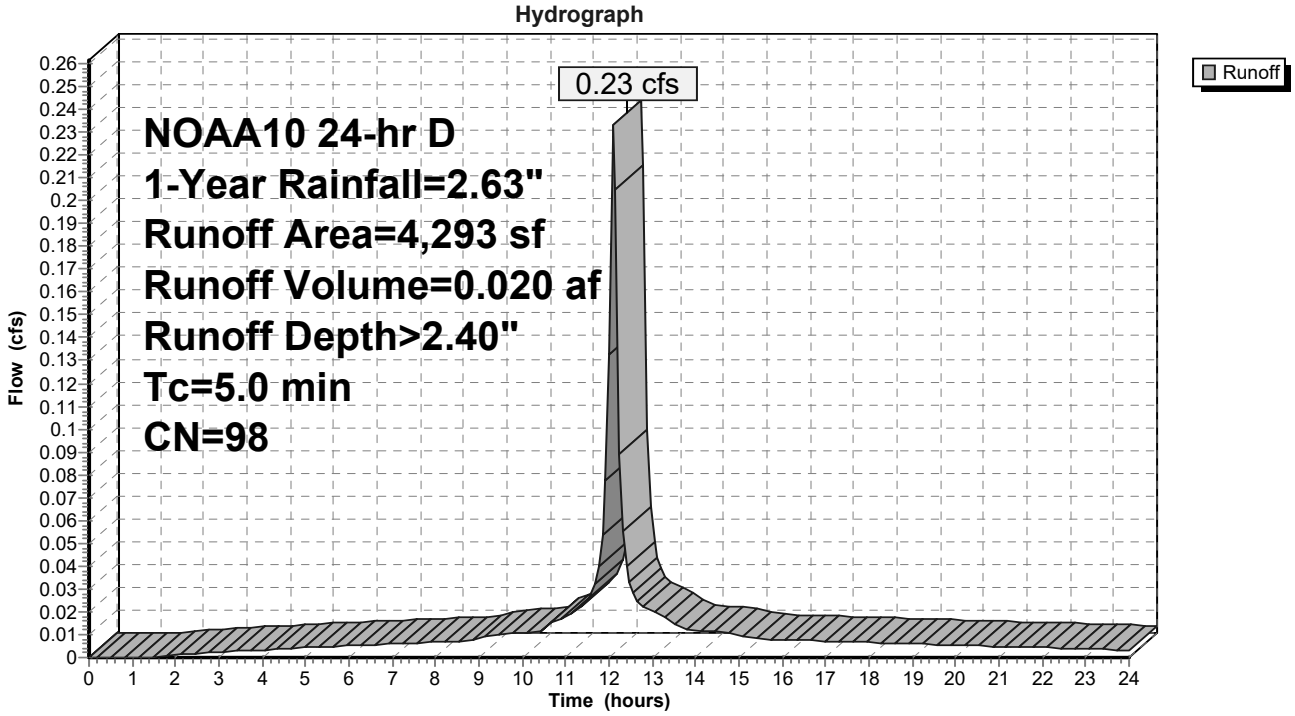
Runoff = 0.23 cfs @ 12.10 hrs, Volume= 0.020 af, Depth> 2.40"
Routed to Pond FS-1 : Filter Strip w/ Dry Well

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 1-Year Rainfall=2.63"

Area (sf)	CN	Description
4,293	98	Roofs, HSG D
4,293		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban Development**

Subcatchment SC-4P: Building Roof - South



Summary for Subcatchment SC-5P: Building Roof - North

[49] Hint: Tc<2dt may require smaller dt

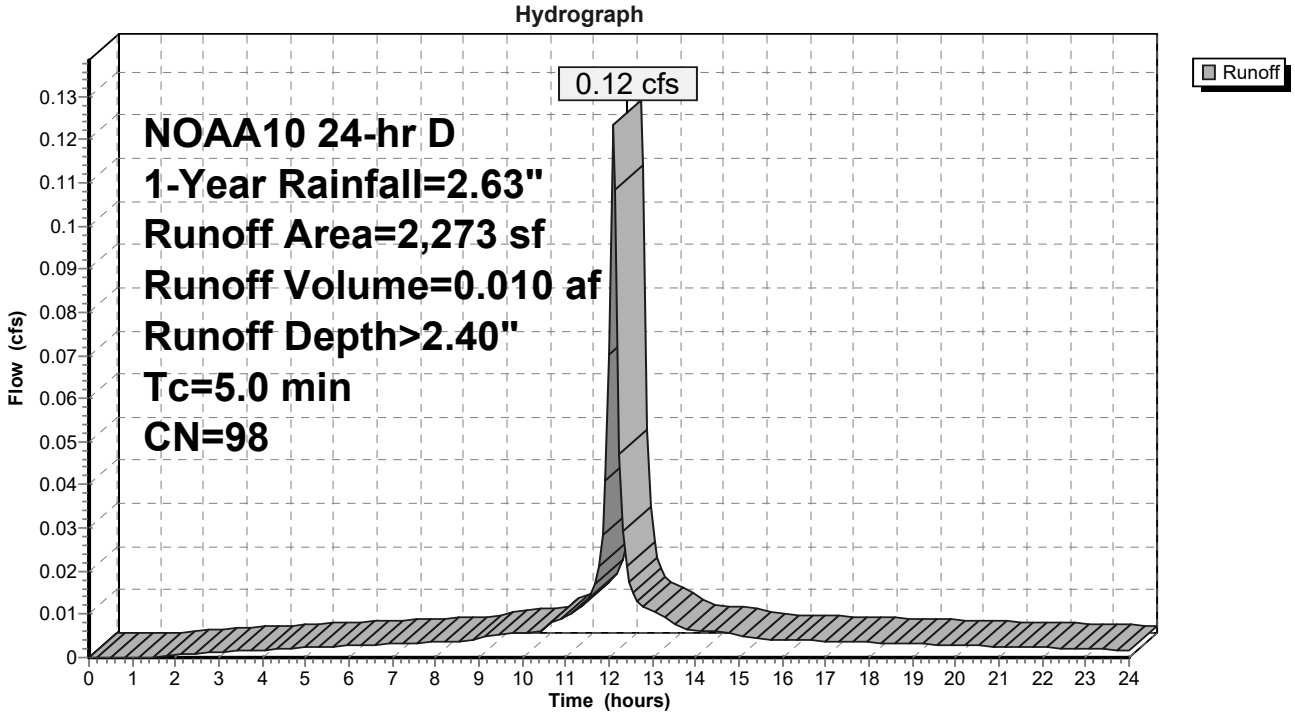
Runoff = 0.12 cfs @ 12.10 hrs, Volume= 0.010 af, Depth> 2.40"
Routed to Pond RT-1 : R-Tanks

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 1-Year Rainfall=2.63"

Area (sf)	CN	Description
2,273	98	Roofs, HSG D
2,273		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban Development**

Subcatchment SC-5P: Building Roof - North



Summary for Subcatchment SC-6P: Landscaping

[49] Hint: Tc<2dt may require smaller dt

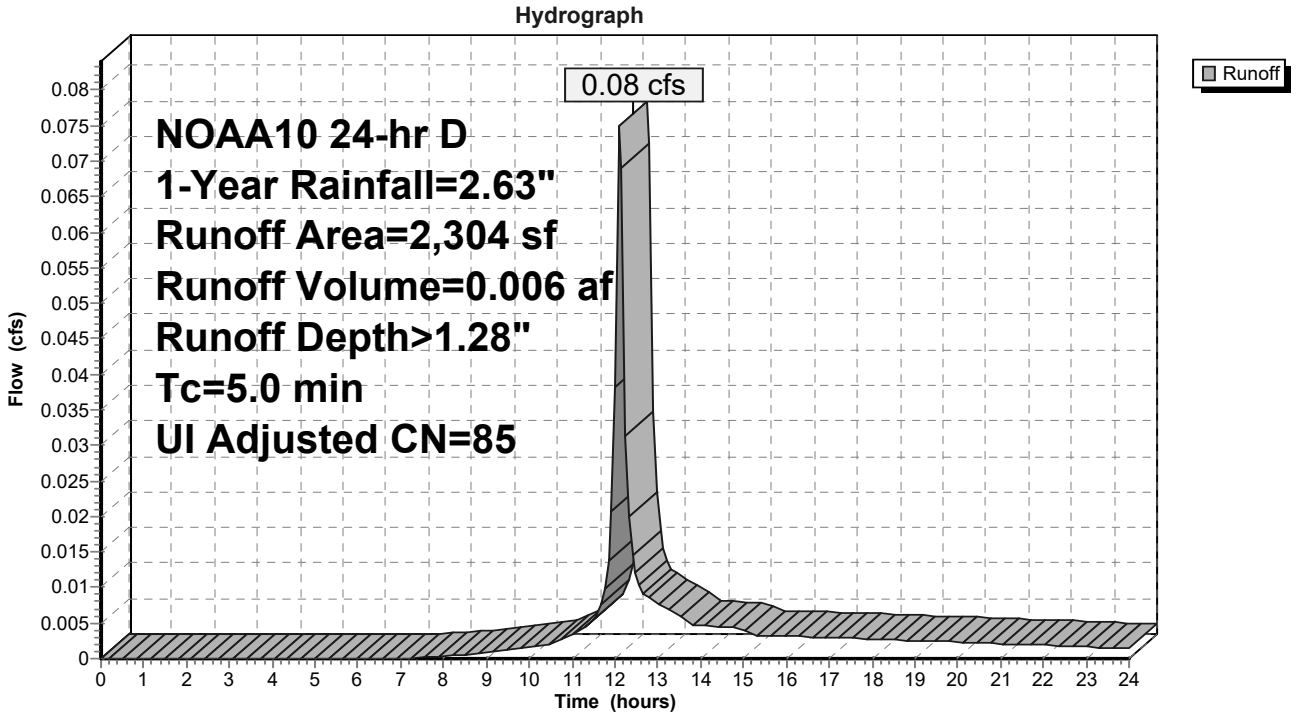
Runoff = 0.08 cfs @ 12.11 hrs, Volume= 0.006 af, Depth> 1.28"
Routed to Pond FS-1 : Filter Strip w/ Dry Well

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 1-Year Rainfall=2.63"

	Area (sf)	CN	Adj	Description
*	1,892	84		Landscaping
	412	98		Unconnected pavement, HSG D
	2,304	87	85	Weighted Average, UI Adjusted
	1,892			82.12% Pervious Area
	412			17.88% Impervious Area
	412			100.00% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban**

Subcatchment SC-6P: Landscaping



Summary for Pond FS-1: Filter Strip w/ Dry Well

Inflow Area = 0.151 ac, 71.32% Impervious, Inflow Depth > 2.01" for 1-Year event
Inflow = 0.31 cfs @ 12.11 hrs, Volume= 0.025 af
Outflow = 0.29 cfs @ 12.15 hrs, Volume= 0.024 af, Atten= 6%, Lag= 2.5 min
Primary = 0.29 cfs @ 12.15 hrs, Volume= 0.024 af
Routed to Pond PI-1 : CB - Cedar/Oxford Intersection

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
Peak Elev= 52.68' @ 12.15 hrs Surf.Area= 428 sf Storage= 116 cf

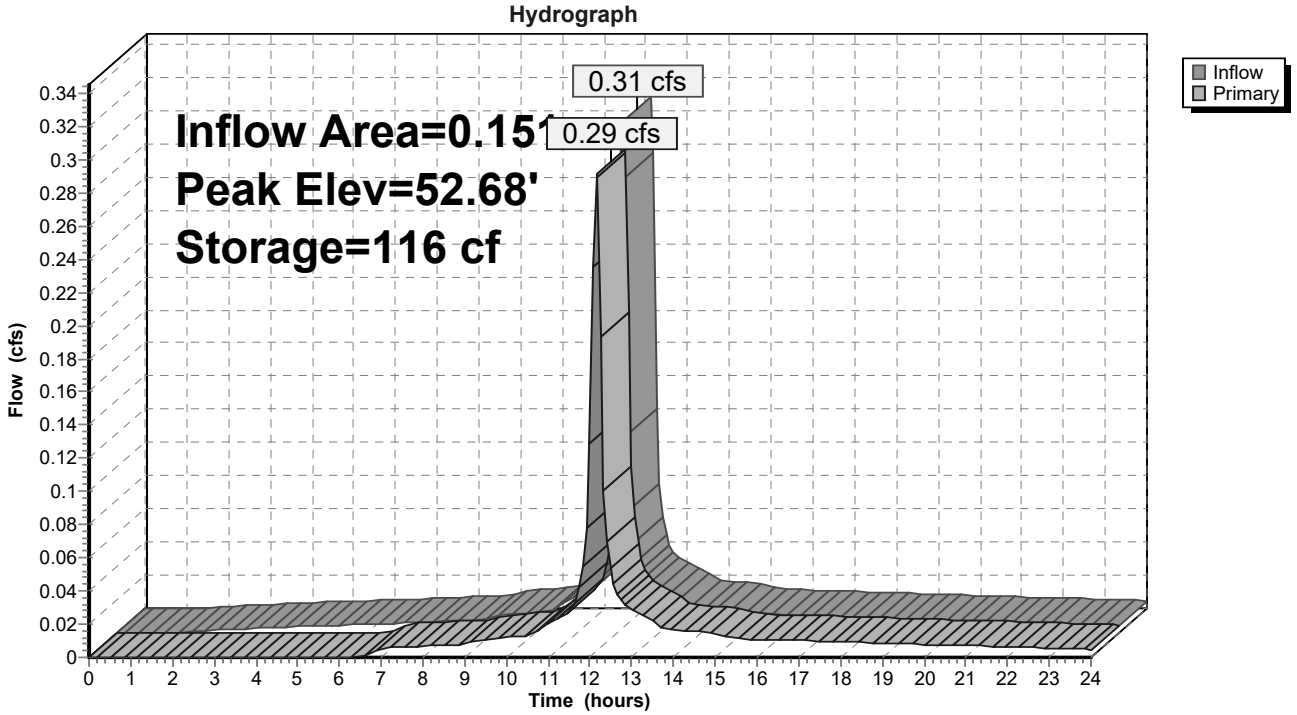
Plug-Flow detention time= 67.6 min calculated for 0.024 af (94% of inflow)
Center-of-Mass det. time= 34.8 min (822.0 - 787.2)

Volume	Invert	Avail.Storage	Storage Description
#1	52.00'	342 cf	**8.00'W x 53.50'L x 2.00'H Prismatoid** 856 cf Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Primary	52.33'	**6.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.28 cfs @ 12.15 hrs HW=52.67' (Free Discharge)
1=Orifice/Grate (Orifice Controls 0.28 cfs @ 1.98 fps)

Pond FS-1: Filter Strip w/ Dry Well



Summary for Pond FS-2: Filter Strip w/ Synth Turf

Inflow Area = 0.177 ac, 96.92% Impervious, Inflow Depth > 2.40" for 1-Year event
Inflow = 0.42 cfs @ 12.10 hrs, Volume= 0.035 af
Outflow = 0.38 cfs @ 12.16 hrs, Volume= 0.030 af, Atten= 11%, Lag= 3.2 min
Primary = 0.38 cfs @ 12.16 hrs, Volume= 0.030 af
Routed to Pond PI-1 : CB - Cedar/Oxford Intersection

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
Peak Elev= 48.30' @ 12.16 hrs Surf.Area= 0.024 ac Storage= 0.008 af

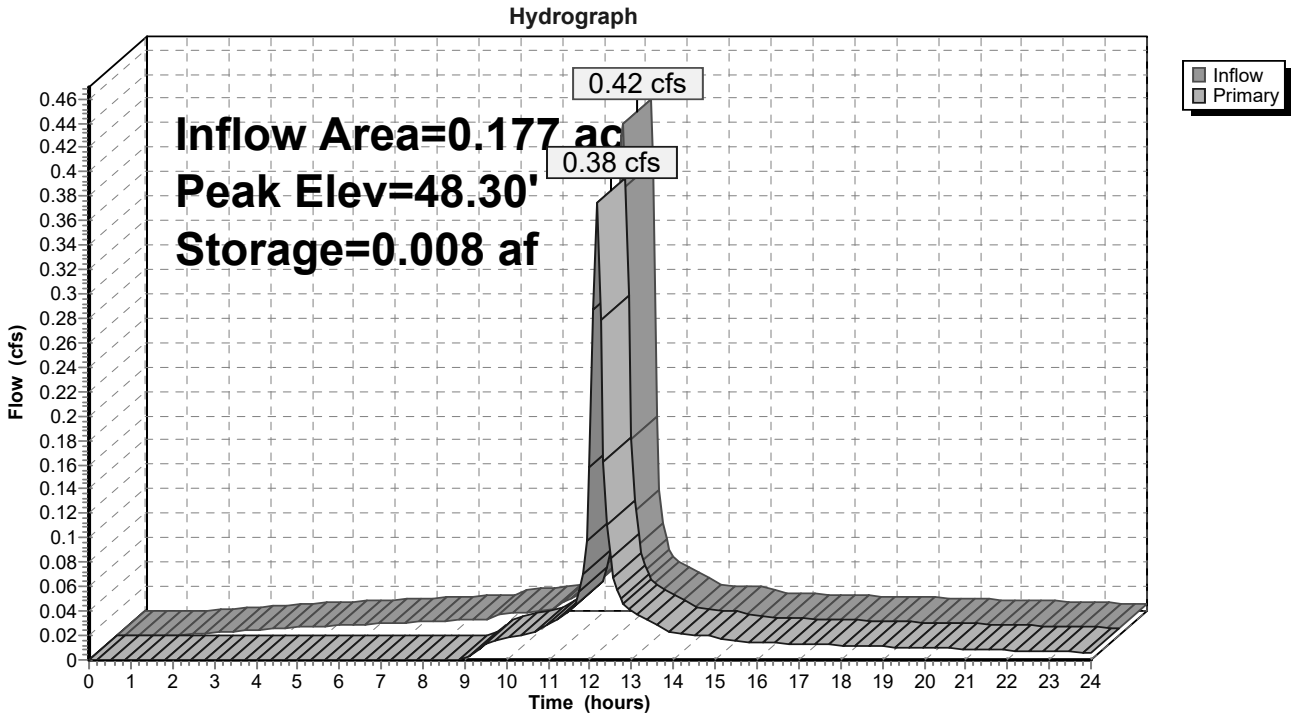
Plug-Flow detention time= 146.7 min calculated for 0.030 af (85% of inflow)
Center-of-Mass det. time= 72.5 min (837.3 - 764.8)

Volume	Invert	Avail.Storage	Storage Description
#1	47.50'	0.019 af	**10.00'W x 104.00'L x 2.00'H Prismatoid** 0.048 af Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Primary	48.00'	**12.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.37 cfs @ 12.16 hrs HW=48.30' (Free Discharge)
└**1=Orifice/Grate** (Orifice Controls 0.37 cfs @ 1.87 fps)

Pond FS-2: Filter Strip w/ Synth Turf



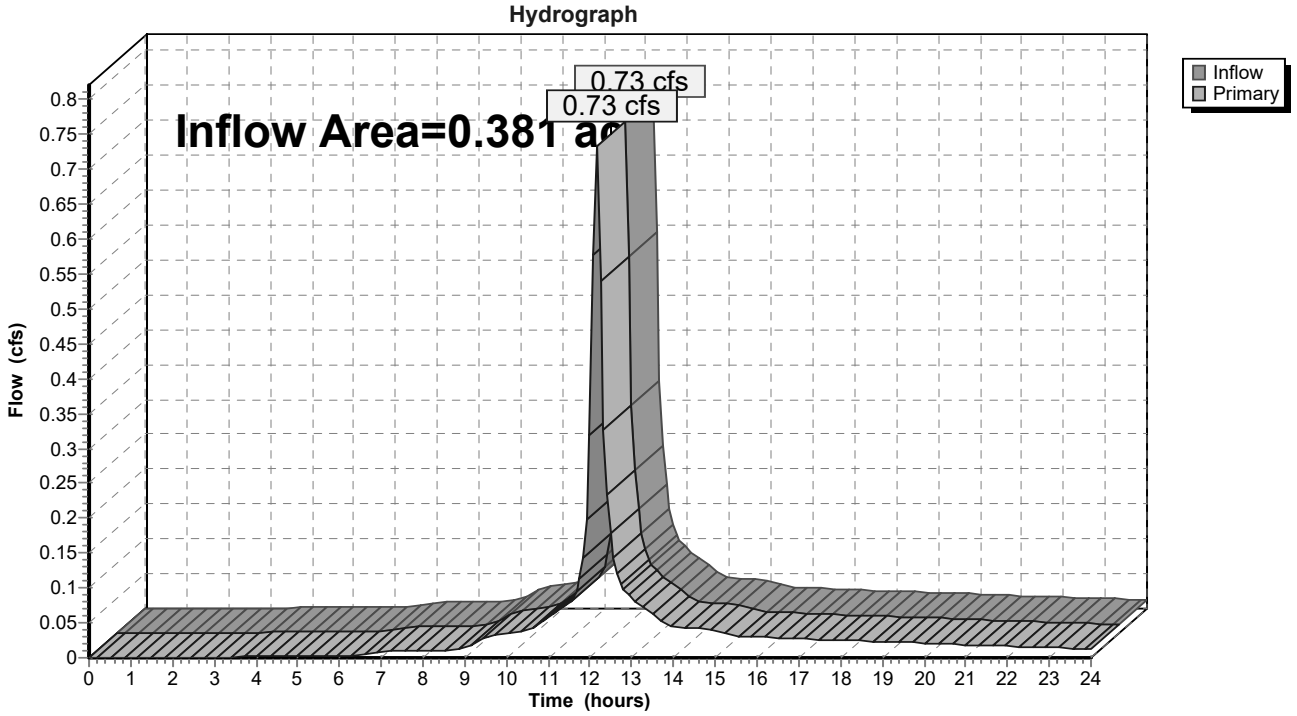
Summary for Pond PI-1: CB - Cedar/Oxford Intersection

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.381 ac, 87.16% Impervious, Inflow Depth > 2.03" for 1-Year event
Inflow = 0.73 cfs @ 12.16 hrs, Volume= 0.064 af
Primary = 0.73 cfs @ 12.16 hrs, Volume= 0.064 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs

Pond PI-1: CB - Cedar/Oxford Intersection



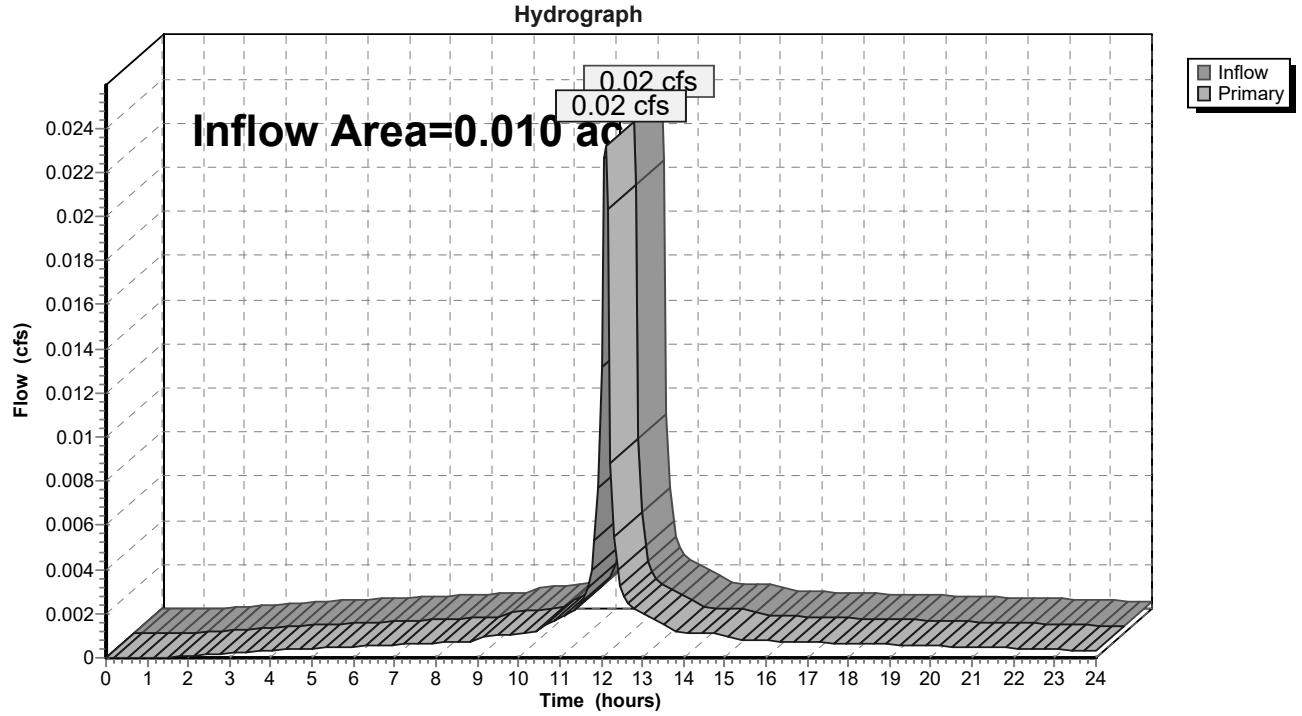
Summary for Pond PI-2: New CB - Front Entry to Cumberland Ave

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.010 ac,100.00% Impervious, Inflow Depth > 2.40" for 1-Year event
Inflow = 0.02 cfs @ 12.10 hrs, Volume= 0.002 af
Primary = 0.02 cfs @ 12.10 hrs, Volume= 0.002 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs

Pond PI-2: New CB - Front Entry to Cumberland Ave



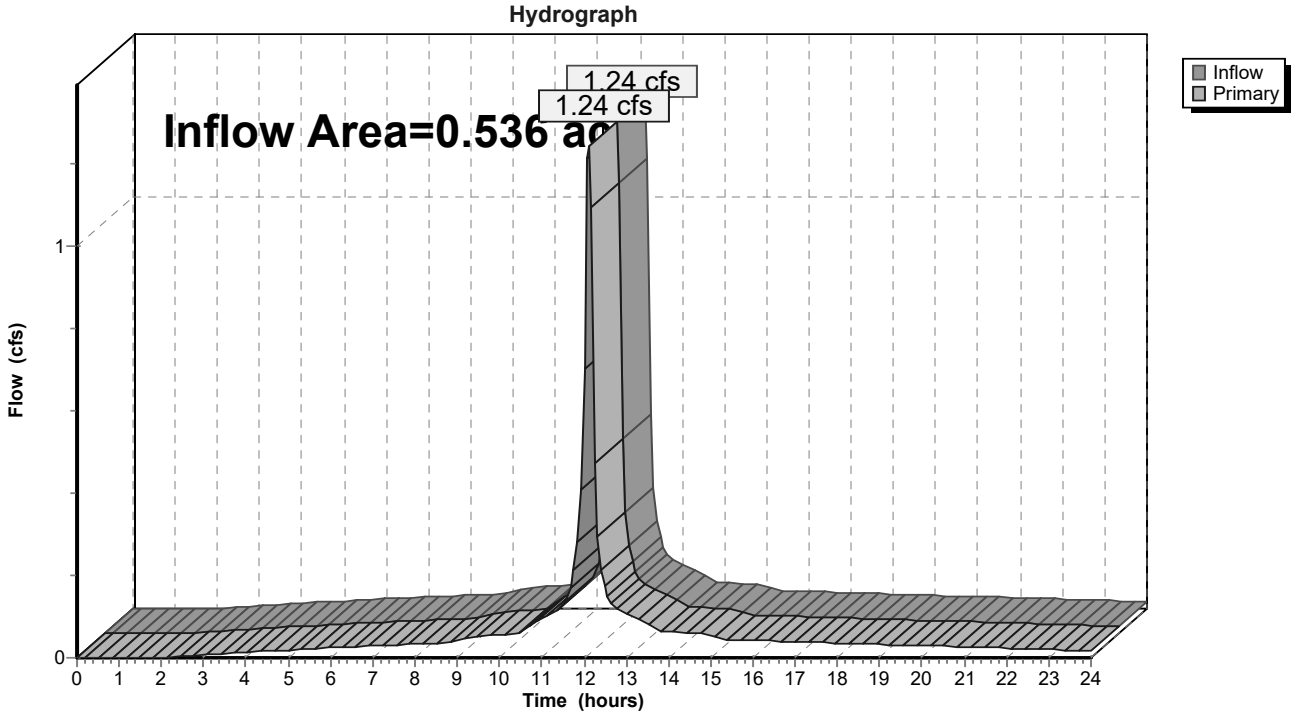
Summary for Pond PI-3: CB - Chestnut/Oxford Intersection

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.536 ac, 95.47% Impervious, Inflow Depth > 2.29" for 1-Year event
Inflow = 1.24 cfs @ 12.10 hrs, Volume= 0.102 af
Primary = 1.24 cfs @ 12.10 hrs, Volume= 0.102 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs

Pond PI-3: CB - Chestnut/Oxford Intersection



Summary for Pond RT-1: R-Tanks

Inflow Area = 0.052 ac,100.00% Impervious, Inflow Depth > 2.40" for 1-Year event
Inflow = 0.12 cfs @ 12.10 hrs, Volume= 0.010 af
Outflow = 0.07 cfs @ 12.22 hrs, Volume= 0.010 af, Atten= 44%, Lag= 6.9 min
Primary = 0.07 cfs @ 12.22 hrs, Volume= 0.010 af
Routed to Pond PI-1 : CB - Cedar/Oxford Intersection

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
Starting Elev= 50.10' Surf.Area= 468 sf Storage= 627 cf
Peak Elev= 50.28' @ 12.22 hrs Surf.Area= 468 sf Storage= 692 cf (65 cf above start)

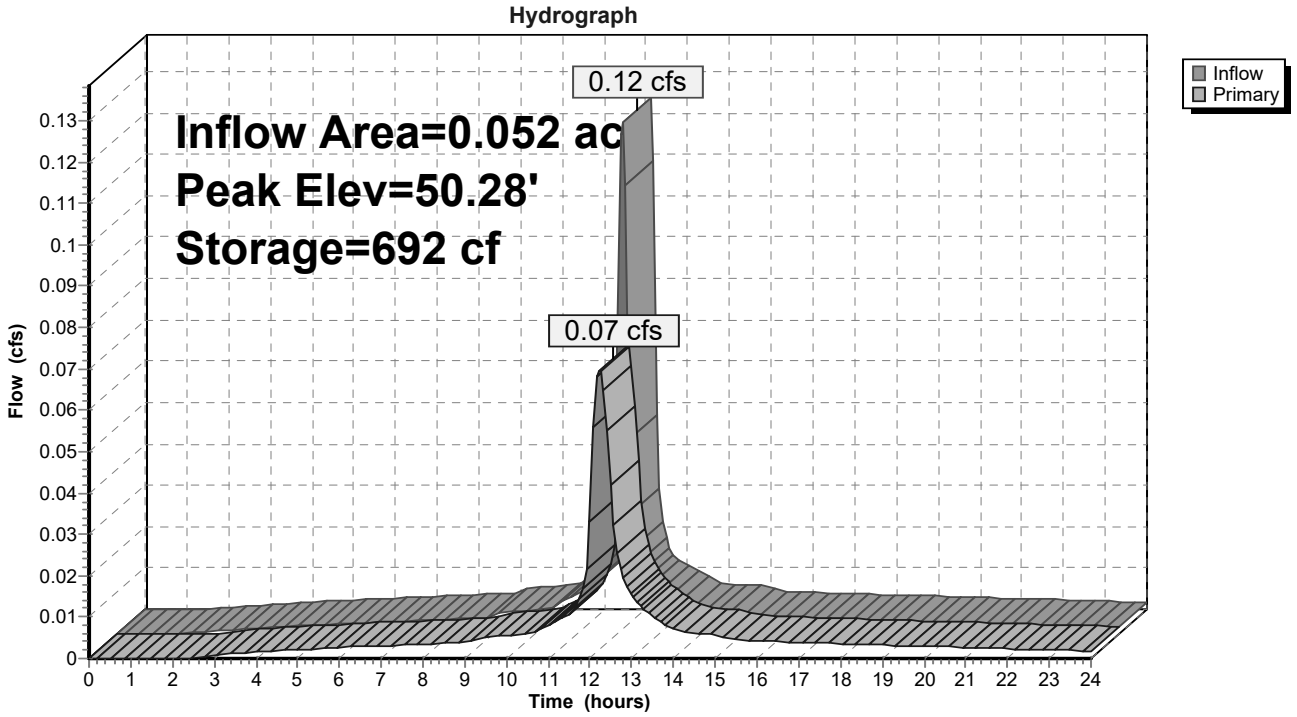
Plug-Flow detention time= (not calculated: initial storage exceeds outflow)
Center-of-Mass det. time= 16.5 min (781.3 - 764.8)

Volume	Invert	Avail.Storage	Storage Description
#1	49.70'	825 cf	**Ferguson R-Tank HD 2** x 100 Inside #2 Inside= 15.7"W x 33.9"H => 3.52 sf x 2.35'L = 8.3 cf Outside= 15.7"W x 33.9"H => 3.70 sf x 2.35'L = 8.7 cf 100 Chambers in 10 Rows
#2	47.11'	898 cf	**17.00'W x 27.50'L x 6.66'H Prismatoid** 3,114 cf Overall - 869 cf Embedded = 2,245 cf x 40.0% Voids
		1,723 cf	Total Available Storage

Device	Routing	Invert	Outlet Devices
#1	Primary	50.10'	**12.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#2	Device 1	49.50'	**2.5" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.07 cfs @ 12.22 hrs HW=50.28' (Free Discharge)
↑—**1=Orifice/Grate** (Passes 0.07 cfs of 0.14 cfs potential flow)
↑—**2=Orifice/Grate** (Orifice Controls 0.07 cfs @ 2.03 fps)

Pond RT-1: R-Tanks



Time span=0.00-24.00 hrs, dt=0.08 hrs, 301 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind method - Pond routing by Stor-Ind method

Subcatchment SC-1P: Cedar Street SC Runoff Area=7,707 sf 96.92% Impervious Runoff Depth>2.97"
Tc=5.0 min CN=98 Runoff=0.51 cfs 0.044 af

Subcatchment SC-2P: New Front Entry Runoff Area=426 sf 100.00% Impervious Runoff Depth>2.97"
Tc=5.0 min CN=98 Runoff=0.03 cfs 0.002 af

Subcatchment SC-3P: Chestnut Street SC Runoff Area=23,357 sf 95.47% Impervious Runoff Depth>2.86"
Tc=5.0 min CN=97 Runoff=1.53 cfs 0.128 af

Subcatchment SC-4P: Building Roof - Runoff Area=4,293 sf 100.00% Impervious Runoff Depth>2.97"
Tc=5.0 min CN=98 Runoff=0.29 cfs 0.024 af

Subcatchment SC-5P: Building Roof - Runoff Area=2,273 sf 100.00% Impervious Runoff Depth>2.97"
Tc=5.0 min CN=98 Runoff=0.15 cfs 0.013 af

Subcatchment SC-6P: Landscaping Runoff Area=2,304 sf 17.88% Impervious Runoff Depth>1.76"
Tc=5.0 min UI Adjusted CN=85 Runoff=0.10 cfs 0.008 af

Pond FS-1: Filter Strip w/ Dry Well Peak Elev=52.73' Storage=126 cf Inflow=0.39 cfs 0.032 af
Outflow=0.37 cfs 0.031 af

Pond FS-2: Filter Strip w/ Synth Turf Peak Elev=48.34' Storage=0.008 af Inflow=0.51 cfs 0.044 af
Outflow=0.47 cfs 0.039 af

Pond PI-1: CB - Cedar/Oxford Intersection Inflow=0.91 cfs 0.082 af
Primary=0.91 cfs 0.082 af

Pond PI-2: New CB - Front Entry to Cumberland Ave Inflow=0.03 cfs 0.002 af
Primary=0.03 cfs 0.002 af

Pond PI-3: CB - Chestnut/Oxford Intersection Inflow=1.53 cfs 0.128 af
Primary=1.53 cfs 0.128 af

Pond RT-1: R-Tanks Peak Elev=50.33' Storage=708 cf Inflow=0.15 cfs 0.013 af
Outflow=0.08 cfs 0.013 af

Total Runoff Area = 0.927 ac Runoff Volume = 0.219 af Average Runoff Depth = 2.83"
7.90% Pervious = 0.073 ac 92.10% Impervious = 0.853 ac

Summary for Subcatchment SC-1P: Cedar Street SC

[49] Hint: Tc<2dt may require smaller dt

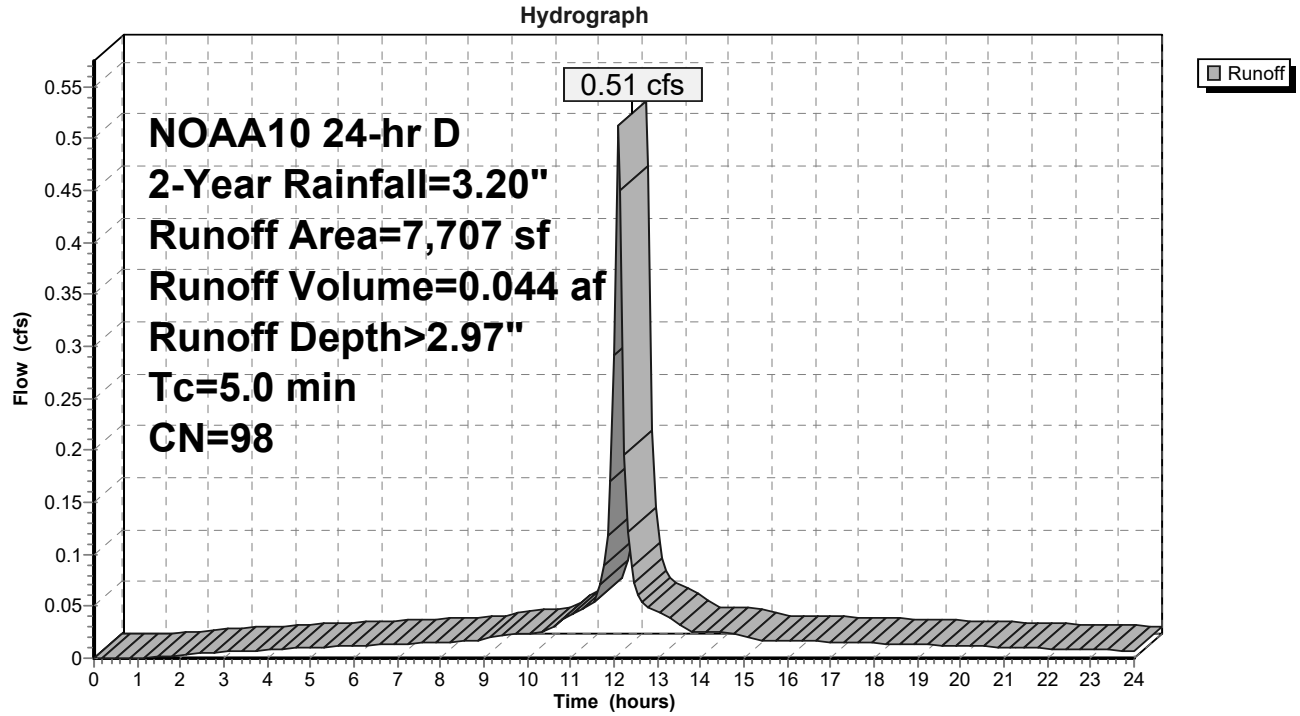
Runoff = 0.51 cfs @ 12.10 hrs, Volume= 0.044 af, Depth> 2.97"
Routed to Pond FS-2 : Filter Strip w/ Synth Turf

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 2-Year Rainfall=3.20"

	Area (sf)	CN	Description
	5,721	98	Paved parking, HSG D
	781	98	Unconnected pavement, HSG D
	46	89	<50% Grass cover, Poor, HSG D
*	191	80	Landscaping
*	968	98	Synthetic Turf
	7,707	98	Weighted Average
	237		3.08% Pervious Area
	7,470		96.92% Impervious Area
	781		10.46% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban Development**

Subcatchment SC-1P: Cedar Street SC



Summary for Subcatchment SC-2P: New Front Entry

[49] Hint: Tc<2dt may require smaller dt

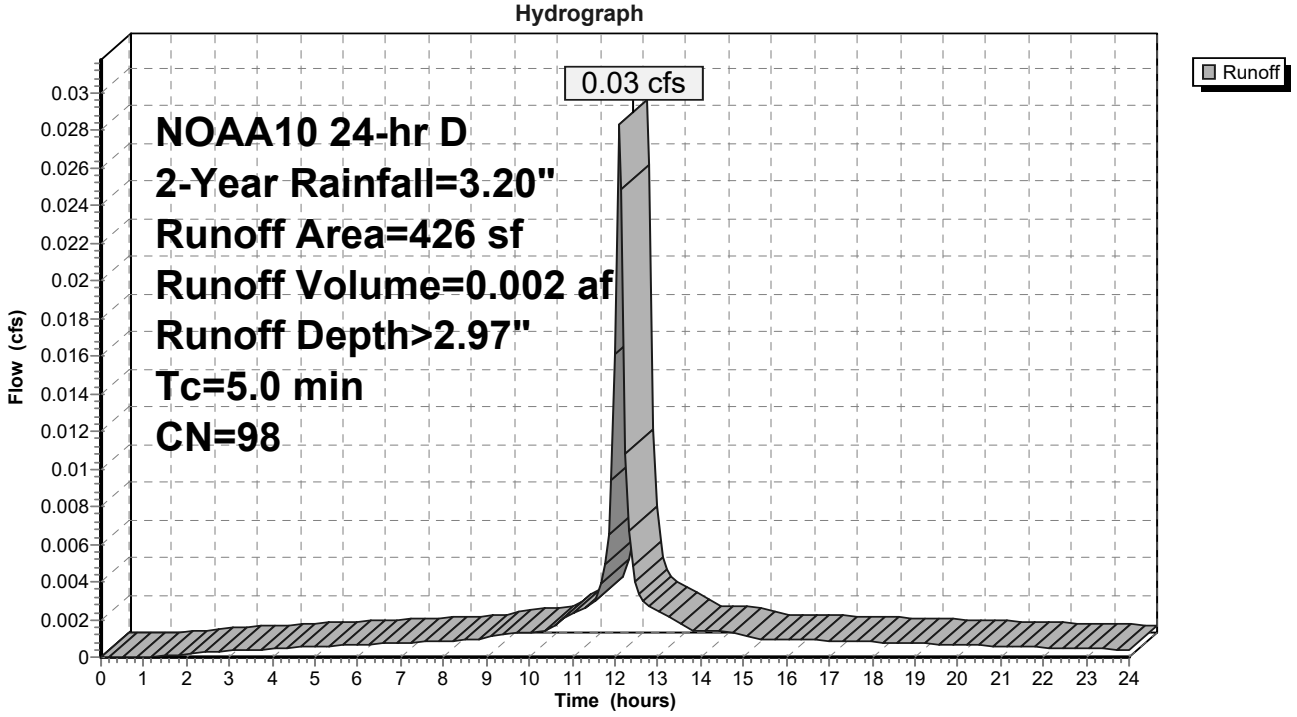
Runoff = 0.03 cfs @ 12.10 hrs, Volume= 0.002 af, Depth> 2.97"
Routed to Pond PI-2 : New CB - Front Entry to Cumberland Ave

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 2-Year Rainfall=3.20"

Area (sf)	CN	Description
232	98	Roofs, HSG D
194	98	Unconnected pavement, HSG D
426	98	Weighted Average
426		100.00% Impervious Area
194		45.54% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Concrete Front Entry**

Subcatchment SC-2P: New Front Entry



Summary for Subcatchment SC-3P: Chestnut Street SC

[49] Hint: Tc<2dt may require smaller dt

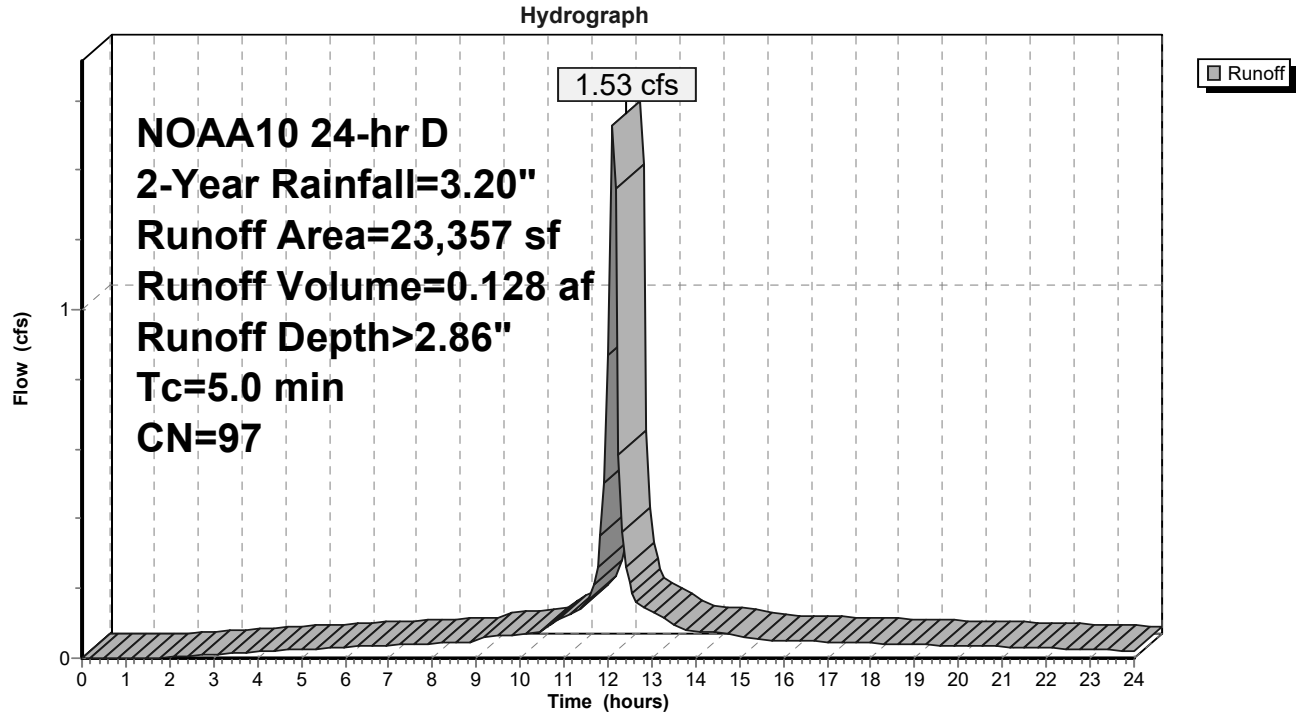
Runoff = 1.53 cfs @ 12.10 hrs, Volume= 0.128 af, Depth> 2.86"
Routed to Pond PI-3 : CB - Chestnut/Oxford Intersection

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 2-Year Rainfall=3.20"

	Area (sf)	CN	Description
	16,220	98	Roofs, HSG D
	5,923	98	Paved parking, HSG D
	155	98	Unconnected pavement, HSG D
	506	89	<50% Grass cover, Poor, HSG D
*	553	80	Landscaping
	23,357	97	Weighted Average
	1,059		4.53% Pervious Area
	22,298		95.47% Impervious Area
	155		0.70% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban Development**

Subcatchment SC-3P: Chestnut Street SC



Summary for Subcatchment SC-4P: Building Roof - South

[49] Hint: Tc<2dt may require smaller dt

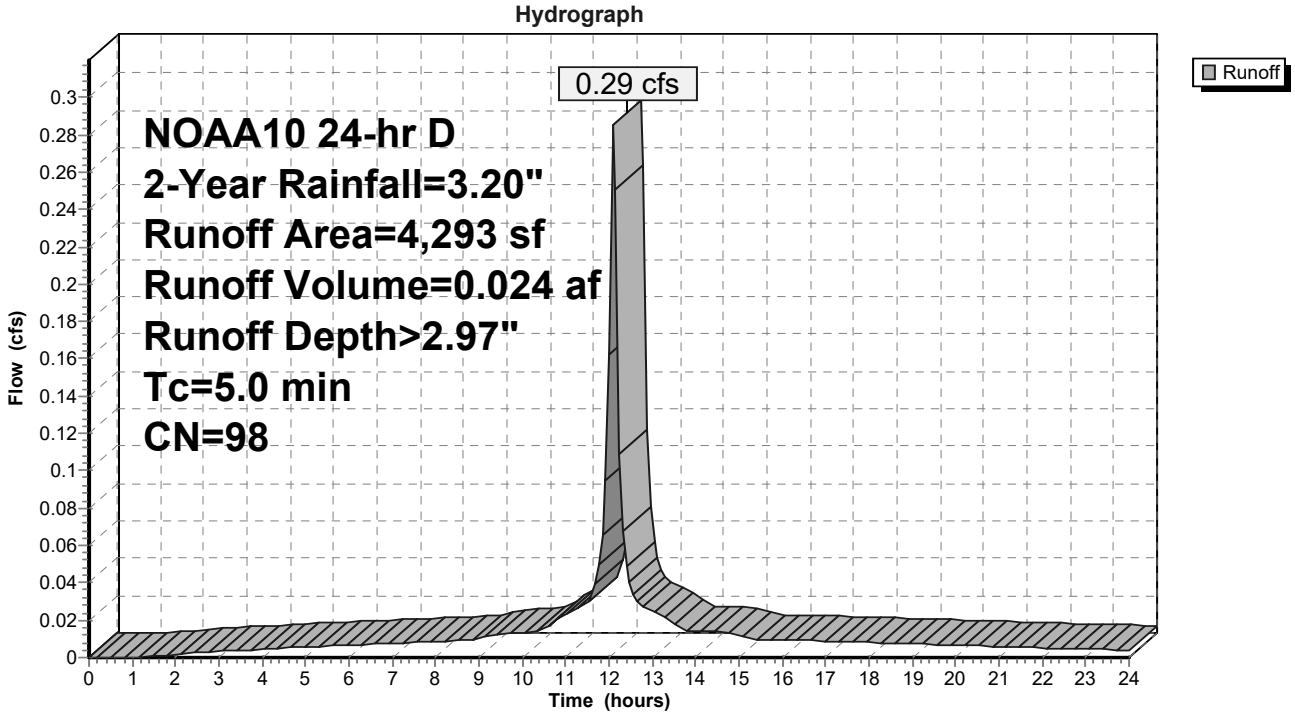
Runoff = 0.29 cfs @ 12.10 hrs, Volume= 0.024 af, Depth> 2.97"
Routed to Pond FS-1 : Filter Strip w/ Dry Well

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 2-Year Rainfall=3.20"

Area (sf)	CN	Description
4,293	98	Roofs, HSG D
4,293		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban Development**

Subcatchment SC-4P: Building Roof - South



Summary for Subcatchment SC-5P: Building Roof - North

[49] Hint: Tc<2dt may require smaller dt

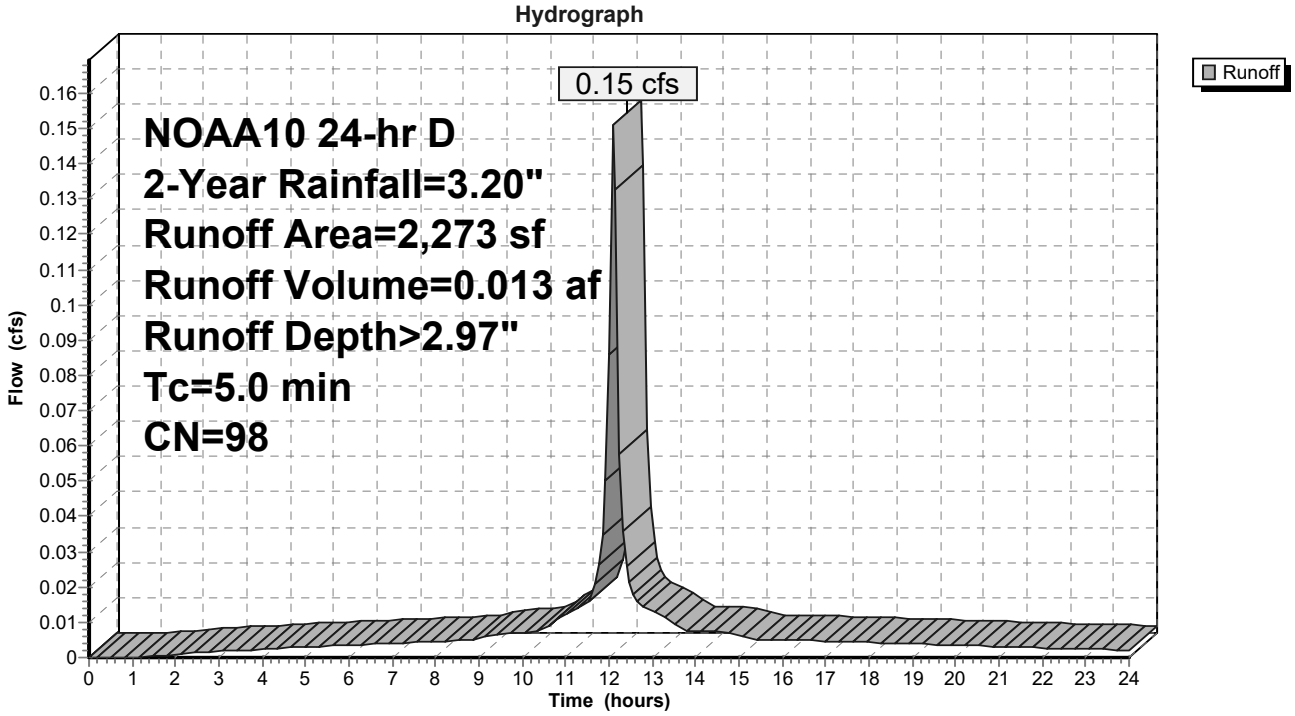
Runoff = 0.15 cfs @ 12.10 hrs, Volume= 0.013 af, Depth> 2.97"
Routed to Pond RT-1 : R-Tanks

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 2-Year Rainfall=3.20"

Area (sf)	CN	Description
2,273	98	Roofs, HSG D
2,273		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban Development**

Subcatchment SC-5P: Building Roof - North



Summary for Subcatchment SC-6P: Landscaping

[49] Hint: Tc<2dt may require smaller dt

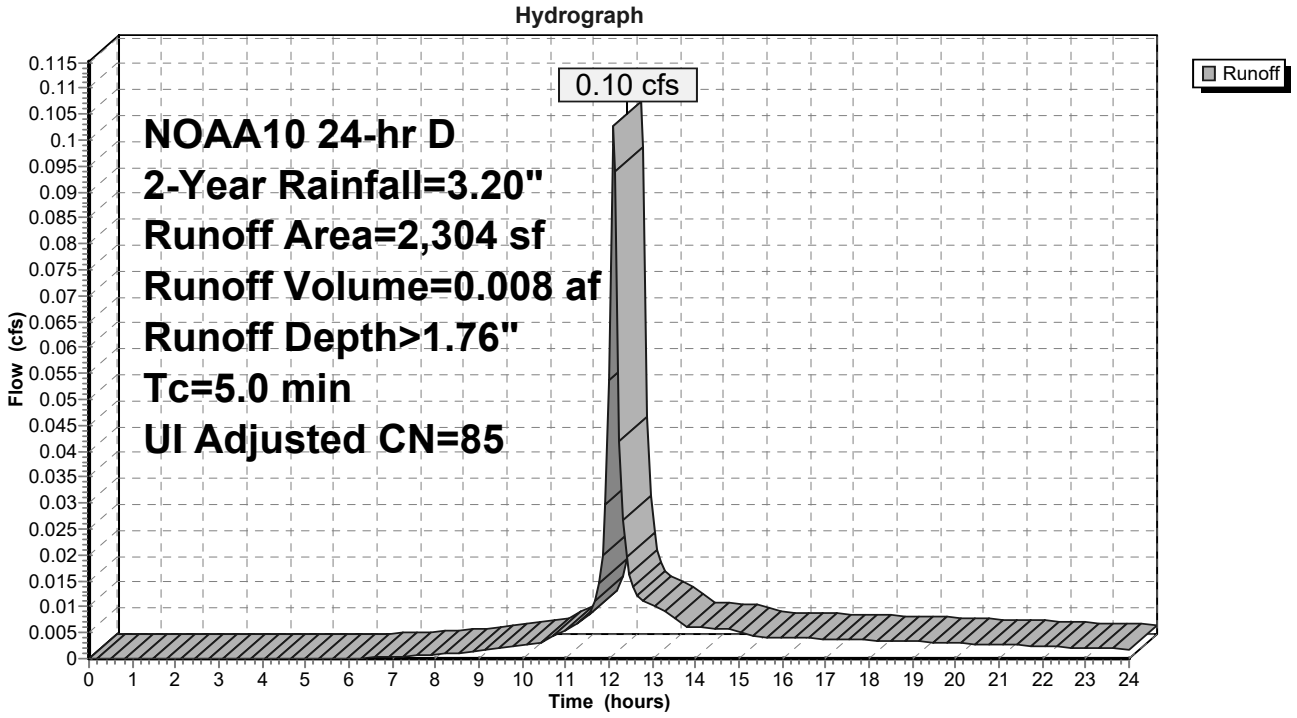
Runoff = 0.10 cfs @ 12.11 hrs, Volume= 0.008 af, Depth> 1.76"
Routed to Pond FS-1 : Filter Strip w/ Dry Well

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 2-Year Rainfall=3.20"

	Area (sf)	CN	Adj	Description
*	1,892	84		Landscaping
	412	98		Unconnected pavement, HSG D
	2,304	87	85	Weighted Average, UI Adjusted
	1,892			82.12% Pervious Area
	412			17.88% Impervious Area
	412			100.00% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban**

Subcatchment SC-6P: Landscaping



Summary for Pond FS-1: Filter Strip w/ Dry Well

Inflow Area = 0.151 ac, 71.32% Impervious, Inflow Depth > 2.54" for 2-Year event
Inflow = 0.39 cfs @ 12.11 hrs, Volume= 0.032 af
Outflow = 0.37 cfs @ 12.15 hrs, Volume= 0.031 af, Atten= 5%, Lag= 2.4 min
Primary = 0.37 cfs @ 12.15 hrs, Volume= 0.031 af
Routed to Pond PI-1 : CB - Cedar/Oxford Intersection

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
Peak Elev= 52.73' @ 12.15 hrs Surf.Area= 428 sf Storage= 126 cf

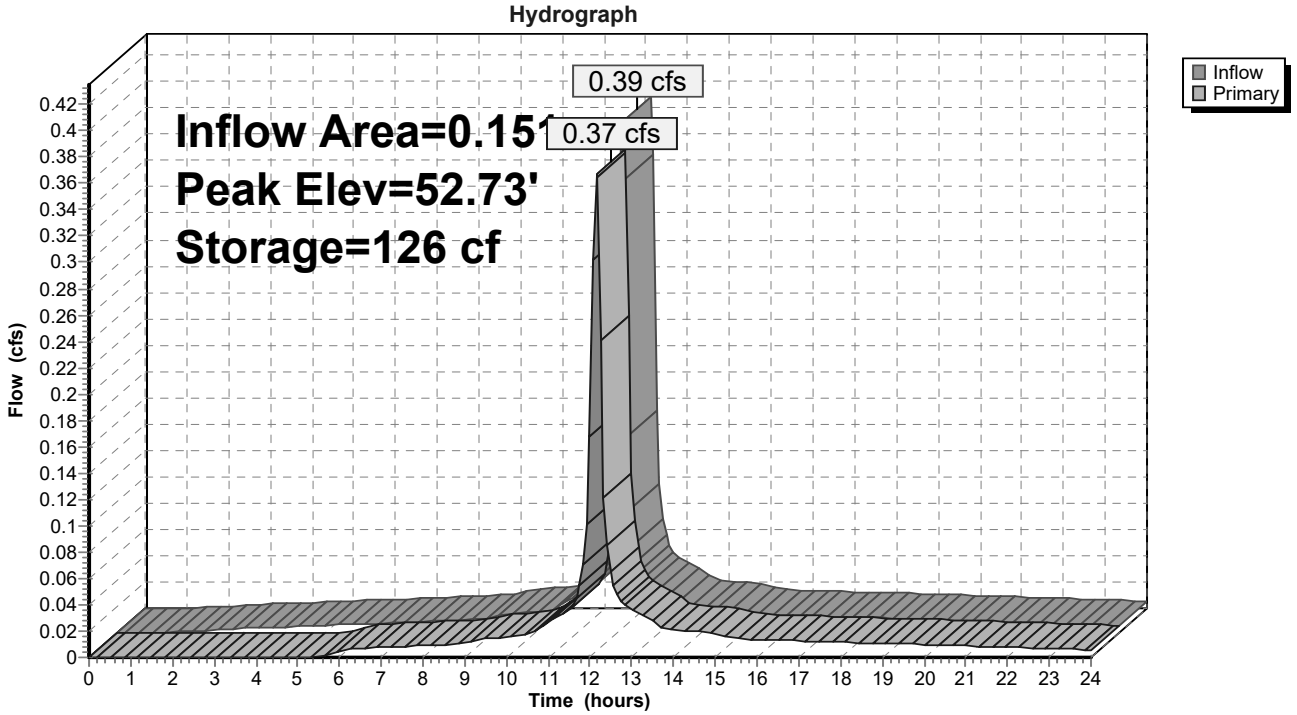
Plug-Flow detention time= 56.5 min calculated for 0.031 af (95% of inflow)
Center-of-Mass det. time= 29.6 min (811.6 - 781.9)

Volume	Invert	Avail.Storage	Storage Description
#1	52.00'	342 cf	**8.00'W x 53.50'L x 2.00'H Prismatoid** 856 cf Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Primary	52.33'	**6.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.35 cfs @ 12.15 hrs HW=52.72' (Free Discharge)
1=Orifice/Grate (Orifice Controls 0.35 cfs @ 2.14 fps)

Pond FS-1: Filter Strip w/ Dry Well



Summary for Pond FS-2: Filter Strip w/ Synth Turf

Inflow Area = 0.177 ac, 96.92% Impervious, Inflow Depth > 2.97" for 2-Year event
Inflow = 0.51 cfs @ 12.10 hrs, Volume= 0.044 af
Outflow = 0.47 cfs @ 12.16 hrs, Volume= 0.039 af, Atten= 9%, Lag= 3.1 min
Primary = 0.47 cfs @ 12.16 hrs, Volume= 0.039 af
Routed to Pond PI-1 : CB - Cedar/Oxford Intersection

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
Peak Elev= 48.34' @ 12.16 hrs Surf.Area= 0.024 ac Storage= 0.008 af

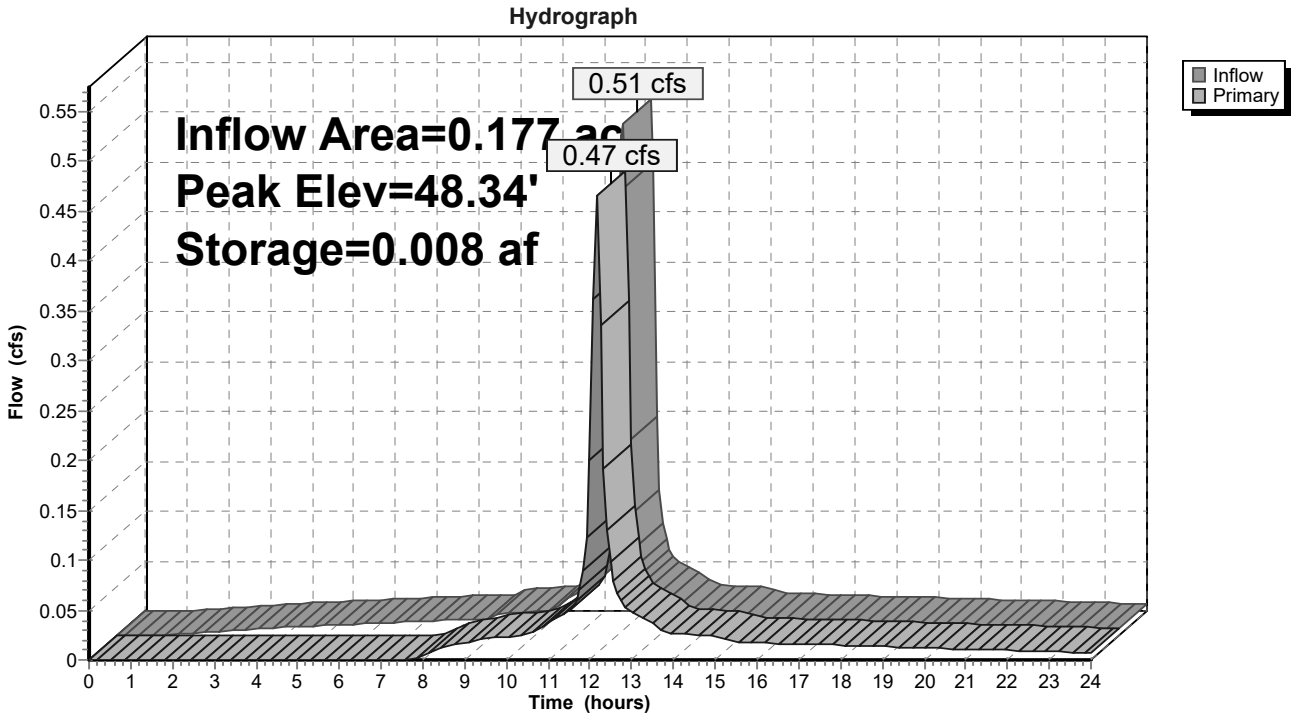
Plug-Flow detention time= 128.4 min calculated for 0.039 af (88% of inflow)
Center-of-Mass det. time= 64.2 min (823.6 - 759.5)

Volume	Invert	Avail.Storage	Storage Description
#1	47.50'	0.019 af	**10.00'W x 104.00'L x 2.00'H Prismatoid** 0.048 af Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Primary	48.00'	**12.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.46 cfs @ 12.16 hrs HW=48.34' (Free Discharge)
1=Orifice/Grate (Orifice Controls 0.46 cfs @ 1.98 fps)

Pond FS-2: Filter Strip w/ Synth Turf



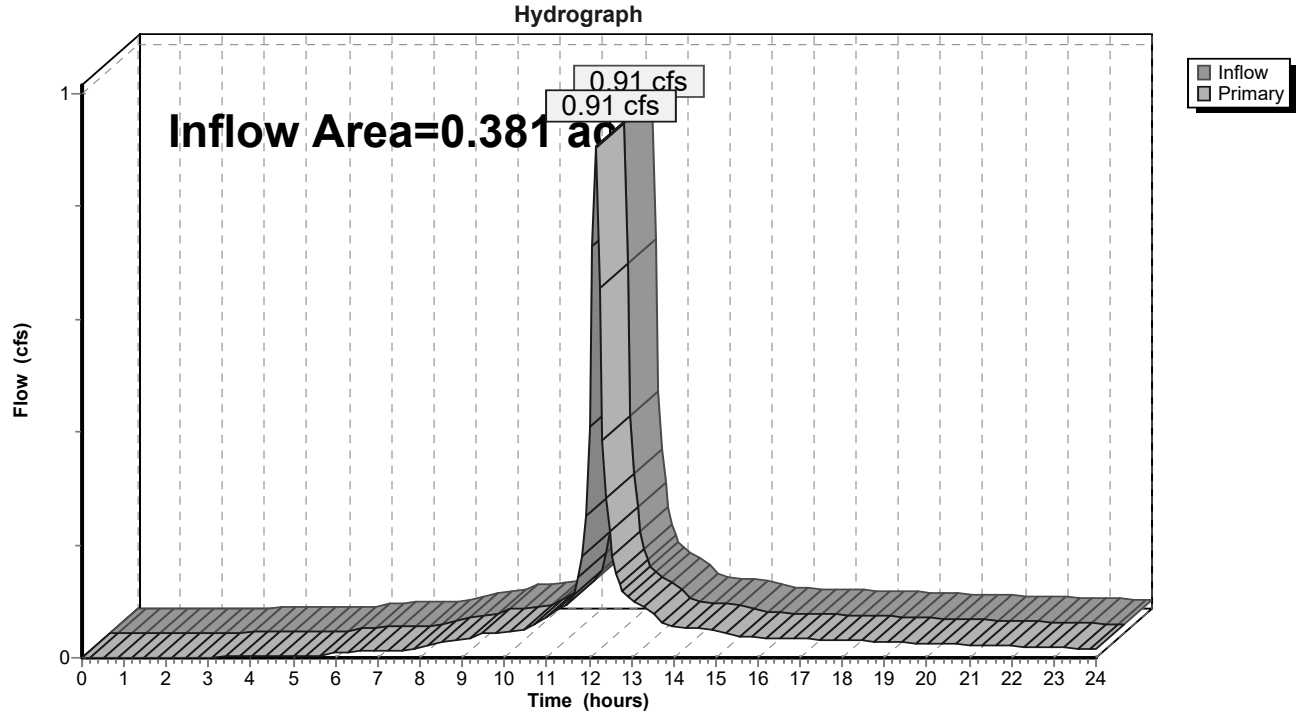
Summary for Pond PI-1: CB - Cedar/Oxford Intersection

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.381 ac, 87.16% Impervious, Inflow Depth > 2.59" for 2-Year event
Inflow = 0.91 cfs @ 12.15 hrs, Volume= 0.082 af
Primary = 0.91 cfs @ 12.15 hrs, Volume= 0.082 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs

Pond PI-1: CB - Cedar/Oxford Intersection



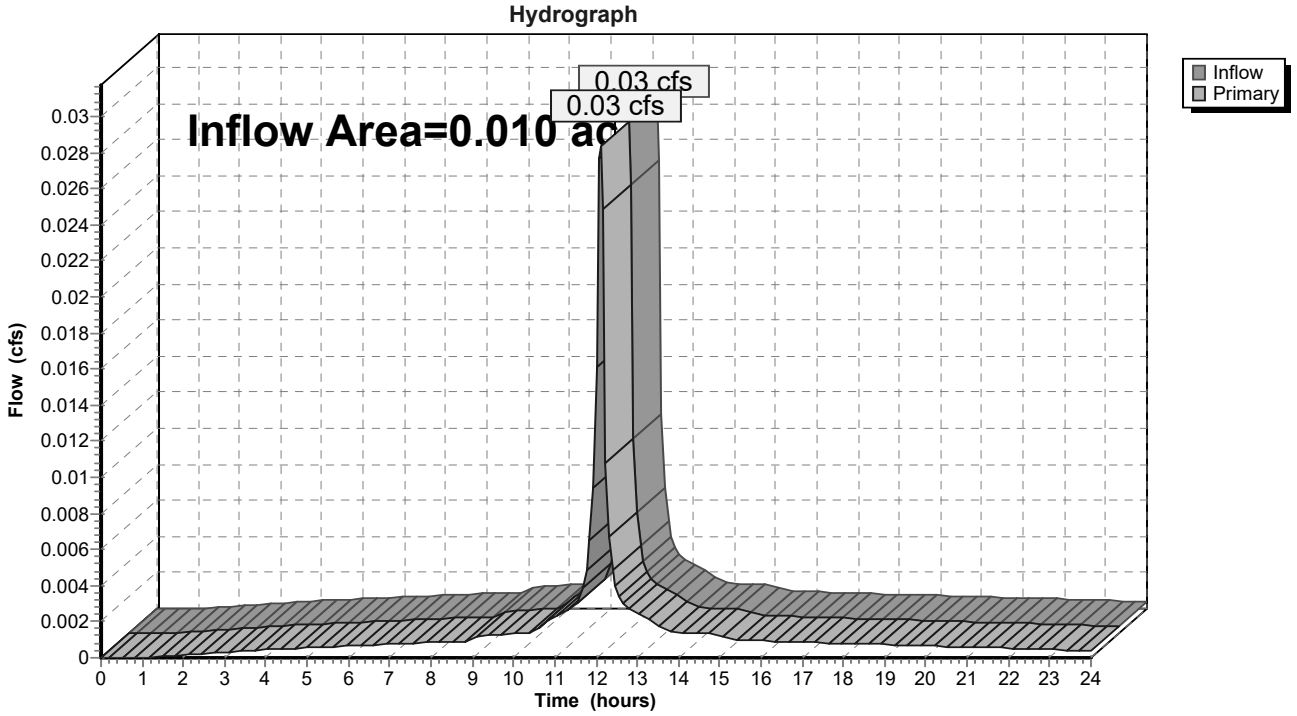
Summary for Pond PI-2: New CB - Front Entry to Cumberland Ave

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.010 ac,100.00% Impervious, Inflow Depth > 2.97" for 2-Year event
Inflow = 0.03 cfs @ 12.10 hrs, Volume= 0.002 af
Primary = 0.03 cfs @ 12.10 hrs, Volume= 0.002 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs

Pond PI-2: New CB - Front Entry to Cumberland Ave



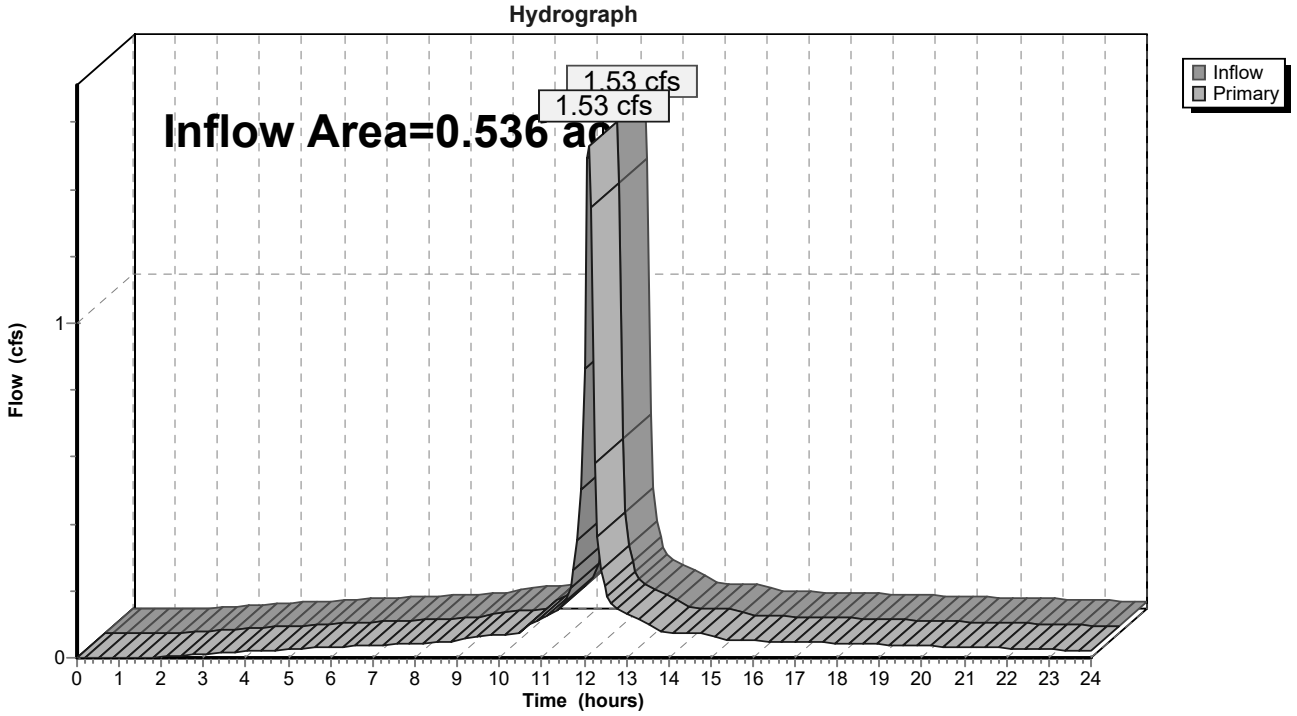
Summary for Pond PI-3: CB - Chestnut/Oxford Intersection

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.536 ac, 95.47% Impervious, Inflow Depth > 2.86" for 2-Year event
Inflow = 1.53 cfs @ 12.10 hrs, Volume= 0.128 af
Primary = 1.53 cfs @ 12.10 hrs, Volume= 0.128 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs

Pond PI-3: CB - Chestnut/Oxford Intersection



Summary for Pond RT-1: R-Tanks

Inflow Area = 0.052 ac,100.00% Impervious, Inflow Depth > 2.97" for 2-Year event
Inflow = 0.15 cfs @ 12.10 hrs, Volume= 0.013 af
Outflow = 0.08 cfs @ 12.23 hrs, Volume= 0.013 af, Atten= 48%, Lag= 7.5 min
Primary = 0.08 cfs @ 12.23 hrs, Volume= 0.013 af
Routed to Pond PI-1 : CB - Cedar/Oxford Intersection

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
Starting Elev= 50.10' Surf.Area= 468 sf Storage= 627 cf
Peak Elev= 50.33' @ 12.23 hrs Surf.Area= 468 sf Storage= 708 cf (82 cf above start)

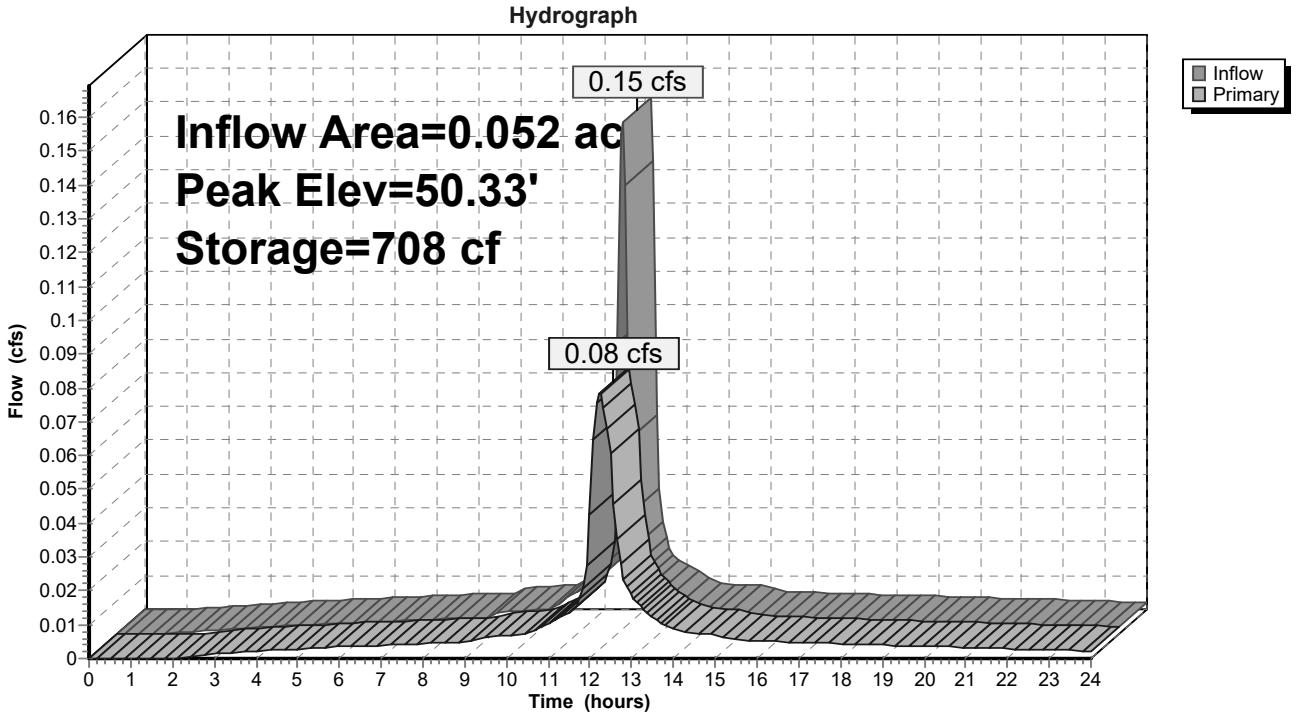
Plug-Flow detention time= (not calculated: initial storage exceeds outflow)
Center-of-Mass det. time= 16.2 min (775.6 - 759.5)

Volume	Invert	Avail.Storage	Storage Description
#1	49.70'	825 cf	**Ferguson R-Tank HD 2** x 100 Inside #2 Inside= 15.7"W x 33.9"H => 3.52 sf x 2.35'L = 8.3 cf Outside= 15.7"W x 33.9"H => 3.70 sf x 2.35'L = 8.7 cf 100 Chambers in 10 Rows
#2	47.11'	898 cf	**17.00'W x 27.50'L x 6.66'H Prismatoid** 3,114 cf Overall - 869 cf Embedded = 2,245 cf x 40.0% Voids
		1,723 cf	Total Available Storage

Device	Routing	Invert	Outlet Devices
#1	Primary	50.10'	**12.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#2	Device 1	49.50'	**2.5" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.08 cfs @ 12.23 hrs HW=50.33' (Free Discharge)
↑—**1=Orifice/Grate** (Passes 0.08 cfs of 0.22 cfs potential flow)
↑—**2=Orifice/Grate** (Orifice Controls 0.08 cfs @ 2.29 fps)

Pond RT-1: R-Tanks



Time span=0.00-24.00 hrs, dt=0.08 hrs, 301 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind method - Pond routing by Stor-Ind method

Subcatchment SC-1P: Cedar Street SC Runoff Area=7,707 sf 96.92% Impervious Runoff Depth>4.66"
Tc=5.0 min CN=98 Runoff=0.79 cfs 0.069 af

Subcatchment SC-2P: New Front Entry Runoff Area=426 sf 100.00% Impervious Runoff Depth>4.66"
Tc=5.0 min CN=98 Runoff=0.04 cfs 0.004 af

Subcatchment SC-3P: Chestnut Street SC Runoff Area=23,357 sf 95.47% Impervious Runoff Depth>4.55"
Tc=5.0 min CN=97 Runoff=2.38 cfs 0.203 af

Subcatchment SC-4P: Building Roof - Runoff Area=4,293 sf 100.00% Impervious Runoff Depth>4.66"
Tc=5.0 min CN=98 Runoff=0.44 cfs 0.038 af

Subcatchment SC-5P: Building Roof - Runoff Area=2,273 sf 100.00% Impervious Runoff Depth>4.66"
Tc=5.0 min CN=98 Runoff=0.23 cfs 0.020 af

Subcatchment SC-6P: Landscaping Runoff Area=2,304 sf 17.88% Impervious Runoff Depth>3.27"
Tc=5.0 min UI Adjusted CN=85 Runoff=0.19 cfs 0.014 af

Pond FS-1: Filter Strip w/ Dry Well Peak Elev=52.94' Storage=161 cf Inflow=0.63 cfs 0.053 af
Outflow=0.57 cfs 0.051 af

Pond FS-2: Filter Strip w/ Synth Turf Peak Elev=48.44' Storage=0.009 af Inflow=0.79 cfs 0.069 af
Outflow=0.74 cfs 0.063 af

Pond PI-1: CB - Cedar/Oxford Intersection Inflow=1.40 cfs 0.135 af
Primary=1.40 cfs 0.135 af

Pond PI-2: New CB - Front Entry to Cumberland Ave Inflow=0.04 cfs 0.004 af
Primary=0.04 cfs 0.004 af

Pond PI-3: CB - Chestnut/Oxford Intersection Inflow=2.38 cfs 0.203 af
Primary=2.38 cfs 0.203 af

Pond RT-1: R-Tanks Peak Elev=50.48' Storage=764 cf Inflow=0.23 cfs 0.020 af
Outflow=0.10 cfs 0.020 af

Total Runoff Area = 0.927 ac Runoff Volume = 0.349 af Average Runoff Depth = 4.51"
7.90% Pervious = 0.073 ac 92.10% Impervious = 0.853 ac

Summary for Subcatchment SC-1P: Cedar Street SC

[49] Hint: Tc<2dt may require smaller dt

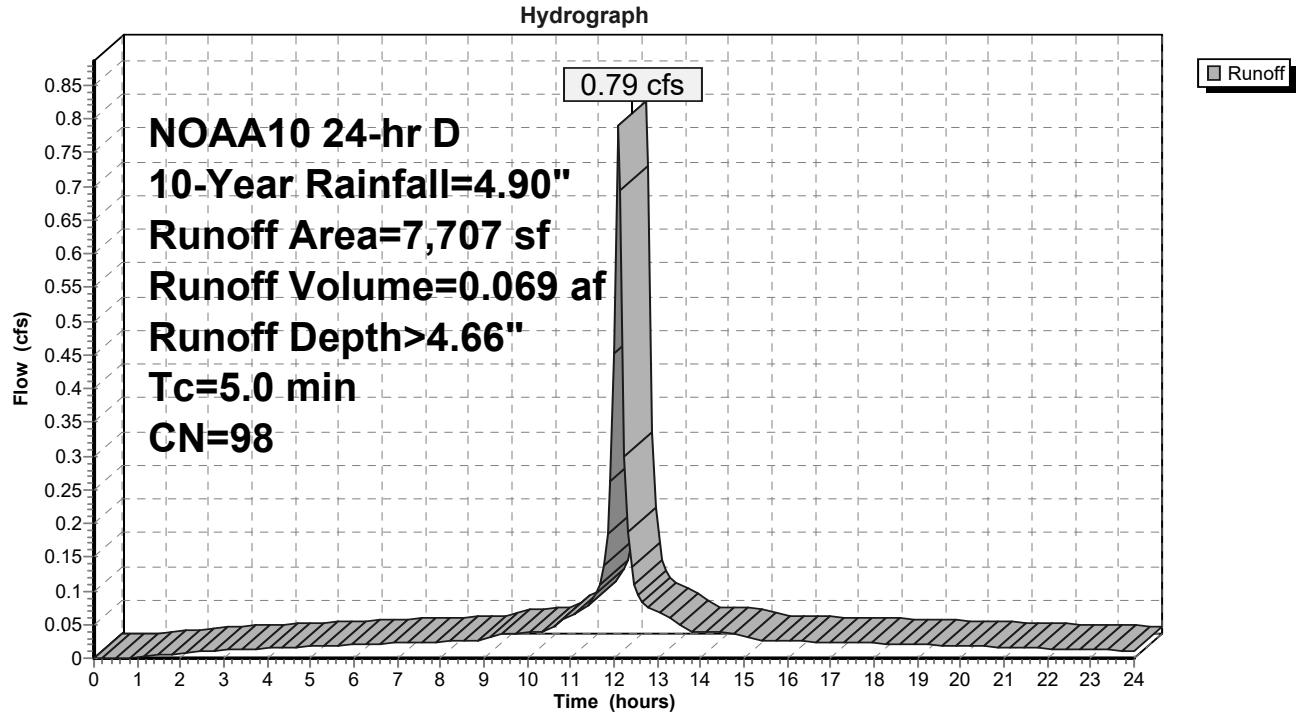
Runoff = 0.79 cfs @ 12.10 hrs, Volume= 0.069 af, Depth> 4.66"
Routed to Pond FS-2 : Filter Strip w/ Synth Turf

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 10-Year Rainfall=4.90"

	Area (sf)	CN	Description
	5,721	98	Paved parking, HSG D
	781	98	Unconnected pavement, HSG D
	46	89	<50% Grass cover, Poor, HSG D
*	191	80	Landscaping
*	968	98	Synthetic Turf
	7,707	98	Weighted Average
	237		3.08% Pervious Area
	7,470		96.92% Impervious Area
	781		10.46% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban Development**

Subcatchment SC-1P: Cedar Street SC



Summary for Subcatchment SC-2P: New Front Entry

[49] Hint: Tc<2dt may require smaller dt

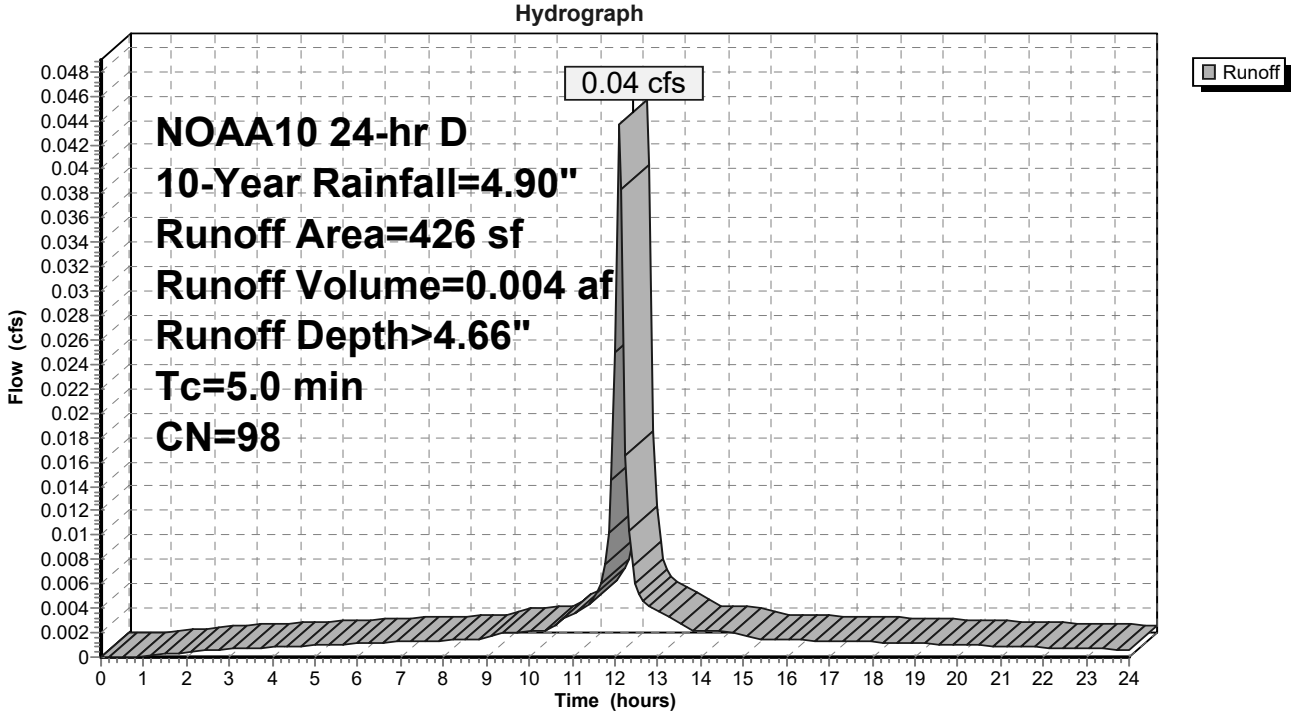
Runoff = 0.04 cfs @ 12.10 hrs, Volume= 0.004 af, Depth> 4.66"
Routed to Pond PI-2 : New CB - Front Entry to Cumberland Ave

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 10-Year Rainfall=4.90"

Area (sf)	CN	Description
232	98	Roofs, HSG D
194	98	Unconnected pavement, HSG D
426	98	Weighted Average
426		100.00% Impervious Area
194		45.54% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Concrete Front Entry**

Subcatchment SC-2P: New Front Entry



Summary for Subcatchment SC-3P: Chestnut Street SC

[49] Hint: Tc<2dt may require smaller dt

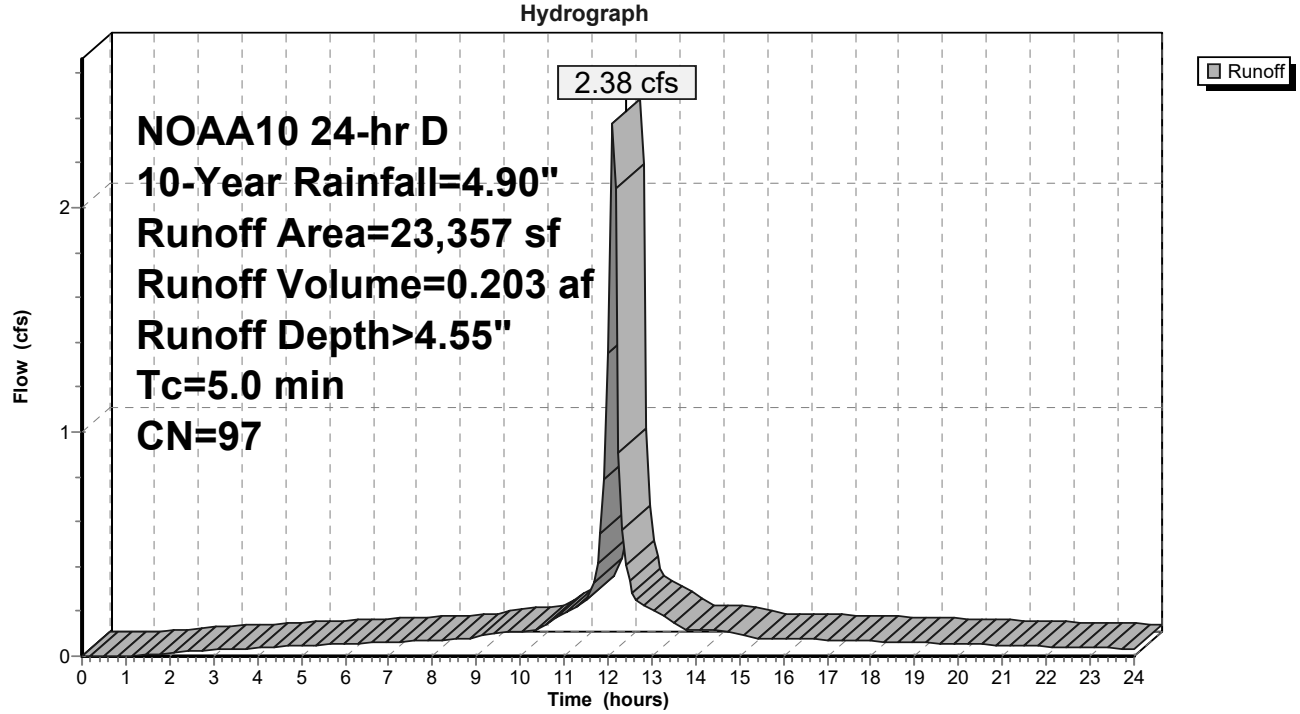
Runoff = 2.38 cfs @ 12.10 hrs, Volume= 0.203 af, Depth> 4.55"
Routed to Pond PI-3 : CB - Chestnut/Oxford Intersection

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 10-Year Rainfall=4.90"

	Area (sf)	CN	Description
	16,220	98	Roofs, HSG D
	5,923	98	Paved parking, HSG D
	155	98	Unconnected pavement, HSG D
	506	89	<50% Grass cover, Poor, HSG D
*	553	80	Landscaping
	23,357	97	Weighted Average
	1,059		4.53% Pervious Area
	22,298		95.47% Impervious Area
	155		0.70% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban Development**

Subcatchment SC-3P: Chestnut Street SC



Summary for Subcatchment SC-4P: Building Roof - South

[49] Hint: Tc<2dt may require smaller dt

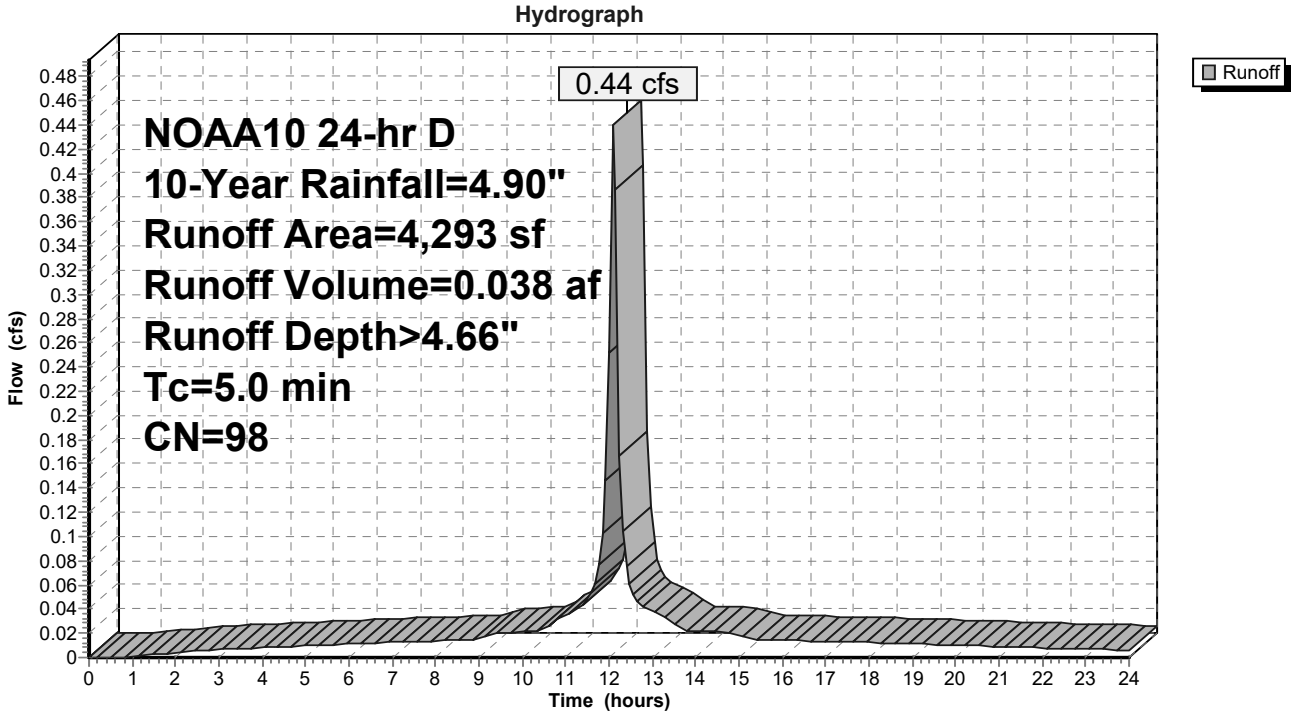
Runoff = 0.44 cfs @ 12.10 hrs, Volume= 0.038 af, Depth> 4.66"
Routed to Pond FS-1 : Filter Strip w/ Dry Well

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 10-Year Rainfall=4.90"

Area (sf)	CN	Description
4,293	98	Roofs, HSG D
4,293		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban Development**

Subcatchment SC-4P: Building Roof - South



Summary for Subcatchment SC-5P: Building Roof - North

[49] Hint: Tc<2dt may require smaller dt

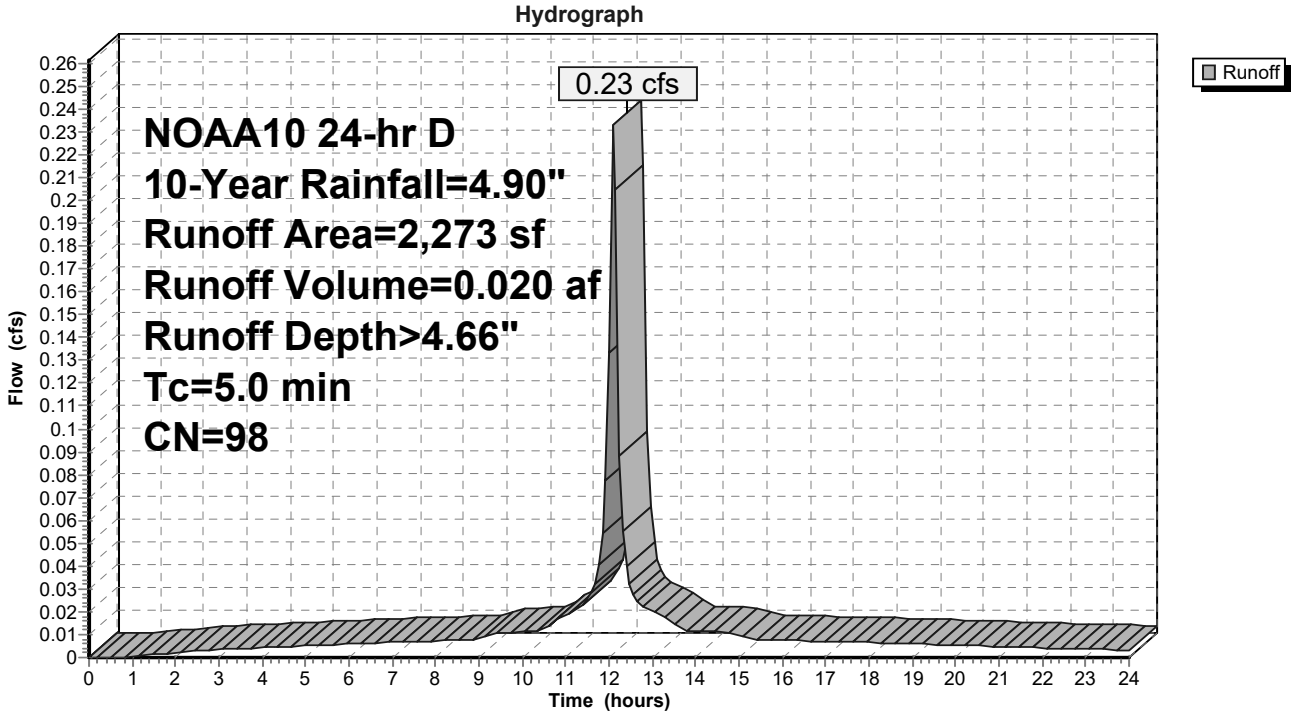
Runoff = 0.23 cfs @ 12.10 hrs, Volume= 0.020 af, Depth> 4.66"
Routed to Pond RT-1 : R-Tanks

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 10-Year Rainfall=4.90"

Area (sf)	CN	Description
2,273	98	Roofs, HSG D
2,273		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban Development**

Subcatchment SC-5P: Building Roof - North



Summary for Subcatchment SC-6P: Landscaping

[49] Hint: Tc<2dt may require smaller dt

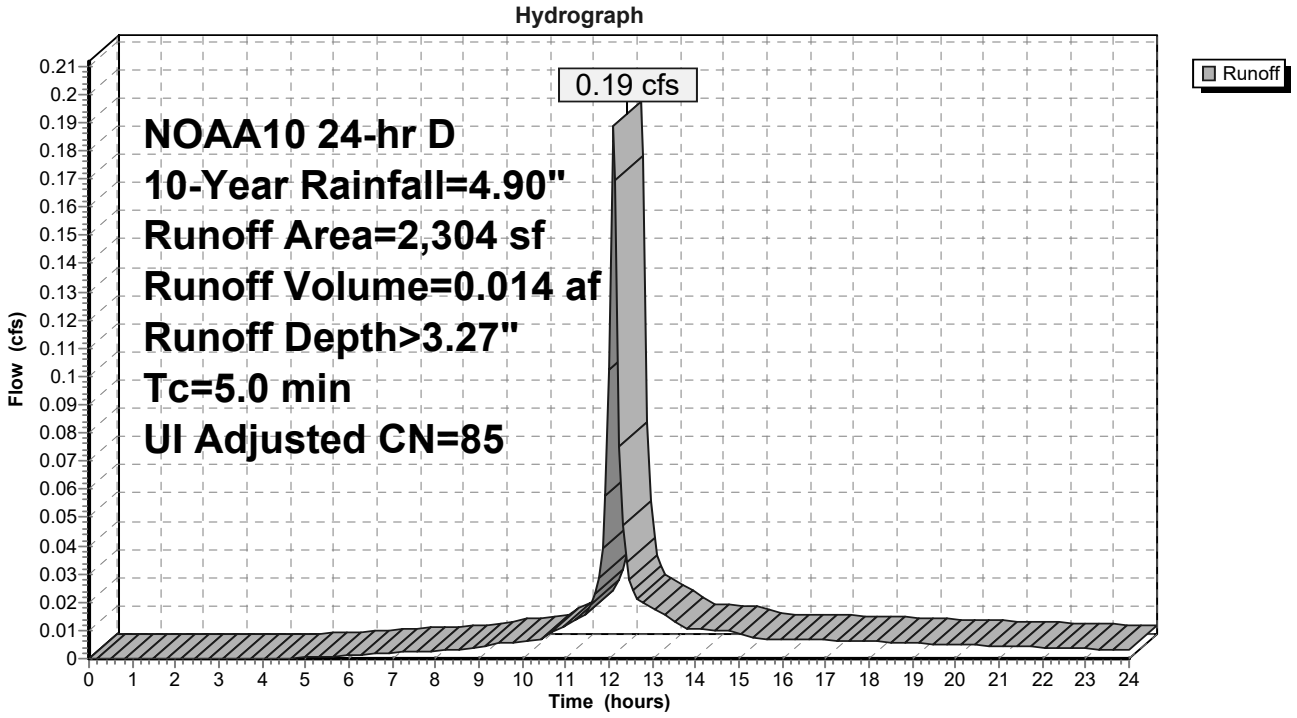
Runoff = 0.19 cfs @ 12.11 hrs, Volume= 0.014 af, Depth> 3.27"
Routed to Pond FS-1 : Filter Strip w/ Dry Well

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 10-Year Rainfall=4.90"

	Area (sf)	CN	Adj	Description
*	1,892	84		Landscaping
	412	98		Unconnected pavement, HSG D
	2,304	87	85	Weighted Average, UI Adjusted
	1,892			82.12% Pervious Area
	412			17.88% Impervious Area
	412			100.00% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban**

Subcatchment SC-6P: Landscaping



Summary for Pond FS-1: Filter Strip w/ Dry Well

Inflow Area = 0.151 ac, 71.32% Impervious, Inflow Depth > 4.18" for 10-Year event
Inflow = 0.63 cfs @ 12.11 hrs, Volume= 0.053 af
Outflow = 0.57 cfs @ 12.15 hrs, Volume= 0.051 af, Atten= 10%, Lag= 2.7 min
Primary = 0.57 cfs @ 12.15 hrs, Volume= 0.051 af
Routed to Pond PI-1 : CB - Cedar/Oxford Intersection

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
Peak Elev= 52.94' @ 12.15 hrs Surf.Area= 428 sf Storage= 161 cf

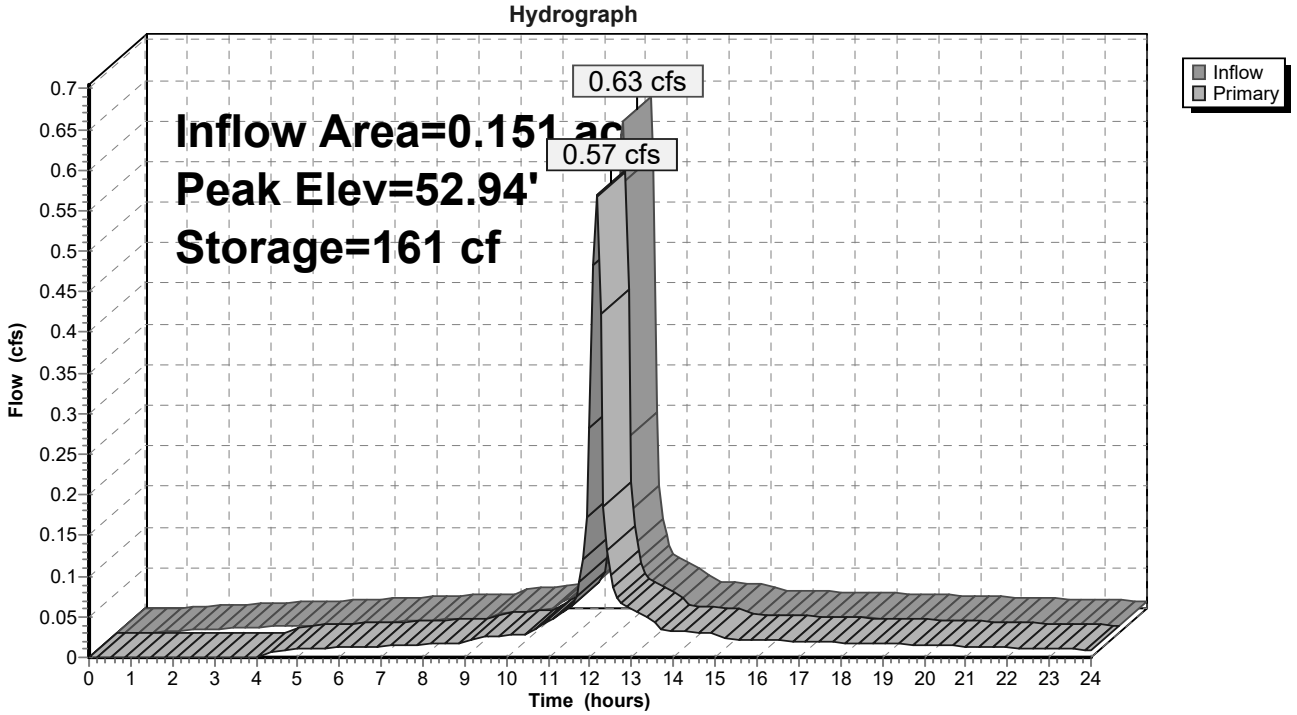
Plug-Flow detention time= 38.3 min calculated for 0.051 af (97% of inflow)
Center-of-Mass det. time= 20.8 min (792.0 - 771.2)

Volume	Invert	Avail.Storage	Storage Description
#1	52.00'	342 cf	**8.00'W x 53.50'L x 2.00'H Prismatoid** 856 cf Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Primary	52.33'	**6.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.56 cfs @ 12.15 hrs HW=52.93' (Free Discharge)
1=Orifice/Grate (Orifice Controls 0.56 cfs @ 2.84 fps)

Pond FS-1: Filter Strip w/ Dry Well



Summary for Pond FS-2: Filter Strip w/ Synth Turf

Inflow Area = 0.177 ac, 96.92% Impervious, Inflow Depth > 4.66" for 10-Year event
Inflow = 0.79 cfs @ 12.10 hrs, Volume= 0.069 af
Outflow = 0.74 cfs @ 12.15 hrs, Volume= 0.063 af, Atten= 7%, Lag= 2.7 min
Primary = 0.74 cfs @ 12.15 hrs, Volume= 0.063 af
Routed to Pond PI-1 : CB - Cedar/Oxford Intersection

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
Peak Elev= 48.44' @ 12.15 hrs Surf.Area= 0.024 ac Storage= 0.009 af

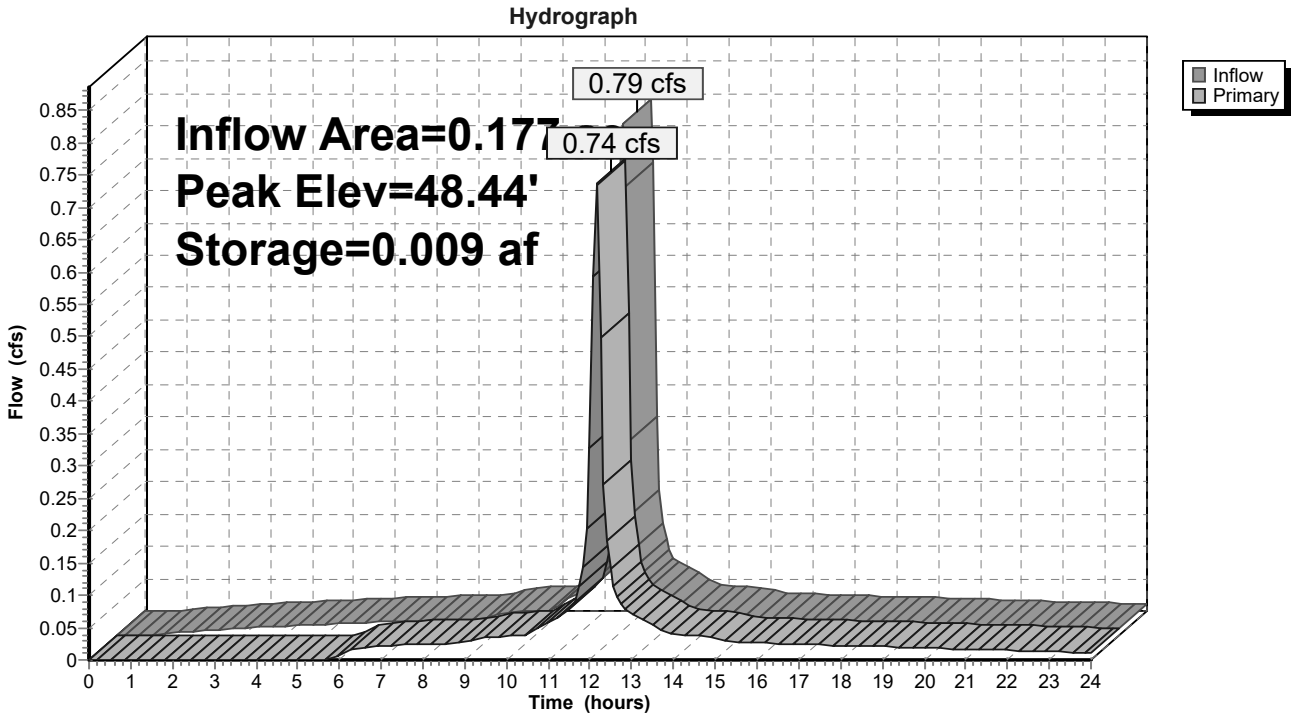
Plug-Flow detention time= 92.3 min calculated for 0.063 af (92% of inflow)
Center-of-Mass det. time= 47.9 min (797.6 - 749.8)

Volume	Invert	Avail.Storage	Storage Description
#1	47.50'	0.019 af	**10.00'W x 104.00'L x 2.00'H Prismatoid** 0.048 af Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Primary	48.00'	**12.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.72 cfs @ 12.15 hrs HW=48.43' (Free Discharge)
1=Orifice/Grate (Orifice Controls 0.72 cfs @ 2.23 fps)

Pond FS-2: Filter Strip w/ Synth Turf



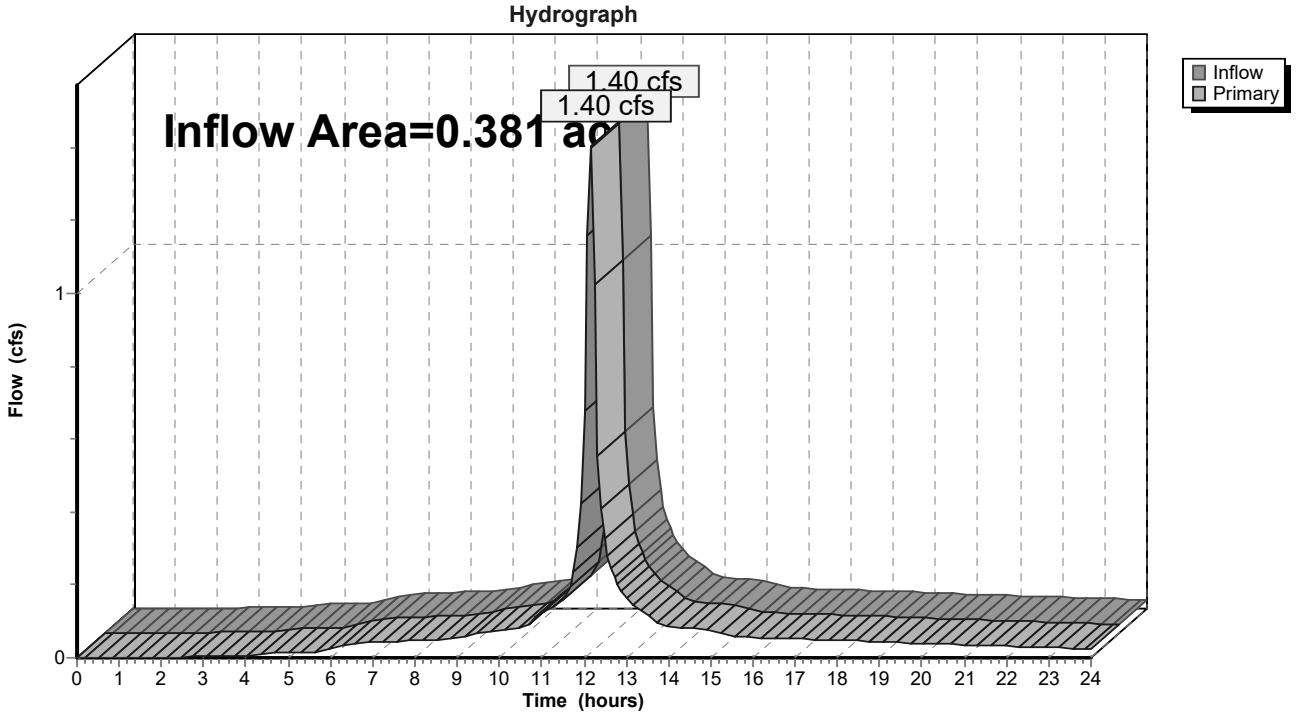
Summary for Pond PI-1: CB - Cedar/Oxford Intersection

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.381 ac, 87.16% Impervious, Inflow Depth > 4.25" for 10-Year event
Inflow = 1.40 cfs @ 12.15 hrs, Volume= 0.135 af
Primary = 1.40 cfs @ 12.15 hrs, Volume= 0.135 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs

Pond PI-1: CB - Cedar/Oxford Intersection



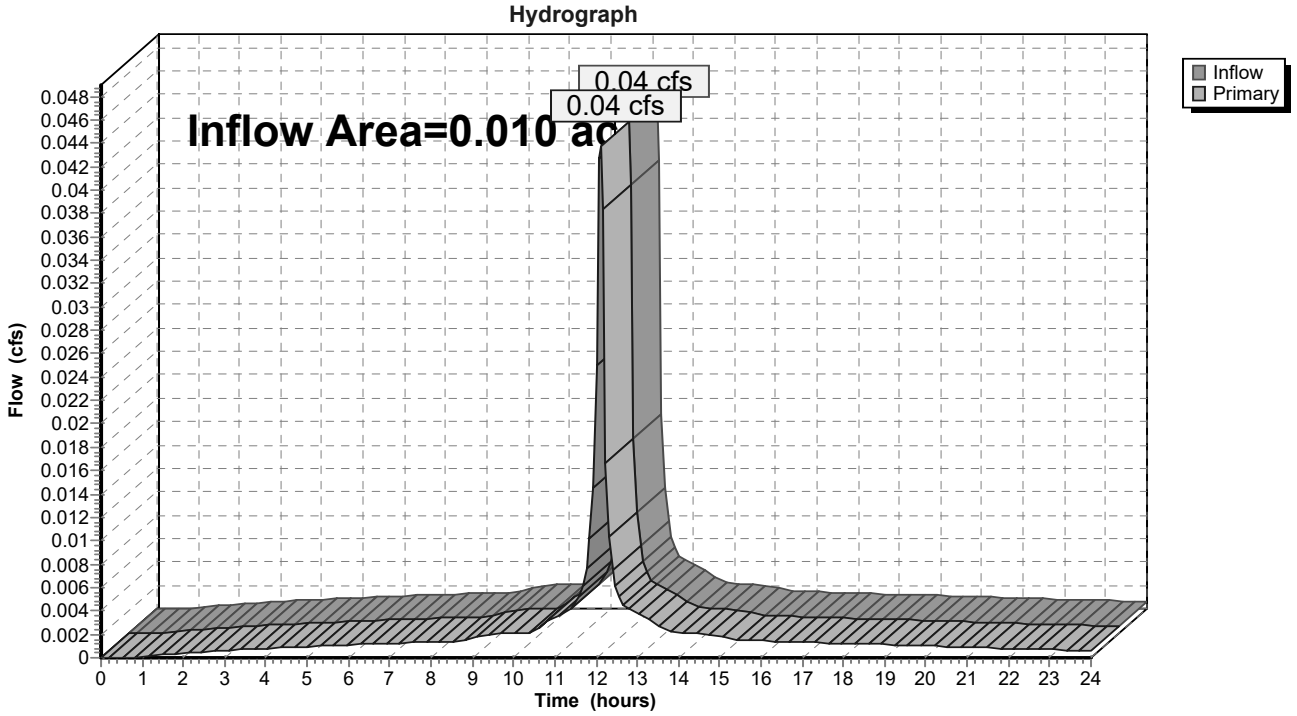
Summary for Pond PI-2: New CB - Front Entry to Cumberland Ave

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.010 ac,100.00% Impervious, Inflow Depth > 4.66" for 10-Year event
Inflow = 0.04 cfs @ 12.10 hrs, Volume= 0.004 af
Primary = 0.04 cfs @ 12.10 hrs, Volume= 0.004 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs

Pond PI-2: New CB - Front Entry to Cumberland Ave



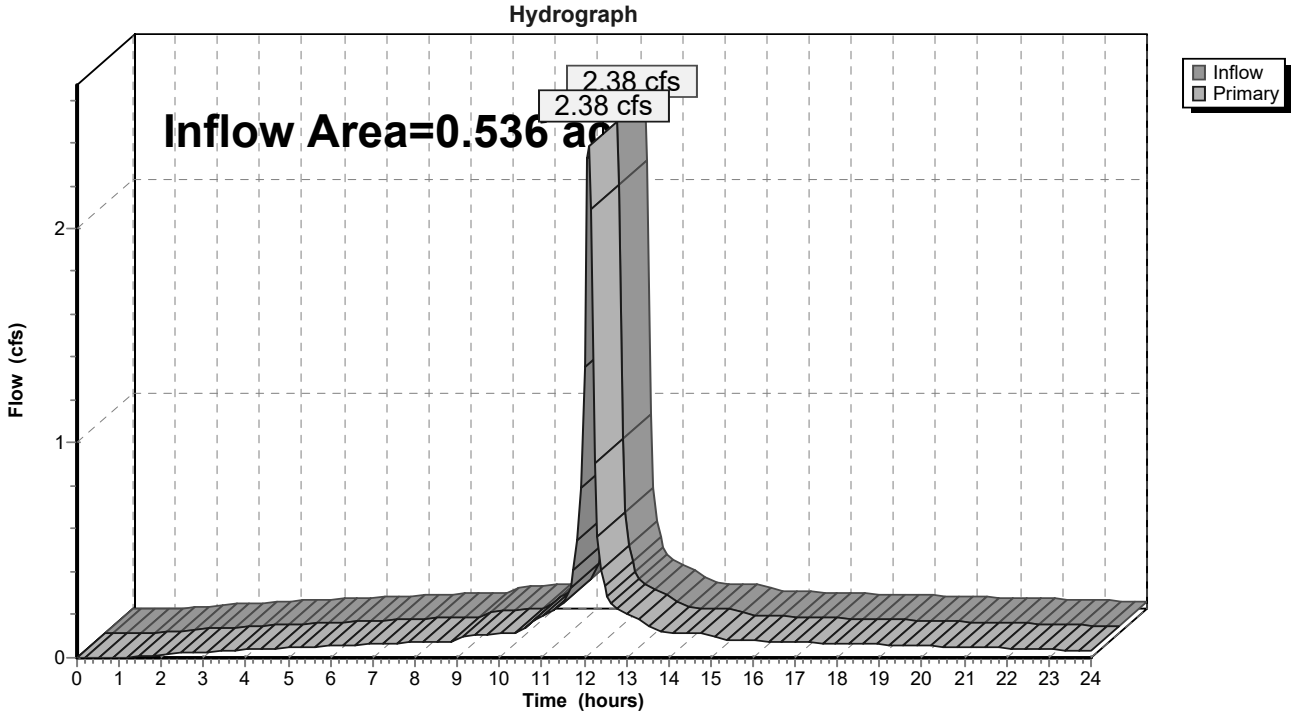
Summary for Pond PI-3: CB - Chestnut/Oxford Intersection

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.536 ac, 95.47% Impervious, Inflow Depth > 4.55" for 10-Year event
Inflow = 2.38 cfs @ 12.10 hrs, Volume= 0.203 af
Primary = 2.38 cfs @ 12.10 hrs, Volume= 0.203 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs

Pond PI-3: CB - Chestnut/Oxford Intersection



Summary for Pond RT-1: R-Tanks

Inflow Area = 0.052 ac,100.00% Impervious, Inflow Depth > 4.66" for 10-Year event
Inflow = 0.23 cfs @ 12.10 hrs, Volume= 0.020 af
Outflow = 0.10 cfs @ 12.25 hrs, Volume= 0.020 af, Atten= 56%, Lag= 8.8 min
Primary = 0.10 cfs @ 12.25 hrs, Volume= 0.020 af
Routed to Pond PI-1 : CB - Cedar/Oxford Intersection

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
Starting Elev= 50.10' Surf.Area= 468 sf Storage= 627 cf
Peak Elev= 50.48' @ 12.25 hrs Surf.Area= 468 sf Storage= 764 cf (137 cf above start)

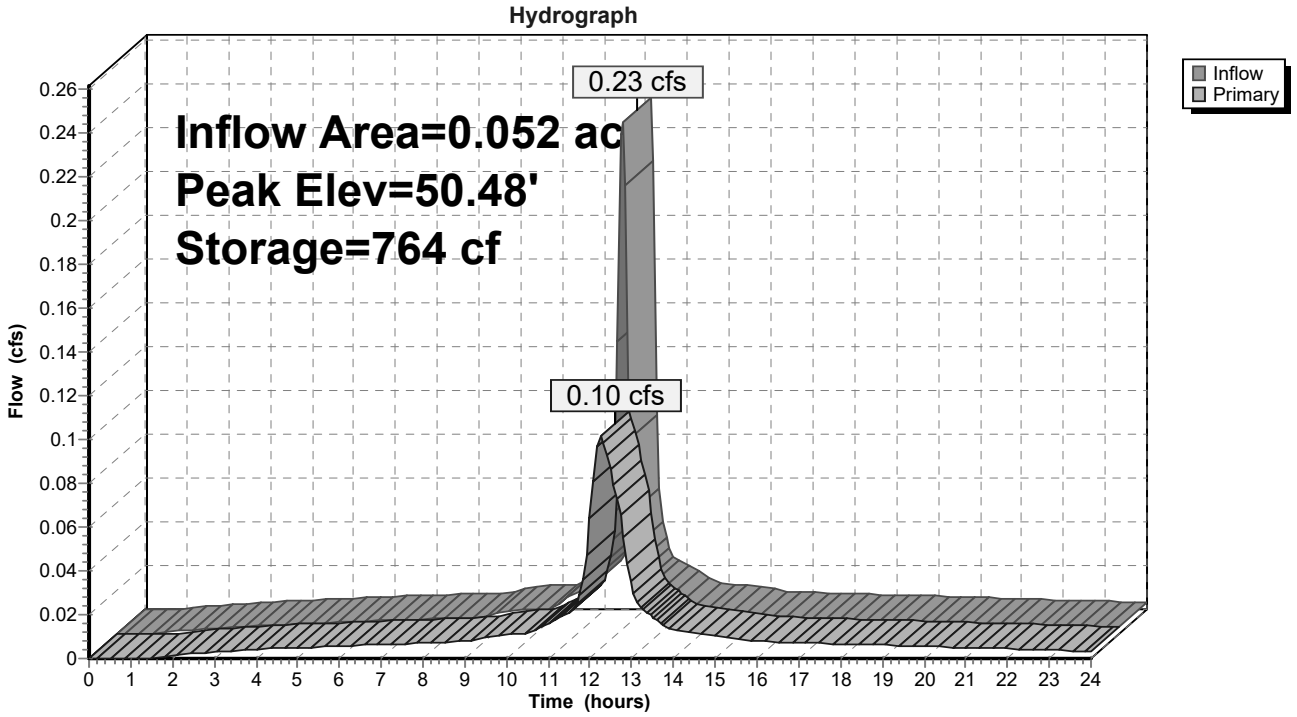
Plug-Flow detention time= 595.4 min calculated for 0.006 af (28% of inflow)
Center-of-Mass det. time= 16.1 min (765.9 - 749.8)

Volume	Invert	Avail.Storage	Storage Description
#1	49.70'	825 cf	**Ferguson R-Tank HD 2** x 100 Inside #2 Inside= 15.7"W x 33.9"H => 3.52 sf x 2.35'L = 8.3 cf Outside= 15.7"W x 33.9"H => 3.70 sf x 2.35'L = 8.7 cf 100 Chambers in 10 Rows
#2	47.11'	898 cf	**17.00'W x 27.50'L x 6.66'H Prismatoid** 3,114 cf Overall - 869 cf Embedded = 2,245 cf x 40.0% Voids
		1,723 cf	Total Available Storage

Device	Routing	Invert	Outlet Devices
#1	Primary	50.10'	**12.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#2	Device 1	49.50'	**2.5" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.10 cfs @ 12.25 hrs HW=50.48' (Free Discharge)
↑—**1=Orifice/Grate** (Passes 0.10 cfs of 0.58 cfs potential flow)
↑—**2=Orifice/Grate** (Orifice Controls 0.10 cfs @ 2.97 fps)

Pond RT-1: R-Tanks



Time span=0.00-24.00 hrs, dt=0.08 hrs, 301 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind method - Pond routing by Stor-Ind method

Subcatchment SC-1P: Cedar Street SC Runoff Area=7,707 sf 96.92% Impervious Runoff Depth>5.72"
Tc=5.0 min CN=98 Runoff=0.96 cfs 0.084 af

Subcatchment SC-2P: New Front Entry Runoff Area=426 sf 100.00% Impervious Runoff Depth>5.72"
Tc=5.0 min CN=98 Runoff=0.05 cfs 0.005 af

Subcatchment SC-3P: Chestnut Street SC Runoff Area=23,357 sf 95.47% Impervious Runoff Depth>5.60"
Tc=5.0 min CN=97 Runoff=2.91 cfs 0.250 af

Subcatchment SC-4P: Building Roof - Runoff Area=4,293 sf 100.00% Impervious Runoff Depth>5.72"
Tc=5.0 min CN=98 Runoff=0.54 cfs 0.047 af

Subcatchment SC-5P: Building Roof - Runoff Area=2,273 sf 100.00% Impervious Runoff Depth>5.72"
Tc=5.0 min CN=98 Runoff=0.28 cfs 0.025 af

Subcatchment SC-6P: Landscaping Runoff Area=2,304 sf 17.88% Impervious Runoff Depth>4.26"
Tc=5.0 min UI Adjusted CN=85 Runoff=0.24 cfs 0.019 af

Pond FS-1: Filter Strip w/ Dry Well Peak Elev=53.11' Storage=190 cf Inflow=0.78 cfs 0.066 af
Outflow=0.69 cfs 0.064 af

Pond FS-2: Filter Strip w/ Synth Turf Peak Elev=48.49' Storage=0.009 af Inflow=0.96 cfs 0.084 af
Outflow=0.91 cfs 0.079 af

Pond PI-1: CB - Cedar/Oxford Intersection Inflow=1.70 cfs 0.168 af
Primary=1.70 cfs 0.168 af

Pond PI-2: New CB - Front Entry to Cumberland Ave Inflow=0.05 cfs 0.005 af
Primary=0.05 cfs 0.005 af

Pond PI-3: CB - Chestnut/Oxford Intersection Inflow=2.91 cfs 0.250 af
Primary=2.91 cfs 0.250 af

Pond RT-1: R-Tanks Peak Elev=50.59' Storage=801 cf Inflow=0.28 cfs 0.025 af
Outflow=0.11 cfs 0.025 af

Total Runoff Area = 0.927 ac Runoff Volume = 0.430 af Average Runoff Depth = 5.57"
7.90% Pervious = 0.073 ac 92.10% Impervious = 0.853 ac

Summary for Subcatchment SC-1P: Cedar Street SC

[49] Hint: Tc<2dt may require smaller dt

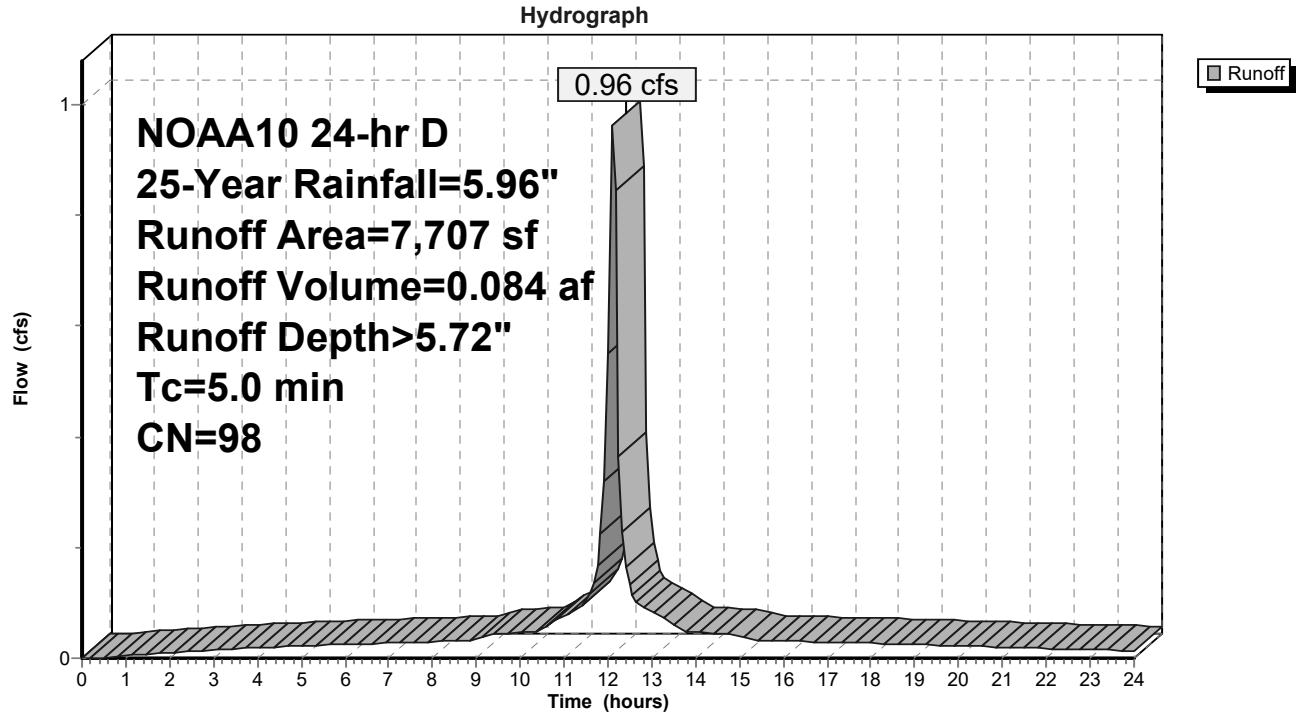
Runoff = 0.96 cfs @ 12.10 hrs, Volume= 0.084 af, Depth> 5.72"
Routed to Pond FS-2 : Filter Strip w/ Synth Turf

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 25-Year Rainfall=5.96"

	Area (sf)	CN	Description
	5,721	98	Paved parking, HSG D
	781	98	Unconnected pavement, HSG D
	46	89	<50% Grass cover, Poor, HSG D
*	191	80	Landscaping
*	968	98	Synthetic Turf
	7,707	98	Weighted Average
	237		3.08% Pervious Area
	7,470		96.92% Impervious Area
	781		10.46% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban Development**

Subcatchment SC-1P: Cedar Street SC



Summary for Subcatchment SC-2P: New Front Entry

[49] Hint: Tc<2dt may require smaller dt

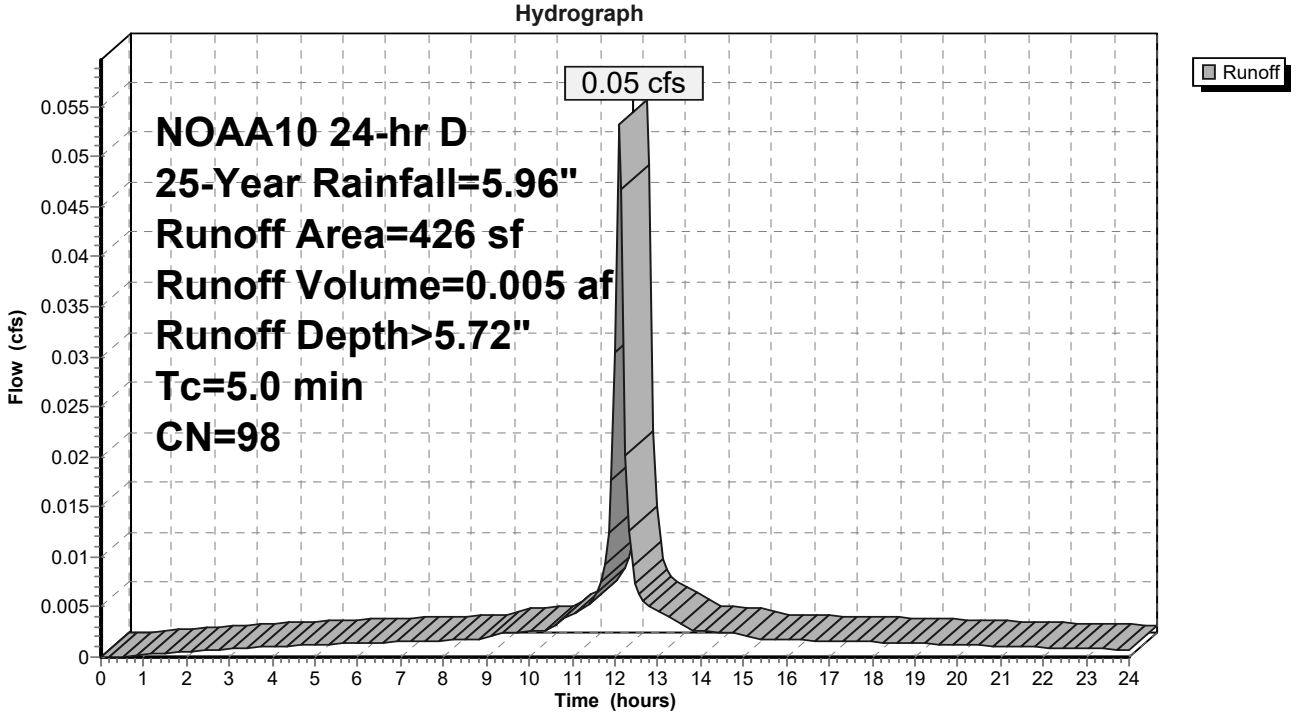
Runoff = 0.05 cfs @ 12.10 hrs, Volume= 0.005 af, Depth> 5.72"
Routed to Pond PI-2 : New CB - Front Entry to Cumberland Ave

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 25-Year Rainfall=5.96"

Area (sf)	CN	Description
232	98	Roofs, HSG D
194	98	Unconnected pavement, HSG D
426	98	Weighted Average
426		100.00% Impervious Area
194		45.54% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Concrete Front Entry**

Subcatchment SC-2P: New Front Entry



Summary for Subcatchment SC-3P: Chestnut Street SC

[49] Hint: Tc<2dt may require smaller dt

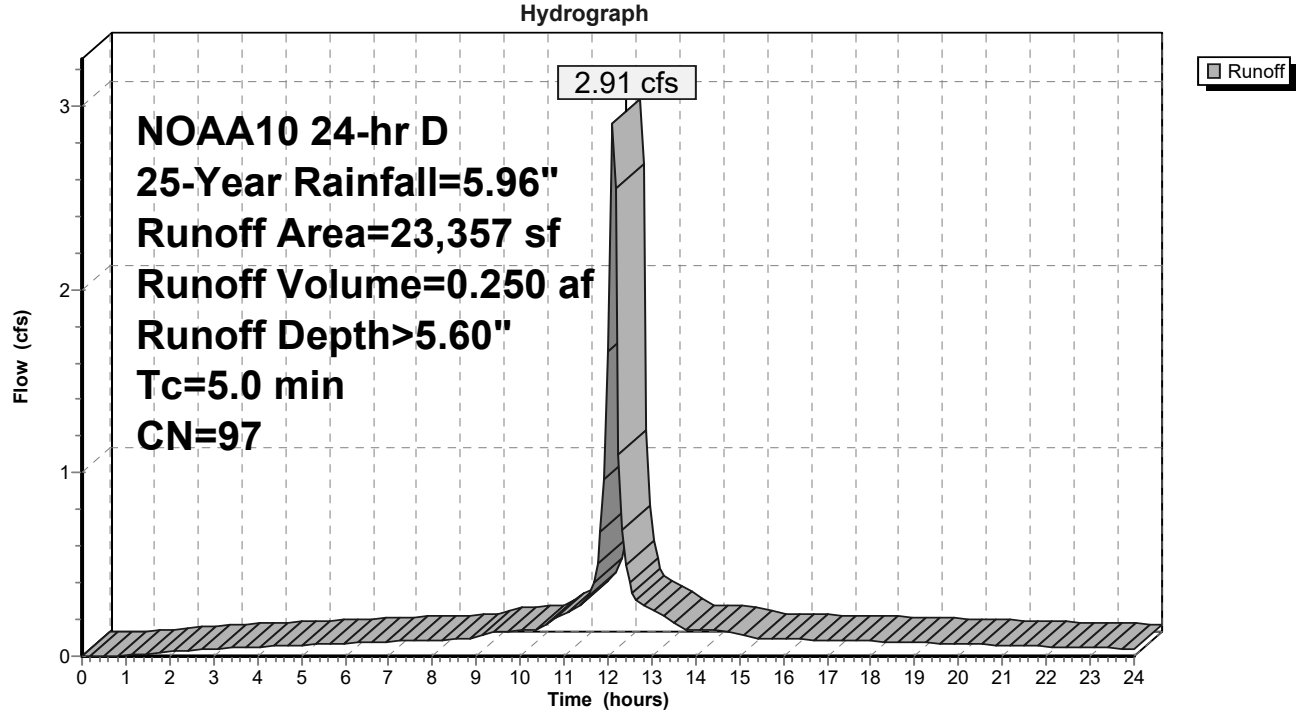
Runoff = 2.91 cfs @ 12.10 hrs, Volume= 0.250 af, Depth> 5.60"
Routed to Pond PI-3 : CB - Chestnut/Oxford Intersection

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 25-Year Rainfall=5.96"

	Area (sf)	CN	Description
	16,220	98	Roofs, HSG D
	5,923	98	Paved parking, HSG D
	155	98	Unconnected pavement, HSG D
	506	89	<50% Grass cover, Poor, HSG D
*	553	80	Landscaping
	23,357	97	Weighted Average
	1,059		4.53% Pervious Area
	22,298		95.47% Impervious Area
	155		0.70% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban Development**

Subcatchment SC-3P: Chestnut Street SC



Summary for Subcatchment SC-4P: Building Roof - South

[49] Hint: Tc<2dt may require smaller dt

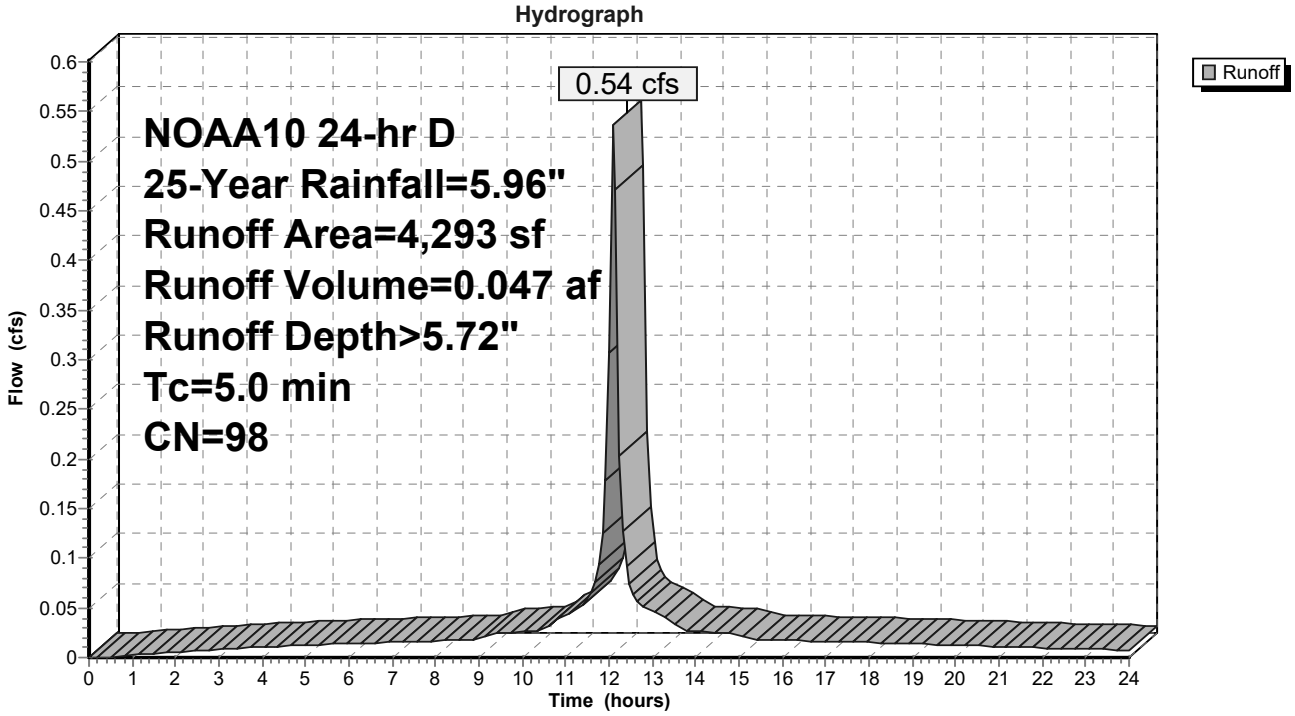
Runoff = 0.54 cfs @ 12.10 hrs, Volume= 0.047 af, Depth> 5.72"
Routed to Pond FS-1 : Filter Strip w/ Dry Well

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 25-Year Rainfall=5.96"

Area (sf)	CN	Description
4,293	98	Roofs, HSG D
4,293		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban Development**

Subcatchment SC-4P: Building Roof - South



Summary for Subcatchment SC-5P: Building Roof - North

[49] Hint: Tc<2dt may require smaller dt

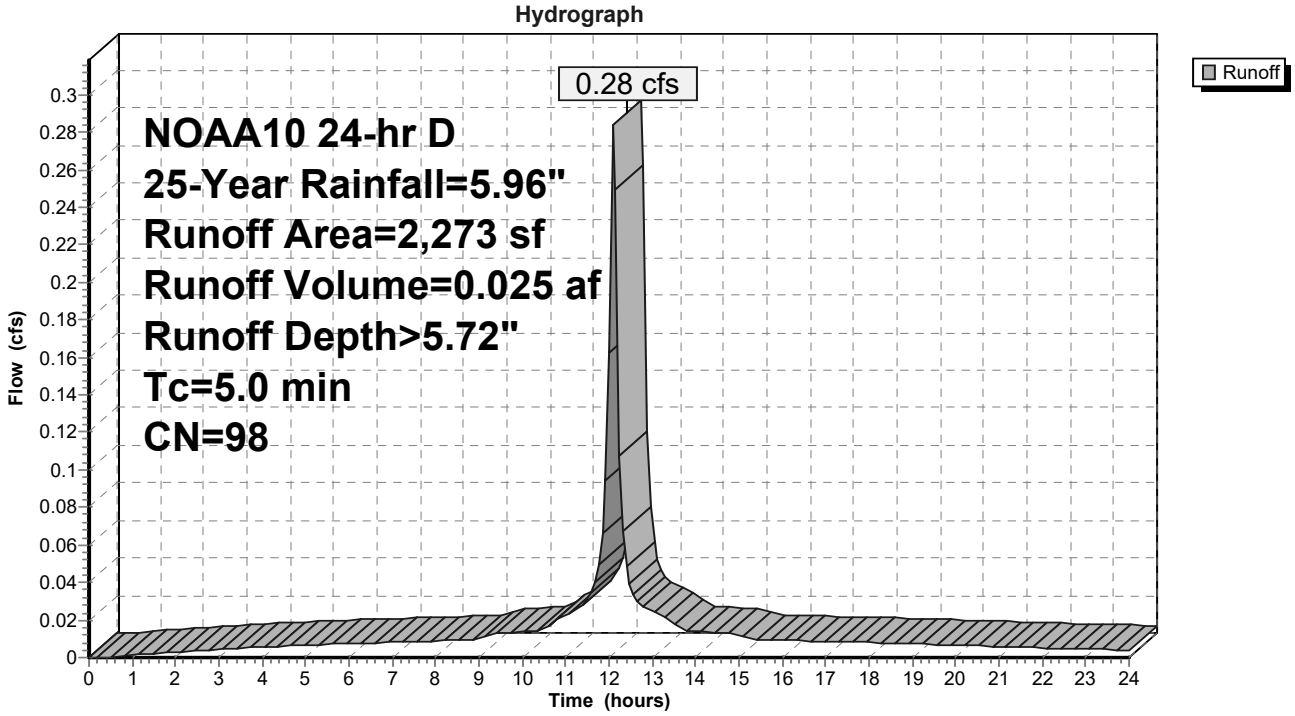
Runoff = 0.28 cfs @ 12.10 hrs, Volume= 0.025 af, Depth> 5.72"
Routed to Pond RT-1 : R-Tanks

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 25-Year Rainfall=5.96"

Area (sf)	CN	Description
2,273	98	Roofs, HSG D
2,273		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban Development**

Subcatchment SC-5P: Building Roof - North



Summary for Subcatchment SC-6P: Landscaping

[49] Hint: Tc<2dt may require smaller dt

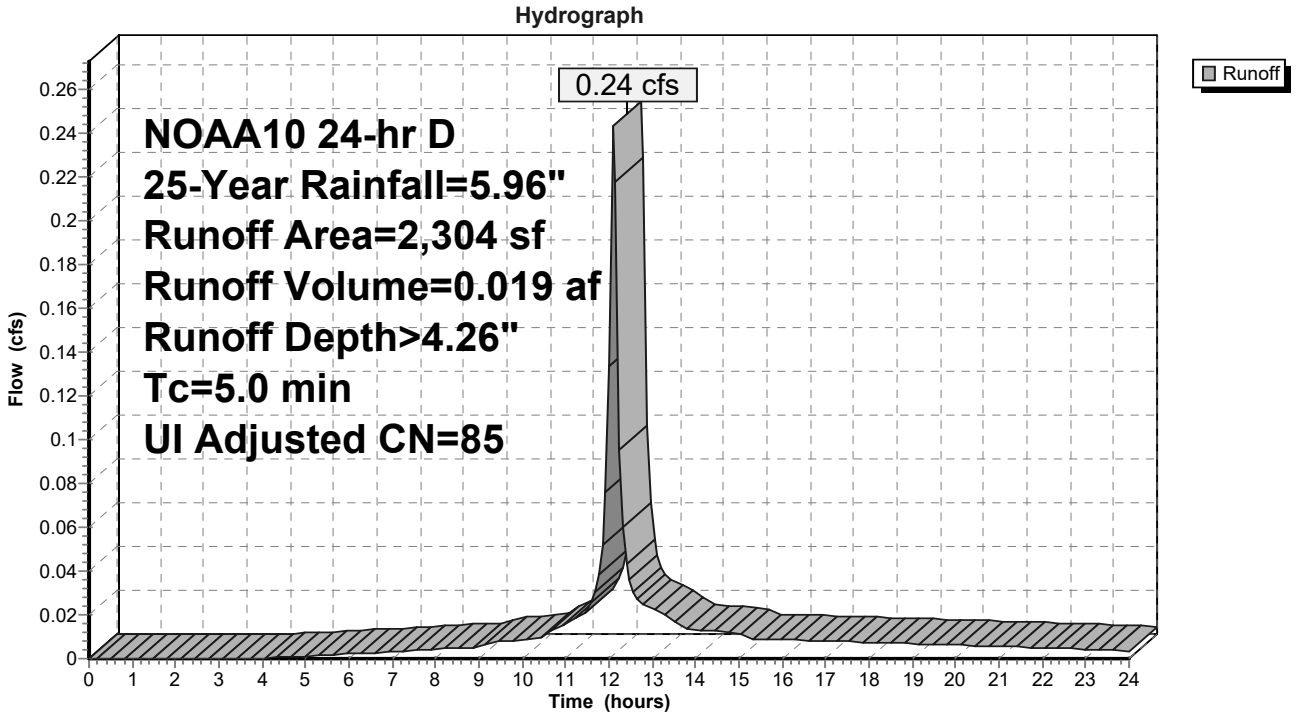
Runoff = 0.24 cfs @ 12.11 hrs, Volume= 0.019 af, Depth> 4.26"
Routed to Pond FS-1 : Filter Strip w/ Dry Well

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 25-Year Rainfall=5.96"

	Area (sf)	CN	Adj	Description
*	1,892	84		Landscaping
	412	98		Unconnected pavement, HSG D
	2,304	87	85	Weighted Average, UI Adjusted
	1,892			82.12% Pervious Area
	412			17.88% Impervious Area
	412			100.00% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban**

Subcatchment SC-6P: Landscaping



Summary for Pond FS-1: Filter Strip w/ Dry Well

Inflow Area = 0.151 ac, 71.32% Impervious, Inflow Depth > 5.21" for 25-Year event
Inflow = 0.78 cfs @ 12.11 hrs, Volume= 0.066 af
Outflow = 0.69 cfs @ 12.15 hrs, Volume= 0.064 af, Atten= 12%, Lag= 3.0 min
Primary = 0.69 cfs @ 12.15 hrs, Volume= 0.064 af
Routed to Pond PI-1 : CB - Cedar/Oxford Intersection

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
Peak Elev= 53.11' @ 12.15 hrs Surf.Area= 428 sf Storage= 190 cf

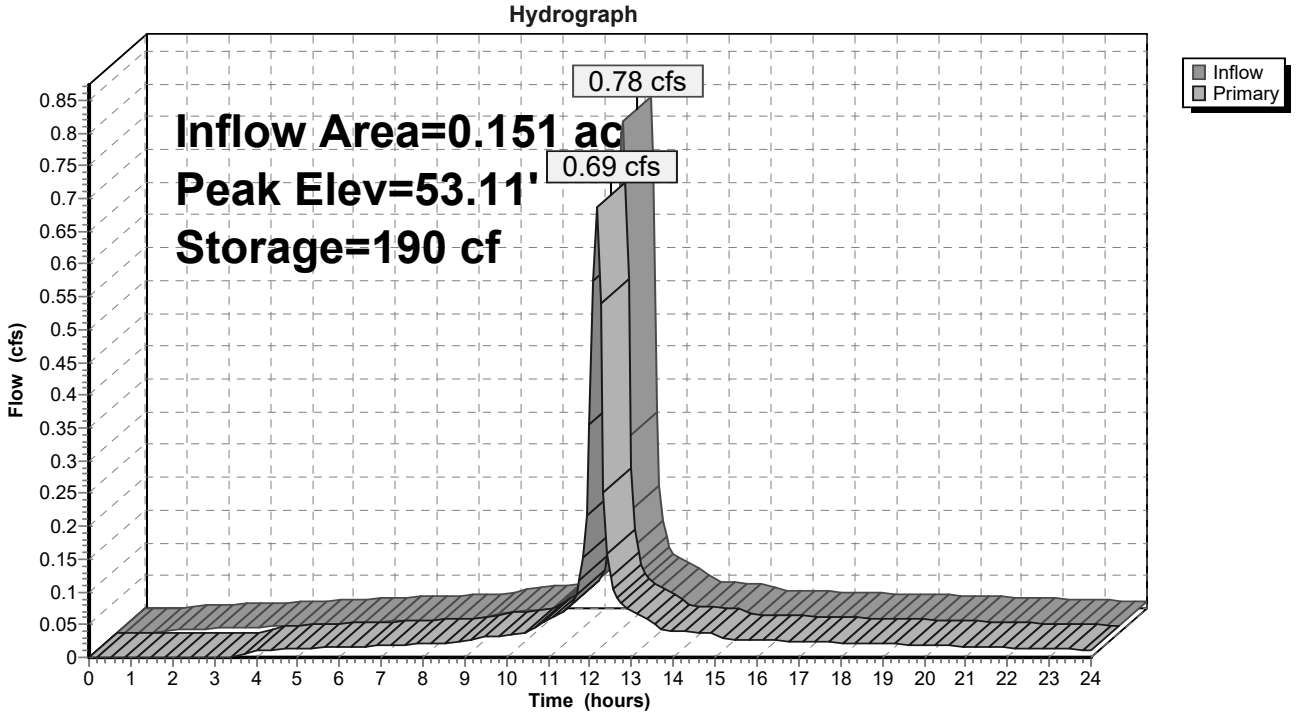
Plug-Flow detention time= 32.2 min calculated for 0.064 af (97% of inflow)
Center-of-Mass det. time= 17.7 min (784.4 - 766.6)

Volume	Invert	Avail.Storage	Storage Description
#1	52.00'	342 cf	**8.00'W x 53.50'L x 2.00'H Prismatoid** 856 cf Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Primary	52.33'	**6.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.68 cfs @ 12.15 hrs HW=53.10' (Free Discharge)
1=Orifice/Grate (Orifice Controls 0.68 cfs @ 3.46 fps)

Pond FS-1: Filter Strip w/ Dry Well



Summary for Pond FS-2: Filter Strip w/ Synth Turf

Inflow Area = 0.177 ac, 96.92% Impervious, Inflow Depth > 5.72" for 25-Year event
Inflow = 0.96 cfs @ 12.10 hrs, Volume= 0.084 af
Outflow = 0.91 cfs @ 12.15 hrs, Volume= 0.079 af, Atten= 6%, Lag= 2.6 min
Primary = 0.91 cfs @ 12.15 hrs, Volume= 0.079 af
Routed to Pond PI-1 : CB - Cedar/Oxford Intersection

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
Peak Elev= 48.49' @ 12.15 hrs Surf.Area= 0.024 ac Storage= 0.009 af

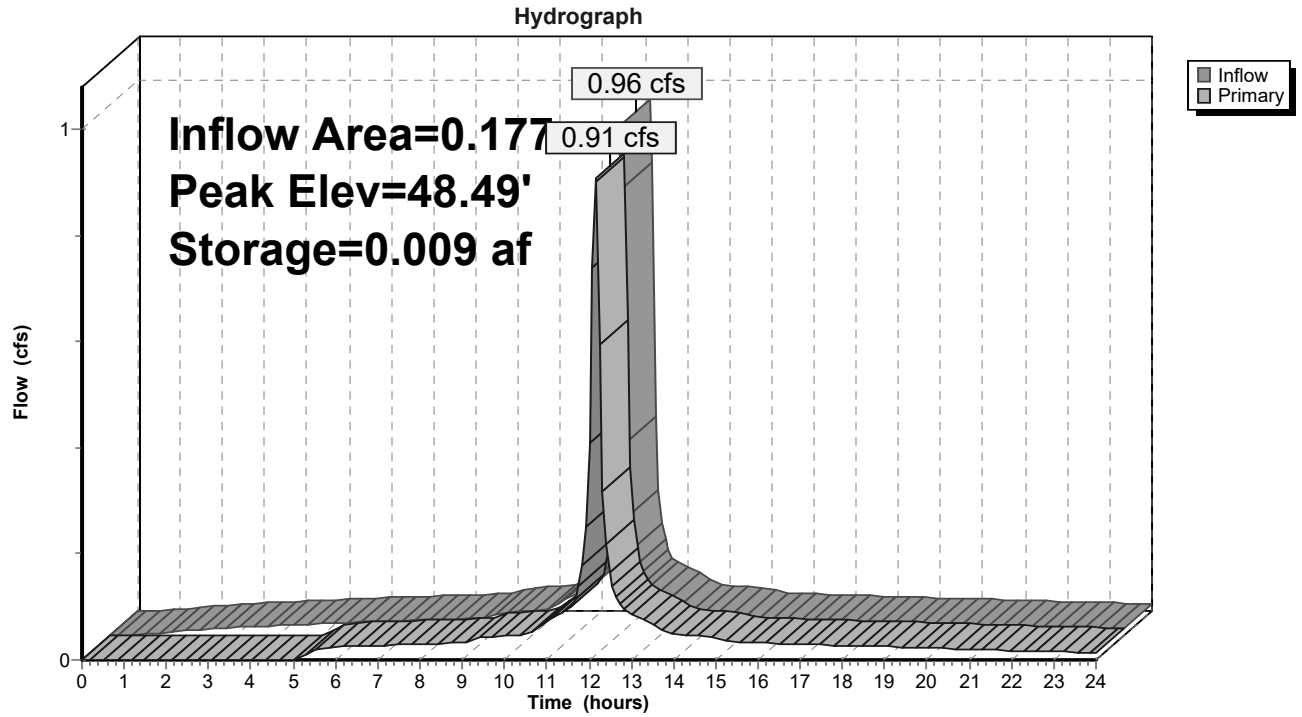
Plug-Flow detention time= 79.0 min calculated for 0.079 af (93% of inflow)
Center-of-Mass det. time= 41.4 min (787.5 - 746.1)

Volume	Invert	Avail.Storage	Storage Description
#1	47.50'	0.019 af	**10.00'W x 104.00'L x 2.00'H Prismatoid** 0.048 af Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Primary	48.00'	**12.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.88 cfs @ 12.15 hrs HW=48.48' (Free Discharge)
1=Orifice/Grate (Orifice Controls 0.88 cfs @ 2.36 fps)

Pond FS-2: Filter Strip w/ Synth Turf



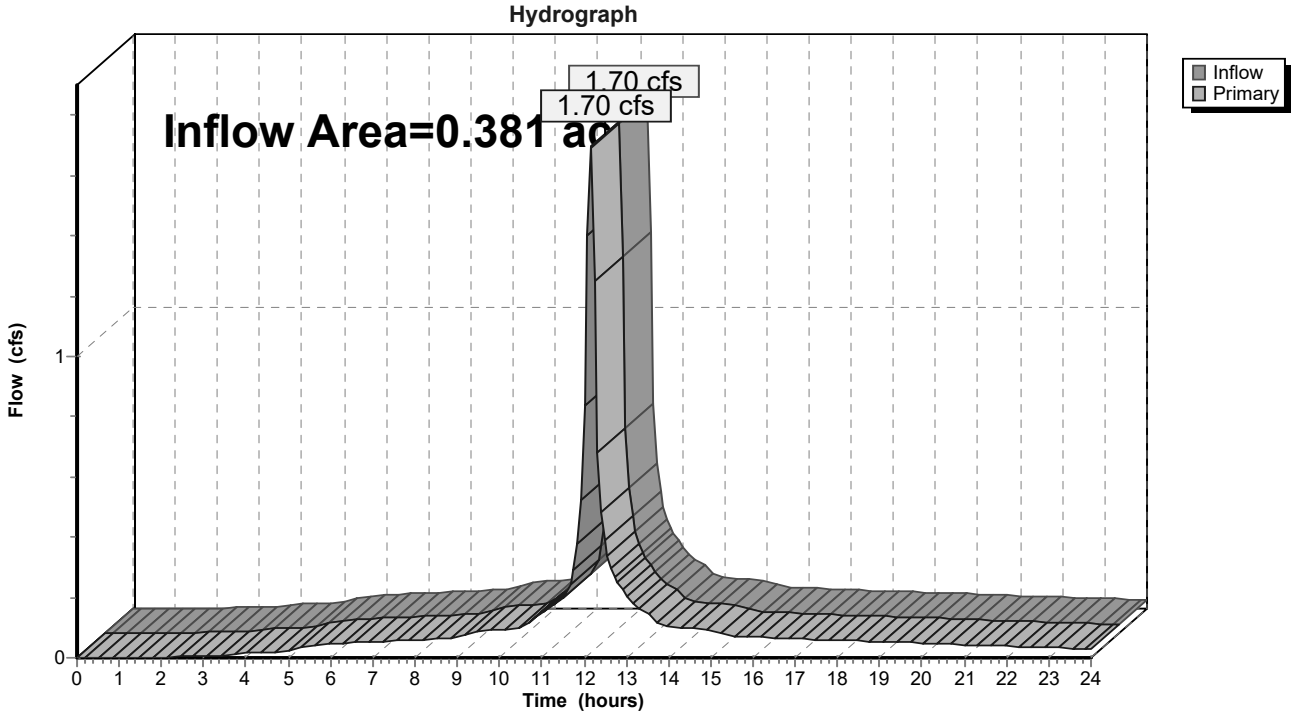
Summary for Pond PI-1: CB - Cedar/Oxford Intersection

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.381 ac, 87.16% Impervious, Inflow Depth > 5.30" for 25-Year event
Inflow = 1.70 cfs @ 12.15 hrs, Volume= 0.168 af
Primary = 1.70 cfs @ 12.15 hrs, Volume= 0.168 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs

Pond PI-1: CB - Cedar/Oxford Intersection



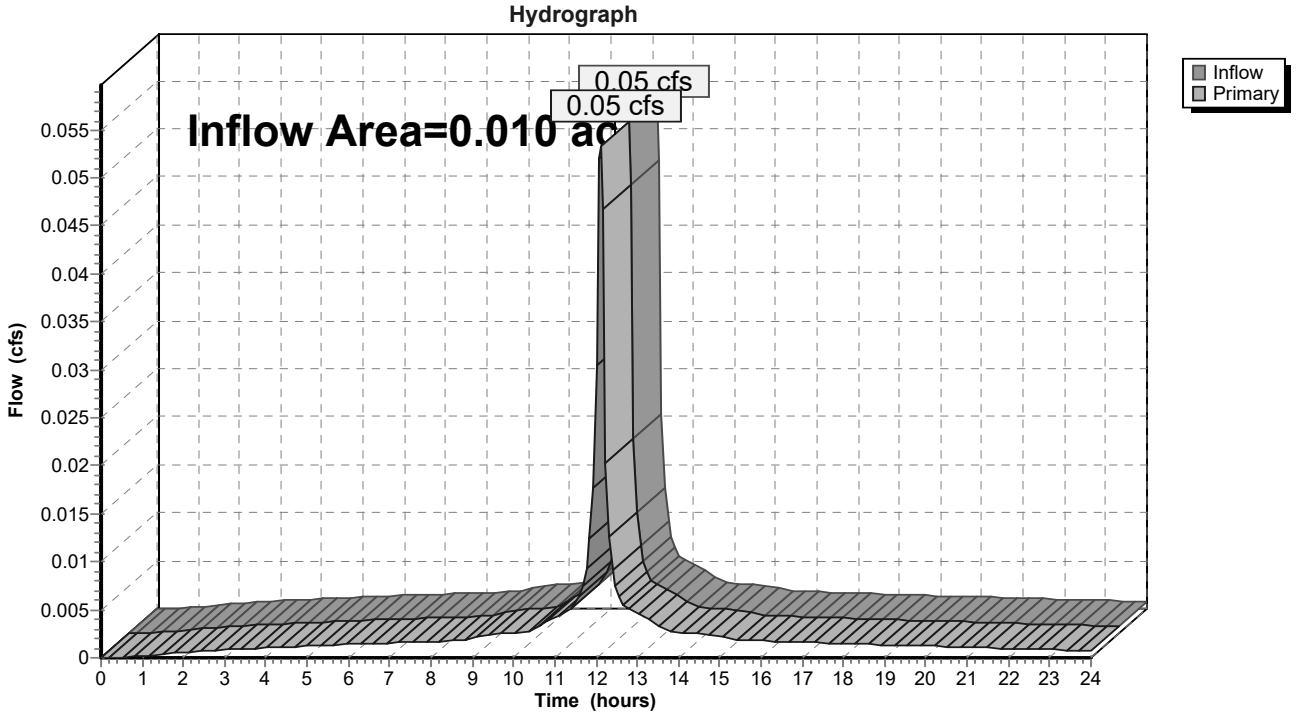
Summary for Pond PI-2: New CB - Front Entry to Cumberland Ave

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.010 ac,100.00% Impervious, Inflow Depth > 5.72" for 25-Year event
Inflow = 0.05 cfs @ 12.10 hrs, Volume= 0.005 af
Primary = 0.05 cfs @ 12.10 hrs, Volume= 0.005 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs

Pond PI-2: New CB - Front Entry to Cumberland Ave



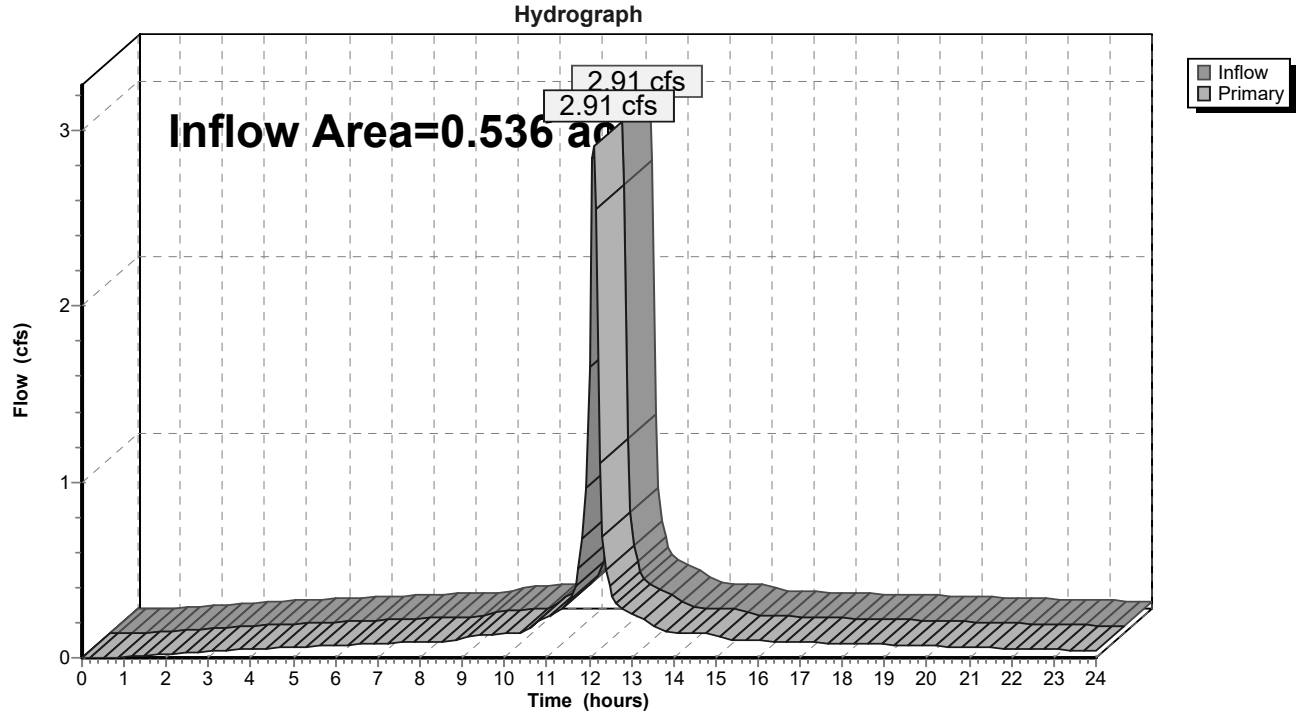
Summary for Pond PI-3: CB - Chestnut/Oxford Intersection

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.536 ac, 95.47% Impervious, Inflow Depth > 5.60" for 25-Year event
Inflow = 2.91 cfs @ 12.10 hrs, Volume= 0.250 af
Primary = 2.91 cfs @ 12.10 hrs, Volume= 0.250 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs

Pond PI-3: CB - Chestnut/Oxford Intersection



Summary for Pond RT-1: R-Tanks

Inflow Area = 0.052 ac,100.00% Impervious, Inflow Depth > 5.72" for 25-Year event
Inflow = 0.28 cfs @ 12.10 hrs, Volume= 0.025 af
Outflow = 0.11 cfs @ 12.26 hrs, Volume= 0.025 af, Atten= 60%, Lag= 9.2 min
Primary = 0.11 cfs @ 12.26 hrs, Volume= 0.025 af
Routed to Pond PI-1 : CB - Cedar/Oxford Intersection

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
Starting Elev= 50.10' Surf.Area= 468 sf Storage= 627 cf
Peak Elev= 50.59' @ 12.26 hrs Surf.Area= 468 sf Storage= 801 cf (174 cf above start)

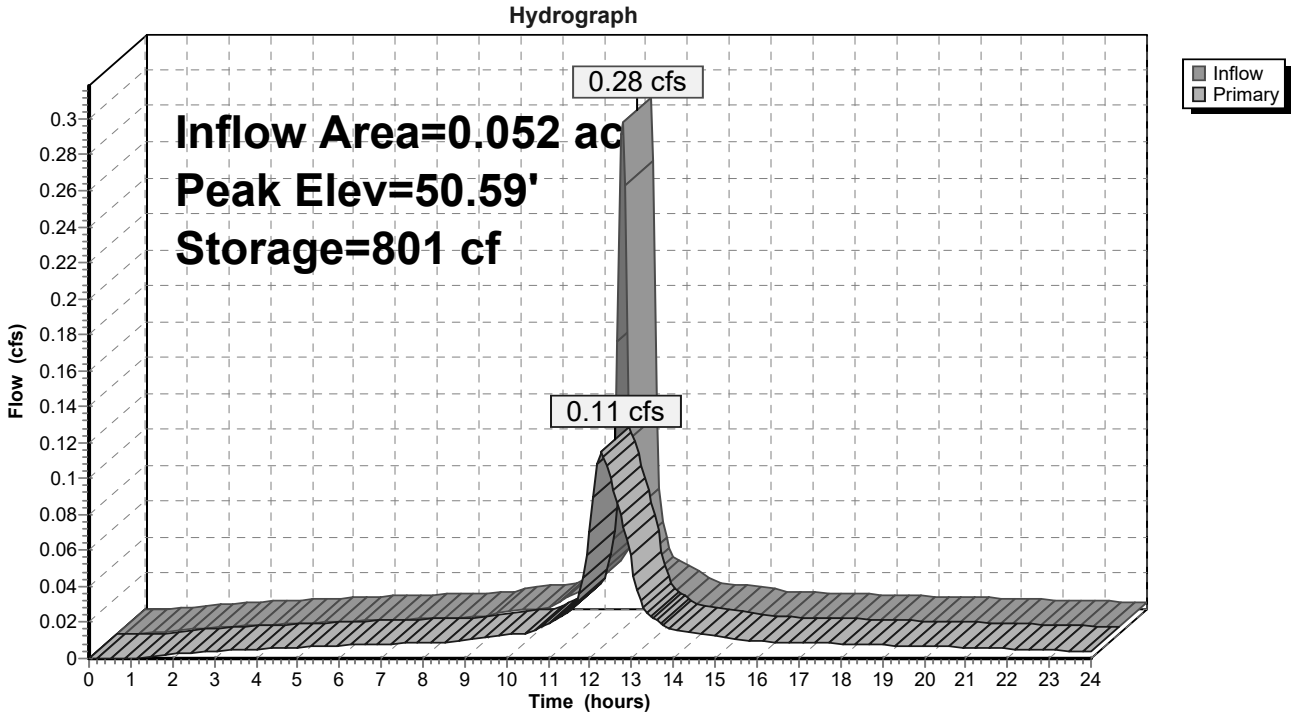
Plug-Flow detention time= 436.2 min calculated for 0.010 af (42% of inflow)
Center-of-Mass det. time= 16.4 min (762.5 - 746.1)

Volume	Invert	Avail.Storage	Storage Description
#1	49.70'	825 cf	**Ferguson R-Tank HD 2** x 100 Inside #2 Inside= 15.7"W x 33.9"H => 3.52 sf x 2.35'L = 8.3 cf Outside= 15.7"W x 33.9"H => 3.70 sf x 2.35'L = 8.7 cf 100 Chambers in 10 Rows
#2	47.11'	898 cf	**17.00'W x 27.50'L x 6.66'H Prismatoid** 3,114 cf Overall - 869 cf Embedded = 2,245 cf x 40.0% Voids
		1,723 cf	Total Available Storage

Device	Routing	Invert	Outlet Devices
#1	Primary	50.10'	**12.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#2	Device 1	49.50'	**2.5" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.11 cfs @ 12.26 hrs HW=50.58' (Free Discharge)
↑—**1=Orifice/Grate** (Passes 0.11 cfs of 0.88 cfs potential flow)
↑—**2=Orifice/Grate** (Orifice Controls 0.11 cfs @ 3.34 fps)

Pond RT-1: R-Tanks



Time span=0.00-24.00 hrs, dt=0.08 hrs, 301 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind method - Pond routing by Stor-Ind method

Subcatchment SC-1P: Cedar Street SC Runoff Area=7,707 sf 96.92% Impervious Runoff Depth>7.36"
Tc=5.0 min CN=98 Runoff=1.23 cfs 0.108 af

Subcatchment SC-2P: New Front Entry Runoff Area=426 sf 100.00% Impervious Runoff Depth>7.36"
Tc=5.0 min CN=98 Runoff=0.07 cfs 0.006 af

Subcatchment SC-3P: Chestnut Street SC Runoff Area=23,357 sf 95.47% Impervious Runoff Depth>7.24"
Tc=5.0 min CN=97 Runoff=3.72 cfs 0.323 af

Subcatchment SC-4P: Building Roof - Runoff Area=4,293 sf 100.00% Impervious Runoff Depth>7.36"
Tc=5.0 min CN=98 Runoff=0.69 cfs 0.060 af

Subcatchment SC-5P: Building Roof - Runoff Area=2,273 sf 100.00% Impervious Runoff Depth>7.36"
Tc=5.0 min CN=98 Runoff=0.36 cfs 0.032 af

Subcatchment SC-6P: Landscaping Runoff Area=2,304 sf 17.88% Impervious Runoff Depth>5.82"
Tc=5.0 min UI Adjusted CN=85 Runoff=0.33 cfs 0.026 af

Pond FS-1: Filter Strip w/ Dry Well Peak Elev=53.41' Storage=241 cf Inflow=1.01 cfs 0.086 af
Outflow=0.86 cfs 0.085 af

Pond FS-2: Filter Strip w/ Synth Turf Peak Elev=48.56' Storage=0.010 af Inflow=1.23 cfs 0.108 af
Outflow=1.17 cfs 0.103 af

Pond PI-1: CB - Cedar/Oxford Intersection Inflow=2.14 cfs 0.219 af
Primary=2.14 cfs 0.219 af

Pond PI-2: New CB - Front Entry to Cumberland Ave Inflow=0.07 cfs 0.006 af
Primary=0.07 cfs 0.006 af

Pond PI-3: CB - Chestnut/Oxford Intersection Inflow=3.72 cfs 0.323 af
Primary=3.72 cfs 0.323 af

Pond RT-1: R-Tanks Peak Elev=50.76' Storage=861 cf Inflow=0.36 cfs 0.032 af
Outflow=0.13 cfs 0.032 af

Total Runoff Area = 0.927 ac Runoff Volume = 0.556 af Average Runoff Depth = 7.20"
7.90% Pervious = 0.073 ac 92.10% Impervious = 0.853 ac

Summary for Subcatchment SC-1P: Cedar Street SC

[49] Hint: Tc<2dt may require smaller dt

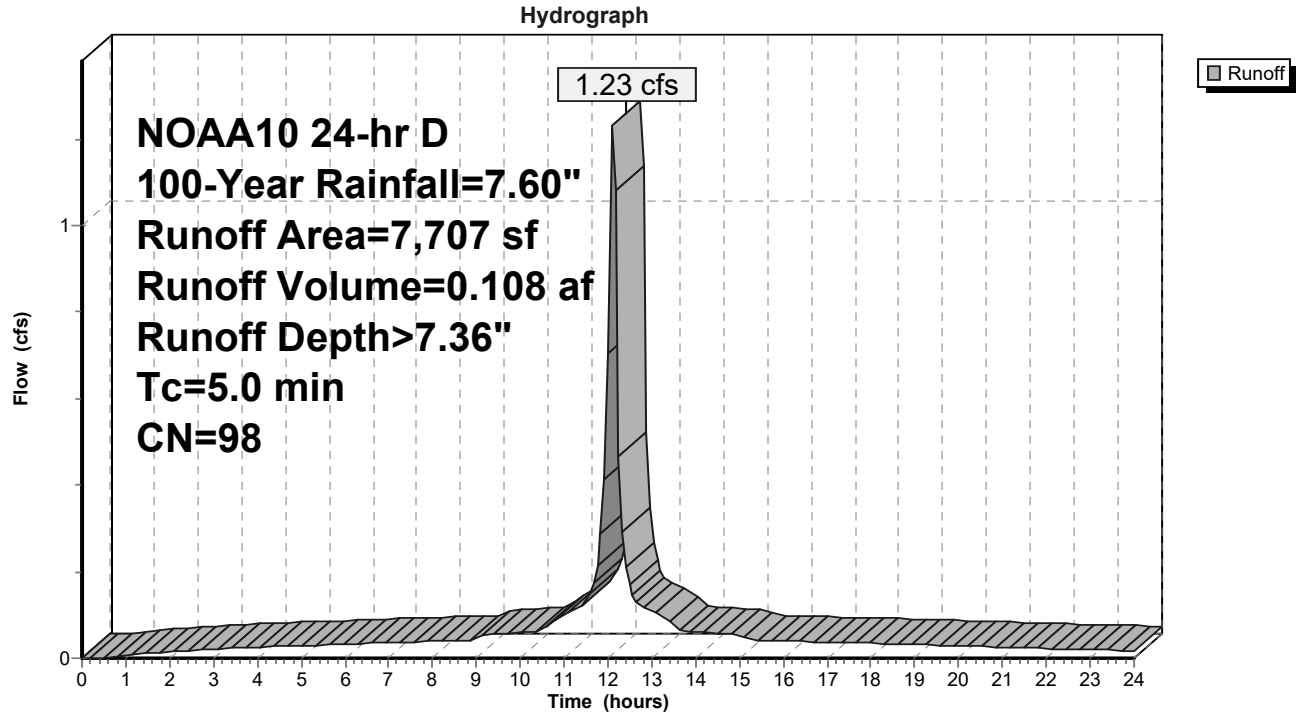
Runoff = 1.23 cfs @ 12.10 hrs, Volume= 0.108 af, Depth> 7.36"
Routed to Pond FS-2 : Filter Strip w/ Synth Turf

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 100-Year Rainfall=7.60"

	Area (sf)	CN	Description
	5,721	98	Paved parking, HSG D
	781	98	Unconnected pavement, HSG D
	46	89	<50% Grass cover, Poor, HSG D
*	191	80	Landscaping
*	968	98	Synthetic Turf
	7,707	98	Weighted Average
	237		3.08% Pervious Area
	7,470		96.92% Impervious Area
	781		10.46% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban Development**

Subcatchment SC-1P: Cedar Street SC



Summary for Subcatchment SC-2P: New Front Entry

[49] Hint: Tc<2dt may require smaller dt

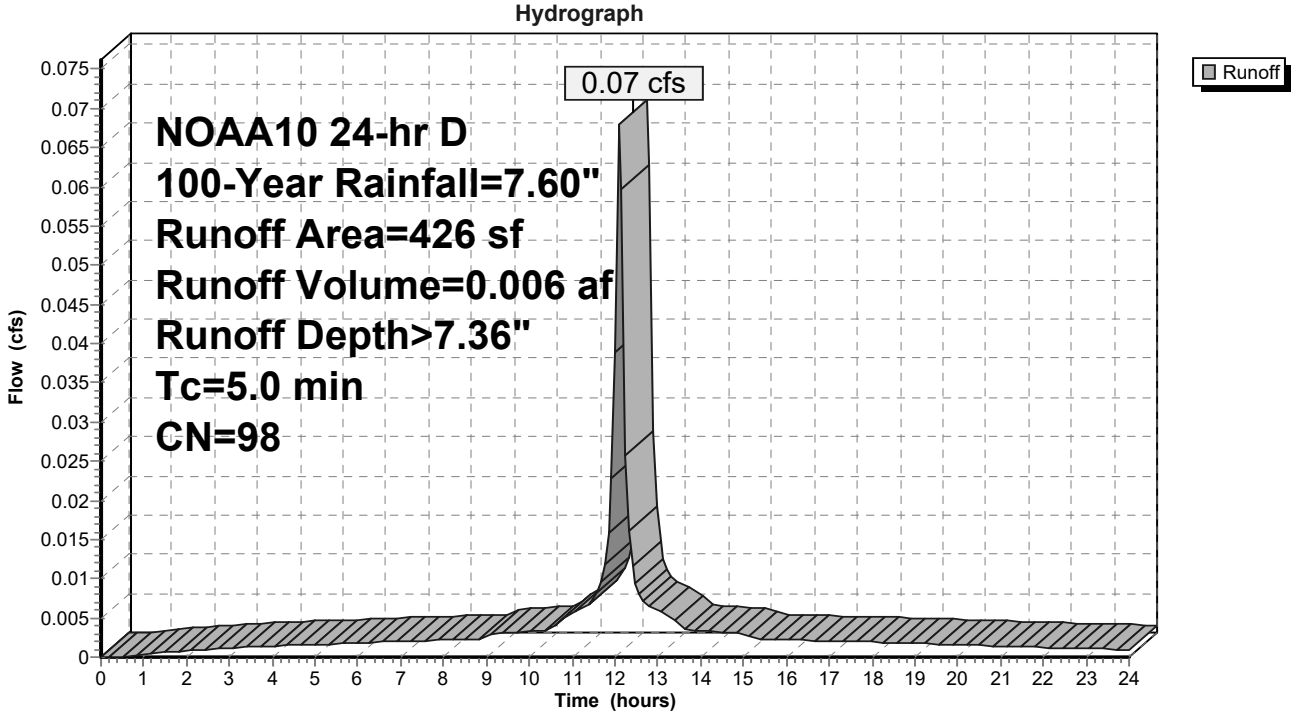
Runoff = 0.07 cfs @ 12.10 hrs, Volume= 0.006 af, Depth> 7.36"
Routed to Pond PI-2 : New CB - Front Entry to Cumberland Ave

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 100-Year Rainfall=7.60"

Area (sf)	CN	Description
232	98	Roofs, HSG D
194	98	Unconnected pavement, HSG D
426	98	Weighted Average
426		100.00% Impervious Area
194		45.54% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Concrete Front Entry**

Subcatchment SC-2P: New Front Entry



Summary for Subcatchment SC-3P: Chestnut Street SC

[49] Hint: Tc<2dt may require smaller dt

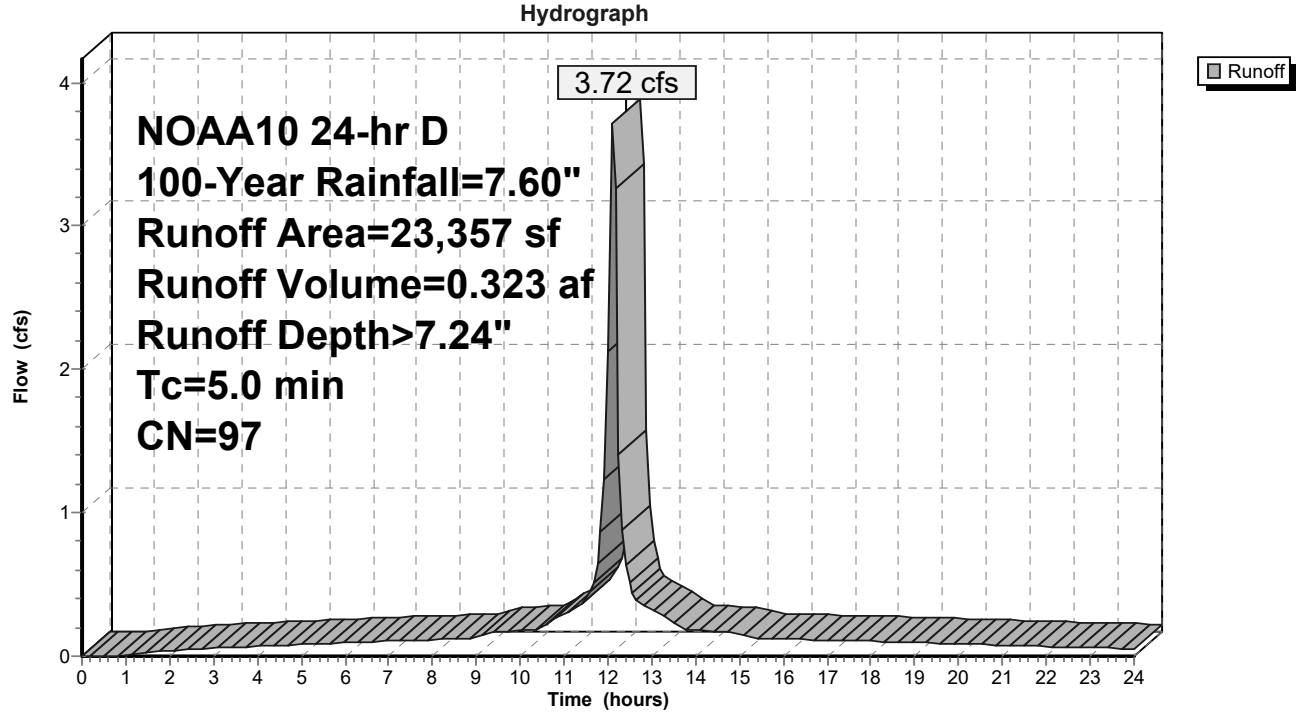
Runoff = 3.72 cfs @ 12.10 hrs, Volume= 0.323 af, Depth> 7.24"
Routed to Pond PI-3 : CB - Chestnut/Oxford Intersection

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 100-Year Rainfall=7.60"

	Area (sf)	CN	Description
	16,220	98	Roofs, HSG D
	5,923	98	Paved parking, HSG D
	155	98	Unconnected pavement, HSG D
	506	89	<50% Grass cover, Poor, HSG D
*	553	80	Landscaping
	23,357	97	Weighted Average
	1,059		4.53% Pervious Area
	22,298		95.47% Impervious Area
	155		0.70% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban Development**

Subcatchment SC-3P: Chestnut Street SC



Summary for Subcatchment SC-4P: Building Roof - South

[49] Hint: Tc<2dt may require smaller dt

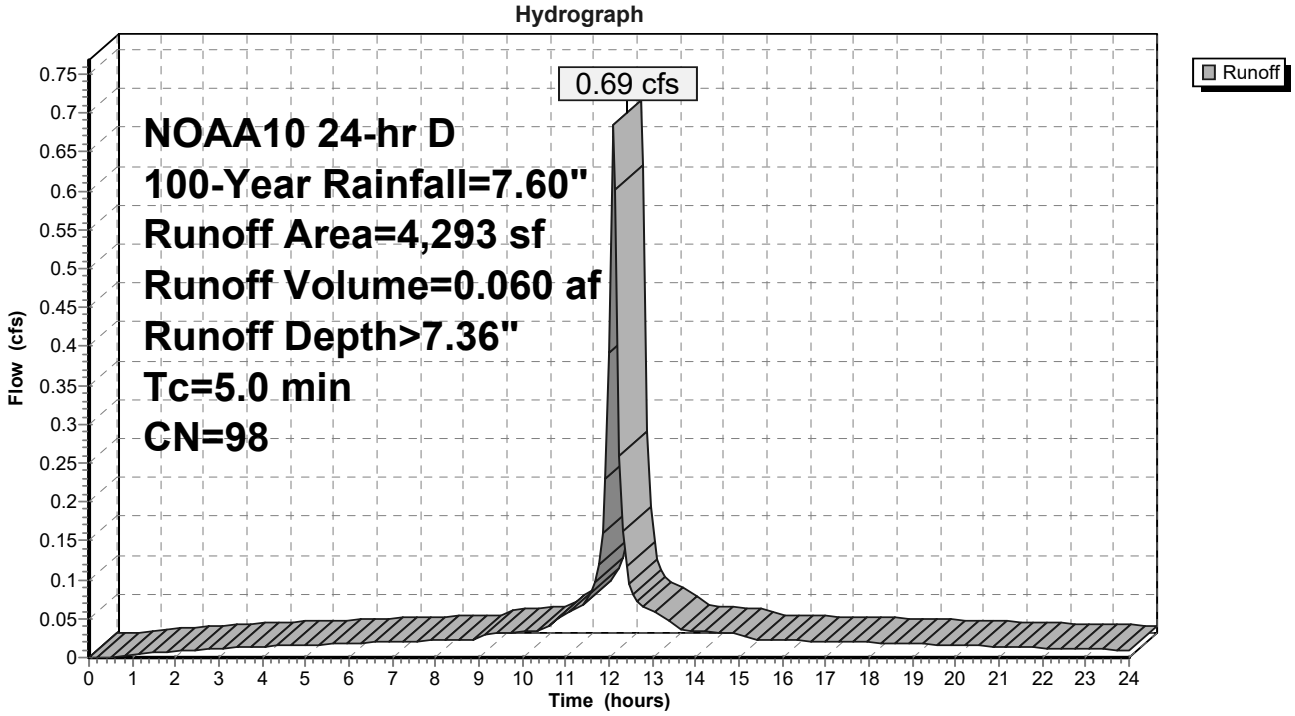
Runoff = 0.69 cfs @ 12.10 hrs, Volume= 0.060 af, Depth> 7.36"
Routed to Pond FS-1 : Filter Strip w/ Dry Well

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 100-Year Rainfall=7.60"

Area (sf)	CN	Description
4,293	98	Roofs, HSG D
4,293		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban Development**

Subcatchment SC-4P: Building Roof - South



Summary for Subcatchment SC-5P: Building Roof - North

[49] Hint: Tc<2dt may require smaller dt

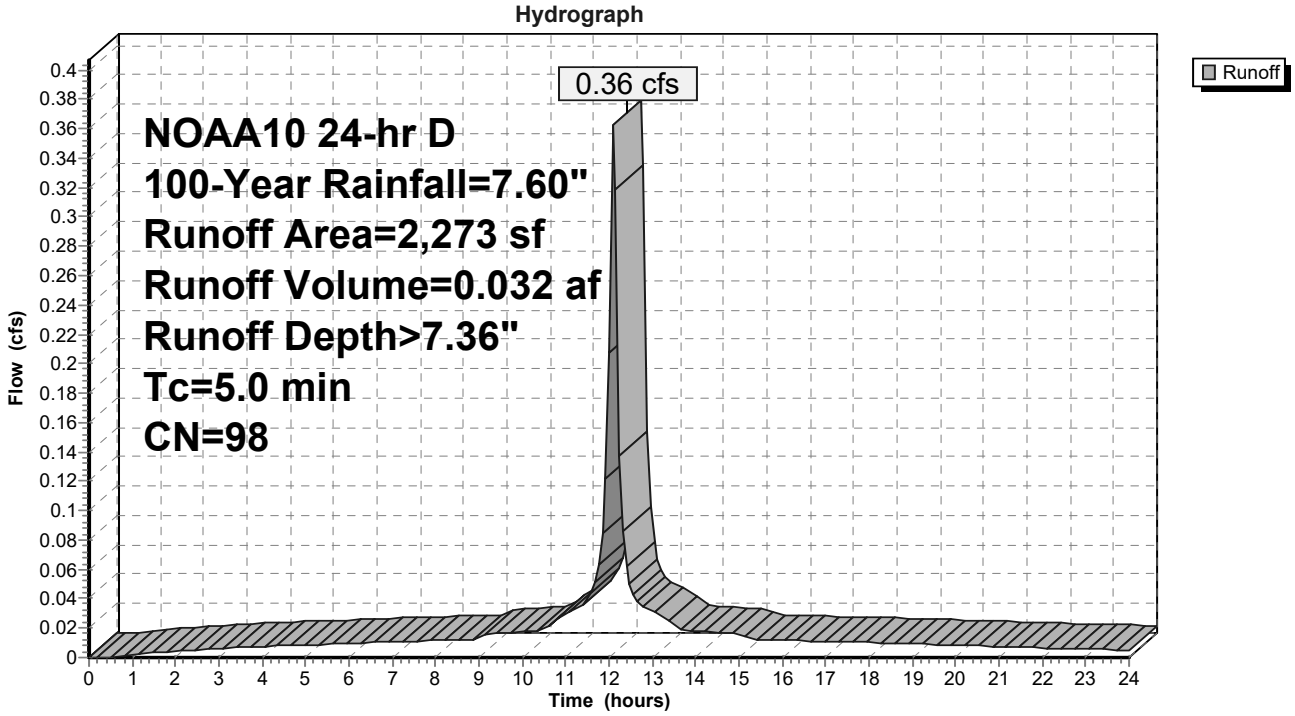
Runoff = 0.36 cfs @ 12.10 hrs, Volume= 0.032 af, Depth> 7.36"
Routed to Pond RT-1 : R-Tanks

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 100-Year Rainfall=7.60"

Area (sf)	CN	Description
2,273	98	Roofs, HSG D
2,273		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban Development**

Subcatchment SC-5P: Building Roof - North



Summary for Subcatchment SC-6P: Landscaping

[49] Hint: Tc<2dt may require smaller dt

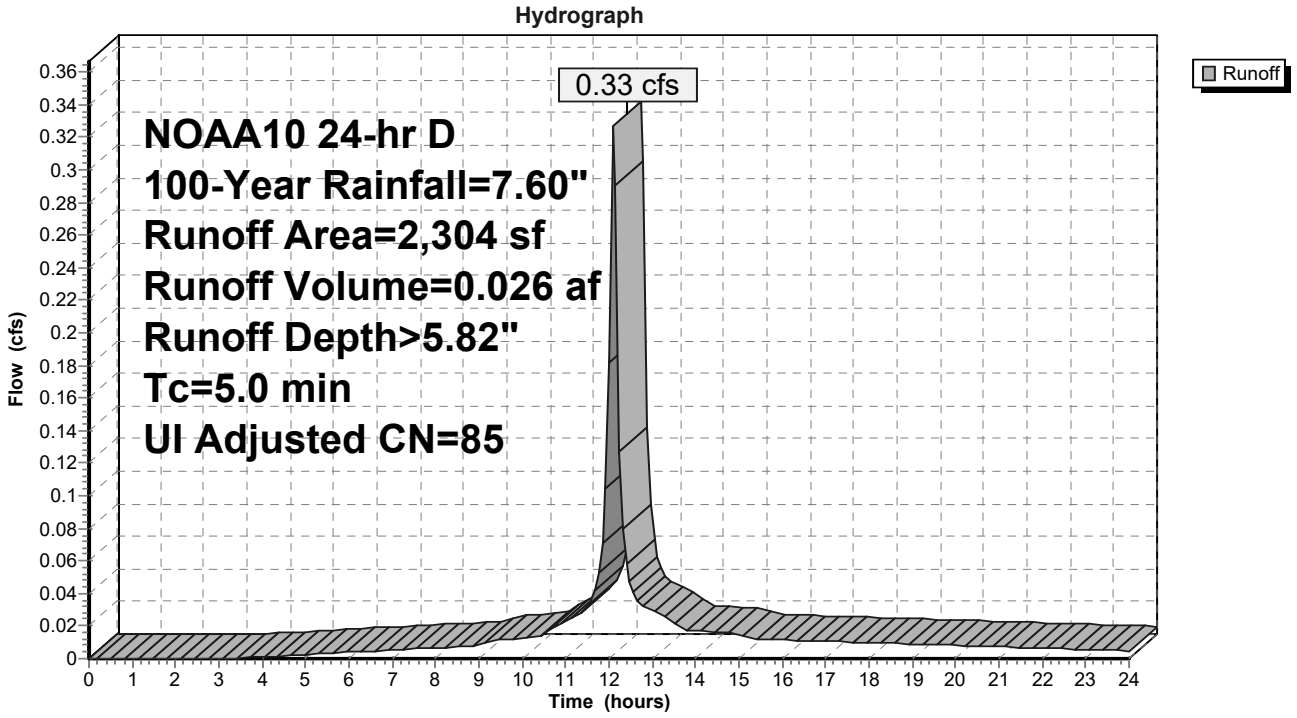
Runoff = 0.33 cfs @ 12.11 hrs, Volume= 0.026 af, Depth> 5.82"
Routed to Pond FS-1 : Filter Strip w/ Dry Well

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
NOAA10 24-hr D 100-Year Rainfall=7.60"

	Area (sf)	CN	Adj	Description
*	1,892	84		Landscaping
	412	98		Unconnected pavement, HSG D
	2,304	87	85	Weighted Average, UI Adjusted
	1,892			82.12% Pervious Area
	412			17.88% Impervious Area
	412			100.00% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, Urban**

Subcatchment SC-6P: Landscaping



Summary for Pond FS-1: Filter Strip w/ Dry Well

Inflow Area = 0.151 ac, 71.32% Impervious, Inflow Depth > 6.82" for 100-Year event
Inflow = 1.01 cfs @ 12.10 hrs, Volume= 0.086 af
Outflow = 0.86 cfs @ 12.16 hrs, Volume= 0.085 af, Atten= 15%, Lag= 3.4 min
Primary = 0.86 cfs @ 12.16 hrs, Volume= 0.085 af
Routed to Pond PI-1 : CB - Cedar/Oxford Intersection

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
Peak Elev= 53.41' @ 12.16 hrs Surf.Area= 428 sf Storage= 241 cf

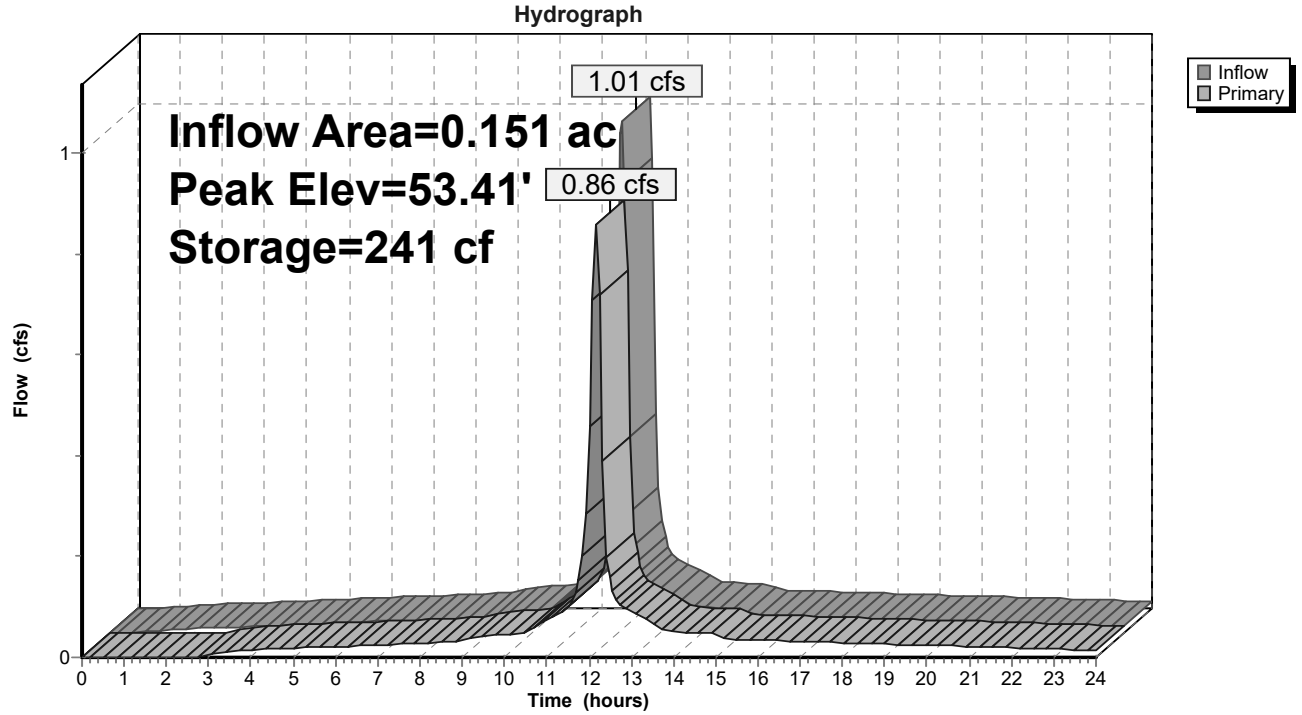
Plug-Flow detention time= 26.1 min calculated for 0.084 af (98% of inflow)
Center-of-Mass det. time= 14.6 min (775.9 - 761.2)

Volume	Invert	Avail.Storage	Storage Description
#1	52.00'	342 cf	**8.00'W x 53.50'L x 2.00'H Prismatoid** 856 cf Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Primary	52.33'	**6.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.86 cfs @ 12.16 hrs HW=53.40' (Free Discharge)
1=Orifice/Grate (Orifice Controls 0.86 cfs @ 4.37 fps)

Pond FS-1: Filter Strip w/ Dry Well



Summary for Pond FS-2: Filter Strip w/ Synth Turf

Inflow Area = 0.177 ac, 96.92% Impervious, Inflow Depth > 7.36" for 100-Year event
Inflow = 1.23 cfs @ 12.10 hrs, Volume= 0.108 af
Outflow = 1.17 cfs @ 12.15 hrs, Volume= 0.103 af, Atten= 5%, Lag= 2.5 min
Primary = 1.17 cfs @ 12.15 hrs, Volume= 0.103 af
Routed to Pond PI-1 : CB - Cedar/Oxford Intersection

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
Peak Elev= 48.56' @ 12.14 hrs Surf.Area= 0.024 ac Storage= 0.010 af

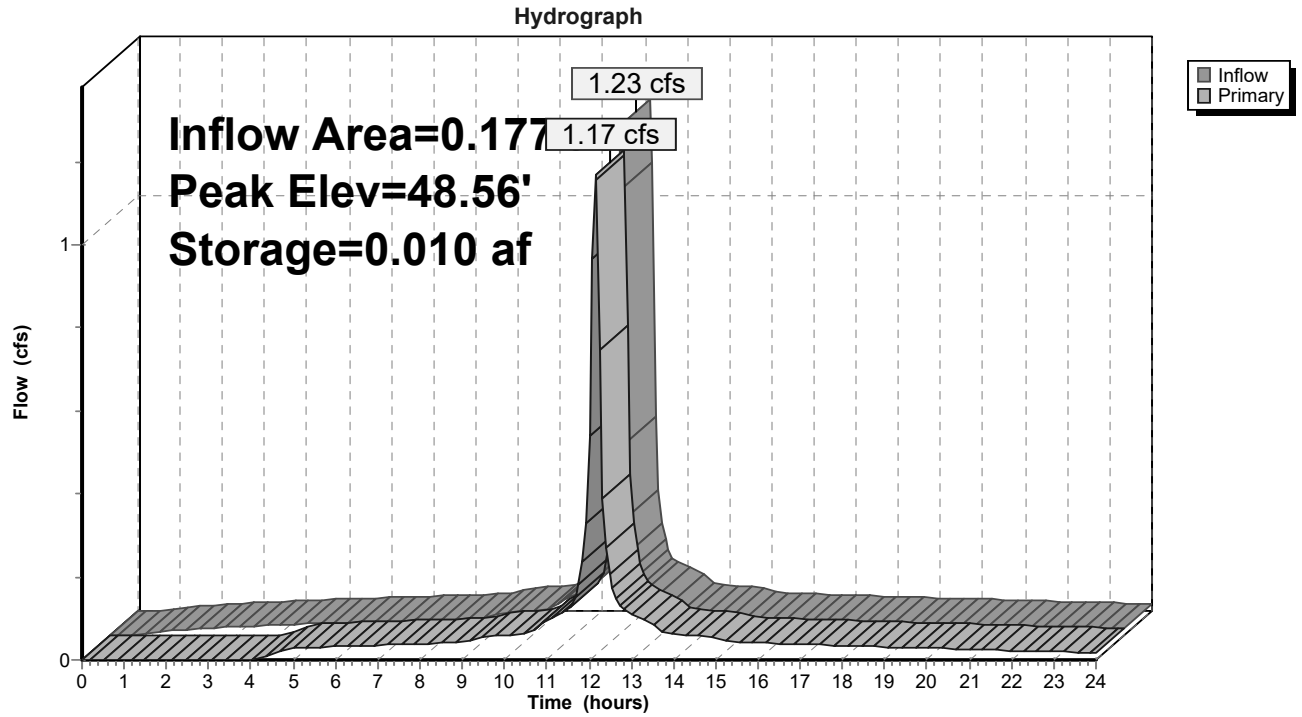
Plug-Flow detention time= 64.9 min calculated for 0.103 af (95% of inflow)
Center-of-Mass det. time= 34.4 min (776.6 - 742.2)

Volume	Invert	Avail.Storage	Storage Description
#1	47.50'	0.019 af	**10.00'W x 104.00'L x 2.00'H Prismatoid** 0.048 af Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Primary	48.00'	**12.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=1.12 cfs @ 12.15 hrs HW=48.55' (Free Discharge)
└**1=Orifice/Grate** (Orifice Controls 1.12 cfs @ 2.53 fps)

Pond FS-2: Filter Strip w/ Synth Turf



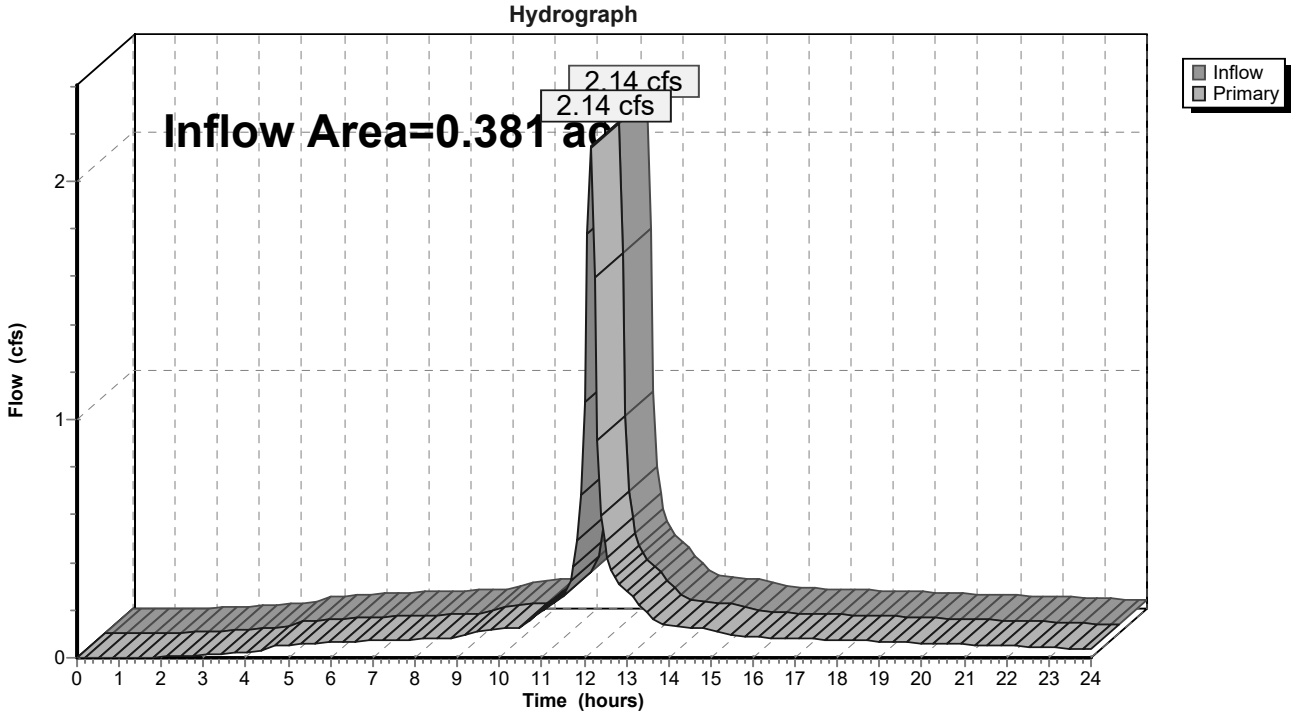
Summary for Pond PI-1: CB - Cedar/Oxford Intersection

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.381 ac, 87.16% Impervious, Inflow Depth > 6.92" for 100-Year event
Inflow = 2.14 cfs @ 12.15 hrs, Volume= 0.219 af
Primary = 2.14 cfs @ 12.15 hrs, Volume= 0.219 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs

Pond PI-1: CB - Cedar/Oxford Intersection



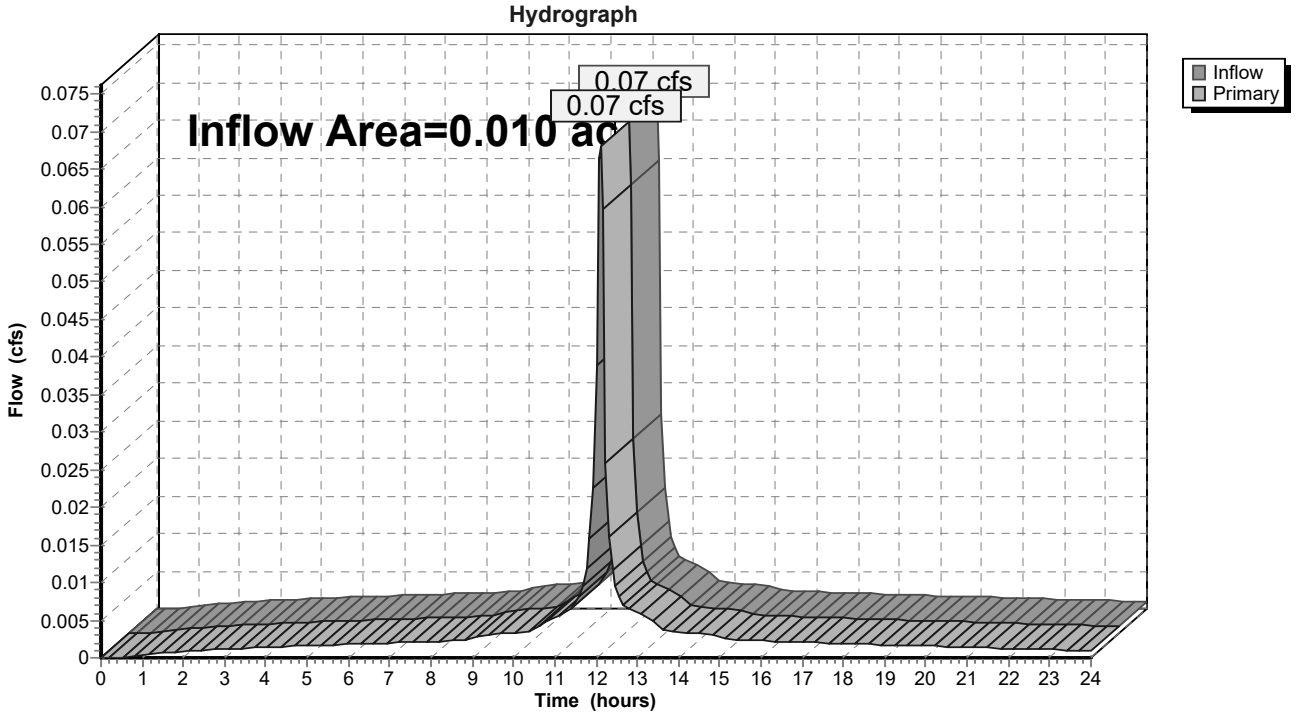
Summary for Pond PI-2: New CB - Front Entry to Cumberland Ave

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.010 ac,100.00% Impervious, Inflow Depth > 7.36" for 100-Year event
Inflow = 0.07 cfs @ 12.10 hrs, Volume= 0.006 af
Primary = 0.07 cfs @ 12.10 hrs, Volume= 0.006 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs

Pond PI-2: New CB - Front Entry to Cumberland Ave



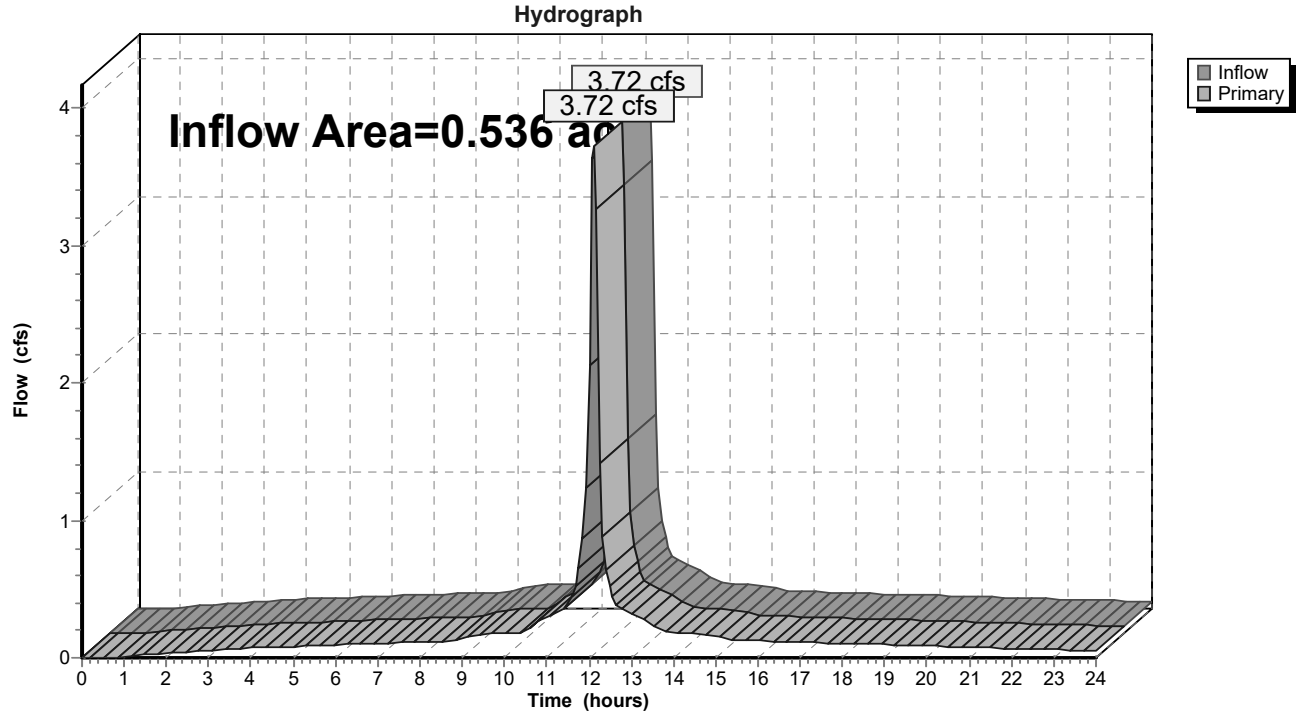
Summary for Pond PI-3: CB - Chestnut/Oxford Intersection

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.536 ac, 95.47% Impervious, Inflow Depth > 7.24" for 100-Year event
Inflow = 3.72 cfs @ 12.10 hrs, Volume= 0.323 af
Primary = 3.72 cfs @ 12.10 hrs, Volume= 0.323 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs

Pond PI-3: CB - Chestnut/Oxford Intersection



Summary for Pond RT-1: R-Tanks

Inflow Area = 0.052 ac,100.00% Impervious, Inflow Depth > 7.36" for 100-Year event
Inflow = 0.36 cfs @ 12.10 hrs, Volume= 0.032 af
Outflow = 0.13 cfs @ 12.27 hrs, Volume= 0.032 af, Atten= 63%, Lag= 9.8 min
Primary = 0.13 cfs @ 12.27 hrs, Volume= 0.032 af
Routed to Pond PI-1 : CB - Cedar/Oxford Intersection

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.08 hrs
Starting Elev= 50.10' Surf.Area= 468 sf Storage= 627 cf
Peak Elev= 50.76' @ 12.27 hrs Surf.Area= 468 sf Storage= 861 cf (234 cf above start)

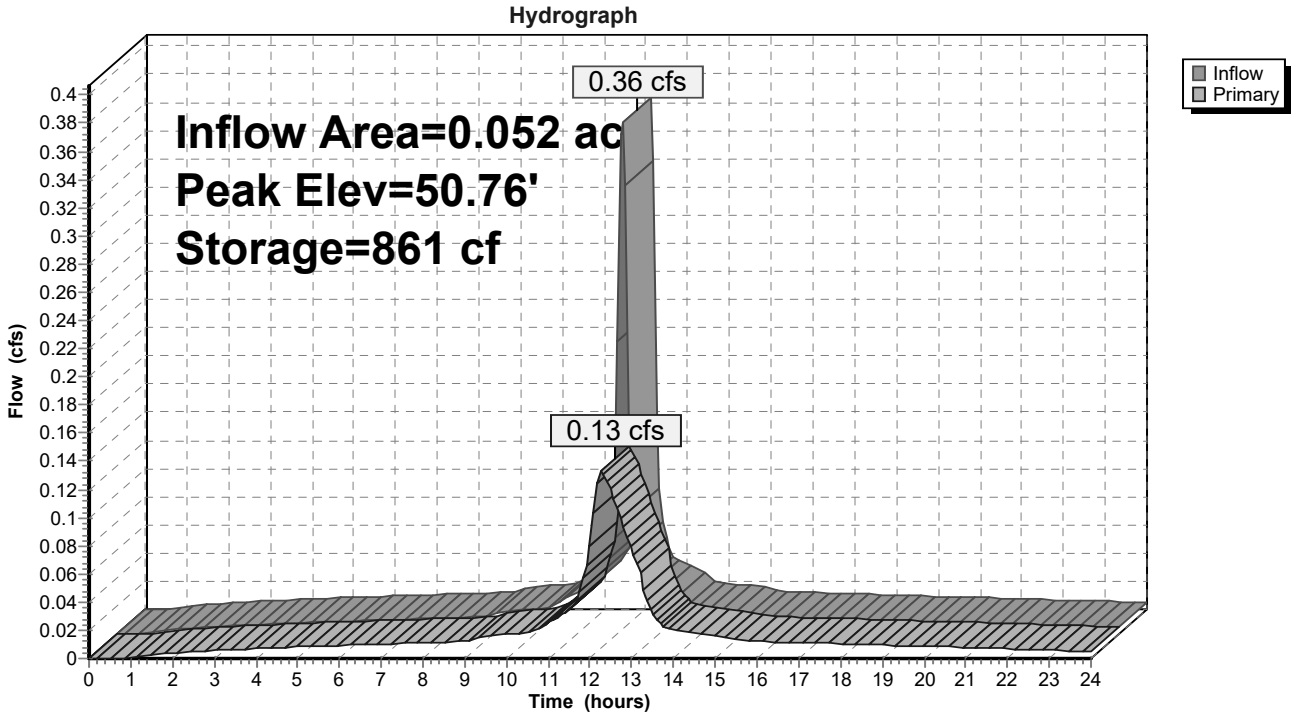
Plug-Flow detention time= 342.9 min calculated for 0.017 af (54% of inflow)
Center-of-Mass det. time= 17.0 min (759.2 - 742.2)

Volume	Invert	Avail.Storage	Storage Description
#1	49.70'	825 cf	**Ferguson R-Tank HD 2** x 100 Inside #2 Inside= 15.7"W x 33.9"H => 3.52 sf x 2.35'L = 8.3 cf Outside= 15.7"W x 33.9"H => 3.70 sf x 2.35'L = 8.7 cf 100 Chambers in 10 Rows
#2	47.11'	898 cf	**17.00'W x 27.50'L x 6.66'H Prismatoid** 3,114 cf Overall - 869 cf Embedded = 2,245 cf x 40.0% Voids
		1,723 cf	Total Available Storage

Device	Routing	Invert	Outlet Devices
#1	Primary	50.10'	**12.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#2	Device 1	49.50'	**2.5" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.13 cfs @ 12.27 hrs HW=50.75' (Free Discharge)
↑—**1=Orifice/Grate** (Passes 0.13 cfs of 1.47 cfs potential flow)
↑—**2=Orifice/Grate** (Orifice Controls 0.13 cfs @ 3.87 fps)

Pond RT-1: R-Tanks



12 – UTILITY CAPACITY

Portland Water District (PWD) has determined that it has capacity to provide sanitary sewer services to the project. The capacity letter is attached. PWD's approval for domestic water service is pending internal policy review and modification. The attached email correspondence explains PWD's schedule. Water service letter will be submitted when available.

Department of Public Works
Mike Murray
Director

Date: December 23, 2025
Re: Wastewater Capacity Authorization
Address: 277 Cumberland Avenue
Applicant: Boys & Girls Club of Southern Maine
Planner: TBD

Estimate of Anticipated Wastewater Flows				
Development	**Unit Size**	**Number of Units**	**Gallons per Day per Unit**	**Total Gallons per Day**
Existing Flow to be Removed				
9 Cedar St	PWD Records			-1097
289 Cumberland Ave	PWD Records			-424
Proposed flow				
Public Restrooms	# Toilets	9	325 GPD	2,925
Net Change				**+ 1,404**
*Values based on STATE OF MAINE: SUBSURFACE WASTEWATER DISPOSAL RULES, most recent edition				

Comments:
The Department of Public Works, which includes the Water Resource Division, have reviewed and determined that the downstream sewers from the project address have the capacity to convey the estimated dry weather wastewater flows which will be generated from this development.

However, storm drainage and sanitary sewer flows in this project area drain to the City's combined sewer system. Lack of wet weather capacity results in frequent system wide combined sewer overflows. City wide mitigation of combined sewer overflows is required as part of the City's CSO consent decree administered by the EPA and Maine DEP.

Section 5.2.4 of the City's Technical Manual requires DPW Water Resources approval when rain water is being proposed to discharge into a sewer which conveys sanitary waste. Applicable projects proposing to make a stormwater connection into the City's combined sewer system shall:
1. Provide a minimum on-site stormwater detention volume equal to the greater of:

a. 1" of rainfall times the TOTAL impervious area within the project's disturbance limits;
b. The project's proposed increase in average daily sewer flow being added to the combined sewer system.

2. Control stormwater discharge rates into the City's combined sewer system to a maximum flow rate of 0.1 CFS until the on-site detention system reaches its design capacity.

You are also reminded that new connections into the combined sewer system shall be equipped with backflow prevention in accordance with Section 6.6.10 of the City's Technical Manual.

If the City can be of further assistance, please contact me at 207-874-8840 or brad@portlandmaine.gov

Sincerely,

Bradley A. Roland, P.E.,
Senior Project Engineer

From: Tom Doyle
Sent: Tuesday, December 23, 2025 11:03 AM
To: Wendy MacDaniels
Subject: FW: 526580- 277 Cumberland Ave, PO- Ability to Serve review

Thomas Doyle PE
Senior Civil Engineer
Licensed in ME, NH, VT, MA

SMRT Architects & Engineers
c 207.837.8557 d 207.321.3921
smrtinc.com

From: Aline Bamukunde <abamukunde@pwd.org>
Sent: Tuesday, December 23, 2025 10:55 AM
To: Tom Doyle <tdoyle@smrtinc.com>
Subject: RE: 526580- 277 Cumberland Ave, PO- Ability to Serve review

Hi Tom,
Thank you for the updated plan and that is all set. This is one of unique projects that requires retirement of the existing services which should be performed by a contractor to the owners cost in the presence of the PWD personnel. There is an ongoing internal discussion about retirement procedures/policy, we will get back to you as soon as the concerns are addressed which is highly likely in the week of January 5th.

Wishing you a happy holiday!
Aline

ALINE BAMUKUNDE
Associate Engineer
(207) 523-5286
abamukunde@pwd.org
https://link.edgepilot.com/s/84899c37/meCWExtcmE_mHvxfnkblJw?u=https://www.pwd.org/

Portland Water District
From Sebago Lake to Casco Bay

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From: Tom Doyle <tdoyle@smrtinc.com>
Sent: Thursday, December 18, 2025 4:01 PM
To: Aline Bamukunde <abamukunde@pwd.org>
Subject: RE: 526580- 277 Cumberland Ave, PO- Ability to Serve review

Aline,

Please find updated plan with notes added per your recommendation.

Let us know if you have any additional questions or comments to continue your review for the ability to serve letter.

Tom

Thomas Doyle PE
Senior Civil Engineer
Licensed in ME, NH, VT, MA

SMRT Architects & Engineers
c 207.837.8557 d 207.321.3921
smrtinc.com

From: Tom Doyle
Sent: Thursday, December 18, 2025 3:40 PM
To: 'Aline Bamukunde' <abamukunde@pwd.org>
Subject: RE: 526580- 277 Cumberland Ave, PO- Ability to Serve review

Thanks Aline,

We will work on getting plan updated to reflect your comments.

Tom

Thomas Doyle PE
Senior Civil Engineer
Licensed in ME, NH, VT, MA

SMRT Architects & Engineers
c 207.837.8557 d 207.321.3921
smrtinc.com

From: Aline Bamukunde <abamukunde@pwd.org>
Sent: Thursday, December 18, 2025 2:42 PM
To: Tom Doyle <tdoyle@smrtinc.com>
Cc: Kerry Dineen <kdineen@smrtinc.com>
Subject: 526580- 277 Cumberland Ave, PO- Ability to Serve review

Hi Tom,
I am reviewing the water request for the expansion project at 277 Cumberland Avenue in Portland.

Our record shows existing 6-inch Fire and 4-inch domestic services taking off of Chestnut Street to the site which you mentioned you will be connecting to the proposed expended building. Based on the request letter, you mentioned that both ¾-inch domestic service to 289 Cumberland Avenue, and 1iinch domestic service to 9 Cedar Street will be retired, you will need to specify on the plan that the services will be retired. Please be informed that the water service retirement must be done per PWD standards which requires street opening to shut and cut the corporation stop at the main and PWD will need to retrieve the existing meters from the buildings before demolition begins. I have attached the screenshot of the existing curb stop to 289 Cumberland Ave for your reference.

Let me know if you have questions or need further info to submit an updated plan and we will move forward from there.
Aline

ALINE BAMUKUNDE
Associate Engineer
(207) 523-5286
abamukunde@pwd.org
https://link.edgepilot.com/s/6f84b764/QLLa38EqAkWnmFChNRS_TQ?u=https://www.pwd.org/

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From Sebago Lake to Casco Bay

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From: Tom Doyle
To: Wendy MacDaniels
Subject: FW: 526580- 277 Cumberland Ave, PO- Change of Use Determination
Date: Thursday, January 29, 2026 1:22:59 PM
Attachments: Phone_223ae454-93d7-49cd-a6ff-c6b3f6771a32.png
Envelope_01e51944-8e48-4eab-9cd3-85f555862fe6.png
Web_f9738a30-9efc-4f48-8727-bc60554c3569.png
PWDlogoCMYK_finalhorzwaveandtagline_805ff89e-b71e-453e-9acc-ec30c963a648.png
Facebook_029ff86a-eef2-441a-a2e2-e87d9e072e45.png
Linedin_3a2597ae-b197-4488-b0b0-8b9f3d581365.png
Youtube_a37e753a-5442-4998-83f9-aa8e55933873.png
Xlogo2email_bf573aae-16ef-43ac-b631-1018580e1842.png
infinal_1140dcc2-7e8d-4df5-a2c8-5bff0d470c8c.png
526580- 277 Cumberland Ave, PO- CoU submittal Form.pdf

FYI, finally came in today

Thomas Doyle PE
Senior Civil Engineer
Licensed in ME, NH, VT, MA

SMRT Architects & Engineers
c 207.837.8557 d 207.321.3921
smrtinc.com

From: Aline Bamukunde <abamukunde@pwd.org>
Sent: Thursday, January 29, 2026 1:11 PM
To: Tom Doyle <tdoyle@smrtinc.com>
Cc: Robert Bartels <rbartels@pwd.org>
Subject: 526580- 277 Cumberland Ave, PO- Change of Use Determination

Mr. Doyle,
Based on the information provided, the existing 4-inch domestic service with 2-inch meter should be able to handle the water demand at the site. If you experience any water supply or pressure issues, please contact Portland Water District to increase the service size to the building.
The next step would be for you to pay for the service retirement inspection hourly fee of $720.00 (check only). You are welcome to either mail in payment for the service retirement fee, or drop it off in the lockbox outside our Portland office at 225 Douglass Street.
The fastest way for PWD to receive your payment would be delivering it to our Portland office. If you choose to mail the upgrade fee in, please mail to the following address:

Portland Water District
ATTN: MEANS Group
PO Box 3553
Portland, ME 04104-3553

Please make sure to include a copy of the attached Change of Use Fee Submittal Form with your payment.

PLEASE NOTE: The following conditions apply to your project:

1. The existing 3/4“ service to 289 Cumberland Avenue and 1” service to 9 Cedar Street in Portland must be shut at stop with both 5/8” meters pulled and have the account closed before the service can be retired. Please contact customer service at 207-761-8310 to complete this work prior to service retirement. The retirement will require coordination with the District’s Inspection Group. Please contact the Construction Scheduler at 207-774-5961 x3037 to schedule the service retirement.

2. As per Note 1 on the second page of the application, the deposit required is an estimate of costs associated to this project. Hourly costs are reconciled at the end of the project against the actual costs for those line items (inspection, fire service activation, meter installation, etc.). The hourly rates listed ($90/hr) are PWD employee rates. PWD will occasionally utilize subcontracted inspectors to meet the demand for service inspection. These subcontracted inspectors utilize a higher billing rate, which will be used during reconciliation of the project.

3. You have indicated that this project will require water service to provide private fire protection to the site. According to our records this site is currently served with a 6-inch fire service. Please note that the District does not guarantee any quantity of water or pressure through a fire protection service. Please share these results with your sprinkler system designer so they can design the fire protection system to best fit the noted conditions. If additional information is required, or to request a hydrant flow test, please contact MEANS at MEANS@pwd.org or 207-774-5961 x3199.

If you have any questions, please let us know.
Kind regards,
Aline

ALINE BAMUKUNDE
Associate Engineer
(207) 523-5286
abamukunde@pwd.org
https://link.edgepilot.com/s/2f63ae28/p6VezHngsEypqTIFlWc_iA?u=https://www.pwd.org/

Portland Water District
From Sebago Lake to Casco Bay

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From: COUGH, JAMES <jcough@cmpco.com>
Sent: Wednesday, March 18, 2026 9:03 AM
To: Wendy MacDaniels
Cc: BOUCHER BOUCHER, ANTHONY
Subject: CMP Three Phase Service Process and Ability to Serve Letter Nov 2025
Attachments: Easement_Information_Worksheet.doc; Standard Easement Sample.pdf; blank W9.pdf; CMP EDET November 2025.xlsx

Att. N

Wendy MacDaniels
SMRTC

RE: Boys and Girls Club Addition
277 Cumberland Avenue, Portland, Maine
Letter of Ability to Serve Request

SAP TBD

Project Location:
The Boys & Girls Club of Southern Maine, (the Club) is proposing to construct an addition on newly acquired property adjacent to their existing facility at 277 Cumberland Avenue. The project area combines two adjacent lots, Tax Map 26, 17 and 18-19, totaling 17049 SF (0.39 acres). The property is bordered to the southeast by Cumberland Avenue, residential lots to the northwest, and Cedar Street to the southwest. The proposed structure and site improvements will be located adjacent to Cedar Street, on the lots currently known as 289 Cumberland Avenue and 9 Cedar Street.
Project Scope:
The proposed project is a 13,000 SF addition, which will replace the current entryway and add space for teen programming to the southwest of the existing building. Two existing apartment buildings will be removed to facilitate the project. A new transformer is proposed to be installed at the rear of the existing facility and new electrical service will be fed to the electrical room in the new addition. Primary wire run and transformer location will be determined with CMP.

CMP has the ability to serve the proposed project in accordance with our CMP Handbook (web link below). We can provide you the desired pad mounted transformer per your request and city approval, in accordance with our CMP Handbook of Standard Requirements. If you have any questions on the process, or need help in completion of the documents, please contact CMP at 800-565-3181. CMP will need to review the layout with you once loads are received.

Here is our typical process for getting your three phase or CT rated single phase service installed. If you have any questions, please let us know. The underlined links will redirect you to the appropriate site for additional information.

Service Milestones for Three Phase Services and CT Rated Single Phase Services:

Call 800-750-4000 option 4 to establish a new account (if needed) and an SAP work order. Please provide both of these to me.
Submit Load information. Please complete the attached EDET (excel file) using load information. Please complete this and email back to me. If the loads are over 500 kw, more in depth load studies may be required with our Distribution Planning and Transmission Planning Departments. Be advised that these may involve more detailed load information, a load study agreement (signed contract), as well as other items. This additional study process may add up to two additional months to completion of the job.
Submit the easement information worksheet, including where any CMP structures may be on ANY private property (Poles, Wires, Anchors). You are responsible for obtaining all information for all required easements. Please complete this form and either email or fax back to me.
Submit any electronic drawings (PDF (preferred) or DWG files) of the site layout and proposed electrical connections.
For Primary Metered installations (including PV), please have the access road in for pole staking.
Preliminary meetings with CMP Advisor and Engineer to determine details of job (I will need to schedule with your electrician/contractor-please let me know who this is)
Field planner design appointment scheduled once the preliminary information is complete. This will allow us to cost out the job and develop a CMP Invoice. The invoice is typically generated 5-6 weeks after the design appointment. This expires after 90 days from the invoice date.
Submit completed W9 so that your bill can be properly processed. This is a new CMP process.
CMP submits invoice to the customer for payment (typically via email). Payment received from customer.
Easements (based on easement information worksheet) sent out, signed and originals returned to CMP.
Job scheduled for completion after payment, easements and the electrical inspection have been received.

There are additional requirements for primary metered Solar Service Installations listed in the Chapter 324 Interconnections section below. Please refer to CMP Installation Checklists for other installations.

This process can take several months, depending upon several factors including transformer or materials delivery, return of completed paperwork, and other jobs in the system that may be ahead of yours. In addition, contact with the other utilities, including telephone and cable, should be commenced as soon as practical. They may have additional work or charges in addition to the CMP work required to bring your project on line.

As you may be aware, there are global supply chain issues impacting the utility industry. CMP is closely monitoring and managing their inventory in order to serve our customers. Larger padmount transformers may not be readily available for the date that you will need to be energized. Please consider this as part of your construction plan. The energy service advisor will continue to work closely with you and let you know as soon as the transformer becomes available. Should you have any questions or concerns throughout this process, please do not hesitate to contact your ESA directly at the number or email provided.

Please complete the attached forms (the specific instructions are on each form). Please email them at your earliest convenience. If you are returning an Easement Form, a 1190 or State Permit please be sure to send those documents to lineclerknewservice@cmpco.com, All W9's should be sent to gettingconnected@cmpco.com. All other forms including the EDET (load sheet) and technical information should be sent to me.

For your convenience, here is a link to the CMP Website which contains our Handbook with details on most service requirements: CMP Handbook of Standard Requirements Additional resources include our CMP Metering Supplement is our Distribution Construction Standards: CMP Distribution Construction Standards CMP Distribution Construction Standards.

You will be responsible for installing the customer connections, conduits, and metering in accordance with the CMP Handbook of Standard Requirements The transformer will be sized based on your submitted load sheets.

Your deposit amount will be typically based on an estimated two month bill, calculated from your completed load sheet unless otherwise determined by CMP.

In addition, we have recently added on an online map that shows single phase and three phase power locations within CMP. Here is that link: CMP ArcGIS Information

Metering:

All metering (including locations) must be preapproved by CMP. If you have any questions, please consult the CMP Handbook of Standard Requirements and our CMP Metering Supplement.

Chapter 324 Interconnections:

Please be advised that if you plan to install solar/wind/hydro generation, you must complete an application under the MPUC mandated Chapter 324 Interconnection Standards. If you go to Chapter 324 Interconnection Standards and follow the instructions for the Small Generator Interconnection Procedures, CMP can do this work in parallel to your service request that will be handled by me. If you project is under 660 KW You will be able to have a Customer Net Energy Billing contract. Information concerning Customer Net Energy Billing can be accessed thru the Chapter 324 website or by clicking here: Net Energy Billing

Reallocation/Line Extensions:

Recently, changes were made to the three-phase construction policy, which require CMP to reallocate construction costs paid by customers. If applicable, those projects identified as "developments" do not qualify for reallocation of funds. Please see this document at our website for details about the reallocation conditions. Any reallocation charges will be specifically denoted on your invoice. The website address for this is: Polyphase Line Extension.

This line extension will be part of Central Maine Power's distribution system. In the event the property served under this Agreement is sold or otherwise conveyed, all rights and obligations of the Agreement shall stay with the property. Please note that if you rent or lease this property to another and you want to receive the reimbursement payments, you must make special arrangements with the Central Maine Power Company. Otherwise, any reimbursement payments will be sent to the "Customer" taking service at the service location.

Electricity Supplier Information:

Central Maine Power Company (CMP) will provide your facility with electric delivery service. If you don't already have a provider, you will need to make arrangements with a competitive electricity provider in order to receive electricity supply for your facility. In the event you fail to choose a competitive electricity provider, you will receive Standard Offer service arranged by the Maine Public Utilities Commission. If you wish to be served by a competitive electricity provider immediately upon establishment of delivery service, you must arrange for this service directly through your chosen competitive electricity provider, who must enroll your account no later than 5 PM on the business day prior initiation of delivery service by CMP. An up-to-date list of competitive suppliers can be found at the:

1. Maine Public Utilities Commission (MPUC) web site- Maine PUC
2. By calling the MPUC at (207) 287-3831

Attachments:

Easement Worksheet and Sample Standard Easement
W9
CMP EDET (Load Sheet)

Regards,

Jamie

Jamie Cough
Central Maine Power Company
162 Canco Road
Portland, ME 04103
207-610-0055

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BOYS & GIRLS CLUBS
OF SOUTHERN MAINE

February 23, 2026

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for an expansion of our BGCSM Portland Clubhouse located at 277 Cumberland Avenue, Portland.

Meeting Location: 277 Cumberland Avenue, Portland
Meeting Date: March 9, 2026
Meeting Time: 7:00PM

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

If you have any questions, please call me at (207) 874-1069 x 300.

Signed,

Colleen Cooper | CEO
Boys & Girls Clubs of Southern Maine
2/23/26

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

BOYS & GIRLS CLUBS
OF SOUTHERN MAINE

BGCSM Neighborhood Meeting Sign-In Sheet

March 9, 2026
BGCSM, 277 Cumberland Ave, Portland.
Bridge to Success Teen Center (Expansion of the Portland Clubhouse)

Developer and Consultant Team in Attendance:

Name	Email
David Bienerman (Board)	Bren125d@aol.com
Cordelia Bergman (CM)	CBergman@wright-ryan.com
Nat Cram (SMRE)	NCRAM@SMRE INC.com
Tom Markling	TOMARKSLLC@HOTMAIL.COM
Wendy MacDaniels	W.macdaniels@smrtinc.com
Laura Young (Board)	LauraYoung philanthropy@gmail.com
Richard Reynolds	richard@homesweetmaine.com
Sharon Sudbay	ssudbay@gmail.com
Mallory Barker	mbarker@gmail.com
Dan Haley Board Member	danielthaleyjr@gmail.com
BGCSM STAFF:	
Colleen Cooper	
Jill Domingos	
Charissa Kerr	

BOYS & GIRLS CLUBS
OF SOUTHERN MAINE

BGCSM Neighborhood Meeting Sign-In Sheet

March 9, 2026
BGCSM, 277 Cumberland Ave, Portland.
Bridge to Success Teen Center (Expansion of the Portland Clubhouse)

Members of the Public in Attendance:

Name	Email
MICHAEL BENNIS	MICHAEL.B@PORTLANDMAINE.GOV
Ed Hoyt	ehoyt@gmail.com
KIERAN CONNELLY	redhouserentals@gmail.com
JOHN EGAN	jegan@avestahousing.com
Alison Frazee	afrazee@portlandlandmarks.org
Ryan Fecteau	rfecteau@avestahousing.org
JOHN BLACKBURN	JBLACKBURN1943@GMAIL.COM
Pierre Avignon	pierreavignon@gmail.com
George Rheault	george.rheault@gmail.com

GREAT FUTURES START HERE.

BOYS & GIRLS CLUBS OF SOUTHERN MAINE

BGCSM Neighborhood Meeting
Monday, March 9, 2026, 7pm-8pm
Porland Clubhouse

Meeting Agenda

1. Welcome & Introductions *(Dan Haley, BGCSM Alum & Board Member)*
    a. Housekeeping
    b. BGCSM Introductions
    c. Architect & Contractor Introductions
    d. Goal of meeting
2. Organization Overview *(Colleen, CEO)*
    a. Mission
    b. History
    c. Vision
3. Project Overview *(Colleen, CEO)*
    a. Project goals
    b. Construction site & timeline
    c. Project impact
4. Questions
5. Closing

Upcoming BGCSM Events

- Saturday, April 18, 2026: BGCSM Patriots Day Road Race
- Friday, May 1, 2026: Spring for the Kids
- Friday, May 29, 2026: BGCSM Art Show OPENING!

Boys & Girls Clubs of Southern Maine

March 9, 2026

Portland Clubhouse Expansion – Neighborhood Meeting

Boys & Girls Clubs of Southern Maine hosted a neighborhood meeting with residents, community stakeholders, and representatives from local organizations to present the proposed Portland Clubhouse expansion and gather community input. The meeting provided an opportunity for attendees to learn about the project, ask questions, and share feedback.

Overview of Proposed Project

Project:
Proposed expansion of the Portland clubhouse (approximately 15,000–16,000 square feet) to create the James & Hilla Bruni Bridge to Success Center, focused on teen programming, career exploration, arts, wellness, and workforce readiness.

Capacity & Impact:
The expansion would allow the Club to serve up to 500 additional youth per day and aligns with national Boys & Girls Clubs priorities to increase teen engagement. The existing Bridge to Success program has demonstrated success locally in helping teens transition to college, trades, and employment.

Program Highlights

- Immersive career exploration modules, including VR-based workforce experiences
- Hands-on trades training (HVAC, plumbing, electrical, welding, carpentry)
- Expanded makerspace, music production, and arts programming
- Dedicated teen lounge and mentoring spaces
- Wellness programming including yoga, meditation, dance, and theater

BGCSM also highlighted a 100% success rate in its literacy program and emphasized the importance of creating spaces designed specifically for teens to reduce disengagement during high school years.

Introductions & Organizational Mission

Colleen introduced herself as the new CEO of Boys & Girls Clubs of Southern Maine and shared her background with the Boys & Girls Club movement.

The meeting was recorded in accordance with Planning Board procedures.

Project partners include:

- **Wright-Ryan Construction** – construction contractor
- **SMRT Architects & Engineers** – architect and engineering team

Both firms have long-standing partnerships with the organization.

The Club's mission was reiterated:
To empower young people to reach their full potential through caring mentors, safe environments, and meaningful programs.

Bridge to Success Program Background

The Bridge to Success initiative was created to support youth after they graduate from Club programming.

Staff discovered that many alumni struggled with barriers to:

- College enrollment
- Employment
- Trade certification

In response, staff personally contacted alumni to understand their challenges and provided individualized support, including:

- Adjusting work schedules with employers
- Helping write resumes and cover letters
- Assisting with scholarship applications
- Connecting youth with training or education programs

These interventions significantly reduced the number of alumni who were not reaching their potential.

Expansion Design & Programming

The proposed James & Hilla Bruni Bridge to Success Center would be located adjacent to the historic 1931 clubhouse.

The facility would focus primarily on teen engagement, particularly due to its proximity to the nearby high school.

First Floor

- Study and collaboration spaces

- Teen lounge
- VR career exploration modules
- Workforce training area with three garage bays and an auto lift for trades instruction

Second Floor

- Arts and creative spaces
- Technology center for coding and AI
- Mentoring and career guidance offices
- Expanded music production studio
- Wellness areas for yoga, meditation, dance, and theater
- Teen lounge with large windows (identified as a priority during youth focus groups)

Site Improvements

- Outdoor fenced recreation space
- Basketball court and play structure
- Renovated youth programming spaces for younger members
- Larger games room and formal dining space for nightly meals
- Additional classrooms and a soundproof music room

The Club also highlighted partnerships with trade unions and SMCC PATH programs to help youth obtain certifications in trades that are expected to face a 25% workforce shortage in the Northeast.

Housing & Community Commitments

Questions were raised about housing impacts related to the project.

The Club explained that:

- The property was purchased in 2021.
- Nine tenants remain in adjacent units slated for removal.
- Termination-of-tenancy notices were issued in January, with a move-out date of May 1.

The organization emphasized that it is:

- Working with Avesta Housing and community partners to assist residents in finding new housing.
- Committed to ensuring no tenants become homeless.

Additionally:

- Properties at 15 and 19 Cedar have been donated to Avesta for redevelopment.
- Redevelopment is expected to nearly double the number of housing units available.

Timeline & Process

- Silent capital campaign underway for 3–3.5 years
- Public campaign launch planned for June
- Planning board materials to be submitted shortly
- Construction will be phased to allow Club operations to continue

The project is currently approximately one year behind the original schedule.

Community Feedback & Discussion

Strong Support for Youth Investment

Attendees expressed strong appreciation for the work of Boys & Girls Clubs of Southern Maine and the role the organization plays in supporting youth and families.

Community members emphasized the importance of:

- Providing safe, supervised environments for youth
- Expanding after-school and teen programming
- Increasing access to programs for youth living nearby
- Investing in opportunities for the next generation

Several participants shared personal experiences with youth organizations and recognized the Club's long-standing presence and commitment to the neighborhood.

Positive Feedback on the Proposed Expansion

Participants responded particularly positively to several aspects of the project, including:

- Creation of a dedicated teen center
- Development of hands-on career exploration spaces

- Expanded arts, music, and technology programming
- Opportunities for workforce training in trades
- Creation of outdoor recreation space, which is currently limited in the area
- Renovations that will improve programming for younger children

Attendees recognized the potential for the expansion to help connect youth to education, career pathways, and local workforce opportunities.

Questions and Input from the Community

Attendees also raised thoughtful questions and suggestions, including:

Housing impacts

- Questions about how tenants would be supported during relocation.

Project location

- Some participants asked whether other sites had been considered.

Club representatives explained that the current site was chosen because it is centrally located and easily accessible for youth who walk from nearby neighborhoods and schools.

Attendees acknowledged that the Club's proximity to schools and public transit reduces transportation barriers.

Interest in Partnerships and Collaboration

Several participants expressed interest in continuing collaboration, including:

- Partnerships with schools and workforce development programs
- Opportunities to incorporate additional trade and preservation skills training
- Broader collaboration to support youth and families in the neighborhood
- Exploring ways to improve outdoor recreation opportunities for youth in the surrounding area

Commitment to Continued Engagement

Boys & Girls Clubs leadership reiterated their commitment to maintaining open communication with neighbors and community partners throughout the planning process.

Attendees were invited to:

- Visit the clubhouse during program hours

- Continue sharing ideas and feedback
- Stay engaged as the project moves forward

Action Items

Colleen

- Connect programming partner Allison (Connect) and other preservation/trades contacts with the Senior Director of Programming to explore VR module and preservation trades integration.
- Coordinate next meetings with potential partners.
- Prepare for public capital campaign launch in June and work with the board to finalize fundraising materials and timeline.

Dan

- Schedule follow-up meeting with neighborhood representative(s) to discuss local history, preservation concerns, and opportunities for collaboration.

BOYS & GIRLS CLUBS
OF SOUTHERN MAINE

BGCSM Neighborhood Meeting for Proposed Expansion

I, Colleen Cooper, hereby certify that a neighborhood meeting was held on March 9, 2026, at 277 Cumberland Avenue at 7:00PM for the proposed project located at 277 Cumberland Avenue, Portland, Maine.

I also certify that on February 26, 2026, notices were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development.

2. Residents on the "interested parties" list.

Signed,

March 10, 2026

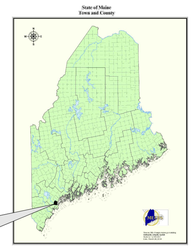
Attachments
1. Copy of the notice sent
2. Sign-in sheet
3. Record of feedback

BOYS & GIRLS CLUB OF SOUTHERN MAINE

PORTLAND YOUTH CAMPUS

277 CUMBERLAND AVENUE
PORTLAND, MAINE
MAP 26, LOTS 8, 17, & 19

SITE PLAN REVIEW COMMENTS
3-16-26



DeLorme Street Atlas USA® 2011
SITE
Portland
Back Cove Park
Deering Oaks Park
Lincoln Park
Lincoln Park
Longfellow Square
Tommys Park
Monument Square
Cumberland County Civic Center
Eastern Promenade
Portland Observatory
Portland Yacht Services Complex
Portland Fish Exchange
Union Station
Maine Pier
Custom House Wharf
Portland Pier
Long Wharf
Chandlers Wharf
Central Wharf
Cumberland Wharf
Old Port Exchange
Old Port Exchange
Old Port Exchange

GENERAL NOTES

1. THE SCOPE OF SITE WORK FOR THIS PROJECT INCLUDES PROTECTION OF EXISTING STRUCTURES AND UTILITIES, AND REINSTATEMENT OF DISTURBED AREAS OF THE SITE TO MATCH EXISTING CONDITIONS. THE EXISTING CONDITIONS SHOWN ON THE PROJECT DRAWINGS ARE TAKEN FROM RECORD DRAWINGS AND HISTORICAL INFORMATION. THE CONTRACTOR SHALL REVIEW THE DRAWINGS AND SITE CONDITIONS PRIOR TO THE START OF WORK AND CONTACT THE PROJECT ARCHITECT IMMEDIATELY IF DISCREPANCIES ARE FOUND.
2. EXISTING UNDERGROUND UTILITIES HAVE BEEN LOCATED FROM HISTORICAL RECORDS AND PREVIOUS DESIGN DRAWINGS. NO GUARANTEE IS MADE THAT THE UTILITIES SHOWN WILL BE FOUND IN THE LOCATIONS INDICATED, OR THAT THE INFORMATION SHOWN IS COMPLETE. INFORMATION ON EXISTING UTILITY LOCATIONS IS PROVIDED FOR REFERENCE ONLY AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONFIRMING EXISTING UTILITY LOCATIONS AND DEPTHS AND COORDINATING THE WORK ACCORDINGLY. SEE UTILITY NOTES THIS SHEET.
3. THE CONTRACTOR IS REQUIRED TO NOTIFY DIGSAFE (811 OR 1-888-DIGSAFE) PRIOR TO COMMENCEMENT OF EXCAVATION WORK. IN MAINE AND VERMONT, THE CONTRACTOR IS REQUIRED TO NOTIFY ALL OWNERS OF UNDERGROUND UTILITIES WHO ARE NOT MEMBERS OF DIGSAFE. SUCH UTILITY OWNERS CAN BE LOCATED THROUGH THE 'OK-TO-DIG' DIRECTORY (1-866-OKTODIG).
4. THE CONTRACTOR SHALL UNDERTAKE TEST PITS AT THE SITE AND ENGAGE PRIVATE UTILITY DETECTION SERVICE, AS NECESSARY, TO ACCURATELY IDENTIFY UTILITIES IN ORDER TO EFFICIENTLY PLAN AND COMPLETE THE WORK.
5. THE CONTRACTOR SHALL PROTECT EXISTING STRUCTURES AND UTILITIES ADJACENT TO THE WORK. ANY DAMAGE TO EXISTING STRUCTURES, ROADS, SIDEWALKS, UTILITIES, OR OTHER SITE FEATURES CAUSED BY THE WORK SHALL BE REPAIRED BY THE CONTRACTOR AT NO COST TO THE OWNER.
6. ANY UTILITY REPAIRS OR RECONFIGURATION REQUIRED AS PART OF THIS PROJECT SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE AUTHORITY HAVING JURISDICTION.
7. TEMPORARY WORKS, SUPPORT AND PROTECTION OF STRUCTURES ARE THE RESPONSIBILITY OF THE CONTRACTOR AND THE COSTS SHALL BE CONSIDERED INCIDENTAL TO THE OVERALL PROJECT SUM.
8. ALL WORK SHALL BE UNDERTAKEN IN STRICT ACCORDANCE WITH LOCAL, STATE AND FEDERAL SAFETY STANDARDS.
9. OPEN EXCAVATIONS AND WORK AREAS SHALL BE CLEARLY DELINEATED AND FENCED AS NECESSARY TO PREVENT UNAUTHORIZED ACCESS
10. DRIVEWAYS, WALKWAYS, AND ENTRANCES SERVING THE PREMISES SHALL BE KEPT CLEAR AND AVAILABLE TO OWNER, OWNER'S EMPLOYEES, AND EMERGENCY VEHICLES AS NECESSARY TO MAINTAIN THE FUNCTION OF THE FACILITY. COORDINATE ALL WORK WITH OWNER TO ENSURE THAT ADEQUATE ACCESS AND CIRCULATION IS MAINTAINED AT ALL TIMES.
11. DE-WATERING, IF NECESSARY, SHALL BE UNDERTAKEN IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL STANDARDS. NO DISCHARGE OF SEDIMENT-LADEN RUNOFF TO SURFACE WATERS OR TO THE PIPED STORM DRAIN SYSTEM AT THE SITE SHALL BE ALLOWED.
12. ALL DISTURBED PAVEMENT AREAS, ROADS AND SIDEWALKS SHALL BE REINSTATED TO MATCH EXISTING GRADES, MATERIALS AND DEPTHS.
13. EXISTING PAVEMENT SHALL BE SAW-CUT AT LEAST TWELVE INCHES INTO SOUND MATERIAL TO PROVIDE A CLEAN, STRAIGHT EDGE BETWEEN EXISTING SOUND SURFACE MATERIAL AND THE REPAIRED AREA.
14. A SMOOTH TRANSITION SHALL BE PROVIDED BETWEEN REPAIR WORKS AND EXISTING PAVEMENT. ALL REINSTATED AREAS SHALL BE GRADED TO PITCH UNIFORMLY TO ENSURE POSITIVE DRAINAGE.

LAYOUT NOTES:

1. DO NOT SCALE THE DRAWINGS. ALL DIMENSIONS SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO CONSTRUCTION. ANY OMISSIONS IN DIMENSIONING SHALL BE REPORTED IMMEDIATELY TO THE ARCHITECT FOR DECISION. ANY DISCREPANCIES BETWEEN DRAWINGS, DETAILS, NOTES, AND SPECIFICATIONS SHALL IMMEDIATELY BE REPORTED TO THE ARCHITECT FOR FURTHER DIRECTION AND RESOLUTION BEFORE ANY ADDITIONAL WORK PROCEEDS.
2. ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS FROM BUILDING ARE TO FACE OF BUILDING FOUNDATION. ALL DIMENSIONS FROM CURBS ARE TO FACE OF CURB.
4. PROVIDE A SMOOTH TRANSITION WHERE NEW WORK MEETS EXISTING WORK.
5. CONTRACTOR SHALL NOTIFY DIG-SAFE (1-888-344-7233) AND LOCAL UTILITY COMPANIES TO VERIFY LOCATION OF ALL EXISTING UTILITIES PRIOR TO EXCAVATION.
6. CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS FOR WORK SHOWN ON THESE PLANS.
7. ALL WORK SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL SAFETY REGULATIONS AND MEET OR EXCEED CITY OF PORTLAND STANDARDS.
8. PROVIDE TAPERED END SECTIONS AT ALL CURB ENDS EXCEPT WHERE NOTED.
9. EXISTING CONDITIONS AND TOPOGRAPHIC DATA ARE BASED UPON TOPOGRAPHIC SURVEY PREPARED BY OWEN HASKELL, INC. AND DATED NOVEMBER 1, 2023.

GRADING NOTES:

1. SOIL DISTURBANCE IS TO BE KEPT TO A MINIMUM AND ALL DISTURBED AREAS SHALL BE STABILIZED (WITH PERMANENT OR TEMPORARY MEASURES) AS QUICKLY AS POSSIBLE.
2. ALL DISTURBED AREAS NOT OTHERWISE TREATED SHALL BE LOAMED AND SEEDED (6" DEPTH).
3. ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE MAINTAINED ON A REGULAR BASIS AND AS REQUIRED AFTER STORM EVENTS.
4. GULLIES OR OTHERWISE ERODED AREAS IN SEEDED AREAS SHALL BE RESTORED AS SOON AS POSSIBLE FOLLOWING OBSERVATION, USING EROSION CONTROL MESH TO STABILIZE AS REQUIRED.
5. FILL IN AND AROUND THE AREA OF THE NEW BUILDING ADDITION SHALL MEET THE SPECIFICATION FOR 'STRUCTURAL FILL'.
6. ALL EMBANKMENTS AND OTHER FILL SECTIONS SHALL BE CONSTRUCTED USING GRANULAR BORROW - A MIXTURE OF SAND AND GRAVEL MEETING MDOT SPECIFICATION 703.19 GRANULAR BORROW. SUITABLE SOIL BORROW MAY BE USED IN PLACE OF GRANULAR BORROW ONLY WHERE MOISTURE CONTENT CAN BE CONTROLLED TO MEET THE SPECIFIED COMPACTION.

DEWATERING NOTES:

1. THE CONTRACTOR SHALL EMPLOY A DEWATERING SYSTEM THAT ACHIEVES THE FOLLOWING FUNCTIONS DURING CONSTRUCTION:
   A. DEVELOP A SUBSTANTIALLY DRY AND STABLE SUBGRADE DURING EXECUTION OF THE WORK,
   B. PREVENT DAMAGE TO STRUCTURES ADJACENT TO THE WORK,
   C. RETAIN SEDIMENTS ON-SITE AND WITHIN THE WORK AREA. DEWATERING OPERATIONS SHALL BE SUSPENDED IF THE TURBIDITY OF DISCHARGES TO THE DOWNSTREAM DRAINAGE SYSTEM IS INCREASED ABOVE AMBIENT LEVELS.
2. FLOCCULANTS MAY BE USED TO CONTROL THE TURBIDITY OF DISCHARGE WATER. REFER TO THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S EROSION AND SEDIMENT CONTROL PRACTICES FIELD GUIDE FOR CONTRACTORS (2014, OR AS CURRENTLY REVISED) FOR RECOMMENDATIONS AND SPECIFICATIONS.
3. SURFACE WATER ENTERING THE CONSTRUCTION SITE SHALL BE INTERCEPTED AND DIVERTED AROUND THE WORK AREA THROUGH THE USE OF DIKES, CURB WALLS, DITCHES, SUMPS, PUMPING, OR OTHER APPROVED MEANS.
4. ANY ENFORCEMENT ACTIONS OR FINES RESULTING FROM THE IMPROPER DISCHARGE OF TURBID WATER AND SEDIMENT TO DOWNSTREAM AREAS SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
5. DIRT BAGS AND TEMPORARY DEWATERING PONDS SHALL BE CONSTRUCTED AND MAINTAINED AS NEEDED TO CAPTURE AND TREAT PUMPATE FROM DEWATERED AREAS.

GEOTEXTILE & EROSION BLANKET NOTES:

1. GEOTEXTILE SEPARATION FABRIC SHALL BE A WOVEN SLIT FILM GEOTEXTILE WITH AN APPARENT OPENING SIZE OF 50 (US STANDARD SIEVE) (PER ASTM D4751) THAT MEETS THE REQUIREMENTS FOR A CLASS 2 SEPARATION GEOTEXTILE PER AASHTO M288.96. GEOTEXTILE SEPARATION FABRIC SHALL BE MIRAFI® 500X OR APPROVED EQUAL.
2. GEOTEXTILE DRAINAGE FABRIC SHALL BE A NONWOVEN GEOTEXTILE MANUFACTURED FOR USE IN SUBSURFACE DRAINAGE APPLICATIONS. THE MATERIAL SHALL HAVE AN APPARENT OPENING SIZE OF 70 (US STANDARD SIEVE) (PER ASTM D4751), A PERMITTIVITY OF 1.7/SEC OR GREATER (PER ASTM D4491) AND RETAIN A MINIMUM OF 70% STRENGTH AT 500 HOURS UV EXPOSURE (PER ASTM D4355). GEOTEXTILE DRAINAGE FABRIC SHALL BE MIRAFI® 140N OR APPROVED EQUAL.

INLET & OUTLET STRUCTURES:

1. INLET AND OUTLET STRUCTURES SHALL BE PRECAST CONCRETE, UNLESS OTHERWISE SPECIFIED. CONCRETE STRUCTURES SHALL BE DESIGNED TO WITHSTAND H-20 WHEEL LOADING AND SHALL BE PROVIDED WITH PROTECTIVE GRATES WITH A MAXIMUM OPENING SIZE OF FOUR INCHES UNLESS OTHERWISE SPECIFIED. CONCRETE STRUCTURES SHALL BE CONSTRUCTED ON A MINIMUM 12-INCH DEEP BASE OF 3/4-INCH COMPACTED CRUSHED STONE.

RIPRAP STONE NOTES:

1. STONE FOR RIPRAP SHALL CONSIST OF SUB-ANGULAR FIELD STONE OR TOUGH UNHEWN QUARRY STONE OF APPROXIMATE RECTANGULAR SHAPE. THE STONE SHALL BE HARD AND OF SUCH QUALITY THAT IT WILL NOT DISINTEGRATE ON EXPOSURE TO WATER OR WEATHERING, BE CHEMICALLY STABLE, AND IT SHALL BE SUITABLE IN ALL RESPECTS FOR THE PURPOSE INTENDED.
2. THE BULK SPECIFIC GRAVITY (SATURATED SURFACE-DRY BASIS) OF THE INDIVIDUAL STONES SHALL BE AT LEAST 2.5.
3. THE AVERAGE SIZE OF THE STONE IN A MIXTURE IS INDICATED ON DIAMETER OF THE STONE FOR WHICH 50%, BY WEIGHT, WILL BE SMALLER AND 50% WILL BE LARGER. THE MIXTURE IS COMPOSED PRIMARILY OF THE LARGER STONES BUT WITH A SUFFICIENT MIXTURE OF OTHER SIZES TO FILL PROGRESSIVELY SMALLER VOIDS.
4. THE DIAMETER OF THE LARGEST STONE SIZE IN A GIVEN D_{50} MIXTURE SHALL BE 1.5 TIMES THE D_{50} SIZE SPECIFIED.
5. THE RIPRAP SHALL BE PLACED TO THE THICKNESSES INDICATED OR A MINIMUM OF 2.2 TIMES THE MAXIMUM STONE DIAMETER BUT NOT LESS THAN 6 INCHES. FOR D_{50} LARGER THAN 12 INCHES THE RIPRAP LAYER SHALL HAVE A MINIMUM THICKNESS OF 2 TIMES THE D_{50}.

UTILITY NOTES:

1. PROVIDE AND INSTALL MATERIALS NECESSARY TO COMPLETE UTILITY FEATURES AND DESIGN UNLESS OTHERWISE INDICATED.
2. ALL WORK SHALL MEET OR EXCEED STANDARDS OF THE CITY OF PORTLAND AND THE PORTLAND WATER DISTRICT.
3. ALL SEWER WORK SHALL BE IN ACCORDANCE WITH CITY OF PORTLAND STANDARD AND SHALL BE INSPECTED AND APPROVED BY THE CITY OF PORTLAND.
4. CONTRACTOR TO VERIFY EXISTING UTILITY CONNECTION POINTS PRIOR TO SUBMISSION OF BIDS AND INCLUDE ALL EXTRA WORK REQUIRED TO EXTEND UTILITIES AS REQUIRED.
5. ALL EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE AND HAVE BEEN DETERMINED BY SURFACE EVIDENCE AND/OR PREVIOUSLY GENERATED PLANS. NO GUARANTEE IS MADE THAT ALL UTILITIES ARE SHOWN OR WILL BE FOUND IN LOCATIONS INDICATED. THIS INFORMATION IS PROVIDED FOR REFERENCE AND THE CONTRACTOR SHALL VERIFY LOCATION OF ALL UTILITIES AND POINTS OF CONNECTION IN THE FIELD. CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIR AND RESTORATION OF ALL UTILITIES DISTURBED DURING CONSTRUCTION AT NO EXTRA EXPENSE TO THE OWNER.
6. THE OWNER, CONSTRUCTION MANAGER AND ARCHITECT SHALL BE NOTIFIED AT LEAST TWO DAYS PRIOR TO ANY INTERRUPTION TO ANY UTILITY SERVICE.
7. ADJUST ALL UTILITY STRUCTURE TOPS/RIMS TO MATCH PROPOSED OR EXISTING GRADES UNLESS NOTED OTHERWISE.
8. LOCATIONS OF EXISTING SEWER LINES ARE BASED ON THE TOPOGRAPHIC & BOUNDARY SURVEY PRODUCED BY OWEN HASKELL, INC., DATED NOVEMBER 1, 2023 WITH FURTHER DATA ADDED SEPTEMBER 5, 2024.
9. EXISTING UTILITY CONNECTIONS TO THE BUILDINGS AT THE SITE ARE TAKEN FROM PREVIOUS PLANS AND A SURVEY OF SURFACE FEATURES. THE CONTRACTOR SHALL EXCAVATE TEST PITS IN AREAS ADJACENT TO EXISTING BUILDINGS AS NECESSARY TO VERIFY THE LOCATION, DEPTH AND SIZE OF EXISTING SERVICES. ANY DISCREPANCIES SHALL BE REPORTED IMMEDIATELY TO THE ARCHITECT AND OWNER.
10. CONTRACTOR SHALL MAKE PROVISION FOR CONNECTING NEW UTILITY SERVICES TO THE NEW ADDITION WITHOUT INTERRUPTION BY USE OF LIVE TAPPING AND OVER-PUMPING WHERE APPROPRIATE.

CONSTRUCTION OVERSIGHT NOTES:

1. THE CONTRACTOR WILL RETAIN THE SERVICES OF A PROFESSIONAL ENGINEER TO INSPECT THE CONSTRUCTION AND STABILIZATION OF ALL STORMWATER MANAGEMENT STRUCTURES. IF NECESSARY, THE INSPECTING ENGINEER WILL INTERPRET THE STRUCTURE'S CONSTRUCTION PLAN FOR THE CONTRACTOR. ONCE ALL STORMWATER MANAGEMENT STRUCTURES ARE CONSTRUCTED AND STABILIZED, THE INSPECTING ENGINEER WILL NOTIFY THE CITY OF PORTLAND IN WRITING WITHIN 30 DAYS TO STATE THAT THE STRUCTURES HAVE BEEN COMPLETED. ACCOMPANYING THE ENGINEER'S NOTIFICATION MUST BE A LOG OF THE ENGINEER'S INSPECTIONS GIVING THE DATE OF EACH INSPECTION, THE TIME OF EACH INSPECTION, AND THE ITEMS INSPECTED ON EACH VISIT, AND INCLUDE ANY TESTING DATA OR SIEVE ANALYSIS DATA OF EVERY MINERAL SOIL AND SOIL MEDIA SPECIFIED IN THE PLANS AND USED ON THE SITE.

SITE LEGEND

EXISTING		PROPOSED	
LIMIT OF WORK		LOW — LOW	
PROPERTY LINE			
PROPERTY LINE - ABUTTER			
SETBACK			
ZONING			
BOLLARD	○	BOLLARD	●
BORING	⊕	BORING	⊕
BUILDING W/ DOOR	▲	BUILDING W/ DOOR	
BUILDING CANOPY		BUILDING CANOPY	
CATCH BASIN	▤	CATCH BASIN	◎
COMMUNICATIONS LINE-UG	C	COMMUNICATIONS LINE-UG	NUC
CONCRETE PAD		CONCRETE PAD	
CURB		CURB	
DIRECTION OF FLOW		DIRECTION OF FLOW	
DRAIN MANHOLE	◎	DRAIN MANHOLE	◉
DRIP STRIP		DRIP STRIP	
ELECTRIC MANHOLE	E	ELECTRIC MANHOLE	E
ELECTRIC - OVERHEAD	OHW	ELECTRIC - OVERHEAD	NOHE
ELECTRIC - UNDERGROUND	UGE	ELECTRIC - UNDERGROUND	NUGE
ELEVATION BOT OF CURB	+BC	ELEVATION BOT OF CURB	+BC
ELEVATION BOT OF STEP	+BS	ELEVATION BOT OF STEP	+BS
ELEVATION TOP OF CURB	+TC	ELEVATION TOP OF CURB	+TC
ELEVATION TOP OF STEP	+TS	ELEVATION TOP OF STEP	+TS
ELEVATION - SPOT	+100.0	ELEVATION - SPOT	+100.0
FENCE - CHAINLINK	X	FENCE - CHAINLINK	X
FENCE - ORNAMENTAL		FENCE - ORNAMENTAL	
FIELD INLET	◎	FIELD INLET	◉
FIRE HYDRANT		FIRE HYDRANT	
FLAG POLE		FLAG POLE	
FORCE MAIN PIPE	SFM	FORCE MAIN PIPE	NSFM
FOUNDATION DRAIN	FND FND	FOUNDATION DRAIN	NFND
GAS & FUEL EQUIPMENT	FUEL	GAS & FUEL EQUIPMENT	FUEL
GAS LINE	G	GAS LINE	NGAS
GAS VALVE		GAS VALVE	
GENERATOR ON CONCRETE PAD	G	GENERATOR ON CONCRETE PAD	G
HIGH POINT ELEVATION	+HP	HIGH POINT ELEVATION	+HP
IRRIGATION PIPING	IP	IRRIGATION PIPING	NIP
LANDMARK SIGN		LANDMARK SIGN	
LIGHT - BOLLARD		LIGHT - BOLLARD	
LIGHT POLE		LIGHT POLE	
LIGHT - SPOT		LIGHT - SPOT/WALL	
LOW POINT ELEVATION	+LP	LOW POINT ELEVATION	+LP
MAJOR CONTOUR	100	MAJOR CONTOUR	100
MINOR CONTOUR	102	MINOR CONTOUR	102
OUTLET CONTROL STRUCTURE		OUTLET CONTROL STRUCTURE	
PARKING AREA		PARKING AREA	
PAVEMENT STRIPING		PAVEMENT STRIPING	
RETAINING WALL		RETAINING WALL	
RIPRAP		RIPRAP	
ROADWAY		ROADWAY	
SANITARY SEWER MANHOLE	S	SANITARY SEWER MANHOLE	S
SANITARY SEWER PIPE	SS	SANITARY SEWER PIPE	NSS
SIGN		SIGN	
SLOPE NOTATION	S = .01	SLOPE NOTATION	S = .01
SPRINKLER		SPRINKLER	
STONE WALL		STONE WALL	
STORM DRAIN PIPE	SD	STORM DRAIN PIPE	NSD
TELEPHONE EQUIPMENT	TE	TELEPHONE EQUIPMENT	TE
TRANSFORMER ON CONCRETE	T	TRANSFORMER ON CONCRETE	T
TURF		TURF	
UNDERDRAIN PIPE	UD UD UD	UNDERDRAIN PIPE	UD UD UD UD UD UD
UTILITY POLE		UTILITY POLE	
WALKWAY		WALKWAY	
WALL - ORNAMENTAL		WALL - ORNAMENTAL	
WATER GATE VALVE		WATER GATE VALVE	
WATER PIPE (DOMESTIC)	W	WATER PIPE (DOMESTIC)	NW
WATER PIPE (FIRE)	F F F	WATER PIPE (FIRE)	NFS NFS
WATER SHUTOFF		WATER SHUTOFF	

NOTE:
THIS LEGEND IS FOR REFERENCE ONLY AND APPLIES ONLY TO THE CIVIL/SITE LAYOUT DRAWINGS. NOT ALL ITEMS SHOWN HEREIN MAY APPEAR ON THE DRAWINGS, OR BE INCORPORATED IN THE DESIGN.

SITE ABBREVIATIONS

ALT	ALTERNATE	GALV	GALVANIZED	MAX.	MAXIMUM	S	SLOPE
BC	BOTTOM OF CURB	GC	GENERAL CONTRACTOR	MIN.	MINIMUM	T & B	TOP & BOTTOM
BW	BOTTOM OF WALL	HC	HANDICAPPED	MISC.	MISCELLANEOUS	TC	TOP OF CURB
CIP	CAST-IN-PLACE	HMA	HOT MIX ASPHALT	O.C.	ON CENTER	TW	TOP OF WALL
℄	CENTER LINE	HP	HIGH POINT	OD	OUTSIDE DIAMETER	TP	TEST PIT
CLL	CONTRACT LIMITS LINE	ID	INSIDE DIAMETER	R	RADIUS	TYP.	TYPICAL
ECB	EXISTING CATCH BASIN	LP	LOW POINT	RE:	REFER (TO)	UG	UNDERGROUND
FFE	FINISHED FLOOR ELEVATION	LT	LEFT	ROW	RIGHT-OF-WAY	W/	WITH
GA	GAUGE			RT	RIGHT	W/O	WITHOUT

BOYS & GIRLS CLUBS OF SOUTHERN MAINE

Boys & Girls Clubs of Southern Maine
Teen Center Building at the Portland Youth Campus
277 Cumberland Ave, Portland, ME 04101

SMRT
Architecture • Engineering • Planning

SMRT Architects and Engineers
75 Washington Ave., Suite 3A
Portland, Maine 04101
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0 1/2" 1" 2" 3"

STATE OF MAINE — THOMAS D DOYLE No. 11190 — LICENSED PROFESSIONAL ENGINEER

#	Description	Date
1	SITE PLAN REVIEW COMMENTS	3-16-26
0	ISSUED FOR PERMITTING	2-2-26

SITE PLAN REVIEW COMMENTS 3-16-26

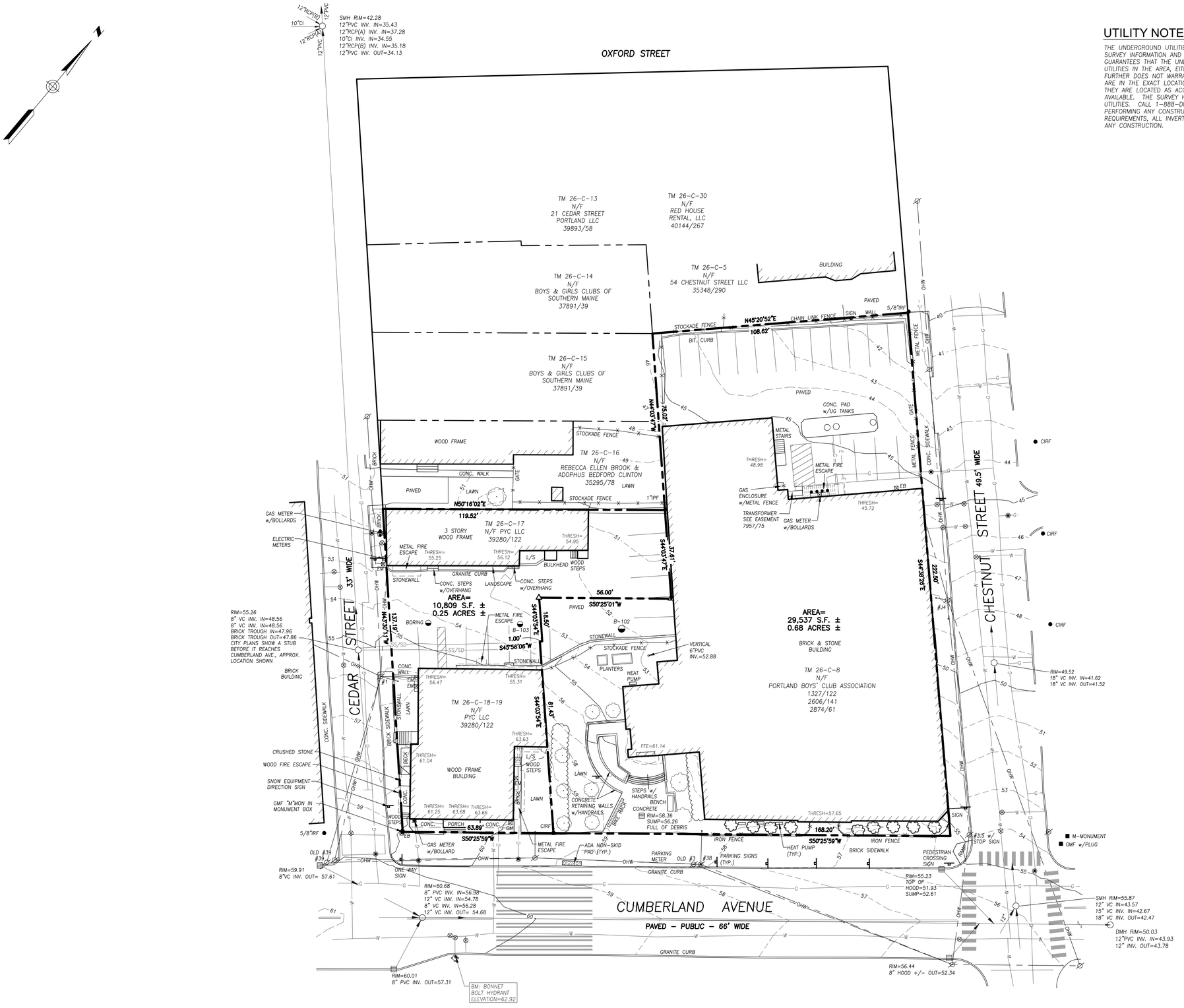
SHEET TITLE:

SITE NOTES & LEGENDS

Original drawing is 24" x 36" - DO NOT SCALE CONTENTS OF THIS DRAWING.

SCALE: NOT TO SCALE | DESIGNED BY: WSM
SMRT PROJECT #: 23109 | DRAWN BY: WSM

C-001

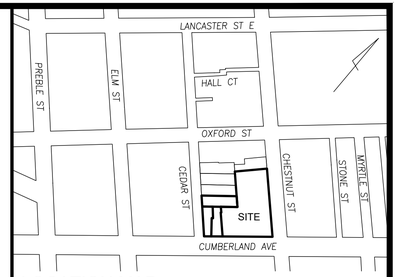


SCALE : 1" = 20'

0' 10' 20' 40'

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEY HAS NOT PHYSICALLY LOCATION THE UNDERGROUND UTILITIES. CALL 1-888-DIGSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION. DUE TO OSHA CONFINED SPACE REQUIREMENTS, ALL INVERTS AND PIPE SIZES MUST BE VERIFIED PRIOR TO ANY CONSTRUCTION.



LOCATION MAP

N.T.S.

LEGEND

●	IRON PIPE OR ROD FOUND	-X-X-	FENCE
■	MONUMENT FOUND	═══	CURB
○	CAPPED IRON ROD SET	OHW	OVERHEAD WIRES
	UTILITY POLE	E	UNDERGROUND POWER
◯	MANHOLE	W	WATER LINE
EM/GM	ELECTRIC/GAS METER	G	GAS LINE
	SIGN	C	COMMUNICATION LINE
	CATCH BASIN	SD	STORM DRAIN
	HYDRANT	SS	SANITARY SEWER
	WATER VALVE OR SHUTOFF	50	1' CONTOUR
	LIGHT POLE	IPF/IRF	IRON PIPE/ROD FOUND
	GAS VALVE	N/F	NOW OR FORMERLY
	BUSH / SHRUB	000/000	DEED BOOK / PAGE
	DECIDUOUS TREE	L/S	LANDSCAPED AREA
	BORING	CONC.	CONCRETE
		FFE	FINISHED FLOOR ELEVATION
		THRES	THRESHOLD

PLAN REFERENCES

1. *"PLAN OF BOUNDARY AND EXISTING CONDITIONS SURVEY 15 & 19 CEDAR STREET & 277 CUMBERLAND AVENUE PORTLAND, MAINE MADE FOR BOYS & GIRLS CLUBS OF SOUTHERN MAINE" BY TITCOMB ASSOCIATES DATED AUGUST 28, 2020 REVISED THROUGH 01/11/2022.*

2. *"ALTA/NSPS LAND TITLE SURVEYS, BAYSIDE I, LLC, BAYSIDE II, LLC, BAYSIDE III, LLC, BAYSIDE IV, LLC, CEDAR ST., LANCASTER ST. EAST, CHESTNUT ST., PREBLE ST. & OXOFRD ST., PORTLAND, CUMBERLAND COUNTY, MAINE MADE FOR BUSH-WATSON SEPT. 2022 BY OWEN HASKELL, INC.*

GENERAL NOTES

1. OWNER OF RECORD: PORTLAND BOY'S CLUB ASSOCIATION
   TAX MAP 26 LOT C-8
   C.C.R.D. BOOK 1327 PAGE 122, BOOK 2606 PAGE 141 & BOOK 2874 PAGE 61

   PYC LLC
   TAX MAP 26 LOT C-17, 18 & 19
   C.C.R.D. BOOK 39280 PAGE 122

2. *BEARINGS ARE BASED ON MAINE STATE GRID WEST ZONE PER COORDINATES ON CONTROL POINTS PROVIDED BY THE CITY OF PORTLAND ENGINEERING DEPARTMENT.*

3. *ELEVATIONS BASED ON NGVD 1929. CITY BENCHMARK TBM 307 MDOT DISK "612-(1)-10 1983" IN CONCRETE BASE OF LIGHT POLE AT NORTHEAST CORNER ELM/SOMERSET ELEVATION = 9.02.*

4. *STREET LINES SHOWN ARE BASED ON MONUMENTATION FOUND AND TIES TO BUILDINGS PER SURVEYED BY E.C. JORDAN CO.*

CERTIFICATE

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

RANDY R. LOUBIER, PLS #2407

09/05/2024
DATE

STATE OF MAINE · RANDY R. LOUBIER 2407 · PROFESSIONAL LAND SURVEYOR

REV.	DATE	DESCRIPTION
1	09/05/2024	ADDED INVERTS FOR ADDITIONAL STRUCTURES

Boundary & Topographic Survey

At

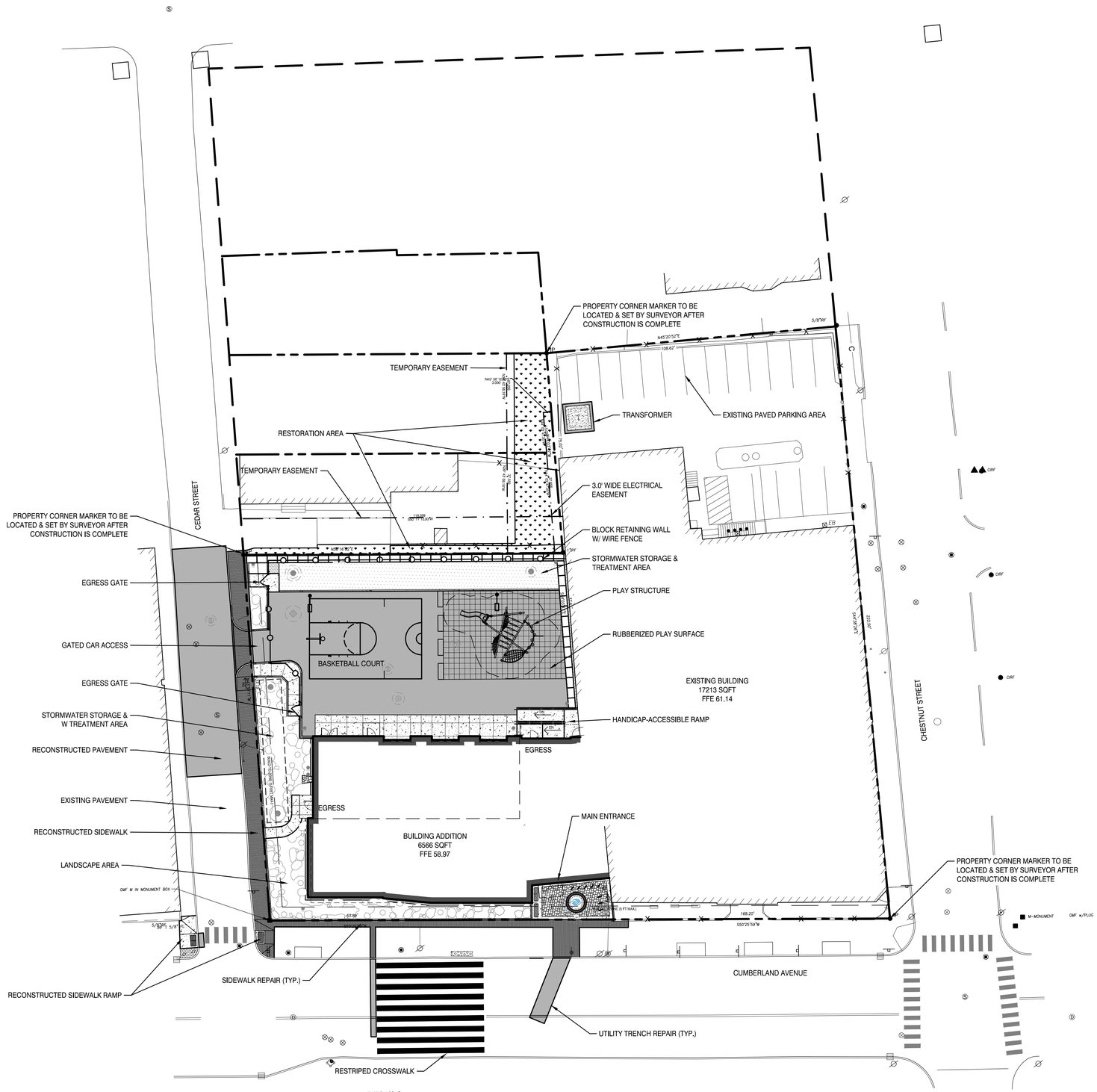
277 Cumberland Avenue & Cedar Street
Portland, Maine

Made for

Boys & Girls Clubs of Southern Maine
P.O. Box 7830, Portland, Maine

OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS
390 US ROUTE 1, UNIT 10, FALMOUTH, ME 04105 TEL. 207-774-0424

DRAWN BY:	RS / JLW	DATE:	Nov. 1, 2023	JOB NO.	2023-227
CHECKED BY:	RRL	SCALE:	1" = 20'	DRWG. NO.	1



BOYS & GIRLS CLUBS OF SOUTHERN MAINE

Boys & Girls Clubs of Southern Maine

Teen Center Building at the Portland Youth Campus

277 Cumberland Ave, Portland, ME 04101

SMRT

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SMRT Architects and Engineers
75 Washington Ave., Suite 3A
Portland, Maine 04101

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0 10' 20' 40' 60'

TRUE NORTH

STATE OF MAINE
THOMAS D DOYLE
No. 11190
LICENSED PROFESSIONAL ENGINEER

#	Description	Date
1	SITE PLAN REVIEW COMMENTS	3-16-26
0	ISSUED FOR PERMITTING	2-2-26

SITE PLAN REVIEW COMMENTS 3-16-26

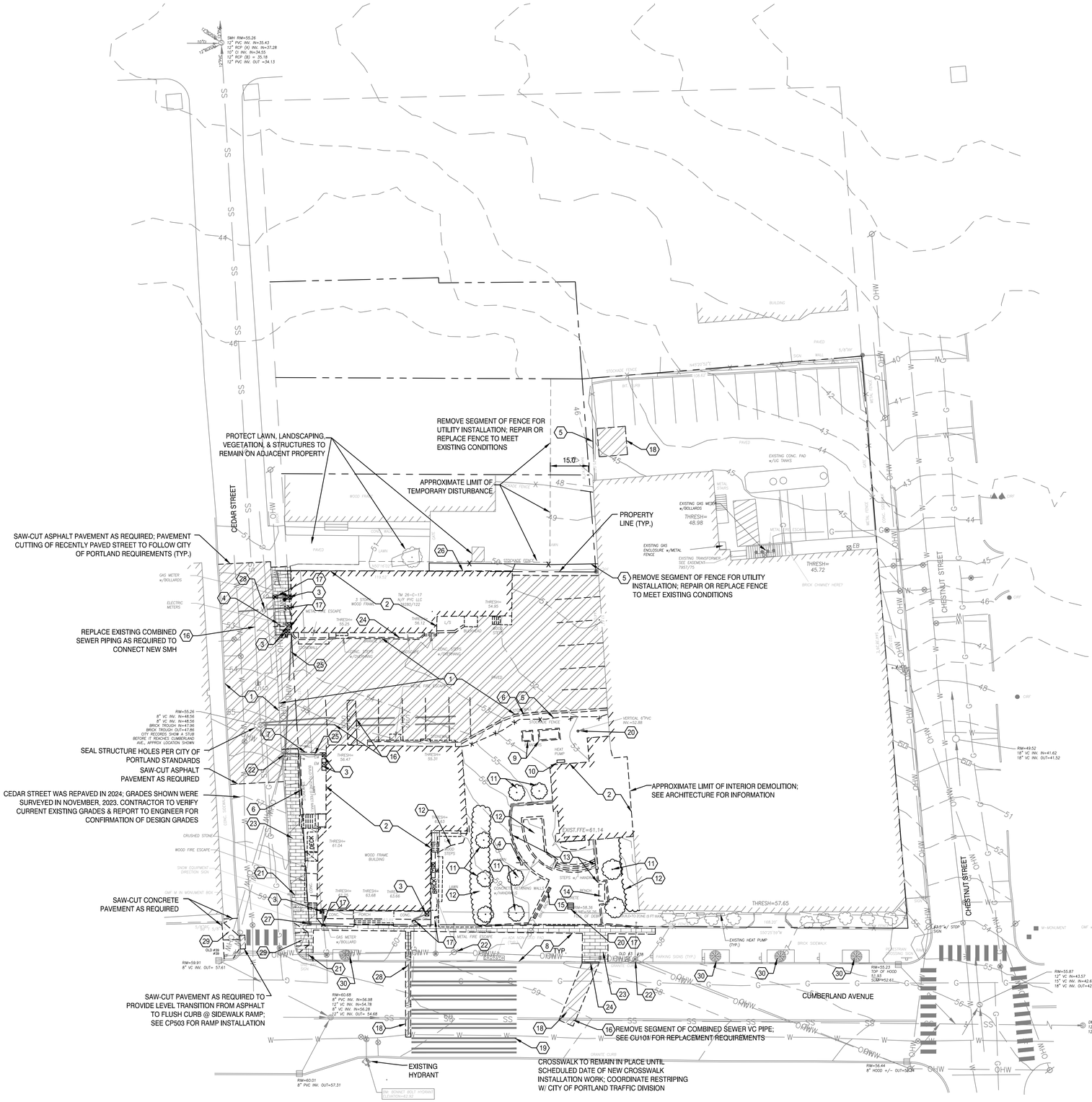
SHEET TITLE:

OVERALL SITE PLAN

Original drawing is 24" x 36" - DO NOT SCALE CONTENTS OF THIS DRAWING.

SCALE: 1" = 20' | DESIGNED BY: WSM
SMRT PROJECT #: 23109 | DRAWN BY: SLM

C-100



NOTES:

1. ELEVATIONS BASED ON NGVD 1929. CITY BENCHMARK TBM 307 MDOT DISK '612-(1)-10 1983' IN CONCRETE BASE OF LIGHT POLE AT NORTHEAST CORNER ELM/SOMERSET ELEVATION = 9.02. PROPOSED GRADES ARE IN VERTICAL DATUM NGVD 1929.
2. THE FINISHED FLOOR ELEVATION OF THE EXISTING BUILDING = 61.14. THIS EQUATES TO ARCHITECTURAL ELEVATION 100'-0".
3. THE FINISHED GROUND FLOOR ELEVATION OF PROPOSED ADDITION = 58.97. THIS EQUATES TO ARCHITECTURAL ELEVATION 97'-10".
4. THE FINISHED FLOOR ELEVATION OF THE CAREER EXPLORATION LEVEL = 55.97. THIS EQUATES TO ARCHITECTURAL ELEVATION 94'-10".

DEMOLITION KEY:

1. REMOVE PAVEMENT TO LIMITS SHOWN
2. REMOVE BUILDING & ALL APPURTENANCES
3. REMOVE UTILITY METER; COORDINATE W/ UTILITY PROVIDER
4. REMOVE SIGN; COORDINATE REMOVAL OF CITY-OWNED SIGNAGE W/ PORTLAND DPW; REINSTALL AS NECESSARY & UNDER DIRECTION OF DPW
5. REMOVE FENCE
6. REMOVE STONE WALL, SALVAGE & STOCKPILE STONES FOR REUSE
7. REMOVE CONCRETE WALL
8. PROTECT BRICK SIDEWALK TO REMAIN
9. REMOVE PLANTERS
10. REMOVE MECHANICAL EQUIPMENT
11. REMOVE TREE
12. REMOVE VEGETATION
13. REMOVE STAIRS, RAMP, CURBING, & HANDRAILS
14. REMOVE BENCH & RETURN TO OWNER
15. REMOVE BIKE RACK & RETURN TO OWNER
16. REMOVE COMBINED SEWER PIPING
17. CAP & ABANDON EXISTING UTILITY PER GOVERNING UTILITY STANDARDS
18. REMOVE ASPHALT PAVEMENT & BASE MATERIAL
19. REMOVE PAVEMENT PAINT; COORDINATE SCHEDULE & REPLACEMENT PAINT W/ CITY OF PORTLAND
20. REMOVE STORM DRAIN STRUCTURE
21. PROTECT EXISTING SIGN TO REMAIN
22. PROTECT EXISTING UTILITY POLE TO REMAIN
23. REMOVE SIDEWALK BRICKS AS REQUIRED FOR NEW WORK; COORDINATE RECONSTRUCTION OF SIDEWALK W/ CITY OF PORTLAND
24. SALVAGE & STOCKPILE GRANITE CURB FOR REINSTALLATION
25. COORDINATE REMOVAL OF OVERHEAD ELECTRICAL SERVICE W/ GOVERNING UTILITY
26. UPON BUILDING DEMOLITION, STABILIZE GRADE ON BOTH SIDES OF PROPERTY LINE; RESTORE GRADE ON ABUTTING LOT TO EXISTING CONDITIONS AFTER COMPLETION OF RETAINING WALL INSTALLATION
27. PROTECT MONUMENT IN PLACE
28. REMOVE WATER SERVICE TO MAIN PER PORTLAND WATER DISTRICT STANDARDS
29. REMOVE RAMP & RECONSTRUCT AS SHOWN ON CP101. COORDINATE WORK WITH PORTLAND DEPARTMENT OF PUBLIC WORKS
30. PROTECT TREE & TREE WELL TO REMAIN

DEMOLITION LEGEND:

- MATERIALS TO BE REMOVED
- LIMIT OF ASPHALT REMOVAL

DEMOLITION NOTES:

1. ALL PRE-EXISTING STRUCTURES WITHIN THE PROPOSED BUILDING FOOTPRINT, UNDER AREAS PROPOSED FOR PAVING, AND ALONG PROPOSED UTILITY ROUTES ARE TO BE COMPLETELY REMOVED AND REPLACED WITH COMPACTED STRUCTURAL FILL.
2. UTILITY POLES AND LIGHTS NOTED FOR REMOVAL SHALL BE SALVAGED.
3. ALL CONFLICTING ITEMS WITHIN THE DEVELOPMENT AREA NOT OTHERWISE NOTED SHALL BE REMOVED.
4. IN PAVEMENT REMOVAL AREAS EXISTING SURFACE MAY BE GROUND, REMOVED AND STOCKPILED FOR LATER USE AS SUITABLE FILL MATERIAL, BASED ON SUBMITTED AND APPROVED TESTING.
5. ALL APPURTENANCES NOT NOTED FOR REMOVAL ALONG CUMBERLAND AVENUE ARE TO REMAIN IN PLACE AND BE PROTECTED FROM DAMAGE FOR DURATION OF PROJECT.

BOYS & GIRLS CLUBS OF SOUTHERN MAINE

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Teen Center Building at the Portland Youth Campus
277 Cumberland Ave, Portland, ME 04101

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0 10' 20' 40' 60'

TRUE NORTH

STATE OF MAINE
THOMAS D DOYLE
No. 11190
LICENSED PROFESSIONAL ENGINEER

#	Description	Date
1	SITE PLAN REVIEW COMMENTS	3-16-26
0	ISSUED FOR PERMITTING	2-2-26

SITE PLAN REVIEW COMMENTS 3-16-26

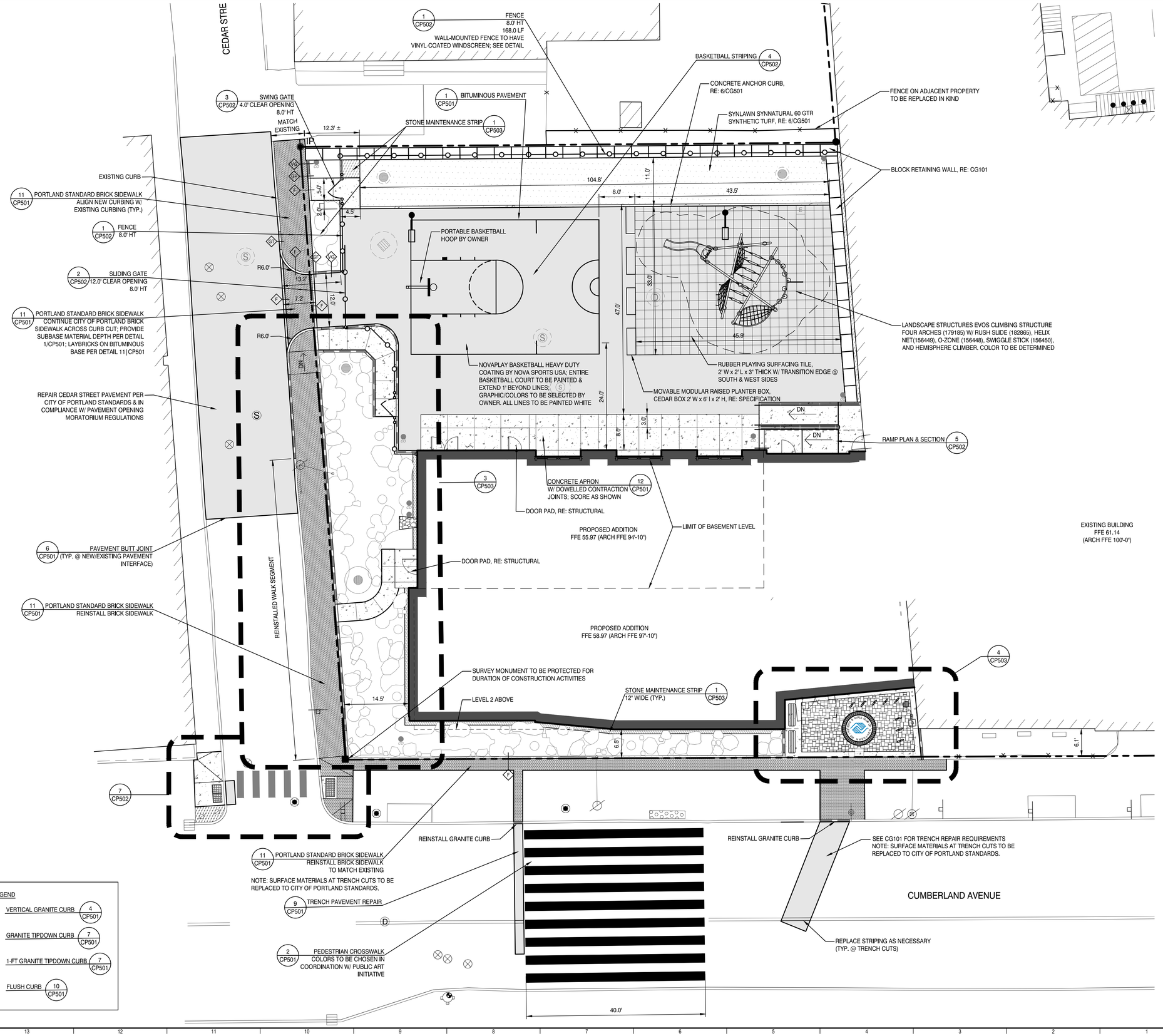
SHEET TITLE:

EXISTING CONDITIONS & DEMOLITION PLAN

Original drawing is 24" x 36" - DO NOT SCALE CONTENTS OF THIS DRAWING.

SCALE: 1" = 20' | DESIGNED BY: WSM
SMRT PROJECT #: 23109 | DRAWN BY: WSM

CD101



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0 5' 10' 20' 30'

TRUE NORTH

STATE OF MAINE THOMAS D DOYLE No. 11196 LICENSED PROFESSIONAL ENGINEER

#	Description	Date
1	SITE PLAN REVIEW COMMENTS	3-16-26
0	ISSUED FOR PERMITTING	2-2-26

SITE PLAN REVIEW COMMENTS 3-16-26

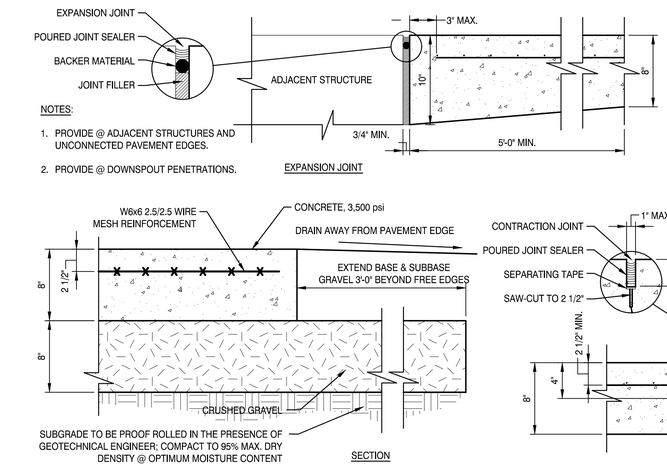
SHEET TITLE:

SITE LAYOUT PLAN

Original drawing is 24" x 36" - DO NOT SCALE CONTENTS OF THIS DRAWING.

SCALE: 1" = 10' | DESIGNED BY: WSM
SMRT PROJECT #: 23109 | DRAWN BY: WSM

CP101



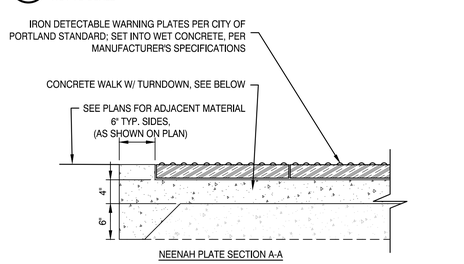
NOTES:

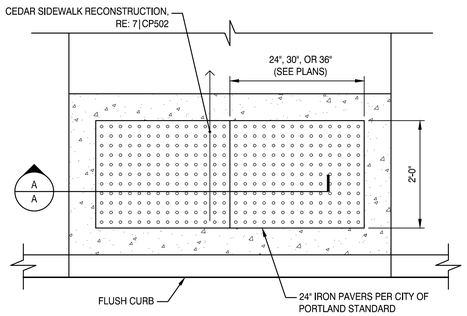
1. PROVIDE CONTRACTION JOINTS @ 15'-0" MAXIMUM INTERVALS IN BOTH DIRECTIONS.
2. PROCESSED GRAVEL FOR BASE COURSE SHALL MEET THE FOLLOWING GRADATION REQUIREMENTS:

SIEVE SIZE	% FINER BY WEIGHT
1 1/2 IN	100
1 IN	70-100
3/4 IN	55-85
1/2 IN	40-80
3/8 IN	30-65
NO. 4	30-50
NO. 8	0-25
NO. 16	0-5
NO. 200	0-2

12 CONCRETE APRON

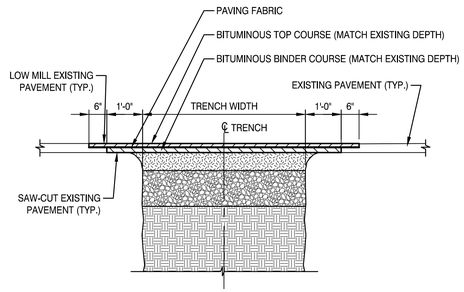
NOT TO SCALE





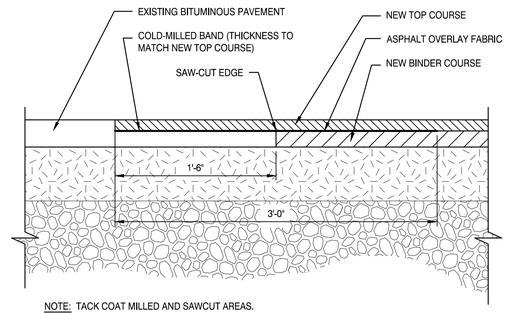
13 TACTILE WARNING PLATES

NOT TO SCALE



9 TRENCH PAVEMENT REPAIR

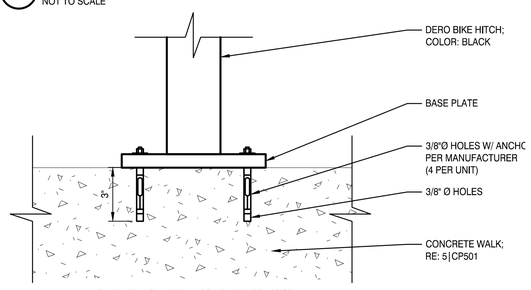
NOT TO SCALE



NOTE: TACK COAT MILLED AND SAWCUT AREAS.

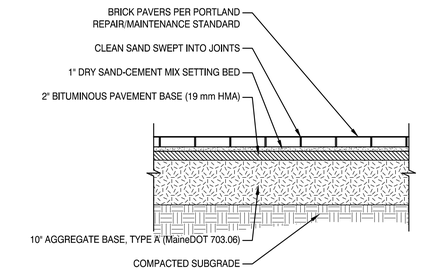
6 PAVEMENT BUTT JOINT

NOT TO SCALE



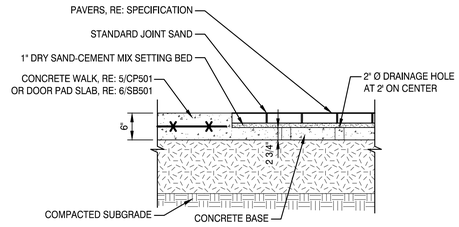
3 BICYCLE HITCH INSTALLATION

NOT TO SCALE



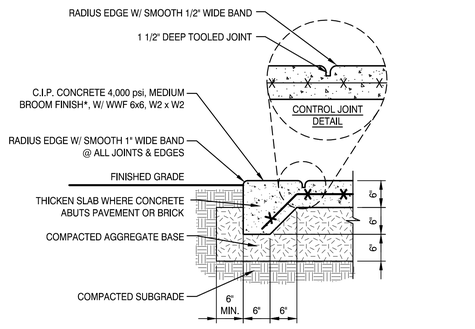
11 PORTLAND STANDARD BRICK SIDEWALK

3/4" = 1'-0"



8 BRICK PAVER INLAY

3/4" = 1'-0"



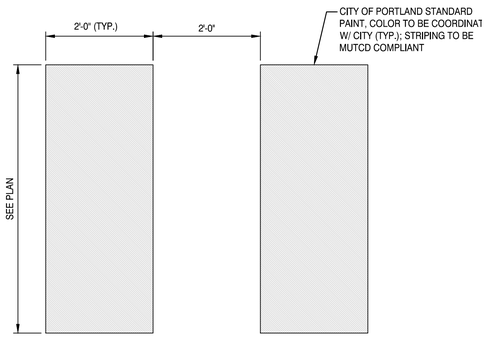
*UNLESS SHOWN OR NOTED OTHERWISE, BROOM PERPENDICULAR TO DIRECTION OF TRAVEL.

NOTES:

1. PROVIDE ISOLATION JOINT W/ SELF-LEVELING SEALER WHERE WALK ABUTS ANY VERTICAL SURFACE.
2. DEPTH OF CONTROL JOINT MUST BE AS INDICATED FOR ACCEPTANCE OF WORK.

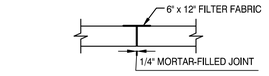
5 CONCRETE WALK

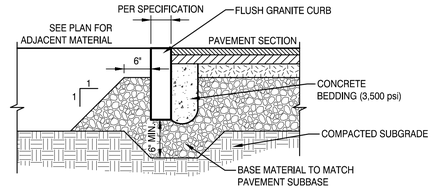
3/4" = 1'-0"



2 PEDESTRIAN CROSSWALK

3/4" = 1'-0"

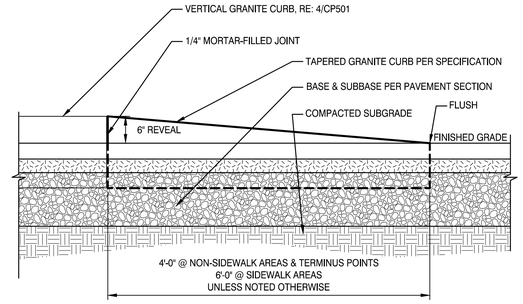




SECTION

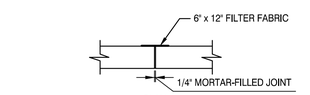
10 FLUSH GRANITE CURB

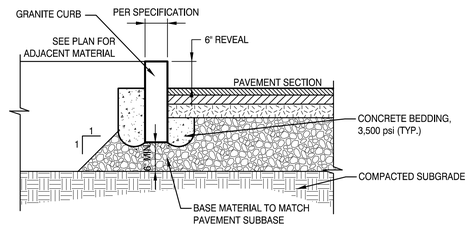
3/4" = 1'-0"



7 GRANITE TIPDOWN CURB

3/4" = 1'-0"





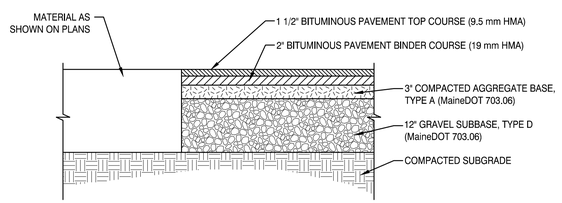
SECTION

NOTES:

1. PROVIDE TIPDOWN END SECTIONS AT ALL CURB ENDS.
2. WHERE PAVERS ARE TO BE INSTALLED, BACK OF CURB FINISH IS TO BE SMOOTH TO DEPTH OF 6".

4 VERTICAL GRANITE CURB

3/4" = 1'-0"



1 BITUMINOUS PAVEMENT

3/4" = 1'-0"

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0 5' 10' 20' 30'

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1	SITE PLAN REVIEW COMMENTS	3-16-26
0	ISSUED FOR PERMITTING	2-2-26

SITE PLAN REVIEW COMMENTS 3-16-26

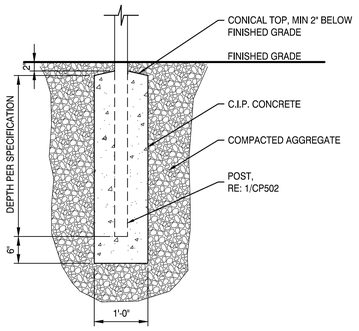
SHEET TITLE:

SITE LAYOUT DETAILS

Original drawing is 24" x 36" - DO NOT SCALE CONTENTS OF THIS DRAWING.

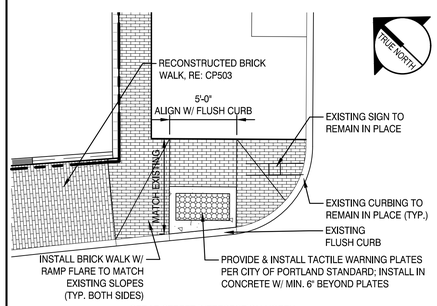
SCALE:	AS SHOWN	DESIGNED BY:	WSM
SMRT PROJECT #:	23109	DRAWN BY:	WSM

CP501

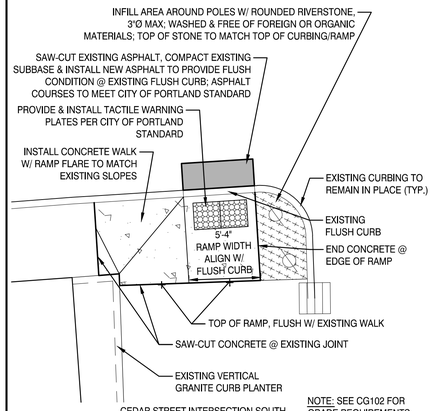


6 POST BASE

NO TO SCALE



CEDAR STREET INTERSECTION NORTH

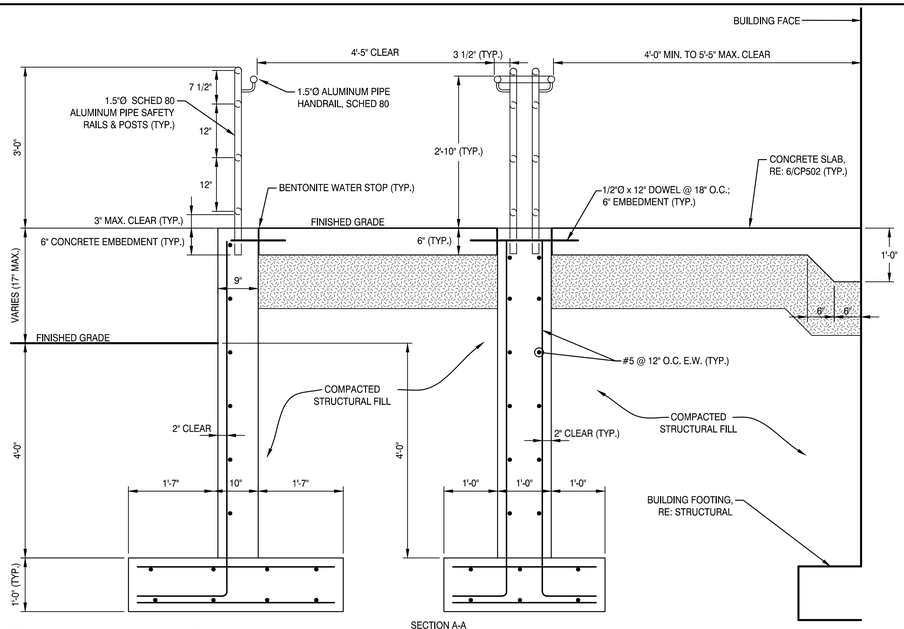


CEDAR STREET INTERSECTION SOUTH

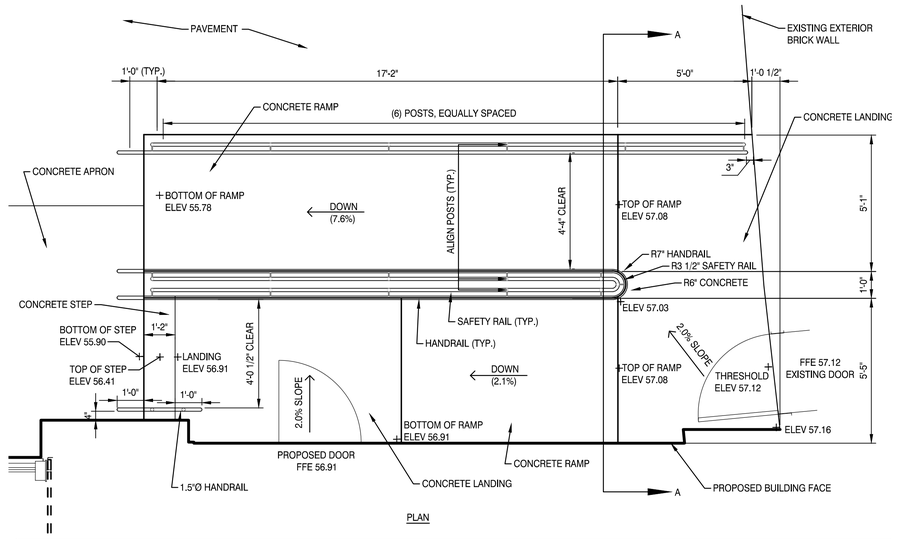
NOTE: SEE CG102 FOR GRADE REQUIREMENTS.

7 CEDAR STREET SIDEWALK RECONSTRUCTION

3/16" = 1'-0"



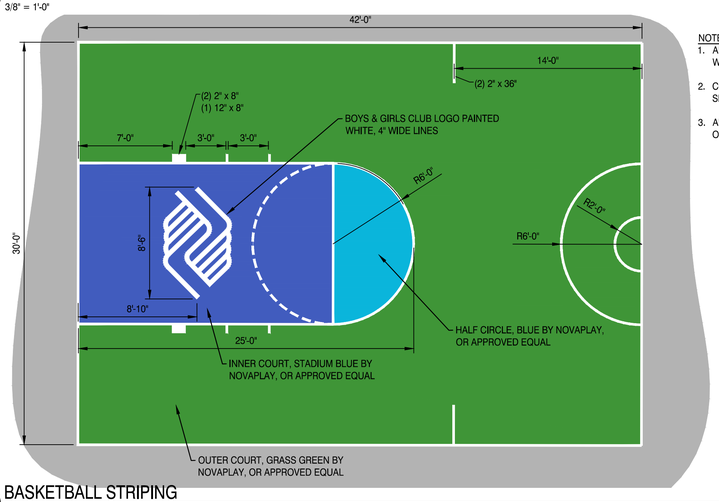
SECTION A-A



PLAN

5 RAMP PLAN & SECTION

3/8" = 1'-0"

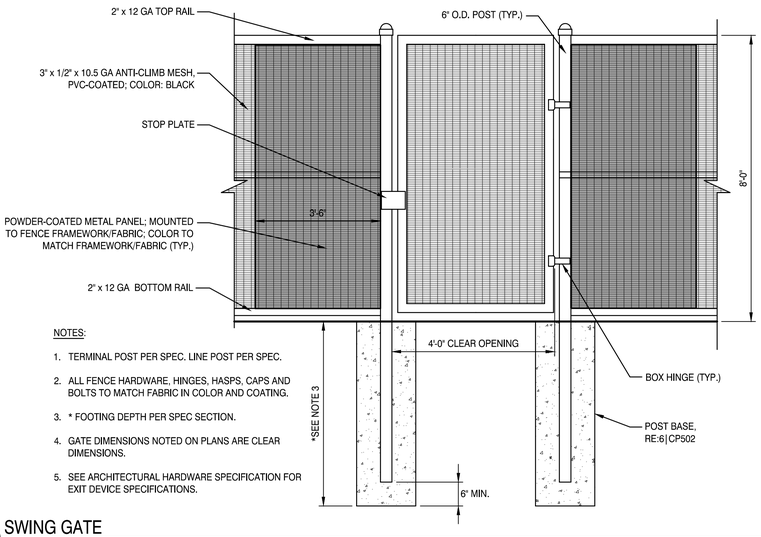


NOTES:

1. ALL LINES TO BE 2" WIDE PAINTED WHITE UNLESS OTHERWISE NOTED.
2. COURT TO BE ACRYLIC-SEALED PER SPECIFICATION.
3. ALL DIMENSIONS ARE TO CENTERS OF LINES.

4 BASKETBALL STRIPING

3/16" = 1'-0"

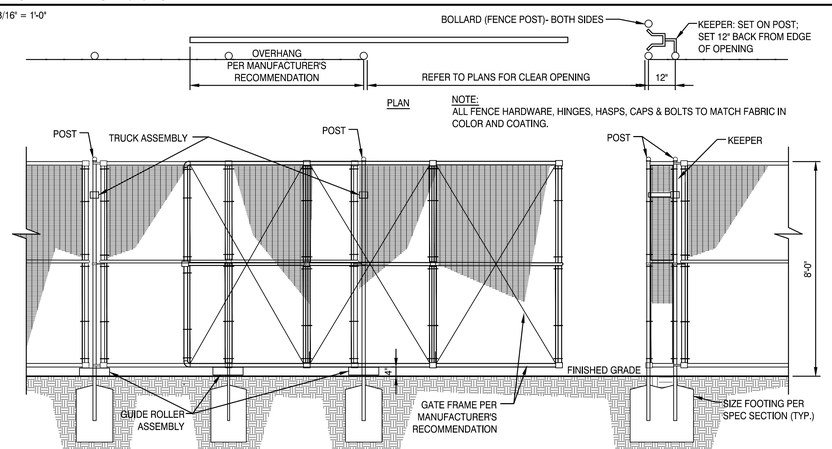


NOTES:

1. TERMINAL POST PER SPEC. LINE POST PER SPEC.
2. ALL FENCE HARDWARE, HINGES, HASPS, CAPS AND BOLTS TO MATCH FABRIC IN COLOR AND COATING.
3. * FOOTING DEPTH PER SPEC SECTION.
4. GATE DIMENSIONS NOTED ON PLANS ARE CLEAR DIMENSIONS.
5. SEE ARCHITECTURAL HARDWARE SPECIFICATION FOR EXIT DEVICE SPECIFICATIONS.

3 SWING GATE

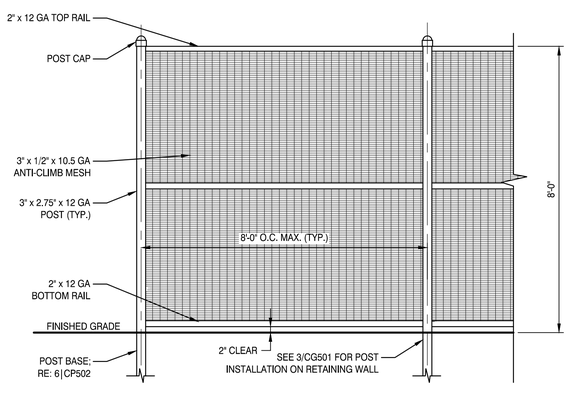
NO TO SCALE



ELEVATION

2 SLIDING GATE

NO TO SCALE



NOTES:

1. FENCE EMBEDDED IN RETAINING WALL AT THE WESTERLY PROPERTY LINE TO HAVE DOUGLAS VCP VINYL-COATED POLYESTER WINDSCREEN TO COVER ENTIRE HEIGHT OF WIRE MESH.
2. DOUGLAS VCP WINDSCREEN TO BE BLACK (STANDARD) WITH AV DIE-CUT AIR VENTS.
3. DOUGLAS VCP WINDSCREEN SHALL BE INSTALLED AS RECOMMENDED WITH MANUFACTURER'S WRITTEN DIRECTIONS.

1 FENCE

NOT TO SCALE

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SITE PLAN REVIEW COMMENTS 3-16-26

SHEET TITLE:

SITE LAYOUT DETAILS

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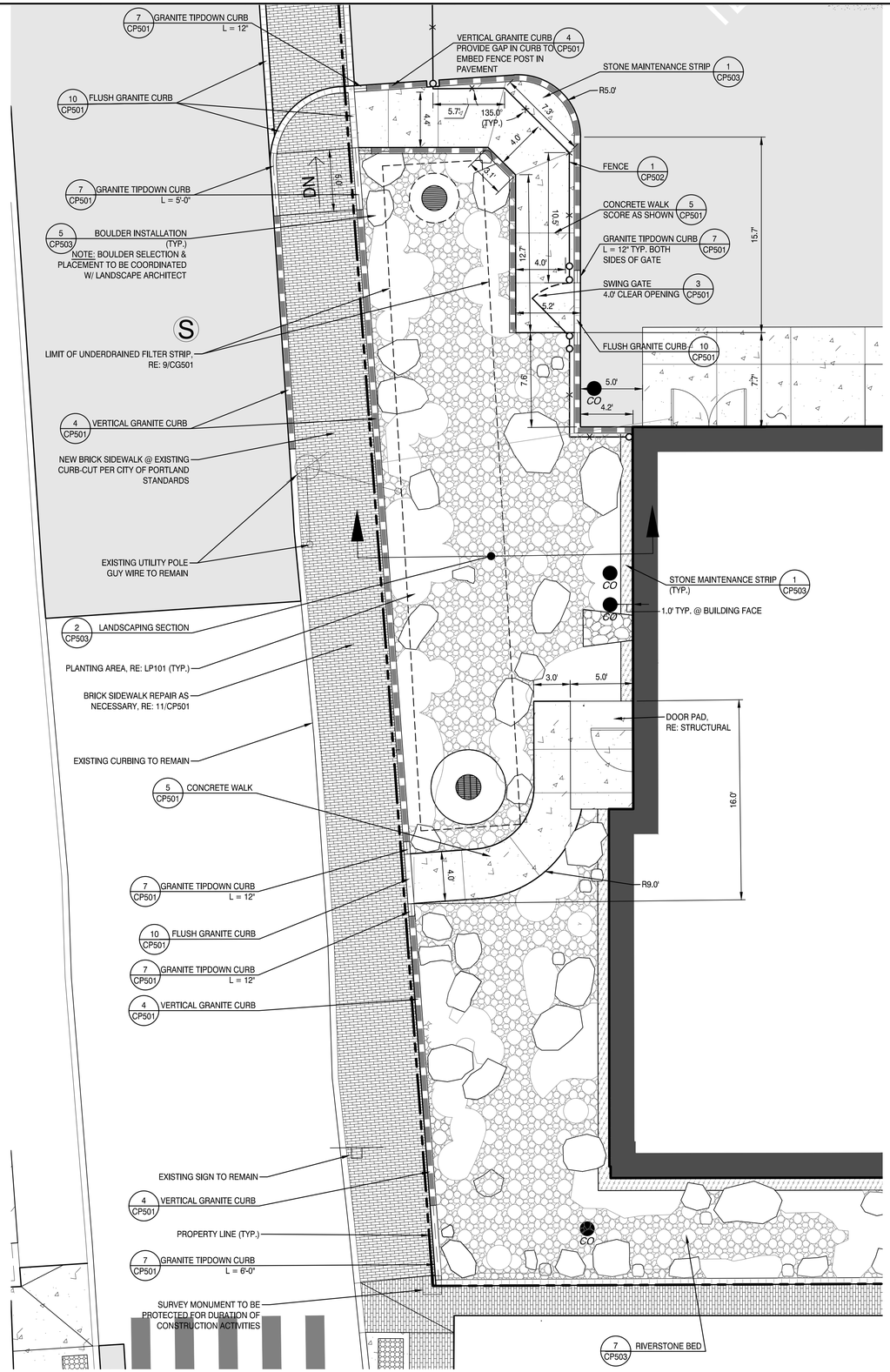
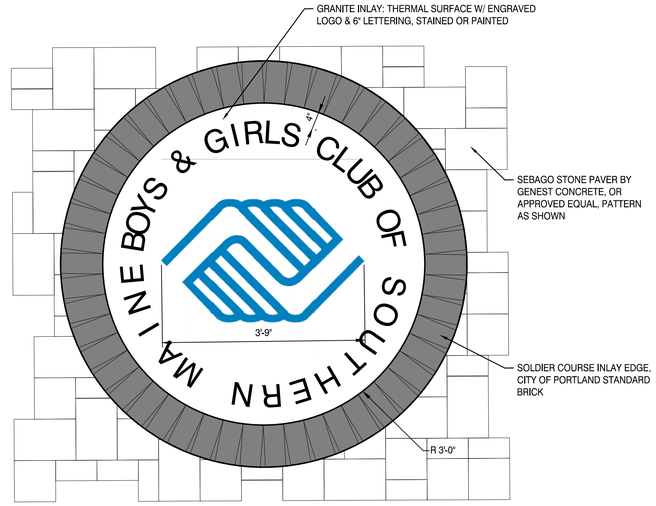
SCALE: AS SHOWN | DESIGNED BY: WSM
SMRT PROJECT #: 23109 | DRAWN BY: WSM

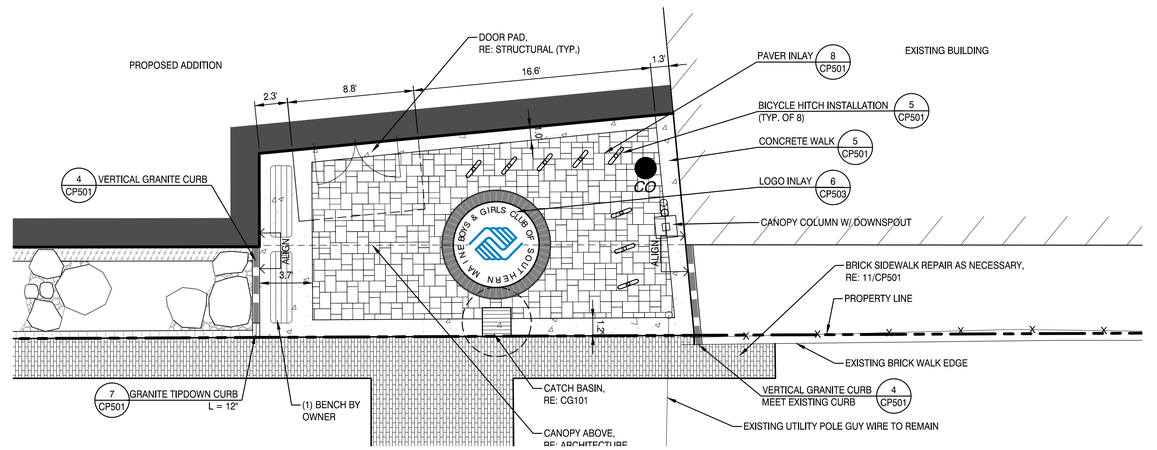
CP502



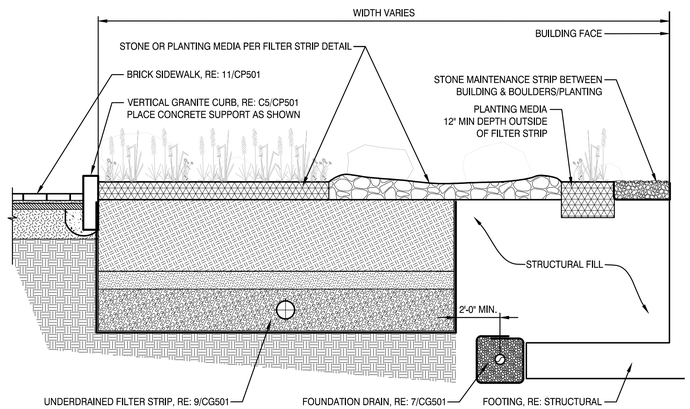
3 ENLARGED LANDSCAPING PLAN
1" = 5'



6 LOGO INLAY
3/4" = 1'-0"

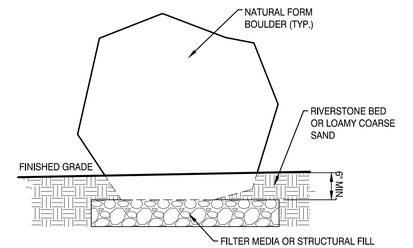


4 ENTRY PLAZA PAVER LAYOUT PLAN
1" = 5'

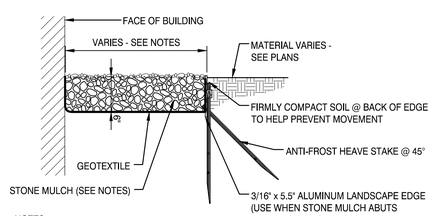


2 LANDSCAPING SECTION
3/4" = 1'-0"

7 RIVERSTONE BED
NOT TO SCALE



5 BOULDER INSTALLATION
NOT TO SCALE



NOTES:

1. STONE MULCH TO BE ROUNDED RIVERSTONE, 3" INCHES DIA. MAX., WASHED AND FREE OF FOREIGN OR ORGANIC MATERIALS.
2. STANDARD MAINTENANCE STRIP TO BE 12" WIDE.
3. EDGE TO BE BY SURE-LOC ALUMINUM EDGING CORP, OR APPROVED EQUAL .
   - MILL FINISH
   - 12" STAKES
   - ANTI-FROST HEAVE STAKE POCKETS @ 8" O.C.

1 STONE MAINTENANCE STRIP
NOT TO SCALE

BOYS & GIRLS CLUBS OF SOUTHERN MAINE

Boys & Girls Clubs of Southern Maine
Teen Center Building at the Portland Youth Campus
277 Cumberland Ave, Portland, ME 04101

SMRT
Architecture • Engineering • Planning

SMRT Architects and Engineers
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Portland, Maine 04101
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0 5' 10' 20' 30'

TRUE NORTH

STATE OF MAINE — THOMAS D DOYLE No. 11196 LICENSED PROFESSIONAL ENGINEER

#	Description	Date
1	SITE PLAN REVIEW COMMENTS	3-16-26
0	ISSUED FOR PERMITTING	2-2-26

SITE PLAN REVIEW COMMENTS 3-16-26

SHEET TITLE:

SITE LAYOUT DETAILS

Original drawing is 24" x 36" - DO NOT SCALE CONTENTS OF THIS DRAWING.

SCALE:	AS SHOWN	DESIGNED BY:	JTA
SMRT PROJECT #:	23109	DRAWN BY:	WSM

CP503

TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES INCLUDE THE USE OF STABILIZED CONSTRUCTION ENTRANCE, SILTATION FENCE, EROSION CONTROL MIX BERM, STONE CHECK DAMS, HAY BALE BARRIERS, CATCH BASIN INLET BARRIERS, CATCH BASIN SEDIMENT COLLECTION BAGS, EROSION CONTROL BLANKET, AND TEMPORARY SEEDING AND MULCHING AS REQUIRED. PERMANENT DEVICES INCLUDE THE USE OF RIP RAP AT EXPOSED STORM DRAIN AND CULVERT INLETS AND OUTLETS, RIP RAPPED SLOPES, AND PERMANENT VEGETATION.

GENERAL NOTES:

A. IT IS ANTICIPATED THAT CONSTRUCTION MAY BEGIN AS SOON AS POSSIBLE FOLLOWING RECEIPT OF NECESSARY PERMITS.

1. ALL SOIL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES PUBLISHED BY THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, (2016, OR AS CURRENTLY REVISED), OR U.S ENVIRONMENTAL PROTECTION AGENCY PUBLICATION 832/R-92-005 (SEPTEMBER, 1992, OR AS CURRENTLY REVISED) STORM WATER MANAGEMENT FOR CONSTRUCTION, CHAPTER 3, WHICHEVER IS MORE STRINGENT.

2. ANY ADDITIONAL EROSION AND SEDIMENTATION CONTROL DEEMED NECESSARY BY THE OWNER'S REPRESENTATIVE, DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) PERSONNEL AND/OR MUNICIPAL OFFICIALS SHALL BE INSTALLED BY THE CONTRACTOR.

3. THE CONTRACTOR IS RESPONSIBLE FOR ALL FINES RESULTING FROM EROSION OR SEDIMENTATION FROM THE SITE TO SURROUNDING PROPERTIES, WATER BODIES, OR WETLANDS AS A RESULT OF THIS PROJECT.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR/ REPLACEMENT/ MAINTENANCE OF ALL EROSION CONTROL MEASURES UNTIL ALL DISTURBED AREAS ARE STABILIZED TO THE SATISFACTION OF THE ABOVE PERSONNEL. DESCRIPTIONS OF ACCEPTABLE PERMANENT STABILIZATION FOR VARIOUS COVER TYPES FOLLOWS:

   A. FOR SEEDED AREAS, PERMANENT STABILIZATION MEANS A 90% COVER OF THE DISTURBED AREA WITH MATURE, HEALTHY PLANTS WITH NO EVIDENCE OF WASHING OR RILLING OF THE TOPSOIL.

   B. FOR SODDED AREAS, PERMANENT STABILIZATION MEANS THE COMPLETE BINDING OF THE SOD ROOTS INTO THE UNDERLYING SOIL WITH NO SLUMPING OF THE SOD OR DIE-OFF.

   C. FOR MULCHED AREAS, PERMANENT MULCHING MEANS TOTAL COVERAGE OF THE EXPOSED AREA WITH AN APPROVED MULCH MATERIAL. EROSION CONTROL MIX MAY BE USED AS MULCH FOR PERMANENT STABILIZATION ACCORDING TO THE APPROVED APPLICATION RATES AND LIMITATIONS.

   D. FOR AREAS STABILIZED WITH RIP RAP, PERMANENT STABILIZATION MEANS THAT SLOPES STABILIZED WITH RIP RAP HAVE AN APPROPRIATE BACKING OF A WELL-GRADED GRAVEL OR APPROVED GEOTEXTILE TO PREVENT SOIL MOVEMENT FROM BEHIND THE RIP RAP. STONE MUST BE SIZED APPROPRIATELY.

   E. PAVED AREAS: FOR PAVED AREAS, PERMANENT STABILIZATION MEANS THE PLACEMENT OF THE COMPACTED GRAVEL SUBBASE IS COMPLETED.

   F. FOR OPEN CHANNELS, PERMANENT STABILIZATION MEANS THE CHANNEL IS STABILIZED WITH MATURE VEGETATION AT LEAST THREE INCHES IN HEIGHT, WITH WELL-GRADED RIP RAP, OR WITH ANOTHER NON-EROSIVE LINING CAPABLE OF WITHSTANDING THE ANTICIPATED FLOW VELOCITIES AND FLOW DEPTHS WITHOUT RELIANCE ON CHECK DAMS TO SLOW FLOW. THERE MUST BE NO EVIDENCE OF SLUMPING OF THE LINING, UNDERCUTTING OF THE BANKS, OR DOWN CUTTING OF THE CHANNEL.

B. EROSION AND SEDIMENTATION CONTROL MEASURES

1. PRIOR TO THE BEGINNING OF CONSTRUCTION, THE STABILIZED CONSTRUCTION ENTRANCE AND TEMPORARY SILT FENCE SHALL BE INSTALLED AS SHOWN ON THE PLANS OR AS DIRECTED BY THE OWNER'S REPRESENTATIVE. IT IS THE INTENT THAT SILT FENCE OR EROSION CONTROL MIX BERM BE INSTALLED DOWN GRADIENT OF ALL DISTURBED AREAS OF THE SITE. SILT FENCE SHALL BE INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. ANY REQUIRED REPAIRS SHALL BE MADE IMMEDIATELY. SEDIMENT DEPOSITS SHALL BE PERIODICALLY REMOVED FROM THE UPSTREAM SIDE OF THE SILT BARRIERS. THIS SEDIMENT SHALL BE SPREAD AND STABILIZED IN AREAS OF THE SITE NOT SUBJECT TO EROSION. SILT FENCE OR EROSION CONTROL MIX BERM SHALL BE REPLACED AS NECESSARY TO PROVIDE PROPER FILTERING ACTION. IF THERE ARE SIGNS OF UNDERCUTTING AT THE CENTER OR THE EDGES, OR IMPOUNDING OF LARGE VOLUMES OF WATER BEHIND THEM, THEY SHALL BE REPLACED WITH A TEMPORARY CRUSHED STONE CHECK DAM.

2. ALL CATCH BASINS, NEW OR EXISTING, THAT MAY RECEIVE RUNOFF FROM DISTURBED AREAS MUST BE PROTECTED DURING CONSTRUCTION.

3. REMOVAL OF SOD, TREES, BUSHES AND OTHER VEGETATION AND SOIL DISTURBANCE WILL BE KEPT TO A MINIMUM WHILE ALLOWING PROPER SITE DEVELOPMENT.

4. LESS THAN ONE ACRE SHALL BE EXPOSED AT ONE TIME DURING CONSTRUCTION.

5. GRUBBINGS AND ANY UNUSABLE TOPSOIL SHALL BE STRIPPED AND REMOVED FROM THE PROJECT SITE AND DISPOSED OF IN AN APPROVED MANNER.

6. ANY SUITABLE TOPSOIL WILL BE STRIPPED AND STOCKPILED FOR REUSE IN FINAL GRADING. TOPSOIL WILL BE STOCKPILED IN A MANNER SUCH THAT NATURAL DRAINAGE IS NOT OBSTRUCTED AND NO OFF-SITE SEDIMENT DAMAGE WILL RESULT. SEDIMENT BARRIERS SHALL BE INSTALLED DOWN-GRADIENT OF ALL SOIL STOCKPILES AND STORMWATER SHALL BE PREVENTED FROM RUNNING ONTO ALL STOCKPILES. IF A STOCKPILE IS NECESSARY, THE SIDE SLOPES OF THE TOPSOIL STOCKPILE WILL NOT EXCEED 2:1. TOPSOIL STOCKPILES WILL BE TEMPORARILY SEEDED WITH AROOSTOOK RYE, ANNUAL OR PERENNIAL RYE GRASS WITHIN 7 DAYS OF FORMATION, OR TEMPORARILY MULCHED IF SEEDING CANNOT BE DONE WITHIN THE RECOMMENDED SEEDING DATES.

7. TEMPORARY DIVERSION BERMS AND DRAINAGE SWALES SHALL BE CONSTRUCTED AS NECESSARY.

8. TEMPORARY STABILIZATION SHALL BE CONDUCTED WITHIN 7 DAYS OF INITIAL DISTURBANCE OF SOILS, PRIOR TO ANY RAIN EVENT, AND PRIOR TO ANY WORK SHUT DOWN LASTING MORE THAN ONE DAY. TEMPORARY STABILIZATION INCLUDES SEED, MULCH, OR OTHER NON-ERODABLE COVER.

9. TEMPORARY SEEDING SPECIFICATIONS: WHERE SEEDBED HAS BEEN COMPACTED BY CONSTRUCTION OPERATIONS, LOOSEN SOIL TO A DEPTH OF 2 INCHES BEFORE APPLYING FERTILIZER, LIME, AND SEED. APPLY LIMESTONE AT A RATE OF 3 TONS PER ACRE (138 LB. PER 1,000 SQUARE FEET) AND 10-10-10 (N-P2O5-K2O) FERTILIZER AT A RATE OF 600 LBS PER ACRE (13.8 LB. PER 1,000 SQUARE FEET). UNIFORMLY APPLY SEED AT THE RECOMMENDED SEEDING RATES AND DATES, APPLY HAY OR STRAW MULCH AT A RATE OF 2 TONS PER ACRES, AND ANCHOR AS NECESSARY.

   RECOMMENDED TEMPORARY SEEDING DATES AND APPLICATION RATES ARE AS FOLLOWS:

   AROOSTOOK RYE:
   RECOMMENDED SEEDING DATES: 8/15 -10/1
   APPLICATION RATE: 112 LBS/ACRE

   ANNUAL RYE GRASS:
   RECOMMENDED SEEDING DATES: 4/1 - 7/1
   APPLICATION RATE: 40 LBS/ACRE

   PERENNIAL RYE GRASS:
   RECOMMENDED SEEDING DATES: 8/15 - 9/15
   APPLICATION RATE: 40 LBS/ACRE

1. PERMANENT SEEDING SPECIFICATION. IF A LANDSCAPE PLAN HAS BEEN PREPARED FOR THE PROJECT, SOIL PREPARATION AND SEED SPECIFICATIONS OF THAT PLAN SHALL SUPERSEDE THESE GENERAL PERMANENT SEEDING REQUIREMENTS. IT IS RECOMMENDED THAT PERMANENT SEEDING BE COMPLETED BETWEEN APRIL 1 AND JUNE 15 OF EACH YEAR. LATE SEASON SEEDING MAY BE DONE BETWEEN AUGUST 15 AND SEPTEMBER 15. AREAS NOT SEEDED OR WHICH DO NOT OBTAIN A SATISFACTORY GROWTH BY OCTOBER 1 SHALL BE SEEDED WITH AROOSTOOK RYE MULCHED AT RATES PREVIOUSLY SPECIFIED. SEE WINTER CONDITIONS NOTES FOR SEEDING STABILIZATION AFTER NOVEMBER 1.

A. APPLY TOPSOIL TO A MINIMUM DEPTH OF 4 INCHES. MIX TOPSOIL WITH THE SUBSOIL TO A MINIMUM DEPTH OF 6 INCHES.

B. APPLY LIMESTONE AND FERTILIZER ACCORDING TO SOIL TESTS. IN LIEU OF SOIL TESTS, APPLY GROUND LIMESTONE AT A RATE OF 3 TONS PER ACRE (138 LB. PER 1,000 SQUARE FEET) AND GRANULAR, COMMERCIAL-GRADE, 10-10-10 (N-P2O5-K2O) FERTILIZER AT A RATE OF 800 LBS PER ACRE (18.4 LBS PER 1,000 SQUARE FEET).

C. UNIFORMLY APPLY SEED MIXTURE AT THE RECOMMENDED SEEDING RATES AND DATES, APPLY HAY OR STRAW MULCH AT A RATE OF 2 TONS PER ACRES, AND ANCHOR AS NECESSARY.

D. THE SEED MIXTURE FOR LAWN AND FILTRATION BASIN AREAS SHALL CONSIST OF SEEDS PROPORTIONED BY WEIGHT AS FOLLOWS:

   30% CREEPING RED FESCUE
   50% KENTUCKY BLUEGRASS
   20% ITALIAN/PERENNIAL RYE GRASS

   NOTE: SEED MIXTURE SHALL CONSIST OF AT LEAST TWO VARIETIES OF EACH TYPE OF GRASS. WHEN USED IN A FILTER BASIN, STORMWATER SHALL NOT BE DIRECTED TO THE BASIN UNTIL THE GRASS IS ESTABLISHED.

10. MULCH ALL AREAS SEEDED SO THAT SOIL IS NOT VISIBLE THROUGH THE MULCH REGARDLESS OF THE APPLICATION RATE.

11. DITCH LININGS, STONE CHECK DAMS, AND RIP RAP INLET AND OUTLET PROTECTION SHALL BE INSTALLED WITHIN 48 HOURS OF COMPLETING THE GRADING OF THAT SECTION OF DITCH OR INSTALLATION OF CULVERT.

12. RIP RAP REQUIRED AT CULVERTS AND STORM DRAIN INLETS AND OUTLETS SHALL CONSIST OF FIELD STONE OR ROUGH UNHEWN QUARRY STONE OF APPROXIMATELY RECTANGULAR SHAPE.

13. EROSION CONTROL BLANKET SHALL BE INSTALLED ON ALL PERMANENT SLOPES STEEPER THAN 15%, IN THE BASE OF DITCHES NOT OTHERWISE PROTECTED, AND ANY DISTURBED AREAS WITHIN 100 FEET OF A PROTECTED NATURAL RESOURCE (E.G. WETLANDS AND WATER BODIES). EROSION CONTROL BLANKET SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

14. TEMPORARY CONTROL MEASURES, SUCH AS SILT FENCE, SHALL BE REMOVED WITHIN 30 DAYS AFTER PERMANENT STABILIZATION IS ATTAINED.

15. TEMPORARY EROSION CONTROL MIX BERM SHALL BE REMOVED BY SPREADING MATERIAL IN AREAS OF THE SITE NOT SUBJECT TO EROSION.

C. WINTER CONDITIONS

1. "WINTER CONSTRUCTION" IS CONSTRUCTION ACTIVITY PERFORMED DURING THE PERIOD FROM NOVEMBER 1ST THROUGH APRIL 15TH. IF AREAS WITHIN THE CONSTRUCTION ACTIVITY ARE NOT STABILIZED WITH TEMPORARY OR PERMANENT MEASURES OUTLINED ABOVE BY NOVEMBER 15TH, THEN THE SITE MUST BE PROTECTED WITH ADDITIONAL STABILIZATION MEASURES THAT ARE SPECIFIC TO WINTER CONDITIONS. NO MORE THAN ONE ACRE OF THE SITE MAY BE WITHOUT STABILIZATION AT ONE TIME.

2. SILT FENCE: IN LIEU OF PROVIDING THE 4" X 4" TRENCH, FOR FROZEN GROUND, STONY SOIL, THE PRESENCE OF LARGE ROOTS, OR OTHER PROHIBITIVE CONDITIONS, THE BOTTOM 8" TO 12" OF THE FABRIC MAY BE LAID ON EXISTING GRADE AND BACK FILLED WITH STONE ANCHORING MATERIAL, AS SHOWN ON THE DRAWINGS.

3. AREAS WITHIN 100 FEET OF A PROTECTED NATURAL RESOURCE MUST BE PROTECTED WITH A DOUBLE ROW OF SEDIMENT BARRIERS.

4. HAY MULCH SHALL BE APPLIED AT TWICE THE STANDARD TEMPORARY STABILIZATION RATE. AT THE END OF EACH CONSTRUCTION DAY, AREAS THAT HAVE BEEN BROUGHT TO FINAL GRADE MUST BE STABILIZED. MULCH MAY NOT BE SPREAD ON TOP OF SNOW.

5. AFTER NOVEMBER 1ST OR THE FIRST KILLING FROST FOR THE REGION AND BEFORE SNOW FALL, ALL EXPOSED AND DISTURBED AREAS NOT TO UNDERGO FURTHER DISTURBANCE ARE TO HAVE DORMANT SEEDING. THE DORMANT SEEDING METHOD: PREPARE THE SEEDBED, LIME AND FERTILIZE, APPLY THE SELECTED PERMANENT SEED MIXTURE AT DOUBLE THE REGULAR SEEDING RATE. AND MULCH AND ANCHOR. DORMANT SEEDINGS NEED TO BE ANCHORED EXTREMELY WELL ON SLOPES, DITCH BASES AND AREAS OF CONCENTRATED FLOWS. DORMANT SEEDING REQUIRES INSPECTION AND RESEEDING AS NEEDED IN THE SPRING. ALL AREAS WHERE COVER IS INADEQUATE MUST BE IMMEDIATELY RESEEDED AND MULCHED AS SOON AS POSSIBLE.

6. ALL VEGETATED DITCH LINES THAT HAVE NOT BEEN STABILIZED BY NOVEMBER 1ST, OR WILL BE WORKED DURING THE WINTER CONSTRUCTION PERIOD, MUST BE STABILIZED WITH AN APPROPRIATE STONE LINING BACKED BY AN APPROPRIATE GRAVEL BED OR GEOTEXTILE UNLESS SPECIFICALLY RELEASED FROM THIS STANDARD BY THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

7. MULCH NETTING MUST BE USED TO ANCHOR MULCH ON ALL SLOPES GREATER THAN 8% UNLESS EROSION CONTROL BLANKETS OR EROSION CONTROL MIX IS BEING USED ON THESE SLOPES.

D. HOUSEKEEPING

1. SPILL PREVENTION. CONTROLS MUST BE USED TO PREVENT POLLUTANTS FROM CONSTRUCTION AND WASTE MATERIALS STORED ON-SITE, INCLUDING STORAGE PRACTICES TO MINIMIZE EXPOSURE OF THE MATERIALS TO STORM WATER, AND APPROPRIATE SPILL PREVENTION, CONTAINMENT, AND RESPONSE PLANNING AND IMPLEMENTATION.

2. GROUNDWATER PROTECTION. DURING CONSTRUCTION, LIQUID PETROLEUM PRODUCTS AND OTHER HAZARDOUS MATERIALS WITH THE POTENTIAL TO CONTAMINATE GROUNDWATER MAY NOT BE STORED OR HANDLED IN AREAS OF THE SITE DRAINING TO AN INFILTRATION AREA. AN "INFILTRATION AREA" IS ANY AREA OF THE SITE THAT BY DESIGN OR AS A RESULT OF SOILS, TOPOGRAPHY AND OTHER RELEVANT FACTORS, ACCUMULATES RUNOFF THAT INFILTRATES INTO THE SOIL. DIKES, BERMS, SUMPS, AND OTHER FORMS OF SECONDARY CONTAINMENT THAT PREVENT DISCHARGE TO GROUNDWATER MAY BE USED TO ISOLATE PORTIONS OF THE SITE FOR THE PURPOSES OF STORAGE AND HANDLING OF THESE MATERIALS.

3. FUGITIVE SEDIMENT AND DUST. ACTIONS MUST BE TAKEN TO ENSURE THAT ACTIVITIES DO NOT RESULT IN NOTICEABLE EROSION OF SOILS OR FUGITIVE DUST EMISSIONS DURING OR AFTER CONSTRUCTION. OIL MAY NOT BE USED FOR DUST CONTROL.

4. DEBRIS AND OTHER MATERIAL. LITTER, CONSTRUCTION DEBRIS, AND CONSTRUCTION CHEMICALS EXPOSED TO STORM WATER, MUST BE PREVENTED FROM BECOMING A POLLUTANT SOURCE.

5. COMPLY WITH THE REQUIREMENTS OF SECTION 017419, CONSTRUCTION WASTE MANAGEMENT, FOR REMOVAL AND DISPOSAL OF CONSTRUCTION DEBRIS AND WASTE.

6. TRENCH OR FOUNDATION DE-WATERING. THE COLLECTED WATER REMOVED FROM THE PONDED AREA, EITHER THROUGH GRAVITY OR PUMPING, MUST BE SPREAD THROUGH NATURAL WOODED BUFFERS OR REMOVED AREAS THAT ARE SPECIFICALLY DESIGNATED TO COLLECT THE MAXIMUM AMOUNT OF SEDIMENT POSSIBLE, LIKE A COFFER DAM SEDIMENTATION BASIN. AVOID ALLOWING THE WATER TO FLOW OVER DISTURBED AREAS OF THE SITE.

7. STREET SWEEPING. STREET SWEEPING SHALL BE COMPLETED ONCE A WEEK OR AS NEEDED TO REMOVE TRACKED MUD OR SEDIMENT PRIOR TO ANY FORECASTED RAINFALL EVENT.

8. PREVENT CONTAMINATION BY NON-STORMWATER DISCHARGES. AUTHORIZED NON-STORMWATER DISCHARGES ARE:

   A. DISCHARGES FROM FIRE-FIGHTING ACTIVITY,
   B. FIRE HYDRANT FLUSHINGS,
   C. DUST CONTROL RUNOFF,
   D. ROUTINE EXTERNAL BUILDING WASHDOWN, NOT INCLUDING SURFACE PAINT REMOVAL, THAT DOES NOT INVOLVE DETERGENTS,
   E. PAVEMENT WASHWATER (WHERE SPILLS/LEAKS OF TOXIC OR HAZARDOUS MATERIALS HAVE NOT OCCURRED, UNLESS ALL SPILLED MATERIAL HAS BEEN REMOVED) IF DETERGENTS ARE NOT USED,
   F. UNCONTAMINATED AIR CONDITIONING OR COMPRESSOR CONDENSATE,
   G. UNCONTAMINATED GROUNDWATER OR SPRING WATER,
   H. FOUNDATION OF FOOTING DRAIN WATER WHERE FLOWS ARE NOT CONTAMINATED,
   I. UNCONTAMINATED EXCAVATION DEWATERING,
   J. POTABLE WATER SOURCES INCLUDING WATERLINE FLUSHINGS,
   K. LANDSCAPE IRRIGATION.

9. NO DISCHARGE FROM THE FOLLOWING IS ALLOWED. UNAUTHORIZED NON-STORMWATER DISCHARGES ARE:

   A. WASTEWATER FROM WASHOUT OR CLEANOUT OF CONCRETE, STUCCO, PAINT, FORM RELEASE OILS, CURING COMPOUNDS, OR OTHER CONSTRUCTION MATERIALS,
   B. FUELS, OILS, OR OTHER POLLUTANTS USED IN VEHICLE AND EQUIPMENT OPERATION AND MAINTENANCE,
   C. SOAPS, SOLVENTS, OR DETERGENTS USED IN VEHICLE AND EQUIPMENT WASHING,
   D. TOXIC OR HAZARDOUS SUBSTANCES FROM A SPILL OR OTHER RELEASE.

E. INSPECTION AND MAINTENANCE

1. INSPECT DISTURBED AND IMPERVIOUS AREAS, EROSION AND STORM WATER CONTROL MEASURES, AREAS USED FOR STORAGE THAT ARE EXPOSED TO PRECIPITATION, AND LOCATIONS WHERE VEHICLES ENTER OR EXIT THE SITE AT LEAST ONCE A WEEK AS WELL AS BEFORE AND WITHIN 24 HOURS AFTER A STORM EVENT (RAINFALL), AND PRIOR TO COMPLETION OF PERMANENT STABILIZATION. A PERSON WITH KNOWLEDGE OF EROSION AND STORM WATER CONTROLS, INCLUDING THE STANDARDS IN ANY DEP OR MUNICIPAL COMPANION DOCUMENTS, MUST CONDUCT THE INSPECTION. THIS PERSON MUST BE IDENTIFIED IN THE INSPECTION LOG. IF BEST MANAGEMENT PRACTICES (BMPS) NEED TO BE MODIFIED IF ADDITIONAL BMPS ARE NECESSARY, IMPLEMENTATION MUST BE COMPLETED WITHIN 7 CALENDAR DAYS AND PRIOR TO ANY STORM EVENT (RAINFALL). ALL MEASURES MUST BE MAINTAINED IN EFFECTIVE OPERATING CONDITION UNTIL AREAS ARE PERMANENTLY STABILIZED.

2. AN INSPECTION AND MAINTENANCE LOG MUST BE KEPT SUMMARIZING THE SCOPE OF THE INSPECTION, NAME AND QUALIFICATIONS OF THE PERSON PERFORMING THE INSPECTION, DATE, AND MAJOR OBSERVATIONS RELATING TO OPERATION OF EROSION AND SEDIMENTATION CONTROLS AND POLLUTION PREVENTION MEASURES. MAJOR OBSERVATIONS MUST INCLUDE: BMPS THAT NEED TO BE MAINTAINED, LOCATION(S) OF BMPS THAT FAILED TO OPERATE AS DESIGNED OR PROVED INADEQUATE FOR A PARTICULAR LOCATION, AND LOCATION(S) WHERE ADDITIONAL BMPS ARE NEEDED THAT DID NOT EXIST AT THE TIME OF THE INSPECTION. FOLLOW-UP TO CORRECT DEFICIENCIES OR ENHANCE CONTROLS MUST ALSO BE INDICATED IN THE LOG AND DATED, INCLUDING WHAT ACTION WAS TAKEN AND WHEN.

3. INSPECTIONS DURING CONSTRUCTION SHOULD BE PERFORMED AT LEAST ONCE PER WEEK AND AFTER EVERY RAINFALL EVENT.

4. AFTER CONSTRUCTION, INSPECTIONS ARE REQUIRED TO BE PERFORMED BY AN INDIVIDUAL WITH KNOWLEDGE OF STORMWATER TREATMENT STRUCTURES, INCLUDING INSTALLED BMPS AND THE STANDARD AND CONDITIONS OF GOVERNING PERMITS.

5. SNOW STORAGE IS PROHIBITED IN STORMWATER BMP SYSTEMS.

F. CONSTRUCTION SCHEDULE & SEQUENCE

1. INSTALL TEMPORARY EROSION CONTROL MEASURES IN THE VICINITY OF THE CONSTRUCTION AREA, INCLUDING A STABILIZED CONSTRUCTION ENTRANCE AT LOCATIONS DEEMED NECESSARY BY THE OWNER'S REPRESENTATIVE, SEDIMENT BARRIERS, AND SILT FENCE. NOTE: TEMPORARY EROSION CONTROL MEASURES FOR WINTER CONDITIONS SHALL BE IMPLEMENTED.

2. GRUB THE SITE, STOCKPILE REUSABLE MATERIAL, AND DISPOSE OF UNUSABLE AND/OR SURPLUS MATERIAL. INSTALL UNDERGROUND UTILITIES AND BUILD DRIVE AND PARKING TO GRADE.

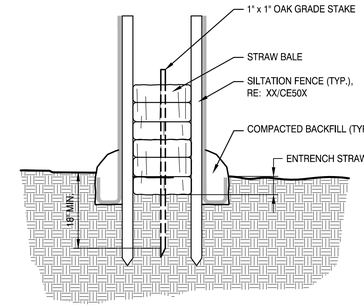
3. EXCAVATE FOUNDATIONS.

4. CONSTRUCT BUILDING.

5. CONSTRUCT OTHER SITE IMPROVEMENTS, INCLUDING PAVEMENT.

6. PLACE LOAM, SEED, AND MULCH.

7. FOLLOWING PERMANENT STABILIZATION OF THE SITE, REMOVE TEMPORARY EROSION CONTROL MEASURES.

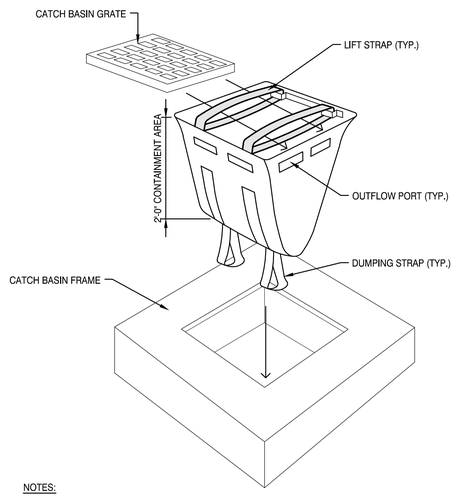


NOTES:

1. STRAW BALES SHOULD BE INSTALLED SO THAT THE BINDINGS ARE ORIENTED PARALLEL TO THE GROUND TO DELAY THEIR DETERIORATION.
2. STRAW BALES SHALL BE PERIODICALLY INSPECTED AND REPLACED IF STRAW BALES ARE DAMAGED OR SHOW SIGNS OF DECOMPOSITION.
3. ENTRENCH BOTTOM STRAW BALE A MINIMUM OF 4 INCHES. FOR AREAS NEAR A PROTECTED RESOURCE, VERIFY WITH ENGINEER IF TRENCHING MAY BE OMITTED.
4. THE GAPS BETWEEN BALES SHALL BE CHINKED 9FILLED BY WEDGING) WITH STRAW TO PREVENT THE FLOW OF WATER BETWEEN THE BALES.
5. AFTER THE BALES ARE STAKED AND CHINKED, THE EXCAVATED SOIL SHOULD BE BACKFILLED AGAINST THE BARRIER. BACKFILL SOIL SHOULD CONFORM TO THE GROUND LEVEL ON THE DOWNHILL SIDE AND BE BUILT UP 4 INCHES AGAINST THE UPHILL SIDE OF THE BARRIER.
6. A MINIMUM OF TWO STAKES PER BALE SHOULD BE DRIVEN INTO THE GROUND FOR ANCHORING. THE FIRST STAKE IS DRIVEN TOWARD THE PREVIOUS BALE TO FORCE THEM TOGETHER.
7. ACCUMULATED SEDIMENT SHALL NOT EXCEED ONE HALF HEIGHT OF STRAW BALE.

2 SILT FENCE/HAYBALE BARRIER

NOT TO SCALE



NOTES:

1. SILT SACK TO BE "DANDY SACK" (BY DANDY PRODUCTS) OR APPROVED EQUAL.
2. INSERT TO BE EMPTIED IN AN APPROVED MANNER WHEN IT IS 1/3 FULL OF SEDIMENT AND IMMEDIATELY AFTER EACH STORM EVENT.
3. INSPECT INSERT AFTER ALL RAINFALL EVENTS, REPAIR AND MAINTAIN AS REQUIRED.
4. DISPOSE OF UNIT AND/OR SEDIMENT IN ACCORDANCE WITH ALL FEDERAL, STATE, AND LOCAL ENVIRONMENTAL REGULATIONS.

1 SILT SACK

NOT TO SCALE

BOYS & GIRLS CLUBS OF SOUTHERN MAINE

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Architecture • Engineering • Planning

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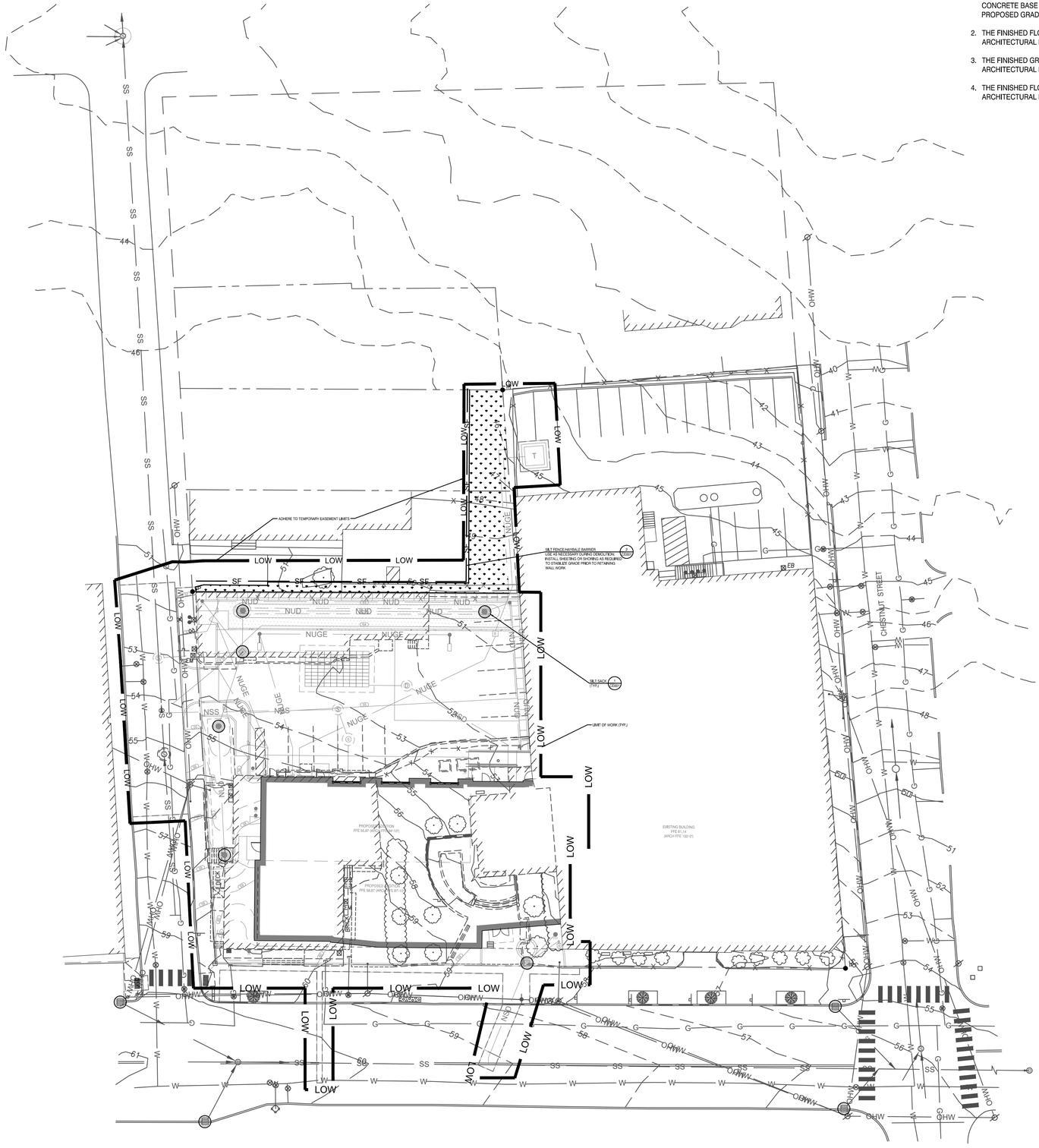
0 1/2" 1" 2" 3"

STATE OF MAINE
THOMAS D DOYLE
No. 11196
LICENSED PROFESSIONAL ENGINEER

#	Description	Date

NOTES:

1. ELEVATIONS BASED ON NGVD 1929. CITY BENCHMARK TBM 307 MDOT DISK '612-(1)-10 1983" IN CONCRETE BASE OF LIGHT POLE AT NORTHEAST CORNER ELM/SOMERSET ELEVATION = 9.02. PROPOSED GRADES ARE IN VERTICAL DATUM NGVD 1929.
2. THE FINISHED FLOOR ELEVATION OF THE EXISTING BUILDING = 61.14. THIS EQUATES TO ARCHITECTURAL ELEVATION 100'-0".
3. THE FINISHED GROUND FLOOR ELEVATION OF PROPOSED ADDITION = 58.97. THIS EQUATES TO ARCHITECTURAL ELEVATION 97'-10".
4. THE FINISHED FLOOR ELEVATION OF THE CAREER EXPLORATION LEVEL = 55.97. THIS EQUATES TO ARCHITECTURAL ELEVATION 94'-10".



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0 10' 20' 40' 60'

TRUE NORTH

STATE OF MAINE
THOMAS D DOYLE
No. 11190
LICENSED PROFESSIONAL ENGINEER

#	Description	Date
1	SITE PLAN REVIEW COMMENTS	3-16-26
0	ISSUED FOR PERMITTING	2-2-26

SITE PLAN REVIEW COMMENTS 3-16-26

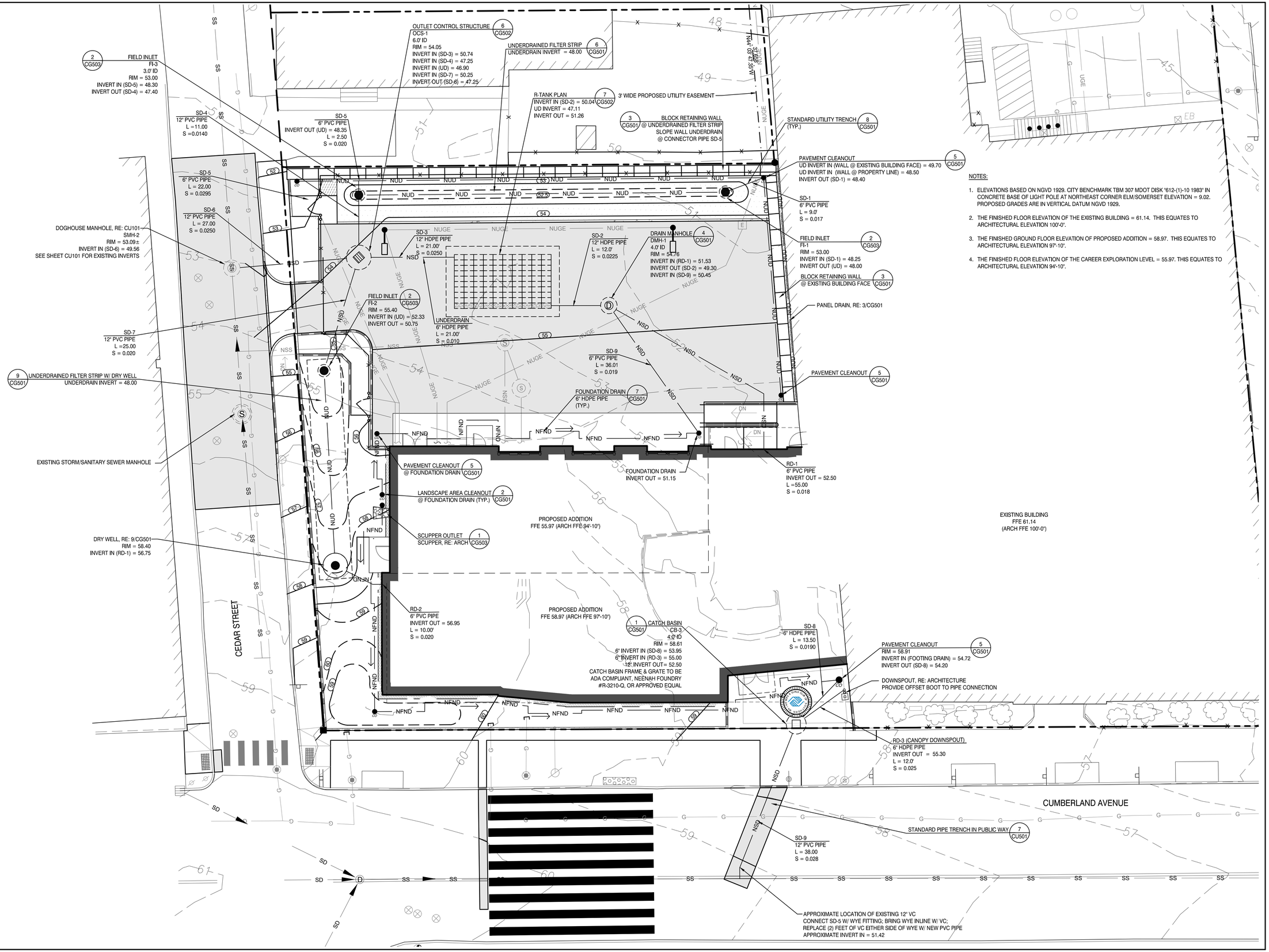
SHEET TITLE:

EROSION & SEDIMENT CONTROL PLAN

Original drawing is 24" x 36" - DO NOT SCALE CONTENTS OF THIS DRAWING.

SCALE: 1" = 20' | DESIGNED BY: WSM
SMRT PROJECT #: 23109 | DRAWN BY: WSM

CE101



NOTES:

1. ELEVATIONS BASED ON NGVD 1929. CITY BENCHMARK TBM 307 MDOT DISK '612-(1)-10 1983' IN CONCRETE BASE OF LIGHT POLE AT NORTHEAST CORNER ELM/SOMERSET ELEVATION = 9.02. PROPOSED GRADES ARE IN VERTICAL DATUM NGVD 1929.
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0 5' 10' 20' 30'

TRUE NORTH

STATE OF MAINE
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No. 11190
LICENSED PROFESSIONAL ENGINEER

#	Description	Date
1	SITE PLAN REVIEW COMMENTS	3-16-26
0	ISSUED FOR PERMITTING	2-2-26

SITE PLAN REVIEW COMMENTS 3-16-26

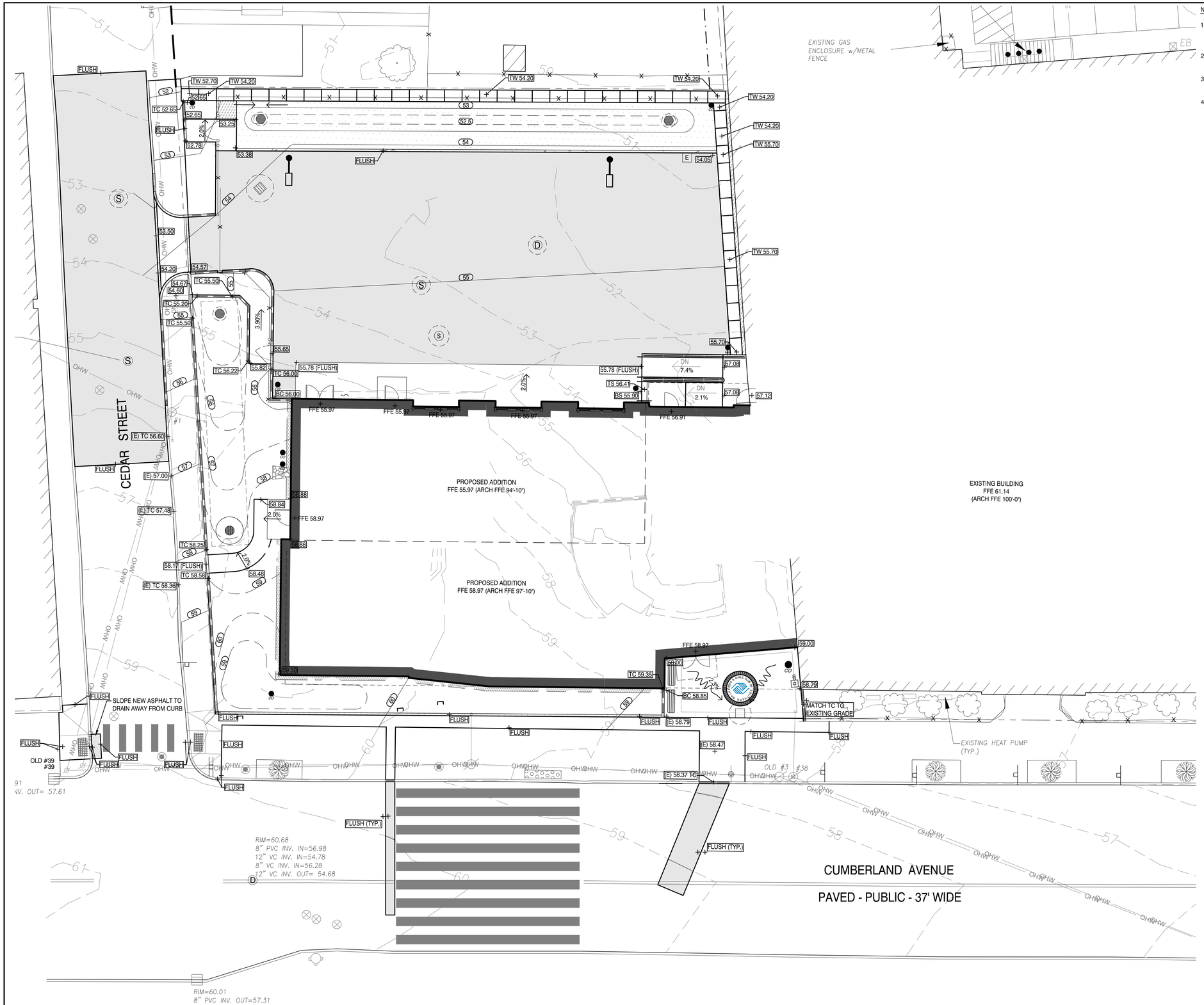
SHEET TITLE:

GRADING & DRAINGAGE PLAN

Original drawing is 24" x 36" - DO NOT SCALE CONTENTS OF THIS DRAWING.

SCALE: 1" = 10' | DESIGNED BY: WSM
SMRT PROJECT #: 23109 | DRAWN BY: WSM

CG101



NOTES:

1. ELEVATIONS BASED ON NGVD 1929. CITY BENCHMARK TBM 307 MDOT DISK '612-(1)-10 1983' IN CONCRETE BASE OF LIGHT POLE AT NORTHEAST CORNER ELM/SOMERSET ELEVATION = 9.02. PROPOSED GRADES ARE IN VERTICAL DATUM NGVD 1929.
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0 5' 10' 20' 30'

TRUE NORTH

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#	Description	Date
1	SITE PLAN REVIEW COMMENTS	3-16-26
0	ISSUED FOR PERMITTING	2-2-26

SITE PLAN REVIEW COMMENTS 3-16-26

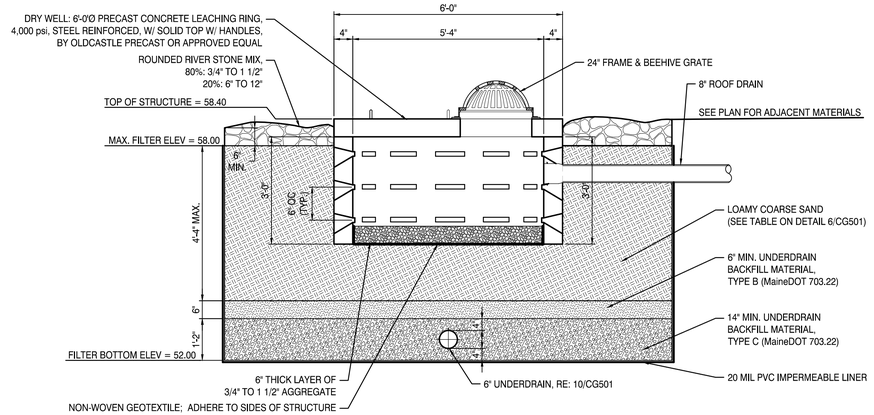
SHEET TITLE:

SPOT GRADE PLAN

Original drawing is 24" x 36" - DO NOT SCALE CONTENTS OF THIS DRAWING.

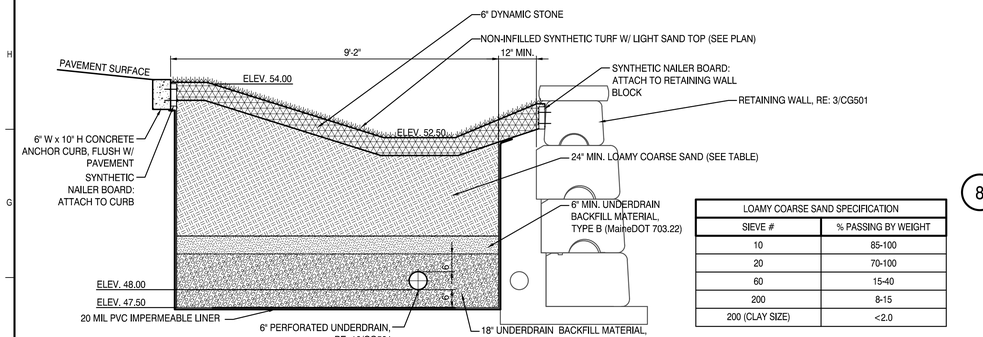
SCALE: 1" = 10' | DESIGNED BY: WSM
SMRT PROJECT #: 23109 | DRAWN BY: WSM

CG102



9 UNDERDRAINED FILTER STRIP W/ DRY WELL

NOT TO SCALE



LOAMY COARSE SAND SPECIFICATION	
SIEVE #	% PASSING BY WEIGHT
10	85-100
20	70-100
60	15-40
200	8-15
200 (CLAY SIZE)	<2.0

SOIL FILTER NOTES:

1. FILTER SOIL MATERIAL FOR UNDERDRAINED SOIL FILTERS AREAS SHALL COMPRISE A TOPSOIL LAYER AND A LAYER OF LOAMY COARSE SAND AS FOLLOWS:

A. TOPSOIL LAYER SHALL BE SIX INCHES DEEP AND SHALL COMPRISE USDA LOAMY SAND TOPSOIL WITH 5-8% HUMIFIED ORGANIC MATTER AND MINIMAL CLAY CONTENT (<5%). ORGANIC MATTER MAY BE ADDED TO PROVIDE SUFFICIENT NUTRIENT CONTENT TO SUPPORT PLANTINGS PROVIDED THAT THE TEXTURE REMAINS AS SPECIFIED.

B. THE LOAMY COARSE SAND LAYER SHALL BE 12 INCHES DEEP. THE PREFERRED MATERIAL SHALL HAVE A CLAY CONTENT<2% BUT HAVE BETWEEN 8% AND 15% PASSING THE #200 SIEVE.

C. THE MIXED FILTER SOIL MATERIAL FOR USE IN SOIL FILTERS SHALL HAVE A SATURATED HYDRAULIC CONDUCTIVITY OF 2.4-4.0 IN/HR,

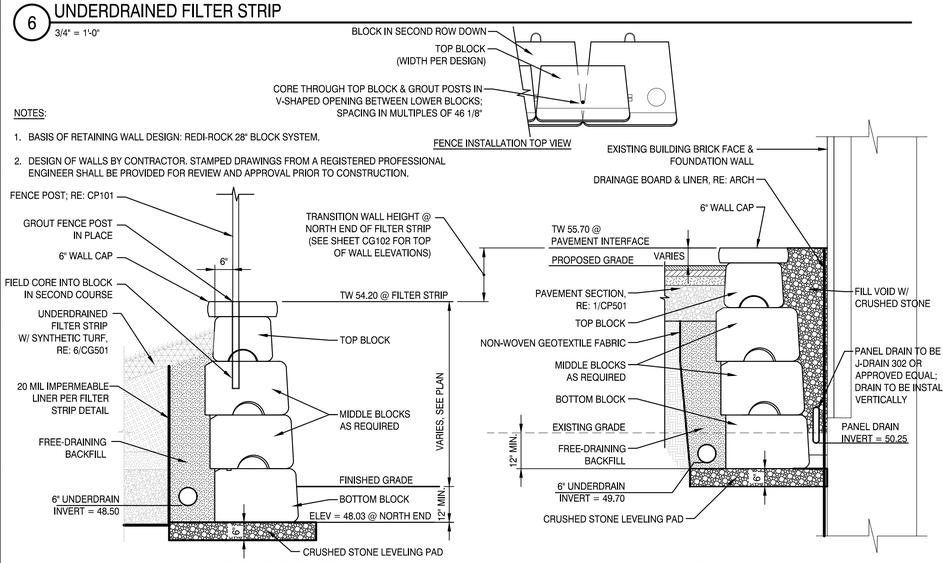
D. FILTER SOIL MATERIAL SHALL BE PLACED IN 6-INCH LIFTS USING LGP EQUIPMENT OR BY HAND. LGP EQUIPMENT SHALL EXERT A GROUND PRESSURE OF LESS THAN 5 PSI, AS STATED IN THE EQUIPMENT SPECIFICATION FROM THE MANUFACTURER. MATERIAL SHALL BE GRADED TO PROVIDE AN EVEN SURFACE, SEEDED AND COVERED WITH EROSION CONTROL BLANKET.

E. UNDERDRAIN GRAVEL SHALL BE GRANULAR MATERIAL FOR UNDERDRAIN TYPE C, IN ACCORDANCE WITH MaineDOT SPECIFICATION 703.22.

F. SOIL FILTER MEDIA SHALL NOT BE INSTALLED UNTIL ALL UPSTREAM CONTRIBUTING AREAS HAVE BEEN STABILIZED.

6 UNDERDRAINED FILTER STRIP

3/4" = 1'-0"

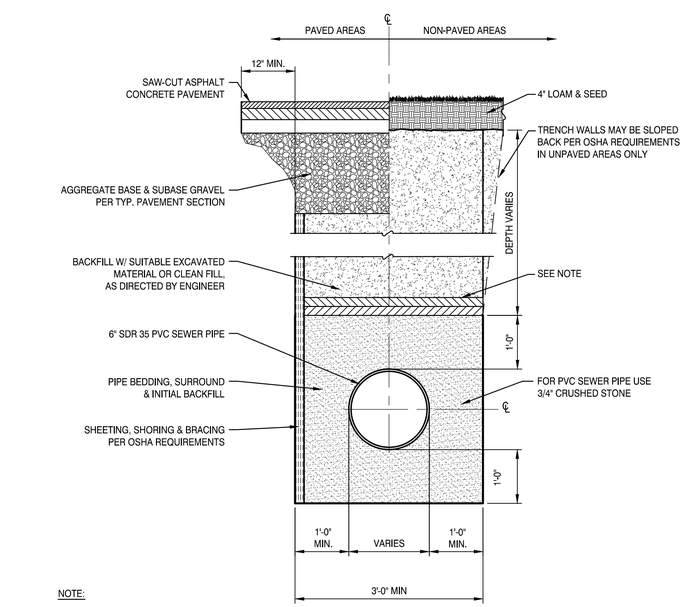


NOTES:

1. BASIS OF RETAINING WALL DESIGN: REDI-ROCK 28" BLOCK SYSTEM.
2. DESIGN OF WALLS BY CONTRACTOR. STAMPED DRAWINGS FROM A REGISTERED PROFESSIONAL ENGINEER SHALL BE PROVIDED FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.

3 BLOCK RETAINING WALL

NOT TO SCALE

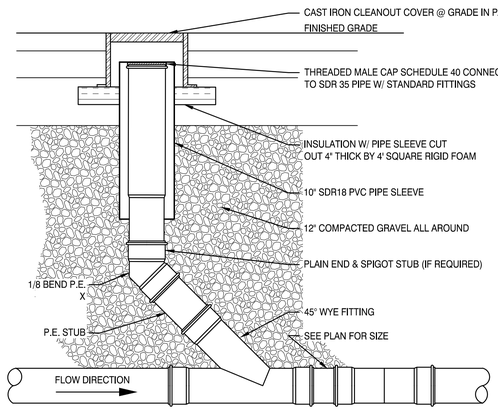


NOTE:

INSULATE GRAVITY SEWER WHERE COVER IS LESS THAN FOUR FEET. USE 2" THICK RIGID STYROFOAM INSULATION FOR FULL WIDTH OF TRENCH.

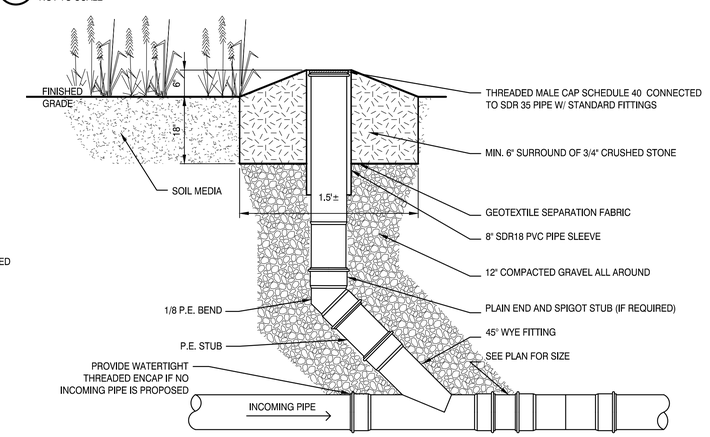
8 STANDARD UTILITY TRENCH

3/4" = 1'-0"



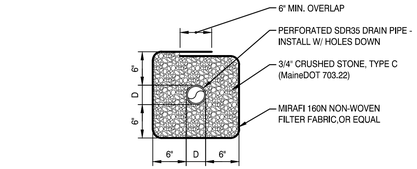
5 PAVEMENT CLEANOUT

NOT TO SCALE



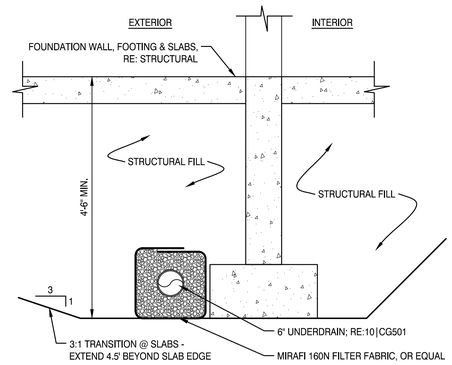
2 LANDSCAPE AREA CLEANOUT

NOT TO SCALE



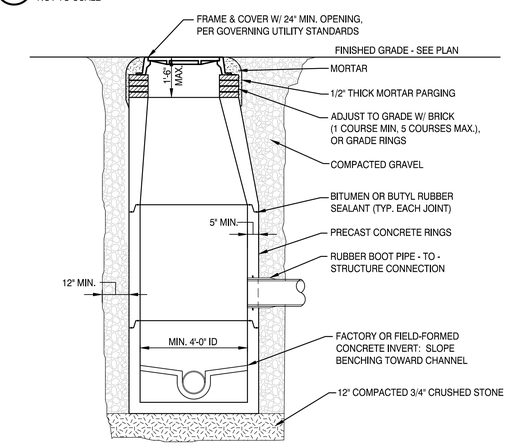
10 STANDARD UNDERDRAIN

1" = 1'-0"



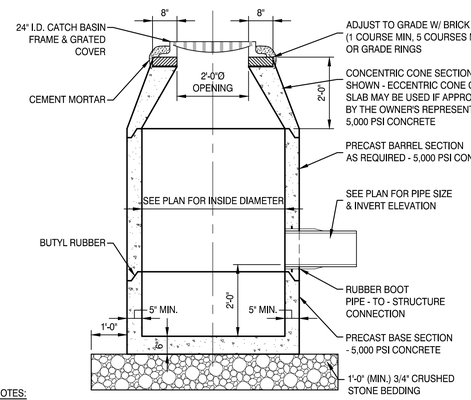
7 FOUNDATION DRAIN

NOT TO SCALE



4 DRAIN MANHOLE

NOT TO SCALE



NOTES:

1. STANDARD GRATES SHALL BE NENAH R-3210-L OR APPROVED EQUAL. DITCH GRATES SHALL BE NEENAH R-4342 OR APPROVED EQUAL.
2. STEPS SHALL BE PROVIDED FOR CATCH BASINS WITH DEPTHS IN EXCESS OF 8.0'. STEPS SHALL NOT EXCEED 18" O.C., AND BE LOCATED 6" FROM BARREL SECTION JOINTS.

1 CATCH BASIN

NOT TO SCALE

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0 1/2" 1" 2" 3"

STATE OF MAINE
THOMAS D DOYLE
No. 11190
LICENSED PROFESSIONAL ENGINEER

#	Description	Date
1	SITE PLAN REVIEW COMMENTS	3-16-26
0	ISSUED FOR PERMITTING	2-2-26

SITE PLAN REVIEW COMMENTS 3-16-26

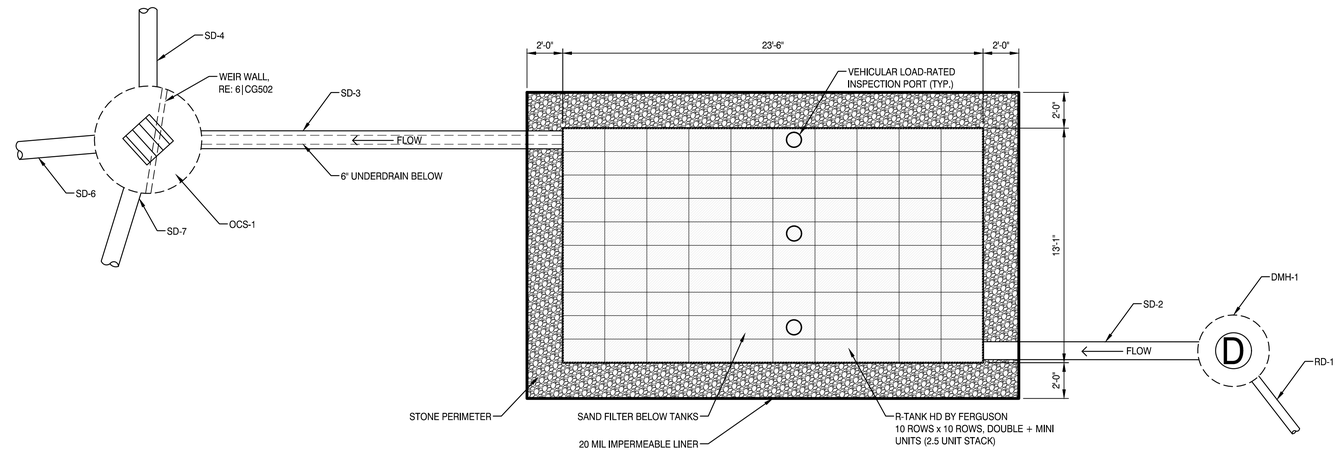
SHEET TITLE:

GRADING & DRAINAGE DETAILS

Original drawing is 24" x 36" - DO NOT SCALE CONTENTS OF THIS DRAWING.

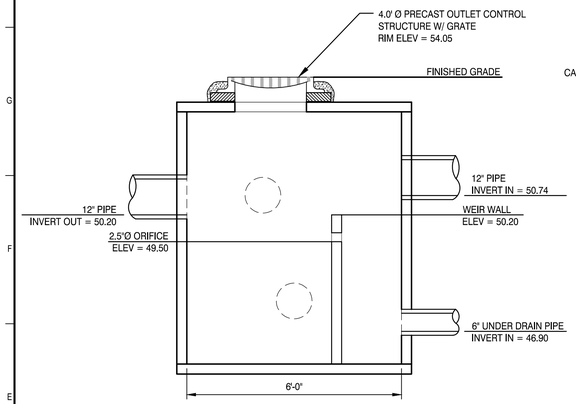
SCALE: AS SHOWN | DESIGNED BY: WSM
SMRT PROJECT #: 23109 | DRAWN BY: WSM

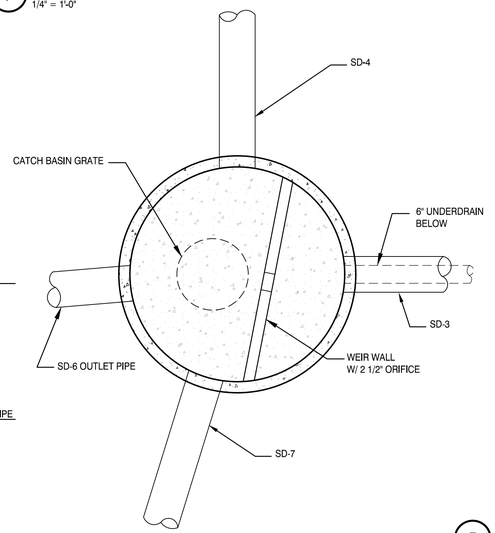
CG501



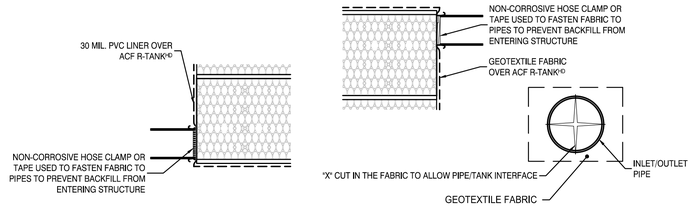
7 R-TANK PLAN

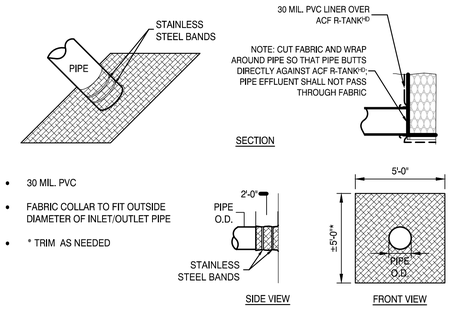
1/4" = 1'-0"





END VIEW OF PIPE/FABRIC CONNECTION. CUT AN "X" IN THE FABRIC SLIGHTLY LARGER THAN PIPE, PULL THE FABRIC AROUND THE PIPE TO CREATE THE "BOOT" AND THEN SECURE W/ A HOSE-CLAMP.





R-TANK[HD] TYPICAL TANK INLET/OUTLET DETAIL

GEOTEXTILE PIPE BOOT FOR R-TANK[HD]

6 OUTLET CONTROL STRUCTURE

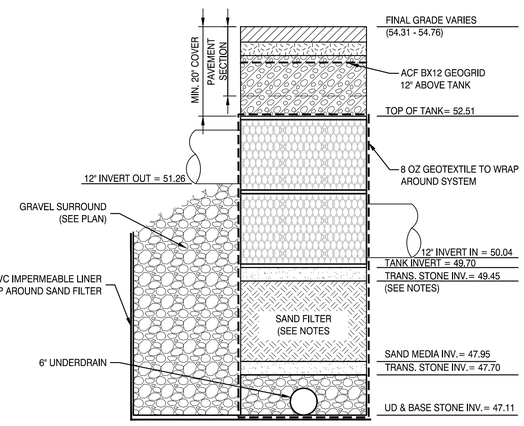
NOT TO SCALE

5 TYPICAL R-TANK INLET/OUTLET

NOT TO SCALE

4 TYPICAL R-TANK PIPE BOOT

NOT TO SCALE



STORAGE SYSTEM ELEVATION
DOUBLE + MINI R-TANK[HD]

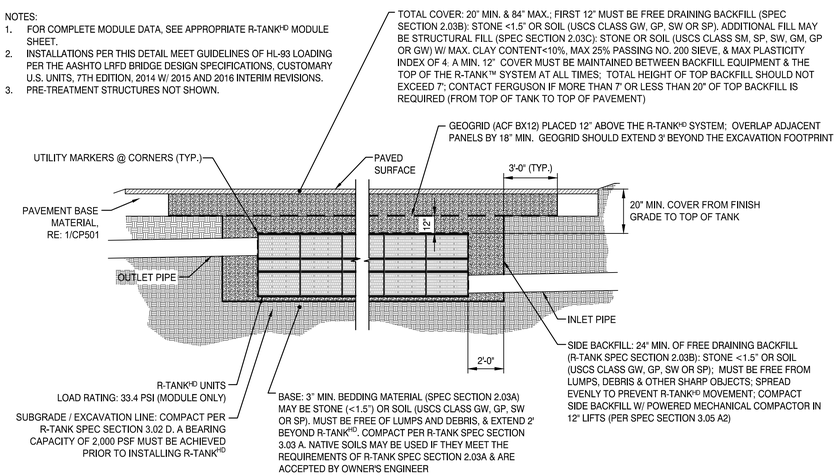
NOTES:

1. SAND FILTER: THE SAND FILTER SHALL BE AT LEAST 18 INCHES THICK OVER THE GRAVEL UNDERDRAIN BEDDING AND SHALL EXTEND ACROSS THE BOTTOM OF THE ENTIRE FILTER AREA. THIS MATERIAL SHALL BE UNIFORM, FREE OF STONES, STUMPS, ROOTS, OR OTHER OBJECTS LARGER THAN TWO INCHES. THE PREFERRED MATERIAL SHALL MEET THE SPECIFICATIONS OF MaineDOT #703.01 AGGREGATE AS SHOWN IN TABLE 7.3.2. MORE FINES ARE PREFERABLE (BETWEEN 8% AND 10% FINES PASSING #200 SIEVE).
2. TRANSITION STONE: MATERIAL SHALL CONSIST OF A CLEAN GRAVEL MEETING THE MaineDOT SPECIFICATION #703.22 UNDERDRAIN TYPE C FOR UNDERDRAIN BACKFILL MATERIAL.

TABLE 7.3.2 MAINEDOT AGGREGATE #703.01	
SIEVE SIZE	% BY WEIGHT
3/8"	100
#4	95-100
#8	80-100
#16	50-85
#30	25-60
#60	10-30
#100	2-10
#200	0-5 (8-10 PREFERRED)

NOTES:

1. FOR COMPLETE MODULE DATA, SEE APPROPRIATE R-TANK[HD] MODULE SHEET.
2. INSTALLATIONS PER THIS DETAIL MEET GUIDELINES OF HL-93 LOADING PER THE AASHTO LRFD BRIDGE DESIGN SPECIFICATIONS, CUSTOMARY U.S. UNITS, 7TH EDITION, 2014 W/ 2015 AND 2016 INTERIM REVISIONS.
3. PRE-TREATMENT STRUCTURES NOT SHOWN.



2 R-TANK SECTION

NOT TO SCALE

1 R-TANK CROSS-SECTION

NOT TO SCALE

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0 1/2" 1" 2" 3"

STATE OF MAINE
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No. 11190
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#	Description	Date
1	SITE PLAN REVIEW COMMENTS	3-16-26
0	ISSUED FOR PERMITTING	2-2-26

SITE PLAN REVIEW COMMENTS 3-16-26

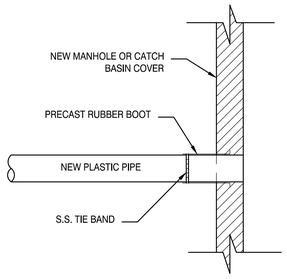
SHEET TITLE:

GRADING & DRAINAGE DETAILS

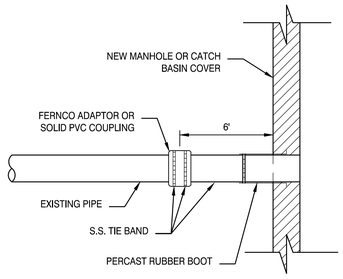
Original drawing is 24" x 36" - DO NOT SCALE CONTENTS OF THIS DRAWING.

SCALE: AS SHOWN | DESIGNED BY: WSM
SMRT PROJECT #: 23109 | DRAWN BY: WSM

CG502

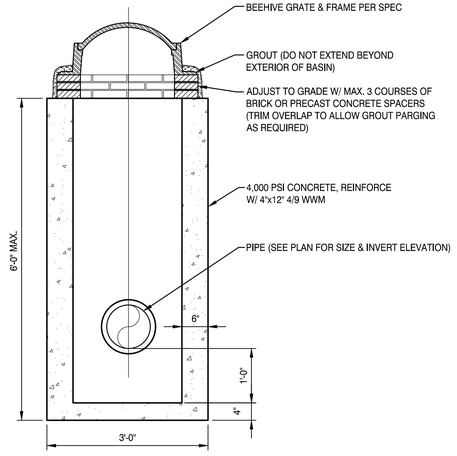


METHOD 2 - NEW CONSTRUCTION

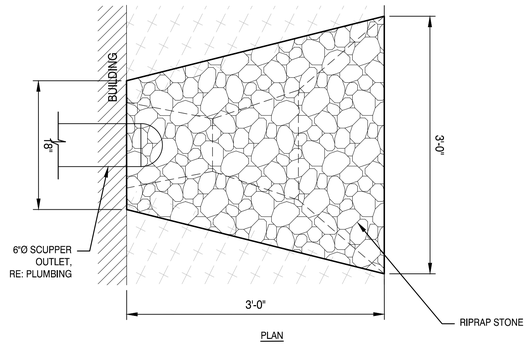


METHOD 1 - EXISTING PIPE INTO NEW STRUCTURE

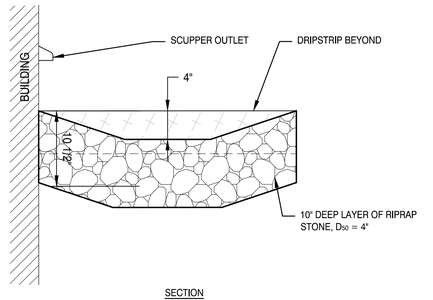
3 STANDARD PIPE CONNECTIONS
NOT TO SCALE



2 FIELD INLET
NOT TO SCALE



PLAN



SECTION

1 SCUPPER OUTLET
NOT TO SCALE

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SITE PLAN REVIEW COMMENTS 3-16-26

SHEET TITLE:

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SMRT PROJECT #: 23109 | DRAWN BY: WSM

CG503

NOTE: CEDAR STREET REPAVING WAS COMPLETED AFTER PROJECT SURVEY WAS CONDUCTED; GRADES MAY BE ALTERED; VERIFY GRADES PRIOR TO UTILITY INSTALLATION & REPAIR PAVEMENT PER CITY OF PORTLAND STANDARDS

4 CU501 DOGHOUSE MANHOLE W/ DROP PIPE
NEW COMBINED STORM/SANITARY SEWER MANHOLE
SMH-2
RIM = 53.09 (VIF)
6" SS-4 INVERT IN = 46.75
EXISTING INVERT IN = 46.43
EXISTING INVERT OUT = 46.15

CONNECT 6" SANITARY LINE DIRECTLY INTO EXISTING 18" OVAL BRICK SEWER W/ AN INSERTA-TEE (OR APPROVED EQUAL) INVERT IN = 47.07±, FIELD VERIFY & NOTIFY ENGINEER PRIOR TO INSTALLATION

EXISTING SS
S = 0.0373±

EXISTING COMBINED STORM/SANITARY SEWER MANHOLE
RIM=55.26
8" VC INV. IN=48.56
8" VC INV. IN=48.56
BRICK TROUGH IN=47.96
BRICK TROUGH OUT=47.86
CITY RECORDS SHOW A STUB BEFORE IT REACHES CUMBERLAND AVE., APPROX LOCATION SHOWN

2 CU502 ELECTRICAL BRANCH CIRCUIT TRENCH
GATE CIRCUITS

CEDAR STREET

N45° 56' 12.65"E
3.000'

N44° 03' 47.35"W
59.51'

N45° 56' 12.65"E
59.51'

3.0' WIDE PERMANENT UTILITY EASEMENT

TRANSFORMER PAD 2 CU501
7'x7' TRANSFORMER,
RE: ELECTRICAL

4 CU502 LIGHT POLE BASE
FIXTURE & POLE,
RE: ELECTRICAL (TYP. OF 2)

STANDARD PIPE TRENCH IN PUBLIC WAY 7 CU501
SS-4
6" PVC
L = 63.0'
S = 0.020±

ELECTRICAL BRANCH CIRCUIT TRENCH 2 CU502
LIGHTING CONDUIT (TYP.)

STANDARD SANITARY MANHOLE 1 CU501
SMH-1
RIM = 55.02
INVERT IN (SS-1) = 48.45
INVERT IN (SS-3) = 48.71
INVERT OUT = 48.35

STANDARD UTILITY TRENCH 8 CG501
SS-3
6" PVC
L = 8.0'
S = 0.026

POWER TO SLIDING GATE, (2) #12 & (1) #12GND IN 1" CONDUIT

OIL / WATER SEPARATOR 3 CU501
300 GAL ROUND
RIM = 55.55
6" INVERT IN = 48.75
6" INVERT OUT = 48.63

HANDHOLE 3 CU502
FLUSH-GRADE ELECTRICAL PULLBOX ASSOCIATED W/ SECONDARY RUN; BOX SHALL BE SIZED AS REQUIRED PER NEC 314

ELECTRICAL SECONDARY TRENCH 1 CU502
(TYP.)

ELECTRICAL SECONDARY ENTRANCE

STANDARD UTILITY TRENCH 8 CG501
SS-1
4" PVC
INVERT OUT = 49.10
L = 25.0'
S = 0.026

STANDARD UTILITY TRENCH 8 CG501
SS-2
4" PVC
INVERT OUT = 49.10
L = 13.0'
S = 0.030

PROVIDE (2) #12 AWG & (1) #12 GND IN 1" CONDUIT TO POLE-MOUNTED LIGHT FIXTURE (TYP.)

PROVIDE (2) #12 & (1) #12 GND IN 1" CONDUIT FOR POWER & 1" POWER W/ PULLSTRING FOR CONTROLS TO EGRESS GATES (TYP.)

PROPOSED ADDITION
FFE 55.97 (ARCH FFE 94'-10")

PROPOSED ADDITION
FFE 58.97 (ARCH FFE 97'-10")

EXISTING BUILDING
FFE 61.14
(ARCH FFE 100'-0")

EXISTING GAS METER w/BOLLARDS

EXISTING GAS ENCLOSURE w/METAL FENCE

EXISTING HEAT PUMP (TYP.)

OLD #39
#39

RIM=59.91
8" VC INV. OUT= 57.61

RIM=60.68
8" PVC INV. IN=56.98
12" VC INV. IN=54.78

OLD #3
#38

RIM=55.23
TOP OF HOOD
51.93
SUMP=52.61

FFE 55.97
FFE 58.97
FFE 61.91

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Teen Center Building at the Portland Youth Campus
277 Cumberland Ave, Portland, ME 04101

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Portland, Maine 04101
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0 10' 20' 40' 60'

TRUE NORTH

STATE OF MAINE
THOMAS D DOYLE
No. 11196
LICENSED PROFESSIONAL ENGINEER

#	Description	Date
1	SITE PLAN REVIEW COMMENTS	3-16-26
0	ISSUED FOR PERMITTING	2-2-26

SITE PLAN REVIEW COMMENTS 3-16-26

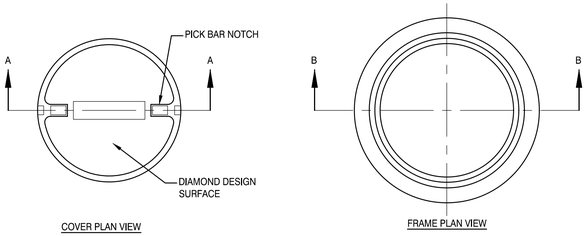
SHEET TITLE:

UTILITY PLAN

Original drawing is 24" x 36" - DO NOT SCALE CONTENTS OF THIS DRAWING.

SCALE: 1" = 20' | DESIGNED BY: WSM
SMRT PROJECT #: 23109 | DRAWN BY: WSM

CU101

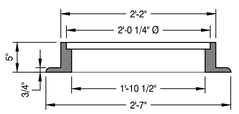


COVER PLAN VIEW

FRAME PLAN VIEW

NOTES:

1. ALL SANITARY MANHOLE COVERS SHALL HAVE "SEWER" CAST INTO THE COVER. ALL STORMWATER/DRAIN MANHOLE COVERS SHALL HAVE "DRAIN" CAST INTO THE COVER.
2. APPROVED MANHOLE FRAMES:
   - 2.1. EAST JORDAN = 169OZ
   - 2.2. NEENAH = r-1496
   - 2.3. OR APPROVED EQUAL
3. APPROVED MANHOLE COVERS:
   - 3.1. EAST JORDAN = 2160A
   - 3.2. NEENAH = R-1496
   - 3.3. OR APPROVED EQUAL



NOTE:
ALL SANITARY & STORMWATER/DRAIN MANHOLE COVERS SHALL BE 24" X 5".

SECTION B-B FRAME

5 CASTIRON MANHOLE COVER

NOT TO SCALE

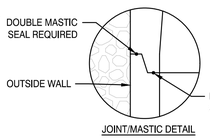
NOTE:
EXPOSE EXISTING PIPE AND CONSTRUCT BEDDING AND CONCRETE SETTING BASE. INSTALL STRUCTURE OVER EXISTING PIPE, CUT TOP OF PIPE AND CONSTRUCT BENCHING TO SLOPE TOWARDS NEW CHANNEL AT 1:10. SEAL PIPE PENETRATIONS W/ CEMENTITIOUS MORTAR.

4 DOGHOUSE MANHOLE W/ DROP PIPE

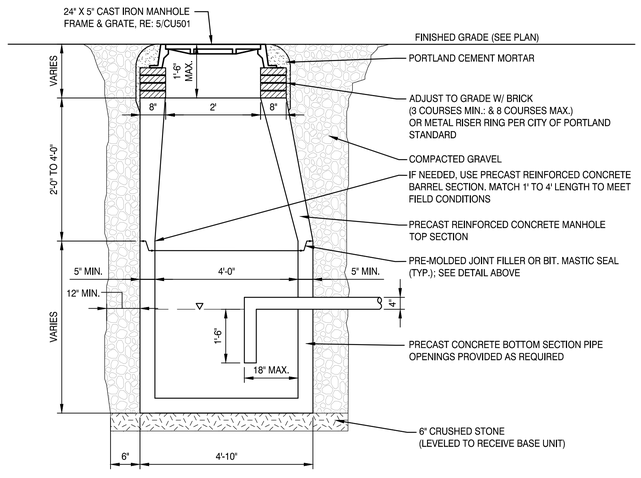
NOT TO SCALE

NOTES:

1. FOR USE IN PARTIALLY OR TOTALLY ENCLOSED PARKING GARAGES, AUTOMOTIVE REPAIR FACILITIES OR ANY OTHER PROPOSED STRUCTURE WHERE DEEMED APPROPRIATE BY THE CITY ENGINEER.
2. DISCHARGE SHALL BE TO SANITARY SEWER.
3. A VENT PIPE MAY BE REQUIRED THAT HAS A VERTICAL OUTLET OFF TO THE SIDE OF THE STRUCTURE.
4. AN OIL ABSORBENT BOOM IS REQUIRED TO BE PLACED W/IN THE MANHOLE ON THE WATER SURFACE AND REPLACED AT A MINIMUM ANNUALLY.

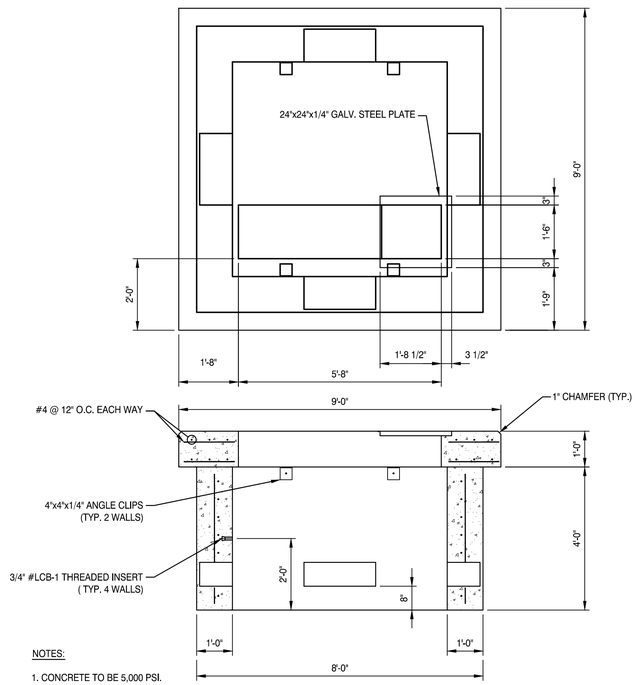


JOINT/MASTIC DETAIL



3 OIL / WATER SEPARATOR

NOT TO SCALE



NOTES:

1. CONCRETE TO BE 5,000 PSI.
2. PAD AND REINFORCING TO BE IN ACCORDANCE WITH LOCAL UTILITY SPECIFICATIONS.
3. PROVIDE ONE 8" X 12" KNOCKOUT AT EACH WALL, MIN., OR AS REQUIRED.

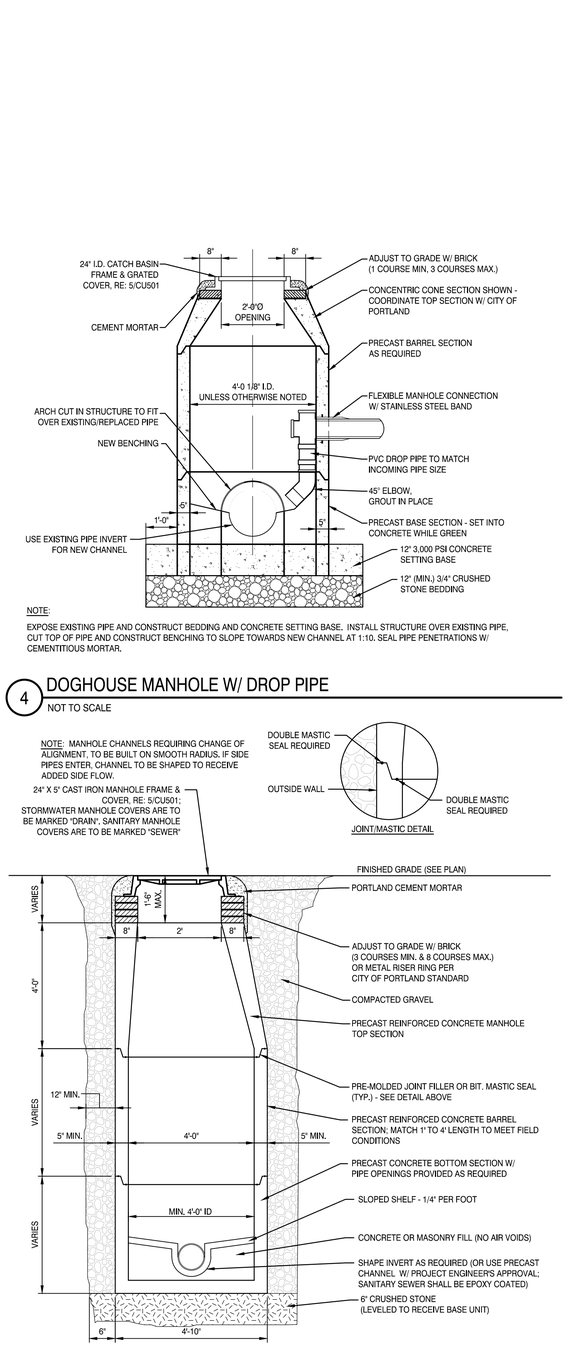
2 TRANSFORMER PAD

NOT TO SCALE

NOTE: MANHOLE CHANNELS REQUIRING CHANGE OF ALIGNMENT, TO BE BUILT ON SMOOTH RADIUS. IF SIDE PIPES ENTER, CHANNEL TO BE SHAPED TO RECEIVE ADDED SIDE FLOW.

24" X 5" CAST IRON MANHOLE FRAME & COVER, RE: 5/CU501; STORMWATER MANHOLE COVERS ARE TO BE MARKED "DRAIN", SANITARY MANHOLE COVERS ARE TO BE MARKED "SEWER"

JOINT/MASTIC DETAIL



1 STANDARD SANITARY MANHOLE

NOT TO SCALE

BOYS & GIRLS CLUBS OF SOUTHERN MAINE

Boys & Girls Clubs of Southern Maine
Teen Center Building at the Portland Youth Campus
277 Cumberland Ave, Portland, ME 04101

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0 10' 20' 40' 60'

TRUE NORTH

STATE OF MAINE
THOMAS D DOYLE
No. 11190
LICENSED PROFESSIONAL ENGINEER

#	Description	Date
1	SITE PLAN REVIEW COMMENTS	3-16-26
0	ISSUED FOR PERMITTING	2-2-26

SITE PLAN REVIEW COMMENTS 3-16-26

SHEET TITLE:

UTILITY DETAILS

Original drawing is 24" x 36" - DO NOT SCALE CONTENTS OF THIS DRAWING.

SCALE: AS SHOWN | DESIGNED BY: WSM
SMRT PROJECT #: 23109 | DRAWN BY: WSM

CU501

EXTERIOR ELEVATION

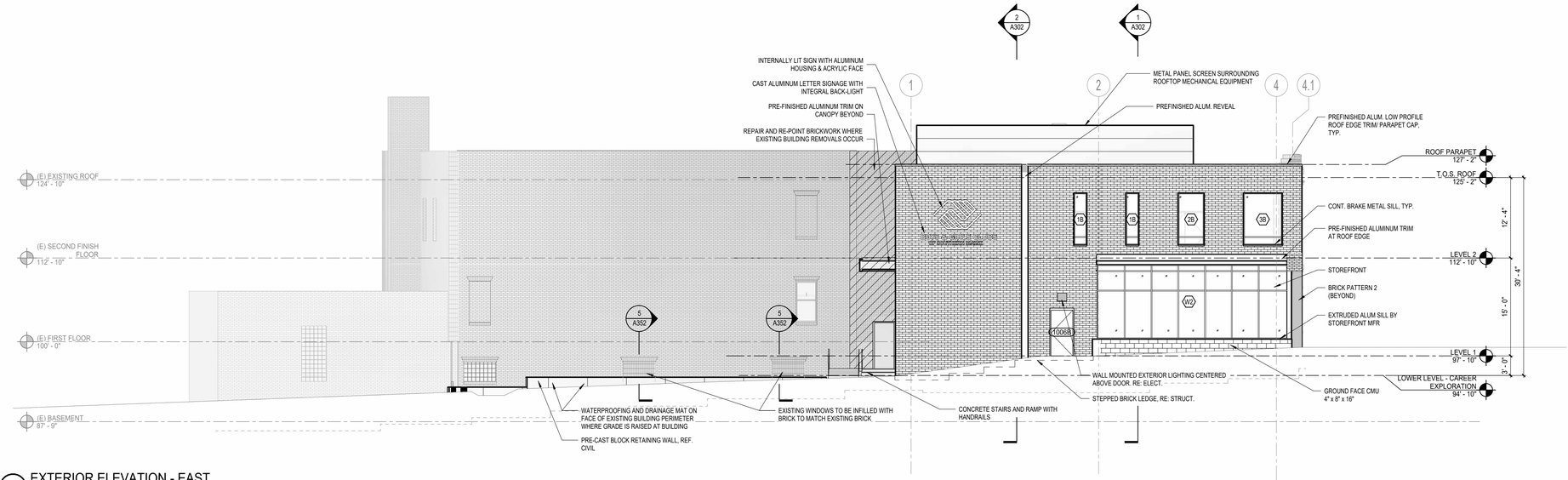
1. REFER TO FIRE PROTECTION, MECHANICAL, PLUMBING AND ELECTRICAL DRAWINGS FOR ALL RESPECTIVE FIXTURE/DEVICE LOCATIONS, COUNTS, & ASSOCIATED RECESSED BOXES AT EXTERIOR WALLS.
2. PROVIDE MASONRY CONTROL JOINTS AT ALL INSIDE MASONRY CORNERS AND WHERE SHOWN ON ELEVATIONS.

BRICK PATTERN LEGEND

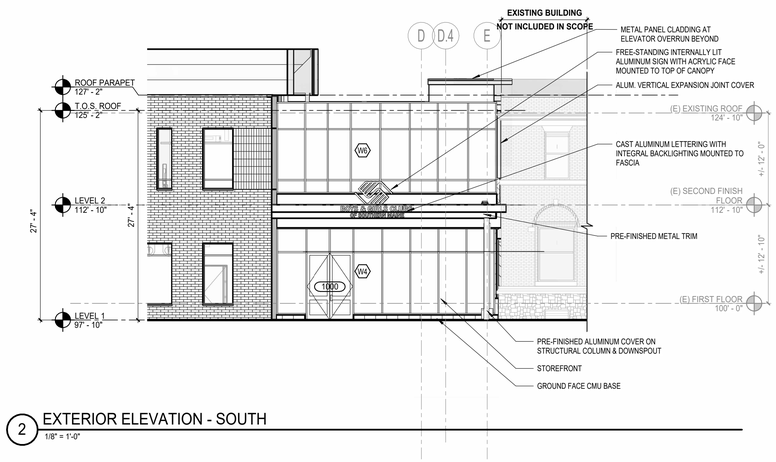
HORIZONTAL RUNNING BOND WITH CONCAVE MORTAR JOINTS, UTILITY BRICK

VERTICAL STACK BOND WITH 3/8" DEEP RAKED CONCAVE MORTAR JOINTS, UTILITY BRICK

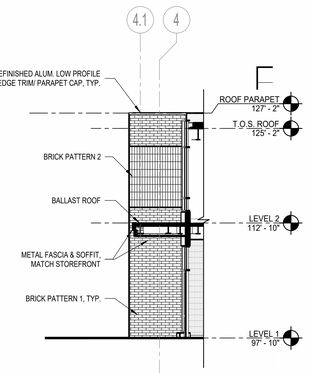
BRICK TYPE: "ALPINE RIDGE SQ. EDGE MODULAR" BY ENDICOTT CLAY PRODUCTS CO. WWW.ENDICOTT.COM



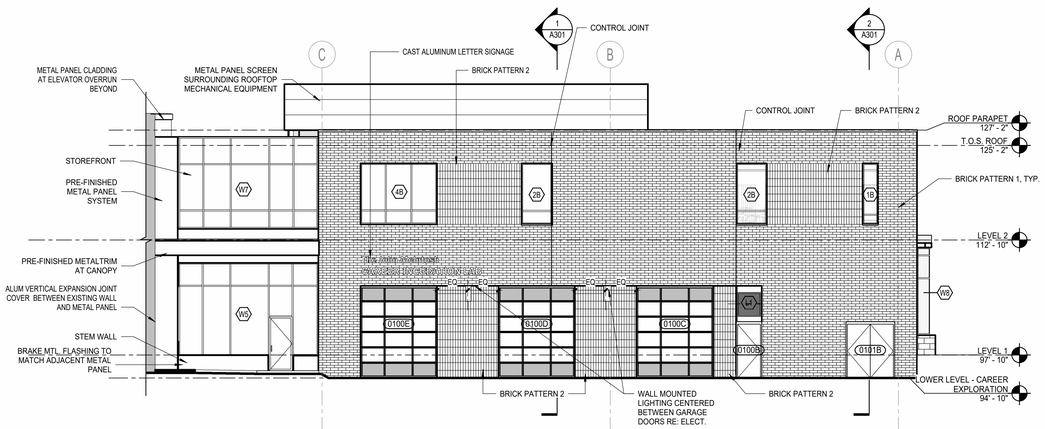
5 EXTERIOR ELEVATION - EAST
1/8" = 1'-0"



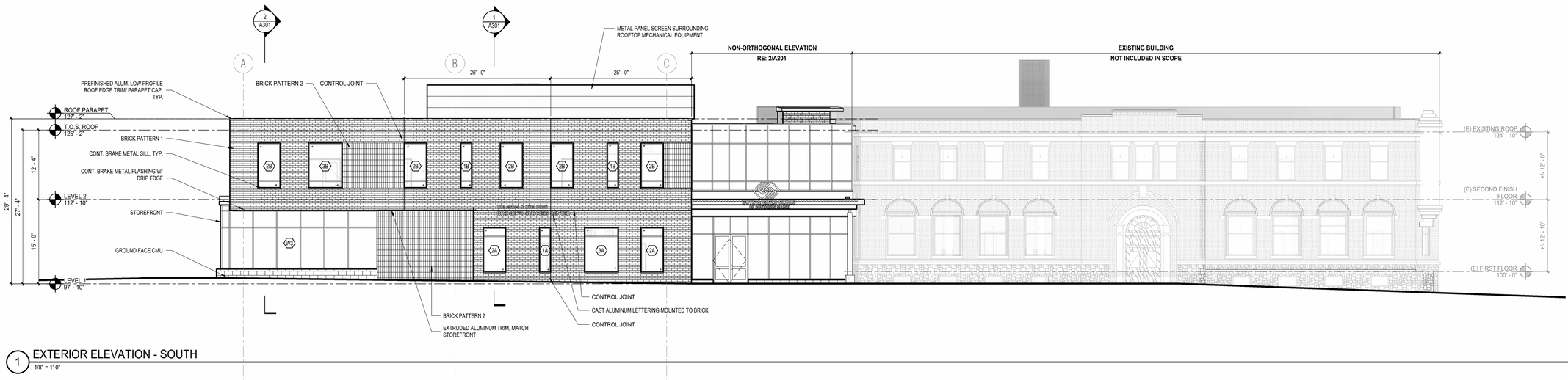
2 EXTERIOR ELEVATION - SOUTH
1/8" = 1'-0"



3 EXTERIOR ELEVATION - WEST
1/8" = 1'-0"



4 NORTH ELEVATION
1/8" = 1'-0"



1 EXTERIOR ELEVATION - SOUTH
1/8" = 1'-0"

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LICENSED ARCHITECT NATHANIEL A. CRAIG No. 3479 3.12.26 STATE OF MAINE

#	Description	Date

ISSUED FOR CONSTRUCTION

3-12-26

SHEET TITLE:

EXTERIOR ELEVATIONS

Original drawing is 30" x 42" - DO NOT SCALE CONTENTS OF THIS DRAWING. Sheet is intended to be PRINTED IN COLOR

SCALE:	As Indicated	DESIGNED BY:	NAC
SMRT PROJECT #:	23109	DRAWN BY:	NEC

A201

BOYS & GIRLS CLUBS
OF SOUTHERN MAINE

WR
Wright-Ryan

SMRT

BOYS & GIRLS CLUBS
OF SOUTHERN MAINE

Wright-Ryan

SMRT

STAFF MEMORANDUM
HISTORIC PRESERVATION PROGRAM
PLANNING AND URBAN DEVELOPMENT

TO: Chair Zamboni and Members of the Planning Board
FROM: Evan R. Schueckler, Historic Preservation Program Manager
DATE: April 8, 2026
RE: 42 Atlantic Street – PUBLIC HEARING – Appeal of Historic Preservation Board Approval of New Construction
PROJECT ID: HPBR-002814-2024
MEETING: April 14, 2026

Owner: Daniel Black, LB Atlantic LLC
Architect: Kyle Barker, Primary Projects

A legal ad announcing the Planning Board's meeting on April 14, 2026 was published in the Portland Press Herald on March 31, 2024 and April 1, 2026, and 288 notices were sent to neighboring property owners within 500 feet of the subject property.

BACKGROUND

The Historic Preservation Board held two workshops and a public hearing for the proposed new construction at 42 Atlantic Street on the following dates:

- March 6, 2024 – Workshop
- April 17, 2024 – Workshop
- May 29, 2024 – Public hearing

On May 29, 2024 Public Hearing the Historic Preservation Board voted 5-1 (Whitten opposed, Miller recused) to approve the project with conditions.

On June 30, 2024, Joe Lewis submitted an appeal of the Historic Preservation Board's approval. On August 13, 2024 the Planning Board heard this appeal and voted 5-1 (Silk opposed) to uphold the approval.

The appellant appealed the case to the Cumberland County Superior Court, and on November 19, 2025, the Superior Court remanded the application to the Planning Board with instructions to remand the application to the Historic Preservation Board in order to issue findings of fact and conclusions of law adequate for judicial review.

On January 27, 2026, the Portland Planning Board voted 7-0 to remand the application to the Historic Preservation Board.

On February 4, 2026, the Historic Preservation Board reviewed the record from the Board's original review of the application and voted 4-1 (Hutchins opposed, DeSerres abstained, Miller recused) to adopted findings of fact to supplement the Boards conditional approval from May 29, 2024.

On March 6, 2026 the appellant submitted a second appeal the Historic Preservation Board's approval. That appeal is now presented to the Planning Board for appellate review.

Included for reference by the Planning Board are all materials associated with these prior reviews of this application and the appeals. Additionally, links to the recordings of all meetings have also been provided.

ATTACHMENTS

1. March 6, 2024, Historic Preservation Board Workshop Packet
2. April 17, 2024, Historic Preservation Board Workshop Packet
3. May 29, 2024, Historic Preservation Board Public Hearing Packet
4. Certificate of Appropriateness, dated June 3, 2024
5. Approved Plans, dated June 3, 2024
6. Appeal Application, June 30, 2024
7. August 13, 2024, Planning Board Public Hearing Staff Memo
8. Planning Board Findings of Fact, Adopted on August 13, 2024
9. Court Order Re. Lewis v. City of Portland, NO. PORSC-AP-2024-00042
10. January 21, 2026, Historic Preservation Board Communication
11. February 4, 2026, Historic Preservation Board Packet
12. Historic Preservation Board Findings of Fact, Adopted on February 4, 2026
13. Appeal Application, March 6, 2026

MEETING RECORDINGS

March 6, 2024 – Historic Preservation Board Workshop:
https://portlandme.portal.civicclerk.com/event/6705/files/agenda/14415 (Begins at 0:37)
April 17, 2024 – Historic Preservation Board Workshop:
https://portlandme.portal.civicclerk.com/event/6718/files/agenda/14678 (Begins at 0:35)
May 29, 2024 – Historic Preservation Board Public Hearing:
https://portlandme.portal.civicclerk.com/event/7227/files/agenda/14879 (Begins at 0:05)
July 30, 2024 – Planning Board Public Hearing:
https://portlandme.portal.civicclerk.com/event/7301/overview (Begins at 3:28)
(Item was tabled to August 13 Meeting)

August 13, 2024 – Planning Board Public Hearing:
https://portlandme.portal.civicclerk.com/event/6981/files/agenda/15102 (Begins at 0:06)
January 21, 2026 – Historic Preservation Board Communication:
https://portlandme.portal.civicclerk.com/event/8444/files/agenda/17305 (Begins at 0:07)
January 27, 2026 – Planning Board review of Remand:
https://portlandme.portal.civicclerk.com/event/8422/files/agenda/17334 (Begins at 1:01)
February 4, 2026 – Historic Preservation Board Adoption of Findings of Fact:
https://portlandme.portal.civicclerk.com/event/8445/files/agenda/17389 (Begins at 0:10)

STAFF MEMORANDUM
HISTORIC PRESERVATION PROGRAM
PLANNING AND URBAN DEVELOPMENT

TO: Chair O'Brien and Members of the Historic Preservation Board
FROM: Evan R. Schueckler, Historic Preservation Program Manager
DATE: March 1, 2024
RE: 42 Atlantic Street – FIRST WORKSHOP – New Construction
PROJECT ID: HPBR-002814-2024
MEETING: March 6, 2024

Owner: Daniel Black, LB Atlantic LLC
Architect: Kyle Barker, Primary Projects

A sign announcing the Historic Preservation Board's meeting on March 6, 2024 was posted at the property on February 22, 2024. A legal ad was published in the Portland Press Herald on February 23, 2024and February 24, 2024, and 292 notices were sent to neighboring property owners within 100 feet of the subject property.

PROJECT SCOPE

Demolish existing noncontributing structure.

Construct new four story, 26-unit residential building.

Dimensions:
Overall Height: ~40'
Footprint: ~86' x 72'

Material Specifications:

Foundation	Unspecified
Siding	Painted horizontal and vertical
Trim	N/A
Roofing	Flat Membrane (not visible)
Windows	uPVC
Doors	Unspecified

SUMMARY OF HISTORIC CONTEXT

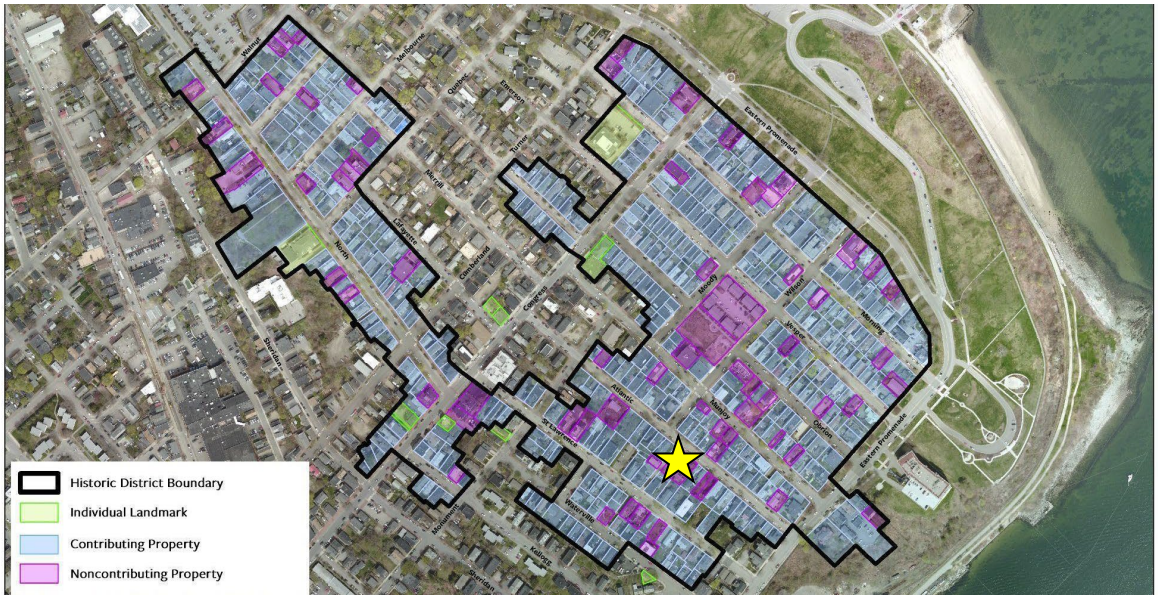

Figure 1: Map of the Munjoy Hill Historic District showing location of 42 Atlantic Street with yellow star.

Munjoy Hill is a dense historic neighborhood with a blend of vernacular, working-class architecture, a number of grand, high-style houses (primarily facing onto the Eastern Promenade), and a small number of commercial and institutional buildings scattered throughout.

Early in Portland's development, Munjoy Hill was sparsely populated. Other than the area occupied by the Portland Observatory and its attendant structures (constructed in 1807), the majority of the Hill was privately maintained for the pasturing of cows. Development on the hill remained slow-going early in the nineteenth century. Regardless, in 1836 the City of Portland purchased the lands along the edge of the peninsula that would eventually become the Eastern promenade in response to the increasing development. The earliest houses, of which only a few survive, were generally very modest one- to two-story wood-frame capes. Development picked-up pace in the mid-nineteenth century with the founding of the Atlantic and St. Lawrence Railroad in 1845 and the Portland Company in 1847. Jobs at the Portland Company in particular created the need for nearby working-class housing. The undeveloped tracts on Munjoy Hill provided ample space for that growth. Homes from the mid nineteenth century were often built in the vernacular Greek Revival style, featuring symmetrical façades and austere classically-inspired details.

Figure 2: Examples of early house types built on Munjoy Hill. An early- to mid-nineteenth century cape type house (left; 7 Lafayette Street), and a more ornate asymmetrical gable-fronted Greek Revival (right; 8 Sherbrook Street).

In the aftermath of the Great Fire of 1866, Portland found itself in dire need of additional housing and significant development occurred on Munjoy Hill. This was fueled by subdivision of the remaining large tracts of land and the arrival of streetcars, which made the easternmost ends of the peninsula easily accessible to downtown Portland. In this late-nineteenth century era, the scale of buildings increased, with many two- to three-family Italianate and Second Empire structures being built. This dense mode of development was further fueled by an influx of immigrants in the early-twentieth century. The demand for housing led to the advent of the now ubiquitous triple-deckers which dominate the easternmost ends of Munjoy Hill. These large frame structures can be found dressed in various architectural styles that were popular from the 1880s into the 1910s. This same era also saw increased interest in the expansive views and beauty of the Eastern Promenade by Portland's wealthiest residents. A number of grand single-family homes were built along the Promenade in the Italianate, Second Empire, Shingle, and Queen Anne styles. This development in the early-twentieth century solidified the Eastern Promenade streetscape as we know it today.

Figure 3: A typical street showing examples of triple-deckers and Italianate duplexes (left; 82, 84, 86, & 88 Beckett), and a grand Queen Anne house on the Eastern Promenade (right; 140 Eastern Promenade).

Munjoy Hill has a long history of development and features highly varied architectural expressions across buildings. Many buildings also feature historical alterations, as past owners tried to update Capes or Greek Revival houses with Italianate or Queen Anne details, creating varied and dynamic layers of history. Structures typically range from one-and-a-half to three stories with a number of later three-and-a-half to four story late apartment or institutional buildings scattered throughout the district. Regardless of this diversity, there are a handful of unifying features within the district. Construction is primarily of wood frame over brick or stone foundations, with only a handful of primarily brick structures. Structures are typically independent, but constructed densely, with tight driveways and side yards. Front yards are typically extremely shallow, with proximity to the sidewalk being prioritized even on large lots. Projecting bay windows or entry porches are often used to create additional variety along the sidewalk. Windows are predominantly vertically oriented with varied placement on front and side elevations, though windows typically align on larger multi-family buildings.

The immediate vicinity of the proposed development is highly eclectic, reflecting the overall diversity of the district's architecture. There are several one-and-a-half story structures along Atlantic, with 48 Atlantic being the most architecturally spectacular of them. Two-and-a-half-story Greek revival and Italianates predominate, with a couple of second empire houses mixed in. 28 Atlantic Street is the only proper triple decker along this stretch, though 55 Atlantic is also a full three-stories and stands out for its fully brick construction.

Figure 4: 2023 google street views showing 48 Atlantic Street (left image, left), a spectacular low-scale Italianate house next to 52 Atlantic (left image, right), a typical two-and-a-half-story Italianate house. 29 and 23 Atlantic (right image, left to right) are examples to austere two-and-a-half-story Greek revivals.

Figure 5: 2023 google street views showing 28 Atlantic Street (left), an example of high-style triple decker, and 55 Atlantic, an early fully brick three-story apartment built.

Additional information on the Munjoy Hill Historic District can be found on the city website: https://www.portlandmaine.gov/665/Historic-Districts

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STAFF COMMENTS

The applicant is proposing to construct a four story, 26-unit affordable housing project. The parcel contains an existing, noncontributing building that will be demolished to allow for construction. The proposed four-story height and 72-foot width are greater than most of the immediately adjacent historic structures; however, it is not out of keeping with heights found in the district and the applicant has taken steps to try and breakdown the massing of the building.

The front elevation is proposed to be broken down with a series of shifts in the wall plane that step the building back from the corner of Atlantic Street and Gilbert Lane. Some similar shifts are proposed along Gilbert Lane. Staff find that this is fairly successful in better scaling the building to nearby structures. Staff would encourage the Board to consider whether this could be further reinforced by creating a somewhat further differentiated middle section. This would then break the building down into two about 30-foot widths that would be much more in keeping with typical widths along Atlantic Street.

Relatedly, the entrance to the proposed structure will be fairly easily discernible by the ramp and stairs off of the sidewalk. However, the entrance itself lacks presence on the building's façade. Staff would encourage the Board to discuss whether there are opportunities to reinforce the entrance through a wider recess, or perhaps a small cantilevered canopy. A differentiated siding treatment or surround could also make the entrance more visually prominent. Such a detail could function as a reference to the hoods or entablatures often found on Italianate or Greek Revival buildings nearby.

The proposed structure features a very regular pattern of windows which helps it to fit into the district. Windows are sometimes arranged with some variety, but on the larger structures, such as tripled-deckers, they are especially regular. Unfortunately, this pattern is broken at the left bottom corner of the front façade. Staff would encourage the applicant to explore whether the basement entrance could potentially be shifted to part way down the side elevation which would allow the first-floor unit in that location to be pulled to the front of the building, allowing for a more consistent window pattern. This might also help ground that corner of the building, which feels awkwardly tall without a first-floor window.

Given that this is a first workshop, the Board should provide very clear direction to the applicant on any threshold compatibility issues, as well as providing preliminary feedback on materials and details. Staff would recommend that the applicant provide some additional rendered views in future submissions as well as a partial streetscape elevation to aid the Board in assessing the relationship between the proposed structure and adjacent historic structures.

ANALYSIS OF APPLICABLE REVIEW STANDARDS

Standards for Review of New Construction, 17.8.3:

Standard A. Scale and Form	
1. Height The proposed height shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	**Staff Comments**
For Board Discussion	The proposed structure will be four stories. Atlantic Street is typically lined with one-and-a-half- to three-story structures.
2. Width The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	**Staff Comments**
For Board Discussion	The proposed structure will be wider than typical of structures along Atlantic Street, though not out of scale with some of the largest buildings in the district. The applicant is also proposing to create several small shifts in the Atlantic Street and Gilbert Lane facades that breakdown the width of the building.

3. Proportion of principal facades The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways, and open spaces to which it is visually related.	
Standard Met?	**Staff Comments**
For Board Discussion	The overall façade is proposed to have a fairly horizontal proportion; however, the shifts in wall plane along Atlantic Street will help breakdown the width of the building into more vertical masses. The context is predominantly vertically oriented buildings, with some more horizontal buildings interspersed.
4. Roof shapes The roof shape of a structure shall be visually compatible with the structures to which it is visually related.	
Standard Met?	**Staff Comments**
Yes	The proposed structure will have a flat roof. Flat roofs are typical of the Munjoy Hill Historic District.
5. Scale of a structure The size and mass of structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	**Staff Comments**
For Board Discussion	The Board should confirm whether the scale of the structure is appropriate to the context. Structures in the district typically range from one-and-a-half to three stories with a number of later three-and-a-half to four story apartment or institutional buildings scattered throughout the district.

Standard B. Composition of Principle Facades	
1. Proportion of openings The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways, and places to which the building is visually related.	
Standard Met?	**Staff Comments**
Yes	The proposed structure will primarily feature vertically oriented openings with some more square or horizontal openings used sparingly as is typical of the historic context.
2. Rhythm of solids to voids in facades The relationship of solids to voids in the façade of a structure shall be visually compatible with structures, public ways, and places to which it is visually related.	
Standard Met?	**Staff Comments**
For Board Discussion	The structure favors solid to void, as is typical of the district. Windows are fairly regularly arranged, with the exception of the front left corner where the basement access is provided.

3. Rhythm of entrance porch and other projections The relationship of entrances and other projections to sidewalks shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	Staff Comments
For Board Discussion	The proposed structure would feature a central recessed entry. Slightly recessed entrances are common, but many buildings also feature project porches or canopies.
4. Relationship of materials The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which they are visually related.	
Standard Met?	Staff Comments
For Board Discussion	The structure is proposed to be clad in a mix of horizontal and vertical siding. Horizontal siding is ubiquitous through the Historic District. Vertical siding is uncommon, but vertical trim, details, and accents are very common.

Standard C. Relationship to Street	
1. Walls of continuity Facades and site structures, such as masonry walls, fences, and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways, and places to which such elements are visually related.	
Standard Met?	Staff Comments
Yes	The proposed structure would be situated close to the street, as is typical of structures throughout the district.
2. Rhythm of spacing and structures on streets The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways, and places to which it is visually related	
Standard Met?	Staff Comments
For Board Discussion	The proposed structure is set close to the street, and retains modest side yards, as is typical of the district. The structure is wider than typical, so it does somewhat break the rhythm of structures. However, this section of Atlantic Street is not particularly regular in its rhythm, and the proposed shifts in the Atlantic Street façade create a regular pattern of vertical masses that reflects the pattern of the district.

3. Directional expression of principal elevation A structure shall be visually compatible with the structures, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.	
Standard Met?	Staff Comments
For Board Discussion	The proposed structure has a horizontal massing that is broken up by shifts in the wall plane that create more horizontal masses. Structures in the district are predominantly vertically oriented, though some are have a horizontal massing. Many feature vertical accents such as trim details, bay windows, or porches.

Standard D. Other Standards	
1. Compatible use Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character defining features of the structure, object, or site and its environment or to use a property for its originally intended purpose.	
Standard Met?	Staff Comments
Yes	The proposed structure will have a residential use which is in keeping with the typical uses in the Munjoy Hill Historic District.
4. Contemporary design Contemporary design for additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural, or archaeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, material, and character of the property, neighborhood and environment.	
Standard Met?	Staff Comments
For Board Discussion	The proposed structure has a clearly contemporary character through its simplified massing and minimal exterior details. The Board should confirm whether the design is sufficiently compatible based on the above standards.

ATTACHMENTS

1. Project Description
2. Application checklist and deed
3. Plans

Dan Black
PO Box 10452
Portland, ME 04104
(207) 831-2824
danblack@lbdevpartners.com

February 8, 2024

Re: Historic Preservation Application, Project Description

Dear City of Portland Planning & Urban Development Department,

The 42 Atlantic Street, Portland, ME 04101 parcel is a 0.23 acre (10,018 square feet) site on Munjoy Hill. It currently has a two-story structure on it that used to house the local American Legion chapter. It is a non-contributing property within the Munjoy Hill historic district.

The proposed structure will be four stories and 23,590 square feet (with an additional 3,400 square feet of basement space). The primary frontage along Atlantic Street is composed of five bays which step progressively. Similarly, on the secondary façade along Gilbert Lane, there are three corresponding stepping bays. The intent of these articulations is to anchor the scale of the building back to the neighborhood.

Accessed via ramp or stair, the primary entrance is recessed three feet into the central bay of the Atlantic Street facade. Basement egress is provided at the South side of this facade. Gilbert Lane will have two additional doors: one for emergency egress, and one for bike storage access.

The building will have a total of 26 units, consisting of four studio apartments, eighteen two-bedroom units and four three-bedroom units. All will be deed restricted as affordable. The building will also have a communal laundry, tenant storage, and a common room that meets the specification of MaineHousing's construction standards. The building will have an elevator and two stairs. Roof access will be limited to maintenance.

Recent changes to the city's land use code, in response to LD2003, allow for 2.5 times the base zoning density for affordable housing projects. This area is in the R-6 zone which allows multi-family use by right with a density of one unit for every 750 square feet of lot size—at 10,018 square feet, 42 Atlantic is permitted to have 13 units on site. The density boost allows density of up to 32 units on the site.

The attached packet provides the requested material. Please let us know if you have any additional questions.

Sincerely,

Daniel Black

CITY OF PORTLAND
Planning & Urban Development Department

HISTORIC PRESERVATION APPLICATION SUBMISSION CHECKLIST Please submit each document as a separate PDF file Please confirm by electronically checking the boxes to the left	
To supplement your application, please submit the following items *as applicable to your project.* Keep in mind that the written project description that you provide the Historic Preservation Board and staff, is the only description they will have of your project or design. Therefore, it should precisely illustrate the proposed alteration(s), additions, and/or infill construction.	
GENERAL APPLICATION DOCUMENTS	
Yes ☑ N/A ☐	Project Description • Cover Letter with detailed project description
Yes ☑ N/A ☐	Completed Checklist for Historic Preservation review (this document)
Yes ☑ N/A ☐	Evidence of Right, Title and Interest • Deeds, leases or purchase and sales agreements
PLANS, etc.	
Yes ☑ N/A ☐	Exterior photographs of property (required for all applications). Include a general streetscape view, view of entire building, and close-ups of project area.
Yes ☑ N/A ☐	Sketches or elevation drawings at a minimum ¼" scale.
Yes ☐ N/A ☑	Details or wall sections, where applicable.
Yes ☑ N/A ☐	Floor plans, where applicable.
Yes ☑ N/A ☐	Site Plan, where applicable, showing relative location of adjacent structures.
Yes ☑ N/A ☐	Catalog cuts or product information (e.g. proposed windows, doors, fencing).
Yes ☑ N/A ☐	Materials – list all visible exterior materials.

DLN: 1002440261143

MAINE REAL ESTATE TAX-Paid

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS

THAT I, JASON T. HALL, in his capacity as Department Adjutant, The Department of Maine, American Legion, a duly organized non-profit corporation existing under the laws of the State of Maine, with a mailing address of 5 Verti Drive, Winslow, ME 04901,

for consideration paid,

grants to LB Atlantic LLC, a limited liability company duly organized and existing under the laws of the State of Maine and having a mailing address of PO Box 10452, Portland, ME 04112,

with **WARRANTY COVENANTS,** a certain lot or parcel of land with the buildings and improvements thereon situated in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described as follows, to wit:

A certain parcel of land situated on the southwesterly side of Atlantic Street in the City of Portland and more particularly bounded and described as follows:

Commencing at the intersection of said Atlantic Street with the southeasterly side of Gilbert's Lane; thence running southeasterly by said Atlantic Street, ninety - two (92) feet; thence southwesterly and parallel with said Gilbert's Lane, one hundred ten (110) feet, more or less to land now or formerly of Thomas Warren; thence northwesterly by said Warren's land and land now or formerly of Edward Waite, to Gilbert's Lane; thence northeasterly by said Lane to the point of beginning.

Meaning and intending to convey hereby, the two parcels of land described in two separate deeds to Edward H. Sargent, both dated August 17, 1871, and one recorded in the Cumberland County Registry of Deeds, Book 388, Page 97, and the second recorded in said Registry in said Book 388, Page 100, and being the same premises devised to Jennie A. Sargent under the will of her father, Edward H. Sargent, which will is recorded in said Registry of Deeds, Book 1124, Page 215, also being the same premises deeded to this grantor by Jennz A. Sargent under date of June 16, 1936, and recorded in Cumberland County Registry of Deeds, Book 1500, Page 194.

Meaning and intending to convey and hereby conveying precisely the same premises conveyed by Deed of Harold V. Bickmore to Paul Malia Post Building Committee, Inc. dated August 18, 1947 and recorded in the Cumberland County Registry of Deeds in Book 1879, Page 472.

Grantor, The Department of Maine, American Legion, is the parent organization of now dissolved Paul Malia Post #161 which in turn is the parent organization of Paul Malia Post Building Committee, Inc.

DOC :762 BK:40559 PG:56
RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS
01/08/2024, 02:18:02P
Register of Deeds Jessica M. Spaulding E-RECORDED

Further reference is made to an affidavit to amplify title of near or even date to be recorded in the Cumberland County Registry of Deeds which provides evidence of Grantor's status as a successor in interest to the parcels being herein conveyed.

WITNESS my/our hand(s) and seal(s) this 5th day of January, 2024

Jason T. Hall, Department Adjutant,
Department of Maine, American Legion

STATE OF MAINE
COUNTY OF CUMBERLAND, ss. January 5, 2024

Then personally appeared the above-named **Jason T. Hall** and acknowledged the foregoing instrument to be his free act and deed individually and in his said capacity.

Before me:

KEVIN J. GERSPACH
MAINE BAR #6477

Attorney-at-Law/Notary Public
Print Name:_____
My Commission Expires:

Atlantic Street Housing
Historic Preservation Application
Submitted: February 8, 2024

Owner
LB Atlantic, LLC

Architect
Primary Projects, PLLC

Civil Engineer
Acorn Engineering, Inc

Structural Engineer
Base Design Group, Inc

MEP-FP Engineer
BLW Engineers, Inc

Lighting Designer
Pieszak Lighting Design, LLC

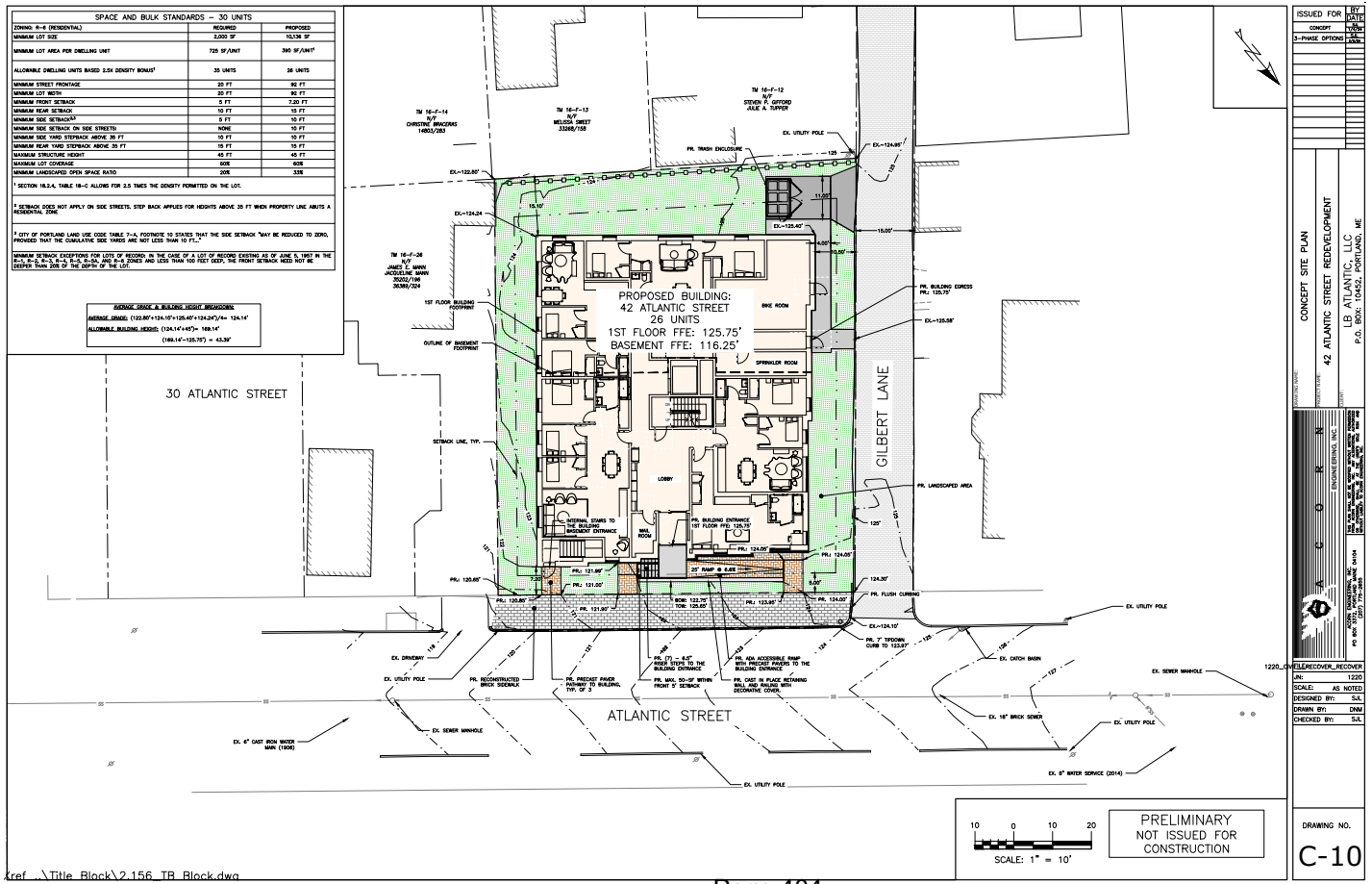
Looking up Atlantic

Looking down Atlantic

From Gilbert

From Rear Parking

Site Plan Prepared by Acorn Engineering

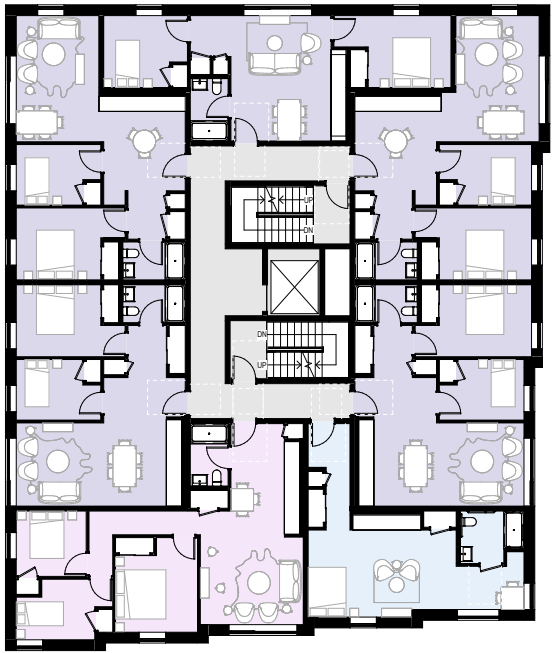


Floor Plan First Floor

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity

Floor Plan Floors 2–4

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



Gilbert Ln

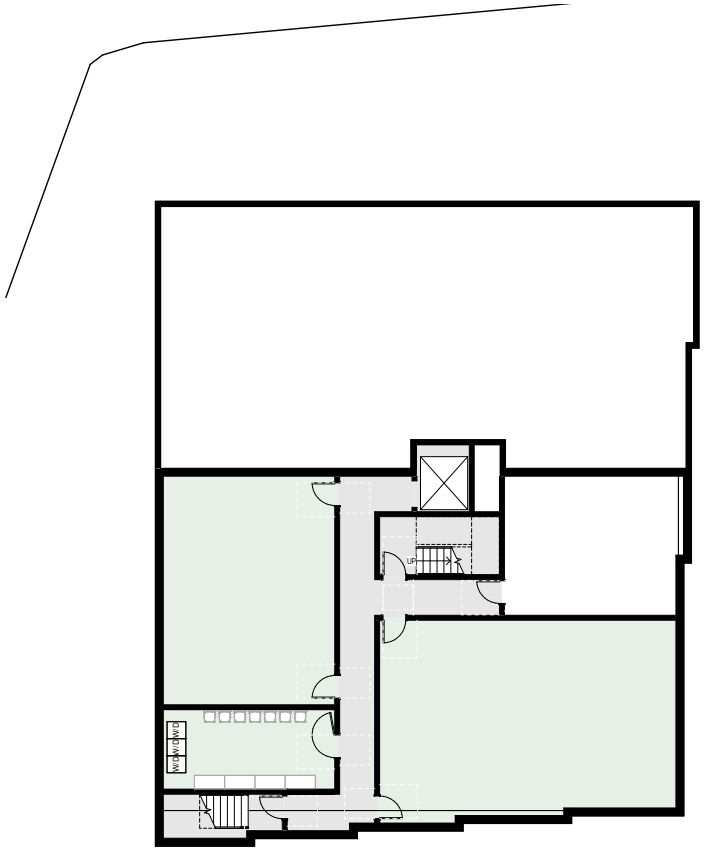
FLOOR AREA: 5,897 SF

1 STUDIO
5 2-BEDS
1 3-BED

Atlantic St

Floor Plan Basement

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



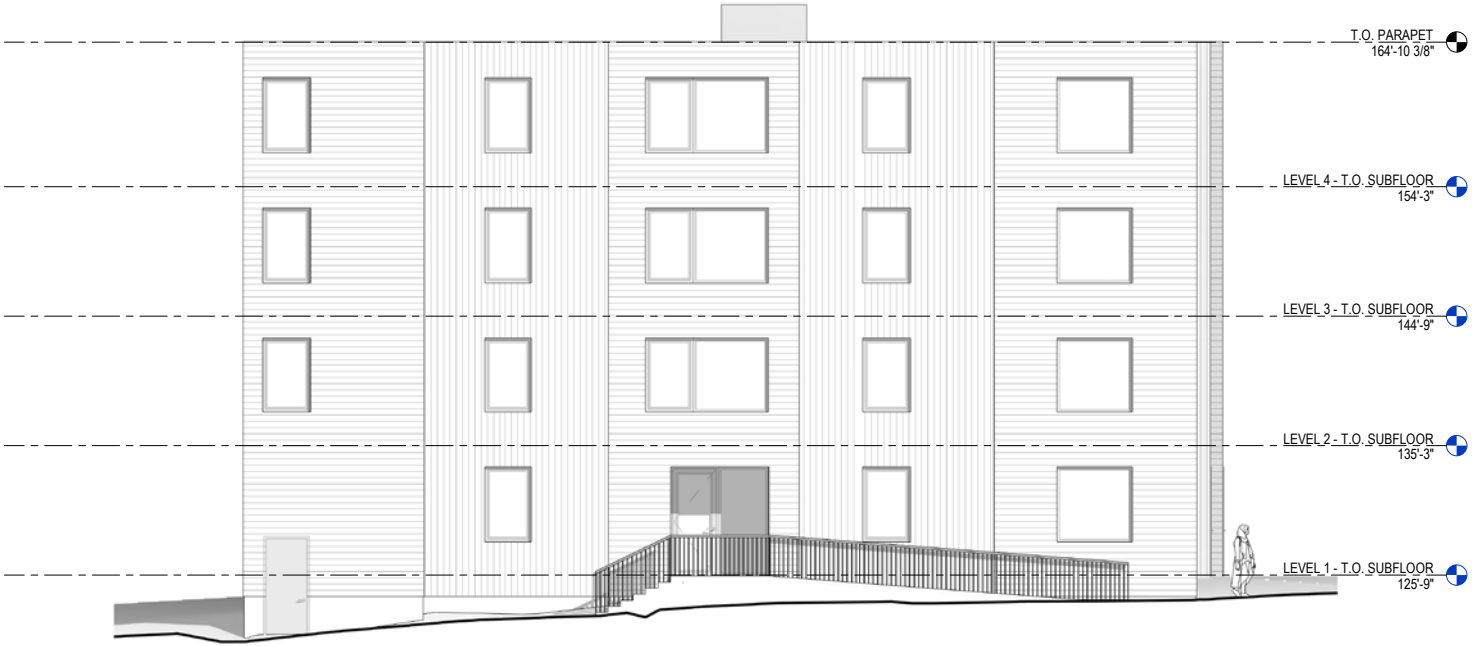
FLOOR AREA: 3,404 SF

Houses of Atlantic Street

Common Attributes:

- Street-Facing Porches
- Vertically Oriented, Stacked Windows
- Painted Wood Siding

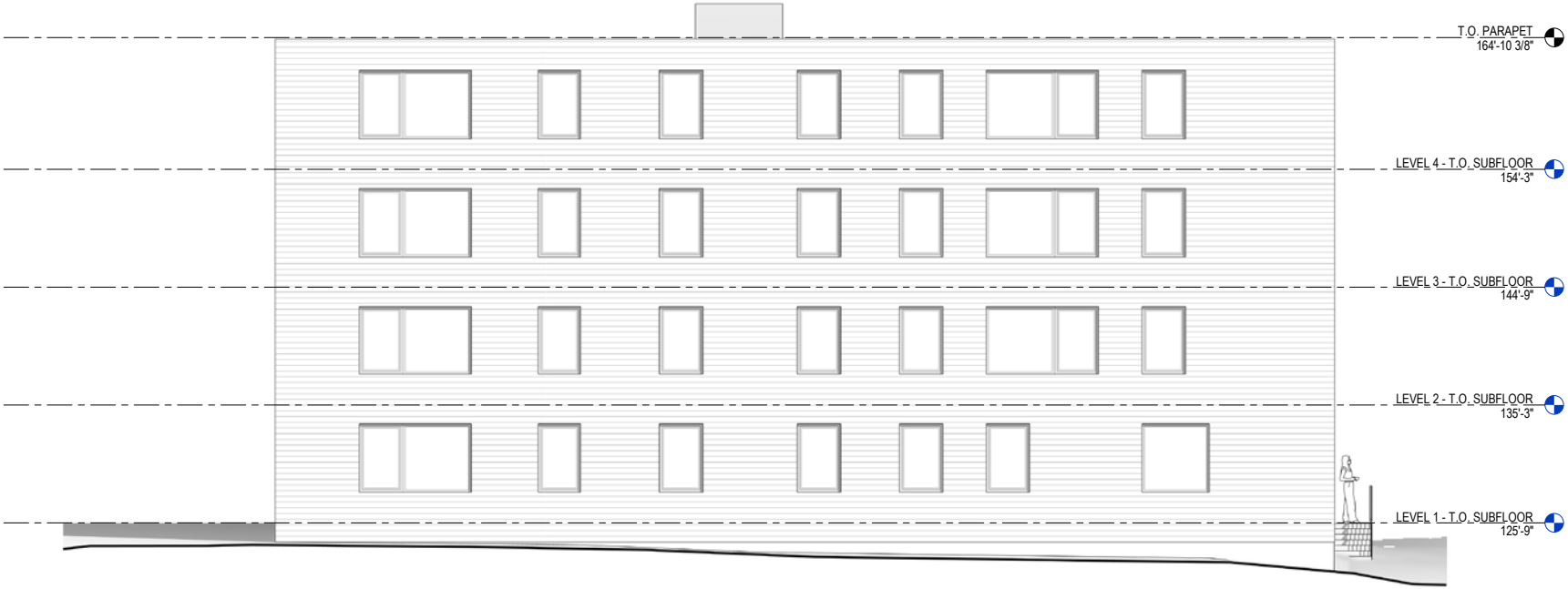
Building Elevations East, Facing Atlantic St

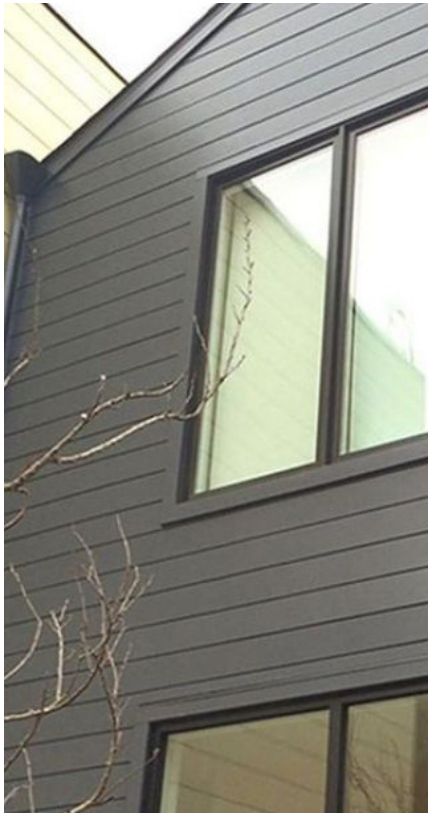


Building Elevations North, Facing Gilbert Ln

Building Elevations West

Building Elevations South





Examples of siding with a similar dimension & profile

Current Proposal:

Painted
Warm, contextual color;
Color changes with steps in the massing on the Atlantic & Gilbert faces

Profile
Flush-faced profiles
(i.e. T&G, nickel gap, or similar)

Dimension
5.5” exposed face

Orientation
Primarily horizontal; alternates between horizontal & vertical at the steps in the massing

Current Proposal:

Finish
Charcoal Gray uPVC
(Lighter than shown in images)

Operation
Windows: Picture & Tilt-Turn
Doors: Swinging

Features
Triple-Glazed

Greater Portland Landmarks
Historic character enriches our lives

PO Box 17533, Portland, ME 04112

5 March 2024

RE: PRELIMINARY REVIEW OF NEW CONSTRUCTION: 42 ATLANTIC STREET, HPBR-002814-2024

Chair O'Brien and Members of the Historic Preservation Board,

Greater Portland Landmarks supports the proposed apartment building at 42 Atlantic Street. We have met with the applicant and understand there are many constraints which the applicant must balance to provide this much needed type of housing on Munjoy Hill.

Although located in an older part of the Munjoy Hill neighborhood, largely characterized by 1 ½ to three story buildings, the existing building to be demolished was once one of the larger scaled buildings on the street until it was significantly altered.

38-42 Atlantic Street, 1924 (*Maine Memory Network*)

Although the new building is proposed to be four stories in height, we believe its height will be similar to the building on the abutting parcel at 43 St. Lawrence, which is three stories on a raised basement, with high floor to ceiling dimensions, as is typical of older residential buildings in the neighborhood.

We appreciate the applicant's articulation of the front wall plane to relate the building to its context, although we believe a single articulation in the central bay would have been sufficiently contextual. In addition to the abutting building at 43 St. Lawrence Street, there are residential buildings of a similar massing with multi-family uses present in the neighborhood and on the peninsula that could serve as models for how the proposed building might further relate to its smaller scaled historic neighbors.

Greater Portland Landmarks
Historic character enriches our lives
PO Box 17533, Portland, ME 04112

Munjoy Hill is characterized by buildings of various styles and sizes that nearly all relate to the street with a prominent entrance. As mentioned in the staff report, we believe some additional focus at the main entrance, through trim details, a canopy or another design feature, would be appropriate for the proposed building type and help it to visually relate it to its neighbors. We offer some examples of historic precedence below:

119 Morning Street is essentially a large 'boxy' building with minor façade relief at the two bays, with a prominent central entrance at grade. The siding has prominent horizontal details which accentuate its long street façade.

102-104 Morning Street is another large-scale multi-family building with a similar number of bays, building length, and articulation of the front wall plane to 119 Morning Street. Set on a raised foundation, it currently features a covered entry porch. The entry porch used to connect to a wrap-around deck as can be seen in the 1924 tax photograph.

Greater Portland Landmarks

Historic character enriches our lives

PO Box 17533, Portland, ME 04112

49-51 Morning Street (left) and **231 State Street** (right) are historic examples of 4+ story 'boxy' buildings that fit well into their lower-scale historic contexts and feature minor articulation of their front wall planes and prominent entrances.

We believe some articulation around the front entrance would better meet the standards for new construction and we hope you will urge the applicant to consider this design direction.

Thank you for considering our views on this proposed project,

Carol De Tine
Vice President of the Board of Trustees
Greater Portland Landmarks

STAFF MEMORANDUM
HISTORIC PRESERVATION PROGRAM
PLANNING AND URBAN DEVELOPMENT

TO: Chair O'Brien and Members of the Historic Preservation Board
FROM: Evan R. Schueckler, Historic Preservation Program Manager
DATE: April 12, 2024
RE: 42 Atlantic Street – SECOND WORKSHOP – New Construction
PROJECT ID: HPBR-002814-2024
MEETING: April 17, 2024

Owner: Daniel Black, LB Atlantic LLC
Architect: Kyle Barker, Primary Projects

A sign announcing the Historic Preservation Board's meeting on April 17, 2024 was posted at the property on April 5, 2024. A legal ad was published in the Portland Press Herald on April 5, 2024 and April 6, 2024, and 292 notices were sent to neighboring property owners within 100 feet of the subject property.

PROJECT SCOPE

Demolish existing noncontributing structure.

Construct new four story, 26-unit residential building.

Dimensions:
Overall Height: ~40'
Footprint: ~86' x 72'

Material Specifications:

Foundation	Unspecified
Siding	Painted horizontal and vertical wood
Trim	Painted wood
Roofing	Flat Membrane (not visible)
Windows	uPVC
Doors	Unspecified

SUMMARY OF HISTORIC CONTEXT

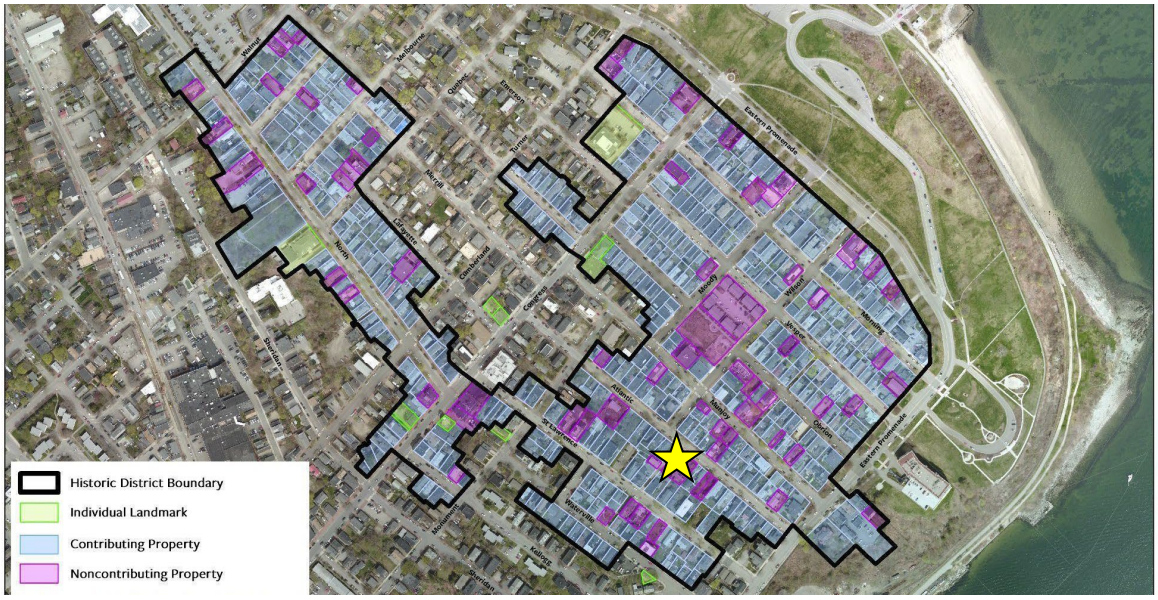


Figure 1: Map of the Munjoy Hill Historic District showing location of 42 Atlantic Street with yellow star.

Munjoy Hill is a dense historic neighborhood with a blend of vernacular, working-class architecture, a number of grand, high-style houses (primarily facing onto the Eastern Promenade), and a small number of commercial and institutional buildings scattered throughout.

Early in Portland's development, Munjoy Hill was sparsely populated. Other than the area occupied by the Portland Observatory and its attendant structures (constructed in 1807), the majority of the Hill was privately maintained for the pasturing of cows. Development on the hill remained slow-going early in the nineteenth century. Regardless, in 1836 the City of Portland purchased the lands along the edge of the peninsula that would eventually become the Eastern promenade in response to the increasing development. The earliest houses, of which only a few survive, were generally very modest one- to two-story wood-frame capes. Development picked-up pace in the mid-nineteenth century with the founding of the Atlantic and St. Lawrence Railroad in 1845 and the Portland Company in 1847. Jobs at the Portland Company in particular created the need for nearby working-class housing. The undeveloped tracts on Munjoy Hill provided ample space for that growth. Homes from the mid nineteenth century were often built in the vernacular Greek Revival style, featuring symmetrical façades and austere classically-inspired details.

Figure 2: Examples of early house types built on Munjoy Hill. An early- to mid-nineteenth century cape type house (left; 7 Lafayette Street), and a more ornate asymmetrical gable-fronted Greek Revival (right; 8 Sherbrook Street).

In the aftermath of the Great Fire of 1866, Portland found itself in dire need of additional housing and significant development occurred on Munjoy Hill. This was fueled by subdivision of the remaining large tracts of land and the arrival of streetcars, which made the easternmost ends of the peninsula easily accessible to downtown Portland. In this late-nineteenth century era, the scale of buildings increased, with many two- to three-family Italianate and Second Empire structures being built. This dense mode of development was further fueled by an influx of immigrants in the early-twentieth century. The demand for housing led to the advent of the now ubiquitous triple-deckers which dominate the easternmost ends of Munjoy Hill. These large frame structures can be found dressed in various architectural styles that were popular from the 1880s into the 1910s. This same era also saw increased interest in the expansive views and beauty of the Eastern Promenade by Portland's wealthiest residents. A number of grand single-family homes were built along the Promenade in the Italianate, Second Empire, Shingle, and Queen Anne styles. This development in the early-twentieth century solidified the Eastern Promenade streetscape as we know it today.

Figure 3: A typical street showing examples of triple-deckers and Italianate duplexes (left; 82, 84, 86, & 88 Beckett), and a grand Queen Anne house on the Eastern Promenade (right; 140 Eastern Promenade).

Munjoy Hill has a long history of development and features highly varied architectural expressions across buildings. Many buildings also feature historical alterations, as past owners tried to update Capes or Greek Revival houses with Italianate or Queen Anne details, creating varied and dynamic layers of history. Structures typically range from one-and-a-half to three stories with a number of later three-and-a-half to four story late apartment or institutional buildings scattered throughout the district. Regardless of this diversity, there are a handful of unifying features within the district. Construction is primarily of wood frame over brick or stone foundations, with only a handful of primarily brick structures. Structures are typically independent, but constructed densely, with tight driveways and side yards. Front yards are typically extremely shallow, with proximity to the sidewalk being prioritized even on large lots. Projecting bay windows or entry porches are often used to create additional variety along the sidewalk. Windows are predominantly vertically oriented with varied placement on front and side elevations, though windows typically align on larger multi-family buildings.

The immediate vicinity of the proposed development is highly eclectic, reflecting the overall diversity of the district's architecture. There are several one-and-a-half story structures along Atlantic, with 48 Atlantic being the most architecturally spectacular of them. Two-and-a-half-story Greek revival and Italianates predominate, with a couple of second empire houses mixed in. 28 Atlantic Street is the only proper triple decker along this stretch, though 55 Atlantic is also a full three-stories and stands out for its fully brick construction.

Figure 4: 2023 google street views showing 48 Atlantic Street (left image, left), a spectacular low-scale Italianate house next to 52 Atlantic (left image, right), a typical two-and-a-half-story Italianate house. 29 and 23 Atlantic (right image, left to right) are examples to austere two-and-a-half-story Greek revivals.

Figure 5: 2023 google street views showing 28 Atlantic Street (left), an example of high-style triple decker, and 55 Atlantic, an early fully brick three-story apartment built.

Additional information on the Munjoy Hill Historic District can be found on the city website: https://www.portlandmaine.gov/665/Historic-Districts

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PREVIOUS REVIEW BY HISTORIC PRESERVATION BOARD

March 6, 2024, Workshop:

During the March 6 workshop, the applicant presented preliminary plans for their proposed building at 42 Atlantic Street. At the meeting, the building featured small step-backs along the Atlantic Street and Gilbert Lane facades which broke the building down into five and three bays, respectively. Generally, the Board expressed great support for the development given it was proposing to introduce a robust number of affordable housing units within the Munjoy Hill Historic District. However, Board members did provide a number of comments on the proposed articulation of the massing.

The applicant had indicated during the meeting that they were proposing the step-backed façade of the building in an effort to scale the building to the surrounding context, but noted that this was not the most efficient use of space with regards to the number of new units. While Board members were unanimous in their view that the scale of the structure did require articulation to make it compatible with the surrounding context, several members noted that they did not feel that shifting the wall plane was the only way to achieve that, and encouraged the applicant to explore alternatives. Board members focused their comments on exploring the addition of a cornice to help cap the building and further study of how window details or changes in siding could be used to articulate the building.

In addition to façade treatments, Board members also provided comment on the design of

building entrances. Board members recommended that the applicant study the primary entrance off of Atlantic Street for ways to make it more prominent and welcoming, in keeping with adjacent historic structures. Specifically, members suggested reorienting the front stairs and exploring ways to soften the ramp along the front of the building. Along Gilbert Lane, Board members recommended exploring additional glazing or a canopy at the bike room entrance to make that frontage more inviting as well.

In addition to comments on the entrances, Board members also encouraged the applicant to restudy the basement egress door off of Atlantic Street. As proposed during the workshop, the door was located close to the southern corner of the building, disrupting the pattern of windows and creating a large area of blank wall. Board members stated that if the egress door could be shifted to allow the regular pattern of windows to continue, it might help with the feeling of the building at that southern corner.

Figure 6: Rendering of the proposed structure presented during the March 6 workshop.

Figure 7: Rendering of the proposed structure to be presented at the April 17 workshop.

STAFF COMMENTS

For this second workshop, the applicant has revised the proposed plans significantly in an effort to address Board comments. Changes include a simplification of the massing, a new façade treatment, improved entrance designs, and adjustment of the basement egress.

The applicant has adjusted the proposed structure to now have a simple, rectangular massing, but in an effort to articulate and scale the structure is proposing a new façade treatment. The project now features one wide bay of painted siding aligned with the primary entrance off of Atlantic Street. This bay is approximately 20-25 feet wide, which is generally consistent with building widths for some of the larger buildings along the street. To either side, the building is then broken down into bays of alternating painted and unpainted siding which appear to be between 4 and 8 feet wide. The unpainted siding then wraps the front corners of the building helping to soften the building edges along Atlantic Street. This same treatment of alternating siding continues on the sides and rear of the building. The applicant has presented two versions of the drawing; one using painted vertical and horizontal unpainted siding, and the other all horizontal siding.

Where the bays of painted siding are widest, they feature one or two stacks of windows, while all of the narrower bands of unpainted siding feature stacks of windows of the same width, generally treating the unpainted siding more as a spandrel panel. All of these bays and the top of the building are also proposed to be articulated with a projecting trim board which creates a shadow line and adds depth to the building. This effect can be seen most clearly in the rendered view of the primary entrance. Staff have some questions about how this effect will be achieved since details have not yet been developed. If this element will be made of wood, it may be prone to warping given the length of the elements and their significant exposure on three sides. Warping could somewhat diminish the effect of the strong lines.

In addition to the adjustment in massing and façade treatment, the applicant has further refined the proposed entrances. Along Atlantic Street, the primary entrance will feature a small and very simple projecting canopy which clearly calls out the entrance. This canopy will cover a recessed alcove for the door, and most of a small landing. The stairs have been reoriented to face Atlantic Street, which is much more in keeping with norms along the street and make a more approachable entrance. The outside edge of the ramp has also been adjusted into an even height wall which helps soften the ramp, reading more like a site wall. Along Gilbert Lane, the applicant is proposing to add some lighting and a glazed door for the bike storage room.

The applicant has also moved the basement egress door closer to the primary entrance along Atlantic Street. This has allowed them to continue the fenestration pattern closer to the southern corner reducing the feeling of blank wall along Atlantic Street.

Given that this is a second workshop and the applicant has substantially adjusted the proposed design, the Board should provide very clear direction on whether the proposed approach to scaling and articulating the proposed mass is sufficient as well as providing feedback on proposed materials and details. Provided that the Board gives favorable feedback, staff would next recommend that the applicant further refine details and material specifications for final review.

ANALYSIS OF APPLICABLE REVIEW STANDARDS

Standards for Review of New Construction, 17.8.3:

Standard A. Scale and Form	
1. Height The proposed height shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	**Staff Comments**
Yes	The proposed structure will be four stories. Atlantic Street is typically lined with one-and-a-half- to three-story structures. Board members generally found the proposed height to be compatible with the varied surrounding context.
2. Width The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	**Staff Comments**
For Board Discussion	The proposed structure will be wider than typical structures along Atlantic Street, though not out of scale with some of the larger buildings in the district. The applicant is also proposing to break down the width of the building through changes in material and applied details.
3. Proportion of principal facades The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways, and open spaces to which it is visually related.	
Standard Met?	**Staff Comments**
For Board Discussion	The overall façade is proposed to have a fairly horizontal proportion; however, changes in material and the use of applied details will help to break down the horizontality of the elevations. The context is predominantly vertically oriented buildings, with some more horizontal buildings interspersed.

4. Roof shapes The roof shape of a structure shall be visually compatible with the structures to which it is visually related.	
Standard Met?	**Staff Comments**
Yes	The proposed structure will have a flat roof. Flat roofs are typical of the Munjoy Hill Historic District.
5. Scale of a structure The size and mass of structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	**Staff Comments**
For Board Discussion	Structures in the district typically range from one-and-a-half to three stories with a number of later three-and-a-half to four story apartment or institutional buildings scattered throughout the district. Board members generally found the proposed scale could be compatible with the surrounding context, but recommended exploring means of articulating the mass to break down the perception of the scale.

Standard B. Composition of Principle Facades	
1. Proportion of openings The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways, and places to which the building is visually related.	
Standard Met?	**Staff Comments**
Yes	The proposed structure will primarily feature vertically oriented openings with some more square or horizontal openings used sparingly as is typical of the historic context.
2. Rhythm of solids to voids in facades The relationship of solids to voids in the façade of a structure shall be visually compatible with structures, public ways, and places to which it is visually related.	
Standard Met?	**Staff Comments**
Yes	The structure favors solid to void, as is typical of the district. Windows are fairly regularly arranged as is also typical of the context.
3. Rhythm of entrance porch and other projections The relationship of entrances and other projections to sidewalks shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	**Staff Comments**
Yes	The proposed structure would feature a central recessed entry accentuated by a projecting porch canopy and raised landing at the top of the street-facing stairs and accessibility ramp.

4. Relationship of materials The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which they are visually related.	
Standard Met?	Staff Comments
For Board Discussion	The structure is proposed to be clad in a mix of siding materials, including options using horizontal and vertical siding. Horizontal siding is ubiquitous through the Historic District. Vertical siding is uncommon, but vertical trim, details, and accents are very common.

Standard C. Relationship to Street	
1. Walls of continuity Facades and site structures, such as masonry walls, fences, and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways, and places to which such elements are visually related.	
Standard Met?	Staff Comments
Yes	The proposed structure would be situated close to the street, as is typical of structures throughout the district.
2. Rhythm of spacing and structures on streets The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways, and places to which it is visually related	
Standard Met?	Staff Comments
For Board Discussion	The proposed structure is set close to the street, and retains modest side yards, as is typical of the district. The structure is wider than typical. However, this section of Atlantic Street is not particularly regular in its rhythm, and the proposed changes in façade material help to break down the façade to help it fit into the rhythm of the context.
3. Directional expression of principal elevation A structure shall be visually compatible with the structures, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.	
Standard Met?	Staff Comments
For Board Discussion	The proposed structure has a horizontal massing that is broken up by changes in material that create more vertical masses, accentuated by applied vertical trim. Structures in the district are predominantly vertically oriented, though some have a horizontal massing. Many feature vertical accents such as trim details, bay windows, or porches.

Standard D. Other Standards	
1. Compatible use Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character defining features of the structure, object, or site and its environment or to use a property for its originally intended purpose.	
Standard Met?	**Staff Comments**
Yes	The proposed structure will have a residential use which is in keeping with the typical uses in the Munjoy Hill Historic District.
4. Contemporary design Contemporary design for additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural, or archaeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, material, and character of the property, neighborhood and environment.	
Standard Met?	**Staff Comments**
For Board Discussion	The proposed structure has a clearly contemporary character through its simplified massing and minimal exterior details. The Board should confirm whether the design is sufficiently compatible based on the above standards.

ATTACHMENTS

1. Project Description
2. Application checklist and deed
3. Plans

Dan Black
PO Box 10452
Portland, ME 04104
(207) 831-2824
danblack@lbdevpartners.com

March 25, 2024 *(Revised April 1, 2024)*

Re: Historic Preservation Application, Project Description V2 (*changes in Italics*)

Dear City of Portland Planning & Urban Development Department,

The 42 Atlantic Street, Portland, ME 04101 parcel is a 0.23 acre (10,018 square feet) site on Munjoy Hill. It currently has a two-story structure on it that used to house the local American Legion chapter. It is a non-contributing property within the Munjoy Hill historic district.

The proposed structure will be four stories and *23,857 square feet (with an additional 2,981 square feet of basement space). After receiving feedback at the first Public Workshop on March 6th, we've revised the design to simplify the massing. The building is now a rectangle in plan.*

Accessed via ramp or stair, the primary entrance is recessed 3 feet into the central bay of the Atlantic Street facade. To address feedback from Board & the public we have:

- *Added a projecting canopy at the entrance*
- *Rotated the entry stair to be perpendicular to the façade*
- *Relocated the basement egress stair to minimize the presence of its door and allow for two windows at the ground floor unit on the South*
- *Added a projecting cornice*
- *Added projecting vertical trim to zone the façade into two distinct materials: one that references the tone of the brick at 55 Atlantic and one that references the wood clapboard at 48 Atlantic*
- *Simplified the design of the wall enclosing the entry stairs & ramp*

Gilbert Lane will have two additional doors: one for emergency egress, and one for bike storage access. *We have added an exterior light & a vision panel to the door at the bike storage, per feedback.*

The building will have a total of 30 units, consisting of 14 studio apartments, 8 two-bedroom units, and 8 three-bedroom units. All will be deed restricted as affordable. The building will also have a communal laundry, tenant storage, and a common room that meets the specification of MaineHousing's construction standards. The building will have an elevator and two stairs. Roof access will be limited to maintenance.

Recent changes to the city's land use code, in response to LD2003, allow for 2.5 times the base zoning density for affordable housing projects. This area is in the R-6 zone which allows multi-family use by right with a density of one unit for every 750 square feet of lot size—at 10,018 square feet, 42 Atlantic is permitted to have 13 units on site. The density boost allows density of up to 32 units on the site.

The attached packet provides the requested material. Please let us know if you have any additional questions.

Sincerely,

Daniel Black

CITY OF PORTLAND
Planning & Urban Development Department

HISTORIC PRESERVATION APPLICATION SUBMISSION CHECKLIST Please submit each document as a separate PDF file Please confirm by electronically checking the boxes to the left	
To supplement your application, please submit the following items *as applicable to your project.* Keep in mind that the written project description that you provide the Historic Preservation Board and staff, is the only description they will have of your project or design. Therefore, it should precisely illustrate the proposed alteration(s), additions, and/or infill construction.	
GENERAL APPLICATION DOCUMENTS	
Yes ☑ N/A ☐	Project Description • Cover Letter with detailed project description
Yes ☑ N/A ☐	Completed Checklist for Historic Preservation review (this document)
Yes ☑ N/A ☐	Evidence of Right, Title and Interest • Deeds, leases or purchase and sales agreements
PLANS, etc.	
Yes ☑ N/A ☐	Exterior photographs of property (required for all applications). Include a general streetscape view, view of entire building, and close-ups of project area.
Yes ☑ N/A ☐	Sketches or elevation drawings at a minimum ¼" scale.
Yes ☐ N/A ☑	Details or wall sections, where applicable.
Yes ☑ N/A ☐	Floor plans, where applicable.
Yes ☑ N/A ☐	Site Plan, where applicable, showing relative location of adjacent structures.
Yes ☑ N/A ☐	Catalog cuts or product information (e.g. proposed windows, doors, fencing).
Yes ☑ N/A ☐	Materials – list all visible exterior materials.

DLN: 1002440261143

MAINE REAL ESTATE TAX-Paid

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS

THAT I, JASON T. HALL, in his capacity as Department Adjutant, The Department of Maine, American Legion, a duly organized non-profit corporation existing under the laws of the State of Maine, with a mailing address of 5 Verti Drive, Winslow, ME 04901,

for consideration paid,

grants to LB Atlantic LLC, a limited liability company duly organized and existing under the laws of the State of Maine and having a mailing address of PO Box 10452, Portland, ME 04112,

with **WARRANTY COVENANTS,** a certain lot or parcel of land with the buildings and improvements thereon situated in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described as follows, to wit:

A certain parcel of land situated on the southwesterly side of Atlantic Street in the City of Portland and more particularly bounded and described as follows:

Commencing at the intersection of said Atlantic Street with the southeasterly side of Gilbert's Lane; thence running southeasterly by said Atlantic Street, ninety - two (92) feet; thence southwesterly and parallel with said Gilbert's Lane, one hundred ten (110) feet, more or less to land now or formerly of Thomas Warren; thence northwesterly by said Warren's land and land now or formerly of Edward Waite, to Gilbert's Lane; thence northeasterly by said Lane to the point of beginning.

Meaning and intending to convey hereby, the two parcels of land described in two separate deeds to Edward H. Sargent, both dated August 17, 1871, and one recorded in the Cumberland County Registry of Deeds, Book 388, Page 97, and the second recorded in said Registry in said Book 388, Page 100, and being the same premises devised to Jennie A. Sargent under the will of her father, Edward H. Sargent, which will is recorded in said Registry of Deeds, Book 1124, Page 215, also being the same premises deeded to this grantor by Jennz A. Sargent under date of June 16, 1936, and recorded in Cumberland County Registry of Deeds, Book 1500, Page 194.

Meaning and intending to convey and hereby conveying precisely the same premises conveyed by Deed of Harold V. Bickmore to Paul Malia Post Building Committee, Inc. dated August 18, 1947 and recorded in the Cumberland County Registry of Deeds in Book 1879, Page 472.

Grantor, The Department of Maine, American Legion, is the parent organization of now dissolved Paul Malia Post #161 which in turn is the parent organization of Paul Malia Post Building Committee, Inc.

DOC :762 BK:40559 PG:56
RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS
01/08/2024, 02:18:02P
Register of Deeds Jessica M. Spaulding E-RECORDED

Further reference is made to an affidavit to amplify title of near or even date to be recorded in the Cumberland County Registry of Deeds which provides evidence of Grantor's status as a successor in interest to the parcels being herein conveyed.

WITNESS my/our hand(s) and seal(s) this 5th day of January, 2024

Jason T. Hall, Department Adjutant,
Department of Maine, American Legion

STATE OF MAINE
COUNTY OF CUMBERLAND, ss. January 5, 2024

Then personally appeared the above-named **Jason T. Hall** and acknowledged the foregoing instrument to be his free act and deed individually and in his said capacity.

Before me:

KEVIN J. GERSPACH
MAINE BAR #6477

Attorney-at-Law/Notary Public
Print Name:_____
My Commission Expires:

42 Atlantic Street Housing

Historic Preservation Public Workshop #2

Submitted: March 25, 2024 (Rev. 4/1)

Owner
LB Atlantic, LLC

Architect
Primary Projects, PLLC

Civil Engineer
Acorn Engineering, Inc

Structural Engineer
Base Design Group, Inc

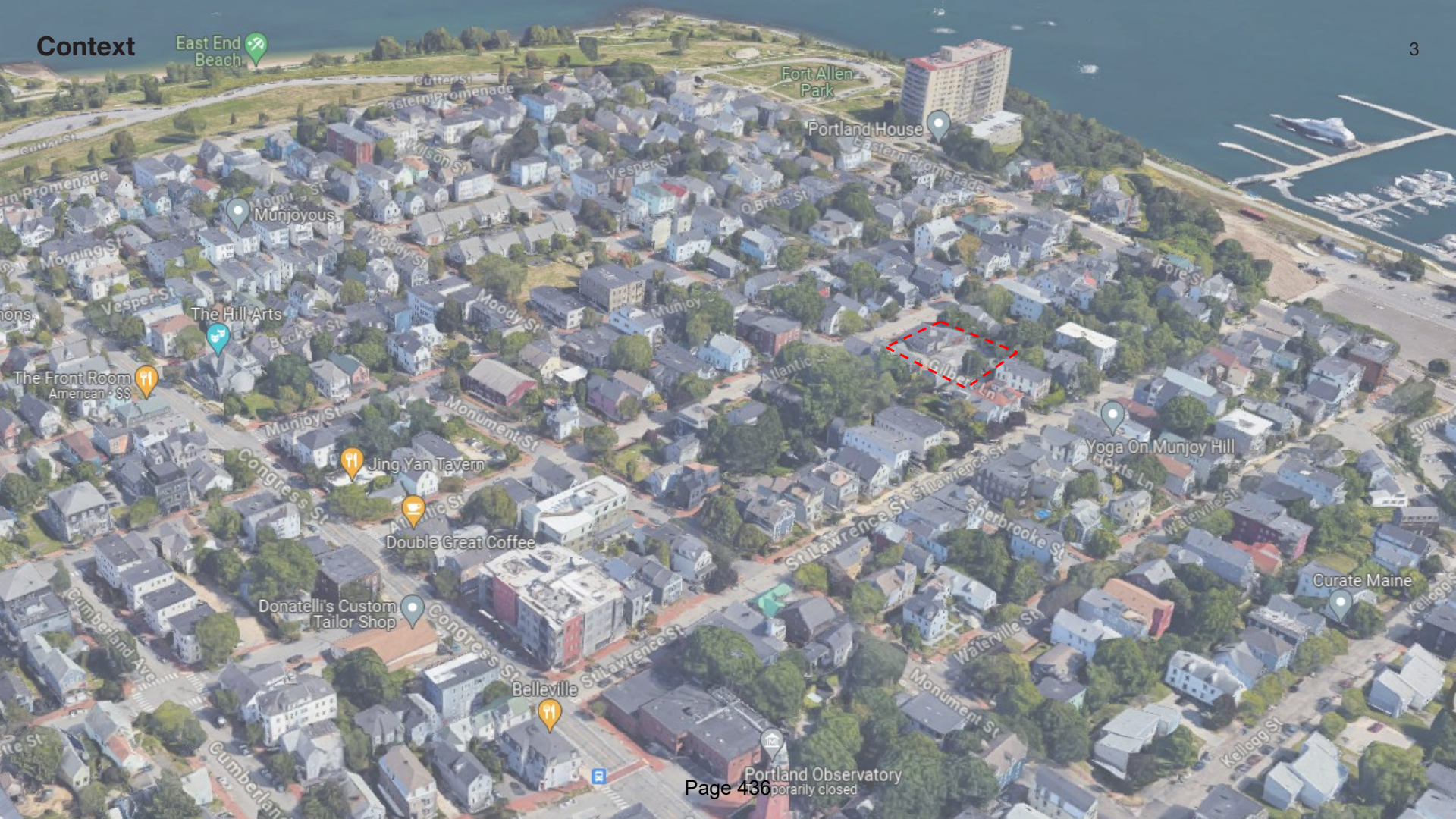
MEP-FP Engineer
BLW Engineers, Inc

Lighting Designer
Pieszak Lighting Design, LLC

Agenda Public Workshop #2

1. Context
2. Previous Proposal
3. Feedback
4. Current Proposal

Context


East End Beach
Fort Allen Park
Portland House
Munjoyous
The Hill Arts
The Front Room
American · $$
Jing Yan Tavern
Double Great Coffee
Donatelli's Custom Tailor Shop
Belleville
Portland Observatory
Yoga On Munjoy Hill
Curate Maine
Eastern Promenade
Vesper St
Congress St
Monument St
St Lawrence St
Munjoy St
Moody St
Cumberland Ave
Waterville St
Kellogg St

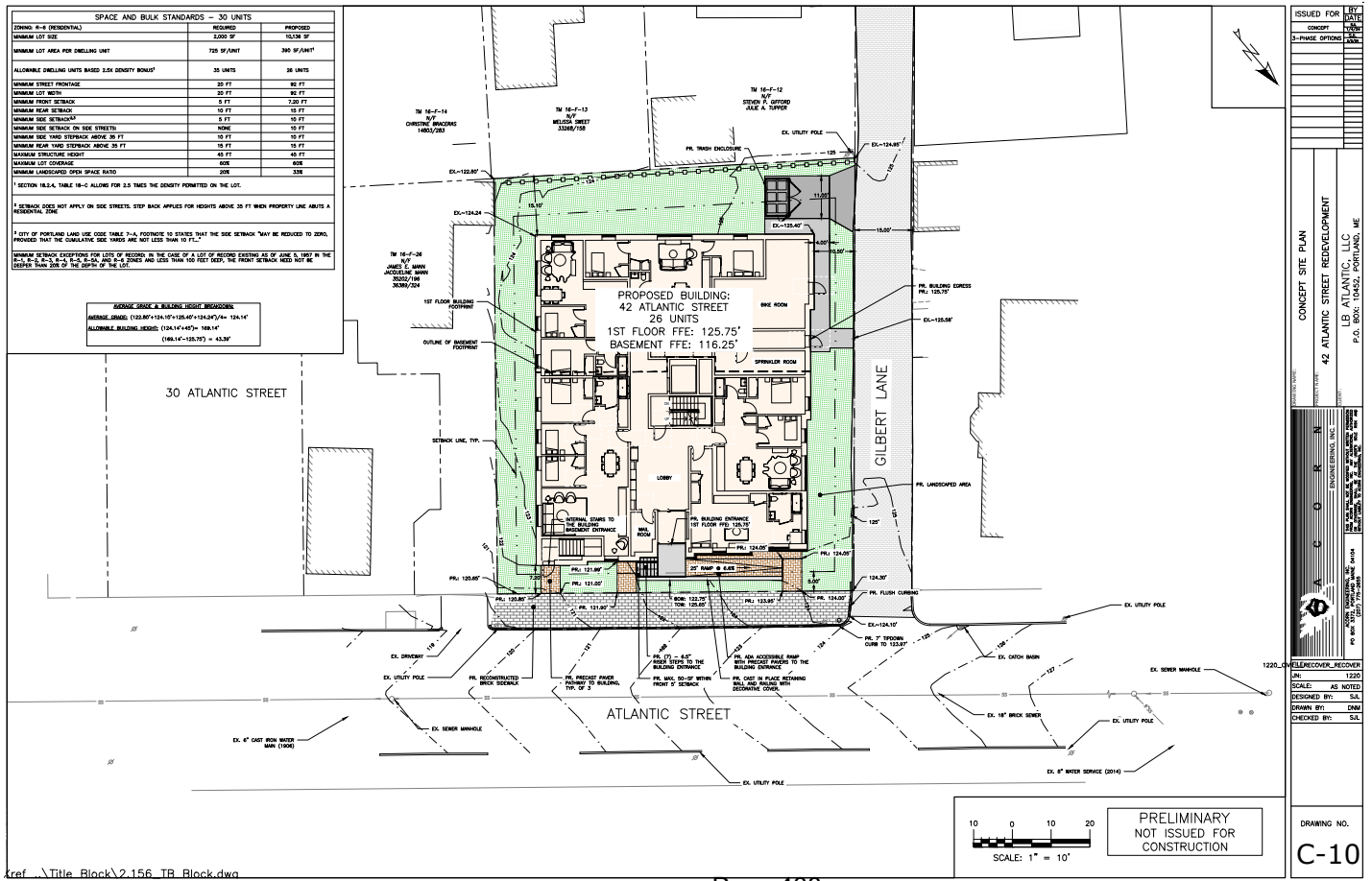
Looking up Atlantic

Looking down Atlantic

From Gilbert

From Rear Parking

Previous Proposal Site Plan Prepared by Acorn Engineering

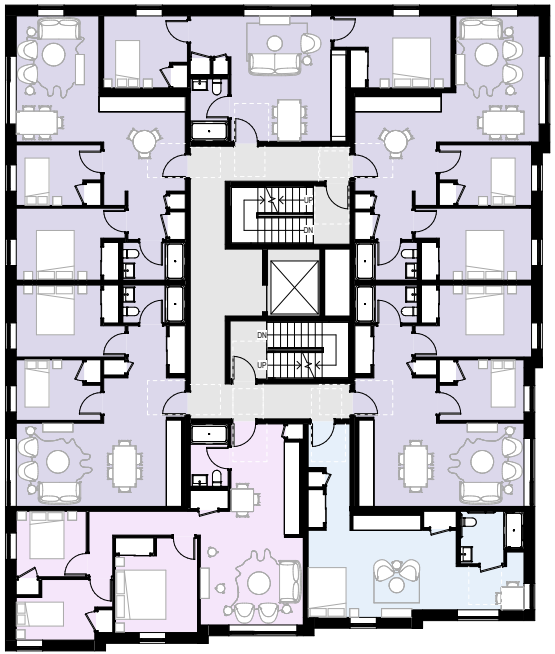


Previous Proposal Floor 1

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity

Previous Proposal Floors 2–4

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity

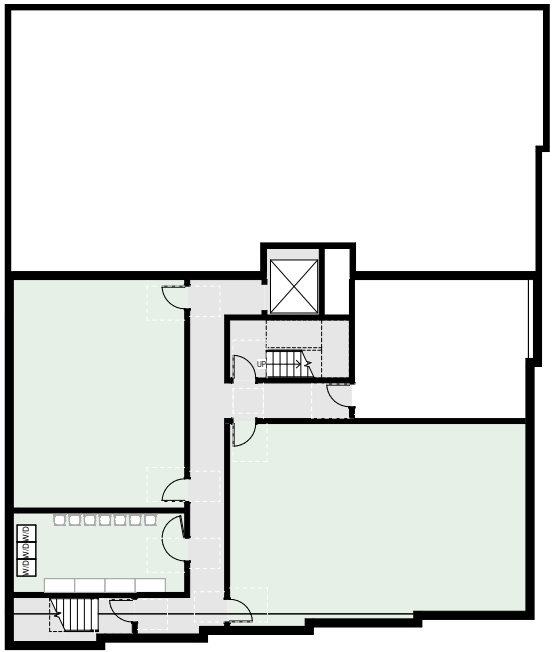


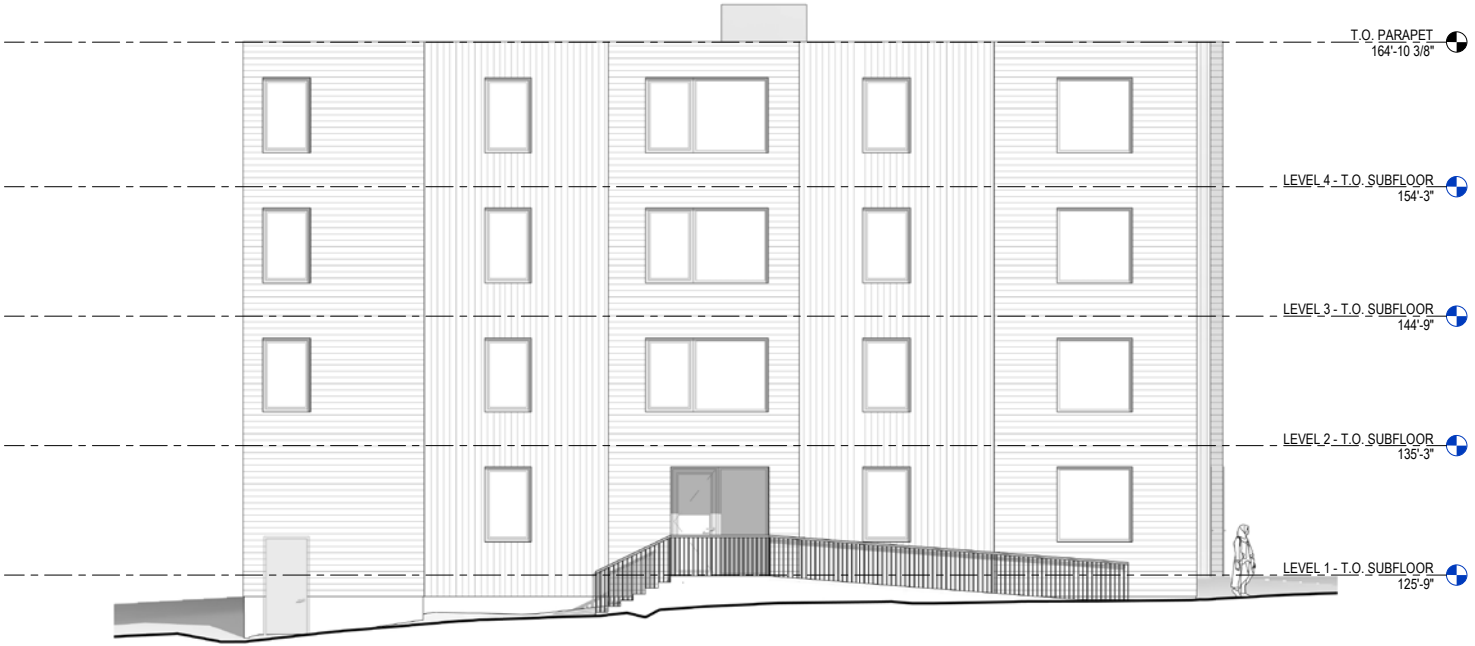
Gilbert Lane

Atlantic Street

Previous Proposal Basement

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity

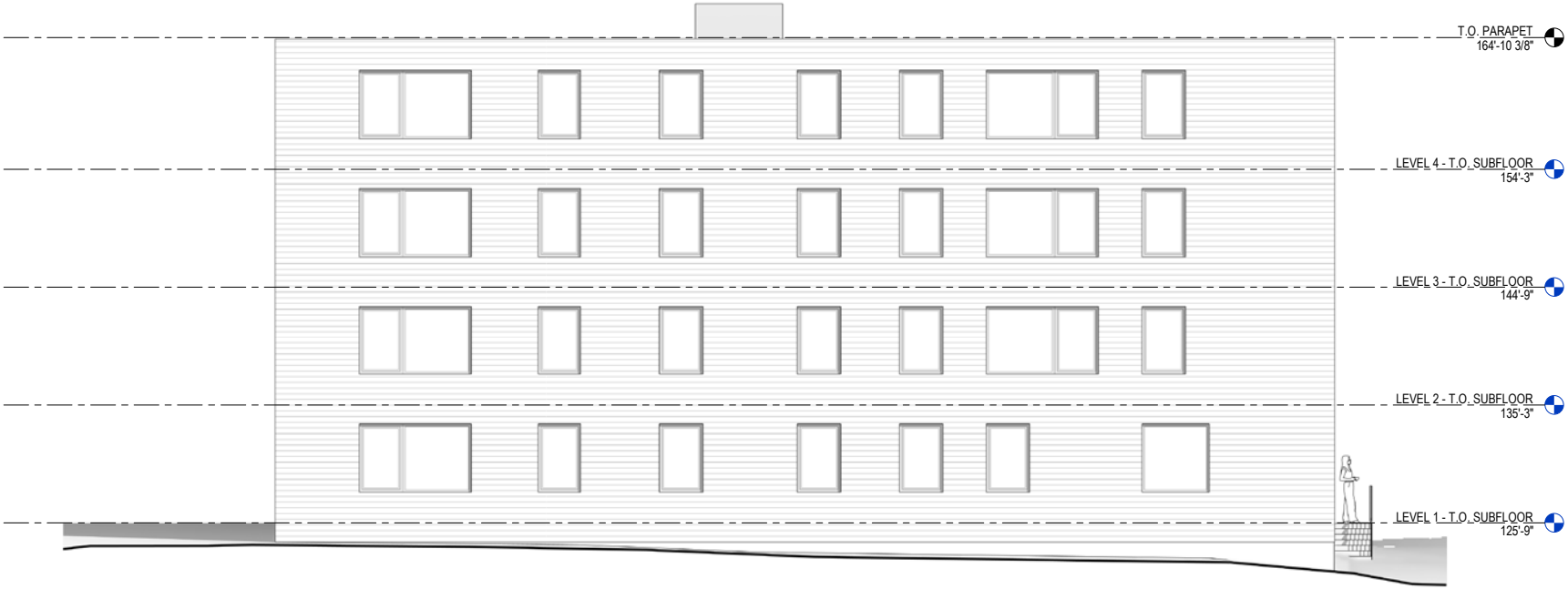



T.O. PARAPET
164'-10 3/8"
LEVEL 4 - T.O. SUBFLOOR
154'-3"
LEVEL 3 - T.O. SUBFLOOR
144'-9"
LEVEL 2 - T.O. SUBFLOOR
135'-3"
LEVEL 1 - T.O. SUBFLOOR
125'-9"

Previous Proposal North Elevation, Facing Gilbert Lane

Previous Proposal West Elevation

Previous Proposal South Elevation



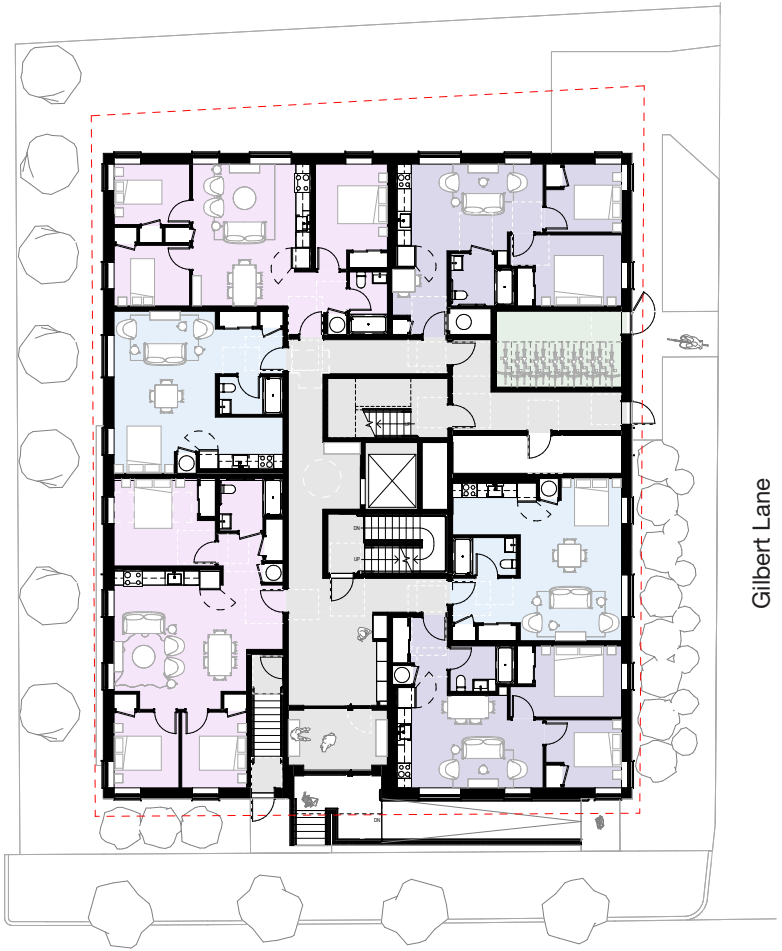
Previous Proposal View Down Atlantic

We heard the following feedback at the first Public Workshop on March 6th. Consider:

- Simplifying the building form at Atlantic Street / Gilbert Lane
- Adding a cornice
- Adding horizontal or vertical banding
- Using two or more cladding materials
- Adding detail at the windows
- Adding detail at the entry
- Adding a projecting canopy at the entry
- Adding one or two windows at the southern unit on the first floor, facing Atlantic Street
- Reorienting the direction of the stairs at Atlantic Street
- Adding glazing at or near the door of the bike room
- Fleshing out the landscape approach

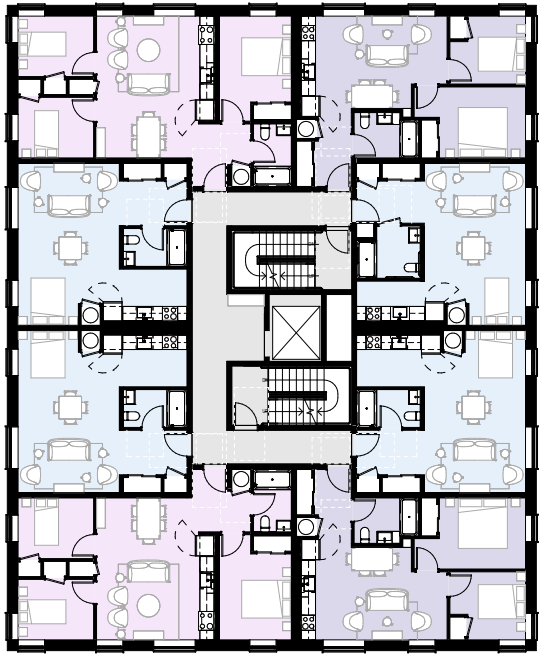
Current Proposal Floor 1

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



Current Proposal Floors 2–4

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity

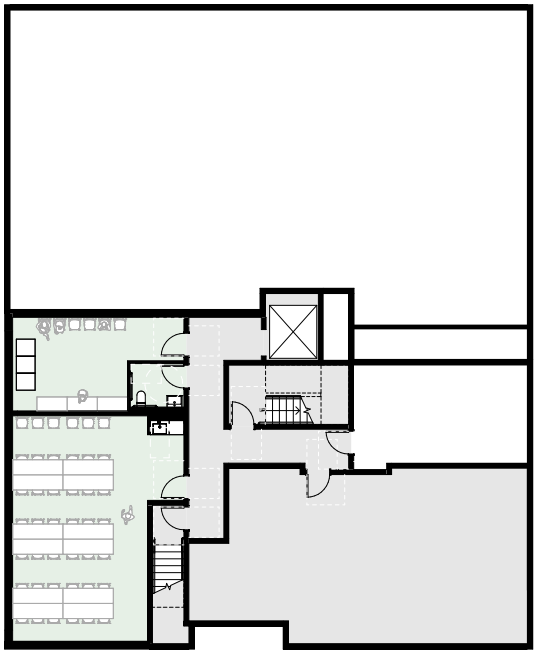


Gilbert Lane

Atlantic Street

Current Proposal Basement

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



Houses of Atlantic Street

Common Attributes:

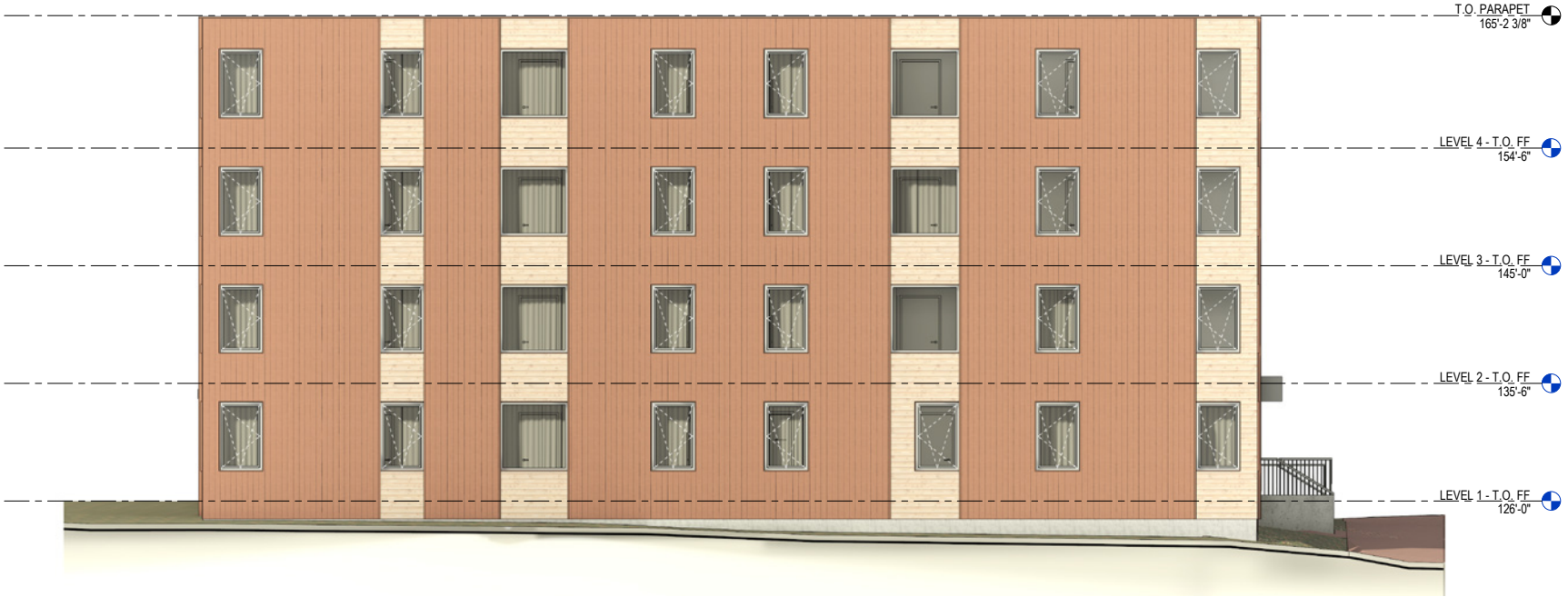
1. Street-Facing Porches
2. Vertically Oriented, Stacked Windows
3. Painted Wood Siding
4. Vertical Proportion (Building)

Current Proposal East Elevation, Facing Atlantic Street

Current Proposal North Elevation, Facing Gilbert Lane

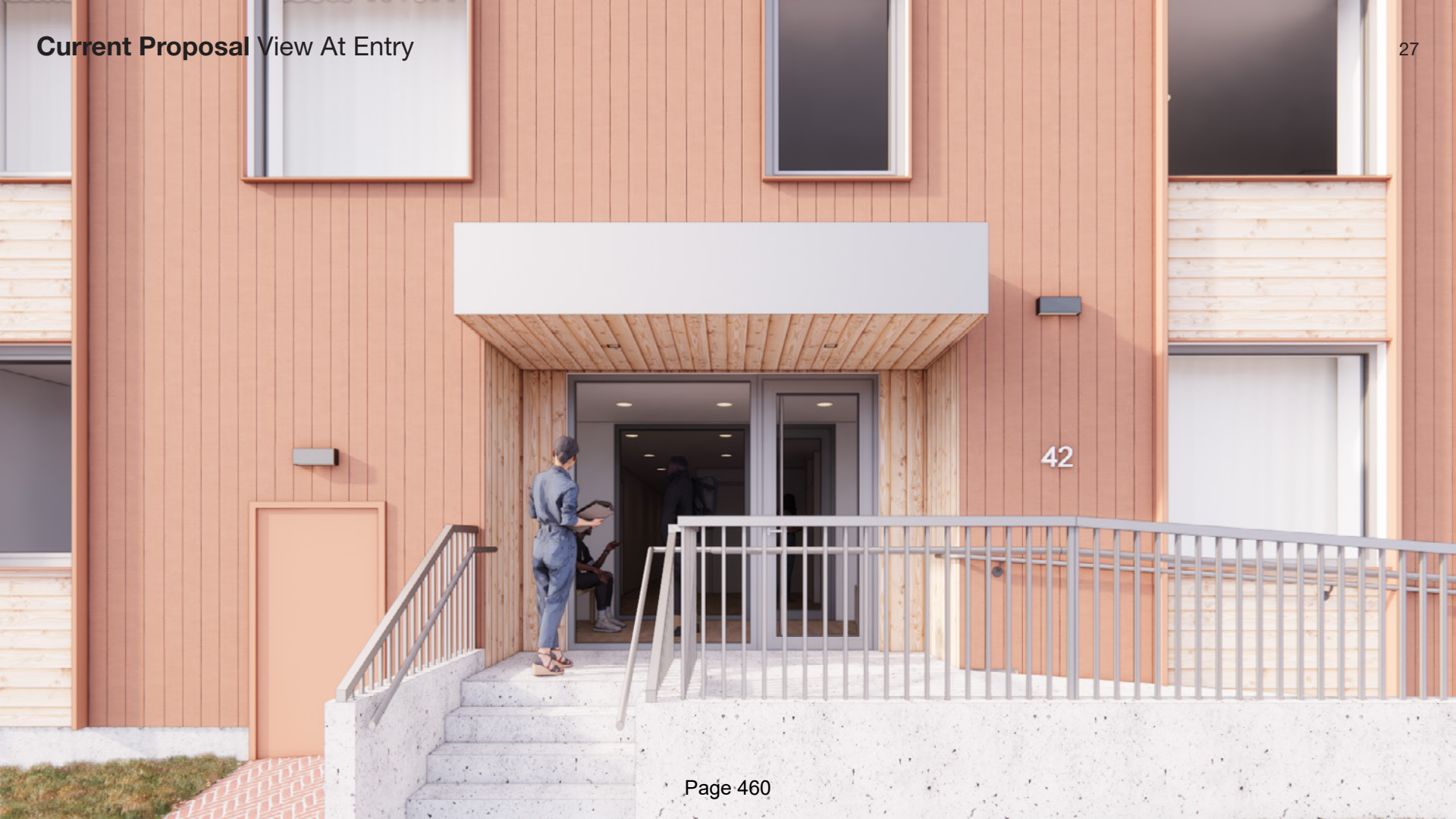
Current Proposal West Elevation

Current Proposal South Elevation

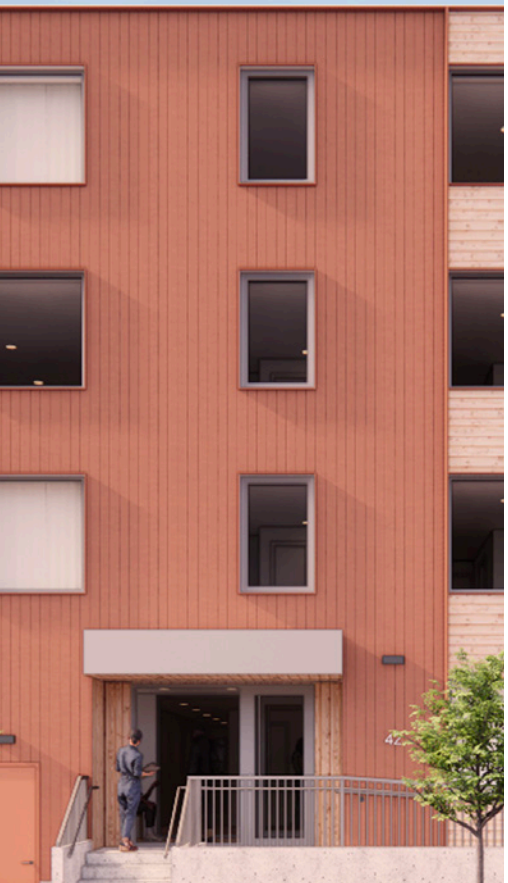


Current Proposal View Up Atlantic

Current Proposal View From Atlantic


42

Current Proposal Materials



Painted Siding
Primary Cladding

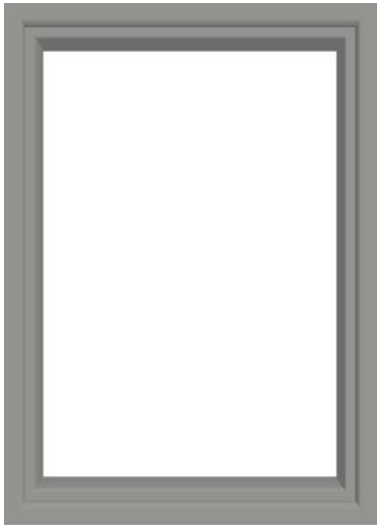
- Shiplap
- Vertically-Oriented
- 5.5” Exposed Face
- Likely Pine
- Rusty Neutral Paint

Wood Clapboard
Accent Cladding

- Clapboard
- Horizontally-Oriented
- 4.5” Exposed Face
- Likely Pine
- Clear Finish

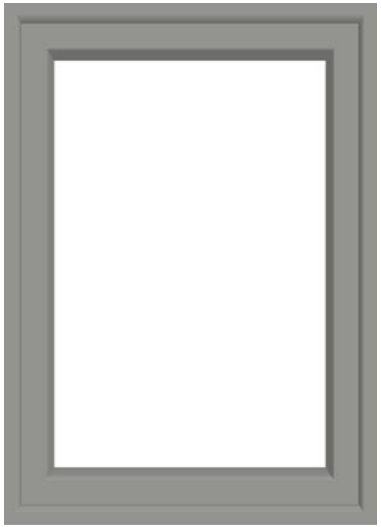
Metal Fascia
Awning Surround

- Minimal Seams
- Likely Aluminum
- Warm Gray Powdercoat (to match window & hardware finish)



Picture Window
5’-6” x 5’-6”

- Aluminum Clad-Wood
- Gray Exterior Finish
- Pine Interior Finish
- Double-Glazed



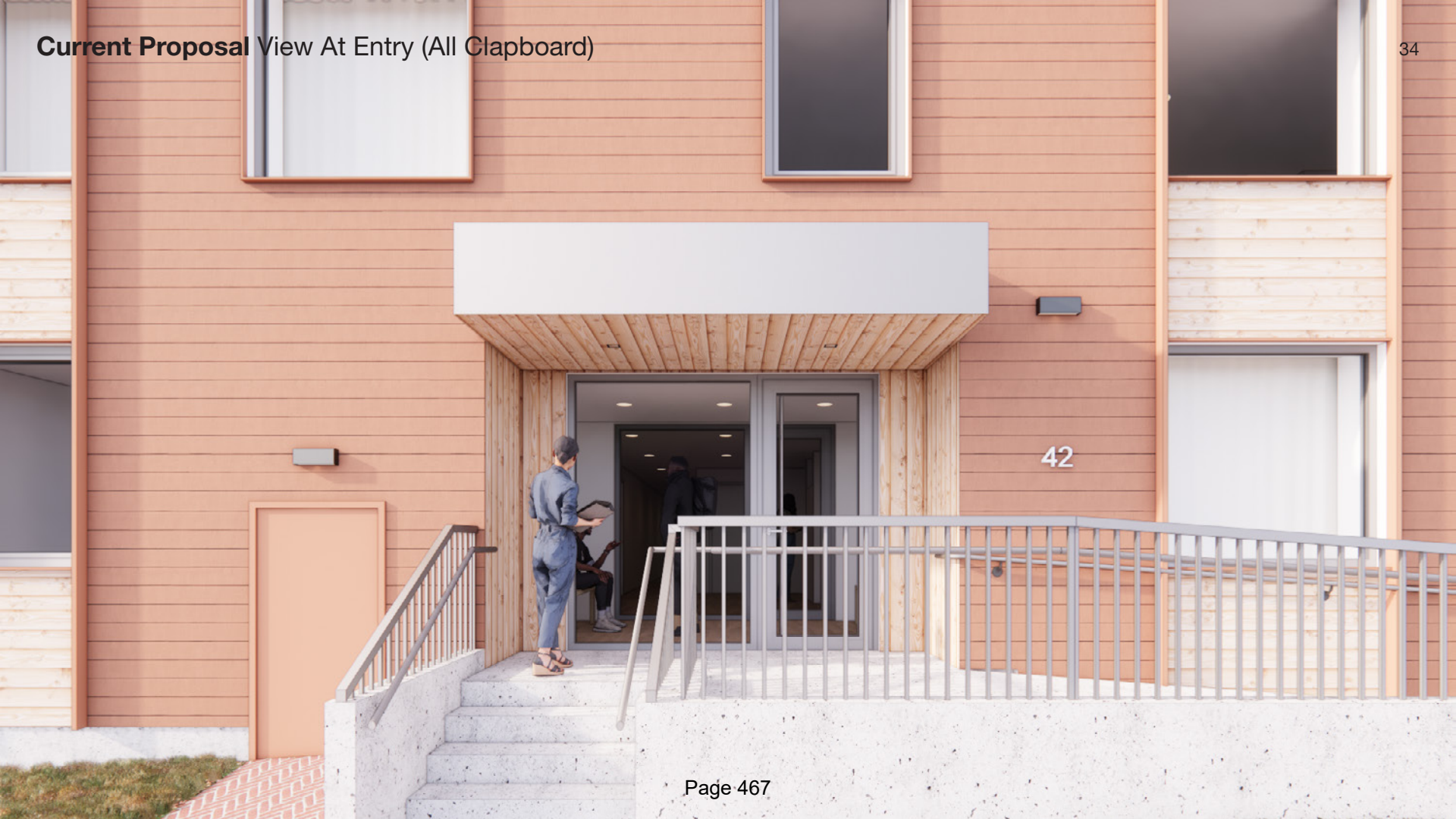
Casement Window
3’-6” x 5’-6”

- Aluminum Clad-Wood
- Gray Exterior Finish
- Pine Interior Finish
- Double-Glazed

Current Proposal View Up Atlantic (All Clapboard)

Current Proposal From Gilbert Lane (All Clapboard)

Current Proposal View From Atlantic (All Clapboard)


42

42 Atlantic Street Housing

Historic Preservation Public Workshop #2

Submitted: March 25, 2024 (Rev. 4/1)

Owner
LB Atlantic, LLC

Architect
Primary Projects, PLLC

Civil Engineer
Acorn Engineering, Inc

Structural Engineer
Base Design Group, Inc

MEP-FP Engineer
BLW Engineers, Inc

Lighting Designer
Pieszak Lighting Design, LLC

Evan Schueckler <evans@portlandmaine.gov>

42 Atlantic Street proposal

Jackie Mann <jackiemann5@gmail.com> Thu, Apr 4, 2024 at 2:28 PM
To: hp@portlandmaine.gov, evans@portlandmaine.gov
Cc: Jim Mann <jem1944@gmail.com>

Dear Mr Schuekler and Members of the Historic Preservation Planning Board,
We are writing to you regarding the appearance of the building that is being considered for construction at the above address. We own the house at #36 Atlantic Street, which, we are told, is the property that abuts the site in question more closely than any others.
We would like to suggest that, in order to maintain the continuity and integrity of the neighborhood, the exterior of #42 be more in keeping with other houses on the block. That is: a light colored clapboard with a significant cornice and trim around doors and windows.
If one goal of affordable housing is to integrate neighborhoods with a diverse population, it would seem wise and considerate to help the folks who live there feel comfortable and welcome in their new neighborhood. Residing in a building that resembles others on Atlantic Street in style and character will promote that integration.
Please feel free to follow up on this suggestion with any questions you might have.
Thanks in advance for attending to our opinion.
Sincerely,
Jacqueline and Jim Mann
36 Atlantic Street
Portland

Evan Schueckler <evans@portlandmaine.gov>

42 Atlantic St Feedback

Brian Partridge <brianpartridge@gmail.com> Wed, Apr 10, 2024 at 12:10 AM
To: "evans@portlandmaine.gov" <evans@portlandmaine.gov>
Cc: Beth Golini <elizabeth.golini@gmail.com>

Hello Evan,
My wife (cc'd) and I are the residents and owners of 52 Atlantic St and we have some concerns about the project planned for 42 Atlantic St. I previously attended their neighborhood meeting and so I was made aware of their updated proposal and that I could send you feedback. I have a number of overall concerns, but I understand that for this audience I should keep this focused on historic preservation topics.

First, I really appreciate the work that went into making the building look more a part of the neighborhood in terms of style, materials, and color. This current proposal looks like a better fit in the neighborhood. However, it is still just a big box. I think it would be a better fit with a pitched roof like all of the neighbors. Perhaps dormers could help make that more acceptable for the top floor residents?

Second, I'm concerned about the proposed view renderings, they appear unintentionally deceptive in terms of scale. The proposed building is 4 stories. All the neighboring buildings are 2-3 stories. The tallest in the vicinity may be my residence at 52 Atlantic because it is 3 stories and a widows walk. The renderings (especially the ones from Gilbert Lane) show the 4 stories at a comparable height to the direct neighbors that are 2 stories. I don't understand how that is possible. I do understand that we are on a hill, and visual perspective is a factor, but not to this degree. I'm concerned that this contributes to making the building look more comparable to the neighbors and meet historic requirements when in reality it will tower over the neighbors.

Thank you for taking feedback. I look forward to seeing this project progress and have design iterations make it a fit for the neighborhood.

--
Brian Partridge
brianpartridge@gmail.com

Evan Schueckler <evans@portlandmaine.gov>

Comments on 42 Atlantic Street Proposal for New Construction

Ananda Moor-Jankowski <anandakmj@gmail.com> Sun, Mar 10, 2024 at 6:10 PM
Reply-To: anandakmj@gmail.com
To: hp@portlandmaine.gov

Dear Members of the Historic Preservation Board,

We would like to submit the following comments about the new construction project proposed for 42 Atlantic Street. We are neighbors who live at 37 Atlantic Street. We attended both the neighborhood meeting and the Historic Preservation Board workshop last week. While we support the commendable ambition to provide much-needed affordable housing in this neighborhood and appreciate the legal and economic complexity of bringing such a project to fruition, we have significant concerns about the compatibility of the project, as designed, with its surrounding context.

At this early stage in the development review process, our principal concern is the proposed building's scale and form. The City's Historic Preservation Ordinance Standards for Review of New Construction states that "the proposed height shall be visibly compatible with surrounding structures when viewed from any street or open space" and "The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space." At +/- 42' high and +/- 75' wide, the proposed building is highly incompatible with surrounding structures, disrupting the rhythm of spacing and structures that characterizes Atlantic Street and the vast majority of the district. The applicants' efforts to break down this massing, including the shifts in the Atlantic Street facade, are feeble and ineffective.

The architecture of Munjoy Hill is indeed eclectic, and there are certainly 4-story buildings scattered throughout the district. The vast majority of these tall buildings are also narrow, however, with the relief of open space with light and views between adjacent building masses. As noted in the Historic Preservation Program's Staff Memorandum for this project, one of the "handful of unifying features" of Munjoy Hill's architecture is that structures are independent, rather than connected row houses spanning wide or multiple lots. Furthermore, the taller and wider "boxy" buildings on Munjoy Hill are mostly concentrated toward the northeastern edge of the neighborhood along Vesper and Morning Streets, closer to the long view of Casco Bay.

Notably but perhaps not surprisingly, the applicants' "Neighborhood Analysis" neglected to include photographs of the houses immediately adjacent to the project site: the two houses directly across Atlantic Street (37 and 42) and the two houses directly adjacent to the southeast (34 and 36). We are appending photographs of these buildings to these comments. These houses, plus 48 Atlantic Street adjacent to the northwest, comprise a unique pocket of modest, 1 1/2- to 2-story, pre-Fire of 1866 homes (with 48, 41, 37, 36, and 34 Atlantic Street all built between c. 1840 and 1854). The massive, "boxy" building proposed for 42 Atlantic Street would be jarringly incongruous with this most immediate context.

If the width of the proposed building (or two buildings) were closer to 30', as is typical along Atlantic Street, the project would, with the right detailing, have a much better chance of fitting in with the surrounding context. At double the width of the vast majority of buildings in the district and certainly the immediate surroundings, the proposed building would be a significant disruption to the neighborhood as a whole and particularly incompatible with the unusual group of small, older homes directly surrounding it.

We certainly appreciate the varied and evolving architecture of Munjoy Hill. Since the City has collectively agreed that the historic fabric of our neighborhood is a valuable asset worth maintaining, however, we ask the Board to give serious consideration to the proposed building's potential rupture of our neighborhood's character and streetscape.

Thank you for considering our comments.

Sincerely,
Ananda & Bernard Moor-Jankowski

4 attachments

41 and 37 Atlantic St.jpeg
1291K

34 and 36 Atlantic St.jpeg
874K

Atlantic St Looking Southeast.jpeg
939K

Atlantic St Looking Northwest.jpeg
825K

GILBERT LA
SLOW
CHILDREN
SUBARU
MAINE
5595 WM

GILBERT LN

Evan Schueckler <evans@portlandmaine.gov>

42 Atlantic workshop review

Joe Lewis <joe@portcitylegal.com> Mon, Mar 18, 2024 at 4:47 PM
Reply-To: joe@portcitylegal.com
To: "hp@portlandmaine.gov" <hp@portlandmaine.gov>

Good afternoon.

I live at 33 Atlantic Street and obviously have a keen interest in this project.

I am writing today to formally request that the applicant provide several renderings of the next proposed design that demonstrate what the proposed building will actually look like in real space. The initial rendering was pretty much inadequate to the task. I appreciate that HP staff and members of the HP board are probably well-used to visualizing what elevations and other drawings might look like, but the public does not have this expertise. Simply put, we can't begin to imagine what the proposal will look like without modern, appropriate renderings and illustrations.

Thank you for your consideration.

- Joe

Joe Lewis, Attorney
Port City Legal, LLC
10 Moulton Street, 4th Floor
Portland, Maine 04101
(207) 210-6559
www.portcitylegal.com

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I am a lawyer, but I am not your lawyer unless you have been in my office and signed a contract. Unless I am your lawyer, this communication is not intended as legal advice, and no attorney client relationship results. Please consult your own attorney for legal advice.

Evan Schueckler <evans@portlandmaine.gov>

42 Atlantic Street

Tom Pearson <tpearson73@gmail.com> Mon, Mar 18, 2024 at 3:49 PM
To: "evans@portlandmaine.gov" <evans@portlandmaine.gov>

I live in and own the property at 20 Atlantic Street. I attended the neighborhood meeting regarding the proposed new construction at 42 Atlantic Street. Although I support the construction of low income housing for the site, the massive scale of the proposed project is horribly out of scale to the surrounding properties. Further the failure to provide any parking for 26 units will create a parking issue for Atlantic Street. The proposed design stands out like a sore thumb. I would fully support a scaled down project with a design more compatible with the neighborhood.
Thanks for listening.
Tom Pearson
20 Atlantic St.

Evan Schueckler <evans@portlandmaine.gov>

Re: 42 Atlantic Street project before the HP Board- 4/17 @ 5pm

elizabeth <elizabethmiller1953@hotmail.com> Wed, Apr 10, 2024 at 8:06 AM
To: Dan Black <danblack@lbdevpartners.com>
Cc: Evan Schueckler <evans@portlandmaine.gov>

Excellent improvement! Especially like the redesigned siding materials and the front entrance. Good luck with the project. It promises to be a much-needed addition to the neighborhood.

Elizabeth Miller and David Body
46 Waterville Street #3

From: Dan Black <danblack@lbdevpartners.com>
Sent: Tuesday, April 9, 2024 10:56 PM
To: Dan Black <danblack@lbdevpartners.com>
Subject: 42 Atlantic Street project before the HP Board- 4/17 @ 5pm

All, you're receiving this email because you attended the March 5 community meeting at the St. Lawrence church regarding our proposed affordable housing development at 42 Atlantic Street.

We have updated our plans based on the feedback we received at the March 6 Historic Preservation board meeting. You can find our updated plans that we will be reviewing with the board on the 17th attached.

The meeting on the 17th will include time for the public to provide comment and feedback. Additionally, you can provide written feedback to Evan Schueckler at evans@portlandmaine.gov.

Please reach out if you have any questions!

Dan Black

LB DEVELOPMENT PARTNERS
P.O. Box 10452
Portland, ME 04104
c: (207) 831-2824

Evan Schueckler <evans@portlandmaine.gov>

42 Atlantic St. Housing Project- Public Comment

'Lesko, Jack' via Historic Preservation <HP@portlandmaine.gov> Sun, Apr 14, 2024 at 9:19 PM
Reply-To: j.lesko@northeastern.edu
To: "hp@portlandmaine.gov" <hp@portlandmaine.gov>

Re: Public Comment – Proposed 42 Atlantic St. Housing

Reviewing the following documents:

- Historic Preservation Public Workshop & #2 25 March 2024 &
- Historic Preservation 17.1 Purpose

Points 17.1 C, E, F, & G appear at direct odds with the proposal.

- Given its size, placement, and design, the building is remarkably unlike any house in the immediate vicinity. It will be immediately noticeable and dominant, not fitting the neighborhood's present character.
- The persons/sqft (assuming ~50 persons in 26 units) of land is estimated to be ~4 to 5 times that of the current density and at least twice as big as everything else, making it difficult to claim that it “ensures compatible new construction.”
- It is difficult to imagine the construction will “Stabilize and improve [e] the values of the properties and areas,” given the added traffic, congestion (Atlantic St. is already tight with two cars), and added parking that would be needed. Journal articles seem to indicate otherwise.
  Diamond, Rebecca, and Tim McQuade. "Who wants affordable housing in their backyard? An equilibrium analysis of low-income property development." Journal of Political Economy 127, no. 3 (2019): 1063-1117

I want to urge you to reject the plan. Thank you for the opportunity to comment.

John “Jack” Lesko

33 Atlantic St.

#2

Portland, ME 04101

2 attachments

10_240401_42Atlantic_HP_PlansEtc.pdf
10133K

hp - purpose.pdf
523K

Evan Schueckler <evans@portlandmaine.gov>

42 Atlantic St

Markos Miller <markossmiller@hotmail.com> Fri, Apr 12, 2024 at 2:14 PM
To: "evans@portlandmaine.gov" <evans@portlandmaine.gov>, "hp@portlandmaine.gov" <hp@portlandmaine.gov>

To Members of Portland's Historic Preservation Board,

I live at 17 Atlantic Street, a few houses down from the proposed affordable housing development at 42 Atlantic St. I have lived here for almost 30 years and have seen the historic characteristics of this working-class neighborhood erode. I support the building of dense housing for low and middle-income residents in my neighborhood. There are other large, tall, and relatively densely populated buildings just a street away in either direction. Most houses on Munjoy Hill used to have lots morte people in them. I understand your purview is the architectural quality of this project; I'll spare my speech about why this project is important.

I do want to share a few brief thoughts about how the visual characteristics of this proposed building could better speak to the characteristics of the existing neighborhood.

The project has strong vertical lines. Looking around the neighborhood, there is a strong horizontal quality to the typical building design. The vertical lines 'hold a building up', but the horizontal texture is the predominant feature of the face of most buildings. I think this helps give them a human scale; the eye is drawn across, not up. I think this building would benefit from a greater emphasis on some horizontal features.

The pictures on slides 27 and 28 of the packet (if you're seeing the same thing as me) give a hint of how the horizontal quality could be emphasized over the vertical quality. Slide 19 mentions how the vertical panels "distinguish zones" but I don't know what that means; there no reason why the facade needs to reference internal zones. The facade should serve as the face, holding together all the parts as a cohesive whole, perhaps with 'brows' and 'foreheads' and such that give definition to windows, doors, etc.

The darker vertical panels are what really define the facade here and draw the eye. I wonder what it would look like with stronger horizontal bands (above windows?) with vertical features serving more visually as columns, or lines that provide a lighter definition to the skin.

In general, this is a important project. There are so many constraints placed on the construction of much needed housing, especially affordable housing. We have a housing crisis. We should be removing obstacles to building urban housing. I hope the board can at least help this project move around some of our existing obstacles.

My 2 cents.

Markos Miller

Evan Schueckler <evans@portlandmaine.gov>

42 Atlantic Street development feedback

Emma Etnier <emmaetnier@gmail.com> Mon, Apr 15, 2024 at 7:32 AM
Reply-To: emmaetnier@gmail.com
To: hp@portlandmaine.gov

Historic Preservation Board,

I am writing regarding the proposed new construction at 42 Atlantic Street on Munjoy Hill. I live in the neighborhood, on O'Brion Street, and am opposed to this new development for the following reasons:

- The building, even with the adjusted façade, has no visual continuity with the rest of the street. It's a box. The exterior design doesn't fit or compliment the neighborhood - instead it would dominate. Neighboring buildings, as noted in the meeting packet, have common characteristics like bay windows and ornate detailing - this development lacks all of those historic features.
- The proposed building is roughly twice as big as other buildings on the street. The unusual size combined with the façade would result in a significant change to Atlantic Street - one that would noticeably stick out.
- Gilbert Street, for obvious reasons, is special and currently has minimal development along it. Adding a 80' stretch of building that has no complimentary historic character would overshadow, literally and figuratively, this pedestrian walkway.

I am very much in favor of densifying Portland and creating more housing opportunities for all. This project, though, does not fit into the historic preservation guidelines and I hope this board will provide strong feedback to the developer to continue to adjust their proposal accordingly.

Thank you for your time and consideration - and for all the work you do!

Sincerely,

Emma Etnier

O'Brion Street

Portland, Maine

04101

Evan Schueckler <evans@portlandmaine.gov>

42 Atlantic Street

Karen Harrison <karen.harrison.me@gmail.com> Tue, Apr 16, 2024 at 9:20 AM
Reply-To: karen.harrison.me@gmail.com
To: hp@portlandmaine.gov

I have lived on Munjoy Street for over 30 years, and my daily walks take me up and down every street in this neighborhood.

The proposed building at 42 Atlantic Street is a shocking departure from the local streetscape. Although there are flat-top buildings scattered throughout the neighborhood (the working-class “three-deckers” built inexpensively a hundred years ago and earlier), the rooflines overall are an engaging mix of sloped roofs at various angles, mansard roofs and the occasional flat roof.

Newer buildings in this area with flat roofs are much smaller and less commandeering than the proposed structure, which is too big, both visually and experientially (in terms of how long it will take to walk past it). It will dominate Atlantic Street and will devastate Gilbert Lane, which is a lovely little cobblestone byway that links Atlantic Street to St. Lawrence Street and forces pedestrians and the occasional vehicle to slow way down and experience the streetscape.

You have only to glance at the latest drawing, which shows the contrast between the massive box and the graceful human dwelling across the lane at 48 Atlantic, which has been a family home for generations.

There are many newer buildings in the neighborhood, and most were built before the creation of the Munjoy Hill Historic District. Some of these developments have attempted, with varying levels of success, to fit in with their immediate neighbors to the extent possible. Those that preferred to stand out certainly helped advance the enactment of the historic district – which now is seemingly being discounted to enable the construction of a maximum number of residential units at minimum construction cost. Certainly the proposed building’s width, proportion, scale, and rhythm show little to no attempt to conform with Historic Preservation Standards for Review of New Construction.

Thank you for giving neighborhood residents the opportunity to weigh in.

Karen Harrison

34 Munjoy Street

Evan Schueckler <evans@portlandmaine.gov>

Proposed development at42 Atlantic Street

Susan Grisanti <susan@decormaine.com> Mon, Apr 15, 2024 at 11:53 AM
Reply-To: susan@decormaine.com
To: hp@portlandmaine.gov

To the Historic Preservation Board,

I am the resident at 29 Atlantic Street and I am writing to express my concern for the proposed development at 42 Atlantic Street. The rendering of the building in the context of our historic street is shocking. The scale of this building is so out of context with the buildings around it, being at least twice as big as anything around it. Visually it simply overwhelms the neighborhood around it. The character of our street, with the original architectural styles of the mid-1800s will be determined by this oversized, box-shaped building that has no design or architectural merit whatsoever.

My house is from 1844 and I spent nearly two years preserving a derelict building back to its original form. Nearly all of any of my neighbors have also preserved their home's architectural style. I hope the board will take into consideration our investments in historic preservation when determining if this building passes your standards.

The board is here to ensure compatibility of new construction in the historic district, and to protect and enhance neighborhood character. (Chapter 17.1(E) of the Land Use Code) I hope that the board will consider how this proposed development follows the board's mission.

Thank you for considering my perspective,
Susan Grisanti

DM
Decor Maine Magazine

SUSAN GRISANTI (she/her)
FOUNDER & EDITOR

207.632.9968
susan@decormaine.com
www.decormaine.com

About 42 Atlantic.
One purpose of this board is:

- *Applying review standards in a reasonable and flexible manner to prevent the unnecessary loss of the community's historical features and to ensure compatible new construction and rehabilitation in historic districts while not stifling change and development or forcing modern recreations of historic styles.*

You are also supposed to protect and enhance neighborhood character, as well as protect and enhance the attractiveness of the city to home buyers, home owners, residents, tourists, visitors, businesses, and shoppers.

This proposed development as currently designed utterly fails. It is not visually compatible with the structures to which it is visually related. It does not protect or enhance the neighborhood character. It does not protect or enhance the attractiveness of the city.

It does the opposite of these things. It is a giant box, now imagined with a wallpaper treatment meant to substitute for architectural articulation or interest. It is twice as big or more as anything else in view. It is flat and ugly and utterly lacking in the charm and grace that makes Atlantic, Gilbert, and Wilson streets so pleasant in that area.

This board's Portland Historic Resources Design Manual states on page 152: "*A new building in a historic district . . . need not follow the pattern set by its neighbors in each and every area of compatibility. It should, however, relate to a number of them.*"

My position is that this proposal doesn't relate to any of them: scale, form, façade, relationship to the street. The proposed building is not visually related to its neighbors.

It is not just visually incompatible: at 72' x 85' x 40' high, this proposed structure not only won't complement the historic streetscape, but it will also dominate it to the point of parody. If built as currently proposed, this structure will become the defining structural element for the street. It will be both unwelcome and unavoidable. As someone mentioned at the initial neighborhood meeting, this is the sort of building that will leave visitors and residents in the future wondering how on earth this thing got built and who gave it the go-ahead.

This board was both brave and spot-on in defense of 142 Free Street. It refused to take part in the taking apart of a historic designation. Please be brave again. Don't sacrifice this lovely street in this lovely historic district to development pressures. Don't be the people who allowed this thing to be built.

- Joe

About 55 Atlantic Street.

55 Atlantic Street is an important part of this conversation. It is kitty-corner across from the proposed development, at the intersection of Wilson Street. This building is not even half the size of the proposed development but is still an excellent example of how to do massing well.

Through the use of high-quality materials (bricks, granite lintels, a dramatic wood cornice) this relatively large mass works well. It is beautiful.

The Wilson Street side of 55 Atlantic runs about 72', nearly twice as long as the 44' Atlantic front. The high-quality materials persist along this long run. This emphasis on quality is married to a human scale façade, featuring a fully decorated large porch, and bay windows.

Contrast this existing building to the proposed new neighbor, which is flat on all sides, using relatively low-quality materials in a wallpaper treatment to cover a total lack of architectural elements or building articulation.

The proposed design of 42 Atlantic is an insult to 55 Atlantic.

Some notes about the presentation (slide show).
Some of the renderings seem "off" somehow and I am hoping that the developer will explain how they were created. (See below).

Also, where is the sidewalk for Gilbert Street? Shouldn't that be shown? City code requires new construction along public streets in a historic district to include an ADA-compliant brick sidewalk.

Slide 25: From Gilbert Lane.

Note that the transformer on Atlantic, which measures 39' tall using a drone, peeks out over the top of the building even when viewed from far back in the rear. The building to the left, while several feet closer than the proposed building, is only 24' tall at the apex of the roof. The dormer across the Atlantic is roughly 35' tall at maximum. (Building heights approximated using city's on-line tools.

Slide 26: View from Atlantic

Here, the transformer pole is so much higher than the rendering it doesn't even fit into the view!

Greater Portland Landmarks

Historic character enriches our lives

PO Box 17533, Portland, ME 04112

16 April 2024

RE: PRELIMINARY REVIEW OF NEW CONSTRUCTION: 42 ATLANTIC STREET, HPBR-002814-2024

Chair O'Brien and Members of the Historic Preservation Board,

Greater Portland Landmarks supports the proposed apartment building at 42 Atlantic Street. While this is a large building on a street characterized by 1 ½ to three story buildings, there are examples within the historic district of large 'boxy' four-story residential buildings that relate to their lower scaled neighbors.

The proposed project is modern in design, but the applicant has taken steps to better articulate the entrance to the apartment building, clad the building in a siding that will relate to its neighbors, and utilize modern design details that will create shadows and texture, articulating the façade.

We believe that there is opportunity for additional design moves that would further relate the building to its neighbors.

- The proposed canopy is very deep, with little detail. We urge the board to request a detail of the proposed canopy to understand its construction and if there are any opportunities for shadow lines or other detailing on the deep face of the canopy.
- The projecting cornice should be more exaggerated, either in thickness or in some other manner, possibly with a frieze board below in a similar color to give it additional visual weight.
- A horizontal element or material change either between the third and fourth floors, or at the fourth floor could further relate the four-story building to its lower scaled context.

Thank you for considering our views on this proposed project,

Carol De Tine
Vice President of the Board of Trustees
Greater Portland Landmarks

Evan Schueckler <evans@portlandmaine.gov>

RE: 42 Atlantic st

David Lloyd <lloyd@archetypepa.com> Tue, Apr 16, 2024 at 10:07 PM
To: Evan Schueckler <evans@portlandmaine.gov>
Cc: Robert Wiener <rwiener@portlandmaine.gov>

Please substitute the below letter VS my first letter

David Lloyd Architect

Architectural Consultant to Archetype Architects

Cell 207-831-8627

lloyd@archetypepa.com

dlloyd1947@icloud.com

From: David Lloyd <lloyd@archetypepa.com>
Sent: Tuesday, April 16, 2024 8:31 PM
To: 'Evan Schueckler' <evans@portlandmaine.gov>
Cc: 'Robert Wiener' <rwiener@portlandmaine.gov>
Subject: 42 Atlantic st

Evan

I live at 29 Waterville street close to Atlantic ave . I have reviewed the submitted drawings and would like to offer the following

1 :I see no real attempt at fitting into the neighborhood architectural fabric

2: At best it is a boring box with no interface to the neighborhood. I would suggest more pronounced window trim, double hung windows should be considered Vs the casements shown , a more pronounced roof cornice , consider a welcoming porch element Vs the very plan canopy over main entry . Traditional elements can be used and accomplished in a more contemporary style

3: Materials chosen like painted pine clapboard , is a cheap siding that will not hold up over the years, I see this pine cracking and cupping . If you want to use wood clapboard it should at least be cedar . The other vertical siding is also painted wood . Again you need to high quality wood or choose from the many wood like alternatives that don't rot or peel paint. I also see no context for vertical wood siding .

4: it should be noted that affordable housing needs an exterior that will look good when it goes on and good 10 years later . In my experience affordable housing typically has very little money to repair and maintain , therefore materials that have

a long life should be specified

David Lloyd

29 Waterville st

David Lloyd Architect

Architectural Consultant to Archetype Architects

Cell 207-831-8627

lloyd@archetypepa.com

dlloyd1947@icloud.com

STAFF MEMORANDUM
HISTORIC PRESERVATION PROGRAM
PLANNING AND URBAN DEVELOPMENT

TO: Chair O'Brien and Members of the Historic Preservation Board
FROM: Evan R. Schueckler, Historic Preservation Program Manager
DATE: May 28, 2024
RE: 42 Atlantic Street – PUBLIC HEARING – New Construction
PROJECT ID: HPBR-002814-2024
MEETING: May 29, 2024

Owner: Daniel Black, LB Atlantic LLC
Architect: Kyle Barker, Primary Projects

A sign announcing the Historic Preservation Board's meeting on May 29, 2024 was posted at the property on May 20, 2024. A legal ad was published in the Portland Press Herald on May 18, 2024 and May 21, 2024, and 292 notices were sent to neighboring property owners within 100 feet of the subject property.

PROJECT SCOPE

Demolish existing noncontributing structure.

Construct new four story, 29-unit residential building.

Dimensions:
Overall Height: ~40'
Footprint: ~86' x 72'

Material Specifications:

Foundation	Concrete
Siding	Painted and clear-coated horizontal clapboards
Trim	Painted wood and metal
Roofing	Flat Membrane (not visible)
Windows	uPVC
Doors	Unspecified

SUMMARY OF HISTORIC CONTEXT

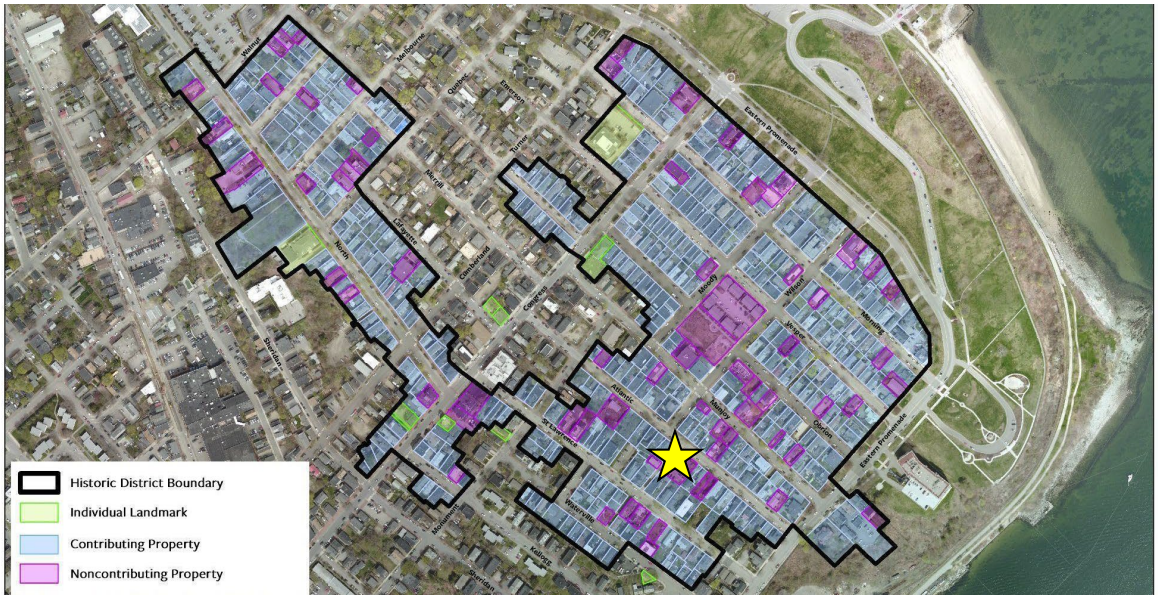

Figure 1: Map of the Munjoy Hill Historic District showing location of 42 Atlantic Street with yellow star.

Munjoy Hill is a dense historic neighborhood with a blend of vernacular, working-class architecture, a number of grand, high-style houses (primarily facing onto the Eastern Promenade), and a small number of commercial and institutional buildings scattered throughout.

Early in Portland's development, Munjoy Hill was sparsely populated. Other than the area occupied by the Portland Observatory and its attendant structures (constructed in 1807), the majority of the Hill was privately maintained for the pasturing of cows. Development on the hill remained slow-going early in the nineteenth century. Regardless, in 1836 the City of Portland purchased the lands along the edge of the peninsula that would eventually become the Eastern promenade in response to the increasing development. The earliest houses, of which only a few survive, were generally very modest one- to two-story wood-frame capes. Development picked-up pace in the mid-nineteenth century with the founding of the Atlantic and St. Lawrence Railroad in 1845 and the Portland Company in 1847. Jobs at the Portland Company in particular created the need for nearby working-class housing. The undeveloped tracts on Munjoy Hill provided ample space for that growth. Homes from the mid nineteenth century were often built in the vernacular Greek Revival style, featuring symmetrical façades and austere classically-inspired details.

Figure 2: Examples of early house types built on Munjoy Hill. An early- to mid-nineteenth century cape type house (left; 7 Lafayette Street), and a more ornate asymmetrical gable-fronted Greek Revival (right; 8 Sherbrook Street).

In the aftermath of the Great Fire of 1866, Portland found itself in dire need of additional housing and significant development occurred on Munjoy Hill. This was fueled by subdivision of the remaining large tracts of land and the arrival of streetcars, which made the easternmost ends of the peninsula easily accessible to downtown Portland. In this late-nineteenth century era, the scale of buildings increased, with many two- to three-family Italianate and Second Empire structures being built. This dense mode of development was further fueled by an influx of immigrants in the early-twentieth century. The demand for housing led to the advent of the now ubiquitous triple-deckers which dominate the easternmost ends of Munjoy Hill. These large frame structures can be found dressed in various architectural styles that were popular from the 1880s into the 1910s. This same era also saw increased interest in the expansive views and beauty of the Eastern Promenade by Portland's wealthiest residents. A number of grand single-family homes were built along the Promenade in the Italianate, Second Empire, Shingle, and Queen Anne styles. This development in the early-twentieth century solidified the Eastern Promenade streetscape as we know it today.

Figure 3: A typical street showing examples of triple-deckers and Italianate duplexes (left; 82, 84, 86, & 88 Beckett), and a grand Queen Anne house on the Eastern Promenade (right; 140 Eastern Promenade).

Munjoy Hill has a long history of development and features highly varied architectural expressions across buildings. Many buildings also feature historical alterations, as past owners tried to update Capes or Greek Revival houses with Italianate or Queen Anne details, creating varied and dynamic layers of history. Structures typically range from one-and-a-half to three stories with a number of later three-and-a-half to four story late apartment or institutional buildings scattered throughout the district. Regardless of this diversity, there are a handful of unifying features within the district. Construction is primarily of wood frame over brick or stone foundations, with only a handful of primarily brick structures. Structures are typically independent, but constructed densely, with tight driveways and side yards. Front yards are typically extremely shallow, with proximity to the sidewalk being prioritized even on large lots. Projecting bay windows or entry porches are often used to create additional variety along the sidewalk. Windows are predominantly vertically oriented with varied placement on front and side elevations, though windows typically align on larger multi-family buildings.

The immediate vicinity of the proposed development is highly eclectic, reflecting the overall diversity of the district's architecture. There are several one-and-a-half story structures along Atlantic, with 48 Atlantic being the most architecturally spectacular of them. Two-and-a-half-story Greek revival and Italianates predominate, with a couple of second empire houses mixed in. 28 Atlantic Street is the only proper triple decker along this stretch, though 55 Atlantic is also a full three-stories and stands out for its fully brick construction.

Figure 4: 2023 google street views showing 48 Atlantic Street (left image, left), a spectacular low-scale Italianate house next to 52 Atlantic (left image, right), a typical two-and-a-half-story Italianate house. 29 and 23 Atlantic (right image, left to right) are examples to austere two-and-a-half-story Greek revivals.

Figure 5: 2023 google street views showing 28 Atlantic Street (left), an example of high-style triple decker, and 55 Atlantic, an early fully brick three-story apartment built.

Additional information on the Munjoy Hill Historic District can be found on the city website: https://www.portlandmaine.gov/665/Historic-Districts

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PREVIOUS REVIEW BY HISTORIC PRESERVATION BOARD

April 17, 2024, Workshop:

During the April 17 workshop, the applicant presented revised plans for the proposed apartment building at 42 Atlantic Street. The revised design sought to address Board comments by simplifying the massing of the proposed structure and proposing new siding patterns and configurations in an effort to articulate the mass of the building. The applicant also added a cornice, relocated the basement egress door, and reconfigured the front stairs and ramp.

The applicant presented a revised massing that was largely a simplified, rectangular massing. In effort to articulate the façade and address Board comments that the structure would still need to be broken up visually to relate to the scale of adjacent structures, the applicant proposed alternating areas of painted clapboard siding and unpainted vertical or horizontal siding. The different areas of siding were proposed to be separated by projecting vertical trim boards.

The Board generally received this revised approach favorably. Board members noted that they found that the use of all horizontal siding was more appropriate to the context and helped to lower the sense of the building's height. Additionally, while members noted that the efforts to articulate the building were headed in a good direction, they found that there may have been too many changes in siding. They stated that this created a sense of uninterrupted vertical stripes that made the building feel taller. Members suggested reducing the number of changes in materials in an effort to simplify the building and create more appropriately-scaled masses on the façade. One

board member did suggest exploring the inclusion of some horizontal datums, but the Board did not provide a consensus on the need for that.

Several Board members did ask questions about how the unpainted siding might evolve as the building ages. Members recommended that the applicant provide renderings showing how the building might appear once the boards have developed a patina.

In addition to the change to the siding and massing, the applicant also proposed a different program of trim, including vertical boards to separate siding materials, and a cornice. Board members noted that the addition of a cornice helped to relate the building to adjacent structures and cap the building, but they did find that it should be more prominent given the size of the proposed structure.

Along Atlantic Street, the applicant relocated the basement egress door to be closer to the primary entrance, allowing a more regular pattern of windows at the building's southern corner. Board members noted this was an improvement but also recommended exploring filling the space above the repositioned egress door with a transom, some articulation, or possible building address numbers.

The applicant also reconfigured the front entrance to include stairs that face towards Atlantic Street rather than running parallel with the sidewalk. Board members noted that this change was more consistent with the context, but recommended that the applicant explore whether the stairs could be widened to improve the quality of the entrance. The applicant responded with an explanation of the tight parameters for the entrance landing relating to zoning limitations and accessibility requirements, but noted they would consider if improvements could be made. Board members also recommended further exploring the texture and character of the concrete used at the entrance stairs and ramp to see if there are opportunities for something that might relate to foundation or site materials found throughout the district.

Figure 6: Rendering of the proposed structure presented during the April 17 workshop.

Figure 7: Rendering of the proposed structure to be presented during the May 29 public hearing.

STAFF COMMENTS

Since the last workshop, the applicant has made several changes to the proposed structure in an effort to address the Board's comments. The most prominent changes have been in the simplification of façade articulation and in making the building cornice more prominent.

The number of changes in material have been reduced creating larger areas of the two different siding finishes. The reconfiguration of the siding divisions has also eliminated any tall sections of siding without windows, creating an assemblage of more compatible proportioned and scaled areas of siding. The applicant is also now proposing to use all horizontal siding.

The applicant has also increased the height of the cornice line from 1-1/2" to 3-1/2" inches making it more prominent and differentiating it from the vertical trim boards. The cornice board is proposed to have the same depth as the vertical trim boards, so that they connect across the façade.

In addition to the changes in the design, the applicant has provided additional details for the proposed structure including typical construction details, and information on how the metal cladding will wrap the entrance canopy. The renderings have also been updated to show how the building will appear as the clear-coated pine weathers over time.

The applicant is seeking final approval of the proposed new construction, having attempted to address all Board comments from the April 17 workshop.

ANALYSIS OF APPLICABLE REVIEW STANDARDS

Standards for Review of New Construction, 17.8.3:

Standard A. Scale and Form	
1. Height The proposed height shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	Staff Comments
Yes	The proposed structure will be four stories. Atlantic Street is typically lined with one-and-a-half- to three-story structures. Board members generally found the proposed height to be compatible with the varied surrounding context.
2. Width The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	Staff Comments
Yes	The proposed structure will be wider than typical structures along Atlantic Street, though not out of scale with some of the larger buildings in the district. The applicant is also proposing to break down the width of the building through changes in material and applied details.
3. Proportion of principal facades The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways, and open spaces to which it is visually related.	
Standard Met?	Staff Comments
Yes	The overall façade is proposed to have a fairly horizontal proportion; however, changes in material and the use of applied details will help to break down the horizontality of the elevations. The context is predominantly vertically oriented buildings, with some more horizontal buildings interspersed.
4. Roof shapes The roof shape of a structure shall be visually compatible with the structures to which it is visually related.	
Standard Met?	Staff Comments
Yes	The proposed structure will have a flat roof. Flat roofs are typical of the Munjoy Hill Historic District.

5. Scale of a structure The size and mass of structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	Staff Comments
Yes	Structures in the district typically range from one-and-a-half to three stories with a number of later three-and-a-half to four story apartment or institutional buildings scattered throughout the district. Board members found the proposed scale to be compatible with the surrounding context based on the articulation of the façade through changes in material which help to break down the mass of the proposed building.
6. Applicability to Congress Street Historic District In the Congress Street Historic District, for new construction within the B3 zone, the Historic Preservation Board shall not impose conditions more restrictive than the dimensional requirements of the B-3 zone.	
Standard Met?	Staff Comments
Not Applicable	
7. Applicability to India Street Historic District For new construction within the India Street Historic District, the Historic Preservation Board shall not impose conditions more restrictive than the dimensional requirements of the IS-FBC zone, except for in the case of a building addition which proposes to change the height of a contributing historic structure.	
Standard Met?	Staff Comments
Not Applicable	
8. Applicability to the Portland Company Historic District For new construction within the Portland Company Historic District, the height requirements of the B-6 zone as shown on the B6 Building Height Overlay & Building Envelopes map shall be controlling and the historic preservation board shall not impose conditions more restrictive than the building height requirements of the B-6 zone.	
Standard Met?	Staff Comments
Not Applicable	

Standard B. Composition of Principle Facades	
1. Proportion of openings The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways, and places to which the building is visually related.	
Standard Met?	**Staff Comments**
Yes	The proposed structure will primarily feature vertically oriented openings with some more square or horizontal openings used sparingly as is typical of the historic context.
2. Rhythm of solids to voids in facades The relationship of solids to voids in the façade of a structure shall be visually compatible with structures, public ways, and places to which it is visually related.	
Standard Met?	**Staff Comments**
Yes	The structure favors solid to void, as is typical of the district. Windows are fairly regularly arranged as is also typical of the context.
3. Rhythm of entrance porch and other projections The relationship of entrances and other projections to sidewalks shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	**Staff Comments**
Yes	The proposed structure would feature a central recessed entry accentuated by a projecting canopy and raised landing at the top of the street-facing stairs and accessible ramp.
4. Relationship of materials The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which they are visually related.	
Standard Met?	**Staff Comments**
Yes	The structure is proposed to be clad in horizontal clapboard siding, which is ubiquitous in the Historic District.
5. Signs Any new sign, and any change in the appearance of an existing sign located on a landmark, within a historic district, or within an historic landscape district, which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the Historic Resources Design Manual.	
Standard Met?	**Staff Comments**
Not Applicable	

Standard C. Relationship to Street	
1. Walls of continuity Facades and site structures, such as masonry walls, fences, and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways, and places to which such elements are visually related.	
Standard Met?	Staff Comments
Yes	The proposed structure would be situated close to the street, as is typical of structures throughout the district.
2. Rhythm of spacing and structures on streets The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways, and places to which it is visually related	
Standard Met?	Staff Comments
Yes	The proposed structure is set close to the street, and retains modest side yards, as is typical of the district. The structure is wider than typical. However, this section of Atlantic Street is not particularly regular in its rhythm, and the proposed changes in façade material help to break down the façade to help it fit into the rhythm of the context.
3. Directional expression of principal elevation A structure shall be visually compatible with the structures, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.	
Standard Met?	Staff Comments
Yes	The proposed structure has a horizontal massing that is broken up by changes in material that create more vertical masses, accentuated by applied vertical trim. Structures in the district are predominantly vertically oriented, though some have a horizontal massing. Many feature vertical accents such as trim details, bay windows, or porches.
4. Streetscape, pedestrian improvements Streetscape and pedestrian improvements and any change in the appearance thereof located adjacent to or on a landmark, within a historic district, or within a historic landscape district which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the Historic Resources Design Manual.	
Standard Met?	Staff Comments
Not Applicable	

Standard D. Other Standards	
1. Compatible use Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character defining features of the structure, object, or site and its environment or to use a property for its originally intended purpose.	
Standard Met?	Staff Comments
Yes	The proposed structure will have a residential use which is in keeping with the typical uses in the Munjoy Hill Historic District.
2. Distinguishing original character The distinguishing original qualities or character of a structure, object, or site and its environment shall not be destroyed. The alteration of any historic material or distinctive architectural features should be avoided when possible.	
Standard Met?	Staff Comments
Not Applicable	
3. Archeological resources Every reasonable effort shall be made to protect and preserve significant archaeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.	
Standard Met?	Staff Comments
Not Applicable	
4. Contemporary design Contemporary design for additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural, or archaeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, material, and character of the property, neighborhood and environment.	
Standard Met?	Staff Comments
Yes	The proposed structure has a clearly contemporary character through its simplified massing and minimal exterior details. The use of horizontal clapboard siding, vertically oriented windows, and a cornice make the building compatible with adjacent historic structures.
5. Additions Wherever possible, new additions to structures and objects shall be undertaken in such a manner that, if such additions were to be removed in the future, the essential form and integrity of the structure would be unimpaired.	
Standard Met?	Staff Comments
Not Applicable	

MOTION FOR CONSIDERATION

I move to APPROVE application HPBR-002814-2024 for new construction at 42 Atlantic Street on the basis of submitted documentation, plans, and specifications; information provided in the staff memo; and findings by the Historic Preservation Board that the project meets Standards for Review of New Construction 17.8.3 A.1-8, B.1-5, C.1-4, & D.1-5

ATTACHMENTS

1. Project Description
2. Application checklist and deed
3. Plans

Dan Black
PO Box 10452
Portland, ME 04104
(207) 831-2824
danblack@lbdevpartners.com

March 25, 2024 *(Revised April 1, 2024 & May 6, 2024)*

Re: Historic Preservation Application, Project Description V3 (*new changes in Italics*)

Dear City of Portland Planning & Urban Development Department,

The 42 Atlantic Street, Portland, ME 04101 parcel is a 0.23 acre (10,018 square feet) site on Munjoy Hill. It currently has a two-story structure on it that used to house the local American Legion chapter. It is a non-contributing property within the Munjoy Hill historic district.

The proposed structure will be four stories and 23,857 square feet (with an additional 2,981 square feet of basement space). After receiving feedback at the first Public Workshop on March 6th, we've revised the design to simplify the massing. The building is now a rectangle in plan.

Accessed via ramp or stair, the primary entrance is recessed 3 feet into the central bay of the Atlantic Street facade. To address feedback from the Board & the public we have:

- Added a projecting canopy at the entrance
- Rotated the entry stair to be perpendicular to the façade
- Relocated the basement egress stair to minimize the presence of its door and allow for two windows at the ground floor unit on the South
- Added a projecting cornice
- Added projecting vertical trim to zone the façade into two distinct materials: one that references the tone of the brick at 55 Atlantic and one that references the wood clapboard at 48 Atlantic
- Simplified the design of the wall enclosing the entry stairs & ramp

After our second Public Workshop on April 17th, we've revised the design to address feedback from the Board & the public. We have:

- *Increased the visual weight of the cornice*
- *Reduced the number of changes in the cladding (there are fewer "bands" now)*
- *Changed all cladding to clapboard*
- *Detailed the metal seaming pattern at the canopy*
- *Developed the planting plan*
- *Visualized the project with weathered siding (we are proposing a weathering finish to reduce the change over time)*

Gilbert Lane will have two additional doors: one for emergency egress, and one for bike storage access. We have added an exterior light & a vision panel to the door at the bike storage, per feedback.

The building will have a total of 30 units, consisting of 14 studio apartments, 8 two-bedroom units, and 8 three-bedroom units. All will be deed restricted as affordable. The building will also have a communal laundry, tenant storage, and a common room that meets the specification of MaineHousing's construction standards. The building will have an elevator and two stairs. Roof access will be limited to maintenance.

Recent changes to the city's land use code, in response to LD2003, allow for 2.5 times the base zoning density for affordable housing projects. This area is in the R-6 zone which allows multi-family use by right with a density of one unit for every 750 square feet of lot size—at 10,018 square feet, 42 Atlantic is permitted to have 13 units on site. The density boost allows density of up to 32 units on the site.

The attached packet provides the requested material. Please let us know if you have any additional questions.

Sincerely,

Daniel Black

CITY OF PORTLAND
Planning & Urban Development Department

HISTORIC PRESERVATION APPLICATION SUBMISSION CHECKLIST Please submit each document as a separate PDF file Please confirm by electronically checking the boxes to the left	
To supplement your application, please submit the following items *as applicable to your project.* Keep in mind that the written project description that you provide the Historic Preservation Board and staff, is the only description they will have of your project or design. Therefore, it should precisely illustrate the proposed alteration(s), additions, and/or infill construction.	
GENERAL APPLICATION DOCUMENTS	
Yes ☑ N/A ☐	Project Description • Cover Letter with detailed project description
Yes ☑ N/A ☐	Completed Checklist for Historic Preservation review (this document)
Yes ☑ N/A ☐	Evidence of Right, Title and Interest • Deeds, leases or purchase and sales agreements
PLANS, etc.	
Yes ☑ N/A ☐	Exterior photographs of property (required for all applications). Include a general streetscape view, view of entire building, and close-ups of project area.
Yes ☑ N/A ☐	Sketches or elevation drawings at a minimum ¼" scale.
Yes ☑ N/A ☐	Details or wall sections, where applicable.
Yes ☑ N/A ☐	Floor plans, where applicable.
Yes ☑ N/A ☐	Site Plan, where applicable, showing relative location of adjacent structures.
Yes ☑ N/A ☐	Catalog cuts or product information (e.g. proposed windows, doors, fencing).
Yes ☑ N/A ☐	Materials – list all visible exterior materials.

DLN: 1002440261143

MAINE REAL ESTATE TAX-Paid

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS

THAT I, JASON T. HALL, in his capacity as Department Adjutant, The Department of Maine, American Legion, a duly organized non-profit corporation existing under the laws of the State of Maine, with a mailing address of 5 Verti Drive, Winslow, ME 04901,

for consideration paid,

grants to LB Atlantic LLC, a limited liability company duly organized and existing under the laws of the State of Maine and having a mailing address of PO Box 10452, Portland, ME 04112,

with **WARRANTY COVENANTS,** a certain lot or parcel of land with the buildings and improvements thereon situated in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described as follows, to wit:

A certain parcel of land situated on the southwesterly side of Atlantic Street in the City of Portland and more particularly bounded and described as follows:

Commencing at the intersection of said Atlantic Street with the southeasterly side of Gilbert's Lane; thence running southeasterly by said Atlantic Street, ninety - two (92) feet; thence southwesterly and parallel with said Gilbert's Lane, one hundred ten (110) feet, more or less to land now or formerly of Thomas Warren; thence northwesterly by said Warren's land and land now or formerly of Edward Waite, to Gilbert's Lane; thence northeasterly by said Lane to the point of beginning.

Meaning and intending to convey hereby, the two parcels of land described in two separate deeds to Edward H. Sargent, both dated August 17, 1871, and one recorded in the Cumberland County Registry of Deeds, Book 388, Page 97, and the second recorded in said Registry in said Book 388, Page 100, and being the same premises devised to Jennie A. Sargent under the will of her father, Edward H. Sargent, which will is recorded in said Registry of Deeds, Book 1124, Page 215, also being the same premises deeded to this grantor by Jennz A. Sargent under date of June 16, 1936, and recorded in Cumberland County Registry of Deeds, Book 1500, Page 194.

Meaning and intending to convey and hereby conveying precisely the same premises conveyed by Deed of Harold V. Bickmore to Paul Malia Post Building Committee, Inc. dated August 18, 1947 and recorded in the Cumberland County Registry of Deeds in Book 1879, Page 472.

Grantor, The Department of Maine, American Legion, is the parent organization of now dissolved Paul Malia Post #161 which in turn is the parent organization of Paul Malia Post Building Committee, Inc.

DOC :762 BK:40559 PG:56
RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS
01/08/2024, 02:18:02P
Register of Deeds Jessica M. Spaulding E-RECORDED

Further reference is made to an affidavit to amplify title of near or even date to be recorded in the Cumberland County Registry of Deeds which provides evidence of Grantor's status as a successor in interest to the parcels being herein conveyed.

WITNESS my/our hand(s) and seal(s) this 5th day of January, 2024

Jason T. Hall, Department Adjutant,
Department of Maine, American Legion

STATE OF MAINE
COUNTY OF CUMBERLAND, ss. January 5, 2024

Then personally appeared the above-named **Jason T. Hall** and acknowledged the foregoing instrument to be his free act and deed individually and in his said capacity.

Before me:

KEVIN J. GERSPACH
MAINE BAR #6477

Attorney-at-Law/Notary Public
Print Name:_____
My Commission Expires:

42 Atlantic Street Housing

Historic Preservation Public Hearing

Submitted: May 6, 2024

Owner
LB Atlantic, LLC

Architect
Primary Projects, PLLC

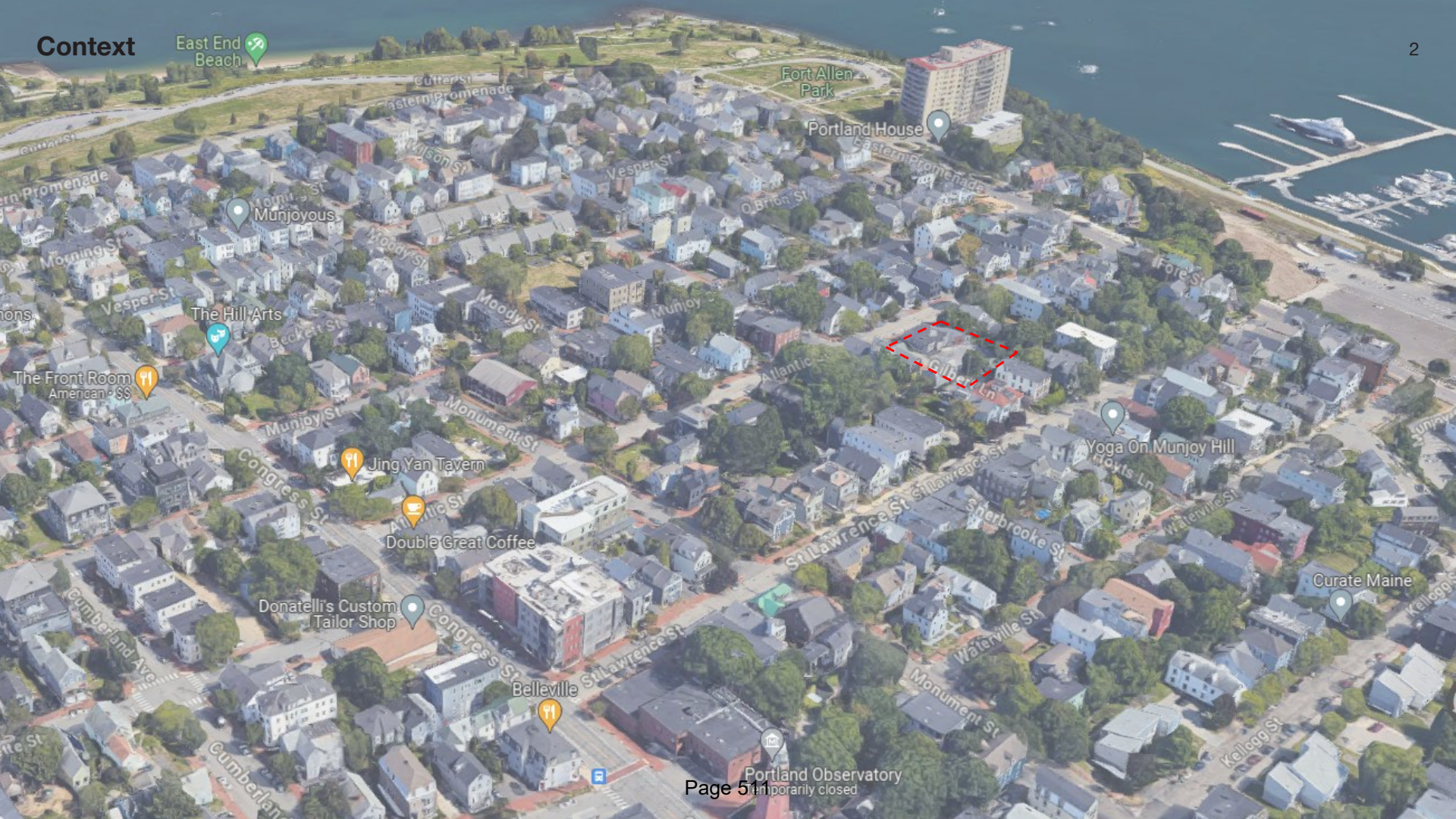
Civil Engineer
Acorn Engineering, Inc

Structural Engineer
Base Design Group, Inc

MEP-FP Engineer
BLW Engineers, Inc

Lighting Designer
Pieszak Lighting Design, LLC

Context


East End Beach
Fort Allen Park
Portland House
Munjoyous
The Hill Arts
The Front Room
American · $$
Jing Yan Tavern
Double Great Coffee
Donatelli's Custom Tailor Shop
Belleville
Yoga On Munjoy Hill
Curate Maine
Portland Observatory
Temporarily closed
Eastern Promenade
Cutter St
Vesper St
Morning St
Moody St
Becker St
Munjoy St
Monument St
Congress St
Atlantic St
St Lawrence St
Sherbrooke St
Waterville St
Foye St
Allen Ln
Noyes Ln
Cumberland Ave
Kellogg St

We heard the following feedback at the first Public Workshop on March 6th. Consider:

- Simplifying the building form at Atlantic St / Gilbert Lane
- Adding a cornice
- Adding horizontal or vertical banding
- Using two or more cladding materials
- Adding detail at the windows
- Adding detail at the entry
- Adding a projecting canopy at the entry
- Adding one or two windows at the southern unit on the first floor, facing Atlantic Street
- Reorienting the direction of the stairs at Atlantic Street
- Adding glazing at or near the door of the bike room
- Fleshing out the landscape approach

We heard the following feedback at the second Public Workshop on April 17th. Consider:

- Increasing the visual weight of the cornice
- Reducing the number of changes in the cladding
- Changing all cladding to clapboard

- Adding more detail to the concrete wall at the entry
- Detailing the metal seaming pattern at the canopy

- Developing the planting plan
- Visualizing the project with weathered siding
- Showing abutting neighbors on analysis slide

Looking up Atlantic

Looking down Atlantic

From Gilbert

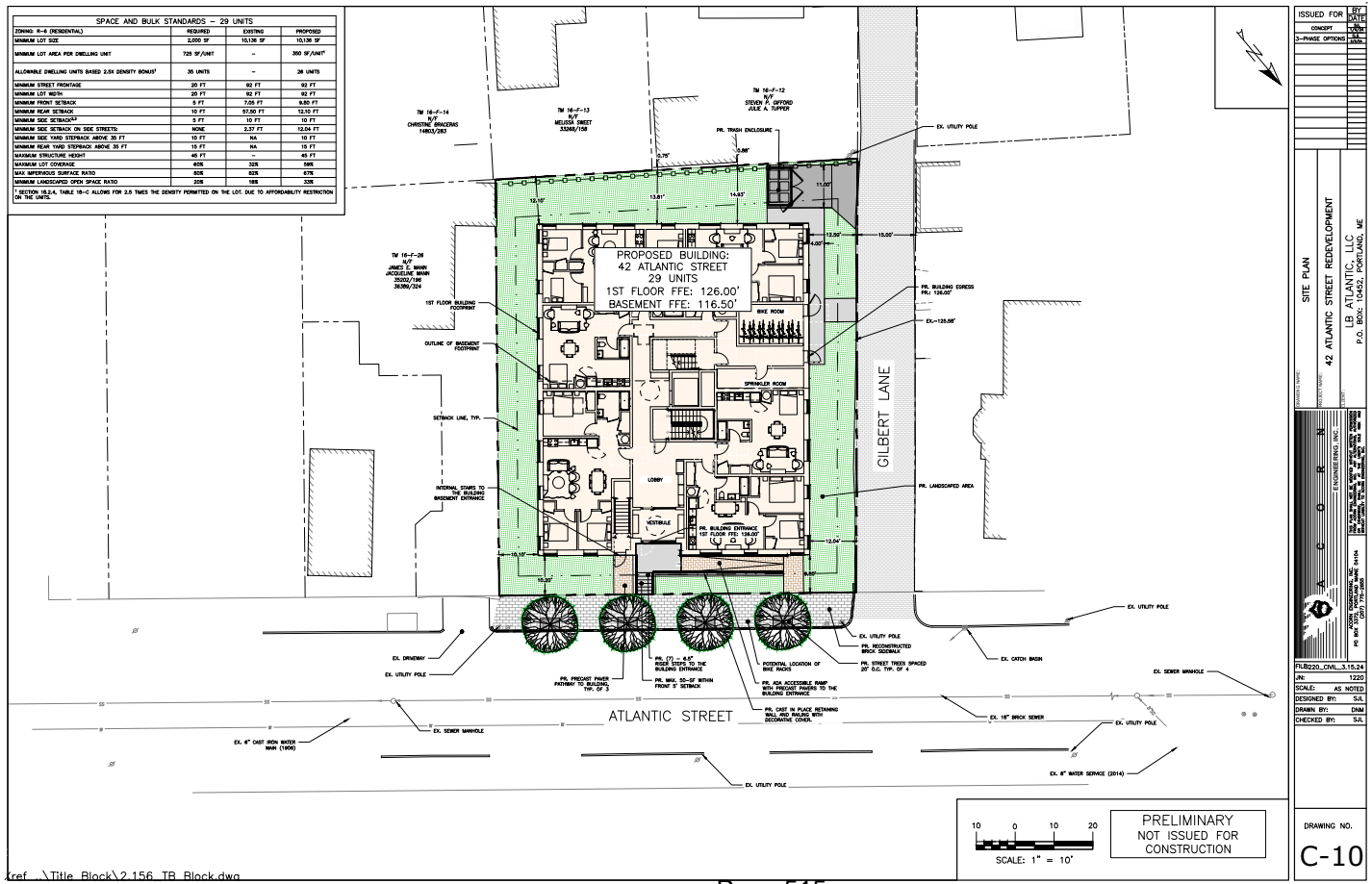
From Rear Parking

Houses of Atlantic Street

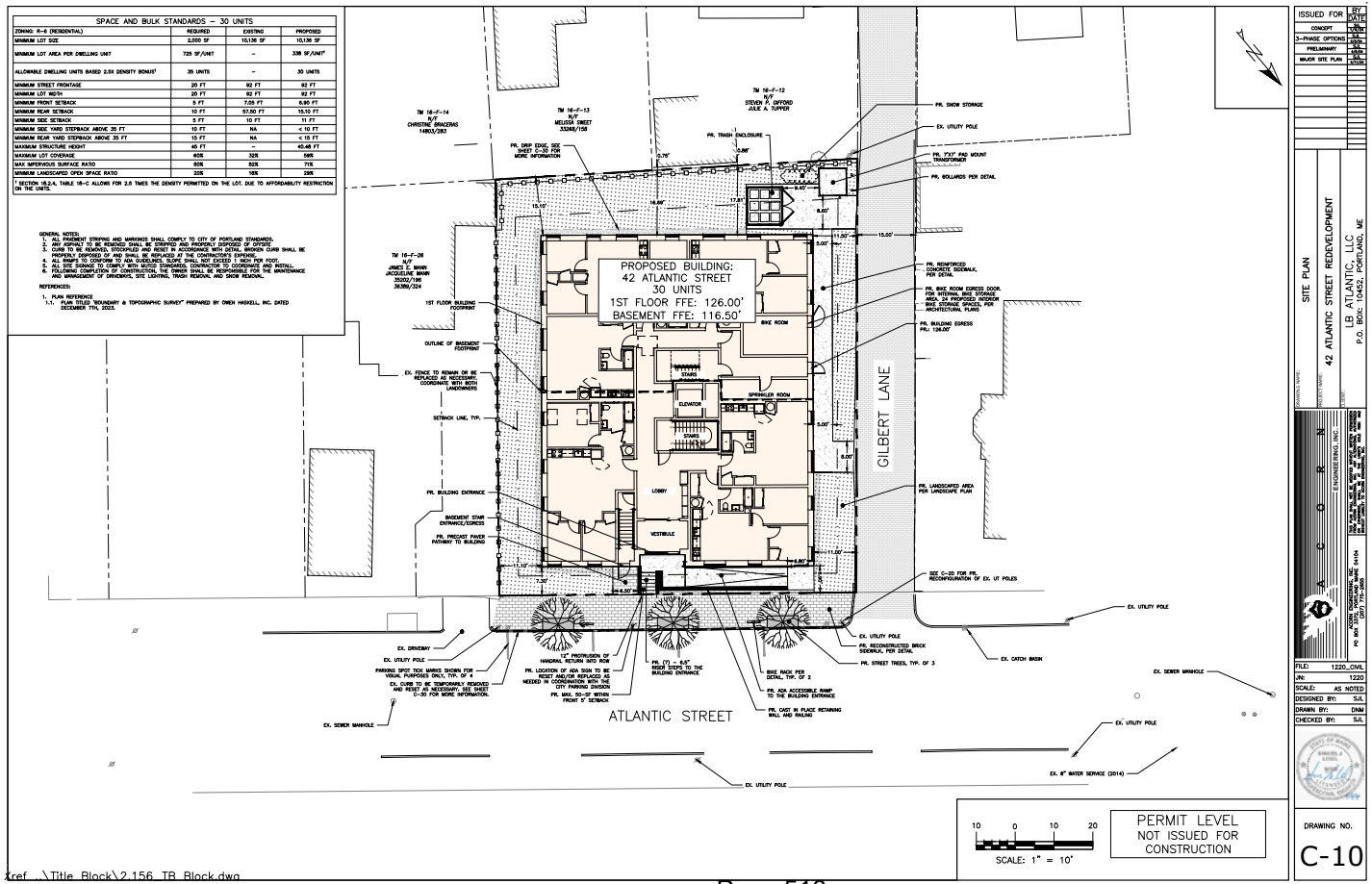
Common Attributes:

1. Street-Facing Porches
2. Vertically Oriented, Stacked Windows
3. Painted Wood Siding
4. Vertical Proportion (Building)

Previous Proposal Site Plan (from Acorn)



Current Proposal Site Plan (from Acorn)



15 FT	NA	< 15 FT
45 FT	–	40.48 FT
60%	32%	59%
80%	82%	71%
20%	18%	29%

PERMITTED ON THE LOT. DUE TO AFFORDABILITY RESTRICTION

TO CITY OF PORTLAND STANDARDS.
D PROPERLY DISPOSED OF OFFSITE
CORDANCE WITH DETAIL. BROKEN CURB SHALL BE
THE CONTRACTOR'S EXPENSE.
SHALL NOT EXCEED 1 INCH PER FOOT.
. CONTRACTOR TO COORDINATE AND INSTALL.
R SHALL BE RESPONSIBLE FOR THE MAINTENANCE
H REMOVAL AND SNOW REMOVAL.

PREPARED BY OWEN HASKELL, INC. DATED

PROPOSED BUILDING:
42 ATLANTIC STREET
30 UNITS
1ST FLOOR FFE: 126.00'
BASEMENT FFE: 116.50'

TM 16-F-26
N/F
JAMES E. MANN
JACQUELINE MANN
35202/196
36389/324

GILBERT LANE

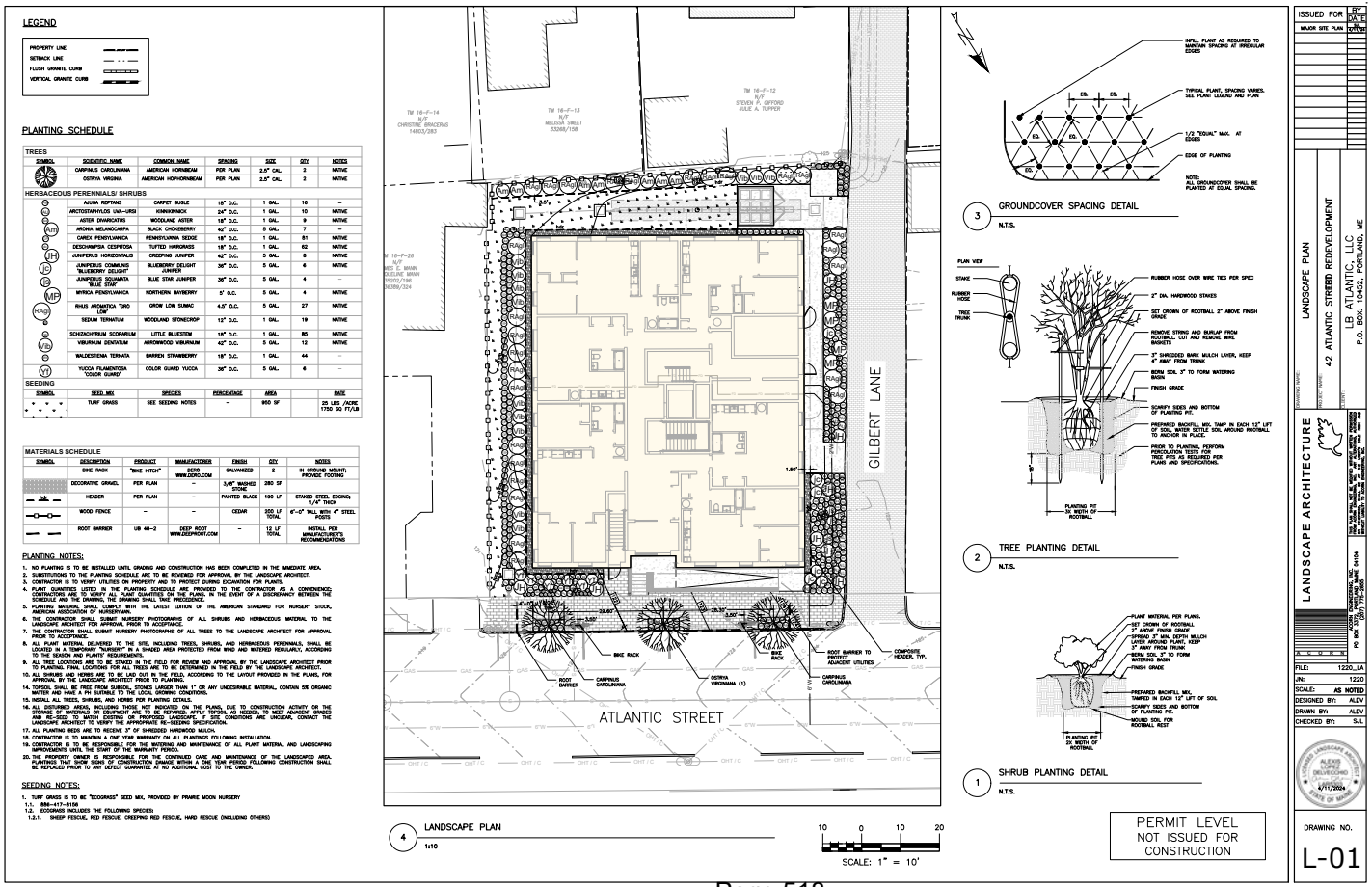
PR. DRIP EDGE, SEE SHEET C-30 FOR MORE INFORMATION
PR. TRASH ENCLOSURE
PR. 7'X7' PAD MOUNT TRANSFORMER
PR. BOLLARDS PER DETAIL
PR. REINFORCED CONCRETE SIDEWALK, PER DETAIL
PR. BIKE ROOM EGRESS DOOR. FOR INTERNAL BIKE STORAGE AREA. 24 PROPOSED INTERIOR BIKE STORAGE SPACES, PER ARCHITECTURAL PLANS
PR. BUILDING EGRESS PR.: 126.00'
1ST FLOOR BUILDING FOOTPRINT
OUTLINE OF BASEMENT FOOTPRINT
EX. FENCE TO REMAIN OR BE REPLACED AS NECESSARY. COORDINATE WITH BOTH LANDOWNERS
SETBACK LINE, TYP.
PR. BUILDING ENTRANCE
BASEMENT STAIR ENTRANCE/EGRESS
PR. PRECAST PAVER PATHWAY TO BUILDING
PR. LANDSCAPED AREA PER LANDSCAPE PLAN
SEE C-20 FOR PR. RECONFIGURATION OF EX. UT POLES
EX. UTILITY POLE
EX. DRIVEWAY
EX. UTILITY POLE
PARKING SPOT TICK MARKS SHOWN FOR VISUAL PURPOSES ONLY, TYP. OF 4
EX. CURB TO BE TEMPORARILY REMOVED
12" PROTRUSION OF HANDRAIL RETURN INTO ROW
PR. LOCATION OF ADA SIGN TO BE RESET AND/OR REPLACED AS NEEDED IN COORDINATION WITH THE
PR. (2) 6" RISERS AT THE BUILDING ENTRANCE
BIKE RACK PER DETAIL, TYP. OF 2
PR. RECONSTRUCTED BRICK SIDEWALK, PER DETAIL
PR. STREET TREES, TYP. OF 3
EX. CATCH BASIN
EX. UTILITY POLE

BIKE ROOM
STAIRS
ELEVATOR
SPRINKLER ROOM
STAIRS
LOBBY
VESTIBULE

15.10'
0.75'
0.88'
16.69'
17.81'
9.40'
8.60'
11.50'
15.00'
5.00'
5.00'
8.00'
11.00'
6.80'
6.90'
11.10'
7.30'
6.50'

8

Current Proposal Landscape Plan (from Acorn)

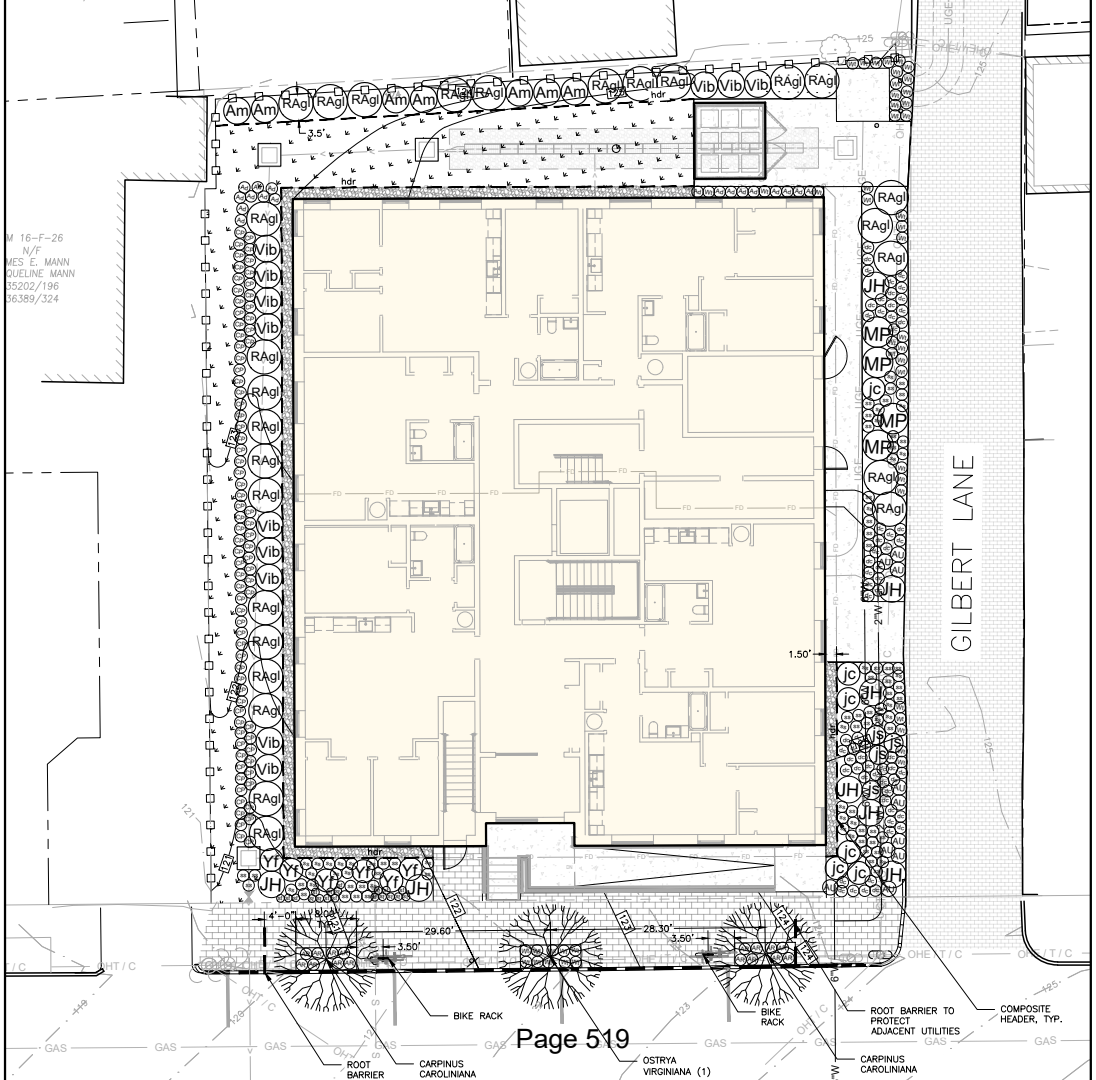


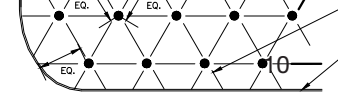
ME	SPACING	SIZE	QTY	NOTES
NBEAM	PER PLAN	2.5" CAL.	2	NATIVE
ORNBEAM	PER PLAN	2.5" CAL.	2	NATIVE
GLE	18" O.C.	1 GAL.	16	–
CK	24" O.C.	1 GAL.	10	NATIVE
STER	18" O.C.	1 GAL.	9	NATIVE
BERRY	42" O.C.	5 GAL.	7	–
SEDGE	18" O.C.	1 GAL.	81	NATIVE
RASS	18" O.C.	1 GAL.	62	NATIVE
NIPER	42" O.C.	5 GAL.	8	NATIVE
LIGHT	36" O.C.	5 GAL.	6	NATIVE
NIPER	36" O.C.	5 GAL.	4	–
BERRY	5' O.C.	5 GAL.	4	NATIVE
UMAC	4.5' O.C.	5 GAL.	27	NATIVE
IECROP	12" O.C.	1 GAL.	19	NATIVE
STEM	18" O.C.	1 GAL.	85	NATIVE
URNUM	42" O.C.	5 GAL.	12	NATIVE
BERRY	18" O.C.	1 GAL.	44	–
YUCCA	36" O.C.	5 GAL.	6	–

	PERCENTAGE	AREA		RATE
NOTES	–	950 SF		25 LBS /ACRE 1750 SQ FT/LB

NUFACTORER	FINISH	QTY	NOTES
DERO W.DERO.COM	GALVANIZED	2	IN GROUND MOUNT; PROVIDE FOOTING
–	3/8" WASHED STONE	280 SF	
–	PAINTED BLACK	190 LF	STAKED STEEL EDGING; 1/4" THICK
–	CEDAR	200 LF TOTAL	6'–0" TALL WITH 4" STEEL POSTS
EEP ROOT DEEPROOT.COM	–	12 LF TOTAL	INSTALL PER MANUFACTURER'S RECOMMENDATIONS

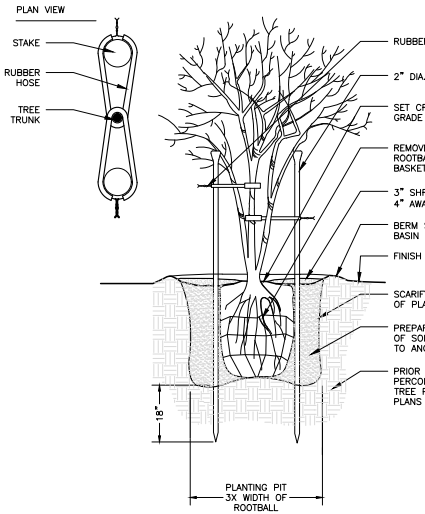
TRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
EWED FOR APPROVAL BY THE LANDSCAPE ARCHITECT.
ROTECT DURING EXCAVATION FOR PLANTS.
RE PROVIDED TO THE CONTRACTOR AS A CONVENIENCE;
E PLANS. IN THE EVENT OF A DISCREPANCY BETWEEN THE
CEDENCE.
TION OF THE AMERICAN STANDARD FOR NURSERY STOCK,
OF ALL SHRUBS AND HERBACEOUS MATERIAL TO THE
ALL TREES TO THE LANDSCAPE ARCHITECT FOR APPROVAL
TREES, SHRUBS, AND HERBACEOUS PERENNIALS, SHALL BE
ROTECTED FROM WIND AND WATERED REGULARLY, ACCORDING
REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR
ETERMINED IN THE FIELD BY THE LANDSCAPE ARCHITECT.
, ACCORDING TO THE LAYOUT PROVIDED IN THE PLANS, FOR
AN 1" OR ANY UNDESIRABLE MATERIAL, CONTAIN 5" ORGANIC





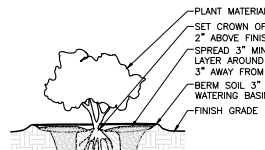
3 GROUNDCOVER SPACING DETAIL

N.T.S.



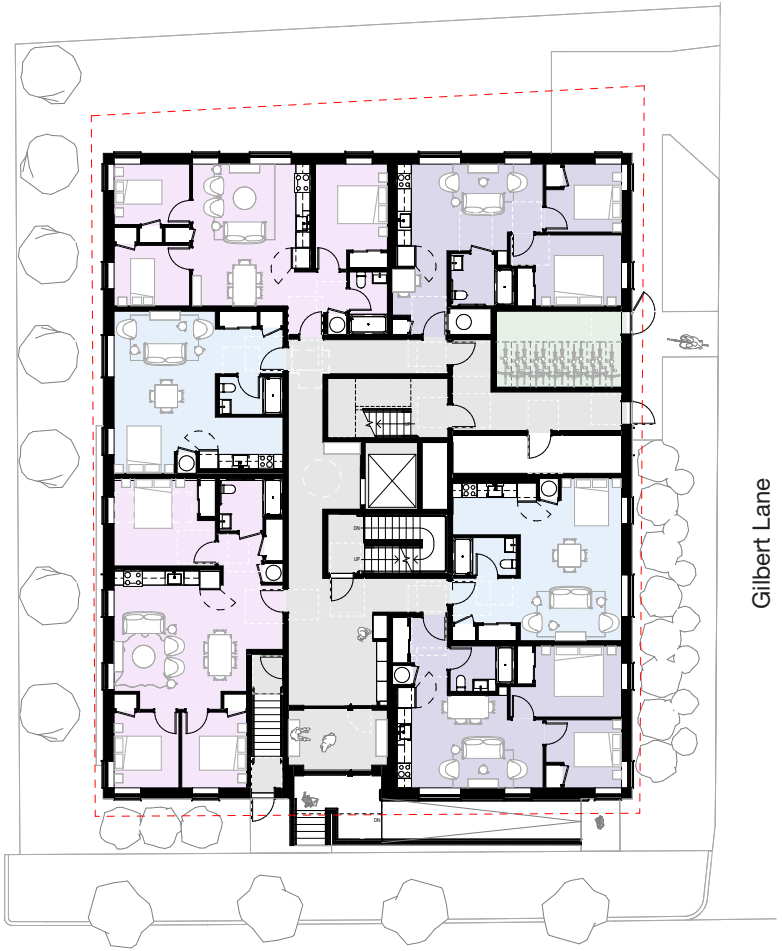
2 TREE PLANTING DETAIL

N.T.S.



Previous Proposal Floor 1

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity

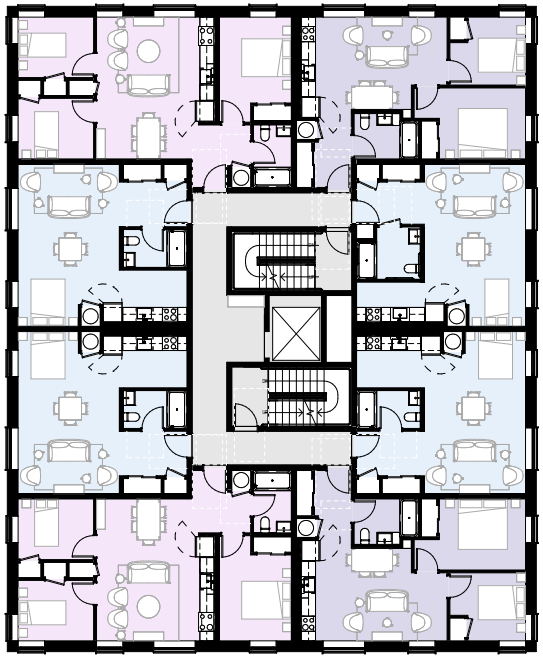


Current Proposal Floor 1

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity

Previous Proposal Floors 2–4

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity

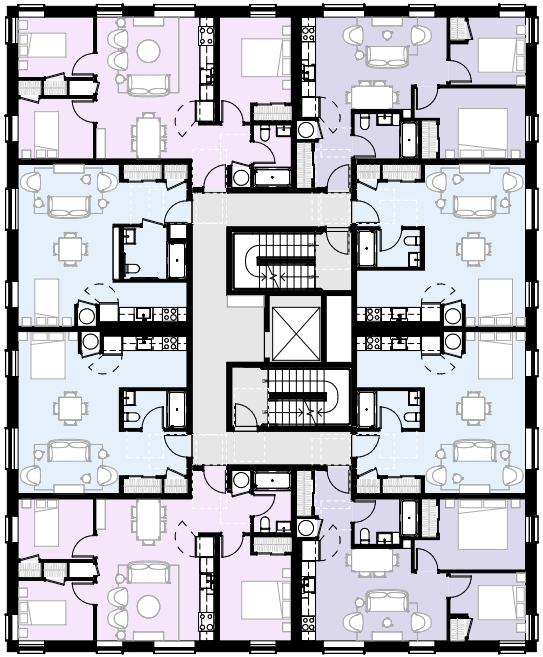


Gilbert Lane

Atlantic Street

Current Proposal Floors 2–4

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity

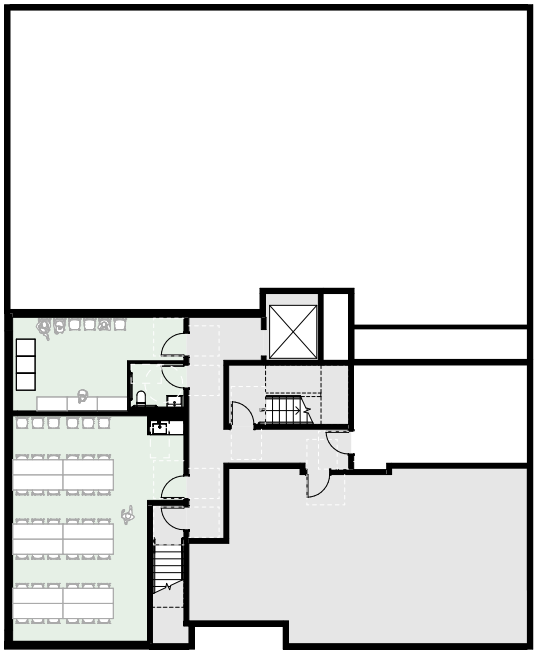


Gilbert Lane

Atlantic Street

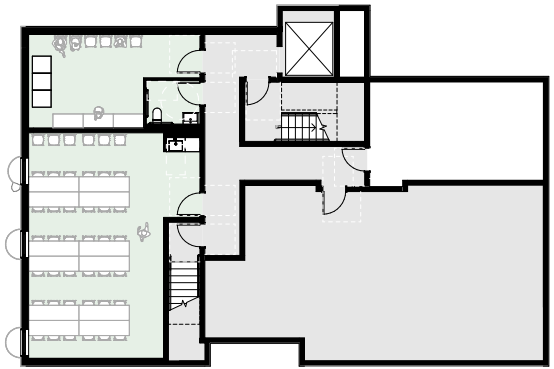
Previous Proposal Basement

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



Current Proposal Basement

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



Previous Proposal East Elevation, Facing Atlantic Street

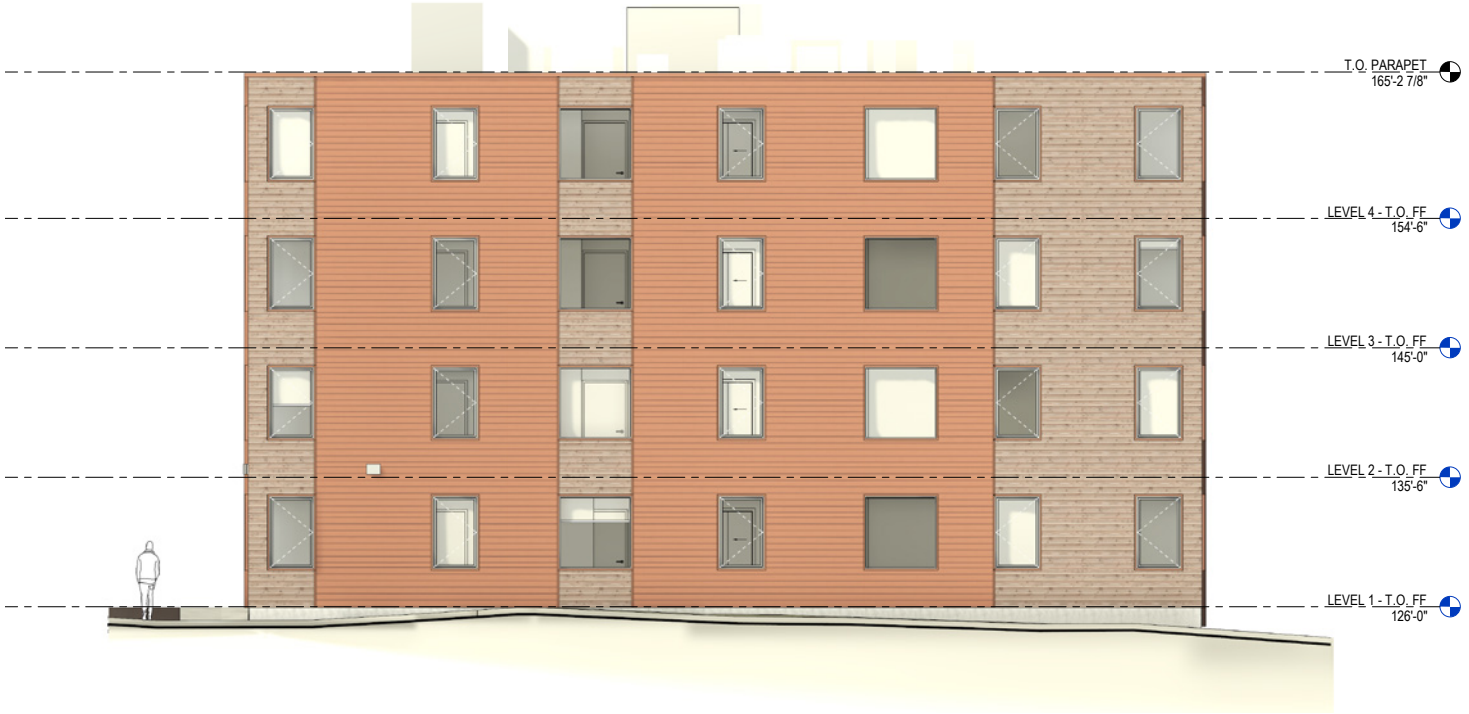
Current Proposal East Elevation, Facing Atlantic Street

Previous Proposal North Elevation, Facing Gilbert Lane

Current Proposal North Elevation, Facing Gilbert Lane

Previous Proposal West Elevation

Current Proposal West Elevation



Previous Proposal South Elevation

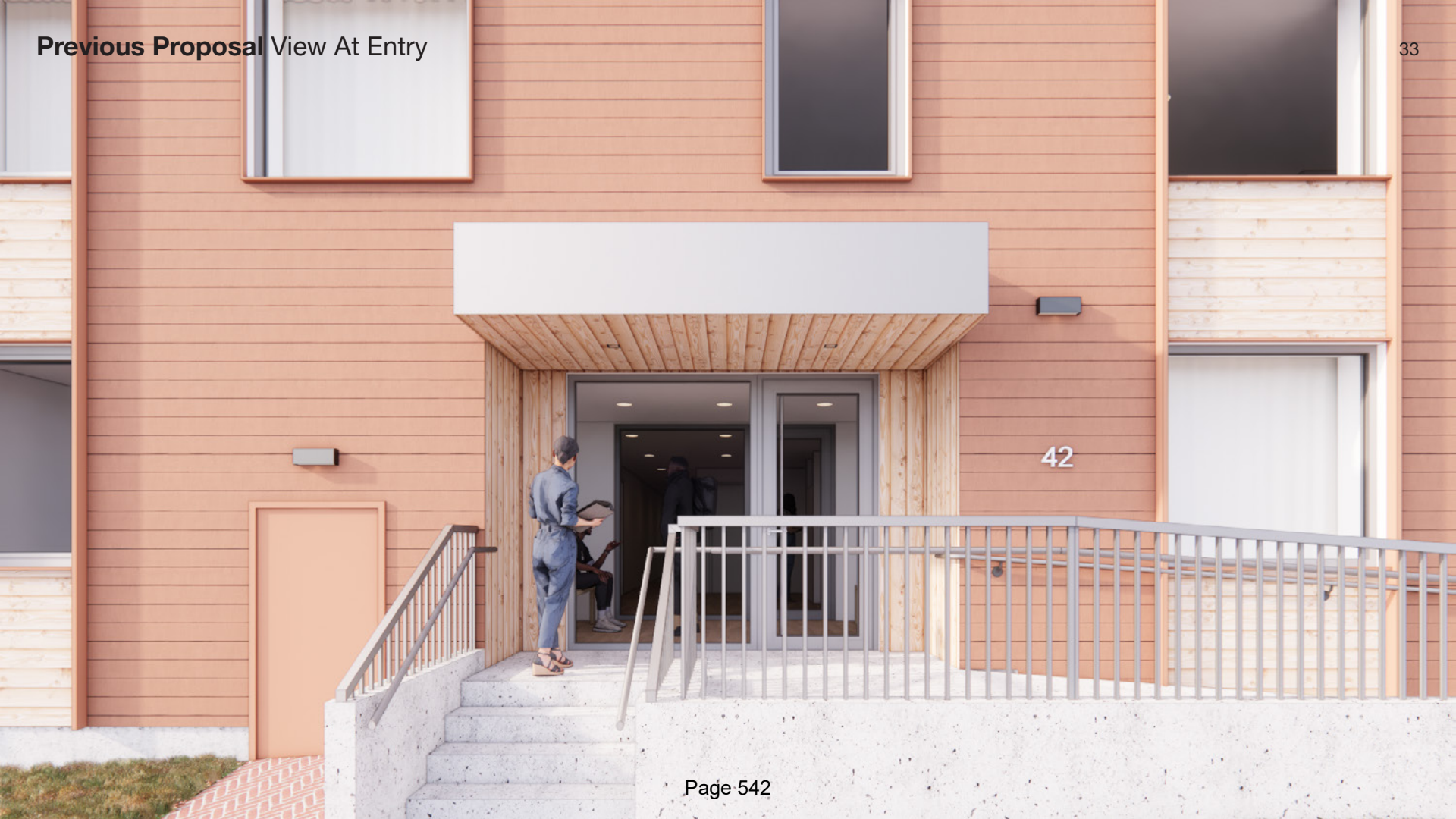
T.O. PARAPET
165'-2 7/8"
LEVEL 4 - T.O. FF
154'-6"
LEVEL 3 - T.O. FF
145'-0"
LEVEL 2 - T.O. FF
135'-6"
LEVEL 1 - T.O. FF
126'-0"

Previous Proposal View Up Atlantic

Current Proposal View Up Atlantic

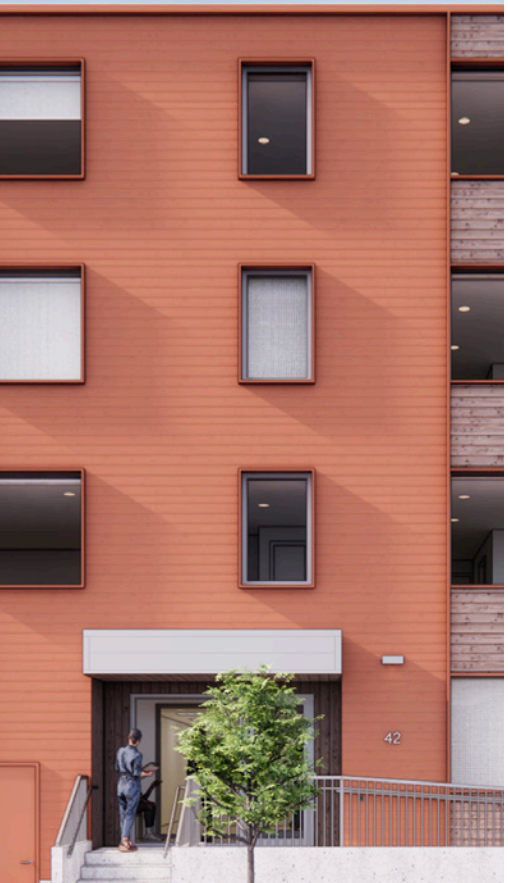
Previous Proposal View From Atlantic

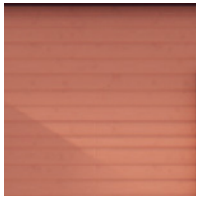
Current Proposal View From Atlantic


42

42

Current Proposal Materials





Painted Clapboard
Primary Cladding

- Clapboard
- 4.5” Exposed Face
- Quartersawn Pine
- Rusty Neutral Paint

Natural Clapboard
Accent Cladding

- Clapboard
- 4.5” Exposed Face
- Quartersawn Pine
- Clear Finish

Metal Fascia
Awning Surround

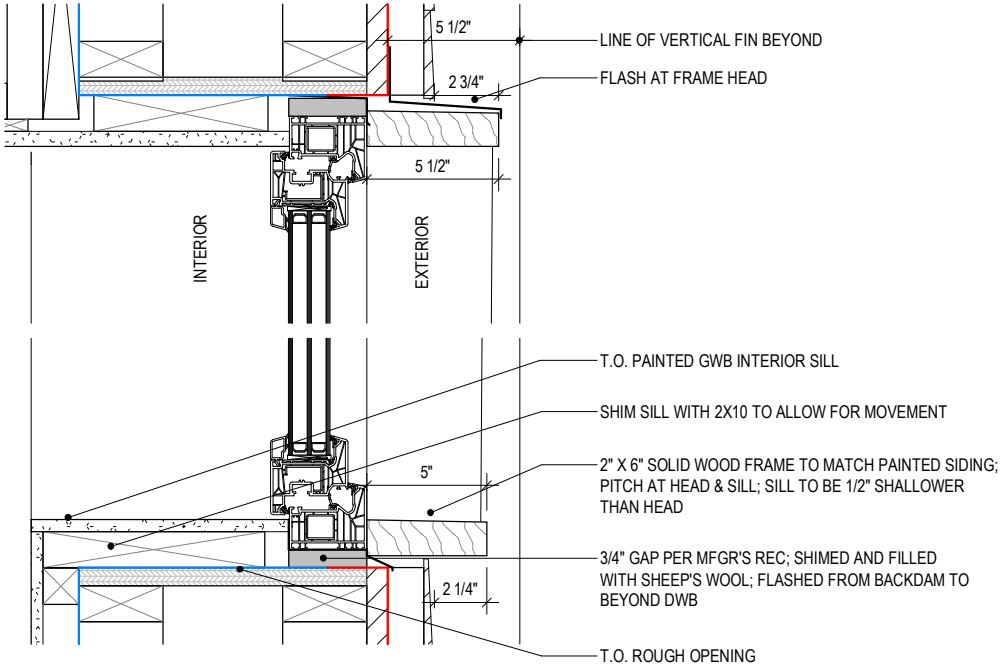
- Seaming as Shown
- Galvalume
- Warm Gray Powdercoat (to match window & hardware finish)

Current Proposal:

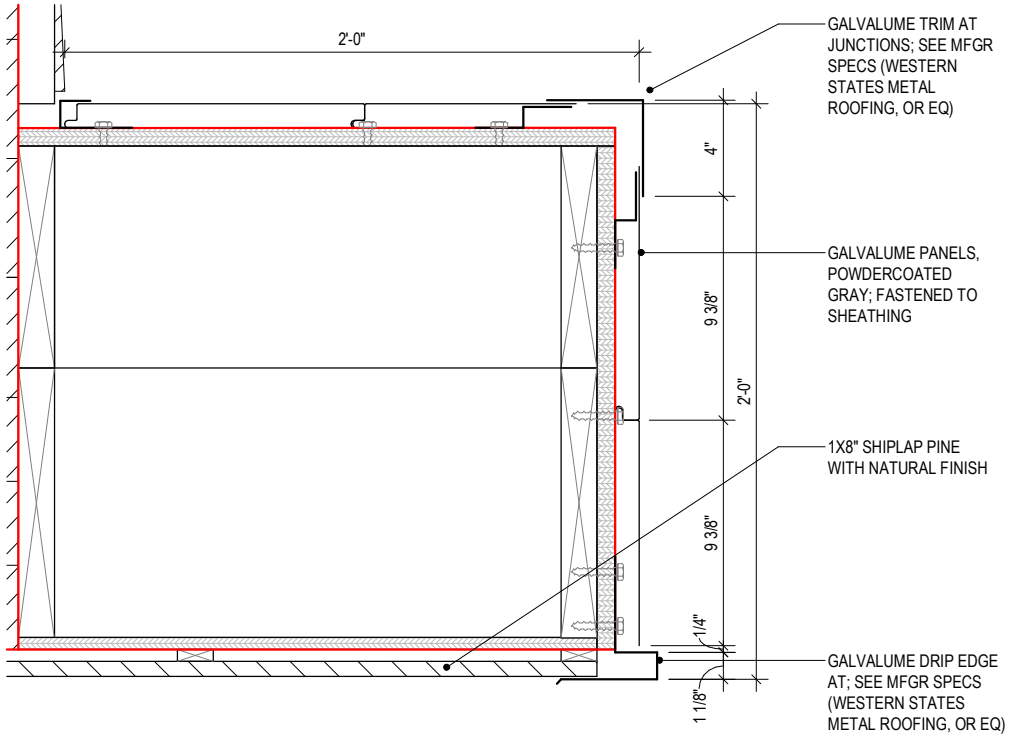
Finish
Charcoal Gray uPVC
(Lighter than shown in images)

Operation
Windows: Picture & Tilt-Turn
Doors: Swinging

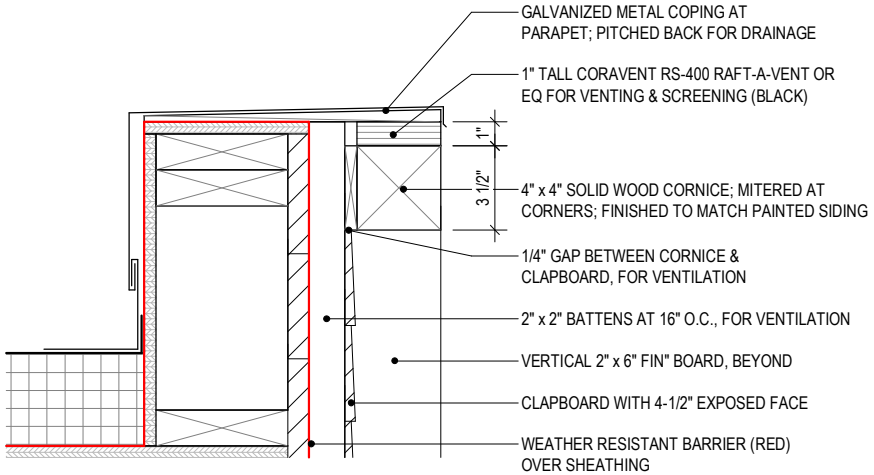
Features
Triple-Glazed



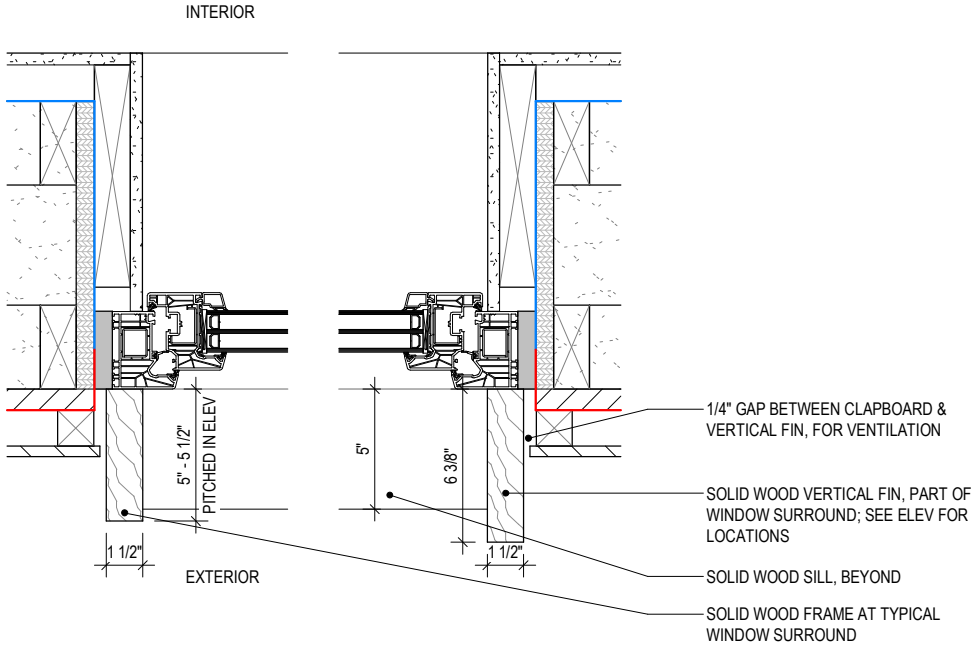
1 SECTION DETAIL - WINDOW HEAD & SILL
1 1/2" = 1'-0"



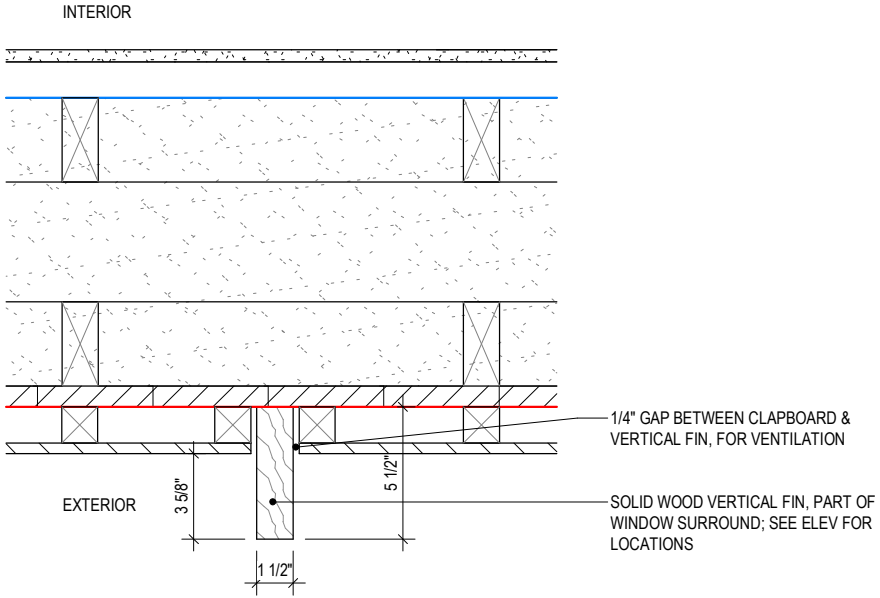
2 SECTION DETAIL - ENTRY CANOPY
1 1/2" = 1'-0"



3 SECTION DETAIL - CORNICE
1 1/2" = 1'-0"



4 PLAN DETAIL - WINDOW
1 1/2" = 1'-0"



5 PLAN DETAIL - VERTICAL FIN
1 1/2" = 1'-0"

42 Atlantic Street Housing
Historic Preservation Public Hearing
Submitted: May 6, 2024

Owner
LB Atlantic, LLC

Architect
Primary Projects, PLLC

Civil Engineer
Acorn Engineering, Inc

Structural Engineer
Base Design Group, Inc

MEP-FP Engineer
BLW Engineers, Inc

Lighting Designer
Pieszak Lighting Design, LLC

Evan Schueckler <evans@portlandmaine.gov>

Proposed development of 42 Atlantic Street

Susan Grisanti <susan@decormaine.com> Fri, May 10, 2024 at 11:32 AM
Reply-To: susan@decormaine.com
To: planningboard@portlandmaine.gov
Cc: hp@portlandmaine.gov

To the City of Portland Planning Board:
cc: The Historic Preservation Board

I am writing to you as a neighbor to the proposed development of 42 Atlantic Street. My home is across the street at 29 Atlantic Street. When I first heard of the plan for the old Legion Hall as affordable housing units, I was pleased and supportive. I have lived in this neighborhood since I renovated an 1844 building in 2013 and have seen successful affordable housing developments such as 8-unit 65 Munjoy Street, which melds into the character of the neighborhood seamlessly—both in the design and massing of the buildings, and in the diversity of income levels it adds to the neighborhood. This diversity is a defining characteristic of Munjoy Hill, a place that I know my neighbors and I love and value.

In contrast to 65 Munjoy Street, The LB Atlantic, LLC building plan does not appear to have taken the same care and design consideration. The proposed building design for 42 Atlantic Street exemplifies the importance of planning boards and Historic Preservation boards—to thoughtfully consider and protect from development dramatically out-of-character design and massing that will visually dominate and unalterably change the atmosphere of the neighborhood.

The scale and color of the exterior of this design will not only visually dominate but will add substantial cramping to our narrow street in which it's already challenging to fit with the comings and goings of street residents.

I acknowledge that there is an urgent need for affordable housing and support well-planned efforts to accomplish this. However, a single 30-unit building on a relatively small side street in Munjoy Hill, ignoring the scale and massing characteristic of the neighborhood is not such a plan.

If approved, this building will certainly be one that people will ask for years to come: who approved this design, and allowed this to get through planning board considerations and protections?

Thank you for considering my perspective on the proposed project,
Susan Grisanti

DM
Decor Maine Magazine

SUSAN GRISANTI (she/her)
FOUNDER & EDITOR

207.632.9968
susan@decormaine.com
www.decormaine.com

Greater Portland Landmarks
Historic character enriches our lives

PO Box 17533, Portland, ME 04112

24 May 2024

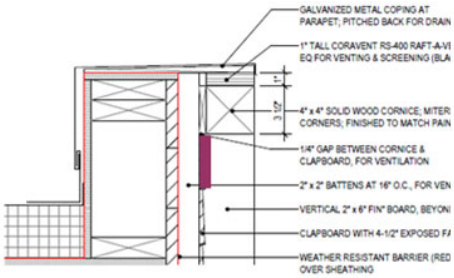
RE: FINAL REVIEW OF NEW CONSTRUCTION: 42 ATLANTIC STREET, HPBR-002814-2024

Chair O'Brien and Members of the Historic Preservation Board,

As we have stated in our previous comments, Greater Portland Landmarks supports the proposed apartment building at 42 Atlantic Street. Since it was first proposed the applicant has taken steps to better articulate the entrance to the apartment building, clad the building in a siding that will relate to its neighbors, create a projecting cornice, and utilize modern design details that will create shadows and texture, articulating the building's façades.

In the current submission, the applicant has submitted additional construction details that are helpful to an understanding of the canopy, cornice and fin assemblies and how those assemblies will impact the building's appearance. We believe that there is an opportunity for an additional detail that would enhance the cornice.

- The projecting cornice would benefit from a simple frieze board (in dark red below) in a similar color or material to the proposed wood cornice to give the roof parapet additional visual weight, similar to the roof lines of the many triple decker and apartment buildings found on Munjoy Hill.



We would like to also see some additional articulation of the canopy edge. It still appears heavy and box-like. We also have concerns about the proposed use of natural finish clapboards as we do not think they will age well and are not consistent with the character of finishes in the district. A possible solution would be better to use two shades of the same color finish.

Thank you for considering our views on this proposed project,

Carol De Tine
Vice President of the Board of Trustees
Greater Portland Landmarks

Greater Portland Landmarks
Historic character enriches our lives
PO Box 17533, Portland, ME 04112

Evan Schueckler <evans@portlandmaine.gov>

42 Atlantic

Joe Lewis <joe@portcitylegal.com> Tue, May 28, 2024 at 11:59 AM
Reply-To: joe@portcitylegal.com
To: "hp@portlandmaine.gov" <hp@portlandmaine.gov>

Hello.
My name is Joe Lewis and I live at 33 Atlantic Street. I am happy to offer this additional public comment for the public hearing on this project.

I really want the HP board to follow its own rules and standards. This includes serving the purpose of preservation generally, applying new construction guidelines as written, and being mindful of the nature of the Munjoy Hill Historic District in particular.

The District. As indicated in the description of the District, Munjoy Hill has "a number of shared building characteristics that serve to unify much of the neighborhood and give it is own identifiable visual character." These include:

- A dense development pattern
- Buildings that occupy narrow, deep lots that are closely spaced
- Buildings of modest scale, ranging from 1 1/2 to 3 stories.
- Generally small footprints, with a narrow end facing the street
- Houses that are two-three bays wide, often with a projecting one or two-story front bay
- Commonly, buildings have a projecting front entry vestibule.

Munjoy Hill is described as "friendly" and "approachable", a reputation that has been found to be supported by the neighborhood's distinct visual character.
At 30 units and a volume of at least 230,000 cubic feet, the building as proposed would be possibly the third largest residential building in the District in terms of both physical scale and use. It is the opposite of modest. It has a massive footprint. It is architecturally basic: it is simply a box with some minor gilding. The building as proposed is the opposite of friendly and approachable: it is a monolith that dominates its surroundings.

The streetscape. As the neighbors have repeatedly said, the design of this building is simply too large and wholly uninteresting. The new construction design standards require a height and width that is "visibly compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines." Neither of these things are true. The building as proposed is visually massive and dominating and fully at odds with the surrounding structures when viewed from the street. The scale and form of this proposed building is nothing like its neighbors. Nothing at all.
The facade is ugly. Not basic. Not modern. Simply ugly. It does not look like anything else on Atlantic Street. It is just a big, ugly box that can only be described as maximalist.

The purpose of preservation. This board and the code are supposed to meet the following purposes:

- Ensure compatible new construction.
- Protect and enhance neighborhood character.
- Protect and enhance the attractiveness of the city.

Allowing this building to be built in this historic district is antithetical to the purposes of the historic preservation code.

Please, please, please don't give up on historic preservation. Please don't insult the people who live here who have invested in trying to protect and enhance this historic district through their own efforts by letting this building be built. Stand tall and stand for preservation. Don't let this massive box be built here. Please don't make this mistake.

Thank you for your consideration.
- Joe

--

Joe Lewis, Attorney
Port City Legal, LLC

10 Moulton Street, 4th Floor
Portland, Maine 04101
(207) 210-6559
www.portcitylegal.com

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I am a lawyer, but I am not your lawyer unless you have been in my office and signed a contract. Unless I am your lawyer, this communication is not intended as legal advice, and no attorney client relationship results. Please consult your own attorney for legal advice

Evan Schueckler <evans@portlandmaine.gov>

42 Atlantic St. Proposal - Concerns

letourneau.lisa@gmail.com <letourneau.lisa@gmail.com> Mon, May 27, 2024 at 8:24 PM
To: hp@portlandmaine.gov, Evan Schueckler <evans@portlandmaine.gov>

To: Evan Schueckler & Portland Historic Preservation Board

My husband and I are writing to express significant concerns about the proposed plan for a new condominium development at 42 Atlantic St. Our home is located just several houses up Atlantic St in the Munjoy Hill Historic District, and we were quite surprised and disappointed to see the proposed plan for the new building as we feel its appearance is markedly out of alignment with the look and feel of the neighboring homes and the expectations for alignment with the Historic District.

We have reviewed the City's "Historic Preservation Ordinance Review Standards", "Standards for Review of New Structures" and the proposed scale drawings for 42 Atlantic St, and feel strongly that the proposed structure fails to align with numerous specific requirements of those standards, including the following:

- The proposed height *is not* "visibly compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines".
- The width *is not* "visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines".
- The proportion of principal facades and relationship of the width to the height of the principal elevations *is not* "visually compatible with structures, public ways and open spaces to which it is visually related".
- The roof shape *is not* "visually compatible with the structures to which it is visually related".
- The scale, size and mass of structures in relation to open spaces, windows, door openings, porches and balconies *is not* "visually compatible with the structures, public ways and places to which they are visually related".
- Additionally, the proposed structure does not appear to meet numerous other requirements related to "composition of principal facades", "relationship of materials", and "relationship to street".

We greatly enjoy the culture, feel, and spirit of living in the Munjoy Hill Historic District, and have taken significant efforts to ensure that our home continues to conform to the historic appearance of the neighborhood.

We appreciate the Historic Preservation Board's careful review of this proposal, and are hopeful that changes can be made to the plan to make it more compatible with expectations for new construction in the neighborhood.

Thank you.

Lisa Letourneau & Lee Chick

58 Atlantic St

Portland ME

C: 207.415.4043

June 3, 2024

Owner: Dan Black & Carl Lakari
LB Atlanitc, LLC
P.O. Box 10452
Portland, ME 04104

Applicant: Kyle Barker
Primary Projects
2330 Horton Street
North Dighton, mA 02764

Re: 42 Atlantic Street – New Construction

HPBR-002814-2024

Dan Black, Carl Lakari, and Kyle Barker,

The Historic Preservation Board has approved your application for a Certificate of Appropriateness for new construction at 42 Atlantic Street. Approval was based on the application materials submitted for the public hearing held on May 29, 2024, and stamped for approval on June 3, 2024, except as modified by the following conditions:

- Staff shall review details and/or mockups for installation of cobblestones along Gilbert Lane to ensure that the appearance after utility construction is complete is consistent with the historic appearance.

All improvements shall be carried out as shown on the materials submitted for the hearing on May 29, 2024, and stamped for approval on June 3, 2024, except as to comply with the conditions above. Changes to the approved plans or specifications, and any additional work that may be undertaken must be reviewed and approved by the Historic Preservation program prior to construction, alteration, or demolition. If, during the course of completing the approved work, conditions are encountered which prevent completing the approved work, or which require additional or alternative work, you must apply for and receive a Certificate of Appropriateness or Non-Applicability PRIOR to undertaking additional or alternative work.

This Certificate is granted upon condition that the work authorized herein is commenced within twelve (12) months after the original date of issuance. If the work authorized by this Certificate is not commenced within twelve (12) months after the original date of issuance or if such work is suspended in significant part for a period of one year after the time the work is commenced, such Certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each may be allowed in writing by the Department.

Sincerely,

Evan R. Schueckler
Historic Preservation Program Manager

Dan Black
PO Box 10452
Portland, ME 04104
(207) 831-2824
danblack@lbdevpartners.com

March 25, 2024 *(Revised April 1, 2024 & May 6, 2024)*

Re: Historic Preservation Application, Project Description V3 (*new changes in Italics*)

Dear City of Portland Planning & Urban Development Department,

The 42 Atlantic Street, Portland, ME 04101 parcel is a 0.23 acre (10,018 square feet) site on Munjoy Hill. It currently has a two-story structure on it that used to house the local American Legion chapter. It is a non-contributing property within the Munjoy Hill historic district.

The proposed structure will be four stories and 23,857 square feet (with an additional 2,981 square feet of basement space). After receiving feedback at the first Public Workshop on March 6th, we've revised the design to simplify the massing. The building is now a rectangle in plan.

Accessed via ramp or stair, the primary entrance is recessed 3 feet into the central bay of the Atlantic Street facade. To address feedback from the Board & the public we have:

- Added a projecting canopy at the entrance
- Rotated the entry stair to be perpendicular to the façade
- Relocated the basement egress stair to minimize the presence of its door and allow for two windows at the ground floor unit on the South
- Added a projecting cornice
- Added projecting vertical trim to zone the façade into two distinct materials: one that references the tone of the brick at 55 Atlantic and one that references the wood clapboard at 48 Atlantic
- Simplified the design of the wall enclosing the entry stairs & ramp

After our second Public Workshop on April 17th, we've revised the design to address feedback from the Board & the public. We have:

- *Increased the visual weight of the cornice*
- *Reduced the number of changes in the cladding (there are fewer "bands" now)*
- *Changed all cladding to clapboard*
- *Detailed the metal seaming pattern at the canopy*
- *Developed the planting plan*
- *Visualized the project with weathered siding (we are proposing a weathering finish to reduce the change over time)*

Gilbert Lane will have two additional doors: one for emergency egress, and one for bike storage access. We have added an exterior light & a vision panel to the door at the bike storage, per feedback.

The building will have a total of 30 units, consisting of 14 studio apartments, 8 two-bedroom units, and 8 three-bedroom units. All will be deed restricted as affordable. The building will also have a communal laundry, tenant storage, and a common room that meets the specification of MaineHousing's construction standards. The building will have an elevator and two stairs. Roof access will be limited to maintenance.

Recent changes to the city's land use code, in response to LD2003, allow for 2.5 times the base zoning density for affordable housing projects. This area is in the R-6 zone which allows multi-family use by right with a density of one unit for every 750 square feet of lot size—at 10,018 square feet, 42 Atlantic is permitted to have 13 units on site. The density boost allows density of up to 32 units on the site.

The attached packet provides the requested material. Please let us know if you have any additional questions.

Sincerely,

Daniel Black

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION
CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-002814-2024
Public Hearing Date:
5/29/2024
Approved Drawings Date:
6/3/2024
Preservation Staff: Evan Schueckler

42 Atlantic Street Housing

Historic Preservation Public Hearing

Submitted: May 6, 2024

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-002814-2024
Public Hearing Date:
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Preservation Staff: Evan Schueckler

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Primary Projects, PLLC

Civil Engineer
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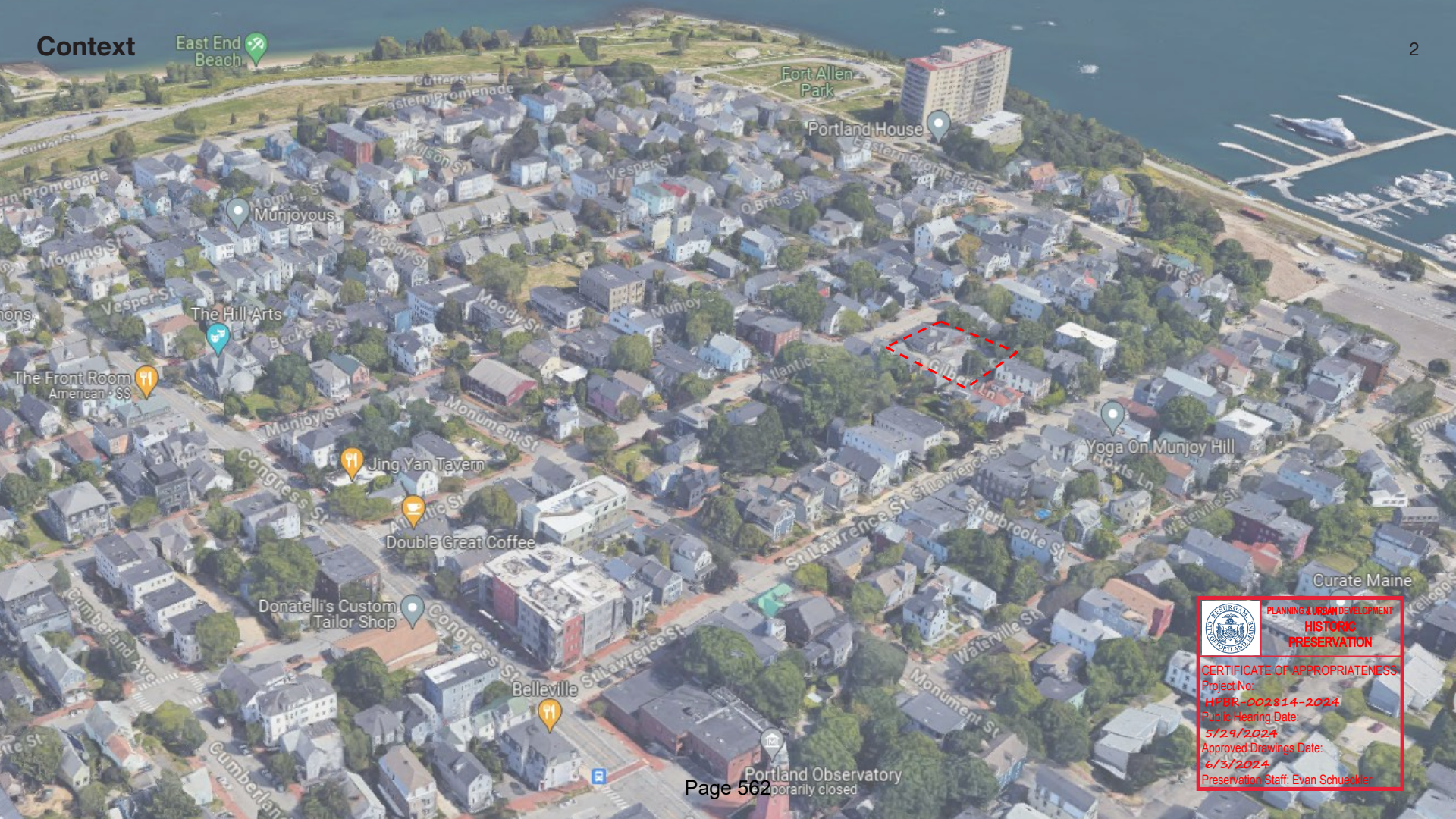
Structural Engineer
Base Design Group, Inc

MEP-FP Engineer
BLW Engineers, Inc

Lighting Designer
Pieszak Lighting Design, LLC

Context



PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-002814-2024
Public Hearing Date:
5/29/2024
Approved Drawings Date:
6/3/2024
Preservation Staff: Evan Schuckler

We heard the following feedback at the first Public Workshop on March 6th. Consider:

- Simplifying the building form at Atlantic St / Gilbert Lane
- Adding a cornice
- Adding horizontal or vertical banding
- Using two or more cladding materials
- Adding detail at the windows
- Adding detail at the entry
- Adding a projecting canopy at the entry
- Adding one or two windows at the southern unit on the first floor, facing Atlantic Street
- Reorienting the direction of the stairs at Atlantic Street
- Adding glazing at or near the door of the bike room
- Fleshing out the landscape approach

We heard the following feedback at the second Public Workshop on April 17th. Consider:

- Increasing the visual weight of the cornice
- Reducing the number of changes in the cladding
- Changing all cladding to clapboard

- Adding more detail to the concrete wall at the entry
- Detailing the metal seaming pattern at the canopy

- Developing the planting plan
- Visualizing the project with weathered siding
- Showing abutting neighbors on analysis slide

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-002814-2024
Public Hearing Date:
5/29/2024
Approved Drawings Date:
6/3/2024
Preservation Staff: Evan Schueckler

Context Photos of Existing Non-Contributing Property

Looking up Atlantic

Looking down Atlantic

From Gilbert

From Rear Parking

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

CERTIFICATE OF APPROPRIATENESS
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HPBR-002814-2024
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6/3/2024
Preservation Staff: Evan Schueckler

Houses of Atlantic Street

Common Attributes:

1. Street-Facing Porches
2. Vertically Oriented, Stacked Windows
3. Painted Wood Siding
4. Vertical Proportion (Building)

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

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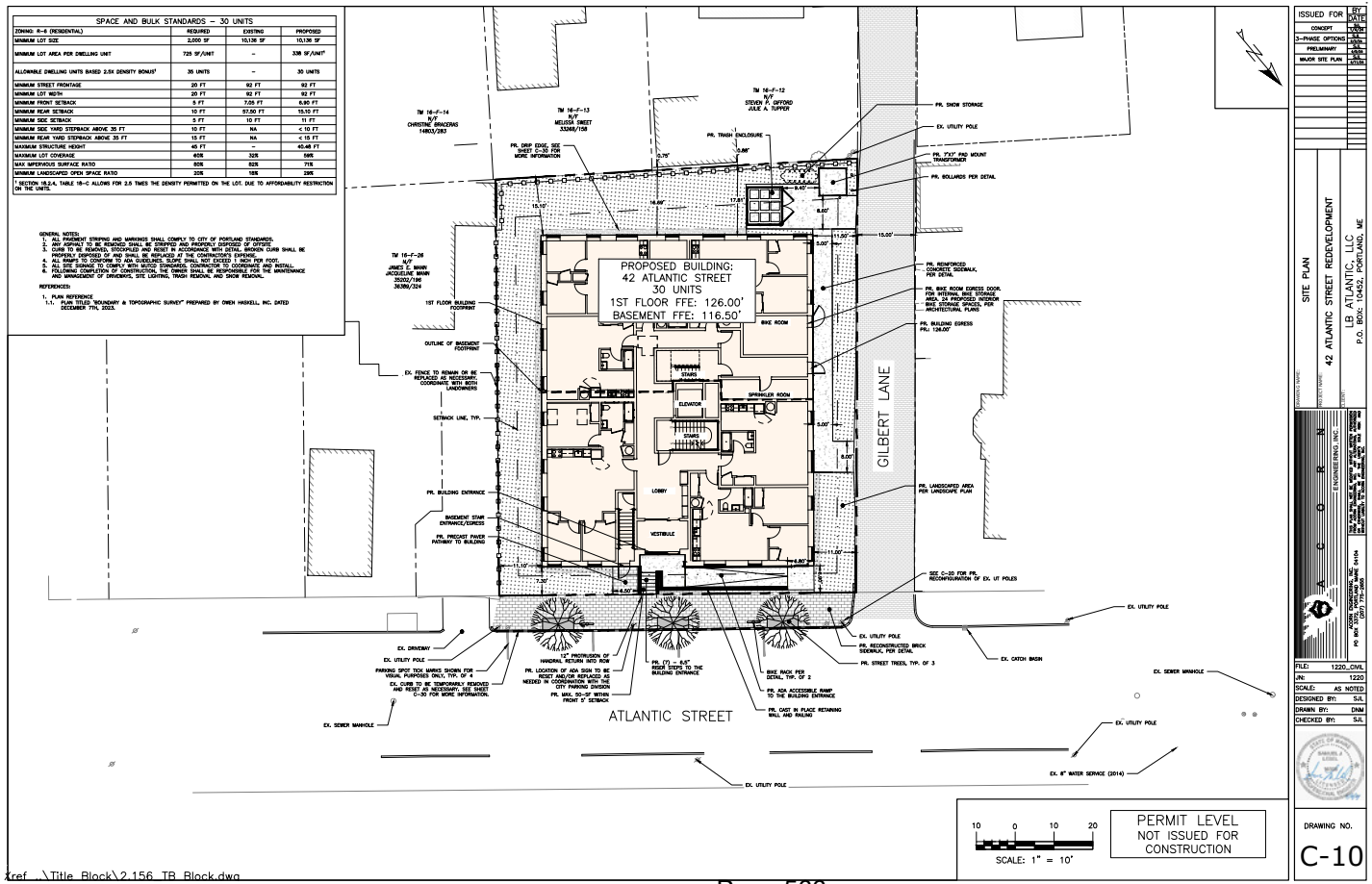
HPBR-002814-2024
Public Hearing Date:
5/29/2024
Approved Drawings Date:
6/3/2024
Preservation Staff: Evan Schueckler

Current Proposal Site Plan (from Acorn)



PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

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6/3/2024
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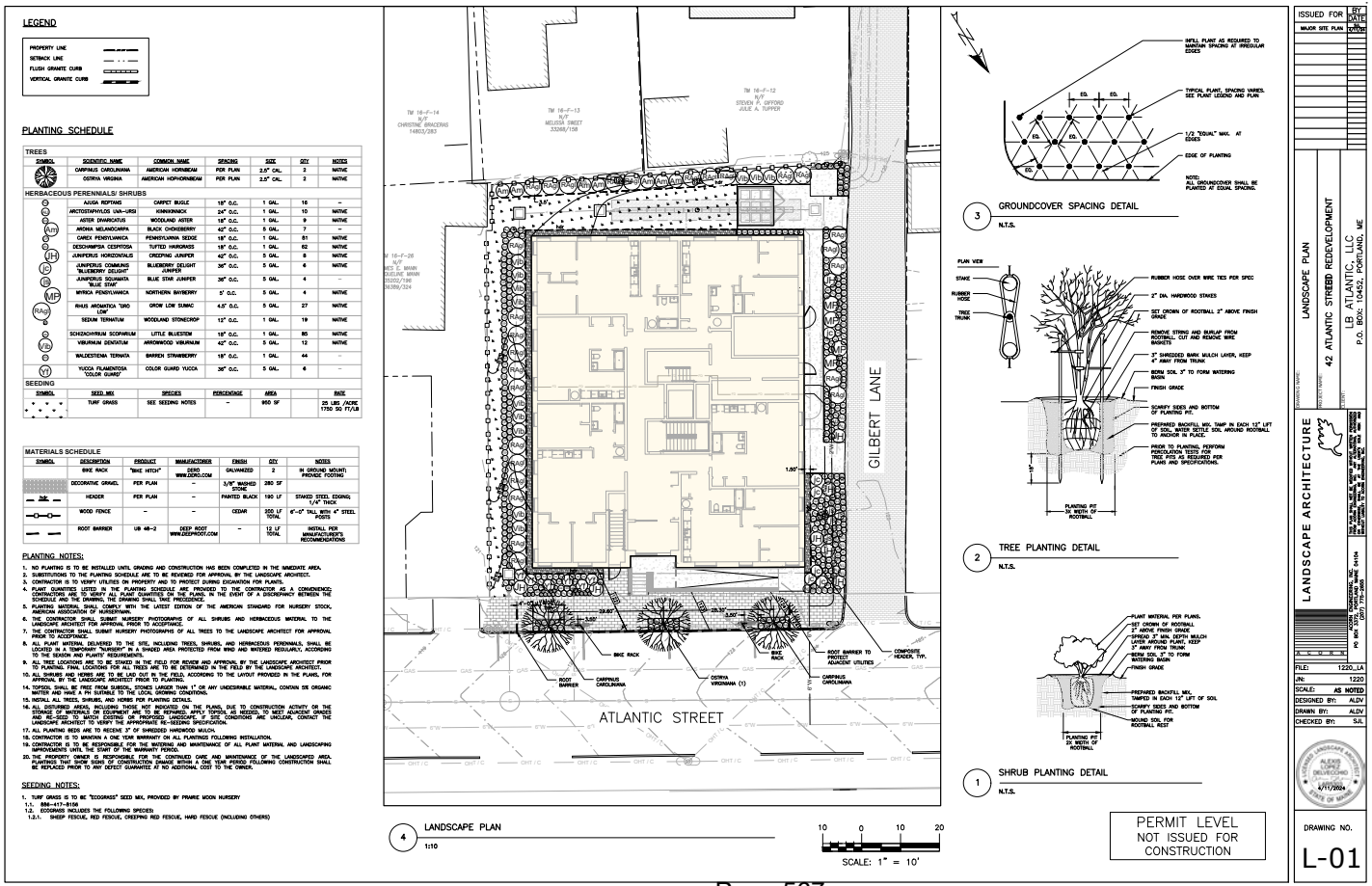
Current Proposal Landscape Plan (from Acorn)



PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

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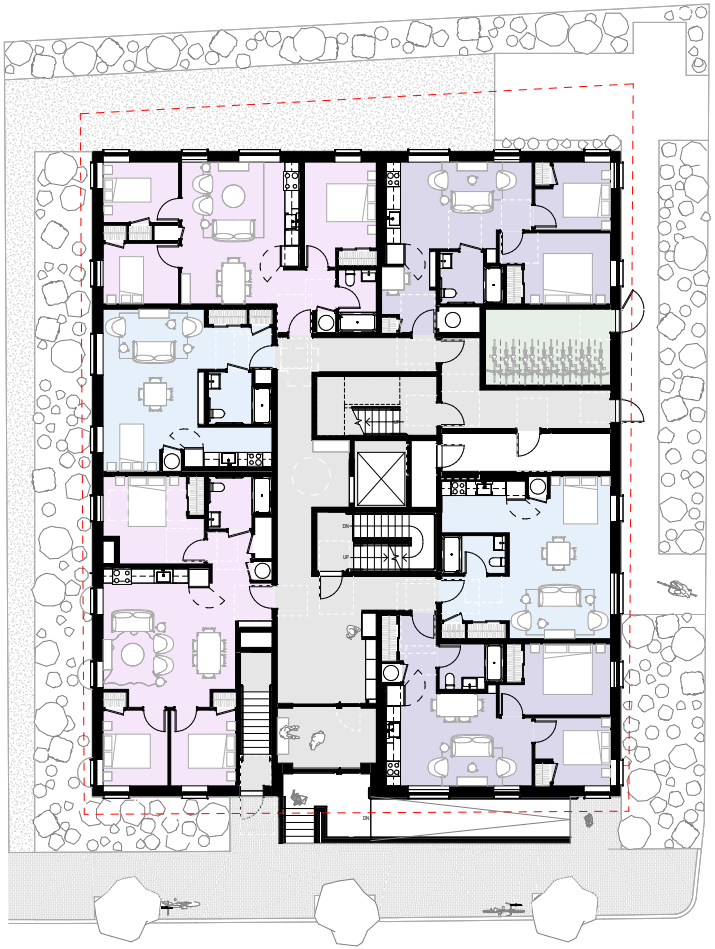
6/3/2024
Preservation Staff: Evan Schueckler

Current Proposal Floor 1

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

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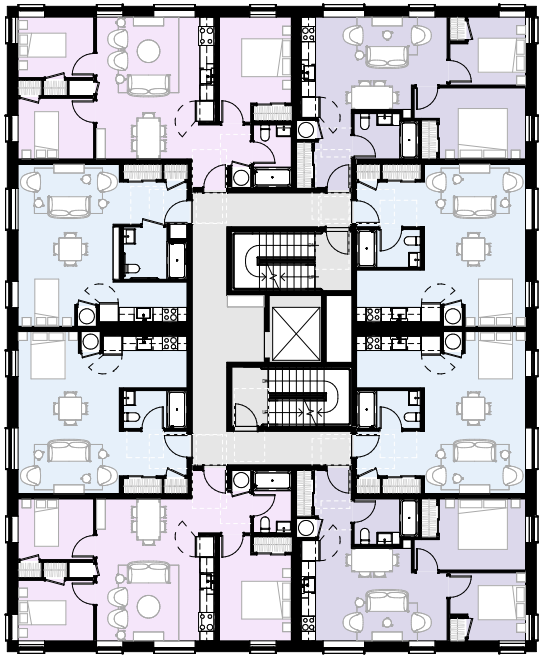
Preservation Staff: Evan Schueckler

Current Proposal Floors 2–4

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



Gilbert Lane

Atlantic Street

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

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Project No:
HPBR-002814-2024
Public Hearing Date:
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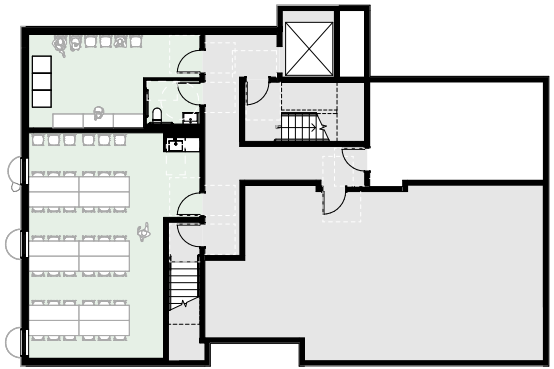
6/3/2024
Preservation Staff: Evan Schueckler

Current Proposal Basement

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

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Project No:
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5/29/2024
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6/3/2024
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Current Proposal East Elevation, Facing Atlantic Street

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

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Project No:
HPBR-002814-2024
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6/3/2024
Preservation Staff: Evan Schueckler

Current Proposal North Elevation, Facing Gilbert Lane

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION
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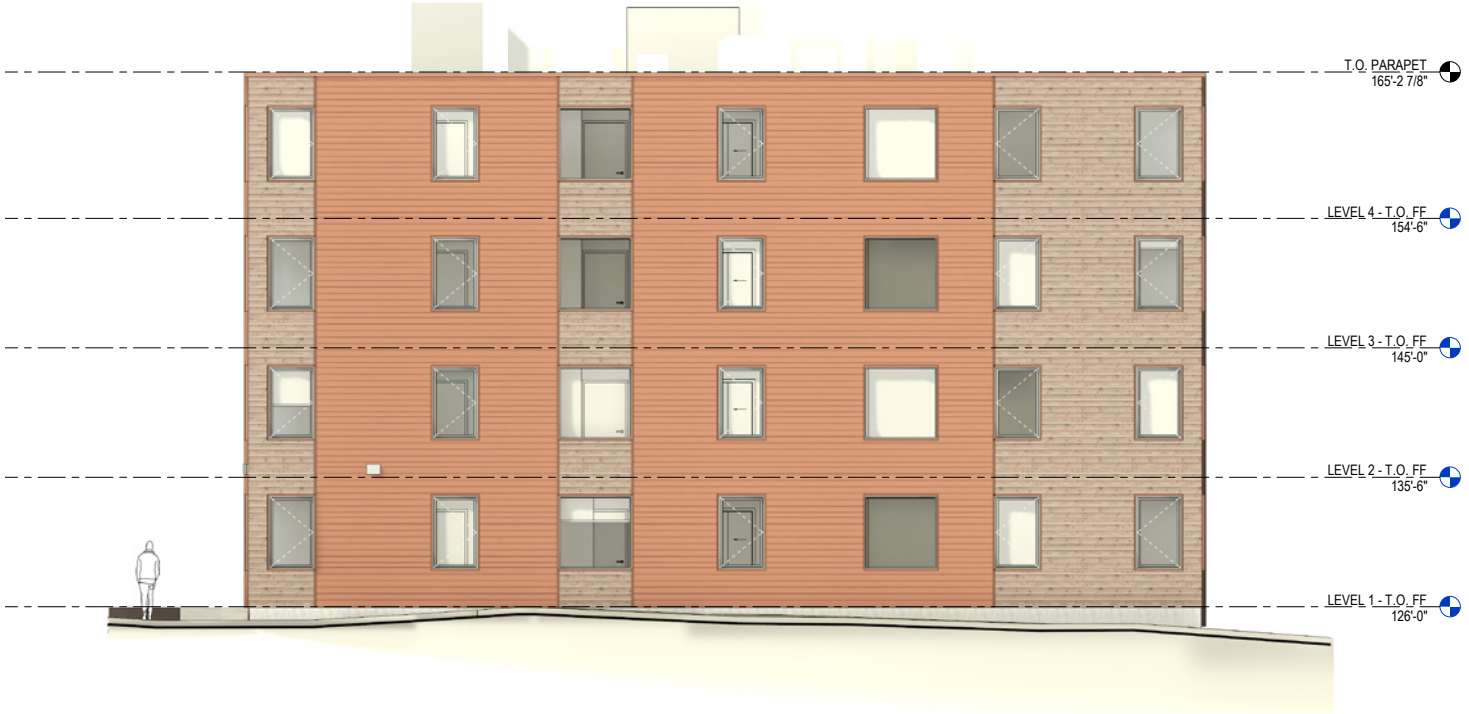
6/3/2024
Preservation Staff: Evan Schueckler

Current Proposal West Elevation



PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-002814-2024
Public Hearing Date:
5/29/2024
Approved Drawings Date:
6/3/2024
Preservation Staff: Evan Schueckler

Current Proposal South Elevation

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION
CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-002814-2024
Public Hearing Date:
5/29/2024
Approved Drawings Date:
6/3/2024
Preservation Staff: Evan Schueckler

Current Proposal View Down Atlantic

Current Proposal View Up Atlantic

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

CERTIFICATE OF APPROPRIATENESS
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HPBR-002814-2024
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Preservation Staff: Evan Schueckler

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION
CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-C02814-2024
Public Hearing Date:
5/29/2024
Approved Drawings Date:
5/31/2024
Preservation Staff: Evan Schueckler

Current Proposal View From Atlantic

PLANNING+URBAN DEVELOPMENT
HISTORIC PRESERVATION
CERTIFICATE OF APPROPRIATENESS
Project No:
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6/5/2024
Preservation Staff: Evan Schueckler

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION
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HPBR-002814-2024
Public Hearing Date:
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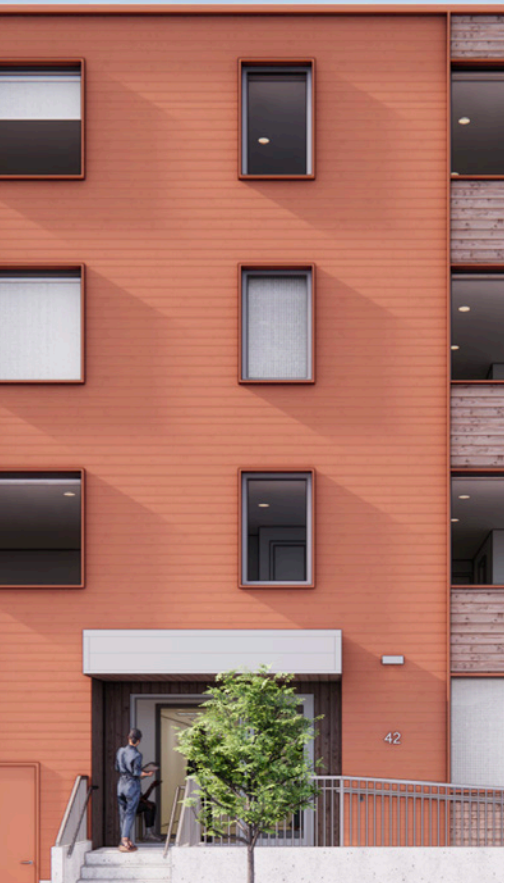
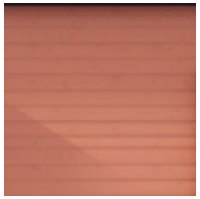
Approved Drawings Date:
6/3/2024
Preservation Staff: Evan Schueckler

Current Proposal Materials





Painted Clapboard
Primary Cladding

- Clapboard
- 4.5” Exposed Face
- Quartersawn Pine
- Rusty Neutral Paint

Natural Clapboard
Accent Cladding

- Clapboard
- 4.5” Exposed Face
- Quartersawn Pine
- Clear Finish

Metal Fascia
Awning Surround

- Seaming as Shown
- Galvalume
- Warm Gray Powdercoat (to match window & hardware finish)

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION
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6/3/2024
Preservation Staff: Evan Schueckler

Current Proposal:

Finish
Charcoal Gray uPVC
(Lighter than shown in images)

Operation
Windows: Picture & Tilt-Turn
Doors: Swinging

Features
Triple-Glazed

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

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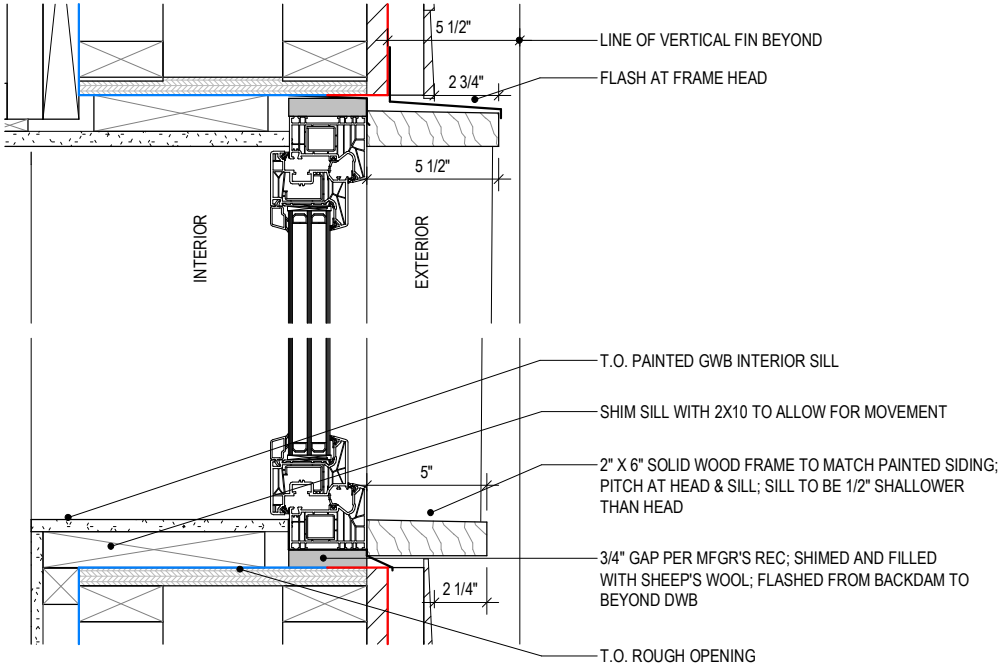
Shuco 82 Living MD Windows & Doors



1 SECTION DETAIL - WINDOW HEAD & SILL
1 1/2" = 1'-0"

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

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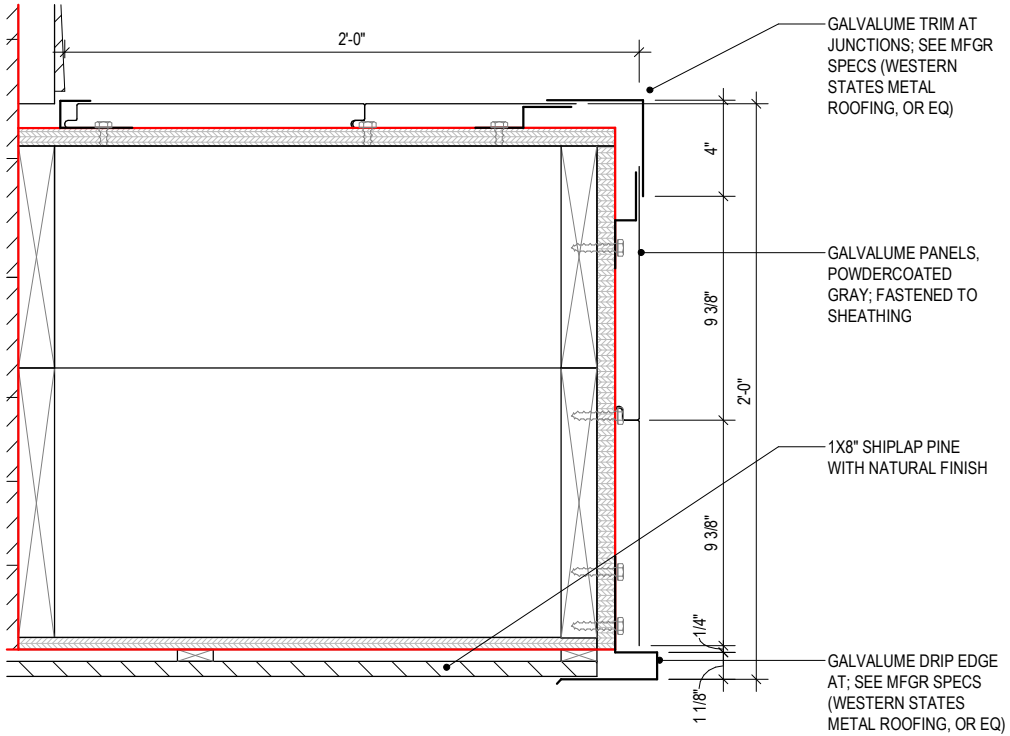

2 SECTION DETAIL - ENTRY CANOPY
1 1/2" = 1'-0"

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

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Project No:
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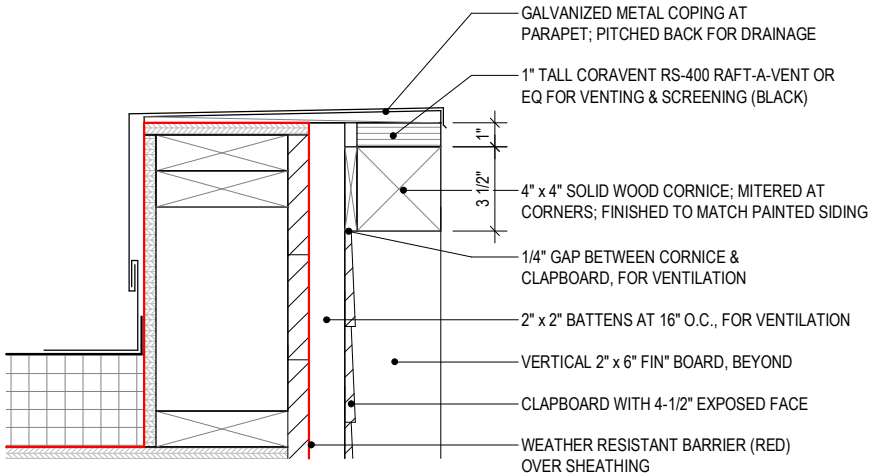

3 SECTION DETAIL - CORNICE
1 1/2" = 1'-0"

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION
CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-002814-2024
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5/29/2024
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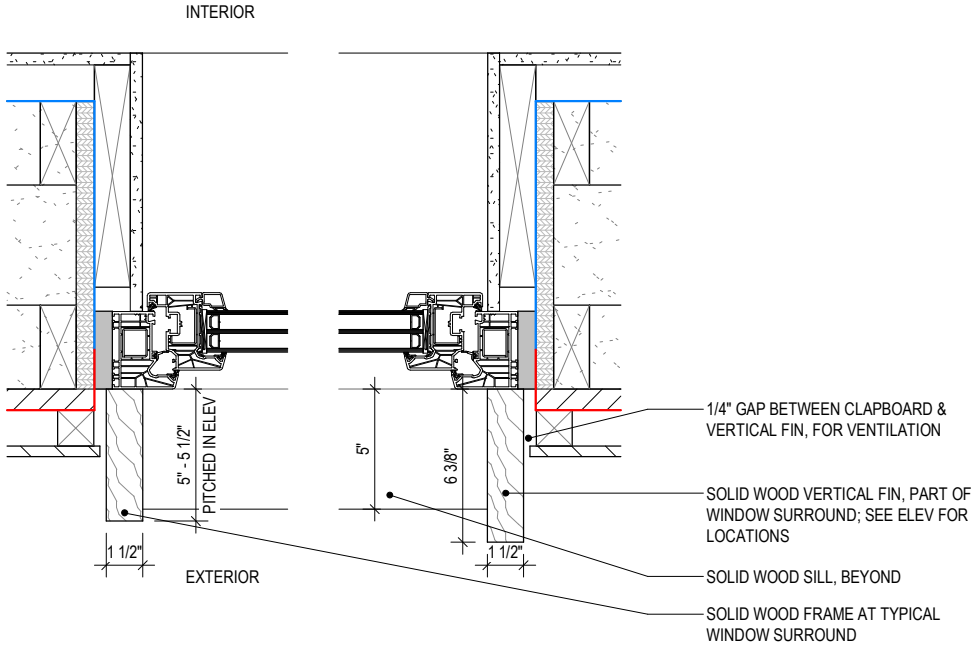

4 PLAN DETAIL - WINDOW
1 1/2" = 1'-0"

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-002814-2024
Public Hearing Date:
5/29/2024
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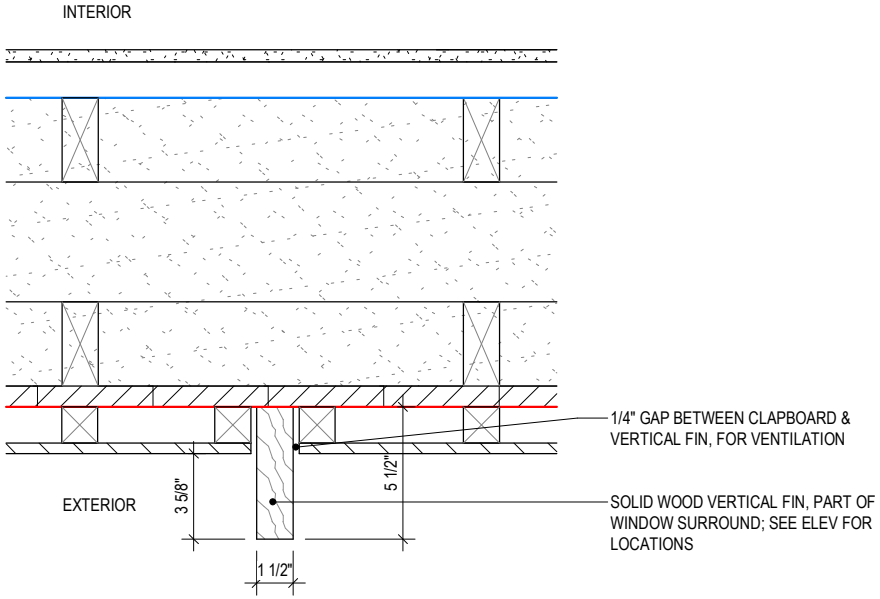
Preservation Staff: Evan Schueckler



5 PLAN DETAIL - VERTICAL FIN
1 1/2" = 1'-0"

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-002814-2024
Public Hearing Date:
5/29/2024
Approved Drawings Date:
6/3/2024
Preservation Staff: Evan Schueckler

Application for Appeal

Department of Planning and Urban Development

City of portland

Applicant Information:

Applicant Name: Joe Lewis **Phone:** (207) 756 - 3773

Business Name (if applicable): _____ **Email:** joe@portcitylegal.com

Mailing Address: 33 Atlantic Street, Portland, ME 04101

Is the applicant an agent, representative, or lessee of the property owner/purchaser? ☐ Yes ☑ No

Name of Property Owner/Purchaser: _____ **Phone:** (_____) _____ - _____

Business Name (if applicable): _____ **Email:** _____

Mailing Address: _____

Property and Project Information:

Property Address: 42 Atlantic Street **Zone:** R-6

Tax Assessor's CBL: 016 (Chart #) F (Block #) 1??? (Lot #) **Current Use of Property:** OTHERS EXEMPT BY CODE

Disputed provisions of the Portland Code of Ordinances (please cite sections): Chapter 14 - Land Use
Article 17: 17.1, 17.8.3(A)(1-5), 17.8.3(B)(2), 17.8.3(C)(2)(3)

Decision being appealed:

Issuance of Certificate of Appropriateness by the Historic Preservation Board stamped for approval on June 3, 2024. See attached for details of basis for the appeal.

Please attach a copy of the approval letter or permit that is under dispute. You are welcome to submit any additional documents and exhibits that may support your request.

The undersigned hereby makes application for an interpretation appeal as described above, and certifies that the information herein is true and correct to the best of his or her knowledge and belief.

Applicant signature: _____ Date: 6/30/2024

389 Congress Street, Fourth Floor • Portland, Maine 04101 • 207-874-8719
planning@portlandmaine.gov • www.portlandmaine.gov

Planning and Urban Development
Historic Preservation Program

June 3, 2024

Owner: Dan Black & Carl Lakari
LB Atlanitc, LLC
P.O. Box 10452
Portland, ME 04104

Applicant: Kyle Barker
Primary Projects
2330 Horton Street
North Dighton, mA 02764

Re: 42 Atlantic Street – New Construction

HPBR-002814-2024

Dan Black, Carl Lakari, and Kyle Barker,

The Historic Preservation Board has approved your application for a Certificate of Appropriateness for new construction at 42 Atlantic Street. Approval was based on the application materials submitted for the public hearing held on May 29, 2024, and stamped for approval on June 3, 2024, except as modified by the following conditions:

- Staff shall review details and/or mockups for installation of cobblestones along Gilbert Lane to ensure that the appearance after utility construction is complete is consistent with the historic appearance.

All improvements shall be carried out as shown on the materials submitted for the hearing on May 29, 2024, and stamped for approval on June 3, 2024, except as to comply with the conditions above. Changes to the approved plans or specifications, and any additional work that may be undertaken must be reviewed and approved by the Historic Preservation program prior to construction, alteration, or demolition. If, during the course of completing the approved work, conditions are encountered which prevent completing the approved work, or which require additional or alternative work, you must apply for and receive a Certificate of Appropriateness or Non-Applicability PRIOR to undertaking additional or alternative work.

This Certificate is granted upon condition that the work authorized herein is commenced within twelve (12) months after the original date of issuance. If the work authorized by this Certificate is not commenced within twelve (12) months after the original date of issuance or if such work is suspended in significant part for a period of one year after the time the work is commenced, such Certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each may be allowed in writing by the Department.

Sincerely,

Evan R. Schueckler
Historic Preservation Program Manager

Additional information supporting the appeal of the Historic Preservation Board's ("HPB") issuance of a Certificate of Appropriateness ("COA").

Appellant Joe Lewis appeals HPB's issuance of the COA for the reasons shown below.

STANDARD OF REVIEW:

1. The evidence before the HPB was erroneous or otherwise lacking with respect to the proposed size of the structure in relation to its visual neighbors.

Erroneous materials from the applicant. No fewer than three members of the community offered testimony during the public hearing process that the drawings purporting to show the height of the proposed structure were fundamentally flawed and misleading. These concerns were only addressed once at a workshop, with the applicant assuring the board that the renderings were correct.

The applicant's assurances notwithstanding, the renderings included in the Approved Plans document illustrate the infirmity of the evidence before the board.

- Page 16 shows a telephone pole to the left of the (42 foot) structure as rendered. The telephone pole is shown to be taller than the structure. On page 17, the same telephone pole is shown as shorter than the structure. Both things cannot be true.
- Page 17 shows a second telephone pole directly in front of the structure at the corner of Atlantic and Gilbert. In this rendering, the pole presents as slightly taller than the structure. Page 18 shows the same pole looking up Gilbert Lane and towering over the structure. The same telephone pole is shown on page 19 as being so much higher than the building that it is not even part of the rendering. These three relative views are thoroughly inconsistent in a way that belies any argument that the renderings are spot-on. On information and belief, this telephone pole is approximately 36 feet tall.

Lacking materials from the applicant. No fewer than two members of the community offered testimony highlighting the lack of renderings which showed the proposed structure in context with its visual neighbors. These concerns were noted on page 4 of the Approved Plans wherein the applicant reported feedback at the second Public Workshop to consider "showing abutting neighbors on analysis slide."

The analysis slide purporting to represent a response to this request is on page 6 of the Approved Plans and is wholly inadequate to either the request or the analytic requirements of the process. Specifically, this page shows 15 buildings on Atlantic Street, seemingly chosen at random. None of these buildings are depicted in reference to the proposed structure. Rather, they are shown in isolation with no location information, no height or width information, and – most alarmingly – not contextualized to the proposed structure. While the applicant did indeed show (some) abutting neighbors on this page, it did so in a way that subverted the ability of the board and the public to evaluate the visual compatibility of the proposed structure with its neighbors.

Because the board did not have sufficient evidence before it to properly evaluate the visual compatibility of the height and width of the proposed structure, any decision it made with reference to that compatibility pursuant to the demands of 17.8.3(A)(1) must not stand.

2. <u>The interpretation of the Standards for review of new construction is not supported by the evidence that was presented and is otherwise so afield of those Standards as to be arbitrary and capricious, and at odds with the purposes of preservation as set forth in Section 17.1.</u>

Pursuant to 17.11.4, Article 17 shall be liberally applied and construed to effectuate the purpose of preservation set forth in Section 17.1. Relevant purposes are detailed at 17.1 C, E, and G. These may safely be generalized to compatibility of new construction, protection and enhancement of the neighborhood character, and protecting and enhancing the attractiveness of the city.

Given the demand to liberally construe the Article generally in support of the purposes of the Article, the board should have been used more exacting standards when it looked at the scale and form, composition of principal facades, and relationship to street of the proposed structure. Instead, the board seems to have bent over backward to see what it wanted to see in order to approve this project.

17.8.3(A)(1) demands that the proposed height shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guideline. Similarly, 17.8.3(A)(2) demands the same of the proposed width of a new building.

In fact, the proposed structure is so much taller than its visual neighbors and so much wider than its visual neighbors that it is nonsensical to conclude

that it is visually compatible. Some of its neighbors will be hidden by this structure if allowed to be developed, which would seem to be the opposite of visually compatible. There are no existing buildings which are visually related to the proposed structure that are even one-half of its overall size. Indeed, public comment offered to the board suggested that the proposed structure is many, many times the size of its immediate neighbors, an allegation that was not even addressed, much less refuted by the applicant or the board. The proposed structure's scale dwarfs its neighbors, which is antithetical to the demands of sub (5), the scale of the structure.

Similarly, and as noted by the applicant on page 6 of the Approved Plans, common attributes of the buildings on Atlantic Street include a vertical orientation. Also, all but one of its visual neighbors features other than the flat roof proposed by the applicant. (During the final public hearing, the applicant erroneously claimed that 28 Atlantic has a flat roof. This is simply wrong.)

The proposal also fails the demands of 17.8.3(B) and (C), specifically regarding the rhythm of solids and voids compared to neighbors and the spacing and structures on streets. This massive structure will present a unique street-level experience for pedestrians, especially on Gilbert Street, which will be fairly "eaten up" by the building.

All told, the proposal fails any straight-face test with respect to visual compatibility. It would be a monster, completely out of character and scale with any other structure in its visual range. To determine otherwise is to ignore the precepts of 17.11.4, which dictates liberal construal of the Article in service to the purposes of preservation. This project is not compatible. It does not protect or enhance the neighborhood character (as described in the District description) but rather destroys that character. It does not protect or enhance the attractiveness of the city to build a massive, industrial-looking box and plop it in the middle of a relatively quaint street that features mostly modest and otherwise well-appointed structures of 1½ to 2½ stories.

3. <u>The HPB impermissibly considered factors other than those called for in the Ordinance, specifically focusing on the need for affordable housing and the budget and design limitations associated with the project being financed by Maine Housing Authority as part of that entity's Low Income Housing Tax Credit program.</u>

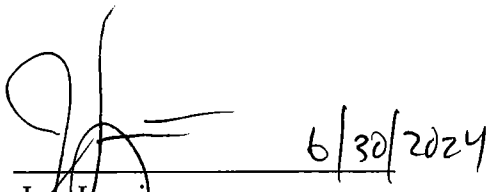
While the board was silent on this point in its COA letter, the reality is that this project was heralded as an important contribution to meeting the need for affordable housing in Portland. Laudable as this goal is, such a consideration is well-outside the purview of this board's authority and the specific guidelines found in 17.8.

During the three public workshops, board members were enthusiastic about this project helping meet the needs for more affordable housing. The board was similarly sympathetic to the applicant's need to be frugal at every turn due to the constraints and demands placed on it by its financer, Maine State Housing Authority.

The City's Land Use ordinance affords no such considerations for a historic preservation new construction analysis. Its final work product belies the open and spoken consideration of the board of the desirability for affordable housing. It permitted this consideration and desire to color its evaluation of this project to the point of allowing budget constraints to override design considerations.

Conclusion Because the Historic Preservation Board was working with insufficient evidence, drew arbitrary and capricious conclusions about visual compatibility in contradiction of the purposes of Article 17, and because the board considered impermissible factors as part of its analysis, the board's COA must be vacated.

Respectfully submitted,



6/30/2024

Joe Lewis
38 Atlantic Street
Portland, ME 04101

STAFF MEMORANDUM
HISTORIC PRESERVATION PROGRAM
PLANNING AND URBAN DEVELOPMENT

TO: Chair Mazer and Members of the Planning Board
FROM: Evan R. Schueckler, Historic Preservation Program Manager
DATE: July 26, 2024
RE: 42 Atlantic Street – PUBLIC HEARING – Appeal of Historic Preservation Board Approval of New Construction
PROJECT ID: HPBR-002814-2024
MEETING: July 30, 2024

Owner: Daniel Black, LB Atlantic LLC
Architect: Kyle Barker, Primary Projects

A legal ad announcing the Planning Board's meeting on July 30, 2024 was published in the Portland Press Herald on July 19, 2024 and July 20, 2024, and 292 notices were sent to neighboring property owners within 500 feet of the subject property.

BACKGROUND

The Historic Preservation Board held two workshops and a public hearing for the proposed new construction at 42 Atlantic Street on the following dates:

- March 6, 2024 – Workshop
- April 17, 2024 – Workshop
- May 29, 2024 – Public hearing

At the May 29 Public Hearing the Historic Preservation Board voted 5-1 (Whitten opposed, Miller recused) to approve the project with conditions.

Included for reference by the Planning Board are all staff memos, applicant materials, and written public comment provided to the Board at the March 6, 2024 Workshop (Attachments 1-5), the April 17, 2024 Workshop (Attachments 6-10), and the May 29, 2024 Public Hearing (Attachments 11-15), along with the the Certificate of Appropriateness and Final Approved Plans issued on June 6, 2024 (Attachments 16-17). Links to the recordings of all three meetings have also been provided.

ANALYSIS OF APPLICABLE REVIEW STANDARDS

See analysis by the Board included in the staff memo from the May 29, 2024 Public Hearing (Attachment 11).

ATTACHMENTS

1. Appeal Application
2. Staff Memo from March 6, 2024 Workshop
3. Project Description from March 6, 2024 Workshop
4. Application checklist and deed from March 6, 2024 Workshop
5. Plans from March 6, 2024 Workshop
6. Public Comment from March 6, 2024 Workshop
7. Staff Memo from April 17, 2024 Workshop
8. Project Description from April 17, 2024 Workshop
9. Application checklist and deed from April 17, 2024 Workshop
10. Plans from April 17, 2024 Workshop
11. Public Comment from April 17, 2024 Workshop
12. Staff Memo from May 29, 2024 Public Hearing
13. Project Description from May 29, 2024 Public Hearing
14. Application checklist and deed from May 29, 2024 Public Hearing
15. Plans from May 29, 2024 Public Hearing
16. Public Comment from May 29, 2024 Public Hearing
17. Certificate of Appropriateness, dated June 3, 2024
18. Approved Plans, dates June 3, 2024

MEETING RECORDINGS

1. March 6, 2024 Workshop: https://portlandme.portal.civicclerk.com/event/6705/media (Beginning around minute 36:00)
2. April 17, 2024 Workshop: https://portlandme.portal.civicclerk.com/event/6718/media (Beginning around minute 35:00)
3. May 29, 2024 Public Hearing: https://portlandme.portal.civicclerk.com/event/7227/media (Beginning around minute 4:00)

CITY OF PORTLAND, MAINE

PLANNING BOARD

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

ADMINISTRATIVE APPEAL

NOTICE OF DECISION

Date of Public Hearing: August 13, 2024

Name of Appellant: Joe Lewis

Location of Property Under Appeal: 42 Atlantic Street

The Planning Board has considered this Application for Appeal of the Historic Preservation Board's ("HPB") approval of a Certificate of Appropriateness for new construction at 42 Atlantic Street (the "Project"). The Planning Board has voted to deny the appeal, based on the reasons set forth below.

STANDARD OF REVIEW

The appeal was filed under § 2.2.10 of the Code, which provides: "The Planning Board shall deny the appeal unless it finds that the action of the Historic Preservation Board was arbitrary or capricious or was not based on substantial evidence. Review by the Planning Board under this subsection is intended to be appellate in nature."

Applying guidance from Maine courts on this review standard, the Planning Board cannot find the HPB's decision to be arbitrary and capricious "unless [the HPB's] action is willful and unreasoning and without consideration of facts or circumstances." *Kroeger v. Dep't of Envtl. Prot.*, 2005 ME 50, ¶ 8, 870 A.2d 566; see also *Cent. Me. Power Co. v. Waterville Urban Renewal Auth.*, 281 A.2d 233, 242 (Me. 1971) (noting that an action is arbitrary or capricious "when it can be said that such action is unreasonable, has no rational factual basis justifying the conclusion or lacks substantial support in the evidence."). Regarding substantial evidence, "[i]f there is relevant evidence in the record to reasonably support the Board's conclusion, the fact that the record contains inconsistent evidence or inconsistent conclusions could be drawn from the evidence does not invalidate the Board's holding." *Herrick v. Town of Mechanic Falls*, 673 A.2d 1348, 1349-1350 (1996). A board's decision may not be overturned simply "because the record is inconsistent" or it is possible to reach a "different conclusion" than the board did. *Twigg v. Town of Kennebunk,* 662 A.2d 914, 916 (Me. 1995).

FINDINGS OF FACT

The Planning Board has considered the application and the arguments raised by the appellant at the public hearing on this matter held on August 13, 2024, as well as public comment received during that hearing. The Planning Board also reviewed the administrative record in this case, which consists of a July 26, 2024 staff memorandum and 18 attachments consisting of documents that were considered by the HPB.

The appellant presented three broad arguments to the Planning Board through his appeal, each of which is discussed below:

1. Evidence with respect to the proposed size of the structure in relation to its visual neighbors.

On this issue, the Planning Board concludes that the renderings of the building that are included in the administrative record are sufficient to display the building in context, and that the scale of the building is well-presented in those renderings. In addition, the record includes a photo of a similarly large building at 55 Atlantic Street. As such, the Planning Board does not believe that the appellant has met his burden to demonstrate that the HPB had insufficient evidence to evaluate visual compatibility.

2. Application of the standards for review by the HPB.

The appellant challenged the HPB's application of the review standards contained in § 17.8.3.A.1, § 17.8.3.A.2, § 17.8.3.A.5, § 17.8.3.B.2 and § 17.8.3.C.2, all of which require the new building to be visually compatible with surrounding structures. The Planning Board finds that the HPB's analysis of the applicable review standards, which were incorporated by reference from the May 29, 2024 staff memorandum, were supported by evidence in the record; principally, the various renderings of the building provided as well as the photos that are included in the record. As such, the Planning Board cannot say that the HPB's decision lacked rational basis or was somehow unreasonable, since it took into account the various evidence that was before it when reaching its conclusions on the design standards.

3. Consideration of the issue of affordability by the HPB.

Finally, the appellant asserts that the HPB inappropriately considered the fact that the Project is an affordable housing project, which is not relevant to any of the review standards in Section 17.8.3. The Planning Board does not see any basis for concluding that the HPB's decision to grant the Certificate of Appropriateness was in any way improperly influenced by the fact that the Project is an affordable housing development. There is no mention of affordability in the findings of fact adopted by the HPB, and no other indication that there was special treatment given to this application. Therefore, the Planning Board finds the appellant's argument to be without merit.

DECISION

In conclusion, the Planning Board concludes that the appellant failed to meet his burden of proof to demonstrate that the HPB's decision was either arbitrary or capricious or unsupported by substantial evidence.

Accordingly, the Planning Board voted 5-1 to deny the appeal and authorized Chair Brandon Mazer to sign this notice of decision.

DATED: August 13, 2024

Brandon Mazer, Chair

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
NO. PORSC-AP-2024-00042

JOSEPH LEWIS,

Plaintiff

v.

CITY OF PORTLAND,

Defendant,

and

LB ATLANTIC, LLC,

Party in Interest

ORDER GRANTING MOTION TO SUBSTITUTE AND REMANDING TO HISTORIC PRESERVATION BOARD

RECD CUMB CLERKS OFC
NOV 21 '25 AM9:56

Before the court is a fully briefed appeal pursuant to M.R. Civ. P. 80B and a motion to substitute brought by Maryellen Sullivan in her capacity as Personal Representative of the Estate of Joseph Lewis. After considering the parties' well-written briefs, the court grants the motion and remands this matter to the City of Portland Historic Preservation Board ("HPB") for issuance of findings of fact and conclusions of law adequate for judicial review.

BACKGROUND

This matter involves an appeal from the issuance of a certificate of appropriateness by the HPB to Party in Interest LB Atlantic, LLC for proposed new construction at 42 Atlantic Street, Portland, Maine. Following public hearing, the HPB voted on May 29, 2024, to approve LB Atlantic's application "on the basis of

submitted documentation, plans, and specifications; information provided in the staff memo; and findings by the [HPB] that the project meets Standards for Review of New Construction 17.83 A.1-8, B.1-5, C.1-4, & D.1-5." R. 125. The certificate of appropriateness was issued on June 3, 2024. R. 179.

When this appeal was filed, Attorney Lewis and Attorney Sullivan resided at 33 Atlantic Street and owned the property as joint tenants. Sullivan Aff. ¶ 4. Attorney Lewis passed away on January 3, 2025. Attorney Sullivan filed the pending motion on April 2, 2025, seeking to substitute Attorney Sullivan as plaintiff in her capacity as Personal Representative as well as in her individual capacity.[1]

DISCUSSION

A. Motion to Substitute

Maine Rule of Civil Procedure 25(a) provides that "[i]f a party dies and the claim is not thereby extinguished, the court may order substitution of the proper parties." LB Atlantic and the City oppose the motion to substitute, arguing that the Estate and Attorney Sullivan lack standing to pursue the appeal because the Estate has no interest in 33 Atlantic Street, and Attorney Sullivan did not participate personally or through her attorney in the administrative process.

Generally, "[i]n order to have standing to file an 80B appeal in the Superior Court, the appellant must prove (1) that it was a party at the administrative proceeding, and (2) that it suffered a particularized injury as a result of the agency's decision." *Norris Fam. Assocs., LLC v. Town of Phippsburg*, 2005 ME 102, ¶ 11, 879

[1] The undersigned acknowledges the profound loss to Attorney Lewis's family, friends, and colleagues, as well as the legal community.

A.2d 1007.

A party suffers a particularized injury when a judgment or order adversely and directly affects that party's property, pecuniary, or personal rights. *Nergaard v. Town of Westport Island*, 2009 ME 56, ¶ 18, 973 A.2d 735. A particularized injury is an injury that is distinct from the harm experienced by the public at large. *Id.* Because of an abutting landowner's proximity, an abutter need only demonstrate a "minor adverse consequence affecting the party's property, pecuniary or personal rights" to have standing. *Sproul v. Town of Boothbay Harbor*, 2000 ME 30, ¶ 7, 746 A.2d 368.

An appellant may have party status without having formally appeared as a party as long as it participated throughout the administrative proceeding. *Friends of Lincoln Lakes v. Town of Lincoln*, 2010 ME 78, ¶ 12, 2 A.3d 284. "Participation may be . . . in person or through an attorney." *Norris Fam. Assocs., LLC*, 2005 ME 102, ¶ 16, 879 A.2d 1007 (citation modified) (quoting *New Eng. Herald Dev. Grp. v. Town of Falmouth*, 521 A.2d 693, 696 (Me. 1987)).

The Estate clearly lacks standing because it has no interest in the property at 33 Atlantic Street. Attorney Sullivan argues that an estate may properly be substituted in an administrative appeal, citing *Estate of Pirozzolo v. Department of Marine Resources*, 2017 ME 147, ¶ 2 n.1, 167 A.3d 522. *Pirozzolo* is distinguishable from this matter, however, because the estate in *Pirozzolo* apparently had an interest in abutting property—there is no suggestion that title had passed to a third party during litigation. *See id.* ¶ 2 ("A group of property owners in the vicinity of the proposed lease site, including Jack Pirozzolo . . . , intervened in the Department

proceeding." (footnote omitted)). As Attorney Sullivan acknowledges, Attorney Lewis's joint tenancy interest was extinguished upon his passing; it did not pass to the Estate. *See* Sullivan Aff. ¶ 13. There can be no injury to the Estate.

On the other hand, Attorney Sullivan meets the particularized injury requirement as an individual because she owns property abutting the proposed project. *See* Sullivan Aff. ¶ 23 ("The development interferes with my quiet enjoyment of my home for several reasons, including inadequate provisions for access and parking . . . ."). The more substantial hurdle for Attorney Sullivan is demonstrating "party status."

Attorney Sullivan admits that although Attorney Lewis appeared in proceedings before the City, Attorney Sullivan did not personally appear or participate in administrative proceedings. She avers that "Joe and I consulted on all of his submissions and other efforts in opposition to the proposed development of 42 Atlantic Street," Sullivan Aff. ¶ 7, and that "our mutual interests as the owners of 33 Atlantic Street were represented by Joe" in the administrative proceedings, Sullivan Aff. ¶ 18.

Attorney Sullivan cites *Norris Family Associates, LLC v. Town of Phippsburg*, 2005 ME 102, 879 A.2d 1007, and *New England Herald Development Group v. Town of Falmouth*, 521 A.2d 693 (Me. 1987), to support her argument that she has party status. In *New England Herald Development Group*, the Law Court held that a partnership had party status when an individual partner and agent of the partnership was present and participated in every stage of the administrative

proceeding, even though the partnership was not a named plaintiff in the administrative proceeding. 521 A.2d at 694. In *Norris Family Associates, LLC*, the Law Court similarly held that one of several owners of an abutting property, Phillip Jermain, had party status when an attorney who appeared during administrative proceedings stated that he was representing the other owners, "the Norrises," because it could be "fairly be inferred that [the attorney] appeared on behalf of all of the owners." 2005 ME 102, ¶ 17, 879 A.2d 1007.

In this case, the court is convinced that Attorney Lewis and Attorney Sullivan intended for Attorney Lewis to represent both their interests before the HPB, as they were identical at that time. Although Attorney Lewis did not expressly state that he was participating in administrative hearings on his own behalf as well as on behalf of Attorney Sullivan, one could fairly infer that he represented the interests of both joint tenants of the property at 33 Atlantic Street. *See id.* In addition, the court finds that no party will be prejudiced if the court permits Attorney Sullivan to step into the shoes of Attorney Lewis for purposes of this appeal. Considering the unique circumstances of this case, the interests of justice would not be served by dismissing this appeal on a technicality. The court therefore grants the motion to substitute Attorney Sullivan in her personal capacity as Plaintiff and turns to the merits of the Rule 80B appeal.

B. Rule 80B Appeal

The Superior Court's jurisdiction to hear Rule 80B appeals is a function of statute. 4 M.R.S. § 105(3)(A) (2025); *see* M.R. Civ. P. 80B(a); *Norris Fam. Assocs.*,

LLC, 2005 ME 102, ¶ 13, 879 A.2d 1007. The court reviews the operative decision of a municipality for errors of law, abuse of discretion, or findings not supported by substantial evidence in the record. *Grant v. Town of Belgrade*, 2019 ME 160, ¶ 8, 221 A.3d 112. As the Law Court recently explained,

> [m]eaningful judicial review of an agency decision is not possible without findings of fact sufficient to apprise the court of the decision's basis. In the absence of such findings, a reviewing court cannot effectively determine if an agency's decision is supported by the evidence, and there is a danger of judicial usurpation of administrative functions. Adequate findings also assure more careful administrative considerations, help parties plan cases for rehearing or judicial review and keep agencies within their jurisdiction.

Murray v. City of Portland, 2023 ME 57, ¶ 14, 301 A.3d 777 (alteration in original) (quoting *Chapel Rd. Assocs. v. Town of Wells*, 2001 ME 178, ¶ 10, 787 A.2d 137).

The court must remand this matter because the HPB did not make adequate findings, and this is not a case in which the facts are obvious from the record. *See id.* ¶ 16. As noted, the HPB voted to approve LB Atlantic's application "on the basis of submitted documentation, plans, and specifications; information provided in the staff memo; and findings by the [HPB] that the project meets Standards for Review of New Construction . . . ." R. 125. Although the HPB acknowledged that findings regarding multiple review standards were required under the City's Code, the record contains no statement of the HPB explaining its bases in fact for its conclusion that all standards were met, aside from a broad reference to the entire administrative record.

The City argues that, by referencing the staff memo in its vote, the HPB adopted the staff memo as its findings. The court does not construe the above vote as an adoption of the staff memo. Rather, the HPB stated only that it considered the

information in the staff memo among other information in reaching its decision. Because the record lacks clear findings of the HPB regarding the applicable standards under the Code, meaningful judicial review is impossible.

CONCLUSION

For the reasons stated above, the court grants the motion to substitute and remands this matter to the City.

The entry is:

1. The Motion to Substitute is GRANTED. Maryellen Sullivan, in her personal capacity, is hereby substituted for Jospeh Lewis as Plaintiff; and

2. This matter is REMANDED to the City of Portland Planning Board to remand to the Historic Preservation Board for issuance of findings of fact and conclusions of law adequate for judicial review.

The clerk is directed to incorporate this order into the docket by reference. M.R. Civ. P. 79(a).

Dated: 11/19/25

John O'Neil, Jr.
Justice, Maine Superior Court

Keith P. Richard, Archipelago Law, LLP, Portland, for Plaintiff
Amy R. McNally, City of Portland Office of Corporation Counsel, Portland, for Defendant
David M. Kallin & Oliver Mac Walton, Drummond Woodsum, Portland, for Party in Interest

Entered on the Docket: 12/9/25

Office of Corporation Counsel
Michael Goldman, *Corporation Counsel*
Amy R. McNally, *Associate Corporation Counsel*
Nicole M. Albert, *Associate Corporation Counsel*
Rachel L. Millette, *Associate Corporation Counsel*
Avery A. Novak, *Associate Corporation Counsel*
Mary C. Christie, *Associate Corporation Counsel*

MEMORANDUM

To: Chair Miller and Members of the Historic Preservation Board

From: Amy McNally, Associate Corporation Counsel

Date: January 16, 2026

Subject: Remand Order - 42 Atlantic Street - HPBR-002814-2024

On May 29, 2024, this Board approved a Certificate of Appropriateness for new construction at 42 Atlantic Street. An abutter appealed that decision to the Planning Board pursuant to Section 2.2.11 (A) of the City's Land Use Code. The Planning Board affirmed, and the abutter thereafter appealed to Superior Court pursuant to Section 2.1.12 of the Land Use Code and Rule 80B of Maine Rules of Civil Procedure. On November 19, 2025, the Superior Court issued the attached order remanding the matter to this Board with instructions to issue "findings of fact and conclusions of law adequate for judicial review."

The City anticipates that this Board will meet on two occasions to address the Court's remand order. The purpose of the first meeting, currently scheduled on Wednesday, January 21, 2026, will be to review the order and discuss next steps. That meeting will be a good opportunity for any board members to ask questions about the process and the Board's responsibilities, but the Board will not engage in substantive deliberations or take any vote on the matter at that meeting.

The second meeting is currently scheduled on February 4, 2026. At that meeting, we expect Board members to review the Board's prior decision, the relevant standards and the evidence in the record and develop written findings which support the Board's 2024 decision. Please note that the Court's Order does not require the Board

to revisit the merits of its original decision, but instead directs the Board to expand on how and why it reached its decision to approve the Certificate of Appropriateness.

In order to participate in the hearing on February 4th, it will be important for each of the available Board members to review the entire record that was before the Board when it made its decision in 2024, including the relevant portions of the video of the workshops and public hearings which are all available on the City's website. Recordings, applicant materials, staff memos, and public comment from the relevant reviews can be found at the below links:

- March 6, 2024, Workshop: https://portlandme.portal.civicclerk.com/event/6705/files/agenda/14415
- April 17, 2024, Workshop: https://portlandme.portal.civicclerk.com/event/6718/files/agenda/14678
- May 29, 2024, Public Hearing: https://portlandme.portal.civicclerk.com/event/7227/files/agenda/14879

I hope this is a helpful introduction to the process that lies ahead. I look forward to working with you at the upcoming meetings and answering any questions you may have.

Attachments:

1. Court Order Re. *Lewis v. City of Portland*, NO. PORSC-AP-2024-00042

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
NO. PORSC-AP-2024-00042

JOSEPH LEWIS,

Plaintiff

v.

CITY OF PORTLAND,

Defendant,

and

LB ATLANTIC, LLC,

Party in Interest

ORDER GRANTING MOTION TO SUBSTITUTE AND REMANDING TO HISTORIC PRESERVATION BOARD

RECD CUMB CLERKS OFC
NOV 21 '25 AM9:56

Before the court is a fully briefed appeal pursuant to M.R. Civ. P. 80B and a motion to substitute brought by Maryellen Sullivan in her capacity as Personal Representative of the Estate of Joseph Lewis. After considering the parties' well-written briefs, the court grants the motion and remands this matter to the City of Portland Historic Preservation Board ("HPB") for issuance of findings of fact and conclusions of law adequate for judicial review.

BACKGROUND

This matter involves an appeal from the issuance of a certificate of appropriateness by the HPB to Party in Interest LB Atlantic, LLC for proposed new construction at 42 Atlantic Street, Portland, Maine. Following public hearing, the HPB voted on May 29, 2024, to approve LB Atlantic's application "on the basis of

submitted documentation, plans, and specifications; information provided in the staff memo; and findings by the [HPB] that the project meets Standards for Review of New Construction 17.83 A.1-8, B.1-5, C.1-4, & D.1-5." R. 125. The certificate of appropriateness was issued on June 3, 2024. R. 179.

When this appeal was filed, Attorney Lewis and Attorney Sullivan resided at 33 Atlantic Street and owned the property as joint tenants. Sullivan Aff. ¶ 4. Attorney Lewis passed away on January 3, 2025. Attorney Sullivan filed the pending motion on April 2, 2025, seeking to substitute Attorney Sullivan as plaintiff in her capacity as Personal Representative as well as in her individual capacity.[1]

DISCUSSION

A. Motion to Substitute

Maine Rule of Civil Procedure 25(a) provides that "[i]f a party dies and the claim is not thereby extinguished, the court may order substitution of the proper parties." LB Atlantic and the City oppose the motion to substitute, arguing that the Estate and Attorney Sullivan lack standing to pursue the appeal because the Estate has no interest in 33 Atlantic Street, and Attorney Sullivan did not participate personally or through her attorney in the administrative process.

Generally, "[i]n order to have standing to file an 80B appeal in the Superior Court, the appellant must prove (1) that it was a party at the administrative proceeding, and (2) that it suffered a particularized injury as a result of the agency's decision." *Norris Fam. Assocs., LLC v. Town of Phippsburg*, 2005 ME 102, ¶ 11, 879

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proceeding." (footnote omitted)). As Attorney Sullivan acknowledges, Attorney Lewis's joint tenancy interest was extinguished upon his passing; it did not pass to the Estate. *See* Sullivan Aff. ¶ 13. There can be no injury to the Estate.

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In this case, the court is convinced that Attorney Lewis and Attorney Sullivan intended for Attorney Lewis to represent both their interests before the HPB, as they were identical at that time. Although Attorney Lewis did not expressly state that he was participating in administrative hearings on his own behalf as well as on behalf of Attorney Sullivan, one could fairly infer that he represented the interests of both joint tenants of the property at 33 Atlantic Street. *See id.* In addition, the court finds that no party will be prejudiced if the court permits Attorney Sullivan to step into the shoes of Attorney Lewis for purposes of this appeal. Considering the unique circumstances of this case, the interests of justice would not be served by dismissing this appeal on a technicality. The court therefore grants the motion to substitute Attorney Sullivan in her personal capacity as Plaintiff and turns to the merits of the Rule 80B appeal.

B. Rule 80B Appeal

The Superior Court's jurisdiction to hear Rule 80B appeals is a function of statute. 4 M.R.S. § 105(3)(A) (2025); *see* M.R. Civ. P. 80B(a); *Norris Fam. Assocs.*,

LLC, 2005 ME 102, ¶ 13, 879 A.2d 1007. The court reviews the operative decision of a municipality for errors of law, abuse of discretion, or findings not supported by substantial evidence in the record. *Grant v. Town of Belgrade*, 2019 ME 160, ¶ 8, 221 A.3d 112. As the Law Court recently explained,

> [m]eaningful judicial review of an agency decision is not possible without findings of fact sufficient to apprise the court of the decision's basis. In the absence of such findings, a reviewing court cannot effectively determine if an agency's decision is supported by the evidence, and there is a danger of judicial usurpation of administrative functions. Adequate findings also assure more careful administrative considerations, help parties plan cases for rehearing or judicial review and keep agencies within their jurisdiction.

Murray v. City of Portland, 2023 ME 57, ¶ 14, 301 A.3d 777 (alteration in original) (quoting *Chapel Rd. Assocs. v. Town of Wells*, 2001 ME 178, ¶ 10, 787 A.2d 137).

The court must remand this matter because the HPB did not make adequate findings, and this is not a case in which the facts are obvious from the record. *See id.* ¶ 16. As noted, the HPB voted to approve LB Atlantic's application "on the basis of submitted documentation, plans, and specifications; information provided in the staff memo; and findings by the [HPB] that the project meets Standards for Review of New Construction . . . ." R. 125. Although the HPB acknowledged that findings regarding multiple review standards were required under the City's Code, the record contains no statement of the HPB explaining its bases in fact for its conclusion that all standards were met, aside from a broad reference to the entire administrative record.

The City argues that, by referencing the staff memo in its vote, the HPB adopted the staff memo as its findings. The court does not construe the above vote as an adoption of the staff memo. Rather, the HPB stated only that it considered the

information in the staff memo among other information in reaching its decision. Because the record lacks clear findings of the HPB regarding the applicable standards under the Code, meaningful judicial review is impossible.

CONCLUSION

For the reasons stated above, the court grants the motion to substitute and remands this matter to the City.

The entry is:

1. The Motion to Substitute is GRANTED. Maryellen Sullivan, in her personal capacity, is hereby substituted for Jospeh Lewis as Plaintiff; and

2. This matter is REMANDED to the City of Portland Planning Board to remand to the Historic Preservation Board for issuance of findings of fact and conclusions of law adequate for judicial review.

The clerk is directed to incorporate this order into the docket by reference. M.R. Civ. P. 79(a).

Dated: 11/19/25

John O'Neil, Jr.
Justice, Maine Superior Court

Keith P. Richard, Archipelago Law, LLP, Portland, for Plaintiff
Amy R. McNally, City of Portland Office of Corporation Counsel, Portland, for Defendant
David M. Kallin & Oliver Mac Walton, Drummond Woodsum, Portland, for Party in Interest

Entered on the Docket: 12/9/25

STAFF MEMORANDUM
HISTORIC PRESERVATION PROGRAM
PLANNING AND URBAN DEVELOPMENT

TO: Chair Miller and Members of the Historic Preservation Board
FROM: Evan R. Schueckler, Historic Preservation Program Manager
DATE: February 3, 2026
RE: 42 Atlantic Street – REMAND – New Construction
PROJECT ID: HPBR-002814-2024
MEETING: February 4, 2026

Owner: Daniel Black, LB Atlantic LLC
Architect: Kyle Barker, Primary Projects

A sign announcing the Historic Preservation Board's meeting on February 4, 2026 was posted at the property on January 28, 2026. 288 notices were sent to neighboring property owners within 500 feet of the subject property.

INTRODUCTION

On November 19, 2025, the Cumberland County Superior Court remanded application HPBR-002814-2024 to the Planning Board with instructions to remand the application to the Historic Preservation Board in order to issue findings of fact and conclusions of law adequate for judicial review.

On January 27, 2026, the Portland Planning Board voted 7-0 to remand the application to the Historic Preservation Board.

RECORD OF HISTORIC PRESERVATION BOARD REVIEW

March 6, 2024 – Historic Preservation Board Workshop:
https://portlandme.portal.civicclerk.com/event/6705/files/agenda/14415 (Begins at 0:37)
April 17, 2024 – Historic Preservation Board Workshop:
https://portlandme.portal.civicclerk.com/event/6718/files/agenda/14678 (Begins at 0:35)
May 29, 2024 – Historic Preservation Board Public Hearing:
https://portlandme.portal.civicclerk.com/event/7227/files/agenda/14879 (Begins at 0:05)

SUBSEQUENT MEETINGS PERTAINING TO THE APPEAL

July 30, 2024 – Planning Board Public Hearing:
https://portlandme.portal.civicclerk.com/event/7301/overview (Begins at 3:28)
(Item was tabled to August 13 Meeting)
August 13, 2024 – Planning Board Public Hearing:
https://portlandme.portal.civicclerk.com/event/6981/files/agenda/15102 (Begins at 0:06)
January 21, 2026 – Historic Preservation Board Communication:
https://portlandme.portal.civicclerk.com/event/8444/files/agenda/17305 (Begins at 0:07)
January 27, 2026 – Planning Board review of Remand:
https://portlandme.portal.civicclerk.com/event/8422/files/agenda/17334 (Begins at 1:01)

MOTION FOR CONSIDERATION

I move to adopt the attached findings of fact **[as written][as amended during the meeting on February 4, 2026]** to supplement the Board's conditional approval of application HPBR-002814-2024 from May 29, 2024.

ATTACHMENTS

1. Court Order Re. Lewis v. City of Portland, NO. PORSC-AP-2024-00042
2. Corporation Counsel Communication from January 21, 2026
3. HPBR-002814-2024 Certificate of Appropriateness, June 6, 2024
4. HPBR-002814-2024 Approved Plans, June 6, 2024
5. HPBR-002814-2024 Draft Findings of Fact, January 30, 2026
6. Communication from Appellant's Attorney, January 21, 2026
7. Communication from Applicant's Attorney, January 21, 2026
8. Communication from Appellant's Attorney, January 30, 2026
9. Communication from Applicant's Attorney, February 2, 2026

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
NO. PORSC-AP-2024-00042

JOSEPH LEWIS,

Plaintiff

v.

CITY OF PORTLAND,

Defendant,

and

LB ATLANTIC, LLC,

Party in Interest

ORDER GRANTING MOTION TO SUBSTITUTE AND REMANDING TO HISTORIC PRESERVATION BOARD

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Before the court is a fully briefed appeal pursuant to M.R. Civ. P. 80B and a motion to substitute brought by Maryellen Sullivan in her capacity as Personal Representative of the Estate of Joseph Lewis. After considering the parties' well-written briefs, the court grants the motion and remands this matter to the City of Portland Historic Preservation Board ("HPB") for issuance of findings of fact and conclusions of law adequate for judicial review.

BACKGROUND

This matter involves an appeal from the issuance of a certificate of appropriateness by the HPB to Party in Interest LB Atlantic, LLC for proposed new construction at 42 Atlantic Street, Portland, Maine. Following public hearing, the HPB voted on May 29, 2024, to approve LB Atlantic's application "on the basis of

submitted documentation, plans, and specifications; information provided in the staff memo; and findings by the [HPB] that the project meets Standards for Review of New Construction 17.83 A.1-8, B.1-5, C.1-4, & D.1-5." R. 125. The certificate of appropriateness was issued on June 3, 2024. R. 179.

When this appeal was filed, Attorney Lewis and Attorney Sullivan resided at 33 Atlantic Street and owned the property as joint tenants. Sullivan Aff. ¶ 4. Attorney Lewis passed away on January 3, 2025. Attorney Sullivan filed the pending motion on April 2, 2025, seeking to substitute Attorney Sullivan as plaintiff in her capacity as Personal Representative as well as in her individual capacity.[1]

DISCUSSION

A. Motion to Substitute

Maine Rule of Civil Procedure 25(a) provides that "[i]f a party dies and the claim is not thereby extinguished, the court may order substitution of the proper parties." LB Atlantic and the City oppose the motion to substitute, arguing that the Estate and Attorney Sullivan lack standing to pursue the appeal because the Estate has no interest in 33 Atlantic Street, and Attorney Sullivan did not participate personally or through her attorney in the administrative process.

Generally, "[i]n order to have standing to file an 80B appeal in the Superior Court, the appellant must prove (1) that it was a party at the administrative proceeding, and (2) that it suffered a particularized injury as a result of the agency's decision." *Norris Fam. Assocs., LLC v. Town of Phippsburg*, 2005 ME 102, ¶ 11, 879

[1] The undersigned acknowledges the profound loss to Attorney Lewis's family, friends, and colleagues, as well as the legal community.

A.2d 1007.

A party suffers a particularized injury when a judgment or order adversely and directly affects that party's property, pecuniary, or personal rights. *Nergaard v. Town of Westport Island*, 2009 ME 56, ¶ 18, 973 A.2d 735. A particularized injury is an injury that is distinct from the harm experienced by the public at large. *Id.* Because of an abutting landowner's proximity, an abutter need only demonstrate a "minor adverse consequence affecting the party's property, pecuniary or personal rights" to have standing. *Sproul v. Town of Boothbay Harbor*, 2000 ME 30, ¶ 7, 746 A.2d 368.

An appellant may have party status without having formally appeared as a party as long as it participated throughout the administrative proceeding. *Friends of Lincoln Lakes v. Town of Lincoln*, 2010 ME 78, ¶ 12, 2 A.3d 284. "Participation may be . . . in person or through an attorney." *Norris Fam. Assocs., LLC*, 2005 ME 102, ¶ 16, 879 A.2d 1007 (citation modified) (quoting *New Eng. Herald Dev. Grp. v. Town of Falmouth*, 521 A.2d 693, 696 (Me. 1987)).

The Estate clearly lacks standing because it has no interest in the property at 33 Atlantic Street. Attorney Sullivan argues that an estate may properly be substituted in an administrative appeal, citing *Estate of Pirozzolo v. Department of Marine Resources*, 2017 ME 147, ¶ 2 n.1, 167 A.3d 522. *Pirozzolo* is distinguishable from this matter, however, because the estate in *Pirozzolo* apparently had an interest in abutting property—there is no suggestion that title had passed to a third party during litigation. *See id.* ¶ 2 ("A group of property owners in the vicinity of the proposed lease site, including Jack Pirozzolo . . . , intervened in the Department

proceeding." (footnote omitted)). As Attorney Sullivan acknowledges, Attorney Lewis's joint tenancy interest was extinguished upon his passing; it did not pass to the Estate. *See* Sullivan Aff. ¶ 13. There can be no injury to the Estate.

On the other hand, Attorney Sullivan meets the particularized injury requirement as an individual because she owns property abutting the proposed project. *See* Sullivan Aff. ¶ 23 ("The development interferes with my quiet enjoyment of my home for several reasons, including inadequate provisions for access and parking . . . ."). The more substantial hurdle for Attorney Sullivan is demonstrating "party status."

Attorney Sullivan admits that although Attorney Lewis appeared in proceedings before the City, Attorney Sullivan did not personally appear or participate in administrative proceedings. She avers that "Joe and I consulted on all of his submissions and other efforts in opposition to the proposed development of 42 Atlantic Street," Sullivan Aff. ¶ 7, and that "our mutual interests as the owners of 33 Atlantic Street were represented by Joe" in the administrative proceedings, Sullivan Aff. ¶ 18.

Attorney Sullivan cites *Norris Family Associates, LLC v. Town of Phippsburg*, 2005 ME 102, 879 A.2d 1007, and *New England Herald Development Group v. Town of Falmouth*, 521 A.2d 693 (Me. 1987), to support her argument that she has party status. In *New England Herald Development Group*, the Law Court held that a partnership had party status when an individual partner and agent of the partnership was present and participated in every stage of the administrative

proceeding, even though the partnership was not a named plaintiff in the administrative proceeding. 521 A.2d at 694. In *Norris Family Associates, LLC*, the Law Court similarly held that one of several owners of an abutting property, Phillip Jermain, had party status when an attorney who appeared during administrative proceedings stated that he was representing the other owners, "the Norrises," because it could be "fairly be inferred that [the attorney] appeared on behalf of all of the owners." 2005 ME 102, ¶ 17, 879 A.2d 1007.

In this case, the court is convinced that Attorney Lewis and Attorney Sullivan intended for Attorney Lewis to represent both their interests before the HPB, as they were identical at that time. Although Attorney Lewis did not expressly state that he was participating in administrative hearings on his own behalf as well as on behalf of Attorney Sullivan, one could fairly infer that he represented the interests of both joint tenants of the property at 33 Atlantic Street. *See id.* In addition, the court finds that no party will be prejudiced if the court permits Attorney Sullivan to step into the shoes of Attorney Lewis for purposes of this appeal. Considering the unique circumstances of this case, the interests of justice would not be served by dismissing this appeal on a technicality. The court therefore grants the motion to substitute Attorney Sullivan in her personal capacity as Plaintiff and turns to the merits of the Rule 80B appeal.

B. Rule 80B Appeal

The Superior Court's jurisdiction to hear Rule 80B appeals is a function of statute. 4 M.R.S. § 105(3)(A) (2025); *see* M.R. Civ. P. 80B(a); *Norris Fam. Assocs.*,

LLC, 2005 ME 102, ¶ 13, 879 A.2d 1007. The court reviews the operative decision of a municipality for errors of law, abuse of discretion, or findings not supported by substantial evidence in the record. *Grant v. Town of Belgrade*, 2019 ME 160, ¶ 8, 221 A.3d 112. As the Law Court recently explained,

> [m]eaningful judicial review of an agency decision is not possible without findings of fact sufficient to apprise the court of the decision's basis. In the absence of such findings, a reviewing court cannot effectively determine if an agency's decision is supported by the evidence, and there is a danger of judicial usurpation of administrative functions. Adequate findings also assure more careful administrative considerations, help parties plan cases for rehearing or judicial review and keep agencies within their jurisdiction.

Murray v. City of Portland, 2023 ME 57, ¶ 14, 301 A.3d 777 (alteration in original) (quoting *Chapel Rd. Assocs. v. Town of Wells*, 2001 ME 178, ¶ 10, 787 A.2d 137).

The court must remand this matter because the HPB did not make adequate findings, and this is not a case in which the facts are obvious from the record. *See id.* ¶ 16. As noted, the HPB voted to approve LB Atlantic's application "on the basis of submitted documentation, plans, and specifications; information provided in the staff memo; and findings by the [HPB] that the project meets Standards for Review of New Construction . . . ." R. 125. Although the HPB acknowledged that findings regarding multiple review standards were required under the City's Code, the record contains no statement of the HPB explaining its bases in fact for its conclusion that all standards were met, aside from a broad reference to the entire administrative record.

The City argues that, by referencing the staff memo in its vote, the HPB adopted the staff memo as its findings. The court does not construe the above vote as an adoption of the staff memo. Rather, the HPB stated only that it considered the

information in the staff memo among other information in reaching its decision. Because the record lacks clear findings of the HPB regarding the applicable standards under the Code, meaningful judicial review is impossible.

CONCLUSION

For the reasons stated above, the court grants the motion to substitute and remands this matter to the City.

The entry is:

1. The Motion to Substitute is GRANTED. Maryellen Sullivan, in her personal capacity, is hereby substituted for Jospeh Lewis as Plaintiff; and

2. This matter is REMANDED to the City of Portland Planning Board to remand to the Historic Preservation Board for issuance of findings of fact and conclusions of law adequate for judicial review.

The clerk is directed to incorporate this order into the docket by reference. M.R. Civ. P. 79(a).

Dated: 11/19/25

John O'Neil, Jr.
Justice, Maine Superior Court

Keith P. Richard, Archipelago Law, LLP, Portland, for Plaintiff
Amy R. McNally, City of Portland Office of Corporation Counsel, Portland, for Defendant
David M. Kallin & Oliver Mac Walton, Drummond Woodsum, Portland, for Party in Interest

Entered on the Docket: 12/9/25

Office of Corporation Counsel
Michael Goldman, *Corporation Counsel*
Amy R. McNally, *Associate Corporation Counsel*
Nicole M. Albert, *Associate Corporation Counsel*
Rachel L. Millette, *Associate Corporation Counsel*
Avery A. Novak, *Associate Corporation Counsel*
Mary C. Christie, *Associate Corporation Counsel*

MEMORANDUM

To: Chair Miller and Members of the Historic Preservation Board

From: Amy McNally, Associate Corporation Counsel

Date: January 16, 2026

Subject: Remand Order - 42 Atlantic Street - HPBR-002814-2024

On May 29, 2024, this Board approved a Certificate of Appropriateness for new construction at 42 Atlantic Street. An abutter appealed that decision to the Planning Board pursuant to Section 2.2.11 (A) of the City's Land Use Code. The Planning Board affirmed, and the abutter thereafter appealed to Superior Court pursuant to Section 2.1.12 of the Land Use Code and Rule 80B of Maine Rules of Civil Procedure. On November 19, 2025, the Superior Court issued the attached order remanding the matter to this Board with instructions to issue "findings of fact and conclusions of law adequate for judicial review."

The City anticipates that this Board will meet on two occasions to address the Court's remand order. The purpose of the first meeting, currently scheduled on Wednesday, January 21, 2026, will be to review the order and discuss next steps. That meeting will be a good opportunity for any board members to ask questions about the process and the Board's responsibilities, but the Board will not engage in substantive deliberations or take any vote on the matter at that meeting.

The second meeting is currently scheduled on February 4, 2026. At that meeting, we expect Board members to review the Board's prior decision, the relevant standards and the evidence in the record and develop written findings which support the Board's 2024 decision. Please note that the Court's Order does not require the Board

to revisit the merits of its original decision, but instead directs the Board to expand on how and why it reached its decision to approve the Certificate of Appropriateness.

In order to participate in the hearing on February 4th, it will be important for each of the available Board members to review the entire record that was before the Board when it made its decision in 2024, including the relevant portions of the video of the workshops and public hearings which are all available on the City's website. Recordings, applicant materials, staff memos, and public comment from the relevant reviews can be found at the below links:

- March 6, 2024, Workshop: https://portlandme.portal.civicclerk.com/event/6705/files/agenda/14415
- April 17, 2024, Workshop: https://portlandme.portal.civicclerk.com/event/6718/files/agenda/14678
- May 29, 2024, Public Hearing: https://portlandme.portal.civicclerk.com/event/7227/files/agenda/14879

I hope this is a helpful introduction to the process that lies ahead. I look forward to working with you at the upcoming meetings and answering any questions you may have.

Attachments:

1. Court Order Re. *Lewis v. City of Portland*, NO. PORSC-AP-2024-00042

June 3, 2024

Owner: Dan Black & Carl Lakari
LB Atlanitc, LLC
P.O. Box 10452
Portland, ME 04104

Applicant: Kyle Barker
Primary Projects
2330 Horton Street
North Dighton, mA 02764

Re: 42 Atlantic Street – New Construction

HPBR-002814-2024

Dan Black, Carl Lakari, and Kyle Barker,

The Historic Preservation Board has approved your application for a Certificate of Appropriateness for new construction at 42 Atlantic Street. Approval was based on the application materials submitted for the public hearing held on May 29, 2024, and stamped for approval on June 3, 2024, except as modified by the following conditions:

- Staff shall review details and/or mockups for installation of cobblestones along Gilbert Lane to ensure that the appearance after utility construction is complete is consistent with the historic appearance.

All improvements shall be carried out as shown on the materials submitted for the hearing on May 29, 2024, and stamped for approval on June 3, 2024, except as to comply with the conditions above. Changes to the approved plans or specifications, and any additional work that may be undertaken must be reviewed and approved by the Historic Preservation program prior to construction, alteration, or demolition. If, during the course of completing the approved work, conditions are encountered which prevent completing the approved work, or which require additional or alternative work, you must apply for and receive a Certificate of Appropriateness or Non-Applicability PRIOR to undertaking additional or alternative work.

This Certificate is granted upon condition that the work authorized herein is commenced within twelve (12) months after the original date of issuance. If the work authorized by this Certificate is not commenced within twelve (12) months after the original date of issuance or if such work is suspended in significant part for a period of one year after the time the work is commenced, such Certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each may be allowed in writing by the Department.

Sincerely,

Evan R. Schueckler
Historic Preservation Program Manager

Dan Black
PO Box 10452
Portland, ME 04104
(207) 831-2824
danblack@lbdevpartners.com

March 25, 2024 *(Revised April 1, 2024 & May 6, 2024)*

Re: Historic Preservation Application, Project Description V3 (*new changes in Italics*)

Dear City of Portland Planning & Urban Development Department,

The 42 Atlantic Street, Portland, ME 04101 parcel is a 0.23 acre (10,018 square feet) site on Munjoy Hill. It currently has a two-story structure on it that used to house the local American Legion chapter. It is a non-contributing property within the Munjoy Hill historic district.

The proposed structure will be four stories and 23,857 square feet (with an additional 2,981 square feet of basement space). After receiving feedback at the first Public Workshop on March 6th, we've revised the design to simplify the massing. The building is now a rectangle in plan.

Accessed via ramp or stair, the primary entrance is recessed 3 feet into the central bay of the Atlantic Street facade. To address feedback from the Board & the public we have:

- Added a projecting canopy at the entrance
- Rotated the entry stair to be perpendicular to the façade
- Relocated the basement egress stair to minimize the presence of its door and allow for two windows at the ground floor unit on the South
- Added a projecting cornice
- Added projecting vertical trim to zone the façade into two distinct materials: one that references the tone of the brick at 55 Atlantic and one that references the wood clapboard at 48 Atlantic
- Simplified the design of the wall enclosing the entry stairs & ramp

After our second Public Workshop on April 17th, we've revised the design to address feedback from the Board & the public. We have:

- *Increased the visual weight of the cornice*
- *Reduced the number of changes in the cladding (there are fewer "bands" now)*
- *Changed all cladding to clapboard*
- *Detailed the metal seaming pattern at the canopy*
- *Developed the planting plan*
- *Visualized the project with weathered siding (we are proposing a weathering finish to reduce the change over time)*

Gilbert Lane will have two additional doors: one for emergency egress, and one for bike storage access. We have added an exterior light & a vision panel to the door at the bike storage, per feedback.

The building will have a total of 30 units, consisting of 14 studio apartments, 8 two-bedroom units, and 8 three-bedroom units. All will be deed restricted as affordable. The building will also have a communal laundry, tenant storage, and a common room that meets the specification of MaineHousing's construction standards. The building will have an elevator and two stairs. Roof access will be limited to maintenance.

Recent changes to the city's land use code, in response to LD2003, allow for 2.5 times the base zoning density for affordable housing projects. This area is in the R-6 zone which allows multi-family use by right with a density of one unit for every 750 square feet of lot size—at 10,018 square feet, 42 Atlantic is permitted to have 13 units on site. The density boost allows density of up to 32 units on the site.

The attached packet provides the requested material. Please let us know if you have any additional questions.

Sincerely,

Daniel Black

PLANNING & URBAN DEVELOPMENT
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6/3/2024
Preservation Staff: Evan Schueckler

42 Atlantic Street Housing

Historic Preservation Public Hearing

Submitted: May 6, 2024

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

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5/29/2024
Approved Drawings Date:
6/3/2024
Preservation Staff: Evan Schueckler

Owner
LB Atlantic, LLC

Architect
Primary Projects, PLLC

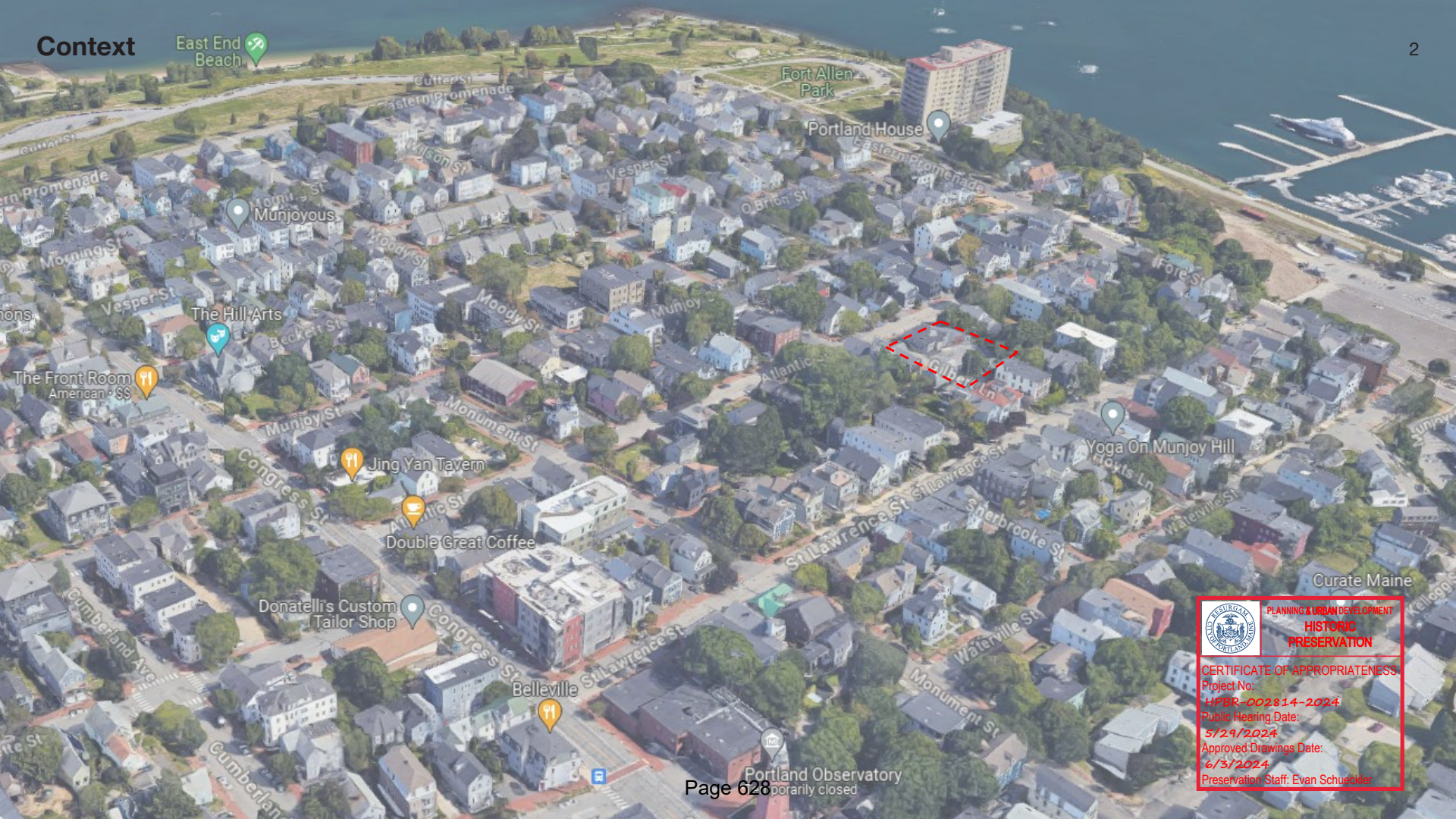
Civil Engineer
Acorn Engineering, Inc

Structural Engineer
Base Design Group, Inc

MEP-FP Engineer
BLW Engineers, Inc

Lighting Designer
Pieszak Lighting Design, LLC

Context



PLANNING & URBAN DEVELOPMENT
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Preservation Staff: Evan Schuckler

We heard the following feedback at the first Public Workshop on March 6th. Consider:

- Simplifying the building form at Atlantic St / Gilbert Lane
- Adding a cornice
- Adding horizontal or vertical banding
- Using two or more cladding materials
- Adding detail at the windows
- Adding detail at the entry
- Adding a projecting canopy at the entry
- Adding one or two windows at the southern unit on the first floor, facing Atlantic Street
- Reorienting the direction of the stairs at Atlantic Street
- Adding glazing at or near the door of the bike room
- Fleshing out the landscape approach

We heard the following feedback at the second Public Workshop on April 17th. Consider:

- Increasing the visual weight of the cornice
- Reducing the number of changes in the cladding
- Changing all cladding to clapboard

- Adding more detail to the concrete wall at the entry
- Detailing the metal seaming pattern at the canopy

- Developing the planting plan
- Visualizing the project with weathered siding
- Showing abutting neighbors on analysis slide

PLANNING & URBAN DEVELOPMENT
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Context Photos of Existing Non-Contributing Property

Looking up Atlantic

Looking down Atlantic

From Gilbert

From Rear Parking

PLANNING & URBAN DEVELOPMENT
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Houses of Atlantic Street

Common Attributes:

1. Street-Facing Porches
2. Vertically Oriented, Stacked Windows
3. Painted Wood Siding
4. Vertical Proportion (Building)

PLANNING & URBAN DEVELOPMENT
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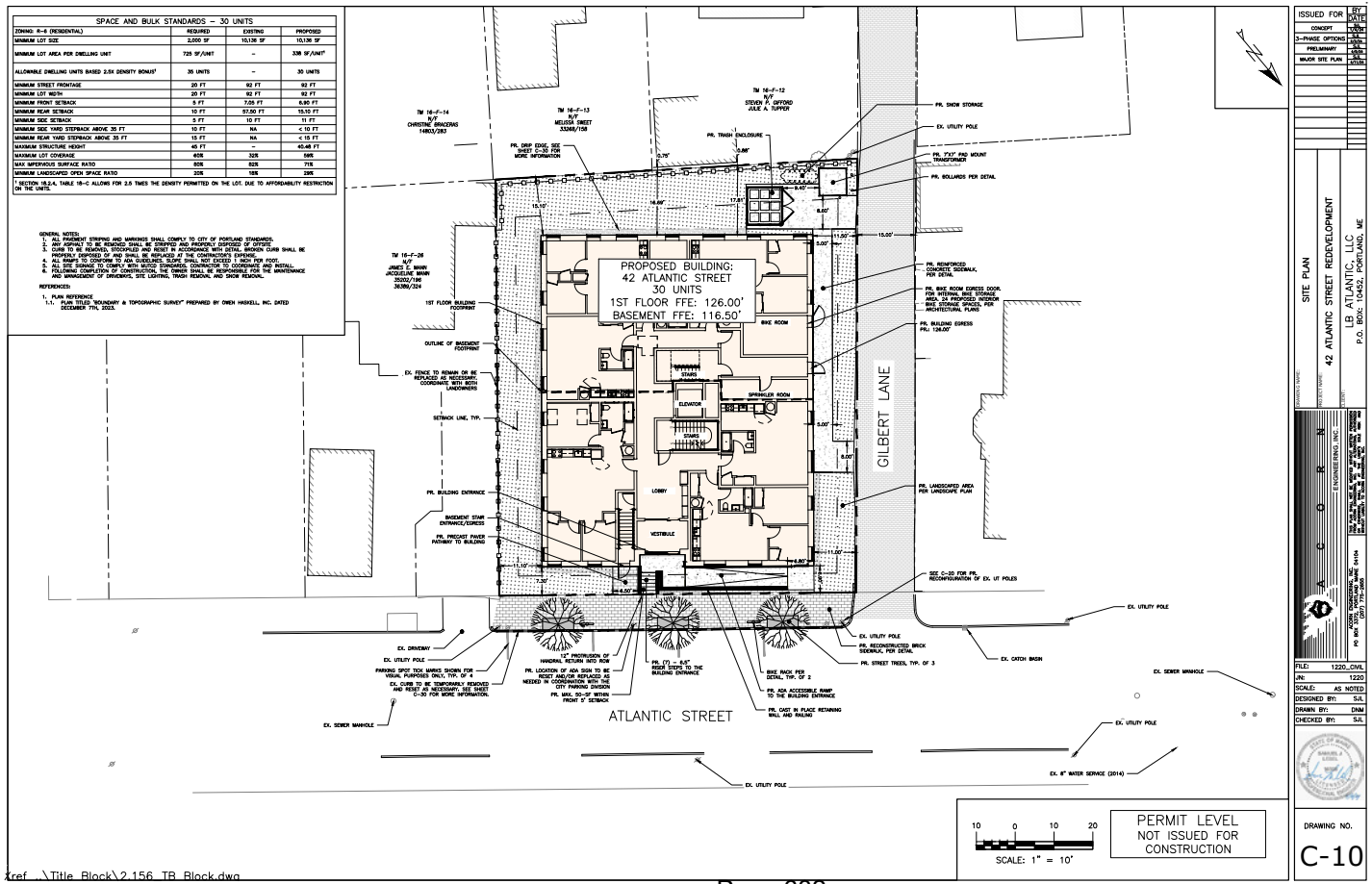
Current Proposal Site Plan (from Acorn)



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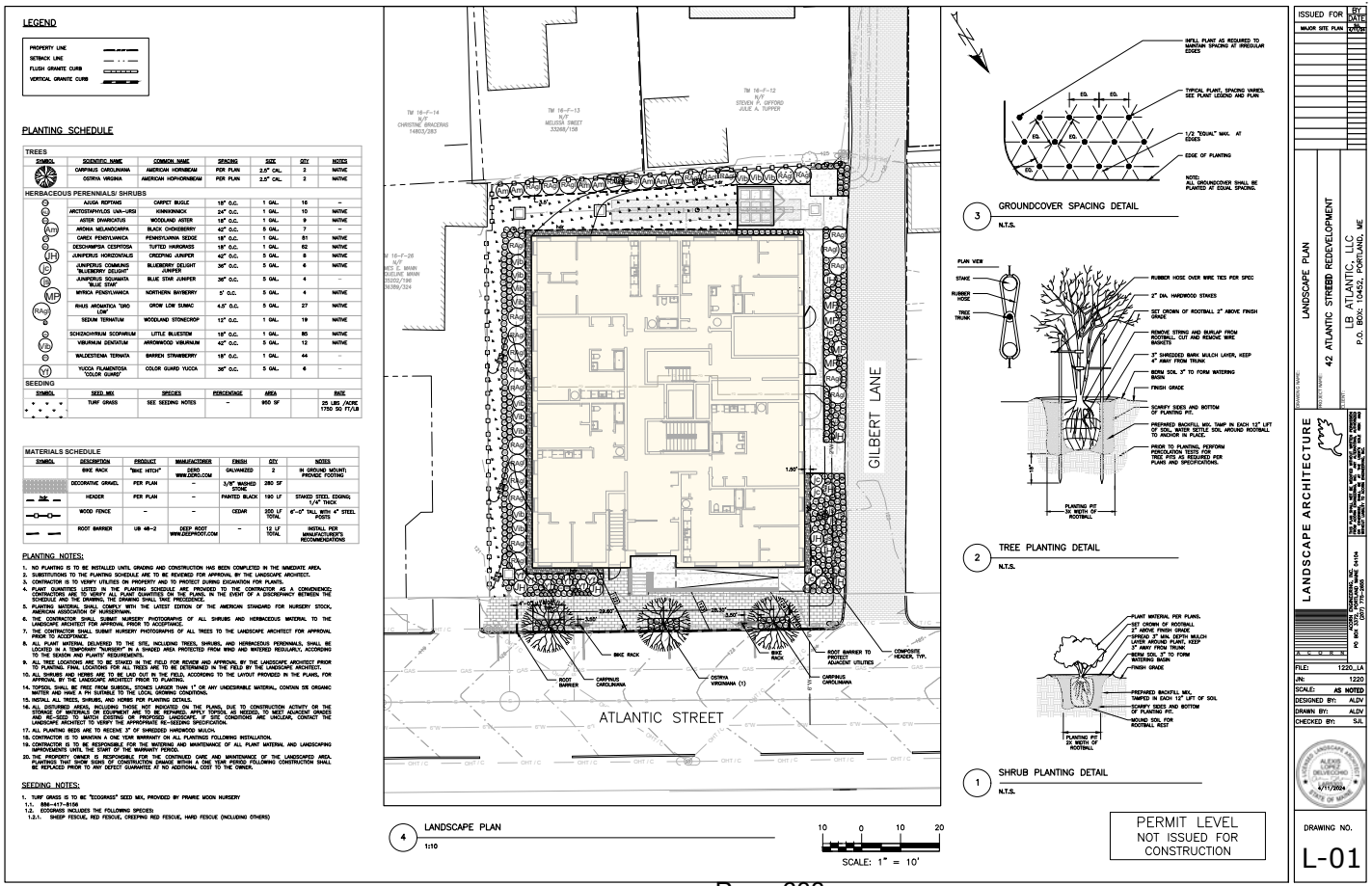
Current Proposal Landscape Plan (from Acorn)



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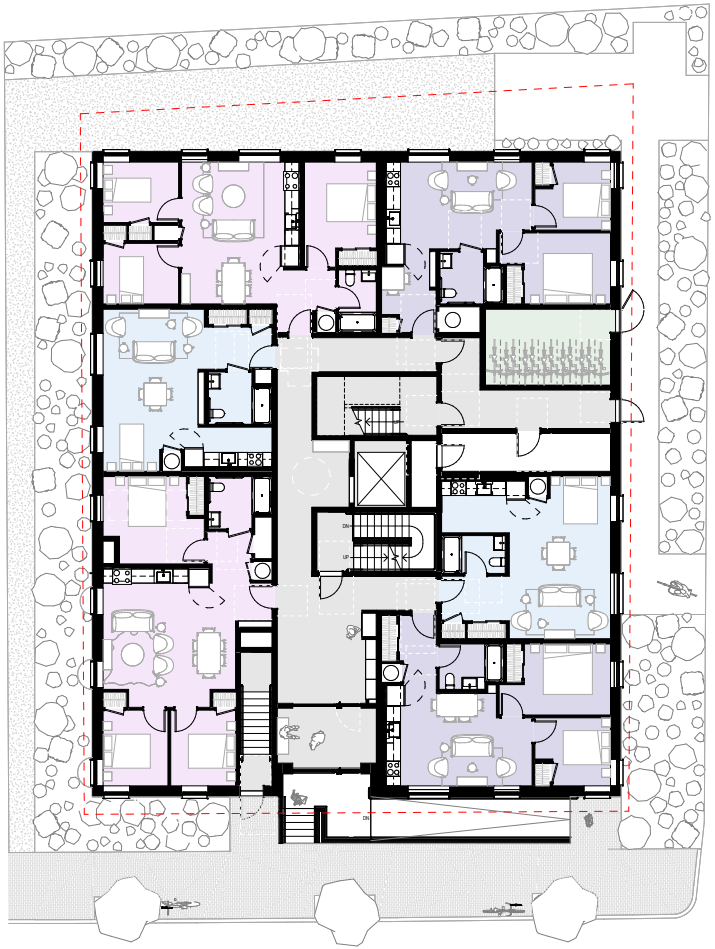
Current Proposal Floor 1

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



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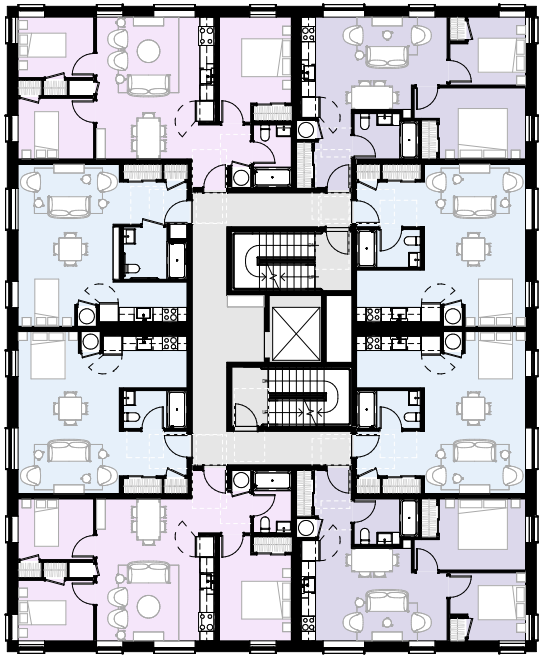
Current Proposal Floors 2–4

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



Gilbert Lane

Atlantic Street

PLANNING & URBAN DEVELOPMENT
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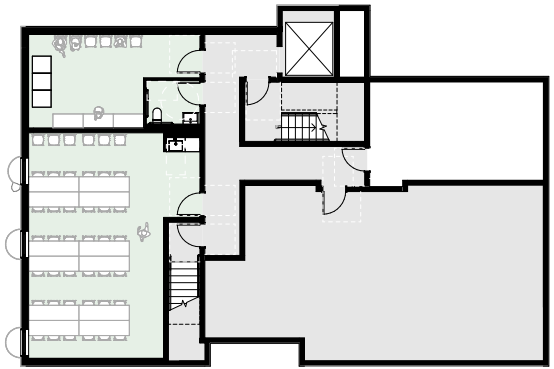
Current Proposal Basement

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



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Current Proposal East Elevation, Facing Atlantic Street

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Current Proposal North Elevation, Facing Gilbert Lane

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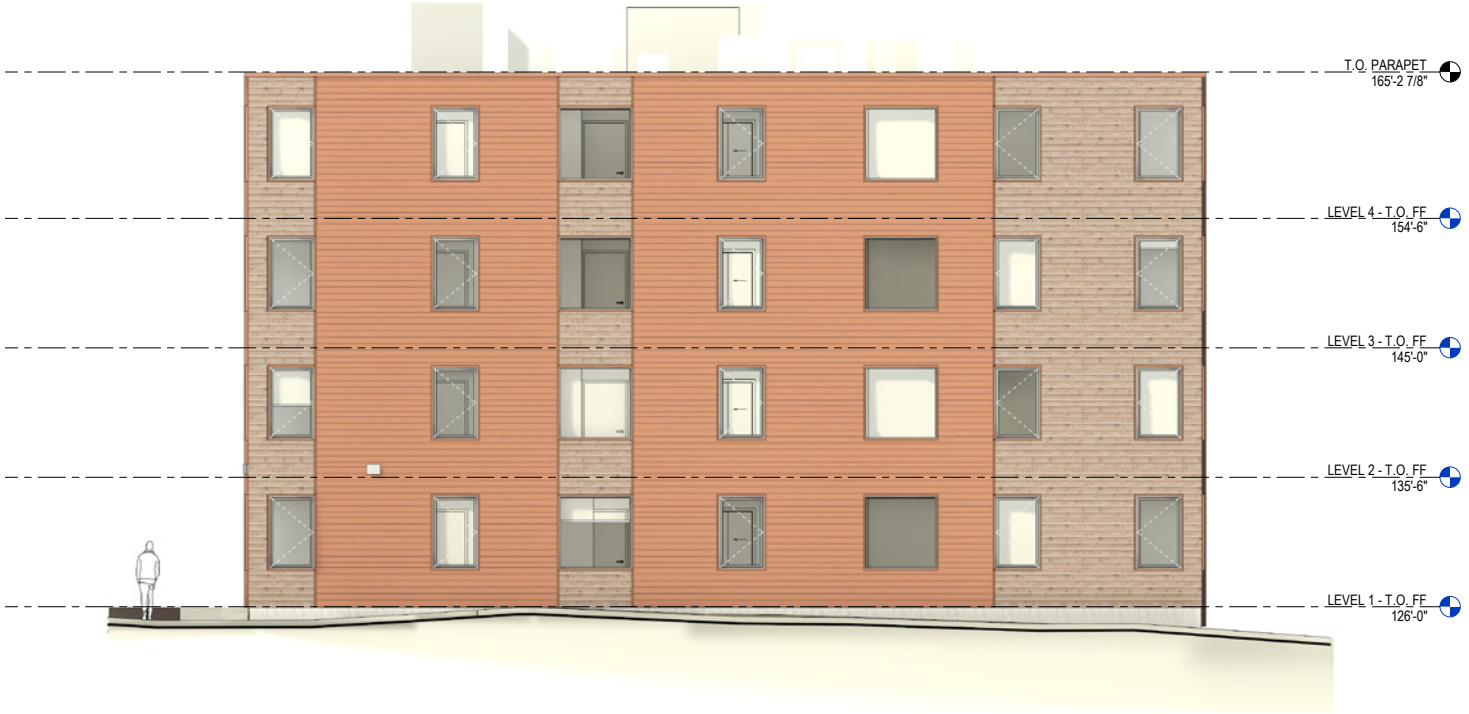
Current Proposal West Elevation



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Current Proposal South Elevation

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Current Proposal View Down Atlantic

Current Proposal View Up Atlantic

PLANNING & URBAN DEVELOPMENT
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PLANNING & URBAN DEVELOPMENT
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5/31/2024
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Current Proposal View From Atlantic

PLANNING FOR URBAN DEVELOPMENT
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Current Proposal View At Entry

PLANNING & URBAN DEVELOPMENT
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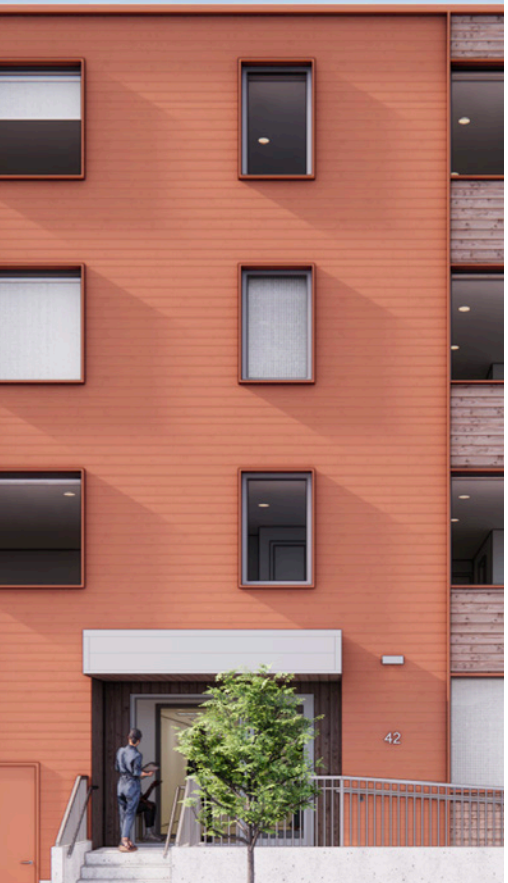
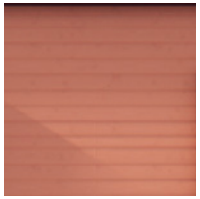
Current Proposal Materials





Painted Clapboard
Primary Cladding

- Clapboard
- 4.5” Exposed Face
- Quartersawn Pine
- Rusty Neutral Paint

Natural Clapboard
Accent Cladding

- Clapboard
- 4.5” Exposed Face
- Quartersawn Pine
- Clear Finish

Metal Fascia
Awning Surround

- Seaming as Shown
- Galvalume
- Warm Gray Powdercoat (to match window & hardware finish)

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION
CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-002814-2024
Public Hearing Date:
5/29/2024
Approved Drawings Date:
6/3/2024
Preservation Staff: Evan Schueckler

Current Proposal:

Finish
Charcoal Gray uPVC
(Lighter than shown in images)

Operation
Windows: Picture & Tilt-Turn
Doors: Swinging

Features
Triple-Glazed

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-002814-2024
Public Hearing Date:
5/29/2024
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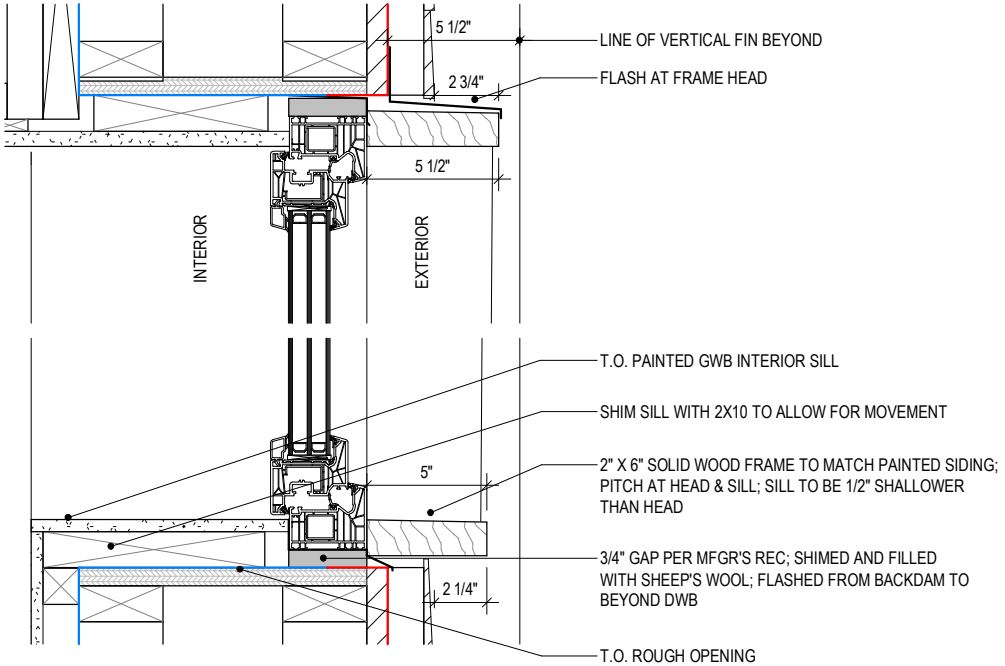
6/3/2024
Preservation Staff: Evan Schueckler

Shuco 82 Living MD Windows & Doors



1 SECTION DETAIL - WINDOW HEAD & SILL
1 1/2" = 1'-0"

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-002814-2024
Public Hearing Date:
5/29/2024
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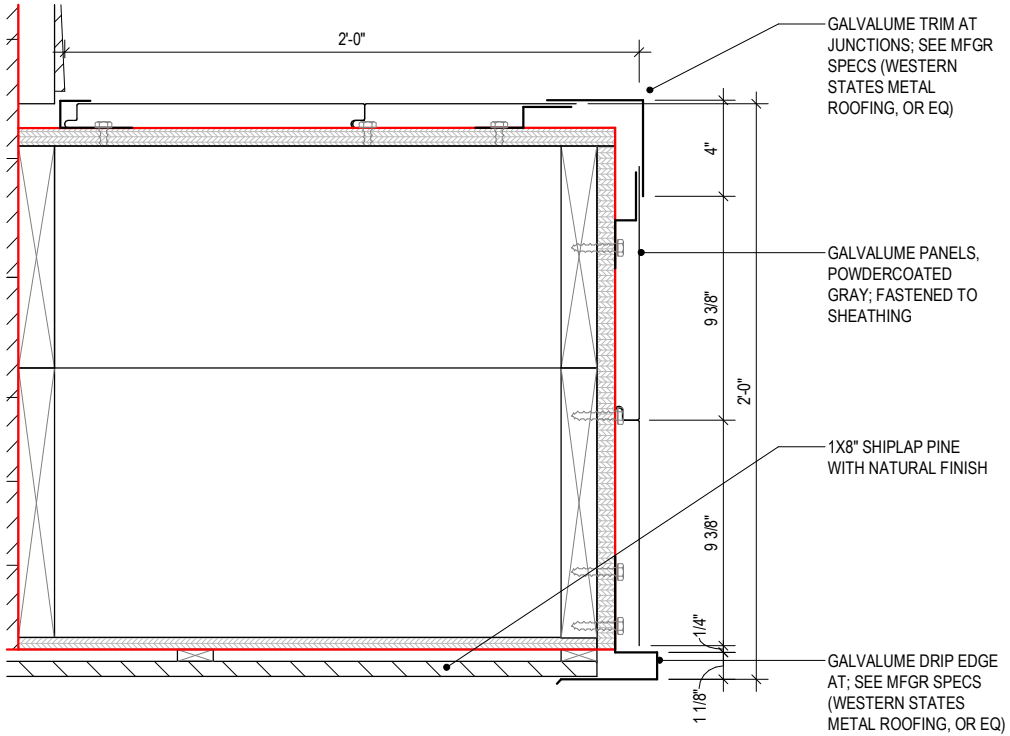
Preservation Staff: Evan Schueckler



2 SECTION DETAIL - ENTRY CANOPY
1 1/2" = 1'-0"

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-002814-2024
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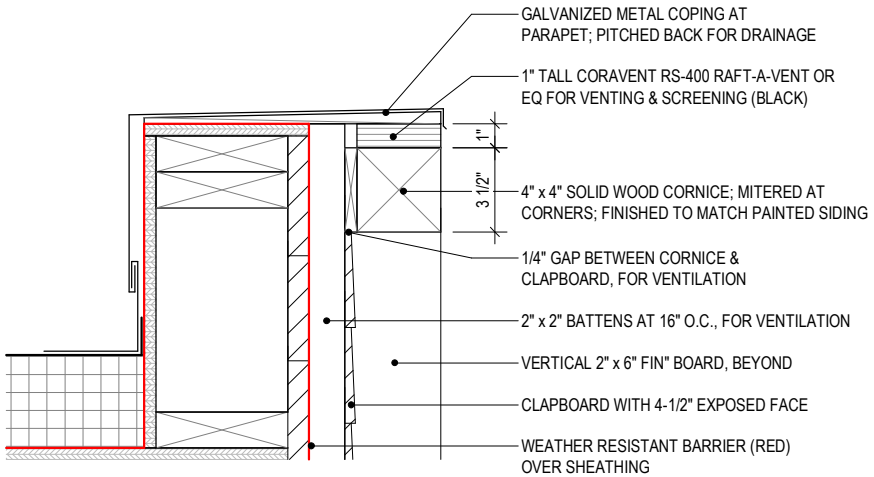
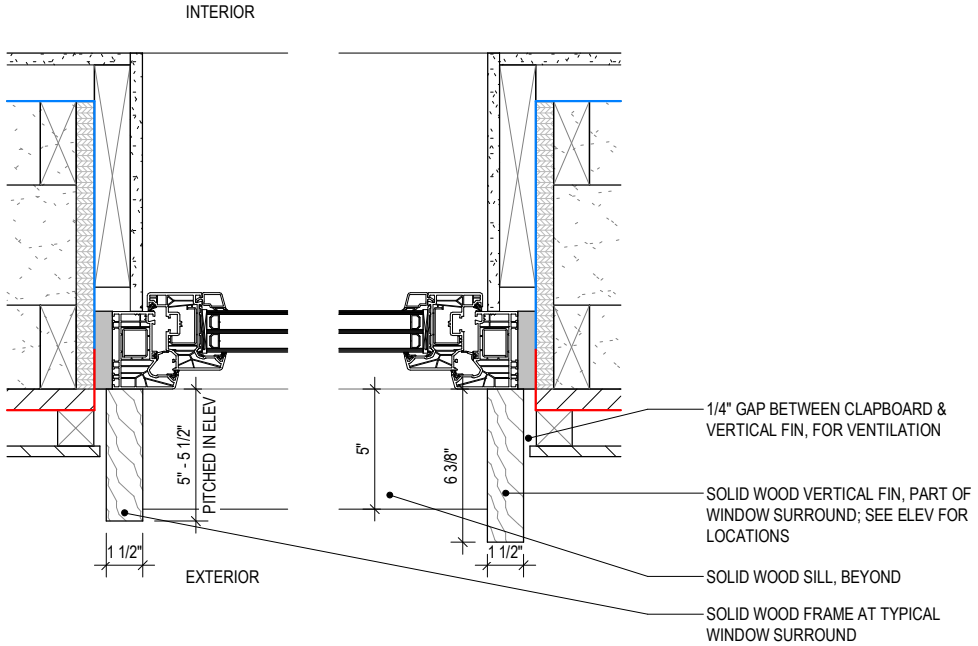


3 SECTION DETAIL - CORNICE
1 1/2" = 1'-0"

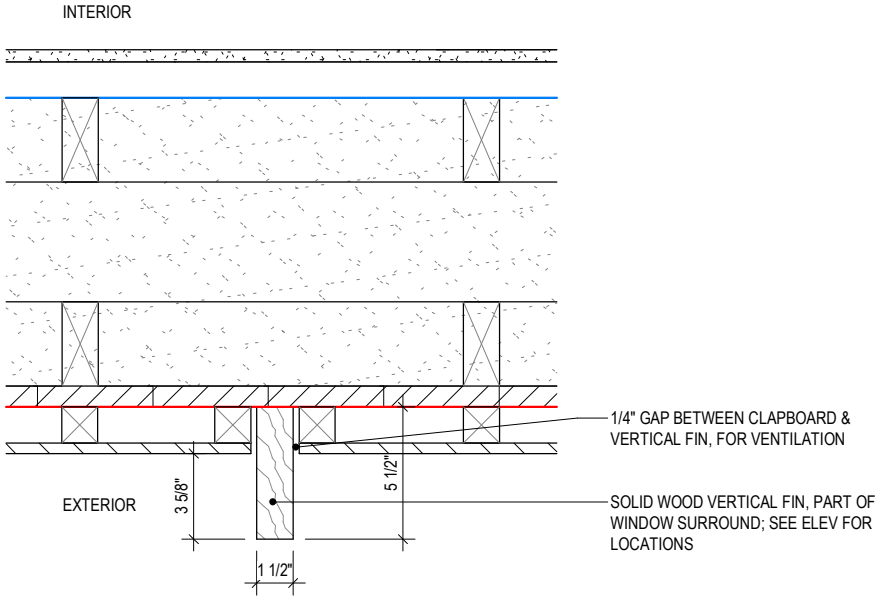
PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION
CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-002814-2024
Public Hearing Date:
5/29/2024
Approved Drawings Date:
6/3/2024
Preservation Staff: Evan Schueckler



4 PLAN DETAIL - WINDOW
1 1/2" = 1'-0"

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-002814-2024
Public Hearing Date:
5/29/2024
Approved Drawings Date:
6/3/2024
Preservation Staff: Evan Schueckler



5 PLAN DETAIL - VERTICAL FIN
1 1/2" = 1'-0"

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION
CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-002814-2024
Public Hearing Date:
5/29/2024
Approved Drawings Date:
6/3/2024
Preservation Staff: Evan Schueckler

CITY OF PORTLAND
HISTORIC PRESERVATION BOARD
NOTICE OF DECISION

PROPERTY OWNER:	Daniel Black, LB Atlantic LLC ("Applicant")
PROPERTY LOCATION:	42 Atlantic Street ("Property")
PROJECT ID:	HPBR-002814-2024
HISTORIC DESIGNATION(S):	Munjoy Hill Historic District

FINDINGS OF FACT & CONCLUSIONS OF LAW

1. On February 8, 2024, the Applicant applied for a Certificate of Appropriateness for new construction at the Property.

2. Pursuant to section 17.7 of the City of Portland Land Use Code in effect at the time of the application ("Land Use Code"), the application required review and approval by the Historic Preservation Board ("Board") against the standards for review of subsection 17.8.3 ("Standards").

3. Subsection 17.8.1 of the Land Use Code incorporates by reference the Historic Resources Design Manual, which provides additional guidance to this Board. Specifically, when discerning the "compatibility" of the proposed project, the Design Manual provides the following guidance:

   "Broadly stated, compatibility refers to the recognition of patterns and characteristics which exist in a given setting, and a responsiveness in new design or renovation which respects these established patterns and characteristics. Although similarity of design is one way or achieving compatibility in a historic context, a creative and distinctly contemporary design response is both permitted and encouraged. The modem designer is allowed the freedom of individual expression - within parameters established by the new building's context." (Page 151)

   And

   "A new building in a historic district or adjacent to an individual landmark need not follow the pattern set by its neighbors in each and every category of compatibility. It should, however, relate to a number of them. Each infill project will have a unique context of surrounding structures and sites with some strong, unifying characteristics and some that are more subtle and less obvious. There will usually

be one or more definite and easily discernable traits, such as a uniform scale and rhythm of window openings, consistent roof shapes, or a uniform cornice line, that should serve as a basis for a design solution." (Page 152)

4. The Board held two public workshops on March 6, 2024 and April 17, 2024.

5. On May 29, 2024 the Board held a Public Hearing and voted 5 to 1 (Whitten opposed, and Miller recused) to conditionally approve the application for new construction at the property under HPBR-002814-2024.

6. During the workshops and public hearing, the Board heard testimony from the applicant and their architect Kyle Barker of Primary Projects, received memoranda from Historic Preservation staff ("Staff"), and accepted public comment on the project.

7. On June 30, 2024, Joe Lewis ("Appellant"), who provided public comment in opposition to the project during the Board's review, submitted an appeal of the Historic Preservation Board's approval to the Planning Board, pursuant to Section 2.2.10 (A) of the Land Use Code.

8. On August 13, 2024, the Portland Planning Board reviewed the appeal during a Public Hearing and voted 5 to 1 (Silk opposed, and Chann Absent) to deny the appeal.

9. The Appellant appealed to the Cumberland County Superior Court pursuant to Section 2.1.12 of the Land Use Code and Rule 80B of Maine's Rules of Civil Procedure.

10. On November 19, 2025, the Superior Court remanded the application to the Planning Board to remand to this Board with instructions to issue findings of fact and conclusions of law adequate for judicial review.

11. On January 27, 2026, the Planning Board voted 7 to 0 to remand the application to the Board.

12. On February 4, 2026, the Board held a public meeting to prepare findings of fact and conclusions of law consistent with the court order.

13. Based on the written materials, oral testimony, staff memoranda, and public comment received during the workshops held on March 6, 2024 and April 17, 2024, and the public hearing held on May 29, 2024, the Board finds as follows:

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Standard A. Scale and Form - Subsection 17.8.3 (A)	
1. Height The proposed height shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	Board Findings
Yes	The applicant provided a context analysis that demonstrates that Atlantic Street is lined with a variety of structures ranging from one-and-a-half- to three-and-a-half-stories in height. Additionally, the Board notes that staff provided a memo including a summary of the historic context that indicates that three-and-a-half- and four-story buildings are present in the broader context of the Munjoy Hill Historic District. The Board further finds that the proposed four-story height is not significantly taller than is typical of the context, fits within the various height profiles of surrounding structures, and is therefore visually compatible with surrounding structures. Thus, the Board finds this standard has been met.
2. Width The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	Board Findings
Yes	The applicant provided site plans and elevation drawings that show the width of the proposed structure and the widths of its constituent design elements. The Board acknowledges that the overall width of the proposed structure is greater than some of the neighboring structures as demonstrated in the applicant's context analysis; however, the Board finds that the design of the façade uses changes in materials and trim details to visually break-down the width of the building to be more consistent with the widths typically found among surrounding structures along Atlantic Street. The Board further finds that the components of the building's façades are comparable to the widths of nearby structures, which make the wider facade compatible with the surrounding structures. Therefore, the Board finds this condition has been met.

DRAFT

3. Proportion of principal facades The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways, and open spaces to which it is visually related.	
Standard Met?	Board Findings
Yes	The applicant provided elevation drawings showing the proportions of the proposed principal elevations along Atlantic Street and Gilbert Lane. The Board acknowledges that the overall façades are proposed to have horizontal proportions, with their widths being greater than their heights; however, the Board finds that changes in material and the use of applied details interrupt the horizontality of those elevations and produce sections of façade that are vertically proportioned. Additionally, the Board further finds that the applicant's context analysis shows that vertical proportions predominate along Atlantic Street, with some more horizontally proportioned buildings interspersed. The Board therefore finds that the vertically-proportioned components of the building's primary facades make it visually compatible with surrounding structures. The Board finds this condition has been met.
4. Roof shapes The roof shape of a structure shall be visually compatible with the structures to which it is visually related.	
Standard Met?	Board Findings
Yes	The applicant provided a context analysis that demonstrates that Atlantic Street is lined with a variety of roof forms, with flat roofs being common. Additionally, the Board notes that staff provided a memo including a summary of the historic context that indicates that flat roofs are typical of the Munjoy Hill Historic District. The Board therefore finds that the proposed structure, which will have a flat roof, is visually compatible with surrounding structures. The Board finds this condition has been met.

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5. Scale of a structure The size and mass of structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	Board Findings
Yes	The applicant provided a context analysis that demonstrates the typical dimensional relationship between overall structure and their constituent windows, doors, porches, and open spaces along Atlantic Street, namely, that windows typically fill the majority of the height of each floor level and that porches typically only occupy a small portion of building widths. Additionally, the Board finds that the applicant provided elevation drawings showing the dimensional relationship between the overall structure and its constituent windows, doors, porches, and open spaces. The Board further finds that the proposed structure would have windows that similarly fill the majority of the height of each floor, and that the primary entrance porch occupies only a small portion of the building width. Therefore, the Board finds that the scale of the proposed building, in relation to its constituent elements, is visually compatible with surrounding structures. The Board finds this standard has been met.
6. Applicability to Congress Street Historic District In the Congress Street Historic District, for new construction within the B3 zone, the Historic Preservation Board shall not impose conditions more restrictive than the dimensional requirements of the B-3 zone.	
Standard Met?	Board Findings
Not Applicable	The Board finds that this standard is not applicable to the proposed scope of work because the Property is not located within the Congress Street Historic District.
7. Applicability to India Street Historic District For new construction within the India Street Historic District, the Historic Preservation Board shall not impose conditions more restrictive than the dimensional requirements of the IS-FBC zone, except for in the case of a building addition which proposes to change the height of a contributing historic structure.	
Standard Met?	Board Findings
Not Applicable	The Board finds that this standard is not applicable to the proposed scope of work because the Property is not located within the India Street Historic District.

8. Applicability to the Portland Company Historic District For new construction within the Portland Company Historic District, the height requirements of the B-6 zone as shown on the B6 Building Height Overlay & Building Envelopes map shall be controlling and the historic preservation board shall not impose conditions more restrictive than the building height requirements of the B-6 zone.	
Standard Met?	**Board Findings**
Not Applicable	The Board finds that this standard is not applicable to the proposed scope of work because the Property is not located within the Portland Company Historic District.

Standard B. Composition of Principle Facades - Subsection 17.8.3 (B)	
1. Proportion of openings The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways, and places to which the building is visually related.	
Standard Met?	**Board Findings**
Yes	The applicant provided a context analysis that demonstrates that the properties along Atlantic Street predominantly feature windows with heights greater than their widths, though a number of buildings also feature windows or groupings of windows with heights and widths that are close to equal. Additionally, the Board finds that the applicant provided elevation drawings which show that the building will feature a mixture of vertically proportioned and more squarely proportioned windows. Therefore, the Board finds that the proposed window proportions are visually compatible with surrounding structures and that this standard for review has been met.
2. Rhythm of solids to voids in facades The relationship of solids to voids in the façade of a structure shall be visually compatible with structures, public ways, and places to which it is visually related.	
Standard Met?	**Board Findings**
Yes	The applicant provided a context analysis that demonstrates that the properties along Atlantic Street generally feature a higher ratio of solid wall to void and that voids, such as windows and doors, are typically stacked and arranged regularly across building facades. Additionally, the Board finds that the applicant provided elevation drawings which show that the proposed building facades are primarily solid with windows and doors stacked and arranged regularly. Therefore, the Board finds that the proposed rhythm of solids and voids is visually compatible with surrounding structures. Thus, the Board finds this standard has been met.

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3. Rhythm of entrance porch and other projections The relationship of entrances and other projections to sidewalks shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	**Board Findings**
Yes	The applicant provided a context analysis that demonstrates that many properties along Atlantic Street generally feature a single entry with a narrow porch and steps projecting towards the street. Additionally, the Board finds that the applicant provided plans and elevation drawings showing that the proposed structure would feature a single central entry with a projecting canopy and raised landing at the top of street-facing stairs, and an accessible ramp. Therefore, the Board finds that the proposed rhythm of entrances is visually compatible with surrounding structures and meets this standard. Thus, the Board finds this standard has been met.
4. Relationship of materials The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which they are visually related.	
Standard Met?	**Board Findings**
Yes	The applicant provided a context analysis that demonstrates that the majority of properties along Atlantic Street are clad in horizontal clapboard siding, historically wood. Additionally, the Board finds that the applicant provided elevation drawings and material details showing that the structure will be clad in wood horizontal clapboard siding with a similar reveal to those found on nearby historic buildings (4.5"). Therefore, the Board finds that the proposed primary cladding material is visually compatible with surrounding structures and meets this standard.
5. Signs Any new sign, and any change in the appearance of an existing sign located on a landmark, within a historic district, or within an historic landscape district, which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the Historic Resources Design Manual.	
Standard Met?	**Board Findings**
Not Applicable	The Board finds that this standard is not applicable to the proposed scope of work because no signs are proposed as part of this project.

Standard C. Relationship to Street Subsection 17.8.3 (C)	
1. Walls of continuity Facades and site structures, such as masonry walls, fences, and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways, and places to which such elements are visually related.	
Standard Met?	Board Findings
Yes	The applicant provided a context analysis that demonstrates that the majority of properties along Atlantic Street are located close to the street, generally with facades aligned, and with spaces between each structure in the form of narrow side yards or driveways creating a consistent but diffuse street wall. Additionally, the Board finds that the proposed structure will be situated close to the street, while maintaining a narrow side yard to the south and a setback from Gilbert Lane. Therefore, the Board finds that the proposed structure will maintain the diffuse street wall along Atlantic Street and remain visually compatible with surrounding structures, meeting this standard.
2. Rhythm of spacing and structures on streets The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways, and places to which it is visually related	
Standard Met?	Board Findings
Yes	The applicant provided a context analysis that demonstrates that the majority of properties along Atlantic Street maintain spaces between each structure in the form of narrow side yards or driveways, creating a repeating pattern of building and space, with the width of the structures and spaces varying. Additionally, the Board finds that the applicant has provided site plans showing that the structure will maintain a narrow side yard to the south, and a setback from Gilbert Lane. The Board acknowledges that the overall width of the proposed structure is greater than some of the neighboring structures as demonstrated in the applicant's context analysis; however, the Board finds that the design of the façade uses changes in materials and trim details to visually break-down the width of the building to be more consistent with the widths typically found along Atlantic Street. Therefore, the Board finds that the proposed structure will maintain the rhythm of structures and spacing along Atlantic Street and is visually compatible with surrounding structures; thus meeting this standard.

3. Directional expression of principal elevation A structure shall be visually compatible with the structures, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.	
Standard Met?	Board Findings
Yes	The applicant provided a context analysis that demonstrates that the majority of properties along Atlantic Street feature vertically proportioned primary facades which are countered by horizontal siding, and prominent horizontal cornices on flat-roofed structures. Additionally, the Board finds that the applicant has provided elevation drawings that show the proposed structure will have a horizontal massing that is broken up by changes in material to create vertical masses. Further, the Board finds that the proposed structure will be clad in horizontal siding and be capped by a simple contemporary projecting cornice. Therefore, the Board finds that the structure will have a mixed directional expression of the primary facades that is visually compatible with surrounding structures and thus meets this standard.
4. Streetscape, pedestrian improvements Streetscape and pedestrian improvements and any change in the appearance thereof located adjacent to or on a landmark, within a historic district, or within a historic landscape district which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the Historic Resources Design Manual.	
Standard Met?	Board Findings
Yes	The applicant provided a context analysis that demonstrates that Atlantic Street is generally lined with brick sidewalks, which include small tree wells. Additionally, the Board finds that the applicant has provided a site plan which shows that the project will include improved brick sidewalks and tree wells. The Board further finds that the project will include trenching and other utility work along Gilbert Lane, which is surfaced with historic granite cobblestones. The Board voted to include a condition of approval requiring that Gilbert Lane be restored to its pre-construction condition to preserve its historic appearance. Therefore, the Board finds that the brick sidewalks, tree wells, and restored cobblestone surface of Gilbert Lane are compatible with the surrounding context and satisfy this standard.

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Standard D. Other Standards Subsection 17.8.3 (D)	
1. Compatible use Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character defining features of the structure, object, or site and its environment or to use a property for its originally intended purpose.	
Standard Met?	Board Findings
Yes	The applicant provided plans showing that the proposed structure will have a residential use which is consistent with the typical uses in the Munjoy Hill Historic District. Additionally, the Board finds that the proposed development is located on a parcel classified as noncontributing to the Munjoy Hill Historic District and that the property therefore contains no structures, objects, or sites that could have character-defining features that could be affected by the project. Further, the Board finds that the only direct impacts will be to Gilbert Lane and that excavation is limited to what will be necessary to provide utilities to the site. The Board therefore finds these impacts to be minimal. The Board voted to include a condition of approval that Gilbert Lane be restored to an appearance consistent with its pre-construction condition to preserve its historic appearance, further minimizing the impacts. Therefore, the Board finds that the proposed use is compatible, and only minimal alterations to Gilbert Lane are necessary, and thus the project meets this standard.
2. Distinguishing original character The distinguishing original qualities or character of a structure, object, or site and its environment shall not be destroyed. The alteration of any historic material or distinctive architectural features should be avoided when possible.	
Standard Met?	Board Findings
Yes	The proposed development is located on a noncontributing parcel within the Munjoy Hill Historic District and contains no structures, objects, or sites that could have distinguishing original qualities or character that could be affected by the project. The Board also finds that the project will involve excavation along Gilbert Lane, temporarily interrupting the historic cobblestone surface. The Board voted to include a condition of approval requiring restoration of Gilbert Lane to its pre-construction condition. The Board further finds that this condition would ensure that the historic appearance of Gilbert Lane would be restored, avoiding significant alterations to its appearance. Therefore, the Board finds that this project will not destroy any distinguishing original character of the environment, and thus meets this standard.

3. Archeological resources Every reasonable effort shall be made to protect and preserve significant archaeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.	
Standard Met?	**Board Findings**
Not Applicable	The Board finds that this standard is not applicable to the proposed scope of work because there are no significant archaeological resources identified which could be affected by this project.
4. Contemporary design Contemporary design for additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural, or archaeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, material, and character of the property, neighborhood and environment.	
Standard Met?	**Board Findings**
Yes	The Board finds that the proposed development is located on a parcel classified as noncontributing to the Munjoy Hill Historic District and will not require alterations to any significant historic materials. Additionally, the Board finds that the proposed structure has a clearly contemporary character through its simplified massing and minimal exterior details. The Board further finds that the compatibility of the design is detailed in its findings under subsections Subsection 17.8.3 (A-C) above. Therefore, the Board finds that this standard is met in the use of a contemporary design for the proposed building.
5. Additions Wherever possible, new additions to structures and objects shall be undertaken in such a manner that, if such additions were to be removed in the future, the essential form and integrity of the structure would be unimpaired.	
Standard Met?	**Board Findings**
Not Applicable	The Board finds that this standard was not applicable to the proposed scope of work as the project does not include any additions to any existing structures or objects.

DECISION

By a vote of ___ to ___, the Board adopts the above findings of fact to supplement its conditional approval of application HPBR-002814-2024 from May 29, 2024.

_____ _____

Valerie Paquin-Gould, Vice-Chair Date

Keith P. Richard
Principal
krichard@archipelagona.com

1 Dana Street
Portland, Maine 04101
(207) 558-0102

January 21, 2026

VIA EMAIL
City of Portland
Historic Preservation Board
hp@portlandmaine.gov

RE: Public hearing after remand in *Lewis v. City of Portland et al.,* AP-2024-42

Dear Chair and Members of the Board:

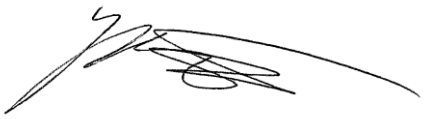
I represent Maryellen Sullivan of 33 Atlantic Avenue.[1] I am writing to request that the Board vote to re-open the public hearing on this application to follow the Superior Court's directive on remand.

The Superior Court remanded because the Board did not issue findings sufficient to permit meaningful judicial review and because the facts are not obvious from the existing record. (Order at 6). The Court also rejected the City's contention that the Board's vote implicitly adopted the staff memo as findings. (Order at 6). Under these circumstances, the most reliable and defensible way for the Board to comply with the remand is to re-open the public hearing in a limited manner focused on the specific standards requiring factual findings. Doing so will ensure the Board's additional findings are grounded in a clarified evidentiary record, responsive to the remand issues, and not vulnerable as post hoc rationalization—thereby producing a decision that is fully reviewable and consistent with due process and the purposes of administrative findings identified by the court.

The Board should vote to re-open the public hearing to address the deficiencies in the prior decision. Such a step would ensure a transparent and procedurally fair process, consistent with the Superior Court's order and the law. Thank you for your time and consideration and I look forward to addressing you at future meetings.

[1] Maryellen is the spouse of Joe Lewis, who brought the prior appeal regarding this Board's certificate of appropriateness issued after a vote at the May 29, 2024 meeting. Maryellen was substituted as the appellant by order of the Superior Court for the reasons stated in the Court's remand order.

Sincerely,



Keith P. Richard

c. Client
Amy McNally, Esq.
Mac Walton, Esq.

Evan Schueckler <evans@portlandmaine.gov>

Remand and request to reopen public hearing

Amy McNally <amcnally@portlandmaine.gov> Wed, Jan 21, 2026 at 11:04 AM
To: Evan Schueckler <evans@portlandmaine.gov>

FYI.

Amy R. McNally
Associate Corporation Counsel
City of Portland
389 Congress Street
Portland, Maine 04101
207-874-8974
amcnally@PortlandMaine.gov
pronouns: she/her

corporation counsel

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---------- Forwarded message ---------
From: **Oliver (Mac) Walton** <OWalton@dwmlaw.com>
Date: Wed, Jan 21, 2026 at 11:02 AM
Subject: RE: Remand and request to reopen public hearing
To: Keith Richard <krichard@archipelagona.com>
Cc: Amy McNally <amcnally@portlandmaine.gov>, Colin Hull <chull@archipelagona.com>

This message was sent securely using Zix®

Hi Amy and Keith,

I'm sure this won't come as a surprise, but I object to this last-minute request being taken up at tonight's meeting. For one thing, this application is not even back before the HPB at this point, as the Planning Board has not yet remanded it to the HPB. Additionally, the scope of Keith's request is profoundly unclear. Keith, you write that you are requesting to "re-open the public hearing in a limited manner focused on the specific standards requiring factual findings." However, as you know, all of the substantive standards require factual findings. That is not a "limited" reopening of the record – that's open season.

Finally, the Board should not be receiving public comment on this matter at tonight's meeting, and as a practical matter, the timing of this written request – just hours before the meeting – puts me and my client at a disadvantage. Due to the extremely limited nature of tonight's discussion, which had been previously been described to both of us as a simple "heads up" to the HPB, I had not planned to attend tonight's meeting and won't be able to.

I would propose that this letter be put in the HPB packet for the 2/4 meeting but object to it being presented for tonight's meeting.

Thanks,

Mac

From: Keith Richard <krichard@archipelagona.com>
Sent: Wednesday, January 21, 2026 10:11 AM
To: hp@portlandmaine.gov
Cc: Amy McNally <amcnally@portlandmaine.gov>; Oliver (Mac) Walton <OWalton@dwmlaw.com>; Colin Hull <chull@archipelagona.com>; Maryellen Sullivan <maryellen@portcitylegal.com>
Subject: Remand and request to reopen public hearing

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Keith P. Richard
Principal
krichard@archipelagona.com

1 Dana Street
Portland, Maine 04101
(207) 558-0102

January 30, 2026

VIA EMAIL
City of Portland
Historic Preservation Board
hp@portlandmaine.gov

RE: Remand after *Lewis v. City of Portland et al.,* AP-2024-42

Dear Chair and Members of the Board:

I represent Maryellen Sullivan of 33 Atlantic Street and other concerned abutters concerning the remand of this Board's decision to grant a Certificate of Appropriateness to 42 Atlantic Street. I write to respectfully urge the Board to reopen the record, take evidence, and make specific factual findings that include analysis as required by the Superior Court. We disagree that the record may only be reopened if there is a dearth of evidence in the existing record. At a minimum, we should be *heard* on the existing record that was developed regarding factual findings that are necessary for judicial review. If the Board declines our request and instead decides to reissue the prior decision in a slightly modified form without comment, it is more likely than not that we will be back here.

On November 19, 2025, the Superior Court vacated this Board's decision granting the Certificate of Appropriateness and remanded this matter to the Historic Preservation Board "for issuance of findings of fact and conclusions of law adequate for judicial review." The Court cited several Supreme Court decisions, emphasized that "meaningful judicial review . . . is not possible without findings of fact sufficient to apprise the court of the decision's basis," and that, in the absence of such findings, a reviewing court cannot determine whether the Board's decision is lawful. The Court therefore concluded that the decision was legally deficient because the basis for the Board's decision was not "obvious from the record." The Court's directive reflects a clear holding that the Board's prior approval decision cannot stand without concrete findings on the material facts implicated, supported by the evidence, and tied to the applicable legal standards.

This remand is not a procedural formality or a "technicality." The law requires the Board to apply the Historic Preservation Code at Section 17.8.3: that the proposed height, width, scale, and massing must be "visibly compatible with surrounding structures when viewed from any street or open space," and compatible with the structures "to which it is visually related."

These standards require this Board to undertake an evidence-based evaluation of the immediate streetscape context — the modest historic structures directly abutting and facing the project site on Atlantic Street, as well as the adjoining public ways of Gilbert Lane, Munjoy Street, and St. Lawrence Street, which form the principal visual environment from which the new construction will be experienced. The evidentiary record lacked meaningful visual context: several renderings showed only partial width, omitted surrounding homes, or were challenged as deceptive in scale. Under these circumstances, reopening the record is necessary to permit the Board to gather and evaluate the evidence required to make lawful findings regarding the specific "surrounding structures" and their dimensional and architectural relationship to the proposed development. To perform the required analysis grounded in reality, rather than a results-oriented approach with obvious methodological flaws, the Board must reopen the record to make specific findings comparing the proposed building's scale, massing, and unit concentration against the immediately surrounding structures on Atlantic Street, Gilbert Lane, Munjoy Street, and St. Lawrence Street. Without such findings, the ordinance's compatibility standard cannot be lawfully applied and a reviewing Court cannot evaluate whether the Board's conclusion is supported by evidence.

Attached hereto (**Attachment 1**)[1] is an analysis of the properties on Atlantic Street, Munjoy Street, and St. Lawrence Street—the streets, structures, and neighborhood fabric that is most directly relevant to the Board's decision. The Board should make specific findings about Atlantic Street and the immediate neighborhood that include, but are not limited to, (1) the number of structures; (2) how many units each structure contains; (3) the architectural style, form, and appearance of each structure; (4) the number of stories of each structure; and (5) observations and conclusions that can be drawn from this data about the existing architecture and development in the area. Such objective findings about existing conditions would allow for a reviewing Court to evaluate whether the Board's conclusion that the proposed construction is "compatible" is, in fact, supported by the evidence.

Important, objective, and indisputable factual findings that can be drawn from the table in Attachment 1 include:

- Out of 113 total properties in the data set, there are only **12 buildings** that exceed 5 units, and **none** of those exceed 10 units.
- The proposed project, on a unit basis, is **three times** the size of any existing building in the neighborhood.

[1] Data regarding structure type (condo, multi-unit, single-family), land use, year built, lot size and number of stories was pulled from the City of Portland Assessor's website. Specifically, from the City ArcGIS Viewer found at https://experience.arcgis.com/experience/f8f41d4359a643219a6cae259402634c and the Assessor's Property Search database found at https://assessors.portlandmaine.gov/search/commonsearch.aspx?mode=realprop.

- The immediate context is not only residential but modest residential: 16 out of 37 properties on Atlantic Street are single family homes—nearly **half** the immediate street and neighborhood.
- Out of 113 total structures, there are only **23 buildings** that are 3 stories.
- There is only one **SINGLE** structure that is four stories, 72 Munjoy Street.
- There are **no** four-story buildings on Atlantic Street and only 6 three-story structures out of 36 structures.

The Board cannot conduct a compatibility analysis divorced from the facts. To disregard this objective data would only produce an unsupported and unlawful decision. Accordingly, the Board should reopen proceedings on remand, take evidence and hear public comment, and issue detailed findings as requested herein.

Yet even if the Board declines to consider the facts and instead looks only to the existing record developed in 2024, the same issues are present and many of the same findings would follow. There is no disputing that the proposed structure is taller, wider, and significantly wider than tall (proportion) when compared to any building on Atlantic Street or within the neighborhood that these standards require the Board to consider. Just look next door: As shown in the May 2024 staff memo, the structure immediately next door to the proposed site is a "spectacular low-scale Italianate house" that is one story and will be dwarfed by the proposed structure:

Figure 4: 2023 google street views showing 48 Atlantic Street (left image, left), a spectacular low-scale Italianate house next to 52 Atlantic (left image, right), a typical two-and-a-half-story Italianate house. 29 and 23 Atlantic (right image, left to right) are examples to austere two-and-a-half-story Greek revivals.

Other examples of Munjoy Hill's development underscore the modest residential size, scale, and mass that is characteristic of Atlantic Street:

Figure 2: Examples of early house types built on Munjoy Hill. An early- to mid-nineteenth century cape type house (left; 7 Lafayette Street), and a more ornate asymmetrical gable-fronted Greek Revival (right; 8 Sherbrook Street).

Importantly, the required compatibility analysis is not satisfied by reference to broad-stroke generalizations about Munjoy Hill or cherry-picking large buildings elsewhere in the City of Portland. Thus, the Greater Portland Landmarks letter (PC1), which provides examples of structures on Morning Street looks beyond the immediate neighborhood context both ignoring the relevant and material evidence and looking elsewhere to find any possible supporting example throughout the entire East End. Morning Street is a full four blocks from Atlantic Street and features very different characteristics than the development in the immediate neighborhood of Atlantic Street. The comparison to a State Street building on the other side of the City is even more inapt.

Numerous residents repeatedly raised these same issues around compatibility, and those comments are all in the prior record. These homeowners are invested in their properties and the character of the neighborhood and do not oppose housing but do object to incompatible development. The Board must make factual findings that address their concerns and provide the Courts with a reasoned explanation for how the Board reaches the conclusion that it does. Ananda and Bernard Moor-Jankowski of 37 Atlantic Street noted that the applicant's analysis "neglected to include photographs of the houses immediately adjacent to the project site," including 34, 36, and 37 Atlantic Street — a unique pocket of pre-1854 homes that would be visually dominated by a structure of this width and mass. Brian Partridge of 52 Atlantic Street similarly noted that, despite design revisions, the structure remains a "big box" that would tower over the neighboring two- and three-story homes. Other neighbors, including Tom Pearson of 20 Atlantic Street, emphasized that the proposal is "horribly out of scale." Susan Grisanti of 29 Atlantic Street and Karen Harrison of 34 Munjoy Street argued that the oversized, box-like design would overwhelm Atlantic

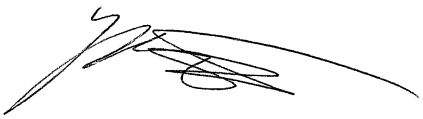
Street and irrevocably alter the character of Gilbert Lane. Likewise, Joe Lewis of 33 Atlantic Street formally requested accurate renderings showing the building "in real space," explaining that the public cannot assess compatibility without contextual evidence. Collectively, these commenters called for substantial redesign or reduction in massing to ensure compatibility with the historic district's architectural fabric.

We request the Board make specific findings regarding existing structures and the neighborhood, the proposed structure, and findings that are sufficient to understand the Board's application and conclusion regarding the following standards:

- **Height § 17.8.3.A.1**
- **Width § 17.8.3.A.2**
- **Proportion of principal facades § 17.8.3.A.3**
- **Scale of a structure § 17.8.3.A.5**
- **Other Standards, Contemporary design § 17.8.3.D.4.** ("new work . . . shall be compatible with the size, scale, material, and character of the property, neighborhood and environment.")

If the Board is unable to make the proposed findings based on the existing record, then the Board is unable to do the job the Superior Court has directed on remand, and the record must be reopened. Thank you for your time and consideration and I look forward to addressing you at future meetings.

Sincerely,



Keith P. Richard

c. Client
Amy McNally, Esq.
Mac Walton, Esq.

ATTACHMENT 1

Address	Land Use	Year Built	Lot Size	Stories	# Units
2 Atlantic Street	3-Family	1824	3276	2	
6 Atlantic Street	Single-family	1824	1798	2	
12 Atlantic Street	Single-family	1856	5000	2	
16 Atlantic Street	Single-family	1840	4500	1.5	
20 Atlantic Street	5 to 10-family	1920	5834	2.5	9
22 Atlantic Street	3-Family	1850	3588	2	
28 Atlantic Street	Condominium	1897	5298	3	3
34 Atlantic Street	Single-family	1846	2072	1.5	
48 Atlantic Street	Single-family	1840	4048	1.5	
52 Atlantic Street	Single-family	1910	2554	2	
56 Atlantic Street	2-Family	1910	2513	2	
58 Atlantic Street	Single-family	1890	4000	1.5	
62 Atlantic Street	2-Family	1850	7000	1	
68 Atlantic Street	Single-family	1972	8395	1	
74 Atlantic Street	4-Family	1864	6197	3	
76 Atlantic Street	3-Family	1872	7657	2.5	
90 Atlantic Street	4-Family	1915	4650	2	
94 Atlantic Street	Condominium	2006	4900	3	3
97 Atlantic Street	Single-family	1890	3360	2.5	
91 Atlantic Street	5 to 10-family	1915	5415	3	6
75 Atlantic Street	2-Family	1890	4595	2	
73 Atlantic Street	2-Family	1891	3150	2	
69 Atlantic Street	Single-family	1865	3150	1.5	
67 Atlantic Street	2-Family	1870	3038	2	
63 Atlantic Street	Single-family	1853	3027	1	
59 Atlantic Street	Single-family	1874	5052	2	
55 Atlantic Street	5 to 10-family	1900	5472	3	8
41 Atlantic Street	Single-family	1850	3360	1.5	
37 Atlantic Street	Single-family	1854	3290	1.5	
33 Atlantic Street	Single-family	1844	3502	2	
29 Atlantic Street	Single-family	1844	3600	2.5	
23 Atlantic Street	2-Family	1865	3905	2	
19 Atlantic Street	2-Family	1850	3436	2	
17 Atlantic Street	3-Family	1875	3859	2	
13 Atlantic Street	Condominium	1859	3475	3	3
7 Atlantic Street	2-Family	1845	3360	2	
80 Wilson Street	5 to 10-family	1915	3950	2	7
14 Monument Street	2-Family	1880	2433	2	

Address	Land Use	Year Built	Lot Size	Stories	# Units
10 Munjoy Street	Single-family	1840	1948	1.5	
14 Munjoy Street	3-Family	1880	2450	3	
18 Munjoy Street	5 to 10-Family	1915	4682	3	7
26 Munjoy Street	2-Family	1855	2950	1.5	
30 Munjoy Street	2-Family	1880	3059	1.5	
34 Munjoy Street	Single-family	1993	3055	2	
38 Munjoy Street	Single-family	1824	2872	1	
42 Munjoy Street	2-Family	1898	3727	1.5	
60 Munjoy Street	Condominium		3122	3	3
62 Munjoy Street	Single-family	1857	2354	2	
66 Munjoy Street	3-Family	1910	3080	2.5	
72 Munjoy Street	Condominium	2016		4	5
74 Munjoy Street	3-Family	1916	4249	2	
82 Munjoy Street	3-Family	1890	5510	2	
97 Munjoy Street	2-Family	1894	3389	2	
95 Munjoy Street	2-Family	1892	5741	2	
87 Munjoy Street	3-Family	1875	4472	2	
85 Munjoy Street	Single-family	1885	3380	1.5	
65 Munjoy Street	Condominium	2017	6771	3	8
43 Munjoy Street	2-Family	1884	8495	2.5	
39 Munjoy Street	Single-family	1895	6400	1.5	
29 Munjoy Street	Single-family	1850	3208	1.5	
27 Munjoy Street	Single-family	1850	4820	2	
19 Munjoy Street	3-Family	1850	4857	2	
15 Munjoy Street	2-Family	1874	3200	2	
11 Munjoy Street	Single-family	1850	3480	2	
74 Wilson Street	2-Family	1864	1556	2	
4 Monument Street	5 to 10-Family	1980	10519	2	8
1 Monument Street	3-Family	1845	2129	1.5	
57-59 Moody Street	Condominium	1912	3600	2	2
56-58 Moody Street	Condominium		1921	2	2
61 Wilson Street	5 to 10-Family	1915	5337	2	5

Address	Land Use	Year Built	Lot Size	Stories	# Units
1 St Lawrence Street	Condominium	1850	14886	3	3
9-11 St Lawrence Street	Condominium	2014	4770	3	2
23 St Lawrence Street	Single-family	1846	9873	2	
29 St Lawrence Street	5 to 10-Family	1915	5048	3	6
35 St Lawrence Street	2-Family	1880	5083	2	
37 St Lawrence Street	Single-family	1880	4246	2	
43 St Lawrence Street	4-Family	1879	5500	3	
47 St Lawrence Street	5 to 10-Family	1915	5005	2	6
49 St Lawrence Street	3-Family	1850	4639	2	
57 St Lawrence Street	5 to 10-Family	1915	11502	3	7
61 St Lawrence Street	3-Family	1905	5452	3	
65 St Lawrence Street	5 to 10-Family	1915	6455	2.5	6
71 St Lawrence Street	Single-family	2012	5250	2	
77 St Lawrence Street	Condominium	1840	6400	3	2
79 St Lawrence Street	4-Family	1845	6349	2	
85 St Lawrence Street	4-Family	1854	4071	2	
89 St Lawrence Street	4-Family	1854	5000	2	
93 St Lawrence Street	Condominium		5000	3	4
94-96 St Lawrence Street	Condominium	1850	8363	3	5
90 St Lawrence Street	2-Family	1850	2546	2	
74 St Lawrence Street	Single-family	1872	2246	2	
72 St Lawrence Street	2-Family	1899	2080	2	
62 St Lawrence Street	Condominium		3200	3	3
56 St Lawrence Street	2-Family	1850	3200	2	
52 St Lawrence Street	Single-family	1844	3150	1.5	
50 St Lawrence Street	Single-family	1849	3797	2	
44 St Lawrence Street	3-Family	1916	3320	2	
40 St Lawrence Street	2-Family	1846	4000	2	
36 St Lawrence Street	Single-family	1854	3573	1.5	
32 St Lawrence Street	Single-family	2019	3307	3	
28 St Lawrence Street	2-Family	1875	9096	2	
24 St Lawrence Street	2-Family	1860	4749	2.5	
20 St Lawrence Street	2-Family	1890	4055	2	
16 St Lawrence Street	Condominium	1890	3505	2.5	3
12 St Lawrence Street	2-Family	1853	2847	2	
6 St Lawrence Street	2-Family	1983	3044	2	
4 St Lawrence Street	Condominium		2956	3	2
43 Monument Street	2-Family	1880	1465	2	
44 Monument Street	Single-family	1850	4425	2	
3 Sherbrooke Street	5 to 10-Family	1910	6390	3	10

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February 2, 2026

Historic Preservation Board
City of Portland
389 Congress Street, 4th Floor
Portland, ME 04101
hp@portlandmaine.gov

RE: Remand of HPBR-002814-2024; 42 Atlantic Street

Dear Chair and Members of the Historic Preservation Board,

I represent Applicant LB Atlantic, LLC ("LB Atlantic" or "Applicant"), the developer of the previously-approved, multifamily, affordable residential development located at 42 Atlantic Street (the "Project"). The Project received a certificate of appropriateness (COA) from this Board on May 29, 2024. On November 19, 2025, without addressing the merits of that decision, the Superior Court remanded that decision to this Board with the direction to issue written findings of fact and conclusions of law adequate for judicial review. The Superior Court explained that it could not determine, from the Board's May 29, 2024 vote, whether the Board had adopted the staff memorandum as its findings of fact.

I write in response to the letters dated January 21 and January 30, 2026 from counsel representing one abutter, Maryellen Sullivan ("Appellant"),[1] in which Appellant requests that the Board reopen the record or reconsider its decision as part of its court-mandated remand. But on the limited scope of this remand, the Board cannot reopen the record or reconsider its decision; and more importantly, even if the Board had authority to reopen the record, such proceedings would be both futile and highly prejudicial to Applicant.

First, at this stage, the Board cannot reopen the record, hear additional public comment, or otherwise reconsider its decision. This Board previously granted the Project a COA based on a finding that the Project meets all applicable standards in the City's Land Use Code (the "Code"). The Board's conclusion was not a whim, and unless and until its decision is vacated by a court, the Board lacks jurisdiction to reconsider that decision.[2] The Superior Court did not vacate the Board's decision, it did not opine that this Board's decision was incorrect based on the totality of

[1] Appellant's counsel states that he represents "other concerned abutters," but does not provide their names or any other indication that this claim is accurate.

[2] The Code does not include any provisions for the Historic Preservation Board to reconsider a decision or reopen the record after issuance of a decision. While municipal boards may be granted authority to reconsider decisions, the "procedures for such reconsideration must be officially adopted" in order to permit a "post-approval reconsideration period." *Newfield Sand v. Town of Newfield*, 2025 ME 45, ¶ 21, 335 A.3d 626. Because the City has not done so here, this Board cannot reconsider or reopen hearing on a decision that has not been vacated by a court.

the administrative record (it did not address the adequacy of the record at all), and it did not remand the matter for a new hearing or for reconsideration of the decision. Rather, the Superior Court's remand language, which speaks for itself, directs the Board only to "issu[e] . . . findings of fact and conclusions of law adequate for judicial review." Indeed, the preservation of the Board's decision is implicit in the Superior Court's directive. Because the Superior Court has not disturbed the Board's issuance of a COA, and because the Code does not provide this Board the authority to reconsider its original decision at this juncture, the Board lacks authority to disturb that decision now.

Second, and more importantly, as those Board members who were involved in the original proceedings will be aware, there is no need to reopen the record or the public hearing as requested by Appellant. This Board has already conducted a lengthy, detailed review of the Project, which included hours of public comments; dozens of pages of comments and evidentiary submissions by opponents and supporters of the Project; extensive discussion with the Applicant and project architect, as well as iterative design changes in response to Board feedback; multiple analyses by Board staff assessing each of the relevant standards; and, finally, extended deliberations by the Board itself (including multiple discussions, at all three meetings and workshops, of the "visual compatibility standards" that Appellant accuses the Board of overlooking). The Superior Court's order does not suggest, nor even hint, that the sum total this evidence is insufficient to support the Board's analysis or conclusions. The Board certainly did not give short shrift or inadequate consideration to abutters – so reopening the record now to allow additional, unnecessary commentary would only serve to further delay and prejudice Applicant.

Third, Appellant does not explain why any of the evidence or argument that she now seeks to submit to the Board could not have been presented during those extensive prior proceedings, or why such evidence would aid the Board's decision-making process. (Indeed, as Appellant's letter indicates, the arguments that she now seeks to make have already been made and rejected by the Board.) And more to the point, the Board already received ample evidence of the site, streetscape, and neighborhood characteristics that Appellant seeks to address anew. The Board did not need to view a spreadsheet of tax assessment data in order to determine the Project's "visual compatibility" with its environs – nor would this information be relevant to that analysis at all. This is further reason why reopening the record at this juncture would serve no credible purpose.

Finally, it has been roughly two years since Applicant first applied for a COA, and over eighteen months since this Board – after extensive public process and multiple meetings – approved that application and found that the Project satisfied all requirements. The correctness of that decision has never been called into question by any authority – not the Planning Board and not the Superior Court. That the legal proceedings have taken so long is no one's fault, but it has placed a significant financial burden on Applicant. Given the limited (and, yes, "technical") nature of the Superior Court's remand, reopening the hearing just to allow Appellant to rehash arguments previously made and rejected would be unfair and prejudicial to Applicant.

Applicant respectfully submits that the Board's plain intention at the May 29, 2024 meeting was to adopt the staff memorandum as its written findings of fact. All that the Board can

and should do at this point is to clearly adopt the staff memorandum's ample and extensive findings in writing, as it seemingly intended to do eighteen months ago. Contrary to Appellant's insinuation, that will not result in the Project being "back here" again – rather, it will result in a prompt review by the Superior Court of the actual merits of Appellant's appeal. All parties involved are served by a final resolution of this proceeding.

Thank you for your time and attention to this matter. Please do not hesitate to contact me with any questions.

Sincerely,

/s/ Oliver Mac Walton

Oliver (Mac) Walton

Cc: Amy McNally, Esq.
Keith Richard, Esq.

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CITY OF PORTLAND
HISTORIC PRESERVATION BOARD
NOTICE OF DECISION

PROPERTY OWNER:	Daniel Black, LB Atlantic LLC ("Applicant")
PROPERTY LOCATION:	42 Atlantic Street ("Property")
PROJECT ID:	HPBR-002814-2024
HISTORIC DESIGNATION(S):	Munjoy Hill Historic District

FINDINGS OF FACT & CONCLUSIONS OF LAW

1. On February 8, 2024, the Applicant applied for a Certificate of Appropriateness for new construction at the Property.

2. Pursuant to section 17.7 of the City of Portland Land Use Code in effect at the time of the application ("Land Use Code"), the application required review and approval by the Historic Preservation Board ("Board") against the standards for review of subsection 17.8.3 ("Standards").

3. Subsection 17.8.1 of the Land Use Code incorporates by reference the Historic Resources Design Manual, which provides additional guidance to this Board. Specifically, when discerning the "compatibility" of the proposed project, the Design Manual provides the following guidance:

   "Broadly stated, compatibility refers to the recognition of patterns and characteristics which exist in a given setting, and a responsiveness in new design or renovation which respects these established patterns and characteristics. Although similarity of design is one way or achieving compatibility in a historic context, a creative and distinctly contemporary design response is both permitted and encouraged. The modem designer is allowed the freedom of individual expression - within parameters established by the new building's context." (Page 151)

   And

   "A new building in a historic district or adjacent to an individual landmark need not follow the pattern set by its neighbors in each and every category of compatibility. It should, however, relate to a number of them. Each infill project will have a unique context of surrounding structures and sites with some strong, unifying characteristics and some that are more subtle and less obvious. There

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will usually be one or more definite and easily discernable traits, such as a uniform scale and rhythm of window openings, consistent roof shapes, or a uniform cornice line, that should serve as a basis for a design solution." (Page 152)

4. The Board held two public workshops on March 6, 2024 and April 17, 2024.

5. On May 29, 2024 the Board held a Public Hearing and voted 5 to 1 (Whitten opposed, and Miller recused) to conditionally approve the application for new construction at the property under HPBR-002814-2024.

6. During the workshops and public hearing, the Board heard testimony from the applicant and their architect Kyle Barker of Primary Projects, received memoranda from Historic Preservation staff ("Staff"), and accepted public comment on the project.

7. On June 30, 2024, Joe Lewis ("Appellant"), who provided public comment in opposition to the project during the Board's review, submitted an appeal of the Historic Preservation Board's approval to the Planning Board, pursuant to Section 2.2.10 (A) of the Land Use Code.

8. On August 13, 2024, the Portland Planning Board reviewed the appeal during a Public Hearing and voted 5 to 1 (Silk opposed, and Chann Absent) to deny the appeal.

9. The Appellant appealed to the Cumberland County Superior Court pursuant to Section 2.1.12 of the Land Use Code and Rule 80B of Maine's Rules of Civil Procedure.

10. On November 19, 2025, the Superior Court remanded the application to the Planning Board to remand to this Board with instructions to issue findings of fact and conclusions of law adequate for judicial review.

11. On January 27, 2026, the Planning Board voted 7 to 0 to remand the application to the Board.

12. On February 4, 2026, the Board held a public meeting to prepare findings of fact and conclusions of law consistent with the court order.

13. Based on the written materials, oral testimony, staff memoranda, and public comment received during the workshops held on March 6, 2024 and April 17, 2024, and the public hearing held on May 29, 2024, the Board finds as follows:

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Standard A. Scale and Form - Subsection 17.8.3 (A)	
1. Height The proposed height shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	**Board Findings**
Yes	The Board reviewed the project in the context of the immediate vicinity as well as the larger neighborhood.The applicant provided a context analysis that demonstrates that Atlantic Street is lined with a variety of structures ranging from one-and-a-half- to three-and-a-half-stories in height, including a large three-and-a-half story structure at the corner of Atlantic and Wilson Street. Additionally, the Board notes that staff provided a memo including a summary of the historic context that indicates that three-and-a-half- and four-story buildings are present in the broader context of the Munjoy Hill Historic District. The Board further finds that the proposed four-story height is not significantly taller than is typical of the context, fits within the various height profiles of surrounding structures, and is therefore visually compatible with surrounding structures. Thus, the Board finds this standard has been met.
2. Width The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	**Board Findings**
Yes	The Board reviewed the site plans and elevation drawings provided by the applicant that show the width of the proposed structure and the widths of its constituent design elements. The Board acknowledges that the overall width of the proposed structure is greater than neighboring structures as demonstrated in the applicant's context analysis; however, the Board finds that the design of the façade uses changes in materials and trim details to visually break-down the width of the building to be more consistent with the widths typically found among surrounding structures along Atlantic Street. The Board further finds that the components of the building's façades are comparable to the widths of nearby structures, which make the wider facade compatible with the surrounding structures. Therefore, the Board finds this standard has been met.

3. Proportion of principal facades The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways, and open spaces to which it is visually related.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the elevation drawings provided by the applicant showing the proportions of the proposed principal elevations along Atlantic Street and Gilbert Lane. The Board acknowledges that the overall façades are proposed to have horizontal proportions, with their widths being greater than their heights; however, the Board finds that changes in material and the use of applied details interrupt the horizontality of those elevations and produce sections of façade that are vertically proportioned. Additionally, the Board further finds that the applicant's context analysis shows that vertical proportions predominate along Atlantic Street, with some more horizontally proportioned buildings interspersed. The Board therefore finds that the vertically-proportioned components of the building's primary facades make it visually compatible with surrounding structures. The Board finds this standard has been met.
4. Roof shapes The roof shape of a structure shall be visually compatible with the structures to which it is visually related.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the context analysis provided by the applicant that demonstrates that Atlantic Street is lined with a variety of roof forms, with flat roofs being common. Additionally, the Board notes that staff provided a memo including a summary of the historic context that indicates that flat roofs are typical of the Munjoy Hill Historic District. The Board therefore finds that the proposed structure, which will have a flat roof and articulated cornice at the roof is visually compatible with the surrounding structures to which it is visually related. The Board finds this standard has been met.

5. Scale of a structure The size and mass of structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the context analysis the applicant provided that demonstrates the typical dimensional relationship between overall structure and their constituent windows, doors, porches, and open spaces along Atlantic Street, namely, that windows typically fill the majority of the height of each floor level and that porches typically only occupy a small portion of building widths. Additionally, the Board reviewed and carefully considered the elevation drawings provided by the applicant showing the dimensional relationship between the overall structure and its constituent windows, doors, porches, and open spaces. The Board further finds that the proposed structure would have windows that similarly fill the majority of the height of each floor, and that the primary entrance porch occupies only a small portion of the building width. Therefore, the Board finds that the scale of the proposed building, in relation to its constituent elements, is visually compatible with surrounding structures. The Board finds this standard has been met.
6. Applicability to Congress Street Historic District In the Congress Street Historic District, for new construction within the B3 zone, the Historic Preservation Board shall not impose conditions more restrictive than the dimensional requirements of the B-3 zone.	
Standard Met?	**Board Findings**
Not Applicable	The Board finds that this standard is not applicable to the proposed scope of work because the Property is not located within the Congress Street Historic District.
7. Applicability to India Street Historic District For new construction within the India Street Historic District, the Historic Preservation Board shall not impose conditions more restrictive than the dimensional requirements of the IS-FBC zone, except for in the case of a building addition which proposes to change the height of a contributing historic structure.	
Standard Met?	**Board Findings**
Not Applicable	The Board finds that this standard is not applicable to the proposed scope of work because the Property is not located within the India Street Historic District.

8. Applicability to the Portland Company Historic District For new construction within the Portland Company Historic District, the height requirements of the B-6 zone as shown on the B6 Building Height Overlay & Building Envelopes map shall be controlling and the historic preservation board shall not impose conditions more restrictive than the building height requirements of the B-6 zone.	
Standard Met?	**Board Findings**
Not Applicable	The Board finds that this standard is not applicable to the proposed scope of work because the Property is not located within the Portland Company Historic District.

Standard B. Composition of Principle Facades - Subsection 17.8.3 (B)	
1. Proportion of openings The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways, and places to which the building is visually related.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the context analysis provided by the applicant that demonstrates that the properties along Atlantic Street predominantly feature windows with heights greater than their widths, though a number of buildings also feature windows or groupings of windows with heights and widths that are close to equal. The Board also finds that the context analysis shows that properties feature visually prominent front entrances along Atlantic Street. Additionally, the Board finds that the applicant provided elevation drawings which show that the building will feature a mixture of vertically proportioned and more squarely proportioned windows. Also, the more visually prominent entrance faces Atlantic Street which makes it compatible with the surrounding structures. Therefore, the Board finds that the proposed window proportions are visually compatible with surrounding structures and that this standard for review has been met.
2. Rhythm of solids to voids in facades The relationship of solids to voids in the façade of a structure shall be visually compatible with structures, public ways, and places to which it is visually related.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the context analysis provided by the applicant that demonstrates that the properties along Atlantic Street generally feature a higher ratio of solid wall to void and that voids, such as windows and doors, are typically stacked and arranged regularly across building facades. Additionally, the Board finds that the applicant provided elevation drawings which show that the proposed building facades are primarily solid with windows and doors stacked and arranged regularly. Therefore, the Board finds that the proposed rhythm of solids and voids is

Docusign Envelope ID: F5936FA6-394D-4CD8-8B74-AA519918190F

	visually compatible with surrounding structures. Thus, the Board finds this standard has been met.
3. Rhythm of entrance porch and other projections The relationship of entrances and other projections to sidewalks shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the context analysis provided by the applicant that demonstrates that many properties along Atlantic Street generally feature a single entry with porches covering only partial widths of front facades and steps projecting towards the street. Additionally, the Board finds that the applicant provided plans and elevation drawings showing that the proposed structure would feature a single central entry with a projecting canopy and raised landing at the top of street-facing stairs, and an accessible ramp. Therefore, the Board finds that the proposed rhythm of entrances is visually compatible with surrounding structures and meets this standard. Thus, the Board finds this standard has been met.
4. Relationship of materials The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which they are visually related.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the context analysis provided by the applicant that demonstrates that the majority of properties along Atlantic Street are clad in horizontal clapboard siding, historically wood. The use of the gray metal and masonry relates to the masonry typically found on building foundations in the surrounding context. Additionally, the Board finds that the applicant provided elevation drawings and material details showing that the structure will be clad in wood horizontal clapboard siding with a similar reveal to those found on nearby historic buildings (4.5"). Therefore, the Board finds that the proposed primary cladding material is visually compatible with surrounding structures and meets this standard.
5. Signs Any new sign, and any change in the appearance of an existing sign located on a landmark, within a historic district, or within an historic landscape district, which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the Historic Resources Design Manual.	
Standard Met?	**Board Findings**
Not Applicable	The Board finds that this standard is not applicable to the proposed scope of work because no signs are proposed as part of this project.

Docusign Envelope ID: F5936FA6-394D-4CD8-8B74-AA519918190F

Standard C. Relationship to Street Subsection 17.8.3 (C)	
1. Walls of continuity Facades and site structures, such as masonry walls, fences, and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways, and places to which such elements are visually related.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the context analysis provided by the applicant that demonstrates that the majority of properties along Atlantic Street are located close to the street, generally with facades aligned, and with spaces between each structure in the form of narrow side yards or driveways creating a consistent but diffuse street wall. Additionally, the Board finds that the proposed structure will be situated close to the street, while maintaining a narrow side yard to the south and a setback from Gilbert Lane. Therefore, the Board finds that the proposed structure will maintain the diffuse street wall along Atlantic Street and remain visually compatible with surrounding structures, meeting this standard.
2. Rhythm of spacing and structures on streets The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways, and places to which it is visually related	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the context analysis provided by the applicant that demonstrates that the majority of properties along Atlantic Street maintain spaces between each structure in the form of narrow side yards or driveways, creating a repeating pattern of building and space, with the width of the structures and spaces varying. Additionally, the Board finds that the applicant has provided site plans showing that the structure will maintain a narrow side yard to the south, and a setback from Gilbert Lane. The Board acknowledges that the overall width of the proposed structure is greater than neighboring structures as demonstrated in the applicant's context analysis; however, the Board finds that the design of the façade uses changes in colors and materials and trim details to visually break-down the width of the building to be more consistent with the widths typically found along Atlantic Street. Therefore, the Board finds that the proposed structure will maintain the rhythm of structures and spacing along Atlantic Street and is visually compatible with surrounding structures; thus meeting this standard.

3. Directional expression of principal elevation A structure shall be visually compatible with the structures, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the context analysis provided by the applicant that demonstrates that the majority of properties along Atlantic Street feature vertically proportioned primary facades which are countered by horizontal siding, and prominent horizontal cornices on flat-roofed structures. Additionally, the Board finds that the applicant has provided elevation drawings that show the proposed structure will have a horizontal massing that is broken up by changes in material to create vertical masses. Further, the Board finds that the proposed structure will be clad in horizontal siding and be capped by a simple contemporary projecting cornice. Therefore, the Board finds that the structure integrates vertical elements (changes in material and window ;proportions) along with horizontal elements (porch roof, watertable, and cornice)on the primary facades creating visually compatibility with surrounding structures and thus meets this standard.
4. Streetscape, pedestrian improvements Streetscape and pedestrian improvements and any change in the appearance thereof located adjacent to or on a landmark, within a historic district, or within a historic landscape district which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the Historic Resources Design Manual.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the context analysis provided by the applicant that demonstrates that Atlantic Street is generally lined with brick sidewalks, which include small tree wells. Additionally, the Board finds that the applicant has provided a site plan which shows that the project will include improved brick sidewalks and tree wells. The Board further finds that the project will include trenching and other utility work along Gilbert Lane, which is surfaced with historic granite cobblestones. The Board voted to include a condition of approval requiring that Gilbert Lane be restored to its pre-construction condition to preserve its historic appearance. Therefore, the Board finds that the brick sidewalks, tree wells, and restored cobblestone surface of Gilbert Lane are compatible with the surrounding context and satisfy this standard.

Standard D. Other Standards Subsection 17.8.3 (D)	
1. Compatible use Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character defining features of the structure, object, or site and its environment or to use a property for its originally intended purpose.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the plans provided by the applicant showing that the proposed structure will have a residential use which is consistent with the typical uses in the Munjoy Hill Historic District. Additionally, the Board finds that the proposed development is located on a parcel classified as noncontributing to the Munjoy Hill Historic District and that the property therefore contains no structures, objects, or sites that could have character-defining features that could be affected by the project. Further, the Board finds that the only direct impacts will be to Gilbert Lane and that excavation is limited to what will be necessary to provide utilities to the site. The Board therefore finds these impacts to be minimal. The Board voted to include a condition of approval that Gilbert Lane be restored to an appearance consistent with its pre-construction condition to preserve its historic appearance, further minimizing the impacts. Therefore, the Board finds that the proposed use is compatible, and only minimal alterations to Gilbert Lane are necessary, and thus the project meets this standard.
2. Distinguishing original character The distinguishing original qualities or character of a structure, object, or site and its environment shall not be destroyed. The alteration of any historic material or distinctive architectural features should be avoided when possible.	
Standard Met?	**Board Findings**
Yes	The proposed development is located on a noncontributing parcel within the Munjoy Hill Historic District and contains no structures, objects, or sites that could have distinguishing original qualities or character that could be affected by the project. The Board also finds that the project will involve excavation along Gilbert Lane, temporarily interrupting the historic cobblestone surface. The Board voted to include a condition of approval requiring restoration of Gilbert Lane to its pre-construction condition. The Board further finds that this condition would ensure that the historic appearance of Gilbert Lane would be restored, avoiding significant alterations to its appearance. Therefore, the Board finds that this project will not destroy any distinguishing original character of the environment, and thus meets this standard.

3. Archeological resources Every reasonable effort shall be made to protect and preserve significant archaeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.	
Standard Met?	**Board Findings**
Not Applicable	The Board finds that this standard is not applicable to the proposed scope of work because there are no significant archaeological resources identified which could be affected by this project.
4. Contemporary design Contemporary design for additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural, or archaeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, material, and character of the property, neighborhood and environment.	
Standard Met?	**Board Findings**
Yes	The Board finds that the proposed development is located on a parcel classified as noncontributing to the Munjoy Hill Historic District and will not require alterations to any significant historic materials. Additionally, the Board finds that the proposed structure has a clearly contemporary character through its simplified massing, modern windows, and minimal exterior details. The Board further finds that the compatibility of the design is detailed in its findings under subsections Subsection 17.8.3 (A-C) above. Therefore, the Board finds that this standard is met in the use of a contemporary design for the proposed building.
5. Additions Wherever possible, new additions to structures and objects shall be undertaken in such a manner that, if such additions were to be removed in the future, the essential form and integrity of the structure would be unimpaired.	
Standard Met?	**Board Findings**
Not Applicable	The Board finds that this standard was not applicable to the proposed scope of work as the project does not include any additions to any existing structures or objects.

DECISION

By a vote of 4-1 (Hutchins opposed, DeSerres abstained, Miller recused), the Board adopts the above findings of fact to supplement its conditional approval of application HPBR-002814-2024 from May 29, 2024.

DocuSigned by:

377FDD5C42084BD...

Valerie Paquin-Gould, Vice-Chair

2/5/2026

Date

Application for Administrative Appeal

Department of Planning and Urban Development

Applicant Information:

Applicant Name: Keith Richard, Attorney for Maryellen Sullivan et al. **Phone:** (207) 558 - 0102

Business Name (if applicable): Archipelago **Email:** krichard@archipelagona.com

Mailing Address: 1 Dana Street 4th Floor, Portland, ME 04101

Is the applicant an agent, representative, or lessee of the property owner/purchaser? ☒ Yes ☐ No

Name of Property Owner/Purchaser: Maryellen Sullivan **Phone:** (_____) _____ - _____

Business Name (if applicable): _____ **Email:** _____

Mailing Address: 33 Atlantic Street, Portland, ME 04101

Property and Project Information:

Property Address: 42 Atlantic Street **Zone:** R-6

Tax Assessor's CBL: Parcel ID 016 F001001 **Current Use of Property:** _____

Chart # Block # Lot #

Disputed provisions of the Portland Code of Ordinances (please cite sections): See attached letter, incorporated herein by reference.

Decision being appealed:

Historic Preservation Board decision, February 4, 2026

Planning Board Site Plan decision, July 30, 2024 (expired)

Please attach a copy of the approval letter or permit that is under dispute. You are welcome to submit any additional documents and exhibits that may support your request.

The undersigned hereby makes application for an interpretation appeal as described above, and certifies that the information herein is true and correct to the best of his or her knowledge and belief.

Applicant signature: /s/Keith Richard, Esq. Bar No. 5556 Date: 03/06/2026

Keith P. Richard
Principal

1 Dana Street 4th Fl.
Portland, Maine 04101
(207) 558-0102

March 6, 2026

VIA EMAIL
City of Portland
Planning Board
planning@portlandmaine.gov

RE: Appeal of Certificate of Appropriateness – 42 Atlantic Street

Dear Chair and Members of the Planning Board:

I represent Maryellen Sullivan and the group Atlantic Street Neighbors, a number of individual abutters[1] to the project that own property and live in the immediate neighborhood of the proposed project at 42 Atlantic Street. This is an appeal of the Historic Preservation Board's ("HPB") issuance of a Certificate of Appropriateness ("COA") for new construction at that site. This appeal incorporates and builds upon a prior appeal regarding this project brought in 2024 (enclosed). The primary issue here is whether the Board lawfully considered the material facts and evidence and applied § 17.8.3 of the Historic Preservation Ordinance in the manner the Code requires, supported by findings sufficient for meaningful review. The most recently revised findings by the HPB do not cure the defects identified by the Superior Court. They reflect an artificially constrained and incomplete factual record and they continue to reflect a legally flawed application of § 17.8.3 of the Historic Preservation Ordinance. Making cosmetic changes to language and form in the 2024 memorandum, while suppressing the information most pertinent to the required compatibility analysis, does not cure the substantive legal errors.

I. Objection to Planning Board consideration and Site Plan appeal.

The Code requires that appeals from Historic Preservation Board decisions such as this one be brought to the Planning Board. Because the Planning Board has already reviewed and approved this project, we object to the Planning Board's consideration of the matter on the grounds that the Board cannot conduct a fair, objective, and unbiased review of a certificate for a project they have already approved.

[1] These abutters include Maryellen Sullivan, Susan Grisanti, Cindi Greason, Leslie Rothman, and Jack Lesko.

A. Conflict, bias, due process

"A party before an administrative board is entitled to a fair and unbiased hearing under the Due Process Clauses of the United States and Maine Constitutions." *Lane Constr. Corp. v. Town of Wash.*, 2008 ME 45, ¶ 29, 942 A.2d 1202.

The Planning Board has already considered this same project over the course of a number of meetings, considering extensive evidence, hearing from the applicant, and ultimately granting site plan approval in 2024. Having done so, it is inappropriate and inconsistent with due process that the Board would be in a position to review the HPB decision here, regardless of whether the Code calls for it. Appellants assert a facial and as-applied challenge to the Code provision that has the Planning Board review on an appellate basis another board's decision for a project the Planning Board has previously passed judgment upon and approved. Respectfully, the Planning Board cannot be fairly described as an impartial blank slate. There is conflict between the Planning Board's prior adjudicatory role and quasi-judicial role here, with a clear risk of bias in favor of upholding the project that was already approved, based on information that is not within the universe of evidence in this proceeding. We object to the Planning Board's consideration of the appeal and request that the appeal be heard by the City of Portland Board of Appeals.

B. Site Plan expired, or, in the alternative, that the 2024 site plan decision is appealable with the HPB decision.

But while we are before the Planning Board, we reiterate our position that this Board's July 30, 2024 site plan approval expired because there is no evidence that the applicant and the City followed the applicable procedure for granting an extension of the site plan approval. We understand that City staff communicated that all approvals were automatically extended based on an interpretation of the reCode. We disagree with that legal interpretation, which is apparently based on a policy and practice that lacks support in the Code. In communications with Corporation Counsel, the City has taken the position that the HPB process is completely separate from the Planning Board site plan decision, and the Site Plan decision was never appealed, which is inconsistent with the applicable Code provisions and the argument that the HPB appeal extended the site plan approval automatically. If the site plan did not expire, then the decision is appealable within this administrative appeal and our objections to the substance of the site plan stand and are reviewable in an administrative appeal of the HPB decision. *Bryant v. Town of Camden*, 2016 ME 27, 132 A.3d 1183. Our letters of January 23 and 27, 2026 outlining our site plan contentions are attached and incorporated herein by reference.

II. Procedural Errors

The conduct of the remand hearing was replete with procedural errors, largely stemming from extremely narrow interpretations of the Superior Court's order without support in the language of the order or Maine law.

A. HPB never acted on the request to re-open the record; a decision appears to have been made outside a public meeting in violation of open meeting laws.

The hearing that was conducted at the HPB on February 4, 2026—leading to the decision at issue in this appeal—was fundamentally flawed from the start in that the Board never acted upon our request on January 21, 2026 that the HPB re-open the public record. That letter is attached and incorporated herein by reference. At the HPB's meeting that same evening—January 21—Corporation Counsel advised the HPB that "The Board has the discretion to re-open the record if it chooses to." Yet, for reasons that were not discussed and cannot be explained by the record, the Board never deliberated or voted upon the request to re-open the record. Instead, they were advised by counsel at the February 4 meeting—inconsistent with the prior advice less than two weeks before—that they could not re-open the record and could only make findings based on the existing record.

Whoever made the decision to deny the request, that decision was not made in a public meeting and accordingly violates Maine's open meeting requirements and Freedom of Access Act, 1 M.R.S. § 401; *Duffy v. Town of Berwick*, 2013 ME 105, ¶ 14 n.3, 82 A.3d 148 ("local . . . boards' meetings, records, and actions, governed by the Freedom of Access Act, must be open to the public and their deliberations conducted openly . . .").

B. The HPB's conduct of the remand hearing was not consistent with the Superior Court's order and artificially constrained, evidenced by the Board's struggles to conduct the "review" based on a fiction.

During the February 4 hearing, for the first time, Corporation Counsel told the HPB that because any motion to reconsider would have been untimely, that as a matter of law they could not re-open the record or decision. Appellant had no advanced notice of this legal interpretation and no opportunity to rebut it in the context of the February 4 hearing. That legal interpretation was erroneous. Motions for reconsideration apply to final decisions. However, because the Board was still making findings at the February 4 meeting, there was no final decision regarding the COA for the Board to reconsider. The refusal to re-open the public hearing and record apparently made outside of a public meeting was also inconsistent with the City's acceptance of correspondence from the attorneys for the appellant and the applicant.

The Board clearly struggled to understand and deliberate given the artificial constraints placed on the hearing by a misreading of the Superior Court's order. The Board was told that their job was to make more findings rationalizing the decision that the 2024 HPB reached based on the prior record—an awkward and perhaps impossible inquiry that made the meeting long and challenging for the Board. For example, one Board member stated, "I feel as if the counsel's direction is to rubber stamp the draft proposal as it is written because it sounds like we are not being tasked with making any wholesale changes to the way that this was ruled on in 2024."

Several times during the hearing, Board members commented that they were having difficulty applying the ordinance standards and making findings given the absence of material facts that would be most relevant to the analysis that the HPB was tasked with performing. Regarding the individual standards governing height, width, proportion, and neighborhood compatibility, Board members complained that the record did not include sufficient information about the surrounding structures and other relevant information that would bear upon the standards. This view regarding the material deficiencies of the administrative record was held and articulated by multiple Board members, including those that voted in favor. The record was deficient for the additional reason that there either were a lack of renderings with scale and measurement; what renderings were submitted were materially misleading and deceptive. Moreover, one of the board members abstained from voting at the February 4 meeting because, after reviewing the recordings of the public hearing that formed part of the administrative record, determined that the recordings were of such a low quality that it was impossible for him to determine whether there was sufficient information in the record to rationalize the determinations made by the Board in 2024.

The remedy for these problems should have been easy—re-open the record. The failure to even allow the Board the opportunity to do so was legal error and requires the decision be vacated.

III. The Revised Findings Are Still Legally Flawed

The Superior Court remanded this matter for issuance of findings "adequate for judicial review." That requires the Board to do more than restate ordinance language and declare each standard "met." The February 4, 2026 findings follow a repetitive structure. For each standard—height, width, proportion, roof shape, scale, rhythm, etc.—the Board articulated vague and unspecified criteria and comparisons for context. For example, the Height finding states that Atlantic Street contains "a variety of structures" and that the proposal is "not significantly taller than is typical of the context" (p. 3). Yet there is no quantification of typical heights, no identification of the structures used for comparison, and no dimensional findings supporting that conclusion. The Width finding acknowledges that the proposed structure is "greater than neighboring structures" but concludes it is acceptable because of façade modulation (p. 3). No findings identify the widths of

neighboring structures, the proposal's width, or the comparative ratios. The Scale finding asserts compatibility based on "dimensional relationships" without stating those dimensions (p. 5). These are not findings of fact. They are narrative conclusions that were developed to support a result, not determine the truth of the matters presented.

Judicial review requires the Court to understand what facts the Board found regarding surrounding structures—height, width, massing, number of stories, façade width, rhythm of openings—and how those facts compare to the proposal. Those findings are absent. Instead, the document repeatedly relies on generalized statements such as "Atlantic Street is lined with a variety of structures" or "the majority of properties along Atlantic Street" reflect certain traits (pp. 3–4, 6–8). The reason appears to be that the City and the Applicant recognize that the facts do not support the Board's conclusions. If this were not a concern, all parties would embrace the objective facts and permit scrutiny of the Board's conclusions by a reviewing court.

IV. The Board Continues to Apply the Wrong Comparative Framework.

Section 17.8.3 requires visual compatibility with (1) "Surrounding structures," and (2) Structures "to which [the building] is visually related." The February 4 findings repeatedly reference "the Munjoy Hill Historic District" broadly (pp. 3–4, 10–11).

For example, the Height finding relies on a "broader context of the Munjoy Hill Historic District" (p. 3). The Roof Shape finding refers to what is "typical of the Munjoy Hill Historic District" (p. 4). The Compatibility finding states the proposal is "consistent with the typical uses in the Munjoy Hill Historic District" (p. 10). This is the same framework error previously identified.

Of the fourteen visual standards in § 17.8.3, the overwhelming majority require compatibility with the immediate visual environment—not with the district at large. The Board's reliance on broad district characteristics substitutes a geographically expansive comparison for the ordinance's required immediate-context analysis. Compatibility is not established by showing that somewhere within the Historic District there are larger buildings. The statute requires comparison to the structures to which the project is visually related—those on Atlantic Street and the adjoining public ways.

The revised findings still fail to articulate which specific surrounding structures were used for comparison; why those structures were selected; and how their dimensions compare numerically to the proposal. Without that, the wrong legal lens continues to be applied.

V. The Findings Improperly Rely on Applicant-Supplied "Context Analysis" Rather Than Independent Board Findings.

Nearly every substantive finding references "the context analysis provided by the applicant" (pp. 3–10). That phrase appears repeatedly across standards for height, width, roof shape, scale, façade rhythm, materials, and street relationship. The Board may consider applicant submissions. But it may not delegate fact-finding responsibility to the applicant. The findings do not independently verify, consider, or analyze the dimensional claims in the context analysis; identify contested evidence; resolve conflicts raised during public comment; or explain how disputed scale concerns were evaluated. The result is a document that paraphrases the applicant's submission and attaches the legal conclusion "standard met." That is not the reasoned decision-making required of an adjudicative body.

VI. The Findings Still Fail to Address the Core Dimensional Disparities.

The revised findings do not engage with objective dimensional data the is necessary for judicial review, including but not limited to:

- Number of stories of immediately adjacent buildings;
- Unit concentration relative to neighboring structures;
- Relative façade width compared to Atlantic Street homes;
- The absence of four-story buildings on Atlantic Street;
- The overwhelming predominance of one- and two-story structures in the immediate context.

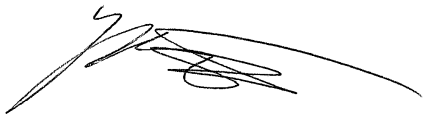
Instead, the findings rely on qualitative phrases such as "variety of structures," "typical of the district," and "compatible with surrounding structures." The Court cannot conduct judicial review because there is a dearth of evidence, predicate findings, and ultimate findings to test the Board's legal conclusions. Even if the Board believes the project is compatible, it must explain—factually—why a building that no party could dispute is overwhelmingly larger in mass, width, and unit concentration than its immediate neighbors nonetheless satisfies the ordinance. That explanation is not present.

Even if the findings and evidentiary record were not deficient, the record would compel a contrary conclusion—the proposed structure is not compatible and renders the Historic District a meaningless regulatory designation that in practice places no limits nor offers any real protection for neighboring property owners.

VII. Conclusion

For the reasons set forth herein, the Certificate of Appropriateness must again be vacated.

Sincerely,



Keith P. Richard, Esq.
Bar. No. 5556

Application for Appeal

Department of Planning and Urban Development

City of portland

Applicant Information:

Applicant Name: Joe Lewis **Phone:** (207) 756 - 3773

Business Name (if applicable): _____ **Email:** joe@portcitylegal.com

Mailing Address: 33 Atlantic Street, Portland, ME 04101

Is the applicant an agent, representative, or lessee of the property owner/purchaser? ☐ Yes ☑ No

Name of Property Owner/Purchaser: _____ **Phone:** (_____) _____ - _____

Business Name (if applicable): _____ **Email:** _____

Mailing Address: _____

Property and Project Information:

Property Address: 42 Atlantic Street **Zone:** R-6

Tax Assessor's CBL: 016 (Chart #) F (Block #) 1??? (Lot #) **Current Use of Property:** OTHERS EXEMPT BY CODE

Disputed provisions of the Portland Code of Ordinances (please cite sections): Chapter 14 - Land Use
Article 17: 17.1, 17.8.3(A)(1-5), 17.8.3(B)(2), 17.8.3(C)(2)(3)

Decision being appealed:

Issuance of Certificate of Appropriateness by the Historic Preservation Board stamped for approval on June 3, 2024. See attached for details of basis for the appeal.

Please attach a copy of the approval letter or permit that is under dispute. You are welcome to submit any additional documents and exhibits that may support your request.

The undersigned hereby makes application for an interpretation appeal as described above, and certifies that the information herein is true and correct to the best of his or her knowledge and belief.

Applicant signature: _____ Date: 6/30/2024

Planning and Urban Development
Historic Preservation Program

June 3, 2024

Owner: Dan Black & Carl Lakari
LB Atlanitc, LLC
P.O. Box 10452
Portland, ME 04104

Applicant: Kyle Barker
Primary Projects
2330 Horton Street
North Dighton, mA 02764

Re: 42 Atlantic Street – New Construction

HPBR-002814-2024

Dan Black, Carl Lakari, and Kyle Barker,

The Historic Preservation Board has approved your application for a Certificate of Appropriateness for new construction at 42 Atlantic Street. Approval was based on the application materials submitted for the public hearing held on May 29, 2024, and stamped for approval on June 3, 2024, except as modified by the following conditions:

- Staff shall review details and/or mockups for installation of cobblestones along Gilbert Lane to ensure that the appearance after utility construction is complete is consistent with the historic appearance.

All improvements shall be carried out as shown on the materials submitted for the hearing on May 29, 2024, and stamped for approval on June 3, 2024, except as to comply with the conditions above. Changes to the approved plans or specifications, and any additional work that may be undertaken must be reviewed and approved by the Historic Preservation program prior to construction, alteration, or demolition. If, during the course of completing the approved work, conditions are encountered which prevent completing the approved work, or which require additional or alternative work, you must apply for and receive a Certificate of Appropriateness or Non-Applicability PRIOR to undertaking additional or alternative work.

This Certificate is granted upon condition that the work authorized herein is commenced within twelve (12) months after the original date of issuance. If the work authorized by this Certificate is not commenced within twelve (12) months after the original date of issuance or if such work is suspended in significant part for a period of one year after the time the work is commenced, such Certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each may be allowed in writing by the Department.

Sincerely,

Evan R. Schueckler
Historic Preservation Program Manager

Additional information supporting the appeal of the Historic Preservation Board's ("HPB") issuance of a Certificate of Appropriateness ("COA").

Appellant Joe Lewis appeals HPB's issuance of the COA for the reasons shown below.

STANDARD OF REVIEW:

1. The evidence before the HPB was erroneous or otherwise lacking with respect to the proposed size of the structure in relation to its visual neighbors.

Erroneous materials from the applicant. No fewer than three members of the community offered testimony during the public hearing process that the drawings purporting to show the height of the proposed structure were fundamentally flawed and misleading. These concerns were only addressed once at a workshop, with the applicant assuring the board that the renderings were correct.

The applicant's assurances notwithstanding, the renderings included in the Approved Plans document illustrate the infirmity of the evidence before the board.

- Page 16 shows a telephone pole to the left of the (42 foot) structure as rendered. The telephone pole is shown to be taller than the structure. On page 17, the same telephone pole is shown as shorter than the structure. Both things cannot be true.
- Page 17 shows a second telephone pole directly in front of the structure at the corner of Atlantic and Gilbert. In this rendering, the pole presents as slightly taller than the structure. Page 18 shows the same pole looking up Gilbert Lane and towering over the structure. The same telephone pole is shown on page 19 as being so much higher than the building that it is not even part of the rendering. These three relative views are thoroughly inconsistent in a way that belies any argument that the renderings are spot-on. On information and belief, this telephone pole is approximately 36 feet tall.

Lacking materials from the applicant. No fewer than two members of the community offered testimony highlighting the lack of renderings which showed the proposed structure in context with its visual neighbors. These concerns were noted on page 4 of the Approved Plans wherein the applicant reported feedback at the second Public Workshop to consider "showing abutting neighbors on analysis slide."

The analysis slide purporting to represent a response to this request is on page 6 of the Approved Plans and is wholly inadequate to either the request or the analytic requirements of the process. Specifically, this page shows 15 buildings on Atlantic Street, seemingly chosen at random. None of these buildings are depicted in reference to the proposed structure. Rather, they are shown in isolation with no location information, no height or width information, and – most alarmingly – not contextualized to the proposed structure. While the applicant did indeed show (some) abutting neighbors on this page, it did so in a way that subverted the ability of the board and the public to evaluate the visual compatibility of the proposed structure with its neighbors.

Because the board did not have sufficient evidence before it to properly evaluate the visual compatibility of the height and width of the proposed structure, any decision it made with reference to that compatibility pursuant to the demands of 17.8.3(A)(1) must not stand.

2. <u>The interpretation of the Standards for review of new construction is not supported by the evidence that was presented and is otherwise so afield of those Standards as to be arbitrary and capricious, and at odds with the purposes of preservation as set forth in Section 17.1.</u>

Pursuant to 17.11.4, Article 17 shall be liberally applied and construed to effectuate the purpose of preservation set forth in Section 17.1. Relevant purposes are detailed at 17.1 C, E, and G. These may safely be generalized to compatibility of new construction, protection and enhancement of the neighborhood character, and protecting and enhancing the attractiveness of the city.

Given the demand to liberally construe the Article generally in support of the purposes of the Article, the board should have been used more exacting standards when it looked at the scale and form, composition of principal facades, and relationship to street of the proposed structure. Instead, the board seems to have bent over backward to see what it wanted to see in order to approve this project.

17.8.3(A)(1) demands that the proposed height shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guideline. Similarly, 17.8.3(A)(2) demands the same of the proposed width of a new building.

In fact, the proposed structure is so much taller than its visual neighbors and so much wider than its visual neighbors that it is nonsensical to conclude

that it is visually compatible. Some of its neighbors will be hidden by this structure if allowed to be developed, which would seem to be the opposite of visually compatible. There are no existing buildings which are visually related to the proposed structure that are even one-half of its overall size. Indeed, public comment offered to the board suggested that the proposed structure is many, many times the size of its immediate neighbors, an allegation that was not even addressed, much less refuted by the applicant or the board. The proposed structure's scale dwarfs its neighbors, which is antithetical to the demands of sub (5), the scale of the structure.

Similarly, and as noted by the applicant on page 6 of the Approved Plans, common attributes of the buildings on Atlantic Street include a vertical orientation. Also, all but one of its visual neighbors features other than the flat roof proposed by the applicant. (During the final public hearing, the applicant erroneously claimed that 28 Atlantic has a flat roof. This is simply wrong.)

The proposal also fails the demands of 17.8.3(B) and (C), specifically regarding the rhythm of solids and voids compared to neighbors and the spacing and structures on streets. This massive structure will present a unique street-level experience for pedestrians, especially on Gilbert Street, which will be fairly "eaten up" by the building.

All told, the proposal fails any straight-face test with respect to visual compatibility. It would be a monster, completely out of character and scale with any other structure in its visual range. To determine otherwise is to ignore the precepts of 17.11.4, which dictates liberal construal of the Article in service to the purposes of preservation. This project is not compatible. It does not protect or enhance the neighborhood character (as described in the District description) but rather destroys that character. It does not protect or enhance the attractiveness of the city to build a massive, industrial-looking box and plop it in the middle of a relatively quaint street that features mostly modest and otherwise well-appointed structures of 1½ to 2½ stories.

3. <u>The HPB impermissibly considered factors other than those called for in the Ordinance, specifically focusing on the need for affordable housing and the budget and design limitations associated with the project being financed by Maine Housing Authority as part of that entity's Low Income Housing Tax Credit program.</u>

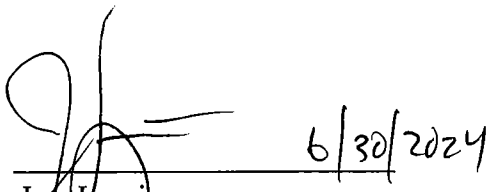
While the board was silent on this point in its COA letter, the reality is that this project was heralded as an important contribution to meeting the need for affordable housing in Portland. Laudable as this goal is, such a consideration is well-outside the purview of this board's authority and the specific guidelines found in 17.8.

During the three public workshops, board members were enthusiastic about this project helping meet the needs for more affordable housing. The board was similarly sympathetic to the applicant's need to be frugal at every turn due to the constraints and demands placed on it by its financer, Maine State Housing Authority.

The City's Land Use ordinance affords no such considerations for a historic preservation new construction analysis. Its final work product belies the open and spoken consideration of the board of the desirability for affordable housing. It permitted this consideration and desire to color its evaluation of this project to the point of allowing budget constraints to override design considerations.

Conclusion Because the Historic Preservation Board was working with insufficient evidence, drew arbitrary and capricious conclusions about visual compatibility in contradiction of the purposes of Article 17, and because the board considered impermissible factors as part of its analysis, the board's COA must be vacated.

Respectfully submitted,



6/30/2024

Joe Lewis
38 Atlantic Street
Portland, ME 04101

CITY OF PORTLAND, MAINE

PLANNING BOARD

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

July 30, 2024

Dan Black
LB Development Partners
Inc. PO Box 10452
Portland, Maine 04104

Sam Lebel, P.E
Acorn Engineering,
PO Box 3372
Portland, Maine 04104

Project Name: 42 Atlantic Street
Address: 42 Atlantic Street
Applicant: LB Atlantic, LLC
Planner: Ameriz Gamez

Project ID: PL-002880-2024
CBL: 016 F001001

Dear Sam Lebel and Dan Black:

On July 30, 2024 the Planning Board approved a major site plan application for the redevelopment of the property at 42 Atlantic Street in the Munjoy Hill Neighborhood. This project would involve the demolition of an existing single-story building, formerly a community American Legion, and the construction of a four-story multi-family building with 30 affordable dwelling units. The Planning Board reviewed the proposal for conformance with the standards of the Site Plan Ordinance, Ch. 14, Article 14, Section based on the information provided to the Board in the application, plans, reports. Through testimony and other information submitted by the applicant, the Planning Board adopted the findings, conclusions and recommendations contained in the Planning Board Report for the public hearing on July 30, 2024, which is attached hereto and incorporated herein by reference. Based upon those findings, conclusions and recommendations, the Planning Board found that the application met all relevant standards and voted 4-2 to approve the application with the following conditions as presented below.

Site Plan Review

Based upon the information provided to the Board in the application, plans, reports, through testimony and other information submitted by the applicant, the Planning Board adopted the findings, conclusions and recommendations contained in Section IX of the Planning Board Report for the public hearing on July 30, 2024, which is attached hereto and incorporated herein by reference. The Planning Board voted 4-2 to find that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. The applicant shall provide utility capacity verification letters from Central Maine Power and Portland Water District.
2. The applicant shall provide a draft stormwater maintenance agreement for review and approval by the Department of Public Works and Corporation Counsel. Once the agreement is found to be acceptable, the applicant shall record this agreement at the Cumberland County Registry of Deed.
3. The applicant shall enter into a license agreement with the City to perform any site work related to the proposed extension of utilities beneath Gilbert's Lane between the project site and St. Lawrence Street.
4. The applicant shall coordinate with the Department of Public Works, Corporation Counsel, and Utility Providers to execute a utility easement within Gilbert's Lane, in order to permit the extension of utilities beneath public property. The draft easement shall be reviewed and accepted by Corporation Counsel and the Department of Public Works.
5. The applicant shall either provide an updated parking study which demonstrates, to the satisfaction of the City's Traffic Engineer, that no off-street parking is required for the proposed development in accordance with the affordable housing parking exception in Table 19-B; or, the applicant shall provide a transportation demand management (TDM) plan that is found to be satisfactory by the Planning Authority, in order to take advantage of the transit-proximate parking exemption listed in Table 19-B. In the event that a parking study is provided, and found not to support a parking count of zero, and no TDM plan is provided, the applicant shall be required to adjust their site plan to provide off-street parking in accordance with the findings of their parking study.
6. The Planning Board shall render a decision on the appeal of the Historic Preservation Board's Decision to grant a Certificate of Appropriateness on application HPBR-00281-2024. In the event that the appeal is successful, no demolition or building permit shall be issued until the applicant has received a new Certificate of Appropriateness.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

7. The applicant shall contribute $10,800, or $400 per required street tree, to the City's Tree Fund, based upon a requirement for 27 additional street trees beyond what is currently proposed for this development.

The approval is based on the submitted plans and findings related to site plan review, as contained in the Planning Board report dated July 30, 2024 for application #PL 0028802024 which is attached.

Standard Procedures

Note: The following standard procedures and requirements apply to all approved site plans:

1. Subdivision Recording Plat A final recording plat, listing all conditions of subdivision approval, must be submitted to the Planning and Urban Development Department for review. Once approved, the plat shall be signed by the Planning Board. A performance guarantee must be issued prior to release of the recording plat for recording at the Cumberland County Registry of Deeds. One mylar copy of the recording plat with signatures and the recorded book and page must be returned to the Planning and Urban Development Department.

2. Subdivision Waivers Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice. The plan or notice must be recorded in the Cumberland County Registry of Deeds within two (2) years of the final subdivision approval.

3. Site Plan Expiration The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one year expiration date.

4. Subdivision Expiration Subdivision approval is valid for up to three (3) years from the date of Planning Board approval.

5. Separate Building Permits Are Required This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Permitting and Inspections Department.

6. Performance Guarantee and Inspection Fees A performance guarantee covering the site improvements and an inspection fee payment of 2.0% of the guarantee amount and three (3) final sets of plans must be submitted to and approved by the Planning and Urban Development Department and Public Works Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.

7. Construction Management Plans The applicant, contractor and subcontractors are required to conform to the approved Construction Management Plan, and all conditions contained within the project's approval, for the entire duration of the project. Any amendments to the approved Construction Management Plan shall be reviewed and approved by the Department of Public Works prior to the execution.

8. The Planning Authority and the Department of Public Works have the right to seek revisions to an approved Construction Management Plan. The applicant shall coordinate the project's construction schedule with the timing of nearby construction activities to avoid cumulative impacts on a neighborhood and prevent unsafe vehicle and pedestrian movements. Accordingly, nearby construction activities could involve a delay in the commencement of construction.

9. Preconstruction Meeting Prior to the release of a building permit and scheduling of a preconstruction meeting, a hard copy set of approved plans shall be submitted to the Development Review Coordinator. A pre-construction meeting shall be held at the project site with the contractor, Development Review Coordinator, Public Works representative, and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan and the approved Construction Management Plan. The site/building contractor shall provide one (1) copy of a detailed construction schedule to the attending City representative. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

10. Department of Public Works Permits If work or obstructions will occur within the public 389 right of-way, such as utilities, curb, sidewalk, driveway construction, site deliveries and equipment siting, a Street Opening and/or Occupancy Permits are required for your site. Please contact the Department of Public Works Permit Clerk at (207) 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

11. Develop Site According to Plan The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Any modifications of an approved site plan or alteration of a parcel, or of any approved exterior elevations, which were the subject of site plan approval after May 20, 1974, shall require the prior approval of an amended site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

12. Stormwater Management The owner/operator of an approved stormwater management system, and all assigns shall comply with the conditions of Chapter 32, Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements.
A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form, shall be submitted for review by Corporation Counsel. Once approved, the document shall be signed and recorded at the Cumberland County Registry of Deeds prior to the issuance of a building permit. Final copies shall be submitted to both the Department of Planning and Urban Development and the Department of Public Works.

13. Third Party Inspections For all sites with one acre or greater of disturbance, the applicant shall retain the services of a third-party inspector for the duration of construction until final site stabilization is in place. The inspection is required in order to ensure that all construction and stabilization activities comply with the approved drawings and specifications; that field decisions regarding erosion control implementation, stormwater system installation, and natural resource protection are based on sound engineering and environmental considerations; and that any changes to the development's erosion control plan, stormwater management plan, or final stabilization plan is communicated to the City of Portland for additional review and approval.

14. The inspector will submit weekly written reports to the Stormwater Coordinator(s) in the Water Resources Division of Public Works. Reports must include: project ID, project address, the date(s) and time(s) of inspection(s), site photographs of areas under construction, and the date(s) and approximate duration(s) of any rainfall events. The report will identify and describe any erosion problems or discharge of pollutants and what actions will be taken to address these issues and repair any damage to other properties or natural resources, actions to eliminate the erosion source, and actions to prevent future sediment discharges from thearea.

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

16. As-Built Final Plans Final sets of as-built plans shall be submitted digitally to the Planning and Urban Development Department, on a CD or DVD, in AutoCAD format (.dwg), release AutoCAD 2005 or greater. Please provide one hard copy of the mylar.

    a. Mylar Copies Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to Public Works prior to the issuance of a certificate of occupancy.
    b. Impact Fees New development or changes of use that result in net new residential dwelling units, non- residential building square footage, or water meters, are subject to the City of Portland's impact fee ordinance (Chapter 14, Article XVII). Impact fees are calculated at the time of building permit and must be paid prior to the certificate of occupancy. For more information, visit https://www.portlandmaine.gov/2409/Impact-Fees

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning and Urban Development Department at (207)874-8901 or DRC@portlandmaine.gov.

All site plan requirements must be completed and approved by the Development Review Coordinator prior to the issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Ameriz Gamez at (207)874-8632 or via agamez@portlandmaine.gov

Sincerely,

Brandon Mazer, Planning Board Chair

Attachments:

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

42 Atlantic Street
Major Site Plan Application
PL-002880-2024
LB Atlantic, LLC

Submitted to:	Portland Planning Board	**Prepared By:**	Ameriz Gamez
Public Hearing Date:	July 30, 2024	**Date:**	July 26, 2024

I. INTRODUCTION

At the Public Hearing on July 30th, the Planning Board will review a Major Site Plan application submitted by Acorn Engineering, on behalf of the LB Atlantic, LLC, which proposes the redevelopment of the property at 42 Atlantic Street in the Munjoy Hill Neighborhood. This project would involve the demolition of an existing single-story building, formerly a community American Legion, and the construction of a four-story multi-family building with 30 affordable dwelling units.

The Planning and Urban Development Department mailed 288 notices advertising this meeting to property owners within 500 feet of the site. A legal advertisement ran in the July 19, 2024 and July 20, 2024 edition of the Portland Press Herald.

Applicant: LB Atlantic, LLC
Applicant Representative: Sam Lebel of Acorn Engineering

II. REQUIRED REVIEWS

Review	Applicable Standards
Major Site Plan Review	Section 14.6

III. PROJECT DATA

Existing Zoning	R-6 Residential
Historic District	Munjoy Hill Historic District
Property Size	10,136 sq. ft. (0.23 ac.) **Parcel ID: 016 F001001*
Existing Use	Vacant Place of Assembly
Proposed Use	Multi-family Residential

	Existing	Proposed	Net Change
Impervious Surface Area	80 %	82 %	71 %
Parking Spaces	Unspecified	0	
Bicycle Parking Spaces	2	28	0

IV. PLANNING BOARD WORKSHOP – May 28, 2024

The Planning Board held a workshop for this application on May 28, 2024. The discussion was mainly centered around the on-street parking capacity and the location of the nearest parking garage and bike room incentives for future tenants. Following the workshop, the applicant provided a parking analysis that included supportive material and responses to the Board's concerns, increased the amount of on-site bicycle parking from 28 spaces to 49 spaces, and included a bicycle maintenance room within the building.

During the workshop the Board also discussed the proposed utility connections to the new building and the possible impact this may have on Gilbert's Lane. The applicant has completed further research on alternative utility designs, and due to the possibility of temporary disruption of power and telecommunication services to the residents between the site and Fore Street, along Atlantic Street, the applicant has decided to route the electrical primary line from St. Lawrence Street underground through Gilberts Lane. After a meeting with the City's Chief Surveyor and Corporation Counsel, it was confirmed that Gilbert Lane is in fact City owned, though is not an accepted street, and is instead classified as a publicly accessible traveled way. From these discussions, it was determined that the applicant would need to request a revocable license agreement for construction and the extension of utilities beneath Gilbert's Lane. In response to concerns that the cobblestones within Gilbert's Lane would be adversely impacted due to this work, the applicant has made a note that all disturbed bricks are to be reset.

V. EXISTING CONDITIONS AND SURROUNDING AREA

The project site is located within the Munjoy Hill neighborhood, which is predominantly residential in character, and features a mixture of dwelling types; from single-family dwellings to larger scale multi-family development. The project site is approximately two blocks from a neighborhood commercial corridor that is located along Congress Street, and one block from the Eastern Promenade, and is situated within the R-6 Residential Zone and the Munjoy Hill Historic District.

The site itself is approximately a quarter acre in size with primary frontage along Atlantic Street, and secondary frontage along Gilbert Lane; a private right-of-way with cobble surface, that is located on City-owned property. A brick sidewalk extends along the property's Atlantic Street frontage. The property features a single-story structure, a former American Legion building, which occupies the front half of the lot, along the property's Atlantic Street frontage. The rear half of the property was historically used for parking, and consists of an unstriped paved area that is accessible via an existing curb cut and driveway off of Gilbert Lane; a private right-of-way that features a cobble surface, and which is located on City-owned property. The property is at present, served by overhead power connections, with overhead utilities running along both the property's Atlantic Street frontage, and along Gilbert Lane.

The property slopes down from West to East, towards Eastern Promenade, and more gently from North to South, towards Portland's Eastern Waterfront and the India Street Neighborhood. At present, the property features minimal vegetation, with some plantings along the property's southerly and westerly property boundary.

Figure 1: *Figure 1: View property highlighted, from City of Portland Maine Parcel Viewer*

VI. PROPOSED DEVELOPMENT

The proposed affordable multi-family development comprises 10,136 sq. ft. of the lot. The lot has frontage along Atlantic Street. The anticipated development will include 30 affordable residential units and is proposing zero off-street parking due to the proximity of public transit. The project will offer an onsite shared laundry room, community room, and tenant storage for their residents. This development will also include a bike storage and a mixture of studio, two-bedroom, and three-bedroom units. Six units are to be located on the first level, and eight units are to be located on each of the upper floors.

Figure 2: Snip from Exterior Elevations, Sheet A-200, from applicant submittal.

VII. **RIGHT, TITLE, AND INTEREST**

The owners of the property, LB Atlantic LLC, have provided a Warranty Deed with warranty covenants recorded at the Cumberland County Registry of Deeds (Book 40559 Page 56) on January 8, 2024, as evidence of right, title, and interest in the property.

VIII. **FINANCIAL AND TECHNICAL CAPACITY**

The applicant has submitted a letter from Bangor Saving Bank, dated March 29, 2024, as demonstration of their financial capacity to complete the proposed development.

IX. ZONING ANALYSIS

DIMENSIONAL AND USE REQUIREMENTS

A zoning review has been conducted on this application and this project is required to meet the standards of the R-6 Residential zone. Under this proposal, all residential units would meet the City's definition for low-income housing units, and as such, this project would be eligible to take advantage of affordable housing density bonuses listed within Table 18-C, which were extended to eligible projects within residential zones as part of the City's adoption of LD-2003 zoning amendments; a state law which required that municipalities allow up to four residential units by right on all property zoned for residential use. The applicant is requesting that the Planning Board set the parking count to zero, based upon the project's location and proximity to public transit.

	Required	Proposed
Lot Area	2000 sq. ft.	10,136 sq. ft.
Lot Area Per Dwelling Unit	725 sq. ft. (290 sq. ft. with maximum affordable housing density bonus)	338 sf. Unit
Street Frontage (Min.)	20 FT.	92FT.
Front Setback (Min.)	5 FT.	6.90 FT.
Rear Setback (Min.)	10 FT.	15.10 FT.
Side Setback (Min.)	NA	NA
Stepbacks	15 FT.(Rear)	15.10FT.
Floor Area (Max.)	NA	NA
Structure Height (Max.)	45FT.	40.48 FT.
Lot Coverage (Max.)	60%	59%
Impervious Surface Ratio (Max.)	80%	71%
Landscape (Min)	20%	29%
Off-Street Parking	0	0

X. SITE PLAN STANDARDS

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

1. Transportation Standards (Section 14.6.1)
   A. Impact on Surrounding Street Systems

   The proposed development involves the demolition of the existing building on the site and the construction of a four-story building with 30 affordable dwelling units. The applicant is not providing off-street parking for this site due to the proposed affordable housing use, which typically generates less parking demand than other types of residential development, and the site's proximity to public transit. In order to provide utility service to the proposed building, the applicant is proposing to trench beneath Gilbert's Lane, and extend power and telecommunications service from St. Lawrence Street to the project site, which will involve short-term disruptions to Gilbert's Lane.

   Staff previously requested that the applicant provide proper demonstrations on how construction operations will proceed following the demolition of the current building along with an estimated timeline that is to be updated accordingly. As a response to staff's comments the applicant has noted that all disturbed areas within Gilberts Lane are to be reestablished to their existing conditions, and the existing brick sidewalk fronting the property along Atlantic Street is to be rebuilt and reset as part of the development.

   In response to the Planning Board requesting benches to provide more activation along the street, the applicant has revised the site design to include the provision for a seat wall along the front of the building as well as a small patio area to better interact with Atlantic Street.

   Staff consider this standard to be met.

B. Access and Circulation

There is to be an internal pathway constructed at the side of the building leading to the bike storage which is being requested by staff to connect to Atlantic Street. The applicant has also provided information stating that the sidewalk is to be reconstructed with brick in accordance with City standards. The reconstruction will take place along Atlantic Street and will connect across Gilbert Lane.

Staff Finding: The applicant shall construct compliant pedestrian ramps leading to and from the property per the City's Technical Manual section one. The applicant shall construct two compliant pedestrian ramps on either side of Gilbert Lane. The applicant shall reconstruct Gilbert Lane in brick between the two ramps and tie back into the existing cobble street.

As a response the applicant have revised the plans to include the provision to rebuild the compliant ramps on both sides of Gilberts lane and have confirmed that the bricks are to be rest between the two landing/pedestrian ramps.

Staff consider this standard met.

C. Public Transit Access

Although this development is in proximity to Congress Street upon which METRO bus service routes are operated. In relation to the site, public transit is within 0.2 miles (1056 Ft) it is not directly on a transit route, and therefore the applicant is not required to construct a shelter.

Staff consider this standard met.

D. Parking

The applicant is requesting that the Planning Board establish an alternative parking count of zero. The applicant has provided a parking analysis to provide justification for the request of zero parking, however based upon the information provided, staff are unable to recommend that no off-street parking be provided. Further, the City's Transportation Program Manager has noted that insufficient information has been provided to establish an alternative parking ratio for the development.

Staff Finding: The City recommends that the applicant provide a more detailed parking study which demonstrates that no off-street parking is required to satisfy the anticipated demand for parking, or provide a transportation demand management (TDM) plan, for review and approval by the Planning Authority, which would enable the applicant to take advantage of the transit-proximate parking exemption listed in Table 19-B. Staff has included a draft condition of approval detailing this request for more information, for consideration by the Board.

E. Transportation Demand Management (TDM)

Due to the applicant requesting an alternative parking count to the Board, a Transportation Demand Management (TDM) is not a requirement based on the site plan standard. However, the City is encouraging the applicant to consider providing a TDM plan, in order to take advantage of the transit proximate parking exemption listed in Table 19-B.

Staff considers this standard to be not applicable, however a TDM may be required in order for the applicant to be exempt from providing off-street parking.

2. Environmental Quality Standards (Section 14.6.2)

A. Preservation of Significant Natural Features

There are no significant natural features as defined in Sec. 14.6.2.A.1 on the subject property.

Staff consider this standard to be not applicable.

B. Landscape Preservation

The site is minimally vegetated; The construction plan shows a total of five trees that are on the site and states that four of the five are to be removed; which includes a Norway Maple Tree measuring 12-inches diameter at breast height (DBH), and other trees less than 10-inches DBH. Based upon these characteristics, the City's landscape preservation requirements would not apply to the existing trees on this property.

Staff consider this standard met.

C. Site Landscaping and Buffers

The site proposes reconstruction of the streetscape along Atlantic Street, which includes the planting of three new street trees. In combination with providing better accessibility to the side of the building along Gilberts Lane, the applicant is proposing to construct a walkway along the side of the proposed building, between the sidewalk on Atlantic Street, and a side entrance to the building. Due to this change, a majority of the utilities within the property's side yard along Gilberts Lane will be routed beneath the proposed sidewalk. Given the depth of the underground utility, there is adequate room above the utility trench to support the proposed plantings. The applicant must pay a fee for the street trees not being provided on the site. There are a total of 27 trees not being provided, at the ratio of $400 per tree the applicant is required to provide a contribution of $10,800.

Staff considers this standard to be met, subject to the draft condition of approval related to the street tree financial contribution.

D. Water Quality, Stormwater Management, and Erosion Controls

The Applicant has provided for the Basic Standards with appropriate erosion and sedimentation control measures. The project as proposed will result in a net decrease in impervious area, and the proposed redevelopment will result in less than 5,000 sf of non-roof redeveloped area, and is therefore not subject to the general or redevelopment standards. The project is providing below-grade storage to help manage the rate of discharge into the City's storm sewer infrastructure. Flow will be decreased from the pre-development to post-development condition, and storage will be provided to manage flows to the existing combined sewer in Atlantic Street.

The applicant has provided updated plans and included notes about stormwater and utilities that adequately address the comments made by staff and confirmed that a Stormwater Maintenance agreement will be provided as the project approaches the building permit phase.

Staff consider this standard to be met, subject to the draft condition of approval related to the stormwater maintenance agreement.

3. Public Infrastructure and Community Safety Standards (Section 14.6.3)
   A. Consistency with City Master Plans
   The development of the multi-family building is permissible with the City's Zoning Standards, which were established in accordance with the City's adopted Comprehensive Plan. No other City approved Master Plans are applicable to this project.

   Staff consider this standard to be met.

   B. Public Safety and Fire Prevention
   Staff has confirmed with the Fire Department that they have no concerns with the design of the building or site, as it relates to public safety and fire prevention.

   Staff consider this standard to be met.

   C. Public Utilities

   The Applicant has requested utility ability to serve confirmation and is waiting for responses from the various utility providers. The utility plan accounts for the installation of an underground electrical service between the project site and overhead utilities located along St. Lawrence Street. This connection will be made through Gilbert lane, and will involve trenching across St. Lawrence Street and up a portion of Gilbert Lane. The disturbance to these two streets is accounted for in the construction management and demolition plans. Gilbert Lane is a City owned parcel of land, though it is not an accepted public city street. Gilbert Lane is best categorized as a traveled way on city owned property. Any utility or other work to be performed on the City's property (within Gilberts Lane) would require a revocable license and utility easement from the City for construction and the installation of proposed utilities. Gilbert Lane has an existing sewer lateral that is located near the proposed underground electrical conduit. The exact location of this sewer lateral is not known. This potential for utility conflicts requires the digging of test pits to confirm utility locations, which will need to be coordinated with the Department of Public Works prior to the start of any additional site work within Gilbert's Lane or within other City right-of-way.

   The applicant and their attorney are working with the Department of Public Works and Corporation Counsel on a license agreement, which is anticipated to be finalized after the approval of the project by the Planning Board, and will be required to submit a request for the utility easement along Gilberts Lane since it has been confirmed and identified as City property. The applicant will be coordinating further with DPW and CMP, providing test pit information to avoid any conflict with sewer or other utilities that may exist. They have also submitted a revised Construction Management Plan and Grading and Drainage Plan showing the proposed trenching associated with the removal of existing utilities, and the installation of the proposed utilities for this project. The applicant has provided a letter confirming that the Department of Public Works and Water Resource Division have reviewed and determined that the downstream sewers from the project have adequate capacity to accommodate this development's anticipated sewer flows.

Staff considers this standard met, subject to the draft condition of approval related to the construction license and utility easement.

4. Site Design Standards (Section 14.6.4)

A. Massing, Ventilation, and Wind Impact

The proposed project does conform with all zoning dimensional standards for the R-6 zone, including building height and setback requirements. This will not adversely impact any adjacent development with respect to massing, ventilation, or wind. The HVAC equipment is to be located within the interior of the site or the top of the building and is to be screened as necessary.

Staff consider this standard to be met.

B. Shadow

The proposed building height is 40.48 ft tall, therefore, a shadow analysis is not required for this project.

Staff consider this standard to be met.

C. Snow and Ice Loading

Snow storage is located at the rear of the building in between the trash enclosure and the transformer.

Staff consider this standard to be met.

D. View Corridors

This project site is not located within an established view corridor.

Staff consider this standard to be not applicable.

E. Historic Resources

The subject property is located within the Munjoy Hill Historic District, and therefore requires approval from the Historic Preservation Board (HP Board).

The applicant appeared before the HP Board for preliminary review of new construction for a workshop on March 6, 2024 and again on April 17, 2024. The project did receive its Certificate of Appropriateness Approval on May 29, 2024 at the Historical Preservation Meeting.

On July 2,2024 the City received a Historical Preservation Board Appeal (HPBR-00281-2024) for the issuance of the Certificate of Appropriateness by the Historical Preservation Board that was stamped approved on June 3,2024. This appeal was originally scheduled to go before the Planning Board on July 30, 2024, however the appeal is being postponed to August 13, 2024. Staff have discussed the appropriateness of a condition of approval related to this appeal, in the event that the appeal is successful. In speaking with Corporation Counsel, it was determined that the two approvals, while independent of one another, are required prior to the approval which prevents the issuance of any demolition or building permits, until the decision on the

appeal is rendered.

Staff consider this standard to be met, subject to the draft condition of approval related to Certificate of Appropriateness appeal.

F. Exterior Lighting

All development must adhere to the site lighting standards provided for in Section 10 and 12 of the Technical Manual: which includes requirements for site lighting, architectural and specialty lighting, and street lighting. This project proposes exterior lighting of one R1A, a 3" LED downlight at the exterior canopy, nine W2 handrail LED downlights at the ramp stairs, one W3 wall recessed LED direct fixture at the stair egress door, and one W4 wall mounted LED direct fixture at the facade. The lighting for this project does appear to comply and does not spill over into any of the adjacent properties.

It has been confirmed that the existing cobrahead street lighting is approximately 70 feet (NW) way, located at the corner of Atlantic and Wilson Street, and therefore, no additional street lighting is required.

Staff consider this standard to be met.

G. Noise and Vibration

In the City, all HVAC, AHU, emergency generators, and similar equipment are required to meet applicable state and federal emissions requirements and are further required to be located and/or screened in such a manner as to mitigate noise and vibration impacts. The location of the heating, ventilation, air conditioning, or similar equipment have been identified on the architectural plans. and are shown to be located towards the center of the roof of the building.

Staff consider this standard to be met.

H. Signage and Wayfinding

Any signage associated with the redevelopment of this project will be required to be reviewed by the Permitting and Inspections Department separately, with a sign permit.

Staff consider this standard to be met.

I. Zoning-related Design Standards

Design review of the project will be performed by the Historic Preservation Board, due to the site's location within the Munjoy Hill Historic District.

Staff consider this standard to be not applicable.

XI. NEIGHBORHOOD MEETING AND PUBLIC COMMENT

The applicant held a neighborhood meeting on May 16, 2024, as required as part of this project, wherein twenty-three (23) members of the public attended (Attachment U), as well as members of the

project team from Acorn Engineering, and Primary Projects. Questions and concerns raised at the meeting were pertaining to: landscaping, site lighting, architectural design, and parking.

One public comment has been received on this application, which raises concerns regarding the scale and design of the proposed development.

XII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, The Planning & Urban Development Department staff recommends that the Planning Board find that the proposed four story, multi-family building (PL-002880-2024) meets the applicable standards of Portland's Land Use Code.

XIII. PROPOSED MOTIONS

A. SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on July 30 2024 for application # PL-002880-2024 at 42 Atlantic relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board [**finds/does not find**] that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. The applicant shall provide utility capacity verification letters from Central Maine Power and Portland Water District.
2. The applicant shall provide a draft stormwater maintenance agreement for review and approval by the Department of Public Works and Corporation Counsel. Once the agreement is found to be acceptable, the applicant shall record this agreement at the Cumberland County Registry of Deed.
3. The applicant shall enter into a license agreement with the City to perform any site work related to the proposed extension of utilities beneath Gilbert's Lane between the project site and St. Lawrence Street.
4. The applicant shall coordinate with the Department of Public Works, Corporation Counsel, and Utility Providers to execute a utility easement within Gilbert's Lane, in order to permit the extension of utilities beneath public property. The draft easement shall be reviewed and accepted by Corporation Counsel and the Department of Public Works.
5. The applicant shall either provide an updated parking study which demonstrates, to the satisfaction of the City's Traffic Engineer, that no off-street parking is required for the proposed development in accordance with the affordable housing parking exception in Table 19-B; or, the applicant shall provide a transportation demand management (TDM) plan that is found to be satisfactory by the Planning Authority, in order to take advantage of the transit-proximate parking exemption listed in Table 19-B. In the event that a parking study is provided, and found not to support a parking count of zero, and no TDM plan is provided, the applicant shall be required to adjust their site plan to provide off-street parking in accordance with the findings of their parking study.

6. The Planning Board shall render a decision on the appeal of the Historic Preservation Board's Decision to grant a Certificate of Appropriateness on application HPBR-00281-2024. In the event that the appeal is successful, no demolition or building permit shall be issued until the applicant has received a new Certificate of Appropriateness.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

7. The applicant shall contribute $10,800, or $400 per required street tree, to the City's Tree Fund, based upon a requirement for 27 additional street trees beyond what is currently proposed for this development.

B. PLANNING BOARD DECISION

On the basis of the findings, conclusions and recommendations contained in the Planning Board report for the public hearing on July 30, 2024 related to application PL-002880-2024 for 42 Atlantic Street which is attached to the draft approval letter and incorporated therein, the Planning Board **[adopts/does not adopt]** the approval letter as drafted as the Planning Board's decision for application PL-002880-2024, and authorizes the Planning Board Chair to sign the approval letter as drafted.

XIV. ATTACHMENTS

Staff Attachments

1. Project Review Comments, First Submission, 5/13/2024

Applicant Documents

A. Cover Letter
B. Major Site Plan Checklist
C. Right Title, Interest
D. Zoning Assessment
E. Easements
F. Waivers
G. Financial Capacity
H. Technical Capacity
I. Conformity with Land Use Ordinance
J. Stormwater Report
K. Erosion & Sedimentation Control
L. Public Safe and Fire Prevention Letter
M. Wastewater Capacity
N. Lighting
O. Arch Design Narrative
P. Utilities Cover
Q. Construction Management Plan
R. Solid Waste Disposal
S. Parking Analysis
T. Pre-App Neighborhood Meeting
U. Comment Response
U. neighborhood Meeting #2
V. Alternatives Analysis Memo
W. Historic Preservation Board Certificate of Appropriateness

Plans

1. Cover Sheet & Legend
2. General Notes
3. Topographic Survey
4. Construction Management Plan
5. Site Plan
6. Landscape Plan
7. Utility Plan
8. Grading and Drainage Plan
9. Site Details
10. Utility Details - 1
11. Utility Details -2
12. Drainage Details -1
13. Drainage Details -2
14. Erosion & Sedimentation Control Details
20. A-102 First Floor and Basement Plans
21. A-103 Second and Third Floor Plans
22. A104 Fourth and Roof Plans
23. A-200 Building Elevations
24. A-900 Architectural Rendering

CHAPTER 32 STORM WATER

Art. I. Prohibited Discharges, §§ 32-1--32-15
Art. II. Prohibited Discharges, §§ 32-16--32-35
Art. III. Post-Construction Stormwater Management, §§32-36—32-40

ARTICLE I. IN GENERAL

Sec. 32-1. Definitions.

For the purposes of this article, the terms listed below are defined as follows:

Applicant. "Applicant" means a person with requisite right, title or interest or an agent for such person who has filed an application for a development project that requires a post-construction stormwater management plan under this article.

Best management practices ("BMP"). "Best management practices" or "BMPs" means schedules or activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Clean Water Act. "Clean Water Act" means the federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*, also known as the "Clean Water Act"), and any subsequent amendments thereto.

Discharge. "Discharge" means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of pollutants to "waters of the state." "Direct discharge" or "point source" means any discernable, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

Enforcement authority. "Enforcement authority" means the person(s) or department authorized under section 32-3 of this article to administer and enforce this article.

Exempt person or discharge. "Exempt person or discharge" means any person who is subject to a multi-sector general permit for industrial activities, a general permit for construction activity, a general permit for the discharge of storm water from the Maine department of transportation and the Maine turnpike authority

municipal separate storm sewer systems, or a general permit for the discharge of storm water from state or federally owned authority municipal separate storm sewer system facilities; and any non-storm water discharge permitted under a NPDES permit, waiver, or waste discharge license or order issued to the discharger and administered under the authority of the U.S. environmental protection agency ("EPA") or the Maine department of environmental protection ("DEP").City of Portland

Municipality. "Municipality" means the city of Portland.

Municipal separate storm sewer system, or MS4. "Municipal separate storm sewer system" or "MS4," means conveyances for storm water, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any municipality, sewer or sewage district, fire district, state agency or federal agency or other public entity that discharges directly to surface waters of the state.

National pollutant discharge elimination system (NPDES) storm water discharge permit. "National pollutant discharge elimination system (NPDES) storm water discharge permit" means a permit issued by the EPA or by the DEP that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-storm water discharge. "Non-storm water discharge" means any discharge to an MS4 that is not composed entirely of storm water.

Person. "Person" means any individual, firm, corporation, municipality, quasi-municipal corporation, state agency or federal agency or other legal entity which creates, initiates, originates or maintains a discharge of storm water or a non-storm water discharge.

Pollutant. "Pollutant" means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Post-construction stormwater management plan. "Post-construction stormwater management plan" means BMPs employed by a development project to meet the stormwater standards of Section V of the department of planning and urban development's Technical and Design Standards and Guidelines.

Premises. "Premises" means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the municipality from which discharges into the storm drainage system are or may be created, initiated, originated or maintained.

Qualified post-construction stormwater inspector. "Qualified post-construction stormwater inspector" means a person who conducts post-construction stormwater best management practice inspections for compensation and who has received the appropriate training for the same from DEP or otherwise meets DEP requirements to perform said inspections.

Regulated small MS4. "Regulated small MS4" means any small MS4 regulated by the State of Maine "general permit for the discharge of storm water from small municipal separate storm sewer systems" dated July 1, 2008 ("general permit") or the general permits for the discharge of storm water from the Maine department of transportation and Maine turnpike authority small MS4s or state or federally owned or operated small MS4s, including all those located partially or entirely within an urbanized area (UA).

Small municipal separate storm sewer system, or small MS4. "Small municipal separate storm sewer system", or "small MS4," means any MS4 that is not already covered by the phase I MS4 storm water program including municipally owned or operated storm sewer systems, state or federally-owned systems, such as colleges, universities, prisons, Maine department of transportation and Maine turnpike authority road systems and facilities, and military bases and facilities.

Storm drainage system. "Storm drainage system" means the City of Portland's regulated small MS4 and other conveyances for storm water located in areas outside the UA that drain into the regulated small MS4.

Storm water. "Storm water" means any storm water runoff, snowmelt runoff, and surface runoff and drainage; "Stormwater" has the same meaning as "storm water".

Urbanized area ("UA"). "Urbanized area" or "UA" means the areas of the State of Maine so defined by the latest decennial (2000) census by the U.S. Bureau of Census.
(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

Sec. 32-2. Reserved.
Sec. 32-3. Reserved.

Sec. 32-4. Reserved.

Sec. 32-5. Reserved.
Sec. 32-6. Reserved.
Sec. 32-7. Reserved.
Sec. 32-8. Reserved.
Sec. 32-9. Reserved.
Sec. 32-10. Reserved.
Sec. 32-11. Reserved.
Sec. 32-12. Reserved.
Sec. 32-13. Reserved.
Sec. 32-14. Reserved.
Sec. 32-15. Reserved.

ARICLE II. PROHIBITED DISCHARGES

Sec. 32-16. Applicability.

This Article shall apply to all persons discharging storm water and/or non-storm water discharges from any premises into the storm drainage system.
(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

Sec. 32-17. Responsibility for administration.

The department of public services is the enforcement authority who shall administer, implement, and enforce the provisions of this article.
(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10; 8-17-09)

Sec. 32-18. Prohibition of non-storm water discharges.

(a) *General prohibition.* Except as allowed or exempted herein, no person shall create, initiate, originate or maintain a non-storm water discharge to the storm drainage system. Such non-storm water discharges are prohibited notwithstanding the fact that the city may have approved the connections, drains or conveyances by which a person discharges un-allowed non-storm water discharges to the storm drainage system.

(b) *Allowed non-storm water discharges.* The creation, initiation, origination and maintenance of the following non-storm water discharges to the storm drainage system is allowed:

(1) Landscape irrigation; diverted stream flows; rising ground waters; uncontaminated flows from foundation drains; air conditioning and compressor condensate; irrigation water; flows from uncontaminated springs; uncontaminated water from crawl space pumps; uncontaminated flows from footing drains; lawn watering runoff; flows from riparian habitats and wetlands; residual street wash water (where spills/leaks of toxic or hazardous materials have not

occurred, unless all spilled material has been removed and detergents are not used); hydrant flushing and fire fighting activity runoff; water line flushing and discharges from potable water sources; individual residential car washing; and de-chlorinated swimming pool discharges.

(2) Discharges specified in writing by the enforcement authority as being necessary to protect public health and safety.

(3) Dye testing, with verbal notification to the enforcement authority prior to the time of the test.

(c) *Exempt person or discharge.* This article shall not apply to an exempt person or discharge, except that the enforcement authority may request from exempt persons and persons with exempt discharges copies of permits, notices of intent, licenses and orders from the EPA or DEP that authorize the discharge(s).
(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

Sec. 32-19. Suspension of access to the city's small MS4.

The enforcement authority may, without prior notice, physically suspend discharge access to the storm drainage system to a person when such suspension is necessary to stop an actual or threatened non-storm water discharge to the storm drainage system which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm drainage system, or which may cause the city to violate the terms of its environmental permits. Such suspension may include, but is not limited to, blocking pipes, constructing dams or taking other measures, on public ways or public property, to physically block the discharge to prevent or minimize a non-storm water discharge to the storm drainage system. If a person fails to comply with a suspension order issued in an emergency, the enforcement authority may take such steps as deemed necessary to prevent or minimize damage to the storm drainage system, or to minimize danger to persons.
(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

Sec. 32-20. Monitoring of discharges.

In order to determine compliance with this article, the enforcement authority may enter upon and inspect premises subject to this article at reasonable hours to inspect the premises and connections thereon to the storm drainage system; and to conduct monitoring, sampling and testing of the discharge to the storm drainage system.
(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

Sec. 32-21. Enforcement.

It shall be unlawful for any person to violate any provision of or to fail to comply with any of the requirements of this article. Whenever the enforcement authority believes that a person has violated this article, the enforcement authority may enforce this article in accordance with 30-A M.R.S.A. § 4452.

(a) *Notice of violation.* Whenever the enforcement authority believes that a person has violated this article, the enforcement authority may order compliance with this article by written notice of violation to that person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:

(1) The elimination of non-storm water discharges to the storm drainage system, including, but not limited to, disconnection of the premises from the MS4.

(2) The cessation of discharges, practices, or operations in violation of this article.

(3) At the Person's expense, the abatement or remediation (in accordance with best management practices in DEP rules and regulations) of non-storm water discharges to the storm drainage system and the restoration of any affected property; and/or

(4) The payment of fines, of the city's remediation costs and of the city's reasonable administrative costs and attorneys' fees and costs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement or restoration must be completed.

(b) *Penalties/fines/injunctive relief.* In addition to the imposition of any other costs or penalties provided for herein, any person who violates this section shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the city's attorney's fees and costs, all in accordance with 30-A M.R.S.A. § 4452. Each day such violation continues shall constitute a separate violation. Moreover, any person who violates this section also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the city for violation of federal and State environmental laws and

regulations caused by or related to that person's violation of this article; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this section.

(c) *Consent agreement.* The enforcement authority may, with the approval of the city manager, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this article for the purposes of eliminating violations of this article and of recovering fines, costs and fees without court action.

(d) *Appeal of notice of violation.* Any person receiving a notice of violation or suspension notice may appeal the determination of the enforcement authority to the city manager or his or her designee. The notice of appeal must be received within 30 days from the date of receipt of the notice of violation. The city manager shall hold a hearing on the appeal within 30 days from the date of receipt of the notice of appeal, except that such hearing may be delayed by agreement of the city manager and the appellant. The city manager may affirm, reverse or modify the decision of the enforcement authority. A suspension under Section 32-5 of this article remains in place unless or until lifted by the city manager or by a reviewing court. A party aggrieved by the decision of the city manager may appeal that decision to the Maine superior court within 45 days of the date of the city manager's decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

(e) *Enforcement measures.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal to the city manager, within 45 days of a decision of the city manager affirming the enforcement authority's decision, then the enforcement authority may recommend that the corporation counsel's office file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure.

(f) *Ultimate responsibility of discharger.* The standards set forth herein are minimum standards; therefore this article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by said person. This article shall not create liability on the part of the city, or any officer agent or employee thereof for any damages that

result from any person's reliance on this article or any administrative decision lawfully made hereunder.
(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

Sec. 32-22. Severability.

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this article.
(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

Sec. 32-23. Reserved.
Sec. 32-24. Reserved.
Sec. 32-25. Reserved.
Sec. 32-26. Reserved.
Sec. 32-27. Reserved.
Sec. 32-28. Reserved.
Sec. 32-29. Reserved.
Sec. 32-30. Reserved.
Sec. 32-31. Reserved.
Sec. 32-32. Reserved.
Sec. 32-33. Reserved.
Sec. 32-34. Reserved.
Sec. 32-35. Reserved.

ARTICLE III. POST-CONSTRUCTION STORMWATER MANAGEMENT.

Sec. 32-36. Applicability.

This article applies to all development projects that require a stormwater management plan pursuant to section V of the department of planning and urban development's Technical and Design Standards and Guidelines.
(Ord. No. 35-09/10, 8-17-09)

Sec. 32-37. Post-construction stormwater management plan approval.

Notwithstanding any ordinance provision to the contrary, no applicant for a development project to which this article is applicable shall receive approval for that development project unless the applicant also receives approval for its post-construction stormwater management plan and for the best management practices ("BMPs") for that development project.
(Ord. No. 35-09/10, 9-17-09)

Sec. 32-38. Post-construction stormwater management plan compliance.

Any person owning, operating, or otherwise having control over a BMP required by a post construction stormwater management plan shall maintain the BMPs in accordance with the approved plan and shall demonstrate compliance with that plan as follows:

(a) *Inspections.* The owner or operator of a BMP shall hire a qualified post-construction stormwater inspector to at least annually, inspect the BMPs, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.

(b) *Maintenance and repair.* If the BMP requires maintenance, repair or replacement to function as intended by the approved post-construction stormwater management plan, the owner or operator of the BMP shall take corrective action(s) to address the deficiency or deficiencies as soon as possible after the deficiency is discovered and shall provide a record of the deficiency and corrective action(s) to the department of public services ("DPS") in the annual report.

(c) *Annual report.* The owner or operator of a BMP or a qualified post-construction stormwater inspector hired by that person, shall, on or by June 30 of each year, provide a completed and signed certification to DPS in a form provided by DPS, certifying that the person has inspected the BMP(s) and that the yare adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they require maintenance or repair, including the record of the deficiency and corrective action(s) taken.

(d) *Filing fee.* Any persons required to file and annual certification under this section shall include with the annual certification a filing fee established by DPS to pay the administrative and technical costs of review of the annual certification.

(e) *Right of entry.* In order to determine compliance with this article and with the post-construction stormwater management plan, DPS may enter upon property at reasonable hours with the consent of the owner, occupant or agent to inspect the BMPs.

Sec. 32-39. Enforcement.

It shall be unlawful for any person to violate any provision of or to fail to comply with any of the requirements of this article or of the post-construction stormwater management plan. Whenever the enforcement authority believes that a person has violated this article, DPS may enforce this article in accordance with 30-A M.R.S.A. § 4452. Each day on which a violation exists shall constitute a separate violation for purposes of this section.

(a) *Notice of violation.* Whenever DPS believes that a person has violated this article or the post-construction stormwater management plan, DPS may order compliance by written notice of violation to that person indicating the nature of the violation and ordering eh action necessary to correct it, including, without limitation:

(1) The abatement of violations, and the cessation of practices or operations in violation of this article or of the post-construction stormwater management plan;

(2) At the person's expense, compliance with BMPs required as a condition of approval of the development project, the repair of BMPs and/or the restoration of any affected property; and/or

(3) The payment of fines, of the City's remediation costs and of the City's reasonable administrative costs and attorneys' fees and costs.

(4) If abatement of a violation, compliance with BMPs, repair of BMPs and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement, compliance, repair and/or restoration must be completed.

(b) *Penalties/fines/injunctive relief.* In addition to the imposition of any other costs or penalties provided for herein, any person who violates this section shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the city's attorney's fees and costs, all in accordance with 30-A M.R.S.A. § 4452. Each day such violation continues shall constitute a separate violation. Moreover, any person who violates this section also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to

attorneys' fees and costs, incurred b y the city for violation of federal and state environmental laws and regulations caused by or related to that person's violation of this article; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this section.

(c) *Consent agreement.* The enforcement authority may, without approval of the city manager, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this article for the purposes of eliminating violations of this article and of recovering fines, costs and fees without court action.

(d) *Appeal of notice of violation.* Any person receiving a notice of violation or suspension notice may appeal the determination of the enforcement authority to the city manager or his or her designee. The notice of appeal must be received within 30 days from the date of receipt of the notice of violation. The city manager shall hold a hearing on the appeal within 30 days from the date of receipt of the notice of appeal, except that such hearing may be delayed by agreement of the city manager and the appellant. The city manager may affirm, reverse or modify the decision of the DPS. A party aggrieved by the decision of the city manager may appeal that decision to the Maine superior court within forty-five (45) days of the date of the city manager's decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

(e) *Enforcement measures.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or , in the event of an appeal to the city manger, within forty-five (45) days of a decision of the city manager affirming the enforcement authority's decision, then the enforcement authority may recommend that the corporation counsel's office file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure.

(Ord. No. 35-09/10, 8-17-09)

Sec. 32-40. Severability.

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this article.

(Ord. No. 35-09/10, 8-17-09)

STORMWATER DRAINAGE SYSTEM
MAINTENANCE AGREEMENT

For SITE PLANS (THAT ARE NOT SUBDIVISIONS)

IN CONSIDERATION OF the site plan approval granted by the Planning Board/Planning Authority of the City of Portland to the proposed _____ (*name of development and project number)*), and the associated Grading, Drainage & Erosion Control Plan (*insert correct name of plan)* (Exhibit A) submitted by_____, prepared by _____ (*engineer/agent*) of _____(address) dated _____, and pursuant to a condition thereof, _____ (*name of owner*) a Maine limited liability company with a principal place of business in Portland, Maine, and having a mailing address of _____, the owner of the subject premises, does hereby agree, for itself, its successors and assigns (the "Owner"), as follows:

Maintenance Agreement

That it, its successors and assigns, will, at its own cost and expense and at all times in perpetuity, maintain in good repair and in proper working order the _____ (*details of the system such as underdrained subsurface sand filter BMP system, rain gardens, storm drain pipes, underdrain pipes, catch basins*), (hereinafter collectively referred to as the "stormwater system"), as shown on the _____Plan in Exhibit A and in strict compliance with the approved Stormwater Maintenance and Inspection Agreement (*insert correct name of document)* prepared for the Owner by _____ (copy attached at Exhibit B) and Chapter 32 of the Portland City Code.

Owner of the subject premises further agrees, at its own cost, to keep a Stormwater Maintenance Log. Such log shall be made available for inspection by the City of Portland upon reasonable notice and request.

Said agreement is for the benefit of the said City of Portland and all persons in lawful possession of said premises and abutters thereto; further, that the said City of Portland and said persons in lawful possession may enforce this Agreement by an action at law or in equity in any court of competent jurisdiction; further, that after giving the Owner written notice and a stated time to perform, the said City of Portland, by its authorized agents or representatives, may, but is not obligated to, enter upon said premises to maintain, repair, or replace said stormwater system in the event of any failure or neglect thereof, the cost and expense thereof to be reimbursed in full to the said City of Portland by the Owner upon written demand. Any funds owed to the City under this paragraph shall be secured by a lien on the property.

This Agreement shall also not be construed to allow any change or deviation from the requirements of the site plan most recently and formally approved by the Planning Board/Planning Authority of the City of Portland.

This agreement shall bind the undersigned only so long as it retains any interest in said premises, and shall run with the land and be binding upon the Owner's successors and assigns as their interests may from time to time appear.

The Owner agrees to record a copy of this Agreement in the Cumberland County Registry of Deeds within thirty (30) days of final execution of this Agreement. The Owner further agrees to provide a copy of this Agreement to any Condominium Association or management company, and to any successor or assign and to forward to the City an Addendum signed by any successor or assign in which the successor or assign states that the successor or assign has read the Agreement, agrees to all its terms and conditions and the successor or assign will obtain and forward to the City's Department of Public Services and Department of Planning and Urban Development a similar Addendum from any other successor or assign.

For the purpose of this agreement and release "Owner" is any person or entity who is a successor or assign and has a legal interest in part, or all, of the real estate and any building. The real estate shown by chart, block and lot number in the records on file in the City Assessor's office shall constitute "the property" that may be entered by the City and liened if the City is not paid all of its costs and charges following the mailing of a written demand for payment to the owner pursuant to the process and with the same force and effect as that established by 36 M.R.S.A. §§ 942 and 943 for real estate tax liens.

Any written notices or demands required by the agreement shall be complete on the date the notice is attached to one or more doors providing entry to any buildings and mailed by certified mail, return receipt requested or ordinary mail or both to the owner of record as shown on the tax roles on file in the City Assessor's Office.

If the property has more than one owner on the tax rolls, service shall be complete by mailing it to only the first listed owner. The failure to receive any written notice required by this agreement shall not prevent the City from entering the property and performing maintenance or repairs on the stormwater system, or any component thereof, or liening it or create a cause of action against the City.

Dated at Portland, Maine this _____ day of _____, 2014.

_____
(*name of company*)

_____
(*representative of owner, name and title*)

STATE OF MAINE
CUMBERLAND, ss. Date: _____

Personally appeared the above-named _____(*name and title*), and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

_____
Notary Public/Attorney at Law

Print name: _____

Exhibit A: Approved Grading and Drainage Plan *(name of the plan showing the Stormwater System in detail)*

Exhibit B: Approved Stormwater Maintenance and Inspection Agreement

Performance Guarantee, Inspection Fee, and Infrastructure Financial Contribution Packet Portland, Maine

Planning and Urban Development Department

A. Site Plan/Subdivision Performance Guarantees Requirement

Portland's Land Use Code requires all developers with approved site plan and/or subdivision applications to submit a performance guarantee to the City prior to the start of any construction or site improvements. The performance guarantee represents 100% of the total cost of site improvements, as determined by the City.

The code further requires developers to pay an inspection fee of 2% of the performance guarantee amount to the City for the administrative costs associated with inspecting construction activity to ensure that it conforms with plans and specifications. (Portland's Land Use Code, Sections 14.11.3 and 14.11.4)

B. Cost Estimate Form and Inspection Fee

The performance guarantee covers major site improvements related to site plan and subdivision review, such as paving, roadway, utility connections, drainage, landscaping, lighting, etc. Please submit an itemized cost estimate form to determine the detailed costs of both public and private site improvements to the Planning office for review and approval. The cost estimate form is a downloadable excel spreadsheet that can be downloaded from the website here: https://www.portlandmaine.gov/467/Performance-Guarantee

The approved amount on the Cost Estimate form is the amount to be covered by the performance guarantee and is the basis for calculating the 2% inspection fee.

C. Acceptable Types of Performance Guarantees

The accepted forms of a performance guarantee, covering the amount approved on the Cost Estimate form, must be one of the following options listed below, with NO exceptions.

PG Letter of Credit from a Bank/Credit Union
PG Escrow Account with Financial Institution
PG Escrow Account with the City

NOTE: No land use application of any kind shall be processed, reviewed or issued, no signed subdivision plat shall be released or recorded, and no building permit of any kind shall be issued unless all fees have been paid in full and every aspect of the proposed development is in compliance with the City of Portland Code, as determined by the Development Review Coordinator in the Planning and Urban Development Department.

The developer is eligible to receive up to three reductions from the performance guarantee in a calendar year equal to the estimated cost of the completed improvements. In no case, however, shall any performance guarantee be reduced 1) in any line item where improvements remain to be completed; or 2) to a value which is less than the estimated cost of completing all remaining required improvements; or 3) to a value less than 10% of the Performance Guarantee. *(The Cost Estimate Form can also be used during the construction phase to submit reductions of fully completed site work items)*

At the conclusion of the project, the City will release 90% of the performance guarantee after the Development Review Coordinator determines that site improvements have been satisfactorily completed at the time of the final inspection. The City will then retain a 10% defect guarantee to cover the workmanship and durability of materials used in construction. The defect guarantee will be released one (1) year from date of acceptance, subject to the Development Review Coordinator inspecting the site and finding it in compliance with the approved site plan.

D. Housing Replacement Performance Guarantees

For those projects that are subject to Portland's Housing Preservation and Replacement Ordinance (Section 18.1) and have an approved plan, then a performance guarantee is required for housing replacement. An owner or developer must post a performance guarantee in the form of a letter of credit in the amount equivalent to the amount the applicant would have been required to contribute to the City's Housing Fund, if the applicant had chosen that option. The guarantee shall be valid for no more than three years, after which the full amount shall be provided to the City's Housing Trust Fund, if replacement units meeting the code do not have certificates of occupancy. The guarantee can be released upon the issuance of a certificate of occupancy for the replacement units.

PG Housing Replacement Letter of Credit

E. Infrastructure Accounts

Contributions to infrastructure accounts may be required as part of the conditions of site plan approval. The contributions must be submitted prior to the issuance of any permits, unless stated otherwise in the approval.

Infrastructure Financial Contribution Form

F. Administrative Process for Submitting a Performance Guarantee

- Step 1 – Submit a Cost Estimate for Review
  Submit completed cost estimate form to the Planning Division for review and approval. Once approved, use this total amount as the performance guarantee amount in Step 2.

- Step 2 – Drafting a Performance Guarantee
  Complete a draft of 1 of the 3 performance guarantee templates listed above, inputting project specific information (refer to last page of this document for a help guide) into blank and bracketed areas, and submit to the Planning Office for final approval. Submit a draft to DRC@portlandmaine.gov to ensure fields are correctly entered. Once staff approves the draft, the applicant shall submit the official signed original performance guarantee document, which for option 1) or 2) must be on Bank/Credit Union letterhead with original signatures.

- Step 3 - Submit Performance Guarantee, Inspection Fee, and Infrastructure Contributions
  Submit the final original Performance Guarantee, the required inspection fee, and any infrastructure contributions to the Planning Division. The Planning Office will confirm that the final documents are accurate and acceptable.

- Step 4 - Release of Recording Plat and Permits
  Only after the performance guarantee is issued, fees paid, and all other conditions of site plan approval and compliance are met, will the recording plat be released for recording at the Cumberland County Registry of Deeds and/or City permits issued.

Contact: Please email the Cost Estimate Form to Max Martin at DRC@portlandmaine.gov. Once the cost estimate is approved, all Performance Guarantees and Infrastructure Contributions can be submitted by mail to:

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

Guide for Determining Performance Guarantee Fields

[Please note: While drafting, the tracking feature should remain enabled]

Fields	What to Use
Address of Project, Portland, Maine	Reference Application Approval Letter
Amount of Performance Guarantee	Reference Grand Total on the Approved Cost Estimate Form
Application ID #	Reference Project's Approval Letter
Approval Date	See First Sentence of the Approval Letter which contains the Date of Approval. *(Note: If any amendments occurred following the approval, please list, "and amended on [add amendment date]"*
Date	The Date of the Agreement Indicates the Effective Start Date of the Agreement
Date one year from the date of this Letter of Credit [or] Escrow Account	The Expiration Date of the Agreement will be at least One-year from the Effective Date of the Agreement *[**Note**: If the one-year expiration date falls between October 30th and April 15th, the expiration should default to April 15th]*
Name of Applicant	Reference Entity Listed on Application Approval Letter *(Note: The entity eligible to post the Performance Guarantee must be the Applicant/Developer listed on the Approval Letter)*
subdivision and/ or site plan	Reference Application Approval Letter for Applicable Type of Approval. *(Ex. If pertaining to both, the text would read, "subdivision and site plan,")*

Additional Fields on Financial Institution Templates

(i.e. Letter of Credit or Escrow Account with Financial Institution)

Account Number	Any Number the Financial Institution Chooses to Assign the Agreement
Name of Bank/Credit Union	The Name of Financial Institution (i.e. the Surety) posting funds for the Applicant/Developer
Address of Financial Institution	Address of Financial Institution's Office Managing Letter of Credit and/or Escrow Accounts
Name	The Name of the Financial Institution's Authorized Signatory
Title	Title of Authorized Signatory

Keith P. Richard
Principal
krichard@archipelagona.com

1 Dana Street
Portland, Maine 04101
(207) 558-0102

January 21, 2026

VIA EMAIL
City of Portland
Historic Preservation Board
hp@portlandmaine.gov

RE: Public hearing after remand in *Lewis v. City of Portland et al.,* AP-2024-42

Dear Chair and Members of the Board:

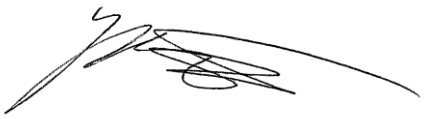
I represent Maryellen Sullivan of 33 Atlantic Avenue.[1] I am writing to request that the Board vote to re-open the public hearing on this application to follow the Superior Court's directive on remand.

The Superior Court remanded because the Board did not issue findings sufficient to permit meaningful judicial review and because the facts are not obvious from the existing record. (Order at 6). The Court also rejected the City's contention that the Board's vote implicitly adopted the staff memo as findings. (Order at 6). Under these circumstances, the most reliable and defensible way for the Board to comply with the remand is to re-open the public hearing in a limited manner focused on the specific standards requiring factual findings. Doing so will ensure the Board's additional findings are grounded in a clarified evidentiary record, responsive to the remand issues, and not vulnerable as post hoc rationalization—thereby producing a decision that is fully reviewable and consistent with due process and the purposes of administrative findings identified by the court.

The Board should vote to re-open the public hearing to address the deficiencies in the prior decision. Such a step would ensure a transparent and procedurally fair process, consistent with the Superior Court's order and the law. Thank you for your time and consideration and I look forward to addressing you at future meetings.

[1] Maryellen is the spouse of Joe Lewis, who brought the prior appeal regarding this Board's certificate of appropriateness issued after a vote at the May 29, 2024 meeting. Maryellen was substituted as the appellant by order of the Superior Court for the reasons stated in the Court's remand order.

Sincerely,



Keith P. Richard

c. Client
Amy McNally, Esq.
Mac Walton, Esq.

Archipelago
Law • Science • Policy

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Portland, Maine 04101
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January 23, 2026

VIA EMAIL
City of Portland
Planning Board
planningboard@portlandmaine.gov

RE: Site Plan and Historic Preservation Board review for LB Atlantic, LLC, 42 Atlantic St.

Dear Chair and Members of the Board:

I represent Maryellen Sullivan of 33 Atlantic Street and other concerned abutters.[1] I am writing regarding LB Atlantic, LLC's proposed development of 42 Atlantic Street, which was previously considered by this Board as a major site plan application. In *Lewis v. City of Portland et al.*, AP-2024-42, the Superior Court remanded the matter to the Planning Board, which in turn will remand to the Historic Preservation Board. In addition to the objections raised and now pending for HPB's review, I am writing to raise several objections to the project with this Board in light of the site plan approval's expiration.

I. The Site Plan approval has expired and a new Site Plan must be submitted and acted upon by the Planning Board.

The underlying Site Plan for this project was approved on or about July 30, 2024. This Board's approval at Standard Procedure #3 states:

> 3. Site Plan Expiration The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one year expiration date.

No request for an extension was submitted before July 30, 2025. As a result, the Board's prior site plan approval expired more than six months ago. The time to request an extension has also expired. And even if the site plan approval had not expired (it has), the Superior Court's remand means that this Board's site plan decision is not final. *See Bryant v.*

[1] Maryellen is the spouse of Joe Lewis, who brought the prior appeal. Maryellen was substituted as the appellant by order of the Superior Court for the reasons stated in the Court's remand order.

Town of Camden, 2016 ME 27, ¶¶ 19-20, 232 A.3d 1183. In the absence of final agency action, and without a final decision, the administrative record remains open.

II. Objections to the Site Plan

My clients have two primary objections and concerns regarding the project that must be addressed.

1. Impact on Surrounding Street Systems and parking (Section 13.6.1(A), (D))

Section 13.6.1(A), 13.6.1(D), and Article 18 govern traffic and parking standards. The application proposes the construction of 30 dwelling units without any parking whatsoever. The on-street parking on Atlantic Street and the surrounding neighborhood is extremely limited and competitive. Yet, in determining that the development will not "substantially increase congestion on any street without mitigation proportionate to the level of impact" the staff memo agreed with the developer that this standard was met by generalizing, without support and with some amount of condenscension, that "affordable housing" will generate "less parking demand than other types of residential development"—meaning, that people that live in affordable housing don't drive cars. The project proposed no parking and no mitigation measures in light of that deficiency. As a result, Section 13.6.1 is not and cannot be satisfied by the applicant.

2. Right, title, and interest questions surround Gilbert Street and utility connections.

There are lingering and unexplained questions about ownership, access, and utility connections on Gilbert Street. The previous staff memo notes that the City's Chief Surveyor and Corporation Counsel determined that "Gilbert Lane is in fact City owned, though it is not an accepted street, and it is instead classified as a publicly accessible traveled way." The memo then notes that "[f]rom these discussions, it was determined that the applicant would need to request a revocable license agreement for construction and the extension of utilities beneath Gilbert's Lane." These discussions and the conclusions reached by the City's Chief Surveyor, Corporation Counsel, and the Applicant must be included and documented within the administrative record. The conclusions reached by the City and the Applicant have far reaching implications in that they speak to and undergird other conclusions related to right, title, and interest, and access and circulation, site landscaping and buffers, and public utility considerations.

The Board must address these and other deficiencies. Thank you for your time and consideration. I look forward to presenting on these issues at future meetings.

Sincerely,

Keith Richard

c. Client
Amy McNally, Esq.
Mac Walton, Esq.

Keith Richard
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krichard@archipelagona.com

1 Dana Street, 4th floor
Portland, Maine 04101
(207) 558-0102

January 27, 2026

VIA EMAIL
City of Portland
Planning Board
planningboard@portlandmaine.gov

RE: Site Plan and Historic Preservation Board review for LB Atlantic, LLC, 42 Atlantic St.

Dear Chair and Members of the Board:

I represent Maryellen Sullivan of 33 Atlantic Street and other concerned abutters. I am writing to respond to LB Atlantic's counsel's letter dated January 25, 2026. It is our position that LB Atlantic (the "Developer") confuses the procedural issues and misapprehends the law.

I. Extension

There are several issues with the Developer's extension argument. First, the Developer argues in its letter to the Planning Board that extensions are automatic. The language says that "[w]here a site plan approval . . . granted to the same applicant by any agency of the City . . . is appealed to any court by an opponent of the development, the applicant shall be granted extensions. . . ." Nothing in this language suggests that extensions are somehow automatic. If the ordinance was intended to be automatic, it could have done so by saying so explicitly. Rather, by conveying to the Planning Board the power to grant an extension, the ordinance clearly impies that an extension must first be requested.[1]

Second, the Developer argues that it has repeatedly requested and received written confirmation of these automatic extensions from City Staff. However, section 2.1.10 grants the Planning Board, and only the Planning Board, the authority to "hear, review, and approve, conditionally approve, or deny major site plants." Extensions are equivalent to an approval of a site plan application in that they assert that approval remains in effect for a longer period of time. Furthermore, nothing in section 13.11.3 (the provision governing extensions) suggests that the City staff have the authority to grant extensions. Section 13 grants the Planning Board and not City staff authority to grant approvals, determine whether performance standards have been met, and other requirements. Section 13.5 of Portland's

[1] The Developer's reference to section 16.5.13 is not relevant, as our argument here is that only the Planning Board's Site Plan Approval and not its Certificate of Appropriateness has lapsed.

Land Use Code explicitly grants City Staff only an advisory role in the Site Plan Review Process.

There is no indication that the Developer has made a request to the Planning Board for an extension and that the Planning Board heard and granted that extension. Accordingly, this Board's site plan approval has lapsed.

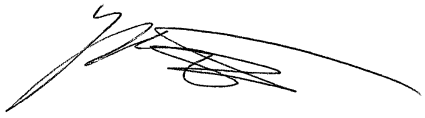
II. Jurisdiction

The Developer, in arguing that the Appellant's request is procedurally barred, misinterprets *Bryant v. Town of Camden*, 2016 ME 27, 132 A.3d 1183. *Bryant* clarifies when an administrative action is "final." In that case, the Town's Zoning Board of Appeals approved a special exemption permit that was conditioned on the Town's Planning Board approving the special exemption permit after a full site plan review. *Id.* ¶ 19. The Court held that because site plan approval and the special exemption permit were interconnected and contingent, there could not be effective review of the Town's decision making until all of the contingent and interconnected components were finalized in one appealable decision.

Here, section 16.5.9 makes clear that major site plan approval is contingent on and interconnected with the Planning Board's approval of the Historic Preservation Board decision. That provision states, "Any proposed major site plan required to obtain historic preservation approval under this article shall be exempt from the design standards included in Article 13, and shall comply with the standards of Section 16.6." Because there is no final decision while the Historic Preservation Board is dealing with its remand, it is appropriate for the Appellants to raise their issues before the Planning Board.[2]

Thank you for your time and consideration. I again look forward to presenting on these and other issues at future meetings.

Sincerely,



Keith Richard

c. Client
Amy McNally, Esq.
Mac Walton, Esq.

[2] The cases cited by the Developer to suggest that the site plan approval was final, *Sold, Inc. v. Town of Gorham*, 2005 ME 24, 868 A.2d 172 and *Clark v. Town of Phippsburg*, 2025 ME 25, 26, 334 A.3d 623, are distinguishable from *Bryant* in that those cases did not involve the relatively unusual circumstance where there are multiple decisions from different administrative bodies that are contingent and interconnected.

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1 Dana Street
Portland, Maine 04101
(207) 558-0102

January 30, 2026

VIA EMAIL
City of Portland
Historic Preservation Board
hp@portlandmaine.gov

RE: Remand after *Lewis v. City of Portland et al.,* AP-2024-42

Dear Chair and Members of the Board:

I represent Maryellen Sullivan of 33 Atlantic Street and other concerned abutters concerning the remand of this Board's decision to grant a Certificate of Appropriateness to 42 Atlantic Street. I write to respectfully urge the Board to reopen the record, take evidence, and make specific factual findings that include analysis as required by the Superior Court. We disagree that the record may only be reopened if there is a dearth of evidence in the existing record. At a minimum, we should be *heard* on the existing record that was developed regarding factual findings that are necessary for judicial review. If the Board declines our request and instead decides to reissue the prior decision in a slightly modified form without comment, it is more likely than not that we will be back here.

On November 19, 2025, the Superior Court vacated this Board's decision granting the Certificate of Appropriateness and remanded this matter to the Historic Preservation Board "for issuance of findings of fact and conclusions of law adequate for judicial review." The Court cited several Supreme Court decisions, emphasized that "meaningful judicial review . . . is not possible without findings of fact sufficient to apprise the court of the decision's basis," and that, in the absence of such findings, a reviewing court cannot determine whether the Board's decision is lawful. The Court therefore concluded that the decision was legally deficient because the basis for the Board's decision was not "obvious from the record." The Court's directive reflects a clear holding that the Board's prior approval decision cannot stand without concrete findings on the material facts implicated, supported by the evidence, and tied to the applicable legal standards.

This remand is not a procedural formality or a "technicality." The law requires the Board to apply the Historic Preservation Code at Section 17.8.3: that the proposed height, width, scale, and massing must be "visibly compatible with surrounding structures when viewed from any street or open space," and compatible with the structures "to which it is visually related."

These standards require this Board to undertake an evidence-based evaluation of the immediate streetscape context — the modest historic structures directly abutting and facing the project site on Atlantic Street, as well as the adjoining public ways of Gilbert Lane, Munjoy Street, and St. Lawrence Street, which form the principal visual environment from which the new construction will be experienced. The evidentiary record lacked meaningful visual context: several renderings showed only partial width, omitted surrounding homes, or were challenged as deceptive in scale. Under these circumstances, reopening the record is necessary to permit the Board to gather and evaluate the evidence required to make lawful findings regarding the specific "surrounding structures" and their dimensional and architectural relationship to the proposed development. To perform the required analysis grounded in reality, rather than a results-oriented approach with obvious methodological flaws, the Board must reopen the record to make specific findings comparing the proposed building's scale, massing, and unit concentration against the immediately surrounding structures on Atlantic Street, Gilbert Lane, Munjoy Street, and St. Lawrence Street. Without such findings, the ordinance's compatibility standard cannot be lawfully applied and a reviewing Court cannot evaluate whether the Board's conclusion is supported by evidence.

Attached hereto (**Attachment 1**)[1] is an analysis of the properties on Atlantic Street, Munjoy Street, and St. Lawrence Street—the streets, structures, and neighborhood fabric that is most directly relevant to the Board's decision. The Board should make specific findings about Atlantic Street and the immediate neighborhood that include, but are not limited to, (1) the number of structures; (2) how many units each structure contains; (3) the architectural style, form, and appearance of each structure; (4) the number of stories of each structure; and (5) observations and conclusions that can be drawn from this data about the existing architecture and development in the area. Such objective findings about existing conditions would allow for a reviewing Court to evaluate whether the Board's conclusion that the proposed construction is "compatible" is, in fact, supported by the evidence.

Important, objective, and indisputable factual findings that can be drawn from the table in Attachment 1 include:

- Out of 113 total properties in the data set, there are only **12 buildings** that exceed 5 units, and **none** of those exceed 10 units.
- The proposed project, on a unit basis, is **three times** the size of any existing building in the neighborhood.

[1] Data regarding structure type (condo, multi-unit, single-family), land use, year built, lot size and number of stories was pulled from the City of Portland Assessor's website. Specifically, from the City ArcGIS Viewer found at https://experience.arcgis.com/experience/f8f41d4359a643219a6cae259402634c and the Assessor's Property Search database found at https://assessors.portlandmaine.gov/search/commonsearch.aspx?mode=realprop.

- The immediate context is not only residential but modest residential: 16 out of 37 properties on Atlantic Street are single family homes—nearly **half** the immediate street and neighborhood.
- Out of 113 total structures, there are only **23 buildings** that are 3 stories.
- There is only one **SINGLE** structure that is four stories, 72 Munjoy Street.
- There are **no** four-story buildings on Atlantic Street and only 6 three-story structures out of 36 structures.

The Board cannot conduct a compatibility analysis divorced from the facts. To disregard this objective data would only produce an unsupported and unlawful decision. Accordingly, the Board should reopen proceedings on remand, take evidence and hear public comment, and issue detailed findings as requested herein.

Yet even if the Board declines to consider the facts and instead looks only to the existing record developed in 2024, the same issues are present and many of the same findings would follow. There is no disputing that the proposed structure is taller, wider, and significantly wider than tall (proportion) when compared to any building on Atlantic Street or within the neighborhood that these standards require the Board to consider. Just look next door: As shown in the May 2024 staff memo, the structure immediately next door to the proposed site is a "spectacular low-scale Italianate house" that is one story and will be dwarfed by the proposed structure:

Figure 4: 2023 google street views showing 48 Atlantic Street (left image, left), a spectacular low-scale Italianate house next to 52 Atlantic (left image, right), a typical two-and-a-half-story Italianate house. 29 and 23 Atlantic (right image, left to right) are examples to austere two-and-a-half-story Greek revivals.

Other examples of Munjoy Hill's development underscore the modest residential size, scale, and mass that is characteristic of Atlantic Street:

Figure 2: Examples of early house types built on Munjoy Hill. An early- to mid-nineteenth century cape type house (left; 7 Lafayette Street), and a more ornate asymmetrical gable-fronted Greek Revival (right; 8 Sherbrook Street).

Importantly, the required compatibility analysis is not satisfied by reference to broad-stroke generalizations about Munjoy Hill or cherry-picking large buildings elsewhere in the City of Portland. Thus, the Greater Portland Landmarks letter (PC1), which provides examples of structures on Morning Street looks beyond the immediate neighborhood context both ignoring the relevant and material evidence and looking elsewhere to find any possible supporting example throughout the entire East End. Morning Street is a full four blocks from Atlantic Street and features very different characteristics than the development in the immediate neighborhood of Atlantic Street. The comparison to a State Street building on the other side of the City is even more inapt.

Numerous residents repeatedly raised these same issues around compatibility, and those comments are all in the prior record. These homeowners are invested in their properties and the character of the neighborhood and do not oppose housing but do object to incompatible development. The Board must make factual findings that address their concerns and provide the Courts with a reasoned explanation for how the Board reaches the conclusion that it does. Ananda and Bernard Moor-Jankowski of 37 Atlantic Street noted that the applicant's analysis "neglected to include photographs of the houses immediately adjacent to the project site," including 34, 36, and 37 Atlantic Street — a unique pocket of pre-1854 homes that would be visually dominated by a structure of this width and mass. Brian Partridge of 52 Atlantic Street similarly noted that, despite design revisions, the structure remains a "big box" that would tower over the neighboring two- and three-story homes. Other neighbors, including Tom Pearson of 20 Atlantic Street, emphasized that the proposal is "horribly out of scale." Susan Grisanti of 29 Atlantic Street and Karen Harrison of 34 Munjoy Street argued that the oversized, box-like design would overwhelm Atlantic

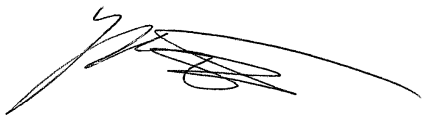
Street and irrevocably alter the character of Gilbert Lane. Likewise, Joe Lewis of 33 Atlantic Street formally requested accurate renderings showing the building "in real space," explaining that the public cannot assess compatibility without contextual evidence. Collectively, these commenters called for substantial redesign or reduction in massing to ensure compatibility with the historic district's architectural fabric.

We request the Board make specific findings regarding existing structures and the neighborhood, the proposed structure, and findings that are sufficient to understand the Board's application and conclusion regarding the following standards:

- **Height § 17.8.3.A.1**
- **Width § 17.8.3.A.2**
- **Proportion of principal facades § 17.8.3.A.3**
- **Scale of a structure § 17.8.3.A.5**
- **Other Standards, Contemporary design § 17.8.3.D.4.** ("new work . . . shall be compatible with the size, scale, material, and character of the property, neighborhood and environment.")

If the Board is unable to make the proposed findings based on the existing record, then the Board is unable to do the job the Superior Court has directed on remand, and the record must be reopened. Thank you for your time and consideration and I look forward to addressing you at future meetings.

Sincerely,



Keith P. Richard

c. Client
Amy McNally, Esq.
Mac Walton, Esq.

ATTACHMENT 1

Address	Land Use	Year Built	Lot Size	Stories	# Units
2 Atlantic Street	3-Family	1824	3276	2	
6 Atlantic Street	Single-family	1824	1798	2	
12 Atlantic Street	Single-family	1856	5000	2	
16 Atlantic Street	Single-family	1840	4500	1.5	
20 Atlantic Street	5 to 10-family	1920	5834	2.5	9
22 Atlantic Street	3-Family	1850	3588	2	
28 Atlantic Street	Condominium	1897	5298	3	3
34 Atlantic Street	Single-family	1846	2072	1.5	
48 Atlantic Street	Single-family	1840	4048	1.5	
52 Atlantic Street	Single-family	1910	2554	2	
56 Atlantic Street	2-Family	1910	2513	2	
58 Atlantic Street	Single-family	1890	4000	1.5	
62 Atlantic Street	2-Family	1850	7000	1	
68 Atlantic Street	Single-family	1972	8395	1	
74 Atlantic Street	4-Family	1864	6197	3	
76 Atlantic Street	3-Family	1872	7657	2.5	
90 Atlantic Street	4-Family	1915	4650	2	
94 Atlantic Street	Condominium	2006	4900	3	3
97 Atlantic Street	Single-family	1890	3360	2.5	
91 Atlantic Street	5 to 10-family	1915	5415	3	6
75 Atlantic Street	2-Family	1890	4595	2	
73 Atlantic Street	2-Family	1891	3150	2	
69 Atlantic Street	Single-family	1865	3150	1.5	
67 Atlantic Street	2-Family	1870	3038	2	
63 Atlantic Street	Single-family	1853	3027	1	
59 Atlantic Street	Single-family	1874	5052	2	
55 Atlantic Street	5 to 10-family	1900	5472	3	8
41 Atlantic Street	Single-family	1850	3360	1.5	
37 Atlantic Street	Single-family	1854	3290	1.5	
33 Atlantic Street	Single-family	1844	3502	2	
29 Atlantic Street	Single-family	1844	3600	2.5	
23 Atlantic Street	2-Family	1865	3905	2	
19 Atlantic Street	2-Family	1850	3436	2	
17 Atlantic Street	3-Family	1875	3859	2	
13 Atlantic Street	Condominium	1859	3475	3	3
7 Atlantic Street	2-Family	1845	3360	2	
80 Wilson Street	5 to 10-family	1915	3950	2	7
14 Monument Street	2-Family	1880	2433	2	

Address	Land Use	Year Built	Lot Size	Stories	# Units
10 Munjoy Street	Single-family	1840	1948	1.5	
14 Munjoy Street	3-Family	1880	2450	3	
18 Munjoy Street	5 to 10-Family	1915	4682	3	7
26 Munjoy Street	2-Family	1855	2950	1.5	
30 Munjoy Street	2-Family	1880	3059	1.5	
34 Munjoy Street	Single-family	1993	3055	2	
38 Munjoy Street	Single-family	1824	2872	1	
42 Munjoy Street	2-Family	1898	3727	1.5	
60 Munjoy Street	Condominium		3122	3	3
62 Munjoy Street	Single-family	1857	2354	2	
66 Munjoy Street	3-Family	1910	3080	2.5	
72 Munjoy Street	Condominium	2016		4	5
74 Munjoy Street	3-Family	1916	4249	2	
82 Munjoy Street	3-Family	1890	5510	2	
97 Munjoy Street	2-Family	1894	3389	2	
95 Munjoy Street	2-Family	1892	5741	2	
87 Munjoy Street	3-Family	1875	4472	2	
85 Munjoy Street	Single-family	1885	3380	1.5	
65 Munjoy Street	Condominium	2017	6771	3	8
43 Munjoy Street	2-Family	1884	8495	2.5	
39 Munjoy Street	Single-family	1895	6400	1.5	
29 Munjoy Street	Single-family	1850	3208	1.5	
27 Munjoy Street	Single-family	1850	4820	2	
19 Munjoy Street	3-Family	1850	4857	2	
15 Munjoy Street	2-Family	1874	3200	2	
11 Munjoy Street	Single-family	1850	3480	2	
74 Wilson Street	2-Family	1864	1556	2	
4 Monument Street	5 to 10-Family	1980	10519	2	8
1 Monument Street	3-Family	1845	2129	1.5	
57-59 Moody Street	Condominium	1912	3600	2	2
56-58 Moody Street	Condominium		1921	2	2
61 Wilson Street	5 to 10-Family	1915	5337	2	5

Address	Land Use	Year Built	Lot Size	Stories	# Units
1 St Lawrence Street	Condominium	1850	14886	3	3
9-11 St Lawrence Street	Condominium	2014	4770	3	2
23 St Lawrence Street	Single-family	1846	9873	2	
29 St Lawrence Street	5 to 10-Family	1915	5048	3	6
35 St Lawrence Street	2-Family	1880	5083	2	
37 St Lawrence Street	Single-family	1880	4246	2	
43 St Lawrence Street	4-Family	1879	5500	3	
47 St Lawrence Street	5 to 10-Family	1915	5005	2	6
49 St Lawrence Street	3-Family	1850	4639	2	
57 St Lawrence Street	5 to 10-Family	1915	11502	3	7
61 St Lawrence Street	3-Family	1905	5452	3	
65 St Lawrence Street	5 to 10-Family	1915	6455	2.5	6
71 St Lawrence Street	Single-family	2012	5250	2	
77 St Lawrence Street	Condominium	1840	6400	3	2
79 St Lawrence Street	4-Family	1845	6349	2	
85 St Lawrence Street	4-Family	1854	4071	2	
89 St Lawrence Street	4-Family	1854	5000	2	
93 St Lawrence Street	Condominium		5000	3	4
94-96 St Lawrence Street	Condominium	1850	8363	3	5
90 St Lawrence Street	2-Family	1850	2546	2	
74 St Lawrence Street	Single-family	1872	2246	2	
72 St Lawrence Street	2-Family	1899	2080	2	
62 St Lawrence Street	Condominium		3200	3	3
56 St Lawrence Street	2-Family	1850	3200	2	
52 St Lawrence Street	Single-family	1844	3150	1.5	
50 St Lawrence Street	Single-family	1849	3797	2	
44 St Lawrence Street	3-Family	1916	3320	2	
40 St Lawrence Street	2-Family	1846	4000	2	
36 St Lawrence Street	Single-family	1854	3573	1.5	
32 St Lawrence Street	Single-family	2019	3307	3	
28 St Lawrence Street	2-Family	1875	9096	2	
24 St Lawrence Street	2-Family	1860	4749	2.5	
20 St Lawrence Street	2-Family	1890	4055	2	
16 St Lawrence Street	Condominium	1890	3505	2.5	3
12 St Lawrence Street	2-Family	1853	2847	2	
6 St Lawrence Street	2-Family	1983	3044	2	
4 St Lawrence Street	Condominium		2956	3	2
43 Monument Street	2-Family	1880	1465	2	
44 Monument Street	Single-family	1850	4425	2	
3 Sherbrooke Street	5 to 10-Family	1910	6390	3	10

Docusign Envelope ID: F5936FA6-394D-4CD8-8B74-AA519918190F

CITY OF PORTLAND
HISTORIC PRESERVATION BOARD
NOTICE OF DECISION

PROPERTY OWNER:	Daniel Black, LB Atlantic LLC ("Applicant")
PROPERTY LOCATION:	42 Atlantic Street ("Property")
PROJECT ID:	HPBR-002814-2024
HISTORIC DESIGNATION(S):	Munjoy Hill Historic District

FINDINGS OF FACT & CONCLUSIONS OF LAW

1. On February 8, 2024, the Applicant applied for a Certificate of Appropriateness for new construction at the Property.

2. Pursuant to section 17.7 of the City of Portland Land Use Code in effect at the time of the application ("Land Use Code"), the application required review and approval by the Historic Preservation Board ("Board") against the standards for review of subsection 17.8.3 ("Standards").

3. Subsection 17.8.1 of the Land Use Code incorporates by reference the Historic Resources Design Manual, which provides additional guidance to this Board. Specifically, when discerning the "compatibility" of the proposed project, the Design Manual provides the following guidance:

   "Broadly stated, compatibility refers to the recognition of patterns and characteristics which exist in a given setting, and a responsiveness in new design or renovation which respects these established patterns and characteristics. Although similarity of design is one way or achieving compatibility in a historic context, a creative and distinctly contemporary design response is both permitted and encouraged. The modem designer is allowed the freedom of individual expression - within parameters established by the new building's context." (Page 151)

   And

   "A new building in a historic district or adjacent to an individual landmark need not follow the pattern set by its neighbors in each and every category of compatibility. It should, however, relate to a number of them. Each infill project will have a unique context of surrounding structures and sites with some strong, unifying characteristics and some that are more subtle and less obvious. There

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will usually be one or more definite and easily discernable traits, such as a uniform scale and rhythm of window openings, consistent roof shapes, or a uniform cornice line, that should serve as a basis for a design solution." (Page 152)

4. The Board held two public workshops on March 6, 2024 and April 17, 2024.

5. On May 29, 2024 the Board held a Public Hearing and voted 5 to 1 (Whitten opposed, and Miller recused) to conditionally approve the application for new construction at the property under HPBR-002814-2024.

6. During the workshops and public hearing, the Board heard testimony from the applicant and their architect Kyle Barker of Primary Projects, received memoranda from Historic Preservation staff ("Staff"), and accepted public comment on the project.

7. On June 30, 2024, Joe Lewis ("Appellant"), who provided public comment in opposition to the project during the Board's review, submitted an appeal of the Historic Preservation Board's approval to the Planning Board, pursuant to Section 2.2.10 (A) of the Land Use Code.

8. On August 13, 2024, the Portland Planning Board reviewed the appeal during a Public Hearing and voted 5 to 1 (Silk opposed, and Chann Absent) to deny the appeal.

9. The Appellant appealed to the Cumberland County Superior Court pursuant to Section 2.1.12 of the Land Use Code and Rule 80B of Maine's Rules of Civil Procedure.

10. On November 19, 2025, the Superior Court remanded the application to the Planning Board to remand to this Board with instructions to issue findings of fact and conclusions of law adequate for judicial review.

11. On January 27, 2026, the Planning Board voted 7 to 0 to remand the application to the Board.

12. On February 4, 2026, the Board held a public meeting to prepare findings of fact and conclusions of law consistent with the court order.

13. Based on the written materials, oral testimony, staff memoranda, and public comment received during the workshops held on March 6, 2024 and April 17, 2024, and the public hearing held on May 29, 2024, the Board finds as follows:

Standard A. Scale and Form - Subsection 17.8.3 (A)	
1. Height The proposed height shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	**Board Findings**
Yes	The Board reviewed the project in the context of the immediate vicinity as well as the larger neighborhood.The applicant provided a context analysis that demonstrates that Atlantic Street is lined with a variety of structures ranging from one-and-a-half- to three-and-a-half-stories in height, including a large three-and-a-half story structure at the corner of Atlantic and Wilson Street. Additionally, the Board notes that staff provided a memo including a summary of the historic context that indicates that three-and-a-half- and four-story buildings are present in the broader context of the Munjoy Hill Historic District. The Board further finds that the proposed four-story height is not significantly taller than is typical of the context, fits within the various height profiles of surrounding structures, and is therefore visually compatible with surrounding structures. Thus, the Board finds this standard has been met.
2. Width The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	**Board Findings**
Yes	The Board reviewed the site plans and elevation drawings provided by the applicant that show the width of the proposed structure and the widths of its constituent design elements. The Board acknowledges that the overall width of the proposed structure is greater than neighboring structures as demonstrated in the applicant's context analysis; however, the Board finds that the design of the façade uses changes in materials and trim details to visually break-down the width of the building to be more consistent with the widths typically found among surrounding structures along Atlantic Street. The Board further finds that the components of the building's façades are comparable to the widths of nearby structures, which make the wider facade compatible with the surrounding structures. Therefore, the Board finds this standard has been met.

3. Proportion of principal facades The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways, and open spaces to which it is visually related.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the elevation drawings provided by the applicant showing the proportions of the proposed principal elevations along Atlantic Street and Gilbert Lane. The Board acknowledges that the overall façades are proposed to have horizontal proportions, with their widths being greater than their heights; however, the Board finds that changes in material and the use of applied details interrupt the horizontality of those elevations and produce sections of façade that are vertically proportioned. Additionally, the Board further finds that the applicant's context analysis shows that vertical proportions predominate along Atlantic Street, with some more horizontally proportioned buildings interspersed. The Board therefore finds that the vertically-proportioned components of the building's primary facades make it visually compatible with surrounding structures. The Board finds this standard has been met.
4. Roof shapes The roof shape of a structure shall be visually compatible with the structures to which it is visually related.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the context analysis provided by the applicant that demonstrates that Atlantic Street is lined with a variety of roof forms, with flat roofs being common. Additionally, the Board notes that staff provided a memo including a summary of the historic context that indicates that flat roofs are typical of the Munjoy Hill Historic District. The Board therefore finds that the proposed structure, which will have a flat roof and articulated cornice at the roof is visually compatible with the surrounding structures to which it is visually related. The Board finds this standard has been met.

5. Scale of a structure The size and mass of structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the context analysis the applicant provided that demonstrates the typical dimensional relationship between overall structure and their constituent windows, doors, porches, and open spaces along Atlantic Street, namely, that windows typically fill the majority of the height of each floor level and that porches typically only occupy a small portion of building widths. Additionally, the Board reviewed and carefully considered the elevation drawings provided by the applicant showing the dimensional relationship between the overall structure and its constituent windows, doors, porches, and open spaces. The Board further finds that the proposed structure would have windows that similarly fill the majority of the height of each floor, and that the primary entrance porch occupies only a small portion of the building width. Therefore, the Board finds that the scale of the proposed building, in relation to its constituent elements, is visually compatible with surrounding structures. The Board finds this standard has been met.
6. Applicability to Congress Street Historic District In the Congress Street Historic District, for new construction within the B3 zone, the Historic Preservation Board shall not impose conditions more restrictive than the dimensional requirements of the B-3 zone.	
Standard Met?	**Board Findings**
Not Applicable	The Board finds that this standard is not applicable to the proposed scope of work because the Property is not located within the Congress Street Historic District.
7. Applicability to India Street Historic District For new construction within the India Street Historic District, the Historic Preservation Board shall not impose conditions more restrictive than the dimensional requirements of the IS-FBC zone, except for in the case of a building addition which proposes to change the height of a contributing historic structure.	
Standard Met?	**Board Findings**
Not Applicable	The Board finds that this standard is not applicable to the proposed scope of work because the Property is not located within the India Street Historic District.

8. Applicability to the Portland Company Historic District For new construction within the Portland Company Historic District, the height requirements of the B-6 zone as shown on the B6 Building Height Overlay & Building Envelopes map shall be controlling and the historic preservation board shall not impose conditions more restrictive than the building height requirements of the B-6 zone.	
Standard Met?	**Board Findings**
Not Applicable	The Board finds that this standard is not applicable to the proposed scope of work because the Property is not located within the Portland Company Historic District.

Standard B. Composition of Principle Facades - Subsection 17.8.3 (B)	
1. Proportion of openings The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways, and places to which the building is visually related.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the context analysis provided by the applicant that demonstrates that the properties along Atlantic Street predominantly feature windows with heights greater than their widths, though a number of buildings also feature windows or groupings of windows with heights and widths that are close to equal. The Board also finds that the context analysis shows that properties feature visually prominent front entrances along Atlantic Street. Additionally, the Board finds that the applicant provided elevation drawings which show that the building will feature a mixture of vertically proportioned and more squarely proportioned windows. Also, the more visually prominent entrance faces Atlantic Street which makes it compatible with the surrounding structures. Therefore, the Board finds that the proposed window proportions are visually compatible with surrounding structures and that this standard for review has been met.
2. Rhythm of solids to voids in facades The relationship of solids to voids in the façade of a structure shall be visually compatible with structures, public ways, and places to which it is visually related.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the context analysis provided by the applicant that demonstrates that the properties along Atlantic Street generally feature a higher ratio of solid wall to void and that voids, such as windows and doors, are typically stacked and arranged regularly across building facades. Additionally, the Board finds that the applicant provided elevation drawings which show that the proposed building facades are primarily solid with windows and doors stacked and arranged regularly. Therefore, the Board finds that the proposed rhythm of solids and voids is

	visually compatible with surrounding structures. Thus, the Board finds this standard has been met.
3. Rhythm of entrance porch and other projections The relationship of entrances and other projections to sidewalks shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the context analysis provided by the applicant that demonstrates that many properties along Atlantic Street generally feature a single entry with porches covering only partial widths of front facades and steps projecting towards the street. Additionally, the Board finds that the applicant provided plans and elevation drawings showing that the proposed structure would feature a single central entry with a projecting canopy and raised landing at the top of street-facing stairs, and an accessible ramp. Therefore, the Board finds that the proposed rhythm of entrances is visually compatible with surrounding structures and meets this standard. Thus, the Board finds this standard has been met.
4. Relationship of materials The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which they are visually related.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the context analysis provided by the applicant that demonstrates that the majority of properties along Atlantic Street are clad in horizontal clapboard siding, historically wood. The use of the gray metal and masonry relates to the masonry typically found on building foundations in the surrounding context. Additionally, the Board finds that the applicant provided elevation drawings and material details showing that the structure will be clad in wood horizontal clapboard siding with a similar reveal to those found on nearby historic buildings (4.5"). Therefore, the Board finds that the proposed primary cladding material is visually compatible with surrounding structures and meets this standard.
5. Signs Any new sign, and any change in the appearance of an existing sign located on a landmark, within a historic district, or within an historic landscape district, which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the Historic Resources Design Manual.	
Standard Met?	**Board Findings**
Not Applicable	The Board finds that this standard is not applicable to the proposed scope of work because no signs are proposed as part of this project.

Standard C. Relationship to Street Subsection 17.8.3 (C)	
1. Walls of continuity Facades and site structures, such as masonry walls, fences, and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways, and places to which such elements are visually related.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the context analysis provided by the applicant that demonstrates that the majority of properties along Atlantic Street are located close to the street, generally with facades aligned, and with spaces between each structure in the form of narrow side yards or driveways creating a consistent but diffuse street wall. Additionally, the Board finds that the proposed structure will be situated close to the street, while maintaining a narrow side yard to the south and a setback from Gilbert Lane. Therefore, the Board finds that the proposed structure will maintain the diffuse street wall along Atlantic Street and remain visually compatible with surrounding structures, meeting this standard.
2. Rhythm of spacing and structures on streets The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways, and places to which it is visually related	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the context analysis provided by the applicant that demonstrates that the majority of properties along Atlantic Street maintain spaces between each structure in the form of narrow side yards or driveways, creating a repeating pattern of building and space, with the width of the structures and spaces varying. Additionally, the Board finds that the applicant has provided site plans showing that the structure will maintain a narrow side yard to the south, and a setback from Gilbert Lane. The Board acknowledges that the overall width of the proposed structure is greater than neighboring structures as demonstrated in the applicant's context analysis; however, the Board finds that the design of the façade uses changes in colors and materials and trim details to visually break-down the width of the building to be more consistent with the widths typically found along Atlantic Street. Therefore, the Board finds that the proposed structure will maintain the rhythm of structures and spacing along Atlantic Street and is visually compatible with surrounding structures; thus meeting this standard.

3. Directional expression of principal elevation A structure shall be visually compatible with the structures, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the context analysis provided by the applicant that demonstrates that the majority of properties along Atlantic Street feature vertically proportioned primary facades which are countered by horizontal siding, and prominent horizontal cornices on flat-roofed structures. Additionally, the Board finds that the applicant has provided elevation drawings that show the proposed structure will have a horizontal massing that is broken up by changes in material to create vertical masses. Further, the Board finds that the proposed structure will be clad in horizontal siding and be capped by a simple contemporary projecting cornice. Therefore, the Board finds that the structure integrates vertical elements (changes in material and window ;proportions) along with horizontal elements (porch roof, watertable, and cornice)on the primary facades creating visually compatibility with surrounding structures and thus meets this standard.
4. Streetscape, pedestrian improvements Streetscape and pedestrian improvements and any change in the appearance thereof located adjacent to or on a landmark, within a historic district, or within a historic landscape district which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the Historic Resources Design Manual.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the context analysis provided by the applicant that demonstrates that Atlantic Street is generally lined with brick sidewalks, which include small tree wells. Additionally, the Board finds that the applicant has provided a site plan which shows that the project will include improved brick sidewalks and tree wells. The Board further finds that the project will include trenching and other utility work along Gilbert Lane, which is surfaced with historic granite cobblestones. The Board voted to include a condition of approval requiring that Gilbert Lane be restored to its pre-construction condition to preserve its historic appearance. Therefore, the Board finds that the brick sidewalks, tree wells, and restored cobblestone surface of Gilbert Lane are compatible with the surrounding context and satisfy this standard.

Standard D. Other Standards Subsection 17.8.3 (D)	
1. Compatible use Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character defining features of the structure, object, or site and its environment or to use a property for its originally intended purpose.	
Standard Met?	**Board Findings**
Yes	The Board reviewed and carefully considered the plans provided by the applicant showing that the proposed structure will have a residential use which is consistent with the typical uses in the Munjoy Hill Historic District. Additionally, the Board finds that the proposed development is located on a parcel classified as noncontributing to the Munjoy Hill Historic District and that the property therefore contains no structures, objects, or sites that could have character-defining features that could be affected by the project. Further, the Board finds that the only direct impacts will be to Gilbert Lane and that excavation is limited to what will be necessary to provide utilities to the site. The Board therefore finds these impacts to be minimal. The Board voted to include a condition of approval that Gilbert Lane be restored to an appearance consistent with its pre-construction condition to preserve its historic appearance, further minimizing the impacts. Therefore, the Board finds that the proposed use is compatible, and only minimal alterations to Gilbert Lane are necessary, and thus the project meets this standard.
2. Distinguishing original character The distinguishing original qualities or character of a structure, object, or site and its environment shall not be destroyed. The alteration of any historic material or distinctive architectural features should be avoided when possible.	
Standard Met?	**Board Findings**
Yes	The proposed development is located on a noncontributing parcel within the Munjoy Hill Historic District and contains no structures, objects, or sites that could have distinguishing original qualities or character that could be affected by the project. The Board also finds that the project will involve excavation along Gilbert Lane, temporarily interrupting the historic cobblestone surface. The Board voted to include a condition of approval requiring restoration of Gilbert Lane to its pre-construction condition. The Board further finds that this condition would ensure that the historic appearance of Gilbert Lane would be restored, avoiding significant alterations to its appearance. Therefore, the Board finds that this project will not destroy any distinguishing original character of the environment, and thus meets this standard.

3. Archeological resources Every reasonable effort shall be made to protect and preserve significant archaeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.	
Standard Met?	**Board Findings**
Not Applicable	The Board finds that this standard is not applicable to the proposed scope of work because there are no significant archaeological resources identified which could be affected by this project.
4. Contemporary design Contemporary design for additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural, or archaeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, material, and character of the property, neighborhood and environment.	
Standard Met?	**Board Findings**
Yes	The Board finds that the proposed development is located on a parcel classified as noncontributing to the Munjoy Hill Historic District and will not require alterations to any significant historic materials. Additionally, the Board finds that the proposed structure has a clearly contemporary character through its simplified massing, modern windows, and minimal exterior details. The Board further finds that the compatibility of the design is detailed in its findings under subsections Subsection 17.8.3 (A-C) above. Therefore, the Board finds that this standard is met in the use of a contemporary design for the proposed building.
5. Additions Wherever possible, new additions to structures and objects shall be undertaken in such a manner that, if such additions were to be removed in the future, the essential form and integrity of the structure would be unimpaired.	
Standard Met?	**Board Findings**
Not Applicable	The Board finds that this standard was not applicable to the proposed scope of work as the project does not include any additions to any existing structures or objects.

DECISION

By a vote of 4-1 (Hutchins opposed, DeSerres abstained, Miller recused), the Board adopts the above findings of fact to supplement its conditional approval of application HPBR-002814-2024 from May 29, 2024.

DocuSigned by:

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Valerie Paquin-Gould, Vice-Chair

2/5/2026

Date

Evan Schueckler <evans@portlandmaine.gov>

SUPPORT FOR the PROJECT AT 42 ATLANTIC STREET

Jenny Scheu <jennyscheu@outlook.com> Mon, Apr 6, 2026 at 3:05 PM
Reply-To: jennyscheu@outlook.com
To: "planningboard@portlandmaine.gov" <planningboard@portlandmaine.gov>

Dear Planning Board.
I am writing to strongly support the housing project proposed for (and approved) for 42 Atlantic Street .
We need affordable housing in Portland. This project is well conceived and would be a big improvement to that forlorn site.
To say that the developer, a young Mainer himself (with a strong team), has been patient and thorough, is an understatement.

I have lived in and around the Munjoy Hill neighborhood and the peninsula since 1979, initially on Vesper Street, and since 2010, at 29 Waterville Street.
With two other families, we proposed, planned, and built a three family building on a tight Waterville Street lot which had been vacant for decades.
As we planned the building, we paid close attention to the scale and character of the neighborhood, and did not ask for any zoning variances.

Our project took two years to be designed, reviewed and completed. At every turn we faced some neighborhood opposition,
though we followed the regulations, and met all city standards. We were determined, and did our best to be transparent at every turn.
Change is hard! We all understood the inevitable neighborhood pushback. But the important takeaway is that here we are,15 years later,
well settled into our three family building, and on very good terms with all of our neighbors.

NOW more than ever!
We need affordable housing, and we will welcome the families that this 42 Atlantic Street project will bring to our Munjoy Hill neighborhood

Thanks to each of you for your work.

Jenny Scheu, Licensed ME Architect
29 Waterville Street, Unit 3
Portland ME 04101
jennyscheu@outlook.com
207-773-8681